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LEGISLATIVE ASSEMBLY.

Monday, 12th September, 1938.

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

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS.

AMALGAMATION OF AJMER-MERWARA WITH THE UNITED PROVINCES.

909. *Mr. Badri Dutt Pande : Will the Honourable the Home Member be pleased to state whether any decision has been arrived at by Government regarding the merger of Ajmer-Merwara with the United Provinces ?

The Honourable Mr. R. M. Maxwell : With your permission, Sir, I will answer this question and No. 910 together.

No such proposals are under consideration.

Mr. Lalchand Navalrai : May I know if it was under contemplation at any time to do such things as are required by this question ?

The Honourable Mr R. M. Maxwell : No, Sir.

Mr. Lalchand Navalrai : May I know from the Honourable Member if the Chief Commissioners of those places which are mentioned in clauses 9 and 10 have been invested with new powers by the Governor General as a result of the Government of India Act of 1935 ?

The Honourable Mr R. M. Maxwell : That does not seem to arise out of this question.

Mr. President (The Honourable Sir Abdur Rahim) That is too far-fetched

Seth Govind Das : Is the Honourable Member aware that the public opinion in Ajmer-Merwara is in favour of those districts being amalgamated with the United Provinces ?

The Honourable Mr. R. M Maxwell : No, Sir, Government are not aware that there is any spontaneous demand from the people of Ajmer-Merwara for amalgamation with the United Provinces

Mr. Abdul Qaiyum : May I know the reasons why Government are not extending the benefits of Provincial Autonomy to this province ?

The Honourable Mr. R. M. Maxwell : Because it is so provided in the Government of India Act.

Mr. T. S. Avinashilingam Chettiar : May I ask whether Government have received representations with reference to question No. 909 ?

The Honourable Mr R. M. Maxwell : Yes, Sir, we have received representations

Mr. S. Satyamurti : May I ask whether Government have examined the anomaly and the difficulty of governing Coorg from Delhi or Simla—I am giving only one example—and have they come to any conclusion on the matter ?

The Honourable Mr R M. Maxwell : You mean on the particular circumstances of Coorg ?

Mr. S Satyamurti : And also there being Chief Commissioners' provinces under the Central Government ?

The Honourable Mr. R M. Maxwell : That seems to me to be major constitutional question in which the Government of India have no authority

Mr President (The Honourable Sir Abdur Rahim) Next question

Mr. Badri Dutt Pande : May I ask a supplementary question, Sir ? This is my question, and I have not yet put a single supplementary question

Mr President (The Honourable Sir Abdur Rahim) : The Honourable Member ought to have risen before I know that he put down this question, and I would have given him the prior chance to put supplementary questions He ought to have risen at once

GRANT OF PROVINCIAL AUTONOMY TO CHIEF COMMISSIONERS' PROVINCES.

†910 ***Mr Badri Dutt Pande** : Will the Honourable the Home Member please state whether steps are being taken towards the granting of provincial autonomy to the five Chief Commissionerships of Delhi, Panth Piploda, Andamans-Nicobar, Ajmer-Merwara, and Coorg, or are these Provinces to be merged into the Provinces close by ?

TRANSFER OF COORG TO THE MYSORE STATE.

911 ***Mr. Badri Dutt Pande** : Will the Honourable the Home Member please state whether it is a fact that Coorg is being transferred to the Mysore State ?

The Honourable Mr R M. Maxwell : I would invite the attention of the Honourable Member to the reply given to Mr Muthuranga Mudaliar's question No 614 on the 30th August, 1938

Mr. T. S Avinashilingam Chettiar : May I ask whether the question regarding the transfer of Coorg to the Mysore State, is being considered ?

The Honourable Mr. R. M. Maxwell : No, Sir, it is not under consideration

†For answer to this question, *see* answer to question No. 909.

ECCLESIASTICAL ESTABLISHMENT IN INDIA.

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

(a) the amount of money spent in the last year for which figures are available with Government, on the ecclesiastical establishment in this country ,

(b) the reasons for running the establishment , and

(c) whether Government have considered or are prepared to consider the proposal to dis-establish the established Church in India ?

Mr. C M G. Ogilvie : (a) Rs 32 28 lakhs in 1936-37

(b) To meet the spiritual needs of British personnel, civil and military in India.

(c) No.

Mr. S Sayamurti : With regard to the answer to clause (a) of the question, may I know whether this 32 odd lakhs represents the expenditure on the ecclesiastical establishment only so far as the defence forces are concerned, or does it include all expenditure under the Ecclesiastical Department ?

Mr. C. M. G Ogilvie : It includes all expenditure of an ecclesiastical nature

Mr S Satyamurti : May I know how much of it is debitable to the Defence Department ?

Mr. C. M. G Ogilvie : Roughly 5.23 lakhs

Mr S. Satyamurti : May I know whether the Honourable Member can give the information—if he cannot, I will not press him—on what other Departments the balance of 27 odd lakhs is being spent under this head ?

Mr. C. M G Ogilvie : A certain amount is being spent by the Railways and the remainder is spent on the spiritual ministrations to civilian personnel employed by the Government of India

Mr S. Satyamurti : Are these establishments being kept only for the members of the English Established Church, or for the spiritual needs of Roman Catholics and others as well ?

Mr. C. M. G. Ogilvie : The expenditure is, in the main, on the Established Church

Mr S Satyamurti : May I know how Government have ascertained that these gentlemen who are serving in the Defence Forces and the Railways want that their spiritual needs should be met by means of this ecclesiastical establishment ?

Mr. C. M G Ogilvie : They have no reason to believe that they are not.

Seth Govind Das : How is that all this money is being spent on Christianity and nothing is being spent on Hindu religion or Muslim religion ?

Mr. C. M. G. Ogilvie : I do not think it arises from this question.

Mr Manu Subedar : Has the proposal for taking over these charges by the British treasury been considered by the Government ?

Mr C. M. G Ogilvie : No

Mr. T S. Avinashilingam Chettiar : In view of the fact that the spiritual needs of so many other people are being served by private associations, will Government consider the advisability of leaving these ministrations to the private agency alone ?

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

Mr. T S Avinashilingam Chettiar : Have they considered the question ?

Mr C. M G. Ogilvie : They have no intention of doing it

Mr Badri Dutt Pande : May I ask if the expenditure on grave-yards is also included in the Ecclesiastical Department ?

Mr. C. M. G Ogilvie : Yes

Mr. S. Satyamurti : In view of the large public opinion in this country, may I ask whether Government have considered the dis-establishment of the Church altogether, which has been done in most of the civilised countries ?

Mr. C M. G Ogilvie : I have answered that question.

Dr Sir Ziauddin Ahmad : In view of the fact that a large number of Mussalmans do not take interests on their bonds and on the money deposited in the post office savings banks, etc, will not Government utilise the amount which is not taken by the Mussalmans for their ecclesiastical purposes ?

Mr. C. M. G. Ogilvie : I am afraid that question does not arise.

Mr Abdul Qaiyum : Can the Indian Christians serving in the Defence Forces be buried in those grave-yards at the expense of the Ecclesiastical Department ?

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

CONCESSIONS ANNOUNCED BY MR. HORE-BELISHA.

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

(a) whether the concessions, recently announced by Mr Hore-Belisha apply wholly or partially to officers of the Air Force and of the Navy , and

(b) whether those concessions apply to British officers of the Navy and of the Air Force serving in India ; if so, the actual amount of the extra financial burden imposed on Indian revenues by the application of these new scales of pay and other concessions to these officers ?

Mr. C M. G Ogilvie : (a) Yes Concessions similar to those recently announced by the Secretary of State for War for officers of the British Army have been extended to officers of the Royal Navy and the Royal Air Force.

(b) As regards the application of those concessions to officers of the Royal Air Force serving in India, the question is at present under consideration but it is anticipated that the extra financial charge to Indian revenues will not be more than Rs 5,000 a year. As regards officers and men of the Royal Navy serving with the Royal Indian Navy, the financial effect is slight and also will not exceed Rs 5,000 a year

Mr S. Satyamurti : With regard to the re assuring figures with which my Honourable friend has given the answer to clause (b), and in view of the fact that the principle involved is an important one, may I ask whether the Government of India are protesting against the levy of these charges on Indian revenues ?

Mr. C M. G Ogilvie : I must refer the Honourable Member to the answer I have already given to similar questions on the whole of this subject.

Mr. S. Satyamurti : May I take it that the question of the extension of these charges to the men and officers of the Royal Navy and the Royal Air Force serving in India is also the subject of the discussion between His Majesty's Government and the Government of India at the present moment ?

Mr. C. M. G Ogilvie : The whole question is still the subject of discussion.

Mr T. S. Avinashilingam Chettiar : When does the Honourable Member expect to issue the statement which he promised a few days back ?

Mr C. M. G. Ogilvie : The Honourable Member will have to wait for a little time.

Applicants for Enrolment in the Indian Army rejected as Physically Unfit

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

(a) whether it is a fact that out of 22,843 applicants for enrolment in the Indian Army in 1936-37, about 8,427 were rejected as physically unfit ,

(b) the reasons for this large percentage of people being rejected as physically unfit , and

(c) whether Government are prepared to reconsider the policy of confining recruitment to certain so-called martial classes and throw it open to all the people of this country , if not, why not ?

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

(b) A very high standard of fitness is required and the percentage rejected is not large.

(c) No. The Army, the size of which is strictly limited, must be recruited from the best material available and the classes who are now recruited do as a whole provide the best material.

Mr. S. Satyamurti : Have Government considered the relevancy of certain figures recently made public that a very large percentage of the army belongs to one Province or one community, and will Government consider in the interests of the future peaceful development of the country that the army must be recruited from all provinces and from all communities, subject to minimum standards of efficiency ?

Mr C M G Ogilvie : No, Sir. Government have no intention whatever of abandoning their present policy in the matter

Mr. S. Satyamurti : May I know whether there are any principles which have resulted in the present preponderating share in the army of India, of certain provinces and of a certain community ?

Mr C. M. G. Ogilvie : Yes . the principles are that by experience the classes now enlisted are in practice found to provide as a whole the best military material and therefore they give the taxpayer the best return for his money

Seth Govind Das : Does any such discrimination prevail in any other country of the world ?

Mr C M G Ogilvie : I cannot possibly tell you about discrimination In other countries roughly the same standard of fitness and so on are exacted and some areas do provide large numbers of troops while others do not

Mr. K. Santhanam : With reference to part (b) may I know whether the standard of physical fitness for the Indian soldiers is the same standard required in Great Britain for British soldiers ?

Mr. C. M G. Ogilvie : Roughly yes.

Mr Lalchand Navalrai : How does the selection take place ? Is it through any selection committee or is it through the department ?

Mr C. M. G. Ogilvie : If the Honourable Member wishes to ask a question about recruitment he had better put down a question

Mr S. Satyamurti : Have Government come to the conclusion that these are the best material after any experiment made in other areas and among other communities, or is it a mere *ex cathedra* conclusion of theirs ?

Mr. C M. G. Ogilvie : Government have come to the conclusion after experience extending over a number of years and including the Great War.

Mr N. V. Gadgil : Is it not a fact that in the last war of 1914-1918 recruitment was from all the provinces and it was a satisfactory recruitment from the point of view of the war ?

Mr C. M. G. Ogilvie : As a result of the experience of the last war, enlistment has been restricted to the class at present made.

POWERS OF COMMAND OF BRITISH AND INDIAN ARMY OFFICERS.

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

(a) whether recently an India Army Order No 649, dated the 13th July, 1938 was issued ;

(b) whether those orders concern the powers of command of British warrant officers and non-commissioned officers *vis-a-vis* Viceroy's commissioned officers and Indian warrant officers ;

(c) whether that order *inter alia* provides that while British warrant officers or non-commissioned officers can exercise powers of command in special circumstances over persons subject to the Indian Army Act other than Indian commissioned officers but under existing regulations the Viceroy's commissioned officers and Indian warrant officers cannot exercise powers of command over British personnel , and

(d) if so, what are the reasons for this racial discrimination ?

Mr C. M. G. Ogilvie : (a), (b) and (c) Yes

(d) There is no racial discrimination India Army Order No 649 of 1938 does no more than interpret the provisions of the Army Act and Indian Army Act British Warrant Officers and non-commissioned officers are posted to certain units of the Indian Army, and provision must therefore be made for vesting them with powers of command, but no Viceroy's Commissioned Officer or Indian Warrant Officer occupies the same position in any unit of the British Service.

Mr. S. Satyamurti : With reference to the last sentence of the answer, may I know if that result is achieved as a result of certain rules so that no Indian Commissioned officer can command British personnel or is it a mere accident ?

Mr C M. G. Ogilvie : It is not right to say that no Indian officer can command British personnel Indian commissioned officers can and do It is however right to say that no Indian Warrant Officer or Viceroy's Commissioned officer in practice is posted to British Units.

Mr S. Satyamurti : Why are they not posted ?

Mr. C. M. G. Ogilvie : Because there is no need

Mr. T. S Avinashilingam Chettiar : May I ask whether no Indian Commissioned officers have British soldiers under their command ?

Mr. C. M. G Ogilvie : All Indian commissioned officers are posted to British units for one year Afterwards Indian commissioned officers may frequently be in such positions

Mr. S. Satyamurti : How many Indian commissioned officers have so far commanded British officers ?

Mr C. M G. Ogilvie : I cannot really say

Mr. S. Satyamurti : Is there one ?

Mr. C. M. G. Ogilvie : Must be.

Mr. S Satyamurti : None to your knowledge !

Mr. K. Santhanam : May I know whether the power of command of Indian commissioned officers over British soldiers is conditional upon sanction being given by the General or Comanding officer ?

Mr. C. M. G. Ogilvie : Yes, as in the case of the Dominion armies.

Mr. T. S Avinashilingam Chettiar : May I ask whether the Honourable Member will place on the table of the House the figures as to how many Indian commissioned officers are in British regiments commanding British soldiers ?

Mr C M G. Ogilvie : I will endeavour to find out how many officers are posted to British units It must be about 30 or 40

Mr M. Ananthasayanam Ayyangar : Is there a single Indian commissioned officer so far permanently posted in charge of a British regiment ?

Mr. C M. G. Ogilvie : No

Sardar Mangal Singh : May I know whether a junior King's commissioned British officer is bound to give salute to a senior Indian officer ?

Mr. C M G. Ogilvie : Yes, Sir.

REPRESENTATION FROM THE PREMIER OF MADRAS *re* LOWERING OF EXCHANGE RATIO

†916 ***Mr Amarendra Nath Chattopadhyaya** . (a) Will the Honourable the Finance Member be pleased to state if it is a fact that the Honourable Mr C Rajagopalachari, Premier of Madras, had stated in the Madras Legislative Assembly that the existing exchange value of the rupee in terms of sterling being too high, a lowering of this would be in the interest of agriculture and industry in that Province ?

(b) Is it also a fact that, as Premier of Madras, he has made a representation to the Central Government on the subject ?

(c) If so, will the Honourable Member be pleased to state what decision he has come to regarding the aforesaid representation by the Honourable the Premier of Madras ?

(d) Has any other Provincial Government referred the matter to the Indian Government ?

The Honourable Sir James Grigg : (a) I have seen a report to this effect in the Press.

(b), (c) and (d) I would refer the Honourable Member to my reply to question No 107 asked by Sardar Mangal Singh on the 10th August, 1938.

PAY AND ALLOWANCES OF EXECUTIVE OFFICERS OF CANTONMENTS.

917 ***Mr. N. V. Gadgil** : (a) Will the Defence Secretary be pleased to state whether it is a fact that, at the time of last Cantonment Amending Bill, it was agreed by Government that not more than half the pay of Executive Officers will be debited to Cantonment Fund ?

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

(b) Is it also a fact that in the Executive Officers Service Rules it was later on incorporated that motor allowances will also have to be borne by Cantonment Funds ?

(c) Is it not a fact that in certain Cantonments, like Lahore, the Executive Officer has also started debiting about Rs 30 on account of his house rent to the Cantonment Fund, in addition to his half pay and full motor allowance, although the same is not provided in the Rules ?

(d) What is the total amount so far debited to the Lahore Cantonment Fund on this account ?

(e) Will Government be pleased to state whether the travelling allowance of an Executive Officer, when he is transferred from one Cantonment to another, is also being now debited to Cantonment Fund ?

(f) Is it a fact that in the case of the Lahore Cantonment, nearly Rs 1,400 on account of the transfer of the Executive Officer from Deolali to Lahore at first class rates have been debited to the Cantonment Fund in the teeth of opposition of elected members ?

Mr. C M. G. Ogilvie : (a) Yes The attention of the Honourable Member is invited to clause (*3*) of section 12 of the Cantonments Act, 1924

(b) Yes

(c) and (d) No The Cantonment Board, Lahore, agreed to provide the Executive Officer with the house he was occupying and charge him 10 per cent of his pay, *viz.*, Rs 50 per mensem and meet the balance of Rs 35 per mensem from the Cantonment fund The whole amount, *viz.*, Rs 245, irregularly paid on this account has since been recovered from the Executive Officer

(e) and (f) Yes

Land Income of Cantonment Boards.

918 ***Mr N. V. Gadgil** : (a) With reference to the answer given to question No 288, part (c), on 15th February, 1938, will the Defence Secretary please state whether information regarding the amount of annual income that has started accruing from the land hitherto under the management of Cantonment Boards and now under the direct management of the Central Government, is now available ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to place on the table of the House a statement showing the total income which has been lost to each Cantonment Board on account of land income ?

(c) Are the Cantonments which have lost the land income, unable to balance their budgets and have been asked by the Deputy Director of Lands and Cantonments in the Northern Command to increase house tax ?

Mr. C M. G. Ogilvie : (a) It will not be possible to ascertain this until the end of the present financial year.

(b) Does not arise.

(c) No Boards are only proposing to increase house tax where scavenging tax is being abolished The proposed increase of house tax is intended to recoup some of the loss sustained by the abolition of scavenging tax.

NON-INCLUSION OF TRIPOLIA WARD IN THE BAZAR AREA OF THE AGRA CANTONMENT.

919 *Mr. N V. Gadgil : (a) Will the Defence Secretary be pleased to state with reference to his reply to question No 462 of the 23rd February, 1938, whether it is not a fact that all bazars (civilian inhabited areas) excluding small regimental bazars were to be included in the bazar area under section 43A of the Cantonments Act ?

(b) Is it not a fact that the Tripolia Ward in Agra Cantonment is a big civilian area in which a large number of civilians reside ?

(c) Is it not a fact that the inclusion of an area in the bazar area does not remove the ward from the Cantonment for Defence purposes ?

(d) Have Government come to a final decision on the subject ? If so, what is the decision ?

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

(b) I refer the Honourable Member to my reply to part (b) of starred question No 462 of the 23rd February, 1938

(c) Yes

(d) Yes The decision is that the area should not be declared as a bazar area

BAZAR COMMITTEES IN CANTONMENTS.

920 *Mr N. V. Gadgil : (a) With reference to question No 630, dated 4th March, 1938, will the Defence Secretary please state whether it is not a fact that the Government of India undertook to see that real powers to do real good were to be delegated to the Bazar Committees of the Cantonment Boards in India ?

(b) If the answer to part (a) be in the affirmative, why has the matter been left to the discretion of the Cantonment Boards which contain a Government official majority ?

(c) Is it not a fact that no powers at all have been delegated to any Bazar Committee in India ?

(d) Is it not also a fact that the Bazar Committees only make recommendation to the Cantonment Board with regard to the building applications and trade licence in the bazar area ?

Mr C. M. G. Ogilvie : (a)—(d). I refer the Honourable Member to the replies given by me to part (f) of starred question No 364 asked by Mr Mohan Lal Saksena on the 22nd August, 1938, and to starred question No 999 saked by Mr Satyamurti on the 5th October, 1937, which cover all the points raised by him.

MILITARY OPERATIONS IN WAZIRISTAN

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

(a) the total cost of the operations in Waziristan since the operations began (the latest available figures) ,

(b) the total number of casualties , and

(c) for how long these actions will be necessary ?

Mr. C. M G. Ogilvie : (a) The extra expenditure so far incurred from 1st April, 1938, up to the end of of July, 1938, is about Rs 12 lakhs

(b) 36 killed and 120 wounded

(c) I am entirely unable to say

Mr. T S. Avinashilingam Chettiar : May I know if it is the same thing as the accounts which he gave about 15 days back ?

Mr C. M G. Ogilvie : The expenditure is up to the end of July, it is from 1st April till the end of July

Mr. Abdul Qaiyum : Is it the intention of Government to exterminate these tribes if they do not capitulate ?

Mr President (The Honourable Sir Abdur Rahim) Order, order Such a question cannot be allowed to be put It contains inference

Mr. Abdul Qaiyum : I am vitally interested in this, because the people belonging to my province are concerned

Mr President (The Honourable Sir Abdur Rahim) . That question cannot be allowed

Mr S. Satyamurti : With reference to part (c), may I know whether since the operations started any progress has been made towards the termination of these operations one way or the other, or whether the *status quo ante* still remains, and that is why Government cannot say when they will end ?

Mr. C M G Ogilvie : There has been some progress and as far as we can see things are a little better than they were, but it is quite impossible to say when the operations will come to an end

Mr S. Satyamurti : May I ask whether the Government of India have consulted or will consult the North-West Frontier Province Government, with a view to a speedy conclusion of these operations ?

Mr. C. M. G Ogilvie : I submit that question does not arise

Mr S. Satyamurti : I submit it does The question is how long it will be necessary Geographically and tribally, the two peoples of the tribal areas and the North-West Frontier Province are one I am asking whether, with a view to a speedy end of these actions, Government have consulted or will consult the Government of that Province with a view to ending this as soon as possible

Mr. President (The Honourable Sir Abdur Rahim) : That is rather far-fetched.

Mr T. S. Avinashilingam Chettiar : May I know what the Honourable Member means by progress being made in this matter ?

Mr. C M G. Ogilvie : I am afraid it will be too long to give an account of it now but if the Honourable Member will take the trouble to read the lengthy communiqué issued a few days ago he will find the exact state of affairs

Mr S Satyamurti : May I know what the object of these actions is ?

Mr. C. M. G. Ogilvie : To bring about peace in Waziristan

Mr S Satyamurti : On what terms ? Will the Honourable Member state that, so that we may know and the public may know and the enemy also may know ?

Mr. C. M. G. Ogilvie : It is entirely impossible to answer a question of that kind now.

Mr. S. Satyamurti : Then, may I take it that Government have no intention of bringing about any peace, but to continue the operations indefinitely ?

Mr C M G Ogilvie : The Honourable Member may not take anything of the kind for granted

SURVEYORS OF WORK AND ASSISTANT SURVEYORS IN THE MILITARY ENGINEERING SERVICE.

922 ***Mr Badri Dutt Pande** : (a) Will the Defence Secretary please state the strength of Surveyors of Works and Assistant Surveyors in the Military Engineering Service and their scale of pay ? How many of them are British civilians and how many Indians in the two categories, separately ?

(b) Is it a fact that the British Surveyors of Works were in the first instance recruited from England on a contractual basis ? What were the terms of the contracts ?

(c) Is it a fact that one of their duties was to train Indians so that eventually the latter may be able to replace them on the termination of their contracts ?

(d) How many Indians have been promoted as Surveyors of Works so far ?

(e) Is it a fact that two departmental examinations used to be held annually for such Indians, firstly, for appointing them as Assistant Surveyors, and finally for promoting the latter as Surveyors ?

(f) Is there any Indian Surveyor who was appointed as such without going through the two examinations, *viz*, the Intermediate and Final Examinations ?

(g) When were the examinations held last, and when is it proposed to hold them next year ?

Mr. U. M. G. Ogilvie: (a) and (d). There are at present 30 Surveyors of Works, out of which six are Indian There are 39 Surveyors Assistants, of which 38 are Indian I lay on the table a statement showing the scales of pay of the different categories of these officers.

(b) Yes, initially for five years, which is extensible by mutual agreement. A copy of their terms of contract has been placed in the Library.

(c) One of their duties was to train Indian and British civilian and military subordinates of the Military Engineer Services who elected to be recruited to the Surveyors of Works cadre It was never intended that the persons so trained and qualified should replace their actual trainers on the termination of their contracts.

(e) Intermediate and final examinations for all Military Engineer Services subordinates who aspired to enter the Surveyors of Works cadre were held in the years 1936, 1937 and 1938 only

(f) Yes, two

(g) The examinations were last held in March, 1938 The next examination will be held under the auspices of the Chartered Surveyors' Institution in 1940

Statement showing the scales of pay including marriage and lodging allowances of Surveyors of Works and Assistant Surveyors in the Military Engineer Services are as follows

	Rs
(1) *R. E. Surveyors of Works*—	
Lieutenant	710
Lieutenant after four years' commissioned service	775
Captain	900
Captain after twelve years' commissioned service	975
Captain after fifteen years' commissioned service	1,105
Major	1,105
Leutenant-Colonel	1,230
(2) *Civilian Surveyors recruited in the United Kingdom*—	
Rs 450—30—900 *plus* overseas pay @ £20 p m upto Rs 510 (basic pay) and £25 p m thereafter	
(3) *Civilian Surveyors appointed in India*—	
Scale A—Rs 300—15—450	
Scale B—Rs 475—25—825	
(4) *Military Departmental officers on the Indian Establishment*—	
Assistant Commissary and Lieutenant, Mechanist Officer (M T) holding the rank of Lieutenant	Rs 715
Deputy Commissary and Captain, Mechanist Officer (M T.) holding the rank of Captain	825
Commissary and Major, Mechanist Officer (M T) holding the rank of Major	950
Commissary and Major, Mechanist Officer (M T) holding the rank of Major, after two years' service as Major provided they have a total commissioned service of not less than eight years,	1,100
(5) *Surveyors Assistants—Grade I*—	
Rs. 150—10—300 (E. B.)—25/2—400.	

Mr. Badri Dutt Pande : May I know how many contracts of these British Surveyors have been terminated so far ?

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

Mr. Lalchand Navalrai : With regard to clause (b) may I know whether the British Surveyors of Works are still being imported from outside ?

Mr C. M G. Ogilvie : I cannot say without notice.

Mr. T. S Avinashilingam Chettiar : With reference to clause (c) may I know how many Indians have been trained till now ?

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

Sardar Sant Singh : With regard to these British Surveyors of Works who were originally recruited on contract, may I know how often their contracts have been renewed since the first contract came to an end ?

Mr C. M G. Ogilvie : Not more than once, I imagine.

Mr. T. S. Avinashilingam Chettiar : With regard to clause (a) of the question, I understood that there are 30 Surveyors of Works, of whom six are Indians Is that the reason why no Indians are available for this post now ?

Mr C M G Ogilvie : No Indians were available because no Indian had the requisite qualifications Until an arrangement could be come to for the Chartered Surveyors' Institution to hold an examination in India, local departmental examinations were held and Indian candidates were trained by these imported Surveyors of Works Six of them have succeeded in passing

Mr T. S Avinashilingam Chettiar : May I know if any qualified people are available today who are unemployed ?

Mr. C. M G Ogilvie : No, none

Seth Govind Das : Is the number of these Indians increasing ?

Mr. C M G. Ogilvie : The number is now six It cannot be said to be increasing now but it will increase in the future

DEPARTMENTAL EXAMINATIONS FOR SURVEYORS OF WORK.

923 ***Mr. Badri Dutt Pande** : (a) Will the Defence Secretary state whether Government are contemplating to discontinue the departmental examinations for Surveyors of Works and ask the Chartered Surveyors Institute of England to hold these examinations for the Government of India ? If so, why ?

(b) Is it a fact that the said Institute has its examinations in three stages, each to be taken annually ?

(c) Will Government state the reason for lengthening the period of examinations from two to three years ?

(d) What will be the position of Indians who have already passed the Departmental Intermediate Examination, and hold permanent posts but have not yet taken the Final Examination, *i.e.*, will they have to appear only in the Final Examination of the Institute, or take all the three examinations of the latter ? If so, why ?

(e) Are Government aware of the impression that this change from the Departmental examinations to the examination by the Chartered Surveyors Institute and the consequent lengthening of the period for promotion of existing Indian incumbents to Surveyors' grade from one year to three years is meant to keep in service as long as possible the British civilian Surveyors engaged on contract by extending the terms of their contract ?

(f) Is it the intention now to confirm eventually these British civilians and thus reduce the number of posts open to suitable Indians ? If so, why, in the face of the declared policy of Government for Indianisation, and how do they propose to Indianise the service ?

Mr. C. M. G. Ogilvie : (a) Yes, because the passing of the examination held by the Chartered Surveyors' Institution entitles candidates to the diploma of the Chartered Surveyors' Institution which has universal recognition

(b) Yes.

(c) Now that the cadre has been inaugurated in India, it is considered essential to secure uniformity in this respect for all future civilian and military subordinates on the Indian establishment as well as British civilians for the reasons stated in reply to part (a)

(d) The matter is under consideration in consultation with the Chartered Surveyors' Institution

(e) No

(f) The confirmation of a few British civilian surveyors, which may be necessary on account of the paucity of trained and qualified Indians, cannot in any way be regarded as against Government's policy of Indianisation When trained and qualified Indians are available, they will be considered for appointment

Mr Badri Dutt Pande : With reference to part (c) of the question why has the period been lengthened from two to three years ?

Mr. C. M. G. Ogilvie : Because that is the period laid down by the Chartered Surveyors' Institution

Mr. Lalchand Navalrai : When is their next examination to be held ?

Mr. C. M. G. Ogilvie : In 1940

Uniformity in Excise Regulations between Various Provinces.

924. ***Mr. Manu Subedar :** Will the Honourable the Finance Member state :

(a) whether representations have been received requesting some kind of uniformity in excise regulations between various Provinces ;

(b) whether an excise conference was convened by the Government of India in November last ;

(c) whether any decision was arrived at, and what was the nature of the discussion at such conference, and whether the preponderating opinion was in favour of such uniformity ,

(d) whether the Government of India are pursuing this matter with Provincial Governments , and

(e) whether any difficulties have arisen between British India and States, whose territory is contiguous in this respect, through the rules and regulations of excise not being uniform ?

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

(c) The information asked for by the Honourable Member is contained in the Pamphlet entitled ' Summary of Proceedings—Excise Conference, New Delhi, 8th to 10th November, 1937 ' ; copies of which are available in the Library of the Assembly.

(d) Yes

(e) Government of India have no information

Dr. Sir Ziauddin Ahmad : In view of the fact that some provinces are against the excise duty altogether and increasing the excise in any shape or form, may I know how uniformity will be maintained ?

Mr A H. Lloyd : I do not know of any province that is at present opposed to the use of alcohol in medicines

INCOME-TAX RELIEF TO CERTAIN COMPANIES IN BRITISH INDIA AND THE UNITED KINGDOM

925 ***Mr. K Santhanam** : Will the Honourable the Finance Member be pleased to state

(a) the amount of relief given by the United Kingdom Treasury under section 27 of the United Kingdom Income-tax Act, 1920, in each of the last three financial years, to companies incorporated in British India and operating and gaining profit in the United Kingdom ,

(b) the total paid up capital of companies incorporated in the United Kingdom and operating in British India, which claimed double taxation relief from the Indian Treasury under section 49 of the Indian Income-tax Act, 1922, and the amount of such relief given during each of the last three financial years ; and

(c) the amount of double taxation relief given, during each of the last three financial years, to United Kingdom residents who derive their income from investments in Indian guaranteed railways ?

Mr. A H. Lloyd : (a) The information is not available in the published Annual Reports of the Commissioners of His Majesty's Inland Revenue.

(b) The information asked for is not available.

(c) I presume the Honourable Member refers to the guaranteed interest paid by certain Indian Railway Companies. The information is not available but the amount must be negligible as such income is not taxed in British India unless brought into British India.

Mr. K. Santhanam : With reference to part (b) of the question, may I know if the information with regard to the latter part also is not available ?

Mr. A. H Lloyd : Yes, Sir, the answer is that it is not available ; the reason being that our records do not distinguish between rupee companies and sterling companies which get double taxation relief

Mr. K Santhanam : May I know what is the amount of double taxation relief given to British residents in India ?

Mr. A. H. Lloyd : That also is not available because no separate records are kept.

Mr. K Santhanam : May I know whether any figures about double taxation are available at all ?

Mr. A H. Lloyd : Yes, Sir, the total figures are available.

Mr. K Santhanam : May I know if the Honourable Member will supply the figures which are available ?

Mr. A. H. Lloyd : The figures which are available are published in the Indian Income-tax Report annually.

Mr. S Satyamurti : In view of the fact that the information asked for in clauses (a) and (b) is and will be highly important, if not conclusive, with regard to the discussion on the Income-tax Amendment Bill which is scheduled for the November Session, may I request the Honourable Member to be good enough to collect the information, and make it available to Honourable Members of this House ?

Mr. A. H. Lloyd : I am afraid it is impossible to give such an undertaking As far as residents are concerned, the existing income-tax law does not distinguish between assessees on the basis of their race or domicile, and it is therefore not possible to obtain any reliable figures because they are not on record in the proceedings of the Income-tax Department.

Mr T. S. Avinashilingam Chettiar : May I know if I would be right to presume that most of the people who enjoy double taxation relief are Britishers ?

Mr. A. H. Lloyd : I think the Honourable Member is at liberty to make that presumption

Mr. K. Santhanam : May I know if the amount of double taxation relief that the Britishers get in India is about twenty times that which Indian residents in Great Britain get ?

Mr. A. H. Lloyd : I am not in a position to confirm that allegation.

Mr. K. Santhanam : But is the Honourable Member in a position to deny that ?

Mr. A. H. Lloyd : No, Sir.

Mr. T S Avinashilingam Chettiar : Sir, I was not talking of being at liberty to make the presumption that most of the people who enjoy double taxation relief are Britishers. Am I correct in making that presumption ?

Mr A. H. Lloyd : I am not in a position to rebut or confirm that presumption because the information necessary to rebut or confirm it is not available

CERTAIN INCOME EXEMPTED FROM INCOME-TAX AND SUPER-TAX.

926 ***Mr. K Santhanam** : Will the Honourable the Finance Member be pleased to state the amount representing that part of the total income, which the Central Government have exempted from income-tax and super-tax, in exercise of the powers conferred upon them by section 60 (1) of the Indian Income-tax Act, 1922, and of the assessees whose incomes are included in the following sub-clauses of paragraph 17 of the Manual of Income-Tax

Sub-clauses of paragraph 17 of the Manual of Income-Tax, Nos 6, 13 (a) to (g), 20 to 24, 26, 30, 31 and 41 ?

Mr. A. H. Lloyd The Honourable the Finance Member gave certain rough estimates relating to pensions and leave pay in his speech on the Income-tax (Amendment) Bill on the 7th April last For the remaining items figures are not available and could only be collected by examining each individual assessment

Mr. K. Santhanam . May I know if the Income-tax Department will consider the desirability of having accurate statistics with reference to all these items separately ?

Mr A. H Lloyd We will consider that.

INCOME FROM INTEREST ON SECURITIES OF RULING CHIEFS AND PRINCES EXEMPTED FROM INCOME-TAX AND SUPER-TAX ASSESSMENT.

927. ***Mr. K. Santhanam** : Will the Honourable the Finance Member be pleased to state the total amount of income from interest on securities held by, or on behalf of, Ruling Chiefs and Princes of India, which was exempted from income-tax and super-tax assessment, in the last financial year, under section 60 (paragraph 17, clause 8 of the Manual) of the Indian Income-Tax Act, 1922 ?

Mr. A. H. Lloyd The information required is not available.

Mr. S Satyamurti May I take it that no such exemption was given ?

Mr A. H Lloyd : No

Mr S. Satyamurti Then, may I know how many exemptions were given ?

Mr A. H Lloyd I have said that unfortunately I am unable to answer that question.

Mr. S. Satyamurti : May I know how the Income-tax Department works if it gives exemption from income-tax to these Ruling Chiefs or Princes, if they do not keep any figures ? Do they do it arbitrarily, or do they consider the effect on the revenues of the State at all ?

Mr. A H Lloyd If income is not assessed or taxed it will not be found in our assessment records. So far as the exemption is claimed and granted in assessment proceedings, we should only be able to find figures by a complete examination of all the assessment figures throughout India.

Mr. S Satyamurti I am asking whether, in deciding to give exemption or not, the Government of India apply their minds to the probable loss of revenue or do not apply their minds to it at all but merely go on mere rule of thumb.

Mr. A H. Lloyd : I am afraid I am not able to say what is the condition of mind of the Government of India if an exemption is granted

Mr. N. V Gadgil What are the grounds on which such exemptions are granted to Ruling Princes or Chiefs ?

The Honourable Sir James Grigg . The Honourable Member had better put that down

Mr K. Santhanam May I know if the Honourable Member will consider the desirability of keeping statistics for this item also ? He has promised to consider in respect of other items

Mr A H. Lloyd I will consider the desirability or possibility of doing it : but I am very doubtful of its possibility.

INCOME FROM INDIAN GOVERNMENT STERLING SECURITIES HELD BY RESIDENTS OF THE UNITED KINGDOM.

928 ***Mr K Santhanam** : Will the Honourable the Finance Member be pleased to state the total income, accrued during each of the last three financial years, from Indian Governments Sterling Securities held by residents of the United Kingdom ?

The Honourable Sir James Grigg The interest on sterling debt is given in Account No. 42A of the Finance and Revenue Accounts of the Government of India Information as to the proportion of such interest which accrued to residents in the United Kingdom is not available.

Mr President (The Honourable Sir Abdur Rahim) The reply to this question of Mr Badri Dutt Pande will be laid on the table

STOPPAGE OF LICENCES OF CERTAIN SHOPKEEPERS IN LANSDOWNE CANTONMENT

†929. ***Mr. Badri Dutt Pande** : (a) Will the Defence Secretary be pleased to state whether it is a fact that licences of nearly one dozen shopkeepers, settled in Lansdowne Cantonment for the last forty years were stopped in February, 1928, by the Officer Commanding, 2|3rd Gurkha Rifles ?

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

(b) Is it a fact that after the matter was brought to the notice of the General Officer Commanding-in-Chief, Naini Tal, the licences were re-issued ?

(c) Is it a fact that after the re-issue of the licences to those shop-keepers, their shops were placed out of bounds for troops and a sentry was placed in the bazar to prevent troops from purchasing goods from those shops ?

Mr. C. M. G Ogilvie (a) No Officers Commanding units are not concerned with the grant or cancellation of licences under the Cantonments Act In this connection the attention of the Honourable Member is invited to sections 210 to 212 of the Cantonments Act The licences have not been cancelled by the Cantonment Board

(b) Does not arise Headquarters, Eastern Command, were not approached

(c) The Officer Commanding the unit in whose Lines the bazar in question is situated placed it out of bounds for the men of his unit on medical and sanitary grounds This occurred, however, in 1938 and not in 1928

A sentry would normally be placed at the entrance to the bazar not only to warn troops that it was out of bounds but to ensure that the Commanding Officer's orders were obeyed

PERSONS ARRESTED IN AND EXTERNED FROM DELHI FOR POLITICAL REASONS.

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

(a) the number of persons arrested in Delhi and round about since the beginning of this year for political reasons ,

(b) the number of persons externed from and not allowed to enter Delhi , and

(c) for what reasons ?

The Honourable Mr R M. Maxwell (a) Seventy persons were arrested for picketing during the disturbances on July 22nd, 1938, under the provisions of section 7 of the Criminal Law Amendment Act, 1932 One person has been prosecuted for sedition under section 124A of the Indian Penal Code

(b) and (c) Three persons have been externed from Delhi under section 3 of the Punjab Criminal Law Amendment Act, 1935, for a period of one year each two because they made seditious speeches and one because there was good reason to believe that he was not observing an undertaking he had given to refrain from illegal and subversive activities

Mr T. S. Avinashilingam Chettiar May I know, with reference to clause (a), whether the seventy were arrested owing to this temple trouble and only one for sedition ?

The Honourable Mr R. M Maxwell No The seventy were arrested in connection with a *hartal* . they were interfering with trade in Subzimundi,

Prof. N. G Ranga . Is it not a fact that main object of this agitation was to make the Government of India grant responsible Government to the Delhi Province ?

The Honourable Mr. R. M. Maxwell That is a matter of opinion.

Prof. N G Ranga Is it not a fact that this particular demand was communicated to the Government of India by the District Congress Committee of Delhi ?

The Honourable Mr. R. M Maxwell Which particular demand ?

Prof. N. G Ranga This demand for the grant of responsible Government for the Delhi Province ?

The Honourable Mr. R. M Maxwell I am not aware of that

Mr. T. S Avinashilingam Chettiar May I know if these seventy organised agitation against the Government or what ?

The Honourable Mr R M. Maxwell I do not know what the organisation behind them was

Prof. N G Ranga . Is the Honourable Member aware of the demands put forward by the District Congress Committee of Delhi in regard to the grant of responsible Government and also in regard to their request to get this Delhi Province amalgamated with the United Provinces ?

Mr President (The Honourable Sir Abdur Rahim) That does not arise out of this question.

Mr Lalchand Navalrai · May I know whether these persons who were arrested are still under arrest or have they been released ?

The Honourable Mr. R M Maxwell I believe they have all been released long ago

EXCISE DUTY ON MATCHES

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

(a) whether Government have received any representation from the match industry for the reconsideration of the excise duty on the industry ;

(b) what has been the effect of the duty on the industry ;

(c) whether the output has increased or any of the factories closed after the imposition of the duty ;

(d) what was the income in the last financial year out of this duty ; and

(e) how many cottage factories have applied for and received rebates, and what has been the effect of the duty on the cottage industry ?

Mr. A. H. Lloyd : (a) There has been no specific representation on this subject from the industry, but recently representations from two Indian Match Manufacturers' Associations were received in which it was suggested *inter alia* that Government should reduce the rate of duty on half size matches in boxes containing not more than sixty sticks.

(b) and (c) I lay two statements on the table showing the output during the years 1933-34 to 1937-38 and the number of factories at work on the 31st March, 1934, 1935 and 1936 It will be observed that there has been no marked decline in the output except in the year 1934-35 when the duty was imposed and this was at any rate partly due to forestalling.

(d) Rs 1,94,99,074

(e) I invite the attention of the Honourable Member to the answer to his question No 80 on the 25th August, 1937 Later information is being collected and will be laid on the table of the House in due course

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(i) *Statement showing the quantity of matches produced during the years 1933-34 to 1937-38*

Year	Gross of boxes
1933-34 (*including* Burma)	25,000,000*
1934-35 ,, ,,	16,499,200
1935-36 ,, ,,	24,381,653
1936-37 ,, ,,	24,152,822
1936-37 (Eleven months ending February 1937 and *excluding* Burma)	19,017,850
1937-38 (Eleven months ending February 1938 and *excluding* Burma)	19,710,155

* Estimated figure Exact figure not available

(ii) *Statement showing the number of match factories on the 31st March, 1934, 1935 and 1936*

	31st March 1934	31st March 1935	31st March 1936
Regular factories	47	45	45
Cottage factories	140—145	78	88
Total	187—192	123	133

Seth Govind Das : What have the Government decided about the representation from the two Match Manufacturers' Associations to the Government regarding half-sized matches ?

Mr A. H Lloyd : It is still under consideration

Mr T. S Avinashilingam Chettiar : May I know whether anything is under consideration to give relief to cottage match factories ?

Mr. A H Lloyd : I do not think that arises out of this question Sir

PURCHASE OF AEROPLANES FOR HIS EXCELLENCY THE VICEROY.

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

(a) the amount of money spent in the recent purchase of two aeroplanes for His Excellency the Viceroy ;

(b) whether they are for the personal use of His Excellency (front page of the *Hindustan Times*, dated the 27th August, 1938) , and

(c) whether expenses for the purchase and maintenance will be met by the Government of India, and if so, whether they have been provided for in the budget ?

Mr C M G Ogilvie (a) Two 'Envoy' aircraft have been purchased for the Royal Air Force and are within the authorised aircraft establishment of that force The cost of each complete machine is approximately £7,500

(b) The article referred to is incorrect These aircraft are for communication duties in the Royal Air Force

(c) Expenditure for their purchase and maintenance will be met from the Defence Estimates and is within the normal budget allotment No additional amount has been provided

CUSTOMS DUTY COLLECTED AT CERTAIN PORTS.

933 ***Sri K B Jinaraja Hegde** (a) Will the Honourable the Finance Member be pleased to state the total customs duty collected at the following ports during the past five years

(i) Mangalore,

(ii) Malpe,

(iii) Honnavar and

(iv) Batkal ?

(b) What is the total quantity of goods (in weight) exported and imported in the ports stated in part (a) for the last five years ?

(c) Are Government aware that exports and imports through the ports stated in part (a) are seriously affected owing to the construction of Cochin Port ?

Mr A H Lloyd (a) and (b) I lay a statement on the table of the House containing such information as is available

(c) The figures given in the statement laid on the table of the House do not support this conclusion

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Statement showing (a) the total customs collections and (b) value of imports and exports at the ports of Mangalore, Malpe and Honavar during the five years ending 1935 36

Figures in thousands of rupees.

	1931 32	1932 33	1933 34 (a)	1934 35	1935 36
Mangalore	1 59	1 75	2 92	7 62	5,94
Malpe	9	5	5	7	45
Honavar	8	4	25	27	5
			(b)		
Mangalore	1,07,36	1 11 59	1 22 35	1,09,30	1,38,45
Malpe	67	71	68	97	99
Honavar ..	2	4	..	4	--

No information is available regarding the minor port of Bhatkal

ABOLITION OF THE WESTERN COMMAND.

934 *Mr. Abdul Qaiyum : Will the Defence Secretary please state.

(a) if he has read the news item under the caption " Western Command " in the *Hindustan Times*, dated the 28th August, 1938, at page 7 ,

(b) whether the Western Command is being abolished

(c) the reasons for this step , and

(d) whether any economy will result in consequence and, if so, its approximate amount ?

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

(c) and (d) Details of the reasons for this step and the savings to be expected therefrom are given in section 15, page 7 of the pamphlet " Summary of Important Matters concerning the Defence Services in India, 1937-38 ".

Prof N G Ranga : Is a copy of the report available in the Library ?

Mr. C. M G Ogilvie : It has been issued to all Members of this House

Sardar Mangal Singh : May I know if in future, there will be three Commands instead of four ?

Mr C. M. G. Ogilvie : Yes

GOVERNMENT CONTROL OVER THE IMPERIAL BANK OF INDIA.

935 *Babu Kailash Behari Lal : (a) Will the Honourable the Finance Member be pleased to state the statutory privileges enjoyed by the Imperial Bank of India ?

(b) What is the extent of control exercised by the Government of India in the matter of administration of the Imperial Bank of India ?

The Honourable Sir James Grigg : (a) and (b) The Honourable Member is referred to the Imperial Bank of India Act, 1920, as modified up to the 1st May, 1935, section 45 of the Reserve Bank of India Act and the Agreement provided therein

Mr S Satyamurti : With regard to the actual administration of the Bank, may I take it that in view of the previous answers of the Honourable the Finance Member, the Government of India exercise no control whatever ?

The Honourable Sir James Grigg : In the day to day administration, no

Prof. N G. Ranga : Is it not one of the terms of the agreement between the Government of India and the Imperial Bank of India that the Imperial Bank of India should establish more and more branches in different parts of India ?

The Honourable Sir James Grigg : I don't think so.

REFUSAL TO GRANT EXCISE DUTY ON PETROL AND KEROSENE OIL TO ASSAM.

936. *Mr. Kuladhar Chaliha : (a) Will the Honourable the Finance Member please state the reason for the refusal to grant excise duty on petrol and kerosene oil produced in the Province of Assam to the Government of Assam in spite of the repeated representations of the Government of Assam and the Provincial Legislature ?

(b) Are Government prepared to reconsider the matter in view of the deficit of fifteen lakhs of the Assam Government ?

The Honourable Sir James Grigg : (a) I would refer the Honourable Member to paragraph 15 of the Niemeyer Report

(b) No.

Mr. Kuladhar Chaliha : Is it not a fact, Sir, that at the Conference of Finance Ministers the Government of India agreed substantially to the proposal of the Assam Government ?

The Honourable Sir James Grigg : No, certainly not

Mr. Kuladhar Chaliha : May I know, Sir, why the cost of the Assam Rifles is partially saddled on the revenues of the province, while they are mainly kept for the frontier and excluded areas ?

The Honourable Sir James Grigg : The Honourable Member had better read paragraph 15 of the Niemeyer Report which deals with the Assam Rifles also.

Maulvi Abdur Rasheed Chaudhury : May I know if the Government of India are thinking of compensating the Assam Government for the deficit of 15 lakhs ?

The Honourable Sir James Grigg : It is a pretty far-reaching principle to start compensating Provincial Ministries whenever they are in a deficit It would be an encouragement to run into deficit

Prof N. G. Ranga : Will Government consider the desirability of abolishing the duty on kerosine oil and reduce the price of the oil so that the poor people may be benefited ?

The Honourable Sir James Grigg : Government do not make any announcement of their intentions in regard to taxation policy in advance

INDIAN CLERKS OF THE INDIAN ARMY CORPS OF CLERKS

937. *Babu Kailash Behari Lal : Will the Defence Secretary be pleased to state :

(a) from which date clerks in the ordinary grade of the Indian wing of the Indian Army Corps of Clerks were promoted from the lower grade ;

(b) if it is not a fact that, immediately after a few Indian clerks were promoted to the ordinary grade, the Defence Department issued verbal instructions stopping promotions of other candidates eligible for promotion according to Government orders ;

(c) under what conditions the promotions of such candidates were held in abeyance ,

(d) if it is a fact that the Defence Department has even stopped grant of increments to those of them already promoted ; if so, why ;

(e) what Government now propose to do in regard to the promotions from lower to the ordinary grade of the Indian wing , and

(f) if it does not create an anomaly that a few clerks should have been promoted, and those of them who were senior in the Corps should have been bereft of those promotions ?

Mr C. M. G. Ogilvie : (a) Twelve clerks of the Indian Wing of the Indian Army Corps of Clerks at Army Headquarters were promoted in December last

(b) and (c) Yes These orders were issued to stop any further promotion of clerks who were not qualified under the terms of their engagement

(d) Yes, for the same reason The question of the relegation of these clerks, who were improperly promoted, is under consideration

(e) The institution of tests in accordance with the terms of engagement and to ensure that only these who are efficient are promoted, is under consideration

(f) Yes, it does Hence the embargo on further promotion and the proposal to institute tests not only for those who have been promoted but for those whose names were submitted but were not promoted

Mr T S. Avinashilingam Chettiar : May I know, Sir, if there are two kinds of instructions in the Defence Department, one verbal and another written ?

Mr C. M G. Ogilvie : I don't understand the question.

Mr T. S. Avinashilingam Chettiar : With regard to clause (b) which refers to verbal instructions, I want to know if the Defence Department is in the habit of giving verbal and written instructions separately.

Mr. C M G Ogilvie : No

Mr Badri Dutt Pande : With regard to part (b), is it a fact, Sir, that some of the clerks were promoted by the heads of the departments, but the A G. did not publish Part II of the Orders, hence the promotions were stopped ?

Mr. C. M. G Ogilvie : I cannot say that

Mr. Badri Dutt Pande : May I know why Part II of the Orders was not published by the A. G ?

Mr. C M G Ogilvie : I cannot tell you that. I do not know.

Babu Kailash Behari Lal : With reference to part (e), how long will Government take to give effect to the promotions ?

Mr. C. M. G. Ogilvie : Not very long.

Mr. Badri Dutt Pande : Is it a fact, Sir, that the promotions of about 50 Indian clerks have been held back, and promotions have been given to all Europeans in the Defence Department ?

Mr C. M G. Ogilvie : It has nothing whatever to do with Indians and Europeans

Babu Kailash Behari Lal : Is it not a fact that some of the clerks have been promoted and others have not been so promoted although those who have not been promoted come under the rules for promotion ?

Mr. C. M. G Ogilvie : None of them ought to have been promoted It is a mistake to promote any of them

INDIAN CLERKS OF THE INDIAN ARMY CORPS OF CLERKS.

938. ***Babu Kailash Behari Lal** : (a) Will the Defence Secretary be pleased to state the conditions of service for clerks recruited in the Army Headquarters under the Indian Army Corps of Clerks ?

(b) What are the different grades of pay under the Indian Army Corps of Clerks for the Indian wing, and what is the pay for those grades ?

(c) What are the different grades under the Indian Army Corps of Clerks for the British wing and what is the pay for those grades ,

(d) What are the qualifications for promotion of clerks in the Indian wing from one grade to the other ?

(e) What are the qualifications for promotion of clerks in the British wing from one grade to the other ?

(f) How many clerks are there in each grade of the Indian wing of the Indian Army Corps of Clerks and that of the British wing of the Indian Army Corps of Clerks ?

Mr. C M G Ogilvie : (a), (b) and (c) Yes I lay on the table a paper giving the conditions of service of the British Wing, and a copy of the memorandum issued to candidates of the Indian Wing through the Federal Public Service Commission

(d) For promotion from the lower division to the ordinary grade a clerk must be proved capable of intelligent noting and drafting or equivalent work. Promotion to the upper grade is by selection only

(e) There are no specified qualifications For promotion to warrant rank a man must possess a 1st class Army School Certificate Apart from this, promotion is governed by efficiency

(f) In the British Wing there are 31 Sergeants and 29 Staff Sergeants.

In the Indian Wing there are at present 114 lower grade and 12 upper grade clerks.

Statement showing general conditions of service of British personnel of the Army and Royal Air Force Headquarters Section of the Indian Army Corps of Clerks who are recruited from the British Army and Royal Air Force Units in India.

The establishment consists of the following three categories in the proportion indicated against each

(1) Sergeants and Staff Sergeants .	60 per cent of total complement of the Army and Royal Air Force Section of the Indian Army Corps of Clerks.	
(2) Sub-Conductors .. .	25 per cent.	Do.
(3) Conductors ..	15 per cent	Do.

Soldiers will be promoted to the rank of Sergeant from date of transfer to the Army and Royal Air Force Headquarters Section of the Indian Army Corps of Clerks, but pay and allowances of rank will be admissible only from the date of confirmation in appointment Sergeants, if qualified and recommended, will be promoted to the rank of staff sergeant on completion of three years India Unattached List service. Service in the rank of sergeant under the age of 23 years will not reckon as qualifying service for promotion under the time-scale Thereafter, promotions to the ranks of Sub Conductor and Conductor will be made as vacancies occur, but until the full complement of the Army and Royal Air Force Headquarters section of the Corps has been attained, promotion will as a temporary arrangement be on the following time-scale :

(1) From Staff Sergeant to Sub Conductor, after a total of nine years' departmental India Unattached List service, subject to the condition that the individuals concerned are not less than 32 years of age, and that the number holding the rank of Sub Conductor does not exceed 25 per cent of the total number of warrant and non commissioned officers actually serving in the Army and Royal Air Force Section at the time

(2) From Sub Conductor to Conductor, after a total of 16 years departmental India Unattached List service, subject to the condition that the individuals concerned are not less than 39 years of age and that the total number holding the rank of Conductor does not exceed 15 per cent of the total number of warrant and non commissioned officers actually serving in the Army and Royal Air Force Section at the time

The promotion under a time scale will not be automatic but will depend on the candidate being recommended as fit in all respects

Rates of pay.

(*a*) On probation or while employed in a temporary or officiating appointment	Rs 190 per mensem. (Consolidated).
(*b*) On transfer to the Army and Royal Air Force Headquarters Section of the Indian Army Corps of Clerks and on further promotion.	Pay and allowances of ranks, and all concessions admissible to other personnel in the Indian Army Corps of Clerks.

The following are the approximate total emoluments admissible :

Sergeant.

Single	Rs 253 per mensem.
Married . . .	Rs 283 per mensem.

Staff-Sergeant.

Single	Rs. 293 per mensem.
Married	Rs. 323 per mensem.

Sub-Conductor

Single	.. .. ..	Rs. 378 per mensem.
Married	.. .. ..	Rs. 408 per mensem.

Conductor.

Single	.. .. .	Rs. 413 per mensem.
Married	. .	Rs. 443 per mensem

In the case of married ranks, a sum of Rs 10 per mensem is allowed in addition for each child upto three and Rs 5 per mensem for each child above that number.

GOVERNMENT OF INDIA

DEFENCE DEPARTMENT

Simla, the 31st July, 1934

(As amended up to 30th June, 1937)

Revised rates of pay and terms of service for civilian clerks of the Army and Royal Air Force Headquarters Section of the Indian Army Corps of Clerks

(i) *Present rates of pay*—

		Upper Division	
Selection Grade	.. ..	Rs 250—10—300	*plus* 20 per cent. headquarters allowance
Ordinary Grade	.. .	Rs 100—7½—250	
Lower Division	.	Rs 50—4—90—3—120	
Lady clerks ..	.. ..	Rs. 100—5—150	
Stenographers	. .	Rs 125—5—180—10—300	

NOTE.—All civilian clerks appointed to the Army and Royal Air Force Headquarters Section of the Indian Army Corps of Clerks will be entitled to the above rates of pay irrespective of the date of their first entry into Government service.

(ii) *Conditions of Service*—

(a) All initial recruitment to the Army and Royal Air Force Headquarters Section will be made in the Lower Division of the Indian Army Corps of Clerks for an initial period of 10 years. Candidates will be required to undergo a period of probation for one year During the probationary period they will not be enrolled but will fill appointments within the authorised establishment On completion of their probationary period and if considered suitable (and they are accepted) for the corps, they will be enrolled under the Indian Army Act on Form No I.A.F. K-1165 for a period of 9 years which, with the probationary period of one year, will complete the first period of 10 years for which they will serve, provided that His Majesty shall so long require their services Thereafter they will be allowed to continue in the service at the discretion of the Branch of Army Headquarters concerned or the Royal Air Force Headquarters, until they reach the age of 55 years, unless they themselves apply for their discharge before attaining that age, or their services are no longer required When they have served the initial period of 10 years, they will be entitled to receive their discharge within 3 months from the date of applying for it, unless war is imminent or existing or the establishment is 10 per cent. below strength In the event of desertion, service between the date of desertion and that of apprehension or surrender shall not reckon as service towards discharge They must be willing to go wherever ordered, by land, sea or air, and must not allow any caste usage to interfere with the duties for which they are enrolled.

They will be subject to the Civil Service Regulations in respect of leave and pension. They will be subject in all ways to Indian Military Law and will be liable to be tried by Court Martial for any offence. They will not be eligible to join any service association

(b) Appointments to the Ordinary and Selection Grades will be made by promotion Other things being equal, promotion will be by seniority as vacancies occur provided the individual is qualified and efficient.

Efficiency Bar—Lower Division—Before promotion in the Lower Division above Rs 90 *per mensem*, clerks will be subjected to an efficiency test and only those qualifying will be entitled to the higher rates.

Upper Division—Selection Grade—Promotion to the selection grade of Rs 250—10—300 will be entirely by selection

No increment in pay will be given as a matter of right, the head of the Branch concerned being empowered to withhold increments in cases of inefficiency or misconduct

NOTE—The above conditions do not apply to lady clerks

S B JACKSON,

Lieutenant-Colonel,

Officer on Special Duty, Army (now Defence) Department

[A D u|o No 3755 (A D-3)]

Military Privileges

(Para I, Chapter VIII, Manual of Indian Military Law)

The more important of the privileges conferred on persons subject to the Indian Army Act are as follows

(i) The pay of an officer or soldier is protected from any deductions other than those authorised by Royal Warrant or by Act of the Governor General in Council Penal deductions are legalised by the Indian Army Act, and other deductions by Royal Warrant

(ii) All Government pensions (including military pensions) are protected from attachment in the execution of decrees of civil courts

(iii) An officer or soldier serving in a military capacity who is a party to a suit and cannot obtain leave of absence may authorise any person, in writing, to sue or defend in his stead

(iv) A power of attorney to institute or defend a suit is exempt from fees under the Court Fees Act

(v) When serving under war conditions, persons subject to the Indian Army Act are protected in respect of civil and revenue litigation under the provisions of the Indian Soldiers' Litigation Act, 1918

(vi) Persons subject to the Indian Army Act on duty or on the march, as well as their authorised followers families (including families of such followers), horses baggage and transport, are exempt from all tolls, except certain tolls for the transit of barges, etc, along canals

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PROMOTIONS AND ALLOWANCES OF INDIAN SEPOYS AND BRITISH SOLDIERS.

939 ***Mr. Ram Narayan Singh**: (a) Will the Defence Secretary be pleased to state the numbers of Indian sepoys and British soldiers, separately, who have received Viceroy's commissions since 1930 by way of promotions, and also the fact whether any Indian sepoy or any British soldier has since then been promoted to King's commission ?

(b) Is it a fact that since 1932 pay and allowances of British soldiers have been increased three times ? Has there been any corresponding increase in the pay and allowances of Indian sepoys and officers, and if so, what and when and with what effects on the finance ?

Mr. C M. G. Ogilvie : (a) Since 1930, 2,259 Indian sepoys have been promoted to the rank of Viceroy's Commissioned Officer Since December, 1934, 101 Indian sepoys have been commissioned as Indian Commissioned Officers, besides a number who have been given honorary King's commissions British soldiers are not eligible for Viceroy's commissions Until 1936, the annual allotment of vacancies to British soldiers for King's commissions, after passing through Woolwich or Sandhurst, was 36 Since then, the number has been laid down by the Army Council from time to time and for 1937-38 was 30

(b) I refer the Honourable Member to the answers given by me to starred questions No 225 asked by Mr T S Avinashilingam Chettiar on the 16th August, 1938, and No. 813 asked by Mr B. D Pande on the 7th September, 1938

Areas of Military Grounds in Bihar

940 ***Mr. Ram Narayan Singh** : (a) Will the Defence Secretary be pleased to state the numbers and total areas of military grounds in the Province of Bihar ?

(b) How many of these lands are situate on the Grand Trunk Road, falling in the Province of Bihar ?

(c) Has any of these lands mentioned in parts (a) and (b) above been used for military purposes within the last 12 years and, if so, which of them and how many times ?

(d) If the answer to part (c) be in the negative, is it the intention of Government to lease out these lands for agricultural purposes ?

Mr. C. M G. Ogilvie : (a) and (b) The information required by the Honourable Member is contained in Defence Department Notification No 235, which appeared in the Gazette of India, dated the 1st April, 1937

(c) and (d) Government have no information The general practice is that the camping grounds are used whenever required in connection with training moves, relief moves, etc.

The Honourable Member is also referred to my reply to part (d) of Mr. T S Avinashilingam Chettiar's question No 226 of the 16th August, 1938, and supplementary questions and answers arising there from

Prof. N. G. Ranga : Are these lands leased out at least for grazing purposes ?

Mr. C. M. G. Ogilvie : I expect that some of them are.

PLIGHT OF THE INDIANS IN ADEN HOLDING SHARES IN THE RESERVE BANK OF INDIA.

941 ***Mr. Ram Narayan Singh** : (a) Will the Honourable the Finance Member be pleased to state whether, in keeping with the promise made by him while answering a supplementary question, arising out of the question No 252 on the 16th August, 1938, he has considered the plight of the Indians in Aden holding shares in the Reserve Bank of India, and if so, what his decision is ?

(b) What is the practice regarding the payment of interest to holders of rupee securities in England ?

The Honourable Sir James Grigg : (a) I made no such promise

(b) The payment is made by means of rupee drafts on India.

REPORT OF THE UNITED PROVINCES AND BIHAR GOVERNMENTS' JOINT POWER ALCOHOL COMMITTEE

942 ***Babu Baijnath Bajoria** : (a) Will the Honourable the Finance Member be pleased to state whether a joint committee was appointed by the United Provinces and Bihar Governments to enquire into the possibilities of manufacture of power alcohol from sugar molasses ?

(b) Did that committee recommend :

(i) that power alcohol can be economically manufactured from sugar molasses ,

(ii) that the power alcohol industry should be established under the control of Provincial Governments ,

(iii) that uniform policy throughout India is needed in this matter , and

(iv) that legislation on an all-India basis is necessary in this matter ?

(c) With reference to part (ii) of the above recommendation, have any of the Provincial Governments taken any steps for the establishment of the power alcohol industry ?

(d) Has any representation been received by the Government of India from any Provincial Government to enact an all-India legislation in the matter ?

(e) Do Government contemplate any legislation in the matter with a view to assisting the establishment of the power alcohol industry in the country ? If not, why not ?

(f) What is the policy of Government towards the establishment of such an industry in India ?

The Honourable Sir James Grigg : (a) Yes.

(b) to (f). The Government of India have not yet seen the report of the Committee and they think it premature and indeed impossible at present to indicate their attitude to the various questions of policy which may arise out of it.

Mr S Satyamurti : Have Government, Sir, addressed any of the Provincial Governments on this matter ?

The Honourable Sir James Grigg : I should like to have notice of that

PRODUCTION OF KHANDSARI SUGAR.

943 ***Babu Baijnath Bajoria** : (a) Will the Honourable the Finance Member be pleased to state the total production of Khandsari sugar during each of the years 1936-37 and 1937-38 ?

(b) Is it not a fact that, though the production of Khandsari sugar in 1937-38 is estimated between one and two lakhs of tons, the collection of the excise duty on this account had been about Rs 50,000 only ? If so, what are the reasons for such small collection ?

The Honourable Sir James Grigg : (a) Exact statistics of the production of khandsari sugar are not available Production during the seasons 1936-37 and 1937-38 is, however, estimated at 100,000 tons and 125,000 tons respectively.

(b) The small collection of duty is due to the fact that most of the khandsari factories are not " factories " as defined in the Sugar (Excise Duty) Act, 1934, and, therefore, the sugar issued therefrom is not liable to duty

Mr. Badri Dutt Pande : May I know, Sir, whether any representations have been received from the Rohilkund Division demanding the abolition of this excise duty on Khandsari sugar ?

The Honourable Sir James Grigg : The Honourable Member had better put that down

Mr Badri Dutt Pande : Considering that there is a good deal of discontent in the constituency which I represent, is it the intention of the Government to abolish this duty on hand made sugar ?

The Honourable Sir James Grigg : There is also a good deal of discontent on the part of the regular factories that the excise duty is not sufficiently charged on Khandsari production

Mr. Badri Dutt Pande : On hand made industry ?

The Honourable Sir James Grigg : I think there is a good deal of evasion of the provisions of the Sugar (Excise Duty) Act

Maulvi Abdul Wajid : May I know what is the amount of excise duty so far realised on account of this hand made sugar ?

The Honourable Sir James Grigg : The Honourable Member had better put down a question

MARKS FOR *Viva Voce* EXAMINATION FOR THE INDIAN CIVIL SERVICE ETC.

944 ***Mr. M. Ananthasayanam Ayyangar** : (a) Will the Honourable the Home Member be pleased to state if the marks in the oral examination fixed for the Indian Civil Service and Financial Civil Service tests are not the determining factors in the success of a candidate ?

(b) Will the Honourable Member please lay on the table a list of the candidates during the last five years, who would have been within the first ten ranks in each year, if the marks for oral examination had not been taken into account ?

(c) Will he please state how many of these ten were declared successful in each year ?

The Honourable Mr R. M. Maxwell : (a) No, the determining factor is the aggregate number of marks obtained by candidates in all subjects including the oral examination provided that the candidates must satisfy the Federal Public Service Commission in both the *viva voce* and the written test

(b) and (c) A statement is laid on the table which gives the required information

Statement showing certain particulars of candidates who obtained the first ten places in order of merit in the written portion of the examination at the Indian Civil Service examination held in India in 1938

Rank in the written examination	Rank in the whole examination including *Viva Voce*)	Name	Whether appointed or not	Remarks.
1	2	Bidhu Sekhar Basu	Appointed	Appointed against 'open' vacancies
2	1	Aditya Nath Jha	,,	
3	3	K Raman	,,	
4	4	Zafarul Ahsan	,,	
5	6	Masarrat Hussain Zuberi	,,	Nominated.
6	10	V Ramanathan	Not appointed	
7	16	Raghunath Prasad Padhi	,,	
8	5	Lallan Prasad Singh	,,	
9	11	N Subra Manian ..	,,	
10	33	Pran Nath Bhalla	,,	

Note.—The number of 'open' vacancies at the examination was 4.

Statement showing certain particulars of candidates who obtained the first ten places in order of merit in the written portion of the examination at the Indian Civil Service examination held in India in 1935

Rank in the written examination	Rank in the whole examination (including *Viva Voce*).	Name	Whether appointed or not.	Remarks
1	1	Shishir Kumar Banerji	Appointed	Appointed against 'open' vacancies
2	3	Brahmadeva Mukerji	,,	
3	2	Ghulam Ahmad Madani .	,,	
4	6	R Thiruvenkatachari	Not appointed	
5	4	Agha Abdul Hamid	Appointed	Appointed against 'open' vacancy.
6	5	Lallan Prasad Singh	Not appointed	
7	8	D Umanatha Rao	,,	
8	11	J Balasundara Rao ..	,,	
9	9	Jagjit Singh .	,,	
10	16	Mohammad Owais ..	,,	

Note.—The number of 'open' vacancies at the examination was 4

Statement showing certain particulars of candidates who obtained the first ten places in order of merit in the written portion of the examination at the Indian Civil Service examination held in India in 1936

Rank in the written examination	Rank in the whole examination (including *Viva Voce*)	Name	Whether appointed or not.	Remarks
1	1	R. Thiruvenkatachari ..	Appointed	Appointed against 'open' vacancy.
2	7	K. S Sundararajan ..	Not appointed	
3	10	Sayyid Altaf Husain	,,	
4	13	P P Vaidyanathan ..	,,	
5	19	Mohd Husain Sufi .	,,	
6	14	Harnandan Prasad .	,,	
7	3	S V. Sohoni .. .	Appointed	Appointed against 'open' vacancy.
8	4	Shri Pat . ..	Not appointed	
9	17	P. V Ramanathan ..	,,	
10	26	A S. Narayana Pillai ..	,,	

Note—The number of 'open' vacancies at the examination was 3.

Statement showing certain particulars of candidates who obtained the first ten places in order of merit in the written portion of the examination at the Indian Civil Service examination held in India in 1937

Rank in the written examination	Rank in the whole examination (including *Viva Voce*)	Name	Whether appointed or not	Remarks
1	3	P P Vaidyanathan .	Appointed .	Appointed against 'open' vacancies
2	2	Radheshyam Ojha	,,	
3	6	K Narayanan .	Not appointed	
4	22	Sayyid Altaf Husain	,,	
5	11	K S Sundararajan	,,	
6	11	P. C Mathew .	,,	
7	30	S R Krishnamurthi	,,	
8	15	Kuldip Singh Bhandari	,,	
9	19	Bibhabasu Das	,,	
10	7	Shanti Swarup Gupta	,,	

Note —The number of 'open' vacancies at the examination was 5

Statement showing certain particulars of candidates who obtained the first ten places in order of merit in the written portion of the examination at the Indian Civil Service examination held in India in 1938

Rank in the written examination	Rank in the whole examination (including *Viva Voce*)	Name	Whether appointed or not	Remarks
1	9	S B Velankar	Not appointed.	
2	11	Vaqar Ahmad Shaikh	,,	
3	6	Manindra Nath Datta	,,	
4	1	Bashir Ahmad Qureshi	Appointed	Appointed against 'open' vacancy
5	8	S Ramachandran .	Not appointed	
6	13	Ramchand Tejumal Shahani	,,	
7	17	Lakshmi Narsingh Acharya	,,	
8	14	S Govinda Menon	,,	
9	20	K V Kasturi Rangan	,,	
10	18	Q Mujtuba Hasan Zinjani	,,	

Note —The number of 'open' vacancies at the examination was 5

Statement showing certain particulars of candidates who obtained the first ten places in order of merit in the written portion of the Indian Audit and Accounts, etc., Services examination held in 1934

Rank in the written examination	Rank in the whole examination including) *Viva Voce*)	Name	Whether appointed or not	Remarks.
1	1	Sanat Kumar Banerji	Yes	
2	3	M. Krishna Iyer Hariharan	Yes	
3	6	E H Lobo .	Yes	
4	14	Jnanadhir Sarma Sarker	No	
5	11	Krishna Kant Bhargava	No	
6	15	Tanjore Natesa Krishna Murti	No	
7	4	Harbans Lal Wadera	Yes	
8	2	Sri Thandaveswara	Yes	
9	8	Suresh Chandra Sen Gupta	Yes	
10	23	Rabindra Nath Chatterjee	No	

Note.—No examination was held in 1933

Statement showing certain particulars of candidates who obtained the first ten places in order of merit in the written portion of the Indian Audit and Accounts, etc, Services examination held in 1935

Rank in the written examination	Rank in the whole examination (including *Viva Voce*)	Name	Whether appointed or not.	Remarks.
1	1	G Swaminathan	Yes	
2	21	V P Nataraja Ayyar	No.	
3	13	Krishna Kant Bhargava	No	
4	6	Durga Shankar Mathur .		Died before he was appointed
5	2	Damodar Umanath Rao	Yes	
6	3	J Rama Rao	Yes.	
7	20	Bhabatosh Datta .	No	
8	4	Jagjit Singh .	Yes.	
9	8	Rama Krishna	Yes.	
10	30	Madan Kishore ..	No	

Statement showing certain particulars of candidates who obtained the first ten places in order of merit in the written portion of the Indian Audit and Accounts, etc., Services examination held in 1936

Rank in the written examination	Rank in the whole examination (including *Viva Voce*)	Name	Whether appointed or not	Remarks.
1	2	V N. Sukal	Yes	
2	15	L K Narayangaswamy	Yes	
3	4	Ramanath Krishnamurthy Ayyar	Yes	
4	14	A Altaf Hussain	Yes	
5	9	Tribhawan Nath Dar	Yes	
6	3	V V Vedanta Chari	Yes	
7	5	Hari Das Dhir	Yes	
8	1	Akhil Chandra Bose	Yes	
9	7	Kundan Lal Ghei	Yes	
10	20	Bhagwan Das Toshniwal	No	

Statement showing certain particulars of candidates who obtained the first ten places in order of merit in the written portion of the Indian Audit and Accounts, etc., Services examination held in 1937

Rank in the written examination	Rank in the whole examination (including *Viva Voce*)	Name	Whether appointed or not.	Remarks.
1	3	L Dattatraya Panke	Yes	
2	5	K S Sundararajan	Yes	
3	1	Gursaran Das Kalra		Appointed to I.C.S
4	6	Amiya Kumar Mukherji	Yes	
5	10	Krishna Nayrayanan		Medically unfit.
6	2	Brahmanand Shukla		Medically unfit
7	7	A V Venkateswaran	Yes	
8	4	P C Mathew	Yes	
9	12	Gregory Mathias	Yes	
10	28	T R Venkataraman	No	

Note.—The examination for 1938 will be held in November, 19

Mr. M. Ananthasayanam Ayyangar : Is the oral examination held after the results of the written examination are announced ?

The Honourable Mr. R. M Maxwell : No

Prof. N G Ranga : Is it not a fact that in London the *viva voce* examination is held before the written examinations are started ?

The Honourable Mr. R. M. Maxwell : No

Prof. N G Ranga : Is the Honourable Member sure of his facts ?

Mr. K. Santhanam : Is it not a fact that the *viva voce* examination is held after the results of the written examination are out ?

The Honourable Mr R M. Maxwell : No The results are not out So far as the Delhi examination is concerned, the written examination is held first in order to see whether there are any candidates who have not qualified themselves in the written examination and whose oral examination is, therefore, unnecessary But the results of the written examination are not communicated to the persons conducting the oral examination.

Mr K. Santhanam : May I know if the results of the written examination are not available to the people who conduct the oral examination ?

The Honourable Mr. R. M Maxwell : No

PERSONS INTERESTED IN ANY CONCERN MANUFACTURING OR SUPPLYING MATERIALS TO GOVERNMENT

945 ***Mr. M. Ananthasayanam Ayyangar** : Will the Honourable the Finance Member state if he has made any enquiries as he promised last year

(a) if any person employed in the Security Printing Works, Nasik, are interested as director in a company which supplies stationery and other materials to the works ,

(b) if there are any others in the Indian Stores Department, Railway Standards Office, and Military Stores Department, who are interested in any concern manufacturing or supplying materials to the Government of India or to the railways , and

(c) if so, what is the result , if not, why not ?

The Honourable Sir James Grigg : (a), (b) and (c) I made no such promise I stated that the existing rules on the subject might be subjected to a re-examination , the question is now under consideration in consultation with Provincial Governments I would add that there is of course no person employed in the Security Printing Works, Nasik, interested as a director in a company which supplies stationery or other materials to the Works

Mr. S Satyamurti : What is the answer on the facts to clause (b) of the question, namely, " if there are any others in the Indian Stores Department, Railway Standards Office, and Military Stores Department, who are interested in any concern manufacturing or supplying materials to the Government of India or to the railways " ?

The Honourable Sir James Grigg : I should say that the answer is most definitely no If the Honourable Member will refer to the previous discussion he will see that the whole question related to retired officers becoming directors

Mr. M Ananthasayanam Ayyangar : Is it not a fact that an investigation was promised by the Honourable the Finance Member ?

The Honourable Sir James Grigg : I did not promise any such investigation I said that I was not going to engage myself in any heresy hunting into the past, I said that Government will consider what regulations are necessary for the future.

Mr. T S Avinashilingam Chettiar : May I know whether the regulations which he promised to amend for the future have been carried through ?

The Honourable Sir James Grigg : The Honourable Member did not listen to the answer that I gave I said that the question is now under consideration in consultation with the Provincial Governments

Mr S. Satyamurti : May I know whether that consideration includes also " the heresy-hunting " of retired men now interested in concerns supplying materials to the Government of India ?

The Honourable Sir James Grigg : No

Mr S Satyamurti : Why not ?

The Honourable Sir James Grigg : Because the investigation now going on is confined to laying down general principles The application of them will come into consideration after they have been laid down.

Mr Manu Subedar : Have the Government considered the proposal to include a clause in all the contracts supplied to Government departments, to the effect that none of the directors or employees of the concern so supplying is a retired Government official ?

The Honourable Sir James Grigg : The Honourable Member had better wait and see the results of the examination which is going on and not try to get partial information out of me

RELEASE OF MR B. K DUTT.

†946 ***Mr. Badri Dutt Pande** : Will the Honourable the Home Member be pleased to state

(a) if it is a fact that Mr B K. Datt, the Assembly Bomb Case prisoner, who was recently repatriated from the Andamans and is now in the Patna Jail, is suffering from recurring appendicular pain and the X-ray examination revealed that he is affected with tuberculosis ,

(b) whether the Bihar Government have submitted a medical report on his health to the Government of India with a recommendation for his immediate release ; and

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

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

The Honourable Mr. R. M. Maxwell : (a) and (b). Yes.

(c) The Government of India have remitted the unexpired portion of the sentence passed on the prisoner on certain conditions and have requested the Government of Bihar to release him as soon as a written acceptance of those conditions is obtained from the prisoner.

SHIFTING OF THE ACCOUNTANT GENERAL'S OFFICE FROM RANCHI TO PATNA.

947 ***Mr. Ramayan Prasad** : (a) Will the Honourable the Home Member be pleased to state if his attention has been drawn to the articles published in the *Searchlight* and the *Indian Nation*, of the 3rd February, and the 3rd July, 1938, respectively, about the shifting of the Accountant General's office from Ranchi to Patna ?

(b) Is it a fact that not only the Provincial Government but the public of the whole Province of Bihar have been agitating for the shifting of the Accountant General's office to Patna ?

(c) Is it a fact that the headquarters of almost all the Accountant Generals' offices in India are located at the headquarters of the Local Government (capital town) of all the Provinces except that of Bihar ?

(d) Are Government aware that the Provincial Government of Bihar, in order to curtail unnecessary expenditure, have decided that their headquarters will now remain at Patna throughout the year and, if they go to Ranchi at all, it will be for a month or two only ?

(e) Is it a fact that, in view of the above decisions, the Honourable the Finance Minister of Bihar discussed and explained the difficulties and inconveniences which the Local Government anticipated due to the locations of the Accountant General's office at Ranchi, to the Auditor General of India ?

(f) Is it a fact that the Local Government of Bihar submitted a proposal to the Government of India for shifting the Accountant General's office from Ranchi to Patna, which has been rejected ?

(g) If the answers to the above parts be in the affirmative, are Government prepared to reconsider their decision in view of the inconveniences experienced by the Local Government ?

The Honourable Sir James Grigg : (a) My attention has been drawn to the article published in the *Searchlight* of the 3rd July 1938.

(b) Government have no information

(c) The offices of the Accountant General, United Provinces, and Comptroller, Orissa, are not situated at the headquarters of the Local Government.

(d) Government have no information

(e) Yes.

(f) Yes

(g) No.

CONCESSION IN CUSTOMS TARIFFS TO BRITISH COLONIES.

948. *Mr. Manu Subedar : (a) Will the Honourable the Finance Member state under which heads of tariffs is the special concession made to "British Colony" ?

(b) What is the extent of this concession ?

(c) What is the reason for this concession ?

(d) Is India receiving any counterbalancing advantage from this concession and, if so, what ?

The Honourable Sir James Grigg : The question should have been addressed to the Honourable the Commerce Member.

REDUCTION OF THE BURDEN OF INTEREST CHARGES ON INDIA.

949 *Mr. Manu Subedar : (a) Will the Honourable the Finance Member state the extent to which the burden of interest charges in respect of the debts of India has been reduced on account of low money rates prevailing in the world ?

(b) Has the proposal for the conversion of the sterling debt in the United Kingdom been considered ? If so, will he state the reasons why such conversion has not been undertaken so far ?

(c) How much of the benefit of lower interest rates has been transferred to the Provincial Governments and Port Trusts and Municipalities ?

(d) Has a decision been reached with regard to the 1939—42 Loan, and can a general statement of policy in respect of the repayment of loans of early maturity be made ?

(e) Are there any other steps, which are in contemplation with a view to reducing the burden of interest charges on India ?

The Honourable Sir James Grigg : (a) I would refer the Honourable Member to the reply given in the Council of State to part (a) of question No 67 on the 28th September, 1936.

(b) Government lose no opportunity of repatriating sterling debt but this can generally only be done gradually and as the loans mature

(c) I would refer the Honourable Member to the Finance Department Resolution of the 26th March, 1937, which was published in the Gazette Debts due by Provincial Government to the Central Government have been partially cancelled and for the rest consolidated at fixed rates of interest which reflect the past and to some extent the future savings to the Central Government from lower interest rates

The comparatively few loans made by the Government of India to Port Trusts and Municipalities bear interest at rates only slightly higher than Government's own borrowing rate These are ordinarily taken for a fixed number of years, and the rate of interest initially fixed is not changed

(d) I am not prepared to make any statement general or particular on the subject.

(e) I do not quite understand what steps other than conversion or repayment the Honourable Member has in mind The Government of India have of course no intention of embarking upon anything in the nature of repudiation

Mr Manu Subedar : I may assure the Honourable Member that there was no suggestion about repudiation at all, but that I was enquiring merely, as the period of low interest rates have been continuing a little longer than some cautious men hoped for, whether the Government of India are taking advantage of it in order to reduce the interest charges and if so, what steps hereafter they are contemplating ?

The Honourable Sir James Grigg : That depends upon dealing with each single maturity as it arises During the current year the Government took advantage of the low borrowing rates to deal with the maturity this year and partly with the maturity of next year They converted these maturities into an issue of 25 or 27 years run at a fraction over 3 per cent And what better steps they could take I cannot see.

Mr. K Santhanam : With reference to the answer to part (e) of the question, may I know whether Government are considering opening negotiations with Great Britain for the re-adjustment of their debt obligations ?

The Honourable Sir James Grigg : Certainly not

Mr. K. Santhanam : Why not ?

The Honourable Sir James Grigg : It is repudiation and to call it re-adjustment does not make it any the less repudiation

Mr S. Satyamurti : May I know whether Government have exhausted all the possibilities of converting loans by the operations so far conducted, or are Government examining the possibility of further conversions in order to reduce interest charges ?

The Honourable Sir James Grigg : As maturities arise or shortly before maturities arise, the question of conversion is, of course, considered Each maturity is considered as it arises Only to a very limited extent is it possible to deal with such cases apart from a maturity date and I referred to one method as regards repayment of sterling debt in my budget speech last year

Mr. M Ananthasayanam Ayyangar : Is any scheme or formula under the consideration of the Government of India by which within a period of thirty years all the sterling loans will be converted into rupees ?

The Honourable Sir James Grigg : No

Mr M. Ananthasayanam Ayyangar : May I know whether there is no scheme or plan behind these conversions ?

The Honourable Sir James Grigg : Of course there is design

Mr. M Ananthasayanam Ayyangar : May I know in what period of time the Honourable Member expects to convert all the sterling securities into rupee securities ?

The Honourable Sir James Grigg : I do not know I am not a prophet

(b) WRITTEN ANSWERS.

FOUR-ANNA SILVER COINS.

950 ***Mr. Manu Subedar** : Will the Honourable the Finance Member state :

(a) what is the preference shown by the public in respect of the four-anna nickel piece and the four-anna silver coin ;

(b) in which of these two cases has a larger number of counterfeit been disclosed , and

(c) whether Government have considered the general position with regard to the minting of the smaller value silver coins and, if so, what are the conclusions which they have reached ?

The Honourable Sir James Grigg : (a) and (b). A statement showing the absorption of four-anna nickel and silver coins and the number of counterfeit coins of these denominations reported during the last three years is laid on the table.

(c) I am not clear exactly what information the Honourable Member seeks in this part of the question If he will be good enough to explain rather more fully I will try to answer him

(a) *Statement showing absorption (+) and return from circulation (—) of four anna nickel and silver coins from 1935-36 to 1937-38*

(Rs 000)

Year	Nickel coin	Silver coin
1935 36	+382	—791
1936-37	+729	+927
1937-38 ..	—265	+1,394

(b) *Statement showing the number of counterfeit nickel and silver four anna coins at treasuries and railway stations during the period from 1935-36 to 1937-38*

Year	Nickel coins	Silver coins
1935-36	11,320	9,777
1936-37	13,914	10,762
1937-38	12,628	8,645

RECRUITMENT OF SKILLED WORKMEN IN THE EVENT OF WAR.

951 ***Prof. N G. Ranga** : Will the Defence Secretary be pleased to state

(a) whether the Assistant Technical Officer, Southern Command, met officials and representatives of various industries in Coimbatore and explained to them that he wanted them to help him in recruiting skilled workmen in the event of war ,

(b) whether Government have decided to appoint honorary technical recruiting officers for the purpose of recruiting workmen who are at present working in various mills, workshops, etc.,

(c) whether similar measures to recruit workmen are contemplated in other Provinces in India ; and

(d) whether trade unions in those industries from which such recruitment of skilled workers may be made, will be consulted as to their attitude towards this recruitment ?

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

(b) Honorary Assistant Technical Recruiting Officers are appointed to assist the technical recruiting staff on mobilization in the recruitment of skilled labour which is willing and available.

(c) Similar arrangements already exist in other Provinces

(d) The matter is under consideration

UNSTARRED QUESTION AND ANSWER

GROUPING TOGETHER OF SCIENTIFIC DEPARTMENTS UNDER THE GOVERNMENT OF INDIA

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

(a) whether Government are considering the possibility of grouping together all the scientific departments under the Government of India ,

(b) whether there is any proposal for the creation of a Board of Scientific Research as a separate department of the Government of India ; and

(c) when Government propose to give effect to this proposal ?

The Honourable Mr. R. M. Maxwell : The Honourable Member is referred to the reply given to Mr Santhanam's starred question No 373 on the 22nd August, 1938

MOTIONS FOR ADJOURNMENT

MISHANDLING OF THE SHIVA TEMPLE AFFAIRS IN DELHI

12 NOON.

Mr. President (The Honourable Sir Abdur Rahim) : Order, order. I have received notice of motions for an adjournment of the business of the House from two Honourable Members One Honourable Member is Babu Baijnath Bajoria and he has, I think, put in four motions in different terms. I will read the first one that he has put in. He wants to consider a definite matter of urgent public importance, namely, the tense situation created in Delhi on account of the mishandling of the position regarding the Shiva Temple in Queen's Gardens by the Local Authorities He says

" My reasons for moving the above adjournment motion are that the tension in Delhi has greatly increased by the stabbing of the Sadhu of the Shiva temple, by

[Mr President]

lathi charge on innocent passersby and the promulgation of section 144 of the Criminal Procedure Code The Local Government have by their tactlessness and want of imagination failed to handle the situation and there is a grave danger to public life and property''

The terms of the notice are not strictly in accordance with the practice of the House Anyhow, the notice is there and I should like to know if there is any objection

The Honourable Mr. R. M. Maxwell (Home Member) Yes, Sir. I do wish to object to the discussion of this motion partly on the grounds which I urged the other day, namely, that it is difficult to enter into the circumstances surrounding these unfortunate disturbances without raising matters which are coming before a Civil Court and secondly because the alleged assailant of the Sadhu is before a Criminal Court today and, therefore, it will be impossible for the House to discuss these matters without encroaching on subjects which are before the Court Apart from that, I would suggest that it is a subject which it would be better for the House not to discuss while the situation in Delhi is so delicate

Mr President (The Honourable Sir Abdur Rahim) That is a matter with which I have nothing to do

The Honourable Mr. R. M. Maxwell : It might be left to the House to say whether they would wish to discuss a general motion of this kind, in which it cannot be certain that some word may not be spoken in the course of the discussion which would tend to harden opinions in Delhi and possibly make it more difficult to maintain peace there.

Dr Sir Ziauddin Ahmad (United Provinces Southern Divisions Muhammadan Rural) Is the matter *subjudice* now ?

Some Honourable Members : Yes

Mr. President (The Honourable Sir Abdur Rahim) As regards the point of order raised, I believe that the question of establishing the possession of the land in dispute is *subjudice* and so also the question of the complicity of the person alleged to have stabbed the Sadhu are now under investigation by the Court but in addition to these matters there are other allegations, and the fact that the situation is tense in Delhi and is one of a grave character It is for the House to decide whether they consider it desirable to discuss this motion now, with reference to the rest of the allegations raised If the House wishes to discuss the motion, I must warn the Members that name of the questions which are under adjudication by the Courts or under investigation by magisterial authority can be alluded to or touched upon during the discussion

Babu Baijnath Bajoria (Marwari Association : Indian Commerce) I want to make a statement . .

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member cannot make a speech at this stage.

As objection has been taken to leave being granted, will those Honourable Members who are in favour of leave being granted rise in their places ?

(More than 25 Members stood up.)

As more than 25 Members have stood up, leave is granted and the motion will be taken up at 4 o'clock.

That disposes of the other motions.

CRITICISM OF MR. PRESIDENT'S RULINGS OUTSIDE THE HOUSE

The Honourable Sir Muhammad Zafrullah Khan (Leader of the House) Sir, on the 8th September I brought to your notice and the notice of the House a statement which appeared in the papers of that morning issued by the Honourable the Leader of the Opposition and the Honourable the Leader of the Nationalist Party That statement concerned the opinion delivered by you on the 5th September last Since then I have had the opportunity of discussing the matter with the Leaders and representatives of the various Parties in the House, including the two Leaders who issued the statement. I am now in a position to inform you and the Members of the House that we are all agreed that it should not be open to any Member of the House to criticise directly or indirectly outside the House any ruling given, opinion expressed or statement made by the President in the discharge of his duties If, however, any Member desires to make a statement regarding any expression of opinion or statement made by the President, he shall be entitled to do so in the House by permission of the President That being so, I would submit that the matter need not be pursued further

Mr. President (The Honourable Sir Abdur Rahim) I am prepared to accept the agreement that has been arrived at among the Leaders of the Parties as a solution of the situation that has arisen, as that agreement is in harmony with the traditions and practice of the House As regards the second part of the agreement, I would add that the Chair will ordinarily permit any Member who wishes to make any such statement with reference to what had been said by the President by way of expression of opinion or in the form of a statement, provided the Member does not wish to criticise any such statement by the President, but only seeks to elucidate any point or requests the Chair to reconsider the matter If that is borne in mind, I am sure that the Chair will ordinarily permit any such statement to be made, provided of course that it does not unduly interfere with the proceedings of the House The Leader of the House suggested that the matter need not be pursued further and if the House is agreeable to that course, I will drop the matter Is that the wish of the House ? (*Cries* of "Yes" from all sides of the House) Very well, the matter need not be pursued further

REPORT OF THE PUBLIC ACCOUNTS COMMITTEE ON THE ACCOUNTS OF 1936-37

The Honourable Sir James Grigg (Finance Member) : Sir, I lay on the table the Report of the Public Accounts Committee on the Accounts of 1936-37, Volume I, Parts I and II.

Report of the Public Accounts Committee on the Accounts of 1936-37, Volume I—Report, Part I—Civil, Posts and Telegraphs and Defence Services.

COMPOSITION OF THE COMMITTEE ON PUBLIC ACCOUNTS, 1938.

Chairman

1. The Hon'ble SIR JAMES GRIGG, K.C.B., K.C.S.I — Finance Member.

	Elected Members	*Date of Election*
2	Mr UMAR ALY SHAH	25th February, 1938.
3	Mr B. DAS	Ditto.
4	Sirdar JOGENDRA SINGH	Ditto.
5.	Prof N G. RANGA	Ditto.
6.	Mr S SATYAMURTI	Ditto.
7.	Bhai PARMA NAND	Ditto.
8	Captain Sardar Sir SHER MOHAMMAD KHAN, C.I.E., M.B.E	Ditto.
9.	Mr J RAMSAY SCOTT	Ditto.

	Nominated Members.	*Date of Nomination.*
10	Dr R D DALAL, C.I.E.	17th March, 1938.
11.	Khan Bahadur Shaikh FAZL-I-HAQ PIRACHA	Ditto.
12.	Khan Bahadur Sir ABDUL HAMID, C I E, O B.E.	Ditto.

REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

PART I.—CIVIL, POSTS & TELEGRAPHS AND DEFENCE SERVICES.

Financial results of the year —The following table compares the original grants or appropriations with the expenditure actually incurred during the year .—

(In lakhs of rupees)

	Original grant or appropriation.	Final grant or appropriation	Actual expenditure
Expenditure charged to revenue (voted)	30,54	30,87	30,39
Expenditure charged to capital (voted)	1,02	1,24	1,05
	31,56	32,11	31,44
Disbursements of loans and advances (voted)	6,00	6,06	2,98
Total voted	37,56	38,17	34,42
Expenditure charged to revenue (non-voted)	75,64	76,94	77,04
Expenditure charged to capital (non-voted)	21	19	14
Total non-voted	75,85	77,13	77,18
Total expenditure charged to revenue	106,18	107,81	107,43
Total expenditure charged to capital	1,23	1,43	1,19
Disbursements of loans and advances	6,00	6,06	2,98
GRAND TOTAL	113,41	115,30	111,60

There was thus a total saving of Rs. 370 lakhs or 3 21 per cent. of the final grant.

The following table compares the percentages of savings in the three main sections of the budget for the last five years :—

	1932-33.	1933-34.	1934-35	1935-36.	1936-37.
Expenditure charged to revenue ..	1 9	1·0	—1 1	56	·35
Expenditure charged to capital ..	8·3	15·2	8·9	6·99	16·78
Disbursements of loans and advances	37·1	23·3	49·2	8·79	50 82
Combined percentage	5·9	2·7	2·9	1·69	3·21

The large savings under disbursements of loans and advances mainly contributed to the increase in the combined percentage.

2. *Excesses.*—In the following cases the actual expenditure exceeded the grants voted by the Legislature —

Item No.	Name of Grant	Final Grant.	Actual Expenditure.	Excess requiring the vote of the Legislature.
		Rs.	Rs.	Rs.
1	18—Salt	64,08,000	64,17,127	9,127
2	22—Irrigation, etc, charged to Revenue	4,07,000	12,03,486	7,96,486
3	32—Home Department	7,92,900	7,98,368	5,468
4	41—Central Board of Revenue	2,08,000	2,11,145	3,145
5	42—Payments to Provincial Governments, etc	1,56,000	1,58,755	2,755
6	45—Police	1,81,000	1,83,737	2,737
7	46—Ports and Pilotage	14,66,000	14,70,229	4,229
8	51—Botanical Survey	1,29,000	1,32,665	3,665
9	52—Zoological Survey	95,000	95,135	135
10	54—Mines	1,27,000	1,33,762	6,762
11	65—Census	1,000	1,886	886
12	75- Stationery and Printing	37,55,000	37,97,311	42,311
13	76-B—Miscellaneous Adjustments between the Central and Provincial Governments	3,65,14,000	3,89,31,399	24,17,399
14	77—Refunds	1,49,00,000	1,49,99,660	99,660
15	81—Ajmer-Merwara	16,22,000	16,22,027	27
16	82—Andamans and Nicobar Islands	26,76,000	27,04,986	28,986
17	90—Irrigation Works—(Not charged to Revenue)	1,000	1,15,801	1,14,801
18	98—Interest Free Advances	79,85,000	81,66,656	1,81,656

The more important excesses are briefly explained below —

Item (2) —The excess was mainly due to arrears of working expenses of the Nasirabad Section of the Lloyd Barrage Project and interest thereon payable to the Sind Government being adjusted in the 1936-37 accounts instead of in those of 1937-38 as originally contemplated.

Item (12) —The excess was caused by increased supplies of stationery articles to Provincial Governments and to paying and non-paying bodies.

Item (13) —The excess was mainly due to the increase in the share of the Jute Export Duty payable to Provincial Governments consequent on increased export of jute

Item (14).—Larger payments than were anticipated had to be made to certain States on account of the adjustment of claims in respect of customs duty.

Item (*17*).—The share of the Central Government on account of the irrigation works in the Nasirabad Section of the Lloyd Barrage Project for 1936-37 was adjusted in 1936-37 accounts instead of in 1937-38 as originally contemplated

Item (*18*).—The excess was due to some special advances being granted by the Government of Burma towards the close of the year and also to increased charges for destruction of uncurrent coins.

We recommend that the necessary excess grants be voted by the Legislative Assembly.

3. *Minutes of Proceedings.*—We append the minutes of our proceedings which we desire, as usual, to be regarded as a part of our report. In the following paragraphs we shall refer only to some of the more important questions considered in the course of our examination

4. *Accuracy of budgeting and control over expenditure.*—We are glad to learn that our recommendation made last year on the advisability of imposing lump sum cuts, especially in connection with certain Grants where there have been substantial savings in past years, has been accepted and acted upon in framing the demands for 1938-39 But we feel that this principle may usefully be extended in a limited number of Grants to cases where it has been found that there are savings year after year under particular sub-heads

We also wish to repeat our former recommendation that larger units of appropriation both for budgeting and for appropriation report purposes should be devised in a limited number of Grants as an experiment to see if it would not lead to more accurate estimating and indeed to economy and hope that a start will be made on this in the next Demand for Grants.

5. *Unnecessary Supplementary Grants.*—We were pleased to observe that only one supplementary grant which proved unnecessary was submitted to the Legislature in 1936-37 as compared with three in 1935-36 and seven in 1934-35. The progressive improvement thus shown is satisfactory and we trust that with the issue of instructions, as recommended by us last year, for the latest figures of actuals to be carefully studied immediately before a supplementary demand is submitted to the Legislature this position will be maintained.

6. *Capital Works Expenditure.*—We have frequently had occasion to comment on the large savings in the provision for works included in projects financed from Capital and owing to the difficulties involved in budgeting for the expenditure estimated to be incurred on a continuing scheme during the arbitrary division of a financial year, we feel that the soundest method is to provide the sum required in a fund from which expenditure can be met as the work progresses, so that the difficulties of grants and lapses are avoided We therefore suggest that the possibility of devising a procedure on these lines should be considered when further large capital works are to be undertaken in future.

7. *Education, Health and Lands Department.*—In regard to the research schemes financed by the Imperial Council of Agricultural Research from the

annual grant of Rs. 5 lakhs received from the Government of India we were impressed with the large balance of about Rs 40 lakhs held in reserve on account of sanctioned schemes which would take a number of years to complete. We are aware that this is due to a Finance Department ruling but we feel that this large reserve is unnecessary and that it would be legitimate to spend to some extent against the expectation of future contributions We therefore recommend that the instructions previously issued to the Imperial Council of Agricultural Research to make no commitments against expectations may be relaxed to the extent of allocating on the assumption of receiving the annual grant for a period of one or possibly even two years ahead.

8. *Vizagapatam Port*—We considered the comprehensive report on the financial position of Vizagapatam Port asked for by us last year and were glad to note the improvement that had taken place, the receipts for 1937-38 showing a small surplus over working expenditure excluding interest, with no grant-in-aid from Government We approve of the decision that no further capital expenditure should be incurred unless it can be shown to be definitely remunerative or indispensable in the interests of the Port, and consider that while neither the question of closing the Port nor that of handing it over to the Bengal Nagpur Railway need be pursued for the present, every efforts should be made by keeping the expenditure at the lowest possible level to provide for at any rate part payment of the interest due on the capital invested in the Port.

9. *Irregular expenditure in the North-West Frontier Province*—The result of the local audit of the accounts of the Khassadar and other unauthorised funds in the North-West Frontier Province which had been closed down and their balances credited to Government were duly considered by us and we were glad to learn of the action taken to prevent the occurrence of such irregularities in future including the issue of definite instructions as to the method of drawing and accounting for charges relating to "Entertainment Charges", "Protection and Raids" and "Secret Service Expenditure" We consider that the letter intended to be issued by Government dealing with the irregularities in general and containing an expression of their full determination to take severe steps against any official who, after this warning, indulges in or permits any of his subordinates to indulge in such irregularities, should be issued without further delay and strictly enforced.

10. *Posts and Telegraphs*—We were glad to note the marked improvement in the financial position of the Posts and Telegraphs Department as a whole and the continued reduction in the loss on the working of the Telegraphs branch. In connection with the latter the representatives of the Department contended that all possible measures had been taken to bring down the expenditure, in fact they thought that there was some indication that the reduction of staff had been carried too far resulting in a loss of efficiency. The figures supplied by the Director General appeared to indicate that the concessions given to press telegrams accounted for the bulk of the loss of the Telegraphs branch and as this is obviously a matter of importance, we desire that there should be a re-examination of the basis of the calculation of the loss to the Telegraphs section of the Department due to the concessions given to press traffic.

11. *Report of the Military Accounts Committee.*—We append the report submitted by the Military Accounts Committee constituted to conduct a preliminary examination of the Military Appropriation Accounts and connected documents. We endorse the recommendations and suggestions made by the Committee both in their report and in the proceedings of their meetings

P J. GRIGG
UMAR ALI SHAH
B DAS.
JOGENDRA SINGH.
N. G RANGA.
S SATYAMURTI
BHAI PARMA NAND
SHER MOHAMMAD KHAN
J. RAMSAY SCOTT
R D. DALAL
FAZL-I-HAQ PIRACHA.
ABDUL HAMID

H A C. GILL,
Secretary.

The 13th August, 1938.

Proceedings of the sixth meeting* of the Public Accounts Committee held on Monday, the 18th July 1938, at 2-45 p.m.

PRESENT.

The Hon'ble Sir JAMES GRIGG, K C.B , K C S.I., Finance Member, *Chairman.*

Mr UMAR ALY SHAH
Mr B DAS
Sirdar JOGENDRA SINGH
Prof N G RANGA
Mr S SATYAMURTI
Bhai PARMA NAND
Captain Sardar Sir SHER MOHAMMED KHAN, C I E, M B E } *Members*
Mr J RAMSAY SCOTT.
Dr R D DALAL, C I E.
Khan Bahadur Shaikh FAZL-I-HAQ PIRACHA.
Khan Bahadur Sir ABDUL HAMID, C I E, O B E

Sir G S BAJPAI, K.B.E, C I E, I C S. Secretary, Department of Education, Health and Lands
Mr. M. W YEATTS, C I E, I C S, Joint Secretary, Department of Education, Health and Lands. } *Witnesses.*

Mr A C. BADENOCH, C S I, C.I E., I.C.S , Auditor General of India.

Mr. T K RAJAGOPALAN, Representative of the A. G C. R.

The Hon'ble Sir JOHN NIXON, K C I E., C S I, I C S, Finance Secretary.

1. *Grant No. 48 —Survey of India* —With reference to the note on the transfer of work connected with the army from the Mathematical Instrument Office (Appendix IV) submitted in connection with item 1 of the Statement of recommendations made in previous years (Appendix I), it was explained that the question was being examined and that the Surveyor General wished to put in a revised questionnaire for circulation to the departments of the work they were giving to outside agencies, and that when this information had been collected a conference would be held and a further report would be furnished to the Committee next year The Committee were disappointed that after the recommendation that had been made in the previous year so little progress had been made and hoped that after the further information now being called for had been received, the conference proposed to be held with representatives of the Defence Department would seriously consider the matter from the point of view of India as a whole.

2. *Question of allowing the Mathematical Instrument Office to take work direct from the public* —The Committee considered the memorandum submitted on this subject (Appendix V) and suggested that, while it might not be profitable for the Mathematical Instrument Office to compete with the trade in ordinary

* The proceedings of the first five meetings relate to Railway Accounts.

work, it should be made known through the Provincial Governments that the Mathematical Instrument Office is prepared to undertake work for educational institutions and local bodies

3 *Map Sales* —The Committee approved of the efforts to create a market and increase sales with a view to improving the financial position of the Map Sales Department set out in the note (Appendix VI) and recommended that the matter should be pursued vigorously, and that a further report on the results achieved should be submitted next year

4 *Photo Litho Stocks* —In connection with the note on this subject (Appendix VII), it was explained that at present a single annual indent of stores was despatched in August and the greater part of stores received in February and March, so that at the time of checking a whole extra year's indent was on the books An experiment was now to be tried of indenting for stores in general use throughout the year so that the entire year's supply should not be received at the busiest time

5 *Grant No 51 —Botanical Survey* —With reference to the recommendation made by the Committee in the previous year (item 5 of the Statement) that Government should consider whether it was necessary to retain the post of the Director of the Botanical Survey now that Burma had been separated, it was stated that no decision had yet been come to largely owing to the representations received from universities and scientific bodies in India The Committee desired that a further report on this point should be submitted next year

With reference to the statement showing the stock of quinine in the Cinchona Department at page 130 of the Appropriation Accounts, the Committee desired to know what steps were being taken to examine the question of making India self-sufficient as regards quinine It was explained that an officer had been placed on special duty to examine the question, and that when his report, which was now being awaited, had been received, the action to be a taken in this connection would be considered.

The Committee recommended an excess grant to cover the excess of Rs 3,665 in this Grant

6. *Grant No 55 —Other Scientific Departments* —In connection with the grants-in-aid to Scientific Societies and Institutes, a member of the Committee enquired as to whether audited accounts were required before the grants were paid so as to see that the money was being expended on the objects for which it was given and not being placed in reserve It was stated that all the institutes concerned submitted their annual report in which was given an audited account of their receipts and expenditure with the exception of the Bose Research Institute, Calcutta, which had previously occupied a special position but whose grant-in-aid was now the subject of examination.

7. *Grant No 52.—Zoological Survey.*—An excess vote on account of this Grant to the amount of Rs 22,397 was recommended by the Committee.

8. *Grant No 59 —Agriculture* —A member drew attention to the large saving of over Rs 10 lakhs that had occurred in this Grant, and it was explained that this was mainly due to the surrender of Rs 4 lakhs provided for the Anand

Dairy Scheme and to the non-payment of money allotted to the Provinces from the Sugar Excise Fund owing to non-submission of their schemes. As the money allotted to the Sugar Excise Fund was now being funded, such variations would be avoided in future

9 *Wellington Milk Depot*.—With reference to paragraph 133 of the Commercial Appendix to the Appropriation Accounts, the question was raised as to whether retention of the Wellington Milk Depot was justified It was explained that the decision, which was to be made concerning the Anand Dairy Scheme after consideration of Dr Wright's Report, would also involve the future of the Bangalore and Wellington Depots After some discussion the Committee agreed that before next year the Department of Education, Health and Lands should come to a decision as regards the centralising of dairy farm research or, if no decision has been come to, they should independently take up the question of terminating the contract for the Wellington Milk Depot with the military authorities

The Committee adjourned at 5-15 p m.

Proceedings of the seventh meeting of the Public Accounts Committee held on Tuesday, the 19th July 1938, at 11 a.m.

PRESENT

The Hon'ble Sir JAMES GRIGG, K.C.B, K.C.S.I., Finance Member, *Chairman.*

Members

Mr. UMAR ALY SHAH
Mr. B DAS.
Sirdar JOGENDRA SINGH.
Prof. N. G RANGA.
Mr. S SATYAMURTI.
Bhai PARMA NAND
Captain Sardar Sir SHER MOHAMMED KHAN, C.I.E, M B E.
Mr. J RAMSAY SCOTT
Dr R. D DALAL, C.I E.
Khan Bahadur Shaikh FAZL-I-HAQ PIRACHA
Khan Bahadur Sir ABDUL HAMID, C.I E., O.B.E.

Witnesses

Sir G S BAJPAI, K B E, C I E, I C S, Secretary, Department of Education, Health and Lands
Mr S Dutt I C S, Under Secretary, Imperial Council of Agricultural Research Department.

Mr A C BADENOCH, C S I, C I.E., I C S., Auditor General of India.

Mr T. K RAJAGOPALAN, Representative of the A. G. C. R.

The Hon'ble Sir JOHN NIXON, K.C I E., C.S I, I C S., Finance Secretary.

10. *Kidderpore Orphanganj Market.*—With reference to the expenditure shown under Grant No 76—Miscellaneous, sub-head I, a member of the Committee enquired as to why the Market was maintained by the Government of India, and it was explained that the Market, the profits of which went to support the Orphanage was an undertaking inherited from the days of the East India Company. The suggestion was made that the Market should now be handed over to the Committee that runs the Orphanage, and it was desired that this matter should be examined

11. *Forest Assets in North Andaman.*—With reference to paragraphs 171 and 172 of the Commercial Appendix, it was explained that forest working had now been concentrated in South Andaman; the major portion of the idle assets in North Andaman had been written off and the remaining assets which could not be disposed of, such as jetties, sea-walls, etc., were being kept in condition on a maintenance basis.

12. *Staff maintained at Jeddah in connection with Indian pilgrims.*—With reference to item 6 of the Statement of past recommendations, the Committee

was supplied with a statement showing the staff employed in the Indian Pilgrimage Section of the British Legation, Jeddah (Appendix VIII) It was explained that the Vice-Consul was engaged wholly on work connected with Indian pilgrims, and that the effective control of the staff employed on this work rested with the Government of India

13 *Research Schemes of the Imperial Council of Agricultural Research.*—There was considerable discussion on the research schemes financed by the Imperial Council of Agricultural Research Comment was made on the large amount of reserve balance in hand, and it was explained that the Council were unable to enter into commitments on account of schemes spreading over a number of years beyond the limit of the amount of money actually received. The Committee considered that it should be possible to speed up the sanctioning of good schemes if the Council were allowed to allocate against expectations of contributions as well as against the money actually in hand In their view it was financially unnecessary to accumulate a reserve fund of approximately Rs 50 lakhs, and the Finance Member undertook to consider the question of authorising the I C A R to allocate for schemes in anticipation of one year's contribution At the same time the Committee suggested that the explanation for the research schemes given in the report of the Imperial Council of Agricultural Research should be expanded so as to include information of the expenditure incurred up-to-date

14 *Government lands in New Delhi* —With reference to the report on the review of financial administration of Government lands in New Delhi furnished to the Committee (Appendix IX), it was explained that the administration of these properties till they were sold for building purposes was carried out by the Land Development Officer under the administrative control of the Chief Commissioner, Delhi. The system of leases and the arrangement for recovery of rents were generally approved by the Committee

15 *Revenue Estimates* —In connection with the variations between the budget estimates and the actuals under 'Customs' and 'Taxes on Income', a member enquired as to the methods employed in making the estimates, and the Chairman stated that while the estimates would always be at the mercy of world conditions, there was room for improvement both as regards the internal indices and generally, and that the statistical apparatus was now being overhauled by the Economic Adviser and Mr Chambers.

The Committee adjourned at 1-30 p m

Proceedings of the eighth meeting of the Public Accounts Committee held on Tuesday, the 19th July 1938, at 2-30 p.m.

PRESENT

The Hon'ble Sir JAMES GRIGG, K C.B , K.C S I., Finance Member, *Chairman.*

Mr. UMAR ALY SHAH
Mr B DAS
Sirdar JOGENDRA SINGH
Prof N G RANGA
Mr S SATYAMURTI
Bhai PARMA NAND.
Captain Sardar Sir SHER MOHAMMED KHAN, C I E, M B E
Mr. J RAMSAY SCOTT
Dr R. D DALAL, C I E.
Khan Bahadur Shaikh FAZL-I-HAQ PIRACHA.
Khan Bahadur Sir ABDUL HAMID, C I E , O B E

Members

The Hon'ble Sir JOHN NIXON, K.C I.E , C S I., I C.S. Finance Secretary. *Witness*

Mr A C BADENOCH, C S I , C I E , Auditor General of India

Mr T K RAJAGOPALAN, Representative of the A. G. C R.

16 *Sterling Debt* —With reference to the statement showing the debt position of the Central Government at the beginning and close of the year 1936-37 at page 7 of the Appropriation Accounts, the Finance Secretary explained that the reduction in the total sterling debt was brought about by paying off the sterling loan that had matured from the accumulated sterling balances and replacing this in part by a rupee loan floated in India It was stated that the amount of sterling debt repatriated during the last three years was almost equal to the net export of bullion during that period, and that the whole effort of Government was in the direction of reducing the sterling debt by transfer to internal debt

17. *Excesses over voted grants* —The Committee considered the statement showing excesses over individual voted grants given in paragraph 34 of the Appropriation Accounts and decided to recommend that the required excess grants should be voted by the Legislature.

18. *Supplementary Grants.*—With reference to paragraph 43, the Committee were glad to observe that the number of cases in which supplementary demands presented to the Legislative Assembly had proved to be unnecessary, had been considerably reduced, and as regards the surrender of unnecessary funds referred to in paragraph 45, they agreed that though no savings should

be held in reserve for possible future excesses, too early and too frequent re-appropriations gave rise to a great deal of unnecessary work, and that surrender of funds might justifiably be carried out in the months of December and January

19 *Accounts of the Secretary of State in Council*—With reference to the excess reported in paragraph 9 of the Report of the Auditor of Indian Home Accounts it was explained that as the excess was ultimately covered by savings in the Indian portion of the grant, no excess vote was required.

20 *Larger units of appropriation*—With reference to the recommendation made by the last year's Public Accounts Committee, item 9 of the statement of previous year's recommendations, that the Finance Department should, in consultation with the Auditor General, experiment with a limited number of Grants in order to see whether larger units of appropriation would not lead to more accurate estimating, the Finance Secretary stated that the matter was still under consideration and that a report would be submitted next year

21 *Commutation of Pensions*—With reference to item 11 of the statement of past recommendations, the Finance Secretary stated that the recommendation to eliminate the capital head for expenditure on the commutation of pensions had been accepted in principle for being put into effect as soon as the budgetary position allowed, and that certain other minor capital heads had been abolished. The Committee wished to stress the importance of the point that in their view only major budgetary inequilibrium should prevent the application of the principle thus accepted.

22 *Recoveries of money due from Government servants on pension*—With reference to item 19 of the statement of previous years' recommendations, the Finance Secretary explained that since the previous note was written, the reply of the Secretary of State had been received pointing out a number of difficulties which appeared to make the proposed course of action inadvisable. The Committee, however, recommended that so far as the personnel under the control of the Government of India was concerned, the Finance Department should independently examine the position with regard to the recovery of money due from an officer on pension.

23 *Expenditure on New Delhi*—With reference to item 23 of the statement of recommendations made in previous year, the Finance Secretary stated that the Committee's recommendation that any further expenditure on New Delhi, which is not of a clearly remunerative character, should be charged to revenue and not to capital, have been accepted in principle and would be implemented as soon as the budgetary position permitted, but added that though at present it was not practicable to meet the cost of all unremunerative items from current revenue, such items would only be charged to capital if they were both large and indispensable. The Committee wished to emphasise the importance of the principle that expenditure on unremunerative items should *ab initio* be charged to revenue.

24. *Grants-in-aid.*—With reference to the recommendation that the Government of India should insist on obtaining audited statements of the

accounts of all institutions to which grants-in-aid are paid, item 25 of the statement, copies of the instructions issued were supplied to the Committee and accepted as adequate.

25. *Grant No. 20—Stamps*.—Comment was made on the provision of a lump sum reserve for unforeseen charges on account of the Security Press, and the Committee desired that the question whether this reserve was justified should be examined.

26. *Grant No. 25—Interest on Ordinary Debt*.—With reference to the variation of Rs 5 lakhs under 'B.-3—Irrigation Works (Central)', it was explained that this was the interest on capital expenditure in connection with the Nasirabad Section of the Lloyd Barrage Project, for which no provision had been made in the budget as the orders of the Secretary of State including the payment in the Order in Council had not been received at that time. In the ordinary way the payment would have been delayed till provision had been made in the following year's budget, but to avoid letting down the Government of Sind, who had included the sum in their budget, and to avoid increased interest charges the Government of India agreed to immediate payment as a special case.

The Committee adjourned at 5-10 p.m.

Proceedings of the ninth meeting of the Public Accounts Committee held on Wednesday, the 20th July 1938, at 11 a.m.

PRESENT :

The Hon'ble Sir JAMES GRIGG, K.C B., K C S.I , Finance Member, *Chairman.*

Mr. UMAR ALY SHAH
Mr B DAS
Sirdar JOGENDRA SINGH
Prof N G RANGA
Mr S SATYAMURTI
Bhai PARMA NAND } *Members*
Captain Sardar Sir SHER MOHAMMED KHAN, C I E, M B E
Mr J RAMSAY SCOTT
Dr R D DALAL, C I E
Khan Bahadur Shaikh FAZL-I-HAQ PIRACHA.
Khan Bahadur Sir ABDUL HAMID, C I E , O B.E.

The Hon'ble Sir JOHN NIXON, K C.I.E., C.S I., I C S , Finance Secretary. *Witness*

Mr. A. C BADENOCH, C S I., C.I E., I C.S. Auditor General of India.

Mr T K RAJAGOPALAN, Representative of the A. G. C. R.

27 *Payments to Post Office for Savings Bank and Cash Certificate work.*— With reference to the expenditure of Rs 71,31,712 under Grant No 26 F. 1, the question was raised as to whether the payment made to the Posts and Telegraphs Department for Savings Bank and Cash Certificate work was not excessive It was explained that as facilities were provided for small transactions throughout the length and breadth of the country as an encouragement to thrift and in the interests of public, it was bound to be an expensive method of working in comparison to the capital deposited with Government The calculation of the charges made by the Posts and Telegraphs Department had been examined by the Finance Department as late as 1935 and checked by the Auditor General.

28 *Grant No. 42—Excess Vote.*—It was explained that the greater part of the payments made to Provincial Governments on account of the administration of agency subjects was for passport work done on behalf of the Central Government. The Committee agreed to recommend an excess vote on this account.

29. *Audit of Customs Revenue.*—It was explained that the test-examination of the receipts of customs revenue was mainly concerned with revisions of classification and assessment which had recurring financial results, and that the results having proved satisfactory the present system had been put on a permanent basis. As regards the suggestion that had been made for an extension of the scope of this Test Audit, the view of the Central Board of Revenue was that any funds available for the improvement of check on customs assessments would, in the first instance, be more profitably used on the strengthening of internal checks in the Custom Houses, but the Committee desired that the question of extending the scope of the audit of customs receipts should be further explored and a report submitted next year.

The Committee adjourned at 1-15 p.m.

Proceedings of the tenth meeting of the Public Accounts Committee held on Wednesday, the 20th July 1938, at 2-30 p.m.

PRESENT.

The Hon'ble Sir JAMES GRIGG, K.C.B., K.C.S.I., Finance Member, *Chairman.*

Mr UMAR ALY SHAH.
Mr B DAS
Sirdar JOGENDRA SINGH
Prof N. G. RANGA
Mr S SATYAMURTI
Bhai PARMA NAND
Captain Sardar Sir SHER MOHAMMED KHAN, C.I.E., M.B.E.
Mr J RAMSAY SCOTT
Dr. R. D. DALAL, C.I.E.
Khan Bahadur Shaikh FAZL-I-HAQ PIRACHA
Khan Bahadur Sir ABDUL HAMID, C.I.E., O.B.E.
} *Members.*

Mr A. H. Lloyd, C.S.I., C.I.E., I.C.S., Member, Central Board of Revenue
Mr T. S. PILLAY, Second Secretary, Central Board of Revenue
} *Witnesses.*

Mr A. C. BADENOCH, C.S.I., C.I.E., I.C.S. Auditor General of India.

Mr T. K. RAJAGOPALAN, Representative of the A.G.C.R.

The Hon'ble Sir JOHN NIXON, K.C.I.E., C.S.I., I.C.S., Finance Secretary.

30 *Grant No. 16—Customs*.—Comment was made on the fact that the supplementary grant of Rs. 69,000 obtained in this Demand as a whole and that obtained in the individual sub-head A-4—Other Allowances, Honoraria, etc., had proved to be unnecessary. It was explained that the saving under Customs—Other Allowances, Honoraria, etc.', had been mainly due to less expenditure under rewards in Bombay and Sind, and that in general accurate budgeting for Central Excises expenditure had been difficult owing to indirect control through the Provincial Governments. Now that the administration had come directly under the Central Government the financial control was expected to be much stricter in all respects.

31 *Contributions and Donations*.—With regard to the statement on expenditure under "Grants-in-aid, Contributions and Donations" at page 42 of the Appropriation Accounts, a member asked whether any change had taken place on the amounts donated, and it was stated that there had been no change in the last 8 years but that on the separation of Burma the money available had been reduced, and that the question of distribution and the desirability of associating the Commerce Department with decisions as to payments for seamen's welfare was under examination.

32. *Assignments and compensations as deductions from revenue.*—With reference to item 26 of the statement of past recommendations, it was stated that the ruling of the Auditor General had been to the effect that on principle payments on account of assignments and compensations could not be treated as deductions from revenue and should be included under 'Expenditure'. In some cases however of agreements for a definite division of revenue, the Auditor General agreed that the payments might legitimately be treated as a charge on revenue and not as expenditure, and the Committee suggested that the classification of the payments to the Cochin and Travancore Governments on account of the agreement to divide the Customs revenue collected in Cochin port might be re-examined in the light of this criterion

33. *Grant No 17—Taxes on Income* — During the discussion on Income-tax Administration it was stated that the Central Board of Revenue with their Income-tax Adviser were examining the question of increasing the supervisory staff and that it was proposed to employ separate Assistant Commissioners for inspection purposes only The Committee was also informed that an experiment was being made in the audit of Income-tax receipts The Committee welcomed the experiment and desired to be informed of the results next year

34 *Grant No 18—Salt* —Comment was made that under 'A -4 (4) (*a*)—Manufacture Section' there had been supplementary grant of Rs 25,000 re-appropriation from this of Rs 13,842 and the final excess of Rs. 31,583 The explanation was given that a larger supplementary grant had been applied for, and on the assumption that the whole of this sum would be received, the Controlling Officer re-appropriated for other urgent objects the balance which, on later figures, he estimated would not be required The Committee agreed that instructions should be issued that when a supplementary grant was applied for, reappropriations should not be made on the assumption that the amount asked for would be provided but only after sanction was received

35 *Grant No 41—Central Board of Revenue* —The Committee agreed to recommend an excess vote to cover the excess that had occurred in the voted section of this Grant

The Committee adjourned at 5 p.m

Proceedings of the eleventh meeting of the Public Accounts Committee held on Thursday, the 21st July 1938, at 11 a.m.

PRESENT:

The Hon'ble Sir JAMES GRIGG, K.C.B., K.C.S.I., Finance Member, *Chairman.*

Members.
- Mr UMAR ALY SHAH
- Mr B. DAS
- Sirdar JOGENDRA SINGH
- Prof N. G. RANGA
- Mr S. SATYAMURTI
- Bhai PARMA NAND
- Captain Sardar Sir SHER MOHAMMED KHAN, C.I.E., M.B.E.
- Mr J. RAMSAY SCOTT.
- Dr R. D. DALAL, C.I.E.
- Khan Bahadur Shaikh FAZL-I-HAQ PIRACHA
- Khan Bahadur Sir ABDUL HAMID, C.I.E., O.B.E.

Witnesses
- Mr. A. D. GORWAIA, I.C.S., Deputy Secretary, Department of Communications
- Mr L. B. GILBERT, I.S.E., Consulating Engineer to to the Government of India
- Mr F. TYMMS, C.I.E., M.C., F.R.E.S., Director of Civil Aviation in India and Burma
- Mr A. CROAD, Engineer Officer, Civil Aviation
- Mr A. S. Bokhari, P.E.S., Deputy Controller of Broadcasting.

- Mr A. C. BADENOCH, C.S.I., C.I.E., I.C.S., Auditor General of India.
- Mr T. K. RAJAGOPALAN, Representative of the A.G., C.R.
- The Hon'ble Sir JOHN NIXON, K.C.I.E., C.S.I., I.C.S., Finance Secretary
- Mr GHULAM MOHAMMAD, Finance Officer, Communications

36 *Grant No 49—Meteorology* — Comment was made on the variation in the expenditure on 'Weather and other Telegram charges', and it was stated that under the present system of adjustment the amounts to be paid were calculated in arrear by the Accountant-General, Posts and Telegraphs, on the basis of the valuation of a few typical telegrams, and it was therefore very difficult to frame an accurate estimate The question of a simpler method of adjustment was under consideration

37 *Grant No. 63—Aviation.*—With reference to the special grants-in-aid from the additional tax on petrol consumed for aviation purposes, it was stated that the provision originally made in the budget included unspent balance of previous years; and the Committee recommended that the amount

available from the petrol tax should be voted to a special earmarked item in the Road Fund and allotted from this Fund as required.

38. *Grant under 63-B—Capital Outlay on Civil Aviation charged to Revenue.*—Comment was made on the large saving under this head as compared with the original appropriation It was explained that plans had been prepared for extensive constructions at aerodromes but that in connection with the designs for quarters for different grades of staff sanction had been withheld pending a special check asked for by the Finance Department, which had resulted in considerable saving.

39 *Broadcasting*—The propriety of the transfer of Rs. 50,000 under Grant No 69-G —Broadcasting from G-7 —Lump provision for experimental and research purposes to G.-1 —Pay of Officers, G-2.—Pay of Establishments and G-5 —Contingencies was questioned, but it was explained that this was the first year in which technical work on broadcasting was taken over from the Posts and Telegraphs Department and supervised by the Chief Engineer appointed during the course of the year It was agreed that in these circumstances and as a special case the making of a lump provision and its subsequent transfer by re-appropriation to the relevant sub-heads was in order.

The Committee adjourned at 1-33 p m.

Proceedings of the Twelfth meeting of the Public Accounts Committee held on Thursday, the 21st July 1938, at 2-30 p.m.

PRESENT:

The Hon'ble Sir JAMES GRIGG, K.C.B., K.C.S.I., Finance Member, *Chairman*.

Mr. UMAR ALY SHAH.
Mr. B DAS
Sirdar JOGENDRA SINGH.
Prof N. G RANGA
Mr S SATYAMURTI
Bhai PARMA NAND. } *Members.*
Captain Sardar Sir SHER MOHAMMED KHAN, C.I.E., M.B.E.
Mr. J. RAMSAY SCOTT
Dr R. D. DALAL, C.I.E.
Khan Bahadur Shaikh FAZL-I-HAQ PIRACHA.
Khan Bahadur Sir ABDUL HAMID, C.I.E., O.B.E.

Mr A D GORWALA, I.C.S., Deputy Secretary, Department of Communications
Mr A S BOKHARI, P.E.S., Deputy Controller of Broadcasting
Mr L B. GILBERT, I.S.E., Consulting Engineer to the Government of India. } *Witnesses.*
Mr M S A HYDARI, C.I.E., I.C.S., Secretary, Department of Labour
Mr N MAHADEVA AYYAR, I.C.S., Deputy Secretary, Department of Labour
Mr A C BADENOCH, C.S.I., C.I.E., I.C.S., Auditor General of India
Mr T S SANKARA AIYAR, Director of Finance, Railway Department (Railway Board).
Mr GHULAM MOHAMMAD, Finance Officer, Communications
Mr. T K. RAJAGOPALAN, Representative of the A.G., C.R.

The Hon'ble Sir JOHN NIXON, K.C.I.E., C.S.I., I.C.S., Finance Secretary.

40 *Radio Publications* – With reference to the loss incurred on the publication of the *Indian Listener* and the *Awaz* set out in paragraph 239 of the Commercial Appendix, it was explained that at a time when the number of stations was increasing the number of pages of programmes grew much larger without it being possible to raise the price of the publication in relation to the extra cost of production all at once However, with increasing circulation it had been possible to secure a cheaper printing contract, and as recommended by the Public Accounts Committee last year, item 33 of the

statement of previous year's recommendations, non-radio advertisements were being admitted and the loss was steadily decreasing.

41. *Vizagapatam Port.*—There was a considerable discussion of the report on the trading and financial position of the Port of Vizagapatam (Appendix X) asked for by the Committee last year, item 40 of the statement of previous year's recommendations. The Secretary of the Communications Department stated that the position now was that the receipts were covering the ordinary working expenditure, though without paying interest on the capital, and that last year there was a small favourable balance of Rs. 31,000. He added that it had been decided that no further capital expenditure was to be incurred unless it could be shown to be either definitely remunerative or absolutely essential in the interest of the Port. The Committee accepted the view that it would be unwise for the present moment when there was every prospect of the Port being able to meet its ordinary working expenses and depreciation charges, even though no repayment of interest on capital could be made, to close the Port and thus to lose the capital of about Rs 4 crores invested in it. As regards the railway traffic to the Port, the Committee were anxious that the freight rates charged to Vizagapatam should not be unfair as compared to those charged to Calcutta; and it was explained that the Administrative Officer had been instructed to raise the question of freight rates with the Railway Board if there were any grounds for holding that these discriminated against the Port of Vizagapatam The Committee recommended that every effort should be made to keep the expenditure at the lowest possible level so as to provide for the payment to Central revenues of, at any rate, a part of the interest on the capital, and desired that the question whether full provision was being made to meet depreciation charges should be further considered and a report on this point submitted next year.

42 *Grant No 73—Civil Works* —With regard to the variations which occurred under individual sub-heads of this Grant, the Committee recognised the difficulties created by urgent and unforeseen works, but desired to make a general recommendation that the greatest foresight possible in the circumstances should be exercised in the preparation of the original estimates

43. *Central Public Works Department* —In connection with the report on the staff employed in the Central Public Works Department (Appendix XI), submitted in accordance with item 32 of the statement of past recommendations, the Secretary of the Department of Labour stated that the question of transferring work at present done for the Government of India by the Provincial Public Works Department to the Aviation Circle and the possibility of amalgamating one of the Delhi Divisions with the Simla Division was under examination ; that the Chief Engineer had been asked to review the whole position and report to the Government of India not later than the first of September ; and that the matter would then be gone into by the Labour and Finance Departments and a further report submitted next year.

44. *Grant No. 22—Irrigation.*—As regards the payment to the Government of Sind of the share of Central Government on account of Irrigation in the Nasirabad Tehsil, Baluchistan, by the Lloyd Barrage and Canals, it was

explained that as the orders of the Secretary of State had not been received provision had not been made in the Central Budget; but as the Goverment of Sind had budgeted in advance for this receipt, and as the delay in payment would increase the amount of interest due on the arrears of maintenance, the Finance Department had agreed to make immediate payment. The Committee agreed to recommend an excess vote on this account to cover the excess in this Grant.

45 *Grant No. 54—Mines.*—A vote to cover the excess in this Grant was recommended by the Committee.

46. *Grant No 73—Civil Works* —In connection with the percentages of establishment charges given in paragraph 8 (*iv*) of the Important Comments to this Grant, the Auditor General stated that the percentages included charges not strictly debitable to the establishment of the Central Public Works Department for the purpose of comparing the cost of their establishment with the work done by them and the Committee desired that next year figures should be given to show the establishment percentages after excluding irrelevant items.

The Committee adjourned at 5-30 p m.

Proceedings of the thirteenth meeting of the Public Accounts Committee held on Friday, the 22nd July 1938, at 11 a.m.

PRESENT.

The Hon'ble Sir JAMES GRIGG, K C B., K C.S.I , Finance Member, *Chairman.*

Mr. UMAR ALY SHAH
Mr B DAS
Sirdar JOGENDRA SINGH.
Prof N G RANGA
Mr S SATYAMURTI.
Bhai PARMA NAND
Captain Sardar Sir SHER MOHAMMED KHAN, C I E M B E
Mr J RAMSAY SCOTT
Dr R D DALAL C.I.E
Khan Bahadur Shaikh FAZL-I HAQ PIRACHA
Khan Bahadur Sir ABDUL HAMID, C I E., O B E.

Members.

Mr. M S A HYDARI, C.I E , I.C S , Secretary, Department of Labour.
Mr N MAHADEVA AYYAR, I C.S., Deputy Secretary, Department of Labour.
Mr. M Slade, I C S , Secretary, Department of Commerce
Mr Y. N SUKTHANKAR, I C.S., Deputy Secretary, Department of Commerce.
Sir James PITKEATHLY, C M G , C I E , C V O , C.B E , D S O , Chief Controller of Stores, Indian Stores Department.
R. B. KIRPARAM, Deputy Director of Administration, Indian Stores Department.
Mr. A C BADENOCH, C.S I., C I E , I.C.S., Auditor General.
Mr. GHULAM MOHAMMAD, Finance Officer, Communications
Mr. T. K. RAJAGOPALAN, Representative of the A.G., C.R.
Mr. ISHWAR DAYAL, Audit Officer, Indian Stores Department
The Hon'ble Sir JOHN NIXON, K.C.I.E., C.S.I., I.C.S., Finance Secretary.

Witnesses.

47 *Grant No. 66—Emigration—Internal.*—With reference to the question put at the previous meeting as to the Administrative Establishment in Assam paid out of this Grant, the Secretary of the Labour Department stated that the pay of the Controller of Emigrant Labour was met from the Emigrant Labour Fund, and that only the cost of the subordinate establishment of 8 clerks was financed from this Grant. As regards the work done, the Secretary of the Department of Labour promised to supply copies of the annual

report on the working of the Tea Districts' Emigrant Labour Act to the members of the Committee

48. *Reserves for unforeseen works.*—Comment was made on the large re-appropriations under 'Minor Works' in Grant No 73—Civil Works, and it was stated that at the time the budget was being made up, the authorities were not in a position to fomulate exactly the minor works to be carried out but asked that the amounts available should be placed in reserve. The Auditor General stated that the sub-head 'P Reserve for unforeseen works and repairs' was intended for works unforeseen at the time of the budget and not for works for which estimates were not ready in time; and the Committee desired that this should be borne in mind, and that so far as possible, this reserve should be restricted to re appropriations for minor works

49 *Pro rata Distribution* — The system of *pro rata* distribution by which the total expenditure on account of establishment charges is distributed between the Central Government, Provincial Government and the Defence Department on the basis of the actual outlay of the year on the works of the respective authorities came in for considerable discussion The Committee appreciated the fact that under the *pro rata* system of distribution it was impossible to have accurate estimates of establishment charges divisible between various Governments, as the amounts could not be accurately estimated until the works charges of the year were definitely ascertained; and they recommended that the method of levying departmental charges at fixed rates should be adopted wherever Provincial Governments could be induced to accept it The Committee desired to be informed next year of the progress made in this direction.

50 *Review of Grant No. 73—Civil Works* —The Committee were inclined to think that the difficulties of budgeting for Civil Works could be reduced by the amalgamation of sub-heads, and though they were anxious that any amalgamation should not destroy the effectiveness of budget control they asked that a general review of the Grant should be conducted both for this purpose and for that of fixing the responsibility for defects in budgeting more clearly between the Public Works Department and the other Departments concerned.

51. *Calcutta Presses* — With reference to last year's recommendation (item 30 of the statement) it was reported that plans and estimates for the amalgamation of the Hastings Street Press with the Dharamtala Press had been received and that it was being considered whether it would be a paying proposition The Committee felt that considerable delay had already occurred and desired that consideration of the question should be expedited and a report submitted next year

52 *Stationery Stores.*—The question was asked as to the reasons for the considerable augmentations of the original appropriations under several sub-heads in group C—Stationery Stores of Grant No. 75—Stationery and Printing. to which was attributed the excess in the voted section of the Grant. It was stated that the budget provision was liable to be upset by variations in the requirements of the Provincial Governments, as explained in a note by the Controller of Printing and Stationery (Appendix XII).

53. *Stock-taking in Government Presses.*—In connection with paragraph 253 of the Commercial Appendix, it was noticed that large differences had been disclosed by stock-taking in the Calcutta and the New Delhi Presses. It was explained that this was primarily due to difficulties experienced in assessing the stock of type and metal in these Presses, and that detailed instructions to avoid large differences in future were now being worked out.

54. *Central Publication Branch* —With reference to the value of publications destroyed during the year given in paragraph 263 (*ii*) of the Commercial Appendix, it was suggested that the question should be considered whether unwanted publications that could not be kept in stock, should be distributed free or at half price rather than destroyed

55. *India Stores Department, London.*—In connection with item 29 in the statement of action taken on previous recommendations, the Chief Controller of Stores stated that the question of the amalgamation of the India Stores Department, London with the Indian Stores Department had been fully examined in the report which he had just submitted, and that the orders passed in this connection would be reported to the Committee next year.

The Committee adjourned at 1-30 p.m.

Proceedings of the fourteenth meeting of the Public Accounts Committee held on Friday, the 22nd July 1938, at 2-45 p.m.

PRESENT

The Hon'ble Sir JAMES GRIGG, K.C.B., K.C.S.I., Finance Member, *Chairman.*

Members

Mr UMAR ALY SHAH.
Mr B DAS
Sirdar JOGENDRA SINGH.
Prof N G RANGA.
Mr S SATYAMURTI
Bhai PARMA NAND
Captain Sardar Sir SHER MOHAMMED KHAN, C.I.E., M B.E
Mr. J RAMSAY SCOTT.
Dr R D DALAL, C I E
Khan Bahadur Sir ABDUL HAMID, C.I.E , O B E.

Witnesses.

Sir AUBREY METCALFE, K C I E, C S I , M.V.O., Secretary, External Affairs Department
Mr. V Narahari Rao, C I E , Crown Finance Officer.
Mr G. K S SARMA, Under Secretary, External Affairs and Political Departments.
Mr. E. C. PRICE, Finance Secretary, Government of the North-West Frontier Province.
Mr. A C BADENOCH, C S I , C.I.E , I.C.S , Auditor General of India.
Mr. T K. RAJAGOPALAN, Representative of the A. G., C. R.
The Hon'ble Sir JOHN NIXON, K.C I E., C.S I., I C S., Finance Secretary.

56 *Grant No 56—Eduction.*—With reference to item 39 of the statement showing action taken on previous recommendations, it was stated that the grants made to the Chiefs' Colleges had been examined and had been fixed on a revised scale for a period of 5 years from 1937-38, at the end of which the question would be re-considered.

57 *Grant No. 83—Rajputana* —With reference to the suggestion that there should be a *pro forma* account showing the expenditure and receipts of the year in question to be added to the Demand, it was explained that in view, of the difficulties pointed out by the Auditor General, it had been decided that the question should not be pursued for the present In the case of Grant No 83 the expenditure of Rs 13½ lakhs against which receipts amounting to Rs 3 lakhs were collected, included expenditure on the Resident in Rajputana and political relations with the States besides that of administration of Railway police.

58. *Grant No. 85—Hyderabad.*—Regarding the unadjusted excess under sub-head ' B -Miscellaneous ' of Account I, which had shown an excess for the fifth year in succession, it was explained that this was due to belated

debits received from the Military Adviser, Indian State Forces who had to obtain them from the Military Department, and that steps were being taken for earlier and more accurate adjustments in future.

59. *Frontier Watch and Ward.*—In connection with paragraphs 9 to 15 of the Important Comments below the appropriation Accounts relating to Frontier Watch and Ward (at pages 380-381), the Committee examined in detail the Memorandum supplied by the Auditor General on the more important instances of the irregularities discovered in audit (Appendix XIII) It was explained that of the twenty six unauthorised funds, the balances of twenty-four funds had been credited to Government, and of the remaining two, one was an account kept with the Imperial Bank and the other was made up of moneys with which Government had no concern The balances of both have been disbursed and the funds closed The Foreign Secretary stated that the method of drawing and accounting for charges relating to " Entertainment Charges ", " Protection and Raids " and " Secret Service " had now been defined, and that instructions had been issued that money should not be drawn from the Treasury in advance of requirements (*vide* Appendix XIV) As regards the letter to be issued by the Government of India dealing with the irregularities in general, the Foreign Secretary alleged that this was under consideration and that a report would be made to the Committee next year. The action taken on the various irregularities was accepted as adequate ; and the Committee left it to the Auditor General to report should the position be unsatisfactory in future.

60. *Incidence of Persian Gulf Expenditure.*—With reference to item 38 of the statement showing action taken on previous recommendations, it was stated that the question of the incidence of Persian Gulf expenditure was still under consideration with His Majesty's Government, and that the whole question was being carefully examined. The Committee commented on the great delay that had taken place and recommended that a decision should be arrived at as soon as possible

61. *Irregularities in the accounts of certain schemes of development in the North-West Frontier Province.*—With reference to paragraphs 2 to 4 of the Important Comments under " Political " in the Appropriation Report (at pages 367-368), it was stated that disciplinary action had been taken against the officials found responsible for the irregularities in the account of the Office opened for the Development of Agriculture and allied activities, that the Directorate of Agriculture had been abolished and that the marble factory with which the Government of India were concerned had been sold.

The Committee adjourned at 5-30 p.m.

Proceedings of the fifteenth meeting of the Public Accounts Committee held on Monday, the 25th July 1938, at 11 a.m.

PRESENT:

The Hon'ble Sir JAMES GRIGG, K C.B , K.C S I., Finance Member, *Chairman.*

Mr UMAR ALY SHAH
Mr. B DAS
Prof N G RANGA
Mr S SATYAMURTI
Bhai PARMA NAND } *Members.*
Mr J. RAMSAY SCOTT.
Dr R. D. DALAL, C I E.
Khan Bahadur Shaikh FAZL-I-HAQ PIRACHA
Khan Bahadur Sir ABDUL HAMID, C.I E , O B E.

Mr M. SLADE, I C S , Secretary, Department of Commerce.
Mr. Y N SUKTHANKAR, I C S, Deputy Secretary, Department of Commerce } *Witnesses.*
Mr J N. TALUKDAR, I C S , Deputy Secretary, Home Department

Mr A C. BADENOCH, C S I , C.I.E., I.C.S., Auditor General of India.

Mr T K RAJAGOPALAN, Representative of the A G., C.R.

62 *Grant No. 46—Ports and Pilotage* —With regard to appropriation under 'A -1 (2) —Pay of Establishments ', which proved unnecessary, it was explained that the additional provision was for extra Wireless Operators, payment for whom was recovered from the Port Commissioners earlier than was expected

Comment was made on the savings under sub-head 'A.-4 (1).—Pay of officers ' It was explained that this was due to the fact that more pilots had gone on leave than was anticipated, but as savings had appeared under this sub-head for the last three years, the Committee considered that in future the budget estimate should be reduced by a 'u np cut, if necessary.

63 *Touring by the Nautical Adviser* —The fact that the original budget provisions under 'B -3 —Allowances, Honoraria, etc.' had had to be augmented for the second year in succession on account of more touring by the Nautical Adviser was commented on, and it was stated that the adequacy of the budget provision under this sub-head was under examination.

64 *Advance leave Salary* —Attention was drawn to the advances of leave salary which had necessitated the modifications under 'C.-3 (1)', 'C.-6 (1)' and 'C.-7 (1)', and it was explained that these were taken by R. I. N. Officers, whose services were lent to the Commerce Department, under paragraph 166 of the Marine Regulations, India

65. *Bengal Pilot Service.*—In connection with paragraph 189 of the Commercial Appendix, the question was raised as to why it was necessary to maintain a Heavy Repairs Reserve in addition to a Depreciation Fund for the Bengal Pilot Service. It was explained that the Depreciation Reserve was used for writing down the assets as a whole so that the pilot vessels might be replaced at the end of their period of useful service, while the Heavy Repairs Reserve was for reconditioning the vessels and was a method of equalising repair expenditure from revenue. The Committee recognised that there might be special circumstances in the case of the Bengal Pilot Service justifying the maintenance of a separate Heavy Repairs Reserve, but as the balance in this Reserve was equal to 7 years' contributions this appeared *prima facie* to be excessive, and they desired that the necessity for this Reserve or alternatively for the reduction of the amount of the present annual contribution should be examined.

66. *Lighthouses and Lightships* —With reference to item 41 of the statement showing action taken on previous recommendations, it was stated that the question whether it was necessary to maintain a special fund for replacements and additions as well as a depreciation fund and a general reserve fund for the Lighthouses and Lightships had been duly considered, and subject to the advice of the Central Lighthouse Advisory Committee, which was being consulted, the conclusion reached was that the additions and replacements reserve fund was unnecessary and could be abolished, and that a further report on the subject would be submitted next year

67. *Grant No 28—Executive Council.*—The large saving under group head 'B—Cabinet Secretary' was noted, and it was explained that this was due to the appointment of a part-time instead of a full-time Secretary of the Executive Council.

68 *Grant No. 32—Home Department.*—As regards savings under 'C.-5—Secret Service Contingencies', the Committee suggested that, though an exact estimate of expenditure under this head might not be possible, as the budget estimate had proved excessive for a number of years, it should be considered whether a lump sum cut should not be imposed

The Committee adjourned at 1-20 p.m.

Proceedings of the sixteenth meeting of the Public Accounts Committee held on Monday, the 25th July 1938, at 2-40 p.m.

PRESENT:

The Hon'ble Sir JAMES GRIGG, K.C.B., K.C.S.I., Finance Member, *Chairman*.

Mr. UMAR ALY SHAH
Mr B DAS
Prof N. G RANGA
Mr S SATYAMURTI
Bhai PARMA NAND } *Members*
Mr J RAMSAY SCOTT
Dr R D DALAL, C.I.E.
Khan Bahadur Shaikh FAZL-I-HAQ PIRACHA
Khan Bahadur Sir ABDUL HAMID, C.I.E., O.B.E.

Mr G. H. SPENCE, C.S.I., C.I.E., I.C.S., Secretary, Legislative Department. } *Witnesses.*

Mr K SANJIVA ROW, C.I.E., Joint Secretary, Finance Department

Mr A C BADENOCH, C.S.I., C.I.E., I.C.S., Auditor General of India

Mr T K RAJAGOPALAN, Representative of the A. G., C. R.

69 *Grant No 76—Miscellaneous.*—With reference to the reappropriation of the entire provision made under 'J -1 (1) —Pay of Officers', it was explained that this was because no official member had been included in the Delegation to the meeting of the Assembly of the League of Nations that year. The Delegation had been up to the normal strength but on that occasion all the members had been non-officials

Some members of the Committee felt that as the Delegation represented India as a whole there was a case for a contribution from the Indian States.

70 The Committee then proceeded to deal with the remaining Grants under the control of the Finance Department who in the absence of Sir John Nixon were represented by Mr Sanjiva Row

71. "*Purchases and Sales of Silver Account*"—In connection with the statement showing the transactions under the head "Purchases and Sales of Silver" during the year 1936-37 (page 207 of the Appropriation Accounts), the question was raised as to whether this account served any useful purpose and need be retained The Committee agreed that in any case it would be necessary to have an account to accommodate —

(*a*) payments to the Reserve Bank for the return of rupee coin under section 36 (1) of the Reserve Bank of India Act, and

(*b*) incidental charges connected with silver sales including shipment and transport;

but they desire to be furnished with a note next year on the question whether the old debit balance in this Grant should not be written off to Government account.

72. *Commissions and Committees.*—Comment was made on the large modifications under 'D.-2 (1) —Pay of Officers' in Grant No 76—Miscellaneous, due to the continuance of the Secretariat Procedure Committee, the appointment of the Delhi Electric Supply Enquiry Committee and expenditure on the Coal Mining Committee, and the Committee expressed the opinion that it should be possible to foresee and to provide for such Committees to a greater extent than appeared to be the case

73 *Grant No. 76-B—Miscellaneous adjustments between the Central and Provincial Governments* —The large total excess in the voted section of this Grant was explained to be due to the increased shares of the Provinces in the receipts from the jute export duty, and the Committee decided to recommend an excess vote to regularise the excess

74 *Agency functions performed by the India Office.*—With reference to item 12 of the statement showing action taken on previous recommendations, it was stated that the question of the transfer of the agency functions, at present performed by the India Office on behalf of the Government of India, to the High Commissioner was now being investigated by Sir Ernest Burdon as a representative of the Government of India, and that a report would be submitted next year

75 *Grant No 90—Loans and Advances bearing interest.*—A member questioned whether there was any necessity for the Reserve of Rs. 10 lakhs provided in this Grant, and the Committee desired that as savings had occurred in this Grant for a series of years, the point should be examined.

The Committee adjourned at 5 p m.

Proceedings of the seventeenth meeting of the Public Accounts Committee held on Tuesday, the 26th July 1938, at 11 a.m.

PRESENT:

The Hon'ble SIR JAMES GRIGG, K C B, K.C.S I., Finance Member, *Chairman*.

Members.
- Mr UMAR ALY SHAH.
- Mr. B. DAS.
- Prof N G RANGA.
- Mr S SATYAMURTI
- Bhai PARMA NAND
- Captain Sardar Sir SHER MOHAMMED KHAN, C I E, M B E
- Mr J RAMSAY SCOTT.
- Dr R D DALAL, C I E.
- Khan Bahadur Shaikh FAZL-I-HAQ PIRACHA
- Khan Bahadur Sir ABDUL HAMID, C I E, O.B.E.

Witnesses.
- Mr. G V BEWOOR, C I E, I.C.S, Director-General of Posts and Telegraphs
- Mr T R SADASIVAM, Deputy Director-General, Posts and Telegraphs
- Mr. A BROKENSHAW, Chief Engineer, Posts and Telegraphs
- Mr A C. BADENCOH, C S I., C.I.E, I C.S, Auditor General of India
- Mr. GHULAM MOHAMMAD, Finance Officer, Communications.
- Mr. K. R S RAU, Accountant General, Posts and Telegraphs
- The Hon'ble Sir JOHN NIXON, K.C I.E, C S I, I C S., Finance Secretary.

76. *Loss on Telegraphs Branch.*—The Director-General of Posts and Telegraphs explained the various measures taken to reduce the loss on the working of the Telegraphs Branch Actually, the loss had been continuously reduced and was about 30 lakhs for the year 1936-37 and was anticipated to be about 17½ lakhs for 1937-38 The loss would have been less but for the fact that Telegraphs traffic had not recovered in spite of the reduction in rates effected in 1934 The Director-General indicated that perhaps retrenchment had been carried too far in this Branch resulting in a deterioration in the quality of the service and that it might be necessary to face some additional expenditure so as to improve the service and attract more traffic. There was considerable discussion over the concessional rates allowed for Press Telegrams including multiple address telegrams to different stations, and the figures supplied seemed to indicate that the bulk of the loss as now reduced was due to the concessional

rates given to Press Telegrams. To make this point clear, the Committee desired that a verification of the present basis of the calculation regarding loss due to press concessions should be made and a report should be submitted next year. In general, the Committee agreed that it was justifiable to consider the commercial results of the telegraph and telephone systems together which would show no loss.

77. *Repayment of accumulated losses.*—With reference to page 3 of the Annual Report of the Indian Posts and Telegraphs Department, the method of repayment of the accumulated net interest bearing loss of the Department, which was Rs. 55 lakhs at the end of 1935-36 and of the accumulated loss on Press traffic and on the Radio Branch, as announced in the Budget Speech, was explained, and it was stated that on the completion of the annual payment of Rs. 8½ lakhs for the next 5 years the Department would have repaid all past losses, and that the question of the transfer of at any rate part of the surplus earnings to a Revenue Reserve Fund may have to be considered.

78. *Post Office Insurance Fund.*—With reference to Appendix XIV of the Annual Report showing the business of the Post Office Insurance Fund in Life Insurance, Endowment Assurance and Monthly Allowances, a member suggested that the Fund which at present was restricted to Government servants and the employees of Local Funds, should be opened to the general public. It was explained that if this was done, the management expenses would be greatly increased and the alteration in the mortality figures would completely upset the scale of premia at present fixed.

The Committee adjourned at 1-15 p.m.

Proceedings of the eighteenth meeting of the Public Accounts Committee held on Tuesday, the 26th July, 1938, at 2-30 p.m.

PRESENT

The Hon'ble Sir JAMES GRIGG, K.C B, K.C S I, Finance Member, *Chairman.*

Mr. UMAR ALY SHAH.
Mr. B DAS.
Prof N G. RANGA.
Mr. S. SATYAMURTI
Bhai PARMA NAND.
Captain Sardar Sir SHER MOHAMMED KHAN, C.I E., M B E } *Members.*
Mr J. RAMSAY SCOTT
Dr. R D DALAL, C I.E.
Khan Bahadur Shaikh FAZL-I-HAQ PIRACHA
Khan Bahadur Sir ABDUL HAMID, C I E., O B E.

Mr G V BEWOOR, C.I.E, I C S., Director-General of Posts and Telegraphs.
Mr. T R. SADASIVAM, Deputy Director-General, Posts and Telegraphs. } *Witnesses.*
Mr A. BROKENSHAW, Chief Engineer, Posts and

Mr A C. BADENOCH, C S I, C I E, I C S, Auditor General of India

Mr GHULAM MOHAMMAD, Finance Officer, Communications

Mr. K. R. S RAU, Accountant General, Posts and Telegraphs

The Hon'ble Sir JOHN NIXON, K C I E., C S.I, I C.S, Finance Secretary.

79 *Renewals Reserve Fund*—In connection with the contribution of Rs 25 lakhs to the Renewals Reserve Fund, as given in the summary of results of the working of the Department at page 1 of the Appropriation Accounts, it was explained that this was distributed among the Branches not in strict proportion to the capital involved in each Branch but after taking into account the longer life of the assets of the Post Office Branch, and that the further adjustment on this account between the contributions of the Telegraphs and Telephone Branches was now under consideration.

80 *Accuracy of budgeting*—It was noted that the original budget had been upset by the decision taken after the estimates were framed for the allocation of expenditure between Working Expenses, Capital and Renewals Reserve Fund whereby larger debits had been passed on to the Renewals

Reserve Fund than were originally estimated, and that for Capital Works under Grant No. 91 the main disturbing factors were the changes in the programme of telephone works and the abandonment of works intended for the Railway, Civil Aviation and Provincial Governments It was explained that a Telephone Development Fund had now been created to finance the 5-year Capital Programme from 1938-39, and that the railways and other departments had been informed that unless a firm demand for new schemes is made by a given date it will not be possible to undertake them

81. *Frauds by Extra Departmental Agents* —In connection with paragraph 12 of the Audit Report, attention was drawn to the large number of frauds committed by Extra Departmental Agents and it was explained that these mainly related to Savings Bank work carried out in remote village Post Offices where immediate supervision is impossible. It was pointed out that the total loss was extremely small in relation to the amount of money handled, and that the question of selecting more reliable persons as Agents and of devising other measures to reduce the possibility of fraud was now under examination

82 *Grant No 23, sub-head "F.-Engineering Expenses"*.—Comment was made on the amounts of the re-appropriations under 'Pay of Officers' and 'Pay of Permanent Establishment' under this sub-head, and it was explained that the variations were small and that according to the new system of sub-heads based on the recommendation made by the Committee last year, which had now been introduced, these variations would not occur in future.

The Committee adjourned at 5-30 p m.

Proceedings of the nineteenth meeting of the Public Accounts Committee held on Wednesday, the 27th July, 1938, at 11 a.m.

PRESENT.

The Hon'ble SIR JAMES GRIGG, K C B, K.C S I., Finance Member, *Chairman.*

Mr UMAR ALY SHAH Mr B DAS. Prof N G RANGA. Mr S SATYAMURTI. Bhai PARMA NAND Captain Sardar Sir SHER MOHAMMED KHAN, C.I.E., M B.E Mr J RAMSAY SCOTT. Dr R D. DALAL, C.I.E Khan Bahadur Shaikh FAZL-I-HAQ PIRACHA. Khan Bahadur Sir ABDUL HAMID, C I E, O.B E	*Members*
The Hon'ble Mr J. A THORNE, C S I, C I E, I C S., Secretary, Home Department Mr J N TALUKDAR, I C S, Deputy Secretary, Home Department Mian MUHAMMAD RAFI, B A, Bar.-at-Law, Secretary, Legislative Assembly Department	*Witnesses*

Mr A. C. BADENOCH, C S I., C I E, I.C S, Auditor General of India.

Mr. T. K. RAJAGOPALAN, Representative of the A. G., C. R.

The Hon'ble Sir JOHN NIXON, K C I E, C S I, I C S, Finance Secretary

83 *Grant No 80-Delhi*.—In connection with note 5 under this Grant (at page 299 of the Appropriation Accounts), the Committee desired that in future the Auditor General should elaborate the note on the receipts and expenditure of Delhi Province

84. The Committee decided to recommend excess votes to cover the excesses that had occurred under Grants Nos 81.—Ajmer-Merwara and 82.—Andamans and Nicobar Islands

85. *Shipping Department, Andamans.*—With reference to the remark in paragraph 208 of the Commercial Appendix that a better result could be obtained if the freight on timber was raised to that charged by outside steamers, it was explained that there were difficulties in that the S S. "Maharaja" had to provide the service for the whole Settlement, and its programme of voyages could not be regulated to suit the timber trade like that of outside steamers, but that the question of raising the freight on timber was being considered.

86. *Commissariat Department, Andamans.*—With reference to the Audit Comments in paragraphs 230—231 of the Commercial Appendix, the Committee desired that the reason for the sale of butter and mutton at less than cost price should be examined and a report submitted next year.

87. *Date of publication of Appropriation Accounts.*—A member drew attention to paragraph 118 of the proceedings of the Public Accounts Committee, 1937, where the non-official members of the Committee recommended that in future the Appropriation Accounts should be published as soon as they were available. The Auditor General explained the steps that had been taken on his advice by Provincial Governments to secure this result, and the Committee desired that the legal position and the possibility of similar action as regards immediate publication without waiting for the Accounts to be laid more than formally before the Legislature should be examined.

88 The non-official members of the Committee desired to reiterate their recommendation of last year that the accounts and the relative audit reports of both the Federal Railway Authority and the Crown Department should be laid on the table of the Central Legislature.

89. The Committee desired to thank the Auditor General for the valuable assistance which they had received from him throughout their meetings The members also wished to place on record their appreciation of the work of Sir James Grigg as Chairman throughout the last five years and of the great assistance rendered by him to the Committee

REPORT OF THE MILITARY ACCOUNTS COMMITTEE, 1938.

We are appointed in pursuance of the recommendation made in paragraph 31 of the Report of the Public Accounts Committee on the Accounts of 1929-30 to make a preliminary examination of the Appropriation Accounts of the Defence Services and connected documents. We have been assisted in this work by the Auditor-General, the Defence Secretary, the Financial Adviser, Military Finance, and the Military Accountant General The results of our examination are, as usual, embodied in the proceedings of our meetings which we desire to be treated as a part of our report The following paragraphs deal only with some of the more important points

2. *Revision of Regulations* —We are gratified to note that considerable progress has been made in the task of revising the Army Regulations, the more important of which have now been issued, and to be assured that there is every probability of the main work being completed before next year We were also glad to learn that the revised Equipment Regulations and Tables of the R A F are nearing completion and that stock limits have been prescribed in the revised edition of the Equipment (Stores) Regulations which has been issued and is now in general use The review of stocks in relation to these limits, which is now proceeding, we consider to be most important and recommend that the Air Officer Commanding should be asked to give a full report next year of the progress made and of the results of the review

3 *Accelerated payment in March* —We were glad to note that the stringent orders issued by the Engineer-in-Chief to prevent works being rushed through in the last weeks of the financial year and to enforce the surrender of funds that could not properly be carried out within the time for re-grant in the following year had resulted in considerable improvements, but we consider that while the re-grant of lapses is adequately provided for more attention should be paid to the necessity of making cuts for the amounts thus unexpended

4 *Correction of over-budgeting* —We were glad to learn that the system of making a lump sum cut on account of the accumulation of small savings throughout the Grant as a whole had been put into effect from the year 1937-38. We realise that this Grant is particularly liable to disturbing factors such as military operations in Tribal Areas which may neutralise the effect of such an all-over cut, but we are of opinion that the system is normally capable of further development, and we recommend that the Financial Adviser, Military Finance, should be asked to prepare a memorandum on the processes of estimating now in force for the Defence Services and the improvements that might be made in the system

5 Our main conclusion from the examination of the over-payments and non-recoveries of dues brought to our notice by Audit was that there was a tendency to repeat payments without examination or reference to the original sanction or ruling, and we wish to stress the desirability of a review of the original orders on which standing charges are based at regular intervals, such as we have been assured has now been undertaken by the Military Audit Department.

6. *Defence Reserve Fund.*—We are inclined to think that now that the free balance in the Defence Reserve Fund has been exhausted, this Fund should be restricted to the financing of projects that cannot be completed within the year and of specific schemes for which earmarked sums have been set apart We therefore recommend that a review of the Defence Reserve Fund as a method of financing expenditure from Defence Estimates should now be undertaken and a report on the subject submitted next year.

Proceedings of the first meeting of the Military Accounts Committee held on Tuesday, the 12th of July, 1938, at 11 a.m.

PRESENT :

The Hon'ble Sir JAMES GRIGG, K C B, K C S.I, Finance Member, *Chairman*

Captain Sardar Sir SHER MOHAMMED KHAN, C I E, M B E
Mr S SATYAMURTI.
Mr B DAS
The Hon'ble Sir JOHN NIXON, K C I E, C S.I, I C S
} *Members.*

Mr. C M. G OGILVIE, C B E, I C S, Secretary, Defence Department
Mr M R COBURN, O B E, Financial Adviser, Military Finance
Mr V NATESAN, Deputy Financial Adviser, Military Finance
Mr J PARLBY, O.B E, Military Accountant General
} *Witnesses.*

Mr A C BADENOCH, C S.I., C I.E, I C.S, Auditor General.

Mr. W R TENNANT, I C.S, Director of Audit, Defence Services

The Committee first considered the military items in the statement showing action taken or proposed to be taken on recommendations made by them in previous years.

2 *Item 28—Allocation of Ecclesiastical Expenditure*—In connection with item 28 in the statement showing action taken on previous years' recommendations it was stated that the census had been completed but for certain returns in regard to plains stations which had had to be sent back for correction, and that when these had been revised and duly compiled, the census would be complete The Committee trusted that this question would be finally disposed of this year and desired that all possible steps should be taken to bring this about.

3. *Item 45—Revision of Army Regulations*—With reference to the report submitted on the subject (Appendix XVII), the Defence Secretary stated that though good progress had been made in the revision of the more important regulations, this would have been more rapid if the Special Officer appointed to this duty had not been incapacitated by illness for a considerable period. The remaining regulations to be revised did not present so large a task and the Defence Secretary stated that the main work should be completed in another year, though it would be necessary for one officer to be retained permanently on the work of revision so as to avoid the accumulation of correction slips. It was also explained that, with the concurrence of the Auditor General, the practice of bringing all individual cases under some section of the regulations

had been abandoned, and that in future only questions of principle should be made the basis of correction slips The Committee agreed that the progress made was satisfactory and desired that a further report should be submitted next year.

4 *Item 46—Scheme for the interchange of Accountants of the Public Works Department and of the Military Engineer Services* —In connection with the report submitted by the Financial Adviser on the subject (Appendix XVIII), it was noted that no direct advantage had been gained by the deputation of Public Works Department Accountants to the Military Accounts Department and that, as it was stated that the real advantage of the scheme was in the wider experience and knowledge gained by the Accountants of the Military Accounts Department during their training, it was suggested by a member that only this side of the scheme should be retained and that the deputation of P W D Accountants to the Military Department should be discontinued The Auditor General explained that the first batch of Public Works Accountants sent in exchange had with certain exceptions not been of sufficient calibre to devise improvements in the M. E. S. system, in which indeed there was little scope for constructive suggestions owing to the recent embodiment therein of whatever seemed suitable from the Public Works side, if however the experiment was to be continued, an exchange was cheaper than unilateral deputation The Committee agreed that the system should be continued for another year when a further report should be submitted, and that meanwhile the Auditor General and the Financial Adviser should consider whether improvements could be made in the selection of personnel of Public Works Accountants.

5. *Item No. 47—Overstocking of Royal Air Force stores.*— It was explained in connection with the note on the subject (Appendix XIX) that stock limits had been prescribed and reduction was being carried out to these authorised stock limits which were based on 15 months' requirements for overseas supplies and 9 months for Indian supplies, and that this was subject to check by the local audit officer It was also explained that the review of the existing stocks was proceeding and had been half completed, and that it was not possible to reduce the stocks to the prescribed limits in all cases owing to the necessity of retaining spares for obsolescent aircraft which were no longer manufactured, but as arranged by the Auditor General, all cases of stores exceeding the limit of three years' anticipated requirements were referred to the R A F Headquarters and thence to Government and statutory audit The Committee was satisfied that the review of the whole stock now being carried out would remove the danger of overstocking in future, but desired that the Air Officer Commanding should next year give a full report of the progress made, with statistics of the amounts declared surplus or obsolete and the progress made in disposing of them, and that with this report should be submitted a review by the Director of Audit, Defence Services

6. *Item No 48—Payment to military officers of compensation for inferior quarters.*—It was explained in connection with the note on the subject (Appendix XX) that the elasticity introduced by the "Zoning System" had very much reduced the expenditure on compensation A member suggested that a recommendation should be made to abolish the payment of compensation

altogether, but it was pointed out that in view of the rights of the officers concerned to count lodging allowance as part of their pay, the system was reasonable, and this was accepted by the Committee

7 *Item 51—Accelerated payment of bills in March.*—The report of the Director of Audit, Defence Services (Appendix XXI) was considered in connection with paragraph 130 of the Appropriation Accounts, and it was accepted by the Committee that the improvement in this respect over previous years had been material, and it was hoped that the unusual increases in expenditure during the concluding weeks of the financial year, which had occurred in the past, would disappear in future years The Director of Audit, Defence Services, would report specifically only if there were appreciable deterioration from the March 1938 standard

8 *Item 52—Disposal of surplus and obsolete stores* —It was explained that the figures in regard to the total value of stores condemned was available in the statistics maintained by the Military Finance Branch, but the publication of the book value of such stores would be entirely misleading. It was agreed that the procedure for the continuous check of surplus or obsolete stores by the Military Finance Department, and the present system of making the particulars of surplus and obsolete stores available to audit criticism was satisfactory.

9 *Item No 53—Methods of charging the War Office with the pay of officers serving with a lent unit* —It was explained in connection with the note on the subject (Appendix XXIII) that capitation rates were fixed in consultation with the War Office for a period of 5 years, and that in the next quinquennial revision in 1939 a fresh ratio in accordance with the actual numbers in the various ranks of Infantry units of the Indian Army would be adopted

10 *Mechanisation of Ordnance Factory Accounts* —The note with reference to paragraph 29 of the Commercial Appendix to the Appropriation Accounts for 1936-37 (Appendix XXIV) was then considered, and it was agreed that the mechanisation of Ordnance Factory Accounts, which had been carried out in the Ordnance and Clothing Factories in respect of Workmen's Pay Rolls, Cost Accounts and Store Accounts and which had speeded up various accounts and statistics and had brought about a considerable saving in expenditure, had proved satisfactory

The Committee adjourned at 1-15 p m.

Proceedings of the second meeting of the Military Accounts Committee held on Tuesday, the 12th July, 1938, at 2-30 p.m.

PRESENT

The Hon'ble Sir JAMES GRIGG, K C B., K C S I, Finance Member, *Chairman.*

Members

Captain Sardar Sir SHER MOHAMMED KHAN, C I E, M B E
Mr S Satyamurti
Mr. B Das.
The Hon'ble Sir JOHN NIXON, K C.I E, C S I., I C.S

Witnesses.

Mr. C M G OGILVIE, C B E, I C S., Secretary, Defence Department
Mr M R COBURN, O B E, Financial Adviser, Military Finance
Mr V NATESAN, Deputy Financial Adviser, Military Finance
Mr J PARLBY, O B E, Military Accountant General.

Mr A C BADENOCH, C S I, C I E, I C S., Auditor General of India
Mr W R TENNANT, I C S., Director of Audit, Defence Services

11. The Committee then took up the consideration of the report of the Director of Audit, Defence Services, taking first the examination of the Reconstruction in Baluchistan.

12 *Paragraphs 32, 33, 34 and 35*.—In connection with the financial review of the Quetta Reconstruction, 1936-37, submitted by the Financial Adviser, Military Finance (Appendix XXV), the Committee agreed that the special procedure of the lump sum contract system adopted for the Quetta programme was justified in view of the rapid and expeditious reconstruction required, and that Government had not suffered financially from this procedure The question was raised whether the expenditure on the establishment had been kept as low as possible, and it was explained that in the year 1936-37 when the plans were being prepared and land being levelled, the ratio of expenditure on staff to the cost of buildings erected was bound to be high, and that expenditure on establishment could only be considered with regard to the cost of the scheme as a whole The statement of the Defence Secretary that the ratio of the cost of establishment to works constructed in 1937-38 was a particularly low figure, that compared favourably with the percentages of the Central and Provincial Public Works Departments, and that although it was not possible owing to the cutting down of the allotment of funds to carry out the optimum amount of work each year, it was hoped to keep the expenditure on establishment to the level of Rs 45 lakhs provided in the project estimate was noted with satisfaction, and the Committee expressed the hope that every effort should be made to approximate to this.

13. *Paragraph 36* —The modifications in the normal procedure that had to be allowed to suit the special circumstances of the first contracts were noted and since very short notice was given for the tenders to ensure the earliest possible start of construction in the short working season remaining in 1936, the Committee agreed that it was reasonable to have allowed correction of *bona fide* errors in the schedule prior to the conclusion of certain contracts.

14 *Paragraph 38* —The Committee examined the instances of transactions which audit considered open to question and their conclusions were that —

(1) on the question whether the State got the full advantage of the specially reduced price of cement obtained by Government in return for its guarantee that a certain company's cement only would be used for the first six years of reconstruction, there was no reason to think that Government had lost anything by the contractors not being formally notified that cement would be purchaseable at the reduced price,

(2) the revision of the rate for an important item in the schedule of rates to the financial advantage of the contractors of one group after acceptance of the contract was a correction of an obvious mistake which had been rightly allowed,

(3) the concession allowed to the contractors for payment for hot and cold water installations, special improvements to site, surface drainage and approach roads at the rates in the schedule of rates unmodified by the ratio, without the sanction of the Government of India was a technical mistake, and

(4) as regards the construction without specific authorisation of—

(*a*) Institute for Royal Army Medical Corps and Indian Hospital Corps, and

(*b*) 18 Class D quarters attached to servants' quarters to Class IX quarters,

administrative approval of the scheme as a whole did not exempt the executive authorities from obtaining separate sanctions for such normally unauthorised items, and that specific sanction should have been obtained As there seems to have been some misunderstanding over the terms of the administrative approval, the Committee desired to lay down for the future that the specific sanction of the Finance Department should be obtained for the construction of each item in the unauthorised list, though these were included in the project estimate approved by the Government of India

15 *Paragraph 6* —The question of over-budgeting and the "margin of safety" disclosed in the estimates over a number of years was discussed at length by the Committee along with paragraphs 129 and 130 of the Appropriation Accounts of the Defence Services for 1936-37 In considering the appropriations and expenditure under the head '8—Military Engineer Services (including Stores),' the Committee noted that in the past officers entrusted with the execution of works had endeavoured to minimise lapses by rushing through work and the connected expenditure during the last

weeks of the financial year, and that stringent orders had been issued by the Engineer-in-Chief with the object of inducing spending officers to surrender for regrant in the following year funds allotted for works that could not be carried out and paid for before the 31st March without resorting to this undesirable practice It was accepted by the Committee that the improvement in this respect over previous years had been material, but they considered that while provision had been made for regrant of lapses, sufficient attention had not been paid to the necessity of making a cut for the amounts thus unexpended

Though the cumulative total of savings was less than 1 per cent of the total grant, and though this might be due to an unavoidable accumulation of small margins adding up to a large saving, the Committee considered that this should be dealt with by a lump sum cut. It was explained that this practice of making a lump sum cut on account of the accumulation of small savings had been adopted since the year 1937-38, but the Committee desired that the Financial Adviser, Military Finance should, before the Committee met next year, send them a memorandum on the processes of estimating now in force for the Defence Services and his suggestions for their improvement based on his War Office experience

16. *Paragraph 7.*—The over-estimate under 'Pay of Officers' was noted by the Committee, who recommended that a larger lump sum cut on the basis of the average underspendings of previous years should be made under this head.

17. *Paragraph 8.*—It was explained by the Defence Secretary that as the stages of the scheme for reorganisation of the Mechanical Transport Services were brought into force at intervals, possible savings came to light and thus there was a saving on the original estimates with consequential benefit to Government.

18. *Paragraph 11* —After discussion, in which the Committee was assured that the reserves in the Defence Estimates were only used to augment the existing grants subject to the ordinary rules of control, they agreed that the reserves as now reduced which amount to Rs. 10 lakhs in all supplied only a reasonable provision for unforeseen contingencies and were not excessive.

The Committee adjourned at 5 p.m.

Proceedings of the third meeting of the Military Accounts Committee held on Wednesday, the 13th July, 1938, at 11 a.m.

PRESENT

The Hon'ble Sir JAMES GRIGG, K C B, K C S I, Finance Member, *Chairman*

Captain Sardar Sir SHER MOHAMMED KHAN, C I E, M B E
Mr S SATYAMURTI
Mr B DAS
The Hon'ble Sir JOHN NIXON, K C I E, C S I, I C S
} *Members*

Mr C M G OGILVIE C B E, I C S, Secretary Defence Department
Mr M R COBURN O B E Financial Adviser, Military Finance
Mr V NATESAN Deputy Financial Adviser, Military Finance
Mr J PARLBY, O B E, Military Accountant General
} *Witnesses*

Mr A C BADENOCH, C S I, C I E, I C S, Auditor General of India

Mr W R TENNANT, I C S, Director of Audit, Defence Services

19 The Committee continued the examination of the report of the Director of Audit, Defence Services

20 *Paragraphs 14, 15 and 16—Overpayments and non-recoveries due to failure to examine original sanctions* The Committee noted that the supplementary payments on account of conveyance charges for military animals had been made under the mistaken interpretation of the original sanction and commented on the fact that there was no examination of the original ruling during the 8 years the payments were continued The non-recovery of departmental charges from a foreign Government mentioned in paragraph 15 and the short recovery of rent described in paragraph 16 were also considered to be the result of the same defect The Committee were of the opinion that it was desirable that a review of standing charges should be conducted at intervals, and were glad to be assured that the Military Audit Department had started the practice of examining all cases of payments based on standing orders, as the result of which these irregularities had been brought to light.

21 *Paragraph 18—Overpayment of travelling allowance*—In connection with the overpayments on account of free return rail passages to their homes granted to persons serving in the Quetta area at the time of the earthquake, it was explained that the main cause for the mistake made was that the original orders had been sent by wireless to Quetta when no other means of communication were available, and that the letter of confirmation was issued some time after by another Branch The Committee noted the fact that the overpayments were mainly the result of mistakes due to the rush of work at the time of the earthquake, when there was the necessity for extremely rapid decisions

22 *Paragraph 22—Irregular payment of rent*—The Committee considered that the fact that the rent of the leased bangalow was continued to be paid to the former owner after it has been sold to another party instead of being deposited in court, disclosed an error of judgment which deserved censure; and the Defence Secretary undertook to look into the action taken against the authorities concerned

23 *Paragraph 24—Purchase of carts without calling for tenders out of a special grant-in-aid to a Cantonment*—Though the matter was not strictly within their jurisdiction, the Committee expressed the opinion that a serious irregularity had been disclosed and noted that the question of disciplinary action against the officer responsible would be pursued in the Defence Department

24 *Paragraph 25—Overpayments of pensions.*—The Committee noted that the number of cases of overpayments of pensions had been substantially reduced and agreed that the special report on the subject might be discontinued

25 *Paragraph 29—Establishment charges in the Military Engineer Services.*—It was explained that the increase in the establishment charges in 1936-37 was partly due to the initial expenditure on Quetta Reconstruction. The Committee noted, however, that the percentage of establishment charges had remained in the neighbourhood of 24 for the last three years, and considered that *prima facie* this was high and called for investigation and report next year

26. *Paragraph 30—Surveyors of Works*—The Committee noted that the distribution of responsibility for internal check had been materially affected in greater or less degree in different Commands by the introduction of the specialist cadre of Surveyors of Works, and that adequate arrangements to meet that situation were not yet perfected. They desired that the Director of Audit, Defence Services, should submit a report on this matter next year.

27 *Paragraphs 40 and 41—Stock verification*—The Auditor General stated that he had no reason to question the system of stock verification now in force; and this was accepted by the Committee.

28. *Paragraph 44—Central Abattoir and Cold Storage Schemes.*—The Committee could not but regard the fact that the scheme had had to be aban-

doned as unfortunate on account of both the waste of Government money involved and of the loss of facilities that would have been obtained both for the public and for the Army

29. *Paragraph 45—Appendix B*—Pro forma *account of expenditure on programme measures*—It was noted that with the exhaustion of the free balance in the Defence Reserve Fund, it was doubtful whether the Fund served any purpose other than that of an Equalisation Fund for projects that could not be completed within the year and for sums earmarked for certain specific items The Committee were disposed to think that the suitability of the Defence Reserve Fund as a method of financing expenditure from Defence Estimates should now be reviewed and that the question of the inclusion in it of the Land Sales Suspense Account should be examined.

Appropriation Accounts

30 *Paragraph 27—Military Accountant General's Certificate*—The Committee noted that the rules relating to issues of oil to consuming units and formations had now been clarified, and the Military Accountant General stated that from the year 1939-40 it would be possible to issue a complete certificate in respect of such issues

31 *Paragraph 28—Variations between original appropriation and expenditure*—Attention was drawn to the considerable variations between the original appropriation and expenditure under the heads '11—Royal Indian Navy (Including Stores)' and '12—Quetta Reconstruction' and it was explained that in the case of the R I N this was due to the previous system of budgeting for a lapse to the Equalisation Fund which had now been discontinued

32. *Paragraphs 83 and 84—Excesses due to new appointments*—The Committee desired to reaffirm their view that increases of expenditure unprovided for in the budget which were avoidable should be postponed.

Commercial Appendix

33 *Paragraph 4—Grass Farms.*—The Committee noted that ordinarily two-thirds of the average annual consumption of fodder was produced by the Farm Authorities and that one-third had to be purchased from contractors at higher rates It was explained that in certain areas and at certain small stations grass farms would not be advantageous, but the Committee desired that the question whether the system of Military Grass Farms could not profitably be extended should be examined and that a report should be submitted next year.

34. *Paragraphs 6, 7 and 8—Dairy Farms.*—It was noted that milk, butter and cream were sold to the troops at concession rates considerably lower than the market prices; and the Committee desired that it should be examined

whether this dairy produce was not being sold unduly cheaply and that a report on this point should be furnished next year.

35. *Paragraph 14 — Medical Store Depots* —The Committee noted that the method of compiling the accounts of the Medical Store Depots was still under consideration and hoped that the form of accounts designed to show the net effect of the activities of the depots in connection with supplies and services rendered on payment by them to civil institutions would be settled in the course of the year

36 *Paragraph 25 - Clothing Factory* —The Committee considered that it should be possible to test the actual profit made by the Clothing Factory as against the open market, and desired that a report on this matter should be submitted by the Financial Adviser, Military Finance next year

The Committee adjourned at 1-30 p m

APPEN

Statement showing action taken or proposed to be taken on recom

PART I.—Civil, Posts and Tele

Serial No	Year of Report	Paragraph of Report or Proceedings	Recommendations or suggestions
			Civil (Education, Health and Lands)
1	1935-36	10-R 7-P	That Government should again examine the question whether the transfer of work connected with the Army, which has led to so large a reduction in the receipts of the Mathematical Instrument Office, was in the interests of India as a whole
2	1935 36	7-P	That Government should consider the question of allowing the Mathematical Instrument Office to take work direct from the public
3	1935-36	5-P.	That the Committee should be informed whether any investigation has recently been undertaken with a view to improving the financial position of the Map Sales Department
4	1935-36	6-P	That Government should investigate whether it is necessary to hold such large stocks in the Photo Litho Office
5	1935-36	8-P.	That Government should consider whether it is necessary to retain the post of Director of the Botanical Survey, now that Burma has been separated
6	1935-36	44-P	That the Committee be supplied with further information regarding the staff maintained at Jeddah in connection with Indian pilgrims
			Civil (Finance)
7	1935-36	5-R 48-P 60-P 6-P (Military).	That the advisability of imposing lump cuts should be considered, especially in connection with certain Grants where there have been substantial savings in past years.
8	1935-36	5-R 13-P 8 R (Military)	That all the authorities concerned should be reminded of the principle that even if budget provision has originally been made under an incorrect unit, the corresponding expenditure should be brought to account under that unit, unless there be strong reasons for a contrary course
9	1935-36	5-R 17-P 22 P	That the Finance Department should, in consultation with the Auditor-General, experiment with a few Grants in order to see whether larger units of appropriation, both for budgeting and appropriation report purposes, would not lead to more accurate estimating and indeed to economy.

DIX I.

mendations made by the Central Public Accounts Committee.

graphs, and Defence Services.

Action taken or proposed to be taken
A note has been submitted to the Committee, (Appendix IV).
The Government of India have decided that it is neither practicable nor desirable to allow the Mathematical Instrument Office to take work direct from the Public The Mathematical Instrument Office will continue to undertake certain special classes of work for private and local bodies at remunerative rates when the office is not working to capacity on Government work, (*Vide* Appendix V).
A note on the subject has been submitted to the Committee, (Appendix VI).
A note has been submitted to the Committee, (Appendix VII)
The question is being considered.
A statement has been furnished, (Appendix VIII).
The system of making lump cuts has been adopted.
Instructions have been issued by the Auditor-General to all accounting and audit authorities.
The question is being considered.

Statement showing action taken or proposed to be taken on recom

PART I.—Civil, Posts and Tele

Serial No	Year of Report	Paragraph of Report or Proceedings	Recommendations or suggestions
			Civil (Finance)—contd
10	1935 36	7-R 48-P 54-P 101-P	That in order to avoid unnecessary supplementary grants the latest figures of actuals should be carefully studied immediately before a supplementary demand is submitted to the Legislature
11	1935-36	8-R 41-P 84-P 112 P	That the Finance Department should consider the possibility of eliminating the capital head for expenditure on the commutation of pensions and also certain other minor capital heads
12	1935 36	9-R 43-P	That unless there are very strong administrative or financial reasons for continuing the existing system the agency function at present performed by the India Office on behalf of the Government of India should be transferred to the High Commissioner and the remaining cost of the India Office should be borne by His Majesty's Government
13	1935-36	9-R 40-P	That Government should consider whether the account maintained by the Secretary of State with the Bank of England could not be transferred to the Reserve Bank
14	1935-36	32-P	That the procedure adopted in connection with savings in Grant No 27 should be investigated
15	1935-36	35-P	That the Finance Department should satisfy themselves that the amount which is placed at the disposal of the Secretary of State for secret service expenditure is still necessary
16	1935-36	49-P.	That when a supplementary grant is required to meet only a part of the cost of a scheme the Legislature should be informed of the total cost.
17	1935-36	110-P	That Grant No. 76—Miscellaneous should, if possible, be re-arranged in future years in order to bring together the items relating to each Department
18	1935-36	4-P	That the procedure adopted in connection with the acknowledgment of surrenders should be investigated in order to ascertain whether the responsibility of the various authorities concerned had been sufficiently clearly defined.

mendations made by the Central Public Accounts Committee—contd.

graphs, and Defence Services—*contd.*

Action taken or proposed to be taken.
Instructions have been issued to the authorities concerned.
In the budget for 1938-39 expenditure on the commutation of pensions relating to the Commercial Departments is being charged to revenue, and the old procedure has been retained only for commutations relating to the Civil and Defence Departments The capital head for expenditure on retrenched personnel and the corresponding demand have been abolished, and four other capital demands (Irrigation, Security Printing, Currency, and Lighthouses and Lightships) have been amalgamated with the corresponding revenue demands It is hoped that this question will shortly be investigated in London by a representative of the Government of India
The Reserve Bank have been consulted on this question They consider that it would be inconvenient to transfer the account while the sterling debt of the Government of India continues to be managed by the Bank of England, and that in present circumstances the transfer of the sterling debt to their management would be unlikely to result in any appreciable economy The Government of India have accordingly decided to allow the existing arrangements to continue for the present
Expenditure on the upkeep and maintenance of State carriages, horses and motors was formerly debited to the non-lapsing contract grant of the Governor-General In 1923 a separate sub-head was opened for convenience in accounting and control, but the allotment under this sub-head has always been regarded as a part of the contract grant It may not be exceeded in any year, and as it includes provision for periodical purchases of horses and carriages it is necessary that its balances should be carried forward
The Finance Department are satisfied that it is necessary to incur some secret service expenditure abroad The expenditure is now controlled by the Director, Intelligence Bureau, and the necessary provision is included in his budget
This will be done
The question is being examined, but in view of the accounting difficulties involved it was not considered practicable to introduce the proposed change in the Demand for 1938-39
In the list of controlling authorities issued by the Finance Department for the financial year 1937-38 the responsibility of the departments and officers concerned for the control of the English portions of their Grants has been specifically mentioned where necessary. It has also been decided that when modifications in the provision for English expenditure are sanctioned by controlling authorities under their own powers copies of the orders should always be supplied to the Finance Department to enable the latter to verify that changes reported by the Secretary of State or the High Commissioner are not overlooked

Statement showing action taken or proposed to be taken on recom

PART I —Civil, Posts and Tele

Serial No	Year of Report	Paragraph of Report or Proceedings	Recommendations or suggestions
			Civil (Finance)—concld
19	1935-36	9-P	That the legal difficulties, if any, with regard to the recovery of money due from an officer on pension should be examined, and if necessary legislation should be undertaken to remove them
20	1935-36	15-R 12 P 13-P 96-P	That all the authorities concerned should be reminded of the importance of ensuring that the explanations given in the Appropriation Accounts are both accurate and intelligible
21	1935-36	15-R 106 P 9-R (Military) 7-P (Military)	That the audit officers concerned should indicate in their Audit Reports which of the items in the lists of variations, etc , they still regard as unsatisfactory after considering the explanations given by the administrative authorities
22	1935-36	6-R 88-P	That Government should suggest means of improving the accuracy of budgeting for works expenditure while maintaining the principle of Parliamentary control
23	1935-36	8-R 72-P.	That any further expenditure on New Delhi, which is not of a clearly remunerative character, should be charged to revenue and not to capital
24	1935-36	65-P	That in future the Finance and other Departments should invariably obtain the opinion of the technical Department before making budget provision for any works projects
25	1935-36	11-P	That the Government of India should insist on obtaining audited statements of the accounts of all institutions to which grants-in-aid are paid
			Civil (Central Board of Revenue)
26	1935-36	46-P	That it should be considered whether customs and other assignments and compensations should not be treated as deductions from revenue instead of expenditure
27	1935-36	50-P ..	That the Board should examine the possibility of securing a reduction in expenditure corresponding with the reduction in the output of the Opium Factory at Ghazipur
			Civil (Industries and Labour)
28	1926-27 1928-29 1929-30 1933-34 1934-35 1935-36	25-R. . . 91-P. 118-P. 36-P. 20-P. 57-P	That the question of the allocation of ecclesiastical expenditure should be settled as early as possible

mendations made by the Central Public Accounts Committee—contd

graphs, and Defence Services —*contd.*

Action taken or proposed to be taken

Draft rules, providing in respect of new entrants to the Secretary of State's Services for recoveries from pensions, were forwarded to the Secretary of State for his approval He has decided, however, in view of existence of means of recovery in cases involving fraud through the law courts, of the difficulties attendant on investigation when the retired officer is resident out of India, and of the resulting discrimination between the liabilities of pensionable and non-pensionable Services (provident funds become absolute property of an officer on retirement), not to frame such rules The Government of India are reluctant, in this matter, to treat other Government servants differently from Secretary of State's officers, and have consequently decided to abandon the proposed amendments in respect of the Services under their control

It may be pointed out that the competent authorities have full power under Article 470-C S R. to reduce a pension if service has not been thoroughly satisfactory use is made of this power when irregularities come to light before a pension is finally sanctioned

Instructions have been issued to the authorities concerned, (Appendix XV)

The Auditor-General has issued instructions on the subject

The procedure recommended in Appendix VI to the Committee's Report has been adopted in connection with the Civil Works Demand for 1938-39

It is not at present practicable to meet the cost of all unremunerative items from current revenues, but such items will only be charged to capital if they are both large and indispensable

The recommendation has been brought to the notice of the authorities concerned

It has been decided in consultation with the Auditor General, not to make any change in the existing procedure for the present

It has been decided that one more division (poppy cultivation) should be abolished. This will involve a saving of about Rs 12,500 during 1938-39 and appreciably more in later years. Orders for reduction of factory establishment which will result in an annual saving of Rs 26,000 approximately have issued

is of entitled persons is being taken.

Statement showing action taken or proposed to be taken on recom

PART I.—Civil, Posts and

Serial No	Year of Report	Paragraph of Report or Proceedings	Recommendations or suggestions
			Civil (Industries and Labour)—contd
29	1932-33 1933-34 1934-35 1936-37	31-P 14-R 23-P 62-P	That in view of the large drop in the value of stores purchased from the Indian Stores Department, London, the question of amalgamating it with the Indian Stores Department should be considered
30	1934-35 1935-36	18-P . 11-R and 55-P	That Government should examine the possibility of abolishing the Hastings Street Press, and that in any case the question of amalgamating the Hastings Street and Dharamtala Presses should be settled without further delay
31	1935-36	73-P ..	That Government should examine the possibility of obtaining more revenue from the Ajmer-Merwara irrigation schemes through a reduction in the charges levied from the cultivators
32	1935-36	6-R . 69-P 116-P	That Government should submit a report next year on the question whether the staff employed in connection with capital works undertaken by the Central Public Works Department and with the purchase of stores is not unnecessarily large
33	1935-36	53-P. .. .	That the question whether additional revenue could be obtained from advertisements in the *Indian Listener* should be further considered
34	1935-36	56-P ..	That the index of publications issued from time to time by the Central Publications Branch should be supplied to Members of the Legislature
35	1935-36	66-P .	That it should be considered whether the Civil Works Grant should not in future be confined to works which are actually under the control of the Industries and Labour Department, other items being included in the Grants relating to the Departments or Administrations concerned
36	1935-36	71-P	That a report should be submitted regarding the adequacy of the present arrangements for the revenue and financial administration of Government lands and other properties in New Delhi
37	1935-36	89-P . .	That the Committee should be informed of the nature and extent of the control which the Controller of Stationery and Printing would exercise over the Private Secretary's Press and the Presses for which the Political Department are responsible

mendations made by the Central Public Accounts Committee—contd.

Telegraphs, and Defence Services—*contd.*

Action taken or proposed to be taken
The question is being considered
Plans and estimates for the amalgamation of the Hastings Street Press with the Dharamtala Press were received by the Controller of Printing and Stationery from the Bengal Government, but further progress with the scheme was postponed pending a decision on the proposal to transfer the printing of the statistical publications of the Director-General, Commercial Intelligence and Statistics, from the Government of India Press, Calcutta, to the Government of India Press, New Delhi The latter proposal has now been dropped, and the former scheme is under separate consideration, with special reference to the altered financial position
It has been decided that a reduction in water charges is not feasible, as Government have been advised that the existing rates are reasonable and the demand at those rates is also at the maximum
Reports have been submitted to the Committee, (Appendices XI and XI-A)
A certain number of non-radio advertisements are now included in A I R journals and this has resulted in an increase of revenue from advertisements Agents have also been appointed for the sale of the publications at the chief commercial centres
The proposal has been accepted
In the budget for 1938-39 the provision for Baluchistan and Ecclesiastical works has been transferrred to the relevant Grants The Government of India do not consider it desirable to make any further change for the present, since budgeting for civil works expenditure would become more difficult if the provision were distributed between a large number of different Grants
A report has been submitted to the Committee, (Appendix IX)
It has been agreed that the Controller of Printing and Stationery will be consulted by the Private Secretary on all technical matters and on proposals regarding additions to machinery and staff He will inspect the Private Secretary's Press twice a year, once in Delhi and once in Simla. The Controller exercises technical control over all the Presses for which the Political Department are responsible He proposes to inspect the Residency Presses at Mysore and Hyderabad once a year.

Statement showing action taken or proposed to be taken on recom

PART I.—Civil, Posts and Tele

Serial No	Year of Report	Paragraph of Report or Proceedings		Recommendations or suggestions
				Civil (Foreign and Political)
38	1929-30 1934-35 1935-36	114-P 27-P 78-P		That the question of the incidence of Persian Gulf expenditure should be considered
39	1935-36	76-P	..	That Government should examine the question whether the grants made to the Chiefs' Colleges are a legitimate charge on the revenues of the Central Government
				Civil (Commerce)
40	1935-36	12-R 111 P	.	That the financial position of the Vizagapatam Port should be thoroughly investigated without delay and that a comprehensive report on the subject should be submitted next year
41	1935-36	109-P		That the authorities concerned should consider whether it is necessary to maintain a special fund for replacements and additions as well as a depreciation fund and a general reserve fund for the Lighthouses and Lightships
				Civil (Home)
42	1935-36	115 P	.	That Government should consider the desirability of annexing to each of the Area Demands (such as those relating to Delhi and Ajmer-Merwara) a *pro forma* account showing the expenditure and receipts (of a provincial character) in the year in question
				Posts and Telegraphs
43	1935-36	14-R 94-P		That the Accountant-General should examine the possibility of eliminating certain suspense accounts
44	1935-36	99-P		That the authorities concerned should consider the possibility of showing the capital expenditure gross and recording the recoveries or credits separately or as receipts and that they should in any case try to devise means of presenting the Accounts and Demands relating to the Posts and Telegraphs Department in a simpler and more intelligible form
				Defence Services
45	1930-31 1931-32 1932-33 1933-34 1934-35 1935-36	1-R 3-R 2-P 4-R 3-R and 2-P. 2-R and 2-P	Military Accounts Committee	That the revision of the Army Regulations be completed as soon as possible

mendations made by the Central Public Accounts Committee—contd.

graphs, and Defence Services—*contd*

Action taken or proposed to be taken
The question is being considered
These grants were recently examined and were fixed on a revised scale for a limited period. The question will be reconsidered at the end of that period
A memorandum on the subject has been furnished to the Committee, (Appendix X)
The question is being considered
An extract from a note recorded by the Accountant-General, Central Revenues, on the subject has been furnished, (Appendix XVI) In view of the difficulties explained by the Accountant-General the Auditor-General has recommended, and the Government of India have agreed, that the suggestion should not be pursued for the present
The budget estimates for 1938-39 have been prepared in accordance with these recommendations The consequential changes in the accounts are also being introduced with effect from that year
A note has been submitted to the Committee, (Appendix XVII).

Statement showing action taken or proposed to be taken on recom

PART I.—Civil, Posts and

Serial No	Year of Report	Paragraph of Report or Proceedings		Recommendations or suggestions
				Defence Services—contd
46	1932-33 1933-34 1935-36	33-P 11-P 3-P	Military Accounts Committee	That a further report be submitted next year regarding the scheme for the training of Public Works Department Accountants in work connected with the Military Engineer Services
47	1934-35 1935-36	18 and 19-P 18-P	Military Accounts Committee	That a further report be submitted next year regarding the overstocking of Royal Air Force stores
48	1934-35 1935-36	21-P 5-P	Military Accounts Committee	That further information be supplied regarding the actual expenditure involved in the payment to military officers of compensation for inferior quarters and regarding the effects of the "zoning" system
49	1935-36	4-R 24-P	Military Accounts Committee	That the actuals of past years under "Expenditure in England on the purchase and sale of stores, equipment and animals" should be carefully examined with a view to the possibility of a reduction in future budget estimates
50	1935-36	5-R 12-P	Military Accounts Committee	That acquittal by a court of law should not necessarily be regarded as exempting a Government servant from suitable departmental action
51	1935 36	6-R 28-P	Military Accounts Committee	That a further report be submitted next year regarding the measures taken to prevent a rush of expenditure in the month of March
52	1935-36	14-P	Military Accounts Committee	That a further report be submitted next year regarding the disposal of surplus and obsolete stores
53	1935-36	37-P	Military Accounts Committee	That a report be submitted next year regarding the adequacy of the methods of charging the War Office with the pay of officers serving with a lent unit

mendations made by the Central Public Accounts Committee—concld.

graphs, and Defence Services—*concld.*

Action taken or proposed to be taken
A note has been submitted to the Committee (Appendix, XVIII)
A note has been furnished, (Appendix XIX)
A memorandum has been submitted, (Appendix XX).
The recommendation has been brought to the notice of the estimating authorities, and every effort has been made to restrict the provision in the budget for 1938-39 to actual requirements
The position is accepted by the Defence Authorities
A report on the subject is contained in paragraph 130 of the Appropriation Accounts of the Defence Services for 1936-37.
A memorandum has been furnished, (Appendix XXII)
A note has been submitted, (Appendix XXIII).

APPENDIX II.

Statement comparing expenditure with grants for 1936-37.

Number and name of Grant or Appropriation	Final Grant or Appropriation	Expenditure.	Expenditure as compared with Grant or Appropriation	
			Less than granted.	More than granted
	Rs.	Rs	Rs.	Rs.
REPORT PREPARED BY THE ACCOUNTANT GENERAL, CENTRAL REVENUES—*contd*				
16. Customs				
Voted .	93,73,000	92,37,098	1,35,902	
Non-voted .	*43,88,500*	*43,45,759*	*42,741*	
17 Taxes on Income				
Voted .	85,35,000	85,11,471	23,529	
Non-voted .	*1,72,796*	*1,72,589*	*207*	.
18 Salt				
Voted	64,08,000	64,17,127		9,12
Non-voted	*43,59,809*	*43,56,603*	*3,206*	
19. Opium .				
Voted .	27,74,000	27,63,263	10,737	
Non-voted .	*1,18,551*	*1,18,648*	..	*97*
19-A. Excise				
Voted .	4,78,000	4,75,205	2,795	
Non-voted .	*2,18,348*	*2,17,025*	*1,323*	.
20. Stamps				
Voted .	17,39,000	16,98,745	40,255	
Non-voted .	*49,040*	*49,240*		*200*
21. Forest ·				
Voted .	5,33,000	5,24,626	8,374	
Non-voted .	*1,77,300*	*1,76,082*	*1,218*	
22. Irrigation, etc.—Charged to Revenue				
Voted .	4,07,000	12,03,486	.	7,96,486
Non-voted .	*2,90,600*	*7,97,526*	..	*5,06,926*
25. Interest on Ordinary Debt, etc				
Voted .	21,59,000	21,50,345	8,655	.
Non-voted .	*—6,97,000*	*—8,54,264*	*1,57,264*	
26. Interest on Miscellaneous Obligations				
Voted .	71,52,000	71,31,712	20,288	.
Non-voted .	*11,74,00,387*	*11,71,59,793*	*2,40,594*	.. .
27. Staff, Household and Allowances of the Governor General				
Voted	4,80,000	4,61,610	18,390	..
Non-voted .	*10,51,833*	*10,90,569*		*38,736*
28. Executive Council				
Voted	1,49,000	1,21,155	27,845	..
Non-voted .	*4,79,170*	*4,80,125*	..	*955*

Number and name of Grant or Appropriation	Final Grant or Appropriation.	Expenditure.	Expenditure as compared with Grant or Appropriation. Less than granted	More than granted.
	Rs	Rs	Rs	Rs.
REPORT PREPARED BY THE ACCOUNTANT GENERAL, CENTRAL REVENUES—*contd*				
29. Council of State				
Voted	1,43,000	1,40,753	2,247	
Non-voted .	*3,700*	*3,240*	*460*	
30. Legislative Assembly and Legislative Assembly Department				
Voted	8,68,000	8,26,859	41,141	
Non-voted	*71,910*	*67,595*	*4,315*	
31. Foreign and Political Department				
Voted .	9,77,900	9,69,780	8,120	..
Non-voted .	*3,93,500*	*3,93,816*	..	*316*
32. Home Department				
Voted .	7,92,900	7,98,368	.	5,468
Non-voted	*14,87,339*	*14,84,296*	*3,043*	.
33. Public Service Commission				
Voted	2,02,000	2,01,093	907	
Non-voted .	*2,13,651*	*2,13,668*	*13*	
34. Legislative Department				
Voted .	3,33,000	3,31,116	1,884	.
Non-voted .	*1,87 900*	*1,87,500*	*400*	..
35 Department of Education, Health and Lands				
Voted .	6,12,000	5,84,506	27,494	
Non-voted .	*2,02,250*	*2,01,794*	*456*	
36. Finance Department				
Voted	10,66,000	10,65,470	530	..
Non-voted .	*2,46,603*	*2,45,676*	..	*73*
38. Commerce Department				
Voted .	4,13,000	4,12,272	728	..
Non-voted .	*1,33,678*	*1,33,372*	*306*	..
39 Defence Department ·				
Voted .	4,25,000	3,95,400	29,600	..
Non-voted	*87,754*	*88,207*	..	*453*
40. Department of Industries and Labour ·				
Voted .	5,47,000	5,23,671	23,329	..
Non-voted .	*1,56,712*	*1,56,758*	..	*46*
41. Central Board of Revenue ·				
Voted	2,08,000	2,11,145	..	3,145
Non-voted .	*1,34,383*	*1,34,294*	*89*	..
42. Payments to Provincial Governments, etc. ·				
Voted . .	1,56 000	1,58,755	.	2,755
Non-voted .	*66,200*	*66,302*	.	*102*

Number and name of Grant or Appropriation.	Final Grant or Appropriation.	Expenditure.	Expenditure as compared with Grant or Appropriation.	
			Less than granted.	More than granted.
	Rs.	Rs	Rs	Rs.
REPORT PREPARED BY THE ACCOUNTANT GENERAL, CENTRAL REVENUES —*contd*				
43 Audit				
Voted .	1,00,93,000	98,97,867	1,95,133	
Non-voted	*7,79,000*	*7,77,395*	*1,605*	
44 Administration of Justice				
Voted	69,000	67,747	1,253	
45 Police				
Voted .	1,81,000	1,83,737		2,737
Non-voted .	*77,400*	*74,246*	*3,154*	
46. Ports and Pilotage				
Voted	14,66,000	14,70,229		4,229
Non voted	*3,78,230*	*3,80,811*		*2,581*
47. Lighthouses and Light ships				
Voted	9,75,000	9,41,278	33,722	
Non-voted	*29,216*	*20,216*	..	
48. Survey of India				
Voted .	21,24,000	19,59,456	1,64,544	
Non voted .	*5,50,800*	*5,45,809*	*4,991*	
49 Meteorology				
Voted	20,06,000	19,40,989	65,011	
Non-voted	*85,300*	*84,900*	*400*	
50 Geological Survey				
Voted .	2,10,000	1,96,067	13,933	
Non-voted	*2,24,000*	*2,20,069*	*3,931*	
51 Botanical Survey				
Voted	1,29,000	1,32,665	..	3,665
Non-voted .	*32,000*	*31,033*	*967*	
52. Zoological Survey				
Voted	95,000	95,135	.	135
Non-voted	*46,903*	*46,942*	.	*39*
53. Archæology :				
Voted	11,91,000	11,68,603	22,397	..
Non-voted	*1,01,500*	*1,00,853*	*647*	
54. Mines				
Voted .	1,27,000	1,33,762	..	6,762
Non-voted .	*95,131*	*94,340*	*791*	..
55 Other Scientific Departments				
Voted .	2,56,000	2,55,750	250	..
56. Education				
Voted .	6,42,000	6,41,622	378	..
Non-voted .	*34,428*	*32,939*	*1,489*	..
57 Medical Services :				
Voted	6,97 000	6,90,146	6,854	.
Non-voted .	*2,22,279*	*2,23,052*	..	*773*

Number and name of Grant or Appropriation.	Final Grant or Appropriation.	Expenditure.	Expenditure as compared with Grant or Appropriation.	
			Less than granted.	More than granted.
	Rs.	Rs.	Rs.	Rs.
REPORT PREPARED BY THE ACCOUNTANT GENERAL, CENTRAL REVENUES—*contd*				
58 Public Health				
Voted .	7,64,000	7,16,548	47,452	
Non voted .	*1,92,441*	*1,90,788*	*1,653*	
59. Agriculture				
Voted	30,43,000	20,20,037	10,22,963	
Non-voted	*59,809*	*59,703*	*106*	
60. Imperial Council of Agricultural Research Department				
Voted .	8,75,000	8,73,408	1,592	
Non-voted .	*1,12,618*	*1,12,944*	.	*326*
60-A Scheme for the Improvement of Agricultural Marketing in India				
Voted .	4,60,000	4,45,457	14,543	
61 Civil Veterinary Services.				
Voted .	7,32,000	6,76,211	55,789	
Non-voted .	*34,600*	*34,241*	*359*	
62. Industries				
Voted .	8,37,000	7,63,597	73,403	
Non voted .	*2,315*	*2,315*		
63. Aviation ·				
Voted .	22,45,000	20,73,461	1,71,539	
Non voted .	*12,000*	*12,009*	.	*9*
63-B Expenditure on the Development of Civil Aviation met from the Fund				
Voted	1,000	.	1,000	.
64. Commercial Intelligence and Statistics				
Voted .	5,38,000	5,03,541	34,459	
Non-voted .	*67,100*	*65,508*	*1,592*	.
65. Census				
Voted .	1,000	1,886	.	886
66 Emigration—Internal:				
Voted .	15,000	14,473	527	..
Non-voted .	*2,400*	*2,477*	.	*77*
67. Emigration—External.				
Voted .	1,93,000	1,92,068	932	..
Non-voted .	*48,504*	*51,406*	..	*2,902*

Number and name of Grant or Appropriation	Final Grant or Appropriation	Expenditure	Expenditure as compared with Grant or Appropriation	
			Less than granted	More than granted.
	Rs	Rs	Rs	Rs
REPORT PREPARED BY THE ACCOUNTANT GENERAL, CENTRAL REVENUES—*contd*				
68 Joint Stock Companies				
Voted	1,29,000	1,27,499	1,501	
Non-voted	*7,090*	*5,151*	*1,939*	
69. Miscellaneous Departments				
Voted	12,75,000	12,62,104	12,896	
Non-voted	*17,717*	*17,716*	*1*	.
69-B Expenditure on the Development of Broadcasting met from the Fund :				
Voted	1,000		1,000	
70 Indian Stores Department				
Voted .	20,55,000	20,38,003	16,997	
Non-voted	*1,08,000*	*1,05,703*	*2,297*	
71 Currency				
Voted	18,42,000	17,88,127	53,873	..
Non-voted	*68,160*	*68,591*	.	*431*
72 Mint				
Voted	18,81,000	17,82,019	98,981	.
Non-voted	*84,900*	*83,173*	*1,727*	
73 Civil Works :				
Voted .	2,39,95,000	2,34,94,629	5,00,371	
Non-voted .	*14,98,000*	*14,52,743*	*45,257*	
74 Superannuation Allowances and Pensions				
Voted	1,15,56,000	1,10,40,835	5,15,165	..
Non-voted	*1,77,94,060*	*1,76,78,809*	*1,15,251*	.
75 Stationery and Printing				
Voted .	37,55,000	37,97,311	..	42,311
Non-voted	*40,417*	*40,680*	.	*263*
76 Miscellaneous				
Voted	8,15,000	8,12,114	2,886	..
Non-voted	*27,39,729*	*27,16,560*	*23,169*	..
76-A. Expenditure on Retrenched personnel charged to Revenue				
Voted .	20,000	19,874	126	7
Non-voted .		*7*	..	
76-B Miscellaneous - Adjustments between the Central and Provincial Governments				
Voted	3,65,14,000	3,89,31,399	.	24,17,39
Non voted .	*1,01,43,376*	*1,01,43,376*		

Number and name of Grant or Appropriation	Final Grant or Appropriation	Expenditure	Expenditure as compared with Grant or Appropriation	
			Less than granted	More than granted.
	Rs	Rs	Rs	Rs
REPORT PREPARED BY THE ACCOUNTANT GENERAL, CENTRAL REVENUES—*contd*				
77. Refunds				
Voted .	1,49,00,000	1,49,99,660		99,660
Non-voted	*3,20,72,977*	*3,17,30,819*	*3,42,158*	.
79. Baluchistan				
Voted	66,31,000	56,08,284	10,22,716	
Non-voted	*43,96,200*	*43,47,699*	*48,501*	
80. Delhi				
Voted	65,89,000	54,22,597	11,66,403	
Non-voted	*2,53,000*	*2,55,995*	*2,005*	
81. Ajmer-Merwara				
Voted	16,22,000	16,22,027	..	27
Non-voted	*1,05,115*	*1,03,773*	*1,342*	..
82 Andamans and Nicobar Islands:				
Voted	26,76,000	27,04,986	.	28,986
Non-voted	*2,05,725*	*2,06,616*	..	*891*
83 Rajputana				
Voted	4,12,000	4,11,978	22	..
Non-voted	*6,65,210*	*6,68,251*	..	*3,041*
84 Central India				
Voted	3,29,000	3,15,529	13,471	..
Non voted	*6,01,041*	*5,97,427*	*3,614*	..
85 Hyderabad ·				
Voted .	2,45,000	2,18,277	26,723	..
Non-voted	*5,80,283*	*5,85,801*	..	*5,518*
85-A Aden				
Voted	6,25,000	6,10,388	14,612	..
Non-voted .	*3,78,300*	*3,70,609*	*7,691*	..
86. Expenditure in England—Secretary of State for India ·				
Voted	21,33,000	20,60,064	72,936	..
Non-voted .	*17,33,000*	*17,08,551*	*24,449*	..
87. Expenditure in England—High Commissioner for India:				
Voted .	26,66,000	25,73,707	92,293	..
Non-voted .	*28,68,000*	*28,39,513*	*28,487*	..
Ecclesiastical ·				
Non-voted .	*28,58,500*	*28,35,743*	*22,757*	..
Political:				
Non-voted	*1,25,30,086*	*1,38,28,232*	..	*12,98,146*
Frontier Watch and Ward:				
Non-voted .	*1,95,28,002*	*1,94,35,082*	*92,920*	..
Territorial and Political Pensions:				
Non-voted .	*29,39,046*	*29,37,675*	*51,371*	..

Number and name of Grant or Appropriation	Final Grant or Appropriation.	Expenditure.	Expenditure as compared with Grant or Appropriation.	
			Less than granted	More than granted.
	Rs	Rs.	Rs.	Rs
REPORT PREPARED BY THE ACCOUNTANT GENERAL, CENTRAL REVENUES—*concld*				
Bangalore				
Non voted .	*13,40,960*	*13,38,132*	*2,828*	
Western India States Agency				
Non-voted	*24,94,000*	*24,91,765*	*2,235*	
88. Capital Outlay on Security Printing				
Voted .	1,000	—3,062	4,062	
89. Forest Capital Outlay				
Voted	1,000		1,000	
90 Irrigation Works (Not charged to Revenue)				
Voted	1,000	1,15,801		1,14,801
92-A Capital Outlay on Schemes of Agricultural Improvement and Research				
Voted	10,14,000	10,13,354	646	
93. Currency Capital Outlay				
Voted .	1,000	—1,23,097	1,24,097	
94 Capital Outlay on Vizagapatam Hrabour				
Voted	9,93,000	2,07,673	7,85,327	
95. Capital Outlay on Lighthouses and Lightships				
Voted .	1,000		1,000	
96 Commuted Value of Pensions				
Voted	31,93,000	30,16,575	1,76,425	
Non-voted	*18,39,000*	*14,03,422*	*4,35,578*	..
96-A. Expenditure on Retrenched personnel charged to Capital				
Voted	1,000	—4,31,204	4,32,204	
Non-voted	*—40,000*	*—40,103*	*103*	
97. Delhi Capital Outlay				
Voted .	23,66,000	20,64,703	3,01,297	
98 Interest Free Advances				
Voted .	79,85,000	81,66,656		1,81,656
99. Loans and Advances bearing interest				
Voted .	5,26,45 000	2,16,45,127	3,09,99,873	
REPORT PREPARED BY THE ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS—				
23. Indian Posts and Telegraphs Department				
Voted .	10,91,01,000	10,68,65,681	22,35,319	.
Non-voted	*94,56,000*	*94,72,396*	..	*16,396*
91 Capital outlay on Indian Posts and Telegraphs Deptt —				
(Not charged to revenue)				
Voted .	48,77,000	46,50,781	2,26,219	..
Non-Voted .	*3,000*	*628*	*2,372*	..

Number and name of Grant or Appropriation.	Final Grant or Appropriation	Expenditure	Expenditure as compared with Grant or Appropriation	
			Less than granted	More than granted
	Rs	Rs	Rs	Rs
APPROPRIATION ACCOUNTS PREPARED BY THE CHIEF COMMISSIONER, RAILWAYS—				
1 Revenue—Railway Board.				
Voted	8,80,000	8,95,213		15,213
Non-voted	*4,88,000*	*4,87,903*	*97*	
2. Revenue—Audit				
Voted	14,50,000	14,41,864	8,136	
Non-voted	*2,62,000*	*2,61,582*	*418*	.
3. Revenue—Miscellaneous Expenditure				
Voted	12,87,000	12,64,903	22,097	
Non-voted	*14,83,000*	*14,65,554*	*17,446*	..
4 Revenue—Refunds				
Voted	15,35,000	18,60,032	.	3,25,032
5. Revenue—Payments to Indian States and Companies				
Voted	3,48,68,000	3,52,76,927	..	4,08,927
6-A Revenue—Working Expenses—Maintenance of Structural Works				
Voted	8,67,00,000	7,96,32,435	70,67,563	
Non-voted .	*32,05,000*	*32,00,314*	*4,686*	.
6-B. Revenue—Working Expenses—Maintenance and Supply of Locomotive Power				
Voted	16,84,00,000	16,77,32,027	6,67,973	
Non-voted	*16,01,000*	*15,94,873*	*6,127*	
6-C Revenue—Working Expenses—Maintenance of Carriage and Wagon Stock				
Voted	6,19,00,000	5,79,78,702	39,21,298	
Non-voted	*3,26,000*	*3,35,007*		*9,007*
6-D. Revenue—Working Expenses—Maintenance of Ferry Steamers and Harbours:				
Voted	28,75,000	28,80,164		5,164
Non-voted	*28,000*	*27,411*	*589*	..
6-E Revenue—Working Expenses—Expenses of Traffic Deparment:				
Voted .	10,87,25,000	10,83,53,774	3,71,226	
Non-voted .	*17,79,000*	*17,66,181*	*12,819*	.
6-F. Revenue Working Expenses—Expenses of General Departments.				
Voted	4,65,25,000	4,63,07,599	2,17,401	
Non-voted	*23,04,000*	*23,04,776*		*776*

Number and name of Grant or Appropriation	Final Grant or Appropriation	Expenditure	Expenditure as compared with Grant or Appropriation	
			Less than granted	More than granted
	Rs	Rs	Rs	Rs
APPROPRIATION ACCOUNTS PREPARED BY THE CHIEF COMMISSIONER, RAILWAYS—*contd*				
6 G Revenue—Working Fxpenses—Miscellaneous Expenses				
Voted	4,34,75 000	4,33,41,086	1,33,914	
Non voted .	*13,67,000*	*13,37,593*	*29,407*	
6-H Revenue—Working Fxpenses—Electric Service Department				
Voted	1,19 25,000	1,15,37,310	3,87,690	
Non voted	*96,000*	*95,707*	*293*	
7. Revenue—Appropriation to Depreciation Reserve Fund				
Voted .	13,28,00,000	13,15,03,380	12,96 620	
8 Revenue—Interest Charges :				
Voted	2,68,000	2,65,763	2,237	
Non voted	*30,80,75 000*	*30,78,65,463*	*2,09,537*	
9 Temporary withdrawals from Depreciation Reserve Fund				
Voted	3,44,44,000		1 44 44,000	
11. Capital—New Construction				
Voted	23,60,000	15,420	23,44,580	
Non voted	*4,000*	*3,996*	*4*	
12. Open Line Works				
Voted .	9,99,90,000	8,13,88,422	1 86 01,578	
Non voted	*2,00,000*	*1,62,162*	*37,838*	
Discharge of Debentures				
Non voted	*1,16,85,000*	*1,16,84,480*	*520*	

Number and name of Grant or Appropriation.	Final Grant or Appropriation.	Expenditure	Expenditure as compared with Grant or Appropriation.	
			Less than granted	More than granted.
	Rs	Rs	Rs.	Rs
APPROPRIATION ACCOUNTS PREPARED BY THE FINANCIAL ADVISER MILITARY FINANCE *				
Defence Services—Effective—India—Non voted	*35,76,60,000*	*35,90,50,000*	..	*13,90,000*
Defence Services—Effective—England—Non voted	*6 25,42,000*	*6,23,35,000*	*2,07,000*	..
Defence Services—Non-effective—India—Non voted	*3,65,52,000*	*3,68,36,000*	..	*2,84,000*
Defence Services—Non effective—England—Non-voted	*4,68,33,000*	*4,68,27,000*	*56,000*	..
Defence Reserve Fund—Non-voted	*26,00,000*	*16,78,000*	*9,22,000*	.
Total Voted	1,22,21,48,800	1,11,58,76,191(A)	11,07,47,180	44,74,571
Total *Non voted*	*1,10,46,26,812*	*1,10,48,99,746*(B)	*32,90,153*	*35,63,087*
Grand Total	2,32,67,75,612	2,22,07,75,937	11,40,37,333	80,37,658

* The figures are *gross*

(A) This amount is less than that given in Account No 12 of the Finance and Revenue Accounts of the Government of India for the year 1936 37 by Re 1 which is due to rounding

(B) This amount is more than that given in Account No 12 of the Finance and Revenue Accounts of the Government of India, for the year 1936 37 by Rs 429 which is due to rounding

APPENDIX III.

LETTER FROM THE AUDITOR GENERAL OF INDIA, TO THE SECRETARY TO THE GOVERNENT OF INDIA, FINANCE DEPARTMENT, No 215-REP /74-37, DATED THE 31ST MAY 1938

SUBJECT *Appropriation Accounts (Civil) 1936-37 and the Audit Report, 1938*

With reference to paragraph 13 (2) of the Government of India (Commencement and Transitory Provision) Order, 1936, and paragraph 13 of the Government of India, Finance Department, letter No D -29-Ref /37, dated the 8th January 1937, I have the honour to transmit herewith two copies of the Appropriation Accounts of the Central Government (Civil) for the year 1936 37 and the Audit Report, 1938, together with two copies of the Commercial Appendix to these documents, prepared by the Accountant General, Central Revenues, for submission to the Public Accounts Committee and for necessary action by the Governor General in Council

2 Two copies of the accounts of receipts and disbursements of the Secretary of State and the High Commissioner for India, on behalf of the Central Government, under the heads other than those relating to Military Services, for the year 1936-37, together with two copies of the relevant Appropriation Accounts, and the reports thereon, prepared by the Auditor of Indian Home Accounts, are also forwarded

3 The appropriation Accounts and the Audit Report of the Accountant General, Central Revenues, together with the Appendix containing Commercial Accounts, have, as usual, been examined in detail under my instructions and I find them generally to be in order The only supplementary observation I have to make relates to paragraph 12 of the Important Comments under Frontier Watch and Ward, page 381 of the Appropriation Accounts and Report The comment was drafted in this condensed form so that the volume should not be overloaded with the detail of these important and disquieting irregularities I am preparing a supplementary memorandum which will supply instances of the irregularities in sufficient detail to enable the Public Accounts Committee to deal finally with this matter at their July session The state of affairs disclosed by the comments on pages 367-8 and 380-1 is perhaps the most important individual matter brought to notice in this Report

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LETTER FROM THE AUDITOR GENERAL OF INDIA, TO THE FINANCE DEPARTMENT GOVERNMENT OF INDIA, No. T 167-REP./9-38, DATED THE 20TH MAY 1938

SUBJECT.—*Appropriation Accounts (Posts and Telegraphs Department) 1936-37 and the Audit Report, 1938*

With reference to paragraph 13 (1) (i) of the Government of India (Audit and Accounts) Order, 1936, and paragraph 13 (2) of the Government of India (Commencement and Transitory Provisions) Order, 1936, and paragraph 13 of the Government of India, Finance Department, letter No D./29-Ref /37, dated the 8th January 1937, I have the honour to transmit herewith two copies of the Appropriation Accounts of the Posts and Telegraphs Department for the year 1936-37 and the Audit Report, 1938, issued by the Accountant General, Posts and Telegraphs, for submission to the Committee on Public Accounts, and for necessary action by the Governor General in Council

2. The Appropriation Accounts and the Audit Report, have, as usual, been subjected to a detailed examination in my office and I have satisfied myself that they are generally in order I have no supplementary comments of my own to add

LETTER FROM THE AUDITOR GENERAL OF INDIA, TO THE FINANCE DEPARTMENT GOVERNMENT OF INDIA, No T 228-REP /8-38, DATED THE 28TH MAY 1938

SUBJECT —*Appropriation Accounts (Defence Services), 1936-37 and the Audit Report, 1938*

I have the honour to forward herewith for necessary action two copies of the Appropriation Accounts of the Defence Services for the year 1936-37 prepared by the Financial Adviser, Military Finance, together with two copies of the Audit Report, 1938, prepared by the Director of Audit, Defence Services

2 I also transmit herewith two copies of the accounts of receipts and disbursements of the Secretary of State and the High Commissioner for India on account of Defence Services for the year 1936-37, together with two copies of the relevant Appropriation Accounts, and the Reports thereon prepared by the Auditor of Indian Home Accounts

3 It is understood that these documents will, according to the normal procedure, be subjected to a preliminary examination by the Military Accounts Committee before being presented to the Public Accounts Committee

4 The Appropriation Accounts and the Audit Report have, as usual, been subjected to a detailed examination in my office, and I have satisfied myself that they are generally in order I have no supplementary comments of my own to add

LETTER FROM THE AUDITOR GENERAL OF INDIA, TO THE FINANCE DEPARTMENT, GOVERNMENT OF INDIA, No T 498-REP /8-38, DATED THE 27TH JUNE 1938.

SUBJECT . - *Appropriation Accounts (Defence Services) 1936-37 and the Audit Report, 1938*

In continuation of my letter No. T. 228-Rep /8-38, dated the 28th May 1938, forwarding copies of the Accounts and Report mentioned above, I have the honour to forward herewith for necessary action two copies of the Commercial Appendix to the Appropriation Accounts of the Defence Services, for the year 1936-37 and the Report thereon of the Director of Audit, Defence Services

2 There is nothing in the Financial Adviser's review or in the report of the Director of Audit, Defence Services, which I desire to qualify and the results of the examination of these commercial accounts may be regarded as satisfactory

APPENDIX IV.

Note on the transfer of work connected with the Army from the Mathematical Instrument Office.

The Public Accounts Committee at their meeting held on the 26th July 1937, recommended that Government should again examine the question whether the transfer of work connected with the Army which had led to so large a reduction in the receipts of the Mathematical Instrument Office of the Survey of India was in the interests of India as a whole An inspection was made of the Mathemetical Instrument office this spring and the exact extent of its functions along with the degree to which resort could usefully and economically be made of it by the Army authorities has been examined It is intended, when some further information has been secured, to hold a Conference of the Departments concerned to determine the best course of action

APPENDIX V.

OFFICE MEMORANDUM FROM THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS, No F 18-23/38-F, DATED SIMLA, THE 16TH MAY 1938

SUBJECT —*Mathematical Instrument Office—Question of allowing it to take work direct from public*

At its meeting held on the 26th July, 1937, the Public Accounts Committee suggested that the Government of India should consider the question whether the Mathematical Instrument Office of the Survey of India should not be permitted to take work direct from the public even if that involved entering into competition to some extent with private firms

2 The Government of India have carefully examined this question in consultation with the Surveyor General of India but have come to the conclusion that the departure suggested is neither practicable nor desirable The Government of India presume that the suggestion did not contemplate the actual pursuit of public patronage in competition with the trade but rather the acceptance of individual requests which members of the public might make The first course could not in the Government of India's view be seriously contemplated, as it would depart widely from ordinary practice and the position of the Mathematical Instrument Office as a Service Department In regard to the second, such recourse by the public should be limited to the repair of instruments or apparatus which cannot be done elsewhere in India It should, moreover, be undertaken only when the Office is not working to capacity on Government work If such a restriction were not observed, the type of work which the public would be likely to offer to the Mathematical Instrument Office would be largely that which the instrument trade could already carry out efficiently, *e g*, the overhaul of binoculars, and the regular acceptance of such work by the Mathematical Instrument Office would lead again to the raising of the general question mentioned above

3 It has been decided, therefore, that the present practice should continue, *i e*, the Mathematical Instument Office will undertake certain special classes of work for private and local bodies at remunerative rates when the Office is not working to capacity on Government work

APPENDIX VI.

Note on Map Sales.

The Public Accounts Committee at their meeting held on the 26th July, 1937, asked whether any investigation had recently been undertaken with a view to improving the financial position of the Map Sales Department

2. This has been under consideration for some time This is a very large subject which has been considered from time to time in the past without, however, any system of sustained effort to promote sales having been hitherto evolved It must be understood that efforts to create a market and increased sales will themselves involve some extra expenditure It is the case, however, that a large potential market exists among the general public in India and the revenue derivable from sales in this market would probably result in a net gain to the Central Government

3. In consultation with the Surveyor General, this matter has been closely gone into under the following heads —

(*i*) Advertisement

(*ii*) Personal contact

(*iii*) Reduction in the sale price of maps

(*iv*) Agencies

(*v*) Office re-organisation

4. (*i*) *above* -Systemetic advertisement is likely to start within the next few months Experience in the past has shown that even sporadic newspaper advertisement for specific maps has always produced immediate results

Other action under this head covers the preparation of brochures and folders, display by poster or otherwise in railway stations, restaurant cars, piers, cinema screens, etc

(*ii*) *above* —The experiment of a travelling salesman is under contemplation The object of this post would be to create a knowledge of the existence of maps, of the kinds of maps, mountings, etc, available in the country This officer could act also as an Inspector of local agencies

(*iii*) *above* —Reductions and concession rates for all maps sold to *bona fide* educational institutions have been brought into force recently.

(*iv*) *above* - This matter is under consideration and the question of establishing a Sales Depot in Bombay will be studied on the spot next cold weather

(*v*) *above* —As the market expands, it will probably be necessary for the Map Record and Issue Office to give up retail issues and deal in bulk with branch depots The question of suitable organisation is under close consideration.

APPENDIX VII.

Note on Photo-Litho Stocks.

The Public Accounts Committee at their meeting held on the 26th July, 1937, desired that the following questions be examined :—

(*a*) The necessity for and the possible reduction in the 2½ years' reserve of stores maintained in the Photo-Litho Office.

(*b*) The need for so many imported stores and whether more stores of Indian production could not be used.

2 These points were gone into with the Surveyor General and his officers at Calcutta with the following result

(*a*) *above* —The actual supply carried is not 2½ years, but really 1½ years. This is a consequence of the fact that the Survey of India indents, which are prepared as a whole, and have, therefore, to be made up after the field season is over, are generally despatched in August and the stores received between January and June, much the greater part being taken to stock lists in January, February and March, *i e*, at the time the lists are checked, a whole year's indent happens to be on the books If the new stores were received in April and May, the balances would be less by a year's supply

Steps are being taken as an experimental measure to base the demand for 1939-40 on the actual indents to be submitted during 1938-39, the indents bearing the instruction that the stores should arrive in India between May and July, 1939 The D G, I S D, is being asked whether he has any objection to the change proposed

3 *P L O Equipment and spare parts* —These have been examined and divided into the minimum numbers required—

(*i*) for normal replacements,

(*ii*) for emergency replacements when the source of supply is likely to be closed for considerable periods

The P L O must carry a supply of the first category These spares, however, form a small proportion of the non-expendable stores A large item is Zinc Plates Here a change from the flat to rotary type of machines has necessitated a different size of plates and consequently a larger proportion of rotary plates than normal has to be indented for, while a large stock of flat plates remain in hand which will be gradually absorbed into use for the few remaining flat machines

A further circumstance is that hitherto no account has been taken of the number of plates in actual use This covers plates kept standing which contains the image of the map, diagram, etc The audit review takes no account of such plates If they are taken into consideration, the ratio of plates in store to plates in use is very small, only 11½%.

4 *Paper—situation.*—The stock situation about paper is worsened by the fact that the P. L O. has had in stock for a good many years (without

turn-over) 78 reams of Japanese paper and 250 reams of linen backed paper, total value nearly Rs. 30,000. This paper was laid in for the Army who require a constant supply of large numbers of maps for mobilization stocks (for which they pay on delivery) and as a reserve for war. The linen-backed paper is obsolescent partly on account of the installation of a map mounting machine, which backs the maps with cloth after printing, and partly on account of the probable introduction of a new type of paper which does not require a cloth-backing The use of this latter paper is under consideration by the Army but protracted trial is necessary and no decision can be taken in a hurry In the meantime, the existing stocks of these papers must continue to be held They are in good condition and if not required for military purposes, will be gradually disposed of in printing other classes of maps or by sale. The remaining stocks of papers are regularly turned over and cannot be considered at all excessive in view of the immense amount of paper required at the outset in war, and the impossibility of obtaining suitable map printing paper in India One year's war supply of paper for field units alone is valued at between 1 and 2 lakhs of rupees, and at the same time the consumption in the Calcutta and Dehra Dun reproducing offices will rise much above the normal In the 1914-18 war, our numerous indents were complied with from 9 to 14 months later than the normal. It is considered therefore that the present stocks are quite likely to be within the danger limit

It may be pointed out that paper forms by far the largest item in the P. L O Store Account amounting as it does to 72 per cent of the total (in 1935-36*)

5 (*b*) *above* *Purchase in India*.—It is of the greatest interest to obtain as many as possible of the stores in India, instead of importing them, and thereby to avoid the risk of running short when the demand increases and the supply is cut off as in time of war Endeavours have been made and will continue to be made to obtain the stores through the Indian Stores Department in India and by local purchase Of recent years a number of chemicals have been obtained in India, which previously had to be imported Local purchase is, however, of little value to India and uneconomical to Government if the articles purchased are imported by a trading firm and not manufactured in India It has in any case been found difficult to induce importers to enter into contracts in advance and it is feared that they do not hold adequate stocks even for normal requirements still less for times of emergency Very few (less than 9%) of the stores required in the Photo-Litho Office are actually manufactured in India.

* 70·5 % in 1936-37

APPENDIX VIII.

Statement showing the staff employed in the Indian Pilgrimage Section of the British Legation, Jeddah.

1 Indian Vice-Consul	(Permanent).
1 1st Pilgrimage clerk	,,
1 2nd Pilgrimage clerk	,,
2 Messengers	,,
1 Sanitary orderly	,,
1 Indian Medical Officer	,,
2 Indian Dispensers	,,
1 Indian Dispenser	(Temporary).
1 Dresser	(Permanent).
1 Sweeper	,,

Besides the above establishments, annual sanctions have been accorded to the entertainment of the following temporary medical establishments in connection with the Haj Pilgrimage work for some years in the past and the sanction has been repeated for the Haj Pilgrimage of 1937-38 also :—

1 Doctor (Sub-Assistant Surgeon)	For 5 months
1 Compounder	Do
1 Servant for work at Jeddah	For 6 months.
2 Servants for Mecca and Jeddah	One for 5 months and the other for 22 weeks.
1 Sweeper	For 12 months

In addition to the staff referred to above, there is a standing sanction of £186 per annum on account of temporary staff which may be engaged annually by the Minister locally in connection with the Haj Pilgrimage Season.

APPENDIX IX.

Report on the Revenue and financial Administration of Government lands and Buildings in New Delhi, under the administrative control of the Chief Commissioner, Delhi.

The Control of Government lands, buildings and other property in New Delhi under the Delhi Administration vests in the following —

(i) The Provincial Circle of the Central Public Works Department under the control of the Superintending Engineer, Delhi Province.

(ii) The Land and Development Office, also under the control of the Superintending Engineer, Delhi Province

The lands and properties administered by the Provincial Circle are governed by the procedure prescribed in the Public Works Department and Public Works Account Codes and no revision of existing arrangements seem necessary No special staff is engaged for the realization of revenue The work is carried out by the clerical staff in the Accounts Branch of the Divisional Offices under proper executive control

2 The properties under the control of the Land and Development Office are not however subject to the system prescribed for the Public Works Department The bulk of the revenue is derived from sales of leases and from the connected ground rent The other items of revenue are (i) premium on temporary leases ; (ii) sale of rights to cut grass or of grazing rights in unoccupied areas , (iii) sale of surplus trees, bushes, etc , (iv) royalty on stone and red Bajri in Government quarries , and (v) cost of plans sold to private persons and bodies showing the standard designs of buildings

3 The entire property under the control of the Land and Development Office is shown on maps maintained for the purpose which distinctly indicate the lands leased, sold or unoccupied When any plots of lands are to be sold or leased, auctions are held under the supervision of the Land and Development Officer Auction lists are prepared in duplicate on the spot and signed by the Land and Development Officer One copy of the auction lists is submitted for the approval of the Chief Commissioner On auctions being approved the names of the accepted lessees are brought on to personal ledgers, one folio being allotted to each lessee The premium is recovered in one lump sum, in advance, in which is adjusted the amount representing a fixed percentage of the premium received at the time of auction from the successful bidders. The lease or agreement to lease is executed after the premium has been received in full The realizations are credited into the Imperial Bank on chalans in triplicate. The original part of the chalan is sent by the Bank to the Land and Development Officer, who posts the receipts in the register, personal ledgers as also in the statement showing assessments and recoveries Subsequent realizations are watched through them and there is no likelihood of the recovery of Government dues being lost sight of. Bills are issued half yearly in July and January each year when the ledgers maintained are reviewed by

the officials concerned. Ground rent for broken periods between the date of commencement of a lease and the 15th January or 15th July next whichever falls first is recovered in a lump sum in advance. As soon as the accounts of a month have been compiled in the Office of the Accountant General, Central Revenues, he sends an intimation of the recoveries as booked by him in a prescribed form The figures as intimated by the Accountant General, Central Revenues, are verified with the help of the original copies of chalans, statement of assessments and recoveries, the personal ledger, and the Register of Miscellaneous Receipts

4. Permanent transfers of land or property to other than private bodies are made with the sanction of the Government of India and the full cost thereof, if recoverable, is recovered in one instalment The maps maintained are completed to show that the property has been transferred.

5 In the case of revenue from temporary leases, sale of grass and grazing dues, etc, the recoveries are always made in advance

6 The Public Works Department Divisional Offices as well as the Land and Development Office are subject to inspection by the Audit Staff of the Accountant General, Central Revenues.

7. Recoveries from contractors on account of the supply of stone and Bajri are made in advance at a fixed rate, 0-8-0 per 100 cubic feet A permit is then issued to the contractor and it is the duty of a whole time Quarry Surveyor to see that the contractor does not remove any material in excess of the quantity specified in the pass The space to be quarried is marked for each contractor and the possibility of an excess quantity being removed does not ordinarily arise. This is further controlled by making the passes valid for specific periods as well as for a specified number of workmen.

8 In regard to the income derived from the sale of plans, an account of the cost of plans sold is maintained in a register in the form which has been accepted in audit The amounts actually realized on this account as also on the other items of revenue mentioned above are noted in a Register of Miscellaneous Receipts

9. A list of arrears is forwarded whenever necessary to the Collector, Delhi, for necessary action under the Punjab Land Revenue Act, and a writ of demand is generally issued The cases of those who fail to pay even on the issue of such writs of demand are referred to the Chief Commissioner for orders.

10 In the case of the Land and Development Office, as in the Provincial Circle, Central Public Works Department, no special staff is engaged for the realization of revenue The work is carried out by the clerical staff under the supervision of the Land and Development Officer. The checks described above enable an adequate watch to be kept on all recoveries and the existing arrangements seem satisfactory.

11 A building inspector and a number of surveyors are employed to report encroachments and to see that buildings are constructed in accordance with the conditions of lease agreements. Deviations from the conditions of lease

agreements are occasionally permitted in cases in which they are considered unobjectionable Additional recoveries from the lessees are now made on a certain scale in such cases, and the question of settling a definite policy in this matter is under consideration with the Government of India The Superintendent of the Land and Development Office is responsible for checking encroachments connected with religious buildings other than those in the charge of the Archæological Department

Report on the Revenue and financial administration of residential and non-residential Government buildings in New Delhi in charge of the Central Public Works Department.

Rent for residential buildings allotted to Government servants is assessed and recovered in accordance with Fundamental Rule 45-A, while the rent for residences allotted to non-officials or for non-residential buildings allotted to commercial departments is assessed on the basis of Fundamental Rule 45-B

2 The rules for allotment of Government residences to officials are embodied in the Supplementary Rules. Allotment to a non-official of any vacant residence is ordinarily made only if a Government servant is willing to stand surety for him

3 The Rent Office, Central Public Works Department, New Delhi, is responsible for the assessment and recovery of rent of all residential and non-residential buildings in New Delhi and Delhi the allotment of which is made by the Estate Officer, while the Divisional Officers in charge of the buildings are responsible for the direct recovery of—

(i) the cost of articles of furniture and fittings found short or damaged, if payable by tenants;

(ii) the amount recoverable from H. E. the Commander-in-Chief for electric and water charges

4 The immediate charge of the Rent Office vests in an officer of the Chief Engineer's staff designated "The Rent Officer" This officer is treated as a Divisional Officer within the meaning of paragraph 30 of the Public Works Account Code. He is responsible to the Chief Engineer for the general supervision of the office, and for assisting him in framing proper instructions defining generally the responsibilities of the various members of the staff of the office, the general procedure to be followed in carrying out the work promptly and economically, the various checks to be employed to ensure the accuracy of the work. The Rent Officer is assisted in the discharge of his duties by a Divisional Accountant, who is under the administrative control of the Accountant General, Central Revenues, and is borne on the cadre of Divisional Accountants of the latter's office. The Accountant's duties and responsibilities are as defined in paragraphs 98 to 103 of the Public Works Account Code, and in the instructions prescribed by the Chief Engineer.

5 The Rent Officer maintains a register of all permanent residential and non residential buildings whether constructed, acquired or taken on lease by the Central Public Works Department and this register is checked once a year by the Divisional Officers, who are directly in the charge of the buildings The Estate Officer maintains a register to show the buildings allotted by him The entries in the allotment register are compared annually by the Estate Office with the relevant entries in the register of buildings to ensure that all available buildings have been actually let out

6 The Rent Officer also maintains a rent card for each residence and for every tenant in accordance with the allotments made by the Estate Officer These rent cards are compared periodically with the register of allotments referred to in paragraph 5 above to verify that rent cards for all the allotted buildings have been opened and assessments of rent are being made

7 All transactions are subjected to concurrent and central audit by the Accountant General, Central Revenues

The Government of India are satisfied that the existing arrangements for the revenue and financial administration of the residential and non residential buildings in the charge of the Central Public Works Department are adequate and satisfactory

APPENDIX X.

Memorandum on Vizagapatam Port.

The Public Accounts Committee in paragraph 12 of their Report on the Accounts for the year 1935-36 asked that the financial condition of the Vizagapatam Port should be thoroughly investigated and a full report should be submitted to them In compliance with that request, the Administrative Officer, Vizagapatam Harbour, was asked to submit to the Government of India a complete review of the trading and financial prospects of the Port and the review formed the subject of a discussion at a Conference between the Port Authorities and the Departments concerned The review, a copy of which is appended hereto, was prepared by Mr E G Lilley, Deputy Administrative Officer and Traffic Manager of the Port

2 The justification for choosing Vizagapatam for development as a major port may first be briefly explained For some years the need for a really good port on the east coast of India between Madras and Calcutta, a distance of approximately 900 miles, had been felt Vizagapatam which lies half way between Calcutta and Madras naturally, therefore, attracted attention and it was realised that by developing it into a really good port and providing it with adequate railway facilities not only would the trade of the Central Provinces be stimulated by the provision of a shorter lead to and from the sea but a large hinterland then lying more or less untapped would be opened up, and manganese ore from Central India would be able to compete favourably in foreign markets The question was carefully investigated, and after consultation with the Government of Madras, it was decided that Vizagapatam should be developed into a first class port with a suitable harbour and adequate docking facilities, and that in conjunction with this development the Raipur Parbatipur Section of the Bengal Nagpur Railway should be built in order to afford the port easy access to large areas which it was intended to serve

3 It was estimated that the capital cost of the construction of the Harbour and the provision of port facilities therein would be Rs 2,41 lakhs and that allowing for the interest accruing during the period of construction, the Harbour would be constructed and opened to traffic at a cost of Rs 3,15 lakhs It was also anticipated that the port, when opened to ocean-going traffic, would earn about Rs 19 19 lakhs which, after deducting sinking fund charges, would give a net return of about Rs. 15 29 lakhs or nearly 5% of the total capital cost The original estimate was, however, considerably exceeded as many unforeseen difficulties were encountered during the period of construction. A breakdown in the dredging plant also delayed progress with the result that the total expenditure including accumulated interest, incurred on the construction of the Harbour amounted to Rs. 3,79·59 lakhs, and instead of being opened to traffic in 1930-31, as expected, the port was actually opened late in 1933. The opening of the port thus coincided with a period of acute trade depression and the actual

receipts realised during the first few years of its working were considerably less than the original estimates, as will be seen from the following figures :—

Year.	Estimated gross receipts	Actual gross receipts.
	Rs	Rs
1930-31	19,19,000	..
1931-32	gradually increasing	..
1932-33	.. as the trade of the	..
1933-34	port improved.	..
1934-35		8,23,353
1935-36		11,25,311
1936-37		10,81,568
1937-38		15,31,759

It should be mentioned that the Railway Project is now paying 7 to 8 per cent. interest on a capital expenditure of Rs 4,92 lakhs, and its net earnings, including traffic brought to the main line, in 1936-37 were about Rs. 35 lakhs.

4 The annual financial results of the port since its opening are shown in the following table The figures in this paragraph do not include interest charges or any provision for repayment of capital It will be observed that it has shown a small surplus for the first time in 1937-38.

Year	Receipts	Expenditure.	Deficit (—) Surplus (+)	Grant-in-aid by Government
	Rs	Rs	Rs	Rs.
1934-35	8,23,353	12,94,092	—4,70,739	2,00,000
1935-36	11,25,311	13,80,074	—2,54,763	50,000
1936-37	10,81,568	14,83,083	—4,01,515	2,50,000
1937-38	15,31,759	15,00,088	+31,671	*Nil*

Mr Lilley had estimated that the results in the next three years would be as follows —

Year	Receipts	Expenditure	Deficit (—) Surplus (+)	Grant-in-aid needed.
	Rs	Rs	Rs	Rs.
1938 39	14,64,000	15,66,000	—1,02,000	1,02,000
1939-40	15,38,000	15,96,000	—58,000	58,000
1940 41	16,09,000	16,08,000	+1,000	*Nil*

With reference to this forecast and the preceding table of actual results, it may be explained that it was originally estimated for the year 1937-38 that there would be a deficit of Rs 3,86,000 and that even in the revised estimate for that year a deficit of Rs 1,62,000 was still expected Mr Lilley's estimate was based on this last assumption. The fact that the year ended with a small surplus and that receipts were more and expenditure less than anticipated in the revised budget, affords reason for believing that the forecast for the next 3 years has been framed on a conservative basis It is not possible to forecast the future position with absolute accuracy on the basis of the figures of past years, or even on the results of 1937-38, as the expenditure was inflated owing to some of the staff being on high temporary rates of pay, which have been and are being reduced as permanent posts are being created to replace temporary ones. Moreover, receipts had not reached any point of stability It may also be noted that certain new items of trade have offered in recent months. In fact,

shipments of salt to the port of Vizagapatam have already commenced, and the port may in future be used as a bunkering port by ocean-going vessels belonging to the Brocklebank, Hansa and Scindia Lines. There is, therefore, reason to hope that the port will increasingly attract fresh trade which will enable its revenue to expand steadily and the Government of India believe that on the present basis of accounting and with reasonably good general economic conditions, the port can show an increasing surplus on its ordinary working.

5. It is necessary, however, to draw attention to two factors which may result in the position improving at a rather slower rate than the considerations advanced in the previous paragraph would suggest. The first is that it is not clear whether full provision is at present being made to meet essential depreciation charges. The matter is under consideration in consultation with the Administrative Officer who is of opinion that, on the basis of the procedure followed at other major ports, full depreciation is being provided. It is possible, however, that a somewhat larger contribution may have to be made to the Depreciation Fund The amount involved is not, however, likely to be so large as to alter materially the conclusion that the port should continue to show a surplus on its ordinary working

6 The second of the factors referred to above is that as a result of the Conference between the port authorities and the Departments of Government concerned it has been decided that expenditure on three new works should be charged to revenue instead of to capital These three works are (i) the provision of additional bunkering facilities at a cost of Rs 82,000, (ii) the extension of the existing water supply scheme at a cost of Rs 50,000 and (iii) the removal of the rock spit on the south side of the Entrance Channel at a cost of Rs 54,000. It is considered that by the adoption of this procedure the port authorities will have the utmost inducement to increase their revenue and reduce their expenditure so as to be able to continue to show a surplus on the ordinary working of the port. It is possible, however, that on account of this debit the revenue fund of the port may show a deficit at the end of the year, but this deficit, if it materialises, should not be regarded as a proof of loss on its ordinary working unless the amount of the deficit is greater than the cost of these three works. Should the deficit materialise, the Government of India are prepared to make a grant-in-aid under the head "30—Ports and Pilotage" to meet it, but this grant-in-aid will not be regarded as part of the capital outlay of the port and the port funds will be required to repay it in future years, without interest, from revenue It is hoped in this way to avoid any increase of the capital outlay on the port and to keep down to a minimum the burden of interest, which the port will eventually have to face

7 It may be mentioned here that at the Conference referred to it was also decided that no further capital expenditure should be incurred on the port unless it can be shown either to be definitely remunerative or to be absolutely essential for the interests of the port Expenditure on the following items which were originally included in the capital programme has accordingly been indefinitely postponed :—

	Rs
(a) Construction of a main office building	1,45,000
(b) Construction of staff quarters	1,80,000
(c) Provision of an additional dredger	15,00,000

This decision has enabled a sum of Rs 2,82,000 to be surrendered to the Finance Department from Demand No. 76—Capital Outlay on Vizagapatam Harbour for the year 1938-39 thereby reducing it from Rs. 3,86,000 to Rs. 1,04,000.

8 From the foregoing review of the financial position of the port, it would be unwise at the present moment, when there is every prospect of the port being able to meet its ordinary working expenses and depreciation charges, even though no repayment of interest or capital can be made, to consider the question of closing it down and thereby wasting the capital invested in it Moreover, the combined Railway and Harbour Scheme has led to economic readjustments in the port's hinterland, to the undertaking of commitments by various commercial and industrial firms and to increased facilities for business generally which must be reflected in the profits of business concerns and consequently in the general welfare of the people The fact that during the year 1937-38, 6,91,509 tons of export cargo and 32,669 tons of import cargo were handled at the port illustrates the importance which the port has come to assume in the economic life of the Eastern and Central parts of the country. It is evident that the closing of the port would have very much wider repercussions than may appear at first sight The question cannot be considered merely from the point of view of showing a saving in the particular heads of the budgets, concerned The closing of the port would result not only in loss of revenue to the railways and loss of general revenue to Government but would be a retrograde step in the development of India's economic activities

9 In conclusion, it may be observed that the suggestion at the last meeting of the Public Accounts Committee, that it might be desirable to consider the possibility of handing the port over to the Railway to work purely as a railway port was examined at the Conference already referred to, but in view of the decision that there was a prospect of the port being able in the near future to cover more than its ordinary working expenditure, the suggestion was not further pursued If experience of the next two or three years shows that the Port is not in a position to meet its expenditure, much less to pay any interest on the capital invested and can only continue to function with grants-in-aid from Government, the question of the Railway Department taking the port over will have to be considered more fully The question of comparative Railway rates from stations in the Central Provinces to Vizagapatam and Calcutta referred to in paragraphs 11 and 12 of Mr Lilley's memorandum was also discussed in the Conference held last year and action where necessary will be initiated by the Administrative authorities of the Port for the removal of any anomalies that may exist by representations to the authorities of the Railway concerned The Central Government are of opinion that, having regard to the considerations set forth in the previous paragraphs, neither the question of closing the port nor that of handing it over to the Bengal Nagpur Railway should be pursued for the present

APPENDIX XI.

Report on the staff employed in the Central Public Works Department.

In paragraph 6 of their Report on the accounts of 1935-36, the Public Accounts Committee expressed the desire that Government should investigate whether the staff employed in the Central Public Works Department was not unnecessarily large and submit a report to them on the subject. The reason why the Committee felt that the Department might be overstaffed was because there had been savings during 1935-36 amounting in all to about 30% of the original budget estimates for works.

2 It may be explained in this connection that the temporary staff to be employed in any particular year is fixed on the basis of the amount which the Public Works Department is expected to spend during the year and not on the total amount budgeted for works, which in several instances includes the cost of immature projects put into the budget without consulting the Public Works Department authorities beforehand as to whether the amounts provided can actually be spent or not It follows that any savings which accrue as a consequence of the inclusion of immature schemes in the budget cannot be taken into account for the purpose of effecting a reduction in the temporary staff to be employed It is not also possible to effect reductions in the staff in exact proportion to any reduction in expenditure Steps are, however, taken as explained below to adjust the staff according to actual requirements on the basis of anticipated expenditure Sanction to the employment of temporary establishment is accorded from year to year after a careful scrutiny in the Labour and Finance Departments of the necessity for the staff proposed to be employed Arrangements have been made to secure closer budgeting by the inclusion of a secondary list of works in the budget, as recommended by the Committee last year, to which savings, if any, from the primary list can be diverted. Instructions have also been issued that Departments should ascertain beforehand from the Department of Labour what expenditure can be incurred on a work during the ensuing financial year before provision is made for it in the budget It is hoped that these arrangements will secure closer conformity in future between the basis for estimating the staff required and the total amount actually included in the budget for civil works.

3 The superior staff in the Central Public Works Department comprise one Chief Engineer, 4 Superintending Engineers (2 permanent and 2 temporary) and 16 Divisional Officers (9 permanent and 7 temporary) (excluding the post of Engineer Officer in the Civil Aviation Directorate) distributed as shown in the Appendix In fixing the permanent strength of the Department in 1930 at 1 Chief Engineer, 2 Superintending Engineers and 6 Divisional Officers (Executive Engineers), no allowance was made for construction works of any magnitude The intention was to maintain what might be described as a permanent skeleton staff for minor works and repairs and

for a modest programme of new construction work. For construction works of special magnitude whether in Delhi or elsewhere, it was contemplated that special temporary staff should be employed in accordance with the actual needs. Of the six permanent divisions, 4 were intended for Delhi and Central Works in the Punjab, 1 for Simla and 1 for Dehra Dun and Central Works in the United Provinces In 1933, two posts of Superintending Engineer in Rajputana and Central India were abolished on the transfer of the control of Public Works in these areas to the Central Public Works Department. and two permanent Divisional posts were added to the cadre of the Central Public Works Department to cope with the normal additional work transferred to the Department. Two more divisional posts were added subsequently on the transfer of the Public Works Department establishment employed on the Viceregal Estates to the Central Public Works Department and the creation in 1935 of the post of Engineer Officer in the Civil Aviation Directorate to advise the Director of Civil Aviation on technical engineering problems connected with the development of Civil Aviation The number of permanent administrative posts, however, remains the same as before, and there has been no increase in the permanent Divisional staff in Delhi although the number of Government quarters excluding menials' quarters maintained by the Central Public Works Department has increased from 2,320 in 1929 to 4,179 in 1938

The four permanent Delhi Divisions have been each spending on an average Rs. 9·1 lakhs per year during the last four years as against an anticipated annual expenditure of Rs 8 lakhs per Division when they were first constituted The annual works outlay in each of the remaining four outlying Divisions has practically remained constant at between Rs 5 to 6 lakhs per Division and, owing to special local features and their geographical situation, it would be administratively impossible to amalgamate any of them in any other Divisional charge

4 In addition to the Superior engineering establishment referred to in the previous paragraph, there are the following permanent superior specialist posts in the Department —

(*a*) 1 Consulting Architect,

(*b*) 1 Architect,

(*c*) 1 Electrical Engineer,

(*d*) 1 Superintendent, Horticultural Operations

(*a*) and (*b*). Government have a special interest in the proper lay-out of New and old Delhi and the development of these cities on sound architectural lines The duties of the Architects, therefore, include besides the preparation of designs for buildings to be constructed by Government, the scrutiny of plans of private buildings constructed in New Delhi from an architectural point of view and the giving of advice where necessary to the Delhi Improvement Trust regarding the suitability of lay-outs and designs of new buildings.

(c) One post of Electrical Engineer on an Executive Engineer's scale of pay for the whole Department cannot be considered an extravagance in view of the large number of offices and residential buildings of which the electrical installations have to be looked after

(d) That Government of India are satisfied that the Superintendent, Horticultural Operations, is fully engaged in the maintenance of the gardens attached to the numerous Government buildings, lawns and parks in Delhi and New Delhi.

5. The Government of India have considered afresh the necessity for the permanent staff referred to above and have come to the conclusion that it is not excessive It is not possible, in their view, to make adjustments in the permanent staff unless it is clear that the programme of works ahead is likely over a series of years to fall below the limit for which it was designed.

6. For construction works of special magnitude, a special temporary Construction Circle with 2 Divisions was in existence till the 1st April 1937. The actual expenditure on construction works during 1936-37 amounted to Rs. 26 44 lakhs In view of the reduction in the construction programme during 1937-38, it was found possible to abolish this temporary Circle with effect from the 1st April 1937 and to retain in its place only one temporary construction division in Delhi which carried out construction works costing Rs. 5·57 lakhs during 1937-38. The Division had to undertake in addition the preparation of preliminary plans and estimates for certain large schemes. It will undertake during the current financial year works costing Rs 12·4 lakhs, *viz.*, the Reserve Bank Building at Lahore, the extension of the South Block, Delhi Secretariat, additional residential accommodation and Press quarters in New Delhi, etc The cost of maintaining this temporary Division during 1937-38 was Rs. 63,047 against Rs 4 22 lakhs the cost of the Construction Circle during 1936-37 inclusive of *pro rata* direction charges.

7 For reasons of administrative convenience it was decided to create with effect from the 1st April 1937 a Circle for the Delhi Province to deal with all engineering projects which come within the administrative control of the Chief Commissioner, Delhi This Circle comprising two permanent Divisions, *viz.*, the Provincial and Services Division and two temporary Divisions although manned by staff from the Central Public Works Department is under the direct administrative control of the Chief Commissioner The two temporary Divisions of the Delhi Provincial Circle are required for undertaking the large volume of work on behalf of the newly created Delhi Improvement Trust including anti-malarial and city extension work and also sewage disposal schemes at a total estimated cost of Rs 24·19 lakhs during the current financial year The total outlay on works executed by the Delhi Provincial Circle during 1937-38 was Rs 46·2 lakhs It may be explained here that, but for the reduction in the programme of major building works and the consequent abolition of the Construction Circle, it would have been necessary to appoint extra temporary staff for the Delhi Provincial Circle The reduction in the total outlay on building works has thus been off-set by the addi-

tional outlay on new schemes connected with the Improvement Trust, City extension, anti-malarial work and sewage disposal.

8 The remaining superior temporary staff in the Central Public Works Department consists of 1 Superintending Engineer and 4 Divisional Officers with headquarters at Delhi, Bombay, Calcutta and Karachi for carrying out the Civil Aviation Capital Works programme. In 1935, it was decided to create a special fund of Rs 92 57 lakhs for carrying out an extensive programme of Civil Aviation Capital Works all over India and Burma. It was felt that it would be a great advantage if the works portion of the programme amounting to about Rs 57 2 lakhs were to be entrusted to the agency of the Central Public Works Department which could remain in close and constant touch with the Civil Aviation Directorate Under this arrangement, the payment of heavy departmental charges to provincial Governments could be avoided and much of the delay and difficulty attendant upon the entrustment of works to provincial agency obviated In view of the scattered nature of the works it was not feasible to reduce the number of Divisions below 5 or to include any of the five additional divisions (including one for Burma) in any of the three existing circles of Superintendence and it was accordingly decided to create a temporary circle under a Superintending Engineer who could work in close co-operation with the Civil Aviation Directorate This Circle came into existence on the 14th February 1935 It was originally anticipated that the Capital Works Programme could be finished in $2\frac{1}{2}$ years. The preparation of the various projects took some considerable time There were also unforeseen difficulties at the start which delayed progress These difficulties have now been overcome and work is progressing satisfactorily. The budget provision for 1938-39 under this head is Rs 22 71 lakhs which is the balance available out of the amount originally funded for the purpose. It is expected that the entire programme will be worked out and practically completed during the course of the present year The Aviation Divisions, in addition to doing their regular work, undertake such other work as can be found for them in the vicinity although it is true that they can undertake more The Bombay and Calcutta Divisions are expected however to carry out during the course of this year other major works costing more than Rs 6 lakhs while the Karachi Division is taking in hand works in Jiwani on behalf of Imperial Airways at an estimated cost of Rs $4\frac{1}{2}$ lakhs , the departmental charges realisable, *viz* , Rs 78,000 would be sufficient to keep the whole division going for a year The works in Jiwani are expected to be completed in about 9 months' time While it will probably not be possible to reduce the number of Divisions owing to the scattered nature of the works and their urgency, the question of reducing establishment in the divisions where works are nearing completion is under consideration and certain temporary staff has already been reduced Other possibilities of making use of these temporary divisions by taking over as many works as possible from provincial agencies are being explored The Chief Engineer has been asked to review the whole position and report the result to the Government of India not later than the 1st of September 1938.

9. It may be explained in this connection that the actual outlay on works is by no means the only criterion for fixing the staff required by the

Department The Committee will be interested to hear that during the last two years the Central Public Works Department has had to work out schemes to the total value of about ¾ of a crore of rupees which for some reason or other have not yet materialised or have been held in abeyance A great deal of time and labour had to be spent in the preliminary investigation of these projects and in the preparation of plans, designs and estimates The cost of this work valued on a commercial basis cannot be less than Rs 2 lakhs. Although this work is not reflected in the figures of expenditure on works, it is obviously impossible to ignore it in determining the strength of the cadre

10 It would be useful in this connection to compare the percentage of establishment costs to the works outlay of the Central Public Works Department with that of a Province which has practically the same superior staff, *viz*, the Communications and Buildings Branch of the Bengal Public Works Department The controlling staff in both cases consists of 1 Chief Engineer and 4 Superintending Engineers while the number of Divisional posts is 12 in the case of Bengal and 16 in the Central Public Works Department including the 7 temporary divisions The percentage of establishment costs to works outlay on the basis of the budget figures of 1938-39 amounts to 15·03 in Bengal against 14·37 in the Central Public Works Department Considering the large area to be covered and the scattered nature and urgency of the works and the enormous volume of estate and revenue work, the organization in the Central Public Works Department cannot be regarded as fixed on uneconomical lines

11 Regarding the qualifications of the staff which the Committee have commented on and referred to in paragraph 67 of their report, it might be stated that recruitment to the Central Engineering Service Class I, is made by (*a*) the transfer of Indian Service of Engineers officers from provinces, (*b*) open competitive examination held by the Federal Public Service Commission and (*c*) promotion of suitable officers from the lower ranks with the concurrence in each case of the Commission All the superior administrative posts are at present manned by Indian Service of Engineers officers The Divisional and sub-Divisional posts are held by either Indian Service of Engineers officers or officers of the Central Engineering Service, Class I Temporary vacancies in sub-divisions are generally filled by the promotion of experienced subordinates

12 The Committee suggest that the work connected with Civil Aviation and public health is of a specialised nature The Government of India are satisfied that much of this work is of a kind undertaken every day by the ordinary engineer The designs of some of the more important works, however (*e g*, the outfall sewer and the gravity duct connected with the new sewage disposal schemes), are prepared by the Superintending Engineer, Health Services, who is a specialist officer Acting under his advice, all sanitary works are executed by the ordinary Public Works Divisions This practice which has been in vogue since the construction of the new capital works at

Delhi was started has proved quite successful and is undoubtedly more economical than the maintenance of special Divisions for the purpose

APPENDIX

I Circle	II Circle.	Delhi Provincial Circle *	Aviation Circle†
Dehra Dun Division	New Delhi 'A' Division	Provincial Division	Delhi Aviation Division
Indore Central Division	New Delhi 'B' Division	Services Division	Bombay Central Division.
Construction Division‡	Simla Central Division Ajmer Central Division Viceregal Estates Division	Special Division No I‡ Special Division No II‡	Calcutta Central Division. Karachi Central Division.
	Specialist posts treated as Divisional charges		
Horticultural Division	Electrical Division		

* The post of Superintending Engineer, Delhi Provincial Circle, is temporary, sanction to which expires on 1st March 1939

† The whole circle including the divisions is temporary, sanction to which expires on the 1st March 1939

‡ Temporary Divisions present sanction expires on the 1st March 1939.

APPENDIX XI-A.

Report regarding the purchase of stores by the Central Public Works Department.

In paragraph 116 of their Report on the accounts of 1935-36, the Public Accounts Committee desired that a report should be submitted to them on the subject of the purchase of stores by the Central Public Works Department. The Committee were under the impression that stores are purchased on the basis of a larger programme of capital works than is actually carried out, thus resulting in the unnecessary and avoidable accumulation of stores.

2. Stores or stock which are required for ordinary work are not ordered until it has been sanctioned, funds for its execution have been allotted and the work has been put in hand In a number of cases, contracts for works are given out on lump sum and all materials required therefor are provided by the contractors themselves In certain Public Works Department Divisions, however, small quantities of stock are maintained but their value depends more on the nature of the work and the difficulty or otherwise of obtaining stores quickly than on the value of the work to be done, as only such material as is required in a hurry is kept in stock In this connection, attention is invited to Note 8 (5) on pages 258-259 of the Appropriation Accounts for 1935-36 wherein it is stated that the whole of the surplus stock in the Central Public Works Department was utilized by issue to works by December 1936, and that there was a quick turnover of stock in the Department In Note 8 (*a*) on page 231 of the Appropriation Accounts for 1936-37, the Accountant General, Central Revenues, has mentioned that the material held in stock in the Department was reduced from Rs 68,914 to Rs 26,033 during 1936-37 [as compared with the reserve limit of stock of Rs 1,12,700 fixed for that year] and that the closing balance (Rs 26,033) shows a satisfactory reduction. It may be added that the reserve limit of stock in the Central Public Works Department is being steadily lowered. This is evidenced by the following figures .—

Year.	Reserve limit of stock
	Rs
1932-33	4,84,000
1933-34	3,19,000
1934-35	2,35,000
1935-36	1,36,900
1936-37	1,12,700
1937-38	71,600

3 The Committee will observe, therefore, that the Central Public Works Department are not purchasing stores in excess of normal requirements.

APPENDIX XII.

EXTRACT FROM A NOTE OF THE CONTROLLER OF PRINTING AND STATIONERY, INDIA

As far as I could understand from your note on the subject, it seems that you are anxious to know why large variations as between the budget provision and the final appropriations were needed It would, therefore, be necessary to give you an idea of how the budgets of the S and P Department are framed and what are the factors which operate to upset same or render it impossible to budget with moderate accuracy For this purpose I will select the budget heads under 'Purchase of Stores' as this would fully illustrate our difficulties in the matter

The budget estimates for the purchase side of the Stationery Office are framed on the valuation of the quantity statements passed by Controller The quantities represent the estimated requirements for the year in question based on the average of the past three years' actuals with such modifications as the estimates from the Railways and other special departments or any other cognate matters would warrant The valuation is made on the prices ruling at the time, *i e*., in September of each year preceding the financial year for which budget estimates are framed On the settlement of the actual contracts any variations in the budget provision due to fluctuation in prices are communicated to the Finance Department for necessary provision The provisions for the local Governments are determined by each local Government and communicated to the Stationery Office for incorporation in the annual requirements Such budget provisions go towards the Receipt side of our budget The S and P grant is a net one allowing for recoveries to be made from Paying Departments such as the Army, Railways, P and T, etc These Departments are unable to forecast with any degree of precision their requirements for any particular year and any variation in their demands automatically upset our budget provision Similarly any variations in the requirements of the Provincial Governments for which additional provisions are made by the local Governments in the course of the year upset our budget provision as the S and P budget does not get any benefit of the extra provisions made by the local Governments although provisions for Stores have got to be made to meet local Governments' requirements and to obviate their extra grants being lapsed

Now I proceed to discuss the figures in detail for the year 1936-37

C—Stationery Stores		Modified grant	
C 1 (1) Paper	O	29,00,000	
	S	2,12,000	
	R	4,91,843	36,03,843

It has now to be explained why so much modifications were necessary over the original grant In the first place I would point out that the actuals under this head for the year 1935-36 were Rs 32·81 lakhs against the provision of Rs. 28·50 lakhs. Such extra issues had partially been met by reappropriation and be

lowering the stock balance at the close of the year The supplementary grant was needed to meet the extra requirements of the Provincial Governments of which details are set forth below for the years 1935-36 and 1936-37

	Issues at cost price	
	1935-36	1936-37.
Bengal	6,51,275	8,17,333
Punjab	4,85,801	4,97,143
U P	1,96,043	2,16,190
Assam . ..	39,153	45,143
N W F P	71,127	80,952
Coorg . .	4,933	4,952
	14,48,332	16,61,713

i.e, a net rise of Rs 2,13,381 which was covered by the supplementary grant. The extra requirements were for paper required for the printing of Electoral Rolls of the various provinces for which no provision had been made by the Provincial Governments at the beginning for the year but money was found later in the year to meet unforeseen demands The Stationery Office was under an obligation to supply paper, otherwise the extra provision of the Provincial Governments would lapse, but the extra requirements could not be anticipated at the time of framing the budget The amount covered by reappropriation was made available by a rise in Deduct Recoveries owing to extra issues to the Paying Departments which could not be anticipated at the time of framing the budget either by the Stationery Office or by the departments concerned

			Modified grant
C 1 (2)—Typewriters, etc. ..	O	2,65,000	
	R	20,000	2,85,000

The modification of grant in this instance was necessary to meet unforeseen demands for typewriters and accessories due to the creation of new offices and replacements of typewriters and other machines for the various offices of the Government of India This head includes prices of typewriters and duplicators and their accessories The budget estimate is framed on the basis of actual issues during the past year subject to such modifications as any useful information regarding the variation of demands available at the time of framing the budget would demand The creation of new offices, the constitution of Commissions and Committees and replacements of typewriters are factors which cannot possibly be foreseen with any degree of precision at the time of framing the budget I will illustrate this variation by citing actual figures of issues from April to November 1935 against those of the corresponding period of 1936-37 .—

	April to November 1935-36	April to November 1936-37.
Central Civil	239	366*
Central Military	199	205
Railways	108	127
P and T.	37	63
Provincial	121	126

* The figures for issue to Central Civil Departments record an increase of over 52 per cent.

The increase in the number of typewriters and duplicators connotes a natural rise in demands for accessories The additional demands set forth above justify the reappropriation made under this head.

			Modified grant
C 1 (3)—Other Stores ..	O	7,15,000	
	R	85,000	8,00,000

The actual expenditure under this head for the year 1935-36 was Rs 7 78 lakhs Extra issues to paying and non-paying Departments were responsible for the variation under this head The extent of the extra issues made to the Central Civil Departments during the year 1936-37 as against the year preceding would explain the modifications necessary under this head —

	Issues	
	1935-36	1936-37
"	25,47,000	27,31,000

To meet such extra demands the stock balance was reduced by Rs. 7 50 lakhs during the two years so that at the end of 1936-37 the value of closing stock balance came to Rs 3·19 lakhs as against Rs 18 lakhs in the year 1930-31. The heavy stock balance in the preceding years tended to stave off the necessity of modifying the original grants by reappropriations or supplementary grants but the present stock balance does not afford any relief in this direction

Besides, there are other factors which tend to upset our budget provision :—

(1) authorisation of issues either free or on payment proceeding from the Department of Labour in the course of the year

(2) extra issues on cash payment to Military Units and formations.

(3) Unforeseen demands of the Defence Department for operations on the Frontier, mobilisation purposes and extra requirements for outturn purposes which are all kept outside the allotment.

APPENDIX XIII.

MEMORANDUM.

This memorandum is in expansion of the information contained in paragraphs 9 to 15 of the Important Comments (on pages 380-381) below the appropriation account relating to Frontier Watch and Ward (all Non-voted) for 1936-37 It was considered to be undesirable to overload the appropriation accounts with details of the numerous irregularities A statement of more important instances of the types of irregularities mentioned in the Important Comments is attached for the information of the Public Accounts Committee. The object is to make the information sufficiently complete that the Public Accounts Committee may be able to deal with the situation disclosed by these irregularities finally in the July 1938 session

2. The Government of India have yet to issue orders on a few individual irregularities the most important of which have been mentioned in the statement, they also have still to issue general orders in connection with the following :—

(i) The Government of India intend to issue a letter dealing with the irregularities in general and containing an expression of full determination to take severe steps against any official who, after this warning, indulges again in, or permits his subordinates to indulge again in, these irregularities

(ii) The method of drawing and accounting for charges relating to "Entertainment charges", "Protection and raids" and "Secret Services" requires definition, and the objects on which the grants under the last two heads may legitimately be spent.

Serial No	Details of irregularities.	Substance of orders passed
	Accounts of the Deputy Commissioner, Peshawar	
1	A pension of Rs 10 per mensem was allowed to the mali of the Deputy Commissioner's bungalow (a private servant) since June 1928 and charged to the head "Miscellaneous Political Expenditure"	The pension should cease forthwith.
	Accounts of the Political Agent, Kurram.	
2	(a) In March 1936, annual allowances to tribes, totalling Rs 4,088 were drawn and deposited in the Kurram Local Fund, obviously to avoid lapse of appropriation as they were not actually paid to the tribes till September 1936	Suitable instructions have been issued by the Local Administration for the strict observance of the rule according to which no money should be withdrawn from the treasury unless it is required for immediate disbursement.
	(b) A sum of about Rs. 2,500 was spent between April 1935 and October 1936 on the purchase of furniture and its repair for the Political Agent's bungalow, no rent was assessed nor were any adjustments made with the M. E. S. who had charge of the building.	The furniture should be taken over by the M. E S, noted in the inventory and maintained by Government, and rent at 12½% on the capital cost for both durable and non-durable articles charged with effect from 1st January 1938.y

Serial No	Details of irregularities	Substance of orders passed.
	(c) In March 1935, the Local Administration sanctioned the appointment of 3 agricultural assistants (2 at Rs. 50 each per mensem and 1 at Rs 30 per mensem) No agricultural assistant was actually entertained but pay was drawn regularly and credited to the Bagh Fund—and ultimately appropriated towards the general expenditure of the Fund	Orders not yet issued by the Government of India
	(d) The accounts of receipts of the Bagh Fund in some cases were maintained on slips of paper, and it was noticed that amounts were outstanding from customers since 1934 35 and that no effective steps had been taken to recover them	Orders not yet issued by the Government of India
	Accounts of the Deputy Commissioner, Hazara	
3	Amounts paid in 1936 37 as allowances to certain tribes were not in accordance with sanction, rewards sanctioned for a tribe (Rs 1,000) and savings in other cases were appropriated towards payments to other tribes in the form of Lungis and rewards to Frontier Constabulary, Government servants and others without the sanction of Government	The revised distribution of tribal allowances has been sanctioned and instructions issued regarding procedure for payment of rewards to Maliks and Government servants
	Accounts of the Political Agent, Khyber	
4	(a) As the cash balances in the hands of the Cashier amounted at times to as much as Rs 50,000 his security of Rs 5,000 required examination	Security raised to Rs 10,000
	(b) It was noticed that from the grant for "Entertainment Charges" sums of Rs 360 in one case and Rs 50 each in four others were drawn monthly, and sums of Rs 50 in one case and Rs 20 each in four others were drawn twice every year on the occasion of Ids, but monthly accounts of expenditure were not rendered by any of the persons who drew the amounts The classification of the charges also was not on uniform lines, the payments having been charged to "Entertainment Charges" and "Protection and Raids" and (more frequently) "Secret Services"	The system of paying lump sums to Political Officers for entertainment charges has been stopped Amounts required for this purpose should be drawn from the treasury as and when required, and properly accounted for General orders are to issue separately particularising with reasonable precision the objects on which these grants may be spent.
	It was noticed also that the grant for "Entertainment Charges" was not strictly limited to its object Two instances are mentioned in which it was ordered that the amounts should be met from this head (but they were actually charged to "Protection and Raids"), namely —	
	(i) Donation of Rs 50 to the Duty Society of the Islamia College	
	(ii) Hire of a car (Rs 11 10 0) which carried a box containing medals and files from Peshawar to Landi Kotal on the occasion of the Silver Jubilee	
	Accounts of the Deputy Commissioner, Bannu	
5	(a) 447 pagries were purchased out of the Khassadar Fund at a cost of Rs 2 1 3 each, and sold to the Khassadars at the rate of Re 1 only, which was irregular as the supply of clothing was inadmissible	The purchase and sale have been sanctioned

Serial No.	Details of irregularities.	Substance of orders passed
	(b) There was a balance of Rs 4,303-3-9 at the credit of the Khassadar Fund on 20th December 1936, of which a sum of Rs 2,486 14 9 was refunded into the treasury on 8th February 1937 A portion of the balance was utilised on other objects, and the balance of Rs 771-4-3 was not finally refunded till 11th January 1938—long after orders to close the fund had been issued	The Finance Department wish to know the name of the officer at fault The Local Administration have explained that the failure to credit the whole balance on 8th February 1937 was due to a misunderstanding of the orders
	Accounts of the Deputy Commissioner, Kohat	
6	A sum of Rs 187 was utilised in distributing rewards on 12th July 1936 to ministerial and menial staff It was met from the undisbursed balance of an amount drawn in August 1935 on account of "Allowances to tribes" The payment of the rewards has been sanctioned by the Local Administration	The Local Administration have been asked to issue specific instructions to all local officers that the practice of utilising undisbursed Khassadari and tribal allowances for contingent expenditure and rewards to Government servants should cease and that sums remaining undisbursed out of amounts withdrawn from the treasury for whatever purpose should be refunded into the treasury in accordance with the rules in the Civil Account Code
	Accounts of the Political Agent, South Waziristan	
7	(a) Special petition papers were printed and sold at Re 0 8-0 each but the stock account was never checked by the Political Agent or any other responsible officer nor was the stock in hand ever verified by actual count	Under consideration. Orders not yet issued
	(b) (i) It was noticed that out of the undisbursed pay of Khassadars advances were made for various purposes, such as for the construction of a house	The designation of the officer to whom the advance to construct a house was made and the amount of the advance have been demanded by the Government of India
	(ii) Undisbursed pay of Khassadars was also utilised in purchasing jackets (costing Rs 2,160) and saddlery (costing Rs 880) for sale to them	Recovery should be expedited as far as possible
	(c) The bungalow of the Political Agent was furnished and the cost of the furniture met out of the General Fund The dates of purchase of the various articles were not recorded nor was rent of furniture recovered	The Government of India are awaiting proposals from the Local Administration to regularise the matter
	(d) Amounts were drawn from the treasury in advance of requirements and undisbursed amounts were not promptly refunded The undisbursed amount lying in the tahsildar's safe at the time of the local audit was Rs 39,408	The Local Administration have been asked to issue suitable instructions to all local officers The Government of India have also asked for the date of credit of the balance of Rs 39,408 into the treasury
	(e) The following balances of advances granted from the General Fund were remitted by the Political Agent and treated as final charges two days before the closing of the Fund in November 1936 —	The Government of India have confirmed the action of the Local Administration in having treated these balances as final charges against the Fund
	(i) Balance of Rs 800 due from an advance of Rs. 1,200 made to a tribesman in April 1936	
	(ii) The whole of an advance of Rs. 500 made to a Mahsud in February 1936	

Serial No	Details of irregularities	Substance of orders passed
	Accounts of the Deputy Commissioner, Dera Ismail Khan	
8	Presents were given to Government servants out of the Compensation for Border Offences Fund—the sums paid from April 1936 to October 1936 amounted to over Rs 700 It was also noticed that officials and private individuals were allowed advances from this Fund	Orders not yet issued by the Government of India.
	Accounts of the Political Agent, North Baluchistan	
9	(a) Sum of Rs 176 representing rent due from the employee of a contractor was paid to the Military Engineering Service on 20th December 1933 from the advance account, it remained outstanding until 11th March 1936 when it was made good from the General Fund which was an irregular fund maintained to accommodate all unauthorised income and expenditure The amount is still recoverable and the Local Administration have issued instructions to the Political Agent to take immediate steps to effect recovery or else to report reasons why recovery is impossible	The recovery is to be reported to the Comptroller
	(b) The stock register showed that some residential quarters were furnished with Government furniture, but rent of furniture was apparently never recovered from the occupants	Orders not yet issued by the Government of India.
	(c) Valuable articles purchased out of irregular funds had not been entered in the stock register	The articles purchased from Khassadar contingencies should be entered in the stock registers and checked from time to time This will be verified during the next local audit
	Account of the Political Agent, Malakand	
10	(a) Furniture was supplied for the P A 's residence at the cost of the Miscellaneous Fund but rent was not charged	Rent to be charged from 1st January 1938 (as in the case of the residence of the P A. Kurram)
	(b) The orderly of the Assistant Political Agent, Chitral, was in receipt of pay of Rs 43 a month from an irregular fund On his death, a gratuity of Rs 500 was paid to his family mainly on the ground that his death was attributable to pneumonia which he contracted while on service.	The gratuity was unjustified and, in any case was far in excess of the limit of six months' pay usually applied by the Government of India in the case of a compassionate gratuity. But a refusal to sanction the payment would involve recovery from the sanctioning officer and the Finance Department felt that it was scarcely desirable that this one case should be singled out in this fashion.

APPENDIX XIV.

MEMORANDUM FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF THE NORTH WEST FRONTIER PROVINCE, TO 1 ALL DEPUTY COMMISSIONERS, 2 ALL POLITICAL AGENTS IN THE NORTH-WEST FRONTIER PROVINCE, 3 THE ASSISTANT POLITICAL AGENT, CHITRAL, No. 17039-49-P /1/259-TBI, DATED PESHAWAR THE 9TH MAY 1938.

SUBJECT.—*Regularization of irregular funds.*

It has been brought to the notice of the Local Administration that money is drawn frequently from treasuries without due regard to immediate requirements and kept in local offices for disbursements that may arise in due course This practice is irregular, involving retention of heavy cash balances in hand which is also undesirable, and should be discontinued forthwith The Local Administration would impress upon all those concerned that, in future, no money should be drawn from the treasuries unless it is required for immediate disbursement If in any case, it is found that the whole amount or any portion of it drawn from the treasury cannot be disbursed immediately or in near future as anticipated, the undisbursed amount may be refunded into the treasury and re-drawn when it is required for disbursement.

LETTER FROM THE ASSISTANT SECRETARY TO THE GOVERNMENT OF INDIA IN THE EXTERNAL AFFAIRS DEPARTMENT, TO THE CHIEF SECRETARY TO THE GOVERNMENT OF THE NORTH WEST FRONTIER PROVINCE, No. F. 83-A/38, DATED SIMLA, THE 30TH JUNE 1938

SUBJECT.—*Audit of the accounts in the North West Frontier Province Agencies.*

With reference to the correspondence ending with your memorandum No 19001-PN /I/162-TBI , dated the 21st/25th May 1938, I am directed to say that the Government of India approve of your proposals defining the objects on which the grants under "Entertainment charges", "Protection and Raids" and "Secret Service", should be spent They also note that these definitions have been accepted by the Comptroller, North West Frontier Province, who will, however, examine the matter further in the course of local inspections, with a view to seeing if the definitions require any amplification or modification. I am to add that the Government of India attach considerable importance to this examination of the accounting arrangements at local inspections in future

MEMORANDUM FROM THE CHIEF SECRETARY TO GOVERNMENT, NORTH-WEST FRONTIER PROVINCE, TO THE UNDER SECRETARY TO THE GOVERNMENT OF INDIA IN THE EXTERNAL AFFAIRS DEPARTMENT, No 19001-P N./1/162-TBI, DATED PESHAWAR, THE 25TH MAY 1938.

SUBJECT.—*Audit of the accounts in the North West Frontier Province Agencies.*

Reference correspondence resting with my memorandum No. 15059-P./1/162-TB, dated the 22nd April 1938.

2. After consultation with the Comptroller, the Local Administration is of opinion that if the amount required for disbursement for "Entertainment Charges", "Protection and Raids" or "Secret Service" is not heavy, it should invariably be paid from the permanent advance in the first instance, the advance being recouped by drawing the amount subsequently from the Treasury on fully vouched contingent bills; in cases of emergent payments of large amounts which cannot be paid from the permanent advance the money should be drawn from the Treasury The detailed procedure regarding posting of cash book and contingent register and preparation of bills have already been explained fully in Comptroller's letter No. Cent T 15-14/1022, dated the 20th August, 1936 (Copy attached) and instructions have been issued to Drawing Officers accordingly This procedure for the control and accounting of money for "Entertainment Charges", "Protection and Raids", and "Secret Service", is in fact practically that which is already observed in the offices concerned, but instructions are issuing to ensure that there is no variance

3. Examination of the object on which these grants have been spent shows a large number of different objects on the justification of which the Local Administration are fully satisfied but for which it is difficult to frame any useful or all embracing definition The following are suggested —

(1) *Entertainment charges* "Entertainment Charges" are intended to cover entertainment and travelling expenses of individuals and parties who visit a political officer in connection with Government duty, or who perform duties involving themselves in expense The money may be paid in cash to the person or persons for whose entertainment it is intended, to some other person who has paid the expenses of entertainment, to some shop or company which has provided the entertainment or conveyance, or in many other ways, provided the object of entertainment or paying expenses is kept in mind No fixed charges should be met from this head

(2) *Secret Service* "Secret Service" money is intended to cover rewards whether in the form of cash, of presents such as shotguns or binoculars, of assistance with an irrigation scheme, given in return for information received, or for some other purpose which it may not be desirable to specify

(3) *Protection and Raids* The money allotted for "Protection and Raids" is intended to cover the payment of rewards whether in cash or kind, travelling expenses, compensatory expenses, etc, connected with special arrangements for the safety of the public, and in particular with the arrest or prevention of raiders and the rescuing of persons captured by raiders.

The Comptroller has been consulted on these proposed definitions and has replied that he accepts them, but has at the same time intimated that the matter will be further examined in the course of local inspections with a view to suggest amplification, if any is needed, in the definitions so as to make sure of covering all cases.

APPENDIX XV.

OFFICE MEMORANDUM FROM THE FINANCE DEPARTMENT, GOVERNMENT OF INDIA, No D.-884-F., DATED THE 18TH DECEMBER 1937

SUBJECT — *Public Accounts Committee—Appropriation Accounts—Explanations of variations*

The undersigned is directed to invite a reference to the recommendation made in paragraph 15 of Part I of the Report of the Public Accounts Committee on the Accounts of 1935-36 regarding the importance of ensuring that the explanations given in the Appropriation Accounts are both accurate and intelligible

2 During this year's meetings of the Committee the printed explanations were found to be frequently inadequate and sometimes actually misleading Although the work of compilation is done by the accounts officers, they are necessarily dependent to a large extent on information received from the Departments concerned, and it appears that there has been a tendency to devote insufficient attention to the work of supplying and checking this information The Finance Department would deprecate any large increase in the quantity of printed matter which is placed before the Committee, and they do not wish to suggest any modification in the working arrangements under which explanations are not ordinarily given for variations of less than a certain amount or percentage It is, however most desirable that the explanations given in connection with the larger variations should be not only concise but also illuminating The questions which the Committee will ordinarily ask are (1) whether the variation was inevitable, and (2) whether it could not have been foreseen If the explanations indicate with sufficient clearness the answers to both of these questions the number of points on which the Committee will wish to obtain additional information verbally from the representatives of the Departments should be very materially reduced.

APPENDIX XVI.

Extract from a note from the Accountant General, Central Revenues, New Delhi, to the Auditor General of India on the question of annexures to each of the Area demands of *pro forma* account of expenditure and receipts.

* * * * * * * * * * * * *

2 I enclose a list of main heads in the centrally administered areas which can be taken as intrinsically provincial in nature At present a statement of actual receipts is appended to each appropriation account relating to Area Demands These statements generally exhibit the receipts realised in each of the centrally administered areas The whole amounts of the receipts, as included in the statements, do not relate to the areas concerned They include also receipts which belong to Central Government proper For example, the amount shown against the head " Interest " in the statement of actual receipts appended to Grant No 80 --Delhi also includes interest on loans granted by the Government of India to local bodies in Delhi

3 Again, it will be observed that provision for expenditure under the heads corresponding to the receipt heads shown in the statements referred in the preceding paragraph is made in some cases only in the Area Demands, in others, *e g*, Civil Works, Receipts in aid of Superannuation, Stationery and Printing etc, the provision for expenditure is made in the corresponding subject Demand In respect of the heads " Interest on Irrigation ", " Irrigation ", " Civil Works " and " Printing and Stationery " the distribution of the budget provision by areas is shown in the respective demands Provision is, however, made in lump only under heads such as " Superannuation Allowances and Pensions " and " Payments on account of commuted value of pensions " The provision for expenditure under these latter heads will have to be distributed amongst the different areas if the *pro forma* accounts in question are to be compiled Unless such a distribution is made it would be difficult to allocate expenditure under these items to the particular areas For example, the entire amount of pensions, including commuted value of pensions, which is disbursed from the Delhi treasury, does not pertain to the Delhi Province alone. Certain Central Government pensioners also draw their pension from the Delhi treasury On the other hand, some pensioners of the Delhi Province may be drawing pensions from other Central and Provincial treasuries If the proposed *pro forma* account is to be prepared, the charges referred to above in respect of each area will have to be collected in one place Similarly, interest paid by the Delhi Joint Water Board and the Delhi Municipality on loans granted to them by the Government of India are not receipts of the Delhi Province although they are included as such in the statement of actual receipts of that Area At present loans and advances are granted by the Government of India to local bodies under the Minor Local Administrations and no allocation is made according to each Area If these areas are to be regarded as separate Provinces for the present purpose, such loans and advances as fall within the purview of the Provincial Legislative list in the Government of India Act, 1935 and strictly pertain to these areas, will have to be separated and necessary provisions will have to be made in the Demands for these areas, so that the expenditure as well as the receipts accruing therefrom *viz*, interest, may be adjusted in the accounts for the areas concerned.

4 No adjustment is also made at present in respect of the maintenance charges of prisoners transferred from one administered area and confined in a jail in another such area Similarly, the services rendered or supplies made by a non-commercial Department of one area to any such Department of another area, is not charged for either No adjustment is at present made in the accounts of these areas in respect of the cost of printing work done and the articles of stationery supplied to the offices under the minor local Administrations by the Government of India, Printing and Stationery Department

5 The services rendered under the minor local Administrations are now regarded as services rendered under the Government of India and no allocation of leave and pensionary liability in respect of such services is now made If each of these Administrations is now to be regarded as a separate Province, the rules for the apportionment of leave and pensionary charges will require to be revised and the liability of each area on those accounts determined

6 Further, if the centrally administered areas are each to be treated as a separate Province the adjustment on account of Agency costs for the services rendered to the Central Government by the law, Police and other officers of those administrations will have to be made as these are not now separately assessed and accounted for

7 It will thus be observed from the above paragraphs that unless the present system of accounting is changed to a considerable extent, it will be difficult to prepare a *pro forma* account of expenditure and receipts for any administered Area Even if such a *pro forma* account is prepared the figure shown therein will not be accurate in all cases, under the present system of accounting

List of Main Heads Transactions under which in the Centrally Administered Areas may be taken as Intrinsically Provincial in Nature

(1) Land Revenue
(2) Excise.
(3) Stamps
(4) Forests.
(5) Registration
(6) Irrigation.
(7) Interest on Irrigation Works.
(8) Interest on other obligations.
(9) Civil Works
(10) General Administration
(11) Administration of Justice.
(12) Jails and Convict Settlements.

(13) Police.
(14) Education.
(15) Medical.
(16) Public Health
(17) Agriculture.
(18) Veterinary
(19) Industries.
(20) Other Miscellaneous Departments
(21) Superannuation allowance and Pensions
(22) Stationery and Printing.
(23) Miscellaneous Charges
(24) Expenditure in England.

APPENDIX XVII.

Note on the revision of Army Regulations.

The progress on the revision of the more important regulations is as outlined below :—

1 "*Conditions of Service for Civilians paid from the Defence Services Estimates*".—Proof copies of the draft regulations have been obtained from the press and a final examination of the book is now being carried out by all concerned, prior to submission of the draft, with a letter indicating the origin of all matter in the book, to the Secretary of State The pay tables which will accompany the regulations have also been compiled and checked by all concerned

An audit review on the publication is to be carried out before it is sent to the Secretary of State It is anticipated that the book will be ready for submission to the Secretary of State by the end of the year

2 *Military Leave Rules (India)*—Revision completed These regulations were approved by the Secretary of State and have now been issued

3 *Regulations for the Army in India*—Revision completed The revised regulations have been issued

4. *Pay and Allowance Regulations (India)*—Revision has been completed and the revised regulations have been issued

A review of the revised regulations was carried out in conjunction with the Director of Audit, Defence Services A few matters resulting from this review are in course of examination

5 *Pension Regulations (India)*—The first draft of the revised regulations is nearing completion

It is not yet possible to state, with any degree of accuracy, when these regulations will be ready for issue

6 *Passage Regulations (India)*—Existing regulations have been reprinted Revision will be taken in hand as soon as work on the first draft of Pension Regulations (India) is finished

7. *Financial Regulations*—The basi part of Financial Regulations is already in process of revision.

APPENDIX XVIII.

Scheme for interchange of Accountants of the P. W. D. and M. E. S.

The period of 2 years for which P W D Accountants were interchanged with passed S. A S clerks of the Military Accounts Department has just expired The periodical reports received from Controllers on the work of the P. W D. Accountants show that the changes effected in the system of M E. S. accounts, as a result of the suggestions made by these accountants, are of minor importance, and the opinion of both the Controllers and the M E. S authorities is that no direct advantage has been gained by the deputation of P W D. Accountants to the Military Accounts Department This is rather disappointing at first sight, unless one appreciates fully (or knows from experience) how extremely difficult it is for any individual to introduce important changes in an established system of accounts in a short period of 2 years, and especially when the concurrence of two different parties (Military Accounts Department and M. E S) is essential The inability of the P W D Accountants to effect improvements in the M E S system of accounting does not, therefore, indicate that the scheme has failed Moreover the more promising part of the scheme, from this Department's point of view, was the transfer of 6 clerks of the Military Accounts Department to the Civil Department to learn the P W D system of accounts it is considered that the real advantage of the scheme to this Department will arise from the wider experience and knowledge gained by these men during their training It appears from the reports given by the Executive Engineers and the Accountants General that these men showed a keen interest in learning the P. W. D Accounting system, and made such good progress that within a year or so of their transfer most of them were entrusted with the regular duties of P. W D Accountants. There is no doubt that with their broadened outlook and experience these men will be much better qualified to carry out a critical examination of the existing system of maintaining the M E S accounts and to suggest practical improvements in it Each of these clerks was asked to report, soon after his reversion to the Military Accounts Department, what P. W D. methods he considered from his experience of the P W D. and M E S. systems might be introduced with advantage in the latter In these reports the Military Accounts clerks made several suggestions for improving the M E S. accounting procedure All those suggestions are being separately examined. From a perusal of the reports it is apparent that the clerks have gained in breadth of experience and freshness of outlook by being deputed to the P W. D and that it is distinctly in the interests of the Military Accounts Department to continue the scheme systematically

APPENDIX XIX.

Note regarding overstocking of R. A. F. Stores.

The information called for by the Military Accounts Committee may best be considered under the following two headings —

(i) Progress made in connection with the revision of the Equipment Regulations and Tables

(ii) Results of the revision of the Stock Limits

The Revision Section which was established for special work in connection with the revision of Equipment Regulations and Tables closed down on 31st March 1938 and only a Flight Sergeant was retained to assist the Equipment Branch of the Staff in the completion of the work

2 As regards (i) the following progress has been made since the position was examined by the Military Accounts Committee on the accounts for 1935-1936—

(i) *Equipment Tables* —These tables will show the number of article authorised for use in each unit After a certain amount of preliminary work had been done it became evident that the original lay out required some alteration owing to the wide differences in the ranges of stores held by various units The Tables are now being prepared separately for fighting units, supply and repair organisations and miscellaneous establishments, and the work is well in hand Briefly the position is as follows :—

PART I.—*Fighting Units*—

32 Sections have been completed, approved by the Government of India and are now at press and will be distributed to units shortly

24 Sections are in course of final check and approval by the Government of India.

9 Sections remain to be completed. It is hoped that by the middle of July all Sections will be ready for printing.

PART II —*Scales.* (Showing components of tool kits lock-ups and other complete assemblies).

This part is at present 75 per cent complete

PART III—*Maintenance Units* (*i e*, supply and repair organisation such as Aircraft Depot).

All Sections are being collated and prepared for authorisation by the Government of India

PART IV—*Miscellaneous establishments.*

The table for R. A. F. Hill Depot, Lower Topa which is at present the only unit in this category, has been completed and is in course of check and approval.

(ii) *Provision Instructions.*—Completed and incorporated in the Equipment Regulations

(iii) *Revision of Equipment (Stores) Regulations for the Air Forces in India.*—The revised edition of these regulations has now been issued and is in general use It is complete with the exception of regulations regarding —

(a) Accounting for Explosives,

(b) War Accounting,

which are still under consideration.

3. *Stock limits* —The stock limits have been prescribed in a separate chapter of the Regulations referred to in paragraph 2 (ii) above. Provisioning is based on these authorised stock limits, which are expressed in terms of so many months' peace requirements, and it will be appreciated that the actual quantities representing these requirements vary from time to time according to past and anticipated consumption

As explained in paragraph 42 of the Audit Report, every item should now be reviewed with reference to these limits at least once a year The review for 1937-38 could not be completed in that year and has been spread over two years ending 31st March 1939 (Subsequent reviews will, it is hoped, be completed annually) It is not possible to furnish the Committee with a report showing the results of the first review but each Vocabulary Section review when finally dealt with by H Q , R A F and the Military Finance Branch is passed on to the Director of Audit, Defence Services, and any instances of laying in stocks in excess of the authorised stock limits coming to notice through these reviews or otherwise will doubtless find a place in subsequent audit reports

APPENDIX XX.

Memorandum explaining the zoning system.

The types of quarters normally provided for married British officers are as indicated below :—

Classification of quarters	Number of units of accommodation	For whom primarily intended
Class I . .	6 units	Colonels, Lieutenant-Colonels, and senior Majors
Class II-A	5 units	Majors, Captains and Lieutenants
Class II-B	4 units	

A unit consists of 250 square ft in the plains and 200 square ft in the hills and semi-hill stations.

2 It was found that a rigid adherence to these scales resulted either in quarters lying vacant because there were no officers of suitable ranks to whom they could be allotted, or in excessive payments on account of compensation for inferior quarters It was therefore decided that a certain amount of elasticity should be introduced into the rules for allotment of quarters and the following system was evolved and embodied in the regulations —

Ranks of officers	Entitlement
(i) Colonels and Lieutenant-Colonels .	5 or 6 units.
(ii) Majors	4, 5, or 6 units
(iii) Captains and Lieutenants	3, 4, or 5 units

As will be seen from paragraph 1 above, previous to this, Colonels and Lieutenant-Colonels were entitled to 6 units, Majors to 5, and others to 4 units

The higher scales of entitlement is allowed if accommodation is available and the size of an officer's family justifies it If an officer is allotted accommodation within the limits of the scales mentioned above he is not normally given any compensation for inferior quarters In cases where only the lowest scale of accommodation is available and the size of the officer's family warrants a higher scale he is allowed compensation in the shape of a proportionate refund of lodging allowance provided he actually rents extra accommodation and the officer commanding the station certifies to the necessity for hiring extra accommodation The maximum scales of 6 units and 5 units, respectively, shown against the ranks of Majors and Captains are admissible only in the case of senior Majors and Captains, the size of whose families warrants the allotment of the maximum scale No compensation is however admissible on the score that the maximum scale cannot be allotted

4 An officer who is given less accommodation than the minimum number of units specified above is automatically granted compensation for inferior accommodation.

To give an indication of the magnitude of the expenditure incurred on account of such compensation Controllers were asked to keep a record of such payments made in two specially selected months—June 1937 and January 1938 From these records it is estimated that the total payments amount to roughly Rs 14,000 per annum.

APPENDIX XXI.

Report on the Rush of M. E. S. Expenditure in March with reference to paragraph 6 of the Report of the Military Accounts Committee on the accounts of 1935-36.

The position in regard to M. E. S. expenditure in March 1937 has been explained in paragraph 130 (page 50) of the Appropriation Accounts of the Defence Services for the year 1936-37. As regards March 1938 expenditure, reports received indicate that there has been a general improvement, though instances of late receipt of allotments and administrative approvals still continue These individual instances are under examination The improvement over previous years is material, the percentage increase in March 1938 over the average of the previous eleven months being half what it was in March 1936.

The number of bills paid in 1937-38 indicates that the pressure of work in the accounts offices has diminished appreciably in the year as a whole and notably in March 1938 Adequate instructions have been issued by the Military Accountant General to ensure that no relaxation of the audit of bills occurs in March as a direct or indirect result of their greater numbers (roughly half as many again in March 1938 as the monthly average of the year).

APPENDIX XXII.

Memorandum on the disposal of surplus and obsolete stores.

1. In paragraph 31 of their Report on the accounts of 1935-36 the Military Accounts Committee desired that the Defence Department should examine and report whether it would be possible to exhibit in the Appropriation Accounts particulars of such stores as had been written off or remained unsold during the year.

2. A similar enquiry was made in 1932 when the Military Accounts Committee examined the Appropriation Accounts for 1931-32 and after prolonged discussions with the Auditor General it was agreed that it was not practicable or even desirable (for reasons which will be explained later) to publish figures, purporting to represent the value of stores condemned, in the Appropriation Accounts. Instead it was decided that a systematic annual review of the condemnations should be instituted

3 Before the system is explained it is necessary to indicate in general terms the procedure followed in regard to the condemnation of stores as either obsolete or surplus.

Surplus stores may be defined as stores in current use which cannot be utilised by the service against present or anticipated requirements within a period to be determined on the merits of each case, *e g*, with due regard to storage facilities or to the liability of the stores to deterioration.

The procedure is designed to ensure that as far as possible stores are not discarded unless they are strictly surplus within the terms of this definition.

When a unit reports that it has surplus stores, a board of officers is assembled to decide whether the stores are really surplus or not. If they are declared surplus by this board a list is sent to the Arsenal or Mechanical Transport Store Depot with a view to their utilisation as far as possible within or outside their areas of supply A list of the stores that cannot be disposed of in this manner is sent up to Army Headquarters, where the possibility of transferring the stores to some other arm of the Defence Service or to a Civil Department is explored. Finally if, after such enquiries there still remain surpluses that cannot be utilised, a general proposal to discard the stores is submitted for the sanction of the Principal Staff Officers and the concurrence of the Military Finance Branch. If those authorities are satisfied that all possible efforts have been made to utilise or dispose of the stores in other ways they are handed over to the Disposals Organisation, which from their knowledge as a Purchasing Organisation sometimes find a use for some of these stores.

The procedure in regard to obsolete stores is similar in principle, though it naturally differs in detail. The ordinary rule is that when a new pattern of equipment is introduced, stores of the old pattern must be used up first or used in some other arm of service if this can be done without serious loss of efficiency. A further check lies in the fact that the introduction of a new pattern involves expenditure and like any other expenditure proposal, requires

the concurrence of Military Finance Branch which requires to be satisfied as regards the disposal of the stock of the superseded article. Where condemnations for obsolescence are approved, the lists of stores so condemned are passed by the administrative Branches to the Director of Contracts through the Military Finance Branch where the condemnations are scrutinised with particular reference to the reasons for condemnation It is also ascertained whether they result from any tendency on the part of the administrative authorities towards over-stocking Summarised particulars of these lists are noted by the Military Finance Branch in their records before they are passed on to Director of Contracts

Quarterly lists of condemnation —A quarterly list of disposals of various categories of stores is compiled in the Military Finance Branch and an analytical review thereof carried out These disposal lists, together with the review are seen by the Financial Adviser and forwarded to the Director of Audit, Defence Services, who examines the items and investigates any, that in his opinion, disclose evidence of over-stocking, undue haste in condemnation, etc.

A consolidation is also made in the Military Finance Branch of the 4 quarterly statements in a year and similarly sent to the Director of Audit, Defence Services

Figures of condemnation available but meaningless and misleading.—Figures can therefore be made available in regard to the total value of stores condemned during a year from the statistics maintained by the Military Finance Branch but the figures would represent the book value of the stores so condemned. Such figures, if shown in the Appropriation Accounts would be highly illusory and deceptive since they would bear no relation to the current or market value of the stores after allowing for the periods they had been in use For these reasons it was not considered desirable to publish the figures in the Appropriation Accounts.

Undisposed of stores —The next point which the Military Accounts Committee wished to be examined was whether it was possible to give an indication of the quantities of these stores lying undisposed of at the end of each year At present the Director of Contracts maintains no separate statistics of this nature and it is anticipated that their compilation would involve an expenditure of clerical labour quite disproportionate to their value

The whole question was discussed at considerable length in 1933-34 with the Auditor General and the procedure indicated above in regard to the collection of statistics and periodical review by the Military Finance Branch and the Audit Department was the outcome of that discussion. The Financial Adviser in a comprehensive note explained the difficulties and said "my conclusion is that this is a Department of public business in which Audit, Government and the Legislature must be content with satisfying themselves that the procedure for handling the business is correct and that the business is in fact handled in accordance with that procedure The rules and the actual transactions are as in other Departments of business, open to the inspection and criticism of test Audit."

This was agreed to by the Auditor General whose views on the point are set out in the following extract from the Proceedings of the Military Accounts Committee, reproduced below —

"The Auditor General was then requested to deal with paragraph 5 (*b*) of his letter dealing with the question of the preparation and exhibition of a valued statement of surplus and obsolete stores written off He explained the inutility of showing the value of such stores. For one thing it is difficult to say what is the correct valuation of surplus stores and for another if the original cost is shown it would convey a misleading impression As, however, he recognised that it was essential that both the Audit Department and the Public Accounts Committee should have some information regarding the disposal of surplus and obsolete stores, he was considering the question of the preparation of some useful statistics His provisional view was that the Military Finance Branch should carry out their present detailed scrutiny of each item of surplus or obsolete stores put up for disposal and prepare a consolidated statement showing the value of stores declared surplus or obsolete quarterly and submit for the information of the Auditor General through the Director of Audit, Defence Services The statement is to be supplemented as may be necessary by explanatory remarks and comments on points of financial importance revealed by scrutiny At suitable intervals an audit review would be conducted and a report included by the Director of Audit, Defence Services, in his annual report, rash purchases and hasty discardings being noticed therein The Committee was assured that surplus stocks would be taken into account when placing fresh orders for stores The Auditor General explained that as the annual provision in the budget for expenditure on stores was based on very elaborate calculations which took into account the balances in hand including surplus stocks, there was an automatic check on reckless purchases"

Since 1934-35 the system suggested by the Auditor General of making these particulars of surplus and obsolete stores thrown up from time to time, available to the Audit Department has been in force and a special report is included in the Audit Report of the Director of the Audit, Defence Services, on the subject.

APPENDIX XXIII.

The charges of the Indian Infantry Unit lent for service at Hong Kong, together with those of the training Company and the proportion of the Headquarters of the training battalion in India are recovered from the War Office by means of capitation rates The rates for the quinquennium 1934-39 included in respect of the pay of British officers, an average amount based on the "normal" office establishment of a unit During the post-war period the ratio of Senior to Junior Officers actually serving in the Indian Army was found to be generally higher than the "normal" ratio and the continued use of the latter for purposes of the capitation rates resulted in an undercharge against the War Office during the 1st half of the quinquennium 1934-39 The unit which was then serving at Hong Kong has, since the end of 1936 been replaced by another in which the ratio of senior to junior officers is somewhat below the "normal" and the loss suffered by Indian Revenues during the first half of the quinquennium will to some extent, be made good in the second half

To avoid the possibility of similar losses in future, it is proposed to adopt in the next revision of the capitation rates a ratio of senior to junior officers which will be in accordance with the actual numbers in the various ranks of Infantry units of the Indian Army as a whole.

APPENDIX XXIV.

Note regarding the mechanisation of Ordnance Factory Accounts submitted to the Military Accounts Committee with reference to paragraph 29 of the Commercial Appendix to the Appropriation Accounts for 1936-37.

The " mechanisation of accounts " in respect of the following items of work in Ordnance and Clothing Factories was completed between October, 1936 and August 1937, *viz.*—

(*i*) Workmen's Pay rolls,

(*ii*) Cost accounts, and

(*iii*) Store accounts,

the " manual " system in respect of each of the above items having been discontinued as a permanent measure

One outstanding feature of mechanisation is the speeding up of the various accounts and statistics which it has rendered possible To take one instance, the " Cost Card " which gives the Superintendent of the Factory, details, under certain classified heads, of all the expenditure incurred during a month on the various items and processes of manufacture in the various shops of his Factory is now sent to him, printed on the machines, between the second and third week of the following month, whereas under the old manual system it used to take about nine to twelve weeks after the close of the month.

Also, there has been considerable saving in expenditure as a result of mechanisation It is estimated that the recurring saving will be, on an average, in the neighbourhood of Rs 3,38,000 per annum

The following table shows the actual expenditure incurred on the Establishment employed in 1933-34 in the Branch Offices of the Controller, Army Factory Accounts, on all the work that had to be done by manual methods, and the expenditure actually incurred during 1937-38 on the same items of work under the present manual-*cum*-mechanical system

(Amounts rounded off to the nearest thousand.)

Actual expenditure in 1933-34		Actual expenditure in 1937-38	
A. *Items of work which have not been mechanised*—		A *Items of work which have not been mechanised*—	
144 Clerks .	2,36,000	216 Clerks.. ..	.. 3,98,000
12 Accountants . .	65,000	17 Accountants ..	.. 94,000
	3,01,000		4,92,000

1933-34.		1937-38	
B. *Items of work which have since been mechanised—*		B *Items of work which have since been mechanised—*	
148 Clerks	. 2,42,000	49 Operators	18,000
13 Accountants ..	.. 70,000	1 Accountant .. .	3,000
		3 Clerks . ..	4,000
	3,12,000	1 Assistant Accountant .	2,000
		Inferior establishment ..	1,000
		Hire of machines ..	37,000
		Cost of Cards	10,000
		Contingencies . .	2,000
		Depreciation	2,000
			79,000
		Less—	
		Actual pay of 9 clerks saved in Main Office .	17,000
			62,000

It will be seen that though the sum of *301* thousand rupees spent in 1933-34 on the non-mechanised items of work had to be increased to *492* thousands in 1937-38 (due to the increase in the volume of work carried out by the Ordnance Factories), the expenditure on the mechanised items of work has fallen from *312* thousand rupees in 1933-34 to *62* thousand rupees in 1937-38 The actual saving is, however, more than the difference between 312 thousands and 62 thousands It is fairly certain that, had the Manual system been continued, the staff employed on such items of work as have now been mechanised would have had to be increased by about the same percentage as was found to be necessary in the establishment employed on the non-mechanised items of work (*viz* , from 301 thousands to 492 thousands- nearly 65% increase). Hence, but for the mechanisation, the manual cost of carrying out the work now mechanised would probably have gone up from 312 thousands to 498 thousands The actual expenditure incurred is, however, only *62* thousands, giving an estimated saving on account of mechanisation of *4 36* thousands per annum We have, however, indicated a conservative figure of *3,38* thousands per annum only, as this latter figure gives the financial effect based on standard average costs of personnel, while the former is based on *actual* costs during two particular years 1933-34 and 1937-38.

APPENDIX XXV.

Financial review on Quetta Reconstruction for 1936-37.

It has been suggested that the Military Accounts Committee would wish to have a financial review of the Quetta Reconstruction Project which, besides commenting on the expenditure actually incurred during 1936-37, would give a brief account of the genesis of the project and of the progress made therewith during that year

2. The earthquake in Quetta took place on the 31st of May 1935. In July 1935 an inter-departmental Committee composed of senior representatives of the Defence, Finance, Railway and Foreign and Political Departments was appointed to examine and co-ordinate requirements of the Departments concerned It was postulated that there would be no major changes of Defence policy as a result of the earthquake and that it would therefore be necessary for the Army to reoccupy Quetta in much the same strength as previously.

The Committee was also required to make recommendations as to the manner in which the requirements should be met, to frame a rough estimate of the cost involved, and to suggest the period over which the cost should be spread

So far as the Defence requirements were concerned, the Committee recommended that broadly speaking the same accommodation as existed before the earthquake should be provided on the present site The cost was estimated at between 6 and 7 crores of rupees and a period of not less than 6 years was suggested as necessary to complete the project It was emphasised by the Committee that in determining the priority of items included in the project economy should be the guiding principle

3 As a result of this Committee's recommendations which were accepted by the Government of India the Defence authorities were directed to proceed with the preparation of the plans and detailed estimates necessary to carry out the programme of reconstruction advocated in the report It was decided to entrust the work relating to the Defence Services and the Civil Department to the M E. S which would be strengthened for the purpose by the addition of requisite number of expert draftsmen, Surveyor of Works, etc Two Committees—the Central Quetta Reconstruction Committee at the headquarters of Government and the other Local Quetta Reconstruction Committee with headquarters at Quetta—were formed to deal with the coordination of requirements and the formulation of policy A project estimate providing for the requirements of the various Defence units and formations to be located at Quetta, covering residential and technical buildings, hospitals, playgrounds, roads and drainage, and all necessities of an up-to-date cantonment was prepared and submitted for the approval of the Secretary of State for India. The estimated cost of this project amounted to apt proximately 7 crores of rupees which was to be spread over a period of abou· 7 years. The Secretary of State's sanction to this project was received on the 30th of April 1936.

4. With a view to securing the most advantageous tenders possible as well as to avoiding administrative difficulties it was decided to divide the project into fairly large groups, each group consisting of a number of associated buildings The first batch of contracts included 5 such groups and covered a period of approximately 3 years No contractors were allowed to tender for less than a complete group By this means it was hoped to ensure that only important and reliable firms would be employed on the work and that their operations would, as far as possible, be so arranged as not to clash with each other

5 For a number of reasons it was considered a matter of vital importance that the reconstruction work at Quetta should go forward with the least possible delay Apart from considerations of policy, which alone rendered the project a matter of extreme urgency, it was found that the provision of temporary accommodation for the troops and others displaced by the earthquake and the grant of concessions to a large number of civil and military personnel were both costly and unsatisfactory expedients On the other hand owing to the magnitude and complexity of the project the preliminary work involved in settling the general lay-out of the new cantonment, deciding the relative priority of each of the numerous items contained in the project and preparing plans and designs, was so enormous that had the usual procedure for inviting tenders and placing contracts been followed there would have been no possibility of making a start with the actual building operations before the year 1937-38 The necessity for designing the new buildings so as to render them reasonably earthquake-proof introduced an additional complication that tended to hold up progress with the preparation of detailed plans To avoid this delay it was decided that in respect of the first stage of the project recourse should be had to a method whereby it would be possible to call for tenders and conclude contracts for buildings that had not even been designed. This method, although new to India, is one that is sometimes adopted in respect of large projects involving (as in this case) a good deal of work of a repetitive nature

6 Put very briefly the method is as follows In each group for which tenders were invited a certain number of typical buildings were selected as ' key ' buildings for which designs and detailed drawings were ready at the time of sending out the tender invitations The tenderers were required to quote firm lump sum offers for all ' key ' buildings and others for which detailed drawings existed, but for each of the remaining buildings they were to quote a provisional lump sum and also to specify a ' key ' building of similar type with which this provisional quotation should be associated. The payment that would actually be made to successful tenderers in respect of such buildings would be determined on the basis of their firm quotation for the linked ' key ' building For the purpose of calculating the sums payable in those cases an unpriced schedule enumerating all the detailed items of work entering into the project was prepared by the M. E. S authorities and sent out to each tenderer who was required to return it fully priced along with his tender.

7 The precise *modus operandi* may perhaps best be explained by a concrete example.

In a particular group let us suppose that a contractor tendered a firm lump sum of Rs. 18,000 for a key building 'A' and a provisional lump sum of Rs. 28,000 for a building 'B' for which no detailed drawing had been sent out to tenderers. He would also have submitted a fully priced schedule, along with his tender.

As soon as the designs and detailed drawings for building 'B' had been settled bills of quantities for the two buildings would be priced at the rates entered by the contractor in his schedule. Let us suppose that the bill of quantities for building 'A' when so priced amounted to Rs 20,000 and that for building 'B' Rs. 29,500 Then the lump sum payable under the contract in respect of building 'B' would be 18,000/20,000 × 29,500 = 9/10 of 29,500 = Rs. 26,550

Another way of stating the arrangement is that the contractor undertook to carry out the construction of each 'key' building and of the buildings linked by him thereto at rates arrived at by applying to his schedule rates the fraction (9/10 in the hypothetical case given above) representing the proportion borne by his lump sum quotation for the 'key' building to the amount of the bill of quantities for that building when priced at the contractor's schedule rates A different fraction had of course to be worked out in respect of each 'key' building

This gives the basic idea of the method adopted though there were a number of detailed provisions that need not be mentioned in this review

8 From the foregoing brief description of the method of tendering adopted it will be clear that it did not involve the general abandonment of the usual safeguards The method is in fact quite a recognised one in other countries and its only drawback appears to be that there is more uncertainty regarding the actual amounts payable under contracts at the time of entering into them than is the case where contracts concluded on the more usual lines are concerned.

The contracts comprising the first batch, which included those placed out under this system, covered work the cost of which had been estimated at about Rs 133 lakhs in the project estimate and was designed to cover a period of 3 years from the 1st April 1936 Although the payments that will eventually be made under these contracts cannot be exactly ascertained at this stage, there is good reason to believe that the total amount of such payments will not exceed this estimate

Generally speaking it would seem as if the contracts made to cover the first stage of the work have proved to be very satisfactory from Government's point of view and there is every reason to believe that had the placing of the contracts been deferred for one year the cost of the work would have been substantially enhanced owing to the increase in prices of building materials, etc , that occurred during 1936-37.

The special method of tendering and contracting is not being resorted to in respect of any later contracts for this project.

9. It will perhaps be appropriate to refer here to the four instances given in paragraph 38 of the Audit Report in which it is suggested that the interests of Government were not fully safeguarded.

Item (*1*) refers to the price of cement and suggests that as the offer received from a Cement Combine to supply all cement required at Quetta at a reduced price had not been formally accepted by Government by the time all tenders were due, steps should have been taken to ascertain specifically from each contractor whether the tenders were based on that reduced price The M. E S authorities maintain however that there is every reason to believe that all the tenderers were fully aware of the Company's offer and in their own interests must have allowed for it in their tenders Nevertheless it would perhaps have been more satisfactory if each tenderer had been asked by the M. E S authorities to confirm the assumption that his tender had been based on the reduced price for cement.

Item (*2*) —The rate in question was it is understood a manifestly absurd one which would certainly have been corrected in the course of the preliminary scrutiny of tenders had it not been inadvertently overlooked. To have compelled the contractor to carry out the work at this rate would have inflicted a severe loss upon him which was considered inequitable

Item (*3*).—The items of work referred to here were not such as could be linked with a 'key' or any particular building, being common to a number of buildings generally of widely different types It was therefore not possible to associate any one fractional increase or decrease (see paragraph 7 above) with works of this nature This difficulty was not foreseen when the contracts were drawn up and the local authorities therefore agreed to pay for such work at the actual rates as entered in the schedule Their action in this matter has been confirmed by the Government of India Although at the time it could not be foreseen whether the adoption of the actual rates would be to the financial advantage of Government or the contractors, the M E S authorities now maintain that Government will eventually be found to have had the best of the bargain since generally speaking the fractions in question tended to exceed unity which meant payment at rates higher than those entered by contractors in their schedules Conclusive evidence in support of this assertion is not yet available

Item (*4*) (*a*) - Although the special construction of buildings for the R. A M C and I H C Institutes at Government expense is not normally authorised since surplus accommodation can usually be found for such institutes, in the special conditions obtaining at Quetta where no surplus buildings could be made available, the Government of India accepted the necessity for providing such buildings and they were in fact specifically included in the administrative sanction accorded by them to the project In these circumstances it is open to question whether there was any necessity to obtain separate sanctions for such normally unauthorised buildings In the Audit Report it is suggested that an understanding existed to the effect that separate Government sanctions would be issued for all such unauthorised items, but whether such an understanding existed or not cannot now be ascertained. In any

case no blame attaches to the local authorities for, acting on the authority contained in the administrative approval.

Item (4) (*b*)—As regards the construction of 18 Class D quarters, this was certainly irregular and was due to a mistake on the part of the local authorities Fortunately a large number of such quarters has still to be put up and there will be no difficulty in utilising these 18 quarters against the additional requirements

10 The original budget allotment for expenditure on Quetta Reconstruction during 1936-37 was Rs 50 lakhs It may here be mentioned tha although by far the greater portion of the expenditure debitable to Head 12 - Quetta Reconstruction relates to expenditure in Quetta itself a small portion consists of the cost of buildings constructed at other stations for certain units and families displaced by the earthquake The provision of Rs 50 lakhs in 1936-37 included a sum of Rs 11 lakhs for building permanent ac ommodation at Chaklala required by an R A F unit located at Quetta at the time of th earthquake Owing to an unforeseen delay in the acquisition of the site this portion of the programme could not be carried out during the year This accounted for the bulk of the difference between the original grant and the actual expenditure (Rs 38,69,000) Further detailed explanations of this difference are given in the Appropriation Accounts

The budget allotment for work done at Quetta during 1936-37 amounted to Rs 34,47,000 Judging from the fact that there was a net excess of Rs 3,000 only, it seems reasonable to conclude that the control of expenditure was remarkably efficient

11 Before reconstruction could tart the old buildings had to be demolished and cleared This work was carried under departmental arrangements By using a type of Karrier Lorries which had become obsolete but were good enough for this rough work the cost of clearance was kept down to an average figure of 12 annas a ton Salvaged materials were used in the construction of temporary accommodation and of such permanent work as service drains in which serviceable bricks could be in orporated Steel work in the Hangars having been undamaged was left standing in order that it might be used *in toto* in new construction Having regard to the very abnormal conditions under which the work was carried out and the extreme urgency of getting on with the reconstruction there seems to be no doubt that all possible steps were taken to keep down expenditure to the lowest possible limit.

APPENDIX XXVI.

Annual Certificate of the Quartermaster General in India.

I certify that on 31st March, 1938, the war reserves of Stores authorised by the Government of India to be held at date for the mobilization of the Army in India, and detailed in the published War Equipment Tables, or provided for under specific sanctions, for the provision and maintenance of which I am responsible, were complete to the extent to which the quantities required have been calculated, with the exception of fluctuations normal to the maintenance of such reserves, or to shortage and deficiencies due to anctioned alterations in such reserves, the adjustment of which is in hand, and with the exceptions shewn in the attached annexure

B. R MOBERLY, *Lieut.-General,*

Quarter Master General.

The 30th May, 1938

Annexure to the Certificate, dated 30th May, 1938.

Vehicles --

The deficiencies in the authorised numbers of M. T. vehicles to be held in mobilization reserve —

			Nos.
(i) Motor cycles, solo		.	30
(Re-organization of Indian Cavalry regiments .	24		
Mechanization of " F " Battery, R H. A	6		
	30)		

Orders for 30 Norton motor cycles, solo, have been placed

(ii) Lorries, 30-Cwt , 6-wheeled		.	15
(*a*) Indianization, Indian Signal Corps, 1936-37 .	4		
(*b*) Mechanization of Draught Cable Section, Corps Signals	4		
(*c*) Mechanization of " F " Battery, R. H A . .	3		
(*d*) Indianization, Indian Signal Corps, 1938-39	4		
	15		

(*a*), (*b*) and (*d*) The deficiency will be met from the type 15 lorries which will be released by 2 Cavalry Brigade M T Companies on replacement by new vehicles

(*c*) The deficiency will be met when the 11 lorries on order in connection with the mechanization of " F " Battery, R H. A , will be delivered.

(iii) Lorries, disinfector 4

The deficiency will not be made good

Mobilization equipment of supply units—

Statements shewing surpluses and deficiencies of equipment of supply units have been received from all commands except Western Command and have been forwarded to M G O Branch for costing.

War equipment for P O L. sections is being provided—funds having been allotted

Animals—

250 M. A. mules are deficient due to the fact that these are purchased in America in the cold weather and purchases under current Budget estimates are not made until next winter

APPENDIX XXVII.

Annual Certificate of the Master-General of the Ordnance in India.

I certify that on 31st March 1938

1 The mobilization equipment and clothing authorised to be held for the mobilization of the Army in India and detailed in published War Equipment Tables was complete to the extent to which the quantities have been provided with the following exceptions —

(*a*) Fluctuations due to the normal maintenance of such equipment

(*b*) Deficiencies due to a fire in Quetta Arsenal on the 30th March 1937 when a considerable amount of mobilization equipment was destroyed

2 War maintenance Reserves detailed in published W M R Statements, and which have been provided, were complete with the exception of fluctuations normal to the maintenance and turn-over of such reserves.

The stocks of 18-pr ammunition held do not cover the requirements of Royal Horse Artillery Batteries which are temporarily armed with 18-pr equipments whilst the question of their rearmament is still under consideration.

3 Materials and semi and fully manufactured articles specially set apart or provided from within the factory budget or from funds specially allotted are complete also tools and machinery provided from any special allotment of funds were complete Calculation of deficiencies in the War Maintenance Reserves of Ordnance and Clothing Factories is in hand

C C ARMITAGE, *Lieut.-General,*

Master-General of the Ordnance in India.

The 25th May, 1938.

Report of the Public Accounts Committee on the Accounts of 1936-37, Volume I—Report, Part II—Railways.

COMPOSITION OF THE COMMITTEE ON PUBLIC ACCOUNTS, 1938

Chairman.

1 The Hon'ble Sir JAMES GRIGG, K C B., K C S I., .. Finance Member

Elected Members	*Date of Election.*
2 Mr UMAR ALY SHAH	25th February 1938.
3. Mr. B. DAS	25th February 1938.
4. Sirdar JOGENDRA SINGH	25th February 1938.
5 Professor N G RANGA	25th February 1938.
6 Mr S SATYAMURTI .	25th February 1938.
7 Bhai PARMA NAND	25th February 1938.
8. Captain Sardar Sir SHER MOHAMMED KHAN, C.I.E., M B E.	25th February 1938.
9. Mr. J. RAMSAY SCOTT	25th February 1938.

Nominated Members.	*Date of nomination.*
10. Dr. R. D. DALAL, C I.E .	17th March 1938.
11. Khan Bahadur SHAIKH FAZL-I-HAQ PIRACHA .	17th March 1938.
12 Khan Bahadur Sir ABDUL HAMID, C.I.E., O.B.E...	17th March 1938.

REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

PART II—RAILWAY ACCOUNTS.

Financial results of the year—The following table compares the original and the revised estimates with the actual expenditure incurred during the year under report —

	(Lakhs of Rupees) Budget	Revised	Actuals.
(1) Traffic receipts (less refunds) .. .	91,25	95,00	95,49
(2) Miscellaneous receipts . ..	2,05	1,14	1,15
(3) Working expenses . .	64,53	63,90	63,38
(4) Miscellaneous expenditure ..	1,10	1,26	1,24
(5) Interest charges	31,11	30,83	30,81
(6) Surplus (+) or Deficit (—)	—3,44	+15	+1,21
(7) Contributions to general revenues			.
(8) Payments to (+) or withdrawals from Reserve			..
(9) Loans from (+) or repayments to (—) Depreciation Reserve Fund	+3,44	—15	—1,21

The year's working thus resulted in a surplus of Rs 121 lakhs, the first since 1930-31 The first charge against this surplus according to the Convention of 1924 was the repayment of the loan taken from the Depreciation Fund in previous years to meet deficits and no contribution was available to general revenues.

2. *Excesses over voted grants*—There were five excesses over voted grants as compared with four in the previous year —

Grant.	Final grant	Actual expenditure	Excess.
	Rs	Rs	Rs
1 Revenue—Railway Board	8,80,000	8,95,213	15,213
4 Revenue—Refunds	15,35,000	18,60,032	3,25,032
5. Revenue—Payments to Indian States and Companies . . .	3,48,68,000	3,52,76,927	4,08,927
6 D—Revenue—Working expenses—Maintenance of Ferry Steamers and Harbours	28,75,000	28,80,164	5,164
9 A.—Repayments to Depreciation Reserve Fund		1,20,58,909	1,20,58,909

Brief explanations of these excesses are given below—

Grant No 1—The excess was due to additional printing charges and to payment of house rent allowances to extra temporary staff engaged during the year.

Grant No 4.—The excess was largely due to more refunds consequent on increase in earnings. It was also partly due to certain items of refunds having been wrongly classified in the budget as reduction of earnings.

Grant No. 5.—The excess was due to the improvement in earnings which resulted in an increase in the net earnings payable to worked lines, companies and Indian States

Grant No. 6D.—The small excess was due to more expenditure on the Bengal-Nagpur Railway on account of the strike.

Grant No. 9A.—The excess was the result of improvement in earnings which converted the original estimated deficit of Rs 3,44 lakhs into a surplus of Rs. 1,21 lakhs A vote of the Legislature for the transfer of this surplus to the Depreciation Reserve Fund was not obtained in the belief that it was not constitutionally necessary

We recommend that the necessary excess grants be voted by the Legislative Assembly

3 *Minutes of Proceedings.*—We append the minutes of our proceedings which we desire, as usual, to be regarded as a part of our report. In the following paragraphs we shall refer to only some of the more important questions considered in the course of our discussions.

4. *Accuracy of budgeting and control of expenditure* —The accounts of the year show a total saving of Rs 1,36 lakhs or 1·33 per cent. under revenue expenditure (exclusive of withdrawals from and repayments to Depreciation Reserve Fund) and a saving of Rs. 2,10 lakhs or 18·39 per cent. under capital expenditure. This compares as follows with the results achieved in the four preceding years .—

Year.	(Lakhs of Rupees.) Final grant and appropriation.	Savings (—) or Excess (+).	Percentage of column (3) to (2).
1	2	3	4
Expenditure charged to revenue (excluding appropriations to and from Depreciation Reserve Fund).			
1932-33	97,36	—37	·38
1933-34	96,81	—4	·04
1934-35	1,02,48	+5	·05
1935-36	1,02,85	—57	·56
1936-37	1,02,51	—136	1·33
Expenditure charged to capital.			
1932-33	19,55	—266	13·60
1933-34	17,34	—303	17·42
1934-35	19,25	—484	25·14
1935-36	15,02	—324	21·57
1936-37	11,42	—210	18·39

The position with regard to capital grants was better than that of previous years but still left considerable room for improvement. However this was the first year in which the procedure of lump sum cuts was introduced and we are gratified to learn that in 1937-38 very much more accurate results were obtained,

a fact which clearly shows the usefulness of the procedure adopted. However in view of the practical difficulties inherent in a system which involves the execution and financing of capital works on a year-to-year basis and the lapsing of provision on the 31st March of each year, we suggest that the Auditor General and the Financial Commissioner should examine the suitability of introducing for railway capital expenditure procedure providing for a development fund on the lines of that recently adopted for the Posts and Telegraphs Department and for the Legislature to be informed in advance so far as may be practicable, not only of the full programme of the work but also of the progress to be made from year to year, and should let the Committee have a report for consideration next year

5 *Revision of Railway Codes* —We were glad to learn of the progress made in the work of revising the Railway Codes, but from the criticism of the Auditor General in relation to these regulations we are of the opinion that there is scope for considerable curtailment without loss of protection to individuals or of reasonable uniformity in practice We therefore suggest that during the further stages of the work the railway authorities should consider the cutting down of the Codes to the maximum possible extent consistent with efficiency and the interests of the staff.

6 *Ticketless Travel* —We learned from the Chief Commissioner of the measures taken to check the practice of ticketless travel. We appreciate the difficulties involved in dealing with this problem especially those arising at unfenced wayside stations with no separate checking staff, but we hope that the administrative measures now being adopted will be unremittingly pursued and intensified.

7. *Railway Accounts Department* —With reference to the changes contemplated in the organisation of the Railway Accounts Department, the Committee were informed that the Auditor General saw objection to the scheme being put into force as a whole without preliminary trial, particularly as he was still not convinced that the result would not be a weakening of financial control. At the same time he realised that there was a body of expert opinion in favour of the scheme and that the difference between the two views could not be resolved without some form of experiment He had therefore concurred in the arrangement being tried experimentally without prejudice however to any of the objections which he had previously entertained

We agree, one member however dissenting, with the Auditor General that the new arrangement may be tried out subject to the following conditions .—

(*a*) Government should not extend the experiment beyond two railways without further reference to the Committee

(*b*) It should be made clear that the Chief Accounts Officer's functions include the tendering of financial advice to the General Manager and are not limited to technical questions of accounting. We suggest that his designation should be changed to Financial Adviser and Chief Accounts Officer.

(*c*) It should be made clear beyond the possibility of misunderstanding that the Chief Accounts Officer will have access to the Financial

Commissioner in all important matters on which he is in disagreement with the General Manager not only as regards accounting regularity but also on questions of financial prudence

(*d*) That the Auditor General should keep in touch with the experiment and make a report to Government as early as possible on the working of the experiment and that Government should lay this report together with their conclusions upon it before the Public Accounts Committee.

(*e*) That the Financial Commissioner should keep in close personal touch with the experiment and report at once to Government should he see any signs of weakened financial control

8. *Revised estimates for works* —We were struck by the large variations in the cost of the construction of works carried out some years after the date of preparation and sanction of the estimates, mainly due to the fall in prices that had occurred during that period We consider that when a work is in progress for a number of years and it becomes clear that there is going to be a substantial reduction in the cost, revised estimates should be prepared and a fresh sanction obtained, and we should be glad if the Director of Railway Audit would examine this question and let us have a report next year.

9 *Acknowledgments* —We wish to record our appreciation of the excellence of the Chief Commissioner's Review and the ready assistance he has rendered to us in our task We also wish to thank the Auditor General for the very great assistance which we have received from him throughout our proceedings.

Proceedings of the first meeting of the Public Accounts Committee held on Thursday, the 14th July, 1938, at 11 a.m.

PRESENT:

The Hon'ble Sir JAMES GRIGG, K.C.B., K.C.S.I., Finance Member, *Chairman*

Members.

Mr. UMAR ALY SHAH
Mr. B. DAS
Sirdar JOGENDRA SINGH.
Prof N. G. RANGA
Mr S SATYAMURTI
Bhai PARMA NAND
Captain Sardar Sir SHER MOHAMMED KHAN, C.I.E., M.B.E.
Mr. J. RAMSAY SCOTT
Dr R. D. DALAL, C.I.E.
Khan Bahadur Sir ABDUL HAMID, C.I.E., O.B.E.

Witnesses.

Mr L. WILSON, Chief Commissioner, Railways
Mr. B. M. STAIG, C.S.I., I.C.S., Financial Commissioner, Railways
Mr. T. S. SANKARA AIYAR, Director of Finance, Railway Board
Mr. V. S. SUNDARAM, Controller of Railway Accounts.

Mr. A. C. BADENOCH, C.S.I., C.I.E., I.C.S., Auditor General of India.

Mr. T. K. RAJAGOPALAN, Director of Railway Audit

The Hon'ble Sir JOHN NIXON, K.C.I.E., C.S.I., I.C.S., Finance Secretary

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With regard to the publication of the proceedings, the Committee authorised the issue of summaries under the direction of the Chairman.

2. The Committee first considered the statement (Appendix I) showing action taken or proposed to be taken on the recommendations made by them in previous years.

3. *Delay in the submission of completion reports.*—The report by the Railway Board on the effect of their orders regarding the prompt submission of completion reports (Appendix III) was considered, and the Committee noted with satisfaction the earlier closing of accounts brought about by the adoption of the procedure now enforced.

4. *Revision of Railway Codes.*—In connection with the memorandum on the compilation of State Railway Codes (Appendix IV) furnished by the Railway Board, the size of the Codes elicited criticism. The Auditor General

stated that the Director of Railway Audit was pointing out that there was a tendency for over-elaboration and was suggesting that the necessity for certain sections should be examined The Chief Commissioner agreed that the increase in the number of regulations slowed down the administration, and from the point of view of efficiency they should be restricted to essentials. Some members observed that simplification of the regulations might tend to place too much power in the hands of subordinate authorities and that as the greater part of the work of compilation had now been completed it might be better to leave them in their present form It was explained that simplification would not in any way prejudice the interests of the staff The work done uptil now had been useful in that the relevant material had been collected in one place and there was now an excellent opportunity to cut out all unnecessary sections. On this the Committee agreed to recommend that during the further stages of the work the drafting authority should consider the cutting down of the Codes to the maximum possible extent consistent with efficiency and the interests of the staff

5 *Auction sales on railways* —With regard to the note on the working of the instructions issued by the Railway Board regarding auction sales on railways (Appendix V), it was explained that insurance companies were not prepared to undertake the risk of insolvency of auctioneers, and that to require the firms to sign supplementary agreements providing for payment within a week and for the amounts realised to be held as a trust fund was all that was practicable. It was not improbable that the imposition of more stringent conditions would materially reduce the prices realised and on business principles the railways should themselves carry the slight risk involved. As, however, it was understood that the G I P practice secured the payment of the price to the railway before the material sold were received, the Railway Board were making enquiries to ascertain how the difficulties apprehended in following this procedure on the E I R were surmounted on the G I P and would consider the matter finally in the light of the information received The result would be reported to the Committee in due course

6 *Action taken on the Pope Committee's Report* —In connection with the report on the subject (Appendix VI), it was explained that, by the methods of pooling adopted, a more intensive use both of locomotives and of coaching stock was made possible, and that a reduction in repair sheds was being tried in certain sections as an experiment.

The Committee were informed that the replies received from all broad gauge railways reviewing the position with regard to uneconomical wagons were receiving the Railway Board's attention and an investigation into the relative cost of maintaining different types of wagons was being carried out. The Committee desired that a report should be submitted as soon as the review was completed.

As regards ticketless travel, the Chief Commissioner stated that the appointment of additional ticket collecting staff and intensive checking had an immediate effect, and that every effort was being made within the existing law to reduce the possibility of evasion. The Committee considered that the action taken was salutary, and expressed the hope that administrative measures would be pursued and intensified.

7. *Saloons maintained for the use of railway officers.*—The note by the Railway Board (Appendix VII) was considered and the Chief Commissioner stated that no saloons for the use of railway officers were being built in the current year and that only ordinary repairs were being carried out to those already in existence. The Committee stressed their view that the number of saloons should be kept down to the minimum required for the efficient despatch of railway work and desired that a further report should be submitted next year.

8. *Free passes for railway officials* —In considering the note of the Railway Board (Appendix VIII) comment was made that, though there had been a considerable decrease in the number of free passes issued as compared with the year 1932-33, there had been an increase in certain categories during 1937 despite the introduction of the revised rules. It was, however, pointed out that the figures for 1936-37 were not strictly comparable, and the Committee desired to have for comparison a further return next year.

9. *Lump sum cuts made in the estimates by the Railway Board* —In considering the note by the Railway Board on the results on the working of lump sum cuts in the estimates of Capital and Depreciation Fund expenditure (Appendix IX), the increasing improvement due to the application of lump sum cuts was noted by the Committee, and it was stated that the system was now applied by the Railway Administrations themselves and an additional cut, where necessary, was made by the Financial Commissioner.

The Committee adjourned at 1-15 p m.

Proceedings of the second meeting of the Public Accounts Committee held on Thursday, the 14th July, 1938, at 2-30 p.m.

PRESENT :

The Hon'ble Sir JAMES GRIGG, K.C B., K.C.S I , Finance Member, *Chairman.*

Members.
- Mr. UMAR ALY SHAH.
- Mr B DAS
- Sirdar JOGENDRA SINGH
- Prof N G. RANGA
- Mr S SATYAMURTI
- Bhai PARMA NAND
- Captain Sardar Sir SHER MOHAMMED KHAN, C I E , M B E
- Mr J RAMSAY SCOTT.
- Dr R D. DALAL, C I E
- Khan Bahadur Sir ABDUL HAMID, C I E , O.B E.

Witnesses.
- Mr L. WILSON, Chief Commissioner, Railways.
- Mr B M STAIG, C S I , I C S , Financial Commissioner, Railways
- Mr T S SANKARA AIYAR, Director of Finance, Railway Board
- Mr V S SUNDARAM, Controller of Railway Accounts.

- Mr. A. C. BADENOCH, C S I , C I E , I C.S , Auditor General of India.
- Mr. T. K. RAJAGOPALAN, Director of Railway Audit.
- The Hon'ble Sir JOHN NIXON, K C I E , C.S I , I C.S., Finance Secretary

10 The Committee continued consideration of the statement showing action taken or proposed to be taken on previous year's recommendations.

11 *Expenditure on renewals and replacements of worked lines for which no depreciation fund is maintained* —In connection with the note submitted by the Railway Board on this subject (Appendix X), the Financial Commissioner stated that the Director of Railway Audit had raised afresh the question whether the expenditure on renewals and replacements should be charged to depreciation reserves or to working expenses. This was being considered. He was personally inclined to the view that the more correct procedure would be to debit this expenditure to working expenses.

12. *Budgeting for depreciation and interest charges to avoid large variations between estimates and actuals.*—In connection with the note on the subject (Appendix XI), it was explained that the adoption of the suggestion that interest charges should be calculated on the previous and not on the current year's capital outlay would not necessarily secure correspondence between the budget estimates and the actuals and would moreover cause a loss to general revenues. The Committee agreed that for a commercial department it was

desirable that the amounts adjusted should relate to the year of account but suggested that the Auditor General might look into the accounting arrangements so as to avoid having large variations between the actual adjustment for transfers to and from the depreciation reserve fund and the estimates for these transfers. The Auditor General undertook to have this done

13 *Tatanagar Workshops.*—The Committee considered the note furnished by the Railway Board (Appendix XII) and desired that a further report should be submitted next year on the progress being made in utilising the Tatanagar Workshops to their full capacity.

14 *Financial Control*.—With reference to the instructions issued by the Railway Board regarding control over expenditure a discussion was started on the suggestion that, as recommended by the Wedgwood Committee, the experiment might be tried on two selected railways of placing the Chief Accounts Officers under the control of the Agents of Railways instead of under the Financial Commissioner, Railways The Auditor General stated that while on principal he had always been against transferring the control of the Chief Accounts Officers from the Financial Commissioner to the Agents of Railways as railways are not only commercial concerns but undertakings subject to the control of the Legislature, he had agreed after a conference between the Chief Commissioner, Financial Commissioner and the Auditor General, that with the constitution of the Federal Railway Authority "on business principles" there would be no objection to this change from the point of view of audit, he considered further that it was justifiable to try the experiment in advance on two railways and that there were definite advantages to be gained from adopting this course Some members were opposed to this course of action, and it was agreed that after the memorandum on the subject had been circulated to members the matter should be discussed further at the next meeting

15 *Suburban Electrification*.—After considering the report by the Railway Board on the financial results of the Electrification Schemes of the South Indian, G I P and B B and C I Railways (Appendix XIII), the Committee agreed that the results showed considerable improvement and that for the future the special reports on this subject might be discontinued on the understanding that, if any marked deterioration occurred at a later stage, the Director of Railway Audit would report the matter

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COMMENTS OF THE AUDITOR GENERAL ON THE APPROPRIATION ACCOUNTS (APPENDIX II)

16 *Surplus for the year 1936-37*.—It was explained that while the allocation of the railway surplus with effect from the year 1937-38 was determined by the Moratorium resolution passed by the Legislature in its Simla session, 1937, the surplus of 1936-37 was allocable under the Convention of 1924 and the first charge against it was the repayment of the debt to the Depreciation Fund, to which it had accordingly been devoted The Government of India had been originally advised that a vote of the Legislature was not necessary to cover this transaction, but they had now agreed with the Auditor General that an appropriation was necessary The Committee agreed to recommend an excess vote to regularise this appropriation.

17. *Allocation of expenditure on rolling stock.*—It was explained that a settlement had been reached in this matter with four Company-managed railways and that orders to them were about to issue In regard to the B B & C. I railway, certain points were still under discussion. The B and N W R. held that the proposed convention was generally speaking in accordance with their existing practice but their attitude was that if in any particular case the application of the convention gave a result inconsistent with their contract the latter must prevail.

CHIEF COMMISSIONER'S REVIEW OF THE APPROPRIATION ACCOUNTS.

18. *Paragraph 8* —The opinion was expressed by a member that with the coming of better times the railways might be inclined to incur excessive capital expenditure It was explained that the capital expenditure now being incurred on open lines was confined to what was essential to the maintenance of efficiency, and there was no ground for apprehending extravagance

19 *Paragraph 11—Changes in Classification.*—It was explained that in consequence of audit pointing out the rapid increase that was taking place in the capital at charge, a change had been made, the effect of which was that when an asset was replaced by a like asset the full cost of replacement and not merely the original cost was charged to the depreciation fund This change had been made in consultation with the Public Accounts Committee.

20 *Paragraphs 13 and 14—Traffic Receipts* — The Committee noted that there had been an improvement as compared with the previous year under each of the groups into which earnings were divided except passenger earnings Goods earnings showed a marked improvement It was pointed out by the Chief Commissioner that the deterioration in passenger earnings showed the effect of the competition of road traffic, to meet which increased facilities had been provided and fares reduced He added that goods earnings would be adversely affected if long-distance goods traffic, to carry which the railways were fully equipped, was allowed to go to the roads

21 *Paragraph 23* —The Committee commented on the saving of about 71¼ lakhs under Grant 6A —Maintenance of Structural Works It was explained that this was largely due to the important change in classification of the expenditure on replacements and renewals of assets which was formerly debited to working expenses but which, with the conc r nce of the Public Accounts Committee, had been transferred to the depreciation fund from the 1st April 1936.

22 *Paragraph 38—Works expenditure not charged to revenue* —In commenting on the total saving of more than 2 crores under Grants Nos 11 and 12, the Committee considered that the Financial Commissioner in consultation with the Auditor General should examine the question whether capital expenditure should be financed from a fund so that the construction of works, which was continuous, should not be restricted by the arbitrary divisions of the financial year, provided arrangements can be made for the Legislature to be kept in touch not only with the full programme of work but also with the progress made in it from year to year.

The Committee adjourned at 5-30 p.m.

Proceedings of the third meeting of the Public Accounts Committee held on Friday, the 15th July, 1938, at 11 a.m.

PRESENT:

The Hon'ble Sir JAMES GRIGG, K.C.B., K.C.S.I., Finance Member *Chairman.*

Mr UMAR ALY SHAH
Mr. B DAS.
Sirdar JOGENDRA SINGH.
Prof N. G. RANGA
Mr. S SATYAMURTI
Bhai PARMA NAND
Captain Sardar Sir SHER MOHAMMED KHAN, C.I.E., M.B.E
Mr J RAMSAY SCOTT
Dr R D DALAL, C.I.E.
Khan Bahadur SHAIKH FAZL-I-HAQ PIRACHA.
Khan Bahadur Sir ABDUL HAMID, C.I.E., O.B.E
Members.

Mr. L WILSON, Chief Commissioner, Railways.
Mr B M STAIG, C.S.I., I.C.S., Financial Commissioner, Railways
Mr T S SANKARA AIYAR, Director of Finance, Railway Board
Mr V S SUNDARAM, Controller of Railway Accounts
Witnesses

Mr A. C BADENOCH, C.S.I., C.I.E., I.C.S., Auditor General
Mr T. K. RAJAGOPALAN, Director of Railway Audit
The Hon'ble Sir JOHN NIXON, K.C.I.E., C.S.I., I.C.S., Finance Secretary

23 The Committee first took into consideration the memorandum supplied by the Railway Board (Appendix XIV) on the proposal to place the railways' account staff under the General Managers on two selected railways. The Chief Commissioner explained that this was the system on the Company-managed Railways where the financial control was certainly not worse and was probably better than that on the State-managed Railways, and that its adoption on the State-managed Railways had been recommended by a series of committees and experts The Auditor General stated that, while he could not support a wholesale change to the proposed system at once, taking into consideration the weight of opinion in favour of the proposal he considered that to make the experiment on two selected railways was justified, and as a method of reconciling the two opposing views it would be useful both to the railway administration and to audit Considerable discussion ensued during which the view was expressed that the present system which had been approved by the Legislative Assembly in 1925 under which the accounting staff was under the Financial Commissioner and not under the Agent provided a

valuable independent check, and that the proposed change would weaken the financial control exercised in the interest of the taxpayer. Against this it was pointed out that there would be no slackening of financial control in that the Railway Board would hold the General Managers really responsible for financial control in a way that was now impossible when the Chief Accounts Officer was responsible not to the General Manager but to an outside authority The advantages of a single co-ordinated and harmonious administration with the Chief Accounts Officer as the Adviser in financial matters of the General Manager were stressed and it was explained that the Chief Accounts Officer would continue to have the right of access through the General Manager to he Financial Commissioner, and that any substantial financial proposal in regard to which the General Manager and the Chief Accounts Officer were not in agreement, would be placed before the Financial Commissioner with the views of the Chief Accounts Officer in his own language On the understanding that this did not commit them in any way on the general question, the Committee finally agreed that the proposed experiment might be tried on two railways subject to certain conditions to be set out in the Report.

24. The Committee then continued their consideration of the Chief Commissioner's Review of the Appropriation Accounts of Railways in India

25. *Paragraphs 42, 43, 44 and 45 Grant No 12- Open Line Works* — A member of the Committee drew attention to the savings under "Track Renewals", "Other Engineering and Structural Works" and "Rolling Stocks", to the extent of about Rs ¾ crore under each, which was stated to be chiefly due to postponement or curtailment of schemes as a result of further examination after the budget or for such reasons as the late delivery of materials or the modifications of programmes due to a change in prices It was explained that the system of lump sum cut had been introduced for the first time only in 1936-37 and that the occurrence of such large savings had been obviated in the following year when a larger cut has been made

26 *Paragraph 47—Variations between the original and modified appropriations in expenditure on Open Line Capital Works* —With reference to Annexure D to the Appropriation Accounts it was noted that there were 18 works for which specific provision had not been made in the budget, and though the actual expenditure incurred during the year on these works, which were mostly either nearing completion or had already been completed, was only about ½ lakh, the Committee considered that there was room for improvement in this respect

As regards the works for which provision had been made, the Committee noted that 25½ lakhs had lapsed in two cases of relaying track a fact which was to be attributed to premature budgeting It was also noted that modifications in the scope of work during the course of the year were partly responsible for savings in three cases, and the Committee agreed that it was a justifiable conclusion that greater conservatism should be shown in framing the budget provision for schemes the details of which at that time had not been completely determined.

27. *Paragraph 48—Works completed during the year* —A member of the Committee drew attention to the relaying of 304·97 miles on the Itarsi-Agra Section of the G. I. P. Railway where the expenditure fel short of the

estimate to the extent of 26 per cent. It was explained that this was due to the fall in prices since the estimate for the entire project had been drawn up in 1929. The Committee considered that a revised estimate should be framed as soon as it became clear that there was going to be a substantial reduction in the cost of construction, and they desired that the Director of Railway Audit should examine this question and the advisability of framing separate estimates for sections of work that would extend over several years, before next year.

28 *Paragraph 58—Capital Statements*—It was explained that the statement which gave the total of all capital heads showed the book value without indication of the real value of the assets In discussion it was pointed out by the Chairman that it was this book value and not an estimate of the actual value of the assets to be taken over that would be the basis of the determination of the debt of the Federal Railway Authority to the Government of India under section 187 of the Government of India Act, 1935

The Committee adjourned at 12-45 p m

Proceedings of the fourth meeting of the Public Accounts Committee held on Friday, the 15th July, 1938, at 2-15 p.m.

PRESENT:

The Hon'ble Sir JAMES GRIGG, K.C.B., K.C S.I., Finance Member, *Chairman.*

Mr. UMAR ALY SHAH.	*Members*
Mr. B. DAS.	
Prof. N. G RANGA.	
Mr. S. SATYAMURTI	
Bhai PARMA NAND.	
Captain Sardar Sir SHER MOHAMMED KHAN, C I E., M B.E	
Mr. J RAMSAY SCOTT	
Dr. R. D. DALAL, C I E	
Khan Bahadur Shaikh FAZL-I-HAQ PIRACHA	
Khan Bahadur Sir ABDUL HAMID, C.I E , O B E	
Mr. L. WILSON, Chief Commissioner, Railways	*Witnesses.*
Mr. B. M. STAIG, C S.I , I.C S , Financial Commissioner, Railways	
Mr. T S SANKARA AIYAR, Director of Finance, Railway Department	
Mr. V. S. SUNDARAM, Controller of Railway Accounts.	
Mr. A. C. BADENOCH, C.S.I., C.I.E., I.C.S., Auditor General of India.	
Mr. T. K. RAJAGOPALAN, Director of Railway Audit.	
The Hon'ble Sir JOHN NIXON, K.C.I.E , C.S.I., I.C S., Finance Secretary	

29. *Annexure B in the Chief Commissioner's Review* —With reference to the defects in budgeting under Grant No 6 -E —Working Expenses—Expenses of the Traffic Department, it was admitted that the Railway Board's estimate had proved to be too low owing to insufficient collaboration between the authorities concerned, and it was stated that the matter had recently been examined in detail in consultation with the Director of Railway Audit and that special instructions were now being issued to railways to remove this defect in future.

As regards item (19), the over-estimates of the provision in the Stores Department under the heads "Indian Purchases" and "Issues", it was explained that meticulous accuracy in budgeting for stores was impossible but that a scheme for framing more accurate estimates in the stores budget had been prepared and circulated to three selected railways for examination and opinion.

30. *Annexures C and D.*—The statement showing percentages of ordinary working expenses to earnings in respect of the State-owned Railways for the years 1929-30 to 1936-37 was examined. The Committee, while realising that it was not possible to draw comparison between different railways working under different conditions and handling different classes of traffic, considered that the

figures supplied a useful comparison in respect of each particular railway from year to year. They considered that an increase in the percentage of working expenses to earnings called for examination and desired that the Chief Commissioner should consider the possibility of including in his review explanations of variations in the ratio of working expenses to earnings which were not apparent on the face of the statement

31 *Annexure E —Stores Balances* —A member of the Committee drew attention to the increase in Stores of the North-Western—Commercial from Rs 1,52 lakhs in 1935-36 to Rs 1,79 lakhs in 1936-37, and the Committee desired that the reason for this increase should be ascertained and reported to them before next year

Railway Audit Report.

32 *Paragraph 2- Indents in excess of advance allotment approved by the Standing Finance Committee* — It was explained that owing to the difficulties experienced that year in estimating for imported and other stores the full information was not obtained till it was too late to obtain the approval of the Standing Finance Committee for the excess required, so that one of the steps normally taken had had to be omitted and the action taken was subsequently regularised by the vote of the Legislature The whole question of the advance grant for stores was under investigation by the Financial Commissioner at the suggestion of the Standing Finance Committee

33 *Paragraph 11 (ii) Contribution to Provident Fund and Gratuities* —It was noted that the position in regard to budgeting for contributions to provident funds had considerably improved but that the budgeting of the original grant for gratuities required greater attention

34 *Paragraph 23-- Payment to contractors on arbitration.*—It was stated that the question of the precautions to be adopted for the future and the responsibility of the officers concerned in this case was being investigated and a report would be submitted next year

35 *Paragraph 34—Loss through forfeiture of lease of a colliery* —It was explained that though the statement of coal raisings had been sent to the lessor company, no bill was submitted despite the Administration's request that this should be done, and instead the company sent a notice terminating the lease and instituted a case for possession Though the company was decreed possession by the lower court, the appellate court set aside this order and thus vindicated the action of the Railway Administration The Committee agreed that if the legal implications had been fully appreciated the loss incurred on account of the litigation could have been prevented, and that the action taken to prevent recurrence was adequate.

Appropriation Accounts.

36. *Page 23—Grant No. 6-B* —With reference to the variation between the appropriation and the actual expenditure due to the adjustment on account of the loss on working railway collieries having been less than anticipated, the Committee suggested that this loss might be adjusted on the basis of the costs of the previous year and desired that this should be examined before next year.

The Committee adjourned at 5 p.m.

Proceedings of the fifth meeting of the Public Accounts Committee held on Monday, the 18th July 1938, at 11 a.m.

PRESENT :

The Hon'ble Sir JAMES GRIGG, K.C.B., K.C.S.I.	Finance Member, *Chairman.*
Mr. UMAR ALY SHAH,	*Members.*
Mr. B. DAS,	
Sirdar JOGENDRA SINGH,	
Prof N. G. RANGA,	
Mr S. SATYAMURTI,	
BHAI PARMA NAND,	
Captain Sardar Sir SHER MOHAMMED KHAN, C.I.E., M.B.E.,	
Mr. J. RAMSAY SCOTT,	
Dr. R. D. DALAL, C.I.E.,	
Khan Bahadur Shaikh FAZL-I-HAQ, Piracha	
Khan Bahadur Sir ABDUL HAMID, C.I.E., O.B.E.	
Mr. L. WILSON, Chief Commissioner, Railways,	*Witnesses.*
Mr. B. M. STAIG, C.S.I., I.C.S., Financial Commissioner, Railways,	
Mr. T. S. SANKARA AIYAR, Director of Finance, Railway Department,	
Mr. V. S. SUNDARAM, Controller of Railway Accounts,	
Mr. A. C. BADENOCH, C.S.I., C.I.E., I.C.S., Auditor General of India,	
Mr. T. K. RAJAGOPALAN, Director of Railway Audit,	
The Hon'ble Sir JOHN NIXON, K.C.I.E., C.S.I., I.C.S., Finance Secretary.	

37. A member of the Committee enquired as to the savings that had been brought about by the work of the Standards Office. The Chief Commissioner pointed out that it was impossible to give figures of the gain to the railways. The Committee desired that a report should be furnished next year on the working of the Standards Office with particular reference to the value of the work in justification of the expenditure incurred.

38. The Committee then continued examination of the Appropriation Accounts, and with reference to Grant No. 6-C. at page 33 it was explained in answer to a question that experimental rail buses had been constructed by certain railways with car-engines, and though heavier expenditure on maintenance had outweighed the lower original cost in comparison with the imported rail buses, the experiments which were also being continued, were fully justified.

39. *Page 67.*—Comment was made on the large variations between appropriation and expenditure incurred during 1936-37 on Open Line Works, and

the explanation was given that this was partly due to the change of allocation as between the depreciation fund and revenue (working expenses) during the course of the year and partly to the difficulty of making estimates for work for the arbitrary period of the financial year The Committee while willing to recognise the difficulties considered that the proper method of dealing with them was by the system of lump sum cut which had not been adequately applied in the year 1936-37.

40 *Page 74* —In connection with the savings in State Railways managed by companies, which were stated to be due to non-completion of works and postponement of construction, the point was raised as to what means the Railway Board had to prevent the deterioration of the standards of maintenance on Company-managed Railways It was explained that through the Government Inspectors proper standards of safety were insisted on, but as regards amenities there was no power of compulsion The Government Examiner kept a watch over arrears of replacement of rolling stock The Committee desired that the Railway Board should look into the matter and furnish a report next year on the control of the maintenance of standards of safety and amenities on Company-managed Railways

41. *Page 86* —With regard to the statement showing results of stock verification and re-valuation of stores, the Chief Commissioner suggested that a great deal of work would be saved if the annual revaluation of stores was discontinued and adjustments in accounts were made only when necessity arose The Auditor General however considered this inadvisable in that it was a sound procedure to write down the value of stores each year The Committee were disposed to agree that there was no reason for an alteration in the present practice.

42 *Annexure A* —Adverse comment was made on the increase in the number of items of outstanding unsanctioned expenditure under nearly all heads It was explained that a considerable number of these related to cases under litigation or to cases of disputed allocation with Company-managed Railways, and the Committee considered that to avoid unnecessary expenditure of time and labour the possibility of settlement of long-standing items by compromise should be considered.

There was some discussion over the question of works being started before the final detailed estimates had been sanctioned The Committee appreciated that considerable delay was bound to occur if final detailed estimates had to be sanctioned in all cases before works could be started, but considered that it should be possible to require the submission of abstract estimates in greater detail then at present so that the variations between original and final estimates would be small Sanction for the works could then be given on the abstract estimates. The Committee desired that this should be examined before the next year

43. *Balance Sheets of Railway Collieries.*—A member drew the attention of the Committee to the fact that all except two or three collieries owned by railways showed a loss in the year 1936-37 It was explained that last year the orders given to outside collieries had been reduced and the orders placed with the railway collieries increased, so that with increased outturn the net

loss would be reduced The Committee realised that the system under which railways owned and worked collieries was justified as a measure of controlling the price of coal supplies from the open market, but considered that the railways should continue to make every effort to make their collieries pay.

44 *Capital statements and profit and loss accounts of Tatanagar Workshops.* —With reference to the statement of out-turn in the Tatanagar Workshops during 1936-37 at page 73, a member of the Committee enquired whether all possible work from all railways was being given to the Tatanagar Workshops. The Chief Commissioner stated that the Tatanagar Workshops were primarily designed for the manufacture of under-frames and that all under-frames required for State and Company-managed Railways were being ordered from the Workshops Reconditioning of wagons and construction of spare parts of under-frames were also done in this Workshop The question whether the concentration in one shop of the making of drop-stampings, which the Wedgwood Committee recommended, could be done in this shop, was also being considered, and the Railway Board were examining the position as regards the manufacture of under-frames for railways which were not State-owned.

The Committee adjourned at 1-30 p m.

APPEN

PART II.—

Statement showing action taken or proposed to be taken on recom

Serial No.	Year of Report.	Paragraph of Report or Proceedings.	Recommendations or suggestions.
	1934-35 1935-36	10-R 4-P	That a further report be submitted next year regarding the effect of the recent orders relating to the prompt submission of completion reports
2	1933-34 1935-36	14-R 7-R and 5-P	That a further report be submitted next year regarding the progress made with the revision of the Railway Codes
3	1933-34 1934-35 1935-36	13-R 8-P 23-P.	That a further report be submitted next year regarding the arrangements for auction sales on the Eastern Bengal and East Indian Railways
4	1934-35 1935-36	12-P 6-P and 25-P	That a further report be submitted next year regarding the action taken on the recommendations made by the Pope Committee
5	1934-35 1935-36	12-P 9-R and 26-P	That a special enquiry be undertaken to see whether the number of saloons maintained for the use of railway officers could not be reduced and that a report on the subject be submitted next year. Also that pending the completion of the enquiry no further expenditure be incurred on renewals
6	1935-36	10-R 31-P	That a census of the number of free passes issued for railway officers be taken in 1937-38, if possible, or if that is not possible in 1938-39, and that the results be reported to the Committee
7	1935-36	6-R 17-P 41-P 43-P 51-P	That the administrative and accounting authorities should collaborate in attempting to make the explanations given in the Appropriation Accounts more illuminating
8	1935-36	6-R	That the Director of Railway Audit should in future indicate, in connection with the lists of questionable re-appropriations, etc., which of the items he still regards as unsatisfactory after considering the explanations of the administrative authorities
9	1935-36	2-P.	That further information be supplied regarding the working and results of the system by which lump cuts are made by the Railway Board in the estimates submitted by the various Railways
10	1935-36	12-P	That the Railway Board should examine whether it was a fact, and if so whether it was correct, that no depreciation funds could or should be maintained for certain lines
11	1935-36	21-P.	That a further report be submitted regarding any remedial or disciplinary action which might be taken in connection with the wrong provision of a sum of Rs 11 lakhs

DIX I.

RAILWAYS.

mendations made by the Central Public Accounts Committee.

Action taken or proposed to be taken.
A Report on the subject has been submitted. (Appendix III.)
A memorandum has been submitted (Appendix IV.)
This has been done (Appendix V)
This has been done (Appendix VI)
The question is being examined. (Appendix VII)
A note has been submitted. (Appendix VIII)
This has been brought to the notice of the authorities concerned.
The items considered unsatisfactory have been detailed as 'Defective re-appropriations' in paragraph 9 of the Railway Audit Report, 1938
A note on the subject has been furnished (Appendix IX.)
A note on the subject has been furnished. (Appendix X.)
A note on the subject has been furnished.

PART II.—

Statement showing action taken or proposed to be taken on recom-

Serial No.	Year of Report	Paragraph of Report or Proceedings.	Recommendations or suggestions
12	1935-36	34-P	That the Director of Railway Audit should examine the possibility of securing more accurate budgeting under suspense heads (with special reference to a case relating to the B B and C I Railway) and should state the results of his examination in next year's Audit Report
13	1935-36	35-P.	That the Railway Board should bring to the notice of the Administrations concerned the comments made by the Director of Railway Audit with regard to the apparent deterioration of control over expenditure on the Bengal Nagpur and East Indian Railways
14	1935-36	48-P. . ..	That a saving of Rs 48,000, which was stated to be due to "non-filling up of vacancies" should be investigated and that it should be reported next year whether this saving could not have been anticipated at the time when the budget was prepared
15	1935-36	49-P. . .	That the Auditor-General should in consultation with the Railway Board investigate the possibility of modifying the present methods of budgeting for depreciation and interest charges with a view to avoiding large variations between the estimates and actuals
16	1935-36	52-P. .. .	That in connection with Grants 11 and 12 the Railway Board should indicate in their Review the total amounts of the increases and decreases, as compared with the budget provision, in the Grants as a whole
17	1935-36	56-P. ..	That the Railway Board should make efforts to clear as soon as possible the older items mentioned in Appendix A (s) to the Appropriation Accounts, and to prevent any similar accumulation in future.
18	1935-36	58-P.	That the Tatanagar workshops should if possible be given as much work as their present capacity and equipment permit them to undertake

RAILWAYS.

mendations made by the Central Public Accounts Committee—contd.

Action taken or proposed to be taken.
This was examined and the results have been stated in paragraph 11 (v) of the Railway Audit Report, 1938.
This has been done.
A note has been furnished.
A note on the subject has been furnished. (Appendix XI.)
This has been done.
This is being done.
A note on the subject has been furnished. (Appendix XII.)

APPENDIX II.

LETTER FROM THE AUDITOR GENERAL OF INDIA, TO THE FINANCE DEPARTMENT, GOVERNMENT OF INDIA, No T -323-REP /10-38, DATED THE 11TH JUNE 1938

SUBJECT :—*Appropriation Accounts (Railways) 1936-37 and the Audit Report, 1938*

With reference to paragraph 13 (1) (i) and (iii) of the Government of India (Audit and Accounts) Order, 1936, and paragraph 13 (2) of the Government of India (Commencement and Transitory Provisions) Order, 1936, and paragraph 13 of the Government of India, Finance Department letter No D /29-Ref /37, dated the 8th January 1937, I have the honour to transmit herewith two copies of the Appropriation Accounts of Railways in India for the year 1936-37, Parts I and II, issued by the Chief Commissioner of Railways, together with two copies of the Audit Report, prepared by the Director of Railway Audit, for necessary action by the Governor General in Council

2 I have the honour also to transmit herewith two copies each of the Capital Statements, Balance Sheets, and Profit and Loss Accounts of Railways in India, and of the Balance Sheets of Railway Collieries and Statements of all in-costs of coal for 1936-37

3 The Appropriation Accounts and the Audit Report have, as usual, been subjected to a detailed examination in my office and I have satisfied myself that they are generally in order

4 *Surplus of the year 1936-37* —The surplus amounting to Rs 1,20,58,909 has been utilised towards repayment of the temporary loans taken from the Depreciation Reserve Fund in the previous years to meet deficits in working. A vote of the Legislature for the transfer of this surplus was not obtained. The original view of Government that a vote of the Legislature was not necessary was based on a misconception. The Government of India and the Auditor General are now agreed that a vote was necessary, and presumably Government will now take an excess vote to regularise the transfer

5. *Allocation of expenditure on Rolling Stock.*—Attention has been drawn in the last four successive years to the unsettled question of the allocation of expenditure on rolling stock on Company-managed Railways which is again mentioned in paragraph 16 of the Railway Audit Report. No decision has yet been reached on this question The continued delay in determining the 'Rolling Stock Convention' results in great inconvenience as, in the absence of an agreed basis of allocation, audit of accounts cannot be completed and financial results cannot be finally certified.

APPENDIX III.

Report by the Railway Board on the effect of their orders regarding the prompt submission of completion reports.

In para. 4 of the Proceedings of the meeting of the Public Accounts Committee held on the 21st July 1937, the Committee desired to be furnished with a further report on the timely submission of completion reports specially with regard to the effect of the orders issued by the Railway Board in their circular letter No 1444-W, dated the 10th April 1937, printed as Appendix III to Volume I, Part II, of their report on the accounts for 1935-36

2 The reports received from the Railway Administrations show that on six railways, *viz*, the Bengal Nagpur, Eastern Bengal, East Indian, Great Indian Peninsula, Madras and Southern Mahratta and North Western, taken together, it has been found possible, owing to the adoption of the procedure laid down in the Railway Board's letter quoted above, to close earlier the accounts of over 150 works The Board consider this satisfactory It is hoped moreover that even better results will be obtained in future

3 There are no cases of delay on the Bengal and North Western and Rohilkund and Kumaon Railways which can be ascribed to the causes mentioned in the letter referred to in para 1, and the Bombay, Baroda and Central India and South Indian Railways had already in force a procedure which ensured the closing of accounts with the minimum of delay.

APPENDIX IV.

Memorandum on the Compilation of State Railway Codes.

At its meeting in July, 1937, the Public Accounts Committee desired that a further report be made on the progress of the work in connection with the compilation of State Railway Codes

2. Since the last meeting of the Committee, the following codes have been issued --

(i) Advance Chapters and Appendices of the State Railway General Code (p 83) (These chapters deal with the allocation and classification of receipts and expenditure—both Capital and Revenue)

(ii) State Railway Establishment Code (p 664)

(iii) State Railway Code for the Stores Department (p 539).

3 The compilation of the following codes has been completed and the *printing* of the Codes is in progress .—

(i) State Railway Code for the Engineering Department (p. 420).

(ii) State Railway General Code, including Advance Chapters and Appendices (p 430)

(iii) State Railway Code for the Mechanical Department (p 280)

4 The *drafting* of the following codes is in progress :—

(i) State Railway Code for the Traffic Department (p 300)

(ii) State Railway Code for the Accounts Department (p 450).

5 The new codes incorporate the necessary forms, so that a separate Book of Standard State Railway Forms is no longer necessary

6 Judging from the rate of progress so far, it is hoped to finish the work by about the 31st of March, 1939 This estimate, however, does not provide for the revision of the instructions regarding the preparation of railway statistics, as it is intended to take up the work only after the general question of revising railway statistical forms and returns has been considered by the Board

APPENDIX V.

Note on the working of the instructions issued by the Railway Board regarding auction sales on railways.

The Public Accounts Committee in paragraph 23 of their Report on the accounts of 1935-36, Volume I, Part II—Railways desired to be furnished with a further report this year dealing with the question of auction sales on the East Indian and Eastern Bengal Railways with particular reference to the condition that the auction material should not be allowed to be removed until the full amount had been received from the auctioneers

2 As the Committee are aware (*vide* Appendix V to the Report for 1935-36) the proposal to safeguard Government against loss of sale proceeds, through a Fidelity or Guarantee Bond, was being further examined by the railway administrations in view of the fact that no insurance company was prepared to undertake the risk against the insolvency of the auctioneers The Railway Board now understand that it is not the policy of any reliable insurance company to insure against bankruptcy In view of this and of some other amendments proposed by the insurance companies consulted the effect of which would be to multiply for practical purposes the safeguards in the terms of the Guarantee policy suggested by the Railway Board, the Government of India are tentatively of the opinion, subject to further consideration they are giving to this matter, that the insurance scheme should be dropped and necessary safeguards should be secured in some other manner

3 The firms conducting the auctions on the East Indian and Eastern Bengal Railways are well established ones of sound financial standing and good reputation In the circumstances, the railway administrations think that it would suffice if the firms are asked to sign supplementary agreements providing *inter alia*—

(i) that payment of the sale money is made within a week of the date of delivery of the material auctioned , and

(ii) that the auctioneers shall hold the amounts realised as a trust fund for the benefit of the railway administrations, subject to the auctioneers' lien for any moneys payable to them under original agreements.

Barring insolvency, the proposed agreements appear to provide the necessary safeguards and in the event of any serious breach of their provisions, it should always be possible to seek relief in a court of law

4. The supplementary agreements are at present under the consideration of the Railway Board, but pending their execution, the proposed methods are being followed on the East Indian and Eastern Bengal Railways and short *interim* agreements on these lines are being executed by the auctioneers in the case of each auction.

APPENDIX VI.

Action taken on the Pope Committee's Report.

Job-Analysis investigations were continued on most of the Railways during the year 1936-37 also in accordance with the recommendations made by Mr Pope in 1933 and 1934 The table below shows the economies effected on each of the more important Railways and the cost of the 'Job-Analysis' organisation for the four years 1933-34, 1934-35, 1935-36 and 1936-37.

Railways.	1933-34		1934-35		1935 36		1936-37		Totals	
	Cost of Job analysis Organisation.	Savings effected	Cost of Job analysis Organisation	Savings effected	Cost of Job analysis Organisation	Savings effected	Cost of Job analysis Organisation	Savings effected	Cost of Job analysis Organisation	Savings effected
	Rs	Rs	Rs	Rs	Rs	Rs	Rs	Rs	Rs	Rs
East Indian	77,691	7,01,128	92,884	18,14,544	1,13,541	5,82,459	93,009	5,60,700	3,77,125	36,58,831
Great Indian Peninsula ..	50,680	4,15,000	64,000	2,04,246	53,574	2,04,859	19,554	9,69,224	1,93,808	17,93,329
North Western . ..	32,000	12,66,749	46,006	12,37,376	56,729	7,22,202	40,056	33,35,092	1,74,791	65,61,419*
Eastern Bengal .. .	63,000	2,14,864	65,995	1,29,508	26,134	41,600	25,969	1,17,152	1,81,098	5,03,124
Bombay, Baroda and Central India.	58,789	3,52,862	35,300	11,41,596	3,643	2,25,682	247	8,27,666	97,979	25,47,807
Madras and Southern Mahratta	8,750	45,220	17,632	1,14,000	4,920	2,56,000	120	1,94,852	31,422	6,10,072
South Indian .	19,580	27,400	2,180	25,000	221	8,463	504	7,585	22,485	68,448
Burma . .	7,500	25,871	26,615	73,352		77,591			34,115	1,76,814
Assam Bengal	12,825	1,31,755	8,208	12,659	1,490	†	7,065	24,146	29,588	1,68,560
Bengal Nagpur					17,575	13,68,493	2,617	66,330	20,192	14,34,823
Totals including Burma Railways	3,36,815	31,80,849	3,58,820	47,52,281	2,77,827	34,87,349	1,89,141	61,02,747	11,62,603	175,23,226
Totals excluding Burma Railways	3,29,315	31,54,978	3,32,205	46,78,929	2,77,827	34,09,758	1,89,141	61,02,747	11,28,488	173,46,412

*This figure is subject to revision.

†Figures not available.

2. Details of the action taken on some of the more important recommendations are given below :—

3. *Intensive use of locomotives.*—In the note placed before the Public Accounts Committee last year (Appendix IV in Part II of the Report of the Public Accounts Committee on the account of 1935-36) reference was made to the improved locomotive utilisation attained on the four State-managed Railways and, in illustration thereof, figures showing the average passenger engine miles per day per passenger engine during the years 1933-34, 1934-35 and 1935-36 were given. During 1936-37 further improvement was recorded on the Eastern Bengal, East Indian and North Western Railways while the Great Indian Peninsula Railway showed a slight set back on their previous high figure. The figures for the four years are as follows :—

Year	E B Railway	E I Railway	G I P Railway	N W. Railway.
1933-34	123	140	193	117
1934-35	147	141	197	122
1935-36	144	145	202	135
1936-37	148	147	199	142

In respect to the locomotive stock figures contained in the note referred to, improved traffic, which has in certain respects exceeded the highest recorded figures of 1928-29 and 1929-30, combined with the high cost of new locomotives at the present time, has necessitated a reconsideration of previously approved scrapping programmes and a limited replacement of stock already scrapped. The figures 294 locomotives on the Eastern Bengal Railway at the end of 1938-39 still holds but four new locomotives have been provided in the programme for 1939-40 in replacement of four locomotives already broken up. This, in effect, will increase the available stock of locomotives on the Eastern Bengal Railway at the close of 1939-40 from 294 to 298. In the case of the East Indian Railway, 13 locomotives previously selected for scrapping during 1938-39 are to be retained in service thereby increasing the number available at the close of this financial year from 1,529 to 1,542. In addition 15 new locomotives have been provided in the programme for 1939-40 in replacement of locomotives already broken up thereby raising the available stock figure at the end of 1939-40 to 1,557. The Great Indian Peninsula Railway figure of 729 locomotives will continue to hold until the end of the financial year 1939-40. In the case of the North Western Railway, 49 locomotives previously selected for scrapping without replacement are being re-examined with a view to the retention in service of those the condition of which warrants it. The available stock at the end of 1939-40 is, therefore, likely to be higher than the anticipated figure of 1,133 at the close of this financial year.

The better use of locomotives and the reduction in the number under repair, which is an essential step towards improved utilisation, were also recommended in the Indian Railway Enquiry Committee's report (1937) and further developments relating to this subject will be found detailed against paragraphs 47 (*a*), 47 (*c*) and 55 of the statement showing the action taken by the Railway Department (Railway Board) on the paragraphs in

Chapters III to XI of that Report, copies of which have already been furnished to members of the Committee Since the preparation of the statement referred to, the inspection of locomotive servicing facilities on all broad gauge railways by the mechanical officer on special duty has been completed The application of experimental bearings approved by the Board to locomotives is well advanced and the first locomotives conforming to those new designs have commenced to leave the workshops Further meetings of Railway and Indian Stores Department metallurgists have been held and a Standing Committee constituted Improvements in the technical control of non-ferrous metals are under consideration, and selected members of the Committee are undertaking original research

4 *Intensive use of coaching stock* —The attention of the Committee was previously drawn to the reductions effected in the coaching stock of State-managed Railways between 1933-34 and 1938-39. Further reduction to the extent of 92 units on the Great Indian Peninsula and North Western Railways during 1939-40 have been approved by the Railway Board A method of centralised control of pooled mela stock and the charges to be levied for its hire has been formulated by the Operating Section of the Indian Railway Conference Association and will be considered by the Association at its next meeting.

As in the case of locomotives, the better use of coaching stock was recommended in paragraph 47 (c) of the Indian Railway Enquiry Committee's Report (1937) and further developments are recorded in the remarks of the Railway Board against this paragraph in the statement referred to in paragraph 3 above.

Another development was the formation of a special organisation on the Eastern Bengal Railway to examine the working of suburban rakes on the Budge-Budge Section As a result of this examination, a re-planning of services and a reduction in the strength of rakes have released 150 bogie coaching vehicles and 18 four-wheeled coaching vehicles (the capital cost of which is Rs. 37,50,000). The revised arrangement is, however, at present only experimental

5. *Intensive use of machinery and plant* —The Board are investigating the possibility of centralising the manufacture of selected items. Concentration of the manufacture of cylinder castings for standard engines at Jamalpur was introduced some time ago. If reference is made to paragraph 7 it will be seen that although a proposal to centralise the manufacture of coaching bodies has had to be abandoned, the possibility of centralising the manufacture of drop stampings at the Tatanagar workshops is now under investigation

6 *Uneconomical wagons* —This subject was dealt with in paragraph 47 (g) of the Indian Railway Enquiry Committee Report (1937) and further developments are referred to in the Railway Board's statement. Since the statement referred to was prepared replies reviewing the position have been received from all broad gauge railways. These replies are now receiving the Railway Board's attention, and a decision has already been taken to recondition a further 4,000 high-capacity uneconomical wagons belonging to the Bengal Nagpur Railway.

The investigation into the incidence of wagon defects referred to in the previous note placed before the Public Accounts Committee has also been completed, as also a preliminary analysis of the data derived from the investigation. This analysis will shortly be considered by the Committee appointed for this purpose. This investigation is also referred to in the Railway Board's statement in connection with paragraph 47 (b) of the Indian Railway Enquiry Committee's report (1937).

7 *Combining resources between Railways* —This subject is to some extent covered in paragraph 52 of the Indian Railway Enquiry Committee's Report (1937) and further developments are referred to in the Railway Board's statement in respect to that paragraph The report on the concentration of drop stamps at Tatanagar referred to therein is still awaited from the General Manager, East Indian Railway Material progress has been made with the introduction of "single control" at junction stations The South Indian Railway has introduced this system for coaching and wagon stock at Jalarpet as a trial measure The Great Indian Peninsula Railway has similarly introduced "single control" for carriages and wagons at Raichur, Cawnpore and Juhi with material savings in staff costs and the extension of the system to other junction stations is under investigation

The Eastern Bengal and East Indian Railways have obtained extremely satisfactory results from the introduction of "single control" at Naihati and annual savings in excess of Rs 22,000 annually are anticipated This subject is also covered by paragraph 68 (*d*) (i) of the Indian Railway Enquiry Committee Report (1937).

8. *Ticketless travel* —In the note previously placed before the Public Accounts Committee, reference was made to the Bill that had been introduced in the Legislative Assembly for amending the Indian Railways Act in order to permit of more effective steps being taken for the recovery of fares, etc. due from passengers travelling without proper tickets This bill has since lapsed under the provisions of sub-order (2) of Standing Order 4 of the Legislative Assembly's Standing Orders, as no motion in regard to it was made during two complete sessions of the Assembly. The question of what further action should be taken in the matter is under consideration.

APPENDIX VII.

Note by the Railway Board regarding Reserved carriages maintained for the use of Railway Officers.

In accordance with the wishes of the Public Accounts Committee expressed at their meeting in July last no proposals received from Railways for the provision of reserved officers' carriages during 1939-40 have been accepted by the Railway Board. Prior to the meeting referred to the Railway Board had decided that the rolling stock programmes submitted by Railways should in future contain data showing the average utilisation of available reserved carriages. Following an examination of such data contained in the 1939-40 programmes the Railway Board decided not to proceed with the construction of five broad gauge and four metre gauge 4-wheeled carriages sanctioned by the Standing Finance Committee for Railways for construction during 1938-39. Further all Railways have been instructed to carry out a thorough analysis of the utilisation of reserved carriages at all administrative, divisional and district headquarters and submit reports to the Railway Board in due course.

This investigation will take some time to complete and a further report will be placed before the Committee at its next meeting.

APPENDIX VIII.

Note by the Railway Board on the issue of Free passes for railway officials.

The Public Accounts Committee, in paragraph 10 of their report on the accounts of 1935-36 (Part II-Railways) remarked that no recent information was available regarding the number of passes actually issued and considered it desirable that a census should be taken and the results reported These remarks had reference to paragraph 31 of their proceedings on the 22nd July 1937, in which the Committee recommended that a census should be taken in 1937-38, if possible, or, if this were not possible, in 1938-39 and that the results should be reported with the number of officials concerned in each class

2 Although the Committee asked for a statement for the year 1937-38, in view of the fact that the revised rules for the issue of passes, which had the effect of generally curtailing the number of passes admissible, had effect from the 1st January 1937, figures have been obtained for the calendar year 1937. These figures are embodied in the statement appended which also shows —

(i) the number of passes issued during 1936,

(ii) the approximate number of the total staff eligible for passes in each class during the month of June 1937.

Comparative statement showing the total number of single journey privilege passes of each class issued by State-managed Railways to their employees during the calendar years 1936 and 1937, and the approximate number of staff entitled to each class of pass in 1937

Class of Pass	Eastern Bengal Railway			East Indian Railway			Great Indian Peninsula Railway			North Western Railway		
	Passes issued in		Approximate No entitled to passes in each class in 1937	Passes issued in		Approximate No entitled to passes in each class in 1937	Passes issued in		Approximate No entitled to passes in each class in 1937	Passes issued in		Approximate No entitled to passes in each class in 1937
	1936	1937		1936	1937		1936	1937		1936	1937	
First	1,922	1,906	140	2,894	3,881	313	1,570	1,679	254	2,263	3,482	323
Second	10,768	4,148	738	17,374	11,349	3,203	22,013	13,208	2,785	26,410	10,529	2,299
Inter	35,076	19,099	4,432	38,311	26,908	9,037	58,413	19 358	5,308	1,23 375	36,956	7,607
Third	78,610	69,288	46,224	84,398	82,148	1,10,768	1,24,979	1,23,439	62,643	1,70,200	1,90,021	91,851

		1936.	1937.
Total number of passes issued—	First class	8,649	10,948
	Second class	76,565	39,234
	Inter class	2,55,175	1,02,321
	Third class	4,58,187	4,64,896
Approximate No of staff in 1937 entitled to—	First class	1,030	
	Second class	9,025	
	Inter class	26,384	
	Third class	3,11,486	

APPENDIX IX.

Note by the Railway Board on the results of the working of lump sum cuts in the estimates of Capital and Depreciation Fund expenditure.

In paragraph 2 of the proceedings of the meeting of the Public Accounts Committee held on 21st July 1937, the Committee desired to have information regarding the working and the results of the system of lump sum cut made in the estimates of Capital and Depreciation Fund expenditure

2 On account of the continued lapses in the grants for Capital and Depreciation Fund expenditure for several years, the procedure of lump sum cut was introduced in the budget from 1936-37 According to this procedure no reduction was made in the provision for any of the works included in the programmes; only the total allotment was reduced by an amount by which it was expected that the actual expenditure on the Railway would fall short of that provided in the programme

3 The statement below gives the results for 1936-37 —

1936-37

[Figures in lakhs]

Railways	Allotment for demands 11 and 12			Actuals	Savings — Excess + on	
	Gross	Lump sum cut	Net.		Gross	Net.
1 A B	53	—2	51	66	13	+15
2 B N	1,27	—17	1,10	57	—70	—53
3 B and N W	12	—2	10	2	—10	—8
4 Bezwada						
5 D K						
6 B B and C I	1,32	—19	1,13	76	—56	—37
7 Burma	30	—5	25	21	—9	—4
8 E B	78	—10	68	59	—19	—9
9 E I	2,18	—27	1,91	1,63	—55	—28
10 G. I P	1,12	—14	98	61	—51	—37
11 Jodhpur	18	—1	17	7	—11	—10
12 M and S M	94	—9	85	73	—21	—12
13 N. W	1,80	—14	1,66	1,65	—15	—1
14 R and K	6		6	4	—2	—2
15 S I	91	—10	81	67	—24	—14
16 C M E	—1		—1	—4	—3	—3
17 Emergencies	5		5		—5	—5
18 Miscellaneous				—1	—1	—1
Total	11,55	1,30	10,25	8,16	—3,39	—2,09

It will be observed from the above statement that the savings in the original allotment would have been much more but for the cut imposed by the Board.

The position has also been dealt with in paragraph 40 of the review of appropriation accounts of Railways for 1936-37 by the Chief Commissioner of Railways.

4. The same procedure was continued in the Budget for 1937-38 and the results, as they appear from the approximate actuals given below, are very close and show clearly the usefulness of the procedure adopted In an estimated expenditure of 8½ crores there is a saving of 2 lakhs only or about 2 per cent.

1937-38

[Figures in lakhs]

Railways	Allotment for demands 11 and 12 for 1937-38			Approximate Actuals	Saving — Excess + on	
	Gross	Lump sum cut	Net		Gross	Net.
1. A B	52	—5	47	56	4	+9
2 B N	1,15	—35	80	73	—42	—7
3 B and N W	11	—2	9	12	1	+3
4 Bezwada 5. D K	1		1		—1	—1
6. B. B and C. I	1,15	—45	70	88	—27	+18
7. E B	75	—20	55	73	—2	+18
8 E I	1,68	—31	1,37	1,61	—7	+24
9. G I P	73	—30	43	36	—37	—7
10 Jodhpur	31	—5	26	4	—27	—22
11. M and S. M	1,09	—15	94	86	—23	—8
12 N. W	2,30	—36	1,94	1,91	—39	—3
13 R and K	8		8	4	—4	—4
14 S I	1,05	—25	80	69	—36	—11
15 C M E	—2		—2	—4	—2	—2
16. Emergencies	8		8		—8	—8
17 Miscellaneous				—1	—1	—1
Total	10,99	—2,49	8,50	8,48	—251	—2

APPENDIX X(i)

Note regarding expenditure on renewals and replacements of worked lines for which no depreciation fund is maintained.

In paragraph 17 of the Appropriation Accounts of Railways in India for 1935-36, Part I—Review, it was explained that, on the Madras and Southern Mahratta Railway, an excess of 2½ lakhs had occurred partly because no provision had been made through oversight for renewals and replacements of assets of worked lines for which no depreciation fund is maintained When considering the explanation, the Public Accounts Committee desired it to be examined whether it was a fact, and if so, whether it was correct that no depreciation fund could, or should, be maintained for these lines

2 The position is as follows The lines referred to are lines belonging to the Indian States and a Foreign power, and the Government of India have no financial interest in those lines beyond working them under the terms of certain contracts Therefore, it is correct that no depreciation fund can, or should, be maintained for those lines by Government

3. The practice in classifying expenditure on renewals and replacements on worked lines for which no depreciation fund is maintained, was not uniform on railways. To secure uniformity, the Railway Board issued instructions that such expenditure should be charged to ordinary Working Expenses and not to the depreciation fund Inspite, however, of these instructions, the Madras and Southern Mahratta Railway included, in their original estimate for appropriation from the depreciation fund for 1935-36, the provision for such expenditure the respect to the worked lines in question This provision was cut out by the Railway Board's office, but, through oversight, no provision was made under the appropriate revenue demands. This omission came to notice at the time of the revised estimate, but, as full data were not available, the provision made by the Railway Board's office was on a rough basis, which proved inadequate

APPENDIX XI.

Note on budgeting for Depreciation and Interest charges.

In paragraph 49 of their Report on the accounts for 1935-36 the Public Accounts Committee recommended that the present method of budgeting for (1) contribution to the Depreciation Reserve Fund and (2) interest charges on account of Capital at charge on railways should be so modified as to avoid variations between the original estimates, the revised estimates and the actuals during the course of the year

2 The recommendation has been considered by the Finance and Railway Departments in consultation with the Auditor General particularly with reference to the concrete suggestion that interest charges should be calculated on the previous and not on the current year's capital outlay The adoption of this suggestion would not necessarily secure correspondence between budget and actuals for when the budget is prepared the capital outlay of the year not completed is not finally known Further the Departments involved are Commercial Departments and it is desirable that the amount adjusted in the accounts should relate to the year of account Moreover, financial interests should take precedence of formal regularity and to base the interest charges on the capital outlay at the end of the penultimate year to the year in which provision is made for these charges will mean a loss of interest Further, variations, for example, between actuals and budget in the case of contributions to the Depreciation Reserve Fund are not so important from the stand-point of strict Parliamentary financial control, as they do not indicate any laxity In any case it seems unwise to make any change in the system of budgeting when under the Federal Railway Authority the present grant system is likely to lapse. It has therefore been decided that the existing arrangements should be allowed to continue for the present

APPENDIX XII.

Note by the Railway Board on the Working of the Tatanagar Workshops.

In paragraph 58 of the Proceedings of the Report of the Public Accounts Committee for 1935-36, Volume I, Part II, it is stated that —

> "It was agreed, however, that the Tatanagar Workshops should, if possible, be given as much work as their present capacity and equipment permit them to undertake".

With reference to this, the Railway Board desire to explain the present position as follows, for the information of the Public Accounts Committee

2 The workshops at Tatanagar are equipped for the manufacture of standard carriage underframes and owing to the specialised nature of their equipment they cannot be advantageously employed on general railway engineering work

3 Since the re-opening of the workshops, reduced traffic and better utilisation of existing coaching stock have caused the underframe requirements of Railways to fall below the full capacity of the workshops, and constant efforts have been made to provide suitable allied work to keep the workshops more fully employed

4 During the past 2½ years it has been found possible to supplement the work of the workshops by entrusting to them the reconditioning of uneconomical wagons An order for 1,000 wagons for the Bengal Nagpur Railway has been completed, and a further order for 1,800 wagons for the East Indian Railway is now in progress and likely to be completed in April next.

5. All railways have recently been invited to submit proposals for the reconditioning at Tatanagar of any wagons which are proving uneconomical to maintain, but the Railway Board are unable to state at this stage whether additional work of this class will be forthcoming

APPENDIX XIII

Report by the Railway Board on the financial results of the South Indian suburban electrification at Madras

The attached statement which has been prepared by the Railway Administration in consultation with the statutory Auditor shows the financial results of the suburban electrification scheme of the South Indian Railway

The results may be summarised as follows —

	Traffic in train miles (lakhs)	Percentage of net savings on net outlay
Estimate	Not available	13 18
1932 33	6 77	5 79
1933 34	6 13	2 41
1934 35	6 01	4 23
1935 36	5 91	2 31
1936 37	6 11	2 73
1937 38	9 06	8 97

3 The favourable result obtained in 1937 38 is due to an increase of 48 per cent in the number of train miles compared with the previous year In addition, electrical working was comparatively cheaper in 1937 38 as there was an increase in the price of coal, while the administration secured lower rates for electrical energy under the terms of a new agreement with the Madras Electric Supply Corporation in November 1936

4 The Consulting Engineers contemplated that 26 steam passenger trains would do the same services as 43 electric trains In the statement however, a single average electric train has been taken as equivalent to a single steam train This assumption is on the broad grounds which have been accepted by audit

(i) that the present volume of traffic has necessitated the running of a greater proportion of double unit electric trains than appears to have been originally contemplated under the scheme while a number of triple unit trains have also been run , and

(ii) that the figures of electric train mileage also include the haulage by electric locomotives of comparatively heavy main line passenger and goods trains, an item not contemplated in the original scheme which only envisaged the running of light six vehicle suburban passenger trains in steam working

Financial results of Madras Suburban Electrification

Particulars	Estimate	Actuals.						Remarks
		1932-33	1933-34	1934-35	1935-36.	1936-37	1937-38	
1 Traffic in lakhs of train miles (steam)	Lakhs of Rs	6 77 Lakhs of Rs	6 13 Lakhs of Rs	6 01 Lakhs of Rs	5 91 Lakhs of Rs	6 11 Lakhs of Rs	9 06* Lakhs of Rs	* (*Vide* Note attached)
2. Gross outlay on Electrification	47 36	62 69	72 85	73 09	73 57	73 69	73 89	
3. If no electrification, estimated extra steam outlay for increased traffic	31 12	36 57	36 57	36 57	36 57	36 57	(*a*) 36 57	(*a*) Includes a portion of the outlay on alterations to Posts and Telegraphs attributable to Steam Traction
4. Cost of steam stock released because of electrification.	7 21	6 76	6 76	6 76	6 76	6 76	6 76	
5. Net outlay on Electrification (Item 2—Item 3—Item 4).	9 03	19 36	29 52	29·76	30 24	30 36	30 56	
6. Cost of steam working—Working expenses excluding depreciation	5 77	6 59	6 09	6 15	5 85	5 72	8 14	
7. Cost of Electrical working—Working expenses excluding depreciation	4 31	4 89	4 49	4 00	4 24	3 98	4 48	
8. Gross savings in Working expenses due to electrification (Item 6—Item 7)	1 46	1 70	1 60	2 15	1 61	1 74	3 55	
9. Depreciation on gross outlay on Electrification at 3 % (Item 2).	1 42	1 88	2 19	2 19	2 21	2 21	2 22	
10. Depreciation on steam outlay avoided at 3% on item 3 and 4.	1 15	1 30	1 30	1 30	1 30	1 30	1 30	

Financial results of Madras Suburban Electrification—contd.

Particulars	Estimate	Actuals						Remarks
		1932-33	1933-34	1934-35	1935-36	1936-37	1937-38	
11 Increase in annual depreciation charges due to Electrification (item 9—item 10).	0 27	0 58	0 89	0 89	0 91	0 91	0 92	
12 Net savings in Working expenses due to Electrification (item 8—item 11)	1 19	1 12	0 71	1 26	0 70	0 83	2 74	
	Percentage	Percentage	Percentage	Percentage	Percentage	Percentage	Percentage	
13 Percentage of gross savings without allowing for depreciation on gross outlay item $\frac{8 \times 100}{\text{Item } 2}$	3 08	2 71	2 20	2 94	2 19	2 36	4 95	
13A Percentage of gross savings (after allowing for depreciation on electric outlay) on gross outlay Item $\frac{8-9 \times 100}{\text{Item } 2.}$	0 08	—0 29	—0 81	—0 05	—0 82	—0 64	1 95	
14. Percentage of gross savings on net outlay Item $\frac{8 \times 100}{\text{Item } 5.}$	16 17	8 78	5 42	7 22	5 32	5 73	11 98	
15 Percentage of net savings (after allowing for depreciation) on gross outlay item $\frac{12 \times 100}{\text{Item } 2}$	2 51	1 79	0·97	1 72	0 95	1 13	3 71	
16. Percentage of net savings (after allowing for depreciation) on net outlay item $\frac{12 \times 100}{\text{Item } 5.}$	13 18	5 79	2 41	4 23	2 31	2 73	8 97	

Report by the Railway Board on the Financial Results of the Electrification of the Railways in Bombay.

The attached statements which have been prepared in consultation between the Railway Administration and the Statutory Auditor concerned show the financial results of the electrification scheme on the Great Indian Peninsula and Bombay, Baroda and Central India Railways for the years 1930-31 to 1937-38 These have been prepared on the same basis as the statements which were placed before the Public Accounts Committee in previous years The figures for the Great Indian Peninsula Railway show the result of all the schemes in a consolidated form as they are inter-dependent Those for the Bombay, Baroda and Central India Railway exclude the figures for 'Borivli-Virar' extension. Though this was opened for traffic from September 1936, the completion report is not yet ready.

2 The figures for the two railways are summarised below —

	Great Indian Peninsula.		Bombay, Baroda and Central India	
	Traffic in train miles	Percentage of net savings on net outlay.	Traffic in train miles	Percentage of net savings on net outlay
	Lakhs		Lakhs	
Estimate	55·40	10·51	16 60	16 93
1930-31	42 50	4 80	14 28	10 35
1931-32	41·87	5 37	13 43	10 96
1932-33	41 21	5 23	12 56	11 62
1933-34	41 85	4 90	14 00	13 43
1934-35	41 80	4 42	14 07	15 54
1935-36	42 37	4·86	14 31	16 63
1936-37	42 65	5 33	14 64	18 95
1937-38	42 33	4 98	14 76	19 27

3 The more favourable results obtained on the Bombay, Baroda and Central India Railway, as compared with the results on the Great Indian Peninsula Railway, are partly due to the fact that the gross capital expenditure in the former case has been reduced to a much larger extent proportionately by the credit for the steam stock released, and partly to the fact that only the suburban section of the Bombay, Baroda and Central India Railway has been electrified.

The slightly unfavourable results as compared with the previous year on the Great Indian Peninsula Railway even after allowing for an increase, as a result of re-verification, of 1·32 lakhs under the head "Cost of steam stock released because of electrification" are due to the fact that expenditure on armatures and other spare parts, formerly charged to Capital, has now been charged to Revenue, and that a reduction in the cost of steam working has been assumed on the basis of train miles which were fewer in spite of heavier loads.

4 The percentages given above have been worked out after taking the net outlay as equivalent to the gross outlay reduced by the cost of steam stock released because of the electrification and also by the extra outlay that would have been required for increasing traffic if no electrification had been carried out This last is, as pointed out in the previous memorandum, problematical Increased traffic has not materialised to the extent anticipated, and it is possible that some part of the estimated saving should be neglected If the whole of it is neglected, the percentages will be as follows —

	Great Indian Peninsula	Bombay, Baroda and Central India
1930 31	3 12 per cent	3 18 per cent
1931-32	3 58 per cent	3 46 per cent.
1932-33	3 49 per cent	3 77 per cent.
1933-34	3 24 per cent	4 61 per cent
1934 35	2 87 per cent	5 58 per cent.
1935-36	3 20 per cent	6 10 per cent
1936-37	3 58 per cent	7 17 per cent.
1937-38	3 20 per cent	7 31 per cent.

5 As was pointed out last year, the real percentage of net savings for each railway probably lies between the figures in paragraphs 2 and 4 and, in all probability, nearer the former than the latter In both cases it is reasonably certain that extra outlay would have been necessary in any case even if electrification had not been introduced, in order to improve the capacity of the line, though it is not now possible to state with any degree of accuracy the number of additional steam locomotives which it would have been necessary to purchase immediately In the case of the Bombay, Baroda and Central India Railway, for example, it would have been necessary in the absence of electrification to quadruple the line and the cost of this would have been so high as to be prohibitive It has been estimated that, though the additional expenditure for additional steam stock would not all have been spent at once and some portion of it could have been deferred until the full increase in traffic was in sight, land for additional track facilities required for steam working would certainly have been required at once and the cost would not have been less than a crore of immediate expenditure and might have been considerably more There would also have been a considerable expenditure necessary on the renewal of the existing stock. The estimate, therefore, of expenditure avoided by electrification is more likely to be an under than an over estimate

Financial results of Suburban Electrification of the Bombay, Baroda and Central India Railway

No.	Particulars.	Estimates.	Actuals 1930-31.	Actuals 1931-32	Actuals 1932-33.	Actuals 1933-34	Actuals 1934-35	Actuals 1935-36	Actuals 1936-37	Actuals 1937-38
1	Traffic in lakhs of train miles (steam)	16 60	14 28	13 43	12 56	14 00	14 07	14 31	14 64	14 76
2	Gross outlay on electrification .	In lakhs of Rs 204·28	In lakhs of Rs. 202 90	In lakhs of Rs 202 90	In lakhs of Rs 202 90	In lakhs of Rs 202 90	In lakhs of Rs 202 90	In lakhs of Rs 202 90	In lakhs of Rs 202 90	In lakhs of Rs 202 90
3	If no electrification, estimated extra steam outlay for increased traffic	72 00	72 00	72 00	72 00	72 00	72 00	72 00	72 00	72 00
4	Cost of steam stock released because of electrification.	50 00	68 79	68 79	68 79	68 79	68 79	68 79	68 79	68 79
5	Net outlay on electrification (Item 2—Item 3—Item 4)	82 28	62 11	62 11	62 11	62 11	62 11	62 11	62 11	62 11
6	Cost of steam working—working expenses excluding depreciation.	37 55	29 35	27·59	25 82	28 78	28 92	29 42	30 09	30 34
7	Cost of electrical working—working expenses excluding depreciation	21 16	21 05	18 91	16 73	18 57	17 40	17·22	16 45	16 50
8	Gross savings in working expenses due to electrification (Item 6—Item 7)	16 39	8 30	8 68	9 09	10 21	11 52	12 20	13 64	13 84
9	Depreciation on gross outlay on electrification at 3 per cent (Item 2).	6 12	6 09	6 09	6 09	6·09	6 09	6 09	6 09	6 09
10	Depreciation on steam outlay avoided at 3 per cent. on items 3 and 4	3 66	4 22	4 22	4 22	4 22	4 22	4 22	4 22	4 22

Financial results of Suburban Electrification of the Bombay, Baroda and Central India Railway—contd.

No	Particulars	Estimates.	Actuals 1930-31	Actuals 1931-32.	Actuals 1932-33	Actuals 1933-34	Actuals 1934-35	Actuals 1935-36	Actuals 1936-37.	Actuals 1937-38.
11	Increase in annual depreciation charges due to electrification (Item 9—Item 10)	2 46	1 87	1 87	1 87	1 87	1 87	1 87	1 87	1 87
12	Net savings in working expenses due to electrification (Item 8—Item 11)	13 93	6 43	6 81	7 22	8 34	9 65	10 33	11 77	11 97
		Percentage	Percentage	Percentage	Percentage	Percentage	Percentage	Percentage	Percentage	Percentage
13	Percentage of gross savings without allowing for depreciation on gross outlay (Item 8×100/Item 2)	8 02	4 09	4 28	4 48	5 03	5 68	6 01	6 72	6 82
13A	Percentage of gross savings (after allowing for depreciation on electrical outlay) on gross outlay (Item 8—9× 100/Item 2).	5 03	1 09	1 28	1 48	2 03	2 68	3 01	3 72	3 82
14	Percentage of gross savings on net outlay (Item 8 × 100/Item 5)	19 92	13 36	13 97	14 63	16 44	18 55	19 64	21 96	22 28
15	Percentage of net savings (after allowing for depreciation) on gross outlay (Item 12 × 100/Item 2)	6 82	3 17	3 36	3 56	4 11	4 76	5 09	5 80	5 90
16	Percentage of net savings (after allowing for depreciation) on net outlay (Item 12×100/Item 5)	16 93	10 35	10 96	11 62	13 43	15 54	16 63	18 95	19·27
17	Percentage of net savings (after allowing for depreciation) on actual gross outlay (of 202 90) with traffic of 16 60 lakhs train miles	6 86	3 68	4 15	4 70	4 87	5 62	5 90	6 58	6 64

Financial Results of the Great Indian Peninsula Railway Electrification Scheme

Particulars	Estimate all sections electrified Total estimated.	Actuals 1930-31	Actuals 1931-32	Actuals 1932-33	Actuals 1933-34	Actuals 1934-35	Actuals 1935-36	Actuals 1936-37	Actuals. 1937-38.
1	2	3	4	5	6	7	8	9	10
Traffic in lakhs of train miles (steam)	55 40	42 50	41 87	41 21	41 85	41 80	42 37	42 65	42 33
Gross outlay on electrification	In lakhs of Rs 950 90	In lakhs of Rs 942 65	In lakhs of Rs 953 93	In lakhs of Rs 959 72	In lakhs of Rs 959 78	In lakhs of Rs 959 20	In lakhs of Rs 959 53	In lakhs of Rs 959 71	In lakhs of Rs 959 71
If no electrification, estimated extra steam outlay for increased traffic	175 93	175 93	175 93	175 93	175 93	175 93	175 93	175 93	175 93
Cost of steam stock released because of electrification	254 71	172 98	172 98	172 98	172 98	172 98	172 98	172 98	174 30
Net outlay on electrification (Item 2—Item 3—Item 4)	520 26	593 74	605 02	610 81	610 87	610 20	610 62	610 80	609 48
Cost of steam working, *i.e.*, working expenses excluding depreciation	158 54	116 38	114 65	112 85	114 60	114 46	116 02	116 79	115 91
Cost of electrical working, *i.e.*, working expenses excluding depreciation	87 52	72 85	66 83	65 08	68 81	71 67	70 51	68 41	69 76
Gross savings in working expenses due to electrification (item 6—item 7)	71 02	43 53	47 82	47 77	45 79	42 79	45 51	48 38	46 15
Depreciation on gross outlay on electrification	27 20	23 82	24 12	24 66	24 67	24 65	24 66	24 66	24 66
Depreciation on steam outlay avoided	10 88	8 81	8 81	8 81	8 81	8 81	8 81	8 81	8 35

Financial Results of the Great Indian Peninsula Railway Electrification Scheme—contd.

Particulars	Estimate all sections electrified Total estimated	Actuals 1930-31	Actuals 1931-32	Actuals 1932-33.	Actuals 1933-34	Actuals 1934-35	Actuals 1935-36	Actuals 1936-37	Actuals 1937-38.
1	2	3	4	5	6	7	8	9	10
Increase in annual depreciation due to electrification (Item 9—Item 10)	16 32	15 01	15 31	15 85	15 86	15 84	15 85	15 85	15 81
Net savings in working expenses due the electrification (Item 8—Item 11)	54 70	28 52	32 51	31 92	29 93	26 95	29 66	32 53	30 34
	Percentage	Percentage	Percentage	Percentage	Percentage	Percentage	Percentage	Percentage	Percentage
Percentage of gross savings on gross outlay (Item 8 × 100/Item 2).	7 47	4 62	5 01	4 98	4 77	4 46	4 74	5 04	4 81
Percentage of gross savings including depreciation electrical assets only (Item 3—9× 100/Item 2)	4 61	2 09	2 48	2 41	2 20	1 89	2 17	2 47	2 24
Percentage of gross savings on net outlay (Item 8×100/Item 5).	13 65	7 33	7 90	7 82	7 50	7 01	7 45	7 92	7·57
Percentage of net savings on gross outlay (Item 12 × 100/Item 2)	5 75	3 03	3 41	3 33	3 12	2 81	3 09	3 39	3 16
Percentage of net savings on net outlay (Item 12 × 100/Item 5).	10 51	4 80	5 37	5 23	4 90	4 42	4·86	5 33	4·98

APPENDIX XIV.

Memorandum on placing Railway Accounts Staff under General Managers.

The undersigned is directed to address the Finance Department regarding certain changes which are contemplated in the organisation of the Railway Accounts Department and to request that, if the Finance Department have no objection, this memorandum may be placed before the Public Accounts Committee at its next meeting.

2 As both the Finance Department and the Committee are aware, the duties of Audit and Accounting have been separated from each other in the Railway Department. This decision is based on a resolution moved by Government in the Legislative Assembly in September, 1925, and, in accordance with this resolution, the accounting staff on each State-managed Railway system is under the orders of the Financial Commissioner of Railways and not under those of the Agent for the purpose of appointments, promotions, transfers, etc. The Railway Accounts Department is administered by the Financial Commissioner of Railways with the assistance of the Controller of Railway Accounts who is under the Financial Commissioner of Railways and not under the Railway Board The Audit Staff is of course under the administrative control of the Auditor General. The proposals of 1925 were intended to make a commencement in giving effect to one of the recommendations of the Acworth Committee of 1921, *viz.*, that the Railway Department should be responsible for its own accounts

3. The position was reviewed by the late Sir Arthur Lowes Dickinson who visited this country in 1926-27 and examined the system of railway accounting. He found that there had been a divorce of accounts from operation and recommended that the principal accounting officer of each State Railway, though appointed by and removable by the Railway Board only, should be under the control of the Agent and responsible to him for the proper performance of his duties. This recommendation, however, was not acted on by Government.

4. In 1931 the Railway Retrenchment Sub-Committee examined in some detail the growth of expenditure under railway audit and accounts and in the course of this investigation, the question of placing the Chief Accounts Officer and his staff entirely under the control of the Agent was also examined. While the Sub-Committee did not approve of the idea of placing the Chief Accounts Officer entirely under the control of the Agent, even though the idea was favoured by the then Financial Commissioner of Railways when he gave evidence before the Sub-Committee, it recommended the transfer of control of the subordinate accounts staff (as distinguished from the superior staff) from the Controller of Railway Accounts to the Agents concerned. This recommendation, along with other recommendations of the Sub-Committee, was considered by the Public Accounts Committee in December 1931 when reviewing the accounts of 1929-30, but the Committee refrained from expressing any specific opinion on the details of the recommendations of the Sub-Committee and merely stated in general terms that it was not prepared to consent to any substantial diminution in the information as regards railway receipts and expenditure and in the facilities for final control which have been afforded to the Legislature by

the existing system. The question of transferring the control of subordinate accounts staff to Agents was eventually not proceeded with

5 The Pope Committee who were appointed in accordance with the recommendation of the Retrenchment Sub-Committee to suggest methods of improving efficiency and securing economy on Indian Railways considered that the Chief Accounts Officer should be definitely under the Agent subject to such reservations as may be necessary regarding parliamentary control The Committee felt that unless this was clearly laid down, the preparation of managerial information could not be carried out on co-operative and co-ordinated lines and the Chief Accounts Officer could not take his proper place in the organization of the railway The Chief Accounts Officer's function of keeping his accounts in an efficient and economical manner for which he was responsible to the Controller of Railway Accounts was hardly more important than his function in connection with management He had no incentive to assist the administration to whose Chief he was not responsible and it was not altogether surprising that complaints existed The only satisfactory solution, according to that Committee, was to place the Chief Accounts Officer entirely under the Agent.

6 This recommendation was endorsed by the Railway Enquiry Committee of last year They recommended, following British Railway practice, and the recommendation of previous Railway Committees in this country that Chief Accounts Officers and their staff on State-managed Railways should be definitely regarded as being responsible to the respective Agents, permission however being granted to the Chief Accounts Officer to correspond directly with the Financial Commissioner of Railways—but with the knowledge of the Agent —on matters of finance

7. Government are impressed by the weight of the opinion they have received in this matter from so many expert Committees and experts The existing arrangement which treats the Chief Accounts Officer (who should be the trusted friend and adviser in all financial matters of the General Manager) as independent of him, and owing allegiance primarily to an authority outside his administration, tends, in Government's view, to be subversive of that unity and harmony which is essential to the successful working of the railway. It further tends, Government believe, to weaken in the General Manager that sense of responsibility for the financial prosperity of his undertaking as a business concern which it is of the utmost importance to retain. Government are, therefore, disposed to place the Chief Accounts Officers and their establishments to the fullest extent practicable under the control of the General Managers. Apart from the question of principle emphasized above, this transfer of control would, they believe, be conducive to the economy contemplated by the Retrenchment Sub-Committee of 1931, and to the efficiency of day-to-day administration, as it would eliminate the necessity for the reference of minor accounts establishment matters to an authority outside the railway concerned. The proposal would not in any way prejudice the requirements of audit and the interests of the Public Accounts Committee in regard to the information desired to be furnished to them. The Chief Accounts Officer would continue to have the right of access through the General Manager to the Financial Commissioner and any substantial financial proposal in regard to which the Genera

Manager and the Chief Accounts Officer were not in agreement would be placed before the Financial Commissioner with the views of the Chief Accounts Officer in his own language. Except in a matter of grave urgency, the General Manager would not give effect to the proposal till the views of the Financial Commissioner are received The Financial Commissioner would also, in consultation with the Auditor General, continue to be responsible for all matters relating to the structure of the accounts and to the professional standards to be required in members of the accounts establishments As a Member of the Railway Board, the Financial Commissioner would continue to deal with the appointment, promotion and postings of gazetted officers, though every effort would be made to localize such establishments and identify their interests with a particular railway

8 This matter has been discussed freely with the Auditor General, who is, however, in some doubt as to the advisability of the change contemplated, both from the purely accounting point of view and that of adequate financial control. He feels that the latter might be weakened instead of strengthened by the change Nor is he convinced that the present system has been clearly shown to be defective He is not, however, indifferent to the weight of the opinion on the other side, and recognises that particularly in view of the changes in the present system of financial and accounting control which the constitution of the Federal Railway Authority will involve, it would be to the advantage of all concerned to give a trial to the system favoured by Government It is, therefore, proposed to institute an experiment on the lines indicated in paragraph 7 of this memorandum on two selected railways. The details of this experiment are under the consideration of Government

APPENDIX XV.

Summary of the approximate financial results of Indian State-owned Railways in 1937-38.

Approximate figures of Railway Revenue and Expenditure for 1937-38 which are now available show a surplus of about 275 lakhs which is nearly 8 lakhs less than the Revised Estimates made in February last and is better by about 130 lakhs than the actuals for 1936-37 (*i e*, excluding Burma Railways).

Railway Revenues have been steadily improving since the beginning of the year 1936-37 The sign of improvement was evident in the last 5 or 6 weeks of the year 1935-36.

Gross Traffic Receipts of State-owned Railways for 1937-38 amounted to about 95 crores or about 3 crores more than in the previous year.

Ordinary working expenses (excluding Depreciation) amounted to 50¼ crores or 2¼ crores more than in the previous year The amount set apart for Depreciation being 12·57 crores as in the previous year.

Net Traffic Receipts amounted to 32·07 crores and were one crore more than in 1936-37

Miscellaneous transactions resulted in a net expenditure of 4¾ lakhs against 22 lakhs in the previous year.

The net Revenue available for meeting interest charges was 32·02 crores or about 1¼ crores more than in 1936-37.

The total interest payable was 29·27 crores as against 29·39 crores in 1936-37. *i.e*, about 12 lakhs less

There was a surplus of about 2¾ crores during 1937-38 as against a surplus of about 1½ crores in 1936-37. This surplus will be paid to the General Revenues as contribution from railways, it having been decided to postpone for three years the repayment of loans taken in previous years from the Depreciation Reserve Fund to meet loss in working. This amount is, however, short by 1¼ crores of the actual amount of contribution due for the year.

The appropriation to Depreciation Fund was 12·57 crores and the amount withdrawn for Renewals amounted to 8 00 crores. The net accretion to the fund during the year was 4¼ crores.

The actual balance at credit of the Fund (excluding Burma Railways) now stands at 19¼ crores, and the nominal balance at about 49¼ crores.

The total capital expenditure is just above ¼ crore. The Stores balances have however increased from 8¾ crores at the end of 1936-37 to 9¼ crores at the end of 1937-38.

At the end of 1937-38, the liabilities of Railways amounted to 62¼ crores, of which 30¼ crores represent loans from Depreciation Fund and 32¼ crores unpaid contributions due to General Revenues from 1931-32 to 1937-38. It has however, been decided that the railway revenues should not be liable before the 1st April 1940, or before the fixation under Section 187 (1) of the Government of India Act, 1935 of the sum therein referred to, whichever is earlier, to repay to the Depreciation Reserve Fund maintained for Indian State-owned

railways, the balance outstanding on the 1st April, 1937 of loans of 30¼ crores taken from the Fund to meet Railway deficit or to pay to General Revenues any contribution due in respect of the period from 1931-32 to 1936-37 amounting to 30¾ crores.

The ratio of ordinary working expenses to Gross Traffic Receipts was 53 per cent. against 52½ per cent. in the previous year.

The ratio of total working expenses (including Depreciation Fund) was 66 per cent. as for the last year

The ratio of net revenue to the capital at charge was 4·25 per cent. against 4·00 per cent. in the previous year.

Taking all class I Railways together (except Jodhpur and H E. H. the Nizam's State Railways) goods earnings in 1937-38 were approximately 0 91 crore higher than in 1936-37. The increase was mainly under coal and coke, wheat and metallic ores

There was a decrease of 10 lakhs approximately under other earnings

The coaching earnings were about 1·71 crores higher than in 1936-37.

State Railways excluding Burma Railways

In crores.

	1936-37.	1937-38. Revised estimates	1937-38. Latest Approximate actuals
Gross traffic receipts	91 78	94 25	95·00
Ordinary Operating Expenses	48 16	49·54	50·36
Depreciation	12·57	12·57	12·57
Net Traffic Receipts	31·06	32·14	32·07
Net Miscellaneous Receipts . ..	—·22	—·07	—·05
Total Net Revenue	30·84	32·07	32 02
Interest	29 39	29 24	29 27
Deficit (—) Surplus (+).	+1·45	+2·83	+2·75

Mr. S Satyamurti (Madras City Non-Muhammadan Urban) : On this, I should like to make one submission, that for the last three years we have not discussed the Reports of the Public Accounts Committee. I am not blaming anybody and I am sharing the blame with others ; but I do suggest that some early opportunity should be given to this House to discuss the Public Accounts Committee reports for the last three years. If the Leader of the House will agree, I suggest that it may be put down for the first day of the special Session in November, on which day, so far as I can see, the Income-tax Bill cannot be taken up. If he is agreeable, he can make a statement today or some time later, but I suggest that some day should be set apart early for the discussion of the last three years' reports

Dr Sir Ziauddin Ahmad (United Provinces Southern Divisions Muhammadan Rural) I would like to add one word. The Public Accounts Committee's Reports are important reports and it is very desirable that Members of the House who are not Members of the Committee should have an opportunity to express their opinion We ought to judge on the floor of the House the work which our colleagues have done in the Public Accounts Committee and also tell them their omissions and their mistakes I think it would be useful, if we express opinions here, and then the Members will be much more careful in discharging their duties Therefore, I do urge that the Government should give us opportunities to discuss these reports on the floor of the House

The Honourable Sir Muhammad Zafrullah Khan (Leader of the House) Sir, I cannot bind myself today with regard to any particular date in the next Session, but I shall consider the suggestion made by the Honourable Members

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THE MOTOR VEHICLES BILL—*contd*

Mr President (The Honourable Sir Abdur Rahim) The House will now resume consideration of the Motor Vehicles Bill

The question is

"That clause 47 stand part of the Bill"

Mr Suryya Kumar Som (Dacca Division Non-Muhammadan Rural) Sir, I move

"That in part (v) of sub-clause (d) of clause 47 of the Bill, for the words 'within municipal limits' the words 'in big cities notified by the Provincial Government' be substituted."

Sir, all of us know that one of the greatest advantages derived from a bus service is that the bus takes up the passenger from and lets him down at his very door, and not only the passenger but his luggage Now, some of the Railways also have been compelled to use some buses to take the luggage from the houses of the would-be passenger and, in Calcutta and Howrah, we find that on the payment of annas two packages are taken from house to house previous to the passengers coming to the station So it is apparent that the railway authorities think that this advantage and amenity should be granted to the public Moreover, one of the reasons for which generally the people take to buses even where their charge is the same as that of the railway is this great advantage of the bus and I

see no reason why by this Bill this advantage should be taken away. I admit that to allow buses to roam over the streets and stop at undefined times at the doors of passengers in big cities where the traffic is very great, like Calcutta, Bombay and Madras, there may be some disadvantages no doubt, but those who live in mufassil towns know that there is practically no traffic there and that these buses cannot cause any disadvantage, if they stop from door to door of the passengers, because there is no great traffic So, my amendment does not want the taking away of this power from the Government but I want to apply this clause only to big cities or to other places specially notified by the Government ; if the Government consider that there is a lot of traffic in those places, they can notify them. Sir, it is not necessary for me to argue this point further. Sir, I move :

Mr. President (The Honourable Sir Abdur Rahim) Amendment moved

"That in part (v) of sub-clause (d) of clause 47 of the Bill, for the words 'within municipal limits' the words 'in big cities notified by the Provincial Government' be substituted."

Mr. Lalchand Navalrai (Sind . Non-Muhammadan Rural) . Sir, I support this amendment It aims at continuing certain conveniences to the people so that the buses in some places where the traffic is not so large can stop at certain points and not only at the prescribed points. The clause itself requires a certain discipline under which the bus-owners should be kept I am in full agreement with that,—that there ought to be some discipline under which they should work, but it should be ensured that the people should not be inconvenienced by strict rules and regulations being made

Sir, the original idea of the Bill was that there should be no competition which will affect the Railways and I feel here that that is the very idea with which this clause has been inserted At present we find that at the places where these buses are working they are giving a lot of convenience, so much so that they pass by certain routes and when they pass by the house of every passenger, they stop there and put down his luggage If this clause is enacted as it is, it will work a hardship I come from the mufassil and I know the actual situation Sir, you have seen that the railways are now competing in everything in this direction, and that they have now established, even in small places, certain delivery offices and on account of their delivery offices the goods and the packages and the luggage of the people are being carried by the railway which otherwise were being carried by private companies and private transport concerns Of course the people certainly do not want that there should be any intention to cause the destruction of the motor traffic. According to me, motor traffic in small places and in some provinces has not yet developed to any appreciable extent I was not a little surprised the other day when I heard Mr. Mitchell say that the motor traffic is not in its infancy in this country I think he was then thinking of places like Bombay and Calcutta Even Karachi cannot be included in that list What I mean to say is that excepting the big cities the motor traffic should be encouraged as it is being encouraged in other countries In other countries there are Unions which control the motor traffic and they have not got any statutory laws there They have their own Unions and they enter into

[Mr Lalchand Navalrai]

agreement with the Railways without any disadvantage to either side. The same should be done here and we should not have any statutory provisions and make it hard for the poor people But, if we are constrained to make laws of this nature by a majority or otherwise of Members, then the provisions should not be very strict. With regard to the particular question under discussion now, I think it will be appreciated by the House that the words 'municipal limits' should be changed into 'big cities notified by the Provincial Government' I think the amendment is a very reasonable one and I hope the House will accept it.

Mr K G. Mitchell (Government of India Nominated Official) : Sir, I am afraid I must oppose this amendment and I do hope that when my Honourable friend hears the explanation, he will withdraw it There is no question whatever of this having anything to do with competition between road and railway The position is this that in quite small towns buses, unless there is some such provision as this, are apt to congregate at what are called private bus stands, which are on private lands and which are not within the control of the public authority They are not public places and they are extremely insanitary and are generally undesirable Besides, the whole clause is permissive It says 'the Regional Transport Authority may specify that certain places are not to be used as bus stands'

Mr. Lalchand Navalrai : Private individuals have not raised any objections

Mr K G Mitchell : We have received very many objections from Provincial Governments and other people that these private stands can not be controlled That is a fact It is no use the Honourable Member shaking his head

Mr. Lalchand Navalrai : Will the Honourable Member place these papers on the table of the House ?

Mr K G. Mitchell : You had better look at the opinions and also see notice of a Bill given by Mr Sham Lal to the same effect I repeat, Sir, that it has nothing to do with road-rail competition It merely provides that the Regional Transport Authority, which is under the control of the Provincial Government, may specify that certain places are not to be used for bus stands and outside the towns it may specify that buses shall not halt at certain dangerous cross roads and other places Sir, I oppose the amendment

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

"That in part (v) of sub-clause (d) of clause 47 of the Bill, for the words 'within municipal limits' the words 'in big cities notified by the Provincial Government' be substituted"

The motion was negatived

Mr T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : Sir, I move :

"That in part (v) of sub-clause (d) of clause 47 of the Bill, the words 'shall not be', occurring the second time, be omitted."

It is a mere verbal change. There is a repetition of these words and I move that the second set of them be omitted

Mr President (The Honourable Sir Abdur Rahim) Amendment moved

"That in part (v) of sub-clause (d) of clause 47 of the Bill, the words 'shall not be', occurring the second time, be omitted"

The Honourable Mr A G Clow (Member for Railways and Communications) : There is no objection to this amendment

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

"That in part (v) of sub-clause (d) of clause 47 of the Bill, the words 'shall not be', occurring the second time, be omitted"

The motion was adopted

Mr T. S Avinashilingam Chettiar : Sir, I move :

"That in part (v) of sub-clause (d) of clause 47 of the Bill, the words 'at or' be omitted"

This is also a verbal amendment and I move it

Mr President (The Honourable Sir Abdur Rahim) Amendment moved

"That in part (v) of sub-clause (d) of clause 47 of the Bill, the words 'at or' be omitted"

The Honourable Mr A G. Clow : Sir, I am sorry I must oppose this and I must contest the Honourable Member's view that it is verbal What we say is that a Provincial Government may prescribe ..

Mr T. S. Avinashilingam Chettiar Sir, I do not press the amendment I withdraw it

The amendment was, by leave of the Assembly, withdrawn

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

"That clause 47, as amended, stand part of the Bill"

The motion was adopted

Clause 47, as amended, was added to the Bill

Clauses 48 and 49 were added to the Bill.

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

"That clause 50 stand part of the Bill."

Mr. Suryya Kumar Som (Dacca Division : Non-Muhammadan Rural) : Sir, I beg to move :

"That sub-clause (b) of clause 50 of the Bill be omitted and the subsequent sub-clauses be re-lettered accordingly."

We have already had enough discussion on the question of empowering the Provincial Governments to fix the maximum and minimum fares

[Mr. Suryya Kumar Som.]

and we lost our amendment I know that we are also going to lose this amendment But I am encouraged to move it because of the speeches from the Congress Benches They have said that in the original Bill the power of fixing the maximum and minimum fares was left to the Provincial Transport Authority but, by Clause 42, that power has been taken away from the Provincial Transport Authority and it has been given to the Provincial Government, which is a more desirable and more independent authority The argument was vehemently adduced against me that we were going to give this power not to anybody else except the Provincial Government which is an autonomous government and that you could rely on it because it is a responsible government Now, Sir, I find that that very power under another section is being given to the Regional Authority That is my objection It is not merely the Provincial Transport Authority but the power of fixing rates has been given to the Regional Transport Authority which we know will be constituted by sub-inspectors of police and persons of such low rank A Provincial Transport Authority may be comprised of men of position, but a Regional Authority, as it will have to be created in many parts of the country, must necessarily have men of low rank on it It might consist of riff-raffs of the place There is no guarantee that such people will not be in it I will appeal to the Government to consider this seriously When we discussed Clause 42 it was said that the power of fixing rates was taken away from the Provincial Transport Authority but given to the Minister But now, here, what do we find ? The same power is given to an authority which is not even a Provincial Transport Authority but a still lower authority, namely, the Regional Authority I know that my Honourable friend, from the Congress Party, will not support the amendment, but I appeal to the Government to consider this question seriously and agree to my amendment Sir, I move

Mr President (The Honourable Sir Abdur Rahim) Amendment moved

"That sub-clause (*b*) of clause 50 of the Bill be omitted and the subsequent sub-clauses be re-lettered accordingly"

Mr. K Santhanam (Tanjore *cum* Trichinopoly, Non-Muhammadan Rural) Sir, I am afraid my Honourable friend, Mr Suryya Kumar Som, is under misapprehension Sub-clauses (*b*) and (*c*) must be read together They are intended to provide for two contingencies In big cities it is absolutely impossible for passengers to be bargaining for their fares and so there should be fixed fares and there should be taximetres. Of course in mufassil it may not be practicable and that is why sub-clause (*c*) has been provided Sub-clause (*b*) is intended to be used in big cities and sub-clause (*c*) is intended to be used in mufassil areas This does not force the regional transport authorities to fix such fares. It only gives them power in such circumstances where it may be considered necessary to fix fares and it is absolutely a discretionary provision. Wherever it is not practicable, I do not think they will do it, because, in the mufassil areas, it will not be practicable to have fixed fares. As a matter of fact in cities like Bombay, Calcutta and Madras taximetres are attached in order to cater to the convenience of the passengers. You

cannot go on investigating hundreds of taxis whether there are lower rates. It is only for this purpose that sub-clauses (b) and (c) are put in They are merely elastic provisions and I do not think the deletion of sub-clause (b) will improve matters It will greatly hamper traffic Therefore, I oppose the amendment

The Honourable Mr A. G. Clow Sir, I have very little to add to what my Honourable friend, Mr Santhanam, has said There are two entirely distinct things here and the Honourable Member has confused them Clause 42, fixing the maximum and minimum fares, is limited to stage carriages and public carriers and it is based on three considerations regarding road and rail, the desirability of motor transport development and the desirability of preventing the deterioration of roads which do not really apply here This is a provision designed to prevent the public from being exploited by taxi drivers , it is for the public convenience that the passengers should know how much fare they have to pay. I would appeal to my Honourable friend to withdraw his amendment

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions Muhammadan Rural) What is the definition of motor cabs ? Does it not include busses, and so on ?

The Honourable Mr. A. G. Clow No

Dr P N. Banerjea (Calcutta Suburbs Non-Muhammadan Urban) Sir, the explanations given by my Honourable friends, Mr Santhanam and Mr A G Clow, do not satisfy me They say that it is for the public benefit No doubt the public should know the amount of fare , but why should the Regional Authority fix the fare ? Why not the cab-owner be allowed to fix it ? If it is only for making the public know, he may be compelled to make it known. The fixing of fares should not be in the hands of the Regional Transport Authority It is normally for the bus or the cab-owner to fix his fares My Honourable friend, Mr Clow, says there is confusion of thought, but I submit the confusion is in his own mind Power is given to the Provincial Transport Authority to fix, but why should Regional Transport Authority also fix the fares ? I cannot understand this This is a very dangerous provision and I, therefore, support the amendment which has been moved by my Honourable friend

Mr Abdul Qaiyum (North-West Frontier Province General) Sir, it seems that the Honourable Member Mr Som's objection to the regional authority is based on the suspicion of the Provincial Government, and he used very strong language in describing the composition of the regional authority He said that they might consist of riff-raffs I do not see why riff-raffs should be appointed to the regional authority I certainly believe that Provincial Governments will take care to see that responsible persons are appointed to the regional authority, persons who know something about road transport. Then, my Honourable friend, Dr. Banerjea, stated that the fixing of fares should be left to the cab-owners. I think this is carrying the doctrine of *laissez faire* to its bitter extreme. I do not really see any force in the argument that people should be left at the mercy of cab-owners in big cities. There is absolutely no harm in giving power to the regional authority to fix proper and reasonable fares. Therefore, I oppose the amendment

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

" That sub-clause (*b*) of clause 50 of the Bill be omitted and the subsequent sub-clauses be re-lettered accordingly "

The motion was negatived

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

" That clause 50 stand part of the Bill."

The motion was adopted

Clause 50 was added to the Bill

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

" That clause 51 stand part of the Bill "

Mr. K G Mitchell (Government of India Nominated Official) · Sir, I beg to move

" That sub-clause (*b*) of clause 51 of the Bill be omitted."

Sir, in the Bill as introduced provision was made that the application for permit should state certain particulars which will be contained in the certificate of registration of the vehicle It was pointed out that a man might apply for a permit before buying a vehicle or before having it registered in his name, consequently those provisions were deleted by the Select Committee Through an oversight this provision was not deleted and, I submit, it should be now

Mr President (The Honourable Sir Abdur Rahim) · The question is

" That sub-clause (*b*) of clause 51 of the Bill be omitted "

The motion was adopted

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

" That clause 51, as amended, stand part of the Bill."

The motion was adopted

Clause 51, as amended, was added to the Bill

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

" That clause 52 stand part of the Bill."

Mr. T S Avinashilingam Chettiar · Sir, I beg to move ·

" That in sub-clause (*1*) of clause 52 of the Bill, for the words ' are necessary ' the words ' will not be used except ' be substituted."

The clause, as it stands, reads as follows :

" A Regional transport authority shall, in deciding whether to grant or refuse a private carrier's permit ,have regard to the condition of the roads to be used by the vehicle or vehicles in respect of which the application is made and shall satisfy itself that the vehicle or vehicles for which the permit is required are necessary in connection with the business of the applicant."

According to this clause, it will be necessary for the applicant to satisfy that it is necessary and the word used is " shall ". It will be rather difficult with regard to the word used in the clause and so we want that if the applicant gives an assurance that it will be used for his own private business and no other and will not in any sense compete with a public carrier, it must be allowed, consistently with the facilities of the road. Sir, I move

Mr. President (The Honourable Sir Abdur Rahim) . Amendment moved

" That in sub-clause (*1*) of clause 52 of the Bill, for the words ' are necessary ' the words ' will not be used except ' be substituted."

The Honourable Mr. A G. Clow : Sir, I recognise that there is a difficulty here in that the authority may have difficulty in satisfying itself as to the necessity in all cases , and the condition is possibly a little unduly stringent I must say quite frankly that I think the Regional Authority will not find it very easy to satisfy itself about the new condition that is proposed , but I understand that it has the assent of the House generally and I do not oppose it.

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

" That in sub clause (*1*) of clause 52 of the Bill, for the words ' are necessary ' the words ' will not be used except ' be substituted "

The motion was adopted

Mr. Suryya Kumar Som : Sir, I beg to move .

" That in sub-clause (*2*) of clause 52 of the Bill, the words ' the description of goods which may be carried, or ' be omitted "

Here the Regional Authority is authorised to restrict the class of goods to be carried by a private carrier. It is a preposterous proposition and will do away with the necessity of any private man owning a bus Sir, in the cities a miscellaneous merchant keeps a car or bus or lorry to carry his goods to a mofussil bazar or to buy things there when it is advantageous and to bring them into his shop. Now, the bus or lorry owner himself does not know what are the things which it will be profitable for him to buy next month or next year or even next day Then a merchant who deals in all sorts of goods does not know what it will be profitable for him to deal in at any particular season or in any particular area So, he himself, is not aware for what purpose he will have to use his bus or lorry So, it will be unjust to ask him to name the things he will carry, in order to get a permit Then, Sir, what is the necessity of restricting private buses to the carrying of a particular thing or things ? The heavens will not fall if a private owner is allowed to carry his own goods. I find here that there is a conspiracy to kill the bus service in India and benefit the railways.

Sir, I move.

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

" That in sub-clause (*2*) of clause 52 of the Bill, the words ' the description of goods which may be carried, or ' be omitted."

Mr. K. G. Mitchell : Sir, I regret that I must again oppose the amendment of my Honourable friend, Mr. Som He is again talking of conspiracies. There is nothing of the sort. The difficulty is that in order to prevent an abuse of private carriers' permits, in competition with legitimate public carriers, you must have some means of *prima facie* determination whether the condition of the permit is being observed or not, the condition being that the private carrier shall not carry goods for other people for hire or reward The ordinary private carrier who has a definite private business requiring transport, when he satisfies the Regional Transport Authority that his lorry will not be used for the carriage of other persons' property for hire or reward, must be in a position to say more or less what his business is, and he can state it to the best of his ability It is then permissive on the Regional Transport Authority to say on the permit that it is for a lorry of such and such size and to travel within such and such area and to carry such and such description of goods (roughly) If that man is found outside that area or within that area carrying goods which do not tally with the general description in the permit, then there is a *prima facie* case that he is abusing the permit and he will be asked by the Regional Transport Authority to explain it Unless you have some provision of this nature I do not see that it is possible to have any sort of check on what a private carrier is doing Now, in the case envisaged by my Honourable friend, Mr Som, he said that a man might have a lorry or a fleet of lorries for the carriage of miscellaneous merchandise and he would not know from one month to another what he was going to carry or, indeed, whether he was ever going to carry anything at all I submit that in that sort of case possibly the employment of a public carrier would be more profitable to him But if he is not in a position to employ a public carrier he can say, " I want a permit for my lorry I have no idea of what I am going to carry " And, if on those conditions the Regional Transport Authority is satisfied that he is not really going to use it for hire or reward they will or will not grant him a permit, as the case may be But I do submit that in the vast majority of cases it is possible for a genuine *bona fide* private carrier to indicate in a general way what he is going to carry, and that, in order to prevent gross abuse of private carriers' permits, it is desirable that the Regional Authority should have power to require, when they think necessary, that these things should be stated

Sir, I oppose the amendment

Pandit Lakshmi Kanta Maitra (Presidency Division Non-Muhammadan Rural) : Sir, I have listened with attention to the arguments of my Honourable friend, Mr Mitchell, in reply to this motion, and I am surprised that he does not see how this power, given to the Regional Transport Authority, will operate to the prejudice of the trade and industry of this country My friend shakes his head, but I may tell him that while shaking one's head is one form of argument, talking logic is another I may tell the House at once that I will have no compromise with the position that any authority should have the right or power to interfere with my right and privilege of carrying my own goods to my own places in my own carriers That is a proposition which will admit of no compromise, and, whatever plausible arguments

may be advanced by my friend that the lorry might be misused, one refuses to be convinced. What is his answer to a man who runs a small factory in a district town and asks for carrying his own merchandise in his own conveyance ? The Regional Authority must in the nature of things be confined to small areas and in those areas a man who has an established business may find it to his benefit and advantage to maintain, not necessarily a fleet of lorries, but one or two buses or lorries by which he can not only bring the raw materials to his factory but can also distribute the finished products throughout the district, in such cases traders and merchants can well feel that sending a particular class of goods to a distance of 20 or 25 miles by railway will not only cause hardship, but entail delay and trouble and expense, whereas in a short time of two hours or an hour and a half, they can despatch their goods to their customers That right should not be interfered with by any one by any plausible argument whatever In connection with Clause 42, my Honourable friend got accepted the principle that it is only the Provincial Transport Authority which, in consultation with the Regional Transport Authority and other authorities concerned, may prescribe that in respect of certain classes of carriers only certain specified classes of goods should be allowed to be carried, but why does he carry it on to the utmost limits and allow that principle to filter down to the lowest regional areas where these bodies also will be clothed with very wide powers which he wanted to invest only the Provincial Transport Authority with ? What is the justification for it ? Does he not see that this is a power likely to be abused by the regional authorities in the interests of the railways ? Apart from that I say that he will be interfering with the free movement of trade in the rural areas It is not a matter of long distance traffic In the cases of the regional areas the distances will be generally not very long He has no right to stop or restrict the movement of goods in a limited area by these arbitrary methods Nobody has any right to force me to use public carriers when I can, by using my own private carriers, avoid the public carriers or the Railways I want my Honourable friend to carefully bear this proposition in mind He has put in special pleading for public carriers because the railways may not come in in these areas. I say the railways will come in and this plea of protecting public carriers will not carry him far because public and private carriers may carry on their business legitimately as may be prescribed by the permit, but private carriers should be given the latitude to deal with miscellaneous merchandise of their owners carrying them in the way their owners like This is a perfectly legitimate demand and it cannot be ignored Sir, I support the amendment

Honourable Members : The question may now be put

Mr. President (The Honourable Sir Abdur Rahim) The question is that the question be now put

The motion was adopted.

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

"That in sub-clause (*i*) of clause 52 of the Bill, the words 'the description of goods which may be carried, or' be omitted."

(A small number of Members supported the motion.)

Mr. President (The Honourable Sir Abdur Rahim) : I should like the Honourable Members who are in support of this amendment to rise in their places.

1 P.M

(About 20 Members stood in their seats, and the Assembly thereupon divided.)

AYES—21.

Abdur Rasheed Chaudhury, Maulvi.
Aney, Mr M S
Bajoria, Babu Baijnath
Banerjea, Dr P N
Boyle, Mr J D
Chapman Mortimer, Mr T.
Chattopadhyaya, Mr Amarendra Nath.
Datta, Mr Akhil Chandra.
Griffiths, Mr P J
Ismail Khan, Haji Chaudhury Muhammad
James, Mr F E
Lalchand Navalrai, Mr.
Maitra, Pandit Lakshmi Kanta
Miller, Mr C C
Murtuza Sahib Bahadur, Maulvi Syed
Parma Nand, Bhai
Sant Singh, Sardar
Scott, Mr J Ramsay.
Smith, Lieut.-Colonel H. C
Som, Mr Suryya Kumar
Town, Mr. H S

NOES—70

Abdul Hamid, Khan Bahadur Sir.
Abdul Qaiyum, Mr
Abdul Wajid, Maulvi
Ahmad Nawaz Khan, Major Nawab Sir
Ahmed, Mr K
Anderson, Mr J D
Ayyangar, Mr M Ananthasayanam
Ayyar, Mr N M
Bajpai, Sir Girja Shankar
Bewoor, Mr G V
Chaliha, Mr. Kuladhar
Chanda, Mr A. K
Chatterjee, Mr R. M
Chaudhury, Mr Brojendra Narayan.
Chettiar, Mr T S Avinashilingam.
Chunder, Mr N C
Clow, The Honourable Mr A. G
Conran Smith, Mr E
Dalpat Singh, Sardar Bahadur Captain.
Das, Pandit Nilakantha
Desai, Mr Bhulabhai J
Deshmukh, Dr G V.
Deshmukh, Mr Govind V
Dutt, Mr S
Faruqui, Mr N A
Gadgil, Mr N V
Ghulam Muhammad, Mr
Govind Das, Seth.
Gupta, Mr K S.
Hans Raj, Raizada.
Hegde, Sri K B Jinaraja
Highet, Mr J C
Hosmani, Mr S K
Jawahar Singh, Sardar Bahadur Sardar Sir
Jedhe, Mr K M
Jogendra Singh, Sirdar
Joshi, Mr N M
Kailash Behari Lal, Babu.
Kamaluddin Ahmed, Shams-ul-Ulema.
Lahiri Chaudhury, Mr D K.
Lloyd, Mr A H.
Mackeown, Mr. J A.
Mangal Singh, Sardar.
Maxwell, The Honourable Mr. R. M.
Metcalfe, Sir Aubrey
Misra, Pandit Shambhu Dayal
Mitchell, Mr K. G
Muhammad Ahmad Kazmi, Qazi.
Mukerji, The Honourable Sir Manmatha Nath
Nur Muhammad, Khan Bahadur Shaikh
Pande, Mr Badri Dutt
Raghubir Narayan Singh, Choudhri.
Rahman, Lieut.-Colonel M. A.
Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Rao, Mr. M Thirumala.

Santhanam, Mr. K.	Subedar, Mr Manu
Satyamurti, Mr S.	Sukthankar, Mr. Y N
Sheodass Daga, Seth	Sundaram, Mr V S.
Sher Muhammad Khan, Captain Sardar Sir	Varma, Mr B B
Singh, Mr Gauri Shankar	Walker, Mr. G D.
Sinha, Mr. Satya Narayan	Yamin Khan, Sir Muhammad.
Sri Prakasa, Mr	Zafrullah Khan, The Honourable Sir Muhammad.

The motion was negatived.

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

" That clause 52, as amended, stand part of the Bill "

The motion was adopted

Clause 52, as amended, was added to the Bill

Clauses 53, 54 and 55 were added to the Bill.

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

" That clause 56 stand part of the Bill "

Maulvi Abdur Rasheed Chaudhury (Assam Muhammadan) Sir, I beg to move .

" That the proviso to sub clause (*2*) of clause 56 of the Bill be omitted "

A reference to sub-clause (*2*) will show that this clause provides that the application for permit will have to be made six weeks before it comes into operation In the second case, it provides that the regional transport authority will fix a date on which the application for permit will have to be made These are the two general rules which have been provided under sub-clause (*2*) This proviso is intended to make an exception, that is to say, a man may not apply six weeks before the permit is intended to be used or he may not apply on the date fixed by the regional transport authority He may or may not apply for it on any other date, but the regional authority will take up that case This exception, Sir will have a very bad effect. In the first place, it will give rise to favouritism to regional transport authority ; secondly, it may lead to abuse of powers on the part of the regional transport authority Therefore, Sir, we do not like that there should be any exception to the general rule provided under sub-clause (*2*) We do not like to encourage favouritism or misuse of power on the part of the regional transport authority This is the object of my amendment and I hope the House will accept it

Mr. President (The Honourable Sir Abdur Rahim) Amendment moved

" That the proviso to sub-clause (*2*) of clause 56 of the Bill be omitted "

The Honourable Mr. A. G. Clow : I see no objection to this amendment. It prevents the possibility of any abuse

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

" That the proviso to sub-clause (*2*) of clause 56 of the Bill be omitted."

The motion was adopted.

Mr K. G. Mitchell : Sir, I beg to move .

" That in sub-clause (*3*) of clause 56 of the Bill, the words ' objections or ', wherever they occur, be omitted "

In sub-clause (*1*) of Clause 46, in Clause 49 and Clause 54 the word used is " representation " only The addition of the word " objection " may suggest that something more is intended than is contained in the detailed clauses Therefore, I move that those words be omitted I move

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

" That in sub clause (*3*) of clause 56 of the Bill, the words ' objections or ', wherever they occur, be omitted "

The motion was adopted

Mr K G. Mitchell : Sir, I beg to move

" That in sub-clause (*4*) of clause 56 of the Bill, the words ' objection or ', wherever they occur, be omitted "

This is similar to the previous amendment

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

" That in sub clause (*4*) of clause 56 of the Bill, the words ' objection or ', wherever they occur, be omitted "

The motion was adopted

Mr K G. Mitchell : Sir, I beg to move

" That in sub-clause (*5*) of clausse 56 of the Bill, the words ' objection or ', wherever they occur, be omitted."

This is similar

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

" That in sub-clause (*5*) of clausse 56 of the Bill, the words ' objection or ', wherever they occur, be omitted "

The motion was adopted

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

" That clause 56, as amended, stand part of the Bill "

The motion was adopted

Clause 56, as amended, was added to the Bill

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

" That clause 57 stand part of the Bill."

Mr. K. G. Mitchell : Sir, I beg to move :

" That in sub clause (*1*) of clause 57 of the Bill, the words ' not less than three years and ' be omitted " 1E

This is part of an amendment which is completed by No 408 standing in my name. The intention is to provide that a permit shall be valid for not more than five years and, normally, for not less than three years unless a shorter period is prescribed. The Bill as introduced

contained a provision that a permit should be valid for a period not exceeding four years unless a lesser period was specified by the Regional Transport Authority, and left it to the entire discretion of the Regional Authority to grant permit for any period up to four years as it liked In the Bill as reported by the Select Committee, a rigid provision is made that a permit should be valid for five years at the maximum and three years at the minimum ..

Mr President (The Honourable Sir Abdur Rahim) The Honourable Member can continue 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

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Mr. K. G. Mitchell : When the House adjourned for Lunch, I had moved amendment No 406 to Clause 57 standing in my name and was proceeding to discuss it As a result of conversations during the luncheon interval, I propose to withdraw that amendment with the permission of the House and to move another amendment in substitution for amendment No 408, a revised draft of which I have circulated to Honourable Members In the circumstances, I ask for leave to withdraw amendment No 406

The amendment was, by leave of the Assembly, withdrawn

Mr. K. G Mitchell : Sir, with the permission of the House, I beg to to substitute the following amendment for amendment No 408 on the order paper It is as follows .

" That in sub-clause (*1*) of clause 57 of the Bill, the following proviso be added :

' Provided that in the case of a permit issued within two years of the commencement of the Act, the permit shall be effective without renewal for such period of less than three years as the Provincial Government may prescribe '."

Have I got the permission of the House to move this ?

(No objection was raised)

The position is briefly this My information is that in some provinces they have not got a regular permit system in force and, therefore, permits will have to be issued for the first time to a number of vehicles according as they can determine on what routes they are actually running In some provinces they have very wide permits and, actually, where the vehicles are running or not is settled by arrangement among the vehicle owners Therefore, it is possible that in the first allotment of permits certain mistakes may be made and in order not to perpetuate those mistakes for three years, we wish to have this provision that for the two years from the commencement of the Act permits may be issued for a lesser period than three years as prescribed by the Provincial Government. Sir, I move.

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

" That in sub-clause (*1*) of clause 57 of the Bill, the following proviso be added :

' Provided that in the case of a permit issued within two years of the commencement of the Act, the permit shall be effective without renewal for such period of less than three years as the Provincial Government may prescribe '."

Mr K Santhanam : I want to make a suggestion that after the word " issued " the words " or renewed " be added The main object of this proviso is they want to make readjustment as soon as the Act comes into operation I am doubtful whether the word " issued " covers the renewal of existing permits and I want to make it quite clear

Mr. K G. Mitchell : I accept that amendment.

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

" That in sub-clause (*1*) of clause 57 of the Bill, the following proviso be added .

' Provided that in the case of a permit issued or renewed within two years of the commencement of the Act, the permit shall be effective without renewal for such period of less than three years as the Provincial Government may prescribe ' "

Mr K Santhanam : As the amendment originally stood, we had determined to oppose it, because the purpose of putting a minimum of three years in the Select Committee was that there should be some stability, whenever a permit is issued We do not want people to incur expenditure and then be told after one year that the permit is not valid and must be renewed The present proviso does not disturb the general principle upon which the Select Committee amendment was made, and, therefore, I support this motion

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

" That in sub-clause (*1*) of clause 57 of the Bill, the following proviso be added :

' Provided that in the case of a permit issued or renewed within two years of the commencement of the Act, the permit shall be effective without renewal for such period of less than three years as the Provincial Government may prescribe ' "

The motion was adopted

Pandit Lakshmi Kanta Maitra : Sir, I move

" That for sub-clause (*2*) of clause 57 of the Bill, the following be substituted

' (*2*) A permit granted to a person shall be renewed to him on application made to the Regional Transport Authority ' "

The idea behind this amendment is very simple It relates only to the case of a renewal of a permit which has been issued to a person after full consideration of all the relevant facts connected with the issue of permits I want that when all conditions are satisfied and when a particular party has been giving service quite satisfactorily at the time of renewal, no discretion should be left to the Regional Transport Authority to stand in the way of renewal In other words I want that the renewal should be made automatic as far as possible If there are any circumstances relating to the breach of any conditions of the permit, there has been made enough provision in the statute to penalise him or to deal with him severely If the conditions are, however, duly complied with by the party, I do not see any reason why the transport authority should have the additional power of exercising its discretion which may result in withholding the renewal It may be argued that in sub-clause (*2*) of Clause 57 of the Bill, in the second proviso, it is provided that other conditions being equal an application for renewal shall be given preference over new applications for permits. This sec-

tion if enacted into law may be interpreted by the Regional Transport Authority in a variety of ways What is exactly meant by saying ' other conditions being equal ' There may be the same set of circumstances and the explanations given may be different on different occasions For instance, at the time of renewal, it may be said by the Regional Transport Authority to a man who applies for renewal ' Look here, there is a new applicant who is a limited concern He has much better financial strength than you and he has got a better chance of running the business more successfully or of fulfilling the conditions than you can ' Arguments like this may be raised against him and he may be shut out I have known how explanations are given by officers in this country with regard to particular cases There was failure of crop in one year and there was a consequent fall in the income from court fees The High Court wanted the subordinate courts to submit an explanation The explanation given was that the paucity of law suits had been due to the failure of crops as people had no money to engage in litigation The High Court accepted that view Next year there was a bumper crop and even then there was no rise in the income from court fees and the fall in revenue was maintained This time the explanation was, " well, the people had a bumper crop and they could sell so much and there was so much money in their possession that they paid their dues to their creditors without asking and therefore, there was no necessity for their going to the law courts " So explanations are generally plausible or fanciful differing according to the whims and caprices of people who are asked to give explanations Therefore, I want to be very specific that the Regional Transport Authority will not have any discretion left in the matter of a renewal provided he has not violated any of the conditions of the permit in which case he can easily be brought to book by the authorities Sir I move

Mr. Deputy President (Mr Akbal Chandra Datta) Amendment moved

" That for sub-clause (*3*) of clause 57 of the Bill, the following be substituted

' (*3*) A permit granted to a person shall be renewed to him on application made to the Regional Transport Authority ' "

Mr K G. Mitchell : Sir, I am afraid I must oppose this amendment I admit that there may be some little difficulty about the words " other conditions being equal " in the proviso but the defect, if there is any defect there, would not really be removed by the amendment which the Honourable the Mover has moved because that would simply remove all discretion whatever

Pandit Lakshmi Kanta Maitra : Why do you allow any discretion at all ?

Mr K G. Mitchell : If you will listen, I will try and tell you why It is possible and conceivable that occasions may occeur when there is overcrowding of busses on a certain route Now the Regional Transport Authority is a responsible authority, it is going to be a mixed body of officials and non-officials, under the control of the Provincial Transport Authority and under the control of the Provincial Government, and such a body must be given discretion to consider whether there is a gross overcrowding on routes, and to reduce that overcrowding to terms where the competition is healthy..... .

Pandit Lakshmi Kanta Maitra : That is an absolutely different matter Here I am asking for the automatic renewal of the license

Mr. K. G Mitchell : Exactly Where there is overcrowding on a route, if the Regional Transport Authority has no discretion whatever and has to renew every permit existing on that route in perpetuity, then that overcrowding will remain in perpetuity , and, therefore, the Regional Transport Authority must have discretion not to renew a permit when there are too many Sir, I oppose the motion.

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

" That for sub-clause (*2*) of clause 57 of the Bill, the following be substituted

' (*2*) A permit granted to a person shall be renewed to him on application made to the Regional Transport Authority '."

The motion was negatived

Pandit Lakshmi Kanta Maitra : Sir, I move ·

" That after the proviso to sub clause (*2*) of clause 57 of the Bill, the following further proviso be added

' Provided further that an appeal shall he against an order of refusal of renewal of the permit to the prescribed authority within the prescribed time ' "

The Honourable Mr. A. G. Clow : Sir, I rise on a point of order. I suggest that this point comes in on clause 63 where the Honourable Member has tabled a further amendment and that we might discuss it then If his amendment No 5 on List No 12 is carried, it will fully cover the point he is now making I think that is the proper course and I think we might wait till we come to that clause

Pandit Lakshmi Kanta Maitra : If the Honourable Member can give me an assurance that there will be no arbitrary refusal of the right of appeal, I might do that but

The Honourable Mr. A. G Clow : It is not a question of giving an assurance I may say I am quite favourably inclined to it, but it is a question of where the amendment properly comes I submit that the correct amendment is No 5 on List No 12 I submit this is out of order

Pandit Lakshmi Kanta Maitra : With regard to the point of order raised, I want to submit that it is perfectly in order to table an amendment immediately after the clause against which the appeal is provided

Mr. Deputy President (Mr Akhil Chandra Datta) It is not suggested that amendment No 2 will not be moved The whole point raised is that it will be moved with greater propriety after No. 5. That is the whole point "

Pandit Lakshmi Kanta Maitra · I shall, therefore, withdraw it now

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

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

" That clause 57, as amended, stand part of the Bill."

The motion was adopted

Clause 57, as amended, was added to the Bill.

Clause 58 was added to the Bill

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

" That clause 59 stand part of the Bill "

Sardar Mangal Singh (East Punjab Sikh) Sir, I beg to move :

" That in sub clause (*1*) of clause 59 of the Bill, after the word ' may ', occurring for the first time in the second line, the words ' after hearing the explanation, if any, of the permit holder ' be inserted."

If this amendment is incorporated in the clause, it would read thus

" The transport authority which granted a permit may after hearing the explanation, if any, of the permit holder cancel the permit or may suspend, etc."

The object of this amendment, as the Honourable Members would observe, is to give an opportunity to the permit holder to put his case before the cancelling authority and to plead for it It is a well recognised principle of law that no man should be condemned unheard and I hope that the Honourable the Mover of this Bill will accept this amendment Sir, I move

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

" That in sub clause (*1*) of clause 59 of the Bill, after the word ' may ', occurring for the first time in the second line, the words ' after hearing the explanation, if any, of the permit holder ' be inserted "

The Honourable Mr. A. G. Clow : Sir, amendments Nos 416, 417, 418, 419, 422 and 423 deal with the same point, but in my opinion Prof Banerjea's amendment No 423 is the happiest one in its wording. I would, therefore suggest to the Honourable the Mover of this amendment that he might withdraw it and we might agree to amendment No 423

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

Dr. P. N. Banerjea : Sir, I move

" That to sub-clause (*1*) of clause 59 of the Bill, the following proviso be added :

' Provided that no permit shall be cancelled unless an opportunity has been given to the holder of the permit to submit his explanation ' "

No words of recommendation are necessary, and I hope the Government will accept it.

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

" That to sub-clause (*1*) of clause 59 of the Bill, the following proviso be added .

' Provided that no permit shall be cancelled unless an opportunity has been given to the holder of the permit to submit his explanation '."

The motion was adopted.

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

" That clause 59, as amended, stand part of the Bill "

The motion was adopted

Clause 59, as amended, was added to the Bill

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

" That clause 60 stand part of the Bill "

Pandit Lakshmi Kanta Maitra : Sir, I move

" That in the first proviso to sub clause (*1*) of clause 60 of the Bill, for the word ' fifteen ' the word ' thirty ' be substituted "

In connection with this amendment I only wish to submit to the House that the period allowed in the clause is far too short and I want to have it extended to one month, because, after the death of the owner, the family is generally in mourning and there may be many other circumstances which might make it impossible to inform the authorities within that short period Sir, I move

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

" That in the first proviso to sub-clause (*1*) of clause 60 of the Bill, for the word ' fifteen ' the word ' thirty ' be substituted "

The Honourable Mr. A. G. Clow : Sir, I think Mr Maitra's argument is very reasonable, and I support the amendment

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

" That in the first proviso to sub clause (*1*) of clause 60 of the Bill, for the word ' fifteen ' the word ' thirty ' be substituted "

The motion was adopted

Pandit Lakshmi Kanta Maitra : Sir, I move ·

" That in sub-clause (*2*) of clause 60 of the Bill, the words ' at its discretion ' be omitted "

Sir, in the matter of the transfer of the permit to the successor, I do not want to give the Regional Transport Authority any discretion The arguments advanced by me in connection with the previous amendment apply to this case also, and I do not think that the Regional Transport Authority should be given a discretion in the matter of sanctioning a transfer Moreover, I do not quite see the necessity of the expression " at its discretion " when the word " may " is already there This expression is quite redundant and I hope the Honourable Member in charge of the Bill will make another gesture and accept it Sir, I move

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

" That in sub-clause (*2*) of clause 60 of the Bill, the words ' at its discretion ' be omitted "

The Honourable Mr. A. G. Clow : Sir, I agree that the words are redundant, and I accept the amendment

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

" That in sub-clause (*2*) of clause 60 of the Bill, the words ' at its discretion ' be omitted "

The motion was adopted

Mr. Deputy President (Mr. Akhil Chandra Datta) The question 3. P.M. is :

" That clause 60, as amended, stand part of the Bill "

The motion was adopted

Clause 60, as amended, was added to the Bill

Clause 61 was added to the Bill

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

" That clause 62 stand part of the Bill "

Mr. Suryya Kumar Som : Sir, I beg to move .

" That sub clause (*2*) of clause 62 of the Bill be omitted, and the subsequent sub-clauses be re numbered accordingly "

Sir, sub-clause (*2*) reads

" A Regional Transport Authority when countersigning the permit may attach to the permit any condition which it might have imposed if it had granted the permit, or may vary any condition attached to the permit by the Authority by which the permit was granted "

I would like the House to consider what an absurd situation this might create Supposing a bus, with a permit to carry 25 passengers, starts from Howrah, and then it travels through Bihar Province Supposing the Regional Transport Authority in Bihar wants the bus driver to decrease the number of passengers to 10 or 12

An Honourable Member : Why should he do ?

Mr. Suryya Kumar Som : I say why should you give such a power ? Do you think that the Regional Transport Authority is beyond corruption A body consisting of daffadars chaukidars and sub-inspectors is not expected to be above corruption After the passing of this measure, I will show next year in how many Regional Transport Authorities, daffadars and sub-inspectors and chaukidars have been appointed You will know it by and by At present, I submit, this House should not enact a law whose provisions will be absurd As I was submitting, Sir, supposing a bus starts from Howrah with a permit for 25 passengers and on the way in Bihar, he is asked to decrease the number of passengers, then what has the driver got to do ? Is he to retrace his steps and come back to Howrah ? I submit, a provision like this does not help motor transport industry at all In other clauses you have prescribed that an authority given, say, in Bengal will be all right throughout India, British India and the Indian States There we deal with presumption of some sort, that is reliance on all the transport authorities that is that all the transport authorities are working with the same aim. Why should we suspect that one transport authority is trying to cheat another transport authority or is trying to put a heavier burden

[Mr Suryya Kumar Som]

on the other ? The presumption is that there will be co-operation amongst the different Provincial Transport Authorities and the Regional Authorities Unless we can expect such co-ordination and co-operation, I am sure the working of this measure will come to a standstill. Now, Sir, why this power of attaching a condition to the permit is given to the Regional Transport Authority, I cannot understand. I bring to the notice of the House the absurdity or the difficulty in the actual working of this provision If there is a good reason for the retention of this provision, then I shall reconsider my position Sir, I move.

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

" That sub clause (*z*) of clause 62 of the Bill be omitted, and the subsequent sub-clauses be re numbered accordingly."

Mr. K. G. Mitchell : Sir, I am afraid that my Honourable friend, Mr Som, and his party must be thinking me as a bird of ill-omen by now, but I am afraid I must again oppose this amendment My Honourable friend keeps on basing his argument on the allegation that the Regional Transport Authority will consist of daffadars, chaukidars and others whom he elects to call riff-raff Well, Sir, if he applies his mind from that angle he naturally gets distorted and I may say jaundiced vision of what we propose He says that in practical working the provision of this clause would result in something which he calls absurd But, at least, it has this merit that the result would not be quite so absurd as that which would follow if the amendment proposed by my Honourable friend were accepted Because, in that case, the Regional Transport Authority would not be able to attach any conditions to the permit and would be faced with the alternative of refusing to back any permit presented to it or, on the other hand, losing the entire control in its own region and having to rest content with its right to control traffic in its region being exercised by outside authorities over which he had no control whatsoever Naturally, Regional Transport Authorities will co-operate, but you cannot possibly set up an authority which is responsible for the control of transport in a certain region and then say that it should have no say whatever in the control of vehicles which will come into it from any region at the other end of India for that matter That position, I submit, would be very absurd and I do not think that my Honourable friend's apprehensions as to what would happen under the rather curious authorities which he envisaged are at all justified So, I oppose the amendment.

Mr K Santhanam : Sir, I do appreciate the difficulties pointed out by my Honourable friend, Mr Suryya Kumar Som, so far as this amendment is concerned But we cannot allow motor vehicles from another region to be plied in one region under conditions different from those applying to that region. We have provided for safeguards in clause 43 under which a provincial transport authority has been given power to issue directions to the regional transport authority and clause 63 gives an appeal if any onerous conditions are attached.

Subject to these two safeguards, I suggest that sub-clause (*2*) is necessary and so I would urge upon my Honourable friend to withdraw his amendment.

Dr. Sir Ziauddin Ahmad : Sir, the words " any condition " in sub-clause (*2*) appear to me to be too vague and too large For example, if a permit is given by one authority another Regional Authority may say that they will not allow it to pass through their territory So, I think this requires to be specified a little further, that is, what are the conditions under which they can restrict. But as it stands it is very large, and they can stop on any ground whatsoever

The Honourable Mr. A. G. Clow : Sir, I think my Honourable friend, Sir Ziauddin, is under a misapprehension The Authority can only impose conditions that it could have imposed on an application which was made to it originally That is surely obviously reasonable ; otherwise, there will be the extraordinary position, as Mr Mitchell pointed out, that persons from outside the region will have a more favoured position than those living in it

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

" That sub clause (*3*) of clause 62 of the Bill be omitted, and the subsequent sub-clauses be re-numbered accordingly "

The motion was negatived

Mr. Sri Prakasa (Allahabad and Jhansi Divisions Non-Muhammadan Rural) Sir, I move

" That in sub clause (*4*) of clause 62 of the Bill, after the word ' region ', occurring in the fifth line, the words ' or province ' be inserted "

Sir, I shall briefly describe the difficulty that I am trying to overcome by moving this amendment I have studied the Bill carefully , and I tried to obviate a peculiar difficulty that I have myself experienced by suggesting various amendments to various clauses At last our authority on the Bill, my Honourable friend, Mr Santhanam, has advised me that if I put in this amendment to this particular clause, probably the difficulty that I was worrying over would be eliminated The difficulty is just this Very often in a sudden emergency, a party or members of a family, may employ a stage carriage in order to take them to their destination It may be a case of a sudden illness, for instance, or a desire to visit a fair or a marriage When a stage carriage is so employed, it becomes a contract carriage , and my desire is that when once a stage carriage becomes a contract carriage in those circumstances, it should have the status of a private vehicle, namely, that it should not be put to any difficulties on the road

I believe I can best describe the situation by giving my own experience. At the time of the last Kumbh at Hardwar, I and my family got a stage carriage at Delhi to take us to Hardwar We had to traverse two provinces and four districts and we were worried at the borders of practically every one of these districts All persons who are detailed on duty do not necessarily know the law I armed myself with a permit from the District Superintendent of Police of Delhi

[Mr Sri Prakasa]

saying that I could go to Hardwar But some officials on the road thought that I had to re-register the vehicle in the United Provinces as I had crossed over from the province of Delhi Somehow or other we traversed three districts, when on the border of Muzaffernagar just before crossing into the Saharanpur district, we were finally stopped and they said I must go back about 22 miles to the headquarters of the Muzaffernagar District, namely, the Muzaffernagar City that we had already passed and get my permit endorsed and the carriage re-registered We had to adopt a ruse and we said we would get it registered at Roorkee in the next district, and if we committed any sin we washed it off by a bath in the river at Hardwar So I proceeded and I was able to go and come back safely

But I feel that for such circumstances there should be provisions so that such vehicles may not be worried even when they traverse not only a different region in the same province but go to a different province itself That is why I am moving these two amendments which I have already circulated to the Members of the House and which stand together If this is accepted I shall with your permission move the second one to complete the picture Sir, I move

Mr Deputy President (Mr Akhil Chandra Datta) Amendment moved

"That in sub clause (*d*) of clause 62 of the Bill, after the word 'region', occurring in the fifth line, the words 'or province' be inserted"

Pandit Lakshmi Kanta Maitra: Sir, I fully agree with my Honourable friend, the Mover, when he says that a particular permit issued for a particular purpose contemplated in caluse 61 may be also valid in another province While I fully sympathise with him I also realise some difficulty which is likely to occur even when my friend adds the word "province" after "region". The House will see that clause 61 of the Bill lays down the circumstances under which a temporary permit may be issued to meet temporary emergencies. Of these three particular conditions I think the emergency or the eventuality contemplated in sub-clause (*c*) is the most important, because the need might occur in a moment and also the need may not extend over a long period But clause 62 controls the provisions of clause 61 and prescribes that

"Notwithstanding anything contained in sub-section (*1*), a Regional Transport Authority of one region may issue a temporary permit under clause (*a*) or clause (*c*) of sub section (*1*) of section 61 to be valid in another region with the concurrence, given generally or for the particular occasion, of the Regional Transport Authority of that other region"

So that you have also to get the concurrence of the Regional Authority or the Provincial Authority of an adjoining district or province where you may have to go in pursuance of that urgent need. You cannot do away with that Perceiving that difficulty I tabled two amendments By one amendment I wanted to have the deletion of the portion commencing from "with the concurrence of", etc That is one difficulty I quite realise that in cases contemplated by sub-clause (*a*) and even by sub-clause (*b*) there should be some concurrence of the other Provincial or Regional Authorities, but (*c*) con-

templates cases where a man may not know when his need may arise and how it may arise and how long it may continue For instance, a certain person is in Delhi There is a death in the family and he wants for cremation purposes to take him to Hardwar How can he wait to have the concurrence of the adjoining Regional Authority ? Do you mean to say that the dead body should be preserved till permission is obtained ? Suppose somebody is in Delhi and he has a relation a long way off where he is ill If he likes to see him he has to travel through several districts and provinces Will he have to wait till he gets the concurrence of every Regional or Provincial Authority ? By simply putting in these words you cannot obviate the necessity of having the concurrence of the other Regional or Provincial Authorities My Honourable friend, Mr Chunder, says · "concurrence generally", probably his argument is that at the time of issuing the permit a general condition will be put in the permit ..

Mr. N C. Chunder (Calcutta Non-Muhammadan Urban) There will be a sort of general understanding between the two provinces or between the two regions On these general grounds one Regional Authority will be supposed to have given the concurrence It does not require a countersignature here

Pandit Lakshmi Kanta Maitra : My Honourable friend has given an explanation which explains nothing and which simply complicates things It means there will be secret understandings

Mr. N. C. Chunder : I said "general understanding"

Pandit Lakshmi Kanta Maitra : General understanding does not carry you any further What will be the harm if there is exemption for this particular purpose or for purposes such as marriage parties or tourist parties or funerals or things like that—when you may have immediately to travel a distance passing through several districts and provinces ?

Mr. N C Chunder : I cannot give you understanding

Pandit Lakshmi Kanta Maitra : Nobody can give understanding if he has none and nobody can make elaborate provision for contingencies in advance Therefore, I have tabled an amendment in which I exempt cases contemplated by sub-clause (*c*), in which I say that in such cases no concurrence will be necessary In the case of the other two—(*a*) and (*b*), there may be concurrence , but in a particular case of this nature which may occur any moment without giving timely notice, you should not be called upon to have the concurrence of the other Regional or Provincial Authorities I have not yet moved my amendment ; but if Mr Sri Prakasa's amendment is carried, it will be somewhat better than the original provision I believe, however, that having regard to all the circumstances, my amendment will cover all the situations I do not want to exclude cases covered by (*a*) and (*b*) I want only to exclude cases contemplated by (*c*) With these words, I support the spirit of my Honourable friend's amendment

Mr. K. G Mitchell : Sir, I accept the amendment for the removal of doubt although as the Bill is framed I do not know that it is really necessary. There is nothing to show that the concurrence given by any

[Mr K G. Mitchell]

regional authority should be limited to a regional authority within the province, but if the Mover thinks that this will remove doubts, we will accept it As regards what fell from my Honourable friend, Pandit Lakshmi Kanta Maitra, I do submit that the explanation given by my Honourable friend, Mr Chunder, was a perfectly correct one and covered the whole ground What we contemplate is this and I believe the effect will be this that after these regional authorities get going all over India they will come to a general understanding with each other, when they are established that if at any time any of them issues permits for these temporary purposes it will be accepted by others without countersignature That is the intention of the provision—that concurrence given generally will be given generally and in advance of the issue of any permit I think it will have that effect.

Dr. Sir Ziauddin Ahmad: Sir, I support the motion with two observations My friend, Mr Sri Prakasa, has chosen a wrong leader · had he chosen as leader the man next to him, his attitude to the Bill would have been entirely different But unfortunately he chose a man at a distance and that is the reason why he is responsible for a number of mistakes he has been committing on the floor of this House.

My friend pointed out the other day—and I had no opportunity to reply so far—he objected to my opposition on the ground that I drove my car at the terrific speed of 10 miles an hour—and in case of danger 5 miles I would remind him of the story of the blind man who was carrying a lantern and who was asked why he carried a lantern being blind himself He replied that he did so not for his own benefit, but for the benefit of others, so that other people might see that he was walking So when I drive at 5 miles it is not for my benefit but for the benefit of people who drive at 60 miles an hour or more like the chauffeur of my friend who is sitting next to him With these words, I support the motion

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

"That in sub-clause (*d*) of clause 62 of the Bill, after the word 'region', occurring in the fifth line, the words 'or province' be inserted"

The motion was adopted

Mr Sri Prakasa: Sir, I move ·

"That to sub clause (*d*) of Clause 62 of the Bill, the words 'or of the Provincial Transport Authority of that other province as the case may be' be added at the end"

Sir, I want to assure my Honourable friend, Mr. Maitra, that I have the fullest sympathy with the views he has expressed ; and if I had my own way probably one half of the Bill would have been deleted. But, Sir, I am assured that human nature is very bad ; and that even the best laws are liable to be abused by those who are interested in abusing them Therefore, I was told that if I moved the more drastic of my amendments I might be giving cause for abuses That is why I withdrew those and adopted this one which I was assured was liable to the least amount of abuse This particular sub-clause pertains to (*a*) and (*c*) of sub-clause (*1*) of Clause 61 ; and it is really only a

to meet sudden emergencies Therefore, it is quite possible that the permits issued under this sub-clause may not be for the whole period of four months as stipulated in Clause 61 , but may be only for seven days or 14 days I am further assured that there will be what Dr Ziauddin Ahmad would call a gentleman's agreement between various provinces and perfect reciprocity, so that the provinces of Delhi, the Punjab, the United Provinces, Bengal, Bihar and others will all have similar rules I am also assured by Mr Mitchell that his department is preparing model rules which probably all the provinces would adopt My purpose in moving this amendment was particularly to draw his attention to the necessity of some such provisions so that in his model rules, he may suggest to the provinces to have adequate and equitable provisions in order that all these difficulties may be overcome and we might be able to employ stage carriages for temporary purposes without any difficulty and without any danger of interference on the road by various subordinate authorities I am sure that the addition of these words would elucidate the clause, remove all misunderstanding and make things easy for all concerned Sir, I move

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

" That to sub-clause (*d*) of Clause 62 of the Bill, the words ' or of the Provincial Transport Authority of that other province as the case may be ' be added at the end "

The Honourable Mr. A G. Clow : Sir, this appears to be purely consequential on the preceding amendment, and I accept it

Mr Deputy President (Mr Akhil Chandra Datta) · The question is

" That to sub clause (*d*) of Clause 62 of the Bill, the words ' or of the Provincial Transport Authority of that other province as the case may be ' be added at the end."

The motion was adopted

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

" That clause 62, as amended, stand part of the Bill "

The motion was adopted.

Clause 62, as amended was added to the Bill

Mr Deputy President (Mr Akhil Chandra Datta) · The question is ·

" That clause 63 stand part of the Bill "

Pandit Lakshmi Kanta Maitra : Sir, I move

" That after sub-clause (*b*) of clause 63 of the Bill, the following new sub-clause be inserted, and the subsequent sub-clauses be re-lettered accordingly .

' (*c*) aggrieved by the refusal to transfer the permit to the person succeeding on the death of the holder of a permit ; or '."

Sir, as the purpose of this amendment has been explained before, I need only move this. Sir, I move.

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

"That after sub-clause (*b*) of clause 63 of the Bill, the following new sub-clause be inserted, and the subsequent sub-clauses be re-lettered accordingly

'(*c*) aggrieved by the refusal to transfer the permit to the person succeeding on the death of the holder of a permit; or',"

The Honourable Mr. A. G. Clow: Sir, I see no objection to this amendment

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

"That after sub-clause (*b*) of clause 63 of the Bill, the following new sub-clause be inserted, and the subsequent sub-clauses be re-lettered accordingly

'(*c*) aggrieved by the refusal to transfer the permit to the person succeeding on the death of the holder of a permit, or'"

The motion was adopted.

Pandit Lakshmi Kanta Maitra: Sir, I move

"That after sub clause (*c*) of clause 63 of the Bill, the following new sub-clause be inserted, and the subsequent sub-clauses be re lettered accordingly

'(*d*) aggrieved by the refusal of renewal of a permit, or'"

Sir, the amendment speaks for itself As my Honourable friend, Mr Clow, has accepted the other giving the right of appeal, I hope he will give the right of appeal in this case also Sir, I move

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

"That after sub clause (*c*) of clause 63 of the Bill, the following new sub clause be inserted, and the subsequent sub-clauses be re-lettered accordingly.

'(*d*) aggrieved by the refusal of renewal of a permit; or'"

The Honourable Mr. A G Clow: I see no objection to this amend ment, but I wonder whether the numbering is correct

Pandit Lakshmi Kanta Maitra: It will have to be done in drafting

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

"That after sub-clause (*c*) of clause 63 of the Bill, the following new sub-clause be inserted, and the subsequent sub-clauses be re-lettered accordingly:

'(*d*) aggrieved by the refusal of renewal of a permit, or'"

The motion was adopted

Mr. F. E. James (Madras European) Sir, I move

"That to clause 63 of the Bill, the words 'who shall give such person an oppor tunity of being heard in person or by an authorised representative be added at end"

I do not know whether it is necessary to say anything in commendation of this amendment The point is, as the clause stands, it would be possible for the authorities to prescribe such rules as would preclude a personal representation by the person who is aggrieved. There is, in fact, in the Madras Motor Vehicles Rules, No 222, a rule to the effect that no person or body of persons may claim as a right to be present at any meeting of the Board of the Central Board, and the Central

Board is the appellate authority for various Regional Transport Authorities. Therefore, according to this rule, a person who is aggrieved has not the right to be present to put his case either in person or through an accredited representative. Therefore, I think it is necessary to provide in the Statute that a person who is aggrieved should have the right to be heard in person or by an authorised representative I hope the Government will accept this amendment Sir, I move

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

" That to clause 63 of the Bill, the words ' who shall give such person an opportunity of being heard in person or by an authorised representative ' be added at end."

Mr K. Santhanam : Sir, I think there is some difficulty about this amendment This amendment allows only one party to be heard. The opportunity for both sides to be heard is already covered in clause 67 (*2*) (*i*), and I think this amendment is not quite necessary

The Honourable Mr. A. G. Clow : Sir, I think we are making procedure a little more elaborate It is certainly contemplated that the rules to be made under section 67 (*2*) (*i*) would provide for this kind of thing As Mr Santhanam has pointed out, this allows only one party to the appeal to be heard. ...

Mr F. E James : May I make a point, Sir ? Even if Clause 67 stood, it does not cover the case where, as a matter of fact, the authority, that is to say, the appellate authority prescribes, or rather the Provincial Government prescribes that the appellate authority need not necessarily hear as a matter of right persons who are aggrieved against the order by a local authority That is why we were anxious to provide that he should have that right There is no provision here whereby the lower authority itself should be heard Surely, if this is provided, the Provincial Government may be quite sure that the authorities making the orders against whom the appeal is preferred will themselves have the right ....

Mr Deputy President (Mr. Akhil Chandra Datta) . The Honourable Member cannot make a second speech

The Honourable Mr A G. Clow : I do not propose to oppose the amendment I would only say that we may have to consider later whether we should not make a modification to cover the point more amply

Mr S. Satyamurti : (Madras City Non-Muhammadan Urban) Sir I would suggest to the Honourable Member in charge that to accept the amendment, as it is, is a very defective method Either you leave it to the rule making authority to make rules, for 67 (*1*) says

" A Provincial Government may make rules for the purpose of carrying into effect the provisions of this Chapter "

Therefore it can easily be provided that in these appeals the appellant should have an opportunity of being heard, but I am very anxious that, if you are going to have a specific provision of giving an opportunity to the appellant being heard in the statute itself, you should equally make a provision for the authorities concerned of being heard also ; otherwise, it will mean that the Statute provides for the hearing

[Mr. S. Satyamurti]

of only one side My own feeling is, and my respectful advice to my friend is, not to accept the amendment as it is for the present, but to accept an amendment later on which my friend, Mr Chettiar, is going to move in clause 67 to provide for the rule making power for the conduct and hearing of appeals,—that is No 19 in supplementary list No 8, which says

"That after part (a) of sub clause (2) of clause 67 of the Bill the following new part be inserted and the subsequent parts be re lettered accordingly

'(b) the conduct and hearing of appeals that may be preferred in this matter"

That will give ample powers specifically to the Provincial Governments for making rules for the conduct and hearing of appeals I agree with my Honourable friend, Mr James, that the appellant must have an opportunity of being heard I am only anxious that the other authority must also have an equal opportunity, and I think we may well trust the Provincial Governments, when making rules, to provide for the proper conduct of appeals I think it will be much better for my friend to withdraw the amendment, and for the House to accept the later amendment, which will make both parties equal before the appellate authorities.

Mr P. J. Griffiths (Assam European) . The amendment suggested by my Honourable friend, Mr Satyamurti, will not meet the case, for it still leaves it open to a Provincial Government not to allow an appellant to appear That is not a theoretical danger, for, in fact, the present rule made by the Madras Government does contemplate that persons concerned shall not be entitled to be present We want to make it clear that a person aggrieved by such a drastic order as the cancellation or suspension of a permit shall have the inalienable right of appearing in person or by a representative before the appellate authority The amendment referred to by my friend, Mr Satyamurti, deals with the conduct and hearing of appeals that may be preferred, but makes no reference whatsoever, the right of either party to be present and be heard at the appeal We should have no objection to any amendment giving the authority, against whose order the appeal is preferred, a right to be heard, but simply because my Honourable friend, Mr Satyamurti, has not moved any such amendment, that cannot affect the justice of our claim that the person aggrieved shall have an opportunity of being heard in person before the appellate tribunal

Dr. P. N Banerjea : I would appeal to the Honourable Mr Clow to accept this amendment

Mr M Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor Non-Muhammadan Rural) May I suggest a further amendment to this amendment so that it might be acceptable to the House ? After the words "such person" add the words "and the original authority", so that it would read thus, "who shall give such person and the original authority an opportunity of being heard in person"

The Honourable Mr. A G Clow : Stop with the word "heard" and omit the words "in person or by an authorized representative".

Pandit Lakshmi Kanta Maitra : May I remind my Honourable friend that in every appeal the appellate authority calls for the records of

the case and also, an explanation from the lower court, and as a matter of fact, the original authority gets some opportunity of being heard That is the common procedure in every criminal case

Mr M Ananthasayanam Ayyangar : Far from that On the other hand, our experience is that, when a person prefers an appeal, it is his right to be heard But the other person, being a statutory authority and not being a rival party to the suit, need not be heard unless there is a specific provision made If this slight modification I have suggested is agreed to, there is no objection to this amendment being passed

The Honourable Mr. A G. Clow : I have no objection I am prepared to accept this amendment, which will then read as follows, " who shall give such person and the original authority an opportunity of being heard "

Mr. M. Ananthasayanam Ayyangar : With your permission, and if the House gives me leave, I beg to move

" That after the word ' person ' in the original amendment the words ' and the original authority ' be added, and after the word ' heard ' the rest of the words, namely, ' in person or by an authorized representative ' be omitted "

Then the original amendment with my modification will read thus :

" who shall give such person and the original authority an opportunity of being heard."

The Honourable Mr. A G Clow . I have no objection

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

Mr President (The Honourable Sir Abdur Rahim) I understand that the modification proposed by Mr Ayyangar is not objected to The question is

" That to clause 63 of the Bill, the words ' who shall give such person and the original authority an opportunity of being heard ' be added at the end "

The motion was adopted.

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

" That clause 63, as amended, stand part of the Bill "

The motion was adopted

Clause 63, as amended, was added to the Bill

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

" That clause 64 stand part of the Bill "

Maulvi Abdur Rasheed Chaudhury : Sir, I move

" That in sub-clause (1) of clause 64 of the Bill after the word ' shall ' the word ' knowingly ' be inserted "

We had a good deal of discussion about the insertion of the word " knowingly " on a previous day I need not go into all that, but let me here give one example. Suppose a relation has come to the house of the owner of a motor car. He instructs the driver to go to his house and come back Suppose that man instead of taking rest after 5½ hours drives

[Maulvi Abdur Rasheed Chaudhury]

for six hours, that is the fault of the driver and not of the owner I submit that for the fault of the driver the owner should not be prosecuted That is the reason behind this amendment, and I hope the House will accept it

Mr President (The Honourable Sir Abdur Rahim) Amendment moved

"That in sub-clause (*1*) of clause 64 of the Bill after the word 'shall' the word 'knowingly' be inserted"

Mr N M. Joshi (Nominated Non-Official) I oppose this amendment If the Honourable the Mover of the amendment had read the first three sentences of this clause, he would have found that no person can really unknowingly cause another person to drive, nor can he unknowingly allow another person to drive I, therefore, feel that this amendment should not be accepted

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

"That in sub-clause (*1*) of clause 64 of the Bill after the word 'shall' the word 'knowingly' be inserted"

The motion was was negatived

Pandit Lakshmi Kanta Maitra: Sir, I move

"That in sub-clause (*1*) of clause 64 of the Bill, after the word 'him', occurring in the second line, the words 'on a fixed pay' be inserted"

I will at once give the House my reasons for adding these words It may not be known to many of us here that there is a practice prevalent in many cities where the motor cars, taxi cabs and transport vehicles are run by men who don't draw any fixed salary They are employed on a commission basis In other words a share, a certain portion of the gross income earned by the taxi drivers or transport vehicle drivers is paid to them as wages This is a practice very much prevalent in the city of Calcutta and if the sub-clause, as it stands, is enacted into law, it may mean tremendous hardship to people who are employed on a commission basis The House will notice that there is a provision in sub-clause (*b*), in which it has been provided that nobody will be permitted to work for a period exceeding 11 hours I can tell the House from my own experience that these taxi drivers have very often to wait for hours for their turn to have a customer and it may very often happen that in a particular motor stand where 50 or 70 cars stand in succession, before the last man can have a chance he may have finished his 11 hours and just at the time when somebody will employ him and pay him handsomely he will be asked to go away If, as I understand it this section is intended to give some relief to drivers who are generally over-worked, then we should be well advised in accepting this amendment Otherwise we may be injuring the cause of the people who are employed on a commission basis Instead of helping the man, we may be ruining him I don't think I need elaborate my argument I want that this question of fixed pay should be introduced so that people who are in fixed pay may not be overworked

An Honourable Member: Read sub-clause (*6*)

Pandit Lakshmi Kanta Maitra : In sub-clause (*6*), there is a provision that there should be a record of duty maintained, that Local Governments may provide rules by which a particular period is to be treated as rest If you are really friends of labour, as my Honourable friend, Mr Joshi, is, then you must accept this amendment I have no other interest in this matter. I only want to help these people who are actually working on a commission basis Sir, I move

Mr President (The Honourable Sir Abdur Rahim) Amendment moved

" That in sub-clause (*1*) of clause 64 of the Bill, after the word ' him ', occurring in the second line, the words ' on a fixed pay ' be inserted "

Mr. N. M Joshi : I rise to oppose this amendment I assure my friend, Mr Maitra, that if I had the least suspicions in my mind that the original clause would hurt the cause of these taxi drivers, I would not oppose his amendment The regulation of the hours of work are intended for two purposes In the first place, they are necessary for public safety and secondly, from the point of view of the employees themselves From the point of view of public safety, it is wrong that people should be permitted to remain on duty without rest for an unconscionably long time

Pandit Lakshmi Kanta Maitra : I never said that

Mr N M Joshi : Secondly, the hours of work permitted under this section are sufficiently long to enable a man to earn a living, if there is a chance of his earning his living Thirdly, the section does not punish the man who works The section punishes the man who causes him to work or allows him to work So, the owner of the motor car will be punished and not the driver Therefore, Sir, the amendment should be opposed

Prof N G Ranga (Guntur *cum* Nellore Non-Muhammadan Rural) I have no doubt in my mind that this amendment, if carried, will certainly not benefit the workers Once this amendment is carried, there will not be any paid employees at all It will be so arranged that everybody will be taken as a sort of honorary worker or a sharer in the profits, and so on, and they will thus get out of the mischief of the section An employer will take these men on some sort of contract or agreement or as helpers or on commission basis and then it will be impossible for this law to catch hold of that particular employer I cannot really understand how anyone who has the welfare of the workers at heart and the safety of the pedestrians

(It being Four of the Clock.)

MOTION FOR ADJOURNMENT.

MISHANDLING OF THE SHIVA TEMPLE AFFAIRS IN DELHI.

Mr. President (The Honourable Sir Abdur Rahim) : Mr. Bajoria ;

Babu Baijnath Bajoria (Marwari Association : Indian Commerce) Sir, my main object in moving the adjournment motion was that the terms of settlement arrived at between the Hindus and Muslims of

[Babu Baijnath Bajoria]

Delhi and accepted by the Government after long consideration may be adhered to by the Government, and that the enquiry, to find out the *status quo* position by Rai Bahadur Joseph Thakur Das may be proceeded with and concluded as early as possible to allay the tension prevailing in Delhi. I understand that certain talks took place between the Honourable the Home Member and certain leading Members of this House in this direction As a result of these talks, the Home Member has agreed to accept a short notice question which will be sent to him today and he has promised to reply to it and make a statement on the matter In view of these circumstances, Sir, I agree to wait till the Home Member makes his statement, and, therefore, I do not think it advisable to move my adjournment motion today

Mr. President (The Honourable Sir Abdur Rahim) I cannot allow that sort of withdrawal If the Honourable Member wishes to move the motion, he is at liberty to do so, but he cannot say that " I shall wait till some statement is made, and I shall then consider " The question is—does the Honourable Member wish to move this motion ?

Babu Baijnath Bajoria : No, Sir

Dr Sir Ziauddin Ahmad (United Provinces Southern Divisions . Muhammadan Rural) On a point of order, Sir Mr Bajoria made a certain statement which is on the record, and if you will allow my friend, Mr Ghulam Bhik Nairang, to make a counter statement, that may also be on the record

Mr President (The Honourable Sir Abdur Rahim) . The Honourable Member, Mr Bajoria, has only given some reason why he does not wish to move this motion Has the Honourable Member the leave of the House to withdraw his motion ? (*Voices* " Yes, yes.")

The motion was, by leave of the Assembly, withdrawn

THE MOTOR VEHICLES BILL—*contd.*

Prof. N. G Ranga : Sir, this Bill is brought forward with a view to minimising road accidents also Now, we have to save the passengers, the driver and all these people, the pedestrians, and the drivers of all these vehicles from risk by applying these rules. Therefore, if we want to attain the object of this particular Bill, we must have this , of course, we have no objection to those people who say that they do not want this Bill at all They are self-condemned, but those who want this Bill must agree that even the other people who do not come in specifically, the employees will have to be insured against and saved So I request my friend, Pandit Lakshmi Kanta Maitra, not to press this amendment.

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

" That in sub-clause (*i*) of clause 64 of the Bill, after the word ' him ', occurring in the second line, the words ' on a fixed pay ' be inserted "

The motion was negatived

Mr. N M. Joshi . Sir, I move

"That in part (*a*) of sub-clause (*1*)of clause 64 of the Bill, the words 'and a half' be omitted."

The object of this motion is to reduce the period of working, without an interval, from five and a half hours to five hours During the general discussion my Honourable friend, Dr Dalal, who knows a good deal of medicine and knows what things are good for people's health, had stated that it was absolute cruelty and wickedness to expect drivers to work continuously for more than four hours, I would have liked to support the motion of the European Group that these hours of work should be forty but they are not prepared to move that amendment and I have no other amendment So I move my modest amendment that the hours of work should be reduced from five and a half to five hours I feel that the House will accept this amendment

Mr President (The Honourable Sir Abdur Rahim) · Amendment moved

"That in part (*a*) of sub-clause (*1*)of clause 64 of the Bill, the words 'and a half' be omitted"

The Honourable Mr A. G. Clow : Sir, I am disposed to agree with my Honourable friend, Mr Joshi, that five hours is long enough and I support the amendment

Dr. Sir Ziauddin Ahmad : Sir, I should like one point to be elucidated Suppose a driver is driving and he comes across a barrier where he stops for half an hour Now, will this half an hour count as continuous work or as rest ? If it counts as continuous work, then I strongly oppose Mr Joshi's amendment, but if this half an hour's halt at a barrier is excluded, then I will support the motion I would like to know whether this period of halt at a barrier will count as work or not

The Honourable Mr. A. G. Clow : If the Honourable Member will refer to sub-clause (*6*), he will find that the Provincial Government will determine the point

Dr. Sir Ziauddin Ahmad : Then I am opposing the motion, Sir, if we leave it to the Provincial Government to decide whether such a halt is to be counted as working time or as rest Now this thing is not decided at all—in what way the Provincial Government will interpret the rules, and it is quite possible that Provincial Governments may interpret it in a different manner ; and it is not desirable to lower the hours of work in view of the uncertainty whether it will count as work or not. Now, some drivers, driving a car at 20 miles manage to have a rest of five or ten minutes for rest to the engine and also to change water, etc., and very often while travelling long distances they do make a halt in order to have some water or refreshments, etc. Now if all this period of halt is counted as work, I think five hours are a very small period for continuous work With these words, I oppose the motion

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

"That in part (*a*) of sub-clause (*1*) of clause 64 of the Bill, the words 'and a half' be omitted."

The motion was adopted

Maulvi Abdur Rasheed Chaudhury : Sir, I beg to move :

" That in part (*a*) of sub clause (*1*) of clause 64 of the Bill, after the word ' hours ' the words ' at a time continuously ' be inserted."

Sir, the draftsmanship of this Bill is so perfect that it is very difficult to understand sometimes what is meant by this clause or by that clause The idea underlying my amendment is that if the words " at a time continuously " are added after the word " hours ", the purposes of this sub-clause (*1*) will be explicit What I wish to say is that the working should be clear If a man drives a car for more than 5 hours at a time continuously, he should be punished and not otherwise The wording in this sub-clause may be clear according to the Honourable Members of this House, but to me it is not clear If these words include ' at a time continuously ', then I will not press my amendment , but if they do not include these words, then I will press my amendment I would like to hear the views of the Honourable Member in charge of the Bill

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

" That in part (*a*) of sub clause (*1*) of clause 64 of the Bill, after the word ' hours ' the words ' at a time continuously ' be inserted "

The Honourable Mr. A. G. Clow : I think, Sir, this would introduce confusion where the clause is clear already As I read it, it would mean that if a man stops for 10 minutes, he would not be working continuously This would mean sometimes that the man will have to work for 24 hours

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

" That in part (*a*) of sub clause (*1*) of clause 64 of the Bill, after the word ' hours ' the words ' at a time continuously ' be inserted "

The motion was negatived

Dr. P N Banerjea : Sir, I beg to move

" That in sub clause (*a*) of clause 64 of the Bill, for the words ' half an hour ' the words ' one hour ' be substituted "

Sir, it seems to me that half an hour is too short even as a period of rest and probably this period of rest includes the time which is required to enable the driver to have his meals and also his bath For these reasons, I suggest that this interval should be one hour and not half an hour.

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

" That in sub-clause (*a*) of clause 64 of the Bill, for the words ' half an hour ' the words ' one hour ' be substituted."

The Honourable Mr. A. G. Clow : Sir, I am quite prepared to admit that in some cases half an hour may be too short, but the point is that by putting in an hour invariably you may be doing a great disservice to motor drivers Experience in other spheres of work shows that men very often prefer not to have too long a day and would be willing to cut down the interval that is provided I think as a minimum that is adequate. The driver would normally, I imagine, take a longer interval when he requires it.

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

"That in sub clause (*a*) of clause 64 of the Bill, for the words 'half an hour' the words 'one hour' be substituted"

The motion was negatived.

Mr. Suryya Kumar Som : Sir, I beg to move

"That part (*b*) of sub-clause (*1*) of clause 64 of the Bill be omitted, and the subsequent part be re-lettered accordingly."

Sir, I find that clause 64 will work very well without this sub-clause (*b*). Not only that, my apprehension is that this sub-clause (*b*) will create difficulties in long distance travel. We find that the hours of work in a day have been fixed and the regular intervals on a continuous working have also been provided for. So, it is not necessary to say that a driver will have to be given rest of 11 hours after 11 hours of work. That will create a situation which will make long distance travel impossible. I will give you an illustration. A gentleman starts from Calcutta for Delhi by car. Now, after covering about half the distance, the driver would have worked for 11 hours. In that case, the owner of the car with his family and servants will have to wait for one full day before he can start again. I do not think the Mover of the Bill contemplates a situation like this. So, I propose that the limit of working hours in a week be fixed and also the limit of rest after continuous working and then leave the clause as it is. The driver will not suffer because he will have to work for certain hours in a week.

Mr. N. M. Joshi : For how many hours should he work every day ?

Mr. Suryya Kumar Som : That is another matter. If the House thinks, let it decrease the number of hours in a week. But that is not the point here. Fix a reasonable number of hours for work and then give him an interval of rest in order to drive away the fatigue. That is what a worker wants. But, if you say that after 11 hours drive he must have 11 hours rest, that will make it absurd. Therefore, I propose that this sub-clause be deleted.

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

"That part (*b*) of sub-clause (*1*) of clause 64 of the Bill be omitted, and the subsequent part be re-lettered accordingly"

Mr. N. M. Joshi : Sir, I rise to oppose this amendment. This amendment permits the driver to work 54 hours continuously by instalments of five hours with half an hour's rest. I think it is not in the public interest that a driver of a motor car should be permitted to work, without sufficient rest, continuously throughout the day with only half an hour's rest at intervals of five hours. I am sure it is not only not in the interests of the driver himself but it is not in the interests of the public that a tired driver should be permitted to be in charge of a motor car. I have got an amendment to sub-clause (*b*) which I shall move afterwards. This sub-clause puts a limit to the daily hours of work, besides putting a weekly limit. The weekly limit put down in the original clause is 54 hours and the daily limit permitted by sub-clause (*b*)

[Mr N M Joshi]

is 11 hours with a continuous rest which is absolutely necessary in order that a man should feel fresh and be ready again to do another period of long hours of work I, therefore, hope the House will not accept this amendment

Mr. N V. Gadgil (Bombay Central Division Non-Muhammadan Rural) Sir, I rise to oppose this amendment and I am surprised that it has been moved in this House Only during the course of the last three months in the Punjab alone, there have been 62 fatal accidents and one of the main causes given was that many of the drivers were found sleeping while driving If by sub-clause (c) we provide the maximum hours of work in a week to be 54, then there must be some corresponding limit in that period per day Even as it is, the period of 11 hours per day is much too much But if you want to delete it, then it will only mean that there will be no limitation and he will run for all the 24 hours with consequences fatal to himself and to the passengers.

Dr Sir Ziauddin Ahmad: Sir, there are two points to which I should like to draw the attention of the House I want to know whether in the case of railways, similar restrictions are put as to the hours of work for railway servants as you now want to put for motor transport I think we will be placing the motor transport under very great disadvantage if we restrict the hours of work and make no restrictions as regards railway workers I hope the Honourable Member in charge of Railways will say on the floor of the House whether, whatever hours of work he proposes for motor transport workers, he will enforce the same in the case of railway workers The second point is this Suppose a motor driver takes a car from Simla to Kalka and the scheduled time is really 4 hours , but on account of certain things that happen on the way, probably either the passengers wanted to have longer hours of stay at Solon or due to some other reason, the 5½ hours which a driver is expected to work are finished at some place say at Dharampur then does it mean that as soon as the 5½ hours are over, the driver should strike work and say ' My time is up. I do not care for the passengers I shall take rest '. In this case there ought to be some kind of provision for such extraordinary things These should not be considered working time I think it is not right to leave this matter to the Provincial Governments I should therefore like to have an assurance from the Honourable Member about the period of work for railway servants There should also be a hint thrown to Provincial Governments that these long halts should not be counted as continuous period of work Supposing there is a marriage party taking a lorry from one place to another The driver cannot leave the party to their fate somewhere before reaching the destination on the ground that he has finished his 5½ hours of work

The Honourable Mr A. G. Clow: As regards railways, I do not think this is really relevant but the point is covered by the Indian Railways Act which normally provides for 60 hours a week in such branches of railway work which are mentioned there and to which the provision may be extended But it has to be remembered that that provision is applied to all kinds of work such as sitting in stations, etc I have not the slightest doubt that driving a motor car involves a far greater strain than any work you perform on the railway I have done a good deal of driving

myself and I should not care personally to drive for more than six hours any day , and to remove the provision so that you can drive for 20 hours a day, I think, would be absurd

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

" That part (*b*) of sub-clause (*1*) of clause 64 of the Bill be omitted, and the subsequent part be re-lettered accordingly "

The motion was negatived

Mr. N. M. Joshi : Sir, I beg to move :

" That for part (*b*) of sub-clause (*1*) of clause 64 of the Bill, the following be substituted :

' (*b*) for more than nine hours in one day ' "

Sir, sub-clause (*b*) of this clause 64 provides that the hours of work should be 11 hours in a day I feel that the period is too long both from the point of view of safety of the public and from the point of view of the health of the driver himself Eleven hours is too long a period of work with only half an hour's interval, and I am, therefore, suggesting that the daily hours of work should be nine While asking this House to approve my amendment, I am giving a concession to the people who do not want regulation of daily hours of work and that concession is, I am not insisting that there should be a continuous rest for 11 hours The continuous rest may be 5, 6 or 7 hours or whatever it may be I am omitting that clause where continuous rest of 11 hours is insisted If we keep 11 hours of work daily as it is put in sub-clause (*b*) of clause 64 and have a weekly limit of 54 hours of work, then in a week the hours are not properly distributed I would certainly prefer shorter hours of work every day and one day's rest in a week to longer hours every day and two days' rest in a week I, therefore, hope that my amendment will be accepted by Government and I have no doubt that the Congress Members will also accept this amendment

Mr. President (The Honourable Sir Abdur Rahim) Amendment moved

" That for part (*b*) of sub-clause (*1*) of clause 64 of the Bill, the following be substituted :

' (*b*) for more than nine hours in one day '."

Sir Muhammad Yamin Khan (Agra Division Muhammadan Rural) Sir, I rise to oppose the amendment This point has been debated at length in the Select Committee and we gave full consideration to this point Of course, I do not like that any driver continuously works for 11 hours every day or even four or five days a week Perhaps my Honourable friend, Mr Joshi, does not know how motor buses are run , otherwise he would not have moved this amendment A motor lorry runs from Kashmir to Rawalpindi It starts at 6 o'clock in the morning in Kashmir and reaches Rawalpindi at about 8 or 9 o'clock at night the same evening Otherwise, the passengers will have to make two days trip if the driver is not allowed to make one full day's journey Then the driver, after making a full day's journey, does not travel the next day but he takes one full day's rest, that is, 24 hours rest Although the driver does one full day's driving, he gets sufficient period of rest, say three or four hours

[Sir Muhammad Yamin Khan.]

rest and even longer rest on one day. There are many other places say from Bulandshire to Delhi or from Delhi to Rohtak and so on The driver gets up early in the morning and after making the trip he has to go back in the evening My Honourable friend, Mr Joshi, seems to have misunderstood this, that the driver will have to be driving all the time The fact is he is not driving all the time He is supposed to work, even if he is sitting in the motor lorry or if he is doing cleaning work Even the period when he keeps quiet is calculated in the 11 hours duty That is why the Select Committee made it into 11 hours It was not the idea that a driver must be driving continuously for 11 hours That covers the period when he is off duty and it includes the period when he cleans or washes or fills the water or fills mobil oil and so on, or any kind of work connected with the motor All these things have been taken into consideration and I do not think they involve such a strain as was contemplated when the Honourable Member for Communications said that the motor driver has to undergo a lot of strain which is far greater than that of the railway people. If actual driving had been done for 11 hours that would be impossible and I would be the first to support Mr Joshi. But here it is 11 hours' work and work means that it may be six hours' work in the morning and five hours in the evening and he has the rest of the time to himself So in 24 hours that does not come to much After taking these things into consideration I suppose my Honourable friend, Mr Joshi, will see his way to withdraw his amendment

The Honourable Mr. A. G. Clow Sir, I think my Honourable friend, Sir Yamin Khan, has unintentionally rather confused the issue When the Bill was introduced it followed the principle which, I believe, is accepted in England and including all the waiting periods as driving However long the waiting periods were they were reckoned as driving The provision then said that any time spent by a driver on other work in connection with a vehicle or the load carried, etc., " shall be reckoned as time spent in driving " Now the Select Committee have deleted that clause and they have substituted instead sub-clause (*6*) of this clause, and that is the clause which, in effect says that the Provincial Government may determine how far the maxim, " They also serve who only stand and wait," shall be applied to motor drivers If they do not frame rules under sub-clause (*6*) then I think that intervals which are not spent on actual work do not come into the reckoning at all

As regards the Kashmir road I was rather shocked to hear my Honourable friend's description of the conditions and rather sorry that this Bill will not apply to the greater part of that road Sir, I support the amendment

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

" That for part (*b*) of sub-clause (*1*) of clause 64 of the Bill, the following be substituted :

' (*b*) for more than nine hours in one day '."

The motion was adopted.

Pandit Lakshmi Kanta Maitra Sir, I move

" That in part (*c*) of sub clause (*1*) of clause 64 of the Bill, for the word ' fifty four ' the word ' sixty-three ' be substituted "

Sir, I am afraid I shall incur the displeasure of my Honourable friends, Mr. Joshi and Prof Ranga, for trying to increase the hours of work of the drivers But the matter deserves very careful consideration as to whether by increasing the number of hours to 63 we are really causing hardship to the people engaged in the motor transport industry Sir, in connection with the previous amendment I have heard it argued that by driving continuously for a long period of time not only the driver incurs the risk of causing accidents and injuries but he also injures himself But, Sir, I believe it is in the experience of many of us that it is not physically possible for any mechanical vehicle propelled either by steam or by petrol or by any other propelling agency to move on continuously for three hours Honourable friends will only consider that if a car is allowed to run for a period of 3 or 4 hours without any stop, the radiator and the engine will be in such a heated condition that it will be danger to life of the people in the car · and it is to the interest of the carowners as also of the drivers to stop occasionally after going some distance so as to protect the engine, tyres and tubes So it is not a fact that a driver goes on driving his car continuously for hours and hours It is not physically possible Another consideration that arises in connection with this amendment is this What is the period of work provided for labourers in other departments ? I do not think that the International Labour Convention of 54 hours is accepted in trades, in factories and in perennial industries That is one point The second point is that in the Railways Act there is a provision for the number of hours for which a particular railway employee can be employed Attention may be drawn to the Indian Railways Act, Chapter VI-A, section 71-C, in which it is provided ·

" A railway servant other than a railway servant whose employment is essentially intermittent shall not be employed for more than 60 hours a week on the average in any month "

Sub-clause (*2*) lays down

" A railway servant whose employment is essentially intermittent shall not be employed for more than 84 hours in any week "

Therefore, if you enact this provision into law you will be placing the motor transport industry into a disadvantageous position as compared with the rival transport system of railways where the hours of work are much higher and are statutorily fixed in the Railways Act in the sections to which I have drawn attention If we cannot interfere with the fixed hours of work on the railways, whether intermittent or not why should we lower the period of labour in the case of motor transport ? Why not make it 63 ? There would then be equality of conditions between the two rival systems of transport in the matter of working hours As I said I refuse to believe that a railway engine driver has to undergo any less strain than a motor driver While a motor driver can have adequate rest even when on duty, an engine driver cannot have rest except at certain big stations especially in the case of mail trains By reducing the number of working hours to 54 we will be indirectly hitting the motor transport industry itself Sir, I move.

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

" That in part (*c*) of sub clause (*1*) of clause 64 of the Bill, for the word ' fifty-four ' the word ' sixty-three ' be substituted "

The Honourable Mr. A G. Clow · Sir, this is a curious amendment in form because if we look at clause (*b*) as amended by Mr Joshi, it provides for a nine-hour day so that in providing for a sixty-three hours week, we really do nothing whatever—we might just as well omit this clause The effect will be the same if you omit this clause as if you put in a 63 hours limit I am not myself enthusiastic about this weekly limit, not because I think it unsound in principle, but because I anticipate very great difficulties in enforcing it I think reliance will have to be placed mainly on the daily limit in controlling hours But I think it will generally be agreed that if a man is working 9 hours a day continuously, six days a week are enough for this type of work and therefore the limit of 54 hours is sound in principle if difficult in practice.

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

" That in part (*c*) of sub clause (*1*) of clause 64 of the Bill, for the word ' fifty-four ' the word ' sixty-three ' be substituted "

The motion was negatived

Mr N. M. Joshi : Sir, I move ·

" That after sub-clause (*1*) of clause 64 of the Bill, the following new clause be inserted, and the subsequent sub-clauses be re-numbered accordingly ·

' (*2*) The Provincial Government may, by rule made under section 67, modify the provisions of sub section (*1*) in their application to drivers of motor vehicles generally or of prescribed classes of motor vehicles or in prescribed circumstances in all or any of the following ways, namely

(*a*) by increasing the interval of rest specified in clause (*a*) to one hour, or

(*b*) by reducing the period specified in clause (*b*) to eight hours, or

(*c*) by reducing the period specified in clause (*c*) to forty-eight hours, or

(*d*) by requiring that a driver shall have an interval of rest of twenty-four hours or one calendar day in each week ' "

Clause 64 (*1*) lays down certain periods of work for the drivers I feel that these periods, as laid down in that clause, are too long except in the case of interval for rest Moreover, there are provinces like Bombay where the hours of work as laid down by the present rules are already lower than the hours of work laid down in Clause 64 (*1*) In Bombay the maximum daily hours are eight I do not give power to the Provincial Governments to reduce these hours to eight from nine, whatever progress Bombay has made in this respect will not be allowed to be enjoyed by the drivers I, therefore, feel that some power must be given to the Local Governments to reduce the hours of work as laid down in this clause. What I am proposing is that by sub-clause (*a*) of sub-section (*2*), power should be given to the Local Government to increase the interval for rest from half an hour to an hour I am also empowering the Local Governments to reduce the daily hours of work from nine to eight and I gave the reason that in Bombay the hours of work already are eight, and if we fix nine, the

Bombay Government will have to increase the hours, which is a retrograde step Then, by the third clause of my amendment, by reducing the period specified in clause (*c*) to 48, if we have an eight-hour day and if we are going to give one day's rest to the driver, then the maximum hours in a week will be 48 Then by sub-clause (*d*), I am proposing that the Provincial Government may be empowered to give a weekly rest day for the drivers The only new thing that I am bringing, a new thing in this amendment is Clause (*d*)—giving power to the Local Government that the drivers shall have a weekly rest day The weekly rest day is implied in the original clause itself, because we are permitting a nine-hour day and a 54 hours week If the employers make the drivers work for nine hours a day, then, actually, there will be a weekly rest day, because the total number of hours are to be 54 I am enabling the Local Government to give the drivers a weekly rest day In this connection I would like to draw the attention of the House to the preamble in my amendment

"The Provincial Government may modify the provisions of sub-section (*1*) in their application to drivers or motor vehicles generally"

They may apply my amendment to motor cars generally "or to prescribed classes"—that is, they may not apply the provisions of my amendment to, say, private motor cars Or they may not apply the provisions of the amendment under prescribed circumstances that is, in the cold weather they may say that the hours of work may not be eight, but nine and in the summer the hours should be reduced to eight So the discretion given to the Local Government is very great The Local Governments can apply the provisions of the amendment to particular classes of vehicles only They may apply to motor cars generally or under particular circumstances. I therefore hope, Sir, that the Government of India and the Congress Party will accept this amendment Sir, the Congress Party in any case need not have any fear They have the Provincial Governments in seven provinces, and they can depend upon them to do justice to those people belonging to the party who own motor cars I hope, Sir, my amendment will be accepted

Mr. President (The Honourable Sir Abdur Rahim) Amendment moved ·

"That after sub-clause (*1*) of clause 64 of the Bill, the following new clause be inserted and the subsequent sub-clauses be re-numbered accordingly

'(*2*) The Provincial Government may, by rule made under section 67, modify the provisions of sub-section (*1*) in their application to drivers of motor vehicles generally or of prescribed classes of motor vehicles or in prescribed circumstances in all or any of the following ways, namely

(*a*) by increasing the interval of rest specified in clause (*a*) to one hour, or

(*b*) by reducing the period specified in clause (*b*) to eight hours or

(*c*) by reducing the period specified in clause (*c*) to forty-eight hours, or

(*d*) by requiring that a driver shall have an interval of rest of twenty four hours or one calendar day in each week.'"

The Honourable Mr. A. G. Clow: Sir, I recognise that in this matter it is necessary to allow latitude to Provincial Governments,

[Mr A G Clow]

particularly as their standards are in some cases in advance of those that we have inserted in sub-clause (*1*). I, therefore, commend the amendment to the House

Prof. N. G Ranga : Sir, I am whole-heartedly in favour of this amendment

Dr Sir Ziauddin Ahmad : Sir, I think that the hours of work fixed are already very low, and we are now authorising the Provincial Governments to make them lower still Had the Honourable Member proposed that the Provincial Governments should be authorised to alter the hours of work, that is to say, to give them option either to increase or decrease the hours of work, I would have probably supported him. But my friend merely suggests that the hours of work can only be lowered This is a matter in which we give very large powers to the Local Governments If by any chance my friend, Mr Joshi, becomes the Labour Member in the Bombay Government and my friend, Prof. Ranga, becomes a Minister in some other province, then I am sure that the hours of work will be reduced to the absolute minimum. I think it is very desirable that people who take up particular jobs should do some honest work I quite agree that they should have reasonable comforts, but at the same time it is not at all desirable to reduce the existing hours of work, as they are already very low In this matter we ought to consider the question very carefully and we should not give such large powers to the Provincial Governments to lower the hours of work whenever they like to do so With these words, Sir, I oppose the motion

Mr. P. J Griffiths : Sir, it is with much reluctance that I rise to oppose this amendment moved by my Honourable friend, Mr Joshi, but I am comforted by the thought that if they were free from the shackles of party discipline, a very considerable proportion of the Members sitting on those Benches over there would be standing at this very moment to speak to the same effect as myself I am particularly compelled to oppose this amendment in view of what I regard as the very obnoxious sub-clause 2 (c) which it contains Let me begin by saying that we, in this Group, stand firmly in favour of the principle of restriction and regulation of the hours of work for drivers.

An Honourable Member : Question

Mr. P. J Griffiths : You may say question, but I am giving the answer,—although we stand firmly by the principle of the restriction and regulation of hours, we maintain that in imposing those restrictions and regulations we must not lose our sense of proportion, nor must we omit to have some regard to general economic conditions After all, what will be the effect if you carry too far this process of reducing hours of work ? There are two possible effects,—either you will increase the cost of transport, or you would force down the wages of drivers. Which of those two things does my friend, Prof Ranga, want to do ? Does his Party want, just when industry in this country is nascent, to force up the cost of transport ? Or is it his hope that if this amendment is accepted, we shall force down the wages of drivers ? Sir, during the past few weeks I have taken the opportunity

of discussing this matter with a great many drivers themselves, and I find that a large section of them regard these restrictions with the greatest possible apprehension Why are they apprehensive ? Because they know perfectly well that the effect of undue restrictions will be to force down their wages Sir, do not let us allow proper humanitarian sentiments to degenerate into false sentimentalism and to lead us into introducing measures and restrictions which are wanted by none of the people concerned. Even the Madras Government, which has gone very carefully into this question of motor vehicle regulations, has prepared a most elaborate code of rules,—even that Government has not seen fit to lay down such drastic restrictions about hours of work Do my friends suggest that the Madras Government are not friends of the poor drivers ? Do they suggest that the Madras Government are careless as to the safety of the public ? The Madras Government have gone into this question of regulation most carefully and have deliberately abstained from embarking upon drastic restrictions on the drivers In fact, one may say, as was said the other day, that it has been left for our socialist Communications Member, with the aid of the Front Populaire, to introduce a provision which will prove harmful to the development of the motor transport industry I shall expect, at the beginning of the next Session, my friend, Mr. Clow, to come forward with a proposal limiting the hours of work for drivers on railways to 48 hours I should like him to explain how he proposes to reduce the hours of work without, at the same time, increasing the cost of railway transport—if he can explain that I shall be prepared to believe that if he reduces the hours of work for drivers of motor vehicles he can avoid increasing the cost of road transport. I know, Sir, I shall be told that you are not making this compulsory, you are merely giving powers to the Provincial Government I think we have had too much of that argument on this Bill We have gone too far in the direction of saying that the Provincial Governments will not exercise this or that power unless it is really necessary, and so it is suggested they may be given indefinite powers I suggest, Sir, that this argument carried to the length to which it has been carried in this Bill is nothing more or less than a shirking of our responsibility We, who are considering this Bill, are alone responsible for considering this question, and we cannot shirk that responsibility by merely giving power to the Local Governments

Sir, in the report of the Select Committee, I find no suggestion from the Government Benches nor do I think there was any suggestion from the other side to the effect that a 54 hour week was excessive. I wonder what has caused the sudden conversion of my friend, Mr. Clow, to a 48 hour week,—a conversion in the course of two or three days I must congratulate my friend, Mr Joshi, on the amount of his personal influence and his personal capacity but although I congratulate him I cannot congratulate this unhappy country which apparently from now onwards is to suffer the gradual introduction of unreasonable restrictions on everything which has anything to do with road transport, merely because the particular views of the present Communications Member coincide with the views of the Congress Party. Sir, I oppose the amendment.

Some Honourable Members : Sir, the question may now be put.

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

"That the question be now put"

The motion was adopted

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

"That after sub-clause (*1*) of clause 64 of the Bill, the following new clause be
5 P.M inserted and the subsequent sub-clauses be re-numbered accordingly

'(*2*) The Provincial Government may, by rule made under section 67, modify the provisions of sub section (*1*) in their application to drivers of motor vehicles generally or of prescribed classes of motor vehicles or in prescribed circumstances in all or any of the following ways, namely :

(*a*) by increasing the interval of rest specified in clause (*a*) to one hour, or

(*b*) by reducing the period specified in clause (*b*) to eight hours, or

(*c*) by reducing the period specified in clause (*c*) to forty-eight hours, or

(*d*) by requiring that a driver shall have an interval of rest of twenty-four hours or one calendar day in each week'"

The Assembly divided

AYES—29

Abdul Hamid, Khan Bahadur Sir	Joshi, Mr N M
Ahmad Nawaz Khan, Major Nawab Sir.	Lloyd, Mr A H
Anderson, Mr J D	Mackeown, Mr J A
Ayyar, Mr N M	Maxwell, The Honourable Mr R M
Bajpai, Sir Girja Shankar	Metcalfe, Sir Aubrey
Bewoor, Mr G V	Mitchell, Mr K G
Chatterjee, Mr R M	Mukerji, Mr Basanta Kumar
Clow, The Honourable Mr A G	Mukerji, The Honourable Sir Manmatha Nath
Conran-Smith, Mr E	Nur Muhammad, Khan Bahadur Shaikh
Dalal, Dr R D	Sher Muhammad Khan, Captain Sardar Sir
Dalpat Singh, Sardar Bahadur Captain	Sivaraj, Rao Sahib N
Faruqui, Mr N A	Sukthankar, Mr. Y N
Grigg, The Honourable Sir James	Sundram, Mr V S
Highet, Mr J C	Zafrullah Khan, The Honourable Sir Muhammad
Jawahar Singh, Sardar Bahadur Sardar Sir	

NOES—34.

Abdul Ghani, Maulvi Muhammad	Griffiths, Mr. P J
Abdullah, Mr H M	Ismail Khan, Haji Chaudhury Muhammad
Abdur Rasheed Chaudhury, Maulvi	James, Mr F. E.
Aikman, Mr A	Lalchand Navalrai, Mr
Aney, Mr M S	Maitra, Pandit Lakshmi Kanta.
Bajoria, Babu Baijnath.	Miller, Mr. C C
Banerjea, Dr P. N	Nauman, Mr Muhammad.
Bhutto, Mr Nabi Baksh Illahi Baksh.	Parma Nand, Bhai.
Boyle, Mr J D	Sant Singh, Sardar
Chapman Mortimer, Mr T	Scott, Mr J Ramsay.
Chattopadhyaya, Mr Amarendra Nath	Shahban, Mian Ghulam Kadir Muhammad.
Datta, Mr. Akhil Chandra.	Shaukat Ali, Maulana.
Essak Sait, Mr. H. A. Sathar H.	
Ghulam Bhik Nairang, Syed.	

Siddique Ali Khan, Khan Bahadur Nawab.	Umar Aly Shah, Mr.
Smith, Lieut.-Colonel H. C.	Walker, Mr G. D.
Som, Mr Suryya Kumar	Yamin Khan, Sir Muhammad.
Town, Mr H S	Ziauddin Ahmad, Dr. Sir.

The motion was negatived

THE PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) BILL

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Mr R M Maxwell (Home Member) Sir, I present the Report of the Select Committee on the Bill to amend the law relating to the prevention of cruelty to animals.

STATEMENT OF BUSINESS

The Honourable Sir Muhammad Zafrullah Khan (Leader of the House) Sir, Honourable Members may desire me to give them an indication of the business which Government propose to bring forward before the House is finally adjourned at Simla

The House is already aware that the Session has been extended up to the 20th September and after the disposal of the Motor Vehicles Bill motions will be made to take into consideration and pass the following Bills, namely

1 The Indian Emigration (Amendment) Bill,

2 The Prevention of Cruelty to Animals (Amendment) Bill as reported by the Select Committee,

3 The Employment of Children Bill,

4 The Employers Liability Bill,

5 The Indian Aircraft (Amendment) Bill, and

6 The Indian Tea Cess (Amendment) Bill

As soon as the necessary draft is ready, leave will also be asked to introduce a Bill to regulate the extent to which railway property shall be liable to taxation imposed by an authority within a Province and a motion will be made on a convenient date to circulate the Bill for eliciting opinion thereon If time permits motions will also be made

1. to refer to a Select Committee the Indian Patents and Designs (Amendment) Bill, and

2. to take into consideration and pass the Indian Cotton Cess (Amendment) Bill, the Destructive Insects and Pests (Second Amendment) Bill, and the Repealing and Amending Bill

[Sir Muhammad Zafrullah Khan.]

In addition, I have received requests that Government might afford time on an official day for Mr Kazmi's Bill to be referred to the Select Committee and for leave to be given to introduce Dr Deshmukh's Bill relating to the divorce of Hindu women With regard to these two, I may inform the House that so far as I am concerned, I am quite willing that these two motions may be taken up at the end of the official business of the Session. I understand that only a few more minutes will be occupied over Mr Kazmi's Bill

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions Muhammadan Rural) Is the Honourable the Leader of the House sure that the Motor Vehicles Bill will be finished before the 20th ? If all the Bills mentioned are coming up before Mr Kazmi's Bill is taken into consideration, then it really means that it will not come at all We consented to reduce the time on the Motor Vehicles Bill on the supposition that the Bill of Mr Kazmi will come on immediately after that Otherwise, we think that the Motor Vehicles Bill will not be finished before the 20th

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 13th September, 1938.

LEGISLATIVE ASSEMBLY.

Tuesday, 13th September, 1938.

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

STARRED QUESTIONS AND ANSWERS.

(a) Oral Answers

APPRENTICES RECRUITED IN THE ENGINEERING AND LOCO DEPARTMENTS OF THE COMPANY-MANAGED RAILWAYS

†952 ***Maulvi Muhammad Abdul Ghani**: Will the Honourable Member for Railways be pleased to lay on the table a statement showing the number of apprentices recruited in the Engineering and Loco Departments of the Company-managed Railways during the period 1934 to 1937, mentioning therein the number of Hindus, Muslims, Anglo-Indians and Europeans, Sikhs and others ?

The Honourable Mr. A. G Clow: Government have no information regarding the number of apprentices recruited to the Engineering and Locomotive Departments of the Company-managed Railways

Mr. S Satyamurti: May I ask, Sir, if I am bound to follow the order of the questions, or can I withdraw one of the questions ? Am I bound by the order of the questions ?

Mr President (the Honourable Sir Abdur Rahim) The Honourable Member should follow the order of the questions.

Mr. S. Satyamurti: I must then follow the order ?

Mr. President (The Honourable Sir Abdur Rahim) Yes

Mr S. Satyamurti: No 953

INADEQUATE REPRESENTATION OF INDIANS IN CERTAIN PORT TRUSTS.

953 ***Mr. S. Satyamurti**: Will the Honourable Member for Communications please state

(a) whether his attention has been drawn to the universal complaints in this country about the predominantly European composition of the major Port Trusts in this country like Bombay, Calcutta and Madras ,

(b) whether Government propose to take steps to amend the relevant Acts, providing for more adequate representation of Indians on these Port Trusts ;

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

(c) if so, when ; and

(d) if not, why not ?

The Honourable Mr. A. G. Clow : (a) I have seen complaints to this effect from the Federation of Indian Chambers of Commerce and other Indian commercial bodies

(b)—(d) The Honourable Member is probably aware that the Port Trust Acts were amended a few years ago with a view to secure greater representation to Indian interests Enquiries are being made regarding the adequacy of Indian representation on one of the Port Trusts I have no reason to suppose that in the others the representation of Indians is inadequate in view of their commercial interests

Mr. S. Satyamurti : May I know whether the Honourable Member has any information in his possession, and, if so, will he give it to the House, as to the relative numbers of Europeans and Indians on the Port Trusts referred to in part (a) of my question,—that is, Bombay, Calcutta and Madras ?

The Honourable Mr. A. G Clow : I certainly have the information, but I have not got it here

Mr S Satyamurti : Does the Honourable Member realise that Europeans are very much larger in numbers than Indians ?

The Honourable Mr. A. G. Clow : That is true in some of the Port Trusts but not everywhere, and I think that is due partly to the fact that the representatives of such organisation, as the Railways, are senior officers who happen to be Europeans , but that of course is almost certain to be altered in time

Mr S Satyamurti : May I ask if the Honourable Member realises that the commercial interests—that is to say, the import and export interests—are gradually passing into the hands of Indians in these major ports, and will the Honourable Member kindly say what steps Government are taking with a view to giving more adequate representation to Indians on these Port Trusts ?

The Honourable Mr. A G. Clow I am aware that Indian commercial interests are increasing, and as I have said, inquiries are being made as to the adequacy of the Indian representation on one of the Trusts

Mr N. M Joshi : May I ask if it is a fact that the Royal Commission on Indian Labour recommended that labour should be represented on Indian Port Trusts, and may I inquire what steps the Government propose to take to give effect to that recommendation ?

The Honourable Mr. A. G Clow : That is one of their recommendations, to the best of my recollection and, as far as I remember, at least one of the Port Trust Acts was amended in consequence

Mr. T. S Avinashilingam Chettiar : May I ask if there is an Indian Chairman on any of the Port Trusts ?

The Honourable Mr. A G. Clow : One has just been appointed, in Bombay, but I do not know if he has taken over charge as yet

Mr. Manu Subedar : May I ask whether it is true that the proportion of Europeans to Indians is different in different Ports, and whether Government have considered the fact that the proportion of Indians is very inadequate in all the ports ?

The Honourable Mr. A. G. Clow : I have replied to that in my reply to parts (b) to (d) of the question

Mr Manu Subedar : May I ask if it is a fact that the proportion of Europeans to Indians is different in the different Ports in India, and, if so, what are the reasons ?

The Honourable Mr. A. G. Clow : It certainly varies The reason is that the European interests are somewhat bigger in some of the ports than in the others

Mr. Manu Subedar : May I ask if in any part of the world a foreigner is given a place in the administration of a port ?

The Honourable Mr A. G. Clow : I cannot regard the representatives of interests actually working and trading in this country and enjoying the citizenship of the country as foreigners

Mr Manu Subedar : Why then does not the Honourable Member give representation to Japanese and Germans ?

Mr President (The Honourable Sir Abdur Rahim) That is arguing

Mr S. Satyamurti : In view of the fact that Government know that the European representation is more than the Indian representation, and much more in Ports like Bombay, Calcutta or Madras, may I ask what are these inquiries which Government are pursuing, before they take prompt and effective steps to secure justice for the sons of the soil ?

The Honourable Mr. A. G. Clow : I do not know whether all merchants engaged in the business of import and export can be properly described as ' sons of the soil ', but in the inquiry to which I referred we are trying to arrive at some estimate of the extent to which trading interests are in the hands of Europeans and Indians respectively

Mr. Manu Subedar : May I know whether Government have received a representation from the Karachi Indian Merchants Association and the Buyers' and Shippers' Association asking for bringing about Indianisation on the Karachi ports ?

The Honourable Mr A. G. Clow : I have not got a list of those who made the representations I have seen complaints from the Federation of Indian Chambers of Commerce and other commercial bodies in respect of part (a) of the question

Mr. K. Santhanam : Will the Honourable Member lay a copy of these representations on the table ?

The Honourable Mr. A. G. Clow : I am not sure that I have got a copy of these representations but I have seen complaints to that effect.

Mr. N. M. Joshi : When do Government propose to introduce legislation to give representation to labour ?

The Honourable Mr. A. G. Clow: They have no proposals in contemplation at the moment.

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

LABOUR CONTRACT OF THE CALCUTTA PORT TRUST.

954 ***Mr. S. Satyamurti**: Will the Honourable Member for Communications be pleased to state ,

(a) whether it is a fact that for more than half a century the Calcutta Port Trust had been giving the contract for the supply of labour to one British firm, the annual payment amounting to 20 lakhs ,

(b) whether no tenders at all were called during all these years, and there was not even a formal contract ,

(c) whether Government have made any calculation of the profits made by the contractors on this contract .

(d) whether it is a fact that the Accountant General, Bengal, objected to this procedure and stressed the advisability of calling for tenders

(e) whether it is a fact that at the recent meeting of the Calcutta Port Trust, the Indian Commissioners proposed that tenders should be called for, and whether they were outvoted by the Europeans on the Trust Board, who are in a majority of two to one , and

(f) whether Government are prepared to call for a report in this matter and do the needful to protect the interest of the tax-payers and those who pay for the Calcutta Port Trust ?

The Honourable Mr A. G. Clow: (a), (b) and (d) I would invite the Honourable Member's attention to the replies given on the 26th August, 1938, to Mr Manu Subedar's starred questions Nos 529 and 530, and Seth Govind Das's starred question No 531, and to the supplementary questions arising therefrom Information received since then shows that formal contracts have been entered into with Messrs Bird and Company since 1895

(c) No

(e) No Three of the five Indian Commissioners were in favour of calling for open tenders while two others were in favour of giving the contract to Bird and Company subject to the rebate that they had offered being still further increased

(f) Government have already received adequate particulars and no occasion for further action arises

Mr. S Satyamurti: With reference to the answer to parts (b), (c) and (d) taken together, may I know how Government have satisfied themselves that there is no call for any action, unless they have found out the profits made by the contractors under these contracts ?

The Honourable Mr A. G. Clow : As I have explained in my reply to the previous question, Government have no statutory powers to interfere in this matter The making of a contract rests with the authorities of the Port Trust themselves

Mr. S. Satyamurti : May I know whether Government have not examined this question at all, but merely looked at the report, or whether in spite of the fact that they have no statutory powers, they went into the matter and satisfied themselves that no action was called for ?

The Honourable Mr. A. G. Clow : Clearly, if you entrust a Port Trust with the power of making contracts, it is not for Government to interfere in the matter, unless there is some great irregularity

Mr S. Satyamurti . May I ask if Government have satisfied themselves that there is no gross irregularity, and if so on what grounds ?

The Honourable Mr. A. G Clow : I think, Sir, there is a question on that subject

Mr. N. M. Joshi : Has Government's attention been drawn to reports that the Dock-workers' Union in Calcutta have suggested that there should be no contractors, either European or Indian, and that labour in docks should be employed directly by the Port Trust ?

The Honourable Mr A. G Clow : I do not remember seeing any such reports

Mr S Satyamurti : May I know whether the opinion of those Indians who wanted a full rebate was accepted by the majority of Europeans ?

The Honourable Mr A G Clow : The conclusion reached by the majority of the Port Trust was that they should not ask for further rebate than had been offered

Mr. Manu Subedar : In view of the fact that Government have not got the power to interfere in this particular contract but very general powers over the Port Trusts, may I know whether Government have examined all the facts in connection with this scandalous contract and whether the Honourable Member has written to the Port Trust disapproving of it from the Government point of view ?

The Honourable Mr. A G. Clow : I am unable to agree that this is a scandalous contract

Mr. President (The Honourable Sir Abdur Rahim) This matter has been fully discussed

Provision of Cool Drinking Water at Railway Stations

955 ***Mr. S. Satyamurti : Will the Honourable Member for Railways be pleased to state .**

(a) **whether Government have received representations from the Andhra Desa Railway Passengers Association, Bezwada, about the supply of fresh water for drinking at stations where there is no provision made ,**

(b) whether in answer to the letter of the Secretary of the above Association, the District Transportation Superintendent replied .

"I beg to remind you that the fare paid by passengers is for their journey by train Drinking water is an amenity provided free of charge by the Railway administration—a thing which is not done in most countries and does not appear to be much appreciated in this country That the water is hot in summer in the pipes is unavoidable and I cannot agree to your proposal to provide pots and appoint watermen at Bezwada", and

(c) whether Government are prepared to consider this matter carefully and make arrangements for the provision of cool drinking water at big stations at least during the hottest months of the year ?

The Honourable Mr A G. Clow: (a) Yes

(b) A statement to this effect has been made in the representation from the Association referred to in part (a) of the question

(c) I am sending the Agent and General Manager of the Madras and Southern Mahratta Railway a copy of the Honourable Member's question and am asking him to look into the matter

Mr. S Satyamurti: May I know if Government will have the humanity to recommend to the Railway concerned to provide fully for the supply of cool fresh drinking water in the hottest months of the year ?

The Honourable Mr A. G Clow: I think the Railway Administration already recognises the importance of that and I have very good reason for saying that the extracts from this letter did not reflect the policy of the Agent in the matter

Mr T. S. Avinashilingam Chettiar: May I ask if Government will not ask the particular officer to apologise for making that statement ?

The Honourable Mr A G Clow: He is not an officer serving under Government

INDIANISATION OF SUPERIOR POSTS ON RAILWAYS

956 ***Mr S. Satyamurti:** Will the Honourable Member for Railways be pleased to state

(a) whether there is any Indian General Manager in any State Railway ,

(b) if none, why not ,

(c) the number of Indian officers in State-owned and State-managed Railways who are drawing more than Rs 2,000 a month, and more than Rs 1,000 a month ; and

(d) whether Government are taking any steps, in view of the strong public opinion in the matter, of Indianising the superior services of the railways, and what the number of

years is within which the railway superior services will be completely Indianised according to the present programme ?

The Honourable Mr. A. G. Clow : (a) No

(b) and (d) I would refer the Honourable Member to Sir Thomas Stewart's speech of 24th February, 1938, appearing on pages 1118 and 1119 of the Legislative Assembly Debates for that day

(c) I would refer the Honourable Member to the Classified List of State Railway Establishment and Distribution Return of Establishment of all Railways corrected upto 31st December, 1937, which contains the information available with Government A copy of this publication is in the Library of the House

Mr. S. Satyamurti : With reference to the answer to part (c), may I know if these officers are seventy-five per cent of the officers on State Railways now ?

The Honourable Mr A G Clow : No, Sir The seventy-five per cent proportion was introduced I think, following a recommendation of the Lee Commission and naturally it has not had anything like its full effect yet

Mr S Satyamurti : May I know the actual percentage of officers drawing Rs. 2,000 or more ?

The Honourable Mr A G. Clow : I should require notice of that

Mr. S. Satyamurti : With reference to clauses (a) and (b) of the question may I know whether my Honourable friend can give this House a rough indication as when we shall have the pleasure of meeting the first Indian General Manager on State Railways ?

The Honourable Mr A G. Clow : There has been one already

Mr Lalchand Navalrai : May I know if the Railways have laid down a definite policy of Indianising the higher appointments ?

The Honourable Mr A G Clow : There is a definite policy laid down as to the proportion of Indians and Europeans to be recruited for the superior services

Mr. Lalchand Navalrai : Is that being followed ?

The Honourable Mr. A G. Clow : Yes, Sir

Mr. Lalchand Navalrai : Is it not a fact that there are Indian General Managers on the Company-managed Railways ? If so, how is it that there are no Indian General Managers on the State Railways ?

The Honourable Mr. A. G Clow : I am not aware of any at the moment on any of the leading Company-managed Railways

Mr S. Satyamurti : I think the Honourable Member said just now that there is an Indian General Manager on Indian State Railways ?

The Honourable Mr A. G. Clow : The Honourable Member asked me when we will have the pleasure of having an Indian General Manager and I said that there has been one already

Mr. S. Satyamurti : Is he continuing now ?

The Honourable Mr. A G Clow : He is not in service now

Mr K Santhanam . May I ask for how long that Indian General Manager occupied that august office ?

The Honourable Mr A G Clow : I am told for two or three years, but I have not got the figures here

APPOINTMENT OF AN INDIAN AS CHAIRMAN OF THE KARACHI PORT TRUST.

957 ***Mr. S Satyamurti :** Will the Honourable Member for Communications be pleased to state

(a) whether Government have been approached by the Indian mercantile community in Karachi that an Indian member should be appointed to act in the absence of Colonel D S Johnstone the present Chairman of the Port Trust, Karachi when he goes on leave and

(b) whether Government have considered the matter and have decided to appoint an Indian if not why not ?

The Honourable Mr A G Clow : (a) Yes

(b) The reply to the first part is in the affirmative and to the second part in the negative Because the proposal was not feasible

Mr S Satyamurti : May I ask for some elucidation as to this feasibility ? Does it mean that there was no qualified Indian available ?

The Honourable Mr A G Clow : I understand that suggestions were made by a Chamber in Karachi that we should appoint an Indian official from the Central Board of Revenue or from one of the Engineering Departments of the Provincial and Central Governments or failing that, a non-official There were no suitable officials who could have undertaken that in addition to their ordinary duties and the appointment of a non-official, who would be unfamiliar with the work, was not regarded as suitable

Mr S. Satyamurti : May I ask whether Government have exhausted in their inquiry the claims of all possible Indians for this appointment ? Did they consider that no Indian was available out of 400 million Indians who was fit to hold this office ?

The Honourable Mr. A. G Clow : We did not consider the claims of 400 million Indians

Mr S. Satyamurti : Did you consider the claims of all the Karachi people ?

The Honourable Mr. A G Clow : The suggestion made by the Chamber was considered

APPOINTMENT OF MR EVERETT AS DEPUTY CHIEF ENGINEER BY THE KARACHI PORT TRUST

†958 ***Mr. S Satyamurti** : Will the Honourable Member for Communications be pleased to state

(a) whether the committee of the Federation of Indian Chambers of Commerce and Industry have protested against the appointment of Mr Everett as Deputy Chief Engineer by the Karachi Port Trust ,

(b) whether it is a fact that among the list of eight candidates selected by the Port Trust, there were two Indians , and

(c) the reasons why the claims of these two Indians were rejected and a European was appointed, in spite of strong public opinion in the country for the Indianisation of all offices under the Port Trusts ?

The Honourable Mr. A. G Clow : (a) and (b) Yes

(c) Because Mr Everett's qualifications and experience were considered superior to those of the others

RAILWAY ACCIDENT AT HARDWAR

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

(a) whether he will lay on the table a statement showing, with regard to the two persons killed and thirty four injured at Hardwar by Railway shunting on the 15th April, 1938 (*vide* reply to question No 10 on the 8th August, 1938) , (i) the names and status and addresses of those killed or injured, (ii) the names of those asking for compensation, (iii) the amounts of compensation claimed (iv) the amounts of compensation given in each case, (v) claims settled amicably, and (vi) those gone to court ,

(b) whether Railways employ any officers to find out victims of accidents and to offer them compensation ,

(c) what action if any, was taken against employees responsible for the accident ,

(d) whether the Honourable Member has taken into consideration the fact that the pilgrims injured are ignorant rustics who do not know that they are entitled to compensation, and whether he has offered compensation to those who have not asked for compensation , and

(e) the number who have not asked for compensation ?

The Honourable Mr A G Clow : (a), (i), (ii) and (iii) I am placing a statement on the table

(iv) The claims are still under investigation and no offer of compensation has yet been made.

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

(v) and (vi). Do not arise.

(b) and (d). The normal procedure is to consider the grant of compensation only when a claim is preferred I see no sufficient reason for directing a departure from this arrangement

(c) The person primarily responsible was suspended in the first instance and his pay subsequently reduced for a period of one year

(e) 39

s of those killed or injured in the accident at Hardwar on the 15th April 1938

Name	Address	Status is believed to be
Persons killed		
1 Mst Surajmani	C/o Bishwanath Bhanupati, Esq., Bali Sahi, Puri	Mother of Municipal Commissioner and Peshkar
2 Mst Achhra	C/o Jagannath Misra, Esq., Bali Sahi, Puri	Mother of Sub-Inspector of Schools, Puri
3 Mst Manika	Near Jagannath Temple, Puri	Not known
4 Budh Ram	C/o Hiralal Chamar, Village Barku, P S Baraut Distt Meerut	Not known
5 Mst Rajrani	C/o Kempta, Alumpur, Kalksar (Gwalior)	Not known
6 Mst Dori, wife of Bajranga Gujar	C/o Bajranga Gujar, 11 Jumna Infantry, Kotal Raj	Wife of a sepoy
7 One unknown Male	Address not known Photo taken	
8 Kansalya Hotam, (Identified from photo)	Village Amulya Mani Rampur P O Bir Mohrajpur, Sonepur Eastern States Agency	Not known
Persons injured		
1 Mst Sundoro	Village Manya, P O Sampla, Distt Rohtak	Cultivator
2 Mst Marry	Village Manya, P O Sampla, Distt Rohtak	Zamindar
3 Mst Kamali	Village Manya, P O Sampla, Distt Rohtak	Zamindar
4 Gurkha	Village Manya P O Sampla, Distt Rohtak	Zamindar
5 Mst Gyanoo	Village Manya, P O Sampla, Distt Rohtak	Zamindar
6 Mst Ram Kumari	Village Manya, P O Sampla, Dist Rohtak	Zamindar

Name.	Address	Status is believed to be
Persons injured—contd		
7 Nihala	Village Sisaum, P O. Sampla, Distt Rohtak	Zamindar
8. Mst Nanhoo	Village Kasula, P O Sampla, Distt Rohtak	Zamindar
9. Jharu	Village Kasula, P O Sampla, Distt Rohtak	Barber
10 Kewal ..	Village Kasar, Tahsil Jajhar Distt Rohtak	Zamindar
11 Nathu	Village Bohar, P O Rohtak, Distt Rohtak	Zamindar
12 Ramgani	Village Raokheri, Mau Najibabad, Distt Bijnor	Licensed cooly
13 Nannoo	Village Sainatai P O Chirgaon, Distt Jhansi	Shoe maker
14 Sedi	C/o Jugalkishore, Sadar Bazar, Jhansi	Not known
15 Ram Chandra	P O Dhamagunj, Lashkar, Distt Gwalior	Stone cutter
16 Mst Ajodhi	Mahalla, Ramkuir, Lashkar, Distt Gwalior	Not known
17 Bhawanilal	Sepoy No 243, 2nd Jumna Infantry Company B, Kotah State	Soldier
18 Mst Ramchandri wife of Bhawanilal as above	C/o Bhawanlal as above	Wife of above
19 Bajranga .	Sepoy No 145, 2nd Jumna Infantry Company B, Kotah State	Soldier
20 Gangadhar ..	Nimawar, Indore State	Zamindar
21 Mst Bully wife of Gangadhar	Nimawar, Indore State	Wife of above
22 Goswami Brindaban Das	Village Pailpara, P O Gangapur, Distt Ganjam	Priest
23 Mst Ambik	C/o Goswami, Brindaban Das as above	Not known
24 Mst Indu, daughter of Mst Ambika	C/o Goswami. Brindaban Das as above	Not known
25. Mst Pandi	Village Asika, Distt Ganjam	Not known
26. Govinda Panda	Village Gomoh P O Nimok Kandi Distt Ganjam	Panda

Name	Address	Status is believed to be.
Persons injured—contd		
27 Janardan Misra	Village Bir Maharajpur, P O Jali, Distt Sambalpore	Teacher
28 Mst Phula, wife of Janarda Misra	Village Bir Maharajpur, P O Jali, Distt Sambalpore	Wife of above
29 Madhav Pandey	Mahalla Bali Sahi, Puri	Panda
30 Anubala Devi	Village Ithundikara P O Bhadai, Distt Birbhum	Not known
31 Satyabala	Village Kundakohla, P O Balpur, Distt Birbhum	Not known
32 Tinkori Bhattacharjee	Village Ikhudwari, P S Bolpur Distt Birbhum	Landowner
33 Kundalini Dasi	Village Bolpur Distt Birbhum	Shop Keeper
34 Kalimoti Deb	Village Gushkara, Distt Burdwan	Not known

Claims preferred.

Name of claimant	Amount of compensation claimed
	Rs
Babu Bishwanath Rajguru	5,000
Babu Madhusudan Misra	5,000
Mr Murtunjoy Hota .	20,000

Mr S Satyamurti : May I know the reason why Government do not consider it necessary, in view of the ignorance and the illiteracy of the ordinary third class passengers, to employ some agency to find out the victims of at least major accidents and to offer them compensation, if they prove their claims ?

The Honourable Mr A. G. Clow : It is unusual for defendants to look for plaintiffs

Mr. S. Satyamurti : But my Honourable friend knows this country, and therefore I ask him why, in the case of at least major accidents, Government do not propose to do the humane work of finding out the victims, how they have been affected by the accident, and to enable them to get due compensation ?

The Honourable Mr. A G. Clow : We do collect some particulars. The particulars that I am laying on the table give indication of such information as we have regarding the persons who suffered in this accident.

ABSENCE OF MUSLIM OFFICERS IN THE ELECTRICAL BRANCH OF THE NORTH WESTERN RAILWAY

960 ***Mr. H. M. Abdullah :** Will the Honourable Member for Railways please state .

(a) whether it is a fact that in the Electrical Branch of the North Western Railway there is no Muslim employee of the officer rank ,

(b) whether it is a fact that duly qualified Muslims are available for these posts in the Punjab ,

(c) whether it is a fact that the Railway authorities have been recruiting officers from Provinces not served by the North Western Railway , and

(d) what action Government propose to take in the matter ?

The Honourable Mr A. G. Clow : (a) Yes

(b) Government have no information

(c) Recruitment to superior railway services on the State-managed Railways is made by the Government of India through the Federal Public Service Commission and not by the individual Railway Administrations I may add that Government do not accept the policy of recruitment to railway services on a Provincial basis

(d) Does not arise

CERTAIN EMPLOYEES OF THE EAST INDIAN RAILWAY FOUND SURPLUS DURING THE ECONOMY CAMPAIGN

961 ***Mr Muhammad Nauman .** Is the Honourable Member for Railways aware of the fact that during the economy campaign of 1930-32, the Railway employees with one year's service borne on temporary establishments on the East Indian Railway, were found surplus to requirements, but their names were retained on waiting lists, and they, on their re-absorption in operative posts before 1st April, 1936, were treated as retrenched staff and were given all the privileges in respect of pay, grade, leave, quarters which they naturally enjoyed at the time of the reduction of establishments on which they worked ?

The Honourable Mr. A G. Clow : In terms of paragraph (1) of part A and paragraph 3 of part B of Railway Board's letter No 1635-E G , dated the 30th December, 1932, a copy of which is in the Library of the House, instructions were issued to all concerned by the General Manager, East Indian Railway, that temporary employees with less than one year's service and employees engaged for purely temporary purposes, who were discharged during the economy campaign, were not to be borne on waiting lists for re-appointment In certain offices a few such employees were placed by mistake on waiting lists and were given old scales of pay

on their re-appointment after 15th July, 1931, and before 1st April, 1936 On the error coming to notice, instructions were issued that such staff should be brought on to the revised scales of pay Retrenched employees are not entitled to earn leave in respect of their subsequent service under the leave rules to which they were formerly subject, but under those in force at the time of their re-appointment As regards quarters Government have no information

Mr. Muhammad Nauman : Will the Honourable Member inform me whether the Muslim members of the crew service who had put in more than one year s service were treated as retrenched and they were not given any of those privileges which ought to have been given to them under this scheme ?

The Honourable Mr. A G. Clow : I have no information of any such case

Dr Sir Ziauddin Ahmad : Is it not a fact that in the year 1931, when the retrenchment was being carried out, the Government gave an undertaking on the floor of this House that all persons who were retrenched would be re-employed whenever an opportunity arose and the interval will count as leave without salary ?

The Honourable Mr A. G Clow : I have no recollection of such an undertaking

Dr. Sir Ziauddin Ahmad : The Honourable Member can take it from me that it is a fact

The Honourable Mr. A. G Clow : Then why the Honourable Member is asking me ?

Dr. Sir Ziauddin Ahmad . In the case of the members who were employed in the crew staff, Government refused it on the ground that the whole crew system was on a temporary basis We argued on the floor of the House that the system may be temporary but the men employed were not temporary and the undertaking given was that when the crew system was to be replaced by some other system, they would be absorbed in it The question of my Honourable friend, Mr Nauman, is that those persons who were in the crew system ought to get a prior claim for re-employment in the case of T T E 's and the period should count as leave without pay

The Honourable Mr A. G Clow : The Honourable Member seems to be arguing instead of asking for information

Dr Sir Ziauddin Ahmad . Do Government agree with the view that they should have a prior claim as the undertaking was given on the floor of the House for re-employing them whenever a vacancy arose ?

The Honourable Mr A G. Clow : I am unable to see how a man who was employed on a temporary basis and was discharged can have any right to re-employment

Dr Sir Ziauddin Ahmad : They were renewed at that time and the retrenched staff had a prior claim for re-employment ?

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

STAFF IN CERTAIN OFFICES ON THE EAST INDIAN RAILWAY

962 *Mr Muhammad Nauman : (a) Will the Honourable Member for Railways be pleased to state the total strength of clerks, stenotypists and supervising staff and officers in all the sanctioned posts and grades in the office of the General Manager, Deputy General Manager, the Chief Operating Superintendent, the Chief Commercial Manager, the Chief Engineer, the Chief Mechanical Engineer on the East Indian Railway ?

(b) What is the total strength of Muslims, Anglo-Indians and Hindus in all these posts ?

The Honourable Mr. A G. Clow : (a) and (b) As regards gazetted staff I would refer the Honourable Member to the Classified List of State Railway Establishment and Distribution Return of Establishment of all Railways corrected up to the 31st December, 1937, which contains the information available with Government A copy of this publication is in the Library of the House As regards non-gazetted staff, the statistics of communal composition do not contain separate particulars for the clerical and other staff in different offices

Mr Muhammad Nauman : Is the Honourable Member aware that in the case of all these important positions the Muslims are conspicuous by their absence ?

The Honourable Mr. A G. Clow : I am ready to take it from the Honourable Member that they are very few

STAFF RECRUITED IN THE HEAD OFFICE, EAST INDIAN RAILWAY

963 *Mr Muhammad Nauman : Will the Honourable Member for Railways be pleased to state how many Muslims, Anglo-Indians and Hindus, have been recruited in all the vacancies in different cadres and grades, which occurred in the Head Office, East Indian Railway, since the introduction of the Government of India Resolution of 1934 ?

The Honourable Mr. A G. Clow : Government have no information in regard to recruitment to individual offices on a Railway I would, however, refer the Honourable Member to the statement appearing on pages 88 and 89 of the Report of the Railway Board on Indian Railways for 1936-37, Volume I, a copy of which is in the Library of the House This indicates that the recruitment percentages fixed by Government for Muslims and other communities on the East Indian Railway are being maintained

Mr. Muhammad Nauman : Is the Honourable Member aware of the fact that the Resolution of 1934 was not put into practice by the East Indian Railway till April, 1935 ?

The Honourable Mr A G Clow : I heard that from the Honourable Member himself, but I have not verified it

Mr. Muhammad Nauman : Will the Honourable Member make an inquiry in the matter ?

The Honourable Mr. A G. Clow : No, Sir I cannot see how I can alter what happened in 1934

PRIMITIVE TRIBES OF ASSAM.

964 *Mr Brojendra Narayan Chaudhury : Will the Secretary for External Affairs please state

(a) whether his attention has been particularly drawn to the "Notes on the effect on some primitive tribes of Assam of contacts with Civilisation" (Appendix A, Census Report, Assam, Volume I) I on Nagas by Mr J P Mills, I C S ;

(b) the nature and duration of Mr Mills' experience with the hill tribes ,

(c) the position of Mr Mills as an anthropologist ,

(d) whether Government have examined his conclusions and advice carefully as given in the above *notes* ,

(e) whether Government's attention has been drawn to the following statements of Mr. Mills

(i) "The national drink of the hill tribes is rice beer Foreigners have brought distilled liquor and its effects are evil",

(ii) "A few years ago, a village founded by the American Baptist Mission as a Christian village, contained more opium addicts than the whole of the rest of the tribe",

(iii) "Opening out of cart road has led to increase of prostitution which is not an indigenous Naga or Kuki custom Far more serious in this respect is the presence in Kohima of large numbers of unmarried foreigners, including soldiers of the Assam Rifles",

(iv) "Education of the type which is given has been on the whole an evil rather than good The educated expects a Government post aptly described to me once as a 'sitting and eating job'",

(v) "Foreign dress spreading steadily For this blame must fall on certain departments of Government and on missionaries who encourage it",

(vi) "Suppression of head-hunting has probably not been to the benefit of the tribe",

(f) steps taken to stop importation of foreign liquor referred to in part (e) (i) above ,

(g) whether Government made any enquiry about the responsibility of the missionaries, and what steps were taken against them in regard to (e) (ii) above ,

(h) the steps taken to mitigate evils mentioned in part (e) (iii) above ;

(i) the steps taken to counteract the evil effects regarding education mentioned in part (e) (iv) above ;

(j) the steps taken to encourage national dress ; and

(k) whether Government are prepared to release the tribes from " fully administered area " and allow head-hunting ?

Sir Aubrey Metcalfe : With your permission, Sir, I will answer questions Nos 964 and 965 together The information is being collected and will be laid on the table of the House in due course

LUSHAI HILL TRIBES IN ASSAM

†965. ***Mr Brojendra Narayan Chaudhury** : Will the Foreign Secretary please state

(a) if the fact as stated in Appendix A, note on Lushai Hill tribes by Mr C J. Helme, I.C S , Census Report, Assam, 1931, Volume I,—that the Christian missionaries entered the Hills only in 1894 and by 1921 Census, half of the population of the district have become Christians, is correct ,

(b) whether Government propose to enquire into the methods adopted by the missionaries to be able to encompass such speedy conversions ,

(c) whether Government intend to go on encouraging higher education (middle schools) in spite of Mr Helme's remark in this note that " higher education breeds a dislike for manual labour and increased unemployment " ,

(d) whether his attention has been drawn to the fact that on the recommendation of Mr Small, Director of Public Instruction, Assam, the Assam Government have stopped grants to Christian Mission schools in their own area in the Hill districts ,

(e) whether Government intend to follow the example of the Provincial Government in areas in Assam under central control ; and

(f) whether Government propose to take steps to ban the missionaries from the Hill areas ?

WORKING HOURS OF STAFF IN THE POSTAL DEPARTMENT

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

(a) the maximum number of hours that the staff in the Postal Department may be asked to work ;

†For answer to this question, *see* answer to question No 964.

(b) whether they are worked in such a way that a continuous period of twenty-four hours' rest is allowed ; and

(c) if not, what are the classes of persons who worked without that rest, and whether they are given any compensation ?

The Honourable Mr. A G Clow : (a) The hours of duty of the staff in the postal branch of the Posts and Telegraphs Department are so fixed as generally not to exceed eight hours per day

(b) On the assumption that the Honourable Member wishes to know whether a continuous period of 24 hours' rest is allowed in every week, the reply is that this is not given in all cases

(c) Except Administrative and Executive Officers and their office establishments practically all classes of post office employees are required to perform some work on Sundays and post office holidays, but in the larger post offices every alternate Sunday or two Sundays out of three are given as complete holidays Performance of a certain amount of work on Sundays and holidays is a recognised condition of service in the Postal Department, and this fact has been taken into consideration in fixing for the postal staff the rates of pay and other conditions of services

PURCHASE OF STORES BY THE COMPANY-MANAGED RAILWAYS.

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

(a) why in the latest contract made with the Railway Companies, the condition of purchasing stores made in India was omitted (starred question No 517, dated 26th August, 1938) ,

(b) which are the companies in whose contracts this condition has been made, and in whose contracts it has not been made , and

(c) for how many years this condition has been made part of these contracts ?

The Honourable Mr A G Clow : (a), (b) and (c) No condition regarding the purchase of indigenous stores has ever been incorporated in the contract of any Company-managed Railway, nor was the question of doing so raised in connection with the revision of the contract with the Madras and Southern Mahratta Railway Company in 1937

Mr T. S Avinashilingam Chettiar . May I know whether it is not a fact that even though there are no conditions incorporated in the contracts of Company-managed Railways, yet the Company-managed Railways do purchase Indian made articles and the Government do pay them some compensation therefor ?

The Honourable Mr A G Clow : In some cases, a small amount of compensation is paid for purchases made in India

Mr. T. S. Avinashilingam Chettiar : If no conditions are incorporated in the contract, then on what principles do the Company-managed Railways make these purchases of Indian made goods, and how is the compensation paid by Government for such purchases regulated ?

The Honourable Mr. A. G Clow : Compensation is not paid as a general rule Company-managed Railways purchase large quantities of Indian made goods because it pays them to do so from a commercial point of view

Mr T S. Avinashilingam Chettiar : May I ask whether any conditions are attached to such purchases by Comapny-managed Railways ?

The Honourable Mr A. G. Clow : No, Sir

INCIDENCE OF PERSIAN GULF EXPENDITURE

968 ***Mr. T S. Avinashilingam Chettiar** : Will the Secretary for External Affairs state

(a) the extent of Indian interest in the Persian Gulf (in pursuance of his answer to starred question No 513 of the 26th August, 1938) ,

(b) when the matter of the Persian Gulf expenditure was last taken up with the British Government , and

(c) what is the expenditure involved on the Indian Exchequer for the last three years ?

Sir Aubrey Metcalfe : (a) There is considerable trade between India and the Arab Coast of the Persian Gulf and there are many Indian traders resident in those Ports There are also a number of British Indian subjects employed by the Oil Company at Bahrein and this number is likely to increase if oil is found at other places on the Arab Coast.

(b) The matter was referred to His Majesty's Government in November, 1937

(c) The expenditure debited to Indian revenues was as follows :

1934-35 .	12 01 lakhs.
1935-36 .. .	12·54 lakhs
1936-37	11·38 lakhs.

Mr. T S Avinashilingam Chettiar : May I know why the matter has not been taken up since November, 1937 ? I hear that the latest letter which they wrote to the British Government was in November 1937.

Sir Aubrey Metcalfe : The Government of India are still awaiting a reply.

Mr. S. Satyamurti : With reference to part (a), may I know what is the volume of trade, the number of merchants engaged, and the number of employees in the oil company ?

Sir Aubrey Metcalfe : I have no exact information

Mr. S. Satyamurti : Are they in hundreds or thousands ?

Sir Aubrey Metcalfe : It is probable they are in hundreds I cannot tell the Honourable Member the number of traders I can obtain the exact information if the Honourable Member wishes

Mr T. S Avinashilingam Chettiar : May I know whether Government have enquired why they have not yet received a reply for their communication sent in November, 1937 ?

Sir Aubrey Metcalfe : It is possible that His Majesty's Government have more important problems to consider

FILLING UP OF APPOINTMENTS IN THE HIGHER RANKS OF THE CIVIL ENGINEERSING DEPARTMENT OF THE KARACHI PORT TRUST

969 ***Mr. Lalchand Navalrai** : (a) Has the attention of the Honourable Member for Communications been invited to the agitation in the press in Sind and Bombay, and by other Indian Chambers and Associations of Commerce in India, in connection with the filling up of appointments in the higher ranks of the Civil Engineering Department of the Karachi Port Trust ?

(b) Will Government be pleased to state whether they received direct representations in the matter ? If so, from whom ?

(c) Will the Honourable Member please give the sanctioned strength of the establishment referred to in part (a) and their grades of pay ?

(d) Will he state if it is a fact that last year the post of Chief Engineer of the Karachi Port Trust fell vacant ? If so, were applications invited by advertisement by the Trustees of the Port ?

(e) Is it the rule of the Karachi Port Trust to invite applications by advertisements, or to do so only when they consider next eligible person on their staff unsuitable for promotion to the higher appointment ?

(f) Will the Honourable Member please state the principles under which the Karachi Port Trust fill up higher appointments ?

(g) Will the Honourable Member please state the number of applications received from qualified Civil Engineers answering all the requirements of the advertisement, which were put in the first class ?

(h) Will the Honourable Member please state whether it is a fact that after receipt of applications the appointment was filled up by the promotion of the next person already in the employment of the Karachi Port Trust, and that there were better qualified and more experienced applicants ?

(i) Is it a fact that Mr F J Green of the Chittagong Port and Mr. A. G. Milne of the Cochin Harbour were also among the applicants ?

(j) Will the Honourable Member be pleased to lay on the table of the House a comparative statement of the qualifications, details of experience and appointments held and pay drawn at the time of making the application, by those referred to in the above clause and of the person who was appointed eventually ?

The Honourable Mr. A. G Clow : (a) and (b) In connection with the filling up of the post of Deputy Chief Engineer, representations were received from the Federation of Indian Chambers, the Karachi Indian Merchants' Association, the Buyers and Shippers' Chamber, Karachi, the Indian Chamber of Commerce, Lahore, the Indian Merchants' Chamber, Bombay, the Maharashtra Chamber of Commerce, Bombay, the Southern India Chamber of Commerce, Madras, the Bengal National Chamber of Commerce, Calcutta, and the Bihar Chamber of Commerce, Patna I have seen comments on the matter in a Sind newspaper, but do not remember seeing any in Bombay papers

(c) A statement is laid on the table

(d) Yes

(e) and (f) There is, I understand, no definite rule The matter is within the discretion of the Port Trust Board

(g) The Honourable Member is presumably referring to the post of Chief Engineer which fell vacant last year If so, five applications were received from persons who fulfilled all the requirements

(h) The reply to the first part is in the affirmative The officer appointed was regarded as the most suitable candidate

(i) Yes

(j) A statement is laid on the table

Statements

I

No. of appointments.	Designation	Old grade of pay where it is still applicable	Revised grade of pay.
		Rs	Rs
1	Chief Engineer . .		2,000—75—2,300
1	Deputy Chief Engineer ,,		1,300—50—1,600.
1	Executive Engineer ,,	900—50—1,600	900—50—1,250.
1	Assistant Engineer ,	,,	350—25—600.

II

List of applications received in connection with the appointment of Chief Engineer, Karachi Port Trust—Class A—Having special knowledge and experience in the construction and maintenance of Harbour Works

Name	Appointment and salary at time of application	Qualifications
Mr. D B Brow	Deputy Chief Engineer, Karachi Port Trust Pay Rs 1,750 in the grade of Rs 1,650—50—1,850	M Inst C E Assistant Engineer, Rochester Bridge Reconstruction—1912—Assistant Engineer, Southwark Bridge Reconstruction—1913—Assistant Engineer Doncaster to Thorne Widening Great Central Railway—1914—Joined West Kent Yeomanry and served in Gallipoli and Egypt. Commissioned in Royal Engineers—1916—and served in France—Awarded M C and twice "Mentioned"—Engaged for further service in the Royal Engineers with rank of Captain in 1919 and was sent to India—Served as Garrison Engineer, M W S, N W F—Appointed Executive Engineer, Karachi Municipality in 1921—Acted as Chief Engineer for 6 months—Appointed Executive Engineer, K P T in 1923 Acted as Deputy Chief Engineer for 8 months in 1934 and subsequently for a total period of 2 years Acting as Chief Engineer since February 1937
Mr. F. J. Green	Port Engineer, Port Commissioners, Chittagong Pay Rs 1,600 per mensem in the grade of Rs. 1,000—50—1,600 Conveyance Allowance Rs. 75 free quarters.	B Sc with Honours in Engineering, M Inst C E, M Inst M E, M Inst Struct E 2 years pupilship with Messrs Fraser and Chalmers, Limited, Kent, General Engineer—Nine months as junior draughtsman with the same firm—3½ years transferred to Ministry of Munitions—3 years as senior engineer—designer with Messrs. Rendel Palmer and Tritton, London—5-1/3 years with the Bombay Port Trust—10¼ years as Port Engineer to the Commissioners for the Port of Chittagong.
Mr. A. G. Milne ..	Executive Engineer, Cochin Harbour. Pay Rs. 1,800 per mensem in the grade of Rs 1,750—50—1,850.	M Inst C E, M I Mech E. Five years apprenticeship with the late Mr R Gordon Nicol, Harbour Engineer, Aberdeen, also as Assistant Engineer under him and as Resident Engineer—Engineering Assistant on Admiralty Public Works Staff for 5 years—Engaged for 3 years on the laying out of a shipyard, etc, at Shorehem, Sussex—Two years agent for Messrs C. V Buchan and Company, Limited Public Works Contractors, Brighton, Sussex—In service with the Bombay Port Trust (1923—1927)—Two years Honorary Secretary, Bombay Engineering Congress—Engaged on development of Cochin Harbour 1927 to date.

Mr. Lalchand Navalrai : With reference to part (b), may I know if any replies were sent to the several Chambers of Commerce who sent representations ? Who considered those representations ?

The Honourable Mr. A. G. Clow : The representations were considered, but I cannot say whether any replies were sent or not

Mr Lalchand Navalrai : With regard to part (f) may I know if it is the accepted policy of the Government that Indianisation should take place in the Port Trusts ?

The Honourable Mr A. G Clow : I think the matter is of course one not within the exclusive purview of the Government, but Government have drawn the attention of the Port Trusts to the desirability of proceeding with Indianisation

Mr. Lalchand Navalrai : Is it a fact that in Bombay the Chairman of the Port Trust insisted on adhering to the policy of Indianisation whereas the same policy has not been followed in Karachi Port Trust ?

The Honourable Mr. A. G Clow : I am not aware what the Chairman of the Bombay Port Trust did, but I am aware that Indianisation has been proceeding in Karachi

Mr. Lalchand Navalrai : May I know why the post of Chief Engineer was not given to one of the two Indian applicants who was more competent and better qualified than the European who was finally selected to the post ?

The Honourable Mr A G. Clow : I do not think the Indian applicants were more qualified than the European applicant who was appointed Does the Honourable Member refer to Chief Engineer or Deputy Engineer ?

Mr Lalchand Navalrai : I am referring to the Chief Engineer

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

Appointment of a Non-Indian as Deputy Chief Engineer by the Karachi Port Trust

970 ***Mr Lalchand Navalrai** : (a) Will the Honourable Member for Communications be pleased to state whether the Karachi Port Trust invited applications by advertisement for the post of Deputy Chief Engineer ?

(b) Will he please state the number of applications received from qualified Civil Engineers, answering all requirements of the advertisement, which were put in the first class ?

(c) Will the Honourable Member state whether any Indian applicants were put in the first class by the Chairman of the Karachi Port Trust, and if so, what was their number ?

(d) Will the Honourable Member state whether in spite of their being Indian applicants, answering all the requirements of the advertisement and possessing the required experience in the construction and maintenance of harbour works, a non-Indian was appointed by the Karachi Port Trust ?

(e) Will the Honourable Member please state whether all the elected members of the Board, both at the Committee and at the Board meetings, voted against the appointment of a non-Indian and urged in favour of the appointment of an Indian ?

(f) Will the Honourable Member state whether the appointment of a non-Indian is not against the declared policy of Government and the Port Trusts in the matter of the Indianisation of the higher services of the Port Trusts in India ?

(g) Will the Honourable Member state whether two of the Indian applicants, possessed high university degrees in addition to practical experience, whereas the successful non-Indian applicant has had no university or college education ?

(h) Is it a fact that the non-Indian applicant was merely a Senior Assistant Engineer with a very short acting service as Executive Engineer, against higher appointments in officiating capacities with approved service held by the two Indian applicants ?

(i) Are these facts correct that (1) one of the two Indian applicants is an Executive Engineer in the Karachi Port Trust and had officiated as Deputy Chief Engineer for a period of nearly one and a half years, (2) his application for the permanent appointment of Deputy Chief Engineer was recommended in very appreciative terms by the Chief Engineer, and (3) the Chairman of the Karachi Port Trust also expressed satisfaction with his work ?

(j) What steps do Government propose to take, in the interests of Indianisation, to appoint Indians as Chief Engineer and Deputy Chief Engineer in place of those now appointed ?

The Honourable Mr. A. G. Clow : (a) Yes.

(b) and (c) Eight candidates were considered to be eligible, of whom two were Indians

(d) A non-Indian was selected, because he was considered better qualified for the appointment

(e) and (f) No

(g) It is true that unlike the Indian applicant the non-Indian applicant did not possess a university degree, but the latter passed the Examination for Associate Membership of the Institute of Civil Engineers and this is regarded as equivalent to an Honours Degree in Civil Engineering at any British University His practical knowledge and experience were considered to be superior

(h) His designation was Senior Assistant Engineer in the Bombay Port Trust but I understand that his responsibilities were much greater than those of Assistanat Engineers usually are

(i) (1) Yes His actual period of officiating employment was 15 months

(2) His application was forwarded and recommended for consideration

(3) Yes

(j) The Government of India have had correspondence with the Port Trusts on the subject of employing Indians in increasing numbers in the higher services The Port Trusts are in sympathy with that policy and during the past decade have tried to give effect to it, but they are the best judges of the steps that should be taken to hasten the pace of Indianisation having regard to the special conditions of each Port Government do not propose, therefore, to take any steps in the direction suggested

Mr. Lalchand Navalrai : May I know if this gentleman who was appointed, Mr Everett, was imported from Bombay ?

The Honourable Mr. A. G. Clow : That is so

Mr. Lalchand Navalrai : Is it a fact that out of the two persons whose applications were rejected, one of them was an Executive Engineer having better academic and technical qualifications than Mr. Everett ?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member cannot ask questions about individual cases

Mr Lalchand Navalrai : I am asking Government to define their policy in having Mr Everett and not the other applicant ?

Mr. President (The Honourable Sir Abdur Rahim) : That question cannot be allowed

Mr. Lalchand Navalrai : Is it a fact or not that the Chairman of the Port Trust and all the elected Members of the Port Trust wanted an Indian in that place ?

The Honourable Mr. A. G. Clow : Not all the elected Members I do not think the Chairman also did so, but I am not sure

USE OF SANSKRIT WORDS BY THE DELHI BROADCASTING STATION

971 ***Dr Sir Ziauddin Ahmad** : (a) Will the Honourable Member for Communications please state whether Government are aware of the fact that the Broadcasting Station at Delhi uses a large number of Sanskrit words in broadcasting speeches ?

(b) Are Government aware that language spoken in Delhi is standard *Hindustani* or *Urdu* and its vilification is resented by all persons who are interested in good language ?

The Honourable Mr. A. G. Clow : (a) No

(b) As regards the first part I would refer the Honourable Member to the supplementary questions following Mr Badri Dutt Pande's starred question No 745 asked on the 5th September, 1938, and replies given to them The second part does not arise

MUSLIM AND NON-MUSLIM STAFF IN BROADCASTING STATIONS

972 ***Dr. Sir Ziauddin Ahmad** : Will the Honourable Member for Communications be pleased to state the total number of Indians (1)

Muslims and (2) non-Muslims in (i) technical and (ii) non-technical line in all the broadcasting stations of India, classifying the services into three categories

(a) gazetted officers,

(b) ministerial staff, and

(c) inferior or menial service ?

The Honourable Mr. A. G. Clow : A statement giving the required information is placed on the table of the House

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Statement showing the number of Muslims and non-Muslims employed at the various Broadcasting Stations of All-India Radio

	Indian		
	Muslims.	Non-Muslims	Total
Gazetted			
Programme Staff	3	7	10
Engineering Staff . .		6	6
Total	3	13	16
Non-Gazetted			
Programme Staff ..	17	36	53
Engineering Staff	8	63	71
Ministerial Staff (Clerical and others)	22	36	58
Total	47	135	182
Inferior Staff .	32	52	84

MESS ESTABLISHED AT THE DELHI BROADCASTING STATION

973 ***Dr. Sir Ziauddin Ahmad** : (a) Will the Honourable Member for Communications please state whether Government are aware that a mess has been established at Delhi Broadcasting Station on military lines ?

(b) Is it a fact that all members of Delhi Broadcasting staff, married and unmarried, are compelled to join the mess ?

(c) Is it a fact that expenses of this mess are very high ?

(d) Is it a fact that members are falling into debt ?

(e) Is it a fact that the Muslim members are forced to drink wine ?

(f) Are Government prepared to make thorough enquiries into the matter ?

The Honourable Mr. A. G. Clow : (a) No , but a residential club has been organised by some members of the All-India Radio staff at Delhi

(b) No , membership is optional

(c) No , on the other hand I understand that members have found it very economical.

(d) No case of indebtedness has come to the notice of the authorities

(e) No.

(f) Does not arise

BREACHES DUE TO FLOODS IN THE EAST INDIAN RAILWAY LINE IN MURSHIDABAD DISTRICT

974 ***Mr. Akhil Chandra Datta :** (a) Will the Honourable Member for Communications be pleased to state whether the Bengal Government moved the Railway Board for making breaches in the East Indian Railway line to save people of Azimganj, in the District of Murshidabad, from distress caused by the recent flood ?

(b) If so, when did they receive that communication from the Bengal Government ?

(c) If so, did they refuse sanction for such breaches ?

(d) Is it a fact that a telegram was sent by the East Indian Railway on 25th August, 1938, to Mr. Bhupat Singh, *ex*-member of this Assembly, stating that an examination of the water level showed that the breaches suggested by the people of Azimganj would have only negligible effect in reducing the water level of Azimganj ?

(e) Who conducted the afore-mentioned examination ? Was it done by the Railway experts alone, or was it done in the presence, or with the aid, of Provincial or District Engineers ?

(f) What are the names and designations of the Railway officers on the results of whose examination, the afore-mentioned telegram was sent to Mr. Bhupat Singh ?

(g) What is the date and time when the said examination was made ?

(h) Will Government please state whether the embankment protecting the town of Behrampur collapsed and, if so, the date of such collapse ?

The Honourable Mr. A. G. Clow : (a) No.

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

(d) Yes.

(e) to (h) *Enquiries are being made and a reply will be laid on the table in due course.*

Mr. Akhil Chandra Datta : Are Government aware that expert opinion is that the floods in Bengal are mainly due to these railway embankments.

The Honourable Mr. A. G. Clow : Not all expert opinion, as far as I know

Mr. Akhil Chandra Datta : There is some expert opinion, for instance the opinion of Willcocks

The Honourable Mr. A. G. Clow : I am willing to take it from the Honourable Member

Mr. Akhil Chandra Datta : Has any action been taken in the light of that expert opinion ?

The Honourable Mr. A. G. Clow : The question of floods is constantly under examination when they arise

Mr. Akhil Chandra Datta : The question is whether any action has been taken according to the expert opinion expressed from time to time, namely, that it is these embankments which cause these floods

The Honourable Mr. A. G. Clow : I am afraid the question is too general for me to reply to Floods cannot be considered as a whole matter over several provinces

Mr. Akhil Chandra Datta : Is it a fact that the railways object to the lines being opened because that means some extra expenditure to them ?

The Honourable Mr. A. G. Clow : The railways naturally do not want their lines to be breached

PERCENTAGE OF MUSLIM STAFF IN THE POSTS AND TELEGRAPHS DEPARTMENT.

975 ***Maulvi Muhammad Abdul Ghani** : Will the Honourable Member for Communications be pleased to state

(a) whether his attention has been drawn to the editorial on pages 1 and 2 of the *General News, Delhi*, dated the 10th August, 1938, under the heading *Swaraj ki manzilen*, and, if not whether the Honourable Member will be pleased to examine the same ,

(b) the percentage of Muslims in (i) gazetted ranks, (ii) superintendents' cadre, (iii) gazetted Postmasters' grade, (iv) Inspectors' grade, (v) non-gazetted staff of upper division clerks (vi) first division clerks, (vii) second division clerks, (viii) third division clerks, (ix) superior staff, lower division clerks, (x) inferior staff, and (xi) other miscellaneous staff, *vide* latest gradation lists published and circulated in respect of the following offices, etc. :

(i) Office of the Director General, Posts and Telegraphs ;

(ii) Office of each Head of Circle, separately ;

(iii) Office of each Presidency Post Office, separately ;

(iv) each first class Head Post Office, separately ;

(v) each Postal Circle ; and

(vi) Office staff in Divisional Superintendents offices, Circlewise ;

(c) the date on which the term of office of the present Director General, Posts and Telegraphs, will expire and whether it is a fact that Mr Bewoor has applied for an extension of his services , and

(d) who will be the next Director General, Posts and Telegraphs ?

The Honourable Mr. A. G. Clow : (a) I have seen the paper forwarded by the Honourable Member

(b) Information in the form required by the Honourable Member is not available and cannot be collected without an undue expenditure of time and labour The Honourable Member is, however, referred to Appendix XXI of Annual Report of the Indian Posts and Telegraphs Department which gives the communal composition of the staff of the Department classified under gazetted and non-gazetted ranks A copy of the Report is in the Library of the House

(c) In March, 1939 The reply to the last part is in the negative

(d) The Honourable Member must wait and see

Maulvi Muhammad Abdul Ghani : Having regard to the communal compostion, as pointed out in the latest report, that there are only 18,000 out of 1,20,000 persons serving in the Posts and Telegraphs Department, will the Honourable Member be pleased to state the reason for the low percentage of Muslims ?

The Honourable Mr. A. G. Clow : The percentages for recruitment are laid down and, so far as I am aware, are being generally observed. Naturally the present position depends on recruitment over a large number of years past

Railway Collieries

976 ***Dr. P. N. Banerjea** : Will the Honourable Member in charge of Communications and Railways be pleased to state

(a) the area of each coal property owned and worked by the Railways, namely, Kurharbaree, Serampore, Bokaro, Swang Kargali, Bhurkunda, Jarangdih, Argada, Talcher (Madras and Southern Mahratta), Talcher (Bengal Nagpur) and Kurasia collieries ;

(b) the thickness of each seam of coal being worked at the said collieries ,

(c) the estimated or approximate quantity of coal underlying each of the said colliery properties ;

(d) the quality and grade of coal of each of the seams worked at the said collieries ,

(e) the inclination or gradient of each of the seams ;

(f) the depth from surface at which these seams lie ;

(g) the nature of mines, *i.e.*, whether pits, inclines or quarries by which coal is raised from each seam ,

(h) the system of working for extraction of coal followed in each of the said collieries , and

(i) where the work is carried on under the ' pillar ' and ' stall ' system , how many years the first working or development work of each colliery will or is likely to continue before the final operation of extraction of pillars will be undertaken ?

The Honourable Mr. A. G. Clow : Enquiries are being made and a reply will be laid on the table in due course.

OUTPUT FROM THE KURHARBAREE AND SERAMPORE COLLIERIES

977 ***Dr. P. N Banerjea** : Will the Honourable Member in charge of Communications be pleased to state

(a) if it is a fact that the bulk of the output from the Kurharbaree and Serampore collieries is obtained from extraction of pillars ;

(b) whether the method of extraction of pillars at these collieries is the same as adopted in other collieries in Bengal and Bihar , and

(c) what proportion of the coal available in pillars is recovered by the present method ?

The Honourable Mr. A. G. Clow : Enquiries are being made and a reply will be laid on the table in due course

Mr. Manu Subedar : May I ask whether Government will also inquire if the cost of extracting coal in the Government mines is higher or lower than the cost in private mines ?

The Honourable Mr. A. G. Clow : I doubt if that arises, but it varies

Mr. Manu Subedar : I am only requesting the Honourable Member to collect the information and let us know

FENCING OF THE BARAKAKHANA LOOP LINE BETWEEN GOMA AND SONE EAST BANK

†978 ***Mr Ram Narayan Singh** : Will the Honourable Member for Railways be pleased to state whether the Barakakhana Loop Line between Goma and Sone-east bank is all along fenced and, if not, why not ?

The Honouralbe Mr. A. G. Clow : The line is not completely fenced. The policy regarding fencing is to maintain it only where the railway passes through suburbs and industrial areas, around station yards, and in the neighbourhood of important level crossings

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

MEMORIAL SUBMITTED BY TELEGRAPH MESSENGERS AT SIMLA

†979. ***Mr. Ram Narayan Singh** : (a) Will the Honourable Member for Communications be pleased to state whether the telegraph messengers of Simla submitted a memorial in the first week of this month to the Director General, Posts and Telegraphs, drawing his attention to the difference in their pay, prospects and duties as compared with those of postmen and line-men and, if so, what is his decision on the said memorial ?

(b) Is it a fact that qualifications necessary for appointments both to the posts of telegraph messengers and to those of postmen and line-men, are the same, that the postmen and line-men have only day duty to perform, whereas the telegraph messengers have to work day and night, and that the grades of pay and the rates of promotions allowed to postmen and line-men are very much better than those allowed to telegraph messengers ?

(c) If the answer to part (b) above be in the affirmative, do Government propose to consider the desirability of bringing the telegraph messengers at a par with postmen and line-men with regard to their pay, prospects and hours of work ?

Mr. G. V. Bewoor : (a) I have received no such memorial so far

(b) The facts are not as stated in the first two parts of the question. The reply to the last part is in the affirmative.

(c) Does not arise

POSTAL FACILITIES IN HAZARIBAGH DISTRICT

†980 ***Mr. Ram Narayan Singh** : Will the Honourable Member for Communications be pleased to state whether the Postmaster General of Bihar took any steps on matters raised in questions Nos. 1183 and 1184, asked on the 6th April, 1938, regarding some postal facilities in Hazaribagh District, and if so, what ?

The Honourable Mr. A. G. Clow : The Postmaster General has reported that he is sanctioning the appointment of an additional village postman at Hunterganj experimentally for six months

STATUS OF A BRANCH POST OFFICE AND CLASSIFICATION OF THE POST OFFICES AT HUNTERGANJ AND CHAMPARAN IN HAZARIBAGH DISTRICT

†981 ***Mr. Ram Narayan Singh** : Will the Honourable Member for Communications be pleased to state

(a) whether the status of a Branch Post Office, either as departmental, or extra departmental, depends on its income and, if so, why the post offices of Hunterganj and Champaran in the Hazaribagh District are not classed as departmental, and the salaries of the post masters thereof raised ,

(b) whether in extra branch post offices, house-rent, contingent and other miscellaneous charges are not allowed and, if so why ; and

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

(c) what is the maximum and minimum amount of pay allowed to the post masters of extra branch post offices and on what basis ?

The Honourable Mr. A G Clow : (a) The status of a branch post office, as departmental or extra-departmental, depends mainly on the volume of work, the income and public convenience. I have no information as regards Champaran Post Office So far as Hunterguni is concerned, I understand the Postmaster General does not consider a change of status to be required The matter is one within his competence and a copy of the question is being sent to him

(b) No separate allowance is made for house rent and contingencies to extra-departmental branch offices which are generally situated in the residence or place of business of the extra-departmental agents The monthly allowance sanctioned for the extra-departmental branch postmaster includes a reasonable provision for contingent and other miscellaneous charges likely to be incurred in running a small post office

(c) The maximum and minimum allowances are generally Rs 20 and Rs 6 per mensem respectively, but the maximum may be increased in special cases The allowances are fixed so as to ensure a reasonable remuneration for the amount of work done.

POSTAL FACILITIES IN CERTAIN DISTRICTS OF BIHAR

†982 ***Mr Ram Narayan Singh** : Is the Honourable Member for Communications aware that in all the five districts of Palamu, Hazaribagh, Singhbhum, Manbhum and Ranchi in the Province of Bihar, postal facilities available to the people thereof fall far short of actual needs therein and, if so, do Government propose to extend and improve these facilities by immediately opening new village post offices in areas whsre there is none, and if so, when and if not, why not ?

The Honourable Mr A G. Clow Government have no reason to believe that the postal facilities provided in the districts mentioned are inadequate The second part of the question does not arise, but a copy of the question is being sent, for such action as he may consider suitable, to the Postmaster General, whose business it is to deal with the provision of postal facilities

TRAIN DISASTER AT AYYALUR, SOUTH INDIAN RAILWAY

983 ***Mr M Ananthasayanam Ayyangar** : Will the Honourable Member for Railways be pleased to state, with respect to the train disaster at Ayyalur, South Indian Railway .

(a) if the number of gang coolies was reduced on the line near the spot where the accident occurred and, in consequence, sufficient attention could not be paid to the line often , and

(b) if there is no culvert at the spot, or near to it, while there is one opposite thereto on the road parallel to the line for the drainage of water ?

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

The Honourable Mr. A. G. Clow : (a) The reply to the first part is in the negative · the second part does not, therefore, arise.

(b) The accident occurred at mile 255|15. There is a railway culvert at a distance of about two furlongs At a further distance of about three furlongs there is a 20 foot girder bridge The stream under this bridge then passes under the parallel road by a bridge with three openings 6 ft. by 5 ft

Mr. M Ananthasayanam Ayyangar Why was it not noticed that the line was weak at this spot ?

The Honourable Mr A. G Clow I am not aware that the line was weak at that spot

Mr. M. Ananthasayanam Ayyangar Was it inspected a short time before the accident occurred ?

The Honourable Mr. A G. Clow : That doubtless will be disclosed by the inquiry which is proceeding

Mr S Satyamurti Was there a culvert in this railway line, corresponding to the one which my Honourable friend said is on the stream under the road, running parallel to the railway ?

The Honourable Mr. A. G. Clow I have said that there was a 20-feet girder bridge and the stream under this bridge passes under the parallel road by a bridge with three openings 6 ft by 5 ft

Mr S Satyamurti Are Government satisfied that, on the night of the fateful occurrence, the number of gang coolies was adequate to inspect the line and give a clear line to the train to pass ?

The Honourable Mr. A. G. Clow So far as I am aware, that was so, but the Honourable Member will have to wait for the result of the inquiry.

Delay in Delivery of Air Mail Letters in East Africa.

984 ***Mr Govind V Deshmukh** (on behalf of Seth Govind Das) Will the Honourable Member for Communications please state ·

(a) the time it takes a letter to reach Zanzibar from India by air mail ,

(b) whether the present air mail scheme is only beneficial to England for transporting the mail earlier than it used to ,

(c) whether it is a fact that the change of system in the air mail carriage causes a delay in delivering letters in East Africa nowadays , and

(d) whether he proposes to have the defects rectified soon ?

The Honourable Mr. A. G. Clow · (a), (b) and (c). Prior to the inception of the Empire Air Mail Scheme, first class mails from India for Zanzibar travelled by the fortnightly service of the British India Steam Navigation Company direct from Bombay or by the weekly Peninsular and Oriental service from Bombay *via* Aden, the time taken in transit

varying from 12 to 13 days Under the Air Mail Scheme, the first class mails go by air five times a week from India to Alexandria and from thence three times a week by air to Mombasa, from which there is a weekly air service to Zanzibar, the mails received by the air services on the other two days of the week being sent by the surface route The transit time varies from five to eight days There is, therefore, no foundation for the suggestion made in part (b) of the question

(d) Does not arise

LABOUR CONTRACT OF THE CALCUTTA PORT TRUST.

985 *Mr Manu Subedar: With regard to my starred question No 529 on the 26th August, 1938, relating to the labour contract given by the Calcutta Port Trust, will the Honourable Member for Communications state

(a) whether he has received the minutes and acquainted himself with all the facts of the case,

(b) whether Government have examined if they have any indirect power to eliminate any malpractices in relation to such contracts, which may come to the notice of them,

(c) what steps Government propose to take with regard to securing for Indian firms full and free and equal opportunities of taking remunerative work of every description with the minor Port Trusts in India, for the administration of which the Central Government are responsible, and

(d) whether Government have considered the advisability of amending the Calcutta Port Act with a view to arming themselves with the necessary power of interference in such cases in future?

The Honourable Mr A. G. Clow (a) I have seen the minutes setting out the facts of the case

(b) and (c). I have already explained that Government have no statutory power to interfere with the decision of the Commissioners in meeting in regard to contracts, and from the papers I have received I have no reason to believe that there have been any malpractices.

(d) I invite the Honourable Member's attention to the reply I gave to his second supplementary question to question No 852 asked by Mr Santhanam on the 8th September, 1938

Mr Manu Subedar May I inquire whether having regard to the various irregularities in connection with this contract about which complaints have been made from the non-official side, Government have formed an opinion on this case and whether they have communicated that opinion to the Calcutta Port Trust?

The Honourable Mr. A. G. Clow I am not aware what irregularities the Honourable Member is referring to

Mr Manu Subedar: The irregularities are that the contract was made prior to the date of termination,—it was antedated by a few months,—that no tenders were called, that no quotations of any kind

were invited, and that generally it was done against the opinion of the Accountant-General and against the opinion of the Indian trustees. These are some of the irregularities any one of which would vitiate a contract of this kind. Have Government formed any opinion on this and have they communicated it to the Calcutta Port Trust ?

The Honourable Mr. A. G. Clow We have not communicated any opinion to the Calcutta Port Trust

Mr Manu Subedar Do they propose to communicate that opinion to the Calcutta Port Trust in order at least to avoid similar contingencies in future ?

The Honourable Mr A. G Clow I understand this contract is for about seven years and so the question hardly arises at the moment

REDUCTION OF RAILWAY FREIGHT ON RAW COTTON

986 ***Mr. Govind V Deshmukh** (on behalf of Seth Govind Das) : Will the Honourable the Railway Member please state

(a) whether his attention has been drawn to the need for a reduction of revenue freight on raw cotton in view of the decline of the prices of raw cotton to give relief to the cultivator , and

(b) whether he proposes doing anything in the matter ?

The Honourable Mr. A. G Clow (a) Representations to this effect have been made

(b) Government have no proposal under consideration at present for a general reduction in the freight rates on cotton

DIFFERENCE IN FARES ON RETURN TICKETS BETWEEN TWO ALTERNATIVE ROUTES ON THE EAST INDIAN AND NORTH WESTERN RAILWAYS

987. ***Prof N. G. Ranga** (on behalf of Mr. Sri Prakasa) : Will the Honourable Member for Railways state ·

(a) if it is a fact that on the East Indian and the North Western Railways when a passenger takes a return ticket by a shorter route and elects to come back by a longer one, he has to pay the difference for both ways, as if the outward journey was also performed by the longer route ;

(b) if the system applies to all classes of passengers, or only to the intermediate or the third classes ; and

(c) if the system is confined to the East Indian and North Western Railways, or prevails over others or all the Railways in India ?

The Honourable Mr. A. G. Clow · (a) Yes, in through booking between these two railways : and in local booking on the North Western Railway Both on the East Indian and North Western Railways, how-

ever, holders of return journey tickets are allowed to travel by an alternative longer route without additional charge in cases in which passengers taking single journey tickets for the shortest route can do so

(b) All classes

(c) The arrangement also operates over the South Indian Railway.

REVISION OF THE INDIAN RAILWAYS ACT

988 ***Mr Manu Subedar**: (a) Will the Honourable Member for Railways state whether any representations have been made to Government with regard to the revision of the Indian Railways Act ?

(b) Is it a fact that the obligations of the railway authorities in India as carriers towards the public are restricted, compared to similar obligations in the United Kingdom ?

(c) Are Government aware that the commercial community is very much dissatisfied with the terms and conditions, under which railway risk notes are issued ?

(d) Have Government got the revision of this Act in hand ?

(e) Will the revision take place before any steps are taken to appoint the Statutory Railway Authority ?

The Honourable Mr. A G. Clow : (a) I am unable to trace any recent representation on the subject. The point was, however, referred to in a discussion which the Indian Merchants' Chamber, Bombay, had with the Chief and Financial Commissioners of Railways in August, 1937

(b) No comparison of the nature indicated has been made

(c) Representations to this effect have been made from time to time.

(d) No

(e) Does not arise

Mr. Manu Subedar Is it a fact that every time a merchant presents a consignment to go by the railways at railway risk the staff is instructed to put down that the packing is not adequate and satisfactory whatever the nature of the packing may be ?

The Honourable Mr. A. G Clow : Not every time ; no

Mr. Manu Subedar Will the Honourable Member make an inquiry into the allegation which I have made now as to whether the provision of the railway risk note, as it is provided even by the inadequate law at present, is defeated by this attitude of the railway staff whenever consignments are given to them at railway risk ?

The Honourable Mr A. G. Clow : I have explained that that is not the attitude of the railway staff , but I understand that the Railway Board and the Chief Commissioner have offered that in cases in which there is complaint on this ground, a senior officer would be deputed to examine the circumstances on the spot

Mr Manu Subedar Will the Honourable Member assure this House that he will take a typical centre like Calcutta or Bombay and take a

short period of a fortnight or so and see how many consignments were offered and in how many cases the railway staff arbitrarily put down that the packing was not satisfactory ?

The Honourable Mr. A. G. Clow If the action was arbitrary, it was open to the merchants who have complaints to take advantage of the offer, to which I have referred. I believe they have not done so in any case.

Mr Manu Subedar That is exactly what I am doing on the floor of this House

The Honourable Mr. A G. Clow . But that is not the same thing at all.

EARNINGS OF THE HIGHER CLASSES AND THE THIRD CLASS ON RAILWAYS

989 ***Mr. Manu Subedar** : (a) With regard to the calculations of the relative earnings of higher classes and the third class, given in reply to my starred question No 644 on the 31st August, 1938, will the Honourable Member for Railways state whether the extra additional capital and maintenance costs in respect of first and second class waiting rooms at stations, retiring rooms for higher classes at certain big stations, and the capital and renewal and repair charges in connection with the European restaurant cars, were added ?

(b) If not, does he propose to take these items into account in considering the problem of the abolition of the first class carriages ?

(c) In view of the results disclosed, is he prepared to give an assurance that no more first class carriages will be built and, pending the final decision to abolish the first class on all railways, any temporary shortage of first class accommodation would be made good by converting the second class for the use of first class passengers ?

The Honourable Mr. A G Clow : (a) No

(b) The expenditure on the items referred to is not recorded separately The elimination of one class of accommodation will not *per se* make the provision of the amenities referred to less necessary than under existing conditions

(c) I do not know what " results " the Honourable Member refers to, but as there is no proposal under consideration to abolish the first class on all railways, I am unable to give the assurance asked for

Mr Manu Subedar : In addition to the information which the Honourable Member gave to us the other day of relative earnings of the two classes, I am inquiring in this question whether some part of the outlay on refreshment rooms and refreshment cars both capital and revenue may not be attributable to the costs of running the first class for passengers ?

The Honourable Mr. A. G. Clow : I am prepared to admit that it may be

Mr. Manu Subedar : If that is so, then with regard to clause (c) may I inquire whether the Honourable Member will make a fresh calculation and whether he will take this into consideration in deciding the question whether the first class should be abolished or not ?

The Honourable Mr A G. Clow : No , the question of abolishing the first class is not being considered but the question of reducing the first class accommodation is constantly under consideration

POWERS OF THE RAILWAY BOARD IN RESPECT OF RAILWAYS IN INDIA IN CERTAIN MATTERS

990 *Mr **Manu Subedar** : Will the Honourable Member for Railways state :

(a) what powers the Railway Board possess in respect of all railways in India, whether owned by Indian States, or by private companies, under the Indian Railways Act, of control or supervision in regard to public safety and the choice of the type of wagons, carriages and locomotives , and

(b) what further powers they have reserved to themselves in respect of the above with regard to State Railways under Company management ?

The Honourable Mr. A G. Clow : (a) I understand the Honourable Member's question refers to Railways other than the four State-managed lines The powers the Railway Board exercise over all other railway lines to which the Indian Railways Act applies are those conferred on them under the Government of India's Department of Commerce and Industries notification No 801, dated 24th March, 1905. These powers do not extend to the prescription of types of rolling stock, except in regard to any point affecting public safety

(b) I am having the contracts with the more important Railways examined, and a further reply will be laid on the table when this examination has been completed.

RAILWAY RATES ADVISORY COMMITTEE

991 *Mr **Manu Subedar** : (a) Will the Honourable Member for Railways state how many cases the Railway Rates Advisory Committee has considered during the last three years, for which full particulars are available ?

(b) Has the complaint of the commercial public, that this body should be a tribunal and not merely an advisory body, reached Government ?

(c) What is the amount of annual expenditure incurred in respect of this Committee ?

(d) What steps are being taken to have a general revision of the rates ?

(e) Have Government considered the advisability of abolishing this committee and of setting up a proper rates tribunal, to whom appeal may be made by the commercial public and whose decision will be final ?

The Honourable Mr A. G. Clow : (a) The Committee submitted reports in six cases during the three years ending with 1937-38, and had three cases under investigation on the 31st March, 1938.

(b) Yes.

(c) The expenditure for the last three years has averaged Rs 77,000 per annum

(d) No general revision of rates is contemplated.

(e) Government have no proposal for the abolition of the Committee in contemplation The question of setting up a tribunal whose decisions would be final was considered in connection with the Acworth Committee's report I would also refer the Honourable Member to section 191 of the Government of India Act, 1935

Mr. Manu Subedar : With regard to part (d), may I inquire whether a close examination of the rates is not going on at present in the Railway Board in view of the rail-road competition ?

The Honourable Mr. A G. Clow : There is no general revision in contemplation The rates are constantly under review in minor particulars

Mr Manu Subedar : May I inquire whether Government have considered the desirability of undertaking this general revision of rates, particularly with regard to the classification as all the highly valued stuff is now being diverted to the road ?

The Honourable Mr. A. G. Clow : That is an argument

Mr Manu Subedar : I merely ask if Government have considered it desirable to reconstitute the classifications at least at some places where their traffic is being diverted to the road

The Honourable Mr. A. G. Clow : I think there was some examination of the question about two years ago

EXPENDITURE ON POLITICAL CHARGES OUTSIDE INDIA

†992 ***Mr. Manu Subedar** : (a) Will the Secretary for External Affairs state the main heads of expenditure from Indian revenues in respect of Political charges outside India, and to what extent they have increased or diminished during the last three years, for which accounts are available ?

(b) What are the reasons for this increase or diminution in each case ?

(c) Have representations been made to His Majesty's Government for any determination as to the justice of these burdens on India and the desirability of some of these burdens being taken over by them ?

(d) Is the Honourable Member in a position to inform this House of any decisions which have been reached so far on this subject ?

Sir Aubrey Metcalfe : (a) and (b) A statement is laid on the table

(c) His Majesty's Government have been addressed with regard to diplomatic and consular expenditure in Iran and in the Persian Gulf as stated in my reply to part (a) of Honourable Member's starred question No 869, dated the 8th September, 1938 No other expenditure of this nature is at present under discussion with His Majesty's Government

(d) No decision has been made yet.

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

Statement showing the expenditure incurred on Consulates, etc , outside India during the years 1934-35, 1935-36 and 1936-37.

	1934-35	1935-36	1936-37
Kabul	4,40,086	4,48,578	4,54,679
Nepal	11,77,059	11,77,703	11,81,940
Kashgar	1,25,607	1,25,110	1,26,688
Jeddah	(a) 14,529	83,940	(c) 86,506
Addis Ababa	1,488	1,646	1,369
Baghdad	15,560	15,847	17,312
Iran and the Persian Gulf	12,00,727	(b) 12,54,392	(d) 11,37,777
Total .	29,75,056	31,07,216	29,86,271

N B —Except in the case of Iran and the Persian Gulf and Jeddah, expenditure adjusted in the Home accounts has not been included as separate figures are not available

(*a*) Prior to the 1st April, 1935, most of the expenditure pertaining to Jeddah was finally adjusted in the Home Accounts and details are not available

(*b*) Increase due mainly to more exper n telegrams and other charges owing to the political situation in Iran and the Persian G

(*c*) Decrease due to less expenditure on telegrams

(*d*) Decrease mainly due to reduction in the Muscat subsidy

CONTRACTS OF THE ASSAM BENGAL RAILWAY

993 ***Mr. K. S. Gupta** : Will the Honourable the Railway Member please state, in connection with his reply to Mr. Brojendra Narayan Chaudhury's starred question No 626, on the 31st August, 1938

(a) whether for the brick-fields and interlocking arrangements huge works were undertaken at Badarpur, Assam Bengal Railway , the amount involved in them ; and whether any tender was called for ,

(b) whether all the works did not go to a single contractor from the Punjab refusing the same to the local contractor, Isabali, who did the brick-fields work for the last seven years ,

(c) whether the staff of the District Engineer and Assistant Engineer is manned entirely by non-Sylhetics ,

(d) the amount of control the Railway Board has by law, and the amount of control generally exercised by the Railway Board over Company-managed Railways with regard to administration in relation to employment of servants and contractors ;

(e) whether the Central Government are interested in the behaviour of the Company-managed railways towards the public, passengers, servants and contractors, if so, to what extent; and

(f) whether the Central Government have any share in the gains and losses of the Assam Bengal Railway, if so, to what extent?

The Honourable Mr. A G Clow: (a) Interlocking and remodelling at Lumding and Badarpur was sanctioned in 1937-38 at an estimated cost of 3 93 lakhs for the two stations Tenders were called for.

(b) The Honourable Member's attention is invited to the answer given to question No 626 on 31st August, 1938 Government have no further information.

(c) The Honourable Member's attention is invited to the reply to part (b) of question No 626 answered on 31st August, 1938

(d) The administrative control exercised by Government generally over Company-managed Railways is regulated by the terms of contracts executed by individual railway companies, the only general condition in relation to staff being that such railways should maintain a sufficient staff for the purposes of the line to the satisfaction of Government. Under such agreements, except for certain financial control, Government have no control in the choice of the personnel of servants or contractors

(e) Government are naturally interested in seeing that reasonable service is given to the public As regards servants and contractors I refer the Honourable Member to my answer to part (d)

(f) Yes From the net earnings of the Assam Bengal Railway interest at the guaranteed rate of three per cent is first paid on the Company's capital. Thereafter, interest is paid on Government capital at three per cent. on the share of Government capital upto 8/11ths of the total capital of the Railway and at rates specially agreed upon on the balance Any surplus profits left are divided between the Government and the Company in the ratio of the respective amounts of capital expended by them on the undertaking The Assam Bengal Railway is not earning any surplus profits at present The Company, therefore, gets its guaranteed interest only and the loss is borne by Government

SELECTION BOARDS FOR SELECTING CANDIDATES FOR RAILWAY APPOINTMENTS.

994. ***Mr. Lalchand Navalrai:** (a) Will the Honourable the Railway Member be pleased to state since how long the selection boards for selecting candidates for railway appointments, have been established both in the divisions and the headquarters on the State-managed Railways?

(b) Is it a fact that many a times junior officers of the divisions and headquarters sit to select, and are Government aware that dissatisfaction has been expressed in the press and by way of interpellations in the Assembly and in the Railway Central Advisory Board as to the composition of the boards and their doings?

(c) Does the Honourable Member know that Provincial Public Service Commissions have been established in the Provinces and that the Postal and Telegraph Departments have lately been recruiting subordinates by competitive examinations and the higher appointments through the Federal Public Service Commission ?

(d) Do Government propose to make recruitment in the railways in the same way as indicated in part (c) above ? If not, why not ?

The Honourable Mr A G. Clow : I am obtaining information which will be laid on the table of the House in due course

WANT OF AN INTERMEDIATE CLASS WAITING ROOM AT DINAPORE

995 ***Mr. Ramayan Prasad :** (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that there is no intermediate class waiting room at Dinapore, the Divisional Headquarters of the East Indian Railway ?

(b) Is it not a fact that the average middle class passengers usually travel in intermediate class compartments and, in view of the considerable number of intermediate class bookings at and *via* Dinapore, provision for intermediate class waiting room is a great necessity ?

(c) If the answers to the above parts be in the affirmative, does the Honourable Member propose to consider the advisability of removing the long felt necessity of the public by providing one there ?

The Honourable Mr. A. G. Clow : (a) Yes

(b) I am aware that many middle class passengers travel in intermediate compartments but have no particulars of the bookings at Dinapore and cannot express an opinion regarding the necessity for a separate waiting room

(c) A copy of the question and answer will be forwarded to the General Manager, East Indian Railway

DINING CARS ATTACHED TO RAILWAY TRAINS

996 ***Mr. K. S Gupta :** (a) Will the Honourable the Railway Member please state how many passenger trains (including mail and express) are provided with dining (European) cars and Indian dining cars for third class passengers in the various railways of India ?

(b) Is he prepared to consider the desirability and necessity of attaching a third class dining car to every passenger train ?

The Honourable Mr. A. G Clow : (a) I would refer the Honourable Member to pages 103 and 104 of the Report by the Railway Board on Indian Railways for 1936-37, Volume I

(b) It is not considered necessary to have a refreshment car on every train

Mr S Satyamurti : Will my Honourable friend consider the necessity of having Indian third class dinging cars for all long distance passenger trains ?

The Honourable Mr. A G Clow : They are attached in a number of cases.

Mr S Satyamurti : I want to know whether they are attached to all long distance trains, that is to say, trains which run for more than 12 hours.

The Honourable Mr A. G C'ow : No, because a lot of these trains are mainly intended to serve local traffic

Mr. S. Satyamurti : I am asking with regard to trains which take time to travel long enough for men to become hungry and want a meal, perhaps Government will consider the desirability and the possibility of attaching third class dining cars to such trains

The Honourable Mr. A G Clow : The point I was trying to make was that although trains may run long distances they may be run very largely for local traffic, and the passengers themselves may not be travelling long distances

Mr S Satyamurti : May I know Sir, whether apart from local traffic, Government have satisfied themselves that there are third class Indian dining cars attached to such long distance trains ?

The Honourable Mr A G Clow : The question is constantly under review, and the number has been increasing

Mr S Satyamurti : Will Government please inquire and provide third class dining cars where passengers are expected mostly to travel for more than 12 hours at a time ?

The Honourable Mr. A. G. Clow : Steps have been and are being taken to increase the number of dining cars

Mr. N V. Gadgil : Are Government aware that revolution begins with hunger ?

Uncovered and Low Platforms at certain Stations on the Bengal Nagpur and Madras and Southern Mahratta Railways

997 ***Mr. K S Gupta** : (a) Will the Honourable the Railway Member please state if it is not a fact that several important stations on Bengal Nagpur Railway and Madras and Southern Mahratta Railway, like Khargpur, Khurda, Vizianagram, Waltair, Samalkot, Rajahmundry, Ellore, etc , have no shades or sheds on the platforms to protect passengers from sun and rain ?

(b) Is the Honourable Member aware that platforms of several stations on the Bengal Nagpur Railway and the Madras and Southern Mahratta Railway are far below the level of footboards of trains and cause great inconvenience and sometimes accidents to women, children and old men, while getting down the train specially where it stops for a minute or two ? If so, when will the raising of such platforms be begun ?

The Honourable Mr A G. Clow : (a) and (b). Government have no particulars, but have no reason to dispute the statements made by the Honourable Member The general policy is, so far as possible, to provide additional amenities for passengers such as those asked for by the Honourable Member The order of priority is left to Railway Administrations as they are in the best position to judge of the needs of any particular case

Mr S. Satyamurti : With referenre to clause (b) of the question, may I know whether my friend has ever tried to ascend or descend such platforms, and may I ask him to draw the attention of the Administrations to the great inconvenience and sometimes danger to at least the limbs of passengers, when they have to ascend and descend from platforms, which are very much below the footboard of the trains ?

The Honourable Mr. A. G. Clow : I have frequently used such platforms and know the amount of inconvenience

Mr. S. Satyamurti : Then, will my friend press on the attention of the Railway Administrations concerned to provide platforms long enough to accommodate these trains ?

The Honourable Mr. A G. Clow : I do not think it is merely a question of length

Mr. S. Satyamurti : Often enough, I have noticed that when a train stands on the platform, it is quite high enough in some places and the passengers have to descend to very low ground in other places I am asking whether at least in cases where platforms are not long enough, my friend will draw the attention of the Railway Administrations to lengthen the platforms and raise them to adequately high levels to make it easy for passengers to ascend and descend

The Honourable Mr A. G. Clow : These are both Company-managed Railways I think the matter is one which could appropriately be raised in the Local Advisory Committees

Prof. N G. Ranga : Will the Honourable Member be pleased to send these questions and supplementaries to the Railway Agents concerned ?

The Honourable Mr A G. Clow : I said this matter could more appropriately be raised in the Local Advisory Committees as regards places where there are important stations

Mr. S Satyamurti : Have the Local Advisory Committees got any power over the Agents ? I find again and again we are referred to Local Advisory Committees They are only recommendatory bodies, and the Agents almost always turn down their proposals or advice I am asking whether at least the Honourable Member will take the trouble of sending these suggestions to the Agents concerned, and not leave it to their patronising attitude to take action or not in the matter ?

The Honourable Mr. A. G. Clow : In the present case, I am merely an advisory body too, but I have no objection to sending these questions and answers

HIGHER FARES CHARGED FOR SHORT DISTANCES ON THE BENGAL NAGPUR AND MADRAS AND SOUTHERN MAHRATTA RAILWAYS

998 *Mr. K S. Gupta : Is the Honourable the Railway Member aware that higher rates are charged for short distances on the Bengal Nagpur Railway and Madras and Southern Mahratta Railway ? If so, why ?

The Honourable Mr. A. G Clow : I understand the Honourable Member's question to mean that, on the two Railways referred to, the freight rates for traffic carried for short distances are on a higher basis than on other railways This may be the case for certain commodities but not for others Such differences as there are between the rates on one railway and those on another are due to the conditions not being identical

Prof N. G. Ranga : Has it not directly resulted in greater competition by motor buses with these railways ?

The Honourable Mr. A. G. Clow : That has affected rates in some cases

Prof. N. G Ranga : In what way have Government or the railways tried to meet this competition by reducing their freight charges ?

The Honourable Mr. A. G. Clow : In some cases

Mr M. Ananthasayanam Ayyangar : Will the Honourable Member advise those Railways to reduce their freights so that they may be able to compete with motor buses ?

The Honohrable Mr. A. G. Clow : The question of the most suitable rates is constantly under consideration

FIXATION OF SPEEDOMETERS TO ENGINES OF PASSENGER TRAINS.

999 *Mr K S. Gupta Will the Honourable the Railway Member state whether there is any move in the near future to fix speedometers to every engine of the passenger trains to avoid accidents ? If not, why not ?

The Honourable Mr. A. G. Clow : The attention of the Honourable Member is invited to the reply given in this House on the 12th August, 1938, to parts (b) and (c) of starred question No 143 asked by Mr. T S Avinashilingam Chettiar

PASSENGER ASSOCIATIONS ON RAILWAYS.

†1000. *Mr K. S Gupta : Will the Honourable the Railway Member state how many passenger associations are there in India ? How many of them have been represented on the Advisory Committees of the several railways in India ?

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

The Honourable Mr. A. G. Clow: Government have no information in regard to the first part of the question As regards the second :

the Passengers' and Traffic Relief Association, Bombay, is represented on the Great Indian Peninsula Railway's Local Advisory Committee at Bombay ,

the Passengers' Association, Villivakkam, is represented on the Madras and Southern Mahratta Railway's Main Committee ,

the Railway Mandal, Belgaum, is represented on the Madras and Southern Mahratta Railway's Branch Committee for the Bombay Presidency ,

the Passenger Association, Tanjore, is represented on the South Indian Railway's Committee

INDIANS KIDNAPPED BY THE PEOPLE FROM THE TRIBAL AREA

1000A ***Mr Brojendra Narayan Chaudhury**: Will the Foreign Secretary please state

(a) the names, addresses and sex of citizens of British India kidnapped by the people from tribal area since the Delhi Session of the Assembly ,

(b) the motive for the kidnapping, and whether it is political, economic, or enmity against any community, or a mixture of all or any two ,

(c) how many of the kidnapped persons (i) have been returned, (ii) have been recovered, and (iii) have returned since ,

(d) measures taken to trace and recover them ,

(e) the duties of the Frontier Constabulary, and whether it is to protect the Frontier from the tribes , and

(f) whether the Frontier Constabulary is under the Government of India, or Provincial Government ?

Sir Aubrey Metcalfe: (a) A statement containing the information asked for is laid on the table

(b) Government have no precise information

(c) 26 persons out of the 30 kidnapped had been returned up to September 8th

(d) Political pressure was brought to bear on the responsible sections of the tribes

(e) The main duties of the Frontier Constabulary are to maintain security along the Administrative Border and to deal with raiders from Tribal territory

(f) The Frontier Constabulary is under the control of the Agent to the Governor General, North-West Frontier.

Statement showing the names, addresses and sex of the citizens of British India kidnapped by the people from tribal area since the Delhi Session of the Assembly

Name	Sex	Address.
(*Bannu*)—		
1 Faqir Chand	Male	Bozi Khel
2 Veda Bai	Female	
3 Pokhar Dass	Male	Sal Naugar
4 Phula Nand	,,	Hassan Khel
5 Gulab Chand	,,	Bakhmal
6 Milap Chand	,,	Lakki
7 Behari Lal	,,	Bakhmal
8 Pir Mohd	,,	Darakhi, Tank.
9 Khan Sherin	,,	Kotka
10 Ayub Khan	,,	Bannu
11 Sher Ali	,,	Bakhmal
12 Sher Mast	,,	,,
13 Parma Nand	,,	Hawed
14 Pokhar Dad	,,	Tajazai
15 Khanda Ram	,,	,,
(*Kohat*)—		
16 Qamar Gul	,,	Sheikhan
17 Mira Most	,,	Karbogha
18 Hirda Raman	,,	Thal
19 Mst Nahundi	Female	Dallan
20 Nawab Khan	Male	Tatwari
(*D I Khan*)—		
21 Neeroz	,,	Rori
22 Khan Mir	,,	Kirri Haider
23. Mohd Khan	,,	Lunni
24 Tulsi Das	,,	Gulimam
25 Gurdit Singh	,,	Takwara.
26 Gowardan Singh	,,	..
27. Malka	,,	.
28. Devi Das	,,	Kirri
29 Two Grazers	,,	Lunni.

UNSTARRED QUESTIONS AND ANSWERS.

CERTAIN COMPLAINTS AGAINST RAILWAYS.

45. **Mr. Satya Narayan Sinha**: Will the Honourable Member for Railways please refer to reply given to starred question No 830, asked in this House on the 18th March, 1938, regarding certain complaints against Railways, and state the result of the inquiry made ?

The Honourable Mr. A. G. Clow: No enquiry was made, but, so far as the points relating to the East Indian Railway were concerned, the General Manager of that line stated that :

(i) The 17 Up Express was booked to stop at Rudauli from 1st October, 1937 ,

(ii) the construction of a road outside railway limits was a matter for the local civil authorities

STAFF CONSIDERED SURPLUS ON STATE RAILWAYS

46 **Mr Satya Narayan Sinha**: Will the Honourable Member for Railways please refer to the replies given in this House to starred questions Nos 371, 644 and 710 asked on the 14th, 28th and 30th September, 1936, respectively, and to lay a statement showing *inter alia* .

(a) the number of staff (gazetted, non-gazetted, superior, inferior and menials, respectively) on Eastern Bengal, East Indian, Great Indian Peninsula and North Western Railways, in each category, and scales of pay considered surplus to requirements under the scheme of discharge on the basis of comparative efficiency ,

(b) length of service of such staff ,

(c) number in each case of punishments awarded to such staff against inefficient working during preceding two years of their service ,

(d) the date up to which *current requirements* were determined ;

(e) whether any date has been fixed up to which that scheme will operate , and

(f) the number of persons recruited in those categories and scales of pay during the period of that scheme ?

The Honourable Mr A. G. Clow: (a), (b), (c) and (f) Government have no information but an endeavour will be made to collect particulars of the numbers of staff discharged by categories during the current year with their lengths of service, if this is readily available and the numbers of persons, if any, recruited in the same categories during the same period

(d) and (e) No date was fixed by the Railway Board for the determination of current requirements or for the termination of the scheme

SELECTION POSTS AND GRADES ON STATE RAILWAYS.

47. **Mr Satya Narayan Sinha** : Will the Honourable Member for Railways please lay a statement of selection posts and selection grades declared by the Eastern Bengal, East Indian, Great Indian Peninsula and North Western Railways under the rules for recruitment and training of non-gazetted staff, both technical and non-technical ?

The Honourable Mr. A. G. Clow : I would refer the Honourable Member to the reply given to unstarred question No. 24, asked by **Mr.** Muhammad Azhar Ali in this House on the 31st August, 1938

UNIONS ON RAILWAYS.

48. **Mr. Satya Narayan Sinha** : Will the Honourable Member for Railways please refer to the reply given to unstarred question No 135, asked in this House on the 31st August, 1934, and to inquire and state

(a) the names of Unions conducted on sound trade union principles , and

(b) the names of Unions encouraged by the Railway Board since then ?

The Honourable Mr. A G. Clow : (a) I am unable to express an opinion on the manner in which individual unions conduct their affairs , but a list of the Unions, which have been recognised by various Railway Administrations, will be found in the statement laid on the table of the House in connection with part (b) of Mr T. S Avinashilingam Chettiar's starred question No 653 asked on the 5th March, 1938, in this House.

(b) If by " encouraged " the Honourable Member means " recognised ", the answer is that the Railway Board do not recognise trade unions , this is a matter for railway administrations. They do, however, meet the All-India Railwaymen's Federation twice a year.

SUB-LETTING OF CONTRACTS AT DELHI RAILWAY STATION

49. **Mr. B. B. Varma** : Will the Honourable Member for Railways please refer to the reply given to starred question No 587, asked in this House on the 2nd March, 1938, *viz.* ' The Agent, North Western Railway, states that he is not aware of any proved cases of subletting ' and to lay on the table the following letters :

(a) No 23 AC|26, of 30th June, 1937, from the Divisional Commercial Officer, North Western Railway, Lahore Division ;

(b) No 23 AC|123 of 9th May, 1938, from the Divisional Commercial Officer, North Western Railway, Delhi Division, together with the complaints of Mohan Lal Gupta and others dated 25th May, 1938, from Jakhal ; and

(c) No. 23 AC|123 of 24th January, 1936, from the Divisional Commercial Officer, North Western Railway, Delhi Division,

along with the complaints of Tara Chand, Kidar Nath and Benarsi Dass, and to state how far the statement of the Agent is correct ?

The Honourable Mr. A G Clow : The reply given to question No 587 on the 2nd March, 1938, had reference to Delhi station The allegations of sub-letting, to which reference is made in the correspondence quoted by the Honourable Member, refer not to Delhi but to other stations On inquiry none of these allegations was established I do not consider that any useful purpose will be served by placing the correspondence on the table

AREA SERVED BY THE POSTMAN OF DELHI SHAHDARA.

50 **Seth Govind Das :** Will the Honourable Member for Communications please state :

(a) the total area served by the postman of Delhi Shahdara in delivering postal articles,

(b) the minimum and maximum distance travelled in each direction from the post office building,

(c) the minimum and maximum time taken for delivery in each direction of that distance, and

(d) whether the delivery of articles to residences at maximum length can be made earlier by providing an extra postman, and whether it is justified by the increase of labour and nature of work, if not, how and why ?

The Honourable Mr. A. G. Clow : (a) to (d) Government have no information The matter is within the competence of the Postmaster-General concerned to whom a copy of the question is being sent for such action as he may consider suitable

PROCEDURE FOR OBTAINING INFORMATION OF MATTERS OF DETAILED ADMINISTRATION WITHIN THE COMPETENCE OF GENERAL MANAGERS OF STATE RAILWAYS

51 **Sardar Mangal Singh :** Will the Honourable Member for Railways please refer to the reply given to unstarred question No 24, asked on the 31st August, 1938, and state

(a) the procedure laid down for obtaining information on matters of detailed administration within the competence of the General Managers of State-managed Railways, and

(b) whether he will now please obtain the information and lay it on the table of this House, if not, why not ?

The Honourable Mr A. G. Clow : (a) No procedure has been prescribed.

(b) No, for the reason given in the reply to the question quoted by the Honourable Member in the opening part of the question.

SPEED OF TRAINS AND PROFITS, ETC., OF THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.

52 **Sardar Mangal Singh** : Will the Honourable Member for Railways please refer to the information given on the 8th August, 1938, in reply to unstarred question No 158, asked on the 8th April, 1938, and state .

(a) the booked speed of the trains on the Shahdara-Saharanpur Light Railway, when exemption from the order was given, during summer and winter, separately, and the total hours in journey taken for a distance of 92·50 miles ,

(b) the booked speed of the trains during summer and winter of 1937, and 1938 and the total period taken for a distance of 92 50 miles ,

(c) the minimum and the maximum distance between stations ;

(d) the percentage of profit divided amongst the shareholders of the Company during the preceding five years ,

(e) whether it is a fact that on the 26th August, 1938, the only women passenger by 4 Down train was criminally assaulted by both the Permanent Way Inspector and the Travelling Ticket Examiner between Kandla and Delhi Shahdara stations , and

(f) whether a report was made at Delhi-Shahdara , if so, with what result ?

The Honourable Mr A G Clow : (a) The information is not available, as the time-tables up to 38 when exemption was given about 20 years ago are not on record

(b) I am calling for the particulars required and they will be placed on the table when they are received.

(c) About two miles minimum and seven miles maximum

(d) The dividends declared were as follows

	Per cent
1932-33	6
1933-34	7
1934-35	6
1935-36 ..	7½ free of income-tax
1936-37	8½ less income-tax

(e) and (f) Enquiries are being made and a further reply will be laid on the table in due course

RECORDING OF DECISIONS IN WRITING ON APPEALS OF SUBORDINATE STAFF ON STATE RAILWAYS.

53 **Sardar Mangal Singh** : Will the Honourable Member for Railways please refer to the reply given to starred question No 569, asked on the 26th February, 1935, and state the result of the decision arrived at on the question that the appellate authority is required to record the decision in writing on each ground of appeal *et seriatim* ?

The Honourable Mr. A. G Clow : No decision was required on this point as there was no substantial difference between the rules in question and those applicable to gazetted railway servants in this respect.

HOSPITAL AT MIRANSHAH

54 **Mr Manu Subedar** : (a) Will the Secretary for External Affairs state whether there is a large hospital at Miranshah maintained by Government ?

(b) How many patients were treated at this hospital during the year for which latest particulars are available ?

(c) Is it a fact that the doctor in charge thereof is a medical graduate from Edinburgh ?

(d) What is the salary of this doctor ?

Sir Aubrey Metcalfe : (a) There is a hospital at Miranshah maintained by Government with provision for forty-two beds

(b) During the year ending 31st August, 1938, 900 indoor patients and 29,119 outdoor patients were treated at the hospital

(c) No.

(d) The Sub-Assistant Surgeon in charge draws pay Rs 70—4—130 per mensem *plus* Frontier allowance of Rs 20 per mensem and local allowance of Rs 25 per mensem *less* 15 per cent reduction applicable to new entrants to Government service

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 1156 asked by Pandit Sri Krishna Dutta Paliwal on the 4th April, 1938

RECRUITMENT OF CLERKS IN ROUTINE AND TYPISTS GRADES IN THE GOVERNMENT OF INDIA OFFICES

Enquiries made of the various Departments and offices show that there is only one instance in which a vacancy which occurred before the 1st April was not filled by a qualified candidate belonging to the list in force prior to that date The vacancy in question occurred in the third division in March, 1936, and was not filled in accordance with the regular procedure as timely intimation had not been sent to the Home Department Necessary adjustment has now been made by the appointment of a candidate belonging to the 1934 list To ensure that such cases do not recur Departments and offices concerned will be asked to report the date of occurrence of the vacancy in every requisition which they send for the nomination of a candidate.

Information promised in reply to parts (d) and (e) of starred question No. 418 asked by Babu Kailash Behari Lal on the 23rd August, 1938

BREACHES BETWEEN PARSARMA AND SUPAUL ON THE BENGAL AND NORTH WESTERN RAILWAY.

(d) The Railway administration has given close and constant attention for some time to the Kasi flood situation in the vicinity of Bhaptiahi and Supaul with a view to improving the situation.

(e) The Railway administration has not reached a final decision, as the situation is subject to widespread and rapid changes After the present floods have subsided the situation will be carefully examined with a view to deciding what action is to be taken.

Information promised in reply to starred question No 448 asked by Mr. Sham Lal on the 24th August, 1938.

ESTABLISHMENT OF A DEPRESSED CLASSES SETTLEMENT IN DELHI.

(a) 24.

(b) 1.

(c) 18.

(d) Extensions of time are commonly allowed to prospective lessees in New Delhi if the Chief Commissioner is satisfied that they really intend to complete their buildings within a reasonable time

(e) The time limit clause was not strictly enforced in the depressed area ; leases were cancelled only after prolonged default

(f) The development of the area is under the consideration of the Delhi Improvement Trust and it is not considered desirable to grant any further leases till the scheme is complete.

Information promised in reply to starred question No 461 asked by Maulvi Muhammad Abdul Ghani on the 24th August, 1938.

WASTAGE AMONG THE MUSLIMS AND SALARIES OF TEACHERS IN THE COMMERCIAL INSTITUTE, DELHI.

(a) The wastage referred to by the Honourable Member is by no means confined to Muslims A good many students are discouraged by the unfamiliarity of the course, and by the realisation of the fact that without family connections in business they may not secure employment after completing it Others again leave without completing the course if they receive an offer of paid employment

(b) The number of students concerned is small, and no action seems possible.

(c) Head Master on Rs 200—10—250 with special pay of Rs 50 a month.

One Assistant Master on Rs 140—10—190 with special pay of Rs. 35 a month.

Two Assistant Masters on Rs 110—5—135 with special pay of Rs. 35 a month, each.

The special pay is paid in each case for ten months in the year in connection with the evening classes attached to the Institute with effect from the 1st October, 1935.

THE IMPORT OF DRUGS BILL

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands) Sir, I beg to present the Report of the Select Committee on the Bill to regulate import into British India of drugs and medicines

RESOLUTION *RE* FINANCIAL CONTROL OF MILITARY EXPENDITURE

Mr. President (The Honourable Sir Abdur Rahim) The House will now resume consideration of the following Resolution moved by Raizada Hans Raj on the 2nd September, 1938 :

"That this Assembly recommends to the Governor General in Council that early steps be taken to constitute a committee of the elected and other members of the Central Legislature to examine the arrangements in force for financial control of military expenditure by the Finance Department and to suggest ways and means of reducing the present cost of Defence"

Prof N G Ranga (Guntur *cum* Nellore Non-Muhammadan Rural) Sir, I learn that the Honourable the Finance Member wants to make a statement, and I request that I may be allowed to speak after he has made his statement

The Honourable Sir James Grigg (Finance Member) Sir, I am very much obliged to the Honourable Member for giving way During the course of my speech, I shall have an important pronouncement to make, but I propose to do that in its proper setting and in relation to the views of the Government on this Resolution as a whole

We have had two interesting speeches on this Resolution

First, if you will allow me to say so, a very remarkable one from the Mover—witty, persuasive and to the point and if I may be permitted to say so—without attracting the accusation of flippancy—almost too brief The worst of it is that if his winding up speech is no longer than his opening speech, I shall lose my right of reply

Then, Sir, we had Mr Satyamurti painting a harrowing picture of a timorous Finance Member cowering beneath the jack boot of the brutal and licentious soldiery Honestly I don't really recognise myself in that picture and I don't think Army Head Quarters would recognise me either But, anyhow, the House will not be surprised to hear that I don't propose to put myself in the dilemma into which Mr Satyamurti is trying to put me Either I admit his impeachment, proclaim my unfitness for my job and at the same time tacitly admit that Defence Expenditure can be materially cut down—in which case I give the Congress Party the material they are itching to get for saying that the new Provincial Constitution won't work because so much of the taxable resources of the country are absorbed in paying for what they call the Army of Occupation Or I depart from my usual custom, blow my own trumpet and proclaim loudly how much I have cut the Commander-in-Chief below his true defence requirements and how it is he who comes as a humble suppliant to crave for a rather larger percentage of his demands If I say this—what then ? What will happen when next we come to discuss the Defence Budget ?

Well, in vain is the net spread in sight of the bird

My own view of the matter is that on the whole we have, during recent years, arrived at a fairly reasonable compromise between financial exigencies and defence requirements

12 NOON

If I have any doubts about this conclusion they are in the direction of wondering whether in view of the facts (a) that the world situation is infinitely more menacing than it was during the last ten years and (b)

that during the last ten years our net Defence Expenditure has been reduced from 55 crores to something of the order of 46—comparing like with like—these facts lead me in the direction of wondering whether financial exigencies have not been a little over-stressed at the expense of defence requirements

Perhaps I might digress here for a minute or two and say a word about the two Commanders-in-Chief with whom I have worked We have had many arguments and haggles but never a semblance of a quarrel, I have always found them keenly alive to the need for economical administration in the great force which they commanded and I have found in them both a readiness to make concessions or postponements in the interests of budgetary equilibrium which is as rare as it is comforting to a Finance Member And, finally, I have had from them both the utmost support in defending from time to time what I conceived to be the financial interests of India

With that digression let me return to my main theme. What is the situation in which we find ourselves ? Nobody can deny that it is one that is full of menace on all sides That is the situation in which the Resolution demands a Committee to control and reduce Defence expenditure Mr Satyamurti shows us how the reduction can be done. By Indianisation he thinks that 12 to 15 crores a year could be saved. This is, of course, a complete chimera For one thing under the most favourable conditions it would take a great many years to recruit and train the officers and men to replace the present British troops , for another the figure is excessive even as an ultimate saving , but most important of all, let me remind the House that Dr Deshmukh, and I think some other speakers, the other day made it clear that the Party opposite do not regard Indianisation as an economy measure but as a matter of national pride and—I think I am not doing Members opposite an injustice—as a matter of extending over a much larger area the privilege of participating in the country's defence

But, in any case, I am not going to be led away into discussing Indianisation We are discussing Army Expenditure and I say quite bluntly that, with war clouds lowering on every hand, I do not think it practicable, in present circumstances, to make any appreciable reduction in Army Expenditure The problem for us is rather how to get a better Army for the same money and not the same or even a larger Army for less money as the Members opposite seem to imagine And this problem is not at all easy of solution. Modern Defence requires greater mobility, greater striking and greater defensive power, tanks, bigger and better aeroplanes, mechanized transport, more and more guns—and all this for the same money as before

Well, this in essence is the problem which has been discussed in London since last April The Defence Secretary the other day promised to take the House into his confidence and inform it of the stage which these discussions have reached In fulfilment of this promise I will read to the House the announcement which is being made in London today by His Majesty's Government

"As was indicated by the Secretary of State for War in his speech on the Army estimates on March 10th of this year the Prime Minister, at that time, authorise the initiation of discussions regarding the role of the land and air forces in India in relation to the defence problems of India and the Empire.

[Sir James Grigg.]

2. Both the military and financial aspects of this question have been considered in detail The outcome of these discussions at the stage so far reached has recently been considered by His Majesty's Government.

3. The need for early action to place the defence organisation of India on a more satisfactory basis is accepted It has not been possible, in the time available, to reach agreement on all matters which have presented themselves for consideration in the course of these discussions But definite progress has been made, and in the light of this progress, an offer has been made by His Majesty's Government in the United Kingdom, subject to the approval of Parliament, to increase by £500,000 as from April 1st next the annual grant of £1,500,000 which has been paid to the Government of India since 1933 in aid of Indian defence expenditure in accordance with the recommendations of the GARRAN tribunal In addition His Majesty's Government in the United Kingdom propose to ask Parliament to authorise the offer to the Government of India of a capital grant up to five million pounds for the re equipment of certain British and Indian units in India and, in addition, to authorise the provision of aircraft for the re-equipment of certain squadrons of the Royal Air Force The precise scope and cost of these proposals has not yet been determined in detail Further, it has been agreed that four British battalions should be transferred from the Indian to the Imperial establishment ; three Battalions will be transferred at once and the fourth will follow as soon as it can be conveniently arranged Finally, in connection with the discussions which have taken place in London the Government of India have suggested that His Majesty's Government should send out an expert body of enquiry to India at the earliest opportunity to investigate the military and financial aspects of the problems on the spot, and to submit a report before discussions between the two Governments are carried to their conclusion His Majesty's Government have accepted this suggestion and appointed an expert committee with the following terms of reference.

' Having regard to the increased cost of modern armaments, to the desirability of organising, equipping and maintaining the forces in India in accordance with modern requirements—(*and I will ask the House to note carefully the next few words*—) to the limited resources available in India for defence expenditure, to examine and report, in the light of experience gained in executing the British rearmament programme how these resources can be used to the best advantage and to make recommendations.' The expert committee, with which the Defence Department of the Government of India will be associated will be presided over by Admiral of the Fleet Lord CHATFIELD. They will leave England during October and it is hoped they will be able to report early in 1939."

There for the time being I must leave the question of the quantum of Defence Expenditure and pass to the other question raised by the Resolution under discussion This relates to the control of Defence Expenditure by a Committee of this House Well, I don't want to embark on a constitutional disquisition as to the extent to which the Executive and the Legislature should have their say in this matter In England the Executive is in a position to enforce its will so long as it has a majority in the Legislature We do not *command* a majority in the Legislature and yet we are responsible and irremoveably responsible for Defence. We must, therefore, under the present constitution, have the last word. The House can discuss Defence *a priori* on the general Budget debates and *ex-post facto* in conjunction with the Report of the Public Accounts Committee. But it cannot vote upon it except in the way of expressing an opinion on policy generally on, say, the vote for the Executive Council. The new Federal constitution goes further The Legislatures will have the same or more rights of discussion and though Defence continues to be a Reserved subject the Governor-General is enjoined by Royal Instructions to consult fully and freely with the Federal Ministers before deciding upon the amount of the Defence Budget.

What the next step will be and when it will be taken nobody can say. One may perhaps predict that in India, as elsewhere, time will gradually extend the frontiers of responsible Government, but much will depend upon the spirit with which the new constitution is worked—and that in its turn depends on a removal of suspicion and a growth of goodwill not only between the Indian communities themselves but between Indians and the British And, if Members opposite will forgive me for saying so, I don't think that this removal of suspicion or growth of goodwill is likely to be fostered by attempts to introduce communal stresses and claims into recruitment for the Army or by making speeches—at a time when the international situation is so explosive—pointedly announcing to the world that in the next war India will not only not fight for the Empire but will actively conspire to hinder and injure it Of course, that India will do this isn't true, but it isn't always immediately obvious to outsiders that in the case of some Members opposite their eloquence goes beyond even *their* intentions And so far as the intentions of the vast bulk of Indians are concerned, I am sure that they recognise that in fighting for the preservation of the Empire they would be defending themselves in the most effective manner possible.

Prof N G Ranga : My Honourable friend has ended on a note of appeal for co-operation and goodwill and absence of suspicion in regard to the intentions of the Government of India as well as the intentions of His Majesty's Government, but, Sir, the very announcement that is being made today in London just about this time belies all that If the British Government or the Government of India really wanted the co-operation of this country, then why is it that they have not taken into confidence the leaders of the people of this country before they had made up their mind to appoint this particular committee, either in regard to the terms of reference of that committee or in regard to its personnel It shows quite clearly that the British Government as well as the Government of India want to continue to rule this country at the point of the bayonet, and they have displayed it in the very procedure that they have now adopted The Honourable the Finance Member has tried to pat himself on the back by saying that he has certainly tried to bring about much more economy in our defence expenditure than is good for the defence of this country. He certainly has done a disservice both to himself and to this country by saying on the eve of his departure to his own country that there can be no further Indianisation of the army in the manner in which we want it

The Honourable Sir James Grigg : Let me correct the Honourable Member I expressed no opinion on the merits of Indianisation at all, all I implied was that any economies to be achieved by it would be at best very slow in realisation and at worst non-existent

Prof. N. G. Ranga : I accept that correction, but even then he cannot possibly visualise any great economy in the defence expenditure of this country For a responsible Member of the Government and a man who is supposed to have been a strong Finance Member to come and make a statement like this on the floor of the House, in order to save his own skin, is really not befitting the great post which he adorns Then, Sir, he says that one of the terms of reference of this particular committee would be to take into consideration the limited financial resources of this country. It only means this—continue the stabilisation of the expenditure on the defence forces, keep it where it is, and whatever possible economies you can achieve

[Prof N. G. Ranga]

by internal re-organisation, utilise it for further expenditure on the same defence forces, so that the tax-payers cannot hope to get any sort of comfort from the thought that there may be any economies in the military expenditure of this country

Then, Sir, the Honourable Member wants us to pause and think about the world situation and the menace of it. To whom is it a menace? It certainly cannot be a menace to the liberties of India, because there are no such liberties It cannot be a menace to the independence of India, because India does not enjoy that independence It cannot be a menace to the freedom of our people, because there is no such freedom It can only be a menace to the British Empire and the commercial interests of the British capitalists and industrialists If it is a menace to his country, then I do not see any reason why I should continue to allow the Finance Member and his Government to spend money on the military forces of this country in the way in which they have been spending it Coming to the question, whether there should be any better financial control or not, the announcement itself admits our charge that the control is not enough, that the control is defective, and that the expenditure has not been properly cut down That is why one of the terms of reference of this Committee is to go into the financial and other control of expenditure and the financial relations between the Government of India and the Finance Department

Then, Sir, we have asked for the appointment of a Committee They themselves have admitted the need for it, and that is why they have appointed this Committee It is a Committee that we do not want. The Committee we want is to consist of elected Members and others, and this Committee appointed by His Majesty's Government is thoroughly unrepresentative It is as bad as the Simon Commission itself It is an all-white Commission, and that Commission is to work in close co-operation with the Defence Department in order to produce a document just like the kind of document which my friend has read out He has only tried to save himself from jumping into the net that he has spread All that he has done is to simply come here and sing a swan song both on his behalf and that of the Government of India "All is well with the Mashobra Road" Nobody need worry as to what is happening between the Finance Department on the one side and the Defence Forces on the other The Mashobra Road is where you find the house of the Commander-in-Chief

Then, Sir, I come to the question of Indianisation He argues that because there is not enough time for our people to equip themselves properly for the biggest positions in the army, therefore Indianisation today is not a practical proposition This point was pressed by the Indian Members of the Esher Committee which reported in 1919-20 in favour of Indianisation If the Government had adopted it in 1919, then they would have been able to satisfy this House and the country that there are enough Indian officers to man the Indian army without the aid of British officers at all The fact is that you do not want to help us to man the officer cadre of the army, and then you turn round and say that we are not trained, and, therefore, the Indian army cannot be Indianised,

economy cannot be effected, and we cannot have our own army Then, the British Government pretends to be very generous indeed It is just like a crocodile It offers 500,000 pounds towards capital expenditure

The Honourable Sir James Grigg : It is a capital grant up to five million pounds for the re-equipment of certain British and Indian units in India, and, in addition, the provision of air craft for the re-equipment of certain squadrons of the Royal Air Force, and, over and above all that, half a million a year in perpetuity

Prof. N. G Ranga : Five million pounds towards capital grant What will be the recurring expenditure as a result of this ? Who is going to bear it, my people or your people ? Certainly my people, and why should they bear it ?

Then, Sir, as to these financial implications, in regard to which my Honourable friend, the Finance Member, wanted us to believe in the generosity of the British Government, my Honourable Leader and others, who are more well-equipped and more competent to deal with them, will give a fitting answer I will now turn to the more mundane points Sir, what is it that the Government of India have done to implement the recommendations of the Retrenchment Committee that was appointed in 1930-31 ? Have they implemented all those recommendations or not ? I would like to have a specific answer to that Then, the Esher Committee itself made several recommendations, and what is it that they have done in regard to all those recommendations, especially to bring down the cost of the British officers employed in India as compared to the pay and emoluments paid to the same British officers when employed in England ? Why is it that they still continue to pay more to the British officers employed by His Majesty's Government while they are in India, not only in regard to these additional allowances, but also in regard to the pay and other things than what they are entitled to be paid when they serve in their own country ? Sir, they wanted more and more pay for these people soon after the war, both officers as well as men, on the ground that the prices of commodities went up, but why is it that they did not try to bring about any corresponding reduction in the salaries and allowances and other emoluments granted to these people when the prices have fallen ? Recently, they have even begun to talk of rising prices Evidently, Sir, the price indices are different for the military authorities from the price indices that we the civilian people are supposed to be having Otherwise, how can it be possible for them to claim that the prices have begun to go up,—and, therefore, to come here and say that, in respect of the same services, they will soon be obliged to spend very much more in the near future ? Sir, my Honourable friend said that apart from Indianisation, you have to make the same army much more efficient, but I have got an answer, and this was the answer given during the last European War The ordinary people recruited for the war were given, first, one year's training, then six months, then three months, and, in the later stages, for even much shorter periods, and yet these people came to prove themselves to be as efficient as the regular army people, if not more efficient If that is so, why is it that the British Government which follow this particular procedure in their own country do not want to follow that procedure in this country and try to develop our national militia and territorial forces ? Sir, the 1919 Esher Com-

[Prof. N. G Ranga.]

mittee recommended the development of these territorial forces, and yet today all that the Government have been trying to do is to sabotage this particular policy If ever they accepted this particular policy at all, why have they taken no steps to implement it anyhow and to develop the territorial forces in this country ? Sir, I can assure my friend, the Honourable the Finance Member, and, through him, His Majesty's Government that India will not be second to any other nation in providing funds for developing her army and developing the defence forces to such an extent as to be able to defend her own coast and her own frontiers and her own people just as efficiently as other countries, provided India is satisfied that she enjoys her own freedom, that her military forces are employed in the interests of India and are allowed to remain in the country only for the sake of India ..

Dr G V Deshmukh (Bombay City · Non-Muhammadan Urban) : And that they are Indians

Prof. N. G. Ranga : Sir, where is the need for all these Europeans to remain here as military officers ? What is their particular gift ? If it is a question of physical force alone, then I can assure my Honourable friend that in respect of aeroplanes, torpedoes, submarines, etc., mere physical strength does not count, it is brains which count And, as to the brains of Indians, let the British universities themselves give the answer They will tell you that the Indian students are faring just as well, if not better than, the best English students there,—and, in fact, in many of these universities, it is the Indian students who are outshining the English people themselves That is why the British Government have got a funk, and that is why they have introduced a new system of nomination even for the British people ? What is it that they are doing today ? They have introduced the principle of nomination for sending Britishers from England to India, because they know jolly well that the Britishers are not capable of competing with Indians in the matter of brains Now, what about brute force and money ? They have got money—but how ? With regard to this gift of this figure of Rs. 150 crores, from India to England, Sir, the Britishers are hypocrites.

Mr. President (The Honourable Sir Abdur Rahim) . That expression is unparliamentary

Prof. N. G Ranga : I am talking of the British nation and not of the British individuals Sir, my point is—what have they done to make a free gift in the name of India by their own free volition ? Is not that hypocritical ?

Mr President (The Honourable Sir Abdur Rahim) : The Honourable Member has one minute more.

Prof N. G. Ranga : Sir, we are asked to accept this wonderful gift of one hundred and twenty millions of rupees This is the result of the reconciliation of their Imperial obligations to India I know my friend, Sir James Grigg, has a much greater idea of self-respect than many people on those Benches Sir, with these words, I support this Resolution.

Mr. President (The Honourable Sir Abdur Rahim) . I find that there is an amendment in the name of Mr. Avinashilingam Chettiar He ought to have moved it earlier. I do not know whether he wants to move it now ?

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot Non-Muhammadan Rural) Yes, Sir. I move ·

" That for the word ' early ' the word ' immediate ' be substituted, and that for the words ' of the elected and other members ' the words ' with a majority of elected members ' be substituted."

Sir, I do not want to take much of the time of the House, I want to present only one point and that is this , with regard to the various emoluments and allowances paid to the British soldier, we are all aware of these, but I want to point out that there are other ways in which a greater pay is paid to him than is warranted by his salary and other allowances. This House is aware that his pay is fixed at pound sterling and this House is also aware that the exchange rate for the pound sterling is eighteen pence A pound thus comes to be equal to Rs 13-5-4. Now at what rate of exchange is the British soldier paid ? I am told and I believe it is correct—the Honourable the Finance Member will correct me if I am wrong—that he is not paid at the usual rate of exchange but he is paid at a lower exchange so that he may get more money in his hands He is paid at the rate of every pound being equal to fifteen rupees so that special exchange privileges are given to him , he gets Rs 15 for every pound of pay I ask the Honourable the Finance Member—is he honest ?

An Honourable Member : He is not here now

Mr T. S Avinashilingam Chettiar : I have not him in mind, but the system which he represents

Then, Sir, on page 36 of the Defence Estimates the pay of the British soldier is shown as Rs 4,68,42 830 I have tried to work out these figures and if you divide the whole amount by nine, which is about the proportion which Rs 1-10-8 bears to Rs 15, then it comes to Rs 53,64,578 If the Government are honest and if they are prepared to give the usual terms of exchange to the British soldier and, I daresay, he can claim no more than that, they can save this amount. May I ask if it is not a big saving ? Today we have seen an announcement by Mr Hore-Belisha whereby the British soldier is getting an increment in his pay by £1 We have already been saddled by a greater pay and by this announcement it will become still greater. May I ask why this privilege of a special exchange rate should be continued to the British soldier ? I do not know whether the kit and clothing allowance which comes to 32 lakhs odd and the deferred pay which comes to 21 lakhs odd are also paid at the same special exchange rate. I do not know also whether the pay of the officers which comes to about Rs. 3 crores and 20 lakhs is also counted at the same exchange rate I am told that the officers' pay is not calculated at that exchange rate But these four crores and 88 lakhs that we pay to the British soldiers is calculated at a rate of exchange which is one-ninth more than we should pay at the ordinary rate of exchange I say this is dishonest and no Government worth the name should tolerate a thing like this and I ask the Finance Member whether he can justify it by any means. Sir, I do not want to pursue this point any further, but I would like to read only a

[Mr T. S Avinashilingam Chettiar]

few lines from the report of the Public Accounts Committee. That is the only window through which we can know something about the condition of the military finances of the Government of India But better than reading the report of the Public Accounts Committee is, I think, reading the report of the Auditor General The Auditor General on page 97 of the Public Accounts Committee report says

"The question of the number and the significance of financial irregularities occurring in the administration of the Defence Services received special attention in last year's report when I was constrained to observe that the cases brought to notice taken as a whole seemed to afford evidence that there was considerable laxity of view and an insufficient sense of responsibility in financial matters, not in the administration as viewed in the abstract, but amongst individuals It is regrettable that this year's report should again include an undesirably large number of cases pointing to the same conclusion The following appear to be the most important types of irregularity reported on this occasion

(1) Cases of serious fraud attributable to lax supervision, and

(2) Cases of inadmissible money claims supported by incorrect certificates."

From a later report I see that the Committee say that things have improved but I should think that in a matter which relates to about half the Budget of the Government of India things have to improve a great deal, seeing what is exhausted in only a few years back I do think that nothing else will have the confidence of this country unless this Committee is constituted with a majority of the elected Indian Members of this country. Sir, I move

Mr President (The Honourable Sir Abdur Rahim) Amendment moved

"That for the word 'early' the word 'immediate' be substituted and that for the words 'of the elected and other members the words 'with a majority of elected members' be substituted"

There is another amendment in the name of Dr Sir Ziauddin Ahmad and Mr Essak Sait

(Both the Honourable Members were not in their seats)

The discussion will now go on on the Resolution and the amendment

Dr. P. N. Banerjea (Calcutta Suburbs Non-Muhammadan Urban) Sir, this Resolution urges the appointment of a Committee to go into the question of military expenditure and it seeks to assign two duties to this Committee The first is to provide for control and the second is to secure reduction in expenditure "It is the financial engine", to use the words of a great economic expert, "which drives the State" Now, we have not taken sufficient care in this country of the financial engine, and if we have to take sufficient care of this financial engine, three things are necessary In the first place, parliamentary control, in the second place, public criticism, and in the third place, administrative control Now, all these measures have been adopted in other countries Unfortunately, in India the Legislature has no control over military expenditure and public criticism does not count with the authorities at all As for administrative control, it was pointed out by the Esher Committee that this was very insufficiently and inefficiently exercised They said:

"The responsibility for the expenditure of nearly half of the total revenues of the Government of India now rests upon the shoulders of one man, namely, the Commander-in-Chief."

They suggested the creation of a separate Department to scrutinise and control the expenditure of the Military Department Unfortunately, due to the opposition of the military authorities, this recommendation was not given effect to Now, what we suggest in this Resolution is a more modest scheme We suggest that the Finance Department of the Government of India should have greater power of control over military expenditure.

Coming to the second point, we all know that army expenditure in India has gone on increasing year after year From very small beginnings, the army expenditure in India mounted up to a figure of about 18 crores just before the mutiny After the mutiny, the expenditure increased enormously till in 1913-14 the expenditure stood at a figure of 30 crores During the European War there was a great increase in the military expenditure and India had to make a very large contribution to the British exchequer in aid of the war The peak of the military expenditure was reached in 1921-22 when it stood at nearly 69 crores of rupees The Incheape Retrenchment Committee, which sat in 1922-23, recommended large reductions, and as a result of the acceptance of these reductions the military expenditure has now come down to about 46 crores of rupees Further reductions were expected by the public but these have not been effected If we add to this amount of 46 crores the cost of the strategic railways and certain other items of expenditure, such as the cost of the military police on the Frontiers, the military expenditure will come up to nearly 50 crores of rupees

Now, I ask, is this not a burden which is too heavy for the people of the country to bear ? Ten years ago, Sir Walter Layton the financial assessor of the Simon Commission, examined this question and he expressed the view that the military expenditure of the country was far too great for the country to be able to bear He also mentioned the fact, a fact which is known to everybody, that in social services India's expenditure was very small and in some respects *nil*, whereas in regard to the military expenditure India's expenditure was equal to that of the greatest nations of the world in proportion to their respective revenues Sir, to me it seems that Sir Walter Layton erred on the side of caution and moderation As a matter of fact, India's military expenditure is larger in proportion to her revenues in normal times than the military expenditure of the greatest nations, with the single exception of Japan In 1935, the military expenditure of the United Kingdom was 15 per cent of her revenues, in Germany 15 per cent, in France, 18 per cent, in the United States of America, 22 per per cent and in Italy, 25 per cent while in Japan, which is a military nation and which has been preparing for a long time past for aggressive wars, the expenditure was 46 per cent of her revenues That is the situation, and it must be regarded as very unfortunate that in a poor country like India, so much as 55 per cent of the total revenues of the Government of India or 30 per cent of the combined revenues of the Government of India and of the Provinces should be spent on the army

In addition to this there has been recent enhancement in this expenditure which may, in course of time, go up two or three crores My Honourable friend, the Finance Member, has pointed out that the British Government have been very generous in making a recurring expenditure of half a million £ and a capital expenditure of £ five millions Well,

[Dr P. N. Banerjea.]

Sir, this is a mere drop in the ocean A sum of £500,000 in the British Budget is nothing, but when we are asked to add to our expenditure to the extent of two to three crores a year in a budget of 80 crores, it appears to be a great deal It is a pity that the justice or the injustice of the situation does not strike the Honourable the Finance Member He is subordinate to the British Government in England and, therefore, he has to defend the action of his superiors

This being the situation, what is the remedy ? There are several remedies and these remedies have been urged upon the Government again and again The first remedy which has been suggested is that the cost of the British portion of the army should be borne by the British exchequer In this connection the question arises whether the British troops in India are maintained for the benefit of the British Empire or for the benefit of India ? So great an authority as the late Lord Salusbury remarked in 1896

" Millions of pounds have been spent in increasing the army in India not to provide for the security of India against domestic enemies or to prevent incursions of the warlike peoples of the adjoining countries but to maintain the supremacy of the British power in the East The scope of these great and costly measures reaches far beyond India's limits and the policy that dictates them is imperial policy "

Well, Sir, there cannot be a greater authority than Lord Salusbury to speak on this point Soon after, the minority of the Welby commission remarked that this was very unjust and that the whole cost of the British army in India should be borne by the British exchequer More recently the Esher committee, appointed about 17 or 18 years ago, observed :

" we cannot consider the administration of the army in India otherwise than as a part of the total army forces of the Empire "

and added

" the novel political machinery created by the peace treaty has enhanced the importance of the army in India relative to the military forces in other parts of the Empire and more particularly to those of the British Isles "

In view of these facts, the demand urged by Indian politicians and economists that the whole of the cost of the British army in India should be borne by the British exchequer is not at all improper

Sir, the next measure urged by Indian statesmen is that the Indian portion of the army should be Indianised, that is to say, British officers should be replaced by Indian officers in the Indian portion of the army. This demand has been voiced by all Indian statesmen from the days of Dadabhai Naoroji. Surendra Nath Banerjea and Gopal Krishna Gokhale, but no serious attempt has been made to meet this demand

The third method by which the army expenditure can be reduced is by observing economy both in recurring and in capital expenditure in all the departments of the Army. The various committees which were appointed, including the Esher committee and the Army Retrenchment Committee of 1931-32, suggested various measures, but these suggestions have not been accepted to the full extent. The result is that we find that even at the present moment a great deal of extravagant expenditure is

indulged in by the Military Department, and the latest instance of this extravagant expenditure is to be found with regard to the reconstruction of Quetta

Sir, the whole position is to be regarded as extremely unsatisfactory in this country, and it is high time that a committee of the Legislature is appointed to go into the question and arrive at a solution which should be fair to India and less burdensome to the Indian taxpayer

Sir Muhammad Yamin Khan (Agra Division Muhammadan Rural) : Sir, the Resolution seeks to appoint a committee in order to examine the arrangements in force for financial control of military expenditure by the Finance Department—that is the first purpose—the second purpose is to suggest ways and means of reducing the present cost of defence These are the two main points which are embodied in the Resolution No one in this House can say that he would not like to have the first point examined carefully, and the second point also is an essential one. We want to know how much power the Finance Department has got and what control it has got over the military expenditure This matter must be examined carefully by a committee and that committee must be capable not only to examine and report but also to make suggestions as to what kind of control must be exercised by the Finance Department We know, Sir, that the Finance Department has only to supply money which is asked for by the Defence Department That being the position, the Finance Department perhaps finds itself in a hopeless position to control the finances. The ever-increasing military expenditure is beyond their control and they have to obey the dictates of the higher command Therefore, a committee must be appointed to examine how far the Finance Department are in a position to say " No " to any demand And also the Finance Department must get their hands strengthened by the vote of this House consisting of elected representatives of the people, they being the custodian of the people's money That Committee must enjoy the confidence of this House Sir, I have been a zealous supporter of the rights and privileges of this House and have always opposed interference with those rights and privileges, which should be enlarged and increased by conventions and by the exercise of the power which this House has I would have liked this committee to be composed of Members of this House alone, but there is a practical difficulty and our object will not be achieved The announcement made by the Finance Member for a sort of subsidy by the British Government is welcome but even that cannot satisfy the country The House and the country must be satisfied as to the share of defence expenditure to be borne by England and by India The second thing is to find out how much money is wasted by the Defence Department and that ought to be curtailed These are the two things to be carefully considered and an examination of these points should be done by a committee which is well competent to go into these details For this purpose the best thing would have been for Mr Essak Sait to move his amendment, but in the absence of that I will support the main Resolution I think the committee should be able to enjoy the confidence not only of this House but of the Finance Department and the military authorities also A committee composed of Members of this House only would be an impracticable proposition and would fail to enjoy all-round confidence as being composed of laymen Mr. Chettiar wants a committee of a majority of elected Members. But there is no question of majority or minority here.

[Sir Muhammad Yamin Khan]

The committee must be such as to be able to command influence over the Finance Department and the military authorities as well. If we cannot get a rupee we must agree to get nine annas at least

Mr S. Satyamurti (Madras City Non-Muhammadan Urban) Ask for a rupee then

Sir Muhammad Yamin Khan: We are asking for it but let not the demand be something exorbitant And if there is only a majority of elected Members, the nominated block may also demand to be taken into this Then if there is a majority of elected Members, where do experts come in? I want these experts to come in and give their opinion as a result of their experience So although I am quite jealous about the rights and privileges of this House, in a matter like this I do not think it will be practicable and advisable to go beyond a limit, and I will advocate a committee of Members of this Legislature, of experts and of people who can advise the Finance Department and the Defence Department They must go into all these details and advise how money can be saved to be utilised for other purposes When abnormal conditions arise on account of war or something else, that expenditure cannot be controlled and nobody who has the real interests of India at heart will ever grudge that expenditure, because we have always said that we will not grudge a single penny which is required for the actual defence of India So I support this Resolution although I do not think that the two amendments proposed by Mr Chettiar are either practicable or advisable I, therefore, support the Resolution and not the amendments

Mr. B Das (Orissa Division Non-Muhhammadan) Sir, I sympathise with the Honourable the Finance Member when he found his speech scared away the Honourable Sir Ziauddin Ahmad and the other gentleman, and the little support he might have consoled himself with by the moving of that amendment was lost to him Better late than never This is the first time that the Government of India have agreed with the observations on this side of the House that the Garran tribunal's recommendations were entirely wrong and against India Whenever we laid that charge, the then Army Secretary fought and told us that the Government of India got whatever they demanded in spite of the minutes of dissent of Justice Shah Sulaiman and Justice Shadi Lal In spite of the modest way in which those two judges demurred, the British Government had its own way What is the sum and substance of what the Honourable the Finance Member announced? That the British Government will subsidise another £5,00,000 towards the capitation charges which the British War Office wrests from India Of course the Army Secretary will rise later on and say that the Government of India are even still fighting and demanding more money from the British Government but what can he do? He is a subordinate The War Office is adamant and they do not want to reduce the capitation charges So, even what little benefit accrued from the tribunal by the contribution of England from £1½ millions to £2 millions has all been washed away in the heavy capitation charges.

1 P.M.

The remedy lies elsewhere and even though the Finance Member himself has spotted it, he dare not speak out, nor the Army Secretary I wish to establish why a committee of this House and an Indian committee is

necessary, apart from the expert committee which England is exporting to India to inquire into the stabilisation of the Indian army or the British army here The House may recollect—some Members are present—the joint memorandum of the Indian delegation. They insisted before the Joint Parliamentary Committee that by the various suggestions they made, they would be able to reduce military expenditure very substantially one of the recommendations was that there should be a statutory committee on Indian defence Sir, I am glad that you were a signatory to that joint memorandum placed before the Joint Parliamentary Committee Nothing has been done No statutory committee of this House has been set up Not even the Leader of the Opposition of this House can talk with the Government side to show how military expenditure can be reduced The Finance Member laid much stress on the word Indianisation and said "I am not going to talk on the Indianisation of the Army" He is absent and I wish the Army Secretary would note this, because he is the only other man to reply What is the military expenditure of the two countries that are now at war—China and Japan—what are their resources? I was reading a book, only yesterday, and I find that the whole gold and silver reserve of China is only 46 millions sterling or 800 million dollars (Chinese), while Japan's gold reserve is only 46 millions or 801 million yen in December, 1937 But everybody knows that since then Japan has sent half of that gold reserve to European and American countries to buy war appliances and yet the Honourable the Finance Member will recognise that today India's gold reserve is in a much better position than Japan or China—the two fighting countries—and what do they spend on their individual armies? What are their army officers paid? Then army officers are paid probably one third the salaries that the impressed British officers get in India, and, it is, therefore, essential that there should be an inquiry by Members of this House

The next thing is this Members of this House must inquire why it is that the recommendation of the Defence Sub-Committee of the First Round Table Conference was not carried out Mr Thomas a British Cabinet Minister then was president of that committee and one of the resolutions they unanimously passed was this

"The Committee also recognise the great importance attached by Indian thought to the reduction of the number of British troops in India to the lowest possible figure and consider that the question should form the subject of early expert investigation"

The Finance Member says they have made departmental inquiries and four British battalions have been transferred to England That is not what is wanted The demand which the joint memorandum of the Indian delegation made was they wanted completely the transfer of as many British troops as possible to the British exchequer. Not only that The Finance Member is still a member of the Governor General's Council After three years his successor may not be But the Governor General in Council also demanded the same thing In their despatch of 1930 and subsequently they insisted almost in the same line where the Joint memorandum of the Indian delegation demanded before the Joint Parliamentary Committee Both the Thomas Defence Sub-Committee and the Government of India were agreed on one point The sub-committee considered that with the development of new political structure in India the defence of India must be to an increasing extent the concern of Indian people and not of the British people. But today I wanted to hear from him some ray

[Mr B. Das.]

of hope that the Government of India are still fighting against their unanimous conclusion of 1930 and even later, and that the defence of India will be the concern of the Indian people and not of the Army Council or the British War Office. If that point is conceded, if the defence of India becomes the increasing concern of the Indian people, then I need not speak anything more in defence of the Resolution which has been moved with such silent eloquence by my friend, the Mover, and so ably supported by my friends, Messrs Satyamurti and Ranga Sir, I do not think that the Government have gone behind their published despatches, but we want to know today either from the Honourable the Finance Member or from the Defence Secretary what they have done The Defence Secretary need not take shelter and say that he has to obey always the Army Council and the Indian army has no independent status

Sir, I want to ask one question Has the Commander-in-Chief or the Indian Army sent any officers to the Chinese front to see how little it costs them to conduct the operations of such a huge war that is now being waged between China and Japan ? We do not want a British Government or a British Army nor we desire manufacture of soldiers on the "British model." Even the uniform and dress must be on the British model, and if Japan is threatening the commercial supremacy of Britain today, if Britain is afraid of Japan, why should not Britain and the Government of India try to find out how Japan and China are managing their army expenditure at such low cost, and whether the Indian army also cannot be run and managed at a lesser cost Sir, this is a point in which India feels strongly There ought to be hundreds of Indian army officers today in China watching how Chinese warfare is being carried on, but the Government of India being slaves of the British War Office cannot take any independent action in the way I am suggesting Sir, the Honourable the Finance Member said that there is the menace of war all over and so there cannot be any retrenchment in army expenditure Sir, Indians do recognise the war menace and Pandit Jawaharlal Nehru has made it clear in his writings and speeches during his European tour that in case the war is just and righteous, India will participate in it, but India will not participate in any way unless it is righteous and just My friend, Mr Ogilvie, has his black Army Recruitment Bill, he wants to export ship loads of Indian soldiers as cannon fodder to any place where the British Empire may be engaged in war, and which may not be a righteous war and where India may not have any interest at all Sir, we are intelligent people, and my friend Professor Ranga, has already given a certificate to that, and if we have got the necessary control over our army

Mr President (The Honourable Sir Abdur Rahim) The Honourable Member has only one minute more

Mr B Das : If we have got the necessary control over the army, we can find the necessary finance, we can devise ways to equip the Indian army, but Indian army cannot be equipped in the costly way in which it has been designed by the War Office Therefore, it is essential that a Committee of both Houses should be appointed Let the Commander-in-Chief and Defence Secretary, who are both members of both the Houses, be members of that Committee including the Finance Member. Experts can sit and give expert advice, so that it may not be necessary to

have any outside members on it I am glad my friend, Sir Muhammad Yamin Khan, gave his halting support and if both the Commander-in-Chief and the Defence Secretary become members of that Committee, he would surely be satisfied. Sir, I hope the Government will accept this Resolution without a negative answer even from the Finance Member.

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

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

Mr. C. C. Miller (Bengal European) The Resolution now before the House recommends, in the first place, the institution of a committee to make examination into the control of military expenditure by the Finance Department It is perfectly natural that Honourable Members should, from time to time, desire to know if such control is being effectively exercised, and, especially, that there is no waste of public money But it appears to us that there are methods of ascertaining this both within the House and through the medium of the Public Accounts Committee So far as this Group is concerned, we are satisfied that within the limits of the Constitution the control over military expenditure by the Finance Department is as strict and as vigilant as it has ever been But it is when we come to the second part of the Resolution, that is to say, the functions of the committee, that the opposition of this Group becomes definite, because those functions are to be directed entirely towards the reduction of military expenditure, that is to say, that they must be directed in some way or in some form towards the reduction of troops or of armament We are by no means insensible of the burden, the financial burden of defence But in this distracted world of today we cannot be blind to its paramount necessity I would again remind the House that military expenditure today is less by some nine crores than it was ten years ago I need not again labour the position of the world in 1938 It is sufficient, I think, to say that when so much of its surface is either an actual or a potential battlefield, for India to consider a reduction in armaments, at this juncture, would be, in our opinion, something in the nature of suicide.

An Honourable Member : To you

Mr. C. C. Miller : For you too Now, Sir, I turn to the statement made this morning by the Honourable the Finance Member Though that statement is only partial, since the negotiations are still uncompleted, I think it is opportune to congratulate India's negotiators on the results they have so far achieved and to express the hope that this may be something in the nature of an interim dividend The results are as follows , subject to the consent of the British Parliament, firstly, in addition to the annual grant a sum that will increase that grant to the extent of something like 70 lakhs per annum , secondly, a capital grant of up to five million sterling, that is to say, something in the nature of 6 2|3 crores of rupees for the re-equipment of certain British and Indian units in India as well as provision of aircraft for the re-equipment of certain squadrons of the Royal Air Force It appears to us that this capital grant being devoted towards modernisation of the

[Mr C. C Mitter]

method and machinery of defence does not necessarily imply an increased resulting annual expenditure, possibly the reverse, and we should at least have a very much finer defence for the same recurring expenditure Thirdly, the transfer, ultimately, of four British battalions from the Indian to the Imperial establishment, involving a saving to the Indian exchequer of something like 60 to 65 lakhs per annum Fourthly, the appointment of an expert body of enquiry from Great Britain to investigate on the spot the military and financial aspects of the problem And I make no excuse for again drawing the attention of Honourable Members to the significance of the following words in the terms of reference

"Having regard to the increased cost of modern armaments, the desirability of organising, equipping and maintaining the forces in India in accordance with modern requirements and to the limited resources available in India for defence expenditure"

It is probable, Sir, that all sections of this House have not yet had time fully to realise the significance of this statement and its bearing on the Resolution before the House today Sir, we oppose the Resolution

Mr. Abdul Qaiyum (North-West Frontier Province General) I have great pleasure in supporting this Resolution I am not at all surprised at the attitude of the European Group Their attitude is characteristic of their people, namely, that they want to defend their property and their possessions with our men and our money That is the reason why they are opposed to any committee which will go into the question of economies in the defence expenditure of this country. I had heard this morning that the Honourable the Finance Member was going to make a very momentous statement I listened very silently and breathlessly to his statement, which, I believe, was designed to take the wind out of the sails of the Opposition But after having carefully listened to his statement, I have been confirmed in my belief, that the Government are absolutely out of touch with the opinion prevailing in this country They still believe in tinkering with the problem which has reached such a pass that a serious change of policy is required. When a major operation is required they suggest little palliatives here and there

The Honourable the Finance Member, while criticising the urge for Indianisation, remarked that it would take many years to train officers and men to replace British troops If we grant for the sake of argument the contention of the Honourable the Finance Member, then the question remains, why do you not begin it? Why do you not start with training men and officers straightaway? Why do you, on one pretext or another postpone this? While paying lip sympathy to the problem of Indianisation, you are doing your very best to thwart the advance of Indianisation as far as possible There can be no obstacle if you are in right earnest about Indianisation If you sincerely start with a national policy conceived and followed in the interests of Indian defence purely and not for imperial purposes, you will get any number of suitable officers and men for such an army, but not for an army

which will be used for imperialistic purposes. It was announced that a committee was shortly coming to India to go into the question of expenditure on defence This also shows that the same policy is at work We are opposed to the principle of importing foreign experts into this country Time and again we have, in no uncertain terms, in the clearest possible manner, given expression to our feelings of disgust over this policy of the Government What we are trying to achieve by means of this Resolution is to have a committee consisting of an elected majority in this House to go into the question of defence expenditure, and to suggest ways and means for reducing this expenditure What is the reply of the Government ? They will have an all-British committee of experts, imported from abroad, who will look at the problem from the Imperial point of view and not from the point of view of Indian nationalism That is the difference in outlook between the Indian nationalist and the present Government The Government still believe in tinkering with the problem, while a real change of policy is called for There is no doubt that the problem is of very great importance. Even in ordinary peace times, in India we spend much more on the defence part of our services than we do on the other nation-building departments This is a state of affairs for which I believe it will be difficult to find a parallel in any other country We spend more on the defence forces, than on all the other departments dealing with the civil side of the administration What is required is a complete orientation of the entire Indian military policy, and reorganisation of the whole army We want the Government to come to a decision on this point We do not want this army to be used for imperialist purposes It should be decided once for all, that the Indian army will be used purely for the defence of India, and that also when the elected majority in this House approve of such a step on the part of the Government We will no longer be a party to any use of our troops, as has hitherto been done on many occasions for imperialist wars abroad in which we have absolutely no interest In that very interesting pamphlet dealing with the defence services in India which has been circulated by the Defence Department, this is what has been said there. I will read only a few lines

"The definition is qualified by the reservation that the forces maintained are not intended to repel external attack by a major military power, though the duties of these forces may include mutual resistance to such an attack pending the arrival of Imperial reinforcements or the exercise elsewhere by Imperial forces of pressure which would relieve the situation"

What has happened is that there has been no such attack from outside which the Indian army has been called upon to repel On numerous occasions this army has been taken abroad and made to fight in wars which were purely imperialistic wars waged by Great Britain It is very unfortunate that the present policy is actuated by mistrust of the Indian people, and that active steps which are being taken to oppose the speedy Indianisation of the army can also be traced to that very mistrust which is still lurking in the minds of those who are responsible for the Government of this country We have been crying for reduction of the defence expenditure and for elimination of the British part of the defence forces What has been the reply of the Honourable the Defence Secretary ? In answer to a question put by my

[Mr. Abdul Qaiyum.]

friend, Mr. Avinashilingam Chettiar, the Defence Secretary was pleased to remark :

"In the case of British other ranks, concessions were made on three occasions In 1936, a grant of proficiency pay was sanctioned In 1937, certain allowances were sanctioned and in April last an increase of pay and also of allowances was granted The financial effect of the 1936 increase was Rs 7,33,000 and of the 1937 increases about Rs 37 lakhs"

This is not all On the last occasion when we had a debate on the defence forces in this country the Honourable the Defence Secretary had said

"I have been asked to state the total cost of these changes both as regards the improvement in conditions of service of the ranks of the army and the more recent announcement as regards the officers The figure is for other ranks for this year Rs 122 lakhs next year which will be a full year, it will be Rs 133 lakhs That can be taken as the full and final figure The full cost of the improvements made in the prospects of officers of the British service has not yet been so accurately worked out but so far as we can tell at present they will amount in a full year to something like 20 or 21 lakhs of rupees So, the total cost in a full year will be roughly Rs 1½ crores"

While we have been clamouring for the complete Indianisation of the army, and for the elimination of its British part, the reply of this Government is that they have been increasing the pay, not only of the British officers serving in this country but of the British other ranks as well If a committee of this House is set up it can go into all these questions, and it can suggest measures whereby substantial economies can be effected in the defence expenditure of this country For instance, in spite of the fact that there has been an insistent demand that ammunition factories should be established in India, and that imports from abroad should be stopped altogether, we still find that instead of encouraging the key industries of this country—and here I am not afraid of the objection which will be made on the score of expenditure they are still importing these things from abroad If you are going to start these key industries in this country, and even if it involves some expenditure, I do not think the Indian public would object to it What we do object to is this meaningless expenditure which is being resorted to by the Government for increasing the amenities of life of the British troops in India The state of affairs is really bordering on the scandalous Recently an Indian mechanised regiment was being sent to Peshawar These people will occupy the barracks which were formerly occupied by a British regiment which is going to England Now, the authorities are removing from that place all those things which added to the comfort of the troops and they are spending money in removing all those things which made life tolerable They want to do all this, because the Indians are going to occupy these barracks This is how the Indian army is being treated If the present policy is changed, if the Government becomes a responsible one and this army is used purely for the defence of India, then there will not arise any necessity for spending large amounts of money on the army. I believe that when this policy comes to stay in this country, there will be found a large number of patriotic young men who will be willing to serve in the army on a voluntary basis We can raise a Citizens Defence League which will consist of educated young men who will be prepared to fight for their country, provided that they are sure that

the army of this country will not be used for furthering the imperialist purpose of Great Britain in Asia or in any other part of the world. What we feel now is that the army is an army of occupation, which is being maintained purely for imperialist purposes and in support of my contention I shall quote a few words from the Esher Committee : They say .

" We cannot consider the administration of the army in India otherwise than as part of the total armed forces of the Empire Novel political machinery created by the Peace Treaty has enhanced the importance of the army of India relatively to the military forces in other parts of the Empire, and more particularly to those of the British Isles "

Now, this is a responsible Committee of British experts which has admitted in so many words that the army in India is being maintained not for the purposes of the defence of this country, but for purposes which are absolutely of no use to India, namely, further bolstering up British imperialism There are many other things which the proposed Committee can tackle,—for instance, the forward policy, which is so dear to the Treasury Benches and which they have been relentlessly pursuing for so many years in Waziristan It appears now that, short of exterminating these brave people who are defending their country, there is no other solution of this problem , and I am sure the British element in the Government is bent upon the extermination of all the tribes in Waziristan if only they can wipe them out and secure their country Now, if a Committee with an elected majority is set up they can certainly revise such a policy, which is not designed in the interest of India The Honourable the Finance Member stated in his speech very eloquently, and as if he was very sure of it, that a large majority of the people of India would be behind Great Britain in any war in which Britain engages herself Now, that was a very strange proposition advanced by the Honourable the Finance Member. I would suggest to my Honourable friend to keep all his big battalions in this country, and if he is so sure of the statement which he has made, to offer himself for election by an Indian electorate and then he will find out what the Indian people think of their policy as far as the defence of this country is concerned I would like him to keep his troops, here, and see if he can get a single vote in this country Sir, the Government is absolutely out of touch with the feelings and desires of our people, and they still believe in tinkering with this problem One fine morning they will wake up and find that there is a first-class revolution in this country, and people will then set their own house in order which the Government is now unable to do

Maulvi Sikandar Ali Choudhury (Bakarganj *cum* Faridpur : Muhammadan Rural) Sir, it will be no compliment either to the Government or to this House if for any reason the modest and reasonable request made in this Resolution is denied to us The question raised by this Resolution is a simple one Have we no right even to give advice to the Defence Department as regards the nature of financial control which is necessary and the extent to which it is possible to reduce expenditure ? I do not think that the Government can say anything against the objective which the Resolution has in view , for it is unexceptionable My Honourable friend, Sir James Grigg, cannot reasonably complain if the House wants to vest in his Depart-

[Maulvi Sikandar Ali Chaudhury.]

ment greater powers of control over military expenditure, nor can he say that there is no need for constantly exploring all possible avenues for economy

Sir, the objection which has been generally raised in the past is twofold Firstly, that this is not the time for the appointment of a Committee And, secondly, that a Committee of this character is not necessary under present circumstances Every time we ask for a Committee, we are told that the Budget in 1925-30 stood at Rs 55·1 crores and that the Budget in 1938-39 stands at Rs 45 18 crores. Whatever may have been the savings made in the past, that, Sir, is no answer to the charge made by us on this side of the House that the Army costs us, not only far beyond the resources of this country, but is capable of drastic retrenchments I cannot agree with the view that because the international situation is bad, we should sit with folded hands and deny ourselves the right to examine the position with a view to satisfying ourselves that the money we are spending is spent properly I think the very seriousness of the international situation is the strongest argument for a Committee of the kind proposed It may be that the Defence Department and the financial authorities are satisfied with their own efforts for securing economies, but the public cannot be satisfied unless a Committee in which it has confidence is able to go into the matter in detail and give its considered opinions and recommendations

Sir the fact that the British War Office has, by a stroke of the pen, forced this country to pay for the mechanization of British units and the increased charges of British troops shows that the Finance Department has really no control over military expenditure This is an intolerable state of affairs which cannot be permitted to continue Sir, the proposed Committee is not intended to find fault or to censure anyone It is intended to help the Department itself by showing in what ways expenditure could be controlled and economies effected Sir experience has shown how Committees can help us Was it not the Retrenchment Committee in 1931 under the distinguished presidency of the Honourable the President of this House which was responsible for a reduction of about six crores of rupees ? Was it not the Incheape Committee which showed the way for radical cuts in expenditure amounting to more than ten crores ? And, on both the occasions the attitude of the Army Department before the Committees was not all that one would have desired, and, if left to themselves, these drastic reductions would never have been done Whenever a Committee has been appointed, it has always proved to be of benefit and resulted in substantial economies It would be, therefore, false to our experience to say that a Committee is not necessary At this time, when the financial outlook is gloomy and the Army itself needs more and more money the Government should welcome the co-operation of this House in seeking ways and means for releasing more funds Sir, the Army Department are great purchasers and great senders Its business activities are enormous Apart from the question of Indianisation, the elimination of British troops and questions of the kind which have been repeatedly urged as the only wise way to eco-

nomy, I think, Sir, the association of non-official business men will secure not only greater business efficiency for the Army, but will result in considerable savings From this point of view, the use of a Committee will be very valuable Speaking in this House some months back, the Defence Secretary said : " We are fully aware that the country cannot afford to endure much more of a burden than it does already " He also agreed that the expenditure on defence in this country is huge, and he added " I cordially agree with this and every effort is being made by the Government to keep it down " If so, what objection can there be to the appointment of a Committee which will help the Government in these efforts ? The Public Accounts Committee, however valuable its work, can be no substitute for this Committee which is intended to make definite suggestions for the future and show new ways for dealing with the problem of defence expenditure The Committee will cost probably a few thousands, but it may save crores for us as the Retrenchment Committee did in 1931. There is a far greater need today for economy and retrenchment than in 1931 I hope, therefore, that the Government will not hesitate to accept this motion and utilise the offer of this House to assist in securing proper control and economy in Defence expenditure With these words, I support the Resolution

Mr Bhulabhai J. Desai (Bombay Northern Division Non-Muhammadan Rural) : Mr Deputy President, the Resolution before the House as amended demands three things We first ask that " a Committee with a majority of elected members " should be appointed immediately, first for the purpose of " examining the arrangements in force for the financial control of military expenditure by the Finance Department ", and, secondly, " to suggest ways and means of reducing the present cost of Defence " Sir, within the limits of this Resolution, it was quite possible that, without eating the humble pie, but always pretending to be brave, my Honourable friend Sir James Grigg, might easily have accepted the first part of this Resolution Sir, I am aware that, in my part of the country, it is sometimes said that women are bullied by their husbands, but in their own homes, when the women begin to slap the men, the men, to save their faces, shout out " have it ",—and I believe it is that kind of success which my Honourable friend can claim in his contest with the Army Department in the matter of expenditure I am afraid, therefore, that I cannot accept either his view or the success for his compatriots in the army, nor of the safeguards which I do not know where they were, referred to in the maiden speech of my Honourable friend Mr Miller, when speaking in this House But it is not so much this part of the Resolution as the second one to which we attach a greater importance. While we say, in the phrase which is very common, that this military Moloch is eating out all that we are producing, we are coolly told that in the Standing Finance Committee and otherwise my friends of the Europeans Group believe that there are enough safeguards and that, in the teeth of the note of the Public Accounts Committee which was read out by way of practical admission, that the expenditure is wasteful is unchecked and requires to be closely looked into It requires a lot of self-satisfaction and a lot of salving up of one's conscience in the face of that

3 P.M

[Mr Bhulabhai J Desai.]

statement of the Public Accounts Committee for an outsider to be able to say " Oh, no, all is well in our God's world, and it does not matter what happens to the rest " But it is really to the second part of the Resolution to which we attach the greatest importance. The other day, a very experienced journalist told me that it is not so much the substance of what a man says as to who says it, when he says it and how he says it The Honourable Sir James Grigg might, I believe, have refrained from saying several things which he said in his speech He hoped to coat with a certain amount of impervious sugar what he thought was the bitter part of his speech, and, so far as I am concerned, I regret to find that it is not so much a speech of conciliation as a speech of challenge I regret that he should have selected an occasion like this in the world crisis for delivering a speech of this kind I entirely agree with him, and he knows it very well that I agree with him in the imminence of the menace to the world's peace, at all events in Europe, but, while agreeing with him, he need not have attempted to get our goodwill by bullying, hectoring and coercing That is the last method of getting goodwill from mankind, however weak you may suppose us to be It has, therefore, become my duty, a duty which I owe to myself and to those outside this House, to state categorically our views on each of the points which he has raised Taking first the actual issue, he said this

" We are discussing Army expenditure and I say quite bluntly, (*I expect nothing else from him*) with war clouds lowering on every hand (*I do not understand the metaphor, but that does not matter*) I do not think it practicable in present circumstances to make any appreciable reduction in Army expenditure "

If that pronouncement means that for that reason a Committee is unnecessary or useless, I may inform, at all events, the elected Members of the House that we do not accept his word as the last word on this question Then, he claims for himself not only infallibility in the matter of finance nor merely infallibility in the matter of pronouncing upon it, but what he calls the constitutional infallibility. He says we are a minority Government, and, therefore, we ought to be more impudent and more blunt, because he says that by saying we must have the last word, being a minority Government He has often openly said this " and that is our ambition within a measurable distance of time ". He further says

" We do not command a majority in the Legislature, and yet we are responsible and irremoveably responsible for Defence "

But, in England, the executive is in a position to enforce its will, so long as it is a majority in the Legislature And, then, Sir, he proceeded to expound on a subject which is somewhat dangerous for him to expound What would be the expanded rights, if any, under the Constitution of which he is so very fond and which he wants us to accept ? He told us that even then we might vote upon it and discuss it *a priori* on the general Budget debates and *ex post facto* as a result of the report of the Public Accounts Committee And he still thinks that he is asking from us, under circumstances of this kind, our goodwill. He comes next to what he calls the warning part of it. He says this :

" and that in its turn depends on a removal of suspicion and growth of goodwill not only between the Indian communities themselves but between Indians and the British "

I speak with a grave sense of responsibility on that issue which he has raised. There are two matters and two points on which our mind and our policy is quite clear Everybody in the world is undoubtedly discussing the world situation and coming to his own conclusions We know that for the present the Government of India is in their hands, but that does not prevent us from considering our position in what he calls the world menace Casually, we declared the other day, also at the point of bayonet, almost compulsorily drawn out from us, that in so far as the next world-war is concerned, India does not propose to take any voluntary participation That statement stands, and we do so for good reasons England's enemies are not our friends, and we do not believe them, but we must regard our own position having regard to the time that has elapsed During the last war—I wish to remind my Honourable friends opposite and they could not have forgotten it—we participated cheerfully, almost generously, in man and money on a promise that that was the war for the liberation of the subject races of the world This time in this pronouncement—I do not know how or why it was prompted—there is nothing that Indians can look for except what my friend in the end said—and I would quote his words—that they would be defending themselves in the most effective manner possible We have no voice by the very Constitution that he talks of by which he claims all the rights and we all the obligations It is not the kind of position that we can any longer occupy where you have all the rights and we have all the obligations, you have all the domination and we have all the subjection That position demands that India must unequivocally declare that no voluntary participation will be given in any war in which Britain may be engaged for its own purposes And we demand no more than the liberty which has been granted as the result of the Statute of Westminster to all the other parts—the more friendly parts—of what he calls the British Commonwealth They can declare that they are not bound by the declaration of war Further, they have at least a voice in the matter which we have not got And if we are to be thrown into a war by means of a scare and nothing less than a scare, then it is a matter on which my friend will have to contemplate much more deeply before he raises this issue even at a more critical time in the future

The fact remains that we cannot any longer be drawn merely by the chariot wheel Roman or British, even for the preservation of what they call their Empire The preservation of that Empire means first and foremost and essentially the continuance of the subjection of India in order that they may call themselves the Empire If the preservation of the Empire or the fighting in the war means that India, as their property, is to be protected from outsiders, then we certainly will be no parties to such a war at all I will not refer to the more ominous words that I read this morning coming from another quarter of the world, but let it be remembered that if it is only a question of choice whether one would subject India or another, then, at all events, it is not a war in which we could have any direct, honest or straight-forward interest We cannot be scared into profession of loyalty which we can only give when we realise that we are equals in the Empire, and not as my Honourable friend calls it in his language that the bounds of responsibility will be gradually widened so far as India is concerned Unless those bounds reach the uttermost limits, unless those bounds mean that there

[Mr. Bhulabhai J. Desai.]

are no bounds to our right to govern ourselves, India will not be a friend of England

There is another greater reason So far as we are concerned, we believe that what you aim at, though you dare not hope for that with your methods, is goodwill, and without that goodwill amongst the races of the world there will not be world peace Therefore, we do not want to fight anybody, but we do want to maintain the integrity of our home, and, so long as we are left with that as our own self-governing asset, England can count on the goodwill of India, and not till then It is no use telling us that the next war will be a war in which the Empire will be engaged We know it will be a war in which the whole Empire will be engaged But what is the part or lot that we should have in their success or failure You have to realise it once and for all that we will not be thrust into it again I have found often and often many men, hypocritical, not straightforward and honest like those at all events of the nominated Members of this House not having to be coerced to walk into the Government lobby, if they are ordered to do a thing, they will do it and they will at the same time tell you that scare can work once, scare cannot work a second time Scare may produce a national Government in England, but scare will not produce voluntary assistance from this country Last time, you had a million men, you had £150 millions assistance, and also you had assistance directly or indirectly of incalculable value It is not our desire, as my Honourable friend hinted, and I am sorry he said that we though unwittingly and unconsciously appeared to tell England's enemies that we do not propose to take part in the war with any ulterior purpose, but it is up to you to examine your own hearts instead of telling us to dispel suspicion What can dispel suspicion? You govern India as you said by dividing India That is what my Honourable friend calls stressing the communal tension Well, if you govern India too long, you will pay the price which is deemed necessary Remember that until you begin to realise that the stress which you do not like is the stress of peace, not between the Indian communities themselves, but between Indians and the British We have every goodwill, we are by constitution, by tradition and by race all honourable men, however badly we might have been treated, but you cannot extort loyalty, you cannot compel friendship and you cannot coerce us into joining something in which we have neither a voice, nor a share, nor any benefit It is for that reason that the fact that there is war cannot be a ground for merely avoiding the issue of having enquiries I dare say that you tell us that some 65 odd lakhs are added to the amount of the award by the Gairan Tribunal I think it is a mercy for which you expect us to be very proud You are well aware of our opinion on that Tribunal If you are not, you should have known that long ago We always have held that not 65 lakhs, but much more was due on that account I am aware of how the proceedings of that Committee were manœuvred. I know that some of my friends on that Tribunal, under instructions from the Secretary of State, stated with one voice and the British Government speaking with the other voice—we had this farce of a Tribunal and the Tribunal was constituted no doubt of honest men But the pleading before that Tribunal I cannot possibly call honest I know how the whole thing was arranged You know how instructions were given

and how it ended in the award which we cannot possibly accept I submit Sir, the point that out of 200 odd millions of British preparations for the next war, a paltry sum of five million pounds are going to be used for the equipment of the Indian army is too much of a joke to be accepted as a great boon or a great gift My Honourable friend thinks that we should get up and sing hallelujahs, which perhaps 20 years ago he might have got from a subservient House But times have altered India, times have changed the world, but I am deeply sorry that my Honourable friend has raised issues of our being compelled to work under the new Constitution with goodwill After all, do you expect goodwill so long as none exists in you and if you tell us that the army expenditure will not be lowered, and, therefore, it is useless even to discuss this Resolution, I say, with that attitude on your part, do you expect good will from us ? If that is the attitude of the Government. then can this House vote for the Committee, an official Committee which has been announced by the Finance Member ? The purpose of that official Committee, as Lord Esher's Committee also pointed out, is this that the Indian army and the Indian defence is a part of keeping that part of the world as their property, not then, but even today That is not the kind of Committee which will serve any useful purpose That is not the kind of Committee that is going to examine the question from our point of view Therefore, I say that what we are asking for is exceedingly modest What we ask for is that my Honourable friend, the Finance Member, should have a closer and a little better control over his louder neighbour with whom he is sitting now, notwithstanding the fact that there is great amity of expression in his face which compelled him to abandon his own seat and seek a seat next to him I recognise the identity, I recognise the necessity of the identity

As regards the second part of the Resolution, we do say that we desire a Committee to go into this matter which would consist of an elected majority of Members of this House and which will, on proper materials placed before it, make an enquiry and arrive at what we can afford to pay, not what Britain wants us to pay, in order that they may conquer and keep us conquered and keep us dominating Efficiency in their sense is different to efficiency in our sense, efficiency in our sense means maintaining the goodwill of the world more in self-defence, efficiency in their sense means aggressively having the world to cater to what they want

Therefore, Sir, we feel that our duty is clear in the teeth of the declaration that he has made, namely, that there is going to be no reduction in the army expenditure, and the compelling manner in which he has asked us to work sheepishly what he calls enlarging the bounds of liberty—I read that in the context in which my Honourable friend, Sir James Grigg, used it, if we are going to wait for his pleasure to enlarge the bounds of our responsibility, he is very deeply mistaken He has spent five years of his life in India for nothing, if that is the impression that he is going to carry to England as to our attitude as regards self-government in this country I, therefore, hope and trust that my Honourable friends will realise that goodwill cannot be enforced, goodwill cannot be compelled, suspicion cannot be repelled except by goodwill and friendship and establishing equality between you and

Mr. M S. Aney (Berar : Non-Muhammadan) : Sir, I thought that a Resolution like the one brought before the House at a time like this would be considered by the Treasury Benches with that great and profound consideration which it undoubtedly deserves But I was surprised to find that instead of saying anything on the Resolution, we were treated to a lecture by the Honourable the Finance Member on topics which, if connected at all, are only remotely connected with the subject matter of the Resolution There is a phrase in our vernacular—I do not know whether the similar phrase exists in other vernaculars—which says that if a man is destined to be ruined, he is first robbed of his intellect and circumspection That thought occurred to me first and foremost when I listened to the speech of the Honourable the Finance Member He has had a very rare opportunity to secure the co-operation and goodwill of all the elected non-official Members of the House in matters of military importance and matters concerning defence If there was any need for securing by any means the co-operation of the non-official Members of this House, the elected Members of this House, I think that need is uppermost and supreme at this hour If the reference he made to the international situation, the serious and critical situation in which we all find ourselves has really any meaning, and if there was anything really behind it, his attitude should have been one of seeing how best to secure our co-operation and active participation in the consideration of matters which pertain to defence To do that would have been more proper to him than to ignore the particular question which was placed before him in the form of this Resolution What does this Resolution demand after all ? It wants the Government to see whether the present arrangements for the financial control of military expenditure are proper or not That is one point The second is what are the various means by which economy could be further effected On which of these two points were Government not agreeable ? So far as the first point is concerned, namely, the adequacy of the existing arrangements to have effective financial control over military expenditure, their own reports and the endorsements which have been made by the Auditor General are sufficient The endorsements on the Public Accounts Committee's report and the various observations made clearly indicate that the existing arrangements are completely inadequate, I may even venture to say useless for the purpose of having any effective control over the expenditure of the military department And, if that control is not sufficient, it is up to Government to find out what other machinery can be brought into existence , and if that machinery is to work efficiently it must be ushered in with the consent of the elected Members of this House Otherwise no machinery that may be set up, irrespective of public opinion expressed on this side of the House, can be of any use to Government at all in effecting the real object which we have in view I, therefore, think that Government should have taken advantage of the suggestion conveyed in this Resolution that a committee should be appointed with the terms of reference to the effect that it should try to set up some arrangements for the sake of bringing in effective control over the military expenditure That suggestion Government should have accepted As regards the second point also I think I need not go into those matters which have been dealt with on the floor of this House times without number I do not want to take the time of the House by

narrating what I think to be the various ways that are possible because, we really want a committee to go into the matter and give its most careful consideration to find out ways for effecting economy in the defence expenditure of the country The reply given today to this simple demand was a big and solemn statement read out to us most solemnly ; and what does it contain ? It does not hold out any hope of retrenchment of expenditure It is said that some expert committee is going to come here and one Lord Chatfield, Admiral of the Fleet, is going to preside over it, and there are broad terms of reference. These things will not satisfy the people at all What they want is that there should be a committee which understands the needs of the people and the real requirements of defence of the country as such and which will refuse to look at the defence of this country from the Imperial point of view. Unless the question is looked at from this point of view it would not be possible for any committee, however eminent be the person who presides over it, to give an adequate and proper consideration to the whole thing Your Imperial considerations go to vitiate the very methods by which you want to ascertain and find out what are the proper ways to bring about economy Unless the idea of Empire and Imperial defence is taken out and detached and the question is approached from the national point of view of the Indian people, it is not possible to come to any adequate solution that can satisfy the people

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : You can take it to Wardha

Mr. M S Aney That will be their salvation. But I am afraid the idea of salvation is far off from the minds of these people

Now, Sir, a complaint has been made here about the Government being in minority I may tell this Government that it will be a perpetual minority Government and can never attain majority. Its progress hereafter will not be towards attaining majority but towards extinction and nonentity , and so long as there is no hope of its attaining majority I feel that there is no hope of its getting proper understanding also What is minority after all ? It is want of understanding and want of common sense. Therefore, I say that for that very reason this matter should be allowed to be discussed and decided by those who can attain majority and who are in a majority and who can therefore decide with common sense and in the best interests of the country Sir, I support the Resolution

The Honourable Sir Muhammad Zafrullah Khan (Leader of the House) : Sir, I have felt it necessary to intervene in this debate for a few moments because I felt when the Honourable Leader of the Opposition was speaking that the debate was being carried into spheres, particularly with regard to matters of policy, which were not intended to be covered by the terms of the Resolution Before, however, I offer any observations on that part of the matter, may I submit one or two observations with regard to this morning's announcement *re* the financial adjustment between His Majesty's Government and the Government of India ? I am afraid there has been a tendency to either overlook or misunderstand certain features of the statement. To begin with it is, if I may so

[Sir Muhammad Zafrullah Khan.]

describe it, an *ad interim* arrangement It has been said, here is a committee which is coming out to India and which will look at the question of the defence of India from the point of view of the defence of the Empire , and, therefore, for some reason or other it is said that the committee should be suspect What the Honourable the Finance Member was at pains to draw attention to this morning were the terms of reference of this committee They say that having regard to the need of a first-class fighting force in India, does not matter what purpose you want it for so far as these terms of reference are concerned, having regard to the need of a first-class fighting force and. ..

Mr. S Satyamurti : To fight for India's freedom, yes

The Honourable Sir Muhammad Zafrullah Khan If the sword is sharp when the time comes to use it you can use it effectively, if it is blunt then when the occasion comes for the use of it it is likely to break in your hands. ..

Mr. S. Satyamurti . That depends on the hands

The Honourable Sir Zafrullah Khan That is a constitutional matter. But having regard to the limited resources of India for this purpose, the committee's business will be to look at the need and the limited resources and to make recommendations I think Honourable Members should have been quick to draw their own inferences from that Secondly, I think to some extent the actual terms of the interim arrangement have also not been fully appreciated It has been said, it is only a contribution of £5,00,000 a year towards the recurring defence expenditure of this country. I do not for one second mean to imply that if it had been a final announcement it would have satisfied India's claims, but as an interim announcement, I think Honourable Members should keep in mind all its features

In addition to the £5,00,000, there is the transfer of the cost of four British battalions to British estimates That, on a modest computation is another 76 lakhs a year the total of these two comes to a crore and 43 lakhs a year, or close upon a crore and a half Added to the Garran Award it comes to 345 lakhs I am not implying that this in itself is a substantial contribution towards the defence expenditure of India But when we are criticising a proposal we ought to keep in mind all aspects of the proposal

Again, with regard to the £5 millions non-recurring, that does not stand alone There is the additional announcement with regard to the supply of air craft for the Royal Air Force. Government are not aware of the exact amount to which it may work out in the end, but I am perfectly safe in submitting to the House that the total of these two—the £5 millions and the air craft—will not in any case fall below Rs 10 crores As I have said I do not want to be understood to imply that that in any way either satisfies India's claims or is a substantial contribution ; but again, as I have said, while we are considering it we must know what it is That is to begin with, and let us hope that the committee's recommendations will go considerably further.

It is also said " You made this announcement, but coupled with that announcement is the statement made by the Honourable the Finance Member that no appreciable savings on the military budget need be looked for in the immediate future " Therefore, it is said, what hope does that announcement give us ? The hope that it gives us is this that, whereas in almost every country in the world the cost of armaments and defence is mounting up rapidly, the hope is held out to India that India may have an efficient, well-equipped, first-class fighting force without having to incur any extra expenditure , and when, I venture to submit, that is compared with the increase in the cost of defence of other countries, I think a calculation could easily be made as to what India would be saving on that score.

Then, it is said, where is the harm in having a committee of the kind that is proposed ? There are many proposals which may not indicate any positive visible harm while they are under discussion , but the question is whether (1) any real necessity has been established, and (2) whether the time is appropriate to take action in the direction indicated On that I shall not detain the House. These two aspects of the question have been dealt with and will no doubt be further dealt with by other Government spokesmen

I now come to the main purpose of my intervention in this debate, and that is with regard to the observations which fell from the Honourable the Leader of the Opposition ; and really with regard to that aspect of the matter I am at a loss to understand the attitude of the Opposition. I notice this is a Resolution in which we are asked to set up a committee for going into defence expenditure, but occasion has been taken to say what India will or will not do in the case of a major conflict

Mr Bhulabhai J. Desai : On a point of personal explanation, Sir, that was the direct issue raised by the Honourable Sir James Grigg, and they cannot now avoid it

The Honourable Sir Muhammad Zafrullah Khan : That was not the issue raised on this Resolution In those remarks only a reference was made to what had already been said with regard to a particular matter But, as I have said, apart from the question whether it should or should not have been raised on this Resolution, I am really at a loss to understand the attitude of the Opposition on this point Here is this Resolution asking for this committee and one of the grounds put forward is what India should or should not do in the case of a major conflict. There is the next Resolution coming up shortly, for which again the Opposition are responsible, which recommends to Government that India should withdraw from the membership of the League of Nations because the members of the League have not taken action under Article 16 of the Covenant of the League against the covenant-breaking states,

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

from which one can conclude that if there were aggression of the kind—whether by member states or non-member states—which is hinted at in that Resolution, then anybody who fails to take action in the manner set out in article 16 or in such other manner as may be open to prevent aggression, deserves condemnation. So that the Resolution under discussion, though asking for a committee, is really according to the

[Sir Muhammad Zafrullah Khan]

Leader of the Opposition a test of whether India shou'd or should not take part in the next war The next Resolution in effect condemns a state which would not take part either in sanctions, or in war if it becomes necessary against aggressor states I do want to say this quite clearly, that there is a good deal of confusion with regard to the question of the defence of India and the defence of the Empire. At one stage the Honourable the Leader of the Opposition said "it is a matter of indifference to us if there is a struggle between two powers to take possession of India" Let us assume, some power is trying to replace the British in India, it is said "it does not matter whether the British continue or somebody else comes in." In the very next moment he says "But in the event of an invasion we will fight for the integrity of our homes", which means that we will try to defend our homes against anybody who wishes to deprive us of our liberty . .

Mr. Bhulabhai J. Desai: After we get it back !

The Honourable Sir Muhammad Zafrullah Khan: I imagine the Honourable the Leader of the Opposition makes no distinction between degrees of liberty I do want to make it perfectly clear that whatever the political motive behind declarations of this kind may be, I am certain that my countrymen will defend the liberty of India just as cheerfully, as enthusiastically, and as valorously as they did on the last occasion if there is on any future occasion a threat to the liberty of India and to the integrity of the Empire (Interruptions) Sir, this a delicate matter I do not want to say anything which might reflect upon any foreign country with which His Majesty's Government are at peace But we know the direction in which events are tending. We all hope that they will not result in any general conflagration But we must remember what was said only yesterday or the day before by a prominent British statesman, that if anything of that kind happens it may be impossible to confine the conflagration within any prescribed limits, and if that should, unfortunately, happen, I am quite sure that there is no Indian who has studied the situation who would not consider that it would be the positive duty of India to do all that . (*Cries of* 'No, no')—I am most surprised Honourable Members do not yet know what I am going to say and they say 'No'

An Honourable Member: We know perfectly well what you are going to say

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member knows perfectly well, that every Indian who has studied these matters and knows the consequences will be ready to defend what I have described as the liberties of India and the integrity of the Empire, because any weakening—let alone the dissolution—of the Empire as the result of the activities of those persons who do want to break up the Empire, does mean the total loss of liberty to India at this stage Therefore, Sir, apart from the terms of the Resolution before the House, I would appeal to the House that if behind their minds there is this consideration with regard to the Resolution, that whatever its terms, India ought by carrying this Resolution to declare that she will not participate in any war, however much it might menace the country and through India the Empire . .

Mr. S. Satyamurti : If it menaces me, I will fight

The Honourable Sir Muhammad Zafrullah Khan : True, but that is what I cannot understand. By some process of reasoning Honourable Members seem to think that the menace to themselves, the menace to their homes, the menace to India can be separated from the menace to the Empire....

An Honourable Member : Certainly.

The Honourable Sir Muhammad Zafrullah Khan : Whatever may be the case 20 or 30 years hence, I am certain that with regard to the menace that faces us today these questions are bound up together, and cannot be separated

An Honourable Member : You are mistaken

The Honourable Sir Muhammad Zafrullah Khan : I, therefore, hope that Honourable Members, when they make up their minds whether they should vote in favour of this Resolution or not, should first disabuse their minds of all ideas of this sort and refuse to support the Resolution if the carrying of the Resolution means that India has adopted the policy which the Honourable the Leader of the Opposition has indicated

Some Honourable Members : Sir, the question may now be put.

Syed Ghulam Bhik Nairang (East Punjab Muhammadan) Sir, the Resolution which has been moved, considered with or without the amendments, is, to my mind, a very simple one and there ought not to have been so much divergence of opinion over it The Resolution voices the desire of the elected representatives of the people in this House that a Committee should be appointed to examine the army expenditure and all the aspects of Indian defence connected with army expenditure and to suggest ways and means of economising that expenditure That is the long and short of the Resolution, whether you read it with the amendments or without the amendments But, Sir, incidently some matters have been introduced into the discussion which, as far as I am able to see, are not directly relevant to the questions at issue ; that is to say, what attitude the Indian people should adopt in case a world war breaks out, and whether India should co-operate with Britain in defending India and the British Empire, or whether, as was indicated by so many cries of ' No ', India should hold aloof and tell Britain to go and fight her own battles These questions are, to my mind, really irrelevant to the real object of the Resolution before the House When I read the Resolution, I took it to mean that it would be like one of the many matters which come up for consideration in this House at the time of the Budget when estimates of income and expenditure are put in and the various items are discussed and every year we have to urge that economy should be effected here and there and there I also took it to mean that in the matter of army expenditure, things are for the most part decided behind the back of the elected representatives of the people, that really they have no voice in determining what the limits of expenditure ought to be and whether any cuts should be effected So I took it to mean that if a Committee were appointed to go into the whole question, a Committee so composed as to have preferably a majority of elected element in it, the elected representatives will get an opportunity of going through the whole matter and expressing their views

[Syed Ghulam Bhik Nairang.]

Now, Sir, it has been announced by His Majesty's Government in England as appeared from the speech of the Honourable the Finance Member this morning, that a Committee has actually been appointed to go into this question To a certain extent it might have been thought that since a Committee was going to sit to sift those very matters which are sought to be examined by the Resolution before the House, Honourable Members of the House need not press this Resolution But, Sir, I have examined the statement and the terms of reference and constitution of the Committee which has been appointed by His Majesty's Government, and it appears to me that in spite of the appointment of that Committee, we still do need a Committee of the kind which is proposed in this Resolution which is before the House now, because, Sir, judging from the constitution and terms of reference of that Committee, it will hardly satisfy our requirements For what does the statement say ? It says this :

" His Majesty's Government have accepted the suggestion and appointed an expert Committee with the following terms of reference.

Having regard to the increased cost of modern armaments, to the desirability of organizing, equipping and maintaining the forces in India in accordance with modern requirements and to the limited resources available in India for defence expenditure, to examine and report in the light of the experience gained in executing the British re-armament programme how these resources can be used and to make recommendations "

Evidently, these terms of reference do not overlap the terms of reference which the Resolution under discussion seeks to suggest This Resolution says that

" This Assembly recommends to the Governor General in Council that early steps should be taken to constitute a Committee of elected and other Members of the Central Legislature to examine the arrangements in force for financial control of military expenditure by the Finance Department and to suggest ways and means of reducing the present cost of defence "

So when you compare these terms with the terms of reference of the Committee appointed by His Majesty's Government, you find that there is a good deal of difference, so that the need for the Committee which we seek to appoint by this Resolution still remains Again, Sir, the constitution of that Committee is such that it will be presided over by the Admiral of the Fleet, Lord Chatfield, and the statement shows that the entire Committee will be composed of officials, experts or non-experts

An Honourable Member : And all white men

Syed Ghulam Bhik Nairang : White or black I do not care Still the need for the inclusion of Members of the Central Legislature, especially elected Members, whether they are in a majority or not, remains Therefore, I submit, without going into the question which is irrelevant from my point of view whether in case of war India is going to co-operate with Great Britain or not, leaving that alone, as a matter of national finance, as a matter of army expenditure affecting our pockets and affecting the taxpayer in India, we must press for the appointment of a committee of this kind, and from that point of view, I support the Resolution subject to the amendments moved

Some Honourable Members : Let the question be now put.

Sardar Bahadur Captain Dalpat Singh (Nominated Non-Official) : Sir, I rise to oppose the Resolution which is now before the House At the outset I must congratulate the Honourable the Finance Member on his speech. As a retired officer of the regular army I can say, from my own experience, that at this time when war clouds are hanging all over the world and there is a great danger of war breaking out at any moment, a reduction of expenditure on the army is not advisable It has been said that a committee should be appointed of the elected Members of this House May I ask Honourable Members opposite whether they are expert in the military affairs ? What do they know about the military ? (Interruptions by some Honourable Members)

Mr. President (The Honourable Sir Abdur Rahim) . Honourable Members ought not to interrupt when the Honourable Member is speaking

Sardar Bahadur Captain Dalpat Singh : No doubt, my Honourable friend, Mr Satyamurti, is a very well educated man, and a very good lawyer But if he is asked to perform a medical operation what will happen ? The man will die The same thing there too What do they know about the military ? (Interruptions)

Mr President (The Honourable Sir Abdur Rahim) The Honourable Member must have a chance of having his say without any interruption.

Sardar Bahadur Captain Dalpat Singh : The military expenditure has already been reduced from 55 crores to 46 crores, and at this time there should be no question of any further reduction of this expenditure His Majesty's Government have already appointed a committee and that committee will do very useful work with the help of the Defence Department For the improvement of the Indian army His Majesty's Government has given five millions and some 50 lakhs more With these few words, I oppose the Resolution

Some Honourable Members : Let the question be now put.

Mr. President (The Honourable Sir Abdur Rahim) . The Honourable the Defence Secretary has not spoken yet If he wishes to speak, I will allow him to do so.

Mr C M. G Ogilvie (Defence Secretary) I propose, Sir, to make, if I can, my speech entirely relevant, to avoid all temptations and to adhere precisely and closely to the terms of the Resolution before the House. The first part of the Resolution deals with the financial control which is exercised by the Finance Department over defence expenditure I heard no criticism of any kind of a detailed nature The only remarks made on the subject were airy generalisations to the general effect that no control in fact existed Not a solitary recommendation was made as to how control at present enforced could be bettered in any way ; in point of fact, I doubt whether it could For the information of the House, many of whom seem to think that the defence services have only to demand money at the point of the bayonet to get it, I will very briefly explain the degree of control to which we are subjected.

The budget is framed by the Government of India and an annual allotment is made to His Excellency the Commander-in-Chief wherewith

[Mr. C. M. G. Ogilvie.]

to discharge his responsibilities for defence As the Government of India make the allotment, it can safely be assumed that the Honourable the Finance Member and the Finance Secretary have an effective say in the fixation of the allotment The allotment having been fixed, the Finance Department is kept in touch throughout the year with the progress of expenditure In the first place, preliminary revised estimate after seven months, revised estimate after eight months, and modifications to the revised estimate are considered by him in detail In addition to these reports, special reports are submitted to the Finance Department, whenever any particular occurrence happens which is likely to disturb the estimates in any way Finally, at the close of the year the accounts are, as I think Honourable Members know, subjected to a most searching scrutiny The financial control, however, which is directly exercised upon defence expenditure is not by the Finance Member and the Finance Secretary themselves, but by, in the main, the Financial Adviser, Military Finance, who is a subordinate of the Finance Member and is a Joint Secretary in the Finance Department The Government of India have always regarded it absolutely essential that the very closest watch should be kept over defence expenditure, and the system that is devised to ensure the efficiency of this watch largely centres upon three organisations, of which that of the Financial Adviser, Military Finance, is the most prominent Financial control, from day to day, is exercised through three agencies In the first place, there is the Directorate of Army Audit The Director of Army Audit is an officer under the Auditor General and his main function is to conduct a test audit of military expenditure. The primary audit is conducted by the Military Accounts Department which is the second of these agencies Those audits are conducted in order to enable the Auditor General to satisfy himself that the conduct of military expenditure is being carried out in accordance with the canons laid down for the expenditure of Government money as a whole The Military Finance Branch which is the most effective, the most prominent, I might rather say, of all these control agencies is a part of the Finance Department It is not a part of the Defence Department The Financial Adviser who is the head of the Branch and Joint Secretary to Government and is directly responsible to the Finance Secretary and the Finance Member exercises control in respect of all military expenditure Under him are four Deputy Financial Advisers, each of whom is posted in financial charge of each of the main spending branches of the military administration, that of the Adjutant General, the Quarter Master General, the Royal Air Force, and the Master General of Ordnance Each of them have their own Deputy Financial Advisers These officers rank as Deputy Secretaries to Government and are entrusted with very wide powers No proposal whatever involving expenditure can be passed and no expenditure can be incurred until the Military Finance Branch has seen it and has agreed The Financial Adviser of Military Finance keeps the operations of his Deputies under constant supervision All cases which they decide themselves, without reference to him, are forwarded to him weekly for information I do not suppose that a stricter or more efficient system of day to day control could possibly be devised and it is, as I have stated, entirely under the Finance Department and has nothing to do with the Defence Department, though, I, as the administrative Secre-

tary in charge of the Department, am by no means excused responsibility in the matter and from the administrative point of view I am bound to assist in all possible ways in seeing that the operations of the Military Finance Branch and the control of expenditure are assisted in every possible way

I now proceed to the second part of the Resolution—the formation of a committee for the reduction of military expenditure. I can, I think, afford to be brief on that point as a good deal has been already said by other speakers and it has already been discussed several times There is no need for me to dwell again upon the present state of the world This is not the time for retrenchment or a retrenchment committee This is a time for betterment, but not for retrenchment. We hope, as the Honourable the Finance Member stated, to have a better army at the same price as the old one but the idea of having a retrenchment committee now, I think, is quite impossible. Again, on the subject of policy, committees formed by Members of the House drawn from all Parties, and I suppose many would like to see this one formed mainly of the Opposition, are a constitutional anomaly which I think exists in no country but in this one. If that constitutional anomaly were now to be carried into the sphere of defence, I think that the precedent would be extremely bad When Federation comes I imagine that the Government, the Ministry, would not hear of any one being consulted about these matters except themselves and they will be perfectly right Whoever heard of the financial proposals or indeed any proposals of the Government being submitted to the Opposition for examination and alteration ? That is not to say that the opinions of Members of this House are not often of extreme value in matters connected with defence. At present, however, apart from the purely constitutional aspect of the matter, leaving that on one side, the practical effect could, I think, not possibly be beneficial and a committee, however well intentioned, could not in the present era of rapid change and development be anything but harmful Arbitrary cuts such as were made by the Inchcape Committee could not be done today without endangering the entire fabric of the defence services There can, as I have stated, be no question of retrenchment whatever I have very little more to say about the possibility of a committee to consider reductions of defence expenditure generally. It is, as I have previously indicated, constitutionally inevitable that, in matters of defence, policy should be dealt with by no one but by the executive Government Questions of administrative policy on the other hand Members of the Legislature can and do touch and the Public Accounts Committee and the Military Accounts Committee do all in that way that any Members of any Legislature can expect to do Their advice is well informed, and has undoubtedly resulted in a still further conservation of the taxpayers' resources More than that at the present stage they cannot, Sir, expect to be able to do Sir, I oppose the Resolution and the amendments.

4 P.M.

Major Nawab Sir Ahmad Nawaz Khan (Nominated Non-Official) : Sir, I have full sympathy and appreciation for the patriotic feelings of my Indian brethren who are sitting on this or the other side of the House. It is a bad luck for a speaker to speak after the eloquent

[Sir Ahmad Nawaz Khan.]

speakers who have preceded him because he has to find new arguments, whether to oppose or support the Resolution I know my friend, Raizada Hans Raj, has proposed this Resolution for the good of India and of the Indians and with the same honesty of purpose and patriotism I oppose this Resolution in the interest of India and for the good of the country There are always differences of opinion, and that is not only between me and the others, but even there are difference of opinions between the recognized bodies and all-India leaders, for instance, between the Congress and the Muslim League, and which are on many matters concerning the good of India and the good of Indians. So, therefore, it should not be supposed that it is only for the sake of argument that I am putting forward these arguments But I think honestly, Sir, that this Resolution will do no good to us. Sir, I think it improper and impolitic,—and why ? Because, now by this Resolution you want to have a Committee composed of a majority of the elected Members, of the chosen sons of India which are adorning those Benches, —and for what purpose ? To give advice as regards retrenchment to the Defence Department That is the real object—to save money for the good of India and the taxpayers of India and to stop waste and extravagance which you Honourable Members think is going on in that Department But I respectfully put this question—how many Members on those Benches or even on these Benches can understand what is the meaning of defence in military questions and expenditure ? I admit, Sir, that in law and in the dictionary meaning of words those Benches can perhaps understand the meaning of defence much better, but in the matter of warfare can anybody understand very well what are the actual meanings and the necessities, how many branches this Defence Department should or should not have, what should be the nature of the weapons, what are the necessities and what should be the equipment for the navy, for the land forces or for the air forces, what inventions should be approved as regards the submarines, battleships, aeroplanes, seaplanes, gas bombs, etc and what should be the velocity of guns ? No, it is only those persons who have experience of previous wars and know how to conduct a war and those who know these things perfectly well, can advise and pronounce upon these points. For instance, suppose the point arises, which is the best type of rifles, what are the new inventions by the German or the French, etc, then what would or could our Committee of the elected Members of this House say ? Well, a recommendation then might mean that ten million old rifles would have to be rejected , they would be sent back to the English factories Can you send them to Indian factories ? No But I admit if any such point arose, for instance, with regard to Ata (wheat flour) or ghee, or blankets for the army, then such an expert Committee composed of the Honourable Indian elected Members of this House would advise And then what would be the result ? If I and others were on that Committee, then the question would arise,—how many of the contractors should be Mussalmans and how many of the contractors should be Hindus and how many of the contractors should be Sikhs ? And then my great and esteemed friend, Sardar Sant Singh and my Honourable friend, Bhai Parma Nand, and my Honourable friend, Sardar Jogendra Singh, the Whip of the

Congress Party would come forward and fight over these things, but actually what will we do or can do in such a Committee for the defence proper? In the matter of aeroplanes, submarines and in the matter of the calibre of the cannons, in the matter of the rifles, in any matter concerning defence on land, sea and air, nothing valuable will be contributed by such a Committee, members of which have no knowledge or experience of war or defence, etc. They would not have seen even a sham fight even in the theatre hall of a cinema I know your desire, your pious desire, that every country should have control over certain things for the sake of local self-government and for the sake of getting *Swaraj* Well, I honestly put one formula before you and it would solve the whole question Sir, instead of thinking of the Britisher as a foreigner or thinking of Hindus and Mussalmans as quite different communities, why not think of them all as brethren and the fellow-creatures of one common great God? Let us think of England as ours. Why do you say that it is theirs? England is ours, the whole British Empire is ours, just as our India is theirs Sir, we are all brethren, we should live together peacefully, we should die together peacefully, why do you say that the British are foreigners (Interruptions)

Mr. President (The Honourable Sir Abdur Rahim) Honourable Members should not go on making such interruptions

Major Nawab Sir Ahmad Nawaz Khan: Leave all these things of hostility and disunity, let Hindus, Mussalmans, Sikhs and British not think of ourselves separately but consider that we all are one We should say that (what you call the British Government) England is ours, the British Empire is ours, that India is ours, and that we and our country are theirs, and if we think in that way, there will be no troubles and I think eighty per cent of all our troubles will be removed We should ask the British "what are your troubles and we are ready to help you in your troubles and you can help us in our wants, we feel your troubles and you feel our truobles". Sir, we Indians and the British should live together, die together and govern together .. (Interruptions)

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

Major Nawab Sir Ahmad Nawaz Khan: Now, as you know, the situation of the whole world is threatening—and especially my learned friend and scholar of international politics, Mr Satyamurti, knows that. Now, surely, this is quite a wrong time to retrench the army or Defence expenditure. Well when a man is hungry, we should give him food. When a man feels cold, we should give him blankets, but when a man wants water, we should not give him blankets Now, if there would have been a Committee of quite the reverse kind, *viz.*, an expert Committee, for increasing the Defence and Army expenditure, I would have whole-heartedly supported that,—with this necessary idea, *viz*, to increase the military strength and efficiency in India and if necessary for that, the expenditure also. This is appropriate When everything goes normal, then only can you seek to reduce, but not at the present moment, with the present world situation. Thus, when we have to send invitations to friends to attend a wedding then it is not the time to

[Sir Ahmad Nawaz Khan.]

say, " well, there is a wedding but we should not invite anybody ". At present every nation is under the apprehension of a war. Honourable Members know it very well how things are moving in the world and there is a threat or apprehension of war. Now, it is the duty of every patriotic Indian to be careful about India's honour, about the safety of India and about the safety of the whole British Empire which is our Empire, I am proud to say There are some Honourable Members who believe that if England is defeated, there will be more freedom for India I respectfully submit that they are quite wrong. This is my own opinion and it is based on facts It is an admitted fact that on account of our differences, the British cannot be turned out of India and they cannot be defeated But, for the sake of argument, let us suppose that there is some other European power which is so strong as to defeat Great Britain and turn them out of India, then can any Honourable Member for a moment think that such a strong power will be so foolish as to give us their conquered country, a country which is supposed to be the richest country in the whole world. Throughout my tour in Europe and in Central Asia I came across no nation which believed India to be poor I may tell you briefly what the people of the whole world think about India They say that its skies rain silver and the land produces gold This is your India and all the powers of the world want to take it It is impossible to imagine that any power which is so strong as to turn out the British from India will not keep India under subjection Honestly speaking, I do not think there is any Honourable Member in this House who holds the view that any foreign power is better than the English to rule India I challenge anybody to prove it Is there any Indian who desires to be under Hitler or under Mussolini ? He cannot think so even in his dreams Everybody knows that in what way Hitler has treated the Jews If they utter a single word against the Nazis, then their heads or tongues are cut I must say that the freedom that we enjoy under the British rule cannot be had under any other foreign rule With these few words and in the interests of India and Indians, I oppose this Resolution and the amendment Lastly I think that we should have another Resolution in place of the present one, thanking His Majesty's Government for the present help and for the future help to us in India

Maulana Zafar Ali Khan (East Central Punjab Muhammadan) Sir, the Resolution appears to me to be quite non-contentious, excepting the last words in which there is an apprehension that the cost of the defence is too much and that it should be reduced That has been the cause of all the discussion that has been going on So far as the policy of the Muslim League Party towards this army question is concerned, the other day in the course of the discussion on the recruitment Bill we made it quite clear and I wish to point out again that we want an army for the defence of India We want that army to be efficient · we want that army to be an effective fighting force : but we want that army simply for the defence of India, not to be utilised for Imperialistic purposes and not to be exploited for the object which British Imperialism has in view We made it quite clear before and we want to make it clear again today This army of India must be Indianised from top

to toe, from the Commander-in-Chief down to the private soldier. Let the process be gradual, let it take five or ten years' time, but that is our objective and we must attain it. If Britain wants to fight her own Imperialistic wars, let her consult us , let her obtain our consent ; let her make us part and parcel of the British Commonwealth as is declared so often. At the present moment, we are only Britain's coolies and we do not stand to gain anything From the time that political awakening has come over India, men of thinking have expressed their apprehensions from time to time that half the revenues of India are being swallowed by the Military Department. 49 crores of this poor country are being spent on the army. My Honourable friend, Sir Muhammad Zafrullah Khan, was just telling us that in order to protect India you must have a very good and efficient army to safeguard the Empire and you must spend money to have such an efficient army Let Britain spend that money Let England, which is the Croesus of nations, come forward with millions of pounds and spend it on her Empire Why ask India to spend that money on expanding the scope of Imperialism from one end of the world to the other ? The British proverb says ' He who pays the piper should have the right to call the tune ', but in the case of India, it is India which pays and it is Britain which calls the tune We will not allow that ; we cannot permit that

If I were in Sir James Grigg's place, I would reduce the military expenditure by 25 crores and out of the 24 crores which I would save, I would spend 12 crores on solving the unemployment question I would spend on education and on other departments, and the balance of 12 crores I would spend on conscription. I would introduce compulsory military service throughout the length and breadth of India and I will have about a million trained soldiers every year In this way, we will have an army of five or six millions, without paying them, in a short space of time That would be my programme But what can we do at present except making speeches and passing Resolutions, which do not mean anything So far as the views of the elected Members of this Honourable House are concerned, we are the true representatives of India We tell the Britishers that if they want us to see eye to eye with them on all those questions which affect them most vitally, then they must make us real partners in this great Commonwealth I say that you are not prepared even to give us Dominion Status of the diluted type and you expect us to fight your battles Just place us in the same position as South Africa or Canada or Australia and then perhaps we might consider this question, but at the present moment when the military budget is non-votable, when communications are non-votable, when the questions concerning foreign affairs are non-votable, when you have not given us anything beyond Provincial Autonomy, you cannot expect us to go the whole hog with you I think that is asking too much With these words, because the time is up, I give my heartiest support to this motion

Several Honourable Members : The question may now be put

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

" That the question be now put."

The Assembly divided :

Abdul Ghani, Maulvi Muhammad.
Abdul Qaiyum, Mr.
Abdul Wajid, Maulvi
Aney, Mr M S
Asaf Ali, Mr M
Ayyangar, Mr M Ananthasayanam
Azhar Ali, Mr Muhammad
Bajoria, Babu Baijnath
Banerjea, Dr P N
Bhutto, Mr Nabi Baksh Illahi Baksh
Chaliha, Mr Kuladhar
Chattopadhyaya, Mr Amarendra Nath
Chaudhury, Mr Brojendra Narayan.
Chettiar, Mr. T. S Avinashilingam.
Chetty, Mr Sami Vencatachelam.
Chunder, Mr N. C
Das, Mr B
Das, Pandit Nilakantha.
Datta, Mr Akhil Chandra
Desai, Mr Bhulabhai J
Deshmukh, Dr G V
Deshmukh, Mr Govind V.
Essak Sait, Mr H A Sathar H.
Fazl-i-Haq Piracha, Khan Bahadur Shaikh
Gadgil, Mr N V
Ghulam Bhik Nairang, Syed.
Govind Das, Seth
Gupta, Mr K S
Hans Raj, Raizada.
Hegde, Sri K B Jinaraja
Hosmani, Mr S. K.
Jedhe, Mr K M
Jogendra Singh, Sirdar
Kailash Behari Lal, Babu
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr
Maitra, Pandit Lakshmi Kanta
Malaviya, Pandit Krishna Kant.
Mangal Singh, Sardar
Mehr Shah, Nawab Sahibzada Sir Sayad Muhammad
Misra, Pandit Shambhu Dayal
Muhammad Ahmad Kazmi, Qazi.
Murtuza Sahib Bahadur, Maulvi Syed.
Nauman, Mr. Muhammad
Pahwal, Pandit Sri Krishna Dutta.
Pande, Mr Badri Dutt
Parma Nand, Bhai.
Rafiuddin Ahmad Siddiquee, Sha[illegible].
Raghubir Narayan Singh, Choudh[illegible].
Ramayan Prasad, Mr
Ranga, Prof N G
Rao, Mr M Thirumala.
Sant Singh, Sardar.
Santhanam, Mr K
Satyamurti, Mr S
Shahban, Mian Ghulam Kadir Muhammad
Sham Lal, Mr
Sheodass Daga, Seth.
Siddique Ali Khan, Khan Bahadur Nawab
Sikandar Ali Choudhury, Maulvi.
Singh, Mr Gauri Shankar.
Sinha, Mr Satya Narayan.
Som, Mr Suryya Kumar.
Sri Prakasa, Mr
Subbarayan, Shrimati K Radha Bai.
Subedar, Mr Manu
Umar Aly Shah, Mr
Varma, Mr B B
Zafar Ali Khan, Maulana
Ziauddin Ahmad, Dr Sir.

Abdul Hamid, Khan Bahadur Sir
Ahmad Nawaz Khan, Major Nawab Sir.
Aikman, Mr A
Anderson, Mr. J. D.
Ayyar, Mr N M.
Bajpai, Sir Girja Shankar.
Bewoor, Mr. G V
Boyle, Mr J D
Chanda, Mr A. K
Chapman-Mortimer, Mr. T.
Chatterjee, Mr R M.
Clow, The Honourable Mr. A. G.
Conran-Smith, Mr E
Dalal, Dr R D
Dalpat Singh, Sardar Bahadur Captain.
Damzen, Mr P R.
Dutt, Mr. S.
Faruqui, Mr N. A.
Ghulam Muhammad, Mr.
Griffiths, Mr P. J.

Grigg, The Honourable Sir James.
Higbet, Mr J C
James, Mr. F E
Jawahar Singh, Sardar Bahadur Sardar Sir
Kamaluddin Ahmed, Shams-ul-Ulema.
Lloyd, Mr A H
Mackeown, Mr J A
Maxwell, The Honourable Mr R M
Metcalfe, Sir Aubrey
Miller, Mr. C C
Mitchell, Mr K G
Mukerji, Mr Basanta Kumar.
Mukerji, The Honourable Sir Manmatha Nath
Nur Muhammad, Khan Bahadur Shaikh
Ogilvie, Mr C M G
Rahman, Lieut.-Colonel M. A
Scott, Mr J Ramsay
Sher Muhammad Khan, Captain Sardar Sir
Sivaraj, Rao Sahib N.
Smith, Lieut.-Colonel H C
Sukthankar, Mr Y N
Sundaram, Mr V S
Town, Mr H S
Walker, Mr G D
Zafrullah Khan, The Honourable Sir Muhammad

The motion was adopted

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

"That for the word 'early' the word 'immediate' be substituted, and that for the words 'of the elected and other members' the words 'with a majority of elected members' be substituted"

The Assembly divided

AYES—72

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.
Bhutto, Mr Nabi Baksh Illahi Baksh
Chaliha, Mr Kuladhar
Chattopadhyaya, Mr. Amarendra Nath.
Chaudhury, Mr Brojendra Narayan
Chettiar, Mr T S Avinashilingam
Chetty, Mr Sami Vencatachelam.
Chunder, Mr N C
Das, Mr. B.
Das, Pandit Nilakantha.
Datta, Mr Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Dr G V
Deshmukh, Mr Govind V.
Essak Sait, Mr H. A. Sathar H.
Fazl-i-Haq Piracha, Khan Bahadur Shaikh.
Gadgil, Mr N. V.
Ghulam Bhik Nairang, Syed.
Govind Das, Seth.
Gupta, Mr. K. S.
Hans Raj, Raizada
Hegde, Sri K B Jinaraja
Hosmani, Mr. S. K.
Jedhe, Mr K M
Jogendra Singh, Sirdar.
Joshi, Mr N M
Kailash Behari Lal, Babu
Lahiri Chaudhury, Mr D K
Lalchand Navalrai, Mr
Maitra, Pandit Lakshmi Kanta
Malaviya, Pandit Krishna Kant
Mangal Singh, Sardar
Mehr Shah, Nawab Sahibzada Sir Syed. Muhammad.
Misra, Pandit Shambhu Dayal
Muhammad Ahmad Kazmi, Qazi
Murtuza Sahib Bahadur, Maulvi Syed.
Nauman, Mr. Muhammad.
Paliwal, Pandit Sri Krishna Dutta.
Pande, Mr Badri Dutt.
Parma Nand, Bhai
Rafiuddin Ahmad Siddiquee, Shaikh.
Raghubir Narayan Singh, Choudhri.
Ramayan Prasad, Mr.
Ranga, Prof. N G
Rao, Mr. M. Thirumala.
Sant Singh, Sardar.
Santhanam, Mr K.
Satyamurti, Mr S.

Shahban, Mian Ghulam Kadir Muhammad	Som, Mr Suryya Kumar
Sham Lal, Mr	Sri Prakasa, Mr
Sheodass Daga, Seth	Subbarayan, Shrimati K Radha Bai.
Siddique Ali Khan, Khan Bahadur Nawab.	Subedar, Mr Manu.
Sikandar Ali Choudhury, Maulvi.	Umar Aly Shah, Mr
Singh, Mr Gauri Shankar.	Varma, Mr B B
Sinha, Mr Satya Narayan	Zafar Ali Khan, Maulana.
	Ziauddin Ahmad, Dr Sir.

NOES—46.

Abdul Hamid, Khand Bahadur Sir	Kamaluddin Ahmed, Shams-ul-Ulema.
Ahmad Nawaz Khan, Major Nawab Sir	Lloyd, Mr A H
Aikman, Mr A	Mackeown, Mr J A
Anderson, Mr J D.	Maxwell, The Honourable Mr B M.
Ayyar, Mr N M.	Metcalfe, Sir Aubrey
Bajpai, Sir Girja Shankar	Miller, Mr C C
Bewoor, Mr G V.	Mitchell, Mr K G.
Boyle, Mr J D	Mukerji, Mr Basanta Kumar
Chanda, Mr A K	Mukerji, The Honourable Sir Manmatha Nath
Chapman-Mortimer, Mr T	Nur Muhammad, Khan Bahadur Shaikh
Chatterjee, Mr R M	Ogilvie, Mr C M G
Clow, The Honourable Mr. A. G	Rahman, Lieut Colonel M A.
Conran-Smith, Mr E	Scott, Mr J Ramsay
Dalal, Dr R D	Sher Muhammad Khan, Captain Sardar Sir
Dalpat Singh, Sardar Bahadur Captain	Sivaraj, Rao Sahib N
Damzen, Mr P R	Smith, Lieut-Colonel H C
Dutt, Mr S	Sukthankar, Mr V N
Faruqui, Mr N A	Sundaram, Mr V S
Ghulam Muhammad, Mr	Town, Mr H S
Griffiths, Mr P J	Walker, Mr G D
Grigg, The Honourable Sir James.	Yamin Khan, Sir Muhammad
Highet, Mr J C	Zafrullah Khan, The Honourable Sir Muhammad
James, Mr F E	
Jawahar Singh, Sardar Bahadur Sardar Sir	

The motion was adopted

Mr. President (The Honourable Sir Abdur Rahim) I will now put the Resolution as amended The question is
5 P M

"That this Assembly recommends to the Governor General in Council that immediate steps be taken to constitute a committee *with a majority of elected members* of the Central Legislature to examine the arrangements in force for financial control of military expenditure by the Finance Department and to suggest ways and means of reducing the present cost of Defence"

The Assembly divided

AYES—74.

Abdul Ghani, Maulvi Muhammad.	Azhar Ali, Mr Muhammad
Abdul Qaiyum, Mr.	Bajoria, Babu Baijnath.
Abdul Wajid, Maulvi.	Banerjea, Dr. P. N.
Abdur Rasheed Chaudhury, Maulvi.	Bhutto, Mr Nabi Baksh Illahi Baksh.
Ahmed, Mr K	Chahha, Mr. Kuladhar.
Aney, Mr M S	Chattopadhaya, Mr. Amarendra Nath.
Asaf Ali, Mr M	Chaudhury, Mr Brojendra Narayan.
Ayyangar, Mr M Ananthasayanam.	Chettiar, Mr. T. S. Avinashilingam.

Chetty, Mr Sami Vencatachelam.
Chunder, Mr. N. C.
Das, Mr. B.
Das, Pandit Nilakantha.
Datta, Mr Akhil Chandra.
Desai Mr Bhulabhai J
Deshmukh, Dr G V
Deshmukh, Mr Govind V.
Essak Sait, Mr. H A Sathar H
Fazl i Haq Piracha, Khan Bahadur Shaikh.
Gadgil, Mr N. V
Ghulam Bhik Nairang, Syed
Govind Das, Seth.
Gupta, Mr K S
Hans Raj, Raizada
Hegde, Sri K B Jinaraja
Hosmani, Mr S K
Jedhe, Mr K M
Jogendra Singh, Sirdar
Joshi, Mr N M
Kailash Behari Lal, Babu
Lahiri Chaudhury, Mr. D K
Lalchand Navalrai, Mr
Maitra, Pandit Lakshmi Kanta
Malaviya, Pandit Krishna Kant.
Mangal Singh, Sardar
Mehr Shah, Nawab Sahibzada Sir Syed Muhammad.
Misra, Pandit Shambhu Dayal.
Muhammad Ahmad Kazmi, Qazi
Murtuza Sahib Bahadur, Maulvi Syed
Nauman, Mr. Muhammad,
Paliwal, Pandit Sri Krishna Dutta
Pande, Mr Badri Dutt.
Parma Nand, Bhai.
Rafiuddin Ahmad Siddiquee, Shaikh
Raghubir Narayan Singh, Choudhri
Ramayan Prasad, Mr
Ranga, Prof N G
Rao, Mr M Thirumala
Sant Singh, Sardar
Santhanam, Mr K.
Satyamurti, Mr S
Shahban, Mian Ghulam Kadir Muhammad.
Sham Lal, Mr
Sheodass Daga, Seth
Siddique Ali Khan, Khan Bahadur Nawab
Sikandar Ali Choudhury, Maulvi
Singh, Mr Gauri Shankar
Sinha, Mr Satya Narayan
Som, Mr Suryya Kumar
Sri Prakasa, Mr
Subbarayan, Shrimati K Radha Bai
Subedar, Mr. Manu
Umar Aly Shah, Mr
Varma, Mr B B
Yamin Khan, Sir Muhammad
Zafar Ali Khan, Maulana.
Ziauddin Ahmad, Dr Sir

NOES—45

Abdul Hamid, Khan Bahadur Sir
Ahmad Nawaz Khan, Major Nawab Sir
Aikman, Mr A.
Anderson, Mr J D
Ayyar, Mr N M
Bajpai, Sir Girja Shankar
Bewoor, Mr. G V
Boyle, Mr J. D
Chanda, Mr. A K.
Chapman-Mortimer, Mr T
Chatterjee, Mr R M
Clow, The Honourable Mr A G
Conran-Smith, Mr. E
Dalal, Dr. R. D
Dalpat Singh, Sardar Bahadur Captain
Damzen, Mr P R
Dutt, Mr S
Faruqui, Mr. N. A
Ghulam Muhammad, Mr
Griffiths, Mr. P. J.
Grigg, The Honourable Sir James Lubin LAD
Highet, Mr J C
James, Mr F E
Jawahar Singh, Sardar Bahadur Sardar Sir
Kamaluddin Ahmed, Shams-ul-Ulema
Lloyd, Mr A H
Mackeown, Mr J A.
Maxwell, The Honourable Mr. R M.
Metcalfe, Sir Aubrey
Miller, Mr C C
Mitchell, Mr K G
Mukerji, Mr Basanta Kumar
Mukerji, The Honourable Sir Manmatha Nath
Nur Muhammad, Khan Bahadur Shaikh
Ogilvie, Mr C M G.
Rahman, Lieut Colonel M A.
Scott, Mr J Ramsay.
Sher Muhammad Khan, Captain Sardar Sir.
Sivaraj, Rao Sahib N
Smith, Lieut Colonel H C.

Sukthankar, Mr Y. N.	Walker, Mr. G D.
Sundaram, Mr. V. S.	Zafrullah Khan, The Honourable Sir Muhammad.
Town, Mr. H. S	

The motion was adopted

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 14th September, 1938

LEGISLATIVE ASSEMBLY.

Wednesday, 14th September, 1938.

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

STARRED QUESTIONS AND ANSWERS.

(a) Oral Answers.

Working of Coal Mines.

1001. ***Mr. Amarendra Nath Chattopadhyaya** : (a) Is the Honourable Member for Labour aware that the Coal Mining Committee (1937) writes that ' workings were allowed to deteriorate ', and will the Honourable Member state who was responsible for that ?

(b) Will the Honourable Member be pleased to state if the Mines Department has got no responsibility in the matter ?

The Honourable Sir Muhammad Zafrullah Khan : (a) I am unable to trace the quotation The second part does not arise.

(b) I assume that the Honourable Member is referring to methods of working in mines. The Mines Department has at present no power to interfere with the methods of working in mines so long as these methods do not endanger human life or safety Under regulations which it is hoped shortly to issue the Mines Department will have power, however, to prohibit undesirable methods of working

Mr. S. Satyamurti : So far as safety in mines is concerned, may I know if Government have carried out all the recommendations of the Coal Mining Committee for protection of human life and limb of those who are working in the mines ?

The Honourable Sir Muhammad Zafrullah Khan : I should require notice of that question

Scrutiny of the Work of the Mines Department.

1002. ***Mr. Amarendra Nath Chattopadhyaya** : (a) Will the Honourable Member for Labour please state if it is proposed to scrutinise the work of the Mines Department before the question of increment to staff of the Department is considered ?

(b) What is the number of inspections in all ?

(c) How many inspections are held annually per inspector ?

(d) What is the number of mines per inspector ?

(e) How much money is spent annually for the staff of the Mines Department under the heads (i) salary (ii) travelling allowances ?

(f) What is the total number of fires in the coal mines during the last five years ?

(g) What is the number on percentage basis ?

(h) Has the Mines Department any such thing as a code of procedure for mine examination, and are any such instructions ever issued ? If so, what are they ?

(i) Is it not a fact that the Coal Mining Committee recommends an increase in the salary of the Chief Inspector of Mines from Rs 2,500 to Rs 3,000 ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes, if the Honourable Member is referring to the question of an increase in the staff of the Mines Department

(b), (c) and (d) The Honourable Member is referred to the annual report of the Chief Inspector of Mines, copy of which is available in the Library of the House.

(e) (i) Rs 1,28,435
(ii) Rs 30,274 } during 1936-37

(f) 16 new fires ; total 74.

(g) 2 9 new , 10·9 total

(h) No It would be inadvisable to have such a code because conditions vary so much in mines that an officer must arrange his inspection to ensure that it will embrace all the essential features at a mine and to observe any defects likely to arise due to particular practices

(i) Yes

Mr K. Santhanam : May I know whether it would not be more economical to consolidate the mining staff under this department with the mining staff of the State Railways ?

The Honourable Sir Muhammad Zafrullah Khan : That is a new suggestion I cannot say anything on it now

Mr K. Santhanam : May I ask the Honourable Member to consider that suggestion ?

The Honourable Sir Muhammad Zafrullah Khan : If the suggestion is put down, I will look into it

Mr. N. M. Joshi : May I ask whether Government propose to introduce legislation to give effect to the recommendations of the Coal Mining Committee ?

The Honourable Sir Muhammad Zafrullah Khan : The matter is under consideration but I am unable to specify any exact date, when a decision will be reached

Prof. N G. Ranga : Is it not a fact that this matter has been under consideration for more than a year ?

The Honourable Sir Muhammad Zafrullah Khan : That may be.

Mr. S. Satyamurti : In so far as protection to human life and limb is concerned, will Government expedite the matter for the purpose of introducing the necessary legislation to give them adequate powers ?

The Honourable Sir Muhammad Zafrullah Khan : That will be borne in mind

CREATION OF A POST OF SECRETARY TO HIS EXCELLENCY THE GOVERNOR GENERAL.

1003. *Mr S Satyamurti : Will the Honourable the Leader of the House be pleased to state :

(a) whether Government have sanctioned or have under contemplation the creation of a new post of Secretary to His Excellency the Governor General or the Viceroy or the Crown Representative, in addition to that of the Private Secretary ,

(b) if so, the reasons therefor ,

(c) the extra cost involved including all charges ;

(d) the duties of the new office ;

(e) whether it is proposed to consult the Assembly in this matter ; and

(f) if not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : The question should have been addressed to the Honourable the Home Member

DEMAND OF INDIANS IN BRITISH GUIANA

1004. *Mr. S. Satyamurti : Will the Secretary to the Department of Education, Health and Lands please state :

(a) whether his attention has been drawn to the demands of Indians in British Guiana :

(i) for a change of the British Guiana constitution providing for an elected majority on a wider franchise ;

(ii) for the appointment of an Indian Agent General for British Guiana as recommended to the Governor General of India by the Indian Legislature ;

(iii) for the appointment of larger number of qualified applicants to the Civil Service ;

(iv) for the rigid enforcement of the compulsory education ordinance , and

(v) for the freedom of Government schools from denominational control ;

(b) whether Government have taken any steps in the matter ; and

(c) what the latest position is ?

Sir Girja Shankar Bajpai : (a)—(c). Government have seen a press report of resolutions on the subjects mentioned by the Honourable Member. These appear to have been adopted during the recent

sentenary celebrations of the East Indian Community in British Guiana, [illegible] Government of India with any re-

qu[illegible]
Agent, to be the first object [illegible]
they are doing everything they can to ensure its attainment.

Prof N. G Ranga : Have they made any representation to the Government of India to the effect that they should send some representative of theirs to assist them in presenting their case before the Local Government ?

Sir Girja Shankar Bajpai : No They have made no such representation to the Government of India, but on the question of principle I have already answered a number of questions previously.

Mr. S. Satyamurti : So far as the appointment of an Agent is concerned, may I know at what stage the matter stands now ?

Sir Girja Shankar Bajpai : The matter stands at the stage of representation to the Colonial Office.

Mr. Lalchand Navalrai : May I know whether in regard to these appointments there is any ratio fixed for the appointment of Indians ?

Sir Girja Shankar Bajpai : I am afraid I do not know whether there is any ratio fixed for any race

Mr S. Satyamurti : With regard to the other matters than the appointment of an Agent in which the Government of India are in communication with the Colonial Office, may I know if they have taken or propose to take any steps in respect of the several other matters mentioned in this question ?

Sir Girja Shankar Bajpai : My Honourable friend will observe that matters, such as, the appointment of a larger number of qualified Indians to the civil service, the rigid enforcement of compulsory education and the freedom of Government schools from denominational control, are matters of detail which we feel can best be taken up by the Agent when he is appointed On the constitutional question we want to hear really what the detailed views of the Indian community in British Guiana are before we decide whether we ought to take up the matter

Mr. S. Satyamurti : So far as part (a) (i) is concerned, I take it that the last sentence in the answer was with regard to the change in the British Guiana constitution If so, may I know whether Government are in touch with the Indians in the colony in order to find out what their opinions are in this matter ?

Sir Girja Shankar Bajpai : The Indian Association in British Guiana does address the Government of India on important issues, and I have no doubt whatsoever that if it attaches importance to this question of constitutional reform it will address the Government of India too

Seth Govind Das : Have Government received any representation from the British Guiana Indian Association regarding the appointment of an Agent there ?

Sir Girja Shankar Bajpai : I have already said that with regard to all the matters which are mentioned in clause (a) of the question the

Government have seen the resolutions which were passed by the Indian Association. We have received no official communication yet

Prof. N. G. Ranga : Is this compulsory education ordinance also extended to the Indian community ?

Sir Girja Shankar Bajpai : I think the compulsory educational ordinance is supposed to be applicable to all sections of the community

EXHIBITION OF INDIAN CINEMA FILMS

1005. *Mr. S. Satyamurti : Will the Honourable the Commerce Member be pleased to state .

(a) whether in respect of the sanction of cinema films for exhibition, Government have considered, or propose to consider, the question of imposing a quota to Indian films being exhibited ;

(b) whether Government have been addressed on this matter by the industry concerned ; and

(c) whether Government have come to any decision , if so, what it is ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Government have considered this question

(b) Yes

(c) Yes. The matter primarily rests with the Provincial Governments

Mr S Satyamurti : So far as the Government of India are concerned, since they have considered the matter and they have come to some decision, may I know what the decision is ?

The Honourable Sir Muhammad Zafrullah Khan : That is what I have said in answer to part (c) They have come to a decision and the decision is that the matter primarily rests with the Provincial Governments

Mr S. Satyamurti : Will the Central Government address the Provincial Governments in view of the fact that this is a matter of an all-India importance—I am not saying that it is Federal or Central—and in view of the necessity of developing on proper and sound lines the Indian film industry ?

Mr N. M. Joshi : Do it in your seven provinces,

The Honourable Sir Muhammad Zafrullah Khan : I have no doubt that the Honourable Member's question will come to the notice of the Provincial Governments

Mr. Abdul Qaiyum : May I know what is the attitude of Government about this matter in centrally administered areas ?

The Honourable Sir Muhammad Zafrullah Khan : So far as the centrally administered areas are concerned, this problem is very insignificant.

Mr. Manu Subedar : May I know whether the Government of India have accepted or rejected the principles on which the quota system in films is adopted in the United Kingdom ?

The Honourable Sir Muhammad Zafrullah Khan : No. They have neither accepted nor rejected the principle. As I have already said, they feel that this matter is primarily for the Provincial Governments.

Mr. S Satyamurti : In view of the fact that Delhi is the Capital of India and is in the direct charge of the Government of India, and there are a large number of theatres both in New Delhi and in Old Delhi, may I know whether the Government of India have considered or will consider the policy of introducing a minimum quota of Indian films in all the theatres in New Delhi and in Old Delhi ?

The Honourable Sir Muhammad Zafrullah Khan : The number of theatres in Delhi is very small as compared with the number of theatres all over India

Mr. K Santhanam : With reference to part (a) of the question, may I know whether the Provincial Governments have got the power to restrict the importation or exhibition of foreign films ?

The Honourable Sir Muhammad Zafrullah Khan : That is a constitutional question, but so far as the Government of India are concerned, the Honourable Member will infer from the reply to part (c) of the question that Provincial Governments have got power to deal with this matter

Seth Govind Das : Delhi being a very important centre on account of its being the most important place in Northern India, from which about half the revenue on films is derived, will Government consider the advisability of having a quota system in Delhi ?

The Honourable Sir Muhammad Zafrullah Khan : I have nothing to add to my reply This is a matter of argument.

UNION JACK FLOWN OVER THE LEGISLATIVE ASSEMBLY BUILDING WHEN THE ASSEMBLY IS IN SESSION.

1006. *Mr. S. Satyamurti : Will the Honourable the Labour Member please state

(a) the authority or sanction under which the Union Jack is flown over the Legislative Assembly building when the Assembly is in Session ;

(b) to whom the flag belongs and who arranges for the hoisting of the flag every day ;

(c) whether the Leader of the House has consulted the Honourable the President or the leaders of parties in this matter ;

(d) if not, whether he proposes to do so now ; if not, why not ; and

(e) whether he proposes to ascertain the practice in Britain and the self-governing dominions in this matter and report to this House ?

The Honourable Sir Muhammad Zafrullah Khan : (a) I would refer the Honourable Member to the reply given to part (b) of Mr. Mohan Lal Saksena's starred question No. 1330 on the 11th April, 1938.

(b) The flag belongs to Government and its hoisting on the Legislative Assembly building is arranged for by the Central Public Works Department

(c) No.

(d) No

(e) No As already stated in the reply to part (b) of Mr Saksena's question referred to in (a) above, the practice in the case of the Legislative Assembly building follows that in the British Houses of Parliament

Mr S Satyamurti : In view of the fact that there is a difference of opinion in the House, may I know the reason why in answer to part (d) the Honourable Member says that he does not propose to consult the Honourable the President in this matter ?

The Honourable Sir Muhammad Zafrullah Khan : Because there is no necessity to do so

Mr. S. Satyamurti : There is no difference of opinion in the House of Commons about the Union Jack , but here there is a difference of opinion Whether we are in a majority or in a minority time will show. Some of us object to the flying of this flag May I know the reasons why the Honourable Member refuses to consult the Honourable the President and the Leaders of Parties in this matter ?

The Honourable Sir Muhammad Zafrullah Khan : In a matter like this, it is not necessary to consult anybody Government decide the matter

Mr S. Satyamurti : Are Government aware of the fact that a large section—whether we are in a majority or minority time will show—of this House object to the flying of this flag when we are sitting here, and may I know why Government persist in flying it ?

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member has already said that objection has been taken to this practice

Mr. Lalchand Navalrai : Is the House in possession of the President and under his control ? If so, why has his consent not been obtained ?

The Honourable Sir Muhammad Zafrullah Khan : I have on a previous occasion declined to make a pronouncement upon the authority of the President with regard to the House. I am afraid a misunderstanding arose on that occasion. I do not want to debate the relative powers of Government and the President in answer to a supplementary question

Mr S Satyamurti : May I know whether Government claim the sole right to fly the Union Jack, without so much as getting the leave of the Honourable the President to do so ?

[illegible] Khan : Yes

[illegible] : Under what law ?

[illegible] Khan : Following the [illegible] There is no law to the contrary

QUESTION AND ANSWER IN THE HOUSE OF COMMONS ABOUT THE AMENDMENT OF THE GOVERNMENT OF INDIA ACT.

1007. *Mr. S Satyamurti : Will the Honourable the Leader of the House please state :

(a) whether his attention has been drawn to the recent question and answer in the House of Commons about the amendment of the Government of India Act providing for direct election to the Federal Lower House, for power over finance to be vested in the Lower House, and for amendment of sections 112 to 117 of the Act, and the statement that Government have no intention of asking the Parliament to reconsider the amendment of the Act,

(b) whether the answer was made in consultation with the Government of India , and

(c) whether the Government of India consulted any public opinion in instructing the British Government in this manner ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes

(b) No

(c) Does not arise

Mr. S. Satyamurti : With regard to the answer to clause (b) of the question, may I take it that this announcement was made in the House of Commons by the British Government, without consulting the Government of India ?

The Honourable Sir Muhammad Zafrullah Khan : With regard to that particular answer, Yes

Mr S Satyamurti : With regard to part (c), may I know whether the Government of India have consulted public opinion, after the answer given in the House of Commons, in regard to the specific demands in clause (a) of the question ?

The Honourable Sir Muhammad Zafrullah Khan : There was no occasion to consult public opinion.

Dr. Sir Ziauddin Ahmad : With regard to part (a), may I know whether the information of the Government of India is based only on press reports or they had some communication from the Secretary of State ?

The Honourable Sir Muhammad Zafrullah Khan : The Government of India's information is based both upon press reports and upon the report of the proceedings in the House of Commons

Dr. Sir Ziauddin Ahmad : Did they receive a communication from the Secretary of State on this question ?

The Honourable Sir Muhammad Zafrullah Khan : It would be quite easy to answer that question but as a matter of principle, Government will not disclose either the fact or the nature of such communications.

DIRECTORSHIP OF THE INDIAN INSTITUTE OF SCIENCE, BANGALORE.

1008. *Seth Govind Das : Will the Secretary for Education, Health and Lands please state :

(a) whether he is aware that Sir C Venketa Raman of the Indian Science Institute, Bangalore, has sent a representation for the post of Director of the Institute ;

(b) whether the Governing Council consulted him about the application of Sir Raman ;

(c) who is going to be appointed as Director of the Institute ; and

(d) whether he has recommended any body in particular for the post ?

Sir Girja Shankar Bajpai : (a) Yes

(b) No

(c) No decision has yet been reached The Council of the Institute have invited applications for the post by advertisement

(d) No

Mr Lalchand Navalrai : May I know how many applications have been received ?

Sir Girja Shankar Bajpai : I do not know ; the applications will be addressed to the selection committee appointed by the Council

DEPUTATION OF MATCH MANUFACTURERS ASKING FOR PROTECTION AGAINST COMPETITION BY SWEDISH COMBINES.

1009. *Seth Govind Das : Will the Honourable Member for Commerce please state :

(a) whether a deputation of match manufacturers waited on a member of the Central Board of Revenue, the Commerce Secretary and the Economic Adviser, in May last, representing their case for protection from competition by Swedish combines ,

(b) whether Government examined their representation ;

(c) whether Government arrived at a decision in the matter ; and

(d) if so, what the decision is ?

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

(d) I would refer the Honourable Member to the answer given by me in this House on the 6th September, 1938, to parts (c) and (d) of his starred question No. 760

FALL IN THE PRICE OF RICE.

1010. *Seth Govind Das : Will the Honourable Member for Commerce please state :

(a) the quantities of rice, broken rice, and paddy imported into this country (i) from Burma, and (ii) from other countries, during the last calendar year ;

(b) the amount of custom duty realised on that commodity ,

(c) whether Government propose restricting the dumping of Burmese rice in India either by imposing prohibitive duties or otherwise ;

(d) whether Government are aware of the heavy fall in the price of rice in India as a result of the dumping of rice from outside , and

(e) what action he has taken to counteract the fall in the price of this important commodity of the country ?

The Honourable Sir Muhammad Zafrullah Khan : (a) A statement is laid on the table

(b) Rice, other than broken rice, and paddy are free of duty. Imports of brokern rice from countries other than Burma are subject to an import duty of 12 annas per maund, but there were no such imports during the year 1937 and no customs duty was realised

(c) No

(d) The price of rice, after a temporary set-back, has shown a marked improvement in recent months

(e) Does not arise

Statement showing the quantities of rice, broken rice and paddy imported into India (i) from Burma and (ii) from other countries, during the year 1937

	From	
	Burma.	Other countries
	Tons.	Tons.
Rice	1,238,046	269
Broken rice	80,462*	*Nil.*
Paddy	44,641	2,776

*Not separately recorded before April 1937, figures of January, February and March 1937 included under rice.

NOTE.—Figures prior to April 1937 represent coasting trade (external) of Burma with all other provinces plus non-British ports in India.

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to Sir Cowasji Jehangir Banaji (Bombay City: Non-Muhammadan Rural): Sir, in view of the fact that other countries may I know why Government have not imposed any Burma import duty on rice

The Honourable Sir Muhammad Zafrullah Khan There is no duty on rice from Burma or anywhere else

Dr Sir Ziauddin Ahmad In view of the treatment meted out to Indians by Burmans and the Burma Government will not Government now impose a duty on rice ?

The Honourable Sir Muhammad Zafrullah Khan No Sir

Mr S Satyamurti May I ask whether the attention of Government has been drawn to a recent statement by a Minister of Burma to the effect that they are already contemplating a revision of the Indo Burma trade agreement ? May I know whether the Government of India are taking steps to look into the matter in time as this revision is due 18 months hence ?

The Honourable Sir Muhammad Zafrullah Khan I should like to have notice of that

UNIFIED CUSTOMS NOMENCLATURE PREPARED BY THE ECONOMIC COMMITTEE OF THE LEAGUE OF NATIONS

1011 ***Seth Govind Das** Will the Honourable Member for Commerce be pleased to state

(a) whether he has received a copy of the unified customs nomenclature prepared by the League of Nations Economic Committee

(b) whether he has decided to solve some of the complex problems by applying the simple solutions advised by the Committee to make the Indian Customs nomenclature simpler ,

(c) when he is likely to give effect to it , and

(d) whether he is prepared to make a copy of the unified customs nomenclature available to the House ?

The Honourable Sir Muhammad Zafrullah Khan (a) Yes

(b) and (c) The Honourable Member s attention is invited to paragraphs 3 6 of the Statement of Objects and Reasons of the Bill to consolidate the law relating to customs duties, introduced in this House on the 27th August, 1934 and passed into law as the Indian Tariff Act, 1934

(d) Copies are available in the Library of the House

RACIAL DISCRIMINATION AGAINST INDIANS ON RAILWAYS IN AFRICA

1012 ***Seth Govind Das** Will the Secretary for Education, Health and Lands please state :

(a) whether his attention has been drawn to the news published in the *Swarajya Bazar Patrika*, in its dak edition of the 20th April, 1938, under the caption " Ban on Asiatics in Railways " ,

(b) what steps he has taken or proposes to take to protect the dignity and prestige of Indians arising out of the maltreatment of the

Railway authorities in Africa in discriminating Indians from Europeans, and

(c) whether he has represented the matter to His Majesty's Government for a change of the racial policy being pursued in railways of the Tanganyika area ?

Sir Girja Shankar Bajpai: (a) Yes.

(b) and (c) Enquiries have been made and suitable representations will be made if necessary

Mr S. Satyamurti : Does it stop with representation ? Will not Government make a protest ?

Sir Girja Shankar Bajpai : My Honourable friend may rest assured that the word 'representation' in our vocabulary covers protests as well

Seth Govind Das : This has been going on for a very long time ?

Sir Girja Shankar Bajpai : My Honourable friend drew attention to a comment in a newspaper and that, as far as I can make out, was published some time in April.

Seth Govind Das : No doubt this comment was published recently but this discrimination has been going on for a very long time

Sir Girja Shankar Bajpai : My Honourable friend is imparting information My attention has not been drawn before to this particular kind of discrimination, namely, that when officials of the railway happen to be travelling then Europeans are put in the first class and Indians are put in the lower class

REPORT OF THE TARIFF BOARD ON THE PROTECTIVE DUTY ON MAGNESIUM CHLORIDE.

1013 ***Mr. K Santhanam** : Will the Honourable the Commerce Member state

(a) whether the Tariff Board have reported on the continuance, or otherwise, of the protective duty on Magnesium Chloride ;

(b) what the figures of the imports of this article are into this country and from which countries ; and

(c) when Government expect to receive the report and take action thereon ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (c). Yes The Report has been received by Government and is under examination.

(b) The Honourable Member is referred to the Accounts relating to the sea-borne trade of British India, copies of which are in the Library of the House

Mr. K. Santhanam : How long have Government been considering this report ?

The Honourable Sir Muhammad Zafrullah Khan : I cannot give the exact period

NEGOTIATIONS FOR INDO-BRITISH TRADE AGREEMENT.

1014 *Mr. K. Santhanam : Will the Honourable the Commerce Member state .

(a) the latest stage at which the Indo-British trade talks stand ;

(b) whether Government propose to publish the memorandum of the non-official advisers to the Indian Trade delegation ;

(c) the reasons why they have not published it so far ;

(d) whether any arrangement has been arrived at between the Government of India and the British Government in respect of cotton ;

(e) if so, what the arrangement is ,

(f) how much longer Government propose to continue the Ottawa preference and the reasons therefor ; and

(g) whether Government propose to consult the Assembly before finally signing the agreement ?

The Honourable Sir Muhammad Zafrullah Khan : (a) The Honourable Member's attention is invited to the answer given to part (a) of Mr. T S Avinashilingam Chettiar's question No. 175 during the current Session

(b) and (c) I would refer the Honourable Member to the answers given to parts (b) to (d) of Seth Govind Das's question No. 428 during the current Session.

(d) and (e) An ' arrangement in respect of cotton ' is one of the questions receiving attention in connection with the Indo-British trade negotiations

(f) I would refer the Honourable Member to the answers given on the 17th September, 1936, to the supplementary questions arising out of part (a) of Mr Satyamurti's question No. 452.

(g) The Honourable Member's attention is invited to the answers given to Mr T S. Avinashilingam Chettiar's question No 425 during the current Session

Mr. K Santhanam : May I know whether Government intend to make an announcement after the dispersal of the present Assembly and before the beginning of the next session ?

The Honourable Sir Muhammad Zafrullah Khan : I am quite unable to say The report of the unofficial advisers is under examination and Government can make no statement till after the examination is completed

Mr. K. Santhanam : Will Government consider the advisability of making their announcement while the Assembly is in session during November ?

The Honourable Sir Muhammad Zafrullah Khan : If there is an announcement to be made, Government will make it at the earliest opportunity, irrespective of the fact whether the Assembly is sitting or not

Mr. S. Satyamurti : May I take it that Government will decide the question of consulting the House before deciding to conclude the agreement, after they have come to certain conclusions and they have not shut out the possibility of the House being consulted ? I take it from his answer that he will make an announcement in time and that no agreement will be concluded without consulting the House

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member may not make any such assumption one way or the other

Mr. Manu Subedar : May I know whether the gag which has been put on the advisers of Government in respect of secrecy of the facts in their hands has been lifted or whether it still continues ?

The Honourable Sir Muhammad Zafrullah Khan : If the Honourable Member will withdraw the word " gag ", I will answer the question

Mr. Manu Subedar : I have no objection to its withdrawal

The Honourable Sir Muhammad Zafrullah Khan : It has been understood between the unofficial advisers and Government that no reports are to be published piecemeal, but that when the whole matter is concluded, all the available information will be published

Mr. Manu Subedar : In view of the assurance which the Honourable Member gave at the beginning of this session that before the end of the session at least some information will be given if not the final announcement, may I inquire whether this report will now be published ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir. The report cannot be published piecemeal until the final conclusion of the matter.

Mr. S. Satyamurti : With regard to the answer to part (b) of the question, may I know if Government have considered the effect on the trade of this country of the indefinite continuance of the Ottawa preferences, because they are unable to come to an agreement and they stand committed to continue them ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir, the Government do not stand committed to grant these preferences indefinitely Their sole object is to avert any disturbance to the trade of the country and the moment they are able to come to some definite conclusion one way or the other with regard to this matter, action will be taken

Mr S Satyamurti : Will Government give some indication of the time within which these Ottawa preferences will either end or be renewed by a new agreement ?

The Honourable Sir Muhammad Zafrullah Khan : I was hoping that I might be in a position about this time to come to some conclusion at least with regard to the programme but the advice I have received from the unofficial advisers raises so many questions that I am afraid there will be further delay before Government can come to a conclusion.

Mr. S. Satyamurti: Are there going to be any further negotiations with the Board of Trade, or are the Government of India going to decide this matter by themselves with the help of such advice as they can get in this country ?

The Honourable Sir Muhammad Zafrullah Khan: I cannot say when I can give any information because the report is still being examined in the Department I had asked that it should be put up to me because I knew there were bound to be questions in the House and I have read through it So far as I am concerned, there can be no further action in the matter till it has been analysed and examined

Mr. S. Satyamurti: Will Government at least give an assurance that there will be no further negotiations and the matter will be decided now—after so many years ?

The Honourable Sir Muhammad Zafrullah Khan: I believe I have in answer to a previous question told the House that so far as I can see there will be no occasion for me or anybody else to proceed to the United Kingdom again in connection with this question

REPORT OF THE TARIFF BOARD ON THE SUGAR INDUSTRY

1015 ***Mr. K. Santhanam** Will the Honourable the Commerce Member be pleased to state

(a) the date on which Government received the report of the Sugar Tariff Board ,

(b) when Government propose to publish it ,

(c) the reasons for the delay ,

(d) whether Government are aware that there is a great element of uncertainty in the industry on account of this long delay in the publication of this report ; and

(e) when Government propose to take any action on the report ?

The Honourable Sir Muhammad Zafrullah Khan: (a) The report was received on the 17th December, 1937.

(b) to (e) I would refer the Honourable Member to the answers given on the 24th August, 1938, to Seth Govind Das' starred question No. 430 and its supplementaries. The report is still under consideration.

Seth Govind Das: Is it not a fact that because the new season for sugar-cane has already begun, the factories are at a very great disadvantage without knowing Government decision in this matter ?

The Honourable Sir Muhammad Zafrullah Khan: I am not aware of that fact.

Mr. S Satyamurti: May I know whether this report recommends the continuance of the present protective duty, and Government do not like that, and that therefore they are keeping it back, until they can take the country by surprise by announcing their decision and then publish the report ?

The Honourable Sir Muhammad Zafrullah Khan : Does the Honourable Member expect me to tell him what the recommendations of the report are ?

Mr. K Santhanam : Are Government aware of the disturbance to the industry caused by these prolonged deliberations ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

Mr. Manu Subedar : Will Government consider the possibility of taking some *interim* action in view of the excessive stocks of sugar the sugar manufacturers are carrying ?

The Honourable Sir Muhammad Zafrullah Khan : If the Honourable Member seeks by that to get to know the contents of the report piecemeal, I am afraid I cannot gratify him

Seth Govind Das : By what date is it expected that the Government will come to a decision ?

The Honourable Sir Muhammad Zafrullah Khan : I am unable to say.

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

IMPORT OF FOREIGN COTTON IN INDIA.

1016 ***Mr. K. Santhanam** Will the Honourable the Commerce Member be pleased to state

(a) whether he has received any communication from the Buyers and Shippers Association, Karachi, urging Government to prohibit the importation of foreign cotton in India by imposing a duty on such imports, the proceeds of which should be utilised for research work for improving the existing medium length staples and introducing long staple strains of cotton, and also the imposition of an additional duty on foreign imports of yarns which can be manufactured in India ;

(b) whether Government have taken, or propose to take, steps to see that Indian mills enjoying protection buy more and more of Indian cotton and less and less of foreign cotton , and

(c) the value of foreign cotton imported by Indian textiles mills so far as information is available ?

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

(b) I would refer the Honourable Member to the answers given on the 15th August, 1938, to Sardar Mangal Singh's starred question No. 190 and its supplementaries.

(c) The information is available in the Accounts relating to the Sea-borne Trade and Navigation of British India to which the attention of the Honourable Member is invited.

Mr. Lalchand Navalrai : May I know—with regard to the answer to part (a) of the question—if Government give any protection for the purpose of the growth of the long-staple cotton in India—that is, by way

of a protection against imports or by some other means, so that research might be made for the purpose of the cultivation of long-staple cotton in Sind ?

The Honourable Sir Muhammad Zafrullah Khan : I cannot say with particular reference to Sind but the Honourable Member is aware that there is a duty on the import of foreign cotton

Dr. Sir Ziauddin Ahmad : Have Government taken any action to improve and increase the growth of long-staple cotton in this country ?

Sir Gurja Shankar Bajpai : Yes, Sir, the Indian Central Cotton Committee has been striving towards the attainment of that object for some time My Honourable friend may be interested to know that the area under improved varieties of cotton in Madras, Sind and the Punjab is steadily increasing

Dr. Sir Ziauddin Ahmad : May I know what is the maximum length they have so far achieved ?

Sir Gurja Shankar Bajpai : I should like to have notice of that—I could not say off-hand

Prof N G Ranga : May I know why is it that the Bombay Merchants' Chamber also has made a somewhat similar recommendation as this Karachi Buyers' and Shippers' Association in regard to prohibiting the imports of short-staple cotton into this country ? May I ask why the Government of India have not taken any action whatsoever and compelled the Indian mills which enjoy protection at the expense of the taxpayers of this country to purchase more of Indian cotton ?

The Honourable Sir Muhammad Zafrullah Khan : It is a composite question , with regard to the first part, I would require notice , with regard to the second part, I have noticed a desire in this House and outside with regard to the increase of duty suggested in part (a) of the question. I shall look into the matter

Mr S. Satyamurti : With regard to the answer to part (b) of the question, may I know whether Government, in view of the fact that this textile industry enjoys protection, will take steps to persuade them and if necessary to compel them, as the price of this protection, to buy more and more of Indian cotton and less and less of foreign cotton ?

The Honourable Sir Muhammad Zafrullah Khan : That is what I have replied to in answer to Prof Ranga's question

TRADE BETWEEN INDIA AND THE UNITED STATES OF AMERICA.

1017. *Mr. K. Santhanam Will the Honourable the Commerce Member be pleased to state :

(a) whether he is aware that an Indian Chamber of Commerce for America has been formed in New York to promote trade between India and the United States of America ,

(b) whether the Trade Commissioner from India to the United States of America, Mr. Malik, has got into touch with this body, and

(c) whether active steps are being taken by him and by the Government of India to promote Indo-American trade, and if so, what those steps are ?

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

(c) The Indian Government Trade Commissioner, New York, opened his office there on the 4th July, 1938, and no report of his activities apart from a preliminary report describing the contacts he was making has so far been received I may, however, add that one of the principal duties of the Trade Commissioner is to develop the market for Indian goods in the United States of America.

Mr. K. Santhanam : May I know whether the report of this Trade Commissioner is available in the Library ?

The Honourable Sir Muhammad Zafrullah Khan : I do not think so

Mr K Santhanam : Will the Honourable Member lay it on the table ?

The Honourable Sir Muhammad Zafrullah Khan : I do not think there is anything in that that can be of general interest

Mr S. Satyamurti : Have Government considered the effect on a possible Indo-American trade agreement of the recent Anglo-American trade agreement, and have they taken any steps to protect India's interests ?

The Honourable Sir Muhammad Zafrullah Khan : There is a question down today with regard to that.

MONEY SPENT ON SCIENTIFIC AND INDUSTRIAL RESEARCHES.

1018 *Babu Kailash Behari Lal (on behalf of Babu Baijnth Bajoria) (a) Will the Secretary for Education, Health and Lands be pleased to state the sum of money spent by the Government of India on scientific and industrial researches, separately, during each of the last five years ?

(b) Do Government contemplate providing more money for these researches in future ? If not why not ?

Sir Girja Shankar Bajpai : (a) The compilation of a complete statement would involve a disproportionate expenditure of time and labour. The main grants made by the Education, Health and Lands and Commerce Departments have, however, been shown in the statement which I lay on the table It will be understood that, in addition, a great deal of scientific research work is undertaken by the Archæological Surgey, the Survey of India, the Public Health and Medical Services and other Services of the various Departments of the Government of India.

(b) The case of each grant can only be considered on its merits with due regard to the financial situation.

Statement showing the grants made by the Government of India in the Department of Education, Health and Lands and Commerce Department for scientific and industrial researches.

Name of Institution or body.	Grants.				
	1933-34	1934-35	1935-36	1936-37	1937-38.
	Rs	Rs	Rs	Rs	Rs
Scientific Researches					
1. Imperial Council of Agricultural Research	6,50,000	7,83,000	9,50,000	30,11,000‡	12,29,000‡
2 Imperial Institute of Sugar Technology, Cawnpore*				1,10,026	2,86,000
3 Indian Central Jute Committee†				20,000	5,00,000
4. Imperial Agricultural Research Institute	8,91,364	9,38,833	8,93,209	7,21,014	7,27,809
5 Imperial Veterinary Research Institute	6,33,245	7,15,362	7,57,934	7,53,283	8,37,000
6 Indian Institute of Science, Bangalore	1,50,000	1,50,000	1,50,000	1,50,000	1,50,000
7 Bose Research Institute, Calcutta	53,000	53,000	53,000	53,000	53,000
8 Indian Association for the Cultivation of Science, Calcutta	18,000	18,000	18,000	18,000	18,000
9 Indian Research Fund Association§	1,50,000	1,50,000	1,50,000	1,50,000	1,50,000
10. Central Research Institute, Kasauli	1,96,714	1,87,756	2,16,952	2,13,980	2,17,100
11. Forest Research Institute and College, Dehra Dun	2,36,253	2,31,677	2,40,976	2,54,041	2,50,188
Industrial Researches					
1. Forest Research Institute and College, Dehra Dun	3,32,545	3,45,920	3,29,525	3,51,764	3,56,702
2. Industrial Research Bureau ..		26,211	1,20,716	1,67,789	1,79,887

*This Institute is maintained from Central Revenues from the 1st October, 1936 Prior to this date it was maintained by the Government of the United Provinces

†The Committee came into existence in 1936.

‡Includes Rs 2 lakhs given for the Provincial portion of the scheme for the improvement of Agricultural marketing.

§An average sum between Rs. 7 and 8 lakhs is spent annually by the Indian Research Fund Association from its grants and accumulated funds.

REPORT OF THE TARIFF BOARD ON THE SUGAR INDUSTRY.

1019 *Mr. Amarendra Nath Chattopadhyaya : (a) Will the Honourable Member for Commerce be pleased to state if the Tariff Board has finished its consideration of the sugar industry in India and if the Board has submitted its report to the Government of India ?

(b) Will the Honourable Member be pleased to state if the question of protection to sugar industry in India was the subject of discussion by the Tariff Board, and if so, what was their decision regarding future protection ?

(c) Is it a fact that the report is in the hands of the Government of India, and is there for more than eight months ? If so, will the Honourable Member be pleased to state why it has not been laid on the table for the information of this House ?

The Honourable Sir Muhammad Zafrullah Khan : (a), (b) and (c) The Honourable Member is referred to the answer given today to Mr Santhanam's starred question No. 1015 Copies of Tariff Board Reports are supplied to each Member of the Legislature immediately on publication

FISHING BY JAPANESE TRAWLERS IN THE BAY OF BENGAL.

1020 *Mr Abdul Qaiyum (on behalf of Mr T S. Avinashilingam Chettiar) Will the Honourable the Commerce Member please state :

(a) whether Government are aware of the statement of Dr Stanley Kemp, President of the Zoology section of the British Association that ' Japanese trawlers taking advantage of the complete lack of development of the Indian offshore fisheries are now visiting the Bay of Bengal, and there is a possibility that their activities will cause the Government of India to realise how backward they are in fishery administration ', (published on page 12 of the *Hindu*, dated the 24th August, 1938) ,

(b) whether it is true , and

(c) whether Government have taken any steps in the matter of preventing Japanese trawlers from coming into the Bay of Bengal and developing the off-shore fisheries ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes

(b) Occasional reports have been received, though not recently, of the activities of Japanese trawlers in the Bay of Bengal

(c) The matter is under consideration

Mr. Abdul Qaiyum May I know how long this matter has been under consideration and when Government propose to come to a decision ?

The Honourable Sir Muhammad Zafrullah Khan : I cannot say how long it has been under consideration but the last report received about this kind of activity of Japanese trawlers was in March, 1937.

RAW PRODUCTS NECESSARY FOR THE MANUFACTURE OF MOTOR CARS

1021. *Mr. Abdul Qaiyum (on behalf of Mr T S. Avinashilingam Chettiar) Will the Honourable the Commerce Member state :

(a) what are the raw products necessary for the manufacture of motor cars ;

(b) which of them is not available in India ,

(c) whether there has been any attempt to produce motor cars in this country, or to start a concern for this matter ; and

(d) if so, whether Government were asked for support by anybody for starting such an industry and with what effect ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). The information, as far as it is readily available, is given in a statement which I place on the table

(c) Projects have been mooted but Government have no information as to the extent to which they have been carried into effect

(d) Requests have been received from two parties and these were carefully considered by Government They, however, found themselves unable to accede to them

Statement showing materials required for the manufacture of motor cars

The following are the principal materials necessary for the manufacture of motor cars

(a) Iron.
Steel (various grades)
Copper
Aluminium.
Zinc
Tin.
Cadmium
Nickel
Chromium.
Platinum.
Lead.
Rubber
Glass (Plate and armoured).
Wood.
Carbon (for brushes).
Shellac.
Paints pigments and varnishes cellulose
Mica.
Leather and Leather Cloth.
Horse hair.
Cotton and silk materials.

Asbestos.

Sulphuric acid

Synthetic resins (*e.g.*, Bakelite).

Electric lamps.

Porcelain

Electric instruments.

(b) The following materials are not produced in India at present :

Aluminium

Platinum

Carbon (for brushes, etc.)

Asbestos.

Synthetic resins

Glass (plate and armoured)

NOTE —

(1) It has been assumed that supplies obtainable from Burma can be included in the list of materials produced in India.

(2) Although many of the basic materials required for the manufacture of the component parts of motor cars are available in India, no suitable workshops exist in India for the conversion of the raw materials into finished components suitable for motor cars For instance ball and roller bearings are essential component parts of motor cars These are made from various special grades of steel and although steel of suitable quality may be available in India, no workshops in India are at present capable of the manufacture of ball bearings The same remark applies to many other important components

Mr. Abdul Qaiyum In view of the fact that there is a large demand for motor cars in this country, will Government consider the desirability of starting a motor car factory at Government expense ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir

Mr. S. Satyamurti : Are Government aware of the fact that the Honourable Mr Giri, the Industries and Labour Minister of the Government of Madras, with the co-operation of Sir M Viswesvaraya, is taking steps in this direction and have the Government of India been addressed on this matter by any Industries Minister of any Local Government ?

The Honourable Sir Muhammad Zafrullah Khan : With regard to the first part, I am obliged to the Honourable Member for the information With regard to the second part, I would require notice even if it is possible to disclose the information

Mr. S. Satyamurti : I merely want to know whether the Government of India have been addressed by any Provincial Government or by any provincial Industries Minister on the matter of the manufacture of motor cars in this country.

The Honourable Sir Muhammad Zafrullah Khan : I would require notice of this question.

Mr. S. Satyamurti : Will the Government of India take some steps, in view of the enormous interests for the financial prosperity of this country and also take some initiative to get into touch with the Provincial Governments and see if some progress cannot be made in this direction ?

The Honourable Sir Muhammad Zafrullah Khan : I thought the Honourable Member had in his previous question given information with regard to some activity on behalf of one province at any rate, and I thought that it was in connection with that that they would consider it necessary to approach the Government of India.

Mr S Satyamurti : I am asking whether the Government of India will take some initiative in the matter having regard to the prosperity of the country I wish I could impress my Honourable friend with the earnestness with which I ask this question

The Honourable Sir Muhammad Zafrullah Khan : I am impressed with the earnestness of the question, but the development of industries is a provincial subject

Mr Manu Subedar : May I ask what was the nature of the question that was asked from the Government of India ?

The Honourable Sir Muhammad Zafrullah Khan : They asked for all sorts of things They asked for facilities and concessions on such a large scale that the Government of India could not give them

Mr. Manu Subedar : Will the Honourable Member give us a little explanation of the assistance asked for by the Government of Madras, which the Government of India found themselves unable to accede to according to their general policy ?

The Honourable Sir Muhammad Zafrullah Khan : There was a certain amount of capital to be subscribed by the Government of India, a very high degree of protection was asked for and also an undertaking in advance to buy all Government requirements in the way of motor cars and lorries from this particular concern Also a refund of duty on all sorts of material and railway concessions

Price of Burma Petrol.

1022 ***Mr Abdul Qaiyum** (on behalf of Mr T S Avinashilingam Chettiar) Will the Honourable the Commerce Member state

(a) whether the imports of petrol from Burma are not liable to the duty, which imports from other countries are liable to ;

(b) whether the petrol from Burma is also selling at the same price as that from other countries which pay a heavy duty ; and

(c) whether Government have gone into the matter and satisfied themselves that the consumer does not suffer ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Imports of petrol from Burma are liable to the same customs duty as imports from other foreign countries.

(b) The Honourable Member is referred to the reply given by me on the 15th August, 1938, to Mr Manu Subedar's supplementary question arising out of his starred question No. 208.

(c) There was no necessity to go into the matter

SHARES OF HIS MAJESTY'S GOVERNMENT IN PETROL COMPANIES.

1023 **Mr. Abdul Qaiyum** (on behalf of Mr T S Avinashilingam Chettiar) Will the Honourable the Commerce Member state :

(a) whether, in any of the companies that are supplying petrol to India, His Majesty's Government have shares , and

(b) if so, in which of the companies ?

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

Mr. S. Satyamurti : Will Government make inquiries and find out the information ?

The Honourable Sir Muhammad Zafrullah Khan : I have answered that question before

Mr. S. Satyamurti : I really want to know, Sir, why we do not get the information

Mr. President (The Honourable Sir Abdur Rahim) I do not know

Mr. S. Satyamurti : I do not know when I can catch the Government in a proper mood

Mr President (The Honourable Sir Abdur Rahim) Apparently, they are not today in that mood.

FORMATION OF SEPARATE ANDHRA, KARNATAKA AND MALABAR PROVINCES.

1024 ***Sri K B. Jinaraja Hegde** : (a) Will the Honourable the Leader of the House be pleased to state what were the recommendations of the Madras Government to the Government of India in respect of separation of Andhra, Karnataka and Malabar areas and formation of separate respective provinces ?

(b) What were the recommendations of the Bombay Government to the Government of India in respect of separation of Karnataka areas and formation of Karnataka province ?

(c) Is it a fact that the Madras Government recommended specially the formation of Andhra Province and not the Karnataka and Malabar Provinces ?

(d) If so, what were the reasons advanced ?

(e) What were the recommendations of the Government of India to the Secretary of State for India in respect of formation of each of the following Provinces :-

(i) Andhra,

(ii) Karnataka, and

(iii) Malabar or Kerala ?

(f) Will the Honourable the Leader of the House be pleased to place on the table of the House copies of the recommendations of the Madras, Bombay and India Governments, and a copy of the reply received from the Secretary of State for India ?

The Honourable Sir Muhammad Zafrulah Khan : (a) to (e). I have nothing to add to the statement I made in reply to Mr Santhanam's starred question No. 62 on the 9th August, 1938.

(f) No, Sir.

Prof. N. G. Ranga : What is the latest position ?

The Honourable Sir Muhammad Zafrullah Khan : The latest position is as I read out in that statement.

Mr. M. Thirumala Rao : With regard to part (c), have the Government of India received any further representation from the Madras Government on this subject ?

The Honourable Sir Muhammad Zafrullah Khan : I am unable to say.

DRAFT OF THE RULES IN CONNECTION WITH THE INSURANCE ACT.

1025 ***Mr Manu Subedar** : Will the Honourable the Commerce Member state :

(a) whether the draft of the rules in connection with the Insurance Act is ready , and

(b) when the same is going to be made available to the public ?

The Honourable Sir Muhammad Zafrullah Khan : (a) No

(b) As soon as possible after the rules are ready.

ESTABLISHMENT OF DAIRY INDUSTRY IN INDIA.

1026 ***Mr. Manu Subedar** : (a) Will the Secretary for Education, Health and Lands please state whether financial assistance was given to any officer of Government for training in dairy technology and in the manufacture of milk powder and condensed milk ?

(b) What happened to him ? Were his services utilised for carrying out the purposes for which he was sent abroad and for which public funds were spent ?

(c) Were quotations secured for the necessary plant and machinery, and had Government given orders for the purpose of such machinery ?

(d) Have Government received any expert opinion on the possibility of the establishment of this industry in India ? If so, will these reports be made available to this House ?

Sir Girja Shankar Bajpai : (a) and (b). The attention of the Honourable Member is invited to the reply given to Babu Baijnath Bajoria's starred question No 398 on 12th February, 1937.

(c) No plant or machinery has actually been ordered, the question of securing quotations has not, therefore, arisen.

(d) The attention of the Honourable Member is invited to Chapter VI of Dr Wright's report, copies of which are available in the Library of the House

MANUFACTURE OF MILK POWDER IN INDIA.

1027 ***Mr. Manu Subedar** : (a) Will the Secretary for Education, Health and Lands please state whether the reduction of duty on milk powder was the result of the recommendation of Mr Wright ?

(b) Have Government considered the possibility of the manufacture of milk powder in this country and, if so, what steps do they propose to take to encourage such manufacture in the face of the present relaxation of import duty ?

(c) Was there a scheme sanctioned by Government, or the Imperial Council of Agricultural Research, to experiment on the manufacture of these products (manufacturing of milk powder and condensed milk) in India ?

(d) Who were the authors of this scheme ?

(e) Did this scheme materialise ? If not, why not ?

Sir Girja Shankar Bajpai : (a) No

(b) The Honourable Member's attention is invited to the reply given to parts (a) and (e) of his starred question No 694 on the 7th March, 1938

(c)—(e) The Honourable Member's attention is invited to the reply given to parts (e) and (f) of his starred question No 695 on the 7th March, 1938

Mr. Manu Subedar : With regard to part (b) in connection with which the Honourable Member has invited the attention to his previous reply which was equally unsatisfactory, may I inquire whether since March last the Government of India have seriously taken into consideration the desirability of manufacturing milk powder in this country ? If so, what steps they have taken since March last ?

Sir Girja Shankar Bajpai : I think the Honourable Member could not have remembered the answer which I gave At any rate, I do not subscribe to the suggestion that the reply which I gave was unsatisfactory What I said on that occasion was that a difference of opinion had arisen as to whether it was worth while undertaking an experiment —that was all that had been contemplated—into the semi or *quasi*-commercial scale manufacture of milk powder and that we were awaiting the appointment of the Director of the proposed Dairy Institute before deciding to go on with this experiment or not

Mr Manu Subedar : In view of the fact that the duty on milk powder imported into this country has been reduced and therefore the possibility of spontaneous enterprise as was likely to come into existence has been destroyed, may I again inquire whether Government expect any enterprise with regard to the production of milk powder in India, which is very essential for the nutrition of Indian people and may I ask what steps Government are taking in this direction ?

Sir Girja Shankar Bajpai : There, again, my Honourable friend is making a very large assumption. I have studied the figures of imports since August, 1937, up to March, 1938, and I find that the imports are in the neighbourhood of Rs. 3 lakhs. The suggestion that these minute imports are likely to have any effect upon the possibilities of manufacture in this country appears to me to be lacking in a sense of proportion The fact of the matter is that our withdrawal of the duty had nothing whatever to do with Dr Wright's recommendation at all. It was based on a recommendation made by our Nutrition Officer in 1936 He said that skimmed milk has the effect of 'increasing the weight in a group of children by 4·7 lbs. per head and the height by 5 inches in a period of three months'

Prof. N. G. Ranga : In view of the fact that the use of the skimmed milk is so very useful according to the Honourable Member himself, why is it that the Government of India do not take special steps to manufacture greater quantities of it in this country irrespective of the fact that the imports are so small ?

Sir Girja Shankar Bajpai: In connection with that, I would invite my Honourable friend's attention to paragraphs 52 and 54 of Dr Wright's report We have not yet come to any conclusion as the investigation has had to be deferred pending the selection of a Director

Mr. S. Sataymurti : May I ask whether there is any change in the policy of Government that we should as far as possible make this country self-contained in the matter of milk products ?

Sir Girja Shankar Bajpai : That is rather a large question of policy on which I am not prepared to descant at the moment

Mr S. Satyamurti : Have the Government any policy at all on this matter ?

Sir Girja Shankar Bajpai : The Government policy is to do what they can by research with which my Department is concerned, to explore the possibilities of the commercial manufacture of commodities such as skimmed milk

Mr. K. Santhanam : May I ask if the prices of the locally manufactured milk powder will not be governed by the price of the imported milk powder, however minute the import may be ?

Sir Girja Shankar Bajpai : I do not know In the first place, my Honourable friend has not yet established that any milk powder is being manufactured in this country

Skimmed Milk and Milk Powder imported into India.

1028 ***Mr Manu Subedar** : (a) Will the Secretary for Education, Health and Lands please state the value of the importation in India of (i) skimmed milk, and (ii) milk powder, during 1936-37, and from which countries are they principally imported ?

(b) Is it true that skimmed milk is a by-product of butter manufacture and that milk powder is made from it ?

(c) Have Government considered the adverse effect of reducing the duty on skimmed milk in the notification issued under the Sea Customs Act on the 18th August, 1938, on the prices of butter in India and the consequences thereof to the manufacturers of butter ?

(d) Have Government considered the indirect effect of the weakening of butter manufacture and dairy activities in this country on the price of milk and on smaller milk producers in the land ?

(e) What are the reasons which induced Government to allow the import of milk powder duty-free ?

Sir Girja Shankar Bajpai : (a) Prior to August, 1937, separate statistics were not maintained for these products. Skimmed milk is principally imported from the Netherlands while milk powder is imported mostly from Australia, New Zealand and the Netherlands

(b) Skimmed milk is a by-product in the preparation of cream, one of the uses of which is preparation of butter Milk powder may be made either from skimmed milk or whole milk

(c) and (d) Government do not anticipate that the reduction of import duty on dried skim milk will have any adverse effect on the price of butter in India

(e) Because as a result of the researches carried out by the Director of Nutrition Research, Indian Research Fund Association, it was found that dried skimmed milk, fed in comparatively small quantities, proved a valuable addition to the ordinary diet of young children

Mr. Manu Subedar : Apart from the anticipation of this Government that this will have no effect on the prices of butter in India, may I enquire whether Government will be taking any steps to keep an account of the import of foreign butter into this country and to see that the production of local butter is not adversely affected by their own action in reducing the duty on skimmed milk which is a by-product ?

Sir Girja Shankar Bajpai : I think what my Honourable friend wishes to suggest is that we shall keep an eye on the import trade in skimmed milk Certainly, that is why we are maintaining separate statistics

Mr. Manu Subedar : Is it not a fact that by a reduction of duty, the foreign manufacturer is enabled to land his butter in this country cheaper than he was doing hitherto ?

Sir Girja Shankar Bajpai : The Government have not reduced the duty on butter

Dr. Sir Ziauddin Ahmad : Is it not a fact that skimmed milk is milk from which butter has been taken out and that it is slightly better than water ?

Sir Girja Shankar Bajpai : That is my Honourable friend's opinion. But I am told by experts that even though fat may have been taken out of skimmed milk, yet it has the same mineral salts, which are very important for the purpose of nutrition, as the milk with fat in it.

Dr. Sir Ziauddin Ahmad : Is it not used for adulteration purposes by adding a little water to it in order to have a proper specific gravity ?

Sir Girja Shankar Bajpai : I think, Sir, that the import of skimmed milk into this country is infinitesimal for the purpose of adulteration which, I believe goes on, on a much larger scale.

Dr. Sir Ziauddin Ahmad : Is not the Honourable Member aware of the fact that the usual process of adulteration is that they take out butter first and add water to it in order to reduce the specific gravity to the proper proportion ?

Sir Girja Shankar Bajpai : I am not disputing that , I am merely pointing out that the imports of skimmed milk could not affect the problem of adulteration

Hardships of Haj Pilgrims

1029 *Dr Sir Ziauddin Ahmad : (a) Will the Secretary for Education, Health and Lands be pleased to state the number of cases of smallpox, malaria, plague, typhoid and yellow fever which occurred on the Haj pilgrim ships passing through Kamaran Island from the South of Babelmandeb since 1930, and how many of these proved fatal ?

(*b*) If no cases in any of the categories mentioned above took place during the said period, will Government please state the reasons for maintaining the quarantine at Kamran and for burdening the *Hajis* with unnecessary expenditure ?

(c) If the quarantine is necessary, why is it not arranged either at the port of embarkation, or at Jeddah ?

(d) Are Government aware that no food-stuff is available in the island of Kamaran and the unnecessary delay at a barren island causes great hardship to the pilgrims ?

Sir Girja Shankar Bajpai : (a) The Civil Administrator and Director, Kamaran Quarantine Station, has reported 15 cases in all, 13 of smallpox and two of typhoid There were three deaths

(b) and (c) I would refer the Honourable Member to the reply given by me to the supplementaries arising from his question No 45 regarding the reduction of fees on the 9th August, 1938

(d) No.

Dr Sir Ziauddin Ahmad : With reference to part (d) are not Government aware that no foodstuff is available in Kamaran, that nothing grows there ? Why should the quarantine be fixed at Kamaran and why not at the port of embarkation or destination ?

Sir Girja Shankar Bajpai : The reason why we have to maintain a quarantine station at Kamaran, I explained the other day It is under an international obligation undertaken under the Sanitary Convention, but in so far as the question relating to the lack of foodstuffs at Kamaran is concerned, I informed the Honourable Member the other day that since 1937 no passenger to pilgrim has had to land in Kamaran and therefore this cannot be a practical inconvenience.

Dr. Sir Ziauddin Ahmad : May I ask whether the international obligation is to have the quarantine somewhere between the port of embarkation and the port of destination or whether you cannot have quarantine at the port of destination or the port of embarkation ?

Sir Girja Shankar Bajpai : The point is this. The quarantine at this place is intended to act as a sort of sieve for infectious diseases, for people coming from India and from the Dutch East Indies and Malaya ?

FEES COLLECTED FROM HAJ PILGRIMS AT KAMARAN.

1030. *Dr. Sir Ziauddin Ahmad : (a) Will the Secretary for Education, Health and Lands be pleased to state the savings in the Kamaran fees since 1930 ?

(b) How do Government propose to spend this amount ?

(c) Do Government propose to consider the proposal that that accumulated amount be spent in providing suitable quarters for pilgrims at Jeddah, or at the ports of embarkation, particularly Karachi ?

Sir Girja Shankar Bajpai : (a) and (b) Since 1930 expenditure has exceeded receipts There is no surplus, therefore, accrued during these years to dispose of

(c) The Honourable Member presumably has in mind surpluses that may have accrued before 1930 The amount of these stands at Rs 4 34 lakhs In view of the recent reduction in the rate of fee from Rs 8 to Rs 3, Government consider that this amount should be treated as a reserve to meet possible deficits In any case, it cannot be utilised for any other purpose without the concurrence of the Government of the Netherlands East Indies who exercise joint control over the Quarantine Station

Mr Abdul Qaiyum : In view of the fact that the expenditure exceeds the receipts, and that people from the Dutch East Indies also use this place, may I ask whether the Government of India will call upon the Netherlands Government to contribute something for the upkeep of this quarantine station ?

Sir Girja Shankar Bajpai : The Government of Netherlands East Indies contribute in the same way as we do, that is to say the passengers from the Netherlands East Indies pay the same quarantine fee

Dr Sir Ziauddin Ahmad : Is Kamaran station entirely under the administration of the Government of India or is it under the joint administration of the Government of India and the Government of Netherlands ?

Sir Girja Shankar Bajpai : The quarantine station is under the joint administration of the Government of India and of the Dutch East Indies Government

Mr. Abdul Qaiyum : In spite of the payment of fee by the Dutch citizens there is a deficit, why should the Government of India shoulder all this extra burden ?

Sir Girja Shankar Bajpai : The Government of India have not shouldered any extra burden The expenditure referred to during the period 1930-36 was expenditure of a non-recurring character incurred upon buildings and equipment and so on and that was met out of the reserves in the fund

Dr Sir Ziauddin Ahmad : Are these medical men appointed in Kamaran appointed by the Government of India or are they appointed with the concurrence of the Netherlands East Indies Government ?

Sir Girja Shankar Bajpai : Strictly speaking that question, I submit, does not arise.

Dr. Sir Ziauddin Ahmad : In view of the fact that both Governments pay and the administration is common, as my Honourable friend pointed out, may I know whether the medical officers appointed are appointed with the concurrence of the Netherlands East Indies Government ?

Sir Girja Shankar Bajpai : I have already submitted, Sir, that in my opinion it is rather far fetched to suggest that the question of the appointment of medical officers arises out of the question enquiring into the reserves accumulated out of the fees in Kamaran quarantine station.

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member had better put down a separate question

STAFF AT KAMARAN AND MEDICAL AID ON HAJ PILGRIM SHIPS.

1031 *Dr. Sir Ziauddin Ahmad : (a) Will the Secretary for Education, Health and Lands be pleased to lay on the table a list mentioning the names of all the employees paid in the island of Kamran out of the dues collected from pilgrims to Hedjaz ?

(b) Have Government instructed the non-Muslims to become familiar with all the formalities which the pilgrims have to perform ?

(c) Have Government satisfied themselves that the medical aid on the pilgrim ships is sufficient for the requirements of the pilgrims ?

Sir Girja Shankar Bajpai : (a) A statement containing the information is placed on the table

(b) Government have no reason to believe that in the discharge of their duties, the members of the staff do not pay due regard to legitimate Muslim susceptibilities

(c) Government are not aware that the arrangements for medical aid on pilgrim ships are inadequate in any respect

Serial No	Name	Designation
1	Captain D Thompson	Director and Civil Administrator, Kamaran
2	Mr Lethbridge	Secretary
3	Dr J H Ziesel	Medical Officer (Appointed by the Netherlands Indies Government)
4	Dr. (Mrs) E Lethbridge	Lady Doctor
5	Mr T G Langan	Wireless Officer
6	Mr Perumal	Wireless Operator
7	Dr H N Syed	Subordinate Medical Officer
8	Mr M Benjamin	Clerk
9	Ali Mahomed	Peon
10	Ali Makhavi	Peon
11	Sayed Mahomed Asiri	Compounder
12	Mustafa Sanaani (Future scale)	Chief Sanitary Guard.
13	Ahmed Musa	Sanitary Guard
14	Alavi Mustfa	Do.
15	Ali Ibrahim	Disinfector.

Serial No	Name	Designation.
16	Mr T B Mohan	Chief Engineer.
17	Mr Gulam Mahomed	Assistant Engineer
18	Abdulla Mahomed	1st Fireman.
19	Kassim Abdo Mahomed	2nd Fireman.
20	Taher Roustom	3rd Fireman.
21	Hassan Shami	Fitter Driver.
22	Achuttan C	Do
23	Mahomed Abdoo (Promoted to this post in 1936)	Do.
24	Yassin Faquir	Blacksmith
25	Sayed Abdul Rehman Dayal	Engine-room man.
26	Abdoo Mahomed	Do
27	Abdul Kader	Do
28	Ishak Benjamin	Carpenter.
29	Mahomed Mustafa	Assistant Carpenter.
30	Ibrahim Amood	Dist of water and ice.
31	Mahomed Abdoo Sagiri	Godown keeper.
32	Mason—Vacant	Mason
33	Ahmed Buteah	Painter
34	Mahomed Ibrahim	Engine-Driver.
35	Abdulla Issa	Coxswain
36	Abdulla Aboolgait	Boatman.
37	Yassin Mahomed	Do
38	Mahomed Nasib	Do
39	Ibrahim Ali	Wireless Peon
40	Foreman	Foreman Elec
41	Mr D Fonseca	Fitter-Driver
42	Ali Ismail	Do
43	Vacant	Do
44	Abdulla Noman	Wireman
45	Sayed Kassim Abdulla	Head Cooly

Mr. Abdul Qaiyum : Are any of these employees non-Indians ?

Sir Girja Shankar Bajpai : I believe that there is one employee who is a non-Indian, a Dutch medical officer

Dr. Sir Ziauddin Ahmad : Was he appointed by the Government of India ?

Sir Girja Shankar Bajpai : I will answer this supplementary question on this one. The position is that there are two medical officers maintained there, one to look after the pilgrims coming from the Dutch East Indies, who is appointed by the Government of the Netherlands East Indies, and the other to look after the pilgrims coming from India, appointed by the Government of India

SPACE ALLOWED TO THIRD CLASS PASSENGERS IN HAJ PILGRIM SHIPS

1032 ***Dr. Sir Ziauddin Ahmad** : (a) Will the Secretary for Education, Health and Lands be pleased to state the amount of square space allowed to each third class passenger in the pilgrim ships ? Is the space allotted sufficient ?

(b) What is the breadth of the passage, if any, provided for the pilgrims to go from their seats to places of daily requirements ?

Sir Girja Shankar Bajpai : (a) Not less than 16 square feet The answer to the second part is in the affirmative

(b) Not less than 1½ feet

REPORT OF THE INDIAN MEDICAL OFFICER AT KAMARAN ON HAJ PILGRIMAGE

1033 ***Dr. Sir Ziauddin Ahmad** : Will the Secretary for Education, Health and Lands be pleased to lay on the table the report of the Indian Medical Officer at Kamaran on the last pilgrimage ?

Sir Girja Shankar Bajpai : A copy of the Report of the Civil Administrator and Director, Kamaran Quarantine Station on the pilgrim season, 1937 38, which contains the report of the Indian Medical Officer at Kamaran on the last pilgrimage, is available in the Library of the House.

Mr. President (The Honourable Sir Abdur Rahim) The answer to question No. 1034 will be laid on the table

PLIGHT OF JOBLESS INDIANS IN MALAYA.

†1034. ***Mr S. Satyamurti** : Will the Secretary to the Department of Education, Health and Lands please state

(a) whether his attention has been drawn to the miserable plight of jobless Indians in Malaya ,

(b) whether the Malaya authorities are doing anything to relieve their position , and

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

(c) whether the Government of India propose to take up this matter with the Government of Malaya for affording some help to those people ?

Sir Girja Shankar Bajpai : (a), (b) and (c) The question of repatriation of unemployed Indian labourers is already under correspondence with the Malayan Governments. The Government of India have seen a press report of a statement by Mr John Hands, Secretary to the Selangor Asiatic Unemployment Committee, wherein reference is made to jobless Asiatics. On enquiry they have learned that this statement referred to unemployment among Asiatic *middle* class families generally and had no specific reference to Indians

FORMATION OF A SEPARATE ANDHRA PROVINCE.

1035 ***Mr. M. Thirumala Rao** : (a) Will the Honourable the Leader of the House please state whether the attention of Government has been drawn to an interview regarding separate Andhra Province, given by Lord Lothian at Karachi and published in the *Hindu* of the 18th August, 1938, stating that :

> " If both the contracting parties genuinely felt that separation was inevitable and necessary, and the Government of India found the terms of the settlement for separation equitable, he did not see any reason why the Andhra Province could not be an accomplished fact " ?

(b) Are Government aware of the widespread and intense desire of the Andhras for a separate Province and the support given to it by the Madras Government and the Legislature, and will the Government of India be pleased to state if they propose to support the demand ?

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

(b) Government are aware of the desire of the Andhras for a separate province but I regret that I am unable to reply to the concluding portion of the Honourable Member's question

Prof. N G. Ranga : What is the policy of the Government of India in regard to the creation of self-supporting provinces ?

The Honourable Sir Muhammad Zafrullah Khan : I read a long statement on this on a previous occasion

AUDIT OF THE ACCOUNTS OF THE INDIAN INSTITUTE OF SCIENCE, BANGALORE.

1036 ***Mr. M. Ananthasayanam Ayyangar** : (a) Will the Secretary for Education, Health and Lands be pleased to state whether it is a fact that Government auditors recently looked into the accounts of the Indian Institute of Science, Bangalore ?

(b) Will Government place on the table of the House a copy of the report submitted by the auditors ?

Sir Girja Shankar Bajpai : (a) Government understand that the Auditor has examined the accounts of the Institute for the year 1937-38,

(b) The Auditor's reports are not submitted to Government. A copy of the annual report of the Institute for 1937-38, which includes an audited statement showing the income and expenditure of the Institute for that year, has been placed in the Library of the House.

Prof. N. G. Ranga : Are Government satisfied with this audit report ?

Sir Girja Shankar Bajpai : Government are satisfied with the balance-sheet which is a balance-sheet of solvency

DACCA CENTRE OF THE INDIAN TEA MARKETING BOARD.

1037 ***Mr. Brojendra Narayan Chaudhury** : Will the Honourable Member for Commerce please state :

(a) the period during which Mr. Powell was in charge of the Dacca centre of the Indian Tea Marketing Board ,

(b) the date from which Dacca was made a centre ;

(c) where the centre was before being transferred to Dacca ; and

(d) the reason for the change ?

The Honourable Sir Muhammad Zafrullah Khan : (a) From 12th July, 1936, to 12th June, 1937.

(b) 1st November, 1936

(c) Naraingunge.

(d) Dacca is a larger town and was considered by the Indian Tea Market Expansion Board a more suitable centre.

HARDSHIPS OF THE GOVERNMENT OF INDIA PRESS EMPLOYEES.

1038. ***Maulvi Syed Murtuza Sahib Bahadur** : (a) Will the Honourable the Labour Member please state whether in spite of the long hours of duty of the Government Press employees, if some one is late by a minute or two, he has to fill a separate form besides the attendance form and that time is deducted from his leave period, or he is not paid for that ? If there are any concessions in this connection what are they, and how far are they taken into account ?

(b) Is it a fact that the employees of the Presses have to give their attendance several times in a day ? If so, why ?

(c) Is it a fact that there is a concession of one hour daily for the requirements of the Press employees, but the officers concerned do not allow this more than two or three times during the whole month ? If so, why ?

The Honourable Sir Muhammad Zafrullah Khan : (a) A separate form is used for recording late attendance in some presses, but this is for the convenience of the employee himself who would otherwise have to make a written request to the Manager for excusing such late attendance. The penalties for late attendance and the concessions permissible are laid down in paragraph 29 of the Handbook of the Government of India Presses, copies of which are available in the Library of the House.

(b) No.

(c) There is no such general concession.

WORKING HOURS OF THE GOVERNMENT OF INDIA PRESSES.

1039 *Maulvi Syed Murtuza Sahib Bahadur Is the Honourable the Labour Member aware that the United Provinces Government have reduced the working hours in their Presses, because of their demand ? If so, will the Honourable Member please state whether the question of working hours of the Government of India Presses is under considera tion ? If not, is the Honourable Member prepared to take this question in his hand ?

The Honourable Sir Muhammad Zafrullah Khan : I have no information in regard to the first part of the question The working hours for the industrial staff in the Government of India Presses, exclusive of rest intervals, are 48 hours a week as against the maximum of 54 hours a week prescribed in the Factories Act The answer to the last part of the question is in the negative

Maulvi Syed Murtuza Sahib Bahadur : Will the Honourable Member be pleased to get the necessary information regarding the first part of the question ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir, it is not necessary in view of what I have said with regard to the middle part of the question

QUARTERS AND EDUCATIONAL FACILITIES FOR EMPLOYEES OF THE GOVERNMENT OF INDIA PRESSES.

1040 *Maulvi Syed Murtuza Sahib Bahadur Will the Honourable Member for Labour please state whether, according to the Factory Act it is essential to provide quarters for all the employees of the Presses and educational facilities for their children ? If so, will the Honourable Member please state which employees of the Presses get quarters, or house rent, and are provided with educational facilities and in what shape ? If no arrangement has been made as yet, does the Honourable Member propose to consider this question of the employees of the Presses ?

The Honourable Sir Muhammad Zafrullah Khan : The reply to the first part is in the negative The other parts do not arise

CENTRAL STATIONERY OFFICE AT CALCUTTA.

1041 *Mr. Sham Lal : (a) Will the Honourable the Labour Member be pleased to state whether it is a fact that the Central Stationery Office at Calcutta has been running at a loss for years, as shown in the annual Profit and Loss Accounts furnished by that office ? If so, what are the reasons therefor ?

(b) Is it a fact that, with the introduction of Provincial Autonomy, the Local Governments are making their own arrangements for purchasing stationery, paper and other items, such as typewriters and office appliances, direct ? If so, are Government aware that the Central Stationery Office organisation has been affected thereby ?

(c) What are the reasons for running a separate Central Government organization for purchasing paper, stationery, printing stores and machinery parallel to the Indian Stores Department ? Does not the Indian Stores Department purchase stores and machinery of all description for the various technical and scientific departments of Government ? If so, have Government considered that that Department should purchase paper, ink, pencils and other printing stores for the use of Government Departments without a separate and expensive organization in Calcutta ?

(d) Do Government propose to amalgamate the Stationery Office, Calcutta, with the Indian Stores Department to effect retrenchment and economy in expenditure and to obviate the necessity of maintaining two separate establishments and departments for the same purpose of purchasing stores ? If not, why not ?

(e) Is it a fact that there is a laboratory attached to the Stationery Office with a gazetted Store Examiner in charge ? If so, why cannot the work done in that laboratory, be transferred to the Industrial Research Bureau of the Indian Stores Department and the inspection work handed over to the inspectorate of that department ?

(f) Is it a fact that suggestions regarding the amalgamation of the Stationery Office with the Indian Stores Department, whenever made, are opposed by contractors in Calcutta ? Are Government aware that several contractor-suppliers to the Stationery Office are operating under different assumed names, although the proprietors are the same and, when tendering for stores quote different rates and the same proprietor manages to get one of the rates accepted in this way and that this is known to the officers of the Stationery Department ?

The Honourable Sir Muhammad Zafrullah Khan : (a) The Central Stationery Office is a service and not a commercial organisation and therefore the question of profit or loss does not arise The accounts maintained are for reviewing the percentages of departmental charges leviable from paying departments and Provincial Governments.

(b) Provincial Governments were free to make their own arrangements even before the introduction of Provincial Autonomy and provinces which had elected to receive their supplies through the Central Stationery Office still continue to do so The second part of the question does not arise

(c) and (d) The Honourable Member's attention is invited to recommendation (6) on page 33 of the Report of the Stores, Printing and Stationery Sub-Committee, 1932, a copy of which is available in the Library of the House. The conclusion of the Committee that amalgamation with the Indian Stores Department was not desirable was accepted by Government.

(e) Yes The laboratory and staff of the Indian Stores Department are not equipped for the specialised type of work required for the Stationery Department.

(f) The answer to both parts of the question is in the negative.

Mr. Sham Lal : With reference to part (d), will the Honourable Member state the reasons for not amalgamating the two departments ?

The Honourable Sir Muhammad Zafrullah Khan : For one thing, the Committee went into these reasons and the Honourable Member can look up their report Secondly, general stores are even now being ordered through the Indian Stores Department It is only the special stationery and printing stores in regard to which the Stationery Department has particular knowledge and means of judging that are ordered direct. And in any case no economy can be effected by the amalgamation The same staff would have to be added on to the Indian Stores Department

Mr S Satyamurti : With reference to part (b) of the question may I know how many Provincial Governments were making their purchases through this department before the introduction of Provincial Autonomy and how many are doing so now ?

The Honourable Sir Muhammad Zafrullah Khan : I have said, in reply to part (b), that they were free to make their own arrangements, but provinces, which received their supplies through the Central Stationery Office, still continue to do so I am unable to give their number without notice

REORGANISATION OF THE PRINTING AND STATIONERY DEPARTMENT

1042 ***Mr. Sham Lal** : Will the Honourable Member for Labour please state whether it is a fact that the post of the Controller of Printing and Stationery in the scale of Rs 1,850—2,250 will fall vacant within the next two years or so ? If so, do Government intend to abolish the post by reorganising the Printing and Stationery Department and handing over its control and administration to the Indian Stores Department by amalgamating the two establishments and appointing one of the senior Managers of the Government of India Presses as General Manager to supervise the other Government of India Presses and the Government Book Depots ? If not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : The present incumbent of the post of Controller of Printing and Stationery is due to retire in September, 1940 The latter parts do not arise in view of my reply to question No 1041.

EXPORT TRADE IN TOBACCO

1043 ***Mr M. Thirumala Rao** : (a) Will the Honourable the Commerce Member be pleased to state if his attention is drawn to the piece of news published in the *Hindustan Times*, column 5, page 3, dated the 1st September, 1938, regarding the demand of America to abolish the Empire preference to tobacco ?

(b) Is the Honourable Member aware that the export trade in tobacco has been steadily increasing in this country ?

(c) What immediate steps does the Honourable Member propose to take to safeguard the interests of India before the Anglo-American trade talks are concluded ?

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

(c) **The matter is receiving attention.**

EFFECT ON INDIAN TRADE DUE TO IMPENDING ANGLO-AMERICAN TRADE AGREEMENT

1044 ***Mr. M Thirumala Rao** : (a) Has the Honourable Member for Commerce seen the news published in the *Hindustan Times*, dated the 1st September, 1938, that an agreement has been reached on principal tariff rates under the impending Anglo-American treaty ?

(b) If so, has he seen that the rates will be lowered on wheat, fresh, dried and tinned fruits and other foods shipped to Britain ?

(c) Have Government considered the effect of such an agreement on the export trade of India to Britain ?

(d) Will not the Indo-British trade negotiations be affected in view of the Anglo-American trade treaty ?

(e) If so, will they be affected adversely ? What steps do Government propose to take to safeguard the trade interests of India ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). Government have seen the report in the press

(c), (d) and (e) The effect of an Anglo-American trade agreement on Indian trade interests and the Indo-British trade negotiations has received and is receiving consideration.

Mr S Satyamurti : Have the Government of India made any representation to the British Government while they were negotiating this agreement ? If so, what was the nature of that representation ?

The Honourable Sir Muhammad Zafrullah Khan : Exchange of views has taken place between the representative of the Government of India and the Board of Trade on these matters but, as I have said, it is part of the whole arrangement with regard to which I cannot give piece-meal information

Mr S. Satyamurti : So far as the actual effect of the concluded treaty is concerned, with regard to the items mentioned in clause (b) of the question, may I know whether Government have examined this matter, or have made representations to His Majesty's Government, and are they satisfied that this gives a free field to India to negotiate a trade treaty with America to protect her own interests ?

The Honourable Sir Muhammad Zafrullah Khan : I am not aware that there has been a concluded treaty but, as I have said, the whole matter has been kept in view and there have been exchanges of views between the Board of Trade and the Government of India on the part of the Government of India with a view to safeguarding India's interests.

Mr Manu Subedar : Will the Honourable Member give an assurance to this House that the bargaining power of India in connection with American trade will not be utilised for the advantage of the United Kingdom but that India will get some definite *quid pro quo* ?

The Honourable Sir Muhammad Zafrullah Khan : *Quid pro quo* for what ?

Mr Manu Subedar : For the balance of trade which India has with America.

The Honourable Sir Muhammad Zafrullah Khan : India does not propose to surrender its balance of trade.

EXAMINATION FOR PROMOTIONS TO THE POST OF ACCOUNTANTS IN THE GOVERNMENT OF INDIA PRESSES, ETC

1045. *Sri K. B. Jinaraja Hegde : (a) Will the Honourable Member for Labour be pleased to state if it is a fact that a departmental examination is to be held in May, 1939, for promotions to the posts of accountants in Government of India Presses, and other offices under the Controller of Printing and Stationery, India ?

(b) If the reply to part (a) above be in the affirmative, will Government please state whether the syllabus for the said examination has been prescribed ? If not, what are the reasons for the delay, and when is it expected to reach the candidates ?

(c) Is it a fact that admission to the same was closed in May last ?

(d) Will the Honourable Member please state how many candidates in all have been allowed to appear at it, and how many from each Press or branch of the Printing and Stationery Department ?

(e) Will the qualified candidates be promoted strictly in order of merit, or in any other way ? In the latter case, will Government please state the way in which they are likely to be promoted ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes, not later than the 1st June, 1939

(b) The syllabus has been prescribed and circulated to heads of branches for communication to the candidates.

(c) No.

(d) A statement is laid on the table.

(e) Promotion will be made, in accordance with the principles governing promotion to selection posts

Calcutta Press	3
New Delhi Press	6
Simla Press	1
Forms Press, Aligarh	1
Central Stationery Office, Calcutta	2
Central Forms Store, Calcutta	2
Central Publication Branch, Delhi	2
Office of the Controller of Printing and Stationery, New Delhi	2
Total	19

Babu Kailash Behari Lal : May I know what are the centres for this examination ?

The Honourable Sir Muhammad Zafrullah Khan : I cannot say without notice.

PAY OF ACCOUNTANTS IN THE GOVERNMENT OF INDIA PRESSES, CALCUTTA AND NEW DELHI.

1046. *Sri K. B. Jinaraja Hegde : (a) Will the Honourable Member for Labour be pleased to state whether it is a fact that the total strength of the Government of India Forms Press, Calcutta, is about 89 only, and that of the Government of India Press, New Delhi, is over 600 ?

(b) Is it also a fact that the maximum pay of the accountants of the Forms Press, Calcutta, and the New Delhi Press is Rs 350 and Rs 220 in the scale of Rs 250—350, and Rs 175—220, respectively ?

(c) If the replies to parts (a) and (b) be in the affirmative will Government be pleased to state the reasons for fixing the maximum pay of the accountant of a small Press with a staff of 89 men at Rs 350 and for paying an accountant of a large Press with over 600 men up to Rs 220 only

(d) In sanctioning the pay of the accountants of the two Presses, did Government take into consideration the budget provision of the Presses ?

(e) Is it a fact that the budget grant of the New Delhi Press is about eight or ten times more than that of the Forms Press, Calcutta ? If so, what is the justification for fixing the rate of pay of the New Delhi Accountant even lower than the minimum of the Calcutta scale ?

(f) Do Government propose to exchange the two posts ? If not, why not ?

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

(b) Yes, as regards old entrants, but the minimum of the New Delhi scale is 160.

(c) to (f) I am having the question of relative pay raised by the Honourable Member examined.

CLERKS AND LABOUR INSPECTORS UNDER THE SUPERVISOR OF RAILWAY LABOUR.

†1047 *Pandit Sri Krishna Dutta Paliwal : Will the Honourable Member for Labour please state the number of clerks and Labour Inspectors working under the Supervisor of Railway Labour (under the control of the Department of Labour) ?

The Honourable Sir Muhammad Zafrullah Khan : Five clerks and sixteen Inspectors.

COMPLAINTS OF PLATFORM PORTERS WORKING ON THE DELHI RAILWAY STATION.

1048 *Prof. N. G. Ranga : Will the Honourable Member for Labour be pleased to state :

(a) whether Government have recently received any complaint on behalf of the platform porters working on the Delhi Station, against the contractor through whom they are employed ;

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

(b) whether the following items are included in the contract concluded between the contractor and the Railway authorities .

(i) some maximum limit on the weekly or monthly charges that can be levied by the contractor on the earnings of individual porters as his own share ;

(ii) the prohibition or restriction of the charge that may be levied as entrance fee by the contractor on new entrants ,

(iii) the prohibition and penalisation of work on special trains, or fruit trains, which the porters may be asked to do by the contractor but for which the porters may not receive any remuneration ,

(iv) the right of the porters to appeal to the Railway authorities in the matter of their grievances against the contractor or his assistants (Jamadars) relating to beating, abuses, and dismissals , and

(c) whether Government are aware of the fact that the Royal Commission on Labour, 1929, had recommended the abolition of the contractor-system of employment in private and State enterprises and whether they propose to consider the desirability of abolishing the same on State Railways ?

The Honourable Sir Muhammad Zafrullah Khan : I propose with your permission, Sir, to reply to questions Nos 1048 and 1051 together

These questions should have been addressed to the Honourable Member for Communications

GRIEVANCES OF THE WORKERS OF THE CALCUTTA MINT

1049 ***Prof. N. G. Ranga** : Will the Honourable Member for Labour be pleased to state ·

(a) whether Government have received any representations on behalf of the workers of the Calcutta Mint, regarding their grievances about pension, leave rules, etc ,

(b) whether Government are contemplating the restoration of pension, leave and sick allowance privileges to these workers, which, it is alleged, were withdrawn by Government ; and

(c) whether the Mint Master had promised the restoration of such privileges at the time of the settlement of a strike which was resorted to by the workers in 1929 ?

The Honourable Sir Muhammad Zafrullah Khan : The question should have been addressed to the Honourable the Finance Member.

SLUMP IN COTTON TRADE

1050. ***Prof. N. G. Ranga** : Will the Secretary for Education, Health and Lands be pleased to state :

(a) if he is aware of the slump in trade for cotton ;

(b) for how long it has continued ,

(c) what are the probable causes for this slump ,

(d) whether these causes are expected to be of long standing effect ;

(e) whether they are aware of the recommendations of the Congress sub-committee on cotton, including those favouring an embargo on cotton imports and reducing the area under cotton ; and

(f) whether Government are prepared to convene a crop planning conference with a view to evolving some scheme of readjusting our areas under different crops, so as to reduce the area under cotton ?

Sir Girja Shankar Bajpai : (a) Yes

(b) Since June, 1937

(c) I would refer the Honourable Member to the reply I gave to part (b) of Mr T S Avinashilingam Chettiar's starred question No 180 on the 9th February, 1938.

(d) Government are unable to say.

(e) and (f) I would refer the Honourable Member to the replies I gave to supplementary questions arising out of Mr Avinashilingam Chettiar's question No. 174 on the 15th August, 1938.

TRADE UNIONS ON STATE RAILWAYS

†1051. ***Prof. N G Ranga** : (a) Will the Honourable the Labour Member state whether Government have, for the past many years, permitted registered trade unions on State Railways to carry on trade union activities within railway premises, and will he be pleased to state whether Government have decided to change this policy in future ?

(b) If the answer to part (a) be in the negative, do Government propose to urge upon State Railway authorities to put no restriction upon trade union leaders while they are engaged on trade union's work within their railway premises ?

(c) Will Government state whether the Railway authorities in Great Britain allow trade union meetings within railway premises ?

†For answer to this question, *see* answer to question No. 1048.

CONCESSION IN CUSTOMS TARIFFS TO BRITISH COLONIES.

1052. *Mr. Manu Subedar : (a) Will the Honourable the Commerce Member state under which heads of tariffs is the special concession made to "British Colony" ?

(b) What is the extent of this concession ?

(c) What is the reason for this concession ?

(d) Is India receiving any counterbalancing advantage from this concession and, if so, what ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). I would refer the Honourable Member to section 3 of the Indian Tariff Act, 1934, and the First Schedule thereto The latter is published separately by the Department of Commercial Intelligence and Statistics as the 'Indian Customs Tariff', copies of which are in the Library

(c) These preferences have been granted in pursuance of Article 12 of the Ottawa Agreement.

(d) Yes The reciprocal preferences accorded by the Colonies are specified in Article 9 of the Agreement

Mr Manu Subedar : Is the Honourable Member satisfied that the reciprocal preferences given to India are adequate and equivalent to what we are giving them ?

The Honourable Sir Muhammad Zafrullah Khan : That is a matter of opinion

Mr. Manu Subedar : With regard to Ceylon is the Honourable Member aware that while Ceylon as a British colony enjoys certain preferences, Ceylon has been actually trying to penalise Indian trade in Ceylon and not giving preferences ?

The Honourable Sir Muhammad Zafrullah Khan : I am aware that Ceylon has not given those reciprocal preferences to which India was entitled

Mr. Manu Subedar : Are there any other colonies in which such reciprocal preferences are not given and still India continues to give away these preferences for nothing ?

The Honourable Sir Muhammad Zafrullah Khan : It is a large question to answer without looking into the matter, but I do not think there is any other such colony.

Mr. Manu Subedar : Will the Honourable Member assure this House that he will look into this matter and make a statement before the House ?

The Honourable Sir Muhammad Zafrullah Khan : If the Honourable Member will put down a question, I will look into it.

(b) WRITTEN ANSWERS.

DRAFT INSTRUMENT OF ACCESSION TO THE FEDERATION

1052A. *Mr. Manu Subedar : (a) Will the Honourable the Leader of the House state whether it is a fact that the draft Instrument of Accession is at present in the hands of draftsmen at the India Office ?

(b) Which officers of the Political Department are deputed for this purpose ? Will the officers of the Finance Department also engage in this consultation ?

(c) Is it intended by Government at any stage of the negotiations with the Princes to consult leaders of British Indian parties ? If not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : (a), (b) and (c). I have nothing to add to the statement made by the Honourable Sir James Grigg on 10th March, 1938, in reply to Mr T S. Avinashilingam Chettiar's starred question No. 737

UNSTARRED QUESTIONS AND ANSWERS.

UNRESERVED POSTS IN THE GOVERNMENT OF INDIA PRESS, SIMLA

55. **Maulvi Muhammad Abdul Ghani :** Will the Honourable Member for Labour please state :

(a) whether unreserved posts in the Government of India Press, Simla, are opened to all communities ;

(b) if so, why these posts have been reserved for majority community in the Government of India Press, Simla ; if not, whether any post has ever been given to a Muslim ; if so. when and to whom since the introduction of Communal Representation Rules ;

(c) whether it is a fact that the Controller has specially instructed that the near relatives of the Heads of Sections should not be employed in the Presses ;

(d) if so, whether this instruction is only applicable to Muslims ;

(e) whether the application of the late Head Clerk's son was turned down for this reason, and whether it is a fact that several relatives of the Hand Section-Holder are being appointed ;

(f) how many relatives of the Hand Section-Holder are serving in the Simla Press ; and

(g) whether Government are prepared to order a thorough inquiry to ascertain the number of the Hand Section-Holder's relatives already in the Press service ?

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

(b) The reply to the first part is in the negative. The following Muslims have been appointed to unreserved posts since 1936 :

Mr. Anwarul Islam

Mr Madood Ahmad

Mr. Mohd Ramzan

Mr Mohd. Sharif.

Mr. Mohd. Umar.

(c) No, but general instructions have been issued by the Controller of Printing and Stationery with a view to preclude the appointment of an unduly large number of relatives of an employee in the same press or branch.

(d) No.

(e) The application of the late Head Clerk's son was turned down as three of his relatives were already employed in the Press The reply to the second part is in the negative

(f) One, who is at present on deputation in another Government Press

(g) No

FUNCTIONING OF THE NEW CLOVE AGREEMENT IN ZANZIBAR.

56 **Seth Govind Das** : Will the Secretary for Education, Health and Lands please state .

(a) whether Government have been apprised of the functioning of the New Clove Agreement in Zanzibar and whether it has been functioning satisfactorily ,

(b) whether Government are aware that it was agreed between the parties at the time of the compromise negotiations, that the Clove Growers' Association would fix its inflexible buying prices, so that it would no more be a trade competitor ;

(c) whether Government are aware that the marketing centres, are fixed near the depots, although it was clearly understood at the time of negotiations, that they would be far away from the Clove Growers' Association, depots, and Government are pleading difficulties in the matter ;

(d) whether Government have taken steps to have the traders licence fees reduced since the clove export business has been removed from the operation of the law and only the import side of the business has to bear the burden ; and

(e) whether he proposes to raise the matters referred to in parts (b) to (d) above, with the Government in Zanzibar to secure relief to the Indian trader ?

Sir Girja Shankar Bajpai : (a) No complaints have hitherto been received ; Government, therefore, assume that it is working satisfactorily.

(b) The Honourable Member is under a misapprehension. If he will refer to item 2 of the agreement reached, a copy of which is available in the Library of the House, he will find that it was explicitly agreed that the grower should be at liberty to sell either to private dealers or to the Clove Growers' Association Item 3 of the agreement shows the provision made with regard to the purchase price to be paid by the Clove Growers' Association.

(c) If the Honourable Member will refer to item 7 of the agreement, he will see that it was clearly stated that the markets would be adjacent to the Clove Growers' Association depots The Government of India have not been informed of any difficulties experienced by the Zanzibar Government.

(d) There is no import of cloves into Zanzibar Both export and internal purchase are still subject to the new provisions of law The annual fee for a licence to export cloves has been reduced to five shillings. Holders of General or Retail Traders' Licences or of Dealers' Licences under the Agricultural Produce Decree are not required to pay any additional fee for a licence to deal in cloves.

(e) Does not arise

TRADE AGREEMENT WITH SOUTH AFRICA.

57 **Seth Govind Das** : Will the Honourable the Commerce Member be pleased to state :

(a) whether Government have arranged to enter into a trade agreement with the South African Union Government, according South Africa the "most-favoured-nation treatment" ;

(b) whether Government consulted the opinion of the people of the country, the mercantile community, or the Legislature, before completing the arrangements for entering into the trade pact ;

(c) whether he will lay on the table a copy of the terms of the agreement and the relevant papers relating to it ; and, if not, his reasons therefor ; and

(d) whether he has secured inclusion in the agreement any beneficial conditions for the Indian nationals in that country ; if so, what they are , if not, his difficulties in failing to do so ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Government have concluded a temporary *modus vivendi* with the Union of South Africa providing for mutual most-favoured-nation treatment in respect of commodities not eligible for preferential treatment in virtue of one or other of the Ottawa series of Agreements.

(b) The Honourable Member's attention is invited to the answer given to part (b) of the Honourable Raja Yuveraj Dutta Singh's question No. 300, on the 7th April, 1938, in the Council of State.

(c) and (d). I would refer the Honourable Member to the answer given to Mr. Ram Narayan Singh's question No. 902, during the current Session.

NON-GRANT OF LOANS TO INDIANS FOR BUILDING HOUSES IN DURBAN

58. **Seth Govind Das**: Will the Secretary for Education, Health and Lands please state:

(a) whether he is aware that the Durban City Council has made a recommendation for granting a loan of £50,000 from the Union Housing Fund to the Durban Corporation, £25,000 of which was to be used for individual loans to the Indians to build their own houses and £25,000 for building houses on Eastern Vlie for Indian occupation,

(b) whether it is a fact that, in spite of the recommendation, no loan was granted to Indians for the purpose;

(c) whether he is aware that the power vested in the local authority by the Slums Act of 1937, has been utilised to clear one area after another declaring them as slum areas, and that it has amounted to a dehousing campaign to deprive Indians there of the housing they possess,

(d) whether Government have received any communication from the Agent General in the Union of South Africa;

(e) whether the Agent General has taken any action to remedy the position; and

(f) whether Government propose taking any action in the matter and, if so, what, if not, whether he will give his reasons therefor?

Sir Girja Shankar Bajpai: (a) and (b) Government have made enquiries

(c) to (f) There are several proposals for the clearance of slums in Durban but so far as the Government of India are aware, Indians have not so far been dislodged from their houses in pursuance of any such proposal. The general policy of the Union Government is that elimination of slums should go hand in hand with the rehousing of persons who may be compelled to cease occupation of slum premises and the Agent General, who is in close touch with the authorities concerned, has so far successfully endeavoured to ensure application of this principle

REFUSAL TO GRANT PERMIT TO MR. K. S. MAINI TO TAKE HIS FAMILY TO SOUTH AFRICA.

59 **Seth Govind Das**: Will the Secretary for Education, Health and Lands please state:

(a) whether he is aware that Mr K. S. Maini, an Indian domicile has been refused permit to take his children and family to the South African Union under grounds of the loss of domicile right by the Immigration Officer of the Union;

(b) whether he will make enquiries into the matter and grant Mr. Maini the permit through the Union authorities; and

(c) whether he is prepared to take necessary steps in the matter and communicate with the Agent General in South Africa to examine the case and to grant the permit?

Sir Girja Shankar Bajpai (a), (b) and (c) Government received a petition on the subject from Mr Maini only last year and instituted necessary enquiries through their Agent General in the Union The enquiries revealed that Mr Maini was entitled to return to the Union before the 5th July, 1930 This was made clear to him in 1928 and 1929 by the Commissioner for Immigration and Asiatic Affairs in the Union In the latter year, however, he sought permission to introduce into the Union his minor son unaccompanied by the mother and this permission was refused under section 5 (g) of the Immigrants Regulation Act No 22 of 1913 as amended by Act No 37 of 1927 Mr Maini did not then exercise his right to return to the Union and lost that right after the 5th July, 1930 In the circumstances Government regret that they are unable to pursue the matter

THE MOTOR VEHICLES BILL—*contd*

Mr President (The Honourable Sir Abdur Rahim) The House will now resume consideration of the Motor Vehicles Bill The question is

12 NOON

"That clause 64 as amended stand part of the Bill"

Mr N V Gadgil (Bombay Central Division Non Muhammadan Rural) Sir I beg to move

"That after sub clause (*1*) of clause 64 of the Bill the following new sub-clause be inserted

'(*2*) The Provincial Government by rules under section 67 may regulate the periods mentioned in sub section (*1*) of section 64 so as in sub section (*1*) (*a*) to regulate as it deems fit the period of work before which an interval of rest is required to be given and to extend the interval of rest from half an hour to one hour in sub section (*1*) (*b*) to reduce as it deems fit the period of nine hours

Sir this mostly covers the provisions which were incorporated in the amendment that was moved by my friend, Mr Joshi the other day, except the provision for reducing the hours to 48 Sir I do not think a long speech is necessary to commend this amendment

Mr President (The Honourable Sir Abdur Rahim) Amendment moved

"That after sub clause (*1*) of clause 64 of the Bill, the following new sub-clause be inserted

'(*2*) The Provincial Government by rules under section 67 may regulate the periods mentioned in sub section (*1*) of section 64 so as in sub section (*1*) (*a*) to regulate as it deems fit the period of work before which an interval of rest is required to be given and to extend the interval of rest from half an hour to one hour in sub section (*1*) (*b*) to reduce as it deems fit the period of nine hours'"

The Honourable Mr A G Clow (Member for Railways and Communications) Sir, I am rather puzzled by this amendment My friend, Mr Joshi, moved an amendment which, I thought was one of a more reasonable character, and if I remember aright my friend, Mr Gadgil, was not in favour of it He now comes forward with an amendment which goes a great deal further and gives power to Local Governments to reduce hours without limit That goes further than we are prepared to accept

Prof. N. G. Ranga (Guntur *cum* Nellore : Non-Muhammadan Rural) : Sir, I wish to make an offer to the Honourable Mr. Clow. I thought my friend, Mr Gadgil, was going to add a few more words here, namely, 'as it deems fit the period of 8 hours', but I find now that he is quite amenable to make that alteration provided, of course, it suits my friend, Mr. Clow, also. In fact, that is our intention. We never expected that it would be reduced to zero even, and in view of the fact that my friend, Mr Clow .

Mr President (The Honourable Sir Abdur Rahim) It is an amendment to a substantive amendment, and I do not think it can be allowed.

Prof N G. Ranga : Sir, the other day, it was most unfortunate that Mr Joshi's amendment was lost Of course, I do not blame my friend, Mr Clow, for the loss of that amendment, but as this amendment stands today, whatever other people may think about it, provided, of course, it is amended so as to reduce the 9 hours to 8 hours, it would be quite a reasonable thing Even this amendment I am quite prepared to accept In regard to so many other things, which touch the pockets of capitalists and other vested interests, we have placed so much faith in Provincial Governments but where it concerns the interests of the workers themselves, somehow there appears to be some nervousness to entrust the very same Provincial Governments with this power Objection has been raised by some people that if this amendment were passed, it would mean that so many more people would be thrown on the unemployment market and generally the wages also may be reduced, but I can assure those friends who hold that view that I have sufficient confidence in the capacity of our workers to organize themselves, and, Sir, it is a welcome phenomenon and of recent growth that these motor drivers have come to organize themselves in almost every part of India Only very recently my friend, Mr Abdul Qaiyum, had the honour of presiding over a conference of All-India Motor Drivers, and things are moving very fast I am sure, in the near future, their organizations will come to be just as powerful as the All-India Railwaymen's Union and these Unions will be able to stand for their rights and see that the employers do not unnecessarily reduce the numbers employed or the wages paid In fact, in Bombay, already the limit of 48 hours is enforced, and by refusing to pass Mr Joshi's amendment the other day, the House has made it necessary for the Bombay Government to reconsider its present position, and, if necessary, to extend the maximum number of hours permissible for any driver to work from 48 to 54 hours Therefore, I think it is reasonable that the House should accept this amendment, if necessary, with the additional amendment I have suggested, if not at least the amendment as it stands

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) Sir, the amendment as it now stands has been very carefully and skilfully worded There is a Standing Order here which says that no motion can be taken up whose subject matter has already been disposed of by the House, and, in principle, we have disposed of the subject matter contained in Mr. Joshi's amendment the other day But my friend has very ingeniously brought forward a new amendment which has practically the same effect as the amendment of Mr Joshi We have already reduced the hours of work to the very minimum and, I think, it would not be desirable to reduce them still

further by giving arbitrary powers to Provincial Governments to do so. Whatever compromise we have arrived at on the floor of the House must be adhered to In certain points Mr Joshi has succeeded, in one case at least he has succeeded in reducing the number, though in spite of great contest he could not succeed in the Select Committee My friend, Professor Ranga, has referred to Mr Abdul Qaiyum I wish Professor Ranga had followed Mr Abdul Qaiyum more closely in the discussion of this Bill, and probably his opinion would have been different Sir, I oppose this motion

Mr N M. Joshi (Nominated Non-Official) Sir, I rise to support this amendment As regards the argument of my Honourable friend, Dr Sir Ziauddin Ahmad, that the change made by the Congress Party and my Honourable friend, Mr Gadgil, is an ingenious way of getting round the standing orders, I feel that there was no need for getting round the standing orders at all, because the amendment which I moved and the one which he has moved are different

Some Honourable Members : In form.

Mr N. M. Joshi : No, in substance I suggest to my Honourable friends on this side to have a little more patience Even in substance it is different Unfortunately, these gentlemen are interested in the motor owners , they are not interested at all in motor drivers They did not carefully read my amendment, they have not carefully read this amendment

Pandit Lakshmi Kanta Maitra (Presidency Division Non-Muhammadan Rural) That is a delusion

Mr. N. M Joshi : Don't you think that I am going to sit down by your interruption If you interrupt me, you interrupt at your peril The amendment which I had moved consisted of four parts It provided for a rest period, it provided for the daily hours of work, it provided for the weekly hours of work and it provided for a weekly holiday This amendment of my Honourable friend, Mr Gadgil, has omitted two important substantial parts from my amendment He has omitted weekly limit, he has omitted the weekly day of rest If, after this omission, my Honourable friend, Sir Ziauddin Ahmad, thinks that , my amendment and this amendment are the same, I cannot admire his intelligence If my Honourable friend, Mr Maitra, also says the same thing, I do not know what to say about those people who made him a lawyer in the High Court of Calcutta Sir, the two amendments are absolutely different Now, as regards the Government, I was very grateful to the Government of India for having supported my amendment Unfortunately, the amendment failed Now, there is another chance to the Government of India to do justice to the drivers I admit that this amendment, whether intentionally or unintentionally, goes a little further in one respect But at the same time it does not go as far as my amendment in two important respects My amendment had fixed a weekly day of rest , it also fixed the weekly hours This amendment has omitted them Therefore, there is nothing wrong for the Government of India to go a little further in one matter . . .

The Honourable Mr A. G. Clow : In two matters.

Mr. N M. Joshi : Not in two matters really speaking. Therefore, I suggest to the Government of India to support this amendment. I shall go a little further and suggest to the Government of India, if on technical grounds Parties on this side object to this amendment—I suggest to the Government of India to support this amendment at this stage, and if they find afterwards that they must amend the amendment of the Congress Party they may do so in the Council of State

Some Honourable Members : No

Mr N. M. Joshi : You may oppose. I know if the amendment is supported by the Government and the Congress Party, in spite of your opposition it will be passed

Dr. P N. Banerjea (Calcutta Suburbs Non-Muhammadan Urban) : Support here and oppose in the Council of State—that is not a good arrangement I am opposed to that arrangement

Mr N. M. Joshi : I am not suggesting opposing in the Council of State I am suggesting to them that they can get it amended To those gentlemen who are opposing slight amendment to this amendment let me say this And I tell this also to the European Group If they object to my Honourable friend, Mr Gadgil, making a slight amendment, it will be open to me, whenever they want a slight amendment to any amendment

An Honourable Member : To throw out the Bill

Mr. N M. Joshi : No, not to throw out the Bill, but to rise in my seat and object Please do not at that time consider me to be unreasonable. I have a right to do so if you, on some technical grounds, now object It is not the Honourable the President who is objecting I am sure he will permit the amendment to be moved

Mr. President (The Honourable Sir Abdur Rahim) I have disallowed it

Mr N. M Joshi : I am sorry I did not hear you clearly I again suggest that you may reconsider your ruling and permit this slight amendment to the amendment being made

Mr. President (The Honourable Sir Abdur Rahim) It was a substantive amendment and I, therefore, disallowed it

Mr N. M Joshi : I shall not argue with you, Sir, I did not hear you clearly (Interruption by Dr Sir Ziauddin Ahmad) Dr Sir Ziauddin Ahmad must be patient Up till recently he was in charge of a big University, and if a man in charge of a big University cannot be patient I do not know whom I can expect to be patient Unfortunately, I am told that the Government of India are going to appoint him to a more responsible position What can one say or think of the Government of India when they do such things ?

Mr. Sri Prakasa (Allahabad and Jhansi Divisions Non-Muhammadan Rural) : Patience is not the virtue of Vice-Chancellors

Mr N. M Joshi : I support this amendment and I hope the Government of India will support it

Several Honourable Members : Let the question be now put.

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

"That the question be now put."

The motion was adopted.

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

"That after sub-clause (1) of clause 64 of the Bill, the following new sub-clause be inserted ·

'(2) The Provincial Government by rules under section 67 may regulate the periods mentioned in sub-section (1) of section 64 so as in sub-section (1) (a) to reduce as it deems fit the period of work before which an interval of rest is required to be given and to extend the interval of rest from half an hour to one hour , in sub-section (1) (b) to reduce as it deems fit the period of nine hours '."

The motion was negatived.

Mr. Manu Subedar (Indian Merchants' Chamber and Bureau · Indian Commerce) Sir, I move .

"That sub-clause (2) of clause 64 of the Bill be omitted."

Sir, as we have not been making rapid progress with this Bill and we are going at the rate of the bullock cart on the Motor Vehicles Bill, I do not propose to make a big speech on this motion Clause (1) provides for the restrictions which we have made with regard to the hours of work to be applied to all transport vehicles which cover all sorts of service vehicles The only important class which is left out is the private motors, and clause (2) purports to give authority to the Provincial Government to extend this restriction to private motors. Now, Sir, I do not wish to be taken as not having sympathy with the private drivers or with their just claims to have some kind of amenities, but I want to put to the House whether it would not be somewhat premature to attempt to treat the conditions of this particular class as coming under industrial employment They come more under the category of domestic servants If this sub-clause is retained, then a good many owners will become owner drivers In any case, I feel that at this stage, and without any prejudice to the just claims to be considered on other occasions and in other connections, this particular provision may be omitted. Sir, I move

Mr President (The Honourable Sir Abdur Rahim) Amendment moved ·

"That sub-clause (2) of clause 64 of the Bill be omitted "

Mr. N. M Joshi: I rise to oppose this amendment I am very thankful to my Honourable friend, Mr Subedar, for his sympathy with the drivers and other people engaged in this industry but, unfortunately, he thinks that the time has not come to show his sympathy in action. I don't know why the time has not come. I thought India was fit for full self-government and even independence Is not India fit for an ordinary and very modest legislation of this kind ? I hope, Sir, that the Congress Party as a whole will hold that India is quite fit for a modest legislation of this kind My friend, Mr Subedar, said that he would not make a speech in support of his amendment, showing why the drivers of private motor cars should be omitted and he said that the drivers of private cars are somewhat like domestic servants What is a

[Mr. N. M. Joshi.]

private car to which Provincial Governments can make this clause applicable ? This omits only public conveyances but a factory may keep ten buses even and use them only for the work of the factory It will not be a public conveyance. It will be a private car or a private bus Now, are the drivers of these buses owned by factories somewhat like domestic servants ?

Mr. Manu Subedar : Buses and lorries used in factories come under the operation of the Factory Act

Mr N M. Joshi : Whether they come under the Factory Act or not, the point is, are we justified in omitting them from the benefit of this clause on the ground that they drive private motor cars ? I feel that there is absolutely no justification for this Moreover, I want the House to remember this The object of restricting the hours of work in clause 64 are two-fold, first, public safety and second, the interest of the employees I shall go further and say that there is a third object, to restrict the competition between people who give good conditions to the drivers and people who give bad conditions to their drivers A law of this kind is necessary for three purposes First, take the question of safety What consolation is it to a man whether he is hurt by a public conveyance or a private car owned by my Honourable friend, Mr James, and there is no question of a driver being excused because he drove a private car From the point of view of safety, there is no reason why any discrimination should be made between a public conveyance and a private car Similarly, from the point of view of the interests of the employees, there is no difference whether a man drives a public conveyance or a private car I shall go a little further and say this Is it in the interest of the industry that people who keep five cars, ten cars or two buses or five buses as private buses and not public buses should be allowed to run their cars without any restriction of hours and allow them to compete with the public conveyance It is in the interest of the public conveyance that there should be similar restrictions on the drivers of public motor cars and private motor cars I, therefore, feel that the House should not accept this amendment and I hope, Sir, that the Government will not accept it.

The Honourable Mr A. G Clow : Sir, I am opposed to this amendment A suggestion was made the other night, I think by Mr Griffiths, that in dealing with Mr Joshi's amendment I was allowing my predilections for labour to induce me to lose sight of the object of the Bill Sir, this is not a *labour* measure. This is a measure dealing with motor vehicles, and, in considering this whole section, I have approached it personally primarily from the point of view of public safety What we are trying to do in clause (*1*) is not primarily to lay down stringent conditions for labour It is primarily to ensure that persons do not drive vehicles after periods which are so long that their driving may be a danger to the public.

Now, if sub-clause (*2*) is approached from that point of view, there seems to be a strong case for it. There was some confusion, I think, both in Mr Manu Subedar's speech and Mr. Joshi's as to the types of vehicles to which it applies Mr Manu Subedar suggested that it was the private car which was the principal type to which it applied, and Mr. Joshi suggested that it would apply to factory buses. Well, if a factory runs a bus,

it will come under sub-clause (*1*), but one type to which it does apply and which is rather an important type is the owner-driver of a transport vehicle. The man who owns his own vehicle is not covered by sub-clause (*1*) because that is limited to persons in employment, whereas this clause covers persons who are not in employment And Mr Manu Subedar's suggestion that this will be a transfer from private chauffeurs to owner-drivers' vehicles was a little beside the point. For owner-drivers can be covered under this sub-clause along with paid chauffeurs If we conclude that the hours in sub clause (*1*) are reasonable limits for driving and that to exceed them may be a source of danger, it seems to me that we should have precautions to ensure that, in so far as we can enforce such provisions, we can prevent owner-drivers from being a source of danger too

Mr President (The Honourable Sir Abdur Rahim) · The question is

"That sub-clause (*8*) of clause 64 of the Bill be omitted"

The Assembly divided

AYES—67

Abdul Ghani, Maulvi Muhammad.
Abdul Qaiyum, Mr
Abdul Wajid, Maulvi
Abdullah, Mr H M
Abdur Rasheed Chaudhury, Maulvi
Ahmed, Mr K.
Aikman, Mr A
Aney, Mr M S
Asaf Ali, Mr M
Ayyangar, Mr M Ananthasayanam
Banerjea, Dr. P N
Bhagchand Soni, Rai Bahadur Seth.
Bhutto, Mr Nabi Baksh Illahi Baksh.
Boyle, Mr J D
Chaliha, Mr. Kuladhar.
Chapman-Mortimer, Mr T
Chattopadhyaya, Mr. Amarendra Nath
Chaudhury, Mr Brojendra Narayan
Das, Pandit Nilakantha
Datta, Mr Akhil Chandra.
Desai, Mr Bhulabhai J
Deshmukh, Dr G. V
Deshmukh, Mr Govind V
Gadgil, Mr. N V
Ghulam Bhik Nairang, Syed
Govind Das, Seth.
Griffiths, Mr P J.
Gupta, Mr K. S.
Hans Raj, Raizada.
Hegde, Sri K B. Jinaraja.
Hosmani, Mr S. K.
James, Mr F. E
Jogendra Singh, Sirdar.
Kailash Behari Lal, Babu.
Lahiri Chaudhury, Mr D K
Maitra, Pandit Lakshmi Kanta.
Malaviya, Pandit Krishna Kant.
Mangal Singh, Sardar.
Mehr Shah, Nawab Sahibzada Sir Sayad Muhammad
Miller, Mr C. C.
Misra, Pandit Shabhu Dayal
Murtuza Sahib Bahadur, Maulvi Syed.
Pande, Mr Badri Dutt.
Parma Nand, Bhai
Raghubir Narayan Singh, Choudhri.
Ramayan Prasad, Mr.
Ranga, Prof N G
Rao, Mr M Thirumala.
Sant Singh, Sardar.
Santhanam, Mr. K.
Satyamurti, Mr. S.
Scott, Mr. J Ramsay
Shahban, Mian Ghulam Kadir Muhammad.
Sham Lal, Mr
Sheodass Daga, Seth
Singh, Mr Gauri Shankar.
Sinha, Mr Satya Narayan.
Smith, Lieut-Colonel H C.
Som, Mr. Suryya Kumar
Sri Prakasa, Mr
Subbarayan, Shrimati K Radha Bai.
Subedar, Mr Manu.
Town, Mr H S
Umar Aly Shah, Mr.
Varma, Mr. B. B.
Zafar Ali Khan, Maulana.
Ziauddin Ahmad, Dr. Sir.

Abdul Hamid, Khan Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab Sir.
Anderson, Mr J D
Ayyar, Mr N M.
Bajpai, Sir Girja Shankar
Bewoor, Mr G V.
Chanda, Mr A K
Chatterjee, Mr R M.
Clow, The Honourable Mr. A G
Conran Smith, Mr E
Dalal, Dr R. D
Dalpat Singh, Sardar Bahadur Captain.
Dutt, Mr S
Faruqui, Mr N A
Ghulam Muhammad, Mr
Grigg, The Honourable Sir James
Highet, Mr J C
Jawahar Singh, Sardar Bahadur Sardar Sir
Joshi, Mr N M
Kamaluddin Ahmed, Shams-ul Ulema.
Lloyd, Mr A. H.
Mackeown, Mr. J. A.
Maxwell, The Honourable Mr. R. M.
Metcalfe, Sir Aubrey.
Mitchell, Mr K G.
Mukerji, Mr Basanta Kumar
Mukerji, The Honourable Sir Manmatha Nath
Nur Muhammad, Khan Bahadur Shaikh.
Ogilvie, Mr C M G.
Rahman, Lieut.-Colonel M A
Sher Muhammad Khan, Captain Sardar Sir
Singh, Maharaja Bahadur Ram Ran Vijai Prasad.
Sivaraj, Rao Sahib N
Sukthankar, Mr Y N
Sundaram, Mr V S
Walker, Mr G D
Zafrullah Khan, The Honourable Sir Muhammad

The motion was adopted

Pandit Lakshmi Kanta Maitra : Sir, I beg to move :

"That in sub clause (*4*) of clause 64 of the Bill, for all the words occurring after the word and figure 'sub section (*1*)' the words 'to keep proper records of the hours of duty of such persons employed by them' be substituted"

Sub clause (*4*), as it stands, if enacted into law, will give rise to numerous difficulties and complications and it is very difficult to see how it can be actually worked in practice It provides that the hours of work of persons to be employed in motor transport shall have to be fixed beforehand and also that a record of the hours of such a work should be kept. Sir, I only want to confine myself to keeping the record of hours of work. It is very difficult to say beforehand how and when a man is to be employed Moreover, it will give rise to a good deal of inconvenience even on the part of the public If there is an accident somewhere and if a transport agency is called on the 'phone to send a relief car, he might say that the hours of duty of the man to be employed had not been fixed. He might not be able to give a driver at that time as he could not fix his duty It may also happen that the duty of a driver may have been fixed at 8 o'clock, but if he is wanted to drive on very urgent business at 7 o'clock or half-past seven, he cannot be employed At such a time how will it be possible for any transport company to get another driver, for his time also may not have been fixed beforehand ? So, this is absurd and, in actual practice, it will be impossible to work I quite realise the importance of maintaining a record wherein it will be shown whether any employee has been overworked or whether he has been given any work in contra-

vention of the hours fixed in the previous sub-clause. That is all we require and we should insist the maintenance of the proper record of the hours of work Beyond that, no other provision is necessary. Sir, I move.

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

" That in sub-clause (*4*) of clause 64 of the Bill, for all the words occurring after the word and figure ' sub-section (*1*) ' the words ' to keep proper records of the hours of duty of such persons employed by them ' be substituted "

The Honourable Mr. A G Clow : Sir, If the clause were amended in the manner suggested by Pandit Maitra, it would entirely be covered, I think, by clause 61 (*2*) (*y*) and would thus become superfluous It is not intended that the powers here given to Provincial Governments should be universally used, but experience in connection with other Acts has shown that in many cases you cannot exercise effective enforcement of provisions such as these we have inserted in sub-clause (1) without a clause of this kind If there is any determined effort to evade provisions of that kind, the only real safeguard is by insisting that limits of work shall be fixed beforehand If you do that and then you find that a man is working outside the limits you have fixed, you are able to prosecute him But if you have not got a provision of this kind and he is determined to evade the hours provisions, it becomes practically impossible to prove that at the time when you found him driving, he has been driving for a number of hours in excess of the period laid down Sir, I oppose the amendment

Mr K. Santhanam (Tanjore *cum* Trichinopoly Non-Muhammadan Rural) Sir, if sub-clause (*2*) of clause 64 had stood as it was, then this amendment would have been quite reasonable, because in the case of private car drivers and owner drivers of lorries it would have been practically impossible to fix the hours of work Now that we have deleted sub-clause (*2*) and the whole clause applies only to transport vehicles where a programme of work can be arranged beforehand, I think this amendment is unnecessary and, as the Honourable Mr. Clow has said, it may defeat the provisions which we have laid down in sub-clause (*1*) So, I oppose it

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

" That in sub-clause (*4*) of clause 64 of the Bill, for all the words occurring after the word and figure ' sub-section (*1*) ' the words ' to keep proper records of the hours of duty of such persons employed by them ' be substituted "

The motion was negatived.

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

" That in sub-clause (*5*) of clause 64 of the Bill, the words ' shall work or ', occurring in the first line, be omitted "

Sir, sub-clause (*5*) of clause 64 says ·

" No person shall work or shall cause or allow any other person to work outside the hours.... ."

[Dr. Sir Ziauddin Ahmad.]

I can understand if you legislate that no person should cause another person to work, but if a person is himself willing to work, I do not know why you are making regulations that he should not work. This Bill may be considered, either from the point of safety of persons or from the point of view of labourers themselves In the case of labourers themselves, if a labourer is doing his own work he cannot be called a labourer If you apply a thing of this kind, then I think you will have to make regulations for the Honourable Member in charge of the Bill. I am sure he does not work for less than 16 hours a day I think some kind of legislation will have to be framed for a large number of persons here. I think it is not desirable that a person who wishes to work should be prohibited from doing so and should be made lazy

The next point of view is that of safety. As my Honourable friend said the whole of this clause is not intended to benefit the labourers, it is only intended for the safety of persons If you take into consideration the safety of persons, then you ought to consider the personal equation of the individuals There are some drivers who get tired after two hours, while there are others who can stand and who have got the energy to work with the same spirit, zeal and enthusiasm even for a continuous period, say much longer than 5½ hours At the time of fixing the period, you have also to consider the personal equation of the driver We cannot leave it here at all If you look at it from either point of view, from the point of view of safety of the person or the point of view of the consent of the individual, I think it is not desirable to legislate for a person who is working for himself My Honourable friend, Mr Joshi, said something in his last speech and I had no occasion to give him a reply. He said something about intelligence I shall take some other occasion to refer to it Sir, I move

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

"That in sub-clause (*5*) of clause 64 of the Bill, the word 'shall work or', occurring in the first line, be omitted"

The Honourable Mr. A G Clow : Sir, the Honourable the Mover of this amendment seems to have in mind persons who are working for themselves But sub-clause (*2*) has disappeared This clause does not apply to any persons who are their own employers. The person to whom it will now apply is the man who, in defiance of his employer's instructions, has gone on driving beyond the limits allowed He is just as much a danger if he is driving of his own volition as if he was driving against the wishes of his employer I, therefore, oppose the amendment

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

"That in sub-clause (*5*) of clause 64 of the Bill, the word 'shall work or', occurring in the first line, be omitted"

The motion was negatived

Pandit Lakshmi Kanta Maitra : Sir, I beg to move :

"That in sub-clause (*5*) of clause 64 of the Bill, for all the words occurring after the word 'work', occurring in the second line, the words 'in contravention of periods prescribed under this section' be substituted"

Sir, I submitted in connection with the previous amendment the difficulties that might arise and I do not think any elaborate argument is necessary in this case Sir, I move.

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

" That in sub-clause (*5*) of clause 64 of the Bill, for all the words occurring after the word ' work ', occurring in the second line, the words ' in contravention of periods prescribed under this section ' be substituted "

The Honourable Mr A. G Clow : This amendment again would seem to make the clause entirely superfluous It is already an offence to work in contravention of sub-section (*1*) The whole point is to ensure the observance of sub-section (*4*) I, therefore, oppose the amendment

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

" That in sub-clause (*5*) of clause 64 of the Bill, for all the words occurring after the word ' work ', occurring in the second line, the words ' in contravention of periods prescribed under this section ' be substituted "

The motion was negatived

Mr Brojendra Narayan Chaudhury (Surma Valley *cum* Shillong · Non-Muhammadan) Sir, I beg to move

" That after sub-clause (*6*) of clause 64 of the Bill, the following new sub clause be inserted

' (*7*) The Provincial Government may by executive order further restrict hours of work mentioned in sub-section (*1*) for exceptionally exacting routes ' "

Sir, I wish to draw the attention of the House first of all to the opinion of the Assam Government which will be found on page 110 of the List of Opinions, Paper No VII Regarding clause 61 which was the original number of the present clause 64, the Assam Government say ·

" This clause requires further consideration and the Assam Government must protest against it in the present form On the one hand it would appear to suggest that the maximum hours and minimum intervals are reasonable for any kind of professional drivers, though there are cases, as on a hilly winding road, where they would be excessive for a driver working a regular service, and on the other hand the limits would be unnecessary for many chauffeurs of private cars whose hours of work may have no relation whatever to the mileage covered "

Sir, in this clause we have fixed five hours after an interval of rest for half an hour We have also fixed nine hours after an interval of rest for eleven hours Now, Sir, this is the estimate of the period of hours after working which a driver feels too much tired and fatigued to be safely left in charge of the wheel That is the underlying idea But, Sir, the difficulties of driving on roads vary A fairly straight road in the plain would not fatigue a man even after eight hours continuous work or even 12 to 14 hours work during 24 hours That has been our experience. However, the House has been pleased to fix five hours and nine hours instead of six hours or 12 to 14 hours as the maximum But that is not exactly the point that I wish to place before the House. What I wish the House to consider is this that all roads are not equally tiresome There are roads with heavy traffic in the heart of the city like the Burra Bazaar in Calcutta.

[Mr. Brojendra Narayan Chaudhury.]

Take another instance of a road in an open country, fairly straight road with little traffic and hardly any congestion where it will not be as tiresome to drive as on the one on the hills which is not only steep but also very winding The winding hill roads are very exhausting This has been the experience of the people of Assam and also of the Government of Assam and that is why the Government of Assam have protested against one and same provision for all roads We have had very sad experience during the last two years on the Sylhet-Shillong road, there were three accidents , two buses and a lorry swerved and although there was no obstruction on the road, although there was no pedestrian traffic on the road, the vehicles swerved and broke down into the *khud* Those drivers were working on this track for several months So these three accidents were not due to the inefficiency of the drivers because they had been running on this road for several months without accidents The accidents were due to the exhaustion that is caused by the steep winding of the roads I find my Honourable friend, Mr James, is laughing , I will ask him to travel on that road, not to say, on a bus, but in his own private cosy car and, without holding the strap, try to keep his seat when the motor turns a corner So these accidents are not, as I said, due to the drivers' inefficiency or obstruction on the road And these were all fatal accidents In one case the lorry driver was killed and two coolies on the lorry were also killed The lorry went down the *khud* and could not be salvaged What I want by this amendment is to reserve power for the Provincial Government, not wide powers about which the House is suspicious, but powers in a very restricted sphere to still further restrict the nine hours My wording is, " for exceptionally exacting roads " ; I do not empower the Provincial Government to make general rules even They will do so by executive order, *i.e.*, by notification I have been careful to restrict the power of the Provincial Governments for specific routes such as this I hope the House will accept the amendment

1 P.M. I again press on the House that the number of hours fixed in sub-clauses (*a*) and (*b*) are the average and fit for ordinary roads and cannot be applied to exceptionally heavy routes as much as I protest that they are too small for easy roads Sir, I move

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

" That after sub clause (*6*) of clause 64 of the Bill, the following new sub clause be inserted

' (7) The Provincial Government may by executive order further restrict hours of work mentioned in sub section (*1*) for exceptionally exacting routes ' "

The motion was negatived

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

" That clause 64, as amended, stand part of the Bill "

The motion was adopted

Clause 64, as amended, was added to the Bill

Clause 65 was added to the Bill

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

" That clause 66 stand part of the Bill "

Mr Suryya Kumar Som (Dacca Division Non-Muhammadan Rural) Sir, I move

" That in part (*a*) of sub clause (*2*) of clause 66 of the Bill, for the words ' infringing the rules ' the words ' travelling without ticket or beyond the limit for which he holds ticket and refusing to pay his fare or any person behaving indecently and committing nuisance even after warning ' be substituted

Part (*a*) of sub clause (*2*) of clause 66 provides for circumstances in which a passenger may be removed from a bus It only says that one who breaks the rules framed under the Act can be ejected I want that it should be more definite , that is when a man behaves indecently or is drunk and refuses to pay the fare or has travelled beyond the distance for which he holds a ticket and refuses to pay the excess fare —in these circumstances only he can be removed I think it is a very reasonable amendment and should be accepted Sir I move

Mr President (The Honourable Sir Abdur Rahim) Amendment moved

" That in part (*a*) of sub clause (*2*) of clause 66 of the Bill for the words ' infringing the rules ' the words ' travelling without ticket or beyond the limit for which he holds ticket and refusing to pay his fare or any person behaving indecently and committing nuisance even after warning ' be substituted

Mr K G Mitchell (Government of India Nominated Official) Sir I am sorry I must oppose the amendment I think it is out of place You have in the previous sub clause made a provision that Provincial Governments may make rules governing the conduct of passengers and people in buses and now you seek to limit the power of enforcement of those rules My Honourable friend Mr Som m that he has exhausted the cases in which a person should be removed from a bus by his provision I am not prepared to say that he has There may be overcrowding or there may be other causes , but whatever the intention is in the amendment I think it fails on the ground that if you have given the Provincial Government in the previous sub clause power to make rules you surely must give power for the removal of persons on the infringement of those rules

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

" That in part (*a*) of sub clause (*2*) of clause 66 of the Bill for the words ' infringing the rules ' the words ' travelling without ticket or beyond the limit for which he holds ticket and refusing to pay his fare or any person behaving indecently and committing nuisance even after warning ' be substituted "

The motion was negatived

Mr Suryya Kumar Som Sir, I beg to move

" That in part (*a*) of sub clause (*2*) of clause 66 of the Bill, after the word ' conductor ', occurring in the fourth line, the words ' or any passenger ' be inserted "

Power under this clause was given to the driver or conductor only to remove a man from the bus or to request police to turn him out

[Mr. Suryya Kumar Som]

I find that the conductor, for various reasons, may not like to drive out a passenger At the same time, there may be misbehaviour on the part of a passenger which may not be very unpleasant to the driver who is always in front of the bus Therefore, I want by this amendment to give power to any passenger to make a complaint or request to drive out any other passenger who comes under any of these provisions and deserves to be expelled from the bus There may be cases in which a passenger, who may be a friend of the driver, who may commit a disorderly behaviour, in which case the driver may not like to turn out that passenger. Therefore by this amendment, I want to give the power to any passenger also to make a complaint and to drive out any other passenger if he misbehaves himself. Why should not that power be given to passengers who have paid for enjoying the comforts of the journey ? I find that in Railways also similar power is given to passengers When a passenger in a compartment misbehaves himself or creates a row, he can call the station staff and get him out By this Act we are giving more drastic and extensive powers to Local Governments, to the Regional Authority and to everybody, and I hope this power will be given to the passengers also

The Honourable Mr A G. Clow : Sir, I do not regard this amendment as of any importance, but I don't propose to oppose it

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

"That in part (*a*) of sub-clause (*2*) of clause 66 of the Bill, after the word 'conductor', occurring in the fourth line, the words 'or any passenger' be inserted"

The motion was adopted.

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

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

Mr. Sri Prakasa : With your permission, Sir, I should like to move only the first part, namely, (*g*) I move

"That after part (*f*) of sub-clause (*2*) of clause 66 of the Bill, the following new part be inserted

'(*g*) require the maintenance of complaint books in stage carriages and prescribe the conditions under which passengers can record any complaints in the same'"

As matters now stand, there are practically no provisions by which complaints of passengers in motor buses could be recorded During the first reading of the Bill, I ventured to say that the great trouble in this connection is the unholy alliance that very often exists between the subordinate police officials and bus owners and bus drivers, and because of which no complaints are remedied In Benares, for instance, I have information that each bus owner budgets for a payment of thirteen annas—I do not know how that figure has been arrived at—per day to various police officials, and he gives them free rides besides. All this results in the lorries infringing the rules laid down for their guidance

with impunity. Very often *bona-fide* passengers are kept out because policemen like to travel in these buses, and travel what in the parlance of the railways is called " W. T.", that is, without tickets. If passengers have an opportunity of jotting their complaints in the complaint books, these complaints would be looked into by the proper authorities and bus owners and bus drivers would also be on guard I, therefore, hope that this amendment would be accepted I am sure it would considerably improve the Bill I regard this amendment as more important than the rest of the Bill taken as a whole, because, unless you give opportunities to passengers to be able to complain against subordinate Government officials, and unless you are able to check these officials, all your rules are going to be violated Therefore, I strongly press this amendment for the acceptance of the House

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

" That after part (*f*) of sub-clause (*i*) of clause 66 of the Bill, the following new part be inserted

' (*g*) require the maintenance of complaint books in stage carriages and prescribe the conditions under which passengers can record any complaints in the same '."

The Honourable Mr A G. Clow : Sir, I was sorry to hear my Honourable friend, Mr Sri Prakasa's complaints against the servants of a Congress Government

Mr Sri Prakasa : They are your legacies

The Honourable Mr. A. G. Clow : I am rather doubtful of the efficacy of the remedy that he prescribes, but so far as it goes I see no objection to the amendment and I am prepared to accept it

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

" That after part (*f*) of sub-clause (*i*) of clause 66 of the Bill, the following new part be inserted :

' (*g*) require the maintenance of complaint books in stage carriages and prescribe the conditions under which passengers can record any complaints in the same '."

The motion was adopted.

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

" That clause 66, as amended, stand part of the Bill."

The motion was adopted.

Clause 66, as amended, was added to the Bill.

Mr Deputy President (Mr Akhil Chandra Datta) Mr. Joshi. Amendment No 491 regarding a new clause 66-A

Mr. N. M Joshi Sir, I beg to move

The Honourable Mr. A. G. Clow · On a point of order, Sir. Before this amendment is moved, I would like to ask for your ruling as to whether it comes within the scope of the Bill It is perfectly true that we have included a provision regulating the hours of drivers, but that was

[Mr. A. G. Clow.]

done, for this is not a labour Bill and primarily that was done with a view to safety of motor vehicles This seems to me to go so much farther that the connection with motor vehicles is incidental, and thus it seems to me to lie outside the preamble and the general scope of the Bill.

Mr. N. M. Joshi : May I say a word about this point of order ? I do not know whether safety is mentioned in the preamble ...

The Honourable Mr. A. G. Clow : No.

Mr. N. M. Joshi : The preamble says :

"Whereas it is expedient to consolidate and amend the law relating to motor vehicles ..."

Mr. F. E James (Madras European) : Motor vehicles and not labour

Mr. N. M. Joshi : I am speaking of motor vehicles Let me now speak on this point of order This is a Bill to control motor traffic India is not the only country in which such a legislation is discussed and passed There are motor vehicles Acts in England and in several other countries, The English Act provides a section about fair wages I hope that the Honourable Member in charge of the Bill will not deny that fact, namely, that the British Act, which is a similar measure like this, has a provision regarding fair wages There are several other countries in which Acts intended to control motor traffic do include clauses regarding wages and other conditions Moreover, the Honourable Member in charge of the Bill stated that the question of hours of work, which has been included in clause 64, is intended for the safety and not as an improvement in the conditions of the employees I shall come to the point of safety a little later, but the Bill does not deal only with the safety from the dangers of motor cars The Bill is intended for co-ordinating traffic, to restrict competition in the motor industry Wages are a very important element in restricting competition and Government cannot deny that to restrict competition is one of the objects of this Bill If one of the objects of this Bill is to restrict competition, control of wages necessarily follows, because we have got provisions laying down minimum charges, minimum fares and maximum fares If we have a clause regarding maximum and minimum fares which has nothing to do with safety, then how can you object to a clause which lays down certain minimum wages ? The Honourable Member talked of safety. As regards the British interpretation of safety, I shall read to you a very small quotation as to what the view of a British Minister of Transport is regarding safety

Mr Deputy President (Mr Akhil Chandra Datta) : The Honourable Member is speaking on the point of order

Mr. N. M Joshi : I am speaking on the point of order Unfortunately, my speech on the point of order and the speech on the amendment itself may be the same But I want to show that safety depends upon wages also, which is the view taken by the Minister of Labour in Great Britain I am reading a quotation from the report of a committee on regulation of wages and conditions of service in the road motor transport industry

"In the Act of 1933, the recommendation of the Salter Conference that C licensees should be required to pay 'fair wages' was stated, by the Minister of Transport of the day, to be one of the 'security conditions'."

The Transport Minister of the day stated in Parliament that wages was one of the security conditions Now, Sir, having given you these authorities, I am sure that you will rule that my amendment is perfectly in order

Mr Deputy President (Mr Akhil Chandra Datta) The question, so far as this point of order is concerned, is whether this amendment is within the scope of the Bill or not On that point it has been urged by the Honourable the Mover of the Amendment that the corresponding British Act has similar provisions in regard to the salaries payable to drivers This has not been disputed, although I have not examined it myself. That, I think, is sufficient ground for holding that this amendment is in order Besides it has been further pointed out that this is a safety Bill Then the question is whether wages should come within the purview of safety and it has been pointed out that the view taken in Great Britain is that wages form an important factor on the question of safety If maximum and minimum fares are within the scope of the Bill, as has been laid down already, and also hours of work, then I think this amendment dealing with the question of wages is perfectly in order

Mr N M. Joshi I am very thankful to you for your ruling

Mr. Deputy President (Mr Akhil Chandra Datta) · No question of favour

Mr N M. Joshi : Sir, I move

" That after clause 66 of the Bill, the following new clause be inserted

' 66-A A Provincial Government may make rules to regulate in respect of persons licensed to act as drivers or conductors of motor vehicles—

(*a*) the minimum wages or salaries payable to such drivers or conductors ;

(*b*) the number of holidays with pay that should be made available to them in a year ,

(*c*) the compensation to be paid for overtime work ,

(*d*) such other conditions of work as the Provincial Government may deem necessary or desirable to regulate ' "

Sir, I had another amendment on this subject which is more modest but considering the situation in the House where the Government, the Congress Party, the Muslim League Party, the Nationalist Party, the European Group and the unattached Members have all combined to defeat amendments which are in favour of labour, I decided that there is no use being too moderate Let me be fair and just to the working classes of this country and move the amendment which I had originally intended to move The amendment provides that the Provincial Government should possess power to fix minimum wages or salaries payable to drivers or conductors. It provides that if under certain circumstances overtime is permitted the driver and the conductor should be paid at a higher rate for overtime Then general power is given to the Provincial Government to lay down other conditions of service. While speaking on the point of order I stated that in the British legislation there is a clause that the drivers and conductors of motor cars should be paid fair wages The wages paid to the drivers and conductors, according to the English Act, should not be less than the wages which Government and the country compels contractors to pay to

[Mr N M. Joshi]

the people employed by them In England there is a fair wages clause in all Government contracts and this legislation provides that the wages to be paid to drivers and conductors should not be less than the wages which the Parliament has fixed for being paid to the employees of Government contractors.

Mr. F. E James What is the clause ?

Mr N. M Joshi It is section 93 of the Act of 1930, amended still further in 1933 Fair wages are a necessary condition in order that the drivers may do their duty well This is from the point of view of safety as well as from the point of view of the interests of the employee There is another and more important reason and that is that there should be no unfair competition in the motor industry There may be some motor companies who pay their employees well There may be others who do not pay them well There is, therefore, unfair competition between those people who pay well and those who do not pay well It will be wrong to penalize those who treat their employees well and fairly. Therefore, I feel that the laying down of a minimum wage is absolutely necessary in the interests of safety, in the interests of the employees and in the interests of industry in general Then, Sir, I have provided for holidays The reasons for holidays are not different from the reasons for providing for minimum wages I have also provided that there should be a special rate of payment for overtime This principle of payment for overtime is already recognized by the Government of India in their Factories Act It is true that there are occasions when the employers have to ask their employees to work a little longer than as provided by the Act and the Act therefore makes provision for overtime work I have no objection to that, *viz*, that on special occasions employees may be asked to work overtime, but at the same time it is necessary that if employees are asked to work overtime, they should be paid at a special rate Sir the question of holidays is also important We are not providing for even a weekly holiday I had an amendment that the drivers should be given a day's rest in a week but that amendment was not accepted by the House Now, it may be said, that the motor industry cannot give a weekly holiday, that it comes to fifty-two days' holidays, but certainly the motor industry can give a few days' holiday in a year There should be no difficulty in giving drivers say a fortnight's holiday a year and pay them for that holiday I, therefore, feel that my amendment is a very reasonable one I hope the Government of India,—who always say that they are the protectors of the masses in this country, and that that is the reason why they stay in India—will support my amendment Similarly, I hope, the Congress Party, which has given promises in their election manifestoes as being the protectors and better protectors of labour than the British Government, will do so and support my amendment. As regards the Muslim League Party, well, they generally try to imitate the Congress Party I suggest to them that whether you imitate the Congress Party in other respects or not, you keep on to your method of going after the Congress whenever the Congress Party tries to appear patriotic and to serve the interests of the masses. Sir, I may say the same thing about the Nationalist Party They have been telling us that whatever amend-

ments they have moved in this House, and they were a good many, they were not intended for the protection of the bus-owners at all, and that they were either intended for the protection of the drivers and conductors or in the interests of the public I suggest that they should support my amendment As regards the European Group, they have always said that they care for the working classes much more than people like me and others who are only creating trouble between labour and their masters I suggest that by accepting this clause they will, at least, prove in one way that they care for the interests of employees I hope, Sir, my amendment will be accepted

An Honourable Member . What about the Government ?

Mr Deputy President (Mr Akhil Chandra Datta) Amendment moved

" That after clause 66 of the Bill, the following new clause be inserted

' 66-A A Provincial Government may make rules to regulate in respect of persons licensed to act as drivers or conductors of motor vehicles—

(*a*) the minimum wages or salaries payable to such drivers or conductors ;

(*b*) the number of holidays with pay that should be made available to them in a year ,

(*c*) the compensation to be paid for overtime work ,

(*d*) such other conditions of work as the Provincial Government may deem necessary or desirable to regulate ' "

The Honourable Mr A. G. Clow : Sir, I oppose this amendment. I gathered from the attacks which Mr Joshi delivered, quite impartially, on all the Groups in this House at the conclusion of his speech that he did not expect much support for his amendment The amendment seeks to deal with extraordinarily wide labour principles, and as if they were not enough, it ends by giving a blank cheque to the Provincial Governments to put in any other conditions of work that they desire Mr. Joshi said that we *had* recognised the principle of overtime in the Factories Act That is true But the place where we have not recognised it is in this Bill, and there is no suggestion of what overtime means. The first two principles, those of minimum wages and holidays with pay, are questions—one of them at least—that are very controversial, and I listened in vain to Mr Joshi's speech for any suggestions as to why drivers and conductors of motor vehicles should be specially singled out for labour legislation of this type

Prof N. G. Ranga : Sir, I congratulate my friend, the Honourable Mr Clow upon the equanimity with which he has concluded that, just because there is not very much of support for this amendment in this House, such a thing like this is not needed I can assure him and several other Members of his way of thinking in this House that what is now considered to be unreasonable may come to be considered extremely reasonable tomorrow or the day after tomorrow Sir, it is not long ago that such a Bill as this was not even dreamt of This third party insurance is a thing which has been thought of during very recent months, and yet it has come to be a matter of practical politics So also this thing, I am sure, will become a matter of practical politics, if not in this House, then very soon in some of the Provincial Legislatures. I can assure my Honourable friend and other Members of this House that although now I am speaking only in my own personal capacity, the Indian National Congress stands committed to the establishment of

[Prof. N. G Ranga]

a living wage and a minimum wage for all workers in this country, and, if today it is not possible for the Indian National Congress to implement that pledge, it will certainly be possible, and not only that, it will be its privilege also to implement it in the not distant future. Sir, the history of the Indian National Congress will surprise even my friend, Mr Joshi, and it will then be possible for him to claim admission into the Indian National Congress--because I hope that the Indian National Congress will become much more socialistic than can be imagined by my friend Mr Joshi When that day comes, I can assure my Honourable friend that my own Leader will be leading that Socialistic Indian National Congress and will be establishing and urging upon the Provincial Governments the establishment of a minimum wage, not only for motor drivers and a few people here and there, but for the whole of the working classes of this country Sir, Mahatma Gandhi is now busy establishing a minimum wage for the hand-spinners who are employed by the All-India Spinners' Association in this country, and they number as many as a lakh of people and most of them are recruited from the ranks of agricultural labourers Now, if that is possible, I do not know why my Honourable friend, Mr Clow—who the other day had the courage of being a Labour Member, but is now transformed into the Communications Member—suddenly through this transformation thinks that this is outside the scope of this Bill, and, secondly, how he said that since the whole House is against it, therefore we can all go to sleep Sir, several people also thought that the whole House or their own country was against a particular proposal, and yet this comes to be established now, if not through the ordinary constitutional means, at least through some other means Therefore, I raise my voice in favour of this amendment and also in favour of the fundamental basic plea on behalf of the labourer which is incorporated here and that is a minimum wage—and which my Honourable friend himself has been trying to implement in regard to the Railways by insisting that a fair wages clause should be observed and respected by the Railway Agents themselves

3 P M

Mr K Ahmed (Rajshahi Division Muhammadan Rural) Sir, I thought I had a day of disappointment when I was taking my lunch with vegetables and when I entered the Chamber I found that my friend, Mr Joshi, was very hopeful of his labour He is so much hopeful that I do not know—as the saying goes—whether the wine is stronger than the bottle or the bottle is stronger than the wine In any case, it must burst I heard Prof Ranga also who is always as the youngsters should be He has also love for labour, and I only hope that his work will not be wasted Well, Sir, the love for labour is wasted sometimes when people have not got sufficiently developed experience (*A voice* "Like you") When I started in the year 1929 as a Member of the Royal Commission on Labour, I tried to bring all the blessings for the labour in this country I tried to see that their sons should be educated and their dependants should be properly fed, well clothed and educated, so that they may become useful members of the nation and then they will be able to work day and night in the words of Longfellow

> "Act, act in the living present,
> Heart within and God overhead."

Mr Joshi is again making the same mistake as I was making when I was at the threshold of the Labour Commission When I went to Bombay, I found a lot of people sitting idle I went to some of the factories and found there were very few people working Most of them had no work, and there was terrible unemployment If we bring the drivers from Calcutta 75 per cent of them will not find any occupation I do not think Mr Joshi has got a car, nor has he got any experience of these chauffeurs Sir, to pay something is better than nothing, and half a loaf is better than no loaf God help us from these Doctors If these drivers cannot earn their bread, where will they go ? Will they knock at the door of Mr Joshi, their great benefactor, or will they like to take half the wage or whatever is available ? Sir, I oppose the amendment

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

" That after clause 66 of the Bill, the following new clause be inserted

' 66 A A Provincial Government may make rules to regulate in respect of persons licensed to act as drivers or conductors of motor vehicles—

(*a*) the minimum wages or salaries payable to such drivers or conductors ;

(*b*) the number of holidays with pay that should be made available to them in a year ,

(*c*) the compensation to be paid for overtime work ;

(*d*) such other conditions of work as the Provincial Government may deem necessary or desirable to regulate ' "

The motion was negatived

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

" That clause 67 stand part of the Bill "

Mr N V. Gadgil : Sir, I beg to move

" That after part (*a*) of sub clause (*2*) of clause 67 of the Bill, the following new part be inserted and the subsequent parts be re-lettered accordingly :

' (*b*) the conduct and hearing of appeals that may be preferred under this Chapter ' "

There is no necessity to make a speech I move

Mr Deputy President (Mr Akhil Chandra Datta) Amendment moved

" That after part (*a*) of sub-clause (*2*) of clause 67 of the Bill, the following new part be inserted and the subsequent parts be re-lettered accordingly :

' (*b*) the conduct and hearing of appeals that may be preferred under this Chapter ' "

The Honourable Mr A. G Clow : There is no objection to this amendment

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

" That after part (*a*) of sub-clause (*2*) of clause 67 of the Bill, the following new part be inserted and the subsequent parts be re-lettered accordingly :

' (*b*) the conduct and hearing of appeals that may be preferred under this Chapter ' "

The motion was adopted.

Mr. Abdur Rasheed Chaudhury (Assam : Muhammadan) : Sir, I beg to move

"That in part (*h*) of sub-clause (*g*) of clause 67 of the Bill, after the word 'region', wherever it occurs, the words 'or province' be inserted"

The idea behind this amendment is that the Provincial Governments should make rules for inter-provincial travels It frequently happens that people of one province go to another province in a car and I think that, while making rules, the Provincial Governments should provide that in certain circumstances the people of one province will go to another province in a car There is a precedent or this in the case of the gun licence It is practically limited to one province but, in certain circumstances, inter-provincial licences are issued I think we should have a similar provision here also so that in urgent cases when people go from one province to another in car, they may not be prosecuted Sir, I move.

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

"That in part (*h*) of sub-clause (*g*) of clause 67 of the Bill, after the word 'region', wherever it occurs, the words 'or province' be inserted"

Mr K. G Mitchell : Sir I am afraid I must oppose this amendment The effect of it would be in two parts In the first place, it would empower the Provincial Government to make rules governing the conditions subject to which a permit issued in another province is valid in that province That power is already there and further provision is unnecessary Secondly it would empower a Provincial Government to make rules purporting to lay down the conditions under which permits issued, in its own province, would be valid in another province

That would obviously be constitutionally objectionable and, therefore, I suggest that the first effect is redundant and the second is undesirable Sir, I oppose the amendment

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

"That in part (*h*) of sub-clause (*g*) of clause 67 of the Bill, after the word 'region', wherever it occurs, the words 'or province' be inserted."

The motion was negatived

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

"That part (*v*) of sub-clause (*g*) of clause 67 of the Bill be omitted"

My reason for moving this amendment is not that the sub-clauses have become lengthy and that in order to shorten its sub-divisions that I am moving the omission of this part The clause has already got parts from 'a' to 'z' and if more sub-clauses are to be added I do not know whether the Honourable Member in charge of the Bill will have recourse to Alpha Beta, Gamma or Z_1, Z_2, Z_3, and so on. I have not yet visualised the number of rules that will be framed, but I will give a picture later on when I speak on the third reading of the Bill as to how many rules the Local Governments will have to make and what will be the volume of the book containing those rules and I doubt very much whether any Honourable Member, even my Honourable friend, Mr. Mitchell, will be able to pass an examination on these rules when all

of them have been framed. But that is not the point just at present. The point at present is whether it is necessary to have a provision for the licensing of and the conduct of agents for the sale of tickets for travel by stage carriages This is a new kind of provision Anyone who is employed in service on a motor bus as a cleaner will also do the selling of tickets Before he can do so, he must take license and give proof of his good character I do not see any reason why a person who is doing a very ordinary work such as a cleaner who is merely second in command, a person who is not in charge of the safety of passengers and who never drives the car but simply sells the tickets and who is very often paid only a small salary of Rs 10 a month, should be called upon to obtain a license What is the use of a license to him ? On the same analogy, you must have a licensing system for all other ordinary services for private servants, for your coolies, for your rickshawmen and so on. I can understand the necessity for license in the case of driver who is put in charge of the safety of the passengers, but it is surprising how you can demand a license for a ticket seller It is quite possible that rules may be framed in order to keep out a particular class of people I can quite foresee that this emergency may arise But I do not see any necessity for introducing this particular provision even in cases where the safety of passengers is not involved The only thing that the employer should look to is that the person who is put in charge of the sale of tickets does not cheat him. It is not the business of the Government to make rules that only such and such persons should be employed on this ordinary piece of work and not others I move

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

" That part (v) of sub-clause (2) of clause 67 of the Bill be omitted."

The Honourable Mr. A. G Clow : This seems to be a salutary provision for the protection of passengers I oppose the amendment.

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

" That part (v) of sub clause (2) of clause 67 of the Bill be omitted."

The motion was negatived.

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

" That part (x) of sub-clause (2) of clause 67 of the Bill be omitted "

I beg to move this without any speech

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

" That part (x) of sub-clause (2) of clause 67 of the Bill be omitted "

Mr K G. Mitchell : Sir, I must oppose this amendment The provision has been agreed to in the Select Committee. It has been agreed to by everybody that it is necessary to regulate miscellaneous carriage of people in goods vehicles endangering the lives of persons. Sir, I oppose the motion.

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

" That part (x) of sub-clause (2) of clause 67 of the Bill be omitted "

The motion was negatived.

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

" That clause 67, as amended, stand part of the Bill."

The motion was adopted.

Clause 67, as amended, was added to the Bill.

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

" That clause 68 stand part of the Bill "

Mr. K G Mitchell : Sir, I beg to move :

" That clause 68 of the Bill be omitted "

Sir, the reason is that this was a saving for existing rules only in respect of permits and so forth In regard to the rest of the rules we have found it necessary to insert by amendment a general saving clause for all existing rules for nine months Therefore, this becomes unnecessary That amendment will be moved when we reach Nos 830 and 831 in the second consolidated list Sir, I move

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

" That clause 68 of the Bill be omitted "

The motion was adopted.

Clause 69 was added to the Bill.

Clause 70 was added to the Bill.

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

" That clause 71 stand part of the Bill "

Mr Brojendra Narayan Chaudhury : Sir, I beg to move :

" That in sub clause (2) of clause 71 of the Bill, after the words ' to restrict ' the word ' further ' be inserted "

This is merely a verbal amendment to improve the language We have restricted the speed of certain class of vehicles and I hope the Government will have no objection to accept it

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

" That in sub clause (2) of clause 71 of the Bill, after the words ' to restrict ' the word ' further ' be inserted "

The Honourable Mr A G Clow : Sir, I feel no objection in principle, but the only difficulty that occurs to me is that in some cases we don't impose a speed limit I do not know if the House will agree that this is an adequate objection

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

" That in sub-clause (2) of clause 71 of the Bill, after the words ' to restrict ' the word ' further ' be inserted "

The motion was negatived

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division : Non-Muhammadan Rural) Sir, I beg to move :

" That after sub clause (2) of clause 71 of the Bill, the following new sub-clause be inserted

' (3) The Provincial Government or any authority authorised in this behalf by the Provincial Government shall make such devices as to prevent the owners and drivers of the motor transport vehicles from tampering with such devices to restrict the speed limit fixed by the authorities (which are generally known as Governors) and that regular periodical examination of speedometer be arranged for ' "

Sir, sub clause (2) of clause 71 is intended to restrict the speed limit I want merely to restrict the speed limits where it is not restricted, because the drivers can manipulate the devices knowingly I, therefore, have proposed that speed governors should be fixed up, and, therefore, to restrict it, I have suggested this amendment and that periodical examination of speedometer should also be arranged I think, Sir, the acceptance of this amendment will help the Provincial Governments and also the Central Government and all transport authorities and drivers as well

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

" That after sub clause (2) of clause 71 of the Bill, the following new sub clause be inserted

' (3) The Provincial Government or any authority authorised in this behalf by the Provincial Government shall make such devices as to prevent the owners and drivers of the motor transport vehicles from tampering with such devices to restrict the speed limit fixed by the authorities (which are generally known as Governors) and that regular periodical examination of speedometer be arranged for ' "

Mr K. G Mitchell : Sir, I am afraid I must oppose this amendment I am entirely in agreement with the necessity for speed governors, that is provided for in the rule making power in Chapter V, if you will see clause 70, sub-clause (2) (q), and I think that is all that is necessary. Apart from that, I think the actual wording of the amendment is not particularly happy I would point out that according to the amendment the speed limit has to be fixed by authorities " which are generally known as Governors ". Sir, I oppose the amendment.

Dr Sir Ziauddin Ahmad : Sir, I do not appreciate this amendment on account of the use of the word ' Governor ' in it, and I should like to relate a short story There was a gentleman who wanted to have a governor for his son, and he asked his friend's son where to get one from. The friends advised him that Thomas Cook and Son are general suppliers and they will supply a governor So a wire was sent to Thomas Cook, Bombay, saying ' Please send governor ' Thomas Cooks replied · ' Regret His Excellency not in Bombay ' Then the gentleman again replied back and said ' I don't want His Excellency the Governor but I want the husband of the governess ' Therefore, Sir, this word governor can be used in so many different senses as was used in the story I have just narrated This amendment, Sir, does not appeal to me, and therefore I oppose it

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

" That after sub-clause (2) of clause 71 of the Bill, the following new sub-clause be inserted :

' (3) The Provincial Government or any authority authorised in this behalf by the Provincial Government shall make such devices as to prevent the owners and drivers of the motor transport vehicles from tampering with such devices to restrict the speed limit fixed by the authorities (which are generally known as Governors) and that regular periodical examination of speedometer be arranged for ' "

The motion was negatived.

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

" That clause 71 stand part of the Bill."

The motion was adopted.

Clause 71 was added to the Bill.

Clauses 72, 73 and 74 were added to the Bill.

Dr. Sir Ziauddin Ahmad : Sir, I beg to move that after clause.....

Mr K Santhanam : On a point of order.. .

An Honourable Member : How can you raise a point of order before the Member moves his amendment ?

Mr. Deputy President (Mr Akhil Chandra Datta) : Is the Honourable Member moving his amendment ?

Dr. Sir Ziauddin Ahmad : Yes, Sir, I should like to move it at least to meet the objection

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

" That clause 75 stand part of the Bill "

The motion was adopted

Clause 75 was added to the Bill

Dr Sir Ziauddin Ahmad : Sir, I beg to move

" That after clause 75 of the Bill, the following new clause be inserted

' 76 The Local Government will be responsible for the damage done to a motor vehicle on account of the absence of the proper signal specified in the Schedule ' "

Mr. Deputy President (Mr Akhil Chandra Datta) What is the point of order ?

Mr K Santhanam : My point of order is that by this new clause we have to lay a definite financial responsibility on the Provincial Government, and it is outside the scope of this Bill

The Honourable Sir Manmatha Nath Mukerji (Law Member) : This amendment, I submit, is out of order. It attracts the operation of section 141 of the Government of India Act, which says ·

" No Bill or amendment which imposes or varies any tax or duty in which Provinces are interested, or which varies the meaning of the expression ' agricultural income ' as defined for the purposes of the enactments relating to Indian income tax "

Before such a thing can be moved, it requires the previous sanction of the Governor General in his discretion. By this provision a liability is being cast on the Provincial Government and it requires the previous sanction of the Governor General in his discretion. Such sanction not having been obtained, the amendment cannot be placed before the House at all

Mr Deputy President (Mr Akhil Chandra Datta) · In the absence of sanction of the Governor General, this amendment is barred by section 141 of the Government of India Act, 1935.

Clause 76 was added to the Bill.

Clauses 77 to 80 were added to the Bill.

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

" That clause 81 stand part of the Bill."

Pandit Lakshmi Kanta Maitra : I beg to move ·

" That in clause 81 of the Bill, before the word ' obstruction ' the word ' undue ' be inserted "

The word ' obstruction ' is vague, and it is the common complaint of motor vehicle drivers that police people constantly put them in difficulties by sending them up on a charge of obstruction, even when the vehicles stand for only 10 or 15 seconds for picking up and setting down passengers I want to make it more definite, that if obstruction is to be an offence it must be undue obstruction so that the driver may put up a defence and lead evidence that he did not unduly obstruct or inconvenience the passengers on the road This is a very simple amendment and I hope that my Honourable friend, Mr Clow, will accept it Sir, I move.

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

" That in clause 81 of the Bill, before the word ' obstruction ' the word ' undue ' be inserted "

The Honourable Mr. A G. Clow : I am sorry I cannot accept it in this form My Honourable friend seemed to be arguing rather in favour of amendment No 536 There can be some doubt as to whether inconvenience is undue or otherwise, but obstruction surely is obstruction and implies a deliberate act. If amendment No. 536 were moved I would be prepared to accept it and it would go far to meet my Honourable friend's point

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

" That in clause 81 of the Bill, before the word ' obstruction ' the word ' undue ' be inserted "

The motion was negatived.

Mr. Brojendra Narayan Chaudhury : I beg to move .

" That in clause 81 of the Bill, before the word ' inconvenience ' the word ' undue ' be inserted "

I need not say much because any motor vehicle standing on a road is always some sort of inconvenience to other road users. So, I use the word ' undue ' I hope that it will be accepted.

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

" That in clause 81 of the Bill, before the word ' inconvenience ' the word ' undue ' be inserted "

The motion was adopted.

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

" That clause 81, as amended, stand part of the Bill "

The motion was adopted.

Clause 81, as amended, was added to the Bill.

Clause 82 was added to the Bill.

Clauses 83 and 84 were added to the Bill.

Clause 85 was added to the Bill

Clause 86 was added to the Bill

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

" That clause 87 stand part of the Bill "

Maulvi Abdur Rasheed Chaudhury : I beg to move ·

" That in part (*c*) of sub clause (*1*) of clause 87 of the Bill, for the word ' whether ' the word ' when ' be substituted "

Sir, this goes along with the next amendment, and, if you will allow me to move that also now, it will be better

Mr Deputy President (Mr Akhil Chandra Datta) The Honourable Member can do it.

Maulvi Abdur Rasheed Chaudhury : I move also

" That in part (*c*) of sub clause (*1*) of clause 87 of the Bill, the words ' or was not ' be omitted "

This clause provides that in case of an accident the driver of a motor vehicle should stop and remain stationary for so long as may be reasonably necessary Under sub-clause (*c*), you will find that the driver of the vehicle will have to stop whether the accident was due to the driving or management of the vehicle or not I want to make it clear that the driver of the vehicle should stop when the driving or management of the vehicle was the cause of the accident or damage Otherwise not.

An Honourable Member : Who is to judge ?

Maulvi Abdur Rasheed Chaudhury : The Court will decide If the driver is not responsible for any accident then he should not stop That is the meaning of my amendment Sir, I move.

Mr Deputy President (Mr Akhil Chandra Datta) Amendments moved

" That in part (*c*) of sub clause (*1*) of clause 87 of the Bill, for the word ' whether ' the word ' when ' be substituted "

" That in part (*c*) of sub clause (*1*) of clause 87 of the Bill, the words ' or was not ' be omitted "

Mr. K G Mitchell : Sir, I oppose these amendments My reason is that in the first place you leave it to the driver to decide whether he should stop or not and in the second place, supposing a horse shies, even though there is nothing wrong with the management and driving of the cars, and a woman falls off and is injured the driver need not stop to help her This would be inhuman

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

" That in part (*c*) of sub-clause (*1*) of clause 87 of the Bill, for the word ' whether ' the word ' when ' be substituted "

" That in part (*c*) of sub-clause (*1*) of clause 87 of the Bill, the words ' or was not ' be omitted "

The motions were negatived

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

" That clause 87 stand part of the Bill "

The motion was adopted

Clause 87 was added to the Bill

Clause 88 was added to the Bill

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

" That clause 89 stand part of the Bill "

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor Non-Muhammadan Rural) : Sir, I move

" That in sub-clause (*a*) of clause 89 of the Bill, after the words ' injured person ', occurring in the fourth line, the words ' or his guardian, in case he is a minor ' be inserted "

Under this section, if a person receives an injury in an accident, the driver of the vehicle is bound to carry him to the nearest hospital, unless the injured person expresses his intention to the contrary I want that his guardian in case he is a minor should also have the opportunity of expressing his intention. Sir, I move

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

Mr President (The Honourable Sir Abdur Rahim) Amendment moved

" That in sub-clause (*a*) of clause 89 of the Bill, after the words ' injured person ', occurring in the fourth line, the words ' or his guardian, in case he is a minor ' be inserted "

The Honourable Mr A. G. Clow : I see no objection to this amendment

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

' That in sub-clause (*a*) of clause 89 of the Bill, after the words ' injured person ', occurring in the fourth line, the words ' or his guardian, in case he inserted "

The motion was adopted

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

" That clause 89, as amended, stand part of the Bill "

The motion was adopted

Clause 89, as amended, was added to the Bill.

Clauses 90, 91, 92 and 93 were added to the Bill.

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

" That clause 94 stand part of the Bill "

The Honourable Sir Manmatha Nath Mukerji (Law Member) Sir, I move

" That for sub-clause (*1*) of clause 94 of the Bill, the following be substituted

' (*1*) No person shall use or cause or allow any other person to use a motor vehicle in a public place, unless there is in force in relation to the use of the vehicle by that person or that other person, as the case may be, a policy of insurance complying with the requirements of this Chapter

Explanation.—A person driving a motor vehicle merely as a paid employee, while there is in force in relation to the use of the vehicle no such policy as is required by this sub-section, shall not be deemed to act in contravention of the sub-section unless he knows or has reason to believe that there is no such policy in force ' "

Sir, sub-clause (*1*) of the amendment closely follows the words of the original Bill and the Explanation has been added only with the object of excluding from the operation of clause 94 of the Bill a person driving a vehicle merely as a paid employee unless he has reason to believe or he knows that there is no such policy in force I submit, Sir, that it is more or less a formal alteration and I ask the House to accept it.

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

" That for sub clause (*1*) of clause 94 of the Bill, the following be substituted .

' (*1*) No person shall use or cause or allow any other person to use a motor vehicle in a public place, unless there is in force in relation to the use of the vehicle by that person or that other person, as the case may be, a policy of insurance complying with the requirements of this Chapter

Explanation.—A person driving a motor vehicle merely as a paid employee, while there is in force in relation to the use of the vehicle no such policy as is required by this sub section, shall not be deemed to act in contravention of the sub section unless he knows or has reason to believe that there is no such policy in force ' "

Mr. Bhulabhai J. Desai (Bombay Northern Division Non-Muhammadan Rural) Sir, I suggest that you omit the case of a passenger , otherwise, literally, even such a passenger using it is covered by that clause I, therefore, suggest that after the words ' no person shall use ' we should add the words ' except as a passenger ', and in the same line after the words ' or allow any other person ' we should also add the words ' except as a passenger '

The Honourable Mr. A. G. Clow : Sir, I think that is correct I think the words ' except as a passenger ' should be added in both these places

An Honourable Member : Sir, we are not able to follow this

Mr. Bhulabhai J. Desai : I say that the language of the clause, as it stands, would cover even the case of you sitting in a bus if it is not insured You do not want that to be done ?

Mr President (The Honourable Sir Abdur Rahim) · The question is ·

" That for sub-clause (*1*) of clause 94 of the Bill, the following be substituted .

' (*1*) No person shall use except as a passenger or cause or allow any other person except as a passenger to use a motor vehicle in a public place, unless there is in force in relation to the use of the vehicle by that person or that other person, as the case may be, a policy of insurance complying with the requirements of this Chapter

Explanation.—A person driving a motor vehicle merely as a paid employee, while there is in force in relation to the use of the vehicle no such policy as is required by this sub-section, shall not be deemed to act in contravention of the sub section unless he knows or has reason to believe that there is no such policy in force ' "

The motion was adopted

Maulvi Abdur Rasheed Chaudhury : Sir, I move

" That sub clause (*2*) of clause 94 of the Bill be omitted "

Sir, I speak subject to correction I understand that this sub-clause is intended to exempt certain classes of vehicles, owned by Government, from the insurance against third party risks I think that is the meaning of this sub-clause—it would be like this that in the case of the driver of a Government car, if he kills a man that man or his successor will not get any compensation ? (*Voices* : " No, no ") If that is not the meaning, then I beg leave of the House to withdraw my amendment

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

Mr. F. E. James : Sir, I move ·

" That in sub-clause (*2*) of clause 94 of the Bill, after the words ' State owned railway ' the words ' nor shall it apply to any vehicle owned by any person who has deposited with the Accountant General, Central Revenues, or the Accountant General of a Province, the sum of one hundred thousand rupees ' be inserted."

This provision for a hundred thousand rupees deposit was in the original Bill and it refers to clause 94, sub-section (*2*), which relates to various exceptions from the obligation to take out policies of third party insurance The Select Committee removed the provision for making a deposit instead of taking out an insurance policy and the only reason they advanced was that they saw little prospect of such a provision being extensively used and that none but wealthy corporations could avail themselves of it. It seems to me a totally inadequate reason for excluding this from the Bill If a corporation is prepared to put down a sum of a hundred thousand rupees with the Accountant General, either Central or Provincial, there seems to be no reason why it should not be encouraged to do so and thus be exempted from the necessity of taking out third party insurance policies in respect of its vehicles The only point at issue is not whether any particular consideration should be given to a wealthy corporation but whether anything in this provision would endanger the safety of the public for whom the provisions of this chapter are mainly intended We contend that that is not the case Therefore, we see no reason why this facility should not be included in the Bill for those persons or corporations who are in a position to use it I hope, therefore, that the House will accept this amendment Sir, I move.

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

" That in sub clause (*2*) of clause 94 of the Bill, after the words ' State-owned railway ' the words ' nor shall it apply to any vehicle owned by any person who has deposited with the Accountant General, Central Revenues, or the Accountant General of a Province, the sum of one hundred thousand rupees ' be inserted "

Mr. K. Santhanam : Sir, I rise to oppose this amendment There are three very weighty reasons why this amendment should not be accepted The first is, that it would give a premium to the bigger companies and give them a decided advantage over the smaller owners. The second reason is, that if all the big companies are allowed to get away from insurance, the premia of the smaller owners will have to be proportionately higher , and the third reason is, that there is no relation between the number of cars and the deposit This is patently absurd I hope the amendment will not be accepted.

Dr. Sir Ziauddin Ahmad : Sir, I cannot understand very well the whole idea of this insurance It is assumed that the whole chapter has been put down for the benefit of the third party and it was argued that a owner-driver may not be in a position and may not be sufficiently rich to pay for the damages done to the third party. This appears to me to be the fundamental argument and in order to save this thing they have excluded the rich people like the Central Government, the Local Governments and the local bodies about whom it is assumed that they will be able to pay the damages that are given to them by the court If certain bodies are exempted on account of the fact that in no case can they become insolvent, then why should we not exempt those people also who have deposited in cash a sum of Rs. 1,00,000. They will

[Dr Sir Ziauddin Ahmad]

not get the interest from this money and it will go to the Government The argument advanced by my Honourable friend that it will put a premium on smaller companies does not hold good because this person will have to lose his interest on the sum that he will deposit with the Accountant General Either you should not give exemption to anybody on the ground of his solvency or extend it also to the person mentioned in the amendment I support the amendment

The Honourable Sir Manmatha Nath Mukerji : Sir, I support this amendment and support it for this reason that there is absolutely no necessity at all

4 P.M.

Mr Bhulabhai J. Desai : You are supporting an outrageous amendment

The Honourable Sir Manmatha Nath Mukerji : As a matter of fact, such a provision was contained in the original Bill Such a provision is to be found in the English Act, and if a deposit of Rs 1,00,000 is made, there is absolutely no reason why a body or the person who has made such a deposit should be called upon to insure the car over again and should not be able to carry his own insurance in that way I submit that there is very good reason why this amendment should be accepted by the House

Mr. Bhulabhai J. Desai : Sir, the one outstanding reason why we cannot support this—it does not matter whether it is borrowed from the German or English or Italian law—is that there is no economic relation between the owner of the vehicle and the amount to be deposited For all I know, he may have a million vehicles, and we cannot possibly support such an amendment

Mr Muhammad Azhar Ali (Lucknow and Fyzabad Divisions . Muhammadan Rural) Sir, the idea which was predominant in our minds when we disallowed this amendment in the Select Committee was that if an owner of 4 or 5 Rolls Royce cars deposits even one lakh of rupees, how will it be possible to saddle him with the whole risk It is very easy now to put in such clauses but it will be impossible to work them in practice It will give an opportunity to the capitalist and it is especially intended that the capitalists may not capture this business It is for this reason that this clause has been put in by our friends on the other side Our idea is that if we put in such impossible clauses, it will be very difficult to work this Bill Therefore, we did not approve of the addition of this in the Select Committee

Mr S. Satyamurti (Madras City Non-Muhammadan Urban) : Sir, I would still request the Government to re-consider their attitude After all, this Chapter has been attacked by several interests in this House ; but we, as a Congress Party, stand by this principle of insurance, because we believe that it is right in the interests of the proper development of road traffic in this country. But suddenly the Government request the Honourable the Law Member to get up and say that they accept this amendment. It will simply mean this—that the capitalists will drive a coach and four through this Chapter, because every vehicle will be " owned " in the name of somebody who has deposited Rs 1,00,000. It seems to me that it is really putting a premium on the rich men as against the poor men, for whom all of

us have been pleading in this House all these weeks. I appeal to those friends who have been pleading for the poor bus owners to insist on the insurance of the cars against third party risk But the capitalist who runs a fleet of cars, which may cause a number of accidents, will walk away without having to insure because he has deposited this money. I hope Government will reconsider this amendment and the House will not accept it, and will let the clause remain as it is.

Mr. J. D. Boyle (Bombay : European) : Sir, may I point out that even a cursory reading of this clause will show that it has nothing to do with either the rich men or the poor men. In answer to the point that the Honourable the Leader of the Opposition made that it has no economic relation to facts, may I point out that the limitation as to the possible risks of insurance which can be covered, it is almost impossible to imagine a case which the deposit of Rs 100,000 would not cover

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

"That in sub clause (*g*) of clause 94 of the Bill, after the words 'State-owned railway' the words 'nor shall it apply to any vehicle owned by any person who has deposited with the Accountant General, Central Revenues, or the Accountant General of a Province, the sum of one hundred thousand rupees' be inserted"

The motion was negatived.

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

"That clause 94, as amended, stand part of the Bill."

The motion was adopted.

Clause 94, as amended, was added to the Bill.

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

"That clause 95 stand part of the Bill"

Mr. Suryya Kumar Som : Sir, I beg to move ·

"That in part (*a*) of sub-clause (*g*) of clause 95 of the Bill, for the word 'twenty' the word 'ten' be substituted"

Part (*a*) of sub-clause (*g*) runs thus ·

"Where the vehicle is a vehicle used or adapted to be used for the carriage of goods, a limit of twenty thousand rupees"

Now, Sir, the amount of insurance has been fixed at Rs. 2,000 in the case of all lorries. I mean those lorries which carry goods, such as, jute, rice, paddy, etc It is very rare that these lorries carry valuable metals like silver or gold. So, I appeal to the experience of all my Honourable friends, Indian and European, as to what they find. These lorries are used for carrying such things as cloths, jute, flour, wheat, etc. They never carry goods worth Rs. 5,000. Knowing these facts very well, I should lower the upper limit of the amount for which the lorry has to be insured. I was at first inclined to put it at Rs. 5,000, but I hesitated to lower it at one stroke from Rs. 20,000 to Rs. 5,000, and that is why I have put down Rs. 10,000. I would ask my Honourable friends to consider this question in this light. I think this is a matter which does not require any argument. It all depends upon the mentality of the people who view these things. I cannot expect to change their mentality. Sir, I move.

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

" That in part (*a*) of sub-clause (*i*) of clause 95 of the Bill, for the word ' twenty ' the word ' ten ' be substituted "

Maulvi Abdur Rasheed Chaudhury : Sir, I support this amendment. It would have been a very good thing if the Government had given us an idea as to the amount of premium that will have to be paid for this class of insurance From the scanty knowledge that we have got of the amount of premium in other lines of insurance, for instance in life insurance, we can find out how much a man who insures for Rs 20,000 will have to pay as premium There are several amendments as regards the sum to be insured under this Chapter It will help a good deal if the Honourable Member in charge comes forward and gives an idea to the House about the premium that has got to be paid for this class of insurance As I have said in the case of life insurance, the premium is very heavy If the same amount is the premium in the case of motor insurance also, I think it would be a very heavy burden on the motor industry to go up for insurance of this nature I think the less the sum for which motor cars have to be insured the better for the owners of the cars concerned Sir, I support the amendment

Mr. M S Aney (Berar Non-Muhammadan) Sir, I should like to know from the Honourable Member how they have arrived at or how they have calculated this limit of Rs 20,000 to be the proper upper limit for these kinds of vehicles Some explanation on that point may be of use in understanding the propriety of having the figure at Rs. 20,000

Mr. K G. Mitchell : Sir, I must oppose the amendment In the first place in regard to my Honourable friend, Mr Aney's point, I must say that the Motor Vehicles Insurance Committee, having regard to what they heard in evidence, made the recommendation that the limit of cover for third party other than passengers should be Rs 30 thousand The Select Committee reduced it to Rs 20,000. Actually I think as every one knows the upper limit is not the factor which regulates the cost of insurance so much as the large number of claims that fall short of the total I do not think a reduction of the limit would be anything like directly reflected in a reduction of the premium My Honourable friend asked if we can give any idea of the cost of the premium We have made a calculation based on information supplied by insurance companies, and, in respect of goods vehicles which are the ones now under discussion, the annual premium for third party risk only in respect of injury or death to a person, and not including third party claims in respect of damage to property, which is all the Bill covers—personal injury and death—the premium for a vehicle under two tons capacity will be Rs 76-8-0 per annum and over two tons capacity, Rs 93-8-0 per annum This is not very heavy and I submit that by reducing the upper limit of cover, which very seldom operates, by half, you will not reduce the cost *pro tanto* and that the provision in the Bill is a reasonable one Sir, I oppose the amendment

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

" That in part (*a*) of sub-clause (*i*) of clause 95 of the Bill, for the word ' twenty ' the word ' ten ' be substituted."

The motion was negatived.

Dr. P. N. Banerjea : Sir, I beg to move :

" That in part (*a*) of sub-clause (*2*) of clause 95 of the Bill, for the word ' twenty ' the word ' fifteen ' be substituted."

Sir, my demand is more modest than the demand put forward in the previous amendment which has been rejected by the House. It will not do any harm to anybody if the upper limit is reduced from twenty thousand to fifteen thousand. Sir, I move

Mr President (The Honourable Sir Abdur Rahim) Amendment moved :

" That in part (*a*) of sub-clause (*2*) of clause 95 of the Bill, for the word ' twenty ' the word ' fifteen ' be substituted."

The Honourable Mr. A. G Clow : Sir, the same considerations apply which my Honourable friend, Mr Mitchell, has just given By reducing the upper limit from Rs 20,000 to Rs 15,000, you will not get a reduction in the premium that is at all appreciable, but you may cause hardship in serious accidents to persons on the roads. Sir, I oppose the amendment.

Dr Sir Ziauddin Ahmad : Sir, my Honourable friend, Mr. Clow, said just now that by reducing the amount from twenty thousand to fifteen thousand the amount of premium will not be reduced I am rather not very happy to hear it whether you insure for Rs 20,000 or Rs. 15,000, there will be no reduction in the premium

The Honourable Mr. A. G. Clow : It will not be reduced in anything like that proportion

Dr. Sir Ziauddin Ahmad : There will, of course, be some reduction. I quite agree that it may not be reduced in the proportion of 3 . 4, but there will be some reduction Sir, in discussing this amendment and similar amendments, we are labouring under a wrong impression Those who cry for labour think that by this insurance they will certainly benefit the poor passers-by who may be knocked down The poor passers-by will not be affected Whenever a poor man dies, nobody will come forward to demand the insurance money from the insurance company. These poor people, who are knocked down by motor busses, are very often poor villagers and they do not even know what is an insurance company. They will not go near any person The only thing they will do is to report to the police and then there may be police action. As regards recovery of insurance money, I doubt very much whether people will be benefited. The people are not yet sufficiently educated to understand and appreciate how the moneys are to be recovered. We have really to wait for some time till the people are properly educated to derive some benefit. I fear that by this legislation we will only benefit the insurance companies They will spring up like mushrooms whenever they find that this is coming on. All these motor lorries will take up insurance but the case will seldom arise when they will actually have to pay. The people who are generally knocked down are very often poor villagers, and they will not go to court. They understand nothing about insurance. I should like to minimise as much as possible the bill of the poor motor drivers.

Prof. N G. Ranga : Sir, I am rather surprised at the attitude adopted by my friend, Dr Sir Ziauddin Ahmad I thought that Sir James Grigg was the only person in this House who was. . . .

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member cannot make a personal reflection on another Honourable Member of this House.

Prof. N. G Ranga : I find there is another Honourable Member here who does not want to. . . .

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member cannot go on making personal reflections

Prof. N. G. Ranga : My friend does not want any sort of interference with the motor traffic Merely because ordinary villagers happen to be illiterate and ignorant, he seems to think that there need be no protection to these people If that is the way in which my friend wants to champion the cause of the ignorant poor people of this country, God save us from such friends. I take it that my friend has read this Bill through very carefully Let him look up section 110, and, there, under (*h*), he will see that provision has been made for the appointment of a person or body of persons to advise and assist persons in presenting claims for compensation So these people will be offered every facility to present their claims Let my friend see to it that his Provincial Government appoints such people who will assist the poor villagers in presenting their claims and generally advise them Let my friend not plead that nothing should be done for these poor villagers

Some Honourable Members : Sir, the question may now be put.

Mr President (The Honourable Sir Abdur Rahim) : The question is that the question be now put

The motion was adopted

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

" That in part (*a*) of sub-clause (*f*) of clause 95 of the Bill, for the word ' twenty ' the word ' fifteen ' be substituted."

The motion was negatived

Mr K Santhanam : Sir, I beg to move :

" That in part (*b*) of sub-clause (*f*) of clause 95 of the Bill, after the word ' passengers ', occurring in the fourth line, the words ' carried for hire or reward ' be inserted."

This is more or less a verbal amendment. The intention is that the persons who are carried for hire or reward should be covered by the amount of Rs. 30,000, which is prescribed for third parties.

The Honourable Sir Manmatha Nath Mukerji : Sir, we accept this amendment.

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

" That in part (*b*) of sub-clause (*f*) of clause 95 of the Bill, after the word ' passengers ', occurring in the fourth line, the words ' carried for hire or reward ' be inserted."

The motion was adopted.

The Honourable Mr A. G. Clow : Sir, before you put the next amendment, I would point out that amendments Nos. 576 to 581 all relate to the same thing I have been given to understand that perhaps amendment No 581, standing in the name of Mr Som, may be acceptable to the House, and I suggest that might be taken first.

Mr. Suryya Kumar Som : Sir, I move .

" That in part (*b*) of sub-clause (*2*) of clause 95 of the Bill, for the word ' thirty ' the word ' twenty ' be substituted."

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

" That in part (*b*) of sub-clause (*2*) of clause 95 of the Bill, for the word ' thirty ' the word ' twenty ' be substituted "

Mr. Abdul Qaiyum (North-West Frontier Province . General) . I want to know what will be the cost to the owner of the bus.

Mr K. G Mitchell : For a 20-seater bus we reckon, as the provision now stands, Rs 20,000 for external third party, Rs 20,000 for internal third party, with a limit of Rs 2,000 per passenger, that the premium will be Rs 183-8-0 per annum per bus

Mr Abdul Qaiyum : You are providing Rs 3,000 for each passenger ?

Mr K. G. Mitchell : No.

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

" That in part (*b*) of sub clause (*2*) of clause 95 of the Bill, for the word ' thirty ' the word ' twenty ' be substituted "

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim) That, I take it, covers Nos 576, 577, 578, 579, 580 and also No 1 on Supplementary List No 1.

The Honourable Mr. A. G Clow : Sir, I suggest that amendment No. 2 on Supplementary List No 1 to Revised Consolidated List be taken up first.

Mr. President (The Honourable Sir Abdur Rahim) · Very well

The Honourable Sir Manmatha Nath Mukerji : Sir, I move :

" That in part (*b*) of sub-clause (*2*) of clause 95 of the Bill, for all the words occurring after the words ' limit of thirty thousand rupees ' the following be substituted .

' ' and in respect of passengers a limit of twenty thousand rupees in all, and four thousand rupees in respect of an individual passenger, if the vehicle is registered to carry not more than six passengers excluding the driver or two thousand rupees in respect of an individual passenger, if the vehicle is registered to carry more than six passengers excluding the driver '."

There is a small typist's error here, the word ' including ' which appears in the amendment should be ' excluding '.

Sir, we have reduced the limit in order to suit the views of certain sections of the House who have put in amendments to that effect.

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

" That in part (*b*) of sub clause (*g*) of clause 95 of the Bill, for all the words occurring after the words ' limit of thirty thousand rupees ' the following be substituted :

' and in respect of passengers a limit of twenty thousand rupees in all, and four thousand rupees in respect of an individual passenger, if the vehicle is registered to carry not more than six passengers excluding the driver or two thousand rupees in respect of an individual passenger, if the vehicle is registered to carry more than six passengers excluding the driver '."

Mr Suryya Kumar Som : Sir, I want to make a submission. I want to move No 522 If this is carried, then my amendment No 522 will be barred.

Mr. President (The Honourable Sir Abdur Rahim) That can't be helped.

Mr Suryya Kumar Som Then, Sir, I would ask you to give preference to the earlier amendment I gave notice of my amendment 10 or 15 days ago

Mr. President (The Honourable Sir Abdur Rahim) I understand the one just moved commands a large body of support here, and by accepting it, the time of the House will be saved

Dr. Sir Ziauddin Ahmad : On a point of order If an amendment is barred on account of a later one being accepted, I think the person has got a prior right to move his

Mr President (The Honourable Sir Abdur Rahim) · No Not always The Chair has a discretion in the matter The Honourable Member can oppose it

Mr. Suryya Kumar Som : Sir, I want to move my amendment.

Mr President (The Honourable Sir Abdur Rahim) I have allowed the other one to be moved, and if the Honourable Member wants to oppose it, he may do so

Mr President (The Honourable Sir Abdur Rahim) · The question is

" That in part (*b*) of sub-clause (*g*) of clause 95 of the Bill, for all the words occurring after the words ' limit of thirty thousand rupees ' the following be substituted :

' and in respect of passengers a limit of twenty thousand rupees in all, and four thousand rupees in respect of an individual passenger, if the vehicle is registered to carry not more than six passengers excluding the driver or two thousand rupees in respect of an individual passenger, if the vehicle is registered to carry more than six passengers excluding the driver '."

The motion was adopted.

Mr. F. E. James : I beg to move :

" That in sub-clause (*d*) of clause 95 of the Bill, the words ' or a cover note ' be omitted."

The suggestion is that a cover note would, if issued, take the form of an insurance certificate There are cases where agents up-country have to issue cover notes. A cover note may be issued after the acceptance of the proposal pending the issue of the policy, or before the acceptance and pending the insurer's decision to accept the policy or refuse it It is suggested, therefore, that in view of the coming into force subsequently of compulsory insurance that it would be unwise to allow a cover note only to be evidence of a vehicle being insured at the time of registration. In some cases, sub-agents up-country have books of cover notes, which may only cover the vehicle for a very short time at the expiry of which a certificate of insurance may not be issued Therefore, wherever the words " cover note " occurs in this clause and subsequent clauses it is suggested that they should be deleted in view of the more comprehensive term certificate of insurance This is the phrase which is used in the English Act, which I am given to understand does actually cover a cover note in certain circumstances Sir, I move

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

" That in sub clause (*i*) of clause 95 of the Bill, the words ' or a cover note ' be omitted."

Mr Bhulabhai J. Desai : Even as a matter of extra caution—my Honourable friend said that a cover note is included in the certificate of insurance I think the word " cover note " is a form which is well-known pending the issue of a proper form of policy I, therefore, suggest that even as a matter of extra caution it should be retained

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

" That in sub clause (*i*) of clause 95 of the Bill, the words ' or a cover note ' be omitted."

The motion was negatived.

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

" That clause 95, as amended, stand part of the Bill."

The motion was adopted.

Clause 95, as amended, was added to the Bill

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

" That clause 96 stand part of the Bill."

Mr M. Ananthasayanam Ayyangar : Sir, I beg to move :

" That in sub-clause (*i*) of clause 96 of the Bill, for the word ' judgment ', where it occurs for the second time, the word ' decree ' be substituted "

Decree is that operative part of the judgment which is executable and which is executed This is a formal amendment.

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

" That in sub-clause (*i*) of clause 96 of the Bill, for the word ' judgment ', where it occurs for the second time, the word ' decree ' be substituted."

The motion was adopted.

Mr M Ananthasayanam Ayyangar : Sir, I beg to move :

" That in sub-clause (*1*) of clause 96 of the Bill, after the words ' any sum ' the words ' not exceeding the sum assured ' be inserted "

This is introduced by way of caution, for a decree passed against the bus owner might be for a larger sum than the sum assured, and, therefore, it ought to be not exceeding the sum assured. Sir, I move.

Mr President (The Honourable Sir Abdur Rahim) : Amendment moved

" That in sub clause (*1*) of clause 96 of the Bill, after the words ' any sum ' the words ' not exceeding the sum assured ' be inserted "

Mr R. M. Chatterjee (Government of India Nominated Official) : I accept this amendment on behalf of the Government

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

" That in sub-clause (*1*) of clause 96 of the Bill, after the words ' any sum ' the words ' not exceeding the sum assured ' be inserted "

The motion was adopted

Mr. M. Ananthasayanam Ayyangar : Sir, I beg to move :

" That in sub-clause (*1*) of clause 96 of the Bill, after the word ' payable ', where it occurs for the first time, commas and the words ', as if he were the (*It must be ' judgment ' not ' payment '—there is no such thing as ' payment debtor ', it is a printer's mistake*) judgment debtor,' be inserted "

I wanted to put in compulsorily as a defendant to the suit the insurer to avoid inconvenience A decree may be executed, though obtained against the original person, against the insured, and this will make the procedure easy That is the object of this amendment.

Mr R. M. Chatterjee : I think those words should come after the words " payable thereunder ", instead of after the word " payable " only.

The Honourable Mr. A G Clow : Yes Those words ought to come after " thereunder " and we ought not to separate the word " payable " from the word " thereunder ".

Mr. M. Ananthasayanam Ayyangar : I have no objection, Sir

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

" That in sub-clause (*1*) of clause 96 of the Bill, after the words ' payable thereunder ', where they occur for the first time, commas and the words ', as if he were the judgment debtor,' be inserted "

The motion was adopted.

Mr. M. Ananthasayanam Ayyangar : Sir, I beg to move.

" That in sub-clause (*1*) of clause 96 of the Bill, for the word ' including ' the words ' together with ' be substituted."

I wanted to clear an ambiguity.

Mr President (The Honourable Sir Abdur Rahim) : Amendment moved :

" That in sub-clause (*1*) of clause 96 of the Bill, for the word ' including ' the words ' together with ' be substituted."

Mr. R. M. Chatterjee : The Government accept this amendment.

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

" That in sub clause (*1*) of clause 96 of the Bill, for the word ' including ' the words ' together with ' be substituted."

The motion was adopted.

The Honourable Sir Manmatha Nath Mukerji : Sir, I move ·

" That in part (*a*) of sub clause (*2*) of clause 96 of the Bill, after the words ' by mutual consent ' the words ' or by virtue of any provision contained therein ' be inserted "

The sub-clause deals with the grounds on which the insurer may defend the action and by inserting these words we only make it clear that if there was a condition in the policy under which it could be cancelled such a condition could be urged by the insurer Sir, I move

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

" That in part (*a*) of sub clause (*2*) of clause 96 of the Bill, after the words ' by mutual consent ' the words ' or by virtue of any provision contained therein ' be inserted "

The motion was adopted

The Honourable Sir Manmatha Nath Mukerji : Sir, I move

" That in part (*a*) of sub clause (*2*) of clause 96 of the Bill, after the words ' has been lost or destroyed ' the words ' or that either before or not later than 14 days after the happening of the accident the insurer has commenced proceedings for cancellation of the certificate after compliance with the provisions of section 105 ' be inserted "

The words speak for themselves Sir, I move

Mr. President (The Honourable Sir Abdur Rahim) Amendment moved

" That in part (*a*) of sub clause (*2*) of clause 96 of the Bill, after the words ' has been lost or destroyed ' the words ' or that either before or not later than 14 days after the happening of the accident the insurer has commenced proceedings for cancellation of the certificate after compliance with the provisions of section 105 ' be inserted "

Mr K. Santhanam : I suggest that the words ' either before or ' be omitted If you say ' not later than 14 days' it will cover all the period. I do not see why it should be before 14 days

Mr. R. M. Chatterjee : Sir, we are not excluding cases where the suit is filed before the accident The insurer is at liberty to file any suit he likes before the accident So these words are necessary

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

" That in part (*a*) of sub clause (*2*) of clause 96 of the Bill, after the words ' has been lost or destroyed ' the words ' or that either before or not later than 14 days after the happening of the accident the insurer has commenced proceedings for cancellation of the certificate after compliance with the provisions of section 105 ' be inserted "

The motion was adopted.

Mr. M. Ananthasayanam Ayyangar : Sir, I move ·

" That in part (*b*) of sub-clause (*2*) of clause 96 of the Bill, after the word ' conditions ' the words ' and none others ' be inserted "

I want that in no other conditions the policy should be avoided There is a provision in sub-clause (*6*) which refers only to the manner and not to the conditions Therefore these are necessary in part (*b*) for the purpose of making the meaning clear Sir, I move

Mr. President (The Honourable Sir Abdur Rahim) Amendment moved .

" That in part (*b*) of sub-clause (*2*) of clause 96 of the Bill, after the word ' conditions ' the words ' and none others ' be inserted."

Mr R. M. Chatterjee : Sir, I oppose this amendment If my friend will read sub-clause (*3*), he will find this

" Where a certificate of insurance or cover note has been issued under sub-section (*4*) of section 95 to the person by whom a policy has been effected, so much of the policy as purports to restrict the insurance of the persons insured thereby by reference to any conditions other than those in clause (*b*) of sub-section (*2*) shall, as respects such liabilities as are required to be covered by a policy under clause (*b*) of sub-section (*1*) of section 95, be of no effect "

Therefore, these words are absolutely unnecessary

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

" That in part (*b*) of sub-clause (*2*) of clause 96 of the Bill, after the word ' conditions ' the words ' and none others ' be inserted "

The motion was negatived

The Honourable Sir Manmatha Nath Mukerji : Sir, I move

" That in part (*i*) (*a*) of sub clause (*2*) (*b*) of clause 96 of the Bill, after the words ' where the vehicle is ' the words ' on the date of the contract of insurance ' be inserted "

This is only intended to make the meaning clear

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

" That in part (*i*) (*a*) of sub-clause (*2*) (*b*) of clause 96 of the Bill, after the words ' where the vehicle is ' the words ' on the date of the contract of insurance ' be inserted "

The motion was adopted

The Honourable Sir Manmatha Nath Mukerji : Sir, I move

" That in part (*ii*) of sub-clause (*2*) (*b*) of clause 96 of the Bill, after the words ' excluding driving by ' the words ' a named person or persons or by ' be inserted "

The words speak for themselves Sir, I move

Mr. President (The Honourable Sir Abdur Rahim) Amendment moved

" That in part (*ii*) of sub-clause (*2*) (*b*) of clause 96 of the Bill, after the words ' excluding driving by ' the words ' a named person or persons or by ' be inserted "

Mr. K Santhanam : I oppose this amendment very emphatically, because it refuses the protection which we are seeking to give to third parties This amendment seeks to undo a very important piece of work done by the Select Committee If the insurer says that somebody who was excluded in the policy drove the vehicle, then the third party will not get any protection There is no use for this chapter if all these conditions are to be introduced And so, I oppose this amendment strongly

The Honourable Mr. A G Clow : I quite understand my Honourable friend, Mr Santhanam's anxiety not to have too many conditions in this sub-clause, and the Select Committee has reduced them very largely But the matter has since been discussed with insurance experts and, I

think I am right in saying that if fairly reasonable conditions like these are not put in the effect is likely to be enhanced liabilities in the matter of premiums Obviously, the conditions are related to the premium that you charge If your conditions are going to be very few and stringent your premium will be higher I suggest therefore that this is not an unreasonable change It is a condition that appears in very many policies I have had one myself with this condition

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

"That in part (iii) of sub clause (2) (b) of clause 96 of the Bill, after the words excluding driving by the words 'a named person or persons or by' be inserted"

The motion was adopted

The Honourable Sir Manmatha Nath Mukerji Sir I move

"That after part (iii) of sub clause (2) (b) of clause 96 of the Bill the following new part be inserted

(iv) a condition limiting driving to the insured or any person driving with the permission of the insured permission being assumed if it can be inferred in the circumstances"

Sir this is a very reasonable condition upon which I submit the insurer can be absolved and if such a condition is found in a policy there is no reason why the insurer should not be allowed to rely on it Sir I move

Mr President (The Honourable Sir Abdur Rahim) Amendment moved

"That after part (iii) of sub clause (2) (b) of clause 96 of the Bill the following new part be inserted

'(iv) a condition limiting driving to the insured or any person driving with the permission of the insured permission being assumed if it can be inferred in the circumstances'

Mr K Santhanam Sir I have to oppose this even more strongly Amendment No 622 said—'they may exclude a particular person because he was a bad driver' But here it says—you may say that a particular person or the wife alone can drive and if any other person drives then the third party will have no kind of protection So why the Government are anxious to bring in third party insurance but wish to take away the protection of third parties I cannot understand I am afraid if this is passed practically the whole chapter will become useless

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

"That after part (iii) of sub clause (2) (b) of clause 96 of the Bill the following new part be inserted

'(iv) a condition limiting driving to the insured or any person driving with the permission of the insured permission being assumed if it can be inferred in the circumstances'"

The Assembly divided

AYES—40

Abdul Hamid, Khan Bahadur Sir	Anderson Mr J I
Ahmad Nawaz Khan Major Nawab Sir	Ayyar, Mr N M
Ahmed, Mr K	Bewoor Mr G V
Aikman, Mr A	Boyle Mr J D

Chapman-Mortimer, Mr. T.
Chatterjee, Mr R M
Clow, The Honourable Mr A. G.
Conran Smith, Mr E
Dalal, Dr. R D.
Dalpat Singh, Sardar Bahadur Captain
Dutt, Mr S
Faruqui, Mr N A
Ghulam Muhammad, Mr
Grigg, The Honourable Sir James
Highet, Mr J. C
James, Mr F E
Kamaluddin Ahmed, Shams-ul Ulema.
Lloyd, Mr A H
Mackeown, Mr. J A
Maxwell, The Honourable Mr R M
Metcalfe, Sir Aubrey
Miller, Mr C C
Mitchell, Mr K G
Mukerji, Mr Basanta Kumar
Mukerji, The Honourable Sir Manmatha Nath
Nur Muhammad, Khan Bahadur Shaikh.
Ogilvie, Mr C M G
Rahman, Lieut.-Colonel M. A
Scott, Mr J Ramsay
Sher Muhammad Khan, Captain Sardar Sir
Smith, Lieut Colonel H C
Sukthankar, Mr Y N
Sundaram, Mr. V S
Town, Mr H S
Walker, Mr G D
Zafrullah Khan, The Honourable Sir Muhammad

NOES—57

Abdul Ghani, Maulvi Muhammad
Abdul Qaiyum, Mr
Abdur Rasheed Chaudhury, Maulvi
Aney, Mr. M S
Ayyangar, Mr M Ananthasayanam
Azhar Ali, Mr Muhammad
Bajoria, Babu Baijnath
Banerjea, Dr P N
Bhagchand Soni, Rai Bahadur Seth
Chaliha, Mr. Kuladhar
Chattopadhyaya, Mr Amarendra Nath
Chaudhury, Mr Brojendra Narayan
Chunder, Mr N C
Das, Mr B
Das, Pandit Nilakantha
Datta, Mr Akhil Chandra
Desai, Mr Bhulabhai J
Deshmukh, Dr G V
Deshmukh, Mr Govind V
Gadgil, Mr N V
Govind Das, Seth
Gupta, Mr K S
Hans Raj, Raizada
Hegde, Sri K B Jinaraja
Hosmani, Mr S K
Jedhe, Mr K M
Jogendra Singh, Sirdar
Joshi, Mr N. M
Kailash Behari Lal, Babu
Lalchand Navalrai, Mr
Maitra, Pandit Lakshmi Kanta
Malaviya, Pandit Krishna Kant
Mangal Singh, Sardar
Mehr Shah, Nawab Sahibzada Sir Sayed Muhammad
Misra, Pandit Shambhu Dayal
Murtuza Sahib Bahadur, Maulvi Syed
Nauman, Mr Muhammad
Pathwal, Pandit Sri Krishna Dutta
Pande, Mr Badri Dutt
Parma Nand, Bhai
Ramyya Prasad, Mr
Ranga, Prof N G
Rao, Mr M Thirumala
Sant Singh, Sardar
Santhanam, Mr K
Satyamurti, Mr S
Shahban, Mian Ghulam Kadir Muhammad
Sham Lal, Mr
Sheodass Daga, Seth
Singh, Mr Gauri Shankar
Sinha, Mr Satya Narayan
Som, Mr Suryya Kumar
Sri Prakasa, Mr
Subbarayan, Shrimati K. Radha Bai.
Varma, Mr. B B
Zafar Ali Khan, Maulana.
Ziauddin Ahmad, Dr Sir

The motion was negatived

The Assembly then adjourned till Eleven of the Clock on **Thursday, the 15th September, 1938**

LEGISLATIVE ASSEMBLY.

Thursday, 15th September, 1938

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

STARRED QUESTIONS AND ANSWERS

(a) Oral Answers.

Increased Defence Charges on Indian Revenues.

1053 ***Mr S Satyamurti** : Will the Defence Secretary be pleased to state

(a) whether Government have considered the result of my adjournment motion in the House on the 9th August, 1938, protesting against the increased defence charges on Indian revenues, owing to the recent proposals of the British Secretary of State for War ;

(b) whether Government have addressed the Secretary of State in pursuance of that adjournment motion , and

(c) whether Government propose to press on the British Secretary of State for War and the British Government that these additional charges should not be imposed on Indian revenues , if not, why not ?

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

(b) In accordance with regular practice, a copy of the debate has been sent to the Secretary of State.

(c) I refer the Honourable Member to my answer to starred questions Nos 95, 113 and 131 asked on the 10th August, 1938, and the supplementary questions and answers arising therefrom

Mr. S Satyamurti : With reference to part (b) may I know whether apart from forwarding the debate, Government addressed the Secretary of State stating their own views of the matter ?

Mr. C M. G. Ogilvie : It is not customary for Government to reveal the contents of their correspondence with the Secretary of State.

Mr. S. Satyamurti : I do not want the contents of the document, I merely want a statement of fact, whether Government merely forwarded the debate or accompanied it with any expression of their own views on the matter.

Mr. C M G Ogilvie : Government naturally expressed their own views on the matter.

Mr. S Satyamurti : May I know whether Government have agreed with the adjournment motion that these defence charges should not be imposed upon India ?

Mr C. M G Ogilvie : I think the Honourable Member is perfectly well aware of the Government attitude in that matter.

Mr. S. Satyamurti : With regard to part (c), may I know whether, apart from the statement made by the Honourable the Finance Member the other day in the course of the debate on the Resolution *re* defence charges, Government are pursuing the matter with regard to the further or other charges to be imposed on Indian revenues ?

Mr. C M. G. Ogilvie : Government are pursuing the matter in all its aspects.

Mr. M Ananthasayanam Ayyangar : May I know whether the provisional arrangement, such as it is said to have been, regarding the grant of additional money contributions for capital outlay and recurring charges here would be reconsidered and finally the amount fixed ?

Mr C M. G Ogilvie : I submit that that question does not arise

PLACING OF INDIA ON EQUAL FOOTING WITH DOMINIONS IN RESPECT OF NATURALISATION LAW

1054 ***Mr S. Satyamurti** : Will the Honourable the Home Member be pleased to state

(a) whether Government have taken any steps since the last voting on the Naturalisation Bill in the Legislative Assembly ;

(b) whether Government propose to introduce any Bill with regard to it so as to place India on the same footing as the self-governing Dominions in respect of naturalisation law , and

(c) if so, when, if not, why not ?

The Honourable Mr. R M Maxwell : (a) In accordance with the motion adopted by this House on the 26th August, 1937, the Indian Naturalization (Amendment) Bill was circulated for the purpose of eliciting opinion thereon by the 31st December, 1937 On a consideration of the opinions received, however, the Government of India decided not to proceed with the measure pending the emergence of any really serious practical difficulties.

(b) and (c) The Government of India have not the power to pass legislation amending an Act of Parliament , and they are not convinced of the necessity of pressing for an amendment of section 9 of the British Nationality and Status of Aliens Act, 1914, so as to include India in the First Schedule to that Act, a suggestion which was made during the course of the debate on the Indian Naturalization (Amendment) Bill Such inclusion will not have the effect of conferring on India the power of bestowing on aliens "Indian Nationality" as distinguished from British Nationality which appears to be the main basis of the suggestion made during the debate on the Bill.

Mr. S. Satyamurti : With reference to parts (b) and (c) taken together, may I know the reason why Government do not propose to address His Majesty's Government to amend the British statute so as to place India on the same footing as the self-governing Dominions ?

The Honourable Mr R. M Maxwell : Because it appeared that the reason for which this course was urged on the Government was due to some misunderstanding The effect of placing India in the first schedule of British Naturalisation Act would only be to deny the Government of India the power which it already possesses for granting naturalisation certificates.

Mr S Satyamurti : Is it a fact that, so far as the Dominions are concerned, they can confer a status much higher than the status conferred by the Naturalisation Act of the Government of India, and may I know whether Government have examined the matter and come to the conclusion that India will lose by being placed in the first schedule rather than gain ?

The Honourable Mr. R M. Maxwell : I am not aware that the Dominions have such power, but if it exists, it does not proceed from their inclusion in the First Schedule of the British Naturalisation Act

Mr S. Satyamurti : May I know whether Government will pursue the matter and see that India acquires the same position as the self governing Dominions of the British Commonwealth ?

The Honourable Mr. R M. Maxwell It already is in the same position

Mr. S. Satyamurti : Have Government satisfied themselves that the status conferred by India today gives her the same status throughout the British Colonies and the Dominions ?

The Honourable Mr. R. M. Maxwell : Certainly.

POLITICAL PRISONERS IN THE CENTRALLY ADMINISTERED AREAS

1055 ***Mr. S Satyamurti** : Will the Honourable the Home Member be pleased to state :

(a) whether there are any political prisoners now in the centrally administered areas convicted by the courts in those areas, or convicted by other courts in other Provinces and transferred there ; if so, what their number is ; and

(b) whether the Government of India have decided, as a matter of policy, in view of the advent of Provincial autonomy, not to keep under their control political prisoners convicted by the courts of other Provinces ; if not, why not ?

The Honourable Mr R. M. Maxwell : (a) There are seven persons confined in the Provinces of Delhi and Ajmer-Merwara who were convicted of offences committed from what might be considered political motives Of these, two are persons convicted in the Punjab and transferred to the Delhi Jail. The others were convicted in Delhi and Ajmer-Merwara.

(b) No question of policy arises. The only other Province concerned at the moment is the Punjab, and as the Inspector General of Prisons, Punjab, is in administrative control of the Delhi District Jail, he is empowered to transfer prisoners between the Delhi Jail and jails in the Punjab.

Mr. S Satyamurti: May I know whether it means that the Inspector General of Prisons, Punjab, has the right without reference to the Local Government of Delhi or the Central Government, to transfer the Punjab prisoners to the Delhi jail?

The Honourable Mr. R M. Maxwell: Yes, Sir, that is what I understand to be the position.

Mr. S Satyamurti. May I know whether the consent of the Local Government concerned is not necessary for the transfer of prisoners convicted in one province to another provincial jail?

The Honourable Mr R. M Maxwell: The arrangement by which the Inspector General of Prisons of the Punjab has administrative control of the Delhi district jail means that the Local Government have given their consent to it

Mr S. Satyamurti: May I know why the Local Government of Delhi which is responsible to the Central Government of India should keep prisoners convicted by the Courts in the Punjab?

The Honourable Mr R M Maxwell: Interprovincial arrangements of that kind are provided for under the Prisons Act and they are by no means exceptional

CENTRALISATION OF THE ADMINISTRATION OF THE SALT DEPARTMENT

1056 *Mr. S. Satyamurti: Will the Honourable the Finance Member be pleased to state

(a) whether the scheme of centralisation of the administration of the Salt Department will be completed by the 1st April, 1939,

(b) whether as a result of this change, there will be considerable saving in overhead expenses, if so, how much, and

(c) whether the administration of this Department for Sind and Orissa will not be taken over just now; if so, why?

Mr A H Lloyd: (a) In all the Provinces—excluding Bengal, Sind and Orissa, but including the portions of Orissa which formerly formed part of the Madras Presidency, Salt is already administered by Central Salt Department which are also responsible for Central Excises work. The question of taking over salt administration in Bengal from the Provincial Government is under consideration.

(b) Does not arise.

(c) No, not for any reason of principle but on grounds of practical administrative convenience.

Mr. Lalchand Navalrai: May I know whether with regard to Sind the Provincial Government are in favour of this administration being with them or whether they are willing to give it up?

Mr. A. H. Lloyd : They have not been asked to give it up. It is quite obvious that they are in favour of it because they have consented to do it

Mr. S. Satyamurti : In view of the answer to the last part of the question, may I know whether this question is being decided by the Central Government on its own merits, or is it a case of waiting for the pleasure of the remaining Provincial Governments concerned ?

Mr. A. H. Lloyd : The matter will be decided on its own merits

Mr S Satyamurti : Have Government made any estimate of the possible savings in overhead expenses, if the entire administration is centralised ?

Mr A. H. Lloyd : That is one of the points under examination

Mr Lalchand Navalrai : With reference to part (c) may I know if the cadre of officers in the Salt Department of Sind is the same cadre or a joint cadre with the salt officers of the Central Government or is it separate ?

Mr. A. H. Lloyd : These officers are under the administration of the Sind Government and the officers are not on any Central Government cadre.

Mr. S Satyamurti : With regard to the salt departments which were previously administered by the provinces themselves, and which have since been taken up by the Central Government, has there been or has there not been a saving in overhead expenses ?

Mr A. H. Lloyd : We took over the salt departments in Madras and Bombay—they are the only ones concerned to any serious extent—about 12 to 14 years ago, and I must have notice of that question because it will entail a lot of research.

AGREEMENTS WITH THE *Ghee* AGENTS

1057. ***Mr. Badri Dutt Pande :** (a) With reference to the answers given to starred question No. 1247 asked on the 7th April, 1938, will the Defence Secretary be pleased to lay a statement on the table quoting the terms and conditions of the agreement under which the *ghee* agent is authorised not to give to Government credit for the following recoveries which amount to several thousands of rupees every year

(i) excess prices of *ghee* charged by dealers ;

(ii) amounts deducted for inferior quality of *ghee* ;

(iii) allowances customarily given in markets to the buyers on the value of *ghee* purchased, or in the shape of quantity of *ghee* per maund purchased ;

(iv) for *chhack* found in *ghee* despatched and passed ;

(v) for over-weight quantity of *ghee* found at Agra over and above the weight of Railway receipt ;

(vi) *mandi* expenses not paid at all in *f. o r.* bargains ;

(vii) cost of tins never paid in *f. o. r.* bargains ;

(viii) difference of *mandi* expense actually made by the agent and the amount paid to him by Government ,

(ix) difference in establishment and contingencies actually spent by the agent and the amount paid to him by Government , and

(x) cost of *ghee* saved by the agent due to different weights prevailing in the markets ?

(b) Have the authorities enforced the terms of the agreement strictly, and particularly the terms of paragraphs 6, 12 (a) and 16 of the agreement dated the 11th February, 1928, in which the benefit of cheaper prices, payment of lower expenses (than the flat rates and amounts fixed), and all profits arising out of the agency transactions are expressly mentioned in favour of the Government ? If not, why not ?

Mr C M G Ogilvie : (a) A statement is laid on the table.

(b) There has been no occasion to enforce the provision of the clauses of the agreement referred to

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Statement.

This question is curiously worded and is not quite clear and makes certain assumptions which are not correct

As will be seen from the copies of the agreement placed in the Library of the House in answer to Mr Badri Dutt's starred question No 1247, recoveries are incidental to the working of the agency agreement and are effected and credited to Government, where due, in the normal course of submission of accounts by the agents to the Military Accounts Department There are no special terms and conditions, apart from the agency agreement, providing for recoveries on any account Nor has the need for such provision in the agreement been found necessary

Clause 7 of the current agreement controls prices paid for ghi purchased by the agent whilst clause 16 governs the maintenance and submission of true and lawful accounts in respect of all transactions arising under the agreement in such manner and in such form as the Director of Contracts may prescribe Details relating to recoveries are therefore regulated by executive instructions issued by the Director of Contracts as and when necessary

The actual position of the items mentioned in the question is as follows .

(i) There has been no case of excess price of ghi charged by dealers ,

(ii) and (iii) Recoveries are credited through final invoices of the consignments concerned ,

(iv) Credit is given in the final accounts of a season ,

(v) Payment for excess over invoiced weight of ghi was made to the agent from 1934 35 onwards The agent claims payment on a separate invoice supported by atrias vouchers at the end of a season The atrias in turn get credit from the agent for the excess weights found on their consignments ;

(vi) Mandi expenses are paid at a flat rate applicable to all markets and all purchases. Government cannot get credit for any gain on individual purchases, nor can the agent recoup any loss from Government, as any gain or loss is on the agent's account. F O. R. purchases have not been made since 1929-30 ,

(vii) The remarks against item (vi) above apply ;

(viii) Please see remarks against item (vi) above regarding Mandi expenses Government are not entitled to the difference, if any, between the flat rate payment made to the agent and the actuals incurred by the agent ;

(ix) The position is similar to item (viii) above. Government are not entitled to the difference referred to ;

(x) The unit of purchase is generally the standard maund of 40 seers of 80 tolas each equivalent to 82-2/7 lbs In some markets the maund weighs more than 82-2/7 lbs In the case of purchases made in such markets, the quantities bought are converted to their equivalent in standard maunds and accounted for accordingly in the final invoices of the respective consignments The excess weight resulting from the conversion is always credited to Government

Khan Bahadur Nawab Siddique Ali Khan : Does this agreement extend to other commodities also ?

Mr. C. M G Ogilvie . No , I do not think so.

Khan Bahadur Nawab Siddique Ali Khan Has the quality of *ghee* improved and the prices gone down during the present arrangement ?

Mr C. M. G Ogilvie : The quality of *ghee* is unimprovable · it is the best possible obtainable

ALLEGATIONS AGAINST THE *Ghee* AGENTS

1058 ***Mr. Badri Dutt Pande** : With reference to the reply to question No 1248, dated the 7th April 1938, will the Defence Secretary please state whether the allegations made against the *ghee* agents in 1937-38 regarding overcharges and fraud, etc , were ever investigated ? If so, will Government be pleased to give details of the allegations investigated name or names of investigating officer or officers, and the place where the enquiry was held ?

Mr. C. M G Ogilvie : Yes The allegations have been further investigated, and found to be unsubstantiated These allegations were mostly those previously received from the same source in 1930 and 1932 which were investigated by the Director of Contracts, a Court of Enquiry appointed by the Quarter Master General in India and by the Quarter Master General in India himself, and found to be baseless The further investigations in 1937-38 were made by the Director of Contracts at Simla.

The details of the allegations are contained in Mr Amarnath Mehra's letter dated 7th March, 1938, circulated by the Honourable Member who has asked this question on 9th March, 1938, to all Members of the Central Legislature.

Sardar Sant Singh : May I know if this Mr. Amarnath Mehra is the same person who was partner of the present agent and he is making these allegations for the purpose of discrediting this agent because he has been ousted out of this partnership ?

Mr. C. M. G. Ogilvie : So far as is ascertainable, that is a correct statement of the position.

Mr. Badri Dutt Pande : Is it a fact that he has challenged the department that if his allegations are wrong, he is liable to prosecution, and, if so, why has he not been invited by the Defence Department to give evidence ?

Mr. C. M. G Ogilvie : Government have examined these allegations again and again and have wasted much time and money on again proving them to be false.

ALLEGATIONS AGAINST THE *Ghee* AGENTS

1059. ***Mr. Badri Dutt Pande** : (a) Is the Defence Secretary aware of the fact that the figure of Rs 1-1-0 per 100 pounds on accepted *ghee* for *mandi* and financing charges taken together, as given by him in reply to questions on the 7th April, 1938, is misleading, as the correct figures are thirteen annas per maund for *mandi* expenses on the quantity of *ghee* purchased and four annas per hundred rupees for financing charges on the value of *ghee* purchased and not on the accepted *ghee* per 100 pounds ?

(b) Will the Defence Secretary place on the table a statement of their enquiries said to have been made every year with regard to the slight decrease in the flat rates with dates and year in which the decrease was made, and to what extent and in which market, and also state whether Government have made a corresponding reduction in the flat rates allowed to the agent ? If not, why not ?

(c) Is it a fact that certain Government officers made enquiries from a complainant at Delhi, and that they were perfectly satisfied in all respects ? If so, will their remarks or reports be placed on the table ? If not, has any enquiry been made departmentally, or otherwise, and, if so, with what results ?

Mr. C M G Ogilvie : (a) The figure of Re 1-1-0 per 100 lbs of accepted *ghee* for mandi and financing charges taken together is correct I refer the Honourable Member to the current agreement, dated the 3rd May, 1937, of which a copy is available in the Library of the House.

(b) The enquiry into the flat rates is made as a part of the review of the results of the working of the agency every year and also when fresh agreements are entered into No detailed statements have, however, been prepared. The current agreement rates show a reduction of over ten per cent on the rates previously paid and since 1937-38 the agent is paid at the reduced rates

(c) The details given are insufficient to enable me to give a reply to this part of the question

Mr. Badri Dutt Pande : When are these contracts due to expire ?

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

Mr. Badri Dutt Pande : Is it the intention of the Government to call for tenders or to give the *ghee* contracts to the same monopolists ?

Mr C M G Ogilvie : Government will continue to retain the present extremely satisfactory and favourable arrangement until the contractors fail to work upto the extremely high standard they do at present

Mr Badri Dutt Pande : Is it a fact that the present.....

Mr President (The Honourable Sir Abdur Rahim) : It is apparent now that these questions are really not of public concern Next question.

ARRANGEMENTS FOR THE DEFENCE OF INDIA

1060 ***Mr. Badri Dutt Pande** (on behalf of Mr. Amarendra Nath Chattopadhyaya) : (a) Will the Defence Secretary be pleased to state

what arrangements have been made for the defence of India in case there be any invasion of India by (i) air, (ii) by sea, and (iii) by land ?

(b) How many Indians have been recruited for the air force of India and in which capacity during 1937-38 ?

(c) How many Indians have been recruited for the British Indian Marine and Navy during 1937 and 1938 and in which capacity ?

(d) How many Indians have been recruited during 1937 and 1938 as soldiers and officers during 1937-38 for the infantry and cavalry, respectively ? Amongst the soldiers and officers recruited, how many are Punjabi Sikhs, Pathans, Garhwalis, Mahrattis, Madrasis, Biharis, Bengalis and Hindustanis of the United Provinces and Gurkhas ?

(e) If none but the Punjabi Sikhs, Pathans and Garhwalis have been recruited, is it in contemplation of the Honourable Member to recruit from all the Provinces for the defence of India and give them proper military training ?

(f) Will the Defence Secretary be pleased to state if the Provincial Governments will be asked to raise Provincial regiments trained and fully mechanised for the defence of India ? If not, what is his plan of raising an efficient army for the defence of India ?

Mr. C. M. G. Ogilvie : (a) The Honourable Member will appreciate that it is not in the public interest to disclose the details of such arrangements

(b) Five cadets and 33 Indian apprentices were recruited for the Indian Air Force during 1937-38

(c) During 1937 and 1938, five Indians have already been recruited to commissioned ranks in the Royal Indian Navy, four will be taken by competitive examination in October, 1938, and three more by special examination of "Dufferin" cadets only During the same period, 314 Indians were recruited to different non-commissioned categories in the Royal Indian Navy

(d) During the year ending the 31st March, 1938, 54 Indians were commissioned as Indian Commissioned Officers They are now attached to British units for training, and it is not yet possible to say what proportion will be posted to infantry and cavalry respectively.

During the same period, 961 Indian soldiers were recruited for cavalry and 7,970 for infantry. Their details by classes are not available at Army Headquarters and to call for them from the recruiting officers all over India would not justify the expenditure of time and labour involved

(e) No

(f) The reply to the first portion is in the negative. The reply to the second portion is that India already possesses an efficient army and so far as finances permit, every effort is made to keep it up to date in all respects.

Mr. S. Satyamurti : With reference to the answer to clauses (d) and (e) of the question taken together, may I know whether the attention of Government has been drawn to statements made by many public

men that the bulk of the army is from the Punjab and from one community ? Have Government considered those facts and will Government also consider the desirability of making the army truly national by extending recruitment to all provinces and communities, so as to avoid the danger present in all countries of a military dictatorship seizing political power ?

Mr. C M. G Ogilvie : I am not sure how that arises from this question, but I am prepared to say that provincial boundaries do not enter into Government's calculations at all The best soldiers are chosen to provide the best army for India and not for any province, and in this matter national considerations must come above provincial considerations Where the bulk of the best military material is found there we will go to get it and not elsewhere.

Mr. S Satyamurti : May I know whether the bulk of the army is from the Punjab and whether Government have forgotten the experience of the brave exploits of men from my province not very long ago in the Indian Army, and may I know if Madrasis are practically kept out and many other provinces are kept out of the army altogether ?

Mr C M. G Ogilvie : Madras is not practically kept out of the army Government gladly acknowledge the gallant services of Madrasis in the army and they are now recruited to those units where experience has proved them to be best There are some 4,500 serving chiefly in the Sappers and Miners and artillery.

Mr. S Satyamurti : Out of a total of 120,000 ?

Mr C M. G Ogilvie : About that

Mr. S. Satyamurti : May I take it that that is a proper proportion, considering the population of Madras, the revenue that Madras pays to the Central exchequer, and the necessity of having a national army recruited from all the provinces ?

Mr C M. G Ogilvie : The only necessity we recognise is to obtain the best possible army

Mr S Satyamurti : May I know by what tests Government have come to the conclusion that provinces other than the Punjab cannot supply the best elements in the Indian army ?

Mr C. M G. Ogilvie : By experience

Dr. Sir Ziauddin Ahmad : May I ask if it is not a fact that all branches of Accounts Departments is monopolised by the Madrasis and will Government immediately reduce the number in proportion to their numerical strength in India ?

Mr C. M G. Ogilvie : I do not see how that arises from this question either, but Government are again not prepared to sacrifice efficiency for any provincial cause

Mr. S Satyamurti : May I know if Government have examined this question of the allegation of Dr Sir Ziauddin Ahmad that we are monopolising any service, while, as a matter of fact, a campaign of anti-Madrasis has been started successfully, and that Madrasis do not now get what they deserve ?

Mr President (The Honourable Sir Abdur Rahim) : I cannot allow the matter to be pursued any further.

NAZI PROPAGANDA IN INDIA

1061 ***Mr. S. Satyamurti** : Will the Honourable the Home Member be pleased to state .

(a) whether his attention has been drawn to two articles in the *Bombay Sentinel* of the 6th and 15th July, 1938, entitled ' Clear up Nazi cobwebs in India ', ' Ambitious Nazi schemes for German House in Bombay ',

(b) whether Government have any information with regard to Nazi propaganda in India ,

(c) whether Government have any information as to the method by which they carry on this propaganda ,

(d) whether they distribute in this country many articles against France, Czechoslovakia, etc. ;

(e) whether Government have any information that Dr Urchs, who is employed in the Havero Trading Company, Pharmaceutical Department, Bombay, is the leader of the Nazi party in India ;

(f) whether Government have made enquiries in the matter, or will make enquiries , and

(g) if the allegations in the articles referred to in part (a) above are found true, whether Government will take steps to nip the Nazi menace in the bud ?

The Honourable Mr. R M Maxwell : I would refer the Honourable Member to the replies given by me on the 30th August, 1938, to Mr Mohan Lal Saksena's starred question No 606 and supplementaries arising therefrom I have no further information to give to the House

Mr. S. Satyamurti : For reasons which the Honourable Member has given me in private, I will not pursue the matter any further ; but in view of the world position at present have Government considered the allegation contained in clause (d) of my question, and will they take steps to nip the Nazi menace in the bud ? I am a democrat , that is why I am asking the question

The Honourable Mr. R. M. Maxwell : The Honourable Member may rest assured that Government will exercise the utmost vigilance in all matters affecting the preservation of democracy in this country

NEWSPAPERS SUPPLIED TO INDIAN OFFICERS AND SOLDIERS.

1062. ***Mr K. Santhanam** : Will the Defence Secretary please state :

(a) if it is a fact that no Indian owned newspaper is supplied to the Indian Army ;

(b) if it is also a fact that Indian officers and soldiers are not allowed to buy newspapers of their own choice ; and

(c) which newspapers are being supplied and which are being allowed to be bought by (i) Indian officers and (ii) Indian soldiers ?

Mr. C. M G. Ogilvie : (a) No newspapers are supplied to the Indian Army

(b) and (c) Indian officers and soldiers are permitted to read any newspapers provided that in the interests of army discipline they are NOT

(i) Subversive of Government and good order

(ii) Immoral in tone

(iii) Calculated to excite communal animosity

Mr. K Santhanam : May I know, Sir, if, for instance, the *Hindustan Times* is permitted to be bought by the Indian Officers ?

M C. M. G. Ogilvie : I am not prepared to go into details of that sort.

Mr. K. Santhanam : Am I to understand that Government are not permitting Indian officers to buy or read any papers conducted or edited by Indians ?

Mr C M G Ogilvie : I cannot answer the question in any greater detail than I have already answered

Mr. K. Santhanam : What is the definition of a newspaper which is not subversive of Government and good order ?

Mr. C M G. Ogilvie : I think there is no reason for me to give a definition of a thing which is so obvious

Mr S. Satyamurti : Have the Government ever allowed any Indian-owned or Indian-edited paper to be read by Indian officers of the Indian army ?

Mr C M. G. Ogilvie : I should think so, most certainly.

Mr. S Satyamurti : Which of them ?

Mr C. M. G Ogilvie : I cannot say

STOPPAGE OF ENLISTMENT OF GARHWALI RAJPUTS TO ROYAL GARHWAL RIFLES.

1063 ***Mr. K Santhanam :** Will the Defence Secretary be pleased to state

(a) if it is a fact that the enlistment of Garhwali Rajputs to Royal Garhwal Rifles has been stopped ;

(b) the date from which it was stopped , and

(c) the reasons for such stoppage ?

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

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

CONSIDERATION OF POLITICAL ANTECEDENTS FOR ENLISTMENT IN THE ARMY.

1064 *Mr K. Santhanam : Will the Defence Secretary be pleased to state :

(a) if the political antecedent of a person is considered before enlistment in the army ;

(b) if a person who has gone to jail in the civil disobedience movements will be allowed to enlist, if he is physically fit ; and

(c) if the political antecedents of his parents are considered before a boy is admitted into the Military Academy, Dehra Dun ?

Mr C M. G. Ogilvie : (a), (b) and (c) No

Seth Govind Das : Is it not a fact, Sir, that many communities of the United Provinces are not being enlisted in the army because they had taken some part in the rebellion of 1857 ?

Mr C. M. G. Ogilvie : The reasons for the non-enlistment of certain classes is because subsequent experience has proved others to be superior.

Mr. S Satyamurti : With reference to the answer to clause (b), did I hear my friend say " no " ?

Mr. C. M. G Ogilvie : No.

Mr. S. Satyamurti : Then what is the answer ?

Mr. C M. G Ogilvie : No

Mr S Satyamurti : Then, does it mean that a person who has gone to jail in the civil disobedience movement will not be allowed to enlist in the army, even though he is physically fit ?

Mr. C. M G. Ovilvie : No, certainly not, he would not be allowed.

Mr. S Satyamurti : Why not ?

Mr. C M. G Ogilvie : Because the army is an entirley non-political body, and it will neither retain nor enlist any person who takes an undue interest in politics of any sort

Mr. S. Satyamurti : Does a man continue to keep on his sin ?

Mr President (The Honourable Sir Abdur Rahim) : You cannot ask that question

LOSS OF REVENUE DUE TO EXEMPTION OF BURMA PETROL FROM IMPORT DUTY.

†1065. *Mr. T. S. Avinashilingam Chettiar : Will the Honourable the Finance Member state :

(a) the number of gallons of petrol imported into India in the last financial year and the duty raised on it ;

(b) the number of gallons imported from Burma, and whether the imports from Burma are free of this duty ; and

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

(c) what is the loss of revenue by this exemption and what are the reasons for this exemption ?

Mr A H. Lloyd : (a) It is presumed that the Honourable Member refers to imports into British India only 102·1 million gallons were imported The duty collected was 518·3 lakhs of rupees

(b) 63 4 million gallons Imports of petrol from Burma are liable to duty at the same rate as other imports of petrol

(c) Does not arise

EXCHANGE RATIO FOR PAYMENT OF SALARY OF BRITISH SOLDIERS AND OFFICERS.

1066 ***Sardar Mangal Singh** : Will the Honourable the Finance Member please state

(a) whether it is a fact that the salary of the British soldiers and officers is paid in English money and converted into Indian money at the fixed ratio of 1*s.* 4*d* ,

(b) whether it is a fact that when they remit the same money home it is reconverted into English money at the rate of 1*s.* 6*d* ; and

(c) what is the extra amount thus spent by the Indian Government on these exchange operations ?

Mr. C M. G. Ogilvie : (a) For both officers and men are paid in rupees The question of concession does not arise, though the British rates converted at ⅓ are an element in the calculation of Indian rates of pay

(b) Should they so wish, they are allowed to remit through official channels a portion of their pay at the official rate of exchange of 1*s.* 6*d*

(c) The extra cost of using this official rate instead of the ruling commercial rate is insignificant and is more than off-set by the amount gained when the commercial rate was, as it was until recently, more than 1*s.* 6*d.* to the rupee

PROMOTION OF THIRD DIVISION CLERKS IN THE GOVERNMENT OF INDIA SECRETARIAT.

1067 ***Mr. Sham Lal** : Will the Honourable the Home Member be pleased to state whether it is a fact that there is a rule regarding the ministerial establishment of the Government of India that promotion from Third to Second Division should be made by the selection of the most meritorious clerks, ignoring seniority ?

The Honourable Mr. R. M. Maxwell : Yes

Mr. Sham Lal : May I know, Sir, if the merits are determined on the confidential reports of the Superintendents ?

The Honourable Mr R. M Maxwell : I do not know the exact procedure in each department

Mr. Sham Lal : Will the Honourable Member make an inquiry with regard to each department to see if the sons and near relatives of the Superintendents are recommended under this rule ?

The Honourable Mr. R. M. Maxwell : That is impossible, Sir, under the rules. The rules provide that promotions are made by strict selection of the most meritorious candidates, and any other procedure would be at variance with the rules

Mr Sham Lal : Is the question of merits determined by the Superintendents ? There are cases in each department where the Superintendents have recommended their own relations Will the Honourable Member make an inquiry on this point with regard to each department and see if the sons and near relations of the Superintendents have been recommended . ?

Mr President (The Honourable Sir Abdur Rahim) I understand the Honourable Member is putting that part of the question which was disallowed He cannot do that.

SOLDIERS SUFFERING FROM VENEREAL DISEASES

1068 ***Seth Govind Das** : Will the Defence Secretary please state ·

(a) whether his attention has been drawn to a leading article in the *Hindustan*, dated the 5th August, 1938, under the caption "Indian versus British soldiers", in which it is said ·

"It is evident that Indian soldiers are less affected by venereal diseases than British soldiers, despite the lavish expenditure on British soldiery in India" ; and

(b) whether it is a fact that the latest statistics show the number of British soldiers suffering from venereal diseases was 1,798, while the number of Indian soldiers was 1,142, despite their strength being double that of British soldiers ?

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

SOLDIERS SUFFERING FROM VENEREAL DISEASES

1069. ***Seth Govind Das** : Will the Defence Secretary please state :

(a) whether the soldiers are medically examined periodically ; if so, at what intervals ;

(b) whether the soldiers, on being found to suffer from any venereal disease, are punished by the military authorities ; if so, what punishment is meted out to such soldiers , and

(c) whether any record is kept of such punishments given to the soldiers and whether such records are available ?

Mr. C. M. G. Ogilvie ; (a) Soldiers are medically inspected once a month and on first arrival in a station.

(b) Concealment of venereal diseases is an offence under section 11 of the Army Act for British personnel and section 39 (*h*) of the Indian Army Act for Indian personnel. Punishment may extend to imprison-

metn or such less punishment as is mentioned in the Acts If the disease is not concealed, the sufferer is charged hospital stoppages and may be deprived of proficiency pay and other privileges until cured.

(c) Punishments are recorded in the soldiers' conduct sheets, which are retained in the custody of the Company Commander or Adjutant concerned and are only available for inspection by the military authorities

Seth Govind Das : Is it a fact, Sir, that generally European officers are pardoned under these circumstances, while Indian soldiers are punished ?

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

PROCEEDS OF THE SALE OF GOLD CONSUMED AS UNPRODUCTIVE EXPENDITURE.

1070 *Mr Brojendra Narayan Chaudhury : With reference to his reply to starred question No 697 of the 2nd September, 1938, and to supplementary questions, will the Honourable the Finance Member please state :

(a) whether any investigation has been made recently to find out as to what extent the proceeds of the sale of gold are consumed as unproductive expenditure by those who sell gold , and

(b) whether he proposes to lay the reports on the investigation, if any, on the table ?

The Honourable Sir James Grigg : (a) and (b). I dealt with the matter as fully as is practicable in replying to supplementaries to the question referred to As I implied then, no specific investigation has been made, nor is there any intention of making such an investigation

Mr. S. Satyamurti In view of the fact that the Honourable the Finance Member had a complete sense of equanimity as regards the export of gold may I know if Government will make some inquiry to find out, whether, with regard to the proceeds of gold which is sent out of this country, how much of it was consumed in unproductive expenditure ?

The Honourable Sir James Grigg As regards the first part, my equanimity rests on the fact that gold which is exported is being sold at a profit of something like 70 per cent. As regards the proportion which is being used for unproductive expenditure, any scientific investigation is impossible, but I have during the last three or four days had occasion to notice that there has been an enormous increase in savings deposits since the export of gold started

Mr S. Satyamurti : What is the proportion in the increase of the savings deposits to the rise in the gold exported out of this country ?

The Honourable Sir James Grigg : I must have notice of that question

Prof. N. G. Ranga : Is it not a fact that those who deposit their money in Savings Banks are not those who are obliged to sell what is called their distress gold ?

The Honourable Sir James Grigg : The Honourable Member is giving me information and not asking for it.

Mr. M. Ananthasayanam Ayyangar : Are Government aware that the increase in savings bank deposits is due to various debt relief measures taken by the Provincial Governments?

The Honourable Sir James Grigg : It started long before the debt measures were thought of.

LIQUIDATION OF STERLING DEBT OF RAILWAYS.

1071 ***Mr. Brojendra Narayan Chaudhury :** Will the Honourable the Finance Member please state

(a) whether he has any complete scheme for liquidating the entire sterling debt contracted on Railway account, *i.e* for construction and maintenance of Railways, besides the policy of liquidating annually in small instalments as the year's financial position allows ;

(b) the total amount of sterling debts for Railways ;

(c) the average rate of interest paid in the last financial year ,

(d) whether he has considered and investigated the possibilities of raising new loans at a lower rate of interest to repay those bearing higher interest ,

(e) if so, whether he will let the House know the results of the investigation in detail ,

(f) the amount of sterling debt liquidated in the last five financial years , and

(g) the time when the entire sterling debt is expected to be liquidated in pursuance of the present policy of repayment ?

The Honourable Sir James Grigg : (a), (b), (d), (e) and (g) I would refer the Honourable Member to my reply to Mr. Chattopadhyaya's questions Nos 273 and 274 on the 15th February, 1938

(c) Presuming that this part of the question refers to railway debt the answer is 3·3252 per cent on borrowings up to the end of 1916-17 ; and 4·76 per cent on later borrowings.

(f) The information is given in Account No 82 of the relevant volumes of the Finance and Revenue Accounts.

Mr. S. Satyamurti : With reference to the answer to clause (d) of the question, may I know whether my Honourable friend has made any recent calculations and has come to the conclusion that there is no possibility except at or near the time of maturity, of raising new loans at a lower rate of interest ?

The Honourable Sir James Grigg: I cannot answer that in general. As I said in an earlier answer, the Honourable Member knows that in the loan transaction of this year, we did deal partially with a maturity

a year ahead. That possibility is considered on every occasion when there is a maturity, and not only immediately before, but say 18 months before

Mr. S. Satyamurti: With reference to the answer he gave just now, may I have a specific answer, as far as he can judge of the question, as to when he expects that the entire sterling debt would be liquidated ?

The Honourable Sir James Grigg: No, certainly not, I am not a prophet ?

REGISTRATION OF FOREIGN SUBSIDIARY COMPANIES IN INDIA

1072 *Mr Brojendra Narayan Chaudhury: Will the Honourable the Finance Member please state

(a) whether he is aware that recently foreign investment companies have and are registering subsidiary companies in India for purposes of investment in India,

(b) whether the Government of India propose to move for the deletion of sections of the Government of India Act, 1935, regarding discrimination, if not, why not; and

(c) whether he is aware that the country generally and this House have a feeling of indignation regarding these sections ?

The Honourable Sir James Grigg: The question should have been addressed to the Honourable the Commerce Member.

SINDHI SOLDIERS IN THE INDIAN ARMY.

1073 *Mr. Lalchand Navalrai: (a) With reference to the answer of the Defence Secretary during this Session of the Assembly to the effect that there is only one Sindhi soldier in the Indian Army, will the Defence Secretary be pleased to state who that Sindhi soldier is ?

(b) When was he appointed ? What salary does he draw, and what position does he hold ?

(c) Were any Sindhis recruited during the last Great War ? If so, how many ? If not, why not ?

(d) Do Government know that Sind possesses Baloch tribes who have domiciled in Sind, and also Sikhs ? If so, why has no opportunity been given to them to enter the army ?

(e) How many Sindhis are there in the Reserve Force of the Indian Army ?

(f) Do Government propose to give the Sindhis some preference and encouragement ? If not, why not ?

Mr. C. M. G. Ogilvie: (a) He is a subedar serving with No. 6 Motor Ambulance Unit, Karachi

(b) He was enlisted on the 10th January, 1919 His salary is Rs 140 per mensem *plus* Re 1 per diem Mechanical Transport pay. His position is that of a subedar in the Royal Indian Army Service Corps (Mechanical Transport)

[1.]

(c) Yes. During the period of the Great War, Sind was part of the Bombay Presidency. Any Sindhis who may have served in the war would be included in the number given for that Presidency Separate figures for Sindhis cannot therefore now be given.

(d) The recruitment of Baluchis to the army was discontinued in 1925 because of the difficulty in obtaining good recruits and the high rate of desertion Government are aware that a certain number of Sikhs reside in Sind, and there is no bar to a Sikh from Sind presenting himself for enlistment

(e) The reserve forces of the Indian Army consist of the Indian Territorial Force and the Army in India Reserve of Officers

Units of the Indian Territorial Force are constituted for various Provinces At the time they were constituted, Sind was not a separate province It is possible, therefore, that there may be Sindhis in the units constituted for the Bombay Presidency No information is available as regards the actual numbers

The records of the Army in India Reserve of Officers (Indian Wing) are not maintained in such a way as to enable Government to say how many Sindhis hold commissions in that wing.

(f) No, for the reasons given in answer to part (d) of the question

Mr. Lalchand Navalrai : With regard to part (e) of the question will the Honourable Member take it from me that there have been applications for entering the reserve forces ? Will he give any encouragement to Sindhis and fill up the gap from that province ?

Mr. C. M. G. Ogilvie : No distinctions are made with regard to provinces in this matter

Mr. Lalchand Navalrai : Is it not a fact that those people who were taken during the Great War were discharged immediately after it ?

Mr. C. M. G. Ogilvie : I cannot possibly say

Mr. Lalchand Navalrai : If the Honourable Member has no information with regard to the Sindhis because they were part of the Bombay Presidency, now that Sind is separate, will the Honourable Member find out this information and encourage Sindhis ?

Mr. C. M. G. Ogilvie : I think it would cost too much and the information would not be sufficiently valuable.

REPORT ON THE FINANCIAL CONDITIONS OF COORG.

1074. ***Sri K. B. Jinaraja Hegde** : (a) Will the Honourable Member for Finance be pleased to state whether it is a fact that Mr Vatial who was appointed to inquire into the financial conditions of Coorg has recommended

(i) abolition of three taluk officers,

(ii) reduction of the grant to the District Board, and

(iii) cutting down the pay of subordinate staff ?

(b) If so, have any orders been passed by the Government of India ?

(c) What are the orders of the Government of India on the report ?

(d) Will Government be pleased to publish the recommendations and invite public criticism on the same ?

(e) Is it a fact that the recommendations stated in part (a) are being introduced in Coorg now ?

The Honourable Sir James Grigg : (a) to (e). Mr Wattal conducted a departmental enquiry on behalf of the Government of India. His suggestions are under consideration at present. So far as any of them are within the powers of the Chief Commissioner of Coorg he is at liberty to introduce them It is not intended to invite public criticism on Mr. Wattal's suggestions

Prof. N. G. Ranga : Do Government propose to publish this report after they have finished consideration of it ?

The Honourable Sir James Grigg : I think the answer is implied in the last sentence of my answer

Mr. S. Satyamurti : May I know the reason why Government do not propose to invite public opinion ? Is it because the report deals with departmental matters and public opinion would not be of much value to the Government on them ?

The Honourable Sir James Grigg : I think they are, in the main, questions which do not raise acute questions of policy.

Mr. S. Satyamurti : Is there any question of any further subvention being given to Coorg, in order to help it to cover its deficits ?

The Honourable Sir James Grigg : Simply because there may be a deficit you cannot run away with the idea that a further subvention is the proper way to deal with it

Mr. S. Satyamurti : May I know why, if there is a proposal to give any subvention to Coorg, Government do not propose to invite public opinion on the matter, as they have already too many deficit provinces ?

The Honourable Sir James Grigg : I intended to convey the impression that if there is a proposal to give a further subvention to Coorg, it is one which would be very coldly received up here.

PURCHASE OF CERTAIN ARTICLES FOR THE ARMY.

1075 ***Mr M. Ananthasayanam Ayyangar** (on behalf of Mr. Manu Subedar) : With regard to the statement in paragraph 51 of " A Summary of Important Matters concerning the Defence Services in India, 1937-38 ", recently distributed, *viz.*, " As the result of endeavours made by the Central Purchase Organisation of the Defence Services, indigenous manufacture of the undernoted stores, previously obtained from abroad, has been developed :

Ground sheets,

Cells and batteries,

Cutlery,

Hurricane lamps,

Horse shoes,

Barbed wire,"

will the Defence Secretary state the nature and extent of assistance given in each case, indicating whether the assistance was given in the form of

(a) guaranteed orders,

(b) subsidy,

(c) exemption from tariffs with regard to raw materials,

(d) subscription to capital, and

(e) any other assistance asked for by the companies and given by Government ?

Mr. C. M. G. Ogilvie : (a) As regards guarantees and orders, in the case of cells and batteries a long term contract has been made which precludes purchase from other sources

With the exceptions of cutlery and hurricane lamps, which are made by more than one firm in this country manufacture has only been established by one firm interested in the particular item concerned and, therefore, until competition appears there is an implied guarantee of purchase subject to the prescribed quality being maintained

(b), (c) and (d) No

(e) I refer the Honourable Member to the answer I gave to part (f) of starred question No 809, asked by Mr S Satyamurti on the 7th September, 1938

Seth Govind Das : When these contracts were made, were any tenders invited ?

Mr. C. M. G. Ogilvie : I presume, yes.

Seth Govind Das : Were the contracts given to the lowest tenders ?

Mr. C. M. G. Ogilvie : I must ask for notice of that

Mr. M. Ananthasayanam Ayyangar : May I know which is the firm which has undertaken to supply cells and batteries, to which a promise of guarantee has been given ?

Mr. C. M. G. Ogilvie : Messrs Eveready Co, Limited, Calcutta

Mr. S. Satyamurti : With reference to the answer to part (c) of the question, that is, exemptions from tariffs with regard to raw materials, may I know whether any application was made to the Defence Department for such a concession ?

Mr. C. M. G. Ogilvie : As far as I know, no.

Mr. M. Ananthasayanam Ayyangar : What steps have Government taken to find out if these articles are manufactured locally with the aid of Indian materials and Indian labour ?

Mr. C. M. G. Ogilvie : I refer the Honourable Member to my answer to part (f) of question No. 809

Seth Govind Das : When these contracts were given, was it considered that the contracts should generally be given to Indian concerns ?

Mr. C. M. G. Ogilvie : I think I have said many times before in this House that if every article which the defence services required could be obtained in India the Government of India would be rejoiced

Seth Govind Das I am asking a definite question

Mr. C. M. G. Ogilvie : I have given a definite answer

Seth Govind Das : I am asking a definite question, when these contracts were given, was this taken into consideration, namely, that the contracts should be given to Indian concerns ?

Mr. C. M. G. Ogilvie : Governmen have not only given these contracts to Indians, but they have, as I explained at length in answer to question No 809 on the 7th September, taken every possible step that it is possible for the Defence Department to take, to encourage Indian firms to start manufacture of all the goods in which we are interested

Seth Govind Das : What specific thing was done in this respect except the pious wish ?

Mr. C. M. G. Ogilvie : I refer the Honourable Member to the long list of specific items mentioned in my answer to part (f) of question No 809 If he will read it, then he will not have to worry any further about the matter

OFFICERS IN THE CONTRACTS DIRECTORATE AND PURCHASES MADE FOR THE ARMY

1076 ***Mr. M Ananthasayanam Ayyangar** (on behalf of Mr Manu Subedar) (a) Will the Defence Secretary state how many officers in receipt of salary and allowance amounting to more than Rs 500 a month in the Department of the Director of Contracts are Indians and how many non-Indians ?

(b) Are all the rules of the Indian Stores Department accepted and given effect to by the Director of Contracts, when he makes purchases for the Army ?

(c) Why has it been found necessary to have a duplicate machinery for purchases ?

(d) What is the total amount of purchases made for the Army during 1937-38, and how much of this was purchased by (i) the Stores Department, London, (ii) the Stores Department, India, and (iii) the Director of Contracts ?

(e) Can the House be supplied with a list of selected articles (the value of which purchased exceeds Rs. 5 lakhs a year) at present imported from abroad, but the manufacture of which it would be desirable for defence purposes to secure in this country ?

(f) Is there any difference in the amount of stocks carried by the Defence Department between articles at present imported and articles which are manufactured in this country ?

(g) Is it a fact that nine months' requirements have to be kept in stock with regard to articles imported, and only three months' requirements with regard to articles made in this country ? If not, what is the ratio ?

Mr. C M G. Ogilvie : (a)

Indians	5
Non-Indians	6

(b) The Director of Contracts complies strictly with the orders of the Government of India as promulgated in the " Rules for the supply of articles required to be purchased for the public service ", 1929

(c) The question has previously been considered fully and it was decided that it was essential to retain the present system, which provides for a separate purchasing agency, possessing special knowledge of the needs of the Defence Services The services of the Indian Stores Department are at the same time being utilised by the Defence Services to the extent possible consistent with the special needs of the latter

(d) The figures for 1937-38 are not yet available Those for 1936-37 are given in Appendix I of the Administration Report of the Contracts Directorate, a copy of which is in the Library.

(e) Machinery and machine tools over that value are purchased from abroad, this occurs, however, at irrelguar intervals. The same also applies to aircraft, all petrol driven vehicles and their components and occasional special articles of war stores, such as heavy guns and gun mountings. Electrolytic copper over that value is also purchased from abroad

(f) Yes

(g) The stocks at present normally carried are ·

Imported stores ..	six months requirements
Indian stores . .	three months requirements.

Seth Govind Das : With reference to the answer to clause (a) of the question, may I know what is the reason of more non-Indians in this department than Indians ?

Mr. C M. G. Ogilvie : Because there happened to be less Indians drawing that amount in this department at the time I can give the Honourable Member no other reason

Mr. S. Satyamurti : With reference to the answer to clause (e) of the question, may I know if Government have recently examined all the relevant factors, that is to say, the advantage of purchase by themselves, that is, the Defence Department, or through the Indian Stores Department, and they have come to the conclusion that the present system by which they make the bulk of their purchases through themselves and, only some through the Indian Stores Department, is the most economical in the interests of the taxpayer ?

Mr. C. M. G. Ogilvie : Yes.

Mr S. Satyamurti : With reference to the answer to clause (e) of the question, may I know whether Government have come to any conclusion on the latter part of the question, namely, with regard to certain selected articles, the value of which exceeds Rs. 5 lakhs, and the manufacture of which it will be desirable for the purposes of defence to secure in this country ?

Mr C M. G Ogilvie : I have already answered that question a great many times Government would like to see every article produced in this country

Mr. S. Satyamurti : Apart from that very good wish, which I share, may I know whether Government have applied their mind to the specific articles that they are now purchasing from abroad, the manufacture of which it will be prudent and wise for the Defence Department to encourage in this country ?

Mr. C. M. G. Ogilvie : I have answered that question several times already

REPORT OF THE ACTIVITIES OF THE DEPARTMENTS OF MASTER-GENERAL OF SUPPLIES AND DIRECTOR OF CONTRACTS

1077. ***Mr M. Ananthasayanam Ayyangar** (on behalf of Mr Manu Subedar) : (a) Will the Defence Secretary state whether an annual report of the activities of the Department of Master-General of Supplies and/or the Director of Contracts is published ?

(b) If it is not published, can it be made available to Members of this House by a copy being put in the library ?

Mr C. M G Ogilvie : (a) No annual report of the activities of the Master-General of the Ordnance is published but an Administration Report of the Director of Contracts is published from time to time

(b) Copies of the Administration Report of the Director of Contracts are already available in the Library of the House

Mr M Ananthasayanam Ayyangar : May I know if it is incumbent on the Director of Contracts to make a statement in the administration report as to the reasons why he has not been able to purchase particular articles in this country ?

Mr. C M. G Ogilvie : I do not know whether it is incumbent upon him to do this or not

Mr. M. Ananthasayanam Ayyangar : May I know if it is generally included in the administration report ?

Mr. C. M. G. Ogilvie : I advise the Honourable Member to look at the administration report.

INDIAN REGIMENT CONSISTING OF INDIANS BELONGING TO DIFFERENT CASTES.

1078 ***Mr M. Ananthasayanam Ayyangar** (on behalf of Mr. Manu Subedar) : (a) Will the Defence Secretary state whether any experiment has ever been made under British rule of having an Indian regiment

consisting of Indians recruited from different Provinces and belonging to the different castes and sections, such as Sikhs, Mahrattas, Rajputs, Brahmins and Muslims ?

(b) If the reply to part (a) be in the negative, can a statement of Government's policy in this regard be made, giving reasons why it has not been considered proper to take such action ?

(c) Is His Excellency the Commander-in-Chief prepared to take up this matter with His Majesty's Government ?

(d) Are Government aware that in the University Corps and in the Boy Scout movement, and in the police forces of the country, there is no separation by caste or creed ?

Mr C M. G Ogilvie : (a) No

(b) Government regard it as a fundamental principle of organisation that military sub-units, such as companies and squadrons, must be homogenous

(c) No, for the reason just mentioned.

(d) Yes

Mr S. Satyamurti : May I know the meaning which Government attach to the word "homogeneous" ? Does it mean from the same province or the same community ?

Mr C. M. G. Ogilvie : It means that they must belong to the same class of persons.

Mr. S. Satyamurti : May I ask for some elucidation of this point ? Do they make a distinction between one class and another ?

Mr. C. M G. Ogilvie : Certainly

Mr S Satyamurti : On what basis ? Is it religious class or racial class or provincial class ?

Mr C. M. G Ogilvie : Neither It is largely racial class

Mr S Satyamurti : Which races are preferred and which are not preferred ?

Mr. C M G. Ogilvie : I refer the Honourable Member to the Army List

Mr. M Ananthasayanam Ayyangar : Have Government made any experiment for having a unit composed of the several classes in this country with a view to bring about more homogeneity among the various classes and castes in this country.

Mr. C. M. G. Ogilvie : Government have not carried out any such extraordinary experiment.

Mr. M Ananthasayanam Ayyangar : Have Government noticed any defect in the Territorial Force or the U T Cs. which are composed of various castes and sub-castes ?

Mr C M G. Ogilvie : Comparative homogeneity is insisted upon in territorial battalions as well as in regular battalions

Mr. M. Ananthasayanam Ayyangar : What about the U. T. C. ?

Mr. C. M. G. Ogilvie : That is quite different.

MUSLIM INCOME-TAX OFFICERS IN BIHAR.

1079. *Mr Muhammad Nauman : Will the Honourable Member for Finance state

(a) if it is a fact that out of 15 Income-tax Officers in Bihar there are only two Muslims, and that out of three Assistant Income-tax Commissioners, none is a Muslim ,

(b) whether it is a fact that, according to the Bihar Civil List, there is hardly any chance of a Muslim becoming Assistant Commissioner of Income-tax for at least 20 years to come , if so, whether Government are aware of this injustice done to Muslim cause ,

(c) the number of Income-tax Officers and Inspectors appointed both by direct recruitment and by promotion from 1931 up to date and the numbers of Biharis, Bengalis and Muslims appointed to such posts , and

(d) the method and the principle employed in direct recruitment and promotion in the various grades of the Bihar Income-tax services ?

Mr A. H Lloyd : (a) There are 16 Income-tax Officers in Bihar and Orissa of whom three are Muslims None of the three Assistant Commissioners is a Muslim

(b) The present Muslim Income-tax Officers in Bihar and Orissa have still a long time to serve and it is premature to say whether or not any of them will get an opportunity to become an Assistant Commissioner

(c) A statement is laid on the table

(d) Recruitment to the posts of Assistant Commissioners and Income-tax Officers is generally made by promotion on the basis of merit combined with seniority In regard to subordinate services to which recruitment is generally made by direct appointment, selection is made on the basis of minimum qualifications with due regard for communal representation

Statement showing the number of income-tax Officers and Inspectors appointed in Bihar and Orissa both by direct recruitment and by promotion from 1931 up to date and the number of Biharis, Bengalis, Muslims and others appointed to such posts

Income-tax Officers.

By direct recruitment	Nil
By promotion	Four, *viz.*,
2 Muslims (one of whom is an Oriya).	
2 Bengalis (domiciled).	

Besides the above, two Inspector-Accountants (one domiciled Bengali and one Bihari) have recently been promoted as income-tax Officers in temporary vacancies.

Inspector-Accountants.

By direct recruitment	.. ..	Eight, *viz.*,
	3 Muslims	
	1 Indian Christian	
	2 Oriyas	
	2 Biharis.	
By promotion	..	One (Bengali).

Besides the above, two (domiciled) Bengalis and two Biharis, who were formerly in the Department and were retrenched on the abolition of taxation of lower incomes, have recently been re-appointed as Inspector-Accountants in temporary vacancies

Mr Muhammad Nauman : Who sits on the Selection Board ? Is it not a fact that the person who makes the selection does it of his own will ?

Mr. A. H Lloyd : I understand the Honourable Member is asking about the recruitment to subordinate services

Mr. Muhammad Nauman : Yes

Mr. A. H. Lloyd : The selection is made by the Commissioner of Income-tax

Sardar Sant Singh : May I know what is the percentage of Muslims in this department as compared to their population in Bihar and Orissa ?

Mr A. H Lloyd : I must have notice of that question

Mr. Lalchand Navalrai : May I know from the Honourable Member if any injustice has ever been done to the Muslims in this direction ?

Mr. President (The Honourable Sir Abdur Rahim) That is too general a question

Mr Sri Prakasa : With reference to part (c) of the question, may I know how the analysis is made between Biharis, Bengalis and Muslims, because there may be many Biharis who are Muslims, many Bengalis who are Muslims ? There are Bihari Muslims and Bengali Muslims. How is this analysis made ?

Mr A. H. Lloyd : We have understood that the distinction is between Biharis and Bengalis who are Muslims and Biharis and Bengalis who belong to other communities

Dr. Sir Ziauddin Ahmad : In view of the policy of the Government in other Departments that selection is always made by a Committee will not Government consider the necessity of associating some persons with the Commissioner when he makes selections for these posts ?

Mr A. H. Lloyd : The Honourable Member is making a suggestion and not asking for information.

Dr. Sir Ziauddin Ahmad : I am making the suggestion for your consideration.

COMMUNAL DISCRIMINATION IN INCOME-TAX DEPARTMENT IN BEHAR.

1060. **Mr. Muhammad Nauman** : (a) Is the Honourable the Finance Member aware that an impression is abroad that Muslim employees are not receiving a square deal at the hands of the officers who

belong to one or other community in the Income-tax Department in Bihar and that they have to work under great disadvantage, while favouritism to the members of the other community is the order of the day ?

(b) If so, will Government be pleased to state why this communal discrimination is allowed to exist in the Income-tax Department in Bihar ? Do Government propose to hold an enquiry with a view to doing away with this communal discrimination ? If not, why not ?

(c) Do Government propose to have a cadre of Income-tax service so arranged in Bihar as to provide equal chances of appointment and promotion to all the major and minor communities of that Province and to eliminate all possibilities of favouritism ?

Mr. A H. Lloyd : (a) The Government of India have no reason to believe that there is any foundation for these allegations

(b) Does not arise

(c) Government do not propose to alter the present arrangements

MR IRWIN'S REPORT REGARDING THE ISTAMURARDARI AREA.

1081 ***Prof. N G Ranga** (on behalf of Pandit Sri Krishna Dutta Paliwal) Will the Honourable the Home Member please state

(a) the date on which Mr Irwin submitted his report regarding the Istamurardari area , and

(b) whether Government intend to publish his recommendations ?

The Honourable Mr R. M. Maxwell : The question should have been addressed to the Secretary to the Department of Education, Health and Lands

AMALGAMATION OF AJMER-MERWARA WITH THE UNITED PROVINCES

1082 ***Prof N. G Ranga** (on behalf of Pandit Sri Krishna Dutta Paliwal) Will the Honourable the Home Member please state

(a) if Government are aware of the insistent demand of the public of Ajmer-Merwara, as expressed in various memorials, representations and numerous public meetings all over the Province, to merge this Province in the neighbouring Province of the United Provinces of Agra and Oudh ; and

(b) the steps Government have taken, or propose to take, to meet the demand of the public for amalgamation ?

The Honourable Mr. R. M Maxwell : (a) and (b) I would refer the Honourable Member to my reply to Mr. Badri Dutt Pande's starred questions Nos 909 and 910 on the 12th September, 1938, and to the supplementary questions asked in that connection

Prof. N. G. Ranga : Have Government taken any steps since then.

The Honourable Mr. R. M. Maxwell : No, Sir, not since the 12th September.

Mr. S. Satyamurti : So far as my recollection goes, Government said that they are not going to make any change in the political status of this province for the present. May I know if, in coming to that conclusion, they have considered the representations made by the people of Ajmer-Merwara ?

The Honourable Mr. R. M Maxwell : They have had one representation forwarded to them and they have replied to that.

Mr. S. Satyamurti : Will they consult the people in Ajmer-Merwara in some way or other to find out whether they are content with their present political status as a Chief Commissioner's province, or whether they would like to be merged with the United Provinces of Agra and Oudh ?

The Honourable Mr. R. M Maxwell : Government do not propose to start a plebiscite in Ajmer-Merwara at present

Mr. S Satyamurti : Though they will allow it in the Sudetan territory !

HOLDING OF HIS COURT BY THE COMMISSIONER, AJMER-MERWARA, AT HIS RESIDENCE

1083 ***Prof. N. G Ranga** (on behalf of Pandit Sri Krishna Dutta Paliwal) . Will the Honourable the Home Member please state

(a) whether it is a fact that the Commissioner, Ajmer-Merwara, does not hold his court in the court room, but at his residence, if so, under which rules ,

(b) whether Government are aware of the difficulty experienced by litigants in presenting applications, etc., at the residence , and

(c) whether Government intend to consider the advisability of ordering the Commissioner to hold his Court in the court premises ?

The Honourable Mr R M. Maxwell : (a), (b) and (c) I would refer the Honourable member to the reply given on the 30th March, 1938, to part (b) of Mr Mohan Lal Saksena's starred question No 1096.

Prof. N. G. Ranga : May I know what action has been taken since last March in order to see that this particular grievance is redressed ?

The Honourble Mr R. M. Maxwell : As I explained in answer to a question last March, there is no legitimate grievance of the people of Ajmer-Merwara in this respect There is a separate district and sessions judge to whom most of the civil litigation goes.

Mr M. Ananthasayanam Ayyangar : May we take it that the Commissioner does not attend the court house for receiving applications and does not dispose of them in the court house itself ?

The Honourable Mr. R. M. Maxwell : I understand that during court hours he would receive any applications in court.

Mr. M. Ananthasayanam Ayyangar : Does he attend court at all on any day or regularly each day ?

The Honourable Mr. R. M. Maxwell : He does not do ordinary judicial work , that is done by the district and sessions judge , he only receives miscellaneous applications

Seth Govind Das : Does the Commissioner go to court any time, or does he not go there at all ?

The Honourable Mr. R. M. Maxwell : I do not know exactly how he spends his time, but if he has a case to try which requires the presence of parties and pleaders, then he hears them in court ; but I understand he practically does not do judicial work , that is done by the additional district and sessions judge

RECRUITMENT TO GOVERNMENT SERVICES

1084 ***Babu Baijnath Bajoria** : (a) Will the Honourable the Home Member state whether it is not a fact that for purposes of employment in most of the Government services, excepting menials, the minimum educational requirement of a candidate is his passing the Matriculation or an equivalent examination ?

(b) Are Government prepared to appoint in services under their control, the number of Hindus, Muslims, Christians, Sikhs, and members of the other communities, in proportion to the number of persons, belonging to these communities, respectively, passing (i) the Matriculation or an equivalent examination, (ii) I A or I Sc, (iii) B A., B Com , or B Sc , (iv) B.L or any other degree in law, (v) M B or any other degree in medicine, (vi) B E or any other degree in Engineering, during the year previous to the date of such appointment ? If not, why not

(c) Is it not a fact that the Hindus do not get their due share in such appointments which their percentage of successes in various examinations make them entitled to get ?

The Honourable Mr. R. M. Maxwell : (a) I have no precise knowledge but I believe that for recruitment to most of the posts, other than inferior posts, under the control of the Government of India the minimum qualification would be matriculation or the equivalent, or a higher qualification

(b) No such a measure is not necessary in pursuance of the Government's declared policy of redressing communal inequalities in the Services and it would give rise to a number of practical difficulties.

(c) I have no information

Babu Baijnath Bajoria : Is it not a fact that if appointments are made strictly according to the percentage of passes at the different examinations, the Hindus will be entitled to a much higher percentage of appointments in the various Departments under Government than they do at present ?

The Honourable Mr R. M Maxwell : That question assumes that all those who pass these examinations are candidates for Government service.

CENSORSHIP OF THE LETTERS ADDRESSED TO SWAMI SAHAJANAND SARASWATI, PRESIDENT OF THE ALL-INDIA KISAN SABHA

1085. *Prof N. G. Ranga : Will the Honourable the Home Member be pleased to state :

(a) whether letters addressed to Swami Sahajanand Saraswati, the President of the All-India Kisan Sabha, are intercepted, opened and thus delayed by the police authorities ;

(b) if it is not a fact that letters addressed to him from Bombay are delivered on the fifth or sixth day, although ordinarily not more than three days should be taken ; and

(c) under whose orders are these delays caused, and his correspondence opened ?

The Honourable Mr R. M. Maxwell : (a) to (c) It is not in the public interest to answer any question on this subject.

ENLISTMENT OF SINDHIS IN THE ARMY.

1086 *Mian Ghulam Kadir Muhammad Shahban : (a) Will the Defence Secretary be pleased to state the policy of the Government of India in recruiting people to the Army from each Province in India, whether it is based on population, or proportion of its martial races, or its strategic importance, or any other causes ?

(b) Is the Honourable Member aware of the strategic importance which Sind Province possesses and of the martial calibre of various people of Sind, specially the Muhammadan element ?

(c) Have Government ever tried by enquiry to find out if people of Sind are available and willing to enter the Army service ?

(d) If not, do Government propose to do so with a view to enlisting the Sindhis to the Army ?

(e) In view of the fact that there is only one soldier from Sind in the Indian Army, do Government propose to recruit or enlist more Sindhis to the Army ? If not, why not ?

(f) Is there any Sindhi officer in the Army, or in the Reserve Force in India ?

(g) How many Sindhi students are there in the Military Academy and Prince of Wales College at Dehra Dun, respectively ?

(h) Do Government propose to increase the number of the Sindhi officers and soldiers in the regular force ? If not, why not ?

(i) Is it a fact that the Punjab and the North-West Frontier Province are given special preference in the matter of the recruitment ? If so, for what reasons ?

(j) Why is not that preference being extended to Sind ?

Mr. C. M. G Ogilvie : (a) Recruitment to the non-commissioned ranks of the Indian Army is on a class and not on a provincial or territorial basis. Certain classes have been found by experience to provide the best soldiers and they are therefore recruited in the army.

(b) Government are aware of the strategic importance of Sind and also of the martial qualities of its inhabitants.

(c) Yes.

(d) Does not arise.

(e) No, as the experiments tried have not given favourable results

(f) Yes, in the Indian Army Reserve of Officers

(g) One and four respectively.

(h) No As regards officers, no preference is given to any province , as regards other ranks, the question has already been answered

(i) No. The bulk of the best military material is, however, found in these Provinces

(j) Does not arise

Mr. Lalchand Navalrai : May I know if there is any officer in Sind engaged in recruiting from Sind ?

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

Mr. Lalchand Navalrai : Will the Honourable Member then find out where they have to apply for recruitment,—whether to the Bombay Presidency or Sind or to the Defence Secretary here ?

Mr C. M. G. Ogilvie : Those belonging to the classes which are eligible can apply to the nearest recruiting office

SHORT NOTICE QUESTION AND ANSWER

SHIVA TEMPLE DISPUTE AT DELHI.

Babu Bajnath Bajoria : (a) Will the Honourable the Home Member be pleased to state if it is a fact that an amicable settlement was arrived at between the Hindus and the Moslems of Delhi in regard to the Shiva Temple dispute, with the concurrence of the local authorities, as an *interim* arrangement for the continuance of the worship at the temple pending the decision of the enquiry by R B. Joseph Thakur Das, Magistrate, appointed by the Government ?

(b) Is it not a fact that the leaders of both the communities cooperated with the Government in the proper maintenance and observance of the terms of the settlement and that in consequence things were returning to normal ?

(c) Is it not a fact that the settlement was confirmed at a mass meeting of the Hindus held in the Queen's Garden and also by the Temple Raksha Committee ?

(d) Is it not a fact that Shyampuri Sadhu at the temple was stabbed in broad day light on Friday morning, in the presence of the police guard and the alleged assailant was not arrested by the police on duty there but by a passer-by ?

(e) Is it not a fact that, soon after the above incident, the Hindu leaders came on the spot and persuaded the excited crowd to disperse, which had assembled out of sympathy with the Sadhu ?

(f) Is it not a fact that the Deputy Commissioner, Delhi, remarked at the time that the settlement is now a matter of past history ?

(g) Is it not a fact that after the removal of the Sadhu to the hospital, all his articles of worship including the idols were seized and removed by the Government from the site and not even one person was allowed to carry on the usual *puja* in the absence of the Sadhu ?

(h) Are Government aware of the intense indignation and discontent amongst the Hindus caused by the removal of the idols and articles of worship and the stoppage of usual *puja* and of the observance of general *hartal* in the city by the Hindus ?

(i) Are Government prepared to restore the seized articles of worship and the idols and permit the performance of the usual *puja* at the said temple as per terms of settlement, unmolested and unhampered ?

(j) Did Government receive a memorial from the Hindus of Delhi detailing their grievances, and requesting Government to observe the terms of settlement and, if so, will Government be pleased to place the same on the table of the House and state what action they have taken, or propose to take, thereon ?

(k) Has the announced enquiry been postponed and, if so, why, and when will the said enquiry commence ?

The Honourable Mr R M Maxwell : (a) An agreement was reached on the evening of September 3rd One clause of the agreement provided that the Sadhu might remain on the site till the rights of the parties were decided by the Civil Courts, and might perform his usual *arti* and *puja* in a private manner without using *sankh* or *garhial* Another clause provided for an enquiry as to the form of worship which actually took place before the agitation began

(b) Though in some details the agreement was for a few days not satisfactorily observed, leaders of the communities gave their assistance, and by the 8th calm was being restored.

(c) I have no knowledge apart from what has appeared in the newspapers

(d) The incident is under adjudication and it would not be proper for me to enter into details of the assault and the arrest

(e) I understand that Hindu leaders assisted in persuading the crowd which had squatted on the disputed site to move.

(f) I have no information.

(g) The moveables left at the site by the Sadhu have been placed in safe custody. The District Magistrate's order promulgated under section 144, Criminal Procedure Code, prohibited (among other things) the presence of any person on the disputed site

(h) I cannot undertake to estimate the feelings of persons interested in these events. There was a partial *hartal* on the 9th. I understand that the city is now quiet.

(i) and (k). I am not at present in a position to say what action will be taken.

(j) No such memorial has reached the Government of India.

Babu Baijnath Bajoria : Is it not a fact that the inquiry was to have commenced on the 9th September, but it has not yet commenced, and in the papers it has appeared that it has been postponed ?

The Honourable Mr R. M Maxwell : That inquiry was to be held as part of the agreement at which the parties arrived on September, the 3rd, but now that agreement has been denounced on account of the subsequent events, and therefore it is a question for fresh decision whether any inquiry can be held in the future

Babu Baijnath Bajoria : Has the inquiry been abandoned ?

The Honourable Mr. R. M. Maxwell : For the present, yes.

Babu Baijnath Bajoria : Is the Honourable Member aware that a notice has been issued on the Sadhu not to quit the hospital for a period of two weeks without express permission ? Is that correct ?

The Honourable Mr. R. M Maxwell : No, Sir, I have no confirmation of that statement

Babu Baijnath Bajoria : Has the Honourable Member not seen this in the newspapers ? Is it the intention of Government not to allow the Sadhu to go to the place of the temple in the Queen's Gardens after his recovery from the hospital ?

The Honourable Mr R M. Maxwell : So long as the present order under section 144 subsists, no person, either the Sadhu or any other person, will be allowed to be on the site

12 NOON

Babu Baijnath Bajoria : Is it not taking adverse possession of the site in question by the Government by this method ?

The Honourable Mr. R M Maxwell : Section 144 was applied to the place in order to prevent further disturbances

Babu Baijnath Bajoria : Are the Government also aware that Rai Bahadur Harish Chandra, who was one of the arbitrators of the dispute, has resigned from the Municipal Committee as a mark of protest against the Government attitude in this matter ?

The Honourable Mr. R M. Maxwell : I saw that in the paper. I have not heard it from the Chief Commissioner

Sardar Sant Singh : With regard to part (d) of the question, what reply have the Government made to the question of fact, apart from the question of the case being in court ? May I ask whether the police on duty arrested the assailant or did not arrest him ?

The Honourable Mr. R M. Maxwell : Yes, Sir, the police on duty did arrest the assailant

Sardar Sant Singh : Is it a fact that he was allowed to go by the police and only the passers-by arrested him ?

The Honourable Mr R M. Maxwell : No, Sir, the first person to intervene was one of those who were doing *puja*.

Sardar Sant Singh : As regards part (d) of the question, may I ask whether it is a fact or not that the Hindu leaders of Delhi actually dissuaded the people from any sort of excitement or agitation as regards this assault ?

The Honourable Mr. R. M. Maxwell : I have answered that

Dr. Sir Ziauddin Ahmad : With reference to part (a) of the question, the Honourable gentleman said that that the agreement was that the worship should be done in a private manner Was this condition observed by the *pujari* ? Was not the worship done in a public manner ?

The Honourable Mr. R. M Maxwell : The letter of the agreement was observed, but on one or two occasions the *pujari* did sound the *sankh.*

Dr Sir Ziauddin Ahmad : With reference to the agreement that has been mentioned, is it not a fact, as was pointed out by the Honourable Member himself the other day, that there was some difference of opinion about the manner and the interpretation of the expression *status quo* ' and the Hindus and the Muhammadans did not agree about its interpretation '

The Honourable Mr R M Maxwell : The agreement solved that difficulty so long as it subsisted

Sardar Sant Singh : With regard to part (f) of the question, may I know if the Government made inquiries from the Deputy Commissioner, Delhi, whether he made the remark referred to in this question ?

The Honourable Mr. R M Maxwell : I am not sure, but I have no such information from the Chief Commissioner as to what remark the Deputy Commissioner may or may not have made

Sardar Sant Singh : Did the Government of India make any inquiry from the Chief Commissioner whether such a remark was by the Deputy Commissioner ?

The Honourable Mr. R. M Maxwell : I am not sure whether a specific inquiry was made or not The House must remember that this was a short notice question and the information had largely to be obtained by telephone

Mr M S Aney : May I ask whether the settlement that was arrived at is going to be upheld by the Government and whether the terms of it are going to be observed by the Government hereafter ?

The Honourable Mr R M Maxwell : Which settlement ?

Mr M S. Aney : The settlement that was arrived at on the 3rd September to which reference was made in part (a) and also in part (f) Are Government going to observe the terms of the settlement hereafter ?

The Honourable Mr R. M. Maxwell : It is not a question of Government observing it it is a question of the parties observing it

Mr. M S Aney : Are the Government going to help the parties in observing the settlement as they promised to do on the 3rd September ?

The Honourable Mr. R. M Maxwell : The settlement has actually broken down owing to the unfortunate incident that took place

Mr. Lalchand Navalrai : May I know whether the agreement that has already been made will be the subject of consideration by the independent inquiry that will be held ?

The Honourable Mr R M Maxwell : It will not be the subject of a judicial inquiry, if that is what the Honourable Member means.

Mr. President (The Honourable Sir Abdur Rahim) : Order, order ; there has been sufficient discussion

UNSTARRED QUESTION AND ANSWER

DESPATCHERS UNDER THE DIRECTOR OF CONTRACTS

60 **Dr P. N. Banerjea** : Will the Defence Secretary please state :

(a) the number, communitywise, of Despatchers employed under the Director of Contracts ,

(b) the age and length of service of each Despatcher ,

(c) the number of the Despatchers, whose increments have been withheld for a period of over two years ,

(d) the reasons for retaining those Despatchers in service, whose increments for over two years are withheld for unsatisfactory work , and

(e) whether he is aware that the inefficiency of those Despatchers is due to defective eye-sight ?

Mr. C M G. Ogilvie : (a) One Hindu and one Indian Christian

(b) The Hindu despatcher is 38½ years old and has 16½ years' service The Christian despatcher is 42½ years old and has 16 years' service

(c) There is no despatcher of the category mentioned

(d) and (e) Do not arise.

THE MOTOR VEHICLES BILL—*contd*

Mr President (The Honourable Sir Abdur Rahim) The House will now resume consideration of the Motor Vehicles Bill

The question is .

" That clause 96, as amended, stand part of the Bill "

The motion was adopted

Clause 96, as amended, was added to the Bill

Clauses 97, 98, 99, 100, 101, 102 and 103 were added to the Bill.

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

" That clause 104 stand part of the Bill "

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

" That in sub-clause (*2*) of clause 104 of the Bill, for the word ' fifteen ' the word ' five ' be substituted. "

A look into the clause will show that when the period covered by the insurance is terminated, the insured person has to deliver to the insurer the certificate of insurance within seven days We have got the experience that even for the renewal of life insurances, the Insurance Company gives a period of grace for 30 days for the renewal of the policy. Here,

Sir, there is no provision that the insurer will give a reminder to the insured person for the delivery of the insurance certificate It is quite probable that the period of seven days may pass by way of forgetfulness and the insured person may not even remember to deliver the insurance certificate within the period of seven days. As no provision has been laid down for giving reminder to the insured person, in the circumstances I think the penalty provided is too high My amendment intends to reduce the amount of penalty from 15 to 5 Sir, I move

Mr. President (The Honourable Sir Abdur Rahim) Amendment moved

"That in sub-clause (2) of clause 104 of the Bill, for the word 'fifteen' the word 'five' be substituted"

Mr K G. Mitchell (Government of India Nominated Official) Sir, I oppose the amendment I think the Honourable Member has failed to understand the precise meaning of the clause which does not refer to the expiry of the policy of insurance in the ordinary way by the effluxion of time The clause says that when a policy is terminated for some reason during its normal currency, then the insured person shall within seven days after such termination or suspension, deliver the insurance certificate to the insurer, and the necessity for the penalty is this If the certificate of insurance shows that the policy has still several months more to run, as far as any check on the road is concerned, that vehicle is covered Therefore, it is necessary that if the insurance company is for any reason forced to cancel the policy within the contract period, then the insurer should return the certificate Otherwise he will be travelling on the road under false pretences Sir, I oppose

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

"That in sub-clause (2) of clause 104 of the Bill, for the word 'fifteen' the word 'five' be substituted"

The motion was negatived

Mr J D. Anderson (Secretary Legislative Department) Sir, I beg to move

"That to sub clause (2) of clause 104 of the Bill, the words 'subject to a maximum of five hundred rupees' be added at the end."

I think, Sir, the purpose of this amendment is obvious There is a minimum already fixed for the fines which may be levied and experience has shown that it is desirable also to have a maximum Sir, I move

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

"That to sub-clause (2) of clause 104 of the Bill, the words 'subject to a maximum of five hundred rupees' be added at the end"

The motion was adopted

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

"That clause 104, as amended, stand part of the Bill"

The motion was adopted.

Clause 104, as amended, was added to the Bill

Clause 105 was added to the Bill

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

"That clause 106 stand part of the Bill."

Pandit Lakshmi Kanta Maitra (Presidency Division Non-Muhammadan Rural) : Sir, I beg to move

"That in the proviso to sub-clause (*1*) of clause 106 of the Bill, for the word 'seven' the word 'ten' be substituted"

Sir, the purpose of this amendment is very simple and it is that I just want a little more time

Mr President (The Honourable Sir Abdur Rahim) : Amendment moved

"That in the proviso to sub-clause (*1*) of clause 106 of the Bill, for the word 'seven' the word 'ten' be substituted"

The Honourable Mr. A G Clow (Member for Railways and Communications) : Sir, I think a period of seven days is long enough We extended the time a little in the Select Committee The police station in question can be specified by the driver and he ought to produce the certificate within the time allowed I oppose the amendment.

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

"That in the proviso to sub-clause (*1*) of clause 106 of the Bill, for the word 'seven' the word 'ten' be substituted"

The motion was negatived

Pandit Lakshmi Kanta Maitra : Sir, I beg to move

"That in the proviso to sub-clause (*2*) of clause 106 of the Bill, for the word 'five' the word 'ten' be substituted"

Sir, in this case also I want a little more time It is open to the Honourable Member to accept the amendment or not.

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

"That in the proviso to sub-clause (*2*) of clause 106 of the Bill, for the word 'five' the word 'ten' be substituted"

The Honourable Mr A G. Clow : I am prepared to agree to a little more time But I see no reason for going further in this case than we went in the preceding case If the subsequent amendment, standing in the name of Maulvi Abdur Rasheed Chaudhury were moved, I would be prepared to accept it But I am unable to accept the present amendment

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

"That in the proviso to sub-clause (*2*) of clause 106 of the Bill, for the word 'five' the word 'ten' be substituted"

The motion was negatived

Maulvi Abdur Rasheed Chaudhury : Sir, I beg to move :

"That in the proviso to sub-clause (*2*) of clause 106 of the Bill, for the word 'five' the word 'seven' be substituted."

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

"That in the proviso to sub clause (2) of clause 106 of the Bill, for the word 'five' the word 'seven' be substituted."

The motion was adopted.

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

"That clause 106, as amended, stand part of the Bill."

The motion was adopted.

Clause 106, as amended, was added to the Bill.

Clause 107 was added to the Bill

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

"That clause 108 stand part of the Bill"

Maulvi Abdur Rasheed Chaudhury : Sir, I beg to move :

"That in part (a) of sub-clause (1) of clause 108 of the Bill, for the word 'twenty-five' the word 'ten' be substituted."

Sir, the reason behind this amendment is that India is a very poor country and it will be very difficult for co-operative societies to procure Rs 25 thousand for deposit. So, I say, Sir, that the limit of the amount should be placed at Rs 10 thousand and not Rs 25 thousand. Sir, I move

Mr President (The Honourable Sir Abdur Rahim) : Amendment moved

"That in part (a) of sub-clause (1) of clause 108 of the Bill, for the word 'twenty-five' the word 'ten' be substituted."

Mr R M Chatterjee (Government of India Nominated Official) : Sir, I oppose the amendment As it is, I feel that this figure of Rs 25 thousand is very small One accident may exhaust the whole Fund

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

"That in part (a) of sub-clause (1) of clause 108 of the Bill, for the word 'twenty-five' the word 'ten' be substituted"

The motion was negatived

Dr P. N. Banerjea (Calcutta Suburbs : Non-Muhammadan Urban) Sir, I beg to move :

"That in part (a) of sub-clause (1) of clause 108 of the Bill, for the word 'twenty-five' the word 'fifteen' be substituted."

Sir, I think it is very desirable to encourage co-operative movement, and co-operative societies amongst the owners of public vehicles would be very welcome But the amount which is fixed here, as deposit, namely, Rs 25,000, appears to me to be very large, and this amount has to be

[Dr P. N. Banerjea]

kept separate and will not be available for meeting claims or other expenses Sir, I think it will greatly benefit the principle of co-operation if Rs 15,000 is demanded and not Rs 25,000

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

"That in part (*a*) of sub clause (*1*) of clause 108 of the Bill, for the word 'twenty-five' the word 'fifteen' be substituted"

Mr R. M Chatterjee : Sir, I again oppose this amendment For the reasons already given, I think Government cannot accept this amendment

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions Muhammadan Rural) Sir, may I say a few words ? The reason why I put my name also to this particular proposition is this,—I think it is but fair that the Government Members should hear us first and express their opinion afterwards and not express their opinion first and don't listen to any argument on the other side I contemplate that in future mutual co operative insurance companies will come into existence We have discussed quite enough on the floor of the House managing agencies and other things and we know how the ordinary insurance companies will dupe these poor people and the amount will very seldom be paid and we therefore contemplate that in future various motor companies will form themselves into mutual insurance companies it will take some time, and this Legislature and the Government ought to ensure the formation of such companies I think in the beginning it is not right to put a very high premium because after all these will be small companies every one of them will share the troubles of the others If there are about 200 buses in a locality, then the owners of these buses will combine and form a mutual insurance company and pay the liabilities which may be incurred by any one of these They do not derive any benefit from the deposit money and it should not be beyond the ability of these small co-operative insurance companies It ought to be our policy to encourage the formation of such companies and this can only be done if we lower the limit of the deposit in this particular case Later on if we find that the amount is not sufficient, we can bring a small Bill and raise the amount But I think it is not desirable to burden these small people with a very heavy amount with such a requirement, the formation of such companies will become impossible My friend, Mr Ranga, always says he supports the cause of these small people, though in fact he does not We can test it now by seeing whether he supports this amendment or not

Mr K. G Mitchell : Sir, with reference to what has just fallen from my Honourable friend, Sir Ziauddin Ahmad, I would like to point out that there are two sides to this question it is not only a question of the amount that can be provided by these co-operative societies, but we have also to see that a reasonable amount of cover is provided The House has accepted in respect of buses insurance for a limit of Rs 20,000 for external third party, and in respect of internal third party another Rs 20,000, that is to say, for one bus the insurer may become liable in extraordinary cases to pay claims amounting to Rs 40,000. This is a very modest proposal that these Co-operative Societies should provide a

reserve of Rs 25,000 for 50 buses · if we are going to reduce it to Rs. 15,000 I think it becomes rather ludicrous. There is no question of this money lying idle. There is nothing in the Bill to prevent Co-operative Societies investing it in sound interest-bearing securities , and as Mr Chatterjee has said, the limit of Rs 25,000 is on the low side I oppose the amendment.

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

" That in part (*a*) of sub clause (*1*) of clause 108 of the Bill, for the word ' twenty-five ' the word ' fifteen ' be substituted "

The motion was negatived

Mr. N V. Gadgil (Bombay Central Division Non-Muhammadan Rural) Sir, I move

" That in part (*a*) of sub clause (*1*) of clause 108 of the Bill, for the words ' every fifty vehicles or fractional part thereof ' the words ' first fifty vehicles or fractional part thereof and *pro rata* for every additional vehicle ' be substituted "

In this clause 108, provision is made for cooperative insurance In the course of the discussion at the time the Bill was under consideration, it was pointed out that third party insurance if made compulsory would increase either taxation or costs I think that the provision in this clause if liberally interpreted will go a long way in reducing that cost I have in my possession a report of the proceedings of the Ratnagiri District Motor Bus Association, Ltd From that report it is clear that if co-operative insurance is undertaken, the cost will considerably decrease This association has been well spoken of in the Report of the Motor Vehicles Insurance Committee, and the latest figures, I am supplied by the President, are these In the course of 7½ years, there were 18 accidents in which 21 persons were involved and all told this association has to pay not more than Rs 2,527 with an annual average of 195 cars on its register If what I have suggested in this amendment is accepted then the provision in clause 108 (*1*) (*a*) will be considerably liberalised The first twenty-five thousand rupees will be secured whether the vehicles are one or fifty But suppose the vehicles registered by the association are 51 ; then the clause, as it stands, makes it compulsory that fifty thousand rupees should be deposited My amendment only suggests that the minimum 25,000 will be there whether the vehicles be one or fifty But if there is an additional car over and above this minimum number of 50, then for every additional car the amount of deposit will increase *pro rata, i e.,* Rs 500 per additional vehicle that may be registered In my humble opinion this will go to help the formation of co-operative insurance societies. The working of this Ratnagiri association will go to show that in this particular association the members have to pay Rs 450 for one-ton bus or Rs 290 for a half-ton bus By this provision it will be incumbent on every owner, who has one vehicle, to deposit Rs 500 , then for every premium that may be calculated according to the provisions contained in the subsequent sub-clauses he will have to pay anything from Rs. 100 to Rs. 200 ; but the next year the very amount will be carried over and he will not be required to pay the annual premium as will be required in a joint stock company . that is a great advantage The only sum he may be required to pay will be approximately from Rs 30 to Rs 40 to cover management and other overhead charges That would be a great

[Mr N V Gadgil]

benefit and it will go a very long way in reducing the cost when compulsory insurance is statutorily provided for I therefore submit that the aim of those who are interested in seeing that the compulsory insurance works well on the one hand and that it is not a burden on the industry on the other should be to see that the provisions, especially in clause 108, should be liberalised as much as possible I, therefore, submit for the consideration of this House that my amendment seeks to liberalise sub-clause (*a*), and I have no doubt that the Government will see the reasonableness of this Sir, I move

Mr. President (The Honourable Sir Abdur Rahim) Amendment moved

"That in part (*a*) of sub-clause (*1*) of clause 108 of the Bill, for the words 'every fifty vehicles or fractional part thereof' the words 'first fifty vehicles or fractional part thereof and *pro rata* for every additional vehicle' be substituted"

The Honourable Sir Manmatha Nath Mukerji (Law Member) Sir, I oppose this amendment, and on this ground While we appreciate the object with which this amendment has been put forward, we feel that there would be practical difficulties if this amendment were accepted, and I propose to give my reasons here It is very necessary that there should be a constant fund which would be available, and if this amendment is accepted, there will be the difficulty of maintaining a check in regard to the number of vehicles that would form the subject-matter of insurance at any particular moment There would also be the difficulty in prescribing what would be the fund necessary to pay out at any particular date or at any particular point of time Further, if there is an addition to the number of vehicles, who is to find out where there has been any addition, and by what means can it be found out as to whether there has been an addition or not The fund will fluctuate to such an extent at every moment, that there will be practical difficulties in administering the provision That is what we feel in connection with this amendment We appreciate the object with which it has been put forward, namely, to further the formation of co-operative insurance societies I submit, Sir, from a practical point of view, as there will be so many difficulties, we cannot accept it

Mr Bhulabhai J. Desai (Bombay Northern Division Non-Muhammadan Rural) Sir, I am afraid most of the reasons given by my Honourable friend do not exist I will deal with each of them The first reason he gave was that there might be some difficulty by reason of having to meet claims Reading the clauses as I do, the words must be carefully considered by the House,—the words here are "and the said fund shall not be available for meeting claims or other expenses except in the event of the winding up of the society" That point does not arise Then look at the absurdity of those who drafted this—rupees twenty-five thousand for every fifty vehicles or fractional part thereof In other words, if there are fifty vehicles, Rs 25,000, if there are 51, another 25,000 rupees I know of many stories which I could relate to prove the absurdity of a provision like this All they ask is that for the first fifty vehicles or fractional part thereof a fund of twenty-five thousand shall be maintained, and for every additional vehicle there should be *pro rata* rate. That is certainly reasonable Then, my friend said "Oh, we want to know whether there is an increase or decrease, how would you know

whether 50 has become 51, or 100 has become 101 " ? It is really extraordinary If you can check things under one set of circumstances, certainly you can check things under other circumstances, and, there is also the safeguard in (*g*) which says

" The Society shall furnish to the Superintendent of Insurance the return required to be furnished by insurers under the provisions of the Insurance Act,"

and so on

The point shortly is this, (*1*) that the fund is not to be touched except in the event of winding up, and (2) that the method of calculation is not only unreasonable or unjust, but something extraordinary, because for 50 vehicles it is Rs 25,000 and for 51 vehicles it is another Rs 25,000 or 50,000 One has never heard of such a thing I, therefore, do appeal to my friend to consider this matter seriously and to accept this amendment

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

" That in part (*a*) of sub-clause (*1*) of clause 108 of the Bill, for the words ' every fifty vehicles or fractional part thereof ' the words ' first fifty vehicles or fractional part thereof and *pro rata* for every additional vehicle ' be substituted "

The motion was adopted

Dr Sir Ziauddin Ahmad : Sir, I want to move this * I think the motion that we have just adopted has eased the situation Whenever they have got 50 vehicles they have got to pay Rs 25,000, but when the number increases to 51, they have got to pay another Rs 25,000

Mr K Santhanam (Tanjore *cum* Trichinopoly Non-Muhammadan Rural) Sir, this is barred

Mr. President (The Honourable Sir Abdur Rahim) Now, the House has accepted the proposition that up to 50 cars, it will be Rs 25,000, and if it is 51 or more, it will be *pro rata*. So this is barred

The Honourable Sir Manmatha Nath Mukerji : Sir, I move :

" That in part (*a*) of sub-clause (*1*) of clause 108 of the Bill, after the word ' fund ', occurring in the fifth line, the words ' shall be lodged in such custody as the Provincial Government may prescribe ' be inserted "

The object of this amendment is to enable the Provincial Government to prescribe where the fund is to be lodged, and I ask the House to accept it, unless they think it is absurd.

Mr President (The Honourable Sir Abdur Rahim) · Amendment moved

" That in part (*a*) of sub-clause (*1*) of clause 108 of the Bill, after the word ' fund ', occurring in the fifth line, the words ' shall be lodged in such custody as the Provincial Government may prescribe ' be inserted "

Mr. S Satyamurti (Madras City : Non-Muhammadan Urban) · We do not think it is absurd, but I think the word " lodged " is absurd

The Honourable Sir Manmatha Nath Mukerji : Sir, there should be the word " and " after the word " prescribe "

* " That in part (*a*) of sub-clause (*1*) of clause 108 of the Bill, for the words ' fifty vehicles ' the words ' hundred vehicles ' be substituted "

Mr K Santhanam : Sir, I am not opposing this amendment, but as the words stand, it would mean that the money shall be lodged without any interest Therefore, I would like to suggest the words ' lodged in such custody and invested in such manner as the Provincial Governments may prescribe "

The Honourable Mr A G. Clow : That does not arise out of this question at all The amendment relates solely to where it is to be lodged and does not say in what form it is to be lodged

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

" That in part (a) of sub clause (1) of clause 108 of the Bill, after the word ' fund ', occurring in the fifth line, the words ' shall be lodged in such custody as the Provincial Government may prescribe and ' be inserted "

The motion was adopted

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

" That clause 108, as amended, stand part of the Bill "

The motion was adopted

Clause 108, as amended, was added to the Bill

Mr Suryya Kumar Som (Dacca Division Non-Muhammadan Rural) Sir, I beg to move

" That after clause 108 of the Bill, the following new clause be added, and the subsequent clauses be re numbered accordingly

' 109 (1) A Provincial Government shall by Notification in the Official Gazette appoint a person or a body of persons, one of whom shall have judicial experience and be not below the rank of a Subordinate Judge or a Pleader or Advocate of ten years' standing, to decide claims between the insurer, insured and third Party concerned, on accidents involving death or bodily injury or damage to property, on application made by any of the parties and their decision shall bind the parties unless within one month of the decision any of the parties institute a civil suit to set aside or modify the decision

(2) The decision under sub-clause (1) shall have the force of a decree by a Civil Court and can be executed as such by a Civil Court having jurisdiction to execute such Civil Court's decree ' "

Sir, the ironical laughter with which I have been greeted shows the fate of my amendment, but as I represent my constituency I must voice the feeling of the public whether it is supported by a group or not Let the public then judge of the attitude of those who object to this proposal of mine This amendment of mine does not require a long speech. During the general discussion stage I have gone into the question of insurance and spent about half an hour in dealing with the utility of the insurance and the disadvantage of immediate introduction of insurance. I have drawn special attention to the fact that the insurance, as it is proposed, will do no good to anybody, because damages will not be obtainable, not because there is no insurance, not because there is no fund, but because the poor villagers cannot go through a protracted and expensive litigation in a civil court Generally, these cases pass through three courts, namely, the original court, the District Judge's court and then the High Court The delay is about three to five years even if one gets a decree of Rs 100 or 50. Those who generally use the buses are not the richer classes or the higher middle classes, but only the poorer people.

When there is an accident, the poor villager has, first of all, to get his limbs which are injured, cured, in order that he may go back to earn his livelihood Though he gets work, he may not get the same wages that he got before, he is poor, he has no reserve to institute a suit on the off-chance of getting a few rupees as compensation after three years probably, sometimes after his death If you are really sincere that the man must get compensation, there must be some machinery or some board which can be had easily at hand, which will not be expensive, which will at once take up any accident that may take place, because in the Bill we have provided that information about all accidents should be given to the authorities As soon as the information is received, it is not the injured man that will have to go to court, but this board itself will take up the matter and give notices to the parties and enquire in the locality or take evidence and decide practically as an executive officer, just as they do in the case of the Land Acquisition Act which is being administered in this country If any party is aggrieved by the order of the board, the resort to the civil court is always there I have no doubt that the decision of the board will be accepted in 80 or 90 per cent of the cases because they will know the locality, the circumstances in which the man was injured, they will immediately get evidence of what took place and also know what the income of the man is and his position, and what compensation should be granted That easy method of assessing damage will not injure anybody because the power of the civil court will still remain intact I have been urging some such authority on the Government from the very beginning and I submit that without such an authority which is less costly and without a swift remedy the introduction of compulsory insurance is a sham, is *mala fide*, I do not think it is a *bona fide* chapter. Because by introducing this compulsory insurance you are saddling the motor vehicles to a greater extent without, at the same time, giving any benefit to the injured persons I do not see what objection there can be to the instituting of a board like this With these remarks I want to see the *bona fides* of the Government and the *bona fides* of my friends on the other side, who always say that they are working for the interests of the poor, the workers, the peasants and the cultivators, rather than for the interests of the richer people With these remarks, I ask the Government Bench to consider the matter carefully and either accept this or bring forward some such proposal which may give immediate relief to the injured man at less cost and less loss of time Sir, I move.

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

" That after clause 108 of the Bill, the following new clause be added, and the subsequent clauses be re-numbered accordingly .

' 109. (*1*) A Provincial Government shall by Notification in the Official Gazette appoint a person or a body of persons, one of whom shall have judicial experience and be not below the rank of a Subordinate Judge or a Pleader or Advocate of ten years' standing, to decide claims between the insurer, insured and third Party concerned, on accidents involving death or bodily injury or damage to property, on application made by any of the parties and their decision shall bind the parties unless within one month of the decision any of the parties institute a civil suit to set aside or modify the decision.

(*2*) The decision under sub-clause (*1*) shall have the force of a decree by a Civil Court and can be executed as such by a Civil Court having jurisdiction to execute such Civil Court's decree '."

The Honourable Sir Manmatha Nath Mukerji : I am sorry I have to oppose this amendment My Honourable friend, Mr Som, will excuse me if in opposing his amendment I make as short a speech as he has made. The object of this amendment, I understand, is to secure expedition and to provide for convenience in respect of the settlement of claims Now, the amendment seeks to set up a tribunal consisting of either one person or a number of persons for an entire province My Honourable friend may well conjecture how that tribunal will be able to deal with cases coming under this Act Take, for instance, that an accident has occurred in the district of Chittagong and the tribunal has been set up in the city of Calcutta The parties and their witnesses will all have to come to Calcutta for the purpose of getting the claim settled That is the first thing which this amendment speaks about Then, the second thing is this It is not proposed, by this amendment, to have a final award or decision in respect of the claim and, if one of the parties is dissatisfied with the decision of the tribunal, then the matter may be taken to a civil court My Honourable friend has considerable experience of the courts and judging from our own experience also with regard to litigation in this country, it may be assumed that one or other party will certainly feel dissatisfied and will seek recourse to the civil courts for the purpose of getting rid of this decision of the tribunal The result will be that it will merely be a duplication of procedure There will be decisions of this tribunal and after that there will be suits and appeals and perhaps second appeals I submit that if convenience and expedition are the objects sought to be secured by this amendment, then the amendment will defeat its own object I, therefore, oppose this amendment

Mr Lalchand Navalrai (Sind Non-Muhammadan Rural) I rise to lend my support to this amendment It appears to be a very salutary provision and it will certainly help speedy remedy to be given to those who are injured This tribunal will help to bring about a compromise between the third parties and the insurers When we have accepted compulsory insurance, it is our duty not to treat this matter as a trifle. We are at the fag end of this Bill but we must not forget that there are certain provisions to which we must give cool and calm consideration This matter is not being considered with the seriousness which it deserves Suppose a provision like this does not exist Then what will happen ? When there is a claim for damages, the parties will go to court Of course we know that the remedy through the courts exists even now Under the law of torts, the injured people would have gone to the court and got justice but the point is why we should not provide for a more speedy way of getting justice when we are enacting a new Bill We know how cases in courts are protracted and what a great amount of money it costs You have provided for compulsory insurance and why don't you make the insurer pay a just claim soon If you are leaving it to the courts, then you are giving no relief at all In that case, the House would have been well advised not to accept compulsory insurance at all. When you have a tribunal like this, then the result will be that there will be arbitration and the parties would like to decide the matter among themselves My Honourable friend has said that under the amendment also this matter has been left to the courts. Of course, the ultimate resort alone is to go to the courts but what the mover of the amendment wants is that the matter should be decided judicially

by a cheaper form of tribunal which will give speedy justice My friend has said that one of the persons appointed to this tribunal should be a judicial officer who has got experience of these cases of damages We know that in many cases very complicated questions of damages arise and therefore let there be one judge who will decide the matter speedily, and, therefore, he has asked for nothing but justice and I cannot understand, when justice is being asked, why should it not be that a provision like this should be made, and especially when the judicial authority or the board's decision will be final Sir, many times we see that when arbitrations are made and when parties come to a settlement between themselves, they do consider that decision as final, and in very rare cases do they go to court I would submit from all points of view and reading the whole of this measure I state that this is a very good provision which should be accepted , and if it is not accepted, I must remind the House that the Act with regard to the insurance portion will be absolutely incomplete

Mr Bhulabhai J Desai : Sir, I rise to oppose the addition of this new clause, and I shall give my reasons for doing so I respectfully agree with the Honourable the Law Member that it is going to defeat its purpose I did my best personally to explain the matter to the Honourable the Mover of this clause that they are thinking of a wrong model They are imagining that the scope of inquiry in a case like this can be restricted I can understand an effect of that kind where the inquiry is limited to certain areas of large cities where a special tribunal is intelligible, but where a claim may arise at any road, at any place, in any district, it is somewhat absurd to drag the poor man who may have a claim for Rs 500 to go to a district town before a Special Tribunal , and I again appeal to my friend that, instead of doing any good, it will do a lot of harm to the very man he wants to protect It is no use each time having a good major premise with a wrong minor one We do admit that we want to support the poor man but we cannot always admit that what you say is necessarily good for him That is the real difficulty between us I think the Honourable the Law Member will bear me out that, in all cases of insurance, more than ninety-five per cent of cases that I know of have never been the subject of litigation That is the one solitary feature of an insurance contract in this country as well as abroad. I find that even in a City like Bombay, with many millions worth of business of every type, the number of cases that come up before a Court does not actually exceed 2,900 a year It is no use, Sir, drawing a lurid picture of every dead man's ass and every injured man's limb I do want that they should acquire at least in this particular matter, in the interests of the poor man, a sense of proportion I have not the slightest doubt that in ninety-five cases out of a hundred this would not be needed, and I do ask them not to press this matter

1 P M.

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

" That after clause 108 of the Bill, the following new clause be added, and the subsequent clauses be re-numbered accordingly :

' 109. (1) A Provincial Government shall by Notification in the Official Gazette appoint a person or a body of persons, one of whom shall have judicial experience and be not below the rank of a Subordinate Judge or a Pleader or Advocate of ten years' standing, to decide claims between the

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insurer, insured and third Party concerned, on accidents involving death or bodily injury or damage to property, on application made by any of the parties and their decision shall bind the parties unless within one month of the decision any of the parties institute a civil suit to set aside or modify the decision.

(3) The decision under sub-clause (1) shall have the force of a decree by a Civil Court and can be executed as such by a Civil Court having jurisdiction to execute such Civil Court's decree' ''

The motion was negatived

Clause 109 was added to the Bill

Dr P. N Banerjea : Sir, I move

" That after clause 109 of the Bill, the following new clause be added, and the subsequent clauses be re-numbered accordingly

'110 A Provincial Government may, by notification in the official Gazette, appoint a person or a body of persons to investigate and report on accidents involving the death of or bodily injury to any person arising out of the use of motor vehicles and the extent to which their claims to compensation have been satisfied and to advise or assist such persons or their representatives in presenting their claims for compensation

Provided that nothing in this section shall confer on any such person or body of persons the right to adjudicate in any way on the liability of the insurer or on the amount of damages to be awarded except at the express desire of the insurer concerned' ''

There is a slight verbal alteration I have added the words " or assist " after the words " to advise ", in the amendment as typed and circulated

Sir, the advantage of the acceptance of this amendment will be that the poor man affected by an accident will get advice and assistance from a person or body of persons appointed by Government Besides, this will avoid considerable litigation, because in the last sentence of this amendment you will find that if there is an express desire on the part of the insurer, then this authority may decide it finally A similar clause existed in the original Bill, but that was removed by the Select Committee The Select Committee inserted clause (*h*) in sub-clause (*2*) of clause 110 This sub-clause seeks to provide for what I want to provide here, by means of rules But it would be better to provide it in the Act itself My amendment is more definite and explicit than the sub-clause Sir, I move

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

" That after clause 109 of the Bill, the following new clause be added, and the subsequent clauses be re-numbered accordingly :

'110. A Provincial Government may, by notification in the official Gazette, appoint a person or a body of persons to investigate and report on accidents involving the death of or bodily injury to any person arising out of the use of motor vehicles and the extent to which their claims to compensation have been satisfied and to advise or assist such persons or their representatives in presenting their claims for compensation :

Provided that nothing in this section shall confer on any such person or body of persons the right to adjudicate in any way on the liability of the insurer or on the amount of damages to be awarded except at the express desire of the insurer concerned ''.

The Honourable Mr. A. G. Clow : Sir, I support this amendment. I recognize that the point is to some extent covered by sub-clause (*h*) of clause 110 (*2*), but as Dr Banerjea has pointed out, this differs in certain respects. In the first place, it is more explicit, it is better calculated to bring home to Provincial Governments the great desirability of doing something to assist poor litigants who may be ignorant of their rights In the second place the person or body of persons is appointed by notification, which is obviously more convenient In the third place, clause 110 (*2*) (*h*) relates to certain rules which have to be promulgated by the Central Government, and I anticipate that that might give rise to difficulties, because the Central Government would then be imposing an executive duty on the Provincial Governments which, in some cases, they might find it difficult to sustain I, therefore, think that this represents an improvement on the Bill, and I commend it to the House.

Mr Bhulabhai J. Desai : Sir, I had no desire to intervene in a small matter of this character, but I do wish to point out that this smacks very much of the system that I have read prevails in France The poorer the country, the greater the number of officers and men appointed I can understand that in a democratic country where sometimes they use very good agents for the purpose of canvassing for the Government in power. I do appeal to my Honourable friends again whether you do want all this multiplication of officers and men If they want them, they can have them. But let it be remembered that ours is a poor country and we are multiplying the officers at every stage, whereas our constant endeavour has been to reduce the number of our friends on the other side of the House We can ill-afford the multiplication of officers Look at the way the clause is drafted

'' A Provincial Government may, by notification in the official Gazette, appoint a person or a body of persons to investigate and report on accidents involving the death of or bodily injury to any person, etc ''

I am fully aware as to what happens when an accident occurs in the vicinity of a city The accident is reported on at least by three sets of persons It is reported first by the village *patel*, who is the village officer, and, then, by the police constable, and, more often than not, by the *mamlatdar*, and now you are going to appoint another body of person or persons. At all events, I do respectfully appeal to those who wish to assist the poor man not to accept this amendment To the extent to which we want any assistance, clause 110 (*2*) (*h*) provides for it. That is to say, a body of men may be appointed like the conciliators, whose assistance can be had without paying for it. With these words, I leave it to the Government. Naturally, they should be as solicitous as ourselves, at all events, at this stage of our mutual transitory existence not to impose more obligations if they can help them.

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

'' That after clause 109 of the Bill, the following new clause be added, and the subsequent clauses be re-numbered accordingly .

' 110. A Provincial Government may, by notification in the official Gazette, appoint a person or a body of persons to investigate and report on accidents involving the death of or bodily injury to any person arising out

[Mr. President]

of the use of motor vehicles and the extent to which their claims to compensation have been satisfied and to advise or assist such persons or their representatives in presenting their claims for compensation :

Provided that nothing in this section shall confer on any such person or body of persons the right to adjudicate in any way on the liability of the insurer or on the amount of damages to be awarded except at the express desire of the insurer concerned ."

The Assembly divided :

AYES—49.

Abdul Ghani, Maulvi Muhammad.	Grigg, The Honourable Sir James.
Abdul Hamid, Khan Bahadur Sir.	Highet, Mr J. C
Ahmad Nawaz Khan, Major Nawab Sir	Kamaluddin Ahmed, Shams-ul-Ulema.
Anderson, Mr J D	Lalchand Navalrai, Mr.
Aney, Mr M S	Lloyd, Mr A H.
Ayyar, Mr N M	Mackeown, Mr. J A.
Azhar Ali, Mr Muhammad.	Maitra, Pandit Lakshmi Kanta.
Bajpai, Sir Girja Shankar	Maxwell, The Honourable Mr R M.
Banerjea, Dr P. N.	Metcalfe, Sir Aubrey
Bewoor, Mr G. V	Mitchell, Mr K G
Bhagchand Soni, Rai Bahadur Seth	Mukerji, Mr Basanta Kumar
Bhutto, Mr. Nabi Baksh Illahi Baksh.	Mukerji, The Honourable Sir Manmatha Nath
Chanda, Mr A K	Nur Muhammad, Khan Bahadur Shaikh.
Chatterjee, Mr. R M.	Parma Nand, Bhai.
Chattopadhyaya, Mr. Amarendra Nath.	Rahman, Lieut.-Colonel M. A.
Clow, The Honourable Mr A G	Sant Singh, Sardar.
Conran-Smith, Mr. E.	Shahban, Mian Ghulam Kadir Muhammad
Dalal, Dr. R D	Siddique Ali Khan, Khan Bahadur Nawab
Dalpat Singh, Sardar Bahadur Captain	Som, Mr Suryya Kumar
Datta, Mr Akhil Chandra.	Sukthankar, Mr Y N
Dutt, Mr S.	Sundaram, Mr V S
Essak Sait, Mr. H A. Sathar H.	Umar Aly Shah, Mr.
Faruqui, Mr N A.	Zafrullah Khan, The Honourable Sir Muhammad
Fazl-i Haq Piracha, Khan Bahadur Shaikh	
Ghulam Bhik Nairang, Syed.	
Ghulam Muhammad, Mr	

NOES—38.

Abdul Qaiyum, Mr	Hans Raj, Raizada
Abdur Rasheed Chaudhury, Maulvi	Hegde, Sri K B Jinaraja.
Aikman, Mr A	Hosmani, Mr S K.
Ayyangar, Mr M Ananthasayanam.	James, Mr F E
Boyle, Mr J D	Jogendra Singh, Sirdar
Chaudhury, Mr Brojendra Narayan.	Kailash Behari Lal, Babu
Chunder, Mr N C	Mangal Singh, Sardar
Das, Pandit Nilakantha.	Misra, Pandit Shambhu Dayal.
Desai, Mr Bhulabhai J	Pande, Badri Dutt
Deshmukh, Dr. G V.	Ramayan Prasad, Mr.
Deshmukh, Mr. Govind V.	Ranga, Prof N G.
Gadgil, Mr N. V.	Rao, Mr M Thirumala
Govind Das, Seth.	Santhanam, Mr K
Gupta, Mr K S	Satyamurti, Mr S.

Scott, Mr J Ramsay.
Sham Lal, Mr.
Sheodass Daga, Seth.
Singh, Mr Gauri Shankar.
Sinha, Mr Satya Narayan.
Smith, Lieut.-Colonel H. C.
Sri Prakasa, Mr.
Subbarayan, Shrimati K. Radha Bai.
Town, Mr H. S.
Varma, Mr B. B.

The motion was adopted.

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

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

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

"That clause 110 stand part of the Bill."

Dr P. N. Banerjea : Sir, I move .

"That part (*h*) of sub-clause (*2*) of clause 110 of the Bill be omitted."

No speech is necessary because the substance of this matter has already been provided for in the clause which I moved and which was carried This is really consequential.

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

"That part (*h*) of sub-clause (*2*) of clause 110 of the Bill be omitted."

The motion was adopted

Mr. Sri Prakasa (Allahabad and Jhansi Divisions Non-Muhammadan Rural) Sir, I move :

"That after part (*g*) of sub-clause (*2*) of clause 110 of the Bill, the following new parts be inserted .

'(*h*) the economical manner in which persons affected may be able to present their claims ,

(*hh*) the expeditious method of settling these claims '."

Sir, a reconciliation between motorists and pedestrians is a difficult matter As we all know, when we ourselves are walking on the road we feel that there are too many motor cars , and when we sit in a car we feel that there are too many pedestrians. I want some method by which a reconciliation could take place I am anxious that Provincial Governments, when they are making their rules, should make such rules that all the adjustments can be made economically and expeditiously More multiplication of officials only complicates matters and does not help as my Honourable Leader said this morning It only results in what the condition of the Nawab was who when he found that there was a small amount of theft by his servant in the daily supply of his cream put an officer to supervise him. He went on putting more and more officers in charge in succession till the result was that he only got just enough cream to put on his moustache. The larger the number of officials we have, the greater will be the delay in settling these matters ; and the more expensive would be the method that would be employed After all, we are embarking on a new experiment in third party insurance and payment of compensation, and it is just as well that Provincial Governments should have their attention drawn to this important aspect of the Bill so that they may not fail in making appropriate rules regarding these matters when they do come to frame their rules I hope that my amendment would be acceptable to the House. Sir, I move.

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

" That after part (*g*) of sub-clause (*g*) of clause 110 of the Bill, the following new parts be inserted ·

' (*h*) the economical manner in which persons affected may be able to present their claims ,

(*hh*) the expeditious method of settling these claims ' "

The Honourable Mr. A G. Clow : Sir, no one can quarrel with the objects underlying the amendment, but I do not think the amendment is in a form in which it can be accepted, and I do not see what is going to be done under it I listened carefully to the Honourable Member for some indication of the type of the rules that can possibly be framed under those clauses, but I received no indication at all He seemed to be under the impression that he was conferring certain rule-making powers on the Provincial Governments, but it is the Central Government that is concerned here. I do not understand what rules can provide for the economic manner in which persons affected may present their claims The only step that occurs to me at the moment would be a reduction in court fees and that clearly would be a matter for the Provincial Governments whose income would be affected by it Then coming to the second part—the expeditious method of settling these claims—I can only suppose that my Honourable friend has in mind some kind of procedure other than that laid down by the Code which applies to these matters, in other words, the introduction of some kind of special tribunal and special procedure But I thought this morning we had decided against including provisions of that kind I suggest that the amendment in addition to being extraordinarily obscure would not tend to further the aims which the House has in view I oppose the amendment

Mr Umar Aly Shah (North Madras Muhammadan) Sir, I rise to oppose this amendment To my mind, this Bill seems to be more dangerous than the Criminal Law Amendment Bill which we have just passed There are about 136 clauses and 10 Schedules and nearly one thousand amendments in this Motor Vehicles Bill, and although most of the clauses have been carefully examined in the Select Committee, there are many defects and loopholes in this Bill, and, therefore, it is very necessary that it should be re-committed to a Select Committee as was the case with Mr Ghuznavi's Coastal Traffic Bill By this measure, Government want to compel motor owners to give bonuses through the insurance companies to all those who are suffering from accidents I suggest that this insurance business should also be taken over by the Government, just as they have taken the power of issuing licenses to motorists and drivers There is a great agitation against this Bill, and there is a universal feeling that drivers and motor owners will be virtually tortured by this measure. I feel that our leaders and patriots should take steps to see that such a measure is not passed It is a well known fact that there is severe competition between the Railways and the Road, and Government is anxious to support the Railways as far as possible They have already spent over 800 crores of rupees for building their railways, but they have not cared to help the rural parts There are so many villages in proximity to the railway stations and some of them had asked for flag stations but Government have given a deaf ear to their representations. Thus the poor

villagers are ignored Government have no desire to help the poor peasants Without a helpful understanding between Government and people, it would be difficult for any reforms being introduced There are about 7½ lakhs of villages in India, and while roads are increased, cars also should be increased If the roads are increased, there will be increase of business, increase of business means increase of wealth, and increase of wealth means the solution for unemployment Poverty and unemployment can be solved if there is an increase of wealth Government's rural uplift programme should be expanded There was the Motor Act in existence since 1914, but Government kept quiet all these years This measure may be passed now, but it will not be applicable to the feudatory states of India, which are about 615 in number I suggest therefore that we should wait to introduce this measure till Federation comes; because then this Act can be introduced in those States also ..

Dr. P. N Banerjea : Is this all relevant ?

Mr. Deputy President (Mr Akhil Chandra Datta) I think he has almost finished

Mr Umar Aly Shah : I feel that this Bill should be revised completely In fact, I feel that we should wait for the introduction of a Bill of this kind until the Federation comes Sir, I oppose this amendment.

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

" That after part (*g*) of sub-clause (*2*) of clause 110 of the Bill, the following new parts be inserted ·

' (*h*) the economical manner in which persons affected may be able to present their claims ,

(*hh*) the expeditious method of settling these claims ' "

The motion was negatived

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

" That clause 110, as amended, stand part of the Bill "

The motion was adopted

Clause 110, as amended, was added to the Bill.

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

" That clause 111 stand part of the Bill "

Maulvi Abdur Rasheed Chaudhury : Sir, I move ·

" That in clause 111 of the Bill, after the word ' Whoever ' the word 'knowingly ' be inserted."

Sir, I have lost several amendments in which I made an attempt to add the word " knowingly ", but that does not discourage me I believe I am right when I say that the intention of the offender has to be proved before he is convicted, and, I believe, on that basis, I am making this amendment

Sir, a look into this Chapter will show that this Bill has provided severe punishments in almost all the conceivable offences. We have provided for punishment for disobedience of orders, offences relating to

[Maulvi Abdur Rasheed Chaudhury.]

licenses, driving at excessive speed, driving recklessly, and so on, and for all the conceivable offences we have provided punishment, and I should say, severe punishment Now, Sir, we are going to provide punishment for unknown offences under this Act The offences for which the offenders are to be punished are given serially in sections 112 to 126 Now, those sections clearly show the extent of the offences for which the offender will be punished This clause 111 provides that even for violating the rules made under this Act, the persons who violate the rules will be punished We have been discussing at great length the different offences for which the offenders will be punished, but the rules will be made by the executive ; the rules will not be discussed in this House, and even for the breach of rules the drivers of motor cars will be punished The drivers will have very little knowledge of the rules The rules will not be circulated, the rules will not be published in the vernacular papers, in provincial papers for the information of the public So far as the rules are concerned, the drivers will be altogether ignorant, and I should like that they should not be punished for their ignorance So, I submit that the word " knowingly " should be inserted, so that they may be punished for offences which they know to be offences and not otherwise. Sir, I move.

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

" That in clause 111 of the Bill, after the word ' Whoever ' the word 'knowingly ' be inserted "

The Honourable Sir Manmatha Nath Mukerji : I oppose this amendment It will be seen that clause 111 deals with offences which are not provided for in any of the other clauses of Chapter IX Those that are provided in the other clauses of this Chapter are offences of a more serious nature The offence which clause 111 deals with is punishable only with a fine If there is a law or a rule made under the law, it is expected that that law or that rule will be complied with, and contravention of that law or that rule should be made punishable, quite apart from the question as to whether the man who contravenes it does so knowingly or in ignorance of the law or rule Ignorance of law is no excuse and I therefore submit that there is no reason behind this amendment which has been proposed I submit that this amendment ought to be rejected

Dr. Sir Ziauddin Ahmad : My Honourable friend, Mr Abdur Rasheed Chaudhury, has been pressing for the last two weeks that the word " knowingly " ought to be inserted practically in all the clauses so that punishment be given whatever the man committed the crime deliberately and with knowledge In several cases we were told on the floor of the House that the word " knowingly " is implied in the wording of the sentence itself and, therefore, that it was unnecessary. But now a new reason has been set forth that the word is useless because knowledge is not necessary for punishment. I think that those of us who are not lawyers have been treated rather unfairly in this particular respect At one time it is said that it is unnecessary because it is implied, and at another time it is said that it is useless because knowledge is not necessary To punish a man for an act committed by a relative of his, say, without his knowledge, is rather harsh.

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

" That in clause 111 of the Bill, after the word ' Whoever ' the word 'knowingly ' be inserted "

The motion was negatived.

Dr. Sir Ziauddin Ahmad : I beg to move

" That in clause 111 of the Bill, for the word ' fifty ' the word ' two ' be substituted "

My task has become very simple, because the Honourable the Law Member has said that the offences under this clause are not of a serious nature We really want some kind of fine which will have deterrent effect so that people may not commit those particular offences It is not desirable for that purpose to have a very severe penalty If the intention is to stop people from doing the thing, a small fine will do, but if the intention is to collect money for the revenue of the Provincial Government, that is an entirely different matter I may say in order to avoid many speeches in future, that the view which I take throughout the discussion of this chapter is that the punishments proposed are rather heavy If there is a case of cheating I think it is right that you should imprison a person, but if it is merely ordinary driving and ignorance of rule, to send a man to jail practically amounts to this that we ought not to have motor cars at all In this particular clause we deal with trivial offences and in such a case a very small fine is enough Very often cases under this clause will be tried by an honorary magistrate He very often sits at a public place where these motor buses are parked. As in the case of the railway magistrate who sits at the railway station and cases are tried by him then and there similarly in this case too, the honorary magistrate will sit at a public place and try cases

Moreover the punishment depends upon the whims and fancies of the honorary magistrate concerned If he is a strict magistrate he may fine Rs 50 If he is lenient he may perhaps lower the fine Most of us have got experience of honorary magistrates The cases are not decided on the merits Very often they are decided by external influences, and in order to please the policemen, very often they give the maximum punishment It may be argued that as Rs 50 is the maximum punishment, in fact the fine will be much smaller, say, 10, or 5 or 2 I remember the case of one honorary magistrate The punishment was both imprisonment and fine, and when he was asked why such a maximum fine was imposed he said that he did so because there was no rule to impose any higher fine. This is the mentality of a large number of these honorary magistrates Had it been an ordinary court I would not have argued like this, but as these cases, being trivial, are likely to be tried by honorary magistrates, I think it is but reasonable that the quantum of fine ought to be Rs. 2. Sir, I move

Mr Deputy President (Mr. Akhil Chandra Datta) : Before I place the amendment before the House, I should like to draw the attention of the Honourable the Mover of the amendment that the word ' fifty ' occurs in two places. Does his amendment apply to both places ? In that case, the last one would read as " two hundred and two rupees ".

Dr. Sir Ziauddin Ahmad : I mean, Sir, that it should refer to the word " fifty " in the fourth line of the clause.

Mr. Deputy President (Mr. Akhil Chandra Datta) Very well. Amendment moved

" That in clause 111 of the Bill, for the word ' fifty ', in the fourth line, the word ' two ' be substituted "

Mr G D. Walker (Assam Nominated Official) I rise to oppose this amendment I have great sympathy with all those who have given notices of amendments to reduce penalties whether of fine or of imprisonment, but I do not think that they are taking the most expedient way of securing what they intend Ordinarily, the magistrate trying a motor case does not think at all about what the maximum punishment awarded for the offence is He deals with the case, first, of course, according to the gravity of the offence, and, secondly, according to the capacity of the accused person, the person convicted, to pay the fine The result is that the magistrate never thinks at all as to whether there is a maximum or not Some day a more serious offence than usual takes place or the accused person is one of those referred to by the framers of the Indian Penal Code, as one to whom the ordinary fine is a matter for contempt I refer to people like Corporations and other wealthy people. If the magistrate wants to fine them and you reduce your maximum, it is the rich man who is getting off and the poor man is protected because the magistrate ordinarily considers the circumstances of the offender

I should also like to reply to the argument brought forward by Dr.
3 P M Sir Ziauddin Ahmad He says that the honorary magistrate is guided by the maximum that he can impose If you put a maximum pretty low down, he thinks that that is good enough, that it is not a severe offence, and he fines up to that , but if you put the maximum at Rs 500 or Rs 1,000, he never attempts to fine so heavily. Sir, I oppose the amendment

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

" That in clause 111 of the Bill, for the word ' fifty ', in the fourth line, the word ' two ' be substituted."

The motion was negatived

Maulvi Abdur Rasheed Chaudhury : Sir, I move :

" That in clause 111 of the Bill, for the word ' fifty ', occurring in the fourth line, the word ' five ' be substituted."

The reasons advanced by my friend, Sir Ziauddin Ahmad, apply to this amendment also. I have raised the figure to Rs 5. The Honourable the Law Member said that this clause will not deal with serious offences If that is so, I do not see any reason why a fine of Rs. 50 should be provided What is the idea of the originators of this Bill in making it so stringent ? By the enactment of the Arms Act, during the last 160 years, Government have made coward of the people, and they are *afraid of touching a gun By making this Bill so stringent, you are doing the same thing* You like that nobody should touch a motor car. I hope the House will consider this matter carefully and provide a light punishment.

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

" That in clause 111 of the Bill, for the word ' fifty ', occurring in the fourth line, the word ' five ' be substituted."

The motion was negatived

Sardar Mangal Singh (East Punjab : Sikh) . Sir, I move :

" That in clause 111 of the Bill, for the word ' fifty ', occurring in the fourth line, the word ' twenty ' be substituted."

I shall not take much time of the House as the matter has been already discussed This clause deals with the punishment of offences which have not been covered by this Bill and confers very wide powers on the courts. Even the contravention of any rule made thereunder is punishable My second reason is that the people to be dealt with are mostly poor people, and, therefore, a fine of Rs. 50 is too much. Moreover, if there is a fine of Rs 50 or below, there is no appeal to the Sessions Court, and, therefore, it stands to reason that the punishment should be very low I am aware that in the original Bill it was Rs 100, and the Select Committee reduced it to Rs 50, but I think the figure should have gone down still further Mine is a golden mean between 50 and 5 and 2 moved by the other Members I hope the Honourable Member in charge will accept it

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

" That in clause 111 of the Bill, for the word ' fifty ', occurring in the fourth line, the word ' twenty ' be substituted "

The Honourable Mr. A. G. Clow : In spite of the plea that has just now been put forward, I am afraid I must oppose the amendment. The two previous speakers said that the Honourable the Law Member said that no serious offences came under this section He did not say that. He said that the most serious offences did not come under it and that this dealt with the less serious ones but there are some which are serious For example, there is driving without a licence, even when a man is disqualified Among many other offences to be dealt with by this clause are such offences as driving an unregistered vehicle, contravening the rules regarding the dimensions of the vehicles, tampering with speed governors and offences of that character. Sardar Mangal Singh has said that most of the offenders would be poor men Well, that may be so but we have to fix a maximum which is going to be a deterrent also to those who are not and I do not think that Rs 50 as a maximum is at all unreasonable. It would not be imposed on a poor man for a first offence.

Mr. Lalchand Navalrai : I thought that this amendment, coming as it does from my friend belonging to the Congress Party, will be accepted by the Government. This clause does not apply to very serious offences ; it is only a few offences which are not provided for specifically that this provision will apply to. Now for instance if a driver were to take one man more, he will come under this clause and for that he should pay up to Rs. 50, is unreasonable.

The Honourable Mr. A. G. Clow : Not necessarily.

Mr. Lalchand Navalrai: What I am submitting is that these are offences for which you should not fix the maximum at as high as Rs. 50; that is too much I submit that it would be reasonable to have Rs 20 because then we will see that a proportion has been made between the bigger offences and the smaller offences Now as regards the question whether this will apply to the rich man or the big man or to the poor man, I submit that, so far as both are concerned, why should there be any difference between a rich man and a poor man when the offence that is being committed is in itself a small one? In respect of a small offence committed by a rich man or by a poor man the punishment should not be graduated according to whether one is a rich or poor Then again my learned friend said that magistrates would not necessarily impose the maximum fine of Rs 50, they might even fine two rupees as suggested by my Honourable friend, Sir Ziauddin Ahmad But I submit we have some experience of these magistrates I congratulate the Honurable Mr Walker if he is so sympathetic a magistrate as to make that distinction and feel for poor When the maximum is put at Rs 50, if the magistrate feels some mercy, he won't come down to Rs 20 but perhaps to Rs 40 I submit there ought not to be an insistence by Government on every provision that was made in the Select Committee and they should not necessarily stick to it but they should listen to the view of this House At any rate in matters like this a little leniency and sympathy should be shown It is a question of punishment after all You are going to make this an Act for the first time Let people understand your Act fully and you then provide for more punishment in the light of experience gained by you Therefore I submit this is a very reasonable amendment and I would request the Congress Members to support it.

Some Honourable Members: Sir, I move that the question be now put

Dr. Sir Ziauddin Ahmad: Sir, if the Honourable the Mover might agree to one proposal and that proposal is this that all the cases coming under this Act will be tried by paid magistrates and not by honorary magistrates, then probably I will not oppose any of these punishments I know one honorary magistrate who never imposed a fine during his tenure of office as honorary magistrate and I may say that it is myself Sir, during my five years as an honorary magistrate I never imposed any fine Perhaps my friend, Mr Sri Prakasa, may guess why I did not.

Mr. Bhulabhai J. Desai: May we know what your punishment was?

Dr Sir Ziauddin Ahmad: I myself did not impose a fine because I never tried a case I have been for five years a briefless magistrate but I know that I am the only person who has ever been a briefless magistrate There are other important honorary magistrates who want to try a very large number of cases in order to show their importance, and I know of a number of magistrates who always go in for the maximum punishment Therefore, it is very desirable that in these cases which in cent per cent. of cases will be tried by the honorary magistrates, the amount of fine should be something reasonable.

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

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is that the question be now put.

The motion was adopted.

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

" That in clause 111 of the Bill, for the word ' fifty ', occurring in the fourth line, the word ' twenty ' be substituted."

The motion was adopted.

Pandit Lakshmi Kanta Maitra : Sir, I move :

" That in clause 111 of the Bill all the words occurring after the words ' to fifty rupees ' be omitted "

Sir, the House, I believe, has realised that clause 111 is an omnibus penal provision which is intended to meet all cases involving breaches of the provisions made in this Bill as also breaches of rules made in connection with this Bill Sir, in connection with previous amendments the matter has been fully discussed and it has been made abundantly clear that whatever might be said by one or two Honourable Members on the Treasury Benches, the cases contemplated in clause 111 will be not only light offences but in most cases merely technical offences, purely technical breaches of certain mandatory provisions made in this Bill Again my Honourable friend, Mr Mitchell, is vigorously shaking his head. Sir, merely shaking the head never carriers one very far Sir, by this amendment I want to avoid a special enhanced punishment for what may be purely technical offences Is it seriously suggested that for such an offence, for instance, as not keeping proper records of work, for which a man may be punished with a fine which may extend to Rs 20, that on a subsequent occasion for breach of another provision in the Act, such as for not fixing the hour of duty beforehand or for causing obstruction or inconvenience, that for every such subsequent breach, on his part, of these so-called provisions, there should be a statutory provision for enhanced sentences ? This is most unreasonable to say the least of it In connection with the previous amendment, my Honourable friend, Mr Clow, argued that the punishment should be sufficiently deterrent if it is to have any effect May I remind him that in the opinion of penologists, the object of penal legislation is that it should not merely be deterrent but that it has a threefold purpose,—it should be deterrent, reformative and retributive. In modern times it is the reformative element that is certainly the most important aspect of penal legislation ; but the scheme of penalties provided in this chapter emphasizes only the deterrent and retributive aspects, and is reminiscent of the medieval ages when for petty offences like larceny a man used to be hanged Does my Honourable friend, Mr. Clow, want to go back to those days ? I do not know if my Honourable friend, Mr. Clow, wants to go back to the old times or he wants to move along with the modern times *The Indian Penal Code* is generally extolled as the monument of codification May I ask him if even in the Indian Penal Code there are very many provisions for *such enhanced sentences for second offences ? I admit* there is a *provision here and a provision there, when, after conviction in a parti-*

[Pandit Lakshmi Kanta Maitra]

cular case, the first conviction may be adduced as evidence but the scheme of providing enhanced punishment for second offences is quite foreign to the spirit of the Indian Penal Code which has held the field for about 75 years So I do not want the Honourable Mr. Clow to provide, in a Bill like this, so severe penalties—in fact, a regular system of heavy penalties—which will, in effect, completely wipe out those who are engaged in this trade It is far from me to suggest that one should minimise the seriousness of cases of a grave nature, but certainly, I shall not be a consenting party and I will also ask my Honourable friends here not to be a consenting party, to a legislation which prescribes a statutory and heavy punishment for the commission or repetition of what might be purely technical or trivial offences If the amendment is allowed to be passed, then may I ask my Honourable friend what would be the harm if a man convicted of a second breach of another provision either of this Act or any rules made under it is fined to the extent of Rs 50 ?

The Honourable Mr. A G. Clow : It is now Rs. 20.

Pandit Lakshmi Kanta Maitra : Is it a very small amount ? But he may be fined twice or thrice and it may go up to Rs 50 or more in the aggregate Rs 20 may be a paltry sum to those who are drawing Rs 5,000 a month but these motor drivers who are engaged in this trade do not get generally more than Rs 15 or Rs 20 or Rs 25 at the most a month You are making legislation for this country and not for England Please do not forget that the average income of a man in this country is incomparably less than that of an Englishman in England You have to bear that fact in mind So, I submit that this provision should be deleted I would particularly ask my Honourable friends of the Congress Party to remember that even the much-maligned motor drivers very often come from the same ranks as we do. They have taken to this profession because unemployment, poverty or economic necessity have forced them to join it They are our own kith and kin Therefore, it will be very impolitic or unwise on our part to make punishment so deterrent that people will be scared away from it Let us not forget the services that these motor people render us in our political activities Let us not be so hard on them Sir, I move

Mr Deputy President (Mr. Akhil Chandra Datta) : I have got to invite the attention of the Honourable the Mover of this amendment to the fact that in consequence of the previous amendment, namely, 670, being adopted by the House, the word ' fifty ' is not there. It ought to be substituted by ' twenty '

Pandit Lakshmi Kanta Maitra : Yes, Sir

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

" That in clause 111 of the Bill, all the words occurring after the words ' to twenty rupees ' be omitted."

The Honourable Mr. A. G. Clow : Sir, I do not know if it is much good my repeating what I said before, that is, in the case of an omnibus clause like this you have got to consider the most serious offence and the wealthier offender. That does not imply that when you have a poor man before you, you are going to fine him the maximum, nor does it even imply that when a second offence is committed, you are going above the maximum for the first one My Honourable friend referred to the Indian Penal Code and said that we would not find any or many of these enhanced penalties there That is true But in most cases, when the Indian Penal Code mentions a fine, it mentions a fine of no limit This is a method of clemency rather than of severity because, if we are going to have a single penalty, obviously, we must take into consideration, in fixing the limit of that penalty, the man who is not a first offender but a habitual offender, and by this method we are able to fix a lower maximum for the first offence I am prepared to concede that the maximum penalty in this case may be a little high for all the offences but one, and to that I hope the House will accord special treatment There are amendments later on to reduce that maximum But I suggest that the principle of having an enhanced penalty is sound and I oppose the amendment

Sardar Sant Singh (West Punjab Sikh) Sir, the Honourable Member for Communications has ignored one important fact when making a reply to this motion, and that is that by prescribing one penalty for the first offence and then prescribing a higher penalty for the second or the third offence, he puts forward a clear indication for the guidance of the courts and the magistrates that the second offence is to be visited by a higher penalty than the first one This very comparison makes it obnoxious in a Bill of this kind Probably, he ignores this fact that a person who drives a motor vehicle has a capital of about Rs 3,000 or Rs 2,500, and his earning on that is so meagre that the visiting of a higher penalty would mean the practical deprivation of his livelihood Therefore, I appeal again to my Honourable friend to reconsider his decision and to realise that by providing these comparative penalties, he will be forcing the hands of the Courts to give a higher penalty to a man with a small capital I, therefore, support this motion

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

" That in clause 111 of the Bill, all the words occurring after the words ' to twenty rupees ' be omitted "

The Assembly divided :

AYES—20.

Abdur Rasheed Chaudhury, Maulvi	Ghulam Bhik Nairang, Syed.
Aney, Mr. M S	Ismail Khan, Haji Chaudhury Muhammad.
Banerjea, Dr P N.	Maitra, Pandit Lakshmi Kanta.
Bhutto, Mr. Nabi Baksh Illahi Baksh	Mehr Shah, Nawab Sahibzada Sir Sayad Muhammad.
Chattopadhyaya, Mr Amarendra Nath.	Nauman, Mr. Muhammad.
Essak Sait, Mr H A. Sathar H.	Parma Nand, Bhai.
Fazl-i-Haq Piracha, Khan Bahadur Shaikh.	

Rafiuddin Ahmad Siddiquee, Shaikh.
Sant Singh, Sardar.
Shahban, Mian Ghulam Kadir Muhammad.
Som, Mr Suryya Kumar.
Umar Aly Shah, Mr.
Zafar Ali Khan, Maulana.
Ziauddin Ahmad, Dr Sir.

NOES—76.

Abdul Hamid, Khan Bahadur Sir.
Abdul Qaiyum, Mr
Ahmad Nawaz Khan, Major Nawab Sir.
Aikman, Mr. A
Anderson, Mr J. D
Ayyangar, Mr M Ananthasayanam.
Ayyar, Mr N. M.
Bajpai, Sir Girja Shankar.
Bewoor, Mr G V
Boyle, Mr J. D
Chaliha, Mr Kuladhar.
Chanda, Mr A. K
Chapman-Mortimer, Mr. T.
Chatterjee, Mr R M.
Chaudhury, Mr Brojendra Narayan.
Chunder, Mr. N C
Clow, The Honourable Mr. A. G.
Conran Smith, Mr. E.
Dalal, Dr R D
Dalpat Singh, Sardar Bahadur Captain.
Das, Mr B.
Das, Pandit Nilakantha.
Desai, Mr Bhulabhai J.
Deshmukh, Dr G. V.
Deshmukh, Mr Govind V.
Dutt, Mr S
Faruqui, Mr N A.
Gadgil, Mr N V
Ghulam Muhamad, Mr.
Govind Das, Seth
Grigg, The Honourable Sir James
Gupta, Mr K S
Hans Raj, Raizada
Hegde, Sri K B Jinaraja
Highet, Mr J C
Hosmani, Mr S K
James, Mr F E
Jawahar Singh, Sardar Bahadur Sardar Sir
Jedhe, Mr K M
Jogendra Singh, Sirdar
Kailash Behari Lal, Babu.
Kamaluddin Ahmed, Shams-ul-Ulema.
Lloyd, Mr A H
Mackeown, Mr J. A
Mangal Singh, Sardar.
Maxwell, The Honourable Mr R. M.
Metcalfe, Sir Aubrey
Miller, Mr C. C.
Misra, Pandit Shambhu Dayal.
Mitchell, Mr K G
Mukerji, Mr Basanta Kumar.
Mukerji, The Honourable Sir Manmatha Nath
Nur Muhammad, Khan Bahadur Shaikh.
Pahwal, Pandit Sri Krishna Dutta.
Pande, Mr. Badri Dutt.
Rahman, Lieut.-Colonel M. A.
Ramayan Prasad, Mr.
Ranga, Prof N. G
Rao, Mr M Thirumala.
Santhanam, Mr. K.
Satyamurti, Mr. S.
Scott, Mr J Ramsay.
Sham Lal, Mr
Sheodass Daga, Seth.
Sher Muhammad Khan, Captain Sardar Sir.
Singh, Mr Gauri Shankar.
Sinha, Mr Satya Narayan.
Smith, Lieut.-Colonel H. C.
Sri Prakasa, Mr.
Subbarayan, Shrimati K. Radha Bai.
Sukthankar, Mr Y N
Sundaram, Mr V. S.
Town, Mr H S
Varma, Mr. B B.
Walker, Mr. G. D
Zafrullah Khan, The Honourable Sir Muhammad.

The motion was negatived.

Mr Amarendra Nath Chattopadhyaya (Burdwan Division : Non-Muhammadan Rural): Sir, I beg to move

"That in clause 111 of the Bill, for the words 'two hundred and fifty rupees' the words 'one hundred rupees' be substituted."

Sir, I have very little to say about this amendment, since much has been said on the previous amendments. Sir, I simply move

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

" That in clause 111 of the Bill, for the words ' two hundred and fifty rupees ' the words ' one hundred rupees ' be substituted."

The Honourable Mr. A G Clow : As I indicated earlier, I am prepared to admit that the enhanced penalty for most cases is pitched a little on the high side. There is, however, by accident, one rather serious offence included here, namely, driving without a license even when one is disqualified My Honourable friend, Mr. Mitchell, has tabled an amendment which is now in front of the House and is designed to transfer that to another clause. I hope the House will agree to that. Subject to that reservation, I am prepared to accept this amendment.

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

" That in clause 111 of the Bill, for the words ' two hundred and fifty rupees ' the words ' one hundred rupees ' be substituted."

The motion was adopted

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

" That clause 111, as amended, stand part of the Bill."

The motion was adopted

Clause 111, as amended, was added to the Bill.

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

" That clause 112 stand part of the Bill "

Mr Amarendra Nath Chattopadhyaya : Sir, I move ·

" That in clause 112 of the Bill, after the word ' Whoever ' the word ' wilfully ' be inserted."

Those who have any experience of how drivers are hauled up for small offences cannot but support this amendment I do not think Mr. Clow will object to this small amendment. So I move it.

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

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

" That in clause 112 of the Bill, after the word ' Whoever ' the word ' wilfully ' be inserted."

The Honourable Sir Manmatha Nath Mukerji : Sir, although the amendment does not seem to be necessary, we have no objection to it and we accept it

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

" That in clause 112 of the Bill, after the word ' Whoever ' the word ' wilfully ' be inserted."

The motion was adopted

Maulvi Abdur Rasheed Chaudhury : Sir, I move

" That in clause 112 of the Bill, for the words ' two hundred ' the word ' twenty ' be substituted "

Sir, a look into the clause will show that when a man does anything which he does not know to be an offence, it may be construed as an offence and he is to be punished for that also This is one reason The other is very obvious My country is a very poor country our average income before the depression was only Rs 82 a year and now it is calculated to be about Rs 60—that is, on the average a man earns about Rs 5 a month only If we fine the man Rs 200, the poor driver will have to part with three years' pay, and his dependants will have to starve. Let a little compassion be shown to the poor drivers of this country and let not the punishment be as high as Rs 200 The maximum should be Rs 20 Sir, I move

Mr President (The Honourable Sir Abdur Rahim) : Amendment moved

" That in clause 112 of the Bill, for the words ' two hundred ' the word ' twenty ' be substituted "

The Honourable Mr. A. G Clow : Sir, I would merely point out that after the amendment moved by Mr Chattopadhyaya just now, this has become a case of wilful disobedience Nobody need wilfully disobey unless he wants to and I think the punishment here is correct

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

" That in clause 112 of the Bill, for the words ' two hundred ' the word ' twenty ' be substituted "

The motion was negatived.

Mr M. Thirumala Rao : Sir, I move

" That in clause 112 of the Bill, for the word ' two ', occurring in the last line, the word ' one ' be substituted "

This is only a reduction of the fine from Rs 200 to Rs. 100 Sir, I move

Mr President (The Honourable Sir Abdur Rahim) : Amendment moved

" That in clause 112 of the Bill, for the word ' two ', occurring in the last line, the word ' one ' be substituted "

The Honourable Mr. A. G. Clow : I think, as I have already said, that the punishment here is appropriate, and I oppose the amendment.

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

" That in clause 112 of the Bill, for the word ' two ', occurring in the last line, the word ' one ' be substituted "

The motion was negatived

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

"That clause 112, as amended, stand part of the Bill."

The motion was adopted

Clause 112, as amended, was added to the Bill.

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

"That clause 113 stand part of the Bill."

Maulvi Abdur Rasheed Chaudhury : Sir, I move

"That in clause 113 of the Bill, before the word 'imprisonment' the word 'simple' be inserted."

Rigorous imprisonment is intended only for those who are guilty of moral turpitude In this case it does not show that the offenders who are to receive the punishment are of that nature I think the House will approve that in no case where moral turpitude is not involved should the imprisonment be rigorous Any imprisonment awarded should be simple, not rigorous So I say that my amendment should be accepted and rigorous imprisonment should not be meted out to these poor drivers

Mr President (The Honourable Sir Abdur Rahim) Amendment moved :

"That in clause 113 of the Bill, before the word 'imprisonment' the word 'simple' be inserted"

The Honourable Sir Manmatha Nath Mukerji : Sir, I oppose this amendment I do not find that any reason exists why we should exclude rigorous imprisonment from the provisions of this section The word imprisonment has been used in the clause and it may mean either simple or rigorous, and it will be in the discretion of the magistrate to inflict the one or the other sentence. Sir, I oppose.

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

"That in clause 113 of the Bill, before the word 'imprisonment' the word 'simple' be inserted."

The motion was negatived.

Mr. K. G. Mitchell : Sir, I beg to move, with your permission, an amendment which was circulated this morning. The amendment is :

"That in clause 113 of the Bill, after the word 'licence', in line two, insert the words 'drives a motor vehicle in a public place or'."

The object of this is that driving a motor vehicle in a public place when disqualified for driving was one of the serious offences which was not covered by a specific provision and included in the general penal clause 111. *Owing to a general wish, the penalty in that has been re*duced, and we thought it necessary to make specific provision for this offence. Sir, I move.

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

" That in clause 113 of the Bill, after the word ' licence ', in line two, insert the words ' drives a motor vehicle in a public place or '."

The motion was adopted

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

" That clause 113, as amended, stand part of the Bill."

The motion was adopted.

Clause 113, as amended, was added to the Bill

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

" That clause 114 stand part of the Bill."

Maulvi Abdur Rasheed Chaudhury : Sir, I move :

" That in sub-clause (*1*) of clause 114 of the Bill, for the words ' two hundred ' the word ' twenty ' be substituted "

As I said before, the drivers are a poorly paid people, and if a driver is fined Rs 200 he loses three years' earnings, and it will bring on an immense amount of suffering on his family I think, Sir, the House will have compassion and prescribe a lower punishment as I have suggested.

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

" That in sub-clause (*1*) of clause 114 of the Bill, for the words ' two hundred ' the word ' twenty ' be substituted."

The motion was negatived

Pandit Lakshmi Kanta Maitra : Sir, I move .

" That in sub-clause (*1*) of clause 114 of the Bill, for the word ' two ' the word ' one ' be substituted."

Sir, clause 114 deals only with cases of driving at excessive speed irrespective of whether any accidents have occurred or not, and if the man is sentenced to a maximum penalty of Rs. 200, it will be really very severe Sir, I move

Mr President (The Honourable Sir Abdur Rahim) : Amendment moved

" That in sub-clause (*1*) of clause 114 of the Bill, for the word ' two ' the word ' one ' be substituted "

Mr. K G Mitchell : Sir, I oppose this amendment. The offence of over-speeding is one which is indulged in, I would say, more by the idle rich than by the poor people driving buses. Also the Honourable the Mover said something about the great hardship to the people. A point I would like to bring to the notice of the House is that over-speeding does considerable damage to roads, and somebody has to pay for it. The offence of over-speeding is going to be very difficult to prove. There are amendments to make it even more difficult to prove, and I think that for the protection of the public on the roads, and for the protection of the roads, and also in view of the difficulty of proof the maximum penalty should be kept at a high rate for all serious offences

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

"That in sub-clause (*1*) of clause 114 of the Bill, for the word 'two' the word 'one' be substituted."

The motion was adopted.

Maulvi Abdur Rasheed Chaudhury : Sir, I move :

"That in sub-clause (*2*) of clause 114 of the Bill, after the word 'Whoever' the word 'knowingly' be inserted."

This clause is intended to punish the owner of the car for the offence of his driver. I want by this clause that the owner should be punished if he has any connection with the offence committed by the driver. An innocent owner may be at his house while the driver is out and the driver may meet with an accident. The police man goes and catches hold of him and says, you must come to the Court That is a strange offence. The House should consider it calmly and see that the innocent owner is not punished Sir, I move

Mr President (The Honourable Sir Abdur Rahim) : Amendment moved

"That in sub-clause (*2*) of clause 114 of the Bill, after the word 'Whoever' the word 'knowingly' be inserted."

Dr. Sir Ziauddin Ahmad : I admire the persistency of my Honourable friend to use the word 'knowingly' wherever he can, and in some cases he would use the word 'knowingly' even before the word 'knows'. One need not be ashamed even if he is in a minority of one. In one case I was myself a solitary man in the whole House I voted as one man and the others voted in the opposite lobby. Sir, this is a punishment imposed for excessive driving. A person who is sitting behind the car very often will not know the speed at which the car is going. It is the driver who is driving the car and the man is sitting behind There is the speedometer, of course. It is worth consideration whether this particular amendment should be accepted

4 P.M.

Mr. Bhulabhai J. Desai : I cannot say how any person can unknowingly cause another person to drive a motor car, except, of course, when he is in a state of absent mindedness.

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

"That in sub-clause (*2*) of clause 114 of the Bill, after the word 'Whoever' the word 'knowingly' be substituted."

The motion was negatived.

Pandit Lakshmi Kanta Maitra : Before you pass on to the next amendment, may I move an amendment which is only consequential, namely,—

"That in sub-clause (*2*) of clause 114 of the Bill, for the word 'two' the word 'one' be substituted."

The Honourable Mr. A. G. Clow : That is not consequential at all, Sir,

Mr President (The Honourable Sir Abdur Rahim) . Then, the Honourable Member cannot move. No 699

Maulvi Abdur Rasheed Chaudhury : I move :

" That in sub-clause (*3*) of clause 114 of the Bill, for the words ' two hundred ' the word ' twenty ' be substituted "

I have given my reasons before on a similar amendment, and I need not repeat them I move

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

" That in sub-clause (*3*) of clause 114 of the Bill, for the words ' two hundred ' the word ' twenty ' be substituted "

The motion was negatived

Pandit Lakshmi Kanta Maitra : I move

" That to sub-clause (*3*) of clause 114 of the Bill, the words ' and supported by two independent witnesses ' be added at the end "

This sub-clause deals with cases of driving at excessive speed and it is quite possible that people who are out for mischief may make an allegation that a man was driving at an excessive speed As soon as the man slows down or is asked to stop, the speedometer would not indicate the speed at which the car was moving before. It would be difficult to disprove the statement made by one who alleges that the man had been driving at a speed in excess of what was permitted In such cases, if the matter is simply made to rest on one person's statement who may be pursuing the car either with a motor cycle or with another car, he will be the only witness on whose evidence the man will be punished The speedometer of the complainant may go wrong, or may be out of order, and in such cases I think it is desirable, in order to prevent a miscarriage of justice, that some independent evidence should be adduced in support of the allegation of driving at excessive speed, and this amendment seeks only to provide for that.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour) Where will these two witnesses be sitting ?

Pandit Lakshmi Kanta Maitra : They may be sitting, not necessarily on the Treasury Benches They may walk on the road, they may not even sit there, they may stand near about and if they cannot be produced at trial, the prosecution must fail and there will be no help for my Honourable friend, Sir Muhammad Zafrullah Khan.

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

" That to sub-clause (*3*) of clause 114 of the Bill, the words ' and supported by two independent witnesses ' be added at the end."

The motion was negatived.

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

" That clause 114, as amended, stand part of the Bill."

The motion was adopted.

Clause 114, as amended, was added to the Bill

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

" That clause 115 stand part of the Bill "

Maulvi Abdur Rasheed Chaudhury : Sir, I move

" That clause 115 of the Bill be omitted "

Under clause 114, we have provided punishment for driving at an excessive speed In this clause, we are providing punishment for driving recklessly or dangerously As I read both the clauses, I see that the terms of clause 114 include the terms of clause 115, because driving recklessly or dangerously must mean driving at a speed more than that prescribed under Schedule Eight

An Honourable Member : No

Maulvi Abdur Rasheed Chaudhury : Others may understand it in another light, but, subject to correction, I take it that driving at an excessive speed includes driving recklessly and dangerously

Dr P. N Banerjea : Is it not a grave offence,—driving recklessly or dangerously ?

Maulvi Abdur Rasheed Chaudhury : Then, by providing punishment for anything and everything in connection with a motor car, we are doing a great disservice to the youth of this country Everywhere, races, competition, etc, are encouraged by the State Everywhere, courageous actions, chivalry and like things are encouraged by the State By making a stringent provision like this, we are going to decry young men who are courageous in motor driving If you are going to punish every trifle, then I do not see how people can drive motor All the time he will be thinking as to violating this provision or that provision. By this clause you are doing a great disservice to the future youth of the country I, therefore, think that this clause is quite unnecessary

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

" That clause 115 of the Bill be omitted "

The motion was negatived

Pandit Lakshmi Kanta Maitra : Sir, I move :

" That in clause 115 of the Bill, for all the words, occurring after the word ' punishable ', the words ' with a fine which may be extend to one hundred rupees ' be substituted."

The punishment provided under this clause seems to be too severe. Whether a man is driving dangerously or recklessly is ultimately a matter of opinion There cannot be any criteria by which it can be judged with any amount of precision In the circumstances a punishment of Rs 100 is enough. Sir, I move

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

" That in clause 115 of the Bill, for all the words, occurring after the word ' punishable ', the words ' with a fine which may be extend to one hundred rupees ' be substituted."

Mr. K. G Mitchell : I oppose the amendment I would only remind the House that India has a very unenviable record in the number of deaths caused by accidents in relation to the number of motor vehicles This is very largely due to reckless driving and the only way of preventing these accidents is to severely punish dangerous and reckless driving

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

"That in clause 115 of the Bill, for all the words, occurring after the word 'punishable', the words 'with a fine which may be extend to one hundred rupees' be substituted."

The motion was negatived

Maulvi Abdur Rasheed Chaudhury : Sir, I move

"That in clause 115 of the Bill, the words 'on a first conviction' be omitted"

In the case of motor offences, it is not always the driver who is responsible for the offence. Every driver has got a certain responsibility There are occasions, when, to avoid a more serious accident, he does something which turns out to be an accident of a less serious kind For example, a driver is driving his car on a road In order to save the life of a man, who is crossing the road, he may run into a goat All those who have knowledge of motor driving will agree with me that accidents of this type cannot be avoided I like that the punishment for offences under this section should be the same whether it is the first offence or second offence or third offence I remember the late Lord Curzon was in the habit of reckless driving He was convicted several times On each occasion he was fined something like £10, never more. There should be no difference in punishment for the first offence and subsequent offences Sir, I move.

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

"That in clause 115 of the Bill, the words 'on a first conviction' be omitted"

The motion was negatived.

Maulvi Abdur Rasheed Chaudhury : Sir, I wish to move my amendment No 717

The Honourable Mr. A G Clow : Surely this is barred ? This is connected with amendment No. 711 which has been defeated The two are connected

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

"That clause 115 stand part of the Bill."

The motion was adopted

Clause 115 was added to the Bill

Clauses 116, 117, 118 and 119 were added to the Bill.

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

"That clause 120 stand part of the Bill."

Maulvi Abdur Rasheed Chaudhury : Sir, I move :

" That in clause 120 of the Bill, after the word ' who ', occurring in the first line, the word ' knowingly ' be inserted."

The Honourable Mr. A. G. Clow : Sir, the words " knows of " are there already

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

" That in clause 120 of the Bill, after the word ' who ', occurring in the first line, the word ' knowingly ' be inserted."

The motion was negatived.

The Honourable Sir Manmatha Nath Mukerji : Sir, I move

" That in clause 120 of the Bill, for all the words occurring after the words ' which may extend to ', occurring in the eighth line, the words ' five hundred rupees ' be substituted."

The object of the amendment is to increase the ordinary punishment, namely, a fine of Rs 250 to Rs 500 and to delete the provision relating to the enhanced punishment which will depend upon the consequences which will ensue The real difficulty in this case with regard to the provisions as regards enhanced punishment is this There are certain enactments under which the enhanced penalty provided for the offence depends upon the consequences which follow from the offence itself ; and in all such cases, when examined, it will be found that either the offender knew that such consequences would follow or had sufficient reason to believe, from the circumstances, that those would be the consequences. Well, my submission is this that ordinarily it will not be possible, in a case which is intended to be brought within the provision relating to enhanced punishment, to establish knowledge or belief on the part of the offender and therefore we propose that the latter part may be deleted and that the maximum may be increased from Rs 250 to Rs. 500

Mr. President (The Honourable Sir Abdur Rahim) Amendment moved .

" That in clause 120 of the Bill, for all the words occurring after the words ' which may extend to ', occurring in the eighth line, the words ' five hundred rupees ' be substituted "

Mr. Abdul Qaiyum (North-West Frontier Province General) : Sir, the clause as it stands is good enough. There should be some difference for the two types of offences—where some consequence ensues, and where no consequence ensues ; and I think the amendment is not an improvement on the original clause Sir, I oppose.

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

" That in clause 120 of the Bill, for all the words occurring after the words ' which may extend to ', occurring in the eighth line, the words ' five hundred rupees ' be substituted."

The motion was negatived.

Pandit Lakshmi Kanta Maitra : Sir, I move :

" That in clause 120 of the Bill, the words ' two hundred and ', occurring in the eighth line, be omitted."

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

" That in clause 120 of the Bill, the words ' two hundred and ', occurring in the eighth line, be omitted "

The motion was negatived

Maulvi Abdur Rasheed Chaudhury (Assam . Muhammadan) Sir, I move

" That in clause 120 of the Bill, all the words occurring after the words ' two hundred and fifty rupees ' be omitted "

Mr. S. Satyamurti : Sir, on a point of order—this amendment is barred by the voting on amendment No 740.

The Honourable Mr. A G. Clow : It is not barred

Mr. Bhulabhai J Desai : I submit, rejection bars it ?

The Honourable Mr A. G Clow : The effect of the first amendment would have been a uniform penalty of Rs 250, the effect of this amendment would be a uniform penalty of Rs 250 rising to (?) I do not see how the first one bars this

Maulvi Abdur Rasheed Chaudhury : A look at this clause will show that we are providing for punishment for using vehicles in an unsafe condition We are providing punishment where such a vehicle is used when it is in an unsafe condition, and we are providing here for punishment if in the course of the use of this vehicle an accident occurs Sir, I think whether there is an accident or not, the punishment should be the same If anybody drives a car which is in an unsafe condition, he should be punished whether that driving causes any accident or not. Sir, I move

Mr. President (The Honourable Sir Abdur Rahim) · Amendment moved

" That in clause 120 of the Bill, all the words occurring after the words ' two hundred and fifty rupees ' be omitted."

The Honourable Mr A. G Clow : Sir, the Honourable Member has abstained from moving a good many amendments and he has selected a better one this time I am in favour of his amendment

Mr S. Satyamurti : Sir, I must say that on this Bill, I have been taken by a series of surprises by the attitude of the Government. The Government do not seem to have a mind about this Bill at all. They want the Bill to go through somehow or other, and, if they can purchase peace at any price with any Group, they are willing to pay that price. I submit, Sir, that that is not the way to pilot a Bill of this nature Government must have a mind, they must be consistent, and must carry out that mind, and they must not be thinking always of how to pilot this Bill through this House, somehow or other I at least thought that Government had some mind, but I find... ..

The Honourable Mr. A. G Clow : On a point of personal explanation, may I say that, knowing that my Honourable friend opposite was going to oppose it, it could hardly be said that I was out to purchase peace at any price My reason for opposing it is that the whole principle embodied in these words appears to be vicious

Mr. S. Satyamurti : Sir, the Honourable the Law Member and the Honourable the Member for Communications are both Members of the same Government and they speak with one voice, although there are six different mouths there .

The Honourable Sir Muhammad Zafrullah Khan : In the same way as there are so many mouths opposite who speak with one voice.

Mr. S Satyamurti : I am not distinguishing between the Honourable the Law Member and the Honourable the Communications Member, but so far as the cheap gibe of the Commerce Member is concerned, he will see that all our voices will speak together as they have always done, at the time of voting But this clause, as it is drafted by the Select Committee, made a well-known distinction which all lovers of human life and limb must accept What is this clause ? I will read it out It says

" Any person who drives or causes or allows to be driven in any public place a motor vehicle or trailer while the vehicle or trailer has any defect, which such person knows of or could have discovered by the exercise of ordinary care and which is calculated to render the driving of the vehicle a source of danger to persons and vehicles using such place, shall be punishable with fine which may extend to two hundred and fifty rupees "

That is a complete thing by itself That is to say, if a man uses a defective vehicle knowing that it is defective commits an offence by itself and the clause provides for a maximum punishment of a fine of Rs 250 The words which follow are ·

" or, if as a result of such defect an accident is caused causing bodily injury or damage to property, with fine which may extend to five hundred rupees "

Surely, it ought to be patent to every Honourable Member of this House that an offence is merely technical when it does not result in any danger to anybody or any property Therefore, the first category of the offence is merely a technical one, *viz*, of driving a defective vehicle knowing that it is defective, and for that you provide a lesser punishment of Rs. 250 Secondly, if, as a result of that use of a defective vehicle, an accident is caused causing bodily injury or damage to property, then he is punished with a fine which may extend to Rs. 500. That is a well-known category of differences between offence and offence, Surely, an offence is only technical when the man merely drives a defective vehicle, but it becomes more serious when, as a result of driving that defective vehicle, he causes damage to life and property The Honourable the Law Member moved an amendment raising the maximum to Rs 500 in which there was some sense, the sense being that the convicting magistrate will take all the circumstances into consideration and levy a fine from Rs 250 to Rs. 500 according to the nature of the results of the driving of a defective vehicle. If the result of the driving was serious damage to life and property, he may sentence him to the maximum fine If there was no such damage at all, he may let him off with a smaller fine of say Rs. 250 I take it that I am right in saying that the original Bill contemplated a punishment of a fine of Rs 250 or Rs. 500.

Mr F. E. James (Madras · European) : Rs. 500

Mr S. Satyamurti : Therefore, the Bill, as it was introduced by the Government originally, provided for a maximum punishment of Rs. 500 for all these offences, whether they were technical or they actually

[Mr. S. Satyamurti.]

resulted in loss to life or property The Select Committee very wisely made a distinction between merely technical offences and offences which cause loss of life or danger to property, and after having done that, the Government thought that they might make the punishment, Rs 500 fine, uniform and leave it to the magistrate When the House rejected that amendment, naturally it accepted the distinction put forward in the Bill. Now, the amendment seeks to practically wipe out the distinction altogether and make the maximum punishment the same, whatever the effect of the driving may or may not be Now, if the object of this Bill is really to promote careful driving and to protect human life and property, then I would still suggest to the Government not to be in favour of this amendment

Maulana Zafar Ali Khan : We also oppose this amendment

Mr. S. Satyamurti : I am very glad to hear from my Honourable friend, Maulana Zafar Ali Khan, that they are also opposing the amendment.

Babu Baijnath Bajoria : He is speaking about himself.

Mr S Satyamurti : I assume all Parties in the House are united, unless it is only a party consisting of Mr Bajoria only when he can act alone. I assume that in this House the parties work as a team and vote as a team My own feeling very clearly is this—that it is a dangerous amendment and if accepted will make the comparatively innocent liable to the same punishment as the really guilty. Supposing, a man by some mistake did not find out the defect and yet drove and came back home and caused no loss or damage to life or property, he will be exactly in the same position as a man using a dangerous vehicle and causing damage to life and property wherever he went A moment's reflection ought to convince the Government that this amendment is wrong unless they feel that, because the Select Committee has made this change, against them, they ought to wipe it out But that ought not to be their attitude I want to tell the House this—that we on these Benches, in spite of grave misunderstanding on the other side, are standing by the Select Committee, because we believe that, on the whole, they have produced a good Bill I do not want the Government to spoil the right distinction made in this good amendment of the Bill made by the Select Committee and I, therefore, hope the House will reject the amendment.

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

"That in clause 120 of the Bill, all the words occurring after the words 'two hundred and fifty rupees' be omitted"

The motion was negatived

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

"That clause 120 stand part of the Bill."

The motion was adopted.

Clause 120 was added to the Bill.

Clause 121 was added to the Bill.

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

"That clause 122 stand part of the Bill."

Pandit Lakshmi Kanta Maitra : Sir, I beg to move :

"That in sub-clause (*1*) of clause 122 of the Bill, for the words 'five hundred' the words 'one hundred' be substituted."

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

"That in sub-clause (*1*) of clause 122 of the Bill, for the words 'five hundred' the words 'one hundred' be substituted."

The motion was negatived

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

"That clause 122 stand part of the Bill."

The motion was adopted

Clause 122 was added to the Bill

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

"That clause 123 stand part of the Bill"

Pandit Lakshmi Kanta Maitra : Sir, I beg to move

"That in clause 123 of the Bill, the words 'or causes or allows a motor vehicle to be driven' be omitted."

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

"That in clause 123 of the Bill, the words 'or causes or allows a motor vehicle to be driven' be omitted."

The motion was negatived.

Pandit Lakshmi Kanta Maitra : Sir, I beg to move :

"That in clause 123 of the Bill, for all the words occurring after the word 'punishable' the words 'with fine which may extend to two hundred rupees' be substituted."

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

"That in clause 123 of the Bill, for all the words occurring after the word 'punishable' the words 'with fine which may extend to two hundred rupees' be substituted."

The motion was negatived.

Mr. Abdul Qaiyum : Sir, I beg to move :

"That in clause 123 of the Bill, for the words 'two hundred' the word 'fifty' be substituted."

Sir, this clause reads thus :

"Whoever drives a motor vehicle or causes or allows a motor vehicle to be driven in contravention of the provisions of section 73,"

[Mr. Abdul Qaiyum]

Now, section 72 deals with 'Limits of weight and limitations on use'. The clause further reads

"or of the conditions of any permit issued thereunder, or in contravention of any prohibition or restriction imposed under section 74,"

Section 74 deals with power to restrict the use of vehicles, namely, that a vehicle need not be driven on a certain road or a certain bridge the condition of which is not very safe The clause further states

"shall be punishable for a first offence with fine which may extend to two hundred rupees"

Now, Sir, I beg to submit that the clause deals with a type of offence which is not of a very serious nature and in my view the sum of Rs 200 leans on the side of excess I think a sum of Rs 50 would be a more proper sum

Mr President (The Honourable Sir Abdur Rahim) Amendment moved

"That in clause 123 of the Bill, for the words 'two hundred' the word 'fifty' be substituted"

The Honourable Mr. A. G Clow: Sir, I was informed just a few moments ago that the party opposite wanted to stick to the clauses as they were reported by the Select Committee But they seem to depart from it when it suits them The Select Committee has approved this one I am prepared to concede that the penalty is somewhat high, but I would prefer to support the amendment of my Honourable friend, Mr Amarendra Nath Chattopadhyaya, which is the one immediately after this.

Mr. Abdul Qaiyum: Sir, I beg leave of the House to withdraw the amendment

The amendment was, by leave of the Assembly, withdrawn

Mr. Amarendra Nath Chattopadhyaya: Sir, I beg to move .

"That in clause 123 of the Bill, for the words 'two hundred' the words 'one hundred' be substituted."

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

"That in clause 123 of the Bill, for the words 'two hundred' the words 'one hundred' be substituted."

The motion was adopted.

Dr. P N. Banerjea: Sir, I beg to move :

"That in clause 123 of the Bill, for the words 'one thousand' the words 'five hundred' be substituted."

Sir, I think one thousand rupees is very excessive. I hope my amendment will be accepted.

The Honourable Mr. A G. Clow: Sir, I accept the amendment.

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

" That in clause 123 of the Bill, for the words ' one thousand ' the words ' five hundred ' be substituted."

The motion was adopted

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

" That clause 123, as amended, stand part of the Bill "

The motion was adopted

Clause 123, as amended, was added to the Bill

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

" That clause 124 stand part of the Bill "

Pandit Lakshmi Kanta Maitra : Sir I move :

" That in clause 124 of the Bill, for all the words occurring after the words ' punishable with ' the words ' fine which may extend to one hundred rupees ' be substituted."

Mr President (The Honourable Sir Abdur Rahim) · The question is

" That in clause 124 of the Bill, for all the words occurring after the words ' punishable with ' the words ' fine which may extend to one hundred rupees ' be substituted "

The motion was negatived.

Clause 124 was added to the Bill.

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

" That clause 125 stand part of the Bill."

Maulvi Abdur Rasheed Chaudhury : Sir, I move :

" That for the proviso to clause 125 of the Bill, the following be substituted :

' Provided that if a son or a near relation of the owner living with him drives a car to learn driving, without the knowledge of the owner, the Court shall not take cognizance of the offence '."

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

" That for the proviso to clause 125 of the Bill, the following be substituted :

' Provided that if a son or a near relation of the owner living with him drives a car to learn driving, without the knowledge of the owner, the Court shall not take cognizance of the offence '."

The motion was negatived.

Clause 125 was added to the Bill.

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

" That clause 126 stand part of the Bill."

Dr. Sir Ziauddin Ahmad : Sir, I move :

" That in clause 126 of the Bill, for the words ' one hundred ' the word ' twenty-five ' be substituted."

[Dr. Sir Ziauddin Ahmad.]

The offence in this clause is really a very minor offence, and I think it is desirable that the punishment should be reduced to the figure I have suggested

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

"That in clause 126 of the Bill, for the words 'one hundred' the word 'twenty-five' be substituted"

The Honourable Mr. A. G. Clow : Sir, this may have very serious results and I do not think the penalty is excessive

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

"That in clause 126 of the Bill, for the words 'one hundred' the word 'twenty-five' be substituted"

The motion was negatived

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

"That clause 126 stand part of the Bill."

The motion was adopted.

Clause 126 was added to the Bill.

Maulvi Abdur Rasheed Chaudhury : Sir, I move :

"That after clause 126 of the Bill, the following new clause be inserted :

'126A Whoever crosses or moves or keeps a cattle without a keeper on the road in such a manner as to cause or likely to cause an accident by or injury to a moving motor vehicle or to a passenger of the vehicle or to any person including himself or damage to any property shall be punished with imprisonment not exceeding one month or a fine not exceeding twenty-five rupees or both

Provided that cognizance will only be taken under this section when the complainant is the driver or the owner of such motor vehicle'."

The meaning of my amendment is clear. Sir, I move

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

"That after clause 126 of the Bill, the following new clause be inserted :

'126A Whoever crosses or moves or keeps a cattle without a keeper on the road in such a manner as to cause or likely to cause an accident by or injury to a moving motor vehicle or to a passenger of the vehicle or to any person including himself or damage to any property shall be punished with imprisonment not exceeding one month or a fine not exceeding twenty-five rupees or both .

Provided that cognizance will only be taken under this section when the complainant is the driver or the owner of such motor vehicle'."

The motion was negatived

Clause 127 was added to the Bill

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

"That clause 128 stand part of the Bill."

Maulvi Abdur Rasheed Chaudhury: Sir, I move :

" That in sub-clause (*1*) of clause 128 of the Bill, after the words ' police officer ' the words ' not below the rank of a sub-inspector ' be inserted."

It is generally the case that these drivers are very much harassed by the constables on the way, and it is only for that purpose that I have put it down that the officer must not be below the rank of sub-inspector It is a simple amendment which I move.

Mr. President (The Honourable Sir Abdur Rahim) Amendment moved

" That in sub clause (*1*) of clause 128 of the Bill, after the words ' police officer ' the words ' not below the rank of a sub-inspector ' be inserted."

The Honourable Mr. A. G. Clow: Sir, this will produce the extraordinary result that a false identification mark or document can be produced before a constable, but before the sub-inspector you will have to produce the real one I oppose the amendment

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

" That in sub-clause (*1*) of clause 128 of the Bill, after the words ' police officer ' the words ' not below the rank of a sub-inspector ' be inserted."

The motion was negatived

Mr. K. G. Mitchell: Sir, I move .

" That in sub clause (*3*) of clause 128 of the Bill, after the word ' licence ', occurring in the second line, the word ' a ' be inserted."

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

" That in sub-clause (*3*) of clause 128 of the Bill, after the word ' licence ', occurring in the second line, the word ' a ' be inserted."

The motion was adopted

Mr. K. G. Mitchell: Sir, I move ·

" That in sub-clause (*3*) of clause 128 of the Bill, after the words ' to drive ' the words ' for a period not exceeding fourteen days from the date of such acknowledgment ' be inserted."

Sir, this amendment and the two that follow are intended to correct a defect in sub-clause (*3*) under which a man who received a temporary acknowledgment but did not appear before the court could go on driving indefinitely Sir, I move

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

" That in sub-clause (*3*) of clause 128 of the Bill, after the words ' to drive ' the words ' for a period not exceeding fourteen days from the date of such acknowledgment ' be inserted."

Mr. K. Santhanam: Sir, this amendment will have the curious result, that if the police officer does not return it within fourteen days the other man will not be able to drive, and the mistake of the police will be visited on the driver I do not think this is exactly what the Government intends

Mr K. G Mitchell: No, Sir. If a man was not absconding and there was good reason why the court could not deal with his case, the police could give another one for another fourteen days

Dr. Sir Ziauddin Ahmad: Sir, I think the period of fourteen days is rather too short A driver may go, for example, to some marriage ceremony or the like and he may unavoidably be absent for a longer period. So, I think fourteen days is too small a period

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

"That in sub-clause (3) of clause 128 of the Bill, after the words 'to drive' the words 'for a period not exceeding fourteen days from the date of such acknowledgment' be inserted."

The motion was negatived

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

"That clause 128, as amended, stand part of the Bill"

The motion was adopted

Clause 128, as amended, was added to the Bill.

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

"That clause 129 stand part of the Bill"

Maulvi Abdur Rasheed Chaudhury: Sir, I move .

"That in part (b) of sub-clause (1) of clause 129 of the Bill, the words 'by registered letter' be omitted."

The retention of these words means an inconvenience. Suppose a driver wants to make an admission or plead guilty on the very day the case is fixed for hearing If he has to send a letter by registered post the court will not get that on that day. So I do not like to restrict it to registered letter. It can be sent by bearer or he can tell the court himself that he is guilty. I therefore want these words to be omitted. Sir, I move

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

"That in part (b) of sub-clause (1) of clause 129 of the Bill, the words 'by registered letter' be omitted."

The Honourable Mr. A. G. Clow: Sir, sub-clause (a) enables a man to appear in person if he thinks a registered letter is going to be delayed

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

"That in part (b) of sub-clause (1) of clause 129 of the Bill, the words 'by registered letter' be omitted."

The motion was negatived

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

"That clause 129 stand part of the Bill."

The motion was adopted

Clause 129 was added to the Bill

Clause 130 was added to the Bill

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

"That clause 131 stand part of the Bill"

Maulvi Abdur Rasheed Chaudhury : Sir, I move .

"That in clause 131 of the Bill, for the word 'second' the word 'first' be substituted."

The intention behind this amendment is that no magistrate, who is not a first class magistrate, should try offences under this Act. The second and third class magistrates, in the exuberance of their youth, sometimes award severe punishment for which they repent afterwards So, since the first class magistrates, owing to their experience, have some sobering influence, they should alone try such offences

5 P.M

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

"That in clause 131 of the Bill, for the word 'second' the word 'first' be substituted."

The motion was negatived

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

"That clause 131 stand part of the Bill."

The motion was adopted

Clause 131 was added to the Bill

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

"That clause 132 stand part of the Bill."

The Honourable Sir Manmatha Nath Mukerji : Sir, I move :

"That clause 132 of the Bill be omitted."

Sir, I am encouraged to make this motion, because I find that my friend, Mr Satyamurti, also wants this amendment to be made This clause was not in the Bill as it was originally drafted. It came into the Bill at the Select Committee stage, and the consequences, if this clause is retained, will be very anomalous It has been provided by the previous clause that all offences under the Motor Vehicles Act are to be tried either by a Presidency Magistrate or by a Magistrate with powers not less than those of a second class Magistrate This clause 132, by making provision for appeal, in cases tried under the Motor Vehicles Act, has departed from the ordinary procedure and the ordinary rules regarding appeals laid down in the Code of Criminal Procedure So far as the second class Magistrates are concerned, under the Code of Criminal Procedure, any sentence passed by them....

An Honourable Member : One rupee only

The Honourable Sir Manmatha Nath Mukerji : . . . is appealable to the District Magistrate This clause says that unless the fine exceeds Rs 25, there will be no appeal Therefore, the clause curtails the right of appeal in those cases On the other hand, as regards trials held by Presidency Magistrates, although under the Code of Criminal Procedure any sentence of fine not exceeding Rs 200 is not appealable, this clause provides that a fine of Rs 25 imposed by a Presidency Magistrate will be appealable The consequences of this anomaly would be very serious, and I would ask the House to accept this amendment, specially for the reason that if appeals are allowed for sentences of Rs 25 passed by Presidency Magistrates, those appeals will lie to the High Court, and, therefore, there will be a very large influx of appeals in the High Court The other anomalies to which I have referred will also follow I submit, Sir, this clause should be deleted, and it should be left to the courts to deal with cases and to deal with appeals in consonance with the procedure laid down in the Code of Criminal Procedure I submit that offences under the Motor Vehicles Act are not more serious than most of the offences under the Penal Code which have been left to be regulated by the procedure prescribed by the Code of Criminal Procedure I, therefore, appeal to the House to accept this amendment

Mr. President (The Honourable Sir Abdur Rahim) Amendment moved

" That clause 132 of the Bill be omitted "

Mr Bhulabhai J Desai : Sir, the ground on which I object to this amendment is very simple It is not so much on the ground that in the Criminal Procedure Code that applies to offences under the Indian Penal Code the appealable limits are higher We have created a special code of offences, and we have also created varying degrees of fines It has also got to be remembered that disqualifications arise out of any conviction by reason of the offences irrespective of the question as to what is the amount of fine Under those circumstances, it is very wise to allow appeals where, otherwise, under the Criminal Procedure Code, they are not allowed

Mr. M. S Aney (Berar Non-Muhammadan) : Sir, I have one more observation to make When we have provided for elaborate penal provisions in this Code, nowhere have we made any reference to the Criminal Procedure Code in this Bill I do not know whether the provisions for appeal provided for in the Code of Criminal Procedure will be taken as to really govern cases under this Code at all.. ...

The Honourable Sir Manmatha Nath Mukerji : Yes, Criminal Procedure Code will govern

Mr. M. S. Aney : I think, Sir, instead of leaving the matter to depend entirely on the opinion of a very eminent lawyer like the Honourable the Law Member, I think it would be better that if we take out this clause and we substitute some other provision in order to keep the matter beyond doubt Either we must leave this matter for consideration till tomorrow, or if it be pressed to vote just now, in spite of ourselves, we shall have to vote against the amendment as it stands as present I, therefore, propose that discussion of this amendment should stand over till tomorrow

The Assembly then adjourned till Eleven of the Clock on Friday, the 16th September, 1938

LEGISLATIVE ASSEMBLY.

Friday, 16th September, 1938.

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

STARRED QUESTIONS AND ANSWERS.

(a) Oral Answers.

Indians in Palestine.

1087. ***Mr S. Satyamurti** : Will the Secretary for External Affairs be pleased to state :

(a) the number of Indians in Palestine today just now ;

(b) whether their interests are safe in the present highly disturbed state of that territory ; and

(c) whether Government are taking adequate steps to protect the lives and properties of Indians in Palestine , if so, what they are ?

Sir, the words ' just now ' in part (a) should be omitted.

Sir Aubrey Metcalfe : (a) There are 50 to 60 Indians living in Jerusalem

(b) Their interests are not less safe than those of any other community in Palestine at present.

(c) The authorities in Palestine are taking all possible steps to protect the lives and properties of all communities including Indians.

Mr S. Satyamurti : With reference to the very cautious answer to part (b) of the question, may I know whether the interests of these Indians are as safe as those of the Jews or as those of the Arabs ?

Sir Aubrey Metcalfe : Presumably That is the answer that I received from the High Commissioner in Palestine

Mr. S. Satyamurti : With reference to the answer to part (c) of the question that as much care is being taken of Indians in Palestine as those of others, considering that they are foreigners in Palestine, may I know whether the Government of India are taking any special steps to protect the lives and property of Indians who are likely to be suspect by both Arabs and Jews ?

Sir Aubrey Metcalfe : I do not understand what the Honourable Member means by special steps They are taking all possible steps and they cannot do more.

Mr. S. Satyamurti : Have they got the interests of Indians specially in view ? That is all that I want to know.

Sir Aubrey Metcalfe : It is exactly the same as in the case of all other British subjects , they cannot do more than that.

Sardar Mangal Singh : Has any Indian been wounded in Haifa ?

Sir Aubrey Metcalfe : There has been no Indian wounded there, so far as I know.

RACIAL DISCRIMINATION IN CHARGING RENTS FROM REFRESHMENT ROOM CONTRACTORS ON RAILWAYS

1088 ***Mr. S. Satyamurti** : Will the Honourable Member for Railways be pleased to state

(a) whether it is a fact that on certain railways in India European refreshment rooms are given to contractors without any rent or with only a nominal rent ,

(b) if so, at which stations, and to how many contractors ,

(c) whether Indian refreshment room contractors are compelled to pay the economic rent for the occupation of the refreshment rooms ,

(d) the reasons for this racial discrimination , and

(e) whether Government propose to examine the whole question and see that all racial discrimination is eliminated in this matter ?

The Honourable Mr. A. G Clow : (a), (b) and (c) I am calling for the information required by the Honourable Member and a reply will be placed on the table of the House after it has been received

(d) and (e) Such particulars as I have are incomplete but do not suggest that differences are based on racial discrimination but the question of charging economic rents in all cases will be considered

Mr. S. Satyamurti : With reference to the last answer, may I know what are the grounds on which my Honourable friend has come to the conclusion that there is no racial discrimination when information in his possession is incomplete, and no statement is placed before the House today ?

The Honourable Mr A. G. Clow : I looked up such particulars as I had and the variations disclosed did not appear to be based on that principle , but when the full information is available, the Honourable Member will be in a position to judge for himself.

Mr S Satyamurti : In view of the fact that we are adjourning in two or three days, does placing on the table of the House mean that it will be placed in the November Session, or will it be communicated to the Honourable Member asking the question ?

The Honourable Mr A. G. Clow : It will be placed on the table in November.

Dr. Sir Ziaddin Ahmad : Will the Honourable Member see that the contracts of the Indian refreshment rooms, both Hindu and Muhammadan, are not auctioned and given to the highest bidder ?

The Honourable Mr. A. G. Clow : I do not see why a rule of that kind should be laid down.

Dr. Sir Ziauddin Ahmad : Am I right that they will be auctioned and given to the highest bidder ?

The Honourable Mr A. G. Clow : It is for the Agent and General Manager to consider the most suitable method, having regard both to the interests of the public and the need for economy

Dr Sir Ziauddin Ahmad : I think it has been repeatedly stated in the Advisory Committee and on the floor of the House that these refreshment rooms are not intended to bring any money to the railway treasury, but they are intended for the comforts and convenience of the passengers.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member is giving information Next question.

PROVISION OF FANS IN THIRD CLASS COMPARTMENTS ON RAILWAYS

1089 ***Mr S. Satyamurti** : Will the Honourable Member for Railways be pleased to state

(a) whether Government have got an estimate of providing third class coaches only running on long distance trains, say, throughout the 12 hours of the day being fitted with electric fans ;

(b) whether Government are prepared to classify the railway coaching traffic for this purpose separately as far as possible ,

(c) whether Government also have considered the recurring cost of working these fans only during the hottest months of the year ; and

(d) whether as a part of the scheme for meeting competition from bus traffic, Government are prepared to provide fans in third class coaches and place proposals for the same before the House , if not, why not ?

The Honourable Mr A. G. Clow : (a), (b) and (d) No For the reasons indicated in connection with the provision of fans in intermediate carriages in my reply to Mr Nabi Baksh Ilahi Baksh Bhutto's starred question No 651 on the 31st August, 1938, Government do not propose to pursue the matter further.

(c) No. Government understand there would be no saving in the suggested limitation of the period of use as this equipment depreciates more rapidly when out of use

Mr. S Satyamurti : May I know, apart from the present intentions of the Government, the reason why they will not collect the relevant information for the benefit of a future Government which may pursue a different policy ?

The Honourable Mr A. G Clow : Because there is no point in collecting information when there is no prospect of taking any action on it

Mr. S Satyamurti : Surely my Honourable friend must know that the time is coming when this Government will be replaced by another Government May I know why Government will not collect information, which may make it easier for that Government to pursue a policy that they may want to ?

The Honourable Mr. A. G. Clow : Because it is not at all a difficult matter to collect If the then Government saw any prospect of embarking on that policy, they could collect the information quite expeditiously.

Mr. S. Satyamurti : Have Government examined the possibility of increasing the railway passenger traffic by introducing these fans in the longer trains as I have described here, and in the hottest months of the year, with a view to meeting the road rail competition, apart from the Bill which we are considering ?

The Honourable Mr A G Clow : I think that suggestion was previously made in the House and I replied to it.

PERMISSION TO TRADE UNIONS ON THE NORTH WESTERN RAILWAY TO CARRY ON THEIR LAWFUL ACTIVITIES

1090 ***Mr. S. Satyamurti** : Will the Honourable Member for Railways be pleased to state :

(a) whether it is a fact that railway labour workers have been allowed to hold meetings during recess hours in Mughalpura Workshop area for the last 20 years ;

(b) whether it is a fact that railwaymen employed in the workshops have a registered union by the name of All-India Railway Mechanical Workers' Federal Union, Lahore ;

(c) whether it is a fact that, in spite of this practice, the office bearers of the Union are now being prosecuted by the railway for holding meetings in the workshop area , and

(d) whether Government have called upon, or will call upon, the General Manager, North Western Railway, Lahore, to withdraw these prosecutions and permit the leaders of trade unions to carry on their lawful activities ; if not, why not ?

The Honourable Mr. A. G. Clow : (a) The North Western Railway (Recognised) Union was occasionally allowed to hold meetings on suitable open spaces on railway land provided such meetings were orderly and properly conducted and convened Later on some persons started holding meetings by the roadside in front of the Workshop without any authority from the Administration. These meetings were characterised by inflamatory speeches and in the interests of work and discipline, that area has been declared as a " Restricted Railway Area ".

(b) The General Manager, North Western Railway, reports that a Union by the name of "All-India Mechanical Workers Federal Union" came into existence in March, 1937, and was registered in August, 1937. This Union has not been recognised by the Administration.

(c) No office bearer of the Recognised Union has been prosecuted. Legal action is being taken against a few persons who disregarded the prohibitory notices which had been exhibited.

(d) In view of the reply to part (c) above, this does not arise. Government do not propose to interfere as trade union leaders are not being prevented from carrying on lawful activities.

Mr. S. Satyamurti : With reference to the answer to clause (d) of the question, may I know the reasons why the North Western Railway have not yet recognised this union ?

The Honourable Mr A. G. Clow : I do not know the reasons, but the title of it does not suggest that it is confined to railways

Mr Lalchand Navalrai : In view of the fact that on this railway the labour people were giving lectures within the premises of the workshops for the last 20 years, may I know why they are prohibited from doing that now ?

The Honourable Mr A. G Clow : I have given the answer to that in my answer to part (a) of the question

Mr Lalchand Navalrai : May I know what that answer was ?

The Honourable Mr. A. G. Clow : Should I read it again, Sir ?

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member should have listened to the answer

Mr. Abdul Qaiyum : The meetings are not allowed near roads. May I know if meetings can be held on other railway lands and whether there is any railway property where meetings can still be held ?

The Honourable Mr A. G Clow : I must ask for notice

Mr. Lalchand Navalrai : May I know if any meetings are being held within the premises of the workshops after this prosecution ?

The Honourable Mr. A. G. Clow : I do not know.

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

POSTAL INSURANCE

1091. *Mr S Satyamurti : Will the Honourable Member for Communications be pleased to state :

(a) the latest position with regard to postal insurance which has been extended to all Government servants ;

(b) the number of people who have taken advantage of this extended postal insurance, the premia paid by them for the last financial year for which figures are available ;

(c) the amounts paid by Government by way of maturity or on account of death, to the various claimants ;

(d) the actual cost of management of this insurance branch ;

(e) the rate of premia for postal insurance compared with the rates charged by private companies ; and

(f) whether Government have considered, or are prepared to consider, the question of extending the Government insurance with a view ultimately to nationalise all insurance in this country ?

The Honourable Mr A. G Clow : (a) to (d) I would refer the Honourable Member to Appendices XIV to XVI to the Annual Report of the Indian Posts and Telegraphs Department for the year 1936-37, and to the Indian Insurance Book for the year 1936, copies of which are in the Library of the House

(e) I would refer the Honourable Member to the reply given to part (e) of starred question No. 317 put by Mr Amarendra Nath Chattopadhyaya on the 16th February, 1938

(f) I would refer the Honourable Member to the reply given to the latter part of part (b) of unstarred question No 132 put by Mr. Amarendra Nath Chattopodhyaya on the 6th April, 1938

Mr S. Satyamurti : I want you, Sir, to sympathise with us in this respect When reference is made to some answer to an unstarred question asked some months ago, how can we pursue the matter here, if we are suddenly told to look up some answer given some months ago ?

The Honourable Mr. A G Clow : It was given in April

Mr. S. Satyamurti : It takes away the whole point of a starred question I quite agree that we cannot compel Government to read a long answer, but when only

The Honourable Mr. A G. Clow : The point of a starred question is to secure information, and I have stated where the information is

Mr. S Satyamurti : The answer to part (f) of the question is a matter of primary importance to me, and I want to see whether Government will extend this Government insurance, with a view ultimately to nationalise all insurance in this country, and the Honourable Member refers me to the answer to some unstarred question put months ago.

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member can give a gist of the reply .

The Honourable Mr. A. G. Clow : Yes, Sir. I can give the gist of the reply

The gist of it was that a proposal to open the fund to the general public was considered and rejected The Banking Inquiry Committee held that in view of the large number of insurance companies doing useful work such a proposal could not be supported.

Mr S. Satyamurti : May I know whether Government will re-examine the position, in view of the change in public opinion in favour of state insurance as much as possible ?

The Honourable Mr. A. G. Clow : I am not aware of that change.

Mr. S. Satyamurti : You are not aware of the change in public opinion ? Has not the Honourable Member followed the discussions on the Indian Insurance Act amending Bill in which Honourable Member after Honourable Member got up and suggested that, as far as possible, insurance must be nationalised in this country ?

The Honourable Mr A. G Clow : I do not entirely agree with the Honourable Member's view

Mr. S Satyamurti : That is a different matter , but may I ask, in view of the Honourable Member's inclinations towards socialism, whether the Government of India have examined this question from the point of view of the greatest good of the greatest number, and have come to the conclusion that they cannot even reconsider the matter now ?

The Honourable Mr. A. G. Clow : The Government have not re-examined the question since April but they see no reason for departing from the conclusion that was then announced

Mr N V Gadgil : Are Government considering the question of state insurance in the matter of third party insurance in connection with the Motor Vehicles Bill

(No answer.)

FAILURE TO INCREASE MUSLIM QUOTA IN CERTAIN APPOINTMENTS ON THE EAST INDIAN RAILWAY

†1092. ***Mr Muhammad Nauman** : Will the Honourable Member for Railways be pleased to state why the East Indian Railway authorities have failed to increase Muslim quota in the posts of clerks in all grades in the Head Office of the East Indian Railway, and Claim Inspectors, Research Inspectors, Traffic Inspectors, Publicity Inspectors, employed on the whole of the East Indian Railway ? How many Muslims have so far been examined for selection for these posts ?

The Honourable Mr. A. G. Clow : Quotas are fixed only for initial recruitment and there are no quotas for grades or classes of appointment to which appointment is made by promotion. No question arises, therefore, of increasing the quotas for such appointments The increasing of the quotas for initial recruitment is not a matter for the railway administration As regards the last part of the question, I have no information.

SENIORITY OF THE TICKET CHECKING BRANCH OF THE HOWRAH DIVISION, EAST INDIAN RAILWAY.

†1093. ***Mr. Muhammad Nauman** : (a) Is the Honourable Member for Railways aware that the seniority of the Ticket Checking Branch on the Howrah Division of the East Indian Railway is now maintained according to the length of service ?

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

(b) If the reply to part (a) be in the affirmative, why was the seniority not prepared according to the length of service on the 1st June, 1931 when the Ticket Checking Branch was introduced ?

(c) If this rule of seniority according to the length of service was not framed at that time, what was the rule in vogue at that time ?

(d) How many Hindus were promoted according to the seniority of 1st June, 1931 in supersession of Muslims who were thus placed as junior to them ?

The Honourable Mr. A G Clow : (a) No ; but I should expect this to be the case.

(b) Does not arise.

(c) and (d) Government have no information This is a matter of detailed administration within the competence of the General Manager, East Indian Railway, to whom I am sending a copy of the question for such action as he may consider necessary.

PROCEDURE TO FIND OUT THE EFFICIENCY OF RAILWAY STAFF

†1094 ***Mr. Muhammad Nauman :** (a) Will the Honourable Member for Railways be pleased to state what are the rules to find out whether the service record of a particular staff is fair, good, better, best, bad, worse ?

(b) Is it a fact that in examining the efficiency of a particular staff from his service record the offences committed during the last six months are only to be considered ?

The Honourable Mr. A G Clow : (a) and (b) Government are not aware of any such rules.

MUSLIMS APPOINTED TO INFERIOR SERVICES ON THE EAST INDIAN RAILWAY.

†1095 ***Mr. Muhammad Nauman :** (a) Is the Honourable Member for Railways aware of the fact that the recommendations of the Staff Superintendents' meetings (East Indian Railway) held at Moghalserai on the 21st September, 1936, and the 25th January, 1937, and at Dhanbad on the 24th November, 1936, about reservation of one-third of the vacancies in inferior services for the redress of marked communal inequalities have not been carried out ?

(b) If the reply to part (a) be in the negative, will the Honourable Member be pleased to show how many vacancies in the inferior services occurred in all the Divisions of the East Indian Railway during the period from 21st December, 1935 to 31st July, 1938, and, out of them, how many went to Muslims, showing thereby an increased percentage thus effected ?

The Honourable Mr A. G. Clow : (a) and (b). Government have no information, but the instructions are that one-third of the vacancies in the inferior services should be reserved for the redress of marked communal inequalities Government have no reason to believe that these

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

instructions are not being followed on the East Indian Railway. I am, however, sending a copy of the question to the General Manager of that Railway for such action as he may consider necessary.

MAKING THE PROCEEDINGS OF THE MEETINGS OF THE BOMBAY PORT TRUST OPEN TO PUBLIC INSPECTION.

1096 ***Mr. Abdul Qaiyum** (on behalf of Mr T S. Avinashilingam Chettiar) . Will the Honourable Member for Communications state :

(a) whether he has received a reply to his letters to the Bombay Port Trust in the matter of making the proceedings of the Port Trust open to the public (in pursuance of his answer to starred question No 376 asked on the 23rd August, 1938) , and

(b) if so, what conclusion they have come to in this matter ?

The Honourable Mr A G Clow : (a) and (b) I am not in a position to add to the reply given to the question to which the Honourable Member refers The matter is still under correspondence

REPORT OF THE ENQUIRY INTO THE ACCIDENT IN THE TRICHINOPOLY SHENCOTTAH RAILWAY LINE

1097 ***Mr Abdul Qaiyum** (on behalf of Mr T S Avinashilingam Chettiar) : Will the Honourable Member for Communications state

(a) whether they have received the report of the enquiry into the recent accident in the Trichinopoly Shencottah line ;

(b) what was the reason for the accident ,

(c) whether they have recommended compensation to be given ; and

(d) any steps to be taken to prevent such occurrences in the future ?

The Honourable Mr. A. G. Clow : (a) No

(b) and (c). I would refer the Honourable Member to the reply I gave to Seth Govind Das' and Mr Ananthasayanam Ayyangar's short notice questions and the supplementaries thereto on the 23rd August

(d) This will be for consideration when the report of the Senior Government Inspector has been received

Mr Abdul Qaiyum : Apart from any report of the Senior Government Inspector will Government take up the question of compensating the relatives of those who lost their lives or were injured in this accident ?

The Honourable Mr. A G. Clow : The matter will be considered when the report of the Senior Government Inspector is received

Mr. Abdul Qaiyum : May I know when the report will be received ?

The Honourable Mr. A. G. Clow : I cannot say

Mr. Abdul Qaiyum : Will a copy be laid on the table of the House ?

The Honourable Mr. A. G. Clow : If a question is put, the matter will be considered.

CHARGING OF RENTS FROM EUROPEAN AND INDIAN REFRESHMENT ROOMS ON RAILWAYS

1098 *Mr. Abdul Qaiyum (on behalf of Mr. T. S. Avinashilingam Chettiar) : Will the Honourable Member for Railways state :

(a) whether they have received information from Railway Administrations regarding the matter of charging rents to European and Indian Refreshment Rooms ;

(b) whether any difference in treatment has been found between them ,

(c) how many are paying economic and how many nominal rents ;

(d) whether Government have considered the advisability of charging economic rents from all , and

(e) what will be the additional income to the company in that case ?

The Honourable Mr A G Clow : (a) to (d). I would refer the Honourable Member to the reply I have just given to Mr Satyamurti's question No 1088

(e) The Honourable Member has not indicated which Company he has in mind, but I have no particulars for any Company

Mr. Lalchand Navalrai : May I know from the Honourable Member whether Government are considering the desirability of charging economic rents for all ?

The Honourable Mr A G. Clow : I have replied to that question more than once

REVISION OF THE FREE PASS RULES ON RAILWAYS.

1099 *Mr Abdul Qaiyum (on behalf of Mr T S Avinashilingam Chettiar) : Will the Honourable Member for Railways state :

(a) in continuation of his answer to starred question No 518 of the 26th August, 1938, whether the matter of free passes to Railway employees, now before Government, has been decided ; and

(b) what is the financial effect of these new rules ?

The Honourable Mr A. G. Clow : (a) No

(b) Does not arise.

LABOUR CONTRACT OF THE CALCUTTA PORT TRUST.

1100 *Mr. Abdul Qaiyum (on behalf of Mr. T. S Avinashilingam Chettiar) : Will the Honourable Member for Communications state :

(a) whether Government have received the report of the proceedings of the Calcutta Port Trust referred to in starred question No 529 and the following on the 26th August, 1938 ;

(b) why the advice of the Indian Commissioners of the Port Trust, and the Accountant General to throw open the contract given to Messrs. Bird and Company to open tender was not accepted ,

(c) whether Government have considered the matter, and, if so, to what conclusion they have come to ; and

(d) how the latest contract was given and when ?

The Honourable Mr A. G. Clow : (a) Yes.

(b) As I explained in my reply to part (e) of starred question No 954 asked by Mr Satyamurti on the 13th of September, three of the five Indian members were for calling for open tenders. The majority of the Commissioners considered that the terms offered by Messrs. Bird and Company justified a renewal of their contract

(c) I would refer the Honourable Member to the reply I gave to parts (b) and (c) of starred question No. 985 asked by Mr Subedar on the 13th September.

(d) The existing contract was entered into in 1934 The Commissioners resolved on the 3rd August last to renew the contract as from the 1st April, 1939, on condition of the revised scale of rebates offered for the new contract having effect from 1st April, 1938

CONCESSIONS TO GOVERNMENT SERVANTS ON RAILWAYS.

1101. ***Mr. Brojendra Narayan Chaudhury** : (a) Will the Honourable the Railway Member please state if servants of the Government of India enjoy any concession in travel by railways in India either on service, or on their own account ?

(b) If so, will he state the class of officers, the nature of concessions and the approximate total fares they would have paid annually, if the concessions were not granted, i.e., the total value of the tickets (issued to them) at ordinary rates ?

(c) Is there a loss to railway revenues when they travel on service under concessions ?

(d) Is there any loss to Central Government thereby ?

(e) Do servants of Provincial Governments enjoy similar concessions ?

(f) Is there a loss to Central Government when the officers travel on concession on their own account ?

(g) Have superior army officers recently, or for a long time, been given any such concession, or is it intended to be given ? If so, what is the reason ?

(h) What is the reason behind the grant of railway concessions to Government servants generally ?

The Honourable Mr. A. G. Clow : I assume that the Honourable Member's question relates to servants of the Government of India other than railway employees. On this assumption the answers are .

(a) to (d) and (h) I would refer the Honourable Member to the paragraph under the heading ' Concessions granted to Government Departments ' appearing in Appendix III (pages 30 to 34) of the Report of the Public Accounts Committee on the accounts of 1934-35, Part II—Railways Free passes are also issued to the telegraph staff for journeys on duty and to the Railway Police for journeys on duty and in some cases when travelling on leave. It is not practicable to ascertain the monetary value of these concessions.

(c) Concessions similar to these admissible for military personnel are allowed over the North Western Railway for journeys otherwise than on duty, in certain cases, to Indian Officers, non-commissioned officers and men and families of non commissioned officers and men of some Militia and Levy Corps and of the Frontier Constabulary in the North-West Frontier Province

(f) These concessions are given on commercial grounds, *i.e.* in the belief that they bring additional traffic Government have no reason to believe that any loss is involved

(g) Yes The concession of travelling first class on payment of second class fares, that was being allowed for officers not above the rank of Captain when travelling on leave at their own expense, has recently been extended to officers not above the rank of Lieutenant-Colonel The extension which has been granted by Railways, on their own initiative, is intended to be experimental for a period of two years within which an examination will be made to ascertain whether the concession is commercially justified

Mr. S Satyamurti : With reference to part (f), may I know the criteria or the figures on which Government have come to the conclusion that there is no financial loss to the railways, on account of Government officers travelling on these concession rates ?

The Honourable Mr. A G. Clow : It is more a matter of judgment than of statistical examination

Mr. S Satyamurti : That judgment must be susceptible of some expression and understanding May I know what the judgment is on which my friend has come to the conclusion that the railways do not suffer any financial loss on account of these concessions ?

The Honourable Mr. A. G Clow : It is not based on my independent judgment I am advised by those who are expert in these matters that that is the position

Mr S. Satyamurti : Did they give any reasons or is it an *ex-cathedrâ* judgment passed on to my friend ?

The Honourable Mr. A. G. Clow : I presume they have examined the position.

Mr S Satyamurti : I want to know the basis on which that judgment is based Is it based on any expectations or facts ?

The Honourable Mr A G. Clow : Not expectation but belief.

Mr. S Satyamurti : What are the grounds for that belief ?

The Honourable Mr A G. Clow : The grounds are that those who are expert in this matter of railway traffic are the best persons to judge and on examination of the facts before them, they have come to this conclusion

Mr. S. Satyamurti : In view of the fact that the tax-payer has to pay for their judgment, I want to know whether these gentlemen have any criteria for that judgment, or is it merely a case of justifying a concession which cannot otherwise be justified ?

The Honourable Mr A. G. Clow : It is based on experience.

Mr. S Satyamurti : There must be some facts on which that experience is based What are those facts ?

Mr. President (The Honourable Sir Abdur Rahim) : This is a matter of argument.

Mr Brojendra Narayan Chaudhury : Is it a fact that superior military officers consider it derogatory to travel in a lower class with officers of lower rank and hence this concession ?

The Honourable Mr. A G. Clow : That is not the reason for the concession, if it is a fact at all.

MANUFACTURE OF TELEPHONE APPARATUSES IN INDIA.

†1102 ***Mr. T. S Avinashilingam Chettiar** : Will the Honourable Member for Communications state :

(a) what are the telephone apparatuses that are not manufactured in this country ;

(b) whether the raw material necessary for their manufacture is not available in India ; and

(c) what is the money spent in the last financial year on such imported apparatus ?

The Honourable Mr. A. G Clow : (a) I lay a statement on the table. A beginning has been made with the manufacture of subscribers' instruments in the Telegraph Workshops at Alipore but certain parts have still to be imported.

(b) Certain raw materials are not available in India, such as carbon, magnet steel, ebonite, silvonite and switchboard connecting wire

(c) Rs. 9,81,269.

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

1. Automatic exchange equipment of all types—imported complete.

2. Carrier equipment.

3. Voice Frequency repeater panels.

4. Power plant—motor-generators, rectifiers, ringing machines, power switchboard components, power cables.

5 Measuring instruments and transmission measuring apparatus of all types.

6 Repeating coils

7 Condensers.

8 Telephone Instruments Imported complete in the past. Of the Central Battery automatic type now being manufactured in Workshops the following parts are imported

Handset, transmitter and receiver insets, cradle switch, dial, condenser, induction coil and cords.

9 Switchboard components—lamps, cords, telephone-meters, repeating coils, condensers, calculographs

10 Wireless transmitters and receivers of all types

11 Wireless components—valves, condensers, coils, resistances, etc.

12 Switchboard wire and cables

13. Primary batteries—dry cells

14 Secondary batteries—complete, and battery components.

PERSONS KILLED AND INJURED IN RAILWAY ACCIDENTS.

1103 *Mr Brojendra Narayan Chaudhury : Will the Honourable Member for Railways please state :

(a) the number of killed and injured in railway accidents, or otherwise, on railway lines or premises in the year ending with 31st March, 1937 (or 31st December 1937, if possible) ;

(b) of the above, the number of persons (i) who have claimed compensation and the total amounts thereof , (ii) who have received compensation amicably and the total amounts thereof , (iii) who have applied to courts for compensation , (iv) whose claims were still pending before courts ; (v) who have secured court decrees and the total amounts , (vi) whose decrees have been paid off within a year of the happening of the injury and the amounts , and (vii) whose decrees have been paid off after a year from the date of the injury ,

(c) out of (b), (i) the claims still pending, and (ii) the decrees outstanding the number and the amounts ;

(d) whether the department has any machinery for taking initiative in enquiring into such claims, without claims being preferred , if not, why not , and

(e) regarding (b) (ii) and (v) the total amounts claimed ?

The Honourable Mr. A. G Clow : (a) I would refer the Honourable Member to Appendix D (i), page 237 of Volume II of the report by the Railway Board on Indian Railways for 1936-37, a copy of which is in the Library of the House.

(b), (c) and (e). I regret that none of this information is available with Government and that it could not be collected without an amount of research which would be disproportionate to the value of the results.

(d) Each case is investigated as it arises . but the question of the payment of compensation is not considered until a claim has been preferred

Mr. Brojendra Narayan Chaudhury : With reference to part (d), may I know by whom the claims are investigated ?

The Honourable Mr. A. G. Clow : It is investigated by the officers who deal with claims.

Mr. Brojendra Narayan Chaudhury : Are there any special officers for this purpose ?

The Honourable Mr A G Clow : In some cases there are special officers, as in the case of the Bihta accident.

Mr. S. Satyamurti : With regard to parts (b) and (c) of the question, may I know whether Government will select one important major accident and find out the figures in regard to these matters ? I am asking because the other day we asked the Honourable Member whether they would have some special machinery for that purpose and the answer was " No " I am asking whether, in view of the importance of the question, Government will consider the possibility of getting statistics with regard to one major accident

The Honourable Mr. A. G Clow : Yes, Sir, I am prepared to try and collect what information is possible regarding the Bihta accident

CARRIAGE OF MOTOR SPIRITS BY RAILWAYS

1104. *__Mr. Brojendra Narayan Chaudhury__ : Will the Honourable the Railway Member please state :

(a) the earnings of Indian Railways by carriage of motor spirits in one year (for the latest year for which figures are available) ; and

(b) whether the above figure was deducted in Mitchell-Kirkness Report or Wedgwood Report in arriving at the " conjectural figure " of loss to Railways by motor vehicle traffic ?

The Honourable Mr. A. G Clow (a) The earnings were about Rs 115 lakhs on Class I Railways during 1937-38. These figures are gross, i.e., they do not take into account the cost of carrying the traffic. Similar figures for other railways are not recorded.

(b) No

PETITIONS REGARDING THE ERECTION OF FENCES ON THE DIBRU-SADIYA RAILWAY

1105. *__Mr. Brojendra Narayan Chaudhury__ : Will the Honourable the Railway Member please state :

(a) whether he has received a petition dated the 19th August, 1938, through the Chief Minister, Assam, signed by 84

persons of Dibrugarh, including pleaders and other persons of rank, requesting for the erection of fences on Dibru-Sadiya Railway ,

(b) whether the petition states that .

(i) the railway runs within three to six feet of the public thoroughfare and the Assam Trunk road, carrying heavy vehicular (including motor) and foot traffic ,

(ii) that during the last six months between Dikom and Chalkhowa stations—a distance of ten miles only—five persons and twelve heads of cattle were killed by trains, and that the list has been annexed to the petition ;

(iii) that recently two rail cars running at great speed have been introduced and that the rail cars derailed once in running over an animal, once in June and again on the 27th July, 1938, badly knocking down a man who is in Dibrugarh hospital, and that the Public Prosecutor and other respectable gentlemen are eye-witnesses of the accident , and

(iv) that the petitioners demand immediately fencing on both sides of the entire line, failing which at least of the line between Dibru and Makum stations the most thickly peopled part ,

(c) whether he has made any enquiry regarding the allegations made in the petition ,

(d) whether he had made any enquiry before the receipt of the petition generally or specifically with regard to particular incidents brought to his notice about the special danger of this unfenced line ; if so, what, and through whom ;

(e) whether the Chief Minister of Assam did communicate the Assam Assembly debates regarding fencing of Dibru Sadiya line to the Central Government as stated in the petition ;

(f) the difficulty, if any, of fencing the line and his or the railways' relations, if any, with the Assam Government regarding fencing ;

(g) with reference to the statement in the petition that " twelve heads of cattle and five men killed by railway in six months within a distance of ten miles," whether this is not a record figure for Indian Railways as regards petty accidents (barring train smash, subsidence and sabotage of permanent way) ; and

(h) the steps taken, or proposed to be taken, to fence the line, at least in parts ?

The Honourable Mr. A. G. Clow : (a) No, but an advance copy of the petition has been received direct

(b) (i) to (iv) Yes

(c) Government will await receipt of the official copy from the Government of Assam.

(d) This railway was under the administrative control of the Assam Government till the 1st April, 1937 Since that date Government have received no representations regarding the danger of this line.

(e) Government are not aware of this

(f) The cost of fencing the whole line would be so high that I understand the Assam Government suggested in 1935, when the line was under their administrative control, that fencing should be provided only along lengths particularly prone to accident, with sleeper posts elsewhere to prevent side collisions with carelessly driven motor vehicles

(g) I am unable to say.

(h) The Government Inspector reports that additional sleeper posts were erected in 1937-38. The matter will be considered further on receipt of the petition with the Assam Government's remarks.

Mr Brojendra Narayan Chaudhury : Do I understand that the recommendation of the Assam Government regarding fencing at particular spots and of a particular kind have not yet been given effect to ?

The Honourable Mr. A. G. Clow : I have not received the Assam Government's views on the petition yet

GRIEVANCES OF GANGMEN WORKING ON THE RAILWAY BETWEEN BARKAKHANA AND GOMO

†1106 ***Ram Narayan Singh** : Will the Honourable Member for Railways be pleased to state :

(a) whether he is aware of the fact that gangmen working on the railway line between Barkakhana and Gomo, of the Barkakhana Loop line of the East Indian Railway, are greatly harassed and oppressed by their superior officers by way of exacting bribes from and ill-treating the gangmen in various ways, and that consequently there is a great discontent among them, (12 petitions with thumb impressions of over 100 gangmen submitted to me have been sent to the Railway Department in original) ; and

(b) if the answer to part (a) above be in the affirmative, whether Government propose to enquire into the allegations ?

The Honourable Mr. A G. Clow : (a) A representation was received from certain gangmen employed on the section of the line referred to by the Honourable Member, and was forwarded to the General Manager, East Indian Railway, for disposal, as control over subordinate railway services has been delegated to him

(b) I am sending a copy of the question together with the petitions received from the Honourable Member to the General Manager, East Indian Railway, who is being asked to examine the allegations and to take such action as he may consider necessary.

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

TRANSFER OF PALAMAU DISTRICT TO THE RANCHI POSTAL DIVISION

†1107 ***Mr. Ram Narayan Singh** : Will the Honourable Member for Communications be pleased to state

(a) whether the Palamu District of Chhota Nagpur, which was only recently taken from the Gaya postal division and annexed to the Hazaribagh division, is again going to be annexed to the Ranchi Postal Division and, if so, why , and

(b) whether he is aware that this rumoured or proposed change has already caused an alarm among the postal staff of the Palamau District ?

The Honourable Mr A. G. Clow : (a) Government understand that the Postmaster-General has under his consideration certain proposals for the re-arrangement of the Ranchi and Hazaribagh Postal Divisions in order to secure a more equitable distribution of work and administrative convenience No decision has yet been reached.

(b) No , but I understand that a protest has been received by the Postmaster-General, Bihar and Orissa Circle, against the proposed transfer of the Daltonganj Head Office and its sub offices from the Hazaribagh to the Ranchi Division from a branch of the All-India Postal and R M. S Union

AFFAIRS OF THE ASSAM BENGAL RAILWAY.

1108 ***Mr Brojendra Narayan Chaudhury** : Will the Honourable Member for Railways please state, regarding affairs on the Assam Bengal Railway

(a) whether it is a fact that in November last some Travelling Ticket Examiners were placed at Karimganj for about two weeks and school students who had been allowed so long to take their evening walks in the station compound, were taken unawares without warning and charged for entering the platform (level, not raised) without tickets along with other innocent people ;

(b) whether there is any fencing of the platform, and whether the platform is well defined ;

(c) whether booking office, parcel office, station master's office, and refreshment room, can only be approached through the platform ;

(d) the rules for entrance of people to the platform who go on business to booking office, parcels office and to the station master's office ,

(e) whether the students were agitated and collected nearby but outside the station in large numbers and whether a criminal case was instituted in connection with the affair and whether the case was withdrawn by railway, if so, why it was withdrawn ;

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

(f) whether ultimately compensation was demanded by people employed on the railway and on the students refusal to pay, the school has been blacklisted for two years and all concessions withdrawn for the same period ; and

(g) whether, in view of the peculiar circumstances of the case, the Honourable Member proposes to ask the Railway Board to investigate the matter ?

The Honouable Mr. A. G Clow : I have called for the information required by the Honourable Member and a reply will be placed on the table when it is received

EXAMINATIONS TO FILL VACANCIES IN THE POSTS AND TELEGRAPHS DEPARTMENT

1109 ***Maulvi Muhammad Abdul Ghani :** (a) Will the Honourable Member for Communications please state if it is a fact that in order to fill up a very large number of vacancies that had been previously kept in abeyance in the clerical cadre of the Posts and Telegraphs Department, competitive examinations were held in various Posts and Telegraphs circles in India during 1937, under the Director General of Posts and Telegraphs orders, and that no standard was previously set for these examinations ?

(b) Is it a fact that the Director General of Posts and Telegraphs issued orders to all Heads of Circles to fill up vacancies reserved for members of the minority community by appointing candidates from the majority community on the plea that qualified candidates of the minority community were not available ?

(c) Will Government lay on the table of the House a copy of such orders by telegraph or by letter issued by the Director General of Posts and Telegraphs to Heads of Circles ?

(d) Did Government receive any communications on this and other subjects from the General Secretary, Muslim Rights and Protection Board, President, Muslim Alamgir Association, Punjab, during 1937 and 1938 ? What action, if any, did Government take on such representations ?

The Honourable Mr A G. Clow : (a) The competitive examinations were not held in order to fill a very large number of vacancies which had been previously kept in abeyance Vacancies occurring before the dates of announcement of the examinations in the different circles were filled by approved candidates on the waiting lists according to the regulations in force at the time The examinations were held to obtain candidates to fill vacancies existing on the date of announcement of the examination and such other vacancies as occurred or were likely to occur after that date All candidates who applied were furnished with full information regarding the subjects of the examination.

(b) In Circles where the number of candidates belonging to the minority communities who qualified was insufficient to fill the vacancies reserved for them, the Director-General, with the approval of the Gov-

ernment of India, issued orders that only such of the vacancies as could not be kept open till the next examination should be treated as unreserved and filled on merits irrespective of community

(c) A copy of the orders in question is laid on the table

(d) No communications were received on this subject from these gentlemen I am unable to ascertain whether communications were received on any other subject without an indication of the subjects. The latter part of the question does not arise

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Telegram coded P, dated 9th March, 1938, from the Director General, Posts and Telegraphs, New Delhi, to all Heads of Circle

EsB 20-3|38 My telegram EsB 220-18|37, 1st January, 1938 In connection with filling of reserved vacancies Government agree that such of the vacancies as are intended for minority candidates and which cannot be kept open till next examination should be treated as unreserved and be filled on merits irrespective of community under paragraph 7 (1) (v), Home Department Resolution No F 14|17-B|33, dated 4th July, 1934, circulated with my Lr-ls 20-11|34, dated 13th Jun., 1935 You should now proceed to discharge all acting clerks who have been engaged on terms prescribed my memorandum EsB 220-19|37, dated 7th June, 1937, on purely temporary basis having regard to Art 436 C S R, *i.e.*, clerks who have not definitely engaged on condition that service is terminable without notice should be served with month's notice and candidates who have qualified in examination on lower standard specially permitted be appointed in place of all clerks discharged Wire at earliest possible date what shortages still exist after carrying out above so that decision may be reached regarding holding of further examination as soon as possible Care must be taken that only substantive vacancies existing on the date of examination are filled up in this manner.

Dr Sir Ziauddin Ahmad : With respect to the answer to part (d) of the question the Home Department gave us an undertaking that if in a particular year the number of Muslim candidates required is not available, then those places will be kept open for them for next year, and why was it not done in this case ?

The Honourable Mr. A. G Clow : I think this is being enforced, but it cannot be an invariable rule you cannot hold vacancies over indefinitely

Dr. Sir Ziauddin Ahmad : But why were they not kept open for one year ?

The Honourable Mr A G. Clow : There is, I think, to be an adjustment for next year

Mr S Satyamurti : Do I understand the Government to say that they have agreed to keep vacancies unfilled ? How then is the work to be done ?

The Honourable Mr A G. Clow : It is done by temporary employees.

Mr. S. Satyamurti: May I ask if they are to be employed on this work, or if the work is to be postponed till next year, or if the work is not to be done, or if the work is to be done by others by working overtime ?

The Honourable Mr A. G. Clow : The reservation for next year will be increased to make up for the loss this year

Dr Sir Ziauddin Ahmad : The Honourable Member said that qualified and suitable Muslims were not available. Is he very serious about it ?

The Honourable Mr. A. G. Clow : In one or two cases a sufficient number were not available.

Dr Sir Ziauddin Ahmad : I challenge the Honourable Member if he cannot get Muhammadans to fill up the whole of the Postal Department

Maulvi Muhammad Abdul Ghani : Do Government propose to advertise these vacancies reserved for Muslims in Muslim papers—as for instance, the *Star of India*, the *Eastern Times*, and the *Deccan Times* ?

The Honourable Mr A. G. Clow : Examinations are advertised , I cannot say in what papers, without notice

RULES FOR THE RECRUITMENT OF ASSISTANT SUPERINTENDENTS OF POST OFFICES

1110 ***Maulvi Muhammad Abdul Ghani** : Will the Honourable Member for Communications please state whether it is a fact that the rules for the recruitment of Assistant Superintendents of Post Offices, have been changed ? If so, to what extent ? Will the Honourable Member be pleased to lay a copy on the table ?

The Honourable Mr. A. G. Clow : There are no posts of Assistant Superintendents of Post Offices The question does not, therefore, arise.

CARRIAGE OF MOTOR CARS, ACCESSORIES AND MOTOR SPIRIT BY RAILWAYS.

1111 ***Mr. Kuladhar Chaliha** : Will the Honourable the Railway Member please state

(a) the amount of freight and other charges collected by the Indian Railways in the latest year for which figures are available, for carriage of motor car, accessories, and motor spirit by railways ,

(b) whether this amount is deducted in computing the figures of loss of railways from road competition, which have been given to the House in this and the last Delhi Session by the Railway Member on several occasions ,

(c) the total earnings by railways in that year given to the railway by road motor traffic, directly or indirectly ; and

(d) the amount of loss to upper class traffic from private cars and motor cars ?

The Honourable Mr. A. G. Clow : (a) and (b) I would refer the Honourable Member to the reply I have just given to Mr Brojendra Narayan Chaudhury's question No. 1104 as regards motor spirit. No figures are available in regard to the earnings from motor cars and accessories.

(c) and (d). Government have no particulars.

SUSPENSION OF RAILWAY COMMUNICATIONS DUE TO FLOODS ON THE BENGAL AND NORTH WESTERN RAILWAY

†1112 *Babu Kailash Behari Lal : Will the Honourable Member for Railways be pleased to state

(a) if it is not a fact that, owing to high floods in the Koshi, railway communications have been suspended between Madhipura and Saharsa and between Koparia and Mansi stations on the Mansi Bhaptiahi sections on Bengal and North Western Railway ,

(b) if he is aware that litigant public and passengers have to undergo insurmountable difficulties in going to Madhipura and Bhagalpur, which is the district headquarters ,

(c) if it is a fact that the flood is subsiding and if he has considered that the breaches can be repaired easily at a small expense and care ,

(d) if it is a fact that the railway authorities have not moved in the matter, in spite of representations from the public , and

(e) if it is a fact that, owing to the dislocation of the railway communications between Saharsa and Mansi stations, there is delay in the delivery of *dak* at Madhipura and if he has considered whether it is possible to arrange the delivery of *dak* at Madhipura from Murliganj, which is only 12 miles from Madhipura ?

The Honourable Mr. A G Clow : (a) Yes

(b) I have no doubt that the public are seriously inconvenienced

(c) and (d) I understand that flood conditions still persist and that restoration of through communications is not at present practicable It is hoped that a low level diversion at a bridge on the Dauram Madhepura branch will be feasible shortly On the section between Mansi and Koparia, a 280-foot bridge has been destroyed and a diversion to permit of through communications being restored is not likely to be practicable until early in November

(e) The reply to the first part is in the affirmative As regards the second part, the possibility of diverting the mails *via* Murliganj was considered in the early stages of the flood, but the route was not adopted owing to three river crossings and its unfrequented character

DIVISIONAL ENGINEERS, TELEGRAPHS

†1113 *Mr. Umar Aly Shah : (a) Will the Honourable Member for Communications please state the total number of Divisional Engineers, Telegraphs, in the Indian Posts and Telegraphs Department ?

(b) How many are Muslims ?

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

The Honourable Mr A. G. Clow : With your permission, Sir, I propose to reply questions Nos 1113 to 1116 together I lay on the table a statement furnishing the information asked for

	Total Number	Number of Muslims.
Divisional Engineer, Telegraphs, in the Indian Posts Telegraphs Department	18	1
Sub-Divisional Officers, Telegraphs, in the Posts and Telegraphs Department	49	5
Engineering Supervisors, Telegraphs and Telephones, in the Rawalpindi Division	12	1
Clerks in the office of the Divisional Engineer, Telegraphs, Rawalpindi Division	22	7

SUB-DIVISIONAL OFFICERS, TELEGRAPHS

†‡1114 ***Mr Umar Aly Shah** : (a) Will the Honourable Member for Communications please state the total number of Sub-Divisional Officers, Telegraphs, in the Posts and Telegraphs Department ?

(b) How many are Muslims ?

ENGINEERING SUPERVISORS, TELEGRAPHS AND TELEPHONES, IN THE RAWALPINDI DIVISION

†‡1115 ***Mr. Umar Aly Shah** : (a) Will the Honourable Member for Communications please state the total number of Engineering Supervisors, Telegraphs and Telephones, in the Rawalpindi Division ?

(b) How many are Muslims ?

CLERKS IN THE TELEGRAPH DIVISIONAL OFFICE, RAWALPINDI.

†‡1116 ***Mr. Umar Aly Shah** : (a) Will the Honourable Member for Communications please state the total strength of clerks in the Divisional Office, Telegraphs, Rawalpindi ?

(b) How many are Muslims ?

POSTING OF A MUSLIM DIVISIONAL ENGINEER, TELEGRAPHS, TO THE RAWALPINDI DIVISION.

†1117. ***Mr. Umar Aly Shah** : Will the Honourable Member for Communications please state whether any Muslim Divisional Engineer (Telegraphs) was ever posted in the Rawalpindi Division ?

The Honourable Mr. A G Clow : No.

†Answer to this question laid on the table, the questioner being absent.
‡For answer to this question, *see* answer to question No. 1113.

PENSIONARY BENEFITS FOR MECHANICS AND MISTRIES IN THE POSTS AND TELEGRAPHS DEPARTMENT.

†1118 ***Mr. Muhammad Azhar Ali** : (a) Will the Honourable Member for Communications be pleased to refer to the answer to starred question No 1368 given on the 16th October, 1936, and state whether Government have yet placed mistries and mechanics of the Indian Posts and Telegraphs Department on a pensionary basis ? If not, what is the reason for this exclusion ?

(b) Is it true that subsequent representations made to the Director General, Posts and Telegraphs, have been invariably rejected ? What is the reason for this ?

(c) How do Government justify their attitude, when a pension is admissible to all sections of the service, that this small body should be treated differently ?

The Honourable Mr A G. Clow : (a) and (c) The question of bestowing pensionary status on certain classes of non-pensionable employees of the Indian Posts and Telegraphs Department including mechanics and mistries is still under consideration

(b) *No* The Director-General informed those who made the subsequent representations that the matter was under consideration.

AGITATION AGAINST THE MONOPOLY EXISTING ON THE DEOLI-NASIRABAD ROAD

†1119 ***Pandit Sri Krishna Dutta Paliwal** : Will the Honourable Member for Communications please state

(a) whether Government are aware of the agitation among the public of Deoli, Nasirabad, Kekri and surrounding areas against the existing monopoly on the Deoli-Nasirabad road ;

(b) if it is a fact that complete *hartal* was observed in Deoli and Kekri , and

(c) whether Government have renewed the monopoly , if so, for what reasons and on what conditions ?

The Honourable Mr. A. G. Clow : (a) No

(b) I have received no information of such a hartal

(c) I understand that the Ajmer-Merwara District Authority decided to continue the existing arrangements, and decided that existing charge of five pies per mile was a fair one

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

RAILWAY PASSES HELD BY MEMBERS OF THE CENTRAL AND PROVINCIAL LEGISLATURES.

61. **Dr. Sir Ziauddin Ahmad** : Will the Honourable the Railway Member please state whether the Government of India will enquire from the Railway Agents and Divisional Superintendents about the numbers of the Members of the Central and Provincial Legislatures who are now holding the passes for a definite or for an indefinite period ?

The Honourable Mr A. G Clow : Government are not aware of any such passes being issued and see no reason, therefore, for making the enquiry suggested

STATEMENTS LAID ON THE TABLE

Information promised in reply to starred question No 249 asked by Mr Badri Dutt Pande on the 16th August, 1938

INCLUSION OF CERTAIN VILLAGE LANDS WITHIN THE LAHORE CANTONMENT LIMITS AND REJECTION OF CERTAIN PLANS FOR THE CONSTRUCTION OF HOUSES.

(a) Yes, not as a result of any 'prohibition scheme' for putting up further buildings, but for the simple reason that the conservancy arrangements, surface drainage, etc, in respect of the proposed buildings being conspicuous by their absence, the locality is extremely insanitary and unhealthy

(b) and (c). Yes

(d) The area has not been included in the cantonment limits and the question of compensation does not arise The Cantonment Board are willing to allow further constructions provided that satisfactory conservancy and drainage arrangements are made.

(e) No, as the provisions of Chapters XI and XV of the Cantonments Act, 1924, alone have been applied and no taxes are levied from this area

Information promised in reply to parts (a), (b), (d), (e), (g) and (h) of starred question No. 415 asked by Mr. K S. Gupta on the 23rd August, 1938.

CERTAIN STAFF OF THE VIZAGAPATAM PORT

(a) There are three European Pilots (Assistant Harbour Masters) employed at the Port of Vizagapatam.

(b) Yes On an average nine times per week. About 2½ to 3 hours

(d) No.

(e) Seven. Their duties are similar to those of engineers on board a trading vessel, and in addition they are incharge of the dredging gear.

(g) Yes The number of men under the supervision of the Superintendent of Machinery is approximately 500 The reply to the second part of the question is in the negative.

(h) Ninety-seven The Foreman's salary is Rs. 600 per mensem. The Senior Assistant Foreman is paid Rs. 240 per mensem, and the Junior Assistant Foreman, Rs. 102 8-0 per mensem The Senior Assistant Foreman is an Indian and the Junior

Assistant Foreman an Anglo-Indian The qualifications of the Foreman are technical knowledge and experience of workshop management The answer to the last part is in the negative

Information promised in reply to parts (c) and (d) of starred question No. 529 asked by Mr Manu Subedar on the 26th August, 1938.

LABOUR CONTRACT OF THE CALCUTTA PORT TRUST

(c) Two formal contracts, one covering general cargo and the other covering coal, were executed in 1895 They continued in force until they were replaced in 1906 by two other formal contracts These again continued in force until they were respectively replaced in 1923 by a formal contract for general cargo and in 1924 by a formal contract for coal Upon these last two formal contracts as amended from time to time the rebate contracts have been superimposed

(d) Does not arise

Information promised in reply to starred question No 707 asked by Mr Ramayan Prasad on the 2nd September, 1938.

NON-APPOINTMENT OF BIHARIS AS DIVISIONAL ACCOUNTANTS IN BIHAR

(a) Yes, but a Behari has officiated for more than six months in a temporary vacancy in 1936-37.

(b) The reply to the first part of the question is in the affirmative Behari clerks will probably in the ordinary course officiate as Divisional Accountants in four or five years

(d) No special encouragement is necessary in view of the fact that recruitment to the clerical grades is now confined strictly to Beharis and that Behari passed clerks will be officiating as Divisional Accountants within a few years

(e) Government do not propose to issue any instructions as suggested by the Honourable Member, as this would involve the supersession of seniors, who are fully qualified to discharge the duties of Divisional Accountant

Information promised in reply to starred question No 823 asked by Mr. Amarendra Nath Chattopadhyaya on the 7th September, 1938.

INADEQUATE STAFF IN THE OFFICE OF THE ACCOUNTANT GENERAL, CENTRAL REVENUES

(a), (e) and (f) No

(b) and (d) This is not a fact

(c) It is a fact that the Auditor General issued instructions that arrangements were not to be made for special additional work by granting special pay for work beyond normal office hours and that duties involving overtime work were not to be allotted to subordinate members of the office staff except in exceptional circumstances and then only with the express permission of the head of the office.

(g) Does not arise.

MOTION FOR ADJOURNMENT

SHIVA TEMPLE AFFAIRS AT DELHI.

Mr. President (The Honourable Sir Abdur Rahim) . I have received notice of a motion for adjournment from Sardar Sant Singh to this effect He asks for " leave to make a motion for the adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance, namely, the unsatisfactory answer given by the Honourable the Home Member to short notice question of Mr. Baijnath Bajoria regarding the Shiva temple trouble at Delhi, particularly with regard to the upholding of the settlement dated the 3rd September, at the suggestion and with the concurrence of the authorities concerned "

The Honourable Member is aware that if an answer given by the Member of Government is in the opinion of any Honourable Members unsatisfactory, that in itself cannot constitute a good ground for a motion for adjournment.

Sardar Sant Singh (West Punjab Sikh) May I submit that on the first motion for adjournment that was tabled a few days back, the Honourable the Home Member agreed to give answers to short notice questions, and we postponed the moving of the adjournment motion on account of that till after the replies had been given by the Honourable the Home Member

Mr. President (The Honourable Sir Abdur Rahim) The motion was not postponed , the Honourable Member did not move it

THE RAILWAYS (LOCAL AUTHORITIES' TAXATION) BILL.

The Honourable Mr. A G. Clow (Member for Railways and Communications) Sir, I move for leave to introduce a Bill to regulate the extent to which railway property shall be liable to taxation imposed by an authority within a Province

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

" That leave be granted to introduce a Bill to regulate the extent to which railway property shall be liable to taxation imposed by an authority within a Province "

The motion was adopted

The Honourable Mr. A G Clow : Sir, I introduce the Bill

With your permission, I would like to add that on comparing the original Statement of Objects and Reasons which I signed with the copy printed in the Bill I find that there are several errors I, therefore, lay on the table a correct copy in accordance with the Statement I signed

THE AJMER-MERWARA MUNICIPALITIES REGULATION (AMENDMENT) BILL

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands) : Sir, I move for leave to introduce a Bill further to

[Sir Girja Shankar Bajpai.]

amend the Ajmer-Merwara Municipalities Regulation, 1925, for the purpose of lowering the educational qualification entitling a person to be enrolled as an elector

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

"That leave be granted to introduce a Bill further to amend the Ajmer Merwara Municipalities Regulation, 1925, for the purpose of lowering the educational qualification entitling a person to be enrolled as an elector"

The motion was adopted

Sir Girja Shankar Bajpai : Sir, I introduce the Bill

THE MOTOR VEHICLES BILL—*contd*

Mr President (The Honourable Sir Abdur Rahim) The House will now resume consideration of the Motor Vehicles Bill The question is :

"That clause 132 of the Bill be omitted"

Pandit Lakshmi Kanta Maitra (Presidency Division Non-Muhammadan Rural) Sir, the amendment moved by my Honourable friend, the Law Member, asking for the deletion of clause 132 leaves the position rather uncertain with regard to the right of appeal conferred by different clauses which we have already passed In this Bill we have so far created a number of offences with specific penal provisions for the commission of the same, and the House has been agreeable to confer the right of appeal in certain cases The difficulty that now arises is this If this clause is allowed to remain, then the question will arise as to whether there will be the right of appeal in case of conviction by second class and third class magistrates as is now allowed under the provisions of the Code of Criminl Procedure According to the provisions of the Code of Criminal Procedure, as it stands today, anybody convicted by a second class or a third class magistrate to any sentence of fine or to any term of imprisonment may have the right of appeal to the District Magistrate It is only in case of conviction by a first class magistrate that an appeal is not allowed when the sentence of fine does not exceeds Rs 50 There is, of course, a right of revision, but as you know very well, Sir, that in the revisional proceedings only the points of law, if any, can be considered and not the facts

I am not very clear in my mind if by deleting this clause, we will be really continuing the right of appeal enjoyed by people convicted by second class or third class magistrates or whether we shall be straightaway taking away the right That is a matter which requires the serious consideration of the House, for, if by a provision the whole right of appeal conferred by the different clauses accepted by the House is taken away, then it will be a most unfortunate retrograde step It may be argued that if this clause is allowed to remain, then it will, contrary to the provisions of the Code of Criminal Procedure, confer a right of appeal against a conviction and sentence by Presidency Magistrates to any term of imprisonment and to an amount of fine exceeding Rs 25 So, it was argued that it will mean a multiplication of appeals in the High Courts But the other point that distresses me is whether, by trying to benefit the few Presidency Towns, which are only three in number, we

will be taking away the right of appeal from the people of the rest of the country This is a matter which really requires serious consideration, and I have just now circulated an amendment in which I seek to provide that in all cases of conviction by a Presidency Magistrate, if the fine exceeds Rs 50, there will be a right of appeal, notwithstanding anything that is contained in the Code of Criminal Procedure This is really a very delicate matter and I would ask the House to consider very carefully the position. The position, as I submitted, is whether by the deletion of this clause, as moved by the Honourable the Law Member, we shall be taking away the right of appeal from persons convicted by second class and third class magistrates I think everybody should agree that this valued right, which is already enjoyed, should not be taken away by any provision This is a matter to which I again invite the serious consideration of the House

Mr. N. V Gadgil (Bombay Central Division Non-Muhammadan Rural) Sir, I want to oppose this amendment In the first place, having incorporated this provision in clause 132, it has already given rise to certain expectations Sir, we have provided many offences and some of them are quite new offences, and it is only a salutary safeguard if an appeal is provided both in the provisions of this Bill as well as under the general provisions of the Code of Criminal Procedure I, therefore, think that if this clause is deleted, it might mean that in certain cases there will be no appeal at all The Honourable the Law Member differs from me, but, unless he convinces us that the effects will be not those which I contemplate, my opposition stands I, therefore, submit that this clause, as reported by the Select Committee, should stand.

Mr. J. D. Anderson (Secretary, Legislative Department) . Sir, may I say briefly what I imagine the practical result of the omission of this clause will be from the point of view of the convict If this clause be removed from the Bill, then the ordinary law of the land, which is already in force, will automatically come into operation That is to say that Chapter XXXI of the Code of Criminal Procedure will govern all appeals on convictions under this Bill. I need hardly remind the House that now, since the amendment which was passed in 1923, there is a right of appeal in every case when a man has been sentenced to a term of imprisonment however short by any magistrate . .

Pandit Lakshmi Kanta Maitra : Not any magistrate · not in the case of a Presidency Magistrate.

Mr J. D. Anderson : Please look at section 413 of the Criminal Procedure Code as amended in 1923 A Sessions Judge can sentence a man to one month's imprisonment and there would be no appeal. But these offences are not tried by Sessions Judges They would invariably be tried by magistrates. There is no need, whatsoever, to make any provision in this Bill for a right of appeal by a person who is sentenced to a period of imprisonment. Then, as far as convictions of fines imposed by second class magistrates go, already there is a right of appeal given under section 407. There is invariably a right of appeal however petty the amount of fine may be. There remains only one case inserted in this clause, for which no right of appeal is given under the Criminal Procedure Code That is the case of a man sentenced by a first class magistrate to a fine of Rs. 50 or less. He has, at the moment, no right

[Mr. J. D. Anderson]

of appeal and I cannot see why we should discriminate between these very ordinary offences and the other offences which are already in the Statute-book

Mr. M. Ananthasayanam Ayyangar (Madras Ceded Districts and Chittoor Non-Muhammadan Rural): Sir, I have heard the Honourable Member who has just preceded me, but he did not address himself to the case where a Presidency magistrate, in one of the Presidency towns, either imposes a sentence of imprisonment for however short a term it might be or imposes a fine of less than Rs 200. An appeal from a sentence of a conviction passed by a Presidency Magistrate lies to the High Court, under section 411, Criminal Procedure Code. An appeal lies only in the case of a sentence of imprisonment if it is over six months or in the case of fine if it is over Rs 200. Here, the Honourable Member observes that in all cases by a modification of section 413 however short the term of imprisonment may be, an appeal has been provided for. The amendment does not apply to cases of conviction of imprisonment imposed by a Presidency Magistrate. A majority of these cases are those in the presidency headquarters and, therefore, not to allow appeal against the sentence of the Presidency Magistrate will be a very great handicap. I, therefore, think that the clause as it was reported by the Select Committee ought to stand.

As regards first class magistrates, it is no doubt true that the sentence of a fine of over Rs 50 is appealable and a sentence of imprisonment, however short the term may be has been made appealable by the modification of the Code in 1923. It is also true that these cases are not tried by Sessions Courts directly. The object of the modification that was made in the Select Committee was that even if the sentence of fine should be less than Rs 50 there ought to be an appeal provided and a safeguard is also to be imposed by making convictions in petty cases not appealable. There a limit of Rs 25 has been imposed. All sentences of fine above Rs 25 and below Rs 50 which are not covered by the Code of Criminal Procedure and treated as petty cases where no appeal has been allowed till now are now sought to be made appealable by clause 132. Therefore, it is absolutely necessary that this clause should stand as it is.

As regards the remarks made by my Honourable friend, Pandit Lakshmi Kanta Maitra, I want to remove one misapprehension. He was under the impression that this clause 132 removes the right of appeal on a conviction made by a second class magistrate if the sentence of fine should be less than Rs 25. That is an erroneous impression. It is an absolute misapprehension. The clause starts with the words 'Notwithstanding anything to the contrary in the Criminal Procedure Code'. It is only if the Criminal Proecdure Code does not allow appeals in particular cases, to that extent only those provisions are made appealable by this clause 132. This clause does not, therefore, take away the right of appeal which is conferred by the Code of Criminal Procedure. I am surprised to see such a construction put by my Honourable friend. I am certain it is erroneous. Therefore, clause 132 is an enabling provision. The only point is whether we are prepared to make up our minds that in these non-appealable cases, where the sentence of the Presidency

Magistrate is for less than six months, we should allow appeals and in the case of a fine of Rs 200 also or if no appeal should be allowed merely because the appeal goes to the High Court It is unfortunate that we are not in a position to substitute the High Court by any other tribunal. The High Court is the appellate authority so far as convictions imposed by the Presidency Magistrates are concerned In the case of mufassil there is an appeal even if the sentence is one day's imprisonment, but merely because there is a change of venue, and the cases are tried in Presidency Magistrates' courts, why should no appeal be allowed I should say this is an invidious distinction Therefore, there is every justification for the retention of clause 132 as it stands

Dr Sir Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) Sir, the chief difficulty that has arisen in this particular clause was pointed out by the Honourable the Law Member yesterday that the circumstances in the three Presidency towns differ from the circumstances in the rest of India I think we should care more for the rest of India than for the three Presidency towns in the country. It has been very clearly put by the Secretary to the Legislative Department just now that as the law stands at present, we can appeal for an offence tried by a second or third class magistrate But there is no appeal for any case tried by a first class magistrate in which the punishment is a fine for less than Rs 50 But if we accept this particular amendment, then there is one provision at least which we are preventing from availing We have gained at least one point that in the future there would be appeal for a fine between Rs 25 and Rs. 50 This would be achieved if we accept the original clause I have tabled an amendment which will come later on. I would like an appeal for all cases, even those tried by first class magistrates But even if my amendment is not accepted, I think I would rather stand for something which is better than that, that a fine amounting to a sum between Rs 25 and Rs. 50 ought to be appealable , and I think there is a slight advantage in this particular clause compared with the law that now stands

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 clause 132 of the Bill be omitted."

The Assembly divided :

AYES—35.

Abdul Hamid, Khan Bahadur Sir.	Clow, The Honourable Mr. A. G.
Ahmad Nawaz Khan, Major Nawab Sir.	Conran-Smith, Mr. E.
Anderson, Mr. J. D.	Dalal, Dr. R. D.
Ayyar, Mr. N. M.	Dalpat Singh, Sardar Bahadur Captain.
Bajpai, Sir Girja Shankar.	Dutt, Mr. S.
Bewoor, Mr. G. V.	Faruqui, Mr. N. A.
Chanda, Mr. A. K.	Ghulam Muhammad, Mr.
Chatterjee, Mr. B. M.	Grigg, The Honourable Sir James.

Highet, Mr J C
Jawahar Singh, Sardar Bahadur Sardar Sir
Kamaluddin Ahmed, Shams-ul-Ulema.
Lloyd, Mr A H
Mackeown, Mr J A
Maxwell, The Honourable Mr R. M
Metcalfe, Sir Aubrey
Mitchell, Mr K G
Mukerji, Mr Basanta Kumar
Mukerji, The Honourable Sir Manmatha Nath
Nur Muhammad, Khan Bahadur Shaikh.
Rahman, Lieut.-Colonel M A.
Shahban, Mian Ghulam Kadir Muhammad
Sher Muhammad Khan, Captain Sardar Sir
Singh, Maharaja Bahadur Ram Ran Vijai Prasad
Sukthankar, Mr Y N
Sundaram, Mr. V S
Walker, Mr G D.
Zafrullah Khan, The Honourable Sir Muhammad

NOES—35

Abdul Ghani, Maulvi Muhammad
Abdul Qaiyum, Mr
Abdur Rasheed Chaudhury, Maulvi.
Aikman, Mr A
Ayyangar, Mr M Ananthasayanam.
Banerjea, Dr P N.
Boyle, Mr J D.
Chabba, Mr Kuldhar.
Chaudhury, Mr Brojendra Narayan.
Damzen, Mr. P R.
Desai, Mr Bhulabhai J.
Deshmukh, Dr G. V
Deshmukh, Mr Govind V.
Gadgil, Mr. N. V
Gupta, Mr K S.
Hans Raj, Rai Bahadur
James, Mr F E
Jogendra Singh, Sirdar
Lalchand Navalrai, Mr
Maitra, Pandit Lakshmi Kanta.
Mangal Singh, Sardar.
Miller, Mr C C
Pande, Mr Badri Dutt
Parma Nand, Bhai
Ramayan Prasad, Mr.
Ranga, Prof N. G.
Sant Singh, Sardar
Santhanam, Mr K
Satyamurti, Mr. S.
Scott, Mr J Ramsay.
Smith, Lieut.-Colonel H. C.
Sri Prakasa, Mr
Subbarayan, Shrimati K Radha Bai.
Town, Mr H S
Ziauddin Ahmad, Dr Sir.

Mr. President (The Honourable Sir Abdur Rahim) There being an equality of votes, I vote with the 'Ayes'.

The motion was adopted

Mr S. Satyamurti (Madras City Non-Muhammadan Urban) Sir, on a point of order This point has been decided, and I do not want to say anything more upon it It is only as a guide for the future that I am submitting this It is a well-known fact that, according to the practice in the House of Commons, in the event of an equality of votes, the casting vote is always given for the *status quo ante*, or so that the particular matter may come before the House in a more definite form later,

12 NOON

Mr. President (The Honourable Sir Abdur Rahim) : I have taken that principle into consideration I took into consideration not only the clause and the amendment proposed, but the existing law as embodied in the Criminal Procedure Code which was sought to be modified.

I must say on the point of order raised by Mr. Satyamurti that the *status quo ante* is a good rule in ordinary cases, but it is not an invariable rule.

Mr. S. Satyamurti : Sir, I merely made a submission I am not saying anything more on it.

Dr Sir Ziauddin Ahmad : Sir, I beg to move

" That before clause 133 of the Bill, the following new clause be inserted and the subsequent clauses be re-numbered accordingly

' 133. (*1*) For the purpose of giving advice and assistance to the Member in charge of Communications (referred to as Member in this section) in connection with the discharge by him of his functions in relation to means of, and facilities for transport and their condition, improvement and development, there shall be constituted a Council which shall be called the Communication Advisory Council and is in this section referred to as ' the Council '.

(*2*) The Members of the Council shall be appointed by the Member and shall include representatives of various interests

(*3*) Members of the Council shall hold office for three years from the date of their appointment

(*4*) The Member shall be the President of the Council

(*5*) The Council may appoint one or more Committees and delegate any of its powers and duties to such Committees

(*6*) The Council may make rules for regulating the proceedings including the quorum of the Council or of any Committee thereof ' "

Sir, this particular clause is taken from the British Act They have passed the Motor Vehicles Act, but, at the same time, for purposes of co-ordination, they have established an Advisory Committee We have got here an Advisory Committee for Railways, an Advisory Committee for Roads, an Advisory Committee for Post Offices, and so on, and it is very desirable that all branches of communications should be co-ordinated and they should all be administered by one Member We see very clearly that the Committee will be nominated by the Member in charge of Communications, and its function will be only advisory Therefore, when a thing is working quite satisfactorily in the United Kingdom from where we have taken the major portion of the clauses of the particular Act, I think it is very desirable that we should follow them in this matter also. Sir, I move

Mr. President (The Honourable Sir Abdur Rahim) Amendment moved

" That before clause 133 of the Bill, the following new clause be inserted and the subsequent clauses be re-numbered accordingly

' 133. (*1*) For the purpose of giving advice and assistance to the Member in charge of Communications (referred to as Member in this section) in connection with the discharge by him of his functions in relation to means of, and facilities for transport and their condition, improvement and development, there shall be constituted a Council which shall be called the Communication Advisory Council and is in this section referred to as ' the Council '

(*2*) The Members of the Council shall be appointed by the Member and shall include representatives of various interests.

(*3*) Members of the Council shall hold office for three years from the date of their appointment.

(*4*) The Member shall be the President of the Council.

(*5*) The Council may appoint one or more Committees and delegate any of its powers and duties to such Committees

(*6*) The Council may make rules for regulating the proceedings including the quorum of the Council or of any Committee thereof '. "

The Honourable Mr. A. G. Clow (Member for Railways and Communications) . Sir, I am grateful to Dr Sir Ziauddin Ahmad for the trust he proposes to repose in the Member for Communications. This is going to be a purely nominated body. It is apparently to have no statutory functions, and it is not very clear what its duties are going to be. Actually, we have in existence already a Transport Advisory Council which is constituted in a much better fashion It consists of two representatives of the Government of India including the Member in charge of Communications and of Ministers from each of the Provinces , these are accompanied by technical advisers, and we owe a great deal to the advice of that Council in connection with this Bill Further, if we wanted to set up another body, it would not be necessary to have such a clause in the Bill empowering us to do so, because, as I said earlier, it is not going to have any statutory functions I suggest to the House that it is not merely unnecessary but superfluous.

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

" That before clause 133 of the Bill, the following new clause be inserted and the subsequent clauses be re numbered accordingly

' 133 (*1*) For the purpose of giving advice and assistance to the Member in charge of Communications (referred to as Member in this section) in connection with the discharge by him of his functions in relation to means of, and facilities for transport and their condition, improvement and development, there shall be constituted a Council which shall be called the Communication Advisory Council and is in this section referred to as ' the Council '.

(*2*) The Members of the Council shall be appointed by the Member and shall include representatives of various interests

(*3*) Members of the Council shall hold office for three years from the date of their appointment

(*4*) The Member shall be the President of the Council

(*5*) The Council may appoint one or more Committees and delegate any of its powers and duties to such Committees

(*6*) The Council may make rules for regulating the proceedings including the quorum of the Council or of any Committee thereof ' "

The motion was negatived

Dr. Sir Ziauddin Ahmad : Sir, I wish to move this amendment.. ..

Mr J. D. Anderson : On a point of order The Honourable Member is, I think, seeking to move amendment No 818* with a view to earmarking certain monies, that is to say, he is creating a charge on the revenues of India, and, therefore, he attracts to his amendment the provisions of section 67 (*2A*) of the Government of India Act, which is kept alive by section 12 of the Government of India (Commencement and Transitory Provisions) Order The amendment, I submit, requires the previous sanction of the Governor General, and I am very doubtful if the Honourable Member has secured it.

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*" That before clause 133 of the Bill, the following new clause be inserted and the subsequent clauses be re-numbered accordingly :

' 133 All money realised from the licensing of drivers, the registration of motor vehicles and the fines imposed under any section of this Act shall be credited to the account of Road Fund of the province concerned ' "

Mr President (The Honourable Sir Abdur Rahim) : As the Honourable Member has not obtained the previous sanction of the Governor General, I rule this amendment out of order The same applies to No. 819*. The question is

" That clause 133 stand part of the Bill "

Mr J. D. Anderson : I beg to move :

" That for clause 133 of the Bill, the following be substituted :

' 133 The Provincial Government may by notification in the official Gazette direct that the First, Seventh, Ninth, Tenth, or Eleventh Schedule to this Act (except regulation 1 contained in the Tenth Schedule) shall in its application to the province be modified in any manner specified in the notification and thereupon such Schedule shall be deemed to have been amended accordingly ' "

The intention behind this amendment is to remove what I venture to submit is a conflict between the clause as it stands in the Bill and the Government of India Act, 1935 The clause as drafted, begins " The Central Government may direct . " That is to say, the clause seeks to confer upon the Central Legislature executive authority The subject matter of these schedules is covered by the 20th item of the third or Concurrent Legislative List, in the 7th Schedule of the Government of India Act, 1935 That being so, in the case of an item of the concurrent list the executive authority must be exercised by the Provincial Government and no Legislature can confer on the Central Government any power to exercise that authority So far as what I may describe as the practical merits of the amendment are concerned, I shall not mention the reasons why those schedules mentioned in the amendment are allotted to the Provincial Governments , I will leave this duty to my Honourable friend, Mr Mitchell Sir, I move

Mr President (The Honourable Sir Abdur Rahim) : Amendment moved ·

" That for clause 133 of the Bill, the following be substituted :

' 133. The Provincial Government may by notification in the official Gazette direct that the First, Seventh, Ninth, Tenth, or Eleventh Schedule to this Act (except regulation 1 contained in the Tenth Schedule) shall in its application to the province be modified in any manner specified in the notification and thereupon such Schedule shall be deemed to have been amended accordingly ' "

Mr. S. Satyamurti : I oppose the amendment Indeed, I am not happy over the clause as it stands. My Honourable friend referred to this as an executive power I differ. After all, when you put schedules in an Act, that is legislation, and these schedules are put in under the various clauses of this Bill. They are to carry out the objects of the various clauses which are mentioned at the top of the schedules, and I take it that these schedules have been drafted on expert advice by the Government, and considered by the Select Committee as apposite in order to carry out the purposes of the Act So far as the original

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*" That before clause 133 of the Bill, the following new clause be inserted and the subsequent clauses be re-numbered accordingly :

' 133. In spite of anything in any Act, money realised from the customs and excise duties on petrol and customs duties on motor vehicles and motor accessories shall, after deducting thirty-three per cent., be deposited in the Road Fund administered by Central Government ' "

[Mr. S. Satyamurti.]

clause stands, it provides that the Central Government may direct that any schedule to this Act may be altered and on such notification the schedule shall be deemed to have been amended accordingly. That is a bad enough power because, if these schedules are to be placed before this House and accepted by the House with or without amendment, it does seem to me that to agree to transfer the entire power of altering these schedules, re-making them, adding to them or removing from them to the executive, is really one of those cases of delegated legislation which have been condemned by constitutional experts in England So far as minor matters are concerned which do not involve any questions of policy or of principle, and where uniformity is not needed, I perfectly concede that such small matters may be left to the executive authority Let us see what the amendment wants The amendment wants, " the Provincial Government may by notification in the official Gazette direct that the First " Let us take the first schedule It merely relates to forms, and so far as that is concerned, I am willing to concede that they do not raise any question of large principle Forms can, after all, be modified without any serious consequences, and that may be conceded But when we come to other schedules, you will find that the amendment seeks to give power to the Provincial Government to alter the 7th, the 9th, the 10th and the 11th schedules of this Bill Let us take the 7th schedule It relates to the maximum axle weights permissible for transport vehicles, Tables A and B I know that Government have very strong opinions on this matter and it does seem to me that to allow each Provincial Government, Madras, Bombay, the Central Provinces or the Frontier Province, or Bengal or any other province, to vary the maximum axle weight permissible for transport vehicles under either table, would only lead to confusion There will be confusion in the eleven provinces of this country, as regards the maxima of these axle weights, and each Provincial Government will have its own way without reference to another, because there is no provision made here for the Provincial Governments to put their heads together and evolve any common formula which may be applicable throughout the country I do not know whom it is proposed to help by this. Our hope is that India will develop into one country, and will become more unified, and when it does so develop, then these lorries and buses and motor cars will ply over all our provinces What is the idea of giving to each of the eleven Provincial Governments power to alter the 7th schedule by itself, without reference to the other Provincial Governments ?

Let us come to the 9th schedule. With regard to that, I have nothing much to say, except that if there are to be eleven different kinds of traffic signs all over India, according to each Provincial Government's conception of geometry or of geography, it does seem to me that it will lead also to great confusion I should like to know what is the public purpose which is sought to be served by giving these eleven Provincial Governments power to alter the 9th schedule, as they like In the 10th schedule, there is a common factor between the clause as it stands in the Bill and the amendment. In the clause as it stands, you will find that power is given to the Provincial Government to " direct that the 10th schedule to this Act except regulation 1 in its application to the province shall be modified in any manner specified in the notification ". There-

fore, so far as the original clause and the amendment are concerned, regulation 1 at page 81, 10th schedule, can be modified whether the clause stands or the amendment stands. But I will request my Honourable friends to look at the whole of the 10th schedule and see whether, if the idea is to develop a proper road sense on the part of our motorists and pedestrians, it is not right that all these regulations should be uniform for the whole of India

Mr. F. E. James (Madras . European) . May I ask my Honourable friend one point ? I am sure the House agrees with him on many of these points But is not the real difficulty this ? Whether the Central Government have the power to direct alterations in the schedules which relate to the control of traffic, which under the Government of India Act is in the hands of the Provincial Governments That is the real difficulty.

Mr. S. Satyamurti : Under section 124 (2) of the Government of India Act,—

" An Act of the Federal Legislature may, notwithstanding that it relates to a matter with respect to which a Provincial Legislature has no power to make laws, confer powers and impose duties upon a Province or officers and authorities thereof "

The Honourable Mr. A. G. Clow : That does not apply here This is a case in which the Provincial Government has power to make laws. The clause which you read relates to federal subjects

Mr. S. Satyamurti : The clause as it stands, gives power to the Provincial Government by notification in the official Gazette to direct that the various schedules may be altered The clause as it stands says :

" The Central Government may, by notification in the official Gazette, direct that any Schedule to this Act and a Provincial Government may in like manner direct that the Tenth Schedule . shall be modified."

Now, Sir, I take it that the sense of the House is that there is need for uniformity, in respect of all these regulations. I would rather let the clause remain as it is, that is to say, the Central Government should have the power of notification If there is insuperable legal difficulty, I feel, Mr. President, that the need for uniformity is greater than trying to circumvent the Government of India Act somehow or other I would rather delete the clause and let the schedules stand as they are, and if any need arises, an amending Bill can be brought in There will be no controversy over these matters

I want to make one more point, with regard to the Tenth Schedule, in order to illustrate the difficulty of allowing variety to grow in this country Regulation 5 of that Schedule says " The driver of a motor vehicle shall not, when being overtaken or being passed by another vehicle, increase speed or do anything in any way to prevent the other vehicle from passing him ". Now, do you or do you not want uniformity in all the provinces ? Don't you want the people to develop a road sense ? You are really trying to introduce confusion where we want to evolve uniformity I have given the House illustrations enough to show that we want uniformity. If that is so, I would rather take the risk of the time of this House or of its successor being utilised for the purpose of amending these schedules by a short amending Bill, rather than give the power to the various Provincial Governments as under

[Mr. S. Satyamurti.]

the amendment to make their own changes which will introduce confusion, where we want uniformity I oppose the amendment for the present, but in view of the constitutional difficulties pointed out by my Honourable Leader, I suggest that when we come to the actual clause the House ought to delete it Nothing will be lost by deleting it, and everything will be gained We or our successors can devote sometime to it, and amend the schedules when and if the need arises.

Mr. K. G. Mitchell (Government of India : Nominated Official) . I should like to say a few words on the practical difficulty referred to by my Honourable friend, Mr Satyamurti. We are at present between the devil and the deep sea. We cannot amend the schedules by executive action and it is a very laborious process to amend them by central legislation As regards uniformity, we hope to establish a convention with all Provincial Governments that these schedules shall not be amended by them save with the consent of the Transport Advisory Council upon which they are represented and in that way we hope to set up a convention, which will secure that they are not separately amended by the different provinces But if there is no provision at all for amendment by executive action we may be in difficulty with regard to certain of the schedules. Mr Satyamurti himself said that he was free to admit that possibly in working there might be found minor defects in the forms which would need correction Now, take the Seventh Schedule It is not strictly correct to say that the Seventh Schedule absolutely regulates axle weights It regulates the tyre equipment which must be fitted to axle of a certain weight and it is conceivable that from time to time as the manufacture of tyres improves and other trade sizes of tyres are introduced, we may want to make purely technical amendments to the schedules to conform to what is being actually sold at the time and that would be a rather laborious thing to do by Central legislation When we come to the Ninth Schedule, there again it is possible that we may want to vary one or two signs or improve them or modify them and the same thing applies to other schedules Our difficulty is this We do realise that it is absolutely essential that these things should be uniform and standardised throughout India but in view of the constitutional difficulty, we have fallen back upon an arrangement which we hope to consolidate—that Provincial Governments will not in fact amend any of these schedules without the consent and agreement of the Transport Advisory Council, which, as the Honourable Mr Clow has just explained, is representative of the Government of India and of all Provincial Governments We thought that in the circumstances that was the most practical and workable solution of the constitutional difficulty

Mr. F. E. James : I understand that this Bill will not be taken up in the other place till early in 1939 Therefore, let the Government postpone consideration of these amendments for the time being, and in the meantime they can get into touch with the Provincial Governments and find out whether they are willing to agree to a convention whereby there should be no alteration in the Schedules without the concurrence of the Transport Advisory Council on which they are represented If they can secure that, there will be no difficulty in the forthcoming Session of the Upper House

Mr. K. Santhanam (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : I want to make a few observations on the constitutional point raised by Mr. Anderson I suppose he bases his point on section 8 (1) of the Government of India Act read with proviso (1).

Mr. J. D. Anderson : Also on section 49 (2)

Mr. K. Santhanam : I wish to point out that Government have realised this constitutional point rather very late in the day. For instance in clause 92, they have given power to the Central Government to make rules relating to international permits Again, I do not see any amendment on behalf of Government to delete clause 134 which again gives power to the Central Government, by notification, to exempt motor vehicles which are the property of the Central Government in the Defence Department I do not see how Government can really seek to take power for one purpose and not consistently take power for other similar purposes

The Honourable Mr. A. G. Clow : These are really federal subjects, like insurance.

Mr. K. Santhanam : The Honourable Mr. Clow does not quite realise what he is saying, because this legislation is about a concurrent subject. Either you can give executive authority on any part of such legislation to the Central Government or you cannot If you can give such power, then this clause 133 is in order If you cannot give such power, you cannot say · ' I can give power only for certain objects and not for certain other objects' Therefore I suggest that if the constitutional position is correct, the proper method is to rectify matters in the Council of State or bring in an amending Bill After all, Mr Mitchell has said that uniformity is necessary and that uniformity as Mr James has suggested, can be secured by a convention arrived at by agreement among the provinces and consistency may be secured in that way If the Government carry this amendment, we propose to support the amendment which deletes 134 and I suppose they will also be amenable to support it I suggest that Government should reflect on these constitutional points at much greater leisure and with much greater care than they seem to have done

The Honourable Mr. A. G. Clow : I recognise that there is a great deal of force in what Mr. Satyamurti has said The point is one which I must admit, as Mr Santhanam said, came to our notice at a rather late stage and we have not had sufficient opportunity to give it proper consideration I was going to suggest that with general agreement in the House we might allow this amendment standing in the name of Mr Anderson to be confined to the First Schedule, and we could then later examine whether, with the concurrence of the Provinces or otherwise, we should introduce some modifying amendment in another place

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural) : Mr. President, I recognize that by reason of section 8 and the first proviso, there is a difficulty in the way of conferring any authority on the executive of the Federation regarding rules for the purpose of changing the schedules. At the same time, when considering that matter there is one other important point which I should like to mention very shortly I did not expect for a moment that because

[Mr. Bhulabhai J Desai]

" military " or " defence " as a subject is mentioned in the first part of the three parts in Schedule VII, it follows that by using that word you can get away with all legislation incidentally , that is to say, if the power of dealing with any particular subject is vested in a Provincial Legislature, by merely saying that because particular subject occurs, therefore, you can do that What I mean is this,—that the Central Legislature cannot acquire power exempting motor vehicles from such of the provisions of this Act by merely saying that those particular vehicles are to be used for military purposes It is a point of considerable constitutional importance and I remember it was made when the Military Manoeuvres Bill was before this House Therefore, I still wish to maintain and call the attention of the House to that point Dealing with the immediate difficulty, the suggestion that I made to my Honourable friend on the other side is to omit clauses 133 and 134, and then, and so far as they may be advised, to carry the provisions in the Council of State so that they would have had time to consider what is the real way out of the difficulty Then, undoubtedly, when it comes back to this House and if we feel that all our difficulties are met, we shall be the last to waste any energy in reorganizing or amending those provisions. The best way, therefore, is not to act on the impulse and say, " we will retain this, or omit that ",—because I quite agree that so far as the Central Government is concerned with clause 133, that I recognize cannot be done Then it would leave the Provincial Governments with one of the schedules which may or may not serve all the purposes that you want In the meantime I also support the suggestion which my Honourable friend, Mr James, made which may be one way out of the difficulty, but the fact remains that the difficulties are not of such a nature that by merely leaving one part of the schedule, you solve the difficulty The hypothesis of sub-clause (*3*) is that the Central Government is able to make rules with reference to any matters contained in this Act I have illustrated my point that in my humble judgment they are not yet able to do it by merely saying that it relates to one of the subjects " defence " or " military " In other words, you practically repeal every Act which is intended for the purpose of motor vehicles by simply saying,—" now as regards military vehicles, the Act shall not apply " It is a matter, as I said, of great constitutional importance and difficulty and I, therefore, suggest that clauses 133 and 134 might now be omitted. I suggest that the matter may be considered later and a proper clause may be introduced in the Council of State after considering the relevant points

Dr. P. N. Banerjea (Calcutta Suburbs Non-Muhammadan Urban) Sir, I should like to suggest that Government do withdraw their amendment and allow the clauses to stand as they are for the present , and, when the Bill goes up to the Council of State then there may be fuller consideration and, if necessary, other amendments may be adopted.

Mr. J. D. Anderson : I ask for leave to withdraw the amendment, Sir

The amendment was, by leave of the Assembly, withdrawn

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

" That clause 133 stand part of the Bill "

The Honourable Mr A. G. Clow : Sir, I was proposing to accept Dr Banerjea's suggestion to withdraw the amendment and keep the clauses and reconsider the matter later

Mr. Bhulabhai J Desai : If you keep the clauses, it is *ultra vires* on your own admission ? In any case, I cannot be a party to *ultra vires* legislation.

The Honourable Mr. A. G. Clow : I am prepared to admit that clause 133 is *ultra vires*, but clause 134 is on a somewhat different footing.

Mr Bhulabhai J. Desai : I do not deny, but the better way is to withdraw both the clauses and reconsider the position and put them in the Council of State.

Mr F. E. James : The difficulty is this There is a difference of opinion on the interpretation of these clauses If we allow them to stand now, it is quite possible that they may be allowed to stand in the Council of State But in view of the fact that there is a definite difference of opinion it would be the wiser course to agree to the deletion for the time being so that the whole matter may be reconsidered and appropriate amendments moved

The Honourable Mr. A. G. Clow : I am prepared to agree as regards clause 133

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

"That clause 133 stand part of the Bill"

The motion was negatived

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

"That clause 134 stand part of the Bill"

Maulvi Abdur Rasheed Chaudhury (Assam Muhammadan) : Sir, I move

"That clause 134 of the Bill be omitted"

Sir, a glance at this clause will show that this clause is intended to exempt the driver of the Defence Department from the operation of this Bill Sir, this clause intends to exempt a driver of the Defence Department from being taken to Court if he drives his motor vehicle under the influence of liquor Sir, we have provided a punishment for rash driving, for reckless and dangerous driving and for other offences under this Bill Now, if we exempt the drivers of the Military Department from the operation of this clause, it means that this House gives its sanction to the Military Department committing vagaries as they have been doing in the past Sir, we are tired of hearing of the vagaries of the Defence Department, we are tired of hearing of soldiers running amok and shooting innocent people here and there, we are tired of hearing of attacks by soldiers on innocent people in the country in season and out of season, and we do not like giving sanction to the Military Department that they may be able to do similar vagaries with motor vehicles. I have given only a few examples for which we have provided punishment under this Bill There are other clauses and

[Maulvi Abdur Rasheed Chaudhury]

there are other offences for which punishment has also been provided under this Bill We would like that all the drivers whether they belong to the Defence Department or the Military Department or whether they are independent drivers should come under uniform laws, and it will look awkward if one section of the drivers are exempted from the operation of this Bill and some other sections of drivers hauled up for punishment It is for the sake of this uniformity that I have tabled this amendment, and I hope the House will give its full consideration to it and will not exempt the Military Department from the operation of this Bill Sir, I move

Mr President (The Honourable Sir Abdur Rahim) Amendment moved

"That clause 134 of the Bill be omitted."

Mr. K G Mitchell : Sir, I oppose the amendment Whatever may be the merits of the constitutional questions involved, I must take exception to what fell from the Honourable the Mover when he suggested that the effect of this clause would be to exempt drivers of the Defence Department vehicles from the operation of the ordinary laws regarding driving offences

Mr. S Satyamurti : Read the clause What does it mean ?

Mr. K G. Mitchell : It applies to motor vehicles and it has nothing to do with the drivers The Honourable the Mover was telling us a long story about how army drivers will commit all sorts of offences and will be exempted from the operation of the ordinary law That was never intended and it is ridiculous to suppose that it would be so The Bill makes no exemption in the case of the Defence drivers and they would be subject to the ordinary laws It should not be supposed that this power will be used in an arbitrary way There might be certain regulations regarding which exemption will be necessary I oppose the amendment

Mr. M. S. Aney (Berar Non-Muhammadan) Sir, apart from the grounds which my Honourable friend, Maulvi Abdur Rasheed Chaudhury, has advanced for the sake of omitting this clause, I think on constitutional grounds also it is necessary that we should not legislate it for the very reasons for which we have omitted clause 133 By putting in here that the vehicles which are the property of the Central Government in the Defence Department, we are trying to take them out of the jurisdiction of the Provincial Government My point is this that it is essentially a matter for the Provincial Governments to legislate and it is a matter which concerns them primarily under the Government of India Act Therefore, I think that it would not be proper for us to give a kind of exemption to these vehicles on the ground that they belong to the Defence Department Probably, we shall be committing a great constitutional blunder if we do so It would be better and the Government will be better advised in omitting this clause altogether and re-considering the matter again when the Bill will be taken to the other House and coming out with a proper and suitable clause to substitute in its place I, therefore, support the amendment

Mr. President (The Honourable Sir Abdur Rahim) : Today being Friday, the House will now adjourn till quarter past two.

The Assembly then adjourned for Lunch till a Quarter Past Two of the Clock

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

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Pandit Krishna Kant Malaviya (Benares and Gorakhpur Divisions : Non-Muhammadan Rural) : Sir, I rise to a point of order. This morning, when the Division was called, I was sitting in the Deputy President's room on the ground floor and I did not hear the Division Bell ringing . . .

Mr. Deputy President (Mr Akhil Chandra Datta) I am afraid I am myself concerned in this matter I too did not hear the Division Bell ringing I think the Honourable Member had better raise this question before the Honourable the President when he is in the Chair.

Mr. M. Ananthasayanam Ayyangar : Sir, when we last dispersed for Lunch, clause 134 was under discussion The amendment was moved that this clause ought to be deleted Sir, the objections to the retention of clause 134 are both constitutional and also on merits As regards the constitutional point it was urged by the Honourable Mr Clow, on another occasion, that inasmuch as this relates to the Defence Department, it is open to them to keep the power with the Federal executive authority, a power similar to the one that is set out in clause 134 of this Bill, namely, to exempt motor vehicles which are the property of the Central Government in the Defence Department I would only ask him to consider the other analogy In a matter which is absolutely a provincial subject the Provincial Legislature has the right to legislate with respect to that matter Incidentally a matter which is peculiarly within the jurisdiction of the Federal Legislature may also arise Take the case of Labour which is a provincial subject. Supposing there is a legislative enactment on the anvil with respect to the adjustment of labour wages, etc, and also with respect to the workmen if there should be any bodily injury or to protect them against any of these things and to give compensation, then the Local Government may enact a clause that that risk ought to be insured against Taking advantage of the fact that the main object of the Bill is an absolutely provincial subject, is it open to the Provincial Legislature to introduce, incidentally, the kind of qualifications to the insurer, the deposit that must be paid and so on and so forth merely because it arises incidentally to the main subject which is a subject-matter exclusively within the jurisdiction of the Provincial Government ? I am sure my Honourable friend, Mr Clow, would be the first person to rise and then say that so far this portion of the subject-matter is concerned, that is exclusively within the federal list and, therefore, the Federal Legislature is competent to enact that law and, therefore, such a provision would be *ultra vires* of the Provincial Legislature Likewise, the same objection holds good in this matter also It is no doubt true that if any subjects relating to any Depart-

[Mr M Ananthasayanam Ayyangar]

ment are peculiarly within the province of the Provincial Government or have some relation to a subject-matter which is a matter in the provincial list, then, on that ground, alone the Federal Legislature will not have the right to decide or legislate upon matters which are exclusively within the provincial list It may have nearer or remote relation Take health, medical relief and other things which are peculiarly provincial subjects If a person sells ghee is it open to the Federal Legislature to say that the ghee that is sold to the army must be of such and such a description and then whoever contravenes it will be punished Is it open to the Central Government to say that as incidentally ghee is a necessary foodstuff or provision to the army and that otherwise the army will starve and defence cannot be conducted properly, therefore, the Central Government ought to exercise jurisdiction over the regulation of ghee which is a provincial subject ? Let us take another example It is said specifically that roads, whenever it was intended to be within the jurisdiction of the Federal Legislature the federal authority should also extend over matters which are within the peculiar jurisdiction of the Provincial Governments I would ask the attention of the House to Part I of the Concurrent List where roads and communications in so far as they affect or are necessary for defence purposes have been put specifically and control is given to the executive Government of India to direct the provincial executive authority to take particular orders with respect to those roads Section 126 (3) of the Government of India Act relates to the control of the Federation over Provinces in certain cases I request the attention of the House to section 126 (3)

"The executive authority of the Federation shall also extend to the giving of directions to a Province as to the construction and maintenance of means of communication declared in the direction to be of military importance

Provided that nothing in this sub-section shall be taken as restricting the power of the Federation to construct and maintain means of communication as part of its functions with respect to naval, military and air force works"

This is a case which has been specifically provided for and the need for making a specific provision with respect to means of communication empowering the Federal Government with authority for those means of communication is that means of communication have been put in the provincial list Therefore, this very fact that a specific provision has been made amply demonstrates that without that specific provision being in the provincial list, the Federal Government by no stretch of language merely because the Federal Government is in charge of the Defence Department or military operations could have taken jurisdiction over the construction of roads This is the connecting link. Without this the Federal Government, merely because it is in charge of defence, cannot have jurisdiction over the other Likewise, so far as clause 134 is concerned, it is not open to Government to argue that merely because this is one of the things necessary—motor vehicles are necessary for defence purposes—the Federal Government should have authority over the issue of licenses to drivers and so on This argument cannot hold water The Act whenever it intended to interfere with the sub-division of this subject matter, that is whenever one executive authority—the federal authority—wanted to interfere with the provincial authority

would have specifically said so. Otherwise the earlier sections—103 and others—should confer powers over subject matter in any provincial list of the Federal executive authority.

This is sufficient argument to show that clause 134 is *ultra vires*. The Federal executive authority cannot be clothed with the right to exempt any class of vehicles from any one or other of the purposes of this Act. On the merits it is open to very grave objection For over three years, ever since I have been in this Assembly, questions have been repeatedly put as to how soldiers run away with motor cars and drive them recklessly and do serious damage to person and property It has been agitated on the floor of this House by other means also that investigation ought to be made into charges of grave misconduct on the part of soldiers; but except a statement that the cases are *sub-judice* and that the local police and magistrates are in charge of those cases, nothing else has been done there is one law for them and another law for the other erring human beings That is what we all see here Therefore, is it right for the Central Government to be judge in its own cause? I would, therefore, say that there is very grave objection to clothing the Federal executive authority with power to exempt any of these vehicles which are the property of the Central Government or the Defence Department from all or any of the provisions of this Act It is absolutely improper. There is no reason why the same law ought not to prevail. On this ground also I agree that clause 134 ought not to be allowed to stand On both these grounds, I support the amendment moved by my Honourable friend

Mr. Sri Prakasa (Allahabad and Jhansi Divisions Non-Muhammadan Rural) Sir, in connection with this clause I should like to know whether it is some law like this that permits the Viceroy's cars being exempt from registration

[At this stage, Mr Deputy President (Mr Akhil Chandra Datta) vacated the Chair which was then occupied by Mr S Satyamurti (one of the Panel of Chairmen)]

I find both at Delhi and at Simla that the Viceroy's cars carry no registration mark or number plates, and I do not know under what law the Viceroy acts when he allows his cars to go without number plates

The Honourable Mr. A. G. Clow: I submit, Sir, that this is not relevant to the clause under consideration

Mr. Sri Prakasa: I submit that this clause seeks to give the Central Government the right to exempt certain motor vehicles, and I want to know whether the Viceroy's cars also come under the purview of this section.

Mr. Chairman (Mr. S. Satyamurti): The Honourable Member must know, without being told, that the Viceroy's cars do not come under defence force cars.

Mr. Sri Prakasa: I thought they did. Perhaps my Honourable friend opposite will enlighten the House on this particular subject even if it is not very relevant because we are now at the end of the Bill and I do not see any clause that gives exemption to those cars and I want to know how they are exempted ..

Mr. Chairman (Mr S Satyamurti) It may be we are at the end of the discussion on the Bill, and my Honourable friend may have no opportunity of dealing with it, but yet he must be relevant, otherwise, he cannot speak.

Mr. Sri Prakasa : We are not at the end of our troubles any way. In any case I support the deletion of this clause because even without the existence of this clause I find, as in the case of the Viceroy's cars, these exemptions occurring, and so I feel that the Central Government may exercise its power to too great an extent if this particular clause is allowed to be there. You say, Sir, and quite rightly that the Viceroy's cars have nothing to do with defence, but we know how the words "public interest" are being misinterpreted by Honourable Members opposite and a lot of information is denied to us on the ground of it not being in the public interest The Viceroy's cars may be regarded by them as defence cars, who knows Therefore, it would be best to delete this clause

Mr. Bhulabhai J Desai : Sir, I indicated in the morning, when I was addressing the House on clause 133, that the view that I wished to submit to the House is that not only clause 133 but also clauses 134 and 135 (*3*) are entirely *ultra vires*, and though I wish to argue the matter on the merits I would like to raise a point as a point of order Turning to section 8, on which my Honourable friend, Mr Anderson, last addressed, with great deference I accept every argument that he advanced, but the result of that is that clause 134, in so far as the executive government is concerned, is entirely *ultra vires* Turn to the clause it says

"The Central Government may by notification in the official Gazette . "

That means the Central executive authority it is not a question of legislative power, remember that, because it is a distinction which might be easily forgotten

"exempt motor vehicles which are the property of the Central Government in the Defence Department, or any class of such motor vehicles from any of the provisions of this Act or of the rules made thereunder."

It, therefore, comes to this that it is proposed, if this is passed into law, that the executive authority of the Federation will have the power to omit from its operation any class of vehicles If you turn to section 8 of the Government of India Act, this cannot be done It says

"Subject to the provisions of this Act the executive authority of the Federation extends

(*a*) to all matters with respect to which the Federal Legislature has power to make laws . "

I am not disputing that this Legislature has not the power to make laws, but when you come to the proviso the matter is met

"Provided that the said authority, namely, the executive authority, does not, save as expressly provided by this Act"—

it does not exist in this case :

"extend in any Province to matters with respect to which a Provincial Legislature has power to make laws"

If you turn to the Concurrent List, No. 2, you will find there mechanically propelled vehicles—item 20 Therefore, I submit that it is perfectly clear and I entirely accept the argument which was advanced in the morning in support of the omission of the Central Government in

clause 133. If you could not have and may not have the power conferred upon the executive and the Central Government in clause 133, *a fortiori* you cannot have it under clause 134. I raise that as a point of order.

Mr. J D. Anderson : Mr. Chairman, the Honourable the Leader of the Opposition has adopted the arguments which I attempted to place before the House when I moved my amendment to clause 133 ; but with great respect I submit that those arguments are not relevant to the clause now under discussion before the House. I submit, further, that it is inevitable that this clause has been drafted in the form in which it appears. My chief argument is the form in which the Statute-book of India has recently been adapted to bring it into conformity with the Constitution Act We have these three lists, which determine the legislative authority. In certain cases there is a conflict between these lists. It is possible to argue that some particular subject falls in one list or in another list, and wherever there has been this apparent conflict, the draftsmen have invariably held that the first list prevails My meaning will be clear if I give an actual example Many Honourable Members know of what are called the multiple-unit universities I think, Sir, there was no doubt that the original intention of Parliament was that those universities should be brought under " Education " which is an item in the second provincial list In actual fact, those universities have been brought under " Corporations ", which is item 13 of the First list Where there is a conflict between the lists, the first list prevails, and here there is that conflict It may be a small one, and the result may be ridiculous I say the example which I have already quoted may be held to be ridiculous, but here too defence comes in, and as defence comes in, it must prevail I submit, Sir, the provinces have no power to legislate in this matter

The Honourable Sir Muhammad Zafrullah Khan (Leader of the House) : Sir, may I submit one word with regard to the point of order raised I have no desire to speak on the merits of the point of order. All that I want to submit to you is this No doubt that may be made an argument to persuade the House to take one particular point of view, but I do not suppose it is intended by the Honourable the Leader of the Opposition that the Chair should decide whether the House can take this clause into consideration or not

Mr Chairman (Mr S Satyamurti) . That is the point of order he has raised

The Honourable Sir Muhammad Zafrullah Khan : I submit it cannot.

Mr Chairman (Mr S Satyamurti) . Why not ?

The Honourable Sir Muhammad Zafrullah Khan : I submit where there is a conflict whether a provision is or is not *ultra vires*, it is not for the Chair to decide. It may be used as a part of the argument to persuade the House to accept a particular view, but I submit it is not for the Chair to decide whether this provision is or is not *ultra vires*. The matter must be left for the Federal Court to determine.

Mr M. S. Aney : Sir, when a point of order is raised, it is really for the Chair to decide whether it is really a point of order or not ; and if the Chair holds it is a proper point of order, then it is a matter for

[Mr M S Aney.]

his ruling and not for the House to vote It is I submit a principle of the constitution from which the Chair cannot depart I, therefore, submit that this is a matter which is entirely for the Chair to decide, and it ought not to be allowed to be voted upon by the House.

Mr. Chairman (Mr S Satyamurti) I do not want to hear any more Members on this point of order A preliminary point has been raised by the Honourable the Leader of the House, that it is not in my jurisdiction to decide this point of order, but I should leave it to the House or to the courts of law On the first point, I am thoroughly satisfied that, while in the House of Commons it is possible for the Speaker to share the responsibility with the House in certain doubtful cases of points of orders and ask the House to decide, working as we are under the Government of India Act and the rules and Standing Orders thereunder, I have no option but to rule according to the best of my lights,—I cannot invite the House to share that responsibility with me As for the courts of law, I shall be shirking my duty as the occupant of the Chair, if I were to allow an obviously *ultra vires* amendment to be moved and passed by the House in the hope that some litigant will take it to courts of law and the courts of law will decide. It ought not to be done

So far as the point of order raised by the Honourable the Leader of the Opposition is concerned, it was sought to be met by the Honourable Mr Anderson on the ground that there is some conflict between list No. 1 in the Federal Legislative List, and item No 20 in the concurrent list Now, the Federal Legislative List No 1 deals———

"with His Majesty's Naval, Military and Air Forces borne on the Indian establishment and any other armed force raised in India by the Crown, not being forces raised for employment in Indian States or military or armed police maintained by Provincial Governments , any armed forces which are not forces of His Majesty, but are attached to or operating with any of His Majesty's naval, military or air forces borne on the Indian establishment ; central intelligence bureau ; preventive detention in British India for reasons of States connected with defence, external affairs, or the discharge of the functions of the Crown in its relations with Indian States."

I read the whole list in order to show that not only defence forces, but also items connected with defence forces which are sought to be brought under that list are mentioned there , for example, preventive detention in British India for reasons of State connected with defence. Therefore, I see no conflict, express or implied, between item 1 in the Federal Legislative list and item No 20 in the concurrent legislative list So far as the actual provisions of the Government of India Act are concerned, it is obvious that, under section 8 (1) proviso 1 of the Act, this Legislature cannot extend the executive authority of the Federation to a subject matter in respect of which the Provincial Legislature has the power to make laws I rule that under item 20 in the concurrent list, the Provincial Legislature has power to make laws with regard to "mechanically propelled vehicles" Motor vehicles are mechanically propelled vehicles, and this clause 134 seeks to vest in the executive authority of the Central Government the power to exempt motor vehicles which are the property of the Central Government in the Defence Depart-

ment The fact that these motor vehicles happen to be owned by the Defence Department do not take them out of the category of " mechanically propelled vehicles ". I, therefore, rule that clause 134 is *ultra vires* of the Government of India Act

The question is .

" That clause 135 stand part of the Bill "

The Honourable Sir Manmatha Nath Mukerji (Law Member) : Sir, I move

" That sub-clause (*3*) of clause 135 of the Bill be omitted."

In making this motion, Sir, I stand upon a very firm ground The Honourable the Leader of the Opposition does not often see eye to eye with me, but I hope he will agree with me in holding that this clause creates serious constitutional difficulties He has been pleased to refer to this clause twice, once in the course of his speech in connection with clause 133 and again in connection with clause 134, and has expressed the view that such a provision is *ultra vires* of this Legislature I also find that there are other difficulties which are of an insuperable nature, and I shall briefly refer to some of them Sir, the clause says, roughly speaking, that the Central Government shall frame rules, place them before the Central Legislature within a particular time, so that the Legislature, at its next Session, may be able to modify those rules Similarly, provision is made with regard to rules framed by the Provincial Government Now, my first submission in connection with this provision is that if sub-clauses (*1*) and (*2*) of clause 135 are looked into, it will be found that in those sub-clauses provision has been made that the rules shall come into force after certain conditions are fulfilled, previous publication in the official gazette and so on This procedure that has been prescribed in these two sub-clauses is quite in consonance with the provision contained in section 23 of the General Clauses Act, and that, I submit, is a sufficient precaution in order that the Provincial Governments, who are empowered to frame rules, might not be in a position to abuse their powers and frame arbitrary rules. If it be thought that further safeguards are necessary, those safeguards can be provided for in many different ways, but my submission, before the House, is that the provision contained in sub-clause (*3*) is certainly not the way in which those safeguards can or should be provided In the first place, I find that sub-clause (*3*) delegates certain powers or imposes certain duties upon the Provincial Legislature, and my Honourable friend, Mr. Santhanam, in the course of his speech, in connection with one of the clauses of this Bill, referred to section 124, sub-section (*2*) of the Government of India Act, as authorising the Central Legislature to make a provision of this character with regard to the Provincial Legislature. On looking at sub-section (*2*) of section 124, I find that this contention cannot be supported. That is my humble opinion. That sub-section says :

" An Act of the Federal Legislature may, notwithstanding that it relates to a matter with respect to which a Provincial Legislature has no power to make laws, confer powers and impose duties upon a Province or officers and authorities thereof."

The contention rests upon this, that Provincial Legislature comes within one or other of the words, " Province ", " officers " and " authorities thereof ". So far as " province " is concerned, on looking into the different provisions of the Government of India Act, I find that the

[Sir Manmatha Nath Mukerji]

word has been used either in a territorial sense or in the sense of the provincial executive, and I am supported in my submission before the House by such provisions as are contained in sections 157, 163, 176, 204, 263, 264, and so on

Mr. Chairman (Mr S Satyamurti) I am sorry to interrupt the Honourable Member I have been informed that I should have disposed of clause 134, consequent on my ruling I passed the judgment I now pass the decree and rule that clause 134 stands out of this Bill

The Honourable Sir Manmatha Nath Mukerji: These sections would show that the Provincial Legislature does not come within the meaning of the 'province' as used in the sub-section It will also be seen that the word "Federation", wherever it has been used, has been used in a similar sense I may, for example, refer to section 313, sub-section (4) of the Act Now, Sir, does Provincial Legislature come within the meaning of the words "officers and authorities thereof"? I submit not, because it will be found on a reference to section 311, clause (5) of the Government of India Act, that in that section the words used are, "Legislatures, courts, or authorities in" That is to say, the word "authorities" has been used in contradistinction to and separate from and as meaning something different from Legislature I submit, therefore, that it is not possible for the Central Legislature to make a piece of legislation bringing within its scope a Provincial Legislature and conferring upon it either some power or imposing upon it some duties and functions Then, there is a further difficulty Supposing I am wrong in the submissions I have made before the House, it cannot be gainsaid that every Legislature has got power to rescind any law which has been made by itself, as also to cancel any rules which have been framed under such laws by the Government concerned What we are doing by this sub-clause is this. We are saying that these rules which the Government will frame will be placed before the Legislature, and the Legislature will be able to modify the rules in some particular session, meaning thereby that, unless the rules are modified in that session, the rules will stand good,—which I submit is a curtailment of the power which every Legislature possesses and which curtailment cannot be effected by anything done by this Legislature We cannot regulate the relations between Provincial Legislature and Provincial Government. Thirdly, there are also other difficulties. Even if the provision is a valid provision, it is incomplete and defective for the reason that we have not made it clear as to how this provision would have to be worked A rule framed by a Provincial Government may be cancelled by the Legislature either by introducing a Bill or by moving a resolution condemning the rule

Mr. B Das (Orissa Division Non-Muhammadan). It has never happened like that.

The Honourable Sir Manmatha Nath Mukerji: Then, there is no machinery provided by which the Legislature will be able in this particular case to deal with the rule I submit that if the provision is retained, further provisions will have to be made in order that the rule may operate Suppose there is a difference between the two Houses of some Legislature, what will happen? Will the procedure with regard to Bills

be followed, or will the procedure with regard to resolutions be followed ? I submit that there are various other constitutional difficulties in the way of the administration of this provision and that it is a provision which is not only unworkable but also objectionable from a constitutional point of view. Similar objections can very well be taken with regard to the part of the rule which enjoins that the Central Government will have to place the rules before the Central Legislature and so on It is true that in the Insurance Act of 1938 there is a provision which says—I am reading from section 114 of the Act ·

" 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....."

But then the rest of the proviso is very important and that shows that that provision is entirely different from the provision which is contained in sub-clause (*3*) of clause 135 The rest of the proviso runs in these words

" 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 rules should not be made, the rules shall thereafter have effect in such modified form or shall be of no effect, as the case may be "

That is to say that the rules will come into effect after that procedure has been observed Here the procedure that has been laid down is this, that the rules framed by the Governments will come into effect but they would be laid before the different Legislatures and it will be open to the Legislatures within a particular point of time to modify the rules On all these considerations, I submit that sub-clause (*3*) of clause 135 is open to very serious objection and I move that it should be deleted.

Mr. Chairman (Mr S Satyamurti) . Amendment moved

" That sub-clause (*3*) of clause 135 of the Bill be omitted "

Mr. Bhulabhai J Desai : Sub-clause (*3*) of clause 135 deals with two points There are two sets of rules referred to in the sub-clause The first set of rules refers to rules which may be made by the Central Government, the second set by the Provincial Government and, in this case, the reference to the Central Government is appropriate, because there is one part of this Bill which deals with insurance and in so far as that subject is concerned, it is an exclusive Central subject. Therefore, so far as that is concerned the executive authority of the Federation has the right to make rules in that behalf competently under the Act Equally so far as Provincial Governments are concerned, wherever other matters than insurance are concerned they are competent to make rules The objection taken by my Honourable friend is this In so far as it subjects those rules to modifications by the Provincial Legislature, he sees a difficulty. My friend's argument is that there is no authority by which legislative power exists in the provinces in so far as rules which may be made are concerned

The Honourable Sir Manmatha Nath Mukerji : I have been misunderstood. That was not my argument. What I said was this. Every Legislature has got power either to cancel or rescind any law which it had previously made or to cancel any rule which has been made in pursuance of any law previously made, but in making a provision of the character such as is contained in sub-clause (*3*) of clause 135, we are limiting the

[Sir Manmatha Nath Mukerji.]

power of the Legislature in this way, that we are providing that the rules may be modified in the next Session, suggesting thereby that at no future time the Legislature will have any power to interfere with the rules

Mr. Bhulabhai J. Desai : Then the objection is extremely limited
3 PM I thought the objection was wider My friend referred to 124 (*2*) Now, I do not understand that section in the way in which my friend has understood it It limits the powers of the Provincial Government to make rules in respect of mechanically propelled transport Therefore, there is no need to invoke the aid of 124 (*2*) at all I need not detain the House over the question whether the words " a province or officers and authorities thereof " include the Legislature or not, though with great deference to my Honourable friend I would submit that the word ' authority ' does include a Provincial Legislature but for the moment the question does not arise Then we are merely left with the clause itself and what I may call *a priori* argument All we say in this sub-clause is this

" All rules made under this Act by the Central Government or by any Provincial Government shall be laid for not less than fourteen days before the Central or Provincial Legislature, as the case may be, as soon as possible after they are made, and shall be subject to such modifications as the Legislature may make during the session in which they are so laid "

I cannot say, nor have we the power of saying that the amplitudes of the power of the Legislature, such as it exists, are sought to be limited at all. All that is sought to be done is that so far as we have the right to say, as we have in a case like the one before us, namely, mechanically propelled vehicles, that being a concurrent list, we have the power to legislate. That is an indication of one of the ways in which those powers may be exercised I am not denying nor does the House deny that any other modification of such rules or any supplementary legislation is prohibited. That would not be *ultra vires* of us Supposing these words *viz.*, " not less than fourteen days ", did not exist, my friend would have to concede that this is within our power I, therefore, submit that my friend's objection does not hold good and I ask the House not to delete this sub-clause.

Mr. Chairman (Mr S Satyamurti) : The question is

" That sub-clause (*3*) of clause 185 of the Bill be omitted "

The Assembly divided :

AYES—31.

Abdul Hamid, Khan Bahadur Sir.	Dalpat Singh, Sardar Bahadur Captain.
Ahmad Nawaz Khan, Major Nawab Sir.	Dutt, Mr. S
Ahmed, Mr. K.	Faruqui, Mr. N A.
Anderson, Mr J. D.	Ghulam Muhammad, Mr
Ayyar, Mr N M	Highet, Mr. J. C.
Bajpai, Sir Girja Shankar	Kamaluddin Ahmed, Shams-ul-Ulema.
Bewoor, Mr. G. V.	Lloyd, Mr A. H.
Chanda, Mr A. K	Mackeown, Mr. J. A.
Chatterjee, Mr. B. M.	Maxwell, The Honourable Mr. R. M.
Clow, The Honourable Mr. A. G.	Metcalfe, Sir Aubrey
Cowan-Smith, Mr. E.	Mitchell, Mr. K. G.
Dalal, Dr. R D.	

Mukerji, Mr Basanta Kumar.
Mukerji, The Honourable Sir Manmatha Nath.
Nur Muhammad, Khan Bahadur Shaikh Rahman, Lieut-Colonel M A
Sukthankar, Mr Y N
Sundaram, Mr. V. S.
Walker, Mr. G. D.
Zafrullah Khan, The Honourable Sir Muhammad

NOES—59.

Abdul Ghani, Maulvi Muhammad
Abdul Qaiyum, Mr
Abdullah, Mr H M.
Abdur Rasheed Chaudhury, Maulvi
Aikman, Mr A
Aney, Mr M. S
Ayyangar, Mr M Ananthasayanam
Banerjea, Dr P N
Bhutto, Mr Nabi Baksh Illahi Baksh
Boyle, Mr J D.
Chaliha, Mr Kuladhar.
Chattopadhyapa, Mr. Amarendra Nath
Chaudhury, Mr Brojendra Narayan
Chunder, Mr. N C
Damzen, Mr P R.
Das, Mr B
Das, Pandit Nilakantha.
Desai, Mr. Bhulabhai J.
Deshmukh, Dr. G V
Deshmukh, Mr. Govind V
Essak Sait, Mr H A Sathar H
Fazl-i-Haq Piracha, Khan Bahadur Shaikh.
Gadgil, Mr. N. V.
Ghulam Bhik Nairang, Syed.
Govind Das, Seth
Gupta, Mr K S
Hegde, Sri K B Jinaraja
Hosmani, Mr S. K.
James, Mr. F E
Jedhe, Mr K M
Jogendra Singh, Sirdar.
Kailash Behari Lal, Babu.
Lakhand Navalrai, Mr
Maitra, Pandit Lakshmi Kanta.
Mangal Singh, Sardar.
Mehr Shah, Nawab Sahibzada Sir Sayad Muhammad
Miller, Mr C C
Misra, Pandit Shambhu Dayal
Nauman, Mr. Muhammad
Pahwal, Pandit Sri Krishna Dutta
Pande, Mr Badri Dutt
Parma Nand, Bhai
Ramayan Prasad, Mr
Ranga, Prof N G.
Rao, Mr M Thirumala
Sant Singh, Sardar
Santhanam, Mr K
Scott, Mr J Ramsay.
Shahban, Mian Ghulam Kadir Muhammad
Sheodas Daga, Seth.
Siddique Ali Khan, Khan Bahadur Nawab.
Singh, Mr Gauri Shankar.
Sinha, Mr Satya Narain
Smith, Lieut-Colonel H. C
Som, Mr Suryya Kumar.
Sri Prakasa, Mr.
Town, Mr. H S.
Varma, Mr B. B
Ziauddin Ahmad, Dr Sir.

The motion was negatived.

Mr. Chairman (Mr S Satyamurti) : The question is :

"That clause 135 stand part of the Bill."

The motion was adopted.

Clause 135 was added to the Bill

Mr. Chairman (Mr S. Satyamurti) : The question is :

"That clause 136 stand part of the Bill."

Mr. K G Mitchell : With your permission, I would suggest that it would make for the convenience of the House if, in order to save time, this were postponed until after clauses 1 and 2 are taken. My reason is that we have two alternative amendments to this clause the moving of

[Mr. K. G. Mitchell]

which depends on what the House decides with regard to the date of introduction of compulsory insurance which will be specified in clause 1, and, therefore, I am not really able to move one or the other

Mr. Chairman (Mr S Satyamurti) : Does the Honourable Member, Mr Mitchell's suggestion commend itself to the House that we may take clause 136 after clauses 1 and 2 ?

(*Voices* : "Yes, yes.")

Clause 136 is postponed

We now come to the Schedules The question is .

"That the First Schedule stand part of the Bill"

Mr Mitchell

Mr. K G. Mitchell : Sir, I move

"That in the First Schedule to the Bill, in Form A, in Item 1 of Part II, after the words 'Full name' the words 'and name of father' be inserted"

Sir, this is merely for identification, and no speech is needed.

Mr Chairman (Mr S Satyamurti) Amendment moved .

"That in the First Schedule to the Bill, in Form A, in Item 1 of Part II, after the words 'Full name' the words 'and name of father' be inserted."

Mr Sri Prakasa : Sir, I oppose the amendment I see no reason why the father should be brought in this matter. The son is good enough and it may be that many persons who may like to become drivers may not be able to specify their fathers Therefore, I think we had better stick to the name of the driver and not go to his parentage

Mr. Chairman (Mr S Satyamurti) The question is :

"That in the First Schedule to the Bill, in Form A, in Item 1 of Part II, after the words 'Full name' the words 'and name of father' be inserted"

The motion was adopted

Mr Sri Prakasa : Sir, I beg to move

"That in the First Schedule to the Bill in Form D, for the word 'Mr' the brackets and the word '(Name)' be substituted"

In these days when many ladies drive and ask for driving licences, it is quite possible that the licensing authority may say "I only want Mr and no Mrs or Miss" In order to save these lady drivers, I oppose that the word "Mr" be deleted and the word "Name" be substituted.

Mr. Chairman (Mr S Satyamurti) : Amendment moved .

"That in the First Schedule to the Bill in Form D, for the word 'Mr' the brackets and the word '(Name)' be substituted"

The Honourable Mr. A G. Clow : Sir, a Miss is as good as mile , and I accept the amendment

Mr. Chairman (Mr S Satyamurti) The question is

"That in the First Schedule to the Bill in Form D, for the word 'Mr. the brackets and the word '(Name)' be substituted"

The motion was adopted.

Mr K G. Mitchell : Sir, I move .

" That in the First Schedule to the Bill, in Form D, between the line commencing with the word ' Mr ' and the line commencing with the words ' or (permanent address) . ' the words and line ' Son of ' be inserted."

Mr. Chairman (Mr S Satyamurti) Amendment moved .

" That in the First Schedule to the Bill, in Form D, between the line commencing with the word ' Mr ' and the line commencing with the words ' or (permanent address) ' the words and line ' Son of ' be inserted."

Dr Sir Ziauddin Ahmad : May I ask one question, Sir ? Suppose the driver is a lady, then will she be also called the son of so-and-so ?

Mr. Chairman (Mr S Satyamurti) The question is

" That in the First Schedule to the Bill, in Form D, between the line commencing with the word ' Mr ' and the line commencing with the words ' or (permanent address) ' the words and line ' Son of . ' be inserted."

The motion was negatived

Mr K G. Mitchell : Sir, I move

" That in the First Schedule to the Bill, in Form E, in Item 1, after the words ' Full name ' a comma and the words and a comma ', name of father,' be inserted "

Mr Chairman (Mr. S Satyamurti) · Amendment moved :

" That in the First Schedule to the Bill, in Form E, in Item 1, after the words ' Full name ' a comma and the words and a comma ', name of father,' be inserted "

Prof N. G Ranga (Guntur *cum* Nellore Non-Muhammadan) . Sir, I suggest that it may be amended as it is by saying " Name of father or husband as the case may be "

Mr. Chairman (Mr. S Satyamurti) The question is

" That in the First Schedule to the Bill, in Form E, in Item 1, after the words ' Full name ' a comma and the words and a comma ', name of father,' be inserted."

The motion was adopted

Mr J D. Boyle (Bombay European) Sir, I beg to move :

' That in the First Schedule to the Bill, to Form E, the following be added at the end :

' *Note* —The motor vehicle above described is held by the person to be registered as the registered owner, under a hire purchase agreement with .

Signature of owner

Signature of Hire Purchase Company ' ' '

Mr. Chairman (Mr S Satyamurti) · Amendment moved .

" That in the First Schedule to the Bill, to Form E, the following be added at the end .

' *Note* —The motor vehicle above described is held by the person to be registered as the registered owner, under a hire purchase agreement with .

Signature of owner

Signature of Hire Purchase Company ' ' '

Mr. K. Santhanam : Sir, I am not opposing this amendment but there is one difficulty which I would like to point out to my friends The registration certificate is permanent and if this note is inserted, it will continue when this hire-purchaser has become the permanent owner. Even

[Mr. K. Santhanam.]

after the vehicle has become the sole property of the person who has not entered into the agreement the note will persist unless means has been used to correct it They must solve this problem and then we will support it.

Mr. F E James : This amendment is to Form E, which is the form of application for the registration of a motor vehicle The difficulty to which my Honourable friend refers really applies to amendment No 854 When we come to the registration certificate itself, perhaps it will be more convenient to deal with that difficulty

Mr. K. Santhanam : Am I to understand that he does not want a registration certificate ?

Mr F E James : That difficulty will be met when we come to that particular amendment

Mr. Chairman (Mr S Satyamurti) The question is

" That in the First Schedule to the Bill, to Form E, the following be added at the end

' *Note*.—The motor vehicle above described is held by the person to be registered as the registered owner, under a hire purchase agreement with

Signature of owner

Signature of Hire Purchase Company ' "

The motion was adopted

Mr. K. G. Mitchell : Sir, I beg to move

" That in the First Schedule to the Bill, in Form G, after the word ' Name ', occurring in the fourth line, a comma and the words and a comma ', name of father,' be inserted "

Mr. Chairman (Mr S Satyamurti) Amendment moved

" That in the First Schedule to the Bill, in Form G, after the word ' Name ', occurring in the fourth line, a comma and the words and a comma ', name of father,' be inserted."

Mr Sri Prakasa : Sir, I really fail to understand why my Honourable friend is so keen about the father I mean no disrespect to any person, but we cannot forget that the race of war babies is not over and it may be that a number of them may like to be drivers How are they going to prove to my Honourable friends opposite that they have a father in the form of so-and-so Really, we ought to be reasonable in this matter and not stretch our puritanical ideas too far.

Mr. Chairman (Mr S Satyamurti) · The question is

" That in the First Schedule to the Bill, in Form G, after the word ' Name ', occurring in the fourth line, a comma and the words and a comma ', name of father,' be inserted."

The motion was adopted

Mr J. D. Boyle : Sir, I beg to move ·

" That in the First Schedule to the Bill, to Form G, the following be added at the end .

' *Note*.—The motor vehicle above described is held by the person registered as the registered owner under a hire purchase agreement with.....

Date . . . Signature of Registering Authority '."

In order to meet the point which was raised by the Honourable Mr Santhanam just now, I would like with your permission and the permission of the House to add at the end the following words : ' which terminates on '

Mr Chairman (Mr. S Satyamurti) : The question is :

" That in the First Schedule to the Bill, to Form G, the following be added at the end .

' *Note* —The motor vehicle above described is held by the person registered as the registered owner under a hire purchase agreement with which terminates on.. ..

Date Signature of Registering Authority '."

The motion was adopted

Mr. F E James : Sir, I beg to move .

" That in the First Schedule to the Bill, for Form H, the following be substituted :

' FORM H.

(*See section 38.*)

Certificate of fitness (applicable in the case of transport vehicles only)

Number of Certificate

1 Description of vehicle

2. Registered number

3 Date of original registration.

4 Engine number

5 Weight of vehicle, unladen

6 Seating capacity including driver and *registered laden weight or carrying capacity* amount of luggage allowed.

7 Number and date of permit, if any.

8 Speed limit

9. Number and date of last certificate of fitness.

10. Name and address of owner

11. Special remarks.

Parts of machine examined.

Remarks.

1. Steering

2 Brakes—foot.

3. Brakes—hand.

4 Gear and other controls.

5 Wheels and tyres (including spare).

6. Springs—front

7. Springs—rear.

8. Engine, radiator and petrol tank.

9. Body-work, seats, door, roof, curtains, cushions, and wind-screen glass.

10. Lamps.

[Mr F E James.]

11. Number plates.

12. Chassis

13 Mudguards.

14 Warning devices—two.

15 Set of tools

16 Taxi meters

Motor vehicle No is certified as complying with the provisions of the Indian Motor Vehicles Act, 1938, with regard to its structural strength, condition and running order generally This certificate will expire on after which date the vehicle should not be used unless it has been inspected and the certificate of fitness has been renewed

Station

Date

Signature and designation of

Inspecting Authority ' ''

I understand that my Honourable friend, Mr Mitchell, had suggested that instead of this detailed certificate appearing in the Schedule, it might properly be left to the rules that are to be made, possibly model rules which are to be suggested by the Central Government I should be quite willing to straightaway ask the leave of the House to withdraw this amendment, if he would assure me that the details herein suggested would be referred to the Transport Advisory Council for their advice and, thereafter, if they eventually decide, to recommend that these should be included in the model rules for consideration by the Provincial Government.

Mr Chairman (Mr S. Satyamurti) The Honourable Member must either move his amendment or not move his amendment. He cannot move and simultaneously say he will withdraw, if something happens That is not parliamentary form

Mr. F. E. James : I am grateful to you, Sir, for giving me instructions on parliamentary form .....

Mr. Chairman (Mr S Satyamurti) The Honourable Member must remember that I am in the Chair and my authority is supreme over this House I want to know from the Honourable Member whether he moves his amendment or he does not move his amendment. He cannot question or comment on my ruling

Mr. F. E James : I have already moved the amendment In moving that amendment, I took the opportunity of explaining that we would like to have it in the Schedule, but that, if I could get that assurance, I would withdraw the amendment.

Mr. Chairman (Mr. S Satyamurti) : Amendment moved :

" That in the First Schedule to the Bill, for Form H, the following be substituted :

' FORM H.

(See section 59)

Certificate of fitness (applicable in the case of transport vehicles only).

Number of Certificate . .

1. Description of vehicle
2. Registered number.
3. Date of original registration.
4. Engine number
5. Weight of vehicle, unladen.
6. Seating capacity including driver and *registered laden weight or carrying capacity* amount of luggage allowed.
7. Number and date of permit, if any.
8. Speed limit.
9. Number and date of last certificate of fitness.
10. Name and address of owner
11. Special remarks.

Parts of machine examined Remarks.

1. Steering.
2. Brakes—foot.
3. Brakes—hand.
4. Gear and other controls.
5. Wheels and tyres (including spare).
6. Springs—front.
7. Springs—rear.
8. Engine, radiator and petrol tank.
9. Body-work, seats, door, roof, curtains, cushions, and wind-screen glass.
10. Lamps
11. Number plates.
12. Chassis
13. Mudguards.
14. Warning devices—two.
15. Set of tools.
16. Taxi meters.

Motor vehicle No. is certified as complying with the provisions of the Indian Motor Vehicles Act, 1938, with regard to its structural strength, condition and running order generally. This certificate will expire on after which date the vehicle should not be used unless it has been inspected and the certificate of fitness has been renewed.

Station.

Date

Signature and designation of Inspecting Authority '."

Mr K Santhanam I rise to a point of order The Honourable Member sought to introduce a clause in this form, but that clause was defeated and as a consequence this form also has no place This clause has no reference to the text of the Bill

The Honourable Mr A G Clow The Honourable Member is referring to the wrong amendment We are now discussing amendment No 855

Mr Chairman (Mr S Satyamurti) There is no point of order

Mr K G Mitchell Sir, I do not know whether after your ruling, I can take cognisance of what my Honourable friend, Mr James said I must oppose the amendment It may be that this is a very excellent form and could well be included in the schedule But these are matters which are to be decided in connection with model rules by the Technical committee of the Transport Advisory Council I cannot say whether they will accept it in this form or not Therefore I must oppose the amendment

Mr Chairman (Mr S Satyamurti) The question is

" That in the First Schedule to the Bill for Form H, the following be substituted

' FORM H

(See section 38)

Certificate of fitness (applicable in the case of transport vehicles only)

Number of Certificate

1 Description of vehicle
2 Registered number
3 Date of original registration
4 Engine number
5 Weight of vehicle, unladen
6 Seating capacity including driver and *registered laden weight or carrying capacity* amount of luggage allowed
7 Number and date of permit, if any
8 Speed limit
9 Number and date of last certificate of fitness
10 Name and address of owner
11 Special remarks

Parts of machine examined.

Remarks.

1 Steering
2 Brakes—foot
3 Brakes—hand
4 Gear and other controls
5 Wheels and tyres (including spare)
6 Springs—front
7 Springs—rear
8 Engine, radiator and petrol tank

9 Body-work, seats, door, roof, curtains, cushions, and wind-screen glass

10. Lamps

11 Number plates

12 Chassis

13 Mudguards.

14. Warning devices—two.

15 Set of tools

16 Taxi meters

Motor vehicle No is certified as complying with the provisions of the Indian Motor Vehicles Act, 1938, with regard to its structural strength, condition and running order generally This certificate will expire on after which date the vehicle should not be used unless it has been inspected and the certificate of fitness has been renewed

Station

Date

Signature and designation of Inspecting Authority '.''

The motion was negatived

Mr. Chairman (Mr. S Satyamurti) The question is

" That the First Schedule, as amended, stand part of the Bill "

The motion was adopted.

The First Schedule, as amended, was added to the Bill.

Mr. Chairman (Mr S Satyamurti) The question is

" That the Second Schedule stand part of the Bill."

Mr. Sri Prakasa : Sir, since you are in the Chair and since amendment No 860 stands in your name, which our Party has decided to move and which you are unable to move, I should like to alter my amendment No 859 leaving out ' 6. Leprosy and 9 Addiction to excessive drink ' and keeping only ' Colour blindness and Night blindness ' to make it identical with yours, I ask the permission of the House to alter my amendment as mentioned by me

(The House gave the permission)

Sir, I beg to move ·

" That in the Second Schedule to the Bill, after Item 5 of section I, the following be inserted :

' 6. Colour-blindness.

7 Night-blindness '."

Sir, the Schedule is in two parts, and it has prescribed some disqualifications for private owners and some more for public services vehicles. I think, Sir, there are some serious physical disabilities which should disable even private owners from obtaining licenses to drive cars and not only drivers of public service vehicles. Therefore, I propose that the two diseases mentioned in my amendment should be added to the list in Part I. Sir, I move.

Mr. Chairman (Mr S Satyamurti) Amendment moved :

" That in the Second Schedule to the Bill, after Item 5 of section I, the following be inserted

' 6 Colour-blindness

7 Night-blindness ' "

Lieut-Colonel M. A. Rahman (Nominated : Non-Official) . Sir, I wish to support the amendment moved by my Honourable friend, Mr. Sri Prakasa He wants to introduce colour blindness and night blindness amongst the diseases absolutely disqualifying a person from getting a license A driver who is suffering from any of these diseases is to be classed as totally disabled from the point of view of the safety of the public to hold a driver's license. Sir, I support the amendment

Mr. Chairman (Mr S Satyamurti) . The question is

" That in the Second Schedule to the Bill, after Item 5 of section I, the following be inserted

' 6 Colour-blindness

7 Night-blindness ' "

The motion was adopted

Mr. Sri Prakasa : The next amendment No 861 cannot be moved as it is, because it will then delete " leprosy " also from the list If the House permits me, I shall suitably modify it before moving

Mr. Chairman (Mr S Satyamurti) It will be a consequential alteration, the Honourable Member may move it in an altered form.

Mr Sri Prakasa : Sir, I beg to move

" That in the Second Schedule to the Bill, in section II, item 2 colour blindness and item 3 night blindness be deleted "

Mr. Chairman (Mr S Satyamurti) . The question is

" That in the Second Schedule to the Bill, in section II, item 2 colour blindness and item 3 night blindness be deleted "

The motion was adopted

Mr. Chairman (Mr S Satyamurti) : The question is :

" That the Second Schedule, as amended, stand part of the Bill "

The motion was adopted

The Second Schedule, as amended, was added to the Bill.

The Third Schedule was added to the Bill

The Fourth Schedule was added to the Bill.

Mr Chairman (Mr S. Satyamurti) : The question is :

" That the Fifth Schedule stand part of the Bill."

Maulvi Abdur Rasheed Chaudhury : Sir, I move ·

" That in Part A of the Fifth Schedule to the Bill, Item No. 3 be omitted."

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

If you look at the heading of this Schedule, it says :

" Offences on conviction of which an endorsement shall be made on the licence of the person affected."

Clause 118 says :

" Whoever abets the commission of an offence under sections 115, 116 or 117 shall be punishable with the punishment provided for the offence."

Suppose A is the driver and B, the abettor, is convicted of the offence of abetting How is the court to endorse ? B has no licence and on his conviction nothing can be endorsed I think this has been put here through a mistake or something like it. Sir, I move.

Mr President (The Honourable Sir Abdur Rahim) : Amendment moved :

" That in Part A of the Fifth Schedule to the Bill, Item No. 3 be omitted "

Mr. K. G Mitchell : Sir, I oppose the amendment It is perfectly true that possibly some one may abet one of the offences—and these are very serious offences—who may not have a licence, in which case for that purpose part A of the Schedule will not be operative ; but it is also operative under the provisions of sub-clause (*2*) of clause 129 which empowers the courts to allow the benefit of the summary procedure—not appearing in court—to persons who are accused of offences other than offences in Part A of this Schedule Therefore it has some effect. Sir, I oppose

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

" That in Part A of the Fifth Schedule to the Bill, Item No. 3 be omitted."

The motion was negatived

Maulvi Abdur Rasheed Chaudhury : Sir, I move

" That in Part A of the Fifth Schedule to the Bill, in Item No 8, the words ' Defacing or ' be omitted."

The idea behind my amendment is that defacing should not be made a part of the offence because in damp places like Assam licences can be defaced if kept in a place for a few days This should not be made a part of the offence and this should not be endorsed in the licence. I move.

Mr President (The Honourable Sir Abdur Rahim) · Amendment moved ·

" That in Part A of the Fifth Schedule to the Bill, in Item No 8, the words ' Defacing or ' be omitted."

The Honourable Mr A G. Clow : There is no objection, Sir, to this amendment.

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

" That in Part A of the Fifth Schedule to the Bill, in Item No 8, the words ' Defacing or ' be omitted."

The motion was adopted.

Maulvi Abdur Rahseed Chaudhury : Sir, I move :

" That in Part A of the Fifth Schedule to the Bill, in Item No. 8, for the words ' a defaced or ' the word ' an ' be substituted."

[Maulvi Abdur Rasheed Chaudhury]

The reason is the same as I indicated in my previous amendment. Sir, I move

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

"That in Part A of the Fifth Schedule to the Bill in Item No 8, for the words 'a defaced or' the word 'an' be substituted."

The motion was adopted.

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

"That the Fifth Schedule, as amended, stand part of the Bill"

The motion was adopted

The Fifth Schedule, as amended, was added to the Bill

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

"That the Sixth Schedule stand part of the Bill"

Mr. K G Mitchell : Sir, I beg to move :

"That for the Sixth Schedule to the Bill, the following be substituted :

'The Sixth Schedule.

[See Sections 24 (3) and 29 (2)]

Registration marks

One of the pairs of letters specified in the second column shall be used in the registration mark of a vehicle registered in the province specified in the first column.

Assam ..	A followed by any one of the letters A to L and N to P
Bengal . .	X followed by any one letter Y followed by any one of the letters A to G
Bihar .. .	R followed by any one letter, except R and D
Bombay .. .	Z followed by any one letter.
Central Provinces and Berar	E followed by any one letter
Madras . ..	M followed by any one letter. N followed by any one of the letters A to G
North-West Frontier Province.	F followed by any one of the letters A to G
Orissa . ..	O followed by any one of the letters A to G
Sind	K followed by any one of the letters A to L except the letters G and I
Punjab .. .	P followed by any one letter, except the letter S Q followed by any one of the letters T to Z
United Provinces ..	U followed by any one letter W followed by any one letter.

Ajmer-Merwara	AM.
Coorg	CG
Delhi	DA, DB

NOTE.—These letters shall be followed by not more than four figures, and the letters and figures shall be shown—

1	In the case of transport vehicles	In black on a white ground.
2	In the case of temporary registrations (section 25)	In red on a yellow ground.
3	In the case of registration marks allotted to dealers [section 40 (2) (i)]	In white on a red ground
4	In other cases	In white on a black ground.'"

The object of this amendment I will briefly describe as this in the Bill as introduced there was a three-letter system of registration—three letters accompanied by four figures that is to say, each set gave you 9999 numbers, and the intention was to allot so many groups of three letters to provinces as multiplying them by the total of 10,000 would give them enough to cover all their registrations Subsequently, they said that they required a separate registration mark for every registering authority within the province, and the Bill, as amended by the Select Committee, sought to give effect to that, that is to say, groups of two letters, sometimes one group and sometimes two, followed by any other letter, followed by four numbers It then became apparent that there was a considerable body of criticism to the effect that it is quite unnecessary at the present stage in India to introduce a three letter system, that is to say, three letters and four figures—or seven digits—instead of a two letter system with six digits, which would suffice Therefore, after the Select Committee had dispersed, we referred to Provincial Governments and the majority of them said that they would prefer the two-letter system which reduces the size of the registration mark

Mr. F. E. James: Can my Honourable friend give me any indication as to which Government actually supported this proposal?

Mr. K. G. Mitchell: Madras favoured the two letter system · Bombay favoured the two letter system. Bengal, United Provinces, Punjab favoured the three letter system; and the remainder all favoured the two letter system The Schedule being drawn up to provide for the two letter system, it looks a little bit complicated because owing to the reduced number of permutations and combinations available with two letters, we have had to be rather sparing in dealing them out because eventually a large number of States will have to be provided for; and where certain letters have been excepted it means that these letters, in combination with that initial letter, are already in use somewhere and for over two years will remain in use and, therefore, have to be excepted Sir, I move

Mr. Sri Prakasa: May I know what is the three letter system?

Mr. K. G. Mitchell: The three letter system is the system as in the Bill reported by the Select Committee For example, Assam would have A. S followed by another letter for each registering authority, followed by the numbers.

Mr President (The Honourable Sir Abdur Rahim) : Amendment moved

"That for the Sixth Schedule to the Bill, the following be substituted :

"The Sixth Schedule

[See Sections 24 (3) and 29 (3).]

Registration marks.

One of the pairs of letters specified in the second column shall be used in the registration mark of a vehicle registered in the province specified in the first column.

Assam	A followed by any one of the letters A to L and N to P.
Bengal	X followed by any one letter Y followed by any one of the letters A to G
Bihar	R followed by any one letter, except R and D.
Bombay .. .	Z followed by any one letter
Central Provinces and Berar	E followed by any one letter
Madras .	M followed by any one letter. N followed by any one of the letters A to G.
North West Frontier Province	F followed by any one of the letters A to G
Orissa . ..	O followed by any one of the letters A to G.
Sind .	K followed by any one of the letters A to L except the letters G and I
Punjab .. .	P followed by any one letter, except the letter S. Q followed by any one of the letters T to Z
United Provinces	U followed by any one letter. W followed by any one letter.
Ajmer-Merwara ..	AM.
Coorg .	CG.
Delhi .	DA , DB.

NOTE.—These letters shall be followed by not more than four figures, and the letters and figures shall be shown—

1 In the case of transport vehicles . In black on a white ground.

2 In the case of temporary registrations (section 25) In red on a yellow ground.

3 In the case of registration marks allotted to dealers [section 40 (2) (*i*)] In white on a red ground.

4. In other cases . .. .. In white on a black ground'."

Mr. K. Santhanam : Sir, I oppose this amendment After all, these schedules are intended for public enlightenment, and they should be intelligible. What is the use of saying Bombay should be denoted by X followed by some letter ? Some policemen may not know what X means, and may not know where the car is coming from. The object of these letters is to enlighten the public as to the place where the car is registered. That is the primary purpose of this. After all, the simplicity of the two-letter system is no substitute for public enlightenment, and, therefore, I oppose this.

Dr P. N Banerjea : Sir, I also oppose this amendment, because if this amendment is accepted, the letters will be wholly unintelligible For instance, in Bengal the letters to be used are X followed by any one letter of Y followed by any one of the letters A to G This will be wholly unintelligible, and if any accidents occur at some distance, passers-by will not be able to understand what these letters stand for It will be a very cumbrous system, and, therefore, I strongly oppose this amendment

Mr. F. E. James : Sir, I oppose this amendment I should like to draw the attention of the Honourable Member in charge to the reasons why the original Schedule was revised by the Select Committee In the Select Committee's Report, it reads—"In the Sixth Schedule we have provided for a system of Registration Marks consisting of three letters followed by four figures, the first two letters being indicative of the Province, the third possibly indicative of the registering authority" There is some method in that, but there is no method in the amendment now suggested If my Honourable friend will look at the Schedule now suggested, he will find that a car in the Punjab might be P or Q, a car from the United Provinces might be U or W, Bombay is Z,—perhaps because it is the last letter in the alphabets,—the Central Provinces is E, Bihar is R I cannot imagine what R stands for Bengal is X and if the second letter is B and all cars then are marked XB there will be serious trouble I am very surprised that my friend, the Honourable Member for Communications, should even suggest a schedule which contains that kind of risk. Sir, I oppose this very strongly.

The Honourable Mr. A G Clow : Sir, I am sorry to hear these criticisms It is of course a matter for judgment My own inclination is very strongly in favour of the amendment It is perfectly true that it gives no indication of the province to a person who sees the letters for the first time But I suggest to those who have based their criticism on that view, that it is not the slightest use really knowing the name of the province unless you read the whole identification plate If you are run down by a car, and you find it comes from Bombay, it is not going to help you at all. You have got to have the number, you have got to have the whole of the registration mark. The reason why I am personally in favour of this is that it is a good deal easier to read two letters than three.

Dr. Sir Ziauddin Ahmad : Sir, I was not very much enamoured by the Schedule which has now emerged from the Select Committee. Perhaps I could have suggested something better, but the Schedule now suggested really beats all imagination. The constables are expected to identify a car by seeing the number of the car. They are expected to identify from which province the car comes. Now, I ask my friend, the Mover of this amendment, if he will be able to say, if we give some of these letters, to say from what province a car is coming without looking to the amendment. No, I am certain he will not be able to reply if he is asked from what province a car is coming if I simply give him the letters. If that is the case, then what can we expect from these constables.....

The Honourable Mr. A. G. Clow : What is done in England ?

Dr. Sir Ziauddin Ahmad : But there the constables are much more intelligent than in India The table which is given here is one which I challenge every Member of the House to say whether after going through it twice over they will be able to repeat them and answer questions without referring to the Schedule Sir, the whole thing is so complicated that it will be practically unworkable With these words, I oppose this amendment.

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

"That for the Sixth Schedule to the Bill, the following be substituted

'The Sixth Schedule

[See Sections 24 (3) and 29 (2)]

Registration marks

One of the pairs of letters specified in the second column shall be used in the registration mark of a vehicle registered in the province specified in the first column

Assam	A followed by any one of the letters A to L and N to P
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Central Provinces and Berar	E followed by any one letter
Madras	M followed by any one letter N followed by any one of the letters A to G
North West Frontier Province	F followed by any one of the letters A to G
Orissa	O followed by any one of the letters A to G
Sind	K followed by any one of the letters A to L except the letters G and I
Punjab	P followed by any one letter, except the letter S. Q followed by any one of the letters T to Z
United Provinces	U followed by any one letter W followed by any one letter
Ajmer-Merwara	AM.
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3. In the case of registration marks allotted to dealers [section 40 (2) (i)]	In white on a red ground.
4 In other cases	In white on a black ground'."

The motion was negatived.

Maulvi Abdur Rasheed Chaudhury : Sir, I move

" That in the Sixth Schedule to the Bill, after the words ' in the second column ' the words ' provided that similar letters in vernacular are also permissible ' be inserted "

My friend, Mr Santhanam, just said that these Schedules are intended for public enlightenment If you use the English letters, there will be very little public enlightenment as the educational progress of the country is so little We have got only seven per cent. of the people who are literate, and if literacy in vernacular is left out, then it will be only two per cent who know something about English alphabets Therefore, if these alphabets remain in English, the Schedule will be of no use for the enlightenment of the public So I think it would be much better to use letters in the vernaculars so that people may understand them Sir, I move

Mr. President (The Honourable Sir Abdur Rahim) Amendment moved

" That in the Sixth Schedule to the Bill, after the words ' in the second column ' the words ' provided that similar letters in vernacular are also permissible ' be inserted "

Mr K G. Mitchell : Sir, on a point of order I think this amendment is barred My recollection is that Amendment No 8 in Supplementary List 5 to the First Consolidated List was a similar amendment which was moved by Mr Sri Prakasa, and that it was defeated

Mr. President (The Honourable Sir Abdur Rahim) I do not know.

Maulvi Abdur Rasheed Chaudhury : He did not press it

Mr. K G. Mitchell : It is No 8 in Supplementary List 5

Mr President (The Honourable Sir Abdur Rahim) · It was put to the vote and lost So this is barred

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

" That the Sixth Schedule stand part of the Bill "

The motion was adopted

The Sixth Schedule was added to the Bill

Mr President (The Honourable Sir Abdur Rahim) The question is ·

" That the Seventh Schedule stand part of the Bill "

Maulvi Abdur Rasheed Chaudhury : I move

" That in the Seventh Schedule to the Bill, in Tables A and B, after the word ' pound ', occurring in the heading of Column 2, the words ' or in maund ' be inserted and the equivalent weight in maunds in each case be shown "

The Honourable Mr. A. G Clow : I rise to a point of order. This amendment says, " . . the equivalent weight in maunds in each case be shown " I take it that the Secretary of the Legislative Assembly has got to perform a lot of complicated arithmetic if this amendment is carried

Mr President (The Honourable Sir Abdur Rahim) . This is an incomplete amendment, because the Honourable the Mover does not give the weight in maunds So I rule it out of order. The question is :

" That the Seventh Schedule stand part of the Bill "

The motion was adopted

The Seventh Schedule was added to the Bill

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

" That the Eighth Schedule stand part of the Bill "

Dr. Sir Ziauddin Ahmad : I move :

" That in the Eighth Schedule to the Bill, against clause (i) of Item I *(a)*, for the words ' No limit ' the figures ' 45 ' be substituted "

The whole object of this Bill is to provide for the safety of passengers and the safety of the third party, and I have repeatedly said that safety depends very largely upon the speed with which the motor cars are driven If only we provide for two things, then the risk can be avoided, even though we may pass this elaborate Bill tomorrow One is to provide the maximum limit of speed When you say, no limit, the speed may be 100 miles or 70 miles an hour The other thing is that you must provide separate roads for motor traffic If we have these two, accidents will be minimised What we are doing by this Bill is, after accidents have occurred, we provide what should be the penalty, what should be the compensation to be paid, and so on What I want to do is to go to the root cause of these accidents and prevent them I suggest that the maximum should be 45 miles an hour, because that is the limit fixed by Government for XB engines, and I think that the limit fixed for the XB engine should be the limit fixed for the speed of the motor cars I have repeatedly said on the floor of the House that the roads are not spoiled so much by the weight of the motor car, as by the high speed with which it is driven My Honourable friend, Mr Mitchell, is a mathematician and a Wrangler himself, and he will agree that the effect on the road varies as the square of the velocity of the vehicle, though it may vary directly with the weight Therefore, I submit that this speed limit ought to be fixed

Mr President (The Honourable Sir Abdur Rahim) Amendment moved

" That in the Eighth Schedule to the Bill, against clause (i) of Item I *(a)*, for the words ' No limit ' the figures ' 45 ' be substituted "

Mr. K. G Mitchell : Sir, while I have a great deal of sympathy with the Honourable the Mover, I fear that I must oppose this amendment The Honourable the Mover has told us on many occasions during the course of this debate that he himself never drives more than five miles an hour, and, therefore, I do not think that he is really in a position to judge as to whether 45 miles an hour is a safe speed limit or not.

Dr Sir Ziauddin Ahmad : I also told you the story of the blind man Remember that too

Mr K G. Mitchell : The point is this. For the prevention of accidents clause 115 of the Bill provides a sufficient punishment for driving recklessly or dangerously or at a speed in excess of that which is safe having regard to all the cir-

4 P.M.

cumstances. Now, Sir, for the purposes of that, a speed of even 15 miles a hour may be reckless and dangerously driving. We are not necessarily providing for safety by putting in an artificial limit of 45 miles a hour. 30 miles an hour might be frightfully dangerous in certain circumstances and 45 or 50 miles an hour might be perfectly safe in other circumstances That is one thing. The Honourable the Mover also referred to the question of the deterioration of roads There, again, even a fairly heavy private car which has not an axle load of more than one ton You are providing in the Bill for transport vehicles of axle loads of 4½ tons Even if I admit, which I do not, that the impact varies with the square of the speed, at least your private car can travel twice as fast as the heavy lorry, so that if you have a speed limit of 25 or 30 miles for your lorry, so far as the road is concerned, the private car could travel at 50 or 60 miles an hour if that argument held good I, therefore, submit that there is nothing very much in that contention

The main difficulty about creating an offence of this sort is that you have not got an establishment to enforce it It will only lead to a lot of prosecutions and a lot of hard swearing and dissatisfaction with the decisions on both sides Having regard to all the circumstances it will give far more trouble than it will be worth and I do not think that it will do any good at all

Sir Muhammad Yamin Khan (Agra Division Muhammadan Rural) I support the amendment. I have put down in my note of dissent something on the lines of what Dr Ziauddin has moved. I am sorry that the Government has taken an absolutely wrong attitude If it is only after the accident happens that Government want to punish the offender, then this Bill is absolutely unnecessary The whole idea underlying this Bill is that accidents should not take place My friend, Mr Mitchell, apparently does not go out into the country and see how the accidents happen That is not our fault Government ought to know that these accidents happen on account of negligence and rash driving at a very high speed, and they don't care about the lives of the people who happen to cross the road The argument advanced on behalf of the Government is that because they cannot punish the guilty people, there should be no limit to speed We know that murders and dacoities are taking place in spite of the fact that there are stringent provisions in the penal code, hanging and sentencing people to transportation for life If you want to avoid accidents, then you must have some speed limit It is not the business of the Government but of the Provincial Governments to catch the people who will be transgressing this law If a speed limit of 45 miles an hour is fixed for the railway where there is no obstruction on the track, then it is all the more necessary, in a road where there is all sorts of traffic, such as camel carts, bullock carts and so on On a road on which there is no traffic, sometimes a driver goes at a speed of 60 or 65 miles and, suddenly, a man crosses the road from behind a tree and a serious accident takes place and Government do not want to come to the help of the man who will be killed or injured and stop the silly action of the driver The root cause in all cases of accidents is the excessive speed at which the car is driven. I have seen with my own eyes a driver, who drives at a speed of 30 or 40 miles an hour and, suddenly, a child crosses the road and he

[Sir Muhammad Yamin Khan.]

is unable to stop the car I agree with Mr Mitchell that 30 miles may be dangerous in a crowded street and 50 miles may be quite safe on other roads which are lonely I was myself going in a car at a speed of 45 miles an hour and all of a sudden a man came up The driver tried to swerve and, in spite of his efforts, the man was injured all over the legs. In another case, a man was driving at a high speed and a cow calf came up suddenly and the car could not be stopped. We have seen accidents in New Delhi in Connaught Place and other places In all such cases, the speed should not exceed 45 miles an hour The speed limit must be indicated in bold letters and anybody who transgresses that should be severely dealt with My friend said that Dr. Ziauddin drives at five miles or ten miles an hour but there are some young people who are rash and some military officers who drive at a very high speed They do not care for the lives of the people I know a man who used to say ' I don't care for the life of a dog which is sleeping on the road '. These are the people whom you should punish If you put a proper limit and enforce it, then they would not drive at excessive speeds Then my friend said that if you fix 25 for the lorries, then in the case of private cars it should be doubled Now, Sir, the weight and the friction combined have the effect of destroying the road absolutely Since the lorries and the motor cars came on the roads, the expenses of maintaining the roads has gone up tremendously The *kankar* roads cannot stand the traffic of motors at all and Government is obliged to spend more in maintaining the roads, simply on account of the heavy strain on the roads There is no reason why a speed of more than 45 miles an hour should be allowed, whether it is a Rolls-Royce or Baby Austin I do not care about it but the speed limit should not be more than 45 miles an hour Both on the ground of safety and the expense in maintaining the roads, I support this amendment

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

Mr. President (The Honourable Sir Abdur Rahim) The question is that the question be now put

The motion was adopted

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

" That in the Eighth Schedule to the Bill, against clause (*i*) of Item 1 (*a*), for the words ' No limit ' the figures ' 45 ' be substituted "

The motion was negatived

Mr. Suryya Kumar Som (Dacca Division Non-Muhammadan Rural) Sir, I move

" That in the Eighth Schedule to the Bill, against clause (*i*) of Item 1 (*a*) for the words ' No limit ' the figures ' 40 ' be substituted "

The Honourable Mr A. G. Clow : On a point of order Is this not barred by the preceding amendment which has been negatived ?

Mr. President (The Honourable Sir Abdur Rahim) : I have allowed the amendment The House may very well say that the proper figure should not be 45, but 40.

Mr. Suryya Kumar Som : In my preliminary speech I quoted figures to show, Sir, that far more accidents are caused by private cars than by lorries and buses Let us dispassionately and without any bias consider this proposition Now, the speeds for all sorts of buses and lorries have been specified and defined in this Bill, and it is only the private car and cabs that have been let off Why ? No argument has been adduced why private cars and cabs should thus be let off. Having provided a speed limit for even taxis and lorries, why has the private car alone been let off so as to run at a risk, if they like ? Sir, it is our experience that the private cars are always driven at very excessive and most undesirably high speeds In the Select Committee my Honourable friend, Mr James, was pleased to make a remark that he had been fined twice for exceeding the speed limit

Mr President (The Honourable Sir Abdur Rahim) The Honourable Member need not go into all that—what happened in the Select Committee

Mr Suryya Kumar Som : My friend said that when driving a car he has got a tendency to drive fast and he was fined twice That explains why so many accidents take place, accidents which are caused by private cars and, here, we have put the limit at forty miles for private cars and cabs Sir, in a place like India where people are not so very busy as in England and America, I think a speed of forty miles is enough for business purposes Of course, joy rides are quite a different thing Let them have joy rides at 90 miles an hour and I shall have no objection provided they do not kill the pedestrians Sir, I think innumerable provisions have been made in this Bill in order to regulate and control motor cars and buses so as to save the lives of pedestrians and passengers

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member must confine himself to the amendment before the House.

Mr. Suryya Kumar Som : With one suggestion, Sir, I will finish my speech This is the same mentality which is guiding the railway authorities in dealing with third-class passengers niggardly and providing air-conditioned coaches for first class

Mr President (The Honourable Sir Abdur Rahim) The Honourable Member is absolutely irrelevant This has nothing to do with the amendment

Mr. Surrya Kumar Som : I submit, Sir, that it is too inequitable for men in high position owning private cars, to be allowed to drive their cars so recklessly and for the Government to leave this loophole for them —after having made innumerable provisions for the regulation of speed limits for all sorts of lorries and buses I submit this is indefensible, and I hope all my friends will support me.

Mr. President (The Honourable Sir Abdur Rahim) Amendment moved

" That in the Eighth Schedule to the Bill, against clause (*i*) of Item 1 (*a*), for the words ' No limit ' the figures ' 40 ' be substituted "

Mr K G. Mitchell : Sir, I must oppose this amendment—and I would only add to what I said before that my Honourable friend, Mr. Som, commenced his remarks by saying that he had shown by figures

[Mr K G. Mitchell.]

that far more accidents were caused by private cars than by other cars. Well, Sir, there are approximately 150,000 motor vehicles of all sorts in India, and out of these perhaps forty or fifty thousand are buses and lorries, that is to say that the number of private cars is double that of the others , and I would only conclude with one sentence from the report of the Committee on compulsory insurance of motor vehicles It is as follows

" Although we have not been able to obtain figures from every province, it is clear that fatal accidents occur to a much greater extent from public than from private vehicles "

The only pity is that the Honourable the Mover did not show his calculations to the Motor Vehicles Insurance Committee Sir, I oppose

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

" That in the Eighth Schedule to the Bill, against clause (*i*) of Item 1 (*a*), for the words ' No limit ' the figures ' 40 ' be substituted "

The motion was negatived

Mr. Badri Dutt Pande (Rohilkund and Kumaon Divisions Non-Muhammadan Rural) Sir, I beg to move

" That in the Eighth Schedule to the Bill, the following be added at the end .

' On the hills the maximum speed shall be two thirds of the above in each case ' "

Sir, reckless and careless driving and driving at a high speed may be permissible in the plains In the plains you can drive at any speed you like But on the hills it is certainly dangerous I think if these columns had been left blank and the Provincial Governments were asked to fill them in, it would have been much safer At present on the hills the maximum speed allowed in my part of the country is 20 miles for the cars and 16 miles for the buses per hour If there is no speed limit, the cars and the lorries will go into the *khud* and there will be great danger I think my amendment is very important and reasonable and I hope it will be accepted by the House Sir, I move

Mr. President (The Honourable Sir Abdur Rahim) Amendment moved

" That in the Eighth Schedule to the Bill, the following be added at the end .

' On the hills the maximum speed shall be two-thirds of the above in each case ' "

Mr K. G. Mitchell : Sir, while I entirely agree that speed-limits should be severely restricted in the hills, I submit that the amendment would not have that effect because there is no limit for private cars and two-thirds of no limit would mean nothing Actually, if the Honourable Member will remember, the House has passed sub-clause (*2*) of clause 71 which provides that Provincial Governments shall have power to fix speeds lower than those specified in the Schedule where the condition of the road or other circumstances so require I make no doubt whatever that every province will on hill and *ghat* roads have reasonable speed-limits imposed by rules made under sub-clause (*2*) of clause 71. I, therefore, oppose this amendment.

Dr. Sir Ziauddin Ahmad : Sir, last time when we moved an amendment to fix the maximum speed-limit, my Honourable friend, who has now moved this amendment, opposed that motion and said that there should be no speed-limit Now, he comes forward and asks for two-thirds of no limit whatsoever I cannot understand his calculations In one breath he opposed the motion which we moved that the maximum speed-limit should be 45 miles per hour, and in the second breath he has moved an amendment fixing the maximum limit I oppose the amendment.

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

" That in the Eighth Schedule to the Bill, the following be added at the end :

' On the hills the maximum speed shall be two-thirds of the above in each case ' "

The motion was negatived

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

" That the Eighth Schedule stand part of the Bill "

The motion was adopted

The Eighth Schedule was added to the Bill

The Ninth Schedule was added to the Bill

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

" That the Tenth Schedule stand part of the Bill "

Pandit Lakshmi Kanta Maitra : Sir, I move

" That in the Tenth Schedule to the Bill, in the proviso to Regulation 3, all the words occurring after the word ' road ' be omitted "

The proviso to regulation 3 runs thus

" Provided that in no case shall he pass a tram-car at a time or in a manner likely to cause danger or inconvenience to other users of the road . "

I want to leave it at that and want to have the rest deleted There may be cases where there will be enough space on the left side of the tram-car for any other car to pass by, while the right-hand side may be congested When there is no danger to the public or to the public safety, there is no reason why cars should not be allowed to pass the tram-cars on the left All that we need provide for is safety of the pedestrians on the road In this connection I might remind my Honourable friends that in the case of the Chowringhee Road or the Russa Road in Calcutta or the Dadar Road in Bombay, which are very wide and important roads, where there is very wide margin for the cars to pass, there should be no arbitrary restriction put by the Legislature that in no case the car can pass by the left side of the tram-car I believe this is over-shooting the mark and betraying bias in favour of tramways. Sir, I move.

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

" **That in the Tenth Schedule to the Bill, in the proviso to Regulation 3, all the words occurring after the word ' road ' be omitted.** "

The Honourable Mr A. G. Clow : Sir, I do not think the amendment would have the effect that my Honourable friend suggests because the amendment is to the proviso and not to the substantive clause. The substantive clause says that the cars may pass a tram-car on either side and this part of the proviso, which he is seeking to delete, is a part which is really for the protection of the passengers I oppose the amendment

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

"That in the Tenth Schedule to the Bill, in the proviso to Regulation 3, all the words occurring after the word 'road' be omitted"

The motion was negatived

Mr K G Mitchell : Sir, I move

"That in the Tenth Schedule to the Bill, in clause (*1*) of Regulation 9 (*b*), before the words 'it passes beyond' the words and a comma 'so far as may be practicable' inserted"

Sir this is merely formal The provision regulates what to do on turning to the right But the road may be so narrow that you cannot comply literally with the regulation Sir, I move

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

"That in the Tenth Schedule to the Bill, in clause (*1*) of Regulation 9 (*b*), before the words 'it passes beyond' the words and a comma 'so far as may be practicable,' be inserted"

The motion was adopted

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

"That the Tenth Schedule, as amended, stand part of the Bill."

The motion was adopted

The Tenth Schedule, as amended, was added to the Bill.

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

"That the Eleventh Schedule stand part of the Bill"

Dr Sir Ziauddin Ahmad : Sir, I beg to move

The Honourable Mr. A. G. Clow : On a point of order, Sir I suggest that this amendment is covered by the decision which the House has taken on clause 79 We have already passed the proviso to that clause and that fully covers the point to which this amendment relates

Dr. Sir Ziauddin Ahmad : If my amendment is not covered by the proviso to clause 79, then I will move it In any case, I would like to move it first and then, if necessary, I can withdraw it Sir, I beg to move

"That in the Eleventh Schedule to the Bill, to paragraph 2, the following be added at the end

'A driver may indicate his intention to turn to right or left by mechanical appliances attached to the cars'."

Now, Sir, it has been pointed out that in clause 79 it is provided :

" Provided that the signal of an intention to turn to the right or left or to stop may be given by a mechanical or an electrical device of a prescribed nature affixed to the vehicle "

Sir, what really troubles me is the word " prescribed ", because, in that case, we may obtain permission from somebody whose name has to be mentioned explicitly Here no name is mentioned That is my difficulty If the word " prescribed " had not been there, perhaps I would think my amendment unnecessary. It is quite possible that this mechanical device which many motor cars have got just now may not be admitted by any authority Therefore, I submit that the proviso to clause 79 does not really rule out my amendment I think it is very desirable that my amendment should be there, because it is a simple device If a man has got to show his hand to indicate the direction in which he has to turn, then one of his hands will have to be taken off the steering wheel, and, at the moment of turning, it is very desirable that his two hands should be at the steering wheel. In a crowded thoroughfare, it is very dangerous for the driver to have only one hand at the steering wheel For this purpose we can avoid all risks if a mechanical device is recognised just as you have now in many motor cars Sir, I move

Mr. President (The Honourable Sir Abdur Rahim) Amendment moved

" That in the Eleventh Schedule to the Bill, to paragraph 2, the following be added at the end

' A driver may indicate his intention to turn to right or left by mechanical appliances attached to the cars ' "

The Honourable Mr. A G. Clow : Sir, I do not know why my Honourable friend, Dr Sir Ziauddin Ahmad, enlarged on the advantages of signalling devices No one questions that, and we have already provided for mechanical or electrical devices in clause 79 The only difference is that under clause 79 the device is to be of a prescribed nature In other words, it is to be approved by the rules I think the House will be stultifying itself if it attempts to go back on the decision it has already taken on clause 79 I think this amendment is out of order in view of clause 79 having already been adopted by the House

Mr. President (The Honourable Sir Abdur Rahim) The House has already given its verdict on clause 79, and I rule that this amendment is out of order

The question is

" That the Eleventh Schedule stand part of the Bill."

The motion was adopted

The Eleventh Schedule was added to the Bill

Pandit Krishna Kant Malaviya : Sir, I rise to a point of order. This morning, when the Division was called, I was sitting in the room of the Deputy President on the ground floor, and he himself was there. Both of us could not come up and take part in the voting, because the Division Bell was not in order. If we had come and taken part in the voting, the result of the Division would have been in our favour, because we lost the Division by the casting vote of the Chair.

Mr President (The Honourable Sir Abdur Rahim) What is the suggestion of the Honourable Member ?

Pandit Krishna Kant Malaviya : If the Bell had not been out of order, I would have been here, and so I suggest that my vote should be included in the voting

Dr. Sir Ziauddin Ahmad : May I ask, Sir, whether it is provided anywhere in the Rules or Standing Orders that there should be a Bell ringing in every room when a Division is called If any particular Bell is not ringing, I do not think that any Division can be declared null and void on that score I submit, it is not provided anywhere in the rules that the Bell should be ringing in every room.

Mr. S Satyamurti : Sir, there are two points that arise for your decision The first point is that certain Honourable Members including the Honourable the Deputy President were in the Deputy President's room, where they are entitled to be, where there is a Division Bell provided, and that Bell did not strike Therefore, those two Honourable Members could not come in here The first point therefore that you must consider is that it was not the fault of the Honourable Members but the fault of the machinery of our office, and, therefore, they could not be ruled out for that Division Because my Honourable friend, Dr Sir Ziauddin Ahmad, raised that point that there is no need for Bells to ring in every room, I want to submit this He seems to suggest that nobody need come and that a Division can even then be taken I submit that, ever since this Assembly began to start working, there has been a consistent rule, at least I can speak from my four years' experience of the Assembly, that, whenever you declare a Division, the Secretary of the Assembly turns the sand glass upside down, and starts ringing an electric Bell which rings for a period of two minutes and then Honourable Members rush in to take part in the Division, on hearing the ringing of the Bell I want your ruling on this point that when a Bell is not ringing in all the places where Honourable Members may be during the hours of sitting of the Assembly, the Deputy President's room or the Whip's room or the party rooms or the room of the Executive Councillors, or in the Library—these are the places where Honourable Members are expected to be—whether because they were shut out of the Division for no fault of their own, they could not request you to have their votes recorded again

Mr. President (The Honourable Sir Abdur Rahim) : That is to say, the verdict of the House should be revised

Mr. Satyamurti : The verdict of the House was not obtained according to the normal proper device, which is usually in force in this House

Mr. M. Ananthasayanam Ayyangar : Sir, in 1912, a question arose in the House of Commons One of the Members did not hear when the question was put and Division taken After two or three more Divisions were taken, it was represented to the Speaker of the House of Commons by the Member who did not hear the first Division being taken that his vote should be recorded, and it was done again.

Mr President (The Honourable Sir Abdur Rahim) : Was it after the Division was over ?

Mr M. Ananthasayanam Ayyangar : Yes, after two or three Divisions were over

Mr. President (The Honourable Sir Abdur Rahim) : Will the Honourable Member give me that reference ?

Mr. M. Ananthasayanam Ayyangar : It was in 1912 It can stand over till tomorrow

Mr President (The Honourable Sir Abdur Rahim) Very well. Then we can go on with the business now before the House

Mr. Bhulabhai J. Desai : May I suggest, with reference to clause 1, that there is a general agreement in the House that this should be taken up first ? There was a lot of controversy about it

Mr President (The Honourable Sir Abdur Rahim) As you say that there is general agreement in the House, I have no objection to take it up first and clause 2 afterwards The question is

" That clause 1 stand part of the Bill."

Some Honourable Members : Clause 2 may be taken first.

Mr. President (The Honourable Sir Abdur Rahim) I have said that I have taken up clause 1, because there is general agreement

The Honourable Mr A. G. Clow : Before you take up the other amendments, Sir, there is a formal amendment in the name of Mr. Anderson

Mr J. D. Anderson : Sir, I move :

" That in sub-clause (*1*) of clause 1 of the Bill, for the figures ' 1938 ' the figures ' 1939 ' 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 ' 1938 ' the figures ' 1939 ' be substituted."

The motion was adopted.

Mr K. G. Mitchell : Sir, I move :

" That in sub-clause (*3*) of clause 1 of the Bill, for all the words occurring after the words ' come into force on ' the following be substituted :

' the first day of July, 1939 ; but Chapter VIII shall not have effect until the first day of July, 1943 '."

This shortens the clause considerably by providing a definite date for the commencement of the Act and a definite date for the commencement of Chapter VIII, which is roughly five years from now or four years from the commencement of the Act. Sir, I move.

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

" That in sub-clause (*3*) of clause 1 of the Bill, for all the words occurring after the words ' come into force on ' the following be substituted :

' the first day of July, 1939 , but Chapter VIII shall not have effect until the first day of July, 1943 '."

The motion was adopted.

Mr President (The Honourable Sir Abdur Rahim) · The question is

" That clause 1, as amended, stand part of the Bill "

The motion was adopted.

Clause 1, as amended, was added to the Bill

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

" That clause 2 stand part of the Bill "

Maulvi Abdur Rasheed Chaudhury : Sir, I move

" That in sub clause (*1*) of clause 2 of the Bill, for the word ' surface ' the word ' ground ' be substituted "

The word " surface " is often used as meaning surface of water or earth or with some such word, but here it has been used alone , and the sentence does not seem to read well If the House thinks so, it will support my amendment Sir, I move

Mr President (The Honourable Sir Abdur Rahim) · Amendment moved

" That in sub clause (*1*) of clause 2 of the Bill, for the word ' surface ' the word ' ground ' be substituted "

Mr. K. G Mitchell : Sir, I oppose The Honourable the Mover said that " surface " is often used in different connections. I would draw his attention to the fact that in this particular clause it is intended to apply to the surface of a weighing machine

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

" That in sub-clause (*1*) of clause 2 of the Bill, for the word ' surface ' the word ' ground ' be substituted "

The motion was negatived

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division : Non-Muhammadan Rural) : Sir, I move ·

" That in sub-clause (*3*) of clause 2 of the Bill, for the words ' contract carriage ' the words ' reserved carriage ' be substituted " .

The Honourable Mr. A. G. Clow : On a point of order, Sir, these words do not occur in the Bill anywhere : the Honourable Member is seeking to define something which is not in the Bill.

Mr. President (The Honourable Sir Abdur Rahim) : Then it cannot be moved.

Maulvi Abdur Rasheed Chaudhury : Sir, I move

" That in sub-clause (*d*) of clause 2 of the Bill, for the figures and words '5,000 pounds avoirdupois ' the figures and words ' 62½ maunds ' be substituted."

I would not have tabled this amendment if this point had been discussed in the Select Committee My information is that the question of local weights was not discussed in the Select Committee. We have provided for punishment for overloading under clauses 72, 73 and 123 of this Bill. It is obvious that before a man is punished he should know what overloading is Here the weight has been put in pounds avoirdupois I dare say that even half the Members of this House will not be able to explain what avoirdupois is. People must know what weight a motor vehicle can carry Unless it is clear to the driver how can we punish him for overloading under the sections which have already been mentioned. In Amendment No. 67 I have stated what is meant by one maund I have said there that one maund is equivalent to forty seers of eighty tolas weight, one tola being equivalent to a current rupee It may be said, Sir, that even a rupee is not a local weight, but the current rupee has a constant weight since 1835,—it is equivalent to 165 grains of pure silver plus 15 grains alloy It is more than a hundred years since the weight of the rupee has been constant We all base our weight on the basis of the weight of the rupee which is the uniform weight throughout India. It may be said that the weight of maunds is different in different parts of India, that under the Weights and Measures Act, the weights of Bombay and C. P differ from those of Bengal and Assam But as against this, I may say, Sir, that the Railway Department is maintaining a uniform weight throughout the whole of India in maunds So there cannot be any difficulty in adopting a uniform weight under this sub-clause Then another argument may be advanced that motor cars are not produced in this country, and that the makers stamp the weight on the axles of the motor vehicles at the place the car is manufactured. It is a reasonable argument but, Sir, it will not be difficult to re-stamp the weights when the vehicles arrive in India They can be re-stamped either at the Customs House office or by the dealers themselves It is not an insurmountable difficulty. Nor can it be said it is an impossible thing to do.

Then, Sir, from the point of view of our country, and also considering the fact that the education has not yet sufficiently advanced in this country, it is very necessary to have local weights. It will also be in keeping with the dignity and self respect of this ancient country that we should adopt local weights without depending on foreign weights In these days people are mad after Swadeshi, and I do not understand why local weights should not be adopted

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

" That in sub-clause (*d*) of clause 2 of the Bill, for the figures and words ' 5,000 pounds avoirdupois ' the figures and words ' 62½ maunds ' be substituted."

Mr. K. G. Mitchell: Sir, I must oppose this amendment As far as I can see, the Honourable Member has not only proposed to substitute another unit, but he appears to have made certain alterations in the weights provided. I have not checked all his figures, but in the amendment under discussion he says 5,000 pounds are equal to 62½ maunds, and in amendment No 42, he says 10,600 pounds, which is considerably more than double 5,000 pounds, is equal to 120 maunds, which is considerably less than double 62½ maunds. Also in amendment No 52 he arrives at the weight of a motor cycle as 10 maunds 8 seers 2½ chataks If it is difficult for anyone, as he says, to understand the weight in pounds, I think it will be still more difficult to understand this Actually, I think pounds are understood by everybody. For the purpose of tyre capacity, and tyre pressures the figures are stated in pounds, and the specifications of motor vehicles imported are in terms of pounds. Sir, I oppose this amendment

5 P.M

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

"That in sub-clause (*4*) of clause 2 of the Bill, for the figures and words '5,000 pounds avoirdupois' the figures and words '62½ maunds' be substituted."

The motion was negatived

The Assembly then adjourned till Eleven of the Clock on Saturday, the 17th September, 1938

LEGISLATIVE ASSEMBLY.

Saturday, 17th September, 1938.

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

MEMBERS SWORN

Mr. Andrew Gourlay Clow, C S I, C.I.E., M.L A. (Government of India : Nominated Official) ;

Mr. John Francis Sheehy, M L.A. (Government of India : Nominated Official) ; and

Mr. Stanley Paul Chambers, M L A. (Government of India : Nominated Official).

ARRANGEMENTS *RE* RINGING OF THE DIVISION BELL.

Mr President (The Honourable Sir Abdur Rahim) : With reference to the matter which was brought to my notice yesterday by Pandit Krishna Kant Malaviya, I have made enquiries as to what happened when the division was called. I understand that in certain rooms there is a division bell and that bell is tested every morning whether it is in order or not, because complaints have sometimes been received that it goes out of order However, it is not very often that it goes out of order. As Honourable Members are well aware, it is for their own convenience that this device has been adopted, and, on the whole, it has worked satisfactorily. So far as I am aware, very seldom have complaints been made that the arrangement does not work satisfactorily. I can realise that in some cases certain Members may fail to record their votes, because in one particular room the bell did not ring having gone out of order But, under the present system, it cannot be helped, and I am not sure whether it is possible to devise a more satisfactory and more reliable system. I would wish to add that I believe Honourable Members themselves take sufficient precautions that they are not taken by surprise and that they may be here in time to record their votes That is a wise precaution

As regards the question that has been raised that in a case like this, the Members who failed to record their votes should be allowed a further opportunity to record their votes, that is to say, that the voting list should be reopened for that purpose, I find no warrant for the claim in the Rules and Standing Orders and I am not aware of any precedent to that effect, and I must say that, if that were allowed, it would form a very dangerous precedent and would make the voting list extremely

[Mr President]

uncertain I may mention that a similar accident occurred not very long ago in the British House of Commons and the matter was brought to the notice of the Deputy Speaker (Vide 269, House of Commons Debates, 5 S, 545) He at once pointed that it could not be a point of order, but that he would order an enquiry as to what had happened

STATEMENT LAID ON THE TABLE

STORES PURCHASED BY THE HIGH COMMISSIONER FOR INDIA FOR THE GOVERNMENT OF INDIA.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour) I lay on the table a statement furnished by the High Commissioner for India showing that there have been no cases in which tenders other than the lowest have been accepted by him in purchasing stores for the Government of India during the half year ended the 30th June, 1938

Statement for half-year ending 30th June, 1938

No cases in which tenders for stores demanded by the Central Government, other than the lowest complying with the technical description of the goods demanded, were accepted on the grounds of superior quality, superior trustworthiness of the firm tendering, greater facility of inspection, quicker delivery, etc

THE INDIAN INCOME-TAX (AMENDMENT) BILL

RE-APPOINTMENT AND APPOINTMENT OF CERTAIN MEMBERS TO THE SELECT COMMITTEE

The Honourable Sir James Grigg (Finance Member) I move

"That Messrs J F Sheehy and S P. Chambers be re-appointed to the Select Committee on the Bill further to amend the Indian Income-tax Act, 1922, and that Khan Bahadur Sir Abdul Hamid be appointed to that Committee in place of Mr. N. M. Joshi."

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

"That Messrs. J. F. Sheehy and S P. Chambers be re-appointed to the Select Committee on the Bill further to amend the Indian Income-tax Act, 1922, and that Khan Bahadur Sir Abdul Hamid be appointed to that Committee in place of Mr. N. M Joshi"

The motion was adopted.

THE MOTOR VEHICLES BILL—*contd.*

Mr President (The Honourable Sir Abdur Rahim) : The House will now resume consideration of the Motor Vehicles Bill. The question is

"That clause 2 stand part of the Bill."

Maulvi Abdur Rasheed Chaudhury (Assam Muhammadan) : I move .

" That for sub-clause (*5*) of clause 2 of the Bill, the following be substituted :

' (*5*) ' driver ' means a person who actually drives a motor vehicle ' "

This is the last amendment that I am moving According to the definition, a driver includes a handy man, a cleaner and others But, in the penalty clause, we have the word " driver " in the singular number and not in the plural number So, there may be a legal difficulty in punishing a handy man along with the driver according to the penalty clause A handy man or a cleaner is not to get any license and the rule should provide that only the driver who has got the license should be punished according to the penalty clause The word " driver " should not include more than one person

Mr. President (The Honourable Sir Abdur Rahim) Amendment moved .

" That for sub-clause (*5*) of clause 2 of the Bill, the following be substituted :

' (*5*) ' driver ' means a person who actually drives a motor vehicle ' "

Mr K. G. Mitchell (Government of India Nominated Official) Sir, I am free to admit that the definition in the Bill looks a bit complicated and may be of use only very seldom It is, however, taken from the English Road Traffic Act, 1930, section 121 There may be cases of peculiar types of motor vehicle in which two people are engaged in driving Of course, it does not cover a cleaner because he does not take any active part in driving But there may be cases in which one man steers and another applies the brakes I submit that the definition, as it stands, is quite harmless, and that it may be necessary in certain unusual cases and I see no reason why it should be altered Sir, I oppose the amendment

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

" That for sub-clause (*5*) of clause 2 of the Bill, the following be substituted :

' (*5*) ' driver ' means a person who actually drives a motor vehicle ' "

The motion was negatived

Mr F. E. James (Madras European) . Sir, I move

" That in sub-clause (7) of clause 2 of the Bill, for the words ' used for the purposes of propulsion ' the words ' ordinarily used with the vehicle ' be substituted. "

The words which we have suggested are more appropriate, because there is equipment which is ordinarily carried which cannot be described as equipment used for the purpose of propulsion, such as, for example, a fire extinguisher or a pump I hope that Government will accept this amendment.

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

" That in sub-clause (7) of clause 2 of the Bill, for the words ' used for the purposes of propulsion ' the words ' ordinarily used with the vehicle ' be substituted. "

Mr. A. G Clow (Government of India : Nominated Official) : This is a definite improvement on the clause

Mr President (The Honourable Sir Abdur Rahim) · The question is

" That in sub-clause (7) of clause 2 of the Bill, for the words ' used for the purposes of propulsion ' the words ' ordinarily used with the vehicle ' be substituted."

The motion was adopted

Mr. K G Mitchell : Sir, I move ·

" That in sub-clause (9) of clause 2 of the Bill, for the figures ' 10,600 ' the figures ' 9,000 ' be substituted."

A dispute about laden and axle weights in this Bill has been impending for some time I will not now descant on the preference for a substantive provision in clause 71 on the lines of the Bill as originally introduced I did not move the amendment standing in my name at the time in order to save the time of the House, because I understood that I would get no support. I still believe that the amendments that we now propose are quite right and proper and, on the principle of " he that fights and runs away will live to fight another day ", I must fight now in order to be able to fight later on If we have to run away now in the sense of not pressing the amendment, still we must show fight in order to preserve the right to fight another day If, after the Bill is passed in this House and after further consulting the Provincial Governments, we think it is necessary to restore the original provision in the Bill, we shall endeavour to do so in the Council of State and then ask this House to accept it. The provisions of clause 71 which refers to this definition originally aimed at providing the highest common factor, that is to say, the highest laden and axle weights which might be permitted to use the main roads of India generally. But for the present purposes I will confine myself strictly to the matter as affecting the definitions An axle weight of 9 000 pounds corresponds with a laden weight of about 12,500 pounds That is just over 5½ tons. This corresponds with a pay load of about 3½ to 3½ tons and, therefore, with an unladen weight of vehicle of 2 to 2½ tons Well, Sir, an axle weight of 14 500 pounds will mean a heavier unladen weight and whatever may be the merits of the provision as regards the weight of vehicle which may circulate, I do not think it is reasonable to put in what I might call an arbitrary departure from the existing definitions Now, Sir, a heavy motor vehicle is defined as one having a weight exceeding in the case of Madras 5½ tons laden weight In the case of Bombay, Bengal, the United Provinces, Punjab, Bihar and Orissa, the North-West Frontier Province, Sind, Ajmer-Merwara and Coorg, all these define heavy motor vehicle as exceeding two tons in weight unladen, which is approximately 12,500 pounds laden Therefore, I submit that quite apart from the merits of clause 71 and the change made in the Select Committee, there is no evidence to justify a departure from the definition of the dividing line between light and heavy transport vehicle as already exists and the provisions which I propose to insert in this and the following amendment actually correspond with those already in force in the provincial rules. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim) Amendment moved

" That in sub-clause (9) of clause 2 of the Bill, for the figures ' 10,600 ' the figures ' 9,000 ' be substituted "

Mr. K. Santhanam (Tanjore *cum* Trichinopoly · Non-Muhammadan Rural) I oppose this amendment This amendment must be taken along with the other amendments which have been carried Soon after the Select Committee was over, at their request, the Government of India referred this matter to the Provincial Governments and, on the whole, the verdict of the Provincial Governments was against the Government of India Mr Mitchell has quoted the Madras Motor Vehicle Rules They have got two different sets of weights One is 5½ tons and they have also a much heavier weight, for which there is a bar, to go on the roads In clauses 72 and 74 we have given ample powers to the Provincial Governments to restrict the use of certain vehicles if they consider it necessary and in clause 42 we have given the power to restrict long distance traffic in heavy motor vehicles. In these circumstances, I do not see any reason why Government should try to undo a thing on which the motor industry has been very anxious After all, the existence of these limits will induce the Provincial Governments and the Central Road Council to establish a better standard for the construction of future roads, which is certainly necessary On these grounds I oppose the amendment

Mr. F. E. James : I must also oppose this amendment I must congratulate Mr Mitchell upon his amazing persistence in the matter, for in the Select Committee it was agreed to refer the matter to Provincial Governments, and, on the whole, they have said that they raise no objection In other words, in the words of the popular song, " Although he is dead, he won't lie down, ". I admire my friend for that ; but our objections remain exactly as they were in the Select Committee Since then, the whole matter has been canvassed and the Provincial Governments have raised no objection to this new definition Sind, Assam, the Central Provinces (the United Provinces prefer an axle weight of 11,600 pounds) Bengal and Bombay have no objection Madras considers that wider restrictions are superfluous

Mr. K. G. Mitchell : Madras actually said that they would prefer 5½ tons as the definition for a heavy vehicle

Mr. F. E. James : They also said that they consider any restrictions quite unnecessary. In view of all this, I hope that the House will not accept this amendment and will stand by the recommendations of the Select Committee

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

" That in sub-clause (9) of clause 2 of the Bill, for the figures ' 10,600 ' the figures ' 9,000 ' be substituted."

The motion was negatived

Dr. P. N. Banerjea (Calcutta Suburbs : Non-Muhammadan Urban) . Sir, I move :

" That in sub-clause (19) of clause 2 of the Bill, for the word ' means ' the word ' includes ' be substituted."

[Dr P N. Banerjea]

This amendment is a simple one, and its object is to include in the definition of a owner both the person who lets out a car on the hire purchase system and the person who has actual possession of the car

Mr. President (The Honourable Sir Abdur Rahim) · Amendment moved ·

" That in sub-clause (*19*) of clause 2 of the Bill, for the word ' means ' the word ' includes ' be substituted."

Mr. K G. Mitchell : I must oppose this amendment, the object of which is to effect something which, I think, is highly undesirable Whatever may be the relations between the hire purchase company and the owner or the man in possession of the vehicle the one thing that you do surely want to avoid is having doubt as to who is the owner for the purposes of this Act, upon whom the responsibility rests to see that the car is maintained in full working order

Dr P. N. Banerjea · But who is the real owner ?

Mr. K. G. Mitchell . and this, Sir, I think gives the actual position The correct position is that the man in possession and having custody of the car under a hire-purchase agreement should be responsible for the purposes of this Bill Now the House will remember that yesterday or the day before it accepted two amendments moved by the European Group and placed an endorsement on an application for and upon the certificate of registration, a kind of caveat, merely saying that the vehicle is held by the person under a hire-purchase agreement I think that is quite sufficient to protect the hire-purchase finance company and that it is not in the least necessary to introduce any ambiguity as to who is the owner for the purposes of the responsibility placed on the owner by this Bill Sir, I oppose the motion

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

" That in sub-clause (*19*) of clause 2 of the Bill, for the word ' means ' the word ' includes ' be substituted."

The motion was negatived

Pandit Lakshmi Kanta Maitra (Presidency Division Non-Muhammadan Rural) · Sir, I move ·

" That to sub-clause (*19*) of clause 2 of the Bill, the following proviso be added :

' Provided that this definition shall not in any way affect the proprietary rights of the person or the company financing a vehicle ' "

Sir, in connection with the previous amendment moved by my Honourable friend, Dr Banerjea, my Honourable friend, Mr. Mitchell, pertinently pointed out that he wanted to fix somebody definitely, with the responsibility under this Act, and he also pointed out that in the registration certificate there will be an entry which will safeguard in some measure the position of the person financing the car. Sir, I, in this amendment, desire to remove all doubt and to clarify the

position with regard to the company or persons who finance the car. Sir, the object of the amendment is very simple and I hope the Honourable Member will accept it Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim) . Amendment moved

" That to sub clause (*19*) of clause 2 of the Bill, the following proviso be added :

' Provided that this definition shall not in any way affect the proprietary rights of the person or the company financing a vehicle ' "

The Honourable Sir Manmatha Nath Mukerji (Law Member) · Sir, we are not in a position to accept this amendment, and for this reason No alteration in the definition is necessary, because the definitions are only in respect of the matters contained in this Bill and for the purposes of the Bill The definition given here will not affect any proprietary rights or any other rights such as any party may have in other respects, and I submit the definition is not necessary

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

" That to sub clause (*19*) of clause 2 of the Bill, the following proviso be added :

' Provided that this definition shall not in any way affect the proprietary rights of the person or the company financing a vehicle ' "

The motion was negatived

Dr. P. N. Banerjea : Sir, I move

" That after sub-clause (*35*) of clause 2 of the Bill, the following new sub-clause be inserted :

' (*36*) ' long distance ' means a distance which is not less than one hundred and fifty miles '."

Sir, the object of this amendment is to secure the benefits of fair and legitimate competition to all traders and agriculturists and in addition, to the people who live in the countryside. It may be said that this limit of one hundred and fifty miles which I seek to impose is an arbitrary one But the same argument may be urged against the limits which have been fixed in this Bill or in other Acts of the Legislature where maximum limits are fixed for punishments for offences Sir, I do not wish to limit the discretion of Provincial Governments altogether. What I wish to do is to provide a minimum limit, and beyond this minimum limit the Provincial Governments will have ample discretion . Sir, this minimum limit which I seek to impose is not wholly arbitrary Sir, I will give you an instance Many transport vehicles take goods from wholesale dealers in Calcutta—goods of many sorts—and they travel from Calcutta to Asansol, distributing these goods of various kinds to different retail traders The distance between Calcutta and Asansol is 132 miles by rail and 139 miles by road, and these transport vehicles on their way back from Asansol bring fresh vegetables and fresh fruits to Calcutta Now this system leads to the convenience both of the wholesale traders in Calcutta and the retail shopkeepers in the countryside and it also benefits the agriculturists throughout the whole area.

[Dr P N Banerjea]

Sir, other instances can be given From Delhi there is a transport service to Saharanpur and from Delhi there is a transport service to Agra and to various other places Now, it may be argued that the matter will be considered by the Provincial Government. As I pointed out to this House the other day, various difficulties may arise In the first place, we should not depend entirely on the whims and caprices of the Provincial Government—and all Provincial Governments are not exactly of the same calibre Then there is this difficulty that in some cases the transport vehicle may have to pass through more than one Province, just as in the case of Delhi to Saharanpur and Delhi to Agra For these reasons I suggest that a minimum limit should be fixed and the rest may be left to the discretion of the Provincial Governments concerned This will not in any way harm the Railways, at the same time it will secure a benefit not only to the motor industry but to the trade and agriculture of the country and will also ensure the convenience of the general public Sir, I move

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

"That after sub clause (*35*) of clause 2 of the Bill, the following new sub-clause be inserted :

'(*36*) 'long distance' means a distance which is not less than one hundred and fifty miles'"

Mr. A. G Clow : Sir, I oppose this amendment One of the obvious arguments is the one which was really implicit in Dr Banerjea's speech when he referred to perishable goods I doubt if it is possible to lay down a single definition which will apply to goods of all kinds because obviously.

Dr. P. N. Banerjea : I do not lay down a single definition I only fix the minimum limit

The Honourable Mr. A. G. Clow : If you are going to fix a minimum that is going to be applicable to goods of all kinds, you will have to fix it a great deal lower than it is fixed here There would be a case, for example, in the case of perishable goods for allowing a longer distance than you allow for non-perishable goods But if you are to attempt to fix a distance which will serve as a minimum for all classes of goods, it would have to be fixed very low and might operate against goods legitimately entitled to a longer distance.

Mr. N V Gadgil (Bombay Central Division . Non-Muhammadan Rural) Sir, I oppose this amendment. From the consolidated list the House will find that there is another amendment by Mr. Som who wants to define the long distance as a distance of over 200 miles. Even here there is no agreement, but I oppose the present amendment on more important grounds In the first place, this Bill, as is admitted, is for the purpose of co-ordination and, as a first effort to secure that co-ordination, certain principles have been adopted I think it would be dangerous to arbitrarily define and fix a long distance as to mean over 150 miles or 100 miles before we are able to see the full effects of principles already adopted, in the actual working of this Bill for, say, a period of five years That was the procedure followed even under the

English Act There, the distance was not defined and even now it is not defined Full interpretive freedom is left to the transport authority as and when cases may arise If we wait for five years, we will be able to know precisely what the motor industry will adapt itself to and we will also be able to know what traffic it can economically bear without affecting the other system of transport The principle of co-ordination works either through division of functions or through controlled rates It will then be possible to the transport authorities to define what is long distance in the light of experience. No 'long distance' can be defined now as is being sought to be done, as it must depend, relatively speaking, on the circumstances of each case Meanwhile, a rate structure for Motor Transport will grow Then, there are other points which have been briefly mentioned by the Honourable Member in charge with respect to perishable and breakable goods All that cannot be done in the Statute itself Therefore, it would be far better, at least for those who do not want State interference at all, that some freedom should be left to the transport authority. I am surprised that at first they opposed the Bill because the State was interfering too much and now they have gone to the other end and say that everything should be defined, even the 'long distance' I, therefore, oppose the amendment

Babu Baijnath Bajoria (Marwari Association Indian Commerce) : Sir, I rise to support this amendment It is a very simple and modest amendment It only seeks to define that long distance traffic will not be curtailed if the distance to be travelled by a bus or by a lorry is less than 150 miles I know from personal experience in Calcutta that there is a regular traffic of goods, wholesale and retail, from Calcutta to the coal fields generally and also to other places nearby I think that that traffic should not be restricted in any way because I know that if the traders book their goods today in the evening or in the afternoon, they are sure to reach their destination by midnight of the same day This is not practicable in the case of the railways As a matter of fact, I must say that the East Indian Railway is having an unfair competition with the buses there. What they are doing is that they have got their own buses at the present moment They have made an arrangement with the contractors who pick up the goods just as these lorrywalas do and then take those goods to the Howrah station and from there they despatch them to their destination But the merchants, because they get the door-to-door service by booking in the direct goods traffic, prefer to book their goods by these lorries instead of giving their goods to these contractors of the railways. I think this amendment will not in any way affect the point which was raised by the Honourable Mr Clow and his echo Mr. Gadgil as regards perishable goods. If the distance is more than 150 miles, this amendment will not restrict the traffic in any way I, therefore, appeal to the commonsense of the House to accept this amendment

Honourable Members : The question be now put

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

"That the question be now put."

The motion was adopted.

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

"That after sub-clause (*35*) of clause 2 of the Bill, the following new sub-clause be inserted

'(*36*) 'long distance' means a distance which is not less than one hundred and fifty miles'."

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. President (The Honourable Sir Abdur Rahim) : Now, the House will go back to clause 136 which stood over The question is :

"That clause 136 stand part of the Bill"

Mr K G Mitchell : Sir, I beg to move

"That clause 136 of the Bill be re-numbered as clause 136 (*1*), and, to the clause as so re-numbered, the following new sub clauses be added

'(*2*) Notwithstanding the repeal of the Indian Motor Vehicles Act, 1914, rules made by any Provincial Government under sub section (*2*) of section 11 of that Act and rules made by the Governor General in Council under section 14 of that Act, being rules in force at the commencement of this Act, shall subject to the provisions of sub-section (*3*) continue to be in force for a period of nine months from the commencement of this Act, unless before the expiry of that period, they are cancelled by a Provincial Government or by the Central Government as the case may be, by notification in the official Gazette

(*3*) Notwithstanding the repeal of the Indian Motor Vehicles Act, 1914, rules made or purporting to be made by a Provincial Government under sub-section (*2*) of section 11 of that Act, requiring or relating to the insurance of motor vehicles, being rules in force at the commencement of this Act, shall, until Chapter VIII of this Act takes effect in the province, have effect as if enacted in this Act

(*4*) Nothing contained in this Act shall, until the expiry of a period of nine months from the commencement of this Act, operate to invalidate any provisions relating to the taxation of motor vehicles contained in any Provincial enactment or rules made thereunder in force at the commencement of this Act'."

Sir, the necessity for these saving clauses is obvious I would only say that the period of nine months provided in sub-clause (*2*) is deemed to be sufficient to allow us to make model rules in consultation with the Provincial Governments and to allow the Provincial Governments to publish these for objections and then make the rules The time, I think, is amply sufficient because the Bill itself will not come into force for nine months from now Sub-clause (*3*) merely provides for the continuance of the existing arrangements for insurance as in force in parts of Bombay and Sind To sub-clause (*4*) the explanation is that at present certain Provincial Taxation Acts refer to payment of the tax as a condition of renewal of registration and as registration is now to be in perpetuity and does not require renewal, some formal amendment will have to be made for that by legislation.

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

"That clause 136 of the Bill be re-numbered as clause 136 (*1*), and, to the clause as so re-numbered, the following new sub-clauses be added :

'(*2*) Notwithstanding the repeal of the Indian Motor Vehicles Act, 1914, rules made by any Provincial Government under sub-section (*2*) of section 11 of that Act and rules made by the Governor General in Council under section 14 of that Act, being rules in force at the commencement of this Act, shall subject to the provisions of sub-section (*3*) continue to be in force for a period of nine months from the commencement of this Act, unless before the expiry of that period, they are cancelled by a Provincial Government or by the Central Government as the case may be, by notification in the official Gazette

(*3*) Notwithstanding the repeal of the Indian Motor Vehicles Act, 1914, rules made or purporting to be made by a Provincial Government under sub-section (*2*) of section 11 of that Act, requiring or relating to the insurance of motor vehicles, being rules in force at the commencement of this Act, shall, until Chapter VIII of this Act takes effect in the province, have effect as if enacted in this Act

(*4*) Nothing contained in this Act shall, until the expiry of a period of nine months from the commencement of this Act, operate to invalidate any provisions relating to the taxation of motor vehicles contained in any Provincial enactment or rules made thereunder in force at the commencement of this Act' "

The motion was adopted

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

"That clause 136, as amended, stand part of the Bill"

The motion was adopted

Clause 136, as amended, was added to the Bill

The Title and the Preamble were added to the Bill.

Mr J. D. Anderson (Secretary, Legislative Department) : Sir, I beg to move

"That the clauses and sub-clauses be re-numbered according to the changes made in the Bill at the second reading"

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

"That the clauses and sub-clauses be re-numbered according to the changes made in the Bill at the second reading"

The motion was adopted

Mr. A. G Clow : Sir, I beg to move :

"That the Bill to consolidate and amend the law relating to motor vehicles, as amended, be passed"

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

"That the Bill to consolidate and amend the law relating to motor vehicles, as amended, be passed"

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural) : Sir, I take this opportunity of congratulating the House on the manner in which this piece of legislation has been carried

[Mr Bhulabhai J Desai]

through I need hardly say that the clarity and the sweet reasonableness of my friend, Mr Clow, mainly contributed to that result Addressing my Honourable friends who differed from me on some of the matters included in this Bill, I wish to congratulate myself, if I may, on the manner in which they accepted my opposition But the fact remains that there are two or three achievements which, so far as the House is concerned, I may safely call our own In the Bill as introduced, there was an intention, I will not call it a sinister one, to impose upon us the representatives of the Railways, and when I say us, I am talking of those who are now interested in those authorities which have been created in this Bill for the purpose of the regulation of motor vehicles or what is described in the Schedule to the Government of India Act, mechanically propelled vehicles We have succeeded by, if you like to call it so, compromise, or if you like to call it so, by pooling our resources and even wisdom and have come at all events to this result that the motor vehicles and their regulations will be in the hands of those who would be best interested in the promotion of the road transport of this country They have also acquired, what I have attempted to explain at an earlier stage while speaking of clause 42, an indirect and a somewhat elastic control over the railways Doubts, undoubtedly have been expressed by my Honourable friend, Mr Clow, that I need not expect too much out of this clause But in our present conditions, Sir, modesty is not a virtue but an obligation We do not get much and we must not expect much though we must fight, continue to fight for all That being our motto, so far as I am concerned, I still look to the future with great hope and when clause 42 comes into operation I have no doubt that in less time than my Honourable friends imagine or apprehend even the railways will be under the complete control of this House When that happens the true time for co-ordination will come I quite accept that I may tell my Honourable friends, who differed from me, that it is no use saying that what we cannot control we must destroy It was not a doctrine to which I could subscribe from the beginning My Honourable friend, Mr Suryya Kumar Som, I think, has risen from his dreams and is now in the land of realities and I am quite certain that he does not wish to kill the child that may some day own him though he may not fully own that child today Therefore, I have no doubt that he has thoroughly reconciled himself to the situation with the hopefulness of a step child being his own child in course of time In so far as co-ordination is concerned, I quite agree it is but the beginning But it is but a good beginning and a hopeful one

As regards another matter to which somehow the House, I do not say out of a feeling of tiresomeness, yesterday, did not pay very much attention except to record a silent vote is Chapter VIII and its operation I entirely agree that an industry as it is called, I do not wish to call it by any other name, you may easily re-read some of my speeches and my Honourable friend, Mr James, in particular, and find that in this present condition of transport it is true that if we laid an immediate further burden, it might be difficult to bear, difficult to sustain in competition with that "monster system of railways" of which my Honourable friends were scared But I want them not to

be so scared. When they ride it, they will find it perfectly useful, perfectly helpful and perfectly comfortable in course of time

An Honourable Member : Air-conditioned ?

Mr. Bhulabhai J. Desai : I do not like it. I have travelled in it once, and if it is abolished I will not be sorry except for the company I have had on that particular occasion.

But coming back to Chapter VIII, I quite agree that we have wisely decided that it should not come into operation for a period of some five years from now. There will be time enough to readjust things, there will be time enough also to see other changes which may bring the two systems of transport nearer and perhaps even centrally and singly controlled. Therefore, in all probability, that burden was not imposed upon the transport industry very wisely My friends appear at all events by their conduct to be thoroughly satisfied with that particular consummation , so that, as I said when this Bill was referred to the Select Committee, so far as the safety provisions are concerned we might overdo them to some extent , and I think we have adopted a very reasonable mean and to a large extent I must confess that my Honourable friend, Mr Mitchell, was not too hard either because of his love for the roads or because of his hatred for road-hogs , and, on the whole, I think we have controlled the driver, we have made the vehicle fairly efficient and sufficiently less dangerous so far as the use in modern times of speed is concerned

Mr F. E James : And Mr. Clow has been controlled !

Mr. Bhulabhai J. Desai : No ; the only person whom I can congratulate, in addition, is my Honourable friend, Mr James, and his colleagues who have escaped the speed limit restriction ; and, if my friend will promise not to drive the car at two o'clock in the morning, after some convivial evenings, as I have seen the results in the city of Bombay—he will probably find if he does not do so there will be an amendment shortly in this House next year I have seen in the streets of Bombay trees uprooted, cars down and persons not identified having disappeared. But I believe this after reading the figures which have been read out to us and which we have studied—and when I think of the whole matter I think one can easily exaggerate—I do not deny that each human life has value and yet you cannot imagine that each time many thousands of cars—nearly a lakh in this country—move, some human being is necessarily and actually crushed That is an unduly lurid, and wrong picture , and, therefore, while we may protect lives we may not in that effort unduly curb what is bound to happen in human existence by way of increase of speed. The time has now arrived when my friends can go from Jodhpur to Amsterdam if not to London in two and a half days ; and they hope to do so in a day and a half. Under these circumstances, to talk of excessive speed appears at all events to a mere modern man somewhat of an exaggerated and lurid picture. But we have achieved this : one may claim it for this House that notwithstanding the perseverance of a firm that was temporarily created, which is now dissolved, the manner in which every question as it came before the House was dealt with—it is a great quality to fight to the last ditch—a quality which may be tested in the near future in worse circumstances than those with which we were confronted here: I, therefore, congratulate ourselves on the

[Mr Bhulabhai J Desai.]

good temper with which this Bill has been carried and also on the efficiency and the usefulness of the measure which I hope and trust will be the forerunner of a real co-ordination between rail and road transport and I hope air transport There is one other means of transport which I must mention, in this connection, and that is shipping ; and I make a special appeal to my friends who have now dissolved the partnership that in course of time and for our mutual advantage they will assist us in every measure by which those four means of transport will be so co-ordinated that India and England—at all events Indians and Englishmen—let us leave the countries out—can be better friends and serve the cause of India better by better understanding and by real goodwill

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions Muhammadan Rural) . Sir, I take this opportunity to congratulate my friend, Mr. Clow, for successfully piloting this very important Bill.

An Honourable Member : In spite of you !

Dr Sir Ziauddin Ahmad : No joke now This is the third important Bill passed by this Assembly , and, in spite of the fact that, he and his first Lieutenant were not trained lawyers, they managed the whole affair very admirably. In the case of the other two Bills, the Companies Bill and the Insurance Bill, they were in the hands of trained lawyers , I know from experience that a person like myself, who is not a practising lawyer, is very much handicapped in understanding precisely legal limitations especially questions of appeal, and reference to Penal Code sections I had some difficulty in finding out exactly the implications of certain sections and I, subsequently, verified that the interpretation I put was correct , but I was very much handicapped ; and I congratulate my friends, that in spite of the fact they were not trained practising lawyers, they guided the various stages of this Bill to the satisfaction of all I would like to associate Mr Mitchell in this. And though I did not agree with him in every detail, I must admit that he knows his subject very well, and his knowledge has been a great help. We were fortunate in having the guidance of two able men to take us through all the stages of this Bill

There are three points to which I would like to refer, about which I was not very happy The first is the question of insurance already referred to by the Honourable the Leader of the Opposition We know that there are some pious Muslims who have religious objections to insurance and Maulana Zafar Ali Khan had been repeatedly pointing it out I know that this compulsory insurance would have thrown this class of men out of trade , and for this reason I tabled a series of amendments and I intended to fight every inch of the ground in the eighth chapter of the Bill but, fortunately, on account of the broad vision of the Member in charge of the Bill a compromise was made, and the operation of this particular chapter was postponed for a period of five years. During these five years some kind of mutual insurance companies may come into existence by means of which certain people may join together and share the joint responsibility I expect motor owners will join together to share the liabilities It will be a kind of mutual insurance ; and this will not be objected to by the orthodox Muslims. I did not, therefore, move my amendments in chapter VIII

The next thing is about clause 42 I quite appreciate the arguments behind this particular clause the intention was to solve the problem of the rail and road competition. I believe we have not tackled this competition problem, but by this clause I foresee a certain danger which might possibly arise later on—I hope it may not. This clause may be abused by the Government of the day, whoever it may be, in the electioneering campaign. It may close down a particular branch of the road for motor traffic, which is likely to be used by opponents, and thus the voters of the opposite party will not be able to attend the polling booth ; because we know—those who have been through elections—very well the phrase, where there is a motor there are voters , and if the motors are stopped the voters will be lost This is the apprehension that I had in clause 42, but I hope that my apprehension will not materialise and that we may have the smooth working of this particular clause.

12 NOON. The next thing that I should like to refer to is the question of the punishments proposed for the new offences created under the Bill They are rather heavy but I hope in this case also that those who will administer the law will realise that after all they are new offences and punishment ought to be given with care

There is one more point which I should like to mention. I have visualised in my mind all the rules that will be framed by the Provincial Governments, and I think it will form a voluminous book of about 300 pages which a motor driver will have to digest before he can think of driving a car, and if my friend, Mr Mitchell, happens to be associated with any examination, he may prescribe this particular book as a text book for the examination. Then the other difficulty is that the rules may not be the same in all the provinces So, Sir, some persons will probably come forward with a compendium classifying variation from province to province with respect to the same rule Tourists who would in future be touring in India, say from Calcutta to Kashmir, will have to take this compendium with them, and consult at the border line of each province Same thing happens in Europe When we travel in Europe, say from Amsterdam to Turkey, we have to follow different rules in each country.

Now, Sir, in this particular Bill we have left a large number of things to be done by the Provincial Governments, and as the Honourable the Leader of the Opposition pointed out, they have the good of the country at heart, and, therefore, we can trust them I appreciate that remark, but I do request him to remember that when we on this side tried to entrust the Local Governments some other matters, we were also actuated by good motives and we had also the good of the country at heart.

Sir, I congratulate once more my friend, Mr. Clow, and I hope that he will now have an easy mind and will not dream of the Motor Vehicles Bill. I wish him happy voyages and I hope that when he comes back he will read the Bill in the shape of an Act.

Mr. M. S. Aney (Berar : Non-Muhammadan) : Sir, the Third Reading speeches are something in the nature of post-prandial speeches, and particularly the happy speech which the Honourable the Leader of the Opposition made just now on the Third Reading confirms the view I have taken of the debate on the Third Reading of a Bill Sir, we all gin-

[Mr. M. S. Aney.]

cerely join in congratulating the House on having successfully legislated on this matter. We also congratulate our Honourable friend, Mr. Clow, on the success he has achieved in getting this Bill passed. The measure was undoubtedly a complicated one and also of a technical nature, and in the very nature of things it was inevitable that it should be a controversial one. In fact, it was intended to be a measure that sought to bring about some kind of reconciliation, or, to use hackneyed term, co-ordination between what was called conflicting interests, and, therefore, the lot of those who attempted such a task was something like the lot of those who want to pacify two persons who quarrel with each other The peacemakers' lot is always a very difficult one, and, therefore, it was not a matter of surprise that we have had on the floor of the House debates in which at times we found some of the best friends fighting against each other They fought bitterly, and yet it is really a matter for congratulation that at the end we found that the fight had left no bitterness behind it We are the same old friends determined to carry on our work in a spirit of harmony and in a spirit of co-operation which has been the characteristic of this House

Now, Sir, so far as the Group to which I have the honour to belong and the privilege to lead is concerned, as also the other Groups on this side, we had all a very uphill task to perform in the progress of this Bill Some of us felt keen interest in the welfare of the particular class whose interests were going to be affected adversely, by the Bill, and from that point of view I congratulate my friends, colleagues in the Party, for having done their best to champion their cause and to advocate their interests, and I daresay not altogether without success. Even when at times we found that our opposition had failed, yet it has left its indirect effects, with the result that the various conflicting interests have been, to some extent, reconciled and made the Bill what it is Although I do not feel happy with all that is done here, still I must say that the combined efforts of all Members of this House have now brought on the Statute-book a measure which will, at least, make a real beginning for co-ordination of the two interests, the Railways and the motor transport. It is true that the motor transport is going to be largely a charge of the provinces and Railways are going to be a charge of an authority which has yet to come, I think that the success of this co-ordination will depend, not so much upon what has been enacted here, but upon the spirit in which this Act will be worked both by the Central Government and also by the Provincial Governments With the growth of spirit of democracy in the country, with the growth of spirit of responsibility in the provinces, let us hope that the provisions will be so worked as not to cause any hardship on any class of people, particularly, on those who earn their livelihood by the motor transport business I also hope that the Railways will not be too greedy and not indiscriminately use their influence on the provinces so as to exert pressure on them with a view to make the lot of the motor transport industry difficult and miserable, and that there will be an understanding between these two interests for the common good of the country The country has the same regard for the drivers are as much interested in the motor transport industry as for those who are interested in the railways. Both of them belong to this country, and, therefore, we have started with the

idea that it is possible to bring about co-ordination Whether this will be successful or not will depend upon the retention of this spirit of equal regard for both by those who have to administer the Act, and I hope that the Act will be so administered.

Now, Sir, a reference was made by the Honourable the Leader of the Opposition that a firm had been formed and it is now going to be dissolved. I hope it will not be dissolved I hope that the firm will grow more and more in strength, and those who had to differ from them, for the time being, will also form part of this big firm, I mean all those friends who belong to the various Parties, including those who belong to the most representative Party here, I mean the Congress Party, will all join together and form a firm, in which all of them will have a common interest, and a common object to pursue In that spirit will lie the growth and prosperity of the national firm hereafter, and not in its dissolution to which my friend referred

Then, Sir, in connection with this Bill a fear was expressed on the floor of the House that different provinces might take different views This is a measure in which the different provinces will have to consider the common interests of the country as a whole, and its success will depend largely upon the fact whether all the provinces in India will think alike or not In the framing of the regulations under this Bill the provinces will have to consider problems not merely from their own point of view, but also from the point of view of the interests of the other provinces that may be involved, and our capacity of looking at Indian questions, from the Indian point of view without any substantial loss of provincial interests, will also be vested by the manner in which this measure will be administered by them I hope the growing sense of nationalism in this country will give us the right direction to frame our own rules and to adjust all that we have to do in order to give effect to the law which we are just passing

I congratulate all the Parties of the House I also congratulate the members of my Party on having put up a stiff fight and also my other friends for having, in spite of their opposition, given our point of view a proper and due consideration I hope that the spirit of co-operation will prosper hereafter Now that my Honourable friend, Mr Clow, has come to end of an arduous journey in this Bill, I am told that it is going to be the beginning of another long journey I wish him bon voyage and safe and happy return Before I conclude, I wish to make a reference to the services rendered to this House by the Honourable the Law Member for the valuable assistance that he gave as regards the points that were raised in the course of the discussion

An Honourable Member : Don't forget Mr Mitchell

Mr. M S. Aney : He goes with Mr Clow I have congratulated Mr Mitchell also, I did make special mention of his name I support the motion.

Mr A. Aikman (Bengal : European) : It is two months since the Select Committee commenced its session, and since then all Parties have taken the keenest and the most practical interest in the progress of the Bill Its ultimate form is probably the best compromise that could be obtained between the various conflicting interests. But I do not feel

[Mr A Aikman]

that anything is to be gained at this stage by any detailed discussions of the Bill as it was, as it is, or as it might have been There are certain feature in it which we do not quite like for we believe that they will hamper that rapid growth of the transport industry in this country which we feel is so essential to India's industrial progress We still feel strongly that clause 2 confers upon Provincial Governments powers of restrictions which are too great at this stage of India's industrial development But, in spite of these features of which we disapprove, we nevertheless fully recognise that there is much in the Bill that is good and that a distinct step forward has been taken in the creation of a proper Highway Code, and in the introduction of a great degree of uniformity in regard to the administration of the law relating to motor vehicles in the different provinces We should like to be informed regarding the proposed Model Motor Vehicle Rules These, we understand, would be submitted to the Technical Committee of the Transport Advisory Council, but we hope that they will also be submitted to Provincial Governments and through them to those associations which are interested. With regard to the " firm " which has been referred to, I should like to thank my Honourable friend, Mr Aney, for the very kind and excellent sentiments which he has expressed

I cannot sit down without paying a tribute to my Honourable friend, Mr Clow, to whose ability and industry this Bill owes so much During the discussions hard knocks have been given and taken, but however much we may have had occasion to disagree with some of the views of my Honourable friend, Mr Clow, we yield to none in our recognition of his sincerity and devotion to the interests of the problem which has been before the House for the past three weeks Nor can I omit to associate with my Honourable friend, Mr Mitchell, to whose labours in connection with this Bill extending over some years and whose grasp of the subject, the House owes a great deal I support the motion that the Bill, as amended, be passed

Syed Ghulam Bhik Nairang (East Punjab Muhammadan) Sir, I was to a certain extent anticipated by my Honourable friend, Mr Aney, when he characterised the speeches on the third reading of a Bill as a kind of post prandial oratory I was myself tempted, when I heard the Leader of the Opposition making the very jovial speech with which he entertained us this morning, to think that really a series of after dinner speeches had started and that I might also take part in it for a few minutes But then it occurred to me that there is a great deal of difference between speeches made on the third reading of a Bill, especially when it happens to be a very long and complicated measure, like the one which we have just finished, and after dinner speeches When you have finished a dinner, you have enjoyed your food and your drink—I mean the House, Sir, I do not mean you—drink, of course, does not imply anything bad, it may be the most innocent sort of drink—it is as a consequence of the enjoyment that you have had, that you indulge in after dinner eloquence But here, we should be really compared to a wayfarer who had to perform a long and arduous journey and at the end of the journey just gets relief and feels quite happy, has a cup of tea and has a merry chat with his friends over that cup of tea. No doubt,

every one of us, as was indicated by the hearty cheering which we had after the second reading of the Bill was over—every one in this House felt happy that we had finished a very long and laborious course of work and now could talk more pleasantly to each other, because the differences which gave rise to so many hot debates were at an end and we could indulge in what is called *Man tura Hai bigoyam, to mara hai bigo*,—mutual congratulations and reciprocal admiration I do not want to be left behind anybody in the matter, first of all, of congratulating my Honourable friend, Mr Clow, and his concomitant so to say, my Honourable friend, Mr Mitchell, on the great success and I may almost say the great brilliance with which they have piloted this Bill in this House There is no doubt that it was a very important measure and it required not only a great deal of study and preparation and thinking but also a great deal of discrimination to deal with the enormous number of amendments which had been put in I must say that my Honourable friend, Mr Clow, whenever he dealt with any points on which he did not agree with those who moved amendments, threw such a light on the various points involved in the discussion that we could not help admiring him The same is also true of my Honourable friend, Mr Mitchell, who appeared to have such a mastery of details of this vast and complicated subject I must also congratulate the Leader of the Opposition who on many occasions, with regard to many of the difficult and tough questions that arose during the course of the debate, made illuminating speeches on the points raised The House must thank him for the able guidance which he afforded to us all in carrying this Bill through Although Ghalib has said

"Safina jabke kinare pe aaya, Ghalib !

Khuda se kya sitam-o-jaur-i-nakhuda kahye"

"O Ghalib When my boat has reached the shore, I should not complain to God of the oppressive treatment of the sailor in charge of the boat"

And yet, one may mention that in certain points many of us, my Party at least, and I think even the Congress Party are not satisfied with what has happened in connection with this Bill, particularly, in the matter of the deletion of clause 132 The right of appeal which that clause gave to persons convicted of offences under this law was, as far as we were able to see, in addition to the right of appeal possessed under the Criminal Procedure Code and would have been a very valuable right indeed but, unfortunately, that right has been taken away by the deletion of that important clause which had been put into the Bill by the Select Committee after very great deliberation and quite appropriately and properly supplied a necessary supplement to the provisions relating to appeal contained in the Criminal Procedure Code which would have benefited those engaged in the motor transport industry but, anyhow, that matter for the moment cannot be helped As to clause 42, there is still a feeling with certain people that the powers of the Provincial Governments, with regard to making rules to regulate and control motor traffic and to bring about co-ordination between rail and road transport, are a bit too wide but that is a matter over which people have genuine differences of opinion and we can wait and see how that clause operates in actual working, what kind of rules are made and what kind of results follow and perhaps the fears

[Syed Ghulam Bhik Nairang]

which are now entertained may not materialise or if they do materialise to a certain extent it may be practicable to remedy later on any hardships which follow With these few remarks I repeat my congratulations to Mr Clow and Mr Mitchell and the whole House on successfully piloting this Bill through this House

Mr N C. Chunder (Calcutta Non-Muhammadan Urban) After the Honourable the Leader of the Opposition, the Leader of our Party, had spoken, there would hardly have been any necessity for me to get up to address this House on the third reading of the most important of the Bills that had been taken up this year by the Assembly The fact is that we, the back-Benchers of the Congress Party have been taken to task by several Members of the parties with which we generally act in unison for sacrificing our liberty of conscience to our Leaders I deny that altogether. Sir, the Congress Party would not have the adherence that it has, the Congress leaders would not have the allegiance that they have if the Congress was not democratically organised and its leaders were not democratically minded, if they did not give us absolute liberty to convince the leaders if we found that we disagreed with them Sir, if the friends who accuse the back-Benchers had been present at our party meetings, they would have realised that the Congress Party meetings are much more stormy than meetings in this House Even then, as has been admitted by my learned friend, Mr Ghulam Bhik Nairang, there is ample scope for honest differences of opinion even with regard to clause 42 of the Bill and if any of us yielded we yielded to the superior experience of the majority It is only recently, from about seven or eight years ago, that is in this decade, that even the countries which have the most representative of institutions have taken to regulate and co-ordinate road and rail transport It is, therefore, but natural that in our country where public opinion does not find expression always, there should be a great deal of difference between people who lead such public opinion on the question of co-ordination of rail and road transport We had also to take into account the peculiar position of the Indian Railways and the Indian motor transport because, while we recognise that we could not control the railways as effectively as we should like to, we may control other kinds of transport industry and it was for this reason that the Congress Party, which has been responsible for clause 42 as it stands, put forward the suggestion and enforced it on the Government that the transport industry should be regulated not by the Central Government which was interested in the railways but by the Provincial Government which was interested in roads Speaking for myself, my instinct as a lawyer did rebel against the regulation of private cars It found a great onslaught on it when I was asked to subscribe to the theory that private carriers should be regulated I have been taught to believe that the primary purpose of the highway was that you should be free to go where you pleased, that you should be free to carry your own goods along the public highway but I do believe that the Provincial Governments which consist representatives of all sections of the community and which are amenable to public opinion will not lightly interfere with the right that the public always has had over the public highway To say that you can use the highway for private use is not agreeing to the view which had been canvassed by my learned friend, Pandit Maitra that people could use it for commercial purposes of transport,

for making profit out of the roads which the public have contributed to make and I do think that we acted rightly in giving powers to our own Governments in the provinces, no matter whether the Congress is in power or any other party is in power, whoever may be in power, the Provincial Government will have to be amenable to public opinion and public influence and if to such Governments, whose jurisdiction over roads is unfettered, we give the powers that we have given I for myself, do not think that we have done any wrong whatsoever.

The Member in charge of the Bill has been congratulated and he fully deserves that congratulation but the members of the Select Committee who laboured and changed the fundamental character of the Bill, at least so far as the co-ordination of railway and road transportation is concerned, do deserve our sincerest congratulations I do not belittle the importance of the criticisms that have been levelled against the Bill as it emerged from the Select Committee and my Honourable and learned friend, Mr Som, also deserves the congratulations of this House. And to my Honourable friend, Maulvi Abdur Rasheed Chaudhury, I pay my best compliments, and I do so knowing the tenacity with which he persisted in bringing forward amendment after amendment He, Sir, deserves our commendation Sir, when I referred to the members of the Select Committee I should have mentioned specifically by name my Honourable and learned friend, Mr Santhanam Whether in Select Committee or at our party meetings or in this House, I may say without fear of contradiction, his services have been invaluable Sir, it is true that motor transport, which has been regulated in other countries, has not yet ceased to be a fruitful source of street casualties, and I do not expect that the history of India will be any different If I may quote what the editor of the *Times* wrote in one of the editorials—I am quoting from memory, not the exact words—the purport of what he wrote was that road casualties will come to an end only when every motorist realises that he is in control of a dangerous instrument, if every pedestrian realises that going over a road is like going over the top, and if every cyclist realises that a wobble may lead to his funeral or the funeral of somebody else Then and then alone can we expect a drastic reduction in road accidents I should before resuming my seat like to draw the attention of the House to one point Sir, in this Bill we have accepted some of the recommendations of the Cassels Committee which sat in England and whose report came out last year, but I should like to take this opportunity of asking the Government to remember that the Cassels Committee suggested the creation of a Central fund so that in all cases where insurance money might not be realisable, it might be contributed to by the insurers amongst themselves, except where the offender could not be traced I hope that now that Chapter VIII is not coming into force for four years from the commencement of this Bill, Government will take the trouble to explore the possibility of creating a Central fund with regard to insurance. With these words, Sir, I again ask the House to congratulate those who have been responsible for the passage of this Bill.

Some Honourable Members : The question be now put

Maulvi Muhammad Abdul Ghani (Tirhut Division Muhammadan): Sir. I am very thankful to you that you have permitted me to speak in my own language before, *viz*, Urdu, the *lingua franca* of India, but the diffi-

[Maulvi Muhammad Abdul Ghani]

culties and disadvantages, which I have been put to during the course of the year since I am here, have compelled me to familiarise myself with the language in which, unfortunately, the business of the House is conducted Though I have not achieved eloquence to express myself in that language I try to express my views therein Sir, I am not satisfied with this piece of legislation which is going to be passed—but I cannot oppose it also because I have, by my vote, removed several injurious provisions of the Bill, though I have failed in achieving success in getting some other unwholesome provisions of the Bill removed I say, Sir, that it has been urged in the House that the Railways and the motor industry are national assets, but I hold a different view I think that the Railways and the motor industry are both business concerns They are paid for the work that they do And if both are business concerns, they should be cautious and should take care of every farthing But as everybody knows, the Railways are not looking to the farthing, they are for ever very extravagant, and I fail to understand how long this method of spoon feeding legislation will help them I may mention here one instance which took place at Jamalpur after the ill-fated tragedy at Bihta. The Agent of the East Indian Railway had a desire to have an experiment to find out the cause of the disaster What he did was that he arranged a collision and property worth lakhs of rupees was destroyed ! In addition to that, I find that the railway stations in these days are constructed as if they were the palaces of kings and emperors Sir, if the Railways will go on in this way, no piece of legislation will help them In the end, Sir, as all other Honourable Members have done, I take the opportunity to congratulate the authorities and the Honourable Members I think the Honourable Member for Communications, Mr Clow, is very fortunate in being fortified by the four pillars of the Opposition in getting this piece of legislation enacted Then, my friend, Mr Som, actually deserves the congratulations of the House because he was never afraid and never shy in spite of any amount of defeat that he sustained , and in the end I should congratulate my four Congress friends—the Honourable Mr Satyamurti, the Honourable Mr Santhanam, the Honourable Mr Gadgil and some one more who helped in the easy passage of this Bill as if they thought that they had to execute these things as executives of the future Federal Government With these words I resume my seat

Mr K Santhanam : Sir, it is more to obey the command from my Leader rather than from any desire to speak that I rise to support the motion It is more or less superfluous on my part to congratulate the Honourable Mr Clow and Mr Mitchell on the very successful work they have done It is only those of us who were on the Select Committee who were best able to appreciate the openmindedness and the readiness with which they were able to accept new suggestions It is extremely difficult, especially when one has had to prepare a long and elaborate Bill like this, to be able to receive new ideas almost at a moment's notice I should also like to pay my tribute to the Honourable the Law Member who was never irritated at whatever we said I should also like to mention Mr Chatterji, whose knowledge of the matter of insurance was so valuable in making the alterations which we did in Chapter VIII. I may also be allowed to refer to the wonderful patience which our Honourable the Deputy President showed and also the great strain which he had to

bear For a man of his age to have been able to stand so much strain and to have been so alert during the proceedings of the Select Committee, it is something for which we should be proud.

About the Bill itself, I wish to make only very few remarks The Honourable Dr Sir Ziauddin Ahmad said that the rules which may be framed by the Provincial Governments might introduce a lot of complexity Perhaps he has not looked at the manuals of rules of the Provincial Governments If he had looked at the various bits of legislation which regulate motor traffic in Great Britain and if he had taken into account the variety of rules which are now in application in the provinces, he would have been able to realise the extent of simplicity which this Bill has introduced in the region of motor transport It is enough to mention two things Any licence issued by any licensing authority will be valid throughout India and if a motor vehicle is registered in any part of India, that registration certificate will be valid throughout India If the Bill had done nothing else but made these two changes, it would have been worth while Whatever differences the Provincial Governments may introduce in the rules, they cannot do away with the simplicity which these two provisions have introduced in the existing law relating to motor vehicles I shall not deal with the much-debated clause 42. I have said already, during the course of the discussion, what I had to say about it But there is one thing which I expect from that clause to which no reference has been made I expect, Sir, that it will be an inducement to the Provincial Governments to develop an intensive knowledge of railway freight and motor freight which is so essential for the marketing of agricultural goods At present, the Provincial Governments have no inducement and they have no expert knowledge of these subjects It, as a result of this clause 42, they are induced to create a body of experts and to create a school of thought which is devoted to intensive study of the problems of marketing and the way in which the freight charges affect the distribution of agricultural produce in the provinces, then it would have done something which was not expected but which would be of the greatest consequence, even of more consequence than the so-called rail-road co-ordination

Sir, doubts have been expressed that this Bill will affect the motor traffic I myself do not expect any such thing. I expect that this Bill is going to help the great expansion of motor traffic I said on the first reading of this Bill, that the motor traffic itself should be provincialised I hold to that view I have been impressing upon my own Provincial Government that this is a veritable gold mine for them If they provincialise motor traffic, they will be able to recoup out of it a large fraction of the loss which they are going to incur owing to the introduction of prohibition. But, so long as they will not provincialise it and get the maximum revenue out of it, they have got the incentive to make as much out of it as private trade will allow. They are already getting a lot and they are bound to get a lot more But I hope that in trying to get as much as possible from the motor traffic, they would also bear in mind that they should try to get as much from the railways as possible for the good of the people of India I am sure that they can do this by diverting motor traffic in all directions and to those areas where it does not exist today by building good roads in rural areas where no such roads are to be found I hope also that this Bill will induce the Central Government to

[Mr K Santhanam]

place sufficient funds at the disposal of the provinces to make roads where they are not now available I wish also to suggest to the railways that one of the things that they can do in order to get the effective co-operation of the provinces is to build good warehouses near all the stations, so that agriculturists may store their produce there It is no use asking them to take their goods to the railways if they do not provide facilities for warehousing I know that, strictly speaking, this is a provincial subject, but it is a field in which both railways and the Provincial Governments can co-operate effectively for the well-being of agriculturists. With these few words, I have great pleasure in commending this motion for the acceptance of the House

Mr. S Satyamurti (Madras City Non-Muhammadan Urban): Mr President, the House has now reached one of those comparatively rather happy moods when all of us are happy with one another and when we are willing to say that all is well with the world The Motor Vehicles Bill has reached its third reading stage Lest I may be misunderstood, if I strike a somewhat discordant note, let me begin by associating myself wholeheartedly with all the words of congratulations which have been showered upon the Honourable Member in charge of the Bill or the Secretary in charge,—I do not know which of them is in charge of the Bill now—and all the others connected with the Bill both in the House and in the Select Committee But the first point I would like to make is this, that this Bill was orphaned almost at its birth I do not know how the Government of India works, but my conception—although I have never been a member of any Government—of any decent and responsible Government is, that when a Member of that Government introduces a Bill of this complex kind, he should not drop it even for the Governorship of Bihar I am not blaming anybody in particular, but I think it is less than fair to this Honourable House that a contentious Bill of this nature should be introduced by a gentleman who deserts his place of duty and leaves it to somebody else to father it It is a great tribute to the industry, the capacity, and the brain-power of the Honourable Mr Clow that he has done what he has done, by this Bill I do plead for him and for others like him in the Government of India that this system of robbing the Government of India of Members in charge of Bills for Governorships of Provinces ought to cease, if this House is to be treated fairly and respectfully

Then, Sir, another feature of this Bill was that in the Select Committee the Member in charge of the Bill was not a Member, and the Secretary in charge of the Bill who was a Member of the Select Committee is not a Member of this House When this Bill goes to another place, somebody else will be in charge, and when this Bill comes back, I do not know if some other Member of Government will be in charge of this Bill. I do suggest that this is not a matter on which the Government of India or the House can congratulate itself

As regards the work of the Select Committee, sufficient has been said. Coming as I do from the same province, intimately associated as I am with my Honourable friend, Mr Santhanam, I feel proud as if all the compliments are paid to me But I should like to say this, on the whole, on behalf of the Congress Party, I want to say it, Mr President, you

have watched it for the last four years, this House in its Simla Sessions has been worked to its utmost, starting with a smaller Bill like the Payment of Wages Bill, all these three Sessions we have been engaged on the Indian Companies Act, the Indian Insurance Act and the Motor Vehicles Act We plead guilty to many sins of omission and commission, but you, Sir, and the House will agree that in point of industry of work and of attention to every amendment in this House, the Congress Party has contributed at least as much as any other Party in this House When amendments after amendments are moved here or are withdrawn, I may inform you, Sir, that each amendment which we said 'was not moved' was decided after a long and laborious and careful discussion, where every member of the Congress Party had his right, as much as the Leader himself, to put his point of view For the amount of the work we have put behind this Bill we claim credit, and whatever else the Congress Party may or may not have done during the last four years, it has justified its existence by its hard, continuous work on all these Bills

An Honourable Member : Why do you praise yourself ?

Mr S Satyamurti : Sir, the Congress Party is obliged to other friends for giving praise, but I praise myself because I want my Honourable friends to join the Congress I want to sell my goods and I want to see no other Party in the House or in any other House except the Congress Party

Sir, I am anxious that before this third reading, there should have been an interval, *i e*, between the second reading stage and the third reading stage. Indeed, our Standing Orders contemplate that there is such a stage and, under Standing Order 49, you have got to see that the Bill is ready to be passed, by suspending the Standing Orders If nobody takes objection, then the Bill can be proceeded with I do not know what are all the amendments made and I do not know if any other Member or even the Honourable Member in charge now knows exactly, how the Bill stands after the third reading I think all lawyers in this House will agree that, although you may have a general conception of the amendments, the actual place of the amendments and their context are very important in order to assess the real meaning of this Bill It is somewhat hard lines on this House that just now, at this stage, we are called upon to pass the third reading, without ourselves seeing the Bill as amended I know there is a difficulty from the point of view of time and we cannot do it I am sure that, in a complex measure of this kind, some steps ought to be taken in order that the House may have the Bill as amended in the second reading stage, before it, for the Members to assess the effects of each section and the effect of the Bill as amended, as a whole, before they give their vote for the motion that the Bill be passed into law

So far as the actual clauses are concerned, I have no desire to enter into these clauses The aims of the Bill have been three-fold, control of motor traffic, and I think, Sir, on that point the House was more or less united so far as the control of vehicles was concerned, and the control of drivers Excepting small amendments, there was no major difference of opinion and the House has produced a Bill which, on the whole, will make roads safe and which will make motor transport a good form of

[Mr S Satyamurti]

transport in this country So far as compulsory insurance was concerned, at one time it threatened to be a very big bone of contention, but, by the good sense of all Parties in the House, we have now come to a compromise by which at the end of four years the entire scheme of compulsory insurance will come into force And, as a result of the clause, moved this morning by my Honourable friend Mr Mitchell, those schemes of insurance which are now in force either in cities or districts will continue in force and till the end of these five years At the end of that period, we shall have uniformity

There was the greatest discussion on the co-ordination of road-rail transport We have now come to a settlement on that by clause 42 That is not the last word on the subject, it is only the first word The value of that clause to me, as I believe to all Members of this House, is that that clause for the first time gives an influence, which I trust will grow, to Provincial Governments over the policy of railways in the matter of freights and fares, and other matters The influence may not be very big, but once, if and when all the eleven provinces pull together, I should like to see that Railway Board which may resist the united pressure of all these eleven provinces But, Sir, that clause 42 will not by itself go a long way towards solving this problem , and it will not be solved, unless, as the Honourable the Leader of the Opposition claimed—and I express the same hope,—we have at the Centre a Railway Authority which is responsible and responsive to public opinion Even as we were supporting this clause 42, supporting the principle of road-rail co-ordination, we found that the Railway Board was thoroughly unresponsive in this House Question after question was asked about fans in third class carriages for long distance trains, about investigation into the causes of accidents, about payment of compensation for victims, about improving the freights and fares in order to suit the traffic , the Honourable Mr Clow, in spite of his very winning smile, was repeating parrot-like, if he will excuse me for using that expression, the answers which the hard sun-dried bureaucrat has been giving all these years on behalf of railways Let me warn him and his successor that, while this House will do everything in its power to co-ordinate rail and road transport, it will not be a party to pandering to the Indian railways that they may go their own extravagant way, and that they will not do anything to improve the comforts and conveniences of third class passengers, and that they must somehow be kept alive If today we agree to road-rail co-ordination, it is because we realise, as taxpayers, that if the railways do not earn enough to pay for working expenses and interest charges, we shall still have to pay 32 crores odd towards debt charges which are earmarked for railways Therefore, we are in favour of this road-rail co-ordination I trust that the Honourable Mr Clow will leave a note to his successor—I think it is the Honourable Sir Thomas Stewart, Minister for Communications—that a great deal lies with the Railway Board in order to make this co-ordination a reality and a success I am hoping, Sir, that, when this Federal Railway Authority comes, it will not be the monster as contemplated in the Government of India Act but it will be a real Railway Authority responsible to a responsible Railway Minister at the Centre and it is only then the Chapter of real co-ordination will start

One word more, as to the manner in which we have got through this Bill to place it on the Statute-book There is another side to it This Bill will be taken to the other House, and it will be brought back here I trust the Government will not seek to make any further material changes in the other place On the whole, we have gone through this measure in a spirit of compromise and accommodation, and I think any attempt to belittle or whittle down the Bill or to alter its provisions or to put something else will be resisted by this House I give it in a spirit of friendly warning On the whole, this Bill is a wholesome attempt at making motor traffic in this country controlled by well-known laws as in other countries, at giving the Provincial Governments power to co-ordinate road and rail transport, and for compulsory insurance at the end of five years I close on this note There is no point in imagining that by co-ordinating road and rail transport we have solved the transport problem of this country I am one of those who believe that all transport in this country ought to be nationalised sooner or later , and I want a Central Transport Authority which will control not only rail transport and road transport but also inland water transport and coastal shipping and air transport and the village country cart, which is bound to survive It is only such an authority that can help to develop the transport of this country and to rebuild our villages which are now cut off from the rest of India, by having good roads and good means of transport ranging from the country cart to the aeroplane, so that an all round development may take place and the railways may no longer claim the monopoly of a superior service, but become real servants of the people I support this motion

Mr A. G. Clow : Sir, my first duty is to thank all Parties in the House for the co-operation and the kindness they have given me More than fifteen years have passed since I first took the oath in this House, and I suppose there is no one here today who was there then My memory goes back over many years of kindness , but I do not think that in any of the measures I have dealt with I have received such a full measure of support as in this The compliments that have been paid to me, I feel, are much too generous because in this matter it is a case of " Other men laboured and ye are entered into their labours " Behind this Bill there lie months and years of hard work on the part of many bodies and individuals, while my association with it has been limited to a few short weeks We have had Road-Rail Conferences, the Transport Advisory Council, the Motor Vehicles Insurance Committee of which we are fortunate in having a member in Mr Chatterjee to help us We have had unsparing work on the part of many I would mention, particularly, Mr Roy to whose arduous labours the form of the Bill is largely due , and last but not least, Mr Mitchell, who combines an unequalled knowledge of the subject with a genuine enthusiasm for the roads to which he has devoted valuable years of his life We owe a great deal, as Mr Satyamurti said, to the Select Committee in which every Member co-operated with his best , and I might mention particularly one whom I may describe as the leader of the Select Committee, Mr Santhanam

1 P M

I remarked at an earlier stage of the Bill on the freedom with which individuals, even belonging to the same party, had expressed their personal views At this second stage parties have shown an extraordi-

[Mr A G. Clow]

nary freedom of thought We have heard something about holy and unholy alliances, a holy alliance being one in which Government unites with the speaker and an unholy one, one in which it is opposed to the speaker But actually, looking through the division lists, I find that there is no Group or Party in this House with whom we have not voted on some occasions and no Group or Party to whom we have not been opposed on some divisions

Reference has been made to the wide powers we are conferring on Provincial Governments That is perfectly true But the House has to remember that we are legislating, in this matter of roads, for more people I suppose than any other legislature in the world can legislate for There are more people walking and driving on roads that will be subject to this Bill than are subject to any other such law , and we have to take care that, covering as we do a great area and a great multitude of people, we make our law sufficiently elastic to meet their varying needs

Mr Satyamurti has reminded us that this is not the last word on the subject I entirely agree In some matters it is the first word, and although a distinguished Roman historian said that experience is the teacher of fools, I think we all are bound to learn by experience There are a good many matters, I suppose, in which we all see errors and mistakes in the Bill already, although we are not agreed as to where these errors lie For myself I cannot help regretting that the development of compulsory insurance will not be earlier than it is likely to be , but I am not without hopes that the education of public opinion which this matter has brought, and will bring, will have its influence, and that we may yet see the Party opposite coming to us and asking for some acceleration of the matter

We have had a long and arduous debate and I have at times looked back with envy to the passing of the last Motor Vehicles Bill, to the debate on the consideration stage and on the passing—it occupies about eight or ten lines ! But I think we do these things better now, and through our thousand amendments and hundreds of speeches we have secured substantial improvement on the Bill as it was introduced and on the Bill as it emerged from the Select Committee

The last Motor Vehicles Act bears the unhappy date, 1914 We have carried on our work with minds shadowed by apprehensions of what may lie ahead The best wish I can express for motor transport and for all who are dependent on it is that they may have that peace which is absolutely vital to their continued prosperity and that they may contribute in an increasing degree to the unification, to the happiness and to the welfare of this country

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

" That the Bill, as amended, be passed "

The motion was adopted.

Mr President (The Honourable Sir Abdur Rahim) : If it is the desire of the House perhaps we may adjourn now and resume after

Lunch I do not know if Sir Girja Shankar Bajpai wishes to move his motion now or after Lunch

Sir Girja Shankar Bajpai : I am entirely in your hands, Sir I can move now or after Lunch, as you wish.

Mr. President (The Honourable Sir Abdur Rahim) : Very well, the Honourable Member can go on now

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THE INDIAN EMIGRATION (AMENDMENT) BILL

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands) : Sir, I beg to move :

"That the Bill further to amend the Indian Emigration Act, 1922, be taken into consideration"

I am sure, Sir, that after the strain of the prolonged debates on the Motor Vehicles Bill, the Bill which we have just passed, the House will be in no mood for long and elaborate speeches I shall endeavour to explain, as briefly as I can, the purpose of this Bill, and hope that the House will co-operate with us in giving it a swift passage to the other House

Pandit Lakshmi Kanta Maitra (Presidency Division Non-Muhammadan Rural) If only you drive at a heavy speed

Sir Girja Shankar Bajpai : If my friend wishes me to go swiftly in speed, I shall do so, but I am afraid that may interfere with the understanding of the Bill by those who, unlike my friend, may not have studied the Statement of Objects and Reasons

Sir, Honourable Members are aware that the Emigration Act of 1922 is designed to regulate, and through regulation, to protect and promote the interests of Indian workers who proceed overseas Section 13 of that Act empowers the Governor General in Council to prohibit assisted emigration, whenever he may consider it desirable or necessary in the interests of Indian labour On the first day of this Session, Sir, I laid on the table of the House a notification indicating what action had been taken under that Act, and why it had been taken, I think, for the first time since this Bill was enacted The position, Sir, is that the original framers of what is now the Act of 1922 were probably thinking in terms of assisted emigration from this country to remote countries such as Fiji, British Guiana, and Mauritius, countries to which indentured emigration had taken place in the past, and, therefore, they did not reckon with the possibility of the stream of assisted labour being re-inforced by people going across at their own expense for purposes of unskilled work The House is also aware that actually assisted emigration is in force or is in progress only to Malaya and Ceylon, countries comparatively proximate geographically to us, and it might be of some interest to the House to know what exactly the figures respectively of assisted emigration for unskilled work and of labour proceeding for unskilled work to those countries at its own expense are. I will give those figures. Take Malaya first. In 1933, 20 people pro-

[Sir Girja Shankar Bajpai]

ceeded as assisted labourers, but 9,222 as unassisted labourers That was an exceptional year In 1934 the respective figures are 45,469 and 26,090

In 1935	..	20,771 and 25,625
In 1936		3,754 and 24,104
In 1937		55,849 and 50,128

In other words, my friends will observe that, ever since 1934, which might be regarded as a normal period, the proportion of people proceeding at their own expense for work, to those who are assisted, has varied from 61 per cent up to 74 per cent Similarly, if we take the figures for Ceylon, they are very striking I will give first the names or the numbers of assisted emigration

1933	.	..	32,000
1934			14,000
1935			43,000
1936			40,000
1937			5,100

Now the figures for some years of people proceeding at their own expense for unskilled work are

1933	88,000
1934	1,04,000
1935	1,04,000
1936	97,000
1937	1,11,000

In other words, whether you take Malaya or you take Ceylon, we have a stream of people going at their own expense which is almost as large as the stream which goes at the expense of the employer or of somebody else The position, therefore, is, that conditions regulating life and labour in those countries that we have arranged are likely to be disturbed by this stream of unassisted emigration which proceeds to those countries We have been, Sir, in consultation with the Government of Madras for some time as to what would be the best method of dealing with this On the one hand, one considers the freedom of the individual and one is most reluctant to interfere with it, and we thought first whether with such powers as we have under the existing Act, we should be able to cope with the difficulty which I have tried to explain to the House But, after prolonged deliberation, both the Government of Madras and ourselves came to the conclusion that no executive action, no manipulation of the rule-making power under the existing Act would suffice for the purpose that we have in view. Therefore, Sir, we drafted the present Bill We referred it to the Govern-

ment of Madras, and they are in complete agreement with us that we should go forward with this legislation. The House might wish to know why, in particular, we consulted the Government of Madras and no other Local Government The answer to that is that emigration to the two countries that I have mentioned takes place from that Presidency, and that Presidency alone

Now, Sir, I should like to make it abundantly clear that the Government of India have no desire to interfere unduly with the freedom of the individual to go and seek his bread where he likes At the same time, the House will agree with us that it is our duty to ensure that, once we have by negotiations or otherwise secured certain standards of wages and life for labourers who are assisted to emigrate, we should also take power unto ourselves to ensure that those standards are not jeopardised by the emigration of people over whom we have no control That, Sir, is the main purpose for which we have brought forward this Bill There is nothing contentious or controversial in it, and I hope, Sir, that we shall have the assistance of the House in placing it on the Statute-book as early as possible Sir, I move

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

"That the Bill further to amend the Indian Emigration Act, 1922, be taken into consideration"

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

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

Seth Govind Das (Central Provinces Hindi Divisions Non-Muhammadan) Sir, I rise to support this Bill There are very few measures which the Government bring forward before this House, which are supported so whole-heartedly as this Bill is going to be I want to be brief, in fact, more brief than the Honourable the Mover of the Bill himself was I want to assure him that, so far as this Bill is concerned, the entire Indian nation is at the back of the Government This measure will help the Indian labour in Ceylon and Malaya immediately, and as far as Burma is concerned, I am sure it is going to help the Indian labourers in Burma as soon as the *status quo* period is over, that is, in 1940 In my opinion, this Bill should have been brought forward much earlier than it has been done The figures which my Honourable friend, Sir Girja Shankar Bajpai, quoted in this House show that the number of unassisted labour has been much more than assisted labour since 1934, and we know that the condition of the people who go from this country to Ceylon and Malaya is becoming worse and worse every day Let the Governments of Ceylon and Malaya make a note now that it will not be on their terms that they will be able to import labour from this country, but it would be on our terms that we shall send our men from here

I have only one fear with respect to this Bill, and that is this. If there is any definite scheme of Indian settlement in any overseas country, I hope that this Bill will not be brought in the way of that scheme. Generally we have seen that when we have given power in the hands of this irresponsible Government, it has been used in ways in which we

[Seth Govind Das]

did not expect. I hope that the Honourable the Mover will make it clear that so far as the whole emigration question of this country is concerned, this Bill is not going to be brought in its way but that it is going to be used for the purpose for which it is said it is going to be used. Sir, as I have said, I want to be brief. I have nothing more to add and I hope that this Bill will be passed unanimously and that there will not be any controversy as far as the simple clauses of this Bill are concerned.

Prof. N. G Ranga (Guntur *cum* Nellore Non-Muhammadan Rural): I also rise to support this Bill. I wish to say that, speaking from the view point of labour, I have no doubt at all as to the use that can be made of this Bill in order to raise the minimum standard of living of our workers in various other countries to which they have gone to settle down either permanently or temporarily. It is not because that the Government of India had been so much in favour of Indian labour that a minimum standard of living has come to be established or minimum wages have come to be prescribed both in Ceylon and in Malaya. It is true that the Government of India had used their good offices and had made belated representations whenever they were needed, in order to see that minimum wages were prescribed for our labour in those countries. But, at the same time, those wages came to be prescribed there more because of the fact that those countries are so much dependent upon the contribution that our Indian labour, industrious and persistent as it had been, was capable of making to their local industries, various plantations, rubber, tea, coffee, and so forth. If we are to enable those people, not only to keep up their minimum wages, but also to improve their economic conditions, we must be able to assure them that their numbers will not unnecessarily and unexpectedly be increased to such an extent that their employers will be able to take advantage of the glut in the labour market and thus bring down these minimum wages. Secondly, I am extremely anxious that, however much we are in need of relieving our problem of unemployment and the suffering of our unemployed, our labour, when it emigrates, should not bring us more and more into the coils of this British Empire or any other empire.

It is not so long ago that some of our people began to talk of colonisation schemes assisted with our finances and by our capitalists, and may be with the Government also, in order that we may be able to develop areas like the Rhodes Island and Rhodes Colonies and so on. I for one completely dissociate myself from any such scheme. I know only too well how these schemes commence and end. They commence, first of all, as a scheme for relieving unemployment. They end in more troubles with other countries leading to Imperialism, even if it need be into a slave Imperialism. India will not have any truck with Imperialism, slave Imperialism or dominant Imperialism, as is the case with the British Empire. Even in regard to Zanzibar, we have had a very unpleasant experience. I do admit that Indian traders there had a very good and justifiable case on their behalf as against British traders, but, at the same time, we were put to the unenviable task of trying to defend the interests of our traders as against the so-called genuine or spurious interests of the local cultivators, whether they are Indians or Africans. Now, I do not want such cases to arise in the future. Therefore, if I can possibly have

it, I would not like to allow any of our people to emigrate to any other country unless they are assured by the nationals of that country that they are welcome, that they will be offered the same civic rights as are offered to the inhabitants of those countries and that they will not be subjected to any kind of disqualification, but as long as the local inhabitants like the Sinhalese, the Malayans and the people of Fiji and other countries are not keen about our people going there and are even prepared to carry on an anti-Indian propaganda, then I for one will not allow my people to go there and become slaves, not only of the British Empire, but also of some other Empire It is bad enough to be slaves in our own country, but it is worse to be slaves in another country They cannot even be defended by our own national organisations We cannot even organise for the achievement of elementary civic rights and I do not want the production or reproduction of more slaves carrying our nationality with them

Then, Sir, I am not at all afraid of the after effects of passing this Bill or even completely prohibiting emigration to any other country It is true that, by emigrating, our people earn a little more than they are able to do here under normal conditions Even then we have to take into consideration the human suffering involved and the troubles that follow later on and in the end we find that it is not after all such a profitable bargain I do admit that unemployment in this country is getting serious It is a more serious problem than in any other country in the world There are 50 millions of our unemployed and under-employed and to prevent these people from going to another country to earn a little more may on the face of it appear to be a heartless thing The people of India, now numbering 370 millions, threaten to rise to 400 millions by 1941, and I would not mind their living here even on starvation conditions rather than go to another country and become slaves there, to become much worse slaves than they are in this country

An Honourable Member How are they to be maintained ?

Prof N G. Ranga I am asked how they are to be maintained. Are the Government maintaining them ? No Do this Government at least collect statistics of unemployment ? No Then, why is it that we now come and say that we should prevent any emigration, if it is not in the interests of our people ? We sent two lakhs of people to jail in order that Swaraj may be won, in order that my people may not go to other countries and be treated like *pariahs*, like dogs and slaves It is for that reason that I associate myself with this Bill even in the name of labour

Then, there is the other question also This Bill need not mean complete stoppage of all emigration to other countries, but it will come to that if the countries to which we send our people are not prepared to treat them as equals, are not prepared to offer them their civic rights and are not prepared to treat them properly I can assure my friends that we need not be afraid if these other countries turn round and say to us " take back your men, bag and baggage ". The position is not so simple as all that Take, for instance, Ceylon. The planters of Ceylon, heartless as they are, have agreed to the demand of minimum wages to our labour, because they are entirely dependent upon our labour. Similarly, in Fiji and Malaya, they are so much dependent upon our labour Their local labour is not half as efficient as our labour, and, some how or other, the planters

[Prof. N. G. Ranga.]

there and the employers and big landlords are not able to get as much service out of their own labour as from our labour, and, in that case, our only way is to strengthen the hands of the Government of India by passing this Bill It will then be possible for the Government of India to threaten them to withdraw our labour and to prevent any further emigration to those countries and thus force those people to concede to our workers at least minimum economic conditions and the ordinary political rights that are enjoyed by their own nationals Take, for instance, even Burma There we have condemned this Government as well as the Government of England, and, through them, the Government of Burma also for these deplorable riots which have taken place there, for the mishandling of the situation and for their failure to take the necessary protective measures to protect the lives and property of our own people Will it be possible for European planters and European business men to run their rice factories, to carry on their exploitation of oil wells, their rubber plantations, their saw mills and even their coastal traffic except with the co-operation of Indian labour ? And, if we were in a position, and if our Government also were to be patriotic enough to be in a position to threaten to withdraw our labour, all our labour from Burma, and also to stop all emigration to Burma, would it not then become incumbent on the part of those European planters and others who are behind the Government of Burma and who are behind the Government of England to go down on their knees and then pray the Government of Burma as well as the British Government that Indian labour should be treated in a proper and humane fashion and in a self-respectable manner so that they might be able to carry on their own industries ? Sir, I do not want my labour to be made the labour for the protection of Indian capital or for the protection of Indian industries When it comes to their own turn, they are prepared to destroy my labour in this country When it comes to their own chance, they are prepared to accept every one of our labourers but when it comes to the protection of their own property, their own interests, the are all love for our labour, so that our labour should be driven like dumb cattle as they are being driven in Rangoon and Mandalay and other places,—only to be butchered, in the name of India and for the sake of Indian capitalists and Indian money-lenders, by Burman hooligans Sir, I do not want my labour to be exploited like that. I want it to think of itself and of this country After all, when their numbers are taken into consideration, it will be found that the Indian traders in other countries are not even one in a thousand of the Indian labourers

An Honourable Member : No

Prof. N G. Ranga : Even if the traders are a few more the great majority of them are Indian workers

The Honourable Sir Muhammad Zafrullah Khan (Leader of the House) : Not in Burma Most of them are petty shop-keepers

An Honourable Member : Not in East Africa also

Prof. N G. Ranga : It may be that my Honourable friend wants to treat them as bourgeoisie. Therefore, I want Indian labourers to think

of themselves also at least once and I do not want these people to be destroyed. Sir, they have been slaving for the benefit of European capitalists and even to a greater extent they have been slaving for the benefit of the nationals of those countries, and with what result ?—to be treated as worse than dogs and to be denied the ordinary elementary civic rights and liberties of man Why should they be so treated ? Sir, if they are to be treated as *pariahs*, let them remain here as *parahs* so that Mahatma Gandhi might help to uplift them and assist them to regain their civil rights Sir, it is better to be a *harijan* in this country than in a foreign country, and that is why I want this particular Bill to be passed.

The Honourable Sir Muhammad Zafrullah Khan : I am told the Honourable Member was right with regard to Burma, I was wrong.

Prof N. G. Ranga : Sir, every Indian labourer is as good as three or four labourers of those countries—Burma or any other country—and yet these people do not enjoy even hospitality in those countries. They go there, they get married to their girls, they become much better husbands than those local people, they treat their womenfolk much more honourably than the local inhabitants are capable of, and they set up decent standards of human life, and if anybody has any doubts let him consult the book written by Rev Mr. C F. Andrews, " The Challenge of the Indians in the Pacific Islands ", and yet even when these people are willing to become much better inhabitants in those countries, they are not being treated properly and are being butchered ! Then, Sir, in Ceylon lakhs and lakhs of our Indians settle down there and they even sometimes forget that they still belong to India. Yet attempts are made to deny them the ordinary village panchayat vote And if even they are denied this franchise for the village local self-government, what is the good of these people settling down there ? It is better for them to come back to this country And even in regard to industrialists I have one word Instead of these people going there and howling to us and appealing to us on their bended knees that we should come to their rescue, let them remain here I see, Sir, the danger of the Indian National Congress as a whole becoming imperialistic-minded and I do not want that danger to exist. I want the Congress to be saved from all these people who go about to various countries, exploit the nationals of their own country as well as our nationals and come back and ask us to prop up their vested interests. I want that this sort of emigration should be stopped. Most of these people somehow or other receive some sort of assistance from somebody or other and then they go to these foreign countries, only to drift into the unemployment market there, to bring down the prestige of Indian humanity in those countries. Do you know, Sir, that many of my fellow-Andhras go to Burma and are known as Korengis and that they are used as rickshaw coolies, and even as scavengers ? Sir, they are honest peasants on this side but they are converted into scavengers on that side because they are lured away by all sorts of rosy pictures painted by interested people, and they are even subsidised in their travel by the British steam navigation and other companies and when they go there, they find themselves face to face with unemployment, they do not know what else to do, and, therefore, they become scavengers ! Sir, I do not want that Indians should be allowed to debase themselves to such an

[Prof N. G. Ranga]

extent that they may just be able to eke out some sort of bare livelihood in foreign countries, only to be ill-treated and butchered afterwards To prevent these things also I want this Bill to be passed Sir, I am wholeheartedly in favour of this Bill

Mr F E James (Madras European) Sir, I support the Bill—and I gathered my Honourable friend, Professor Ranga, also supported the Bill I gathered that, though I was rather surprised by the arguments used,—and for a mere slave he spoke with remarkable freedom Sir, sometimes when I have been listening to Professor Ranga I have thought that one of these days he ought to go down on his knees and thank God that he is in a free country I am very surprised that he has actually supported the Bill, because the Bill seeks to give the Government power to control assisted emigration

An Honourable Member : It shows how reasonable he is.

Mr. F E James : I do not know about that One of the things he alleged was that Indians became better husbands than the people of that locality

Prof N. G. Ranga : Much better than you

Mr F. E. James : Well, if that is the case, then why on earth does he want to restrict emigration ? And I should have thought he would have opposed any motion putting any restrictions at all upon the emigration of his nationals to other countries, in view of the fact that they might displace the indigenous people of this country in the affections of their wives Sir, I will not comment on the other part of Professor Ranga's speech He is gifted with an extraordinary imagination which has never been limited by the dry boundaries of facts. As far as the Bill is concerned, we support it for one or two reasons First of all, because, although there is a distinction technically between assisted emigration and unassisted emigration, in fact there is practically no difference. The figures which were read out by my Honourable friend, Sir Girja Shankar Bajpai, indicated that, although in certain years assisted emigration greatly declined, in those same years unassisted emigration went up by leaps and bounds, and I have some personal knowledge of the abuses to which unassisted emigration can lead Perhaps, unlike my friend, Professor Ranga, who spoke with such intimate knowledge of Indians in Malaya and Ceylon, even in regard to their home life, I may be permitted to say that I have actually been to these countries and have visited a great many of the Estates and have seen Indian labour living, many of them very much more contentedly on those Estates than they live in this country. Hence, a great desire to get out of this country whether it is by means of assisted emigration or unassisted emigration Generally speaking, we should be against undue interference with the normal flow of emigration. But we also recognise that that general principle must be limited by two conditions. First of all, there must be control in regard to people who are not in a position to speak for themselves or who are liable to fall into the hands of those who exploit them in regard to emigration for their own purposes. Secondly, I think it will be acknowledged that India has a duty to Indian nationals overseas and there is no doubt that the unchecked unassisted emigration, particularly recently to Malaya, has led to a lowering of

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wages and also to a glut of labour which is not in the interests of Indian nationals there I did not hear from the Honourable Member in charge of the Bill whether the Malayan Government were in favour of this particular proposal but I will say this—and I say it on good authority—that some of the leading planters in Malaya are not entirely in favour of unrestricted emigration.

Now, Sir, I have noticed that on the order paper there are two classes of amendments down One class seeks to extend the powers which this Bill intends to give to the Central Government from unskilled labour to skilled labour, and I was astonished to find that there is an amendment in the name of Professor Ranga to bring the skilled labour within the scope of the Bill

Prof N. G. Ranga : I am not moving that amendment

Mr. F. E James : Whether the Honourable Member is moving it or not, he has tabled it No one can follow the intricacies of his mental wanderings What has happened to his mental process since he first put down the amendment on the paper, I am not able to say But I assume that when he put it down he was *compos mentis* Therefore, at the time when he put it down, he did not want to bring in skilled work

Prof N G Ranga : On a personal explanation, Sir. If my Honourable friend wants to get into a fury, he is quite welcome to it I do not want to interrupt him in his speech which he has already prepared, but I may tell him that I do not propose to move that amendment

Mr. F. E James : My Honourable friend has so often denounced us with angry tones that he must not at all be annoyed if occasionally we tease him a little. I can assure him that we have a great affection for him In fact, his absence from this House would be almost equivalent to the absence of Micky Mouse from a cinema programme and life in this Assembly would not be worth living without him Professor Ranga does provide us with much entertainment and I hope he will take my remarks in a humorous way Sir, I am looking up the definition of skilled work and unskilled work I find unskilled work " includes engaging in agriculture " It will, of course, include a large number of my own constitutents It does not necessarily restrict its meaning to agricultural labourers I was reminded by a friend of mine, at lunch time, that Lord Spencer once declared that he was not an agricultural labourer The planters in my own constituency, though they are not agricultural labourers, yet are engaged in agriculture They used to say that if a family in England had a boy whom they could not get into the army or the church or the I C S, they used to send him into planting So, I have a personal interest in this Bill As it stands, it covers the planting community, but Professor Ranga at the time that he put down his motion wanted to extend it to skilled work I note now that he does not propose to move it, because skilled work would include himself Now, I will read to the House what skilled work means Skilled work means " working as an artisan " That does not cover Prof. Ranga. It also means " working as a clerk or shop assistant ". That also does not cover Professor Ranga Skilled work also means " working for the purpose of any exhibition or entertainment " Prof. Ranga is included in that connection But why I am alarmed by this amend-

[Mr F. E James.]

ment, although he is not moving it, is that if it is passed, it might be quite impossible for me or any other M L A to emigrate to Malaya for the purpose of making inquiries

Now, Sir, the other type of amendments that I have noticed are those which, if they were carried, would really fetter the power of the Government by imposing delaying processes We have in other Bills been rather anxious to insure that notifications which are issued on important matters are published but I think that in this case the provision that is in the Bill is adequate The provision is that every notification issued under this section shall be laid before both the Chambers of the Central Legislature as soon as may be after it is made The provision is that every notification issued under this section shall be laid before both Chambers of the Legislature as soon as may be after it is made There was a proposal that the notification should be laid before the Standing Committee on Emigration , and, although I hope that the Standing Committee on Emigration will, as is the case at present, be kept informed when notifications on this subject are issued, I do not think it is right that the issue of a notification by the Central Government should depend upon the approval of a committee which, after all, is a servant of this House Therefore, I do suggest to the House that they should accept the procedure which is now laid down in section 3 of the Bill

May I say one word in conclusion, that we give our support to this Bill and I believe from my own knowledge of conditions certainly in Malaya, that its passage is not only important but urgent and I, therefore hope that the House will pass it during this Session

Mr M S. Aney (Berar Non-Muhammadan) Sir, I also rise to support the motion before the House and in doing so I thought it necessary to make a few observations which strike me as of some importance. I find from the figures which the Honourable Member in charge has cited before this House that the number of unassisted emigrants has been rapidly increasing during the past few years I do not want to repeat the figures because they have already been quoted by him and are on record I would only be repeating the same figures. It really raises an important question which it will be well for the Government to consider seriously How is it that during the last few years the number of unassisted emigrants is increasing so rapidly ? It really indicates some state of things to which the urgent attention of the Government ought to be given. Why should a man like to leave his own house and go elsewhere ? Nobody does it for the mere pleasure of visiting the other place That cannot be said of the unassisted labourer If he does it, it is simply because he finds it impossible to stay here That is the position which one must take into consideration, although I recognise the necessity of having some kind of control over this unassisted emigration because I can easily imagine the evils that are likely to follow if this unassisted emigration be left uncontrolled altogether. Still I cannot ignore the fact that there is another aspect of this question to which urgent attention ought to be given If men go out because they find it impossible to get a living in this country, then you can reasonably do one of two things . you can either allow him to go out or see that the condi-

tions under which he is thinking of going out are so modified that he can change his mind and stay here Therefore, this question of restriction of unassisted emigration is not altogether a question which does not create some complication for the Government of India. They ought not to be content with having done one part of their duty, the duty to those Indians who are already emigrated this kind of restriction is, we are told, intended more in the interests of those who have gone there with assistance and settled there and are earning their livelihood in one form or another In order that their standard of living and the wages they are getting ought not to be lowered, and that their conditions of life should not be made in any way worse than what they are today, it is necessary that unrestricted outflow should be controlled I can understand that position But while caring for the conditions of those who are there we must also feel that here, in this country, the people do not live under conditions where they have got no employment or business to do, and thus turn into a gang which will not be law-abiding, which will not conduce to the economic prosperity of the country but on the other hand will be a nuisance to the other people of the country Therefore, while undertaking the responsibility of fulfilling their duties to those who have emigrated on account of assistance, they must know that something must be done for improving the lot of those who are thus forced to live here Therefore, while officers will be employed for the sake of carrying out the provisions of this law and restricting or dissuading those who intend to go out, some effort must be made to provide some kind of decent employment for them so that they can be usefully engaged and get a living wage in this country. We cannot leave them unemployed and at the same time ask them not to go out Therefore, if the Government have got a plan in their own mind of making some kind of provision for those whom it is necessary for them to restrict or dissuade from going out, I think that they are taking a step which is likely to commend itself to every Member of this House , but if it is going to be only a one-sided affair, namely, only looking at the question from the point of view of those who have emigrated there and not minding what would be the state of those who have been dissuaded, I believe it will not be an unmixed good We do not want to obstruct the passage of this Bill but we feel that the Government are not doing their duty in its entirety With these two suggestions I wish that this Bill should be passed now At the same time the Government of India should consider that their duty does not merely end by stopping the men from going elsewhere, but they should make some provision for them to stay here comfortably

Mr. Sri Prakasa (Allahabad and Jhansi Divisions · Non-Muhammadan Rural) : Sir, I should be sorry if I appear to be sounding a somewhat discordant note in the general harmony that seems to prevail in the House over this Bill If this Bill is to be accepted, it can be so accepted only as a necessary evil and as an expression of our helplessness to save our nationals abroad It is difficult to speak without emotion or even in parliamentary language when one thinks of the history of Indian emigration and the apathy, amounting almost to melancholy meanness, that the Government of India have always shown towards our people abroad Sir, the policy of the Government seems to be just this · they should take our people abroad perforce when they want those people to

[Mr Sri Prakasa]

help other persons, specially some of the limbs of the British Empire, to clear their fields and to make those countries worth living in , but as soon as the country is cleared as soon as the fields are laid out, as soon as the houses and the railways have been constructed, then suddenly to say "We do not want you" and send the pioneers away European colonists reserve the best places for themselves and those very persons who have helped to make the country worth living in are ousted, and illtreated I remember an emigration camp in my own home town of Benares in the year 1921 Government were helping the emigration of sweepers from India to British Guiana

Sir Girja Shankar Bajpai : No , it was to Mauritius

Mr. Sri Prakasa : Well, to Mauritius I accept the correction—as if it made a material difference However, I accept that it was to Mauritius

Sir Girja Shankar Bajpai : We may as well be accurate

Mr. Sri Prakasa : Very well , thank you very much for the correction We tried our level best that Government should get no place in that town where they could have this camp , but a landlord was found to give his large garden to them for a good consideration Then we tried to bully every one who was offered a Government job as inspector of that camp Unfortunately, a retired deputy magistrate was at last available to accept that dirty work on Rs 500 a month Now, though the camp was strictly guarded I managed to smuggle myself in as so many of us can manage to do these things when we want to do it And what did I find there ? We found men coming from the martial province of the Punjab to be transplanted to Mauritius for clearing other people's latrines at one rupee four annas per day ! I do not know what the martial races of the Punjab were doing then Perhaps they were resting on their oars, weary after the great European war in which they fought other peoples' battles , and allowing their brethren of the Punjab to be transplated to far off countries to be sweepers to clean other peoples' commodes

Our men have gone abroad only to do such work for other people If our Government—it is almost humiliating to call this our Government—had had the gumption of the Government of England in the 17th and 18th centuries when there was unrestricted immigration of Englishmen to this country, they would have got an Empire without the asking What did the Government of England do when Englishmen emigrated ? The Government of England helped them first with the East India Company and later with an Empire But our Government have always been satisfied with allowing our emigrants to be just sweepers and manual workers ; and actively to send such folk to other lands in order to disgrace our own country and in order to better the condition of life for others Yes, there was a joke which I greatly appreciated on the part of my Honourable friend, Mr James, when he quoted Professor Ranga as saying that all people make better husbands abroad Foreigners are always better husbands than natives That is a recognised fact , and when in the early days, Englishmen came here and when they had not sufficient Englishwomen in India and when they could not fly back to England in 2½ days as they are able to do

now, they also made very good husbands to many women in India as the large population of Anglo-Indians would testify Sir, that our own ladies seem to be in need of better husbands than they can get at present, is proved by the fact that divorce Bills are being sponsored in this House both by Hindus and Muslims.

Sir, the Government of India can take a leaf from the book of the Government of England, which it pretends to copy, in the matter of taking care of their nationals abroad We all know the case of the English girl who was unfortunately and most wickedly kidnapped on the Frontier some years ago The whole British Empire then kept shaking for a whole week till she was recovered But what does this Government of India do for our women who are treated at home and abroad in the same or worse manner ? Not satisfied with this, the English Government take care that the Englishmen abroad are treated by even Courts of law in a manner that they would themselves like them to be treated The case of the English Engineers in Russia is a good illustration The English Cabinet was most anxious to see that the English Engineers were saved from a possible adverse judgment from a Russian Court of Law The British Prime Minister of that time, Mr. Ramsay Macdonald, though he was going out on a holiday, took care to see that even on the high seas he was kept informed of the course of the legal trial We here talk so much of the sanctitity of law courts ; and even in this House we are not allowed to discuss the judgments of law courts , but British Government sees to it that even justice should not be meted out by foreign courts to their nationals if that means any un-deserved punishment to them I will take the example of the attitude of the Government of India towards the adjournment motion we had the other day about the Burma riots The Honourable Member in charge of the Department said " what can we do ? " He forgot that Burma for all intents and purposes was a foreign country He said if something happens in a province and it is a matter of law and order, do you expect the Government of India to do anything ? Should it not be left to the Provincial Governments ? I ask · Is Burma a Provincial Government in that sense now ? All sorts of arguments are trotted out when it suits their purpose , but the significant fact remains that when it is a matter of piloting an innocent Bill like the Motor Vehicles Bill, it is entrusted to an Englishman , but when it is a question of mistreatment of Indians abroad, the task of defending it is entrusted to the Indian Member as the mouthpiece of the Government He is required to speak against his own countrymen in order to bolster up the foreign administration in our country It makes my blood boil when I see my own people selling their own brethren in order to keep their own positions safe in the Government of India

I should like to say a few words on the incentives that make people go from one country to another It is firstly curiosity A man may be curious to know and see how other people live in their own countries. Then, Sir, it is a spirit of adventure. A man may be adventurous enough to desire to see foreign countries and find out for himself how things are there Thirdly, a man may go out in search of a profession or employment The search of a profession is not only confined to the poor · many Englishmen who come out to India as merchants, traders or civil servants were quite well off at home Why do you want to stop

[Mr Sri Prakasa]

the incentive in our people to go abroad ? We already suffer from a lack of the adventurous spirit If anybody wants to go abroad, why do you nip his incentive in the bud ? And when a man goes abroad he has a right to feel that the Government of his country and the whole lot of his countrymen would be behind him if he suffers in any way That is why the nationals of a free country can go absolutely safely throughout the world An English child knows that if any one hurts it, the whole nation would come to its help Is that true of our people ? When we go abroad are we sure that the help of our Government will be available in any way whatsoever ? When we ask questions about individuals suffering abroad, the Government takes up an attitude of utter indifference and they say they are not responsible

My Honourable friend, Seth Govind Das, said that this Bill will be supported by the whole nation If that is so, why is this Bill wanted at all ? It is clear that out of a feeling of curiosity, out of a desire for adventure, out of a desire for a profession, heaps and heaps of our people want to go abroad And why should they not go abroad ?

Seth Govind Das : Not as unassisted labourers

Mr. Sri Prakasa : Now, Sir, the Government is trying to introduce a system of permits We know, Sir, of the system of passports already existing Passports were originally introduced to ensure the safety of a national when he was travelling abroad It is in that spirit that the passport laws are worked in every country except India Here it is used as an engine of oppression so that certain persons whom the Government do not want to go out may not go out, and certain persons whom Government do not want to come in, may not come in I am not sure if permits are not going to be used in the same manner Our experience of the working of the Government of India is such that we have reason to be suspicious At least, I am very suspicious, Sir ; and if my friends are not suspicious, I admire their charitable disposition Do you know what is going to happen ? When it will be in the interests of the British Empire that Indian labourers should be sent to such particular countries for such particular work, they will be forced to go. These permits will be forced on them, and it will be given out to the world that these people are only too glad to go , and when, Sir, our people are honestly wanting to go abroad, they will not be given any permits I feel, Sir, that there is going to be force used when Government want people to go , and there would be arbitrary prohibition when the Government do not want them to go I know that the letter of the law is not so important as the spirit of the law ; and if the law is worked properly, then everything will be all right , but if it is not worked properly, it will be all wrong I, Sir, have my own suspicions about this measure ; but as my Party is supporting the Government, I want to make it perfectly clear that I can only support it, as I said in the beginning, as a necessary evil, and, particularly, because this Government is not my own, and I know that they are not going to help our people in any way when they are in difficulties abroad As an expression of my own helplessness, as an expression of the helplessness of this Government, we cannot but support this Bill

Sir Girja Shankar Bajpai : Mr. Deputy President, I was, I confess, somewhat surprised to find my friend .....

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa : Muhammadan) May I point out, Sir, that nobody from my Party, the Muslim League, has spoken or was allowed to speak

Mr. Deputy President (Mr. Akhil Chandra Datta) I don't understand what the Honourable Member says If nobody has spoken or if anybody chooses to speak he can certainly do so No closure has been moved yet

Sir Girja Shankar Bajpai : Sir, I would submit that if any Honourable Member wishes to speak, he had better speak now, because it will give me an opportunity of replying to the points made

Mr. Deputy President (Mr Akhil Chandra Datta) I take it that Sir Girja Shankar Bajpai does not want to reply now, and therefore, if Mr Nauman wants to speak now, he may do so

Mr. Muhammad Nauman : Sir, we quite appreciate the spirit with which the Emigration Bill has been brought forward, but we should have been more satisfied if, at the same time, Government had introduced a measure imposing certain restrictions or prohibition against foreigners coming to this country The restriction is already there against our people going abroad as emigrants either for the sake of adventure or profession or earning a livelihood, and although we do appreciate the fact that our people should not be permitted to go abroad unless they can engage themselves profitably, I think our Government should introduce legislation prohibiting foreigners from coming to this country and settling down on our heads Sir, it is high time that such a measure is introduced, for if we had such a legislation, then there would not have been so many Japanese, Chinese, French, German and others who are flourishing in business in this country The fact remains that when our Government give these foreigners all facilities for carrying on their trade and industries, those foreign Governments treat our people, when they go abroad, in a most shabby manner, nay, we are not given even elementary rights of citizenship in their country in any case So far as this Bill itself is concerned, my Party is agreed to the very spirit of the Bill, and we are satisfied that the Government is perfectly justified in bringing forward this measure, but we expect some sort of assurance from Government that at some future date they will bring forward a Bill which would restrict the increase of foreigners from other parts of the world, who settle down and make fortunes here without any hindrance. For instance, firms like Mitsui Bushan Kaisa, a Japanese concern are buyers, brokers, shipping agents, and sellers of commodities, they are also the insurers, bankers, and all the profits of the producers and manufacturers in India and in Japan are usurped by them in various ways, for the reason that they are in a position to maintain their own branch offices in various parts of India. There is no law to prohibit foreigners from doing business in this country, but the unfortunate position is, when we go to the Colonies or outside India, we have practically little or no safety, nay we do not get the same treatment even as people from other parts of the world are accorded. Take the United States of America, for instance ; there you will find people who have settled from all parts of the world, there you

[Mr Muhammad Nauman.]

will find Poles, Italians, French, Germans, and all of them enjoy full rights of citizenship, but what is the case with Indians? We do not get even elementary rights of citizenship, we are not respected even as gentlemen and only because we are Indians This is the only comment I wish to make on this Bill and I resume my seat.

Sir Girja Shankar Bajpai: Sir, I found my friend, Mr. Sri Prakasa, in an unusually denunciatory mood this afternoon, and if all his denunciation had any relevance to the Bill, I think, possibly, even at the expense of detaining the House for some time, I should have tried to traverse his arguments But as that is not the case, I should limit myself to the points relevant to the Bill which have been raised by one or two speakers. My friend, Mr Ranga .

Mr K Ahmed (Rajshahi Division Muhammadan Rural) Prof. Ranga

Sir Girja Shankar Bajpai: My friend corrects me,—Prof Ranga, welcomed the action of Government in bringing forward this Bill, but he also, I submit, made use of certain arguments in the course of his speech which, whatever credit they may do to his imagination, do not exactly reflect the facts For instance, he said that Indians in Malaya and Ceylon made very good husbands to Malayan and Ceylonese women, and that was one reason why the local people presumably wished that Indians should be badly treated The fact of the matter is that Indians in Ceylon and Malaya, and elsewhere, have an excellent reputation for not mixing with the local womenfolk So, I think it is just as well to make it perfectly clear that this particular argument has really no application to the considerations which have influenced the Government in bringing forward this Bill

Now, my friend, Seth Govind Das, with whose emigration enterprise my friend, Prof Ranga, seemed to be at variance, wanted to know whether it was the intention of the Government to apply the proposed restriction to any scheme of emigration that may be evolved by private individuals Now, Sir, if he was familiar with the provisions of the Act, he would know that, whether it is emigration for unskilled work, or emigration for skilled work, it cannot take place unless the conditions of emigration have been approved by this House In the circumstances, there can be no question of the Government of India applying this particular provision to an emigration which is non-existent If it comes into existence, it comes into existence with the approval of the House, and the House has the control of the conditions on which it should take place At any rate I can assure him that Government have conceived this measure solely with the desire to protect Indian interests, and it is going to be used only when Indian interests require that the prohibition should be made operative and in no other circumstances

Then Sir, my Honourable friend, Mr James, asked whether we had consulted the Government of Malaya with regard to this The Government of Malaya and also the Government of Ceylon asked us to furnish them with copies of the Bill They have been furnished with copies of the Bill They have not favoured us with their comments, but that by itself is no argument why we should not come forward with

the Bill when we consider that its enactment is urgent. That is the position as regards that point My Honourable of reind, Mr Aney, and also my Honourable friend, Seth Govind Das, if I remember aright, commented adversely, I think perhaps in the absence of knowledge of the facts, on the delay in bringing forward this measure The position as regards that is quite simple We did not take action to legislate at a time, when both those who went with assistance, as also those who went unassisted, were able to command the same level of wage as was prescribed by law for the people who went as assisted emigrants There was no occasion then, because the economic argument which my Honourable friend, Mr Aney, used would justify our letting people go provided they could substantially improve their conditions abroad It was only when the creation of a glut of labour in those markets had necessitated control that we felt that it was our duty to bring forward the legislation that we have submitted to the House today

Seth Govind Das : Has this position begun recently ?

Sir Girja Shankar Bajpai : That is the position, because my Honourable friend knows that the rate of minimum wages in Malaya was reduced only with effect from the 1st May, 1938 My Honourable friend, Prof Ranga, to whom I should like to go back for one minute, was a little ungracious, I think, in his reference to what the Government of India had done in order to secure standard rates of wages for these people He said that it was not the effort of the Government of India that had secured it, but the necessity which those two countries felt of importing Indian labour My Honourable friend will appreciate the fact that that necessity existed as much before 1922, when this Act was passed, as it has existed since 1922. The Governments of Malaya and Ceylon did not take the initiative to fix minimum rates of wages ; the minimum rates of wages were fixed by these Governments as a result of the action taken by the Government of India

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

. . supported undoubtedly by the Legislature, the Lower and Upper Houses I do not think that there is any other point raised in the debate to which I need reply I hope that the Bill will now be taken into consideration

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

" That the Bill further to amend the Indian Emigration Act, 1922, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill

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

" That clause 3 stand part of the Bill."

Mr. K. Santhanam (Tanjore *cum* Trichinopoly · Non-Muhammadan Rural) Sir, I move

"That in clause 3 of the Bill, after sub-section (1) of the proposed section 30A, the following new sub section be inserted, and the subsequent sub-section be re-numbered accordingly .

'(2) No notification shall be issued under this section unless it has been previously approved by the Standing Committee on Emigration or, in case of disapproval by that Committee, by both Chambers of the Central Legislature'."

I want this as a check on the executive power which we are conferring on the Government of India I do not want to take the time of the House in traversing the points which have already been mentioned, but I have got a serious apprehension that this power may be used as an instrument of British colonial policy We all know that the Government of India is not an entirely free agent in this matter It is often subject to directions, if not positive dictation, from other quarters and it is not, after all, unlikely that when, for instance, the British settlers in Kenya want to prevent Indians from coming to Kenya, they might induce the Government here to put in a notification rather than take the responsibility upon themselves and face a storm of protest in this country. Again, there is another point in this connection which ought to be remembered When there are large numbers of Indians in a Colony, the infusion of fresh blood is necessary in order to keep up the level of Indians to a satisfactory pitch To shut emigrants out altogether and to make the settled Indians more or less a closed Colony, is not advantageous either to this country or to the Indians settled there I do not see how there can be any emergency in which they could not take popular opinion for consultation That is not a matter in which a week or ten days delay will be of great consequence If this Government had been a responsible Government, I would not have proposed this amendment But as this Government is an irremovable and irresponsible Government, I do not think it is a good principle for this House to entrust executive authority to it without taking sufficient care that it acts according to the wishes of the public What I am suggesting is that before they want to publish a notification, they must call a meeting of the Standing Committee on Emigration place matters before it, and convince it that it is solely in the interests of the people of this country If that Committee approves, they might straightaway issue the notification If the Committee does not approve, and there is a difference of opinion between the popular representatives and the Government of India, the matter should be brought before the Legislature and the Government should abide by the decision of the Legislature I do not see any practical difficulty in it at all. It will give the Government of India a loop-hole to escape dictation from Whitehall and say, "We cannot do anything without the help of the Legislature" It is a safeguard even for the Government of India With these few words, I move my amendment

Mr K. Ahmed : Does it come within the scope of this Bill ?

Mr K. Santhanam : I think it is for the President to decide whether it is within the scope of the Bill. It is entirely within the scope of the

Bill so far as I can see I commend this amendment to the approval of the House

Mr President (The Honourable Sir Abdur Rahim) : Amendment moved

"That in clause 3 of the Bill, after sub section (1) of the proposed section 30A, the following new sub-section be inserted, and the subsequent sub-section be re-numbered accordingly :

'(2) No notification shall be issued under this section unless it has been previously approved by the Standing Committee on Emigration or, in case of disapproval by that Committee, by both Chambers of the Central Legislature' "

Sir Girja Shankar Bajpai : Mr President, my Honourable friend, Mr Santhanam, really raised two points One is to some extent covered by what I said in the course of my reply on the general debate He seems to be under the impression, or the apprehension, that the Government of India may utilise this provision for the purpose of implementing the policy of some colonial Government with regard to immigration I repeat what I have said before, that the intention of the Government of India is to utilise this section solely and exclusively when Indian interests require it and for no other purpose whatsoever I do hope that this repetition, which has been made with all solemnity would at any rate, in this particular case, help to banish suspicions from such minds where it may still be lingering As regards the second point, namely, consultation with the Standing Emigration Committee, those Honourable Members who belong to the Standing Emigration Committee—and my Honourable friend, Mr. James, is fortunately present here—will bear me out when I say that it is the practice of the Government of India, the invariable practice really, to consult the Standing Emigration Committee on every question of importance relating to emigration that comes before us It is our intention to continue that practice and that policy in so far as action with regard to this particular provision of the Bill is concerned. Let there be no doubt about that But what I want to draw the attention of the House to is this There may be occasions, as there have been occasions in the recent past, which I need not particularise—when Government in order to prevent people going across in large numbers and creating the very situation that we wish to avert, may want to take action urgently In other words the time factor may not permit of previous consultation with the Standing Emigration Committee It is only to provide for that, and not because of any desire to neglect the Standing Emigration Committee or ignore them, that I venture to suggest to my Honourable friend that he should not press his amendment

Mr. K. Santhanam : In view of the Honourable Member's statement, I ask for leave to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn

Prof N G. Ranga : Sir, I move .

"That in clause 3 of the Bill, after sub-section (3) of the proposed section 30A, the following be added :

'(4) Whoever causes or assists or attempts to cause or assist any person to depart out of British India in contravention of a notification issued under sub-section (1) shall be punishable with the punishment provided for an offence under sub-section (1) of section 25' "

[Prof N. G. Ranga.]

This sub-section is only copied from a similar one that finds a place in the Indian Emigration Act of 1922—sub-section (3) of section 30 In the original Act itself, this provision was inserted to bring to book *kanganis* and others who act as intermediaries and who try to assist or attempt to assist others to go and disobey the prohibitory order which may be passed from time to time by the Government Unless this particular provision is incorporated here also in this Bill, it will come to mean this, that all those who try to disobey a notification issued by the Government of India and thus emigrate to other countries will be liable to punishment, but those mischief-mongers who try to induce these people, ignorant kisans and others, to disobey these laws will go unchecked and that is why I suggest that this amendment may be accepted I only wish to say this. It is a pity that skilled artisans like my friend, Mr James, who has given a very good exhibition of his skill of the third order should not also be prohibited from emigrating from this country to any other country If people like him are prohibited from emigrating into this country, certainly there would be more peace and harmony in a country like ours I can assure my Honourable friend, Sir Girja Shankar Bajpai, that I was not drawing on my imagination but on facts and truth when I said that Indians make very good husbands abroad

Sir Girja Shankar Bajpai : Does it mean that they make bad husbands at home ?

Prof N. G Ranga : I can assure him that the Andhras who have emigrated to Burma have got married there and have settled down there, they have made very good husbands and very good heads of their families I did not mean to say that the Government of India did not contribute anything at all towards the minimum wages I only wanted to make it perfectly clear that it was because of the needs of these countries that minimum wages came to be established It is quite possible that the representations which the Government of India had made had some effect I sincerely hope that this amendment will be accepted by the House

Mr President (The Honourable Sir Abdur Rahim) Amendment moved

" That in clause 3 of the Bill, after sub-section (3) of the proposed section 30A, the following be added

' (4) Whoever causes or assists or attempts to cause or assist any person to depart out of British India in contravention of a notification issued under sub-section (1) shall be punishable with the punishment provided for an offence under sub section (1) of section 25 ' "

Sir Girja Shankar Bajpai : I accept the amendment

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

" That in clause 3 of the Bill, after sub-section (3) of the proposed section 30A, the following be added

' (4) Whoever causes or assists or attempts to cause or assist any person to depart out of British India in contravention of a notification issued under sub-section (1) shall be punishable with the punishment provided for an offence under sub-section (1) of section 25 ' "

The motion was adopted.

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

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 1, the Title and the Preamble were added to the Bill.

Sir Girja Shankar Bajpai : 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. Abdul Qaiyum (North-West Frontier Province . General) : I wish to make two or three observations at this stage when we are discussing the third reading of this Bill The Honourable the Mover of the Bill in reply to an objection that the Bill was long overdue stated that the Bill was quite in time The reason which he advanced was that there had recently been a glut in the market as far as labour in Ceylon and Malaya is concerned It is not so much the question of economics as that of the self-respect of the Indian people which is involved in this It is not only the question of the wages of the labourers who are required in a particular market Much depends upon the manner in which these labourers are treated, whether they are treated as human beings, or whether they are accorded a sort of treatment which is not fit for human beings I submit that this Bill was long overdue I have listened to the speech of the Honourable Member, Sir Girja Shankar Bajpai, very carefully and I still remain unconvinced I think that the scope of the Bill is not so wide as I should like it to be The Bill aims at limiting emigrants who go out for unskilled labour I still believe that the scope of the Bill should have been widened, in the interest of the self-respect of this country, so as to include even skilled labour After all it is not only the case of the Malaya Peninsula or Ceylon There may be the question of emigration to other parts of the British Empire or other parts of the world and we should see to it that these labourers are not treated as mere hewers of wood and drawers of water

An Honourable Member : They bring a lot of money

Mr. Abdul Qaiyum : It is not a question of money alone There is the question of the self-respect of Indian nationals abroad and when that self-respect is missing, I, for one, would certainly urge that the emigration of even skilled labour to these countries should be restricted and even stopped, even though this may involve a great strain on our population here Mr James in the course of his speech ridiculed the plea of my friend, Prof Ranga, and after reading from the definition of skilled work in the Act he stated that he wanted to place Prof. Ranga under one of those sub-heads, that is, under sub-clause (*f*)—working for the purpose of any exhibition or entertainment. I think that the Indians who have been sent abroad have been taken there for the purpose of exhibition. for the purpose of lowering the self-respect of the Indian people, and that they have been used for the purpose of

[Prof. N. G. Ranga]

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Mr President (The Honourable Sir Abdur Rahim) : Amendment moved

"That in clause 3 of the Bill, after sub-section (3) of the proposed section 30A, the following be added :

'(4) Whoever causes or assists or attempts to cause or assist any person to depart out of British India in contravention of a notification issued under sub-section (1) shall be punishable with the punishment provided for an offence under sub section (1) of section 25'"

Sir Girja Shankar Bajpai : I accept the amendment

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

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The motion was adopted.

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

"That clause 3, as amended, stand part of the Bill."

The motion was adopted

Clause 3, as amended was added to the Bill

Clause 1, the Title and the Preamble were added to the Bill

Sir Girja Shankar Bajpai 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 Abdul Qaiyum (North West Frontier Province General) I wish to make two or three observations at this stage when we are discussing the third reading of this Bill The Honourable the Mover of the Bill in reply to an objection that the Bill was long overdue stated that the Bill was quite in time The reason which he advanced was that there had recently been a glut in the market as far as labour in Ceylon and Malaya is concerned It is not so much the question of economics as that of the self respect of the Indian people which is involved in this It is not only the question of the wages of the labourers who are required in a particular market Much depends upon the manner in which these labourers are treated whether they are treated as human beings or whether they are accorded a sort of treatment which is not fit for human beings I submit that this Bill was long overdue I have listened to the speech of the Honourable Member Sir Girja Shankar Bajpai very carefully and I still remain unconvinced I think that the scope of the Bill is not so wide as I should like it to be The Bill aims at limiting emigrants who go out for unskilled labour I still believe that the scope of the Bill should have been widened in the interest of the self respect of this country so as to include even skilled labour After all it is not only the case of the Malaya Peninsula or Ceylon There may be the question of emigration to other parts of the British Empire or other parts of the world and we should see to it that these labourers are not treated as mere hewers of wood and drawers of water

An Honourable Member They bring a lot of money

Mr Abdul Qaiyum It is not a question of money alone There is the question of the self respect of Indian nationals abroad and when that self respect is missing I for one would certainly urge that the emigration of even skilled labour to these countries should be restricted and even stopped even though this may involve a great strain on our population here Mr James in the course of his speech ridiculed the plea of my friend Prof Ranga and after reading from the definition of skilled work in the Act he stated that he wanted to place Prof Ranga under one of those sub heads that is, under sub clause (*f*)—working for the purpose of any exhibition or entertainment I think that the Indians who have been sent abroad have been taken there for the purpose of exhibition for the purpose of lowering the self respect of the Indian people, and that they have been used for the purpose of

[Mr Abdul Qaiyum]

entertainment of their white masters. Mr. James could say all these things with impunity, because, all he wants is really cheap unskilled labour which he can exploit with impunity, which he can use for achieving his ends, and when he has no longer any use for them, he can throw them out

An Honourable Member : It is all rubbish

Mr. Abdul Qaiyum : You know you have been doing it in all your colonies, and when you find that you have absolutely no occasion for the use of their services, then you throw them away as if they were not human beings I assure my Honourable friend that he will not be allowed to do it any longer, because it is an insult to the self-respect of the Indian nation Then Sir Girja Shankar Bajpai insisted that my friend, Mr Santhanam, should withdraw his very useful amendment which he had moved regarding previous consultation with the Standing Emigration Committee The assurance which he gave was far from satisfactory, and I am really surprised that my Honourable friend, Mr Santhanam, very quietly withdrew his amendment

4 P.M.

Mr. President (The Honourable Sir Abdur Rahim) Order, order. The amendment was withdrawn with the leave of the House.

Mr. Abdul Qaiyum : I will only say that the assurance does not go far enough, because all that he stated was that the Standing Emigration Committee would be consulted Now mere consultation is not enough Constituted as it is at present, the Government of India are an irremoveable and irresponsible executive, and what we really wanted was the previous approval of the Standing Emigration Committee, which would be more cognizant of the wishes of the people in this country Such an assurance has not been given by the Honourable the Mover Sir, my friends of the Muslim League are very anxious that I should now stop, and I think for once I shall agree with them and conclude my speech With these words, I resume my seat.

Syed Ghulam Bhik Nairang (East Punjab : Muhammadan) : Sir, I think a sense of proportion demands that the speeches made on the third reading of a Bill should be proportionate in length to the length of the whole debate, and as the entire debate has been happily not a lengthy and tiresome one, I think it is out of place to make long speeches on the third reading I congratulate my Honourable friend, Sir Girja Shankar Bajpai, on the bloodless victory which he has had. He can very well say, "I came, I saw, I conquered" No sooner did he move the motion that the Bill be taken into consideration than just after a few speeches that motion was carried and then the consideration clause by clause also was finished within a few minutes. All the time I was feeling tempted to raise some points which might provoke a speech by Sir Girja Shankar Bajpai because I have always looked upon him as the *bulbul-i-hazar dastán* (a nightingale telling a thousand tales) of this House : and today I have heard only two brief speeches by my Honourable friend, so that I might have the pleasure of hearing a few more of his speeches, but then the sense of proportion referred to by me compelled me to hold my peace so that I listened

quietly to what was going on, and now I simply offer my congratulations to my friend that he has so skilfully and successfully piloted the Bill in this House With these few words, I support the motion.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) · Sir, in spite of all the speeches that have been delivered now, I am still unconvinced that this Bill is not a little too premature, if not wholly unnecessary Sir, no country in the world has been colonized by the original inhabitants That is not the history in any country The persons who went for work to Natal were taken there as indentured labourers and they remained on there as labourers Ultimately, they found they could settle down there and are trying to get certain rights and they are getting a few rights but, unfortunately, that is not happening in this country of Malaya Sir, the census of 1931 indicates that there are nearly six lakhs of men in the various portions of Malaya,—the Straits Settlements, the Federated Malay States and in the unfederated Malay States Sir, we have not been told and the House has not been taken into confidence as to why this measure is necessary This measure ostensibly has been introduced for the purpose of relieving the glut of unemployment in this country That is the apparent reason Now, there are two ways of avoiding this unemployment One way is settling these people there who have been for a long time there on parcels of land on which they can eke out a living. That is what is being done by the various countries. For instance, the Dutch Government has done so Originally she sent various labourers to Java and, ultimately, the problem of unemployment grew Another measure was adopted. That measure was to give each labourer there who has been there for a long time a particular parcel of land so that he may settle down as an agriculturist I do not know if that measure has been at any rate thought of at all by the Government of India. What is the use of their going there when at the fag end of their life they return to this country in no better position than when they originally went ? Sir, their wages are low compared with the wages that the Chinese labourers get They can hardly save a little, they can hardly make both ends meet, they live in hovels and they return here like sucked oranges—absolutely useless to the country to which they return ! Now, in whose interest is this Bill being introduced ? Ostensibly in the interests of these emigrants, but is that really so ? Why not keep them there ? With respect to the other portion—the Federated Malay States and the unfederated Malay States, I have here a book written by Mr K A Neelakandha Aiyer, who has been evincing a lot of interest in the welfare of the emigrants from India to Malay. He writes to say that in the Federated Malay States and in the unfederated Malay States the members of the ordinary Malay population do not take to agriculture They indent upon foreign labour, and they have now been sending applications to Java and Sumatra for the purpose of attracting persons to employment there so that with these efforts and with other inducements they may ultimately settle down on particular farms. Now, why cannot that be done in the case of Indians ? I would ask my friend to tell us if any one of the Commissions sent out ever addressed themselves to this problem, as to how they could be conveniently settled on the land after so many years'

[Mr. M Ananthasayanam Ayyangar]

service in that country Not one of the various Commissions have ever cared to look into this problem On the other hand in this book (I understand this book was circulated to all Honourable Members and, if necessary, I am prepared to place it on the table I am told it is in the Library also), at page 24, it is said :

"They unduly engrossed the attention of the Sastri delegation to the exclusion of such major issues as the status of the employee *vis-a-vis* the employer, labour organisation, the extent of the economic independence of labour and land settlement for permanent migrants."

In an earlier portion it is stated

"we need not give more credit than is actually due to certain improvements such as housing conditions, water supply, maternity benefits and other facilities which are provided for at the places of employment of Indian labour."

These are all the amenities that have been provided for and those amenities are also insisted upon with respect to any factory labour. Sir, what is the object in going all the way to these countries ? Is it merely to keep the body and soul together ? It is not a new country Many persons from England and other parts of the world have settled down there Can it be denied that the Indian labour had been sent there for the purpose of improving the country ? Today the rubber plantations and sugarcane plantations are in a flourishing condition there and it is all due to the labour of Indians Is it not right and proper that we should expect that those persons who have had a hand in introducing prosperity in that peninsula should also be entitled to a share thereof ? I am still awaiting for an answer Therefore, we are beginning at the wrong end It is not overpopulated yet I find from the Census report that that portion is under-populated and there is room still for a large number of people to go there My Honourable friend, Prof Ranga, suggested the other alternative I call it the other alternative because, according to him, it is now impossible for these persons to settle down in Malaya This other alternative is not thought of at all If the situation does not improve, they will stop of their own accord and nothing will happen What is the need of this Bill ? Has there been an application or has there been a complaint from any persons who have gone to Malaya that assisted emigration ought to continue and unskilled labour ought not to go of its own accord and preventive measures ought to be adopted ? I would say that there is some hand behind the screen which is anxious to avoid quarrels and riots there A large number of unemployed people go all the way from their homes, whose ancestors have had a hand in the shaping of that island and, in order to avoid inconvenience, the planters there have addressed immediately the Government of India and at their instance the Bill is being introduced. I honestly believe that this measure is absolutely unnecessary In any case, it is premature. The Government of India must use all its efforts to see that no one who has gone there comes back to this country in any condition less than the condition in which he went In any case, although he may return to his homeland for some time, he must make the other place as his home. In fact, I would very much welcome if all these settlers were married there. But, unfortunately, this is not the case I would, therefore, say that this Bill is premature Anyhow, as the Bill has been passed and we are now in the third reading, I would suggest to mitigate this evil one considera-

tion which the Honourable the Mover and his Department should constantly have before their eye Before they issue the notification, they must keep up the promise that the Honourable the Mover has made, namely, that the Emigration Committee would be consulted. In addition, I would suggest that the Government of Madras should also be consulted in this matter from time to time and also all the other Provincial Governments which are concerned in this matter should also be consulted before the notification is issued And this notification ought not to be issued ordinarily until all the other avenues for settling them in that place are exhausted.

Honourable Members ; The question be now put

Mr. President (The Honourable Sir Abdur Rahim) The question is that the question be now put

The motion was adopted

Sir Girja Shankar Bajpai : Mr. President, our Honourable friend, Syed Ghulam Bhik Nairang, suggested that we should all observe a sense of proportion If I may venture to say so, my Honourable friend, Mr. Ananthasayanam Ayyangar, did not exactly observe it. I should have expected his speech at the second reading rather than the third reading stage

An Honourable Member : He was not here then

Sir Girja Shankar Bajpai : In any case, he seems to me to have an extraordinary suspicious mind Not merely that, he does not seem to be quite cognizant of the facts For instance, he asked me as to whether anybody, that is to say, any Indian in Malaya, had asked that this measure should be undertaken ? May I inform him that the Indian Association in Malaya, which is supposed to be the most representative organisation of Indians there, definitely appealed to and approached the Government of India with the request that they should undertake a measure of this kind. Then, Sir, he suggested that we might consult the Government of Madras in the future with regard to notifications that we might issue. May I inform him that we consulted the Government of Madras before we brought in this Bill, and we brought it in with their full concurrence My Honourable friend says that there is something behind this measure. If there is something behind this measure which is sinister, the Government of India share the responsibility with very good companions They are in the company of the Government of Madras, which is predominantly composed of members of the political complexion of my Honourable friend opposite And, what is more, Government have the support of the *Hindu* newspaper, which I presume, my Honourable friend reads with great interest and also appreciation That is the position as regards this particular measure

I will say only one word as regards land settlement I do not see how the problem of settling those Indians who are already in Malaya on land can be promoted by our adding to the numbers who are already there We must, first of all, make sure that those who are already in Malaya have facilities for the purpose of settlement. My Honourable friend said . Had this question been looked into ? Yes, it was looked into by the Right

[Sir Girja Shankar Bajpai.]

Honourable Mr Sastri, who told us that as rapidly as the circumstances permitted, settlement schemes were under consideration. That is the best that we could expect in the present state of affairs

In conclusion, I should like to thank my Honourable friend, Syed Ghulam Bhik Nairang, for his very kindly references to me I do not think there is any credit due to me for piloting this Bill through with comparative smoothness in the House I think the credit really belongs to the House for appreciating, despite a few discordant notes here and there, that its real purpose is to help the Indian communities abroad.

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

"That the Bill, as amended, be passed"

The motion was adopted

The Honourable Sir Muhammad Zafrullah Khan (Leader of the House) : Sir, it is the desire of a good many Members in the House that the House may now adjourn and that the next item be taken up on Monday.

Mr. President (The Honourable Sir Abdur Rahim) If that is the desire of the House, then I adjourn the Assembly till Monday, the 19th September

The Assembly then adjourned till Eleven of the Clock on Monday, the 19th September, 1938.

LEGISLATIVE ASSEMBLY.

Monday, 19th September, 1938

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

STARRED QUESTIONS AND ANSWERS

(a) Oral Answers.

Riots in Burma

1120 *Mr Amarendra Nath Chattopadhyaya : (a) Will the Secretary for Education, Health and Lands be pleased to state if he is in a position by this time to make a full statement about the riots in Burma, on account of which many Indians died and many had to come back to India ?

(b) If so, will the Honourable Member be pleased to make a full statement of the aforesaid affair and state in detail (i) the cause of riot, (ii) how many Indians, both Mussalmans and Hindus, died, (iii) how many were injured, (iv) who were the aggressors, (v) what steps the Burma Government have taken to restore peace amongst the two parties, (vi) how many people have been arrested and tried, and with what result , (vii) how many Indians, both Muslims and non-Muslims, came back to India, leaving their business and property there, and (viii) what compensations have been given them by the Burma Government for their losses ?

Sir Girja Shankar Bajpai : (a) and (b), (i), (iv), (v) and (vii). The attention of the Honourable Member is invited to the reply given by me to Mr Satyamurti's short notice question on the 12th August, 1938, to the speeches of the Honourable Sir Jagdish Prasad and myself in the course of the adjournment motion of Sir Ziauddin Ahmad on Monday the 5th September, and to my reply to Mr T S Avinashilingam Chettiar's question No 896 on the 9th September, 1938 According to the latest information supplied by the Government of Burma the situation is as follows

The Rangoon (Emergency) Security Act was published on September 9th and a state of emergency declared to exist that day. Since then there has been manifest improvement No assaults have been reported since September 9th

2 As regards districts that were disturbed there is still an undercurrent of unrest in Mandalay town caused apparently by a number of bad characters, though situation owing to vigorous patrolling of town is entirely in hand.

In districts elsewhere isolated cases of stone throwing, incendiarism and assault are still reported and normal conditions cannot be definitely said to have been restored but generally speaking the situation has substantially improved and confidence is returning.

(b), (ii) and (iii) The number of killed and injured in Rangoon according to latest information is as follows :

	Muslims (Casualties by rioters).	Hindus
Killed	66	8
Injured	220	98

	Muslims (Casualties by armed forces)	Hindus
Killed	3	
Injured	7	

Figures by races for the districts are not available.

(b), (vi) Up to the 7th September, 1938, approximately 4,132 persons were arrested, of whom 2,028 were sent up for trial Government have no information as to the sentences passed as presumably many cases are still pending

(b). (viii) Government have taken up the question of the payment of compensation to Indians for loss of life and property caused by the riots and the establishment of an independent agency for the purpose of assessing the claims

Mr Lalchand Navalrai : May I know whether any non-official committee has been set up in bringing about rapproachment between Burmans and Indians ?

Sir Girja Shankar Bajpai : I have with me a report about the meeting of Burman and Indian leaders said to have been held on the 9th to devise ways and means to restore friendly relations between the two communities and it has also been stated that they subsequently gave an assurance to the Home Minister in Burma that they would see that no disturbance took place in their respective quarters. That is the only non-official committee that I know of

Mr Lalchand Navalrai : Have Government taken care of the property that Indians have left there ?

Sir Girja Shankar Bajpai : As a matter of fact what I have heard is that most of the refugees have left precious little property behind them

Mr S. Satyamurti : With reference to part (b) (v) of the question, may I know what steps the Burma Government have taken to restore peace amongst the two parties, and may I know whether the attention of the Government has been drawn to a recent statement made by the Leader of the Opposition in the Burma Legislature, threatening retaliation because we took up the matter here in India ?

Sir Girja Shankar Bajpai : I have read the statement referred to by the Honourable Member, and our information is that, so far as the Government of Burma are concerned, they are determined to do their best to maintain order.

Mr. K. Ahmad : What are the reasons for the number of casualties amongst the Muslims being so high and among the other communities so much less ? Do Government propose to look after these poor Muhammadans, not only in the way of giving compensation to them, but also giving them legal assistance by sending the Advocate General or any other Barrister to defend them in Courts in Burma ?

Sir Girja Shankar Bajpai : I was simply going to say that it is very difficult for me to cope adequately with the somewhat prolonged *impromptu* incoherence of my Honourable friend.

Mr S. Satyamurti : With regard to part (b) (vii), have Government satisfied themselves that, so far as Indians who want to come back to this country as a result of the present situation are concerned, they are adequately provided for both in respect of their comforts during their stay in Rangoon and their passage back to this country ?

Sir Girja Shankar Bajpai : As my Honourable friend is aware, complete information on that point must await until our Agent has reached Burma He was here to receive instructions and he will leave for Burma next Friday But the Government of Burma have informed us that in addition to the people who have already left, they assume responsibility for defraying half the expenses up to 3,000 refugees, the question as to whether they should undertake further liability and responsibility in respect of this particular group of persons is under investigation.

Mr. S. Satyamurti : With regard to the composition of the Committee, that is, the personnel appointed by the Government of Burma to enquire into the causes of these riots, have Government satisfied themselves that as far as circumstances permit—I recognise the limitations of this Government as against the Burma Government—this is the best and the most satisfactory and independent committee ?

Sir Girja Shankar Bajpai : I submit that that question would arise on the one of which my Honourable friend has given notice and which will come later on, but if you like, I can answer it now.

Mr. Badri Dutt Pande : When is the Agent expected to arrive in Burma ?

Sir Girja Shankar Bajpai : He is *en route* to Burma.

Mr. Abdul Qaiyum : Have the Government taken steps to allay the panic and stop the exodus from Burma to India ? What steps have the Government taken to prevent these people from returning to India ?

Sir Girja Shankar Bajpai : Restoration of order in Burma is going to be the strongest inducement for these people to stay behind in Burma ?

Dr. Sir Ziauddin Ahmad : Has the panic subsided ?

Sir Girja Shankar Bajpai : The information is to the effect that confidence is gradually returning

GOVERNMENT'S POLICY ON THE CONTROL OF COASTAL TRAFFIC OF INDIA BILL.

1121 ***Dr Sir Ziauddin Ahmad** : (a) Will the Honourable Member for Commerce be pleased to state whether in Sir Abdul Halim Ghuznavi's motion, recommitting to Select Committee his Bill to Control the Coastal Traffic of India, the Honourable Sir Muhammad Zafrullah Khan, Commerce Member, said in this House on the 9th August, 1938, that " the Government are opposed to the principle of the Bill as well as the motion before the House " ?

(b) Will Government be pleased to state whether they did not accept a Resolution on this subject moved by the Honourable Rai Bahadur Lala Jagdish Prasad in the Council of State on 7th March, 1935 ?

(c) If so, will Government be pleased to state whether they have altered their policy in this respect and if so, for what reasons ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes

(b) The Resolution in question urged that suitable steps should be taken to build up an Indian mercantile marine Government accepted this Resolution with certain reservations

(c) There has been no change of policy

Mr. S Satyamurti With reference to parts (a) and (b) taken together may I know, whether taking the recent statement of the Honourable the Commerce Member and the earlier statement made in the Council of State about reservation, what exactly is the policy of the Government today with regard to securing the coastal trade for Indian shipping ?

The Honourable Sir Muhammad Zafrullah Khan : The policy is the same as was set out in the speech of Sir Thomas Stewart on that occasion, which I have here with me and if the Honourable Member wants I can read the relevant portion

Mr. S Satyamurti : Then why did the Honourable the Commerce Member state that he was opposed to the principle of the Bill ? I am not bothering about the actual clauses of the Bill I know there are difficulties May I know why the Honourable the Commerce Member stated this ? In view of the fact that the policy of the Government is to do everything in their power to get an increased share in the coastal trade for Indian shipping, why did he say that Government are opposed to the principle of the Bill ?

The Honourable Sir Muhammad Zafrullah Khan : Government are committed to the promotion of Indian mercantile marine subject to the reservations made in the speech to which I have referred and the principle of the Bill is not one of the particular methods which Government are willing to adopt for that purpose

Mr. S Satyamurti : May I take it then that the Government will not consider the question of fixing maximum and minimum freights and fares, in order to prevent rate wars as one means of promoting the interests of Indian shipping ?

The Honourable Sir Muhammad Zafrullah Khan: So far as that general question is concerned, apart from any specific instances which may be treated as exceptions, that is so

SMUGGLING OF UNLICENSED TEA FROM INDIA

1122 *Mr **Brojendra Narayan Chaudhary**: Will the Honourable Member for Commerce please state

(a) if his attention has been drawn to the London news, dated the 3rd September, 1938, appearing in the *Hindustan Times* of the 5th September, 1938, regarding the smuggling of unlicensed tea from India,

(b) regarding third paragraph of the news, the preventive measures taken, and further measures intended to be taken,

(c) whether it is a fact that tea is smuggled to Aden in ships,

(d) whether the department has any conjectural idea of the quantity so smuggled during last year, the total, and to Aden, and

(e) the ports from which it is suspected that tea is so smuggled and the ships in which it is carried, if any particular steamer or service of steamers is suspected?

The Honourable Sir Muhammad Zafrullah Khan: The question should have been addressed to the Honourable the Finance Member

NEGOTIATIONS FOR INDO-BRITISH TRADE AGREEMENT.

1123 *Mr **S Satyamurti**: Will the Honourable the Commerce Member be pleased to state:

(a) the latest stage, *i.e.*, on the 19th September, 1938, or as near to it as possible, at which the Indo-British Trade talks stand,

(b) whether any agreement has been arrived at, and, if so the terms thereof,

(c) if no agreement has been arrived at, and, if so, the outstanding points of dispute,

(d) whether any agreement has been arrived at about the purchase of cotton by England and the purchase of English cotton piece-goods by India, if so, the terms thereof, and, if not, the points of difference which have not been settled;

(e) whether the Honourable Member proposes to proceed to England for further negotiations, or whether the negotiations have finally broken down;

(f) whether the non-official advisers have submitted their report to Government at the latest stage of the negotiations, and whether Government will place the report on the table of the House, and, if not, why not;

(g) what further steps, if any, Government propose to take in this matter ;

(h) whether Government propose now to terminate the Ottawa Agreement, and, if not, why not , and

(i) whether Government have now come to any conclusion as to consulting the House before they finally decide this matter and, if so, what that conclusion is ?

The Honourable Sir Muhammad Zafrullah Khan : (a), (f), (g), (h) and (i) The Honourable Member's attention is invited to the answers given to Mr K Santhanam's question No 1014 and its supplementaries during the current Session I have nothing to add to them

(b), (c) and (d) The negotiations with His Majesty's Government in the United Kingdom have not yet been concluded Government are not prepared in the meantime, to make public details of the proposals put forward by either party.

(e) The Honourable Member's attention is invited to the answers given to part (b) of Mr K Santhanam's question No 219 during the current Session

Mr. S. Satyamurti : Since this is the last day of the Session, on which my Honourable friend is answering questions concerning the Commerce Department, may I know if this is the last word he can say to this House, or if he is in a position to answer specifically the outstanding points of dispute, mentioned in clause (c) of my question ?

The Honourable Sir Muhammad Zafrullah Khan : I believe on the last day on which I was answering questions I gave the Honourable Member up to date information with regard to what had happened. If there is any particular matter on which he is anxious to obtain information and on which I can give him information this morning, I shall do so

Mr S Satyamurti : May I know if raw cotton and cotton goods are the only outstanding points of dispute between His Majesty's Government and the Government of India today ?

The Honourable Sir Muhammad Zafrullah Khan : The position is a little more complicated than that It is not only a case of certain outstanding differences between the Government of India and the Board of Trade , it is also a question for the Government of India to come to a decision after studying the report of the non-official advisers as to what further matters should be taken up with the Board of Trade

Mr S. Satyamurti : Does this latter advice of the non-official advisers cover any other matter besides cotton ?

The Honourable Sir Muhammad Zafrullah Khan : Yes , it covers a number of other matters besides.

Mr. S Satyamurti : With regard to the questions to which the Honourable Member gave a comprehensive answer, may I take it that the Government of India have not come to the stage of deciding even tentatively and therefore they cannot give the House any assurance that the matter will be brought before the House, before they make up their minds finally ?

The Honourable Sir Muhammad Zafrullah Khan : From one point of view the matter had proceeded much further than that As I have told the House on previous occasions during the current Session, certain proposals which would form the basis of the new agreement and which dealt with everything except little points of detail were placed before the unofficial advisers and Government were then hoping that it may be possible to announce before the House rose that the principles of the agreement had been settled between the Board of Trade and the Government of India. The unofficial advisers have now taken exception to a good deal more than was expected they would raise criticism upon, and therefore the first matter to be decided is what points the Government of India should take up with the Board of Trade and try to persuade them to accept

Mr. S. Satyamurti : May I take it, therefore, that the Government cannot enlighten the House on this the last but one day of the Session, either on the question whether they have themselves made up their minds in favour of or against the agreement, and secondly on the question whether they will consult the House, before they finally make up their minds on the matter one way or the other ?

The Honourable Sir Muhammad Zafrullah Khan : With regard to the first part of the question, Government are trying to do whatever they can to bring about an agreement acceptable to both parties, and with regard to the second part, as soon as Government know what sort of agreement there may be to place before the House they will decide the question in what manner to consult the House

VISIT OF THE UNDER SECRETARY OF STATE FOR INDIA TO INDIA

1124 ***Mr. S. Satyamurti** : Will the Honourable the Leader of the House be pleased to state

(a) whether the Government of India have any information about the visit of the Under Secretary of State for India to this country ,

(b) whether he is coming on the invitation of the Government of India ,

(c) whether they were consulted about it ; and

(d) whether his tour has any political significance ?

The Honourable Sir Muhammad Zafrullah Khan : (a) to (d) The Government of India were apprised of the proposed visit and they welcomed the proposal The visit has no special significance and is in no way concerned with the question of Federation

Mr S Satyamurti : May I know why they welcome the visit ?

The Honourable Sir Muhammad Zafrullah Khan : If the Under Secretary of State for India wanted to make personal contacts with India, surely it was a proposal to be welcomed.

Mr. S. Satyamurti : May I take it therefore that the reason why they welcome the Under Secretary of State is because he is not coming out on a political mission but to make contacts and if that is so, may I know with whom he comes here to make first hand contacts ?

The Honourable Sir Muhammad Zafrullah Khan : That I am afraid I am unable to answer, with whom he will or will not make contacts. The proposal was that the Under Secretary of State intended to visit India and I am quite certain that everybody would agree that anybody who had to share the responsibility in the House of Commons with regard to India, if he intended to visit India, was to be made welcome under any circumstances

Mr. S Satyamurti : May I know why my Honourable friend says in answer to clause (d) that the tour has no political significance whatever ?

The Honourable Sir Muhammad Zafrullah Khan : So far as Government are aware he has no particular object beyond establishing contacts.

Mr. S. Satyamurti : Does he come in order to find out the political opinion of this country or merely on a formal official visit ?

The Honourable Sir Muhammad Zafrullah Khan : The Government of India have not cross examined the Under Secretary of State with regard to the details of his proposed visit

Mr. S Satyamurti : I know they have not cross-examined him to find that out and they need not but I am simply asking from the correspondence between them and the Secretary of State or the Under Secretary of State whether they are in a position to say that his visit has no political significance, and if so, on what grounds ?

The Honourable Sir Muhammad Zafrullah Khan : On the ground that no particular political object has been mentioned apart from what I have stated

Dr Sir Ziauddin Ahmad : Will the Government of India make a programme for his visit and chalk out the persons whom he ought to see or will he have his own choice ?

The Honourable Sir Muhammad Zafrullah Khan : The Government of India will not chalk out any programme

Sardar Mangal Singh : May I know if he is on leave or he is still on duty ?

The Honourable Sir Muhammad Zafrullah Khan : That is a question to be addressed to the Secretary of State for India

DRAFT INSTRUMENT OF ACCESSION TO THE FEDERATION.

1125 ***Mr S. Satyamurti** : Will the Honourable the Leader of the House please state the latest position according to the information of the Government of India about the instruments of accession to the federation, and the attitude of the Princes thereto ?

The Honourable Sir Muhammad Zafrullah Khan : The attention of the Honourable Member is invited to the reply which I gave on the 14th September, 1938, to Mr Manu Subedar's starred question No. 1052A

Mr S. Satyamurti : I want to know whether it is a fact or not, that a copy of the general instrument of accession is now in the possession of the Government of India and is being shown to successive

Dewans—Sir Mirza Ismail, Sir V. T Krishnamachari, Sir Akbar Hydari and others—who are in Simla now, or may I know if Government refuse to answer the question ?

The Honourable Sir Muhammad Zafrullah Khan : So far as the Government of India are concerned, I have no further information beyond that which has already been given to the House

Mr. S Satyamurti : Does he include the Reforms Department and also the Foreign Department, and may I know whether the Government have any information about the object of the visits of three or four or half a dozen Dewans of important Indian States to Simla successively and they have no political interest at all here and have come here on a holiday trip ?

The Honourable Sir Muhammad Zafrullah Khan : That is not covered by this question

Mr S Satyamurti : I want to know the stage at which the instrument of accession stands My question is about the latest position of the instruments of accession and their particulars I am, therefore, asking whether these visits of these distinguished Dewans have anything to do with the original general instrument of accession which is common to all States, which is being shown to them, or whether Government have no information or refuse to give any information

The Honourable Sir Muhammad Zafrullah Khan : I have no doubt that if these distinguished personages have been visiting Simla they may have been carrying on conversations with regard to all sorts of matters with all sorts of people in Simla and possibly also on the aspect of the matter that the Honourable Member has in mind , but I am not in a position to be able to give any specific information

Mr. S Satyamurti : But surely, Sir, my Honourable friend answers questions with regard to these matters I can understand his saying—and as you have ruled repeatedly, Sir,—he can refuse to give information on the ground of public interest and then I am helpless But I can only catch the Government of India through him, and he must say either that he has no information or he cannot give me any information

Mr. K. Ahmad : Sir, is this sort of cross-examination allowed in the House of Commons in England ?

The Honourable Sir Muhammad Zafrullah Khan : I have answered the question already

Mr S. Satyamurti : I want an answer He has not answered it

The Honourable Sir Muhammad Zafrullah Khan : I said I have no doubt they discuss all sorts of matters, but I am unable to give any information with regard to the specific matter that the Honourable Member has mentioned

LIFE OF THE LEGISLATIVE ASSEMBLY

1126 ***Mr S. Satyamurti :** Will the Honourable the Leader of the House please state whether Government have come to any decision about the life of the present Assembly ?

The Honourable Sir Muhammad Zafrullah Khan : The power of extending the life of the Assembly is vested in the Governor General (and not the Governor General in Council) under section 63D (1) (b) of the Government of India Act, as set out in the 9th Schedule to the Government of India Act, 1935 It is, therefore, not for Government to come to any decision in the matter.

Mr S. Satyamurti May I know, Sir, whether the Government have never been consulted or are not consulted in this matter at all, by the Governor General ?

The Honourable Sir Muhammad Zafrullah Khan : That does not arise out of this question

Prof N G Ranga : Have Government tried to ascertain public opinion in this country in regard to the continued extensions of the term of this Assembly ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

Prof N G. Ranga Why not ?

The Honourable Sir Muhammad Zafrullah Khan : Because, as I have said, it is not the function of Government to decide whether the life of the Assembly shall or shall not be extended

†1127*-1128*

NEW TARIFF POLICY OF BURMA

1129 *Mr. S Satyamurti : Will the Honourable the Commerce Member be pleased to state

(a) whether his attention has been drawn to the fact that the Commerce Minister of Burma has submitted a new tariff policy for Burma to the Fiscal Committee of the Government ,

(b) whether Government have ascertained, or propose to ascertain, what this new policy is ,

(c) whether Government are taking steps, or propose to take steps, for a fresh Indo-Burma trade agreement in 1940 ;

(d) whether Government will consult this House, or a Committee thereof, with regard to this fresh treaty ;

(e) whether Government propose, in concluding or negotiating any such treaty, to bear prominently in mind the supreme importance of securing adequate guarantees for the protection of Indian lives and property in Burma , and

(f) if not, why not ?

†These questions were withdrawn by the questioner.

The Honourable Sir Muhammad Zafrullah Khan : (a) Government have seen a press report to that effect.

(b) and (c) No, Sir Government do not consider any action necessary at this stage.

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

Mr S. Satyamurti Whenever they begin to consider this question, may I have an assurance from my Honourable friend that Government, in considering a new tariff policy for Burma or in concluding or negotiating any new trade agreement, will bear prominently in mind the supreme importance of adequately protecting Indian lives and property in Burma, as the balance of trade is very much in favour of Burma ?

The Honourable Sir Muhammad Zafrullah Khan : Every relevant consideration will be kept in mind.

RATE WAR BETWEEN SHIPPING COMPANIES CARRYING HAJ PILGRIMS

1130 ***Dr. Sir Ziauddin Ahmad** : (a) Has the attention of the Secretary for Education, Health and Lands been drawn to the leaflets published and distributed by Messrs Turner Morrison and Company advising pilgrims in their own interests not to deposit money, or book their tickets, with agents upcountry, but to book tickets in the ports where the lowest possible rates can be obtained ?

(b) Will Government be pleased to state whether Messrs Turner Morrison have officially announced a reduction in their rates of fares from Bombay and Karachi to Jeddah by Rs 100 each in the case of first and second class return fares and Rs 25 in the case of deck return fares ?

(c) Will Government be pleased to state whether they have considered that such a rate war would not be detrimental to the interests of Indian shipping as well as Indian pilgrims ?

(d) Will Government be pleased to state whether they have taken or propose to take any action in regard to the impending rate war in the *Haj* traffic between Messrs Turner Morrison and Company and Messrs Scindia Steam Navigation Company ?

Sir Girja Shankar Bajpai : (a) Yes

(b) Yes, for pilgrim ships sailing from Bombay and Karachi before *Ramzan*

(c) Government are alive to this consideration

(d) The question is under the consideration of Government

Dr. Sir Ziauddin Ahmad : Have the Government taken any practical action in this matter ?

Sir Girja Shankar Bajpai These parts really relate to the jurisdiction of the Honourable the Leader of the House, and I think only three days ago he informed the House that he is seized of the matter and is doing what he can to expedite a decision

Mr Lalchand Navalrai : May I know, Sir, if these steam navigation companies consult the Government whenever they make any changes in their fares and rates ?

Sir Girja Shankar Bajpai No, Sir, they are under no obligation to do so, and actually they do not

Mr Lalchand Navalrai Do they consult the Committee which they have appointed ?

Sir Girja Shankar Bajpai As far as I know, they do not

PERSONNEL OF THE TARIFF BOARD ON TEXTILE INDUSTRY

1131 **Mr K Santhanam** : Will the Honourable Member for Commerce please state :

(a) whether the attention of Government has been drawn to the report that the personnel of the Tariff Board to enquire into the question of protection for the textile industry has been settled ,

(b) whether it is a fact that Sir A Ramaswami Mudaliar, Dr Sir Ziauddin Ahmad and Mr Roughton have been appointed, or approached in this behalf , and

(c) if the answer to part (b) be in the negative, whether Government propose to consult the Party Leaders of this House before coming to a final conclusion in the matter ?

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

(b) and (c) No, Sir

Mr S. Satyamurti Sir, in constituting the Tariff Board, may I know whether the Government bear in mind the political and other antecedents of the possible Members, and do they select such Members as are likely to be in agreement with the preconceived views of Government or accept their principles, or do they select Members who are not committed to any particular views ?

The Honourable Sir Muhammad Zafrullah Khan With regard to the first part, I am quite sure that the past conduct of the Tariff Boards will have reassured my friend that Government do not in any way try in advance to secure any particular opinion on any matter that is committed to the Board, and he may rest assured that the same will be the attitude of the Government with regard to any future Tariff Boards that may be appointed

Prof N G Ranga What are the terms of reference to this Board, and whether the question of protection to handloom weavers will also be referred to them ?

The Honourable Sir Muhammad Zafrullah Khan No terms of reference have been settled as the Board has not yet been set up

Prof. N G Ranga Will Government consider the advisability of charging the proposed Tariff Board with the task of inquiring into this question and suggest ways and means for protecting adequately the interests of handloom weavers

The Honourable Sir Muhammad Zafrullah Khan I take note of what the Honourable Member has said

Mr K. Santhanam: May I know when this Board is likely to be appointed ?

The Honourable Sir Muhammad Zafrullah Khan: I am unable to say that

Maulana Shaukat Ali: I hope it will not become the monopoly of the Congress Party

STAFF KEPT AT KAMARAN FOR QUARANTINE PURPOSES

†1132 ***Khan Bahadur Nawab Siddique Ali Khan**: (a) Will the Secretary for Education, Health and Lands please state if it is a fact that the present staff kept at Kamaran for quarantine purposes is maintained out of the amount charged from the *Hajis* as quarantine fee ?

(b) Do Government know that the Muslims feel that the staff at Kamaran should purely be Muslim, as the staff has to come in contact with *Hajis* only ?

Sir Girja Shankar Bajpai: (a) Yes

(b) Government have received no representation to that effect

STAFF KEPT AT KAMARAN FOR QUARANTINE PURPOSES

†1133 ***Khan Bahadur Nawab Siddique Ali Khan**: Will the Secretary for Education, Health and Lands please state the strength of the staff at Kamaran Port, to which community they belong, and what are their emoluments ?

Sir Girja Shankar Bajpai: With your permission, Sir, I shall answer questions Nos. 1133 and 1134 together.

These questions should have been addressed to the Secretary for External Affairs.

ELECTRIC AND MECHANICAL ENGINEER AT KAMARAN

††1134 ***Khan Bahadur Nawab Siddique Ali Khan**: (a) Will the Secretary for Education, Health and Lands please state if it is a fact that the Electric and Mechanical Engineer at Kamaran is a non-Muslim ?

(b) Is it a fact that a better qualified Mussalman was available, but he was not selected for the post ?

NON-INDIAN COMPANIES ESTABLISHED IN INDIA TO TAKE ADVANTAGE OF TARIFF WALLS

1135 ***Mr Abdul Qaiyum** (on behalf of Mr T S Avinashilingam Chettiar): Will the Honourable the Commerce Member state

(a) whether Government have received representations that non-Indian companies have been established in India to take advantage of tariff walls ;

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

‡‡For answer to this question, *see* answer to question No. 1133.

(b) whether Government have collected information regarding the establishment of such companies ; and

(c) if so, how many of them have been established and where, with what capital, and in which industries ?

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

(b) No, Sir

(c) Does not arise

Mr. Abdul Qaiyum : May I know, Sir, why information has not been collected or why it is not considered desirable to collect it ?

The Honourable Sir Muhammad Zafrullah Khan : An answer has been given to it several times in reply to supplementaries

Mr. S. Satyamurti May I know, Sir, if the attention of Government has been drawn to the issue of the *Harijan*,—I suppose they have heard of that paper,—dated the 3rd September, from Poona, in which the names of as many as 122 companies which are really non-Indian but which have been registered in this country have been given, and will Government look into the matter ? If they have not seen a copy of that paper, I am prepared to give them my copy

The Honourable Sir Muhammad Zafrullah Khan I have not seen a copy of that paper, but I shall be glad to have a look at it.

Mr S Satyamurti May I know whether Government will pursue this matter, in order to take steps to prevent the invasion of India by foreign capitalists, in the guise of Indian companies ?

The Honourable Sir Muhammad Zafrullah Khan I am very much afraid, as I said on the last occasion, this is, however regrettable it may be the result of the fiscal policy of the Government of India, and unless the much larger question of protection were also under investigation, this question could not be taken up

Mr. N. V Gadgil What is the present policy of the Government of India, is it to allow unrestricted import of foreign capital or under certain restrictions ?

The Honourable Sir Muhammad Zafrullah Khan : I believe the Honourable Member was himself responsible for that question with regard to Sir William Crake's speech, and all that has been foreshadowed in that speech itself

Mr. S Satyamurti May I know whether Government have examined the question or are taking other steps, in order to see that the results of our fiscal policy do not adversely affect the interests of India and that they are for the benefit of Indian concerns and not of non-Indian concern ?

The Honourable Sir Muhammad Zafrullah Khan : Government are not convinced that the import of foreign capital has been working to the detriment of this country

Mr S. Satyamurti : Have the Government realised that 122 companies have been registered in India ?

The Honourable Sir Muhammad Zafrullah Khan : That may be.

TERMS OF THE INDO-BRITISH TRADE AGREEMENT OFFERED BY THE UNITED KINGDOM

1136 ***Mr. M Ananthasayanam Ayyangar** (on behalf of Mr. Manu Subedar) : Will the Honourable the Commerce Member state :

(a) the original and final terms of the Indo-British Trade Agreement offered by the United Kingdom directly, or through Lancashire interests ;

(b) briefly the principal problems he had to deal with during each of his three visits ,

(c) when the various reports, including the final report, of the Advisers would be made available to the public ;

(d) in view of differences among the advisers, whether Government propose to reject the proposal embodying terms which have been unacceptable ; and

(e) whether Government have considered the desirability of bringing the whole issue of the Indo-British Trade Agreement before the Assembly ?

The Honourable Sir Muhammad Zafrullah Khan (a) and (b). As negotiations are not yet concluded I regret I cannot give any information as to the proposals made by the United Kingdom or the specific questions discussed, during my visits to England

(c) The Honourable Member's attention is invited to the answer given to part (b) of Mr K Santhanam's question No 1014 and its supplementaries during current Session.

(d) The Honourable Member's attention is invited to the answer given to parts (b) and (c) of Mr T. S Avinashilingam Chettiar's question No 895 during the current Session.

(e) I invite the Honourable Member's attention to the answers given to part (g) of Mr K Santhanam's question No 1014 and its supplementaries on the 14th September, and to part (i) of Mr S Satyamurti's question No 1123 this morning

Mr M. Ananthasayanam Ayyangar : May we know if Government have received the report of the non-official advisers ?

The Honourable Sir Muhammad Zafrullah Khan : Yes, Sir

APPOINTMENT OF ANOTHER INDIAN FISCAL COMMISSION

†1137 ***Babu Baijnath Bajoria** : Will the Honourable the Commerce Member be pleased to state whether the Government of India considered the necessity of appointing another Indian Fiscal Commission to review the industrial and economical conditions in the country and to suggest ways and means for further development in these directions ? If not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir. The Honourable Member's attention is invited to the answer given on the 3rd February, 1936, to Mr Satyamurti's question No. 40

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

CONTRIBUTION TO THE FLOOD RELIEF FUND OF ASSAM.

1138. *Maulvi Abdur Rasheed Chaudhury : Will the Secretary for Education, Health and Lands please state

(a) whether the Government of India are considering the question of contributing to the flood relief fund of Assam and, if so, to what extent, and

(b) whether Government are prepared to give an assurance that they will open up their purse to stop loss of life in Assam due to starvation caused by recent floods ?

Sir Girja Shankar Bajpai (a) and (b) Flood relief is essentially a provincial concern and the Government of Assam have not asked for any help from the Central Government A request for a donation from the Indian People's Famine Trust fund is now under consideration

Maulvi Abdul Rasheed Chaudhury May I know whether the Government of India received an appeal from the Government of Assam for giving them a contribution ?

Sir Girja Shankar Bajpai : No, Sir, that is a question which I have already answered, the Government of India have not been approached by the Government of Assam

CONSTITUTION OF A TARIFF BOARD ON TEXTILE INDUSTRY

1139 *Mr Abdul Qaiyum (on behalf of Mr T S Avinashilingam Chettiar) Will the Honourable the Commerce Member state

(a) whether they have constituted a Tariff Board to enquire into the matter of protection to the textile industry,

(b) if so, who are the members of the Board, and

(c) what are the terms of reference ?

The Honourable Sir Muhammad Zafrullah Khan (a) No, Sir

(b) and (c) Do not arise

Mr. S Satyamurti When is this Tariff Board due, that is to say, in order to give Government sufficient time to get the report to make up their minds and to bring the new Act into force ?

The Honourable Sir Muhammad Zafrullah Khan : In the normal course, the Tariff Board would have been set up during the course of the summer, but the consideration of that matter was delayed, because if duties were to be regulated by agreement, there was no point in having a Tariff Board, but now Government find themselves in this situation that if an agreement cannot be concluded before the expiry of the present period of protection as the Honourable Member has himself suggested, there may not be any material before Government on the basis of which they can come to a decision with regard to the future and therefore this is a matter which the Government are considering at present

Mr. S Satyamurti : Do the Government realise that the possibility of a Textile Tariff Board and the possibility of a reduction in duties as

a result thereof, is influencing the Board of Trade to be stiff, and will Government keep this in mind, in conducting further negotiations, and also with regard to the proposed Tariff Board ?

The Honourable Sir Muhammad Zafrullah Khan I am completely satisfied that the attitude of the Board of Trade is not influenced by any such consideration

Mr. K. Santhanam May I know if the existing protection will be extended as soon as the present Act expires ?

The Honourable Sir Muhammad Zafrullah Khan . How can I say ?

PRICE OF PIG IRON

1140 *Mr. **M Ananthasayanam Ayyangar** (on behalf of Mr. Manu Subedar) (a) With reference to the reply to starred question No 758 on the 6th September, 1938, that Government have no information about any price agreement in the matter of pig iron between the firms producing the same in India, will the Honourable the Commerce Member state whether they have now made enquiries ?

(b) Have Government come across any other case of price fixing, or rigging up of prices against the public in any other article at any time ?

(c) If so, what steps do Government propose to take to protect the public from the direct effect and indirect effect of such and similar attempts to eliminate competition ?

The Honourable Sir Muhammad Zafrullah Khan (a) No, Sir, but I would invite a reference to paragraphs 232—244 of the Tariff Board's last report on the Iron and Steel Industry

(b) No such cases have been reported to Government

(c) Does not arise

PROTECTION TO BRITISH COLONIES IN THE TARIFF SCHEDULE

1141. *Mr **M. Ananthasayanam Ayyangar** (on behalf of Mr. Manu Subedar) (a) Will the Honourable the Commerce Member state since when protection was given to British Colonies in the tariff schedule ?

(b) As a result of what negotiations was this protection given ?

(c) What is the *quid pro quo* which India receives from such British Colonies ?

(d) Is it true that many of these Colonies give greater preference to (i) the United Kingdom, and (ii) other Colonies, than they do to India ?

(e) Up to what time is it intended to keep up this preference ?

(f) Is there any agreement relating thereto ?

The Honourable Sir Muhammad Zafrullah Khan : (a), (b) and (f) It is assumed that the Honourable Member refers to the preferential rates of duty accorded to British Colonies in the Indian Customs Tariff. In accordance with certain provisions of the Ottawa Trade Agreement tariff preferences have been granted by India to the British Colonies since January, 1933. Copies of the Trade Agreement are in the Library of the House.

(c) The Honourable Member's attention is invited to the latter part of the answer given to part (d) of his question No 1052 and its supplementaries during the current Session.

(d) No, Sir The Honourable Member's attention is invited in this connection to Article 9 of the Ottawa Trade Agreement

(e) The Honourable Member is referred to the Commerce Department Press Communiqué, dated the 19th October, 1936, relating to the *ad interim* arrangements for regulating the trade relations between India and the United Kingdom and the Colonies. Copies of the Communiqué are in the Library of the House

Mr. S. Satyamurti With reference to the Honourable Member's answer, may I know whether the Indo-British trade negotiations cover the question of preferences being continued or given in an altered form to the British colonies ?

The Honourable Sir Muhammad Zafrullah Khan Yes

Mr S Satyamurti : May I know whether, in connection with that matter, Government are considering the advantage which is likely to be gained by us in giving them preference, or will they automatically be given ?

The Honourable Sir Muhammad Zafrullah Khan : They are not automatically given , they are carefully scrutinised

Mr. S Satyamurti May I know what is the machinery by which the British colonies negotiate with India ? Do the Government of India negotiate with the British colonies on these matters through the Board of Trade, or directly ?

The Honourable Sir Muhammad Zafrullah Khan No. We negotiate with the Colonial Office with regard to the Colonial Empire barring Ceylon, and with regard to Ceylon, we shall have direct negotiations

Mr. S. Satyamurti May I know that no British colony will get any preference, except on its own merits ?

The Honourable Sir Muhammad Zafrullah Khan Yes

RATE WAR BETWEEN SHIPPING COMPANIES CARRYING HAJ PILGRIMS.

1142 ***Mr. M. Ananthasayanam Ayyangar** (on behalf of Mr Manu Subedar) Will the Honourable the Commerce Member state :

(a) whether Indian public opinion, as expressed in this House and in representations from commercial bodies, pressed for the interference of Government in the rate-cutting war between shipping companies in relation to *Haj* traffic ;

(b) whether Government had invited a conference of the parties concerned, and whether such a conference was held ;

(c) what happened at this conference ;

(d) whether it is true that the representatives of the English Company came without any proposal of any kind and were not inclined to offer, or to accept any kind of settlement at the hands of Government ; and

(e) when Government propose to arm themselves with the necessary legal authority to exercise, in the interests of the public, restraint on transport organizations, preventing them

from going below the economic level, and, *vice versa*, preventing them from combining to charge the public heavily ?

The Honourable Sir Muhammad Zafrullah Khan : (a) This opinion has been expressed.

(b), (c), (d) and (e) The attention of the Honourable Member is invited to the reply given by me to starred question No 447 on 24th August, 1938

REPATRIATION OF INDIANS FROM BRITISH GUIANA

1143 ***Seth Govind Das** : Will the Secretary for Education, Health and Lands please state :

(a) whether his attention has been drawn to the news appearing in the first column of the thirteenth page of the *Hindustan Times*, dated the 4th September, 1938, under the caption " work for the workless " ,

(b) whether he has received any information from British Guiana about the ship-load of Indians being repatriated from that colony ,

(c) whether he is aware that such repatriated Indians are put to a lot of hardship on landing in this country because most of them have no homes here ;

(d) the reason why these repatriations are made ; and

(e) whether Government took action for preventing or delaying the despatch of these emigrants on the 10th September ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) I would invite the attention of the Honourable Member to the reply I was to have given to part (b)† of Mr S Satyamurti's starred question No 1128 which has just been withdrawn I hope that the reply will be placed on the table of the House

(c) and (d) I would refer the Honourable Member to my reply to part (b) of his starred question No. 221 on the 14th February, 1938

(e) I would refer the Honourable Member to the answer I was to have given to part (e)‡ of Mr Satyamurti's question No 1128 today

Seth Govind Das Is it a fact that the British Guiana Government have appointed a committee known as the Hinter Land Development Committee with a view to formulate a scheme for the development of culturable waste land in British Guiana, and is this Committee going to look at the question from the point of Indian settlers there ?

†(b) According to information received from the Colonial Government, the " Ganges " sailed from British Guiana with repatriates on the 12th September

‡(c) As I have informed the House on a previous occasion, these emigrants have earned the right of repatriation to this country and cannot be prevented from availing themselves of it as they are entitled to it under the law. The Government of India have represented to the Government of British Guiana that, as an inducement to those entitled to free repatriation to forego the right, Government should undertake some scheme of land settlement in the Colony They have also proposed that emigrants intending to return to India should be warned not to do so unless they have adequate resources to maintain themselves in India or relations who would be willing and able to do so The Protector of Emigrants, Calcutta, will receive the repatriates on arrival of the ship and arrange to have them sent to their respective homes.

Sir Girja Shankar Bajpai I confess I have not heard about the appointment of the Committee. But if my Honourable friend's information is correct, I have no doubt that it is directly the result of the despatch that we addressed to the British Guiana Government last April on this very subject.

Seth Govind Das Is it a fact that no Indian has been appointed on this Committee ?

Sir Girja Shankar Bajpai As I have already told my Honourable friend, I have no information about the appointment or the personnel of the Committee

Seth Govind Das Will the Honourable Member take it from me that no Indian has been appointed on this Committee, and under those circumstances, will he address the British Guiana Government to appoint an Indian also on this Committee so that he may be able to look after the interests of Indians in that colony ?

Sir Girja Shankar Bajpai I shall make enquiries into the nature as well as the composition of the Committee, but I think my Honourable friend ought to realise that the whole question of land settlement is much more likely to come comprehensively under the purview of the proposed Royal Commission than it could under that of any Committee which may have been set up locally

Seth Govind Das Are Government aware of the fact that before that Royal Commission this Committee is going to lead evidence, and therefore it would be in the interests of British Guiana Indians that an Indian should be appointed on that Committee ?

Sir Girja Shankar Bajpai The answer to that part of the question is covered by the answer I gave to an earlier question by him

Seth Govind Das I am asking whether Government will recommend to the British Guiana Government the appointment of an Indian on this Committee I am asking that definite question.

Sir Girja Shankar Bajpai : I submit that at this stage that is a hypothetical question What sort of Committee has been put up, what the terms of reference of the Committee are, what its personnel is—we do not know, but I can assure my Honourable friend that I will make enquiries to see whether from the point of view of the protection of Indian interests any action on the part of the Government of India is called for

Seth Govind Das . Are Government aware that in the case of Trinidad and Surinam, that is, in Dutch Guiana, they have deliberately put a stop to the grant of return passages to indentured Indian immigrants and their descendants and have substituted cash and land rent to induce them to stay in the colony ?

Sir Girja Shankar Bajpai : I submit that what has been done by the Government of Dutch Guiana does not arise out of the question on British Guiana.

Seth Govind Das : I am pointing this out so that the Government of India may request the British Guiana Government also to do the same as the Dutch Guiana Government has done in this respect, because in

Dutch Guiana also there are Indians and the Dutch Guiana Government has given them cash and land so that they may stay

Mr President (The Honourable Sir Abdur Rahim) The Honourable Member is making a speech Next question

Seth Govind Das I want to put one more supplementary question regarding Indian Emigration Fund

Mr President (The Honourable Sir Abdur Rahim) I have already called on the next question

INDIAN MEDICAL SERVICE OFFICERS HOLDING PERMANENT COMMISSION.

1144 *Haji **Chaudhury Muhammad Ismail Khan** : (a) Will the Secretary for Education, Health and Lands be pleased to state the number of Indian Medical Service Officers holding permanent commissions ?

(b) How many of them are Indians ?

(c) How many of them are Muslims ?

Sir Girja Shankar Bajpai : Sir, with your permission, I shall answer questions Nos 1144, 1145 and 1146 together. These questions should have been addressed to the Defence Secretary

Mr. Kuladhar Chaliha : May I know whether the term " Indian " includes Muslims ?

Sir Girja Shankar Bajpai : Well, I believe so

PERSONS GRANTED PERMANENT COMMISSIONS IN THE INDIAN MEDICAL SERVICE.

†1145 ***Haji Chaudhury Muhammad Ismail Khan** : (a) Will the Secretary for Education, Health and Lands please state the number of people granted permanent commissions in the Indian Medical Service since 1928 ?

(b) Out of these how many are Indians ?

(c) How many of them are British, including South Africans, Canadians, Australians, etc ?

PAUCITY OF MUSLIMS IN THE INDIAN MEDICAL SERVICE.

†1146. ***Haji Chaudhury Muhammad Ismail Khan** : (a) Will the Secretary for Education, Health and Lands be pleased to state the reasons for the paucity of Muslims in the Indian Medical Service ?

(b) What steps do Government propose to take to remove this paucity ?

†For answer to this question, *see* answer to question No 1144.

USE OF THE KARACHI TOWN HALL FOR PUBLIC MEETINGS.

1147. ***Pandit Sri Krishna Dutta Paliwal** : (a) Will the Secretary for Education, Health and Lands please state whether the Municipal Committee, Kekri, agreed by a resolution to allow the public to use the Town Hall for public meetings ?

(b) Is it a fact that the Chairman agreed to let the Hall on the same conditions as in the case of Ajmer Town Hall ?

(c) Is it a fact that the Commissioner over-ruled the resolution of the Committee and the letter of the Chairman ?

(d) Whether Government intend to reconsider the matter and restore the right of the public to use the Town Hall ?

Sir Gurja Shankar Bajpai : With your permission, Sir, I shall answer questions Nos. 1147, 1148 and 1149 together Enquiries have been made and a reply will be furnished to the House on receipt

NOTIFICATION DEPRIVING THE AJMER MUNICIPAL COMMITTEE FROM ELECTING A NON-OFFICIAL CHAIRMAN

†1148 ***Pandit Sri Krishna Dutta Paliwal** : Will the Secretary for Education, Health and Lands please state

(a) whether Government are aware that the Chief Commissioner of Ajmer-Merwara issued a notification on the 17th October, 1930, depriving the Committee of its right to elect a non-official Chairman ,

(b) if it is a fact that under the Chief Commissioner's notification on the 17th October, 1930, the Extra Assistant Commissioner was nominated as Chairman of the Committee for the " time being " ; and

(c) if it is also a fact that the Beawar Municipal Committee passed a resolution at its meeting on the 28th October, 1937, wherein the Chief Commissioner was requested to cancel the notification referred to above ?

ELECTION OF A NON-OFFICIAL CHAIRMAN TO THE BEAWAR MUNICIPAL COMMITTEE.

†1149 ***Pandit Sri Krishna Dutta Paliwal** : Will the Secretary for Education, Health and Lands be pleased to state ·

(a) if it was promised on behalf of Government that the right of the election of a non official Chairman will be restored to the Beawar Municipal Committee ; if so, when and on what conditions ;

(b) the time when Government propose to allow the Committee to elect a non-official Chairman ;

†For answer to this question, *see* answer to question No. 1147

(c) if the Extra Assistant Commissioner is a particular person or an office in the Local Government ,

(d) how many persons holding office of the Extra Assistant Commissioner have acted as Chairman of the Beawar Municipal Committee ; and

(e) whether the Chief Commissioner issued a separate notification for the nomination of these persons ?

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RETIREMENT, ETC., OF OFFICERS IN THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS AND ITS ATTACHED OFFICES.

†1150. ***Mr. Umar Aly Shah** : Will the Secretary for Education, Helath and Lands please state how many officers, community-wise, were due to retire in the Department of Education, Health and Lands and its Attached Offices in 1936, 1937 and 1938, how many of them, community-wise, have retired, or are on leave preparatory to retirement, and how many of them, community-wise, have been granted extensions ?

Sir Girja Shankar Bajpai : A statement giving the information asked for by the Honourable Member is laid on the table.

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

Statement

Year.	Officers due to retire.				Officers who have retired or have proceeded on leave preparatory to retirement				Officers granted extensions.			
	Hindus.	Muslims	Domiciled Europeans or Anglo-Indians	Europeans	Hindus.	Muslims	Domiciled Europeans or Anglo-Indians	Europeans	Hindus.	Muslims	Domiciled Europeans or Anglo-Indians	Europeans
1936	1	1	*Nil*	*Nil*	*Nil*	*Nil*	*Nil*	*Nil*	1	1	*Nil*	*Nil*
1937	4	2	1	2	1	1	2	2	3	1	1	1
1938	5	2	1	*Nil*	1	2	1	*Nil*	4	*Nil*	*Nil*	*Nil*

ENFORCEMENT OF RULES REGARDING THE AGE OF RETIREMENT OF GOVERNMENT SERVANTS

†1151. ***Mr Umar Aly Shah** : (a) Will the Secretary for Education, Health and Lands please state whether it is a fact that in his address to the Legislature on the 21st September, 1936 His Excellency the Viceroy stated that the recommendations of the Sapru Committee on Unemployment were being considered and action was being taken on them ? Is it a fact that in paragraph 205 (page 110) the Sapru Committee recommended :

> " We are strongly of opinion that the rules regarding the age of retirement should also be rigourously enforced and that, in the larger interest of the country, and in view of the necessity of giving a fair chance to young men, *no extension should be granted to any public servant after he has completed the 55th year of his age* "

(b) Will Government please state why the above recommendation has not been observed in the Department of Education, Health and Lands ?

Sir Girja Shankar Bajpai (a) *First part*—What His Excellency stated was that Government were actively investigating the avenues opened up by the Report of the Sapru Committee and would leave nothing undone to devise methods of dealing with middle class unemployment

Second part—Yes

(b) A copy of the orders issued as a result of the recommendation is laid on the table These orders apply to, and are being followed by, the Department of Education, Health and Lands

No F. 6-(24)-R. II|38

GOVERNMENT OF INDIA

FINANCE DEPARTMENT

Simla, the 20th May, 1938

FROM

R. L GUPTA, Esq., I.C.S.,

Under Secretary to the Government of India,

To

ALL CHIEF COMMISSIONERS

SUBJECT —*Age of compulsory retirement in the case of ministerial Government servants*

Sir,

I am directed to say that the Central Government have decided that ministerial Government servants should, like non-ministerial servants, be compulsorily retired on attaining the age of 55. These orders will, however, apply only to those persons under the rule-making control of the Governor General in Council .

(1) who enter Government service on or after the 1st April, 1938, or

(2) who being in Government service on the 31st March, 1938, did not hold a lien or a suspended lien on a permanent post on that date

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

2 The necessary amendments to the Fundamental Rules will issue in due course.

I have the honour to be,
SIR,
Your most obedient servant,
R. L. GUPTA,
Under Secretary to the Government of India.

APPOINTMENTS IN SHORT VACANCIES IN THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS

†1152 ***Mr Umar Aly Shah**: Will the Secretary for Education, Health and Lands please state how many clerks and stenographers have been appointed, during the tenure of the present Assistant Secretaryship of his Department in short vacancies for less than three months, giving the community, period for which they have been in the Department and date of their appointment? How many of them are Hindus and Sikhs, and how many Muslims?

Sir Girja Shankar Bajpai: A statement giving the information asked for by the Honourable Member is laid on the table

Statement referred to in the reply to starred question No 1152, by Mr Umar Aly Shah, showing the community, etc, of the clerks and stenographers appointed to vacancies of less than 3 months in the Department of Education, Health and Lands during the period from 25th March, 1937 to 18th August, 1938

Total number of clerks or stenographers appointed	Number of each community appointed		Duration of appointment	Date of appointment
(a) Clerks 11	5 Hindus	1	2 months and 15 days	19-4-37
		2	1 month and 1 day	24-11-37
		3	2 months and 14 days	3-2-38
		4	2 months and 9 days	4-2-38
		5	From 18th August 1938 (still in service)	18-8-38
	3 Muslims	1	15 days	3-4-37
		2.	2 months and 28 days	20-1-38
		3	25 days	6-7-38
	1 Sikh	1	11 days	11-6-37
	2 Christians	1.	11 days	7-4-37
		2	15 days (resigned)	19-1-38
(b) Stenographers	1 Sikh	1	1 month and 12 days ..	1-3-38

Out of the 12 clerks and stenographers mentioned above, 5 were Hindus, 3 Muslims, 2 Sikhs and 2 Christians

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

WARDHA SCHEME OF EDUCATION.

1153. ***Maulvi Muhammad Abdul Ghani**: (a) Will the Secretary for Education, Health and Lands be pleased to state the authority which appointed the special sub-committee to examine the Wardha scheme of education ?

(b) Was the said sub-committee asked to consider the existing arrangement for the teaching of Muslim children through separate schools and also the facilities for their education through the medium of Urdu ?

(c) Do Government propose to consult the All-India Muslim League and consider its recommendation concerning the education of Muslim boys and girls in future before considering the report of the said sub-committee ? If not, why not ?

(d) Are Government aware that Mussalmans all over India are seriously protesting against the Wardha scheme of education as being fatal to their culture, civilisation and religion ?

Sir Girja Shankar Bajpai: (a) The sub-committee was appointed by the Central Advisory Board of Education

(b) The sub-committee was not specifically asked to consider the matters referred to by the Honourable Member

(c) Government cannot take any action until the Report of the sub-committee and the recommendations of the Central Advisory Board have been received by them

(d) Press reports indicate that a section of Muslim opinion does not favour certain features of the scheme

ABSENCE OF MUSLIMS IN THE SECRETARIAT OF THE INTERNATIONAL LABOUR OFFICE

1154 ***Maulvi Muhammad Abdul Ghani**: (a) With reference to the answer to starred question No 544 (b), put on the 29th August, 1938, will the Honourable the Law Member please state the reasons for the absence of Muslims from services in the Secretariat of the International Labour Office ?

(b) Is he prepared to draw the attention of the proper authority to consider the claims of the Indian Muslims when an occasion does arise in future ?

The Honourable Sir Manmatha Nath Mukerji: (a) Appointments in the Secretariat of the International Labour Office are made directly by the competent authority in that office, and are apparently based on the requirements of the office and not on considerations of religion

(b) There is no reason to suppose that the claims of suitable Muhammadan candidates will not be considered and Government do not consider it necessary to take any action of the kind suggested by the Honourable Member.

RE-IMPOSITION OF IMPORT DUTY ON WHEAT

1155 *Sardar Mangal Singh : Will the Honourable the Commerce Member please state whether Government have come to a decision regarding the imposition of wheat import duty ? If not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir The matter is still under examination

NEWS IN THE *Hindustan Times* ABOUT HOLDING THE FOURTH ROUND TABLE CONFERENCE IN INDIA

1156 *Mr Badri Dutt Pande : With reference to the statement published in the *Hindustan Times* of the 6th September, 1938, under the caption " Fourth R T C in Offing ", will the Honourable the Leader of the House be pleased to state :

(a) if there is any truth in the news that a fourth Round Table Conference is going to be held in Delhi , if so, when ; and

(b) whether the visit of the Under Secretary of State for India is in that connection, or otherwise ?

The Honourable Sir Muhammad Zafrullah Khan : (a) I am not aware of any such proposal

(b) I would invite the attention of the Honourable Member to the reply I gave today to Mr. Satyamurti's question No 1124.

MR IRWIN'S REPORT REGARDING THE ISTAMURARDARI AREA

1157 *Pandit Sri Krishna Dutta Paliwal : Will the Secretary for Education, Health and Lands please state :

(a) the date on which Mr Irwin submitted his report regarding the Istamurardari area ; and

(b) whether Government intend to publish his recommendations ?

Sir Girja Shankar Bajpai : (a) The Report was received by the Government of India on the 6th August, 1937, and by the Chief Commissioner, Ajmer-Merwara, on the 1st May, 1937

(b) The Report was merely a preliminary one, and as further action on it is to be taken in the cold weather Government do not for the present intend to publish it

FLOODS IN THE UNITED PROVINCES.

1158 *Mr. Badri Dutt Pande : (a) Will the Secretary for Education, Health and Lands be pleased to state whether he is aware of the fact that there have been unprecedented flood havocs in the United Provinces this year, and that a population well over twenty-five lakhs in a total area of over 7,000 square miles is directly affected, and that His Excellency the Governor and the Honourable the Premier of United Provinces both have issued a joint appeal for relief funds ?

(b) Have the United Provinces Government made a request for a grant from the Indian People's Famine Trust Fund ?

(c) If so, what are the intentions of the Government of India on this serious affair ?

Sir Girja Shankar Bajpai : (a) Government have seen press reports about severe floods in parts of the United Provinces but have no exact information about the extent of the damage. They have also seen a press report about a joint appeal for funds issued by the Governor and the Honourable the Premier of the United Provinces

(b) No

(c) Does not arise

Mr Badri Dutt Pande : Considering the nature of the catastrophe that has befallen the United Provinces, is it the intention of the Government to give a liberal grant to the United Provinces out of the Indian Peoples Famine Trust Fund ?

Sir Girja Shankar Bajpai : That Fund is not under the control of Government but I have no doubt that the managing committee will give due consideration to any representation which may be received from the Government of the United Provinces.

Mr Badri Dutt Pande : Has any meeting of this committee been held recently or is there any meeting to be held to discuss this question of relief to the United Provinces and Assam ?

Sir Girja Shankar Bajpai : I limit myself to the United Provinces As far as I know the Government of the United Provinces have not yet asked the Government of India for the preliminary notification without which the Indian Peoples Famine Trust Fund cannot consider any proposal from a Local Government

Mr. M S Aney : Apart from the Indian Peoples Famine Trust Fund, do the Government of India propose to make any grant out of their own revenues to the people and the Government of the United Provinces to help them in overcoming the distress ?

Sir Girja Shankar Bajpai : Not so far as I am aware

Mr. S. Satyamurti : Apart from temporary help in times of distress caused by floods like this, have Government considered or will they consider a proposal to treat this whole question of floods in the United Provinces, and with your permission, I would also add Bihar and Bengal, in a scientific way and on an all-India basis, and to the extent to which human ingenuity can secure it to prevent the recurrence of these floods, which bring so much damage to the poorest in the land ?

Sir Girja Shankar Bajpai : As my Honourable friend is probably aware questions on the general point of policy have been addressed to and answered by the Honourable Member for Labour who deals with this matter. I cannot answer that question.

Mr. S. Satyamurti : Will the Honourable Member infuse some spirit of co-ordination in the Government of India and see that his Department and the other Departments concerned put their brains together and evolve some kind of scheme to lessen this distress which happens year after year to millions of the poorest in this country

Sir Girja Shankar Bajpai : I may inform my Honourable friend that the initiative in this matter rests with the Department of Labour. If our assistance is sought for, it will certainly be furnished

THE PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) BILL.

The Honourable Mr R. M Maxwell (Home Member) . Sir, I move :

" That the Bill to amend the law relating to the prevention of cruelty to animals, as reported by the Select Committee, be taken into consideration "

Sir, very few introductory remarks, I think, are necessary at this stage The House has already discussed the general scope of the Bill on the motion for circulation at the last Session and the Report of the Select Committee introduces no notable changes of principle into the scope of the measure which was then before the House As I remarked when I moved the motion for reference to a Select Committee, the House was mainly anxious that this measure should be passed into law as early as possible because there was a feeling in particular that the law relating to the offence of *phooka* was in need of early reinforcement The programme which we then set before ourselves has been adhered to with the assistance of the Select Committee and the measure is now before the House in its final stage. But as the House is aware very little time remains during this Session for a long discussion of the measure and I think I can best help the passage of the Bill by making my remarks as brief as possible , and I hope that other Honourable Members who have occasion to speak on the Bill will follow the same example in order that, if possible, the consideration of the measure in this House may be completed within a short time.

As I said, the Bill as reported by the Select Committee shows no great changes of principle but a considerable number of changes of detail. These changes of detail can more conveniently be discussed when the Bill is considered clause by clause The House will observe from the minutes of dissent that opinion on some of these changes was by no means unanimous and I shall have to ask for the verdict of the whole House on some of the alterations in the original measure which have resulted from the consideration of the Select Committee For the present I need only allude to one or two points which have attracted special attention. The main interest of this measure perhaps has been centred on the question of how best to deal with the practice of *phooka* and the Select Committee have, after consideration of the measure, introduced several new elements which will assist in dealing with this practice I may briefly draw the attention of the House to those particular changes

In the first place, clause 2 of the Bill has been altered to include a definition of the practice of *phooka* or *doom dev*, in response to some of the opinions which were received in the course of circulation That certainly was a very necessary improvement in the Bill. Then, further, the main section 4 dealing with *phooka*, which appears in clause 5 of the Bill, has been strengthened in several ways While the fine proposed in the original measure, that is Rs. 500, has been retained unchanged, the maximum period of imprisonment for the offence. has been enlarged to two years instead of six months as proposed in the original measure and an additional provision has been added that the animal on which the operation was performed shall be forfeited to Government. Further provision has been made for

a slight enhancement of punishment in the event of a second or subsequent conviction for this offence, that is to say, while the punishment for the first offence is fine or imprisonment in the alternative, by virtue of the proviso now added, on a second or subsequent conviction, there is no option to the court and the sentence must be fine *and* imprisonment the word 'and' in the proviso is important. Further, provision has also been made that some portion of the fine shall, at the discretion of the court, be given to the person who has given information leading to the conviction of an offence of *phooka*. Then, again, in clause 7 of the Bill the provision which imposes responsibility on the owner or other person in possession or control of an animal has been somewhat strengthened in regard to an offence under section 4, that is the offence of *phooka*. It is now proposed in the draft Bill that the burden should lie on the owner to prove that he has exercised reasonable supervision over the animals under his control to prevent this practice from being employed

Another new provision has been inserted by the Select Committee which now appears in clause 9 of the Bill This is an entirely new sub-section added to section 7A of the Act and it confers certain powers of entry and seizure for the purpose of veterinary examination in cases where the practice of *phooka* is suspected. Another new section has been added as section 13 of the Act by clause 13 of the Bill and this makes the offence under section 4 a cognizable offence Further, in the new section 15 to be inserted by clause 13 of the Bill, the rule-making power given to the Provincial Government under section 15 (2) (*g*) has been enlarged in response to several suggestions received among the opinions obtained after circulation by which certain conditions as regards the boundary walls at places where milch animals are kept can be prescribed by Provincial Governments This is in order to facilitate observation and prevent the practice of *phooka* from being concealed, and it is also provided that copies of section 4 of the Act relating to *phooka* shall be exposed in premises where these animals are kept in a local language Finally, since it is desirable that wherever any portion of the Act was brought into force by the Provincial Government, the provisions relating to *phooka* should, in all cases, be universally applicable, clause 12 of the Bill, which deals with section 12 of the Act, has been enlarged so as to include the various provisions which penalize *phooka* or provide powers for its detection Those particular sections of the Act will be in force wherever any portion of the Act is put into operation by the Provincial Government

The second matter which has attracted some attention and was the subject of a question in this House recently is that of animal sacrifice. There was some question as to how this had best be dealt with Under the existing Act, section 11 says

"Nothing in this Act shall render it an offence to kill any animal in a manner required by the religion or religious rites and usages of any race, sect, tribe or class."

This section is by section 12 of the original Act extended to every local area in which any section of this Act is in force for the time being The change proposed by the Bill, which has been adhered by the Select Committee, removes the mention of section 11 from section 12 of the Act, and the effect is that the provision—that is, section 11 of the Act making animal sacrifices in certain conditions no offence—that section will not be

[Mr. R M. Maxwell.]

in force unless the Provincial Government decide to apply it in any local area under the powers given by section 1 of the Act, which stands unchanged

The third point which I might mention here is that clause 2 of the Bill as originally introduced—which amplified the definition of animal—has been omitted by the Select Committee. The comments received in the course of circulation have revealed that this attempt to amplify the definition is liable to certain pitfalls. One commentator wished that the word " bird " should be amplified by adding the words " including cock or hen whether captured or domesticated " Another commentator remarked that the word " animal " which occurs in the old section may not zoologically include birds, as birds have no teeth and no horizontal vertebrae " The commentator was evidently not familiar with the " duck billed platypus " Another commentator suggested the addition of the words " or fish " That immediately led somebody else to suggest that " reptiles " should also be added, and, therefore, it began to be evident that unless a complete catalogue of all animals was included in the Act, the specific inclusion of any particular kind of animal might possibly lead to the inference that all other animals were excluded from the Act , and on the whole it appeared better to the Select Committee to rely on the courts, in spite of certain adverse experience, to apply the dictionary meaning of animal, which properly includes all organized beings endowed with life, sensation and motion, and in fact all organized beings as distinguished from the vegetable and the mineral world.

Finally, I would only bring it to the notice of the House that the whole of the Act, as it would now stand amended after the passage of this Bill, would still be governed by section 1 of the original Act, which leaves it to the Provincial Government to extend the whole or any part of the rest of this Act to any such local area as it thinks fit Hence, it will always be open to the Provincial Governments to extend all or any of the provisions of this Bill to the areas where they think that these measures can be successfully operated, or where any degree of special control is necessary It is, therefore, no real argument against any of the clauses of this Bill to say that, in certain circumstances or areas, they may possibly be inapplicable, or there may be no means of enforcing them, or they may cause some degree of hardship or interfere with local customs , because we can rely on Provincial Governments to take those circumstances into account in using their powers under section 1, and I hope, therefore, that the House will accept this as one good reason for not unduly limiting the provisions of this Bill Sir, I move.

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

" That the Bill to amend the law relating to the prevention of cruelty to animals, as reported by the Select Committee, be taken into consideration "

Mr C. C. Miller (Bengal European) : Sir, subject to the minute of dissent which I have signed the European Group accords its full support to the humane objects of this Bill. Cruelty to animals in India seems to fall into three main categories,—first, and fortunately entirely by itself, comes those abominable animal sacrifices which take place from

time to time in Southern India. I will not distress the House by any detailing of these practices except to say that they involve keeping the beasts in unspeakable torture before crowds of spectators, alive for days on end, and apart from the extreme brutality of these rites, there is to be considered the considerable brutalizing effect on the spectators In the next category comes what I think might be called commercial cruelty, which is often to be seen, particularly in our great cities where birds and beasts—and I would emphasize that the term "animal" includes every sentient thing except the human being—are often exposed for sale or for exhibition in insanitary and over-crowded cages and are left for long periods on end without food or water Under the head of commercial cruelty comes also the offence of *phooka* to which so much attention has been paid in this Bill And last of all comes cruelty from neglect or ignorance This, of course, is still the most common of all forms of cruelty though, I venture to think, it is not quite so common as it was in days gone by and that there is a certain increase of humane feelings towards animals among the people of India One hopes that the lesson is being inculcated into the young in schools because it is not only a moral but also an economical lesson, since a beast if well-kept and well-fed will render better and more durable service than a beast which is ill-kept and half-starved After all, the domestic animals such as, the buffalo, the ox, and so forth, are the helpers of man and, and like man, are sentient to pain and privation. Only they cannot say so because they lack the gift which man possesses, but sometimes abuses, the gift of human speech Sir, we support the Bill.

12 NOON.

Mr. Lalchand Navalrai (Sind Non-Muhammadan Rural) Sir, I must begin by congratulating the Government of India for, after all, grappling with this question of the extreme importance with respect to *phooka* I had thought that this evil, which has been in existence for a long time, should have been taken notice of and remedied by the Provincial Governments I know that this *phooka* practice is most prevalent in Bengal and in some other provinces it is not even known In our Sind province, for intsance, this practice does not exist at all. I am glad to see that this evil was not allowed to extend to some other provinces before the Government of India took the courage to have this Bill brought up. Sir, many words are not necessary to describe and define what *phooka* is. It is an extreme brutality against milch cows and buffaloes When they are milched to an excessive limit by means of cruelty, that cruelty, I think, is such that it should be stopped at once. I am, therefore, very glad to see that a provision is made in the Bill which, I should think, is mainly intended to stop *phooka*. I know that in some provinces cruelty to animals has been provided for by statutory laws, but this *phooka* evil was not provided for at all. So many associations and societies of people have come into existence in India to provide protection against cruelty to animals, but those societies were unable to put down this cruelty unless and until the Legislature helped them in coming to their relief by enacting provisions of law to have those persons punished who were doing cruelty to animals. Sir, it is our prime duty to protect animals because, as my learned friend who spoke last said, rightly that they have got no power of speech. I submit, therefore, that this provision which is now contained in clause 5 of the Bill is very salutary. I fully agree with the whole clause. It

[Mr Lalchand Navalrai]

might be said that this clause provides a stricter penalty for stopping this *phooka*. But I am in full agreement with the members of the Select Committee who have changed the punishment from six months to two years They have, of course, provided fine also for punishment and there I agree with them But to say that the punishment should be lenient will be more or less to abet or aid this mischief of *phooka* I am, therefore, in full agreement with the wordings of clause 5 and also the punishment provided for therein.

Sir, my learned friend, the Home Member, wants that this Bill should be passed through this House speedily I will not, therefore, waste the time of the House but would like to make a few more suggestions in order to make this Bill a complete one so that it may become workable. I have already said that there are several associations in all parts of India and in different provinces where they are called the associations for the prevention of cruelty to animals. I think much of the powers for bringing to book persons who perpetrate these cruelties on animals should be given to those societies While going through the Bill, I found that powers are still left in the hands of the police in order to come to the rescue of the animals I do not grudge these powers being given to the police, but from our experience we know that these policemen are harassing people Supposing they find that there is a camel or a donkey carrying load. Now, at that moment it will be left to the discretion and the decision and the judgment of a mere constable to decide correctly or to harass that man by saying that his load was too much It is not going to be put in a scale there and then However, I find that that power is given to a police officer above the grade of a constable But I would like to put a specific question to the Honourable the Home Member with regard to clause 11 Clause 11 says :

> " Any police officer above the rank of a constable who finds any animal diseased, or so severely injured, or in such a physical condition that it cannot, in his opinion, be removed without cruelty, may, if the owner is absent or refuses to consent to the destruction of the animal, forthwith summon the Veterinary Officer for inspection . . ."

This is a very good provision, but from the point of view of the fact that these police officers and constables are harassing the public, I would like to know whether the word ' constable ' also includes the ' head constable ' or not That is what I want to know from the Honourable the Home Member because I find that these head constables also rise from the ranks of constables and their mentality is that of harassment, corruption and bribery I would, therefore, submit that this point should be made clear at least in the speech of the Honourable the Home Member. I want to be clear on the point that the word ' constable ' does really include a head constable. After all, a head constable or a senior constable is the same thing and is included in the word constable. Because I also find that a distinction has been made between a constable and an Inspector in clause 9 There we find that the power has been given to the sub-inspector I, therefore, would like the Honourable the Home Member to make this clear. An amendment should also be introduced so as to make ' constable ' include ' head constable '

I now come to the question of burden of proof. Under clause 7 the burden would be upon the owner to prove that he has exercised reason-

able care and supervision with a view to the prevention of the offence. I am always against any provision being enacted against the fundamental principles of law. The burden of proof should be placed on the man who wants to get an accused convicted. From that point of view also this provision requires modification.

I now come to clauses 13 and 14. An offence under clause 4 of this Bill has been made a cognizable offence. Clause 14 says :

" Any person authorised by the Provincial Government in this behalf who has reason to believe that an offence against this Act has been or is being committed in respect of any animal, if in his opinion the circumstances so require, seize the animal and produce the same for examination by the nearest magistrate .."

I say, Sir, very wide powers have been given to Provincial Governments and they will appoint people to help the prosecution and also to bring the offenders before the Magistrate I do not see why simultaneously powers of the police should remain I am against clause 13 I have received certain communications from Associations engaged in prevention of cruelty to animals and they are also of the opinion that by experience they can say that the police constables are harassing people on one pretext or other

I now come to the clause which I consider very important for which I have sent some amendments That is clause 3 This places unnecessary burden upon people who own animals This clause says ·

" If any person overdrives beats or otherwise treats any animal so as to subject it to unnecessary pain or suffering "

Sir, every one knows that an animal requires a little beating in order to do work. My Honourable friend from this side who just now spoke said that he had seen animals being treated excessively brutally. That act must of course be punished I cannot agree to the wording ' beats '. I hope the House will bear with me when I dilate a little on this clause.

Mr President (The Honourable Sir Abdur Rahim) : The detailed provisions of this clause are not now under discussion

Mr. Lalchand Navalrai : I have an amendment to this clause.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member will have another opportunity to deal with the clause when he moves his amendment

Mr. Lalchand Navalrai : I would simply say that unless an injury is caused to an animal how is it possible to find out whether there is unnecessary pain or suffering to it I submit that it will be very difficult to determine under this clause whether an animal has been beaten so as to subject it to unnecessary pain or suffering. That will be known and felt only when it is injured. I am glad that this Bill has been brought before this House. I am sure it will be of great use but clause 3 (*a*) requires to be amended.

Prof. N. G. Ranga (Guntur *cum* Nellore : Non-Muhammadan Rural) : Sir, I rise to support this Bill as it has emerged from the Select Committee. I wish to say that there are a certain number of things over which large numbers of people in this country feel strongly Cock-fight, ram fight and bull fight—all these are enacted simply for the vicarious pleasure of human beings Apart from the enjoyment that these fights provide for

[Prof. N G. Ranga.]

some people who like to go and see these fights, it is a fact that once a week and sometimes oftener almost in every town in India these fights are organised with a view to inducing workers to rally to these places, gamble there and get drunk and thus waste their hard earned money A large portion of their earnings is wasted in gambling that prevails on such a large scale under the very nose of the police at these places of gambling It is a well known fact that these fights cause cruelty and injury to the animals that take part in these fights It is no use saying that we can allow these fights to go on as they do not involve any bloodshed Invariably these fights end in bloodshed and cruelty to the animals and in their train these fights also bring misery to thousands of homes of workers who unfortunately get into the habit of drinking and also gambling at these places Therefore, the sooner we put an end to these fights, the better it will be, not only for the poor animals, but also for the workers I am also anxious to prevent cruelty to the animals. At the same time, I do not want this effort to result in greater cruelty to human beings It is a well known fact that in very many places, like Delhi and Lucknow, the police have taken advantage of this Act and they are harassing the workers, the *tongawallas*, etc, and take bribes from these people and thus cause any amount of inconvenience and annoyance to these workers and their families. It is a fact that, only last year, the *tongawallas* of Delhi had to go on strike because of this oppression perpetrated by the police and also by some officers of the organisations which are brought into existence for the prevention of cruelty to animals. Today a strike is going on in Lucknow in order to prevent this mischief of the police It is for this reason that I am anxious that we should try and pass such a Bill that will not unnecessarily give too much room for the police to create trouble and cause annoyance to the *ekkawallas* and *jutkawallas* and all those who have to eke out their living by plying these vehicles, and, therefore, I hope the House will assist us in trying to make this Bill really prevent cruelty to animals, while, at the same time, protecting the keepers of these animals from being exploited by the police

There is one other fact to which I would like to allude, and it is this there are so few veterinary hospitals and so few veterinary assistants and officers in this country In this report on the development of cattle and dairy industries of India, Mr Normal Wright gives the number of cattle for every veterinary assistant It is true, in the North-West Frontier, there is one officer for every 29,000 cattle ; but, in the Punjab, there is only one for 36,000 , in Bombay, one assistant for every 63,000 cattle , in Bengal, one for every 135,000 animals, and, in Bihar, one for every 142,000 animals. Therefore, it is not quite so easy to find a veterinary officer ready at hand to whom appeal can be made by the police or by the magistrate to find out whether a particular animal is in a fit condition to be destroyed or to be cured in an infirmary and sent away. Therefore, it is wrong on principle, under the present circumstances, to give so much power to the police even to seize any animal found in any particular place under any circumstances and then demand that that animal should be taken to the nearest veterinary hospital or officer in order to be examined to see whether it should be destroyed or allowed

to be cured in an infirmary, because there are so few veterinary officers and hospitals that it is practically impossible for an ordinary *kisan* who finds himself in a town and gets himself unfortunately into the clutches of a policeman within that day to approach the nearest veterinary assistant and get his animal examined and thus get out of the clutches of the police. Therefore, I cannot really be so very hopeful about the effects of this proposed section 14 of this Bill · but since some safeguards are provided there that the animal should be taken to the nearest magistrate or to the nearest veterinary officer, I thought we might as well leave it where it was Even then my apprehension stands that our *kisans* and *jutkawallas* run the risk—and it is a very great risk—of being harassed by the police, and, Sir, we know the sort of police we have in this country Even though responsible Ministers have come into power in the various provinces, still they run the risk of being harassed by the police, and I would ask the House to realise what risk our ordinary folk, who are in charge of animals, run when they go to the towns with their bullock carts or *ekkas* or *jutkas* and get themselves into the clutches of the police

I am in favour of encouraging these *pinjrapoles* and the right sort of S P C A's also, but I would be failing in my duty if I did not state on the floor of this House that there is a great discontent prevailing in various towns in this country among these poor *ekkawallas* and even *kisans* as to the arbitrary manner in which some officers of the S P C. A. go, about their duty and cause so much of unnecessary harassment to these poor people We must not forget the fact, in our anxiety, to prevent cruelty to animals, that these keepers of the animals are much less fortunate than these animals themselves Most of these people are very poor and their only capital lies in the horse or bullock or buffalo that they possess, and if the fines were to be so heavy as to make it impossible for these people to ply their trade after paying those fines, then we will be inflicting a greater cruelty on these poor people than the cruelty that we will be minimising by trying to impose these heavy fines We should restrict these things as far as possible, but I find from the amendment, that are given notice of here, that some of the Government Members and some Nominated Members are anxious again to pitchfork these fines and making them really beyond the reach of these workers and these poor people We are also anxious that the punishment should not be too high, and that is why we provide for the first offence that there should be only a fine and not imprisonment But I find from one amendment given notice of by my Honourable friend, Dr Dalal, that he wants both fine and imprisonment I can only say that they want to inflict more cruelty upon human beings than upon animals. I can very well understand that, because they keep such huge well-fed dogs in their kennels and in their homes, on the maintenance of which they spend very much more than they would care to spend upon their servants, not to speak of giving any sort of subscriptions to any philanthropic associations, but this House does not consist of such people alone Therefore, I appeal to the conscience of my Honourable friends that they should try their best not to inflict too heavy a penalty and not to make it impossible for these poor folk to ply their trade by making it necessary for them to pay fine as well as to go to jail even for the first offence Sir, I support the Bill.

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Babu Baijnath Bajoria (Marwari Association Indian Commerce) : Sir, I rise to support this motion most whole-heartedly I am glad that the Honourable the Home Member has kept his promise of bringing forward this Bill in this Session and having it passed also in this Session I also take the opportunity of thanking the Select Committee, of which I was also a member, and especially my Honourable friend, Mr Govind Deshmukh, as distinct from Dr Deshmukh—because, I find that whenever Mr Govind Deshmukh makes speeches, the papers give out that Dr Deshmukh has made those speeches and print the latter's photographs .

Dr G V. Deshmukh (Bombay City Non Muhammadan Urban) . He suffers from the disadvantage of having a very distinguished brother !

Babu Baijnath Bajoria : Sir, I would like to mention at this stage only a few of the important provisions of which I think the House should be made known The first thing I am against is the provision about the destruction of animals I am one of those who follow the principle of *ahimsa—ahimsa paramo dharmah*—and I cannot be a party to the destruction of any animal , a life which we cannot make, is a life which we cannot take

Sir, this provision in the previous Act was only restricted to Magistrates, Commissioner of Police or the District Superintendent of Police, as provided in section 10. Even in the Bengal Act, in section 25, it gives power to these important officers and also in some cases to the Magistrates, but it expressly says that provided that no order directing destruction shall be made in respect of any bull, bullock or cow which is unfit for work by reason only of its old age In my opinion, this power of destruction should be deleted from this Bill, and if the House is not agreeable to it and if it does not want to go so far, I would strongly press that no order of destruction should be made in regard to cows, bulls or bullocks or calves. Sir, there are more reasons than one for my asking for this restriction of the destruction order, because, in the case of a cow or bullock, apart from the question of strong resentment which it will cause among Hindus by passing any order for destroying these animals, it is also likely to cause a serious breach of the peace I would not name the person, but I know that when a very high personage, the greatest leader of India, had a calf injected by which it died, there was a huge hue and cry throughout the country. I would, therefore, appeal to the House to consider this matter seriously

I want to point out another thing, Sir I had been to Ranchi a few years ago, and there I found to my astonishment that cows were used for tilling purposes That, Sir, in my opinion, is a great cruelty to cows I understand such a practice exists in some other parts of India also, though it is not very general, but it should be distinctly put a stop to Cows are not meant for tilling purposes, and so there must be some provision for preventing cows and she-buffaloes being used for tilling the land ".

Then, I come to the question of *phooka*. Sir, I have devoted a lot of attention to this question, and I am closely connected with the Anti-*Phooka* Association, and I take this opportunity of acknowledging the great service which this association has rendered in rousing the public

consciousness in this matter They sent their preachers to all parts of the country, they had meetings held in several parts of India, and all this was done to rouse the Government also to bring forward a Bill without delay While on this subject, I should like to tell the House what the practice in Calcutta is Sir, I hang my head in shame when I have to relate the practice which obtains among the *gowallas* in Calcutta. They are both Hindu *gowallas* and Muslim *gowallas*, and what they do is this When the cow gets a calf, they throw away the calf immediately. The calf is deprived of the pleasure of sucking its mother's milk even once, and the poor calf lies exposed to thirst and starvation and such calves are being sold at six annas each I have myself bought hundreds of them and sent them to *Pinjrapol*. What do the *gowallas* do after disposing of the calves in this manner ? They make a dummy calf, a skeleton calf and puff it up with straw and hay, and they use the dummy calf when milking the animal At the same time they use this *phooka* process, and it is so ignoble that I hesitate to describe it to the House because most of our friends know what it is, and the pain caused to the animal by that process is so excruciating that its eyes bulge out, the animal practically screams all the time with pain,—and all this is resorted to only for the sake of getting an extra pound or half a pound of milk which the animal withholds owing to her natural motherly instinct, to give it to the calf It is also found, on examination, that in several cases this *phooka*-extracted milk has drops of blood in it, and such milk is sent out for human consumption Sir, it is most disgraceful, and then after eight months milking, the *gowallas* sell the poor animal to a butcher There is one reason for selling the animals to butchers, because of the high cost of sending the animals to places where they will become pregnant again I am aware at the instance of His Excellency the Viceroy, recently, a reduction in railway freight has been made for dry cows, but, unfortunately, the reduction has been made in such a way that the *gowallas* cannot take advantage of the reduction in freights The reduction of freight allowed works in this manner A return ticket is given for 12 months' duration, and so the cows which are sent usually from the Punjab have to be sent back again a thousand miles back from Calcutta, which is not practicable. If there is a general reduction in freight for dry cows, then it may be possible to send these animals to places nearer to Calcutta like Muzaffarpore in Bihar or to places in the Central Provinces and then the *gowallas* and the public will be able to take advantage of the reduction in freight I know, Sir, this is somewhat irrelevant to the question before the House, but I wish to draw the attention of the Honourable the Home Member because it is a very important question Again, in certain cases it has come to my notice that cows and buffaloes are flayed alive for purposes of hides. Sir, it is a terrible thing In my view I am afraid this is not sufficiently covered by section 5 of this Act. I am not a lawyer, but if it is not covered by this section, I would appeal to the House to make proper amendments for the prohibition of this form of cruelty also

I am glad that so far as the *Phooka* evil is concerned, the penalty has been increased and it has been brought in line with the Bengal Cruelty to Animals Act as modified recently I am glad that our Ministry in Bengal, though it is a Muslim Ministry predominantly, has been the first to come forward to amend the Act so as to do away with this evil We have also made a similar provision as in the Bengal Act for making *phooka* an offence, and have given power to enter the premises where *phooka* is

[Babu Baijnath Bajoria]

being practised and also to seize the animal when it is suspected that *phooka* is being practised on it I am sorry my friend, Prof. Ranga, has taken objection to proposed section 14 Section 14 which gives power to seize an animal which has been subjected to cruelty is absolutely essential I have not in mind the *tongawallas* and hackney carriagewallas, I have in mind the case of *phooka* If this power of seizure is not given, it will not be possible to bring the culprit to book. *Phooka* detection is much more difficult than punishment, and unless and until the police officer supported by the public is not given facilities in this connection, the mere passing of this measure will not be of much use We have left the question about the boundary walls of *khatals* where these *gowallas* keep their cows and where they perform this *phooka*, to be regulated by the Provincial Government We know that this *phooka* is performed more in cities than in rural areas My Honourable friend, Prof Ranga, has got it in his head that this Bill will become immediately applicable to areas, urban and rural I think that the Provincial Government will think doubly before they apply any provisions of this Act in any rural area, because there are numerous difficulties in the way

Prof. N G. Ranga: But the rural folk go to towns and then they get themselves caught

Babu Baijnath Bajoria: The point is this. In rural areas there are no infirmaries, no veterinary hospitals, no *pinjrapoles*, where an animal that is suffering from any disease or has been ill-treated can be sent So, the fear that my Honourable friend, Prof Ranga, has is absolutely unfounded I am glad that the Select Committee has made clause 11 of the Bill optional, instead of compulsory as it was This relates to religious sacrifices I am also a religious man, but in our parts, even in Bengal, though sacrifices are made, especially, of goats,—I have got no intention of wounding the feelings of those who perform such sacrifices, but still in Madras, I believe that these sacrifices are made in a most cruel and most inhuman manner I do not know of any religious enactment under which such practices are tolerated, and now it will be up to the Provincial Governments to see that this practice is checked Lastly I come now to clause 16 of the Bill as it was in the original Bill, I mean, the indemnity clause That clause is absolutely essential Without this clause the whole working of this Bill will be seriously hampered and I hope the House will agree with me that the clause should be restored A similar clause is provided in our Bengal Act also With these few words, I heartily support this motion

Maulvi Muhammad Abdul Ghani (Tirhut Division Muhammadan) The Bill, instead of securing remedy for *phooka* has gone beyond its scope There are provisions which are too vague and power is going to be given to persons to be authorised by the Provincial Governments There is every danger of misuse of the power Even under the present Act powers given to certain associations and to police officers have been very much misused If you will refer to the opinions, you will find that the Ajmere Tongas Association says that the conferment of that power is seriously objected to On account of the abuse of powers by the police and the S. P C A officers, many of the communities known as *Khatiks* who used to take work from donkeys have left the town of Ajmer on account of the oppressions. Instead of

seeking a remedy for certain serious offences the Bill has made several omissions. For instance, there is a crime which is committed by thrusting a sharp rod into the private part of pigs and taking it out through the mouth. Such a crime should have been provided against here. Instead of doing so, power has been recklessly given to persons who do not know how to use it You know that in these days *Begari* is condemned on all hands, but this Bill opens the door to *Begari*. If you refer to clause 14, you will find that power is going to be given to persons to be authorised by Provincial Governments, so that they can, when they have even reason to believe that a certain offence under this Act has been or is going to be committed, take action If, for example, a Headman or a Chowdhry is an authorised person, he will ask the *kisans* to plough his field so much, and if the poor *kisan* does not obey him, he will take note of this and on some other occasion he will take revenge upon the *kisan* I am thankful that Mrs Subbarayan has written a note of dissent on this point I hope that this clause will be omitted as being unnecessary when the time comes In this clause there is one peculiar thing It reads like this 'and such police officers or authorised persons' but there is no mention whatsoever of any police officer in the former part of the clause, I cannot say whence this word 'such police officer' has come here If you will refer to 3 (*b*), you will find there the words 'binds, keeps, carries' The keepers of animals are the *charwahas*, those poor fellows have nothing to do with the animal. They do not know whether the animal suffers from pain or is thirsty He takes the animal for grazing purposes from owners and takes them to fields Now the person authorised sends some one and he takes action The poor *charwaha* is put into trouble for no just cause One thing more In this Bill, the words 'police officer above the rank of constable' have been used This clearly means and includes the head constable about whom my friend, Mr Navalrai, has spoken The head constables are nothing but constables and these persons are fond of taking *Begaries* and it is very difficult for them to shake off the habit If a head constable requires something and that something is refused, then he will take action in revenge and the innocent persons will be put to trouble for no just cause We have tabled certain amendments and when the time comes we will discuss them seriatim and I hope the Honourable the Home Member will help us His object is only to find a remedy for *phooka* and not to practise *phooka* on human beings With these words, I resume my seat

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

Mr. President (The Honourable Sir Abdur Rahim) The question is that the question be now put.

The motion was adopted

The Honourable Mr. R M. Maxwell : Sir, I think the House has on the whole given a favourable reception to this motion and I do not propose to deal with matters affecting individual clauses, particularly those in regard to which amendments will shortly come before the House. I shall deal with one particular question raised by my Honourable friend, Mr. Lalchand Navalrai, and that is whether in clause 11, the words 'above the rank of a constable' should be understood to include

[Mr. R M Maxwell.]

or exclude a head constable The phrase 'above the rank of a constable' should be understood to mean every officer from the rank of a head constable upwards and on that point I would remind the House that in the corresponding provision of the Bengal Cruelty to Animals Act, 1920, any police officer is empowered to take the action proposed and in this case the phrase was adopted from that Act For the last 18 years, any police officer in Bengal has been able to take this action and therefore no great apprehension need be entertained about this clause in the Bill As regards certain observations which were made by my Honourable friend, Prof Ranga, I would ask the House to consider the clauses of this Bill on their merits and without any particular prejudices as regards police officers or otherwise, because if this House is to consider every penal enactment on the three assumptions, firstly that no police officer is ever to be trusted, secondly, that no magistrate has any discretion and thirdly that nothing is an offence that is committed by a poor person, then the scope of our useful legislation is extremely limited I need not make any other observations at this stage

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

"That the Bill to amend the law relating to the prevention of cruelty to animals, as reported by the Select Committee, be taken into consideration"

The motion was adopted

Clause 2 was added to the Bill

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

"That clause 3 stand part of the Bill."

Mr K Santhanam (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) Sir, I move

"That in clause 3 of the Bill, in part (*a*) of the proposed section 3, for the word 'unnecessary' the word 'excessive' be substituted."

So far as the animal is concerned no pain is necessary and so far as ethical ideals are concerned, no pain ought to be necessary and so far as the person who causes pain to the animal is concerned, he may think that the pain inflicted is necessary for his purpose The word 'unnecessary' is also not accurately defined So, I have substituted the word 'excessive' I hope the House will accept the amendment

Mr. President (The Honourable Sir Abdur Rahim) Amendment moved

"That in clause 3 of the Bill, in part (*a*) of the proposed section 3, for the word 'unnecessary' the word 'excessive' be substituted"

The Honourable Mr. R. M Maxwell : I am afraid I must oppose this amendment The phrase "unnecessary suffering" was adopted by the Select Committee from the English Protection of Animals Act, 1911, where the criterion of causing unnecessary suffering was adopted in order to define what offences came within the scope of the Act The term "excessive" is a purely relative term and sets up no fixed standard or criterion by which the courts will be able to judge whether an

offence has taken place or not It also implies that a certain amount of unnecessary cruelty is permissible unless it is excessive, a proposition which I feel it difficult to accept On the other hand the word "unnecessary" which we have adopted implies a certain amount of callousness on the part of the person responsible and that kind of callousness s the thing which we wish to penalise Morever, the necessity of a certain amount of suffering is a thing which can be judged by the court with reference to facts capable of being proved, that is, facts ou s de the action itself. A person can prove the necessity with reference to the actual facts on which the court can judge and therefore I prefer the term "unnecessary" to the word "excessive".

Mr. S Satyamurti (Madras City Non-Muhammadan Urban) I would like the Government and the House to consider this amendment in a sympathetic spirit My Honourable friend, the Home Member, quoted his Bible, namely, the English Act I do suggest that cannot be a very valid argument He must support it on certain convincing arguments He has tried to put forward some arguments, and I shall try to meet them So far as 'unnecessary' is concerned, I should like the House to consider what is the criterion or what are the criteria by wh ch the court, which will obviously have to judge this, will come to a conclusion as to whether a certain pain or suffering is necessary or otherwise I would request the House to look at the words of the clause

1 P.M.

"If a person overdrives, beats or otherwise treats any animal so as to subject it to unnecessary pain or suffering"

Many people who drive carts drawn by bulls or horses or ponies always feel the exhilaration of driving as fast as they can They use various kinds of whips in my part of the country, sometimes sharpened with a piece of iron at the end, so sharp that it sometimes causes bleeding, and supposing a man says, "I was going to court or to the death-bed of a relation or friend and it was necessary for me to make the animals run at a particular pace", will it be 'necessary' or 'unnecessary'? Secondly my point is that the Honourable the Home Member said that a certain amount of unnecessary suffering, if it is not excessive, may be permitted if this amendment were carried. I join issue with him on that The whole point is that you must not cause excessive pain or suffering to the animal Then alone the offence is committed The pain or suffering which will be permitted under the clause as it stands as being necessary is likely to be much more than the pain or suffering which may be exempted by a court of law on the ground that it is not excessive The House has to make up its mind between 'unnecessary' and 'excessive' I appeal to my colleagues to consider —which is more likely to protect animals from excessive suffering? In either case, the Home Member will concede and the House will concede that a certain amount of pain and suffering is exempted from the scope of this Bill When you use the words 'unnecessary' or 'excessive', in one case 'unnecessary pain or suffering' is exempted, and in the other case any un-excessive pain or suffering is exempted the simple issue is—which is likely to protect the animal more effectively? I submit 'excessive' is a better word and does not exempt and cannot possibly exempt more pain or suffering than the word 'unnecessary' We feel

[Mr. S Satyamurti.]

that the word 'excessive' will protect animals from more pain or suffering, than the word 'unnecessary' can do Now, we have got to rely on the judgment of the courts in a matter of this kind When the word 'unnecessary' is introduced, the element of judgment of the individual who is prosecuted will also come into the scope of the inquiry. I put it to the House that 'unnecessary' cannot be a matter to be decided entirely diverted from the needs of the man who acutally drove the animals, whereas 'excessive' will be a matter the sole standard of which will have to be judged by the judge or the magistrate who tries the case It seems to me, therefore, that from the point of view of these animals, it is much better if the House accepts the word 'excessive', which protects animals much more adequately than the word 'unnecessary', which is vague, ambiguous, and liable to be abused. I, therefore, commend this amendment to the House

Mr M S Aney (Berar Non-Muhammadan) Sir, I support the amendment of my Honourable friend, Mr Santhanam In the first place, before I speak to the amendment I myself want to express a doubt which I feel in understanding the clause as it is worded here Clause 3 (*a*) runs thus

"If any person

(*a*) overdrives, beats, or otherwise treats any animal so as to subject it to unnecessary pain or suffering,"

I want to know whether these words "so as to subject it to unnecessary pain or suffering" qualify the words, "overdrives beats or otherwise treats",—all these three words—or are these words intended only to qualify the word "treats"? If it qualifies all these words, then the word "overdrive" has no meaning, because it means that you are driving to a distance or at a velocity which the animal cannot bear or sustain, and I am sure that this must be the meaning in the mind of the Members of the Select Committee Secondly, in the case of "beating" also, is it mere beating? When an animal is to be driven, I admit that some kind of injury has to be done to the animal, in order to make it drive, you have got a little stick, it may or may not have an iron end, and you use it so as to encourage the animal to move on. So if we take the word "beating" by itself, probably the clause creates a situation which the Select Committee Members might not have under contemplation; even for the purpose of making the beating a rational one, it has to be connected with the words "so as not to cause excessive pain" Then it will come within the purview of this clause. I think that "overdrive" requires to be a little bit changed If overdriving means driving beyond the distance which the animal can reasonably be expected to run, then we have to arrange the clause in such a way as to detach this word "overdrive" from the subsequent clause Well, this is the difficulty I feel in the wording of the clause as it is Now, as regards the particular amendment that has been suggested, I believe the point made by my Honourable friend, Mr Satyamurti, deserves very careful consideration Now, as regards the word "necessity", that is a standard which cannot be definitely laid down it is an indefinite standard But the main point we have to consider in this matter is that in the matter of necessity attention is drawn more to the necessity of the person who is in charge of the animal than

to the animal itself, because the animal serves the interest of the man. "Necessity" can only have reference to some requirement of the person which the animal is expected to serve, and, therefore, if we use the word "unnecessary", it is likely to be interpreted from the point of view of the person in charge of the animal rather than from the point of view of the animal which is subjected to cruelty or injury, and if this distinction is to be properly borne in mind, it would be conceded that our language should be such that it can have reference only to the state of the animal; it should be of such a nature that it must have reference to the animal and not to the man in charge of the animal. From that point of view, the word "excessive" is certainly better The word "excessive" can only have one meaning with reference to the suffering of the animal. Therefore, for the sake of precision, which is one of the essential characteristics of a legislation, I prefer the word "excessive" to the word "unnecessary"; otherwise, so far as the court is concerned, the court has to imagine some criterion My Honourable friend, Mr Satyamurti, has given a very good example of a man who might say, "I had to reach a particular place within a particular time, my animals can run at ten miles an hour, at that particular moment they did not do so, and so I had to give them a push" and that push was, therefore, necessary We must avoid such a possibility Therefore, if we accept the amendment of my friend, Mr Santhanam, I think that we shall be going nearer the point that we want to achieve by having this clause I, therefore, support this amendment

Syed Ghulam Bhik Nairang (East Punjab Muhammadan): Sir, the discussion is centring on the question whether the word 'unnecessary' will serve the purpose. Apparently, whether we use the word 'unnecessary' or 'excessive', a certain vagueness is found in either and, strictly speaking, there is not much to choose between the two terms But it appears that for practical purposes the word 'unnecessary' is preferable to the word 'excessive' If we talk of excessive pain, surely there ought to be, as the Honourable the Home Member pointed out, some standard by which we can judge We should have, so to say, some kind of painometer or cruelometer to show up to what degree of pain there will be no cruelty to the animal and beyond which there will be cruelty. It is impossible to find that out. Therefore, I submit that really there is an advantage in having the word 'unnecessary' which does not exist in having the word 'excessive' The word 'excessive' will raise nice questions as to what amount of pain ought to have been inflicted on the animal, judging from its capacity to bear pain, and so on and so forth, questions which it will be very difficult to decide As to the question of construction of this clause, raised by my Honourable friend, Mr Aney, I think whatever difficulty there may be in construing each word individually, one thing is quite clear that the underlined clause "so as to subject it to unnecessary pain or suffering" goes with the word 'treats', because after 'overdrives' there is a comma and after 'beats' there is also a comma and then we have one continuous sentence "or otherwise treats any animal so as to subject it to unnecessary pain or suffering" As far as the punctuation goes, there is a clear indication that the underlined portion of the clause goes with the word 'treats'. Then, the question remains—what is 'overdrives' and what is 'beats'? The word 'overdrives' has not, of course, given so much trouble to my Honourable friend, Mr. Aney. He is

[Syed Ghulam Bhik Nairang.]

able to construe it And then comes the question of ' beats '. Striking with a stick, for instance, may be taken to be beating and it may come within the mischief of this clause. Still, as a matter of fact, in driving an animal, it is necessary very often to just give a blow to the animal with a stick, cane or whip, but, as far as I am able to understand, the word ' beats ' conveys the idea of inflicting a succession of blows. One blow merely to make the animal move or go fast would not come within the definition of ' beats ', as the word is understood in common parlance. But if a succession of blows are given with the intention of inflicting an injury or causing pain, then the word ' beats ' can apply So, I think there is no difficulty in construing the word ' beats ' either. In the light of these remarks about ' overdrives ' and ' beats ' the rest of the thing becomes quite plain and there is no difficulty in understanding it. Therefore, my Party is inclined to oppose the amendment and to support the clause as it is.

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 Assembly divided .

AYES—48.

Abdul Ghani, Maulvi Muhammad.	Mackeown, Mr J. A
Abdul Hamid, Khan Bahadur Sir.	Maxwell, The Honourable Mr. R. M.
Ahmad Nawaz Khan, Major Nawab Sir.	Metcalfe, Sir Aubrey.
Ahmed, Mr. K.	Miller, Mr C C
Aikman, Mr A.	Mitchell, Mr K G
Anderson, Mr. J D.	Mukerji, Mr Basanta Kumar.
Ayyar, Mr N. M.	Mukerji, The Honourable Sir Manmatha Nath
Azhar Ali, Mr Muhammad	Nauman, Mr. Muhammad.
Bajoria, Babu Baijnath	Nur Muhammad, Khan Bahadur Shaikh.
Bajpai, Sir Girja Shankar.	Rafiuddin Ahmad Siddiquee, Shaikh.
Bewoor, Mr G. V	Scott, Mr J. Ramsay.
Bhagchand Soni, Rai Bahadur Seth.	Shaukat Ali, Maulana.
Chambers, Mr S P.	Sheehy, Mr. J. F.
Chanda, Mr A K.	Sher Muhammad Khan, Captain Sardar Sir
Chatterjee, Mr R. M.	Siddique Ali Khan, Khan Bahadur Nawab.
Clow, Mr A. G.	Sukthankar, Mr. Y. N.
Conran-Smith, Mr E	Sundaram, Mr. V. S.
Dalal, Dr. R D.	Town, Mr. H. S.
Dalpat Singh, Sardar Bahadur Captain.	Walker, Mr. G. D.
Essak Sait, Mr H. A. Sathar H.	Yamin Khan, Sir Muhammad.
Faruqui, Mr. N. A.	Zafrullah Khan, The Honourable Sir Muhammad
Ghulam Bhik Nairang, Syed.	Ziauddin Ahmad, Dr. Sir.
Grigg, The Honourable Sir James.	
Highet, Mr. J. C.	
Kamaluddin Ahmed, Shams-ul-Ulema.	
Lloyd, Mr A. H,	

NOES—40.

Abdul Qaiyum, Mr.	Chaliha, Mr. Kuladhar.
Aney, Mr. M. S	Chattopadhyaya, Mr. Amarendra Nath.
Ayyangar, Mr M. Ananthasayanam.	Chaudhury, Mr. Brojendra Narayan.

Chunder, Mr. N. C
Das, Mr. B
Das, Pandit Nilakantha.
Datta, Mr Akhil Chandra.
Deshmukh, Dr. G. V.
Deshmukh, Mr. Govind V
Govind Das, Seth.
Gupta, Mr. K S.
Hegde, Sri K B. Jinaraja.
Hosmani, Mr S K
Kailash Behari Lal, Babu.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Maitra, Pandit Lakshmi Kanta.
Mangal Singh, Sardar.
Misra, Pandit Shambhu Dayal.
Muhammad Ahmad Kazmi, Qazi.
Paliwal, Pandit Sri Krishna Dutta.
Pande, Mr Badri Dutt.
Parma Nand, Bhai
Raghubir Narayan Singh, Choudhri.
Ramayan Prasad, Mr.
Ranga, Prof N. G.
Rao, Mr M Thirumala.
Santhanam, Mr. K.
Satyamurti, Mr S.
Sheodass Daga, Seth.
Singh, Mr Gauri Shankar.
Singh, Mr. Ram Narayan
Sinha, Mr. Satya Narayan
Som, Mr Suryya Kumar.
Sri Prakasa, Mr.
Subbarayan, Shrimati K. Radha Bai.
Varma, Mr. B. B.

The motion was adopted.

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

"That in clause 3 of the Bill, in part (*a*) of the proposed section 3, for the word 'unnecessary' the word 'excessive' be substituted."

The motion was negatived.

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

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

Mr. Lalchand Navalrai : Sir, I have got an amendment to part (*a*) of this clause...

Mr Deputy President (Mr. Akhil Chandra Datta) : It has not been circulated

Mr Lalchand Navalrai : I think it has been , a copy has been given to me.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The Honourable Member can read it and if there is no objection taken, he can move it ; but not otherwise.

Mr. Lalchand Navalrai : Sir, I move :

"That in clause 3 of the Bill, in part (*a*) of the proposed section 3, for the words 'subject it to unnecessary pain or' the words 'cause it injury or excessive suffering' be substituted."

Mr. Deputy President (Mr. Akhil Chandra Datta) : In view of the decision on amendment No. 1, this is barred.

Mr. K. Santhanam : Sir, I move :

"That in clause 3 of the Bill, in part (*c*) of the proposed section 3, the words 'offers for sale or without justifying cause' be omitted, and, before the word 'or', occurring in the last line, the words 'and neglects to take reasonable steps to relieve such pain' be inserted."

[Mr K Santhanam]

The clause as it stands creates two offences. One offence is " offering for sale any live animal which is suffering pain by reason of mutilation, etc " That is punishable If some person's animal is mutilated by no fault of his own, why should he not offer it for sale ? What is he to do with it ? Is he to kill it or conduct a funeral for it ? Without any qualification whatever, mere offering for sale in a mutilated condition is made an offence I do not know if it was actually intended to make it such an unqualified offence As the clause stands I think it is very objectionable

The second offence which is being created is ' without justifying cause has in his possession any live animal which is suffering pain, etc, etc '. By sub-clauses (*a*) and (*b*) the man who is responsible for causing pain is punished Every owner has to have in his possession his own animal Ownership is ordinarily only one cause for possession, and I do not see why it should be punished What actually should be punished is a man having in his possession a mutilated or suffering animal and not taking any steps to relieve the pain As it is, both the offences are not real offences and there is no meaning in them But my amendment tries to provide for the real contingency of the man having an animal which is suffering pain and his neglect to relieve that pain Sir, I move.

Mr Deputy President (Mr Akhil Chandra Datta) Amendment moved

" That in clause 3 of the Bill, in part (*c*) of the proposed section 3, the words ' offers for sale or without just fying cause ' be omitted, and, before the word ' or ', occurring in the last line, the words ' and neglects to take reasonable steps to relieve such pain ' be inserted "

The Honourable Mr. R. M Maxwell : Sir, I do not think this amendment is necessary It will be seen that the clause says " without justifying cause " This would surely cover the case in which the person *bona fide* had possession of an animal which is suffering from some disease

Mr K. Santhanam : This qualification does not apply to the first part—offering for sale

The Honourable Mr. R. M. Maxwell : That phrase is merely taken from the original Act Section 3 (*c*) of the original Act covered the offences they are divided up and put in clauses (*c*) and (*d*) of clause 3 here The original Act read " offers, exposes or has in his possession for sale any live animal which is suffering pain by mutilation, etc., etc " The words " without justifying cause " would surely remove all objections to the clause as now drafted, and the existing clause appears to be stronger than the one proposed by the Honourable Member. In that case there is no deterrent on the person who keeps in his possession and offers for sale an animal which is suffering in the manner described in the clause.

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

" That in clause 3 of the Bill, in part (*c*) of the proposed section 3, the words ' offers for sale or without justifying cause ' be omitted, and, before the word ' or ', occurring in the last line, the words ' and neglects to take reasonable steps to relieve such pain ' be inserted. "

The motion was negatived.

Mr Abdul Qaiyum (North-West Frontier Province General) : Sir, I move :

" That in clause 3 of the Bill, in part (*c*) of the proposed section 3, for the word ' justifying ' the word ' reasonable ' be substituted."

I think the word " reasonable " is more appropriate and it is the word which has been used in most statutes and I hope that the House will accept it

Mr Deputy President (Mr Akhil Chandra Datta) Amendment moved

" That in clause 3 of the Bill, in part (*c*) of the proposed section 3, for the word ' justifying ' the word ' reasonable ' be substituted."

The Honourable Mr R. M Maxwell : Sir, there is very little real difference between the two expressions , but on the whole I think " justifying " which is the word used by the Select Committee is stronger than the word " reasonable " It means that the burden is on the person who has in his possession an animal in this condition to show that there was justification for it, while " reasonable " might be a matter of opinion for anybody I think on the whole—though I do not stress the matter very much—that the House would be well advised to keep the words " or without justifying cause ".

Mr. K. Santhanam : Sir, I want to point out that the word " reasonable" has been used in another section and, therefore, for consistency this should be adopted, or the word " reasonable " in the other section should be changed to " justifying "

The Honourable Mr. R M. Maxwell : Which other section ?

Mr K Santhanam : Section 7 of the original Act contains the words " If any person without reasonable excuse permits any diseased or disabled animal of which he is the owner " It is a similar offence and there the word used is " reasonable " I do not see why the same word should not be used here also

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

" That in clause 3 of the Bill, in part (*c*) of the proposed section 3, for the word ' justifying ' the word ' reasonable ' be substituted "

The motion was adopted.

Maulvi Muhammad Abdul Ghani : Sir, I beg to move

" That in clause 3 of the Bill, in part (*c*) of the proposed section 3, the word ' thirst ' be omitted."

Sir, it does not need any explanation, because if this word is retained, it becomes too vague There is no proper way to test accurately whether an animal is thirsty or not. If a person authorised by Local Government wants to put into trouble anybody, he can do so under this pretext of the animal being thirsty and that because it was not provided with water, he can take action against him Now, if such a person is produced before a Magistrate he will say the animal was not thirsty, and the person taking action against the alleged offender will take some hours, because it will take some time from the moment the animal is seized and it is produced before a Magistrate, and by the time if the animal is made to drink some quantity of water the action of the seizure is justified to

[Maulvi Muhammad Abdul Ghani.]

some extent I think the retention of this word is very vague, especially when you refer to clause 13 of the Bill you will see that a new clause is going to be added If that section 14 is not deleted, then every person, who has plans, saying that he has reason to believe that an animal is thirsty, can easily take action So instead of doing justice to the dumb and poor creatures, injustice will be done to human beings. I hope the Honourable the Home Member in charge of the Bill will consider my humble request, because he will not lose anything by the removal of this word With these words, Sir, I move my amendment

Mr Deputy President (Mr Akhil Chandra Datta) Amendment moved

"That in clause 3 of the Bill, in part (c) of the proposed section 3, the word 'thirst' be omitted"

The Honourable Mr R. M Maxwell : Sir, I am afraid I cannot accept this amendment Every one knows that the pain of thirst is even more terrible than the pain of starvation, and I have myself heard of cases where birds are brought from long distances to markets without taking any steps to provide them with water or any relief It is mainly for cases of that kind that this clause is devised I do not think that clause 14 will really prove a source of trouble in this matter, because that clause is to be operated only by persons authorised by Provincial Government for these purposes and particularly by officers specially recommended by the Society for the Prevention of Cruelty to Animals, and their object will be the same as that which we have before us, namely, to prevent any unnecessary suffering being caused to animals which have been handled in this manner

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

"That in clause 3 of the Bill, in part (c) of the proposed section 3, the word 'thirst' be omitted"

The motion was negatived

Maulvi Muhammad Abdul Ghani : Sir, I beg to move .

"That in clause 3 of the Bill, in part (c) of the proposed section 3, the words 'or other ill-treatment' be omitted"

Sir, in this very clause towards its end the words "or other ill-treatment" have been used. Mutilation, starvation, thirst, overcrowding have not been regarded as sufficiently exhaustive to constitute an offence and, therefore, these words "or other ill-treatment" have been used there If the Government or the Legislature want specific things, they should be made clear, they should put down their ideas in a clear and definite form, for in legislation such vagueness should not exist at all, because, after all, what is in the mind of the person or the authority taking action against a person is not known So a person should not be held responsible for anything not known to him but known to some one else I hope the Honourable the Home Member will accept this harmless amendment

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

"That in clause 3 of the Bill, in part (c) of the proposed section 3, the words 'or other ill-treatment' be omitted."

The Honourable Mr. R. M Maxwell : Sir, I am afraid I cannot accept this amendment either. The words " or other ill-treatment " are not new in this Bill They have been used in the original Act of 1890, and therefore they have been in force now for a great many years, and I am not aware of any cases where they have led to any injustice. ' Ill treatment ', although a general expression, is by no means a vague one It is a thing which is capable of being proved and must be proved in order to establish an offence under the section But the governing words of the section are ' suffering pain ', that is to say, ill-treatment, unless it is such as to cause pain, is not penalised by the section. The governing words presuppose pain from any avoidable cause, such as mutilation, starvation or any other ill-treatment of a positive kind, and therefore I think there can be no fear in retaining these words

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

" That in clause 3 of the Bill, in part (*c*) of the proposed section 3, the words ' or other ill-treatment ' be omitted."

The motion was negatived.

Maulvi Muhammad Abdul Ghani : Sir, I beg to move .

" That in clause 3 of the Bill, part (*d*) of the proposed section 3 be omitted."

Sir, this portion is too vague, and in my opinion, it does not carry any sense Every animal after it is killed or slaughtered is dead, and if its flesh is offered for sale the person offering the flesh of a killed or slaughtered animal for sale is liable for prosecution under this sub-clause I think part (*d*) should be omitted, and I hope the House will support this amendment

Mr Deputy President (Mr Akhil Chandra Datta) Amendment moved

" That in clause 3 of the Bill, part (*d*) of the proposed section 3 be omitted "

Dr Sir Ziauddin Ahmad (United Provinces Southern Divisions . Muhammadan Rural) Sir, in a certain Assembly a five hours' debate was raised on the question whether for Ber Sella, Serbella is the proper and more appropriate word There are two words, Sarbilla and Barsilla, and I think, so far as this Bill is concerned we are no better than that This offence of *phooka* is not performed in my part of the country and I never understood what it meant Great agitation was made about this offence Petitions went to the Viceroy, resolutions were passed and press articles were written and I thought we were going to have a Bill for the creation of new offence of *phooka*. But when I went into the language of the old Act which is being amended by this Bill, I find that punishment is already provided for *phooka* That section reads :

" If any person performs upon any cow the operation called *phuka*, he shall be punished with fine which may extend to one hundred rupees, or with imprisonment which may extend to three months, or with both "

Seth Govind Das (Central Provinces Hindi Divisions . Non-Muhammadan) : On a point of order, Sir Are we really discussing this Bill generally, or are we discussing the amendment ?

Mr. Govind V. Deshmukh (Nagpur Division : Non-Muhammadan) : Are we not to limit our discussion to the amendment before the House, or can we have a general discussion ?

Mr. Deputy President (Mr. Akhil Chandra Datta) : We must give the Honourable Member some time to make out the relevancy.

Dr. Sir Ziauddin Ahmad : I am just reading this section

In the original Act the punishment provided for *phooka* is a fine of Rs. 100 or an imprisonment for three months or both. Therefore, the very object of this Bill, for which my Honourable friend has so much agitated and demanded punishment for *phooka*, is lost on account of the fact that *phooka* is already a punishable offence in the original Act.

Instead of having this agitation for a new Bill, they ought to have asked the Government to enforce this section rigorously in such provinces in which the offence may be prevalent and thus achieve their object As my Honourable friend, Mr Sri Prakasa, has pointed out this morning, the object of this Bill is not to prevent cruelty to animals but to provide some punishment for the people who own these animals This is what he admitted in interruption This particular clause which we want to delete may be said to be already in the Act The original sub-clause (*c*) has already been split up into two clauses, (*c*) and (*d*) Really speaking, we are all discussing the word whether Sarbilla or Barasilla is the proper word The whole clause is there, you have only split it up. You have split it up in order to make a new Bill. We are legislating for an old thing, we are not legislating for any new offence. We are only putting old wine into new bottles Otherwise, the entire section is there, the entire punishment is there for *phooka* .

Seth Govind Das : I again rise to a point of order, Sir Is all this relevant ?

Mr Deputy President (Mr Akhil Chandra Datta) The general discussion is over and I must ask the Honourable Member to confine himself to the amendment before the House

Dr Sir Ziauddin Ahmad : My Honourable friend who has raised this point of order used half an hour on one word, ' excessive ' or ' unreasonable ' The thing is this particular provision is already there By splitting like this, the chances are that it is likely to be misused I submit that it is an absolute waste of time to spend over this particular Bill which is already provided in the original Act

Mr M. S Aney : I wish to oppose this amendment I think it does not require a long argument at all to convince the House that the amendment cannot be supported

Dr. Sir Ziauddin Ahmad You are in favour of Prashilla and I am in favour of Sharbilla

Mr M. S Aney : You are using words the meaning of which I do not understand My point is this If this amendment is allowed, the very object which the Select Committee had in its mind will be defeated. It will be, in my opinion, a kind of encouragement to those who want to engage in the sale of dead animals and other things to cruelly kill them and offer them for sale. Those who offer for sale dead animals which were not cruelly killed or killed in a manner which could not be termed

cruel,—they have nothing to fear whatsoever. I do not see any reason why this sub-clause (*d*) should be eliminated altogether. It is intended in the first place to put a stop to cruelty to animals and then in the second place after killing them cruelly, to offering them for sale

Babu Baijnath Bajoria : I rise to oppose this amendment My Honourable friend, the Mover, thinks that we are creating a new offence by making this provision (*d*) I would like to draw his attention to the latter part of sub-clause (*c*) of section 3, namely, " which he has reason to believe has been killed in an unnecessarily cruel manner " Only for the sake of clarification the Select Committee made a separate section of this portion It only makes the Bill much more easy to understand and I do not think that there is any substance whatever in the speech of the Honourable the Mover of this amendment I oppose

The Honourable Mr. R. M. Maxwell : My Honourable friend, Mr. Bajoria, has left me nothing to say It is true, as also pointed out by my Honourable friend, Dr Sir Ziauddin Ahmad, that this clause imports nothing new into the original Act, except the words " or part of a dead animal ", which have been included to make it complete This clause is definitely related to section 5A of the original Act which is not amended by this Bill There is no possible wish to weaken the Act in that respect The object of the clause is to prevent persons from conniving at the slaughtering of animals in an unnecessarily cruel manner and making a profit afterwards.

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

" That in clause 3 of the Bill, part (*d*) of the proposed section 3 be omitted."

The motion was negatived

Mr K. Santhanam : I move :

" That in clause 3 of the Bill, in sub-section (*c*) of the proposed section 3, for the word ' justifying ' the word ' reasonable ' be substituted "

I need not say anything about this.

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

" That in clause 3 of the Bill, in sub-section (*c*) of the proposed section 3, for the word ' justifying ' the word ' reasonable ' be substituted."

The Honourable Mr. R. M Maxwell : As the House has already accepted the change in the earlier clause, I have nothing to say about this

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

" That in clause 3 of the Bill, in sub-section (*c*) of the proposed section 3, for the word ' justifying ' the word ' reasonable ' be substituted "

The motion was adopted.

Babu Baijnath Bajoria : I move

" That in clause 3 of the Bill, after part (*e*) of the proposed section 3, the following new part be inserted :

' (*f*) uses a cow or a she-buffalo for ploughing or tilling the land or for draught purposes '."

An Honourable Member : Sex equality !

Babu Baijnath Bajoria : I know that my Honourable friends opposite are for sex equality, but, unfortunately, God has made that difference and my Honourable friends cannot make the two sexes equal.

3 P.M. As I said in my previous speech, it is really a great hardship and cruelty to use cows and she-buffaloes for ploughing lands or for draught purposes. I have seen with my own eyes cows being used for tilling purposes in Ranchi It makes no difference whether the cow is a dry one or a milch cow In my opinion cow is not created for that purpose She is created to give milk. I understand that by using a milch cow for this purpose the quantity of milk which she is able to give decreases Further the life of the cow also decreases and she cannot bear such hard work I request the House to accept my amendment

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

" That in clause 3 of the Bill, after part (*e*) of the proposed section 3, the following new part be inserted ·

.' (*f*) uses a cow or a she-buffalo for ploughing or tilling the land or for draught purposes '."

Maulvi Muhammad Abdul Ghani : Sir, my Honourable friend, Babu Baijnath Bajoria, has perhaps forgotten that among cows and she-buffaloes there are a number of sterile animals and I fail to understand the purpose of keeping such animals idle They are better utilised for tilling lands It will be for the good of the *kisans* if these sterile animals are used for such purposes If my Honourable friend wants to purchase those sterile animals, he is quite welcome to do so. If such animals are to be utilised at all by the owner, in what other way can he utilise them except by putting them for tilling lands. If the animals are kept idle, they will be a great burden on the poor *kisans* They cannot be destroyed , otherwise, my Honourable friend, Babu Baijnath Bajoria, will bring forward a legislation that destroying animals should be punished I submit these animals should be used for tilling lands, if they are not fit for any other purpose Sir, I oppose the amendment.

Mr. K Santhanam : Sir, I oppose the amendment I have lived in Salem district of the Madras Presidency for a number of years where almost every peasant without exception uses cow for ploughing and for draught purposes In fact the animals do not suffer from it at all If you want an analogy, why don't you prevent women from working in factories ? According to my Honourable friend, women are created only to work at homes and they ought not to do any labour in factories, I do not know the mind of the Creator, but I do not want to oppress the people by such legislation

Seth Govind Das : Sir, my Honourable friend, Babu Baijnath Bajoria, did not say that in every place cows and she-buffaloes are used for ploughing Let me tell him that so far as the Central Provinces are

concerned, the Hindus are not using cows and she-buffaloes for ploughing purposes. Those communities who have no religious scruples in this respect such as the Gonds and the Bhils generally use cows and she-buffaloes for cultivation They will have only two courses left if cows and she-buffaloes are prohibited from being used for ploughing and draught purposes Either they will have to sell their lands to capitalists like my friend, Babu Baijnath Bajoria, or they will have to sell these cows and she-buffaloes for slaughter My Honourable friend has now to choose between these two courses. Will he buy up all the lands or will he allow these animals to be slaughtered ? If he is averse to both the courses, then the only course left for my Honourable friend, Babu Baijnath Bajoria, is to drop his amendment As far as religion is concerned, I have told him that Hindus are not using the cows and she-buffaloes for ploughing or draughting purposes. I oppose the amendment.

Mr. M. S. Aney : Sir, I am not sure whether my Honourable friend, Seth Govind Das, is quite correct in saying that Hindus are not using cows and she-buffaloes at all for the purposes of ploughing and draught. On the other hand there is the statement made by my Honourable friend, Mr Santhanam, that in Salem district of the Madras Presidency these animals are being used for tilling lands We are legislating for the whole of India and so, we cannot give up this legislation because these conditions are not in existence in Central Provinces We must take into consideration the circumstances prevailing everywhere If my Honourable friend, Seth Govind Das, thinks that on religious grounds the cows ought not to be used for ploughing lands and for draught purposes, then what is the provision of law which can prevent people from using them for such purposes as they are doing in Salem district.

Seth Govind Das : Sir, I rise on a point of personal explanation. I am saying that it is better to use them for ploughing than to sell them for slaughter from the Hindu point of view, also, if these animals are not used for ploughing I am sure they will be slaughtered

Mr. M. S Aney : This is not a point of personal explanation. It is additional argument I thought my respectable Sister in the House would get up and support this amendment because an additional burden was being thrown upon her sex in the animal kingdom by using them for ploughing lands and for draught purposes On the other hand my Honourable friend, Mr. Santhanam, was trying to justify the use of women in the factories, but he forgets that for underground work we have got special laws prohibiting the employment of women and children We make a distinction in the case of manual labour also in the case of women. Women are not allowed to be used for doing any underground work. I know the extreme circumstances to which reference has been made, namely, that dry animals are a great burden to the owner If these animals cannot be used for ploughing and for draught purposes, then they are really a burden. In order to meet those exceptional cases if we make a general rule that cows and she-buffaloes can be used for tilling lands and for draught purposes, then I submit we would be laying down a too sweeping proposition, and at least if the law as it stands enables a man to use a milch cow or she-buffalo to be used for purposes of tilling lands also, then there must be some law to prevent the milch cows from being so used At present

[Mr. M. S. Aney.]

the law does not make any distinction between milch cow and dry cow. Although I cannot go the whole hog with my Honourable friend, Babu Baijnath Bajoria, yet I cannot share the other extreme views that any animal like the cow or she-buffalo should be used for ploughing.

Some Honourable Members : Sir, I move that the question be now put

The Honourable Mr R. M. Maxwell : Sir, I must oppose this amendment My main ground for doing so, apart from those already sufficiently urged on the other side of the House, is that this amendment goes entirely beyond the scope of the Bill The Bill is a Bill to prevent cruelty to animals, and not a Bill to enforce a certain kind of treatment which may be in harmony with sentiments of a particular description Therefore, I think it would not be at all appropriate to include a clause of this kind in a Bill of this character

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

" That in clause 3 of the Bill, after part (*e*) of the proposed section 3, the following new part be inserted

' (*f*) uses a cow or a she buffalo for ploughing or tilling the land or for draught purposes ',"

The motion was negatived

Mr N A. Faruqui (Government of India : Nominated Official) Sir, I beg to move :

" That in clause 3 of the Bill, in the proposed section 3, for all the words beginning with the words ' he shall be ' and ending with the words ' or with both ' the following be substituted

' he shall be punished for every such offence with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months, or with both ' "

I need hardly remind the House that the penalties which I propose are not new They exist in the present Act for similar offences, and they were included in this Bill when it was first introduced in this House. The Select Committee's recommendation to reduce them was probably based on the apprehension that magistrates who have no sense of proportion, or who have insufficient regard for the poverty of the masses, may inflict unnecessarily heavy fines Sir, I wish to point out that for such magistrates, if they exist at all, even the penalties recommended by the Select Committee leave sufficient scope for harshness Sir, I have had occasion for several years to examine the magisterial diaries of the magistrates under me and my recollection is that in such cases the fines vary ordinarily from eight annas to five rupees or in some rare cases to ten rupees. The penalties which I seek to restore have been on the Statute-book since 1890 and we have never heard complaints of their being harsh The reason probably is that the magistrates have used their discretion well On the other hand, there are some well-to-do offenders who, through their callousness and negligence, cause the grossest cruelty to animals I have one case in mind where a very rich person in Delhi neglected his horse, which was lame, and was tied up in the stable, until maggots had eaten up a large part of the hind legs of the horse and it was on the point of death from blood-poisoning. For such rich offenders the penalties suggested by the Select Committee are not adequate. Sir, I move

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

" That in clause 3 of the Bill, in the proposed section 3, for all the words beginning with the words ' he shall be ' and ending with the words ' or with both ' the following be substituted :

' he shall be punished for every such offence with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months, or with both '."

Mr Amarendra Nath Chattopadhyaya (Burdwan Division Non-Muhammadan Rural) : Sir, I oppose the amendment The Select Committee thoroughly discussed this clause and they provided that in the case of a first offence, the offender shall be punished with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to one month, and, in the case of a second or subsequent offence, with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months, or with both. Sir, it has been a principle accepted by this House that in the case of a first offence, the punishment should be less Therefore, Sir, I think that this amendment is not at all necessary I oppose this amendment

Mr. Abdul Qaiyum : Sir, I think we should make some distinction between the case of first offenders and that of offenders who commit offences frequently. It was remarked by the Honourable the Mover that the punishments which he proposed have been on the Statute-book since 1890. Now we are not in 1890 ; we are in 1938 and the ideas of punishment have changed considerably during the interval He undoubtedly referred to the case of a rich man who had behaved very badly towards his horse, but I think that was a very extreme case, perhaps it was the only case in India He has told us that he had examined the diaries of magistrates who have never awarded a punishment beyond five rupees. I do not see why the Honourable the Mover should insist on such a high penalty · fifty rupees I think should cover all cases which are likely to arise. Sir, I oppose the motion.

The Honourable Mr. R. M. Maxwell : Sir, I support the amendment. I should like to suggest to this House that they should not proceed on the assumption that the only persons who perpetrate cruelty to animals are the poor people That is really the basic assumption underlying the change made by the Select Committee We have to deal with every class of persons who exploit animals in a thoroughly reprehensible manner, and although my Honourable friend who has just spoken said that a case like that quoted was perhaps a unique one, we have all heard of the extensive export trade in monkeys in which persons undoubtedly make very large profits out of exporting these animals. Now, in the event of ill-treatment during the process of exportation, these persons could well afford to pay a fairly substantial fine whereas the small fine provided by this clause is not going to be a deterrent to persons who are going to make thousands of rupees out of exporting these helpless beasts. That is one reason why I would ask the House seriously to consider this amendment by which we propose to re-instate the penalty provided in the original Act I would also ask the House to preserve a certain sense of proportion in dealing with this matter. Now in the case of the offence of *phooka*, the penalty provided by clause 5 of the Bill

[Mr R M Maxwell]

is a fine which may extend to Rs 500 or imprisonment for a term which may extend to two years, or both, and in the case of a second offence, a fine which may extend to Rs 500 and with imprisonment for a term which may extend to two years Surely if a fine of Rs 50 and one month's imprisonment is considered sufficient for the grossest cruelties which may be practised in other ways, a fine of Rs. 500 is altogether excessive for the offence of committing *phooka*. Similarly in section 5A of the original Act, which remains unchanged by the present Bill, the penalty provided for having in possession the skin of a goat which has been killed in an unnecessarily cruel manner is one hundred rupees or imprisonment which may extend to three months That penalty remains unaltered That section is not included in this Bill for amendment. Therefore, if we substitute an extremely low penalty for the offences provided for in clause 3 of the Bill, we are introducing disproportionate penalties in different sections of the Act and we should thereby justify Dr Sir Ziauddin Ahmad's remark that the House is interested only in penalizing *phooka* and takes no account of other kinds of offences against animals Sir, I support the amendment

Mr. S. Satyamurti: Sir, I rise to oppose the amendment. The Honourable the Home Member is less than fair to himself and to the House when he quotes section 5A of the Act. If the whole Act had been subjected to an amending and consolidating Bill, I have no doubt that the Select Committee and the House would have amended all its sections in consonance with modern ideas of punishment, but after having introduced a restricted Bill, it does not lie in the mouth of the Honourable the Home Member to quote those sections as arguments against rejecting this amendment. I want to plead with this House that when my Honourable friend talked of the export of monkeys, in this very House, from this side, several questions have been put that this export of monkeys ought to be stopped altogether by executive order, but what have the Government done ?

The Honourable Mr. R M Maxwell: They have restricted the period and made other regulations to prevent ill-treatment

Mr. S Satyamurti: But they have done much less than what we wanted—much less We really feel that this cruelty to monkeys ought to stop and suggestions have been made that the export of monkeys ought to be stopped altogether They have not done that yet, and, therefore, to quote that as an example again will not convince the House. Then, Sir, so far as the idea of punishing these people is concerned, both the Honourable the Home Member and his friend who sits behind him spoke, giving us examples of certain rich men This country consists of 99 per cent poor men My friends forget in their luxury and in their comfort that we represent the poorest in the land and this Bill is going to affect all the people of India. Therefore, the test for our accepting or rejecting the amendment is not those cases which my friends mentioned, but how this law will work in the case of the ordinary persons who are likely to come within the mischief of this clause, if it becomes law. My friend said that the magistrates usually fine Rs 5 and, therefore, it does not matter what the maximum is. But surely the rich people are only one per cent of the population (*A voice*: "Not even one

per cent") I agree that they are not even one per cent I, therefore, appeal to the House to look at this amendment from the point of view of the average man who is likely to come within the mischief of this clause From his point of view, it is provided that in the case of the first offence he may be punished with a fine which may extend to Rs 50 or imprisonment for a term which may extend to one month Therefore, it will be deterrent. But, if in spite of it, he continues to commit the offence, then he will be punished with a fine extending to Rs 100, or imprisonment which may extend to three months, or with both So far as the effect of the punishment is concerned, if a fine of Rs 50 or an imprisonment for a term of one month will stop the offence, we ought to be satisfied If this punishment does not stop it, then you have got the maximum punishment I, therefore, appeal to the House to reject the amendment and leave the clause as it stands

Mr Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) . Sir, being a member of the Select Committee myself, I know that we discussed this clause at great length We not only discussed this clause but every other clause where the punishment was to be provided. I found that the Government were always very strict to enforce very serious punishment and to impose greater fines. What could be the object of it ? Who are the people to be punished ? It is the very poor people who have to be punished It is not even the owner of the cattle who is to be punished, but it is the poorest people of the country who are to be punished with fines of Rs. 50 and Rs. 100 What will be the effect of this punishment on these poor people ? We will be making them poorer and poorer. If the Government wanted to punish the owners of these cattle, I would have thought that they were justified in doing something The illustration that we got from the Government Member was that there was a horse which was being treated very cruelly. These are not proper illustrations.

Mr Abdul Qaiyum : What about the overloading of the coolies in Simla ? Nobody has thought of them

Mr Muhammad Azhar Ali : After all, what is the price of these small cows ? Their price may be high in the Punjab or in some other provinces where the cows are very costly, but in provinces like the United Provinces and the Central Provinces and more towards the east, the price of these cows is not more than Rs. 10 or Rs 12 Sir, you will notice that in clause 3 birds are also mentioned If people treat these small birds cruelly, you punish them with fines of Rs 50 to Rs 100. What sense can there be in this punishment ? This amendment disregards the first offence, the second offence and the third offence It is a very sweeping amendment, and I cannot possibly support it nor will my Party. Sir, I oppose this amendment

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

"That in clause 3 of the Bill, in the proposed section 3, for all the words beginning with the words 'he shall be' and ending with the words 'or with both' the following be substituted :

'he shall be punished for every such offence with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months, or with both'".

The motion was negatived.

Mr. K. Santhanam : Sir, I beg to move

" That in clause 3 of the Bill, in the proposed section 3, after the words ' subsequent offence ', occurring in the fourth line from the bottom, the words ' committed within three years of the previous offence ' be inserted."

Sir, I do not want that when a *Jhatkawala* is prosecuted, a policeman or an officer of the S P. C. A should get up and say he was punished once 20 years ago and should be severely punished for his second crime. If a man has a clean record for three years after committing the first offence he should not be treated as a second offender. This principle was consistently adopted in the Motor Vehicles Bill and there is no reason why it should not be adopted here Sir, I move

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

" That in clause 3 of the Bill, in the proposed section 3, after the words ' subsequent offence ', occurring in the fourth line from the bottom, the words ' committed within three years of the previous offence ' be inserted "

The Honourable Mr. R M Maxwell : Sir, I accept the amendment.

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

" That in clause 3 of the Bill, in the proposed section 3, after the words ' subsequent offence ', occurring in the fourth line from the bottom, the words ' committed within three years of the previous offence ' be inserted "

The motion was adopted

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

" That clause 3, as amended, stand part of the Bill."

The motion was adopted

Clause 3, as amended, was added to the Bill.

Clause 4 was added to the Bill

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

" That clause 5 stand part of the Bill "

Babu Baijnath Bajoria : Sir, I beg to move :

" That in clause 5 of the Bill, in sub-section (*2*) of the proposed section 4, for the words ' one-tenth ' the words ' one-fourth ' be substituted."

Sir, my intention in moving this amendment is that the reward which is to be given to any person, whose information leads to the conviction of the culprit in matter of offences of *phooka*, should be increased from ' not exceeding one-tenth ' as provided in the Bill to ' one-fourth ' of the fine as proposed by me One-tenth of the fine is too small a figure and it will not be an attractive one so that persons generally will not take interest to detect the culprit As I mentioned before, in the matter of *phooka*, detection is much more important than the punishment and we should do everything in our power to make the people realise that this is a serious offence and they should try and do their bit to eradicate this evil from this country. Supposing a person is fined Rs. 25 or Rs. 50, then one-tenth of it will be Rs. 2-8-0 or Rs. 5 and, for this paltry sum, nobody would take the trouble of going to the court and to the thana

and to several other places which will lead to conviction So, in my opinion, one-fourth of the fine is a reasonable amount In the Bengal Act no proportion is provided at all. I would have liked that that here also. In that case, discretion would have been given to the magistrate to give any portion of the fine to the informer But as a percentage is going to be fixed in the Bill, I would like it to be fixed at one-fourth of the fine. After all, it is a case where the Government is getting money. If an informer detects a person committing the crime and gives all the information which leads to his conviction, then the Government stands to gain the money realised by the fine and they should not grudge a portion of it to the informer. I hope the House will accept my amendment.

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

" That in clause 5 of the Bill, in sub-section (2) of the proposed section 4, for the words ' one-tenth ' the words ' one-fourth ' be substituted "

Mr Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, I regret I must oppose this amendment The reason is this In supporting this Bill, we want to prevent cruelty to animals and not to destroy the morals of the human race We have already a very big class of spies and informers in our country , and we do not want to add to that I should expect that this work would be taken up by honorary agencies and public bodies and not for the purpose of gain I should expect a man who finds another person committing cruelty on an animal to take the law in his own hands and give him a licking then and there, instead of going to the police station and allow the crime to be committed before aid arrives. You cannot improve your morals, neither can you educate public opinion, by offering inducements of this sort Sir, I should have liked to have this clause omitted altogether ; but as it stands, the amount of compensation to the informers under this Bill is more than enough.

Syed Ghulam Bhik Nairang : Sir, I also feel constrained to oppose the amendment of Mr. Bajoria. We took it all along that the present Bill as well as its predecessors, the several Prevention of Cruelty to Animals Acts were all based on benevolent motives of compassion and pity for the lower animals but, as Mr Sri Prakasa has pointed out, it so happens that in the clause which has been inserted in the Select Committee, there is a reward to the informers who bring to notice the crime of *phooka*. My friend, Mr. Bajoria, wants to enhance the earnings of the spies and to put a premium on the profession of espionage. That may be all very well in other matters but certainly there ought to be no mercenary or sordid motive in the minds of those who may give information to the authorities and bring to book offenders who maltreat and inflict pain on dumb driven cattle. What has been proposed by the clause as it stands is quite enough. This work ought really to be left to benevolent societies and pious volunteers who will go about and see things and give information to the authorities. We should not put a pecuniary inducement before the public, which may lead to the giving of false information. This may destroy the real virtue of the underlying principle of prevention of cruelty

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

" That in clause 5 of the Bill, in sub-section (*3*) of the proposed section 4, for the words ' one-tenth ' the words ' one fourth ' be substituted."

The motion was negatived.

Clause 5 was added to the Bill

Clause 6 was added to the Bill.

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

" That clause 7 stand part of the Bill "

Mr. Badri Dutt Pande (Rohilkund and Kumaon Divisions Non-Muhammadan Rural) Sir, I move :

" That in clause 7 of the Bill, in sub-section (*1*) of the proposed section 6B, the following be added at the end

' or order the owner or person in possession or control of the animal to execute a bond for the treatment of the animal and its production before the magistrate ' "

The object of my amendment is this A man may not wish to part with his animal, in order to send it to an infirmary or *pinjrapole* He may say ' I will treat the animal at home and bring it to the Court when ordered to do so ' just as a man gives security to be present in Court. He will write a bond to that effect Now, Sir, *pinjrapoles* and infirmaries are sometimes very crowded I have got statistics here to show that in the S P C A Hospital in Delhi, which has accommodation for 23 animals only, on the 6th March, 1937, there were 36 animals, on the 10th March, 73 animals, on 23rd March, 61 animals, on 5th May, 67 animals and so on. So there is overcrowding there and cruelty is practised there in this way In fact, there is so much overcrowding that the S. P C A ought to be prosecuted for this very offence for which we are providing punishment in this Bill I think my amendment is a reasonable one and it ought to be supported by the House

Mr Deputy President (Mr Akhil Chandra Datta) Amendment moved

" That in clause 7 of the Bill, in sub-section (*1*) of the proposed section 6B, the following be added at the end

' or order the owner or person in possession or control of the animal to execute a bond for the treatment of the animal and its production before the magistrate ' "

The Honourable Mr R. M. Maxwell : I must oppose this amendment which is entirely foreign to the purposes of the section The section is simply to empower the Provincial Government to appoint places where animals may be treated and cared for That is the sole object of this section and it is never contemplated that the Provincial Government will hear cases themselves and in the words of the amendment ' order the owner or person in possession or control of the animal to execute a bond for the treatment of the animal and its production before the magistrate ' When the Provincial Government has obtained the power under section 6B to appoint infirmaries, then it will be for the courts dealing with the offences to decide what they are going to do with the animals. There is no obligation on the court to send an animal to an

infirmary or *pinjrapole*. Sub-section (2) is permissive and not mandatory and therefore there is no reason whatever to alter the section in the manner proposed

Prof N. G. Ranga : Sir, I support this amendment. In fact, we wanted to make some such alteration in the Select Committee stage itself, but unfortunately we could not succeed The idea underlying this is only this We know, as things are, that many of the so-called infirmaries maintained by the S P C A are not big enough to accommodate all the animals taken there My Honourable friend, Mr Pande, has made out a very clear case in support of that particular point. Again, in various places, it is not possible for ordinary folk to take their animals to these prescribed infirmaries and pay the prescribed fees there. These fees are prescribed not even by the infirmaries themselves, but by the magistrate Of course, it may be that the magistrates will have to take into consideration the usual cost of maintenance of these animals in those infirmaries, and so on But the Delhi *Tongawallas* Association has made out a very clear case in favour of a much lower fee than is charged today by the magistrates in Delhi That shows clearly that magistrates cannot very well be trusted to prescribe just the minimum possible or the necessary fee to be charged for these animals for their upkeep in the infirmaries Therefore, as long as it is stated clearly in what manner the animal is to be treated by the owner himself in his own care, there is no harm in leaving the animal with the owner himself provided that, on the prescribed day, the animal is produced in good condition before the magistrate and the magistrate is satisfied Therefore, I hope the House will support this amendment.

Mr Amarendra Nath Chattopadhyaya : Sir, I beg to support this amendment I cannot understand why Government should oppose this very reasonable amendment at all The amendment says that in case the owner executes a bond for treating the animal and producing it before a magistrate—I do not know how it clashes with the clause as passed by the Select Committee Mr Badri Dutt Pande only wants to add another clause which will give the owner the privilege of giving treatment to the animal in his own home and on the date of hearing, he produces it before the magistrate I do not think there is any reasonable ground for opposing this amendment Sir, I support the amendment

Babu Baijnath Bajoria : Sir, I rise to support this amendment This is a very reasonable amendment and it seeks to empower the magistrate..

An Honourable Member : No, the Provincial Government

Babu Baijnath Bajoria : Very well , it empowers the Provincial Government that it may authorise the owner of the animal to take the animal home for treatment and produce it before the magistrate. After all what we want is that the animal should be properly treated. This is our main object , and if the poor man can do it cheaper and better in his own home why should he be charged to take the animal to an infirmary and pay the cost of its treatment and upkeep there ? He will be fined if he does anything in contravention of this Act. But as regards the payment of the charges of treatment and maintenance he can easily do it much cheaper if not better at his house. Sir, I support the amendment.

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

" That in clause 7 of the Bill, in sub-section (*1*) of the proposed section 6B, the following be added at the end :

' or order the owner or person in possession or control of the animal to execute a bond for the treatment of the animal and its production before the magistrate ' ''

The motion was negatived.

Babu Baijnath Bajoria : Sir, I move :

" That in clause 7 of the Bill, in sub-section (*2*) of the proposed section 6B, all the words occurring after the word ' pinjrapole ' be omitted.''

These words are

" or, if the Veterinary Officer in charge of the area in which the animal is found certifies that it is incurable or cannot be removed without cruelty, that it shall be destroyed.'

It gives the magistrate the power to order destruction of an animal if the veterinary officer is of that opinion As I have already said, I am against all orders for destruction of animals. I would draw the attention of the House that in the present Act in section 6 (*3*), which is the corresponding section to this clause, power is given to the magistrate but this is a new addition, and also in the Bengal Act I have mentioned that this power is restricted only to cases other than bullocks and cows. I move this amendment without any further speech

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

" That in clause 7 of the Bill, in sub-section (*2*) of the proposed section 6B, all the words occurring after the word ' pinjrapole ' be omitted ''

Mr M S. Aney : Sir, I strongly support this amendment The point which we have to consider is this The Act is intended to minimise the agonies or sufferings of and to prevent cruelty to animals. There are persons who think that if an animal is suffering from an incurable disease the best way to put an end to its agonies is to kill the animal, and, therefore, they think they are doing something which is an act for the prevention of cruelty to that animal So far as suffering is concerned, I do not want to make any distinction between an animal and a man Would it be tolerated for one minute if when a man is suffering from some incurable disease, the best way would be to put an end to the life of that man and kill him ?

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

No moral code of humanity so far has provided a section of that kind · it has yet to be enacted

An Honourable Member : A man can commit suicide !

Mr. M. S Aney : If he is detected in the commission of suicide, the law has provided that he shall be punished You do not tolerate that. What the man in his own way will do to put an end to his life is a different thing But no man can claim any right to put an end to the life of

another man because he is not in a position to cure him, or because he is not in a position to minimise his agonies We think we have a right to determine the fate of the animal, we claim we have a right to minimise its agonies That is true humanitarian work, but it is not proper to be led away by the idea that the best way of minimising the agonies of an animal is by killing it or shooting it down This thought may strike as revolutionary or irreligious or heterodox to those who are given to kill animals even for food There are men who live on animals, and for them killing animals means nothing, but for those who out of regard for animal life have abjured that kind of food, it is really sacrilegous to kill an animal And remember, you are enacting a law in a country where the people, on account of a peculiar sense of compassion for the animal life, have given up the luxury of animal food You are living in a country where millions and millions of Hindus, Buddhists and Jains regard even the slightest injury done to the lowest and the meanest specie of the zoological creation as a serious sin, and, therefore, I submit, you are not really doing any good by putting an end to the life of the animal It may be you cannot stand the sight of an animal suffering any agony, but that is not the way to put a stop to the agony Well, if tomorrow you are suffering from an incurable disease, and if I suggest · ' Well, I want to put an end to your life in order to relieve you of your agonies ', what answer will you give ? Simply because an animal is dumb, it cannot speak, it is denied the power of articulation or the power of expressing its own sentiment, we think we have a right to determine what is best for it. Sir, a calf was allowed to be killed by no less a personage than Mahatma Gandhi, some years ago The feeling of revulsion and opposition that was roused by his action would not be easily forgotten by those who have followed the newspaper articles that followed his action and also the strong condemnation and the bitter expression of opinion against him throughout the country My Honourable friend, Mr Satyamurti, who, I know, is as great a humanitarian as anybody else in this House, can easily imagine the feelings of the Hindus, Jains, etc Sir, I do not think, in attempting to minimise the cruelty to animals, we should make any distinction between a man's suffering and an animal's suffering I can quite see that the animal is not a man, and if that is the criterion by which you proceed to enact a law in this matter, then I say you are doing a wrong thing It may be that you do not see the cruelty yourself, you don't feel the agony in that one moment when you put an end to an animal's life, but in that one moment it suffers most of the agonies which it may have to go through over a long period if the animal is allowed to live I, therefore, think that from a humanitarian point of view, we who are legislating here in a country where the people regard *Ahimsa* as the noblest tenet of their religious belief, and where millions of people have abjured animal diet, where millions of people look with abhorrence on an act of this kind, should provide for all kinds of remedies to minimise the suffering short of actually killing the animal Therefore it seems to me that our friends have taken no account of the sentiments of millions and millions of people They are acting upon borrowed ideas and on western ideals I, therefore, appeal to the House, when they are enacting a law in an oriental country which is full of oriental ideas and sentiments, to kindly consider and respect the sentiments and feelings of millions and millions of Hindus, Jains and Buddhists and several others before giving their votes. Sir, I support the amendment

Sri K B. Jinaraja Hegde (West Coast and Nilgiris . Non-Muhammadan Rural) Sir, I have pleasure in supporting the amendment moved by my friend, Mr Bajoria I myself have given notice of a similar amendment The whole idea of the Bill seems to be very revoluntionary so far as Indians are concerned The principal idea underlying the Bill is inculcation of western ideas into our society I entirely agree with my friend, Mr Aney, when he says that it is not the Indian philosophy or the Indian view of humanity to kill an animal, however much it might be feeling the agony from an incurable disease May I put one question, Sir, to my friend ? Will he ever think of murdering his own son, father or mother if they were to suffer from a serious disease or if they happen to meet with a serious motor car accident ? Why should we entertain this idea of killing animals to save them from agonies, an idea which carries a different moral code so far as the treatment of animals is concerned ? You have got an entirely different code so far as human life is concerned Is there any religion in the world which preached the killing of animals ? Is there any penal code which gives the right to a person to commit at least suicide because he suffers from a serious incurable disease or because he is maimed by having met with a serious motor accident ? Does the Indian Penal Code make provision for a man to commit murder by killing his own son, father or mother if they happen to be maimed or if they happen to be suffering from some incurable disease ? Imagine the tears of those animals whom you kill It amounts to murder Do not kill these animals I want to put another question to my friend over there Can any one relate to us the intense pain and suffering at the time of his death ? Can he tell us what death means, what killing means to a person who is killed ? Is there any man, who returned after his death and who can tell us how much pain he suffered at the time of his death ? Perhaps some people think that they are doing a great service, they are conferring a great boon on the animal by putting an end to its life, but they are mistaken Where did they borrow these ideas from ? Did Lord Christ preach that an animal should be killed ? He said, ' If you give mercy, you shall have mercy '. Sir, by this legislation you are creating new cruelties to be perpetrated in Hindu society instead of preventing cruelties I strongly object and support the amendment moved by my friend, Mr Bajoria, and I hope this House will have the courage to support the principle of Indian philosophy of life, the principle of those Indian religions born in this sacred land and carry this amendment

Mr K Ahmed (Rajshahi Division · Muhammadan Rural) · Sir, may I take part in this debate ? I had no desire to make a speech, but seeing that some of our friends, mostly vegetarian friends, who have been occupying the seats in the Assembly one of which is now occupied by my friend, Mr Aney I know it is the case since 1921,—I have seen two of his predecessors of the present Assembly, and they have got the greatest regard for animal life But I will say this that my friend from Madras has taken the cue from his vegetarian Jain Member, the representative of the Marwari community of Calcutta Now, Sir, I know the previous speaker from Madras, is a young man, and he made a very passionate speech and quoted religious authorities I may not know so much about the Hindu Shastras as my friend may know, but I have seen my neighbours and friends who are good Hindus.

Mr. Sri Prakasa : Rickshaw men know your weight all right !

Mr. K. Ahmed : Do not think that my friend really intended to make
4 P.M. a speech, or if he thinks that he will be regarded as a great patriot after his departure from Simla, I think he is greatly mistaken. But there are other ways of making speeches. My Honourable friend must know that there is a municipal law by which snakes, dogs and other classes of lower animals are destroyed by the police, under measures passed unanimously both by the Hindus and the Muslims. The Honourable Members sitting in the Treasury Benches or those sitting there are not dead horses and you have come here to flog them. That is not the way to get on with this piece of legislation. This piece of legislation was brought forward at the request more of the Hindus than the other sections of the people living in India. At their request meetings have been held in different towns, sub-divisions, districts and so on, and at the desire of the people, Government have undertaken this legislation To bring in an amendment like this is not advisable My Honourable friend, the Deputy Leader of the Opposition coming from Madras, every now and then makes speeches against the destruction of monkeys But he knows that the monkeys do a lot of mischief If young boys and girls carry any sweets they are immediately snatched away. I must ask my friend, Mr Sri Prakasa, if it is not a fact. If you like, you may here make an experiment You need not go to the Jakko. Here take some sweets, and before you pass the Gorton Castle, they will be snatched away and your fingers will be injured and we shall cry that you should be taken to the hospital for treatment. God forbid that we may not have to make mention before this House, the Honourable the President sitting there in that elevated place—" Sir, we have brought a motion to move before this House to express sympathy towards a certain gentleman coming from such and such a constituency, a Congress Member, who had done yeoman's service to the country . . ". If you like to prolong the debate for another week and trouble the President to sit from 11 A.M to 5 P.M then you can go on like this. My Honourable friend from Calcutta, my Honourable friend from Yeotmal in Berar, and my third friend, Congressman, who is in English costume, young man as he is—I hope that they will withdraw their opposition. If a snake bites you, will you keep quiet ? If a tiger comes and swallows you, will you keep quiet ? In the old law, moral law, the mythological law of the ancient Hindus, there may have been some interpreter preaching respect for these animals But would you like a snake crawling by your side and you still keeping mum ? Would you not like to kill it ? Do you honestly say that ? (Interruption) You have talked and I am answering questions If a horse gets very badly injured in an accident and a doctor certifies that there is no use prolonging its life, would you not wish to end the agony—the horse on whose beautiful body you, your wife and children had ridden ? You may not have gone to the western countries, but I have gone there. The people there are not uneducated at all, they are not unsympathetic at all. They are not bad people and they do not want to kill all the horses and dogs. I submit that it is not proper to attack this. If you want that they should not be destroyed, put in some word. There is the *pinjrapole* recognised by the law. When you shoot down some birds, what do you do ?

An Honourable Member : Eat them.

Mr. K Ahmed : Yes, eat them. Will you prolong the agony of the birds ? (Interruption) What is the use of talking rubbish ? You go every day to shoot birds. What do you do with them ? Do you preserve them ? If you like, you can have an amendment like what my friend, Dr Banerjea, suggests. Sir, that is my position.

The Honourable Mr R M. Maxwell : I rise now in the hope that the House may be beginning to feel that it has sufficient material before it to arrive at a conclusion on this clause I am aware, Sir, that there are a certain number of Honourable Members in this House with whom it is a matter of principle that no sanction should be given in any circumstances to the destruction of any animal I know that it is useless to try and reason with those who hold that view but I believe that there are other Members of this House who entertain an open mind in this matter and there are others like myself who believe that it is an act of mercy to put an animal out of its pain in certain circumstances rather than to prolong unnecessary suffering Now, Sir, I would ask the House to look once more at this clause The possibility of ordering destruction under this clause depends on two pre-suppositions, firstly that an offence under this Act has been committed, which the Bill makes criminal and secondly that the Veterinay Officer has certified that the animal is incurable or cannot be removed without cruelty Now, that, I submit to the House, is a very sufficient safeguard for using this clause only in order to enable what I believe to be an act of mercy to be performed in circumstances fully safeguarded by this certificate of the Veterinary Officer. In fact, in Bengal a similar provision has been in force since 1920, without the requisite of any such certificate from a veterinary officer at all The precautions against unnecessary destruction have been safeguarded as a result of the words inserted by the Select Committee and I hope that the House, if they are at all able to share my views, will feel that there are circumstances in which we ought to put the animal out of misery and suffering I hope that the House will accept the clause and reject this amendment.

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

Mr. President (The Honourable Sir Abdur Rahim) : The question is that the question be now put.

The motion was adopted

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

" That in clause 7 of the Bill, in sub-section (*2*) of the proposed section 6B, all the words occurring after the word ' pinjrapole ' be omitted "

The Assembly divided :

Aney, Mr. M. S.	Datta, Mr Akhil Chandra.
Bajoria, Babu Baijnath.	Govind Das, Seth.
Banerjea, Dr. P. N.	Hegde, Sri K B. Jinaraja.
Bhagchand Soni, Rai Bahadur Seth.	Kailash Behari Lal, Babu
Chaliha, Mr Kuladhar	Lalchand Navalrai, Mr.
Chattopadhyaya, Mr Amarendra Nath	Maitra, Pandit Lakshmi Kanta.
Chaudhury, Mr. Brojendra Narayan.	Malavia, Pandit Krishna Kant.

Misra, Pandit Shambhu Dayal.
Parma Nand, Bhai.
Raghubir Narayan Singh, Choudhri.
Sant Singh, Sardar.
Sheodass Daga, Seth
Somi, Mr Suryya Kumar

NOES—68.

Abdul Ghani, Maulvi Muhammad.
Abdul Hamid, Khan Bahadur Sir.
Abdul Qaiyum, Mr
Abdullah, Mr H. M.
Ahmad Nawaz Khan, Major Nawab Sir
Ahmed, Mr K
Aikman, Mr A
Anderson, Mr. J D
Ayyar, Mr N. M
Azhar Ali, Mr Muhammad
Bajpai, Sir Girja Shankar
Bewoor, Mr G. V
Bhutto, Mr Nabi Baksh Illahi Baksh.
Chambers, Mr S P
Chanda, Mr A K
Chatterjee, Mr R. M.
Clow, Mr A G
Conran-Smith, Mr. E
Dalal, Dr R D
Dalpat Singh, Sardar Bahadur Captain.
Damzen, Mr P. R
Deshmukh, Dr G V
Deshmukh, Mr Govind V.
Essak Sait, Mr H A Sathar H.
Faruqui, Mr N A
Gadgil, Mr. N V
Ghulam Bhik Nairang, Syed
Grigg, The Honourable Sir James
Gupta, Mr. K S
Highet, Mr. J C.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Jedhe, Mr. K. M.
Jogendra Singh, Sirdar
Kamaluddin Ahmed, Shams-ul-Ulema.
Lloyd, Mr. A. H
Mackeown, Mr J A
Mangal Singh, Sardar
Maxwell, The Honourable Mr R. M.
Metcalfe, Sir Aubrey
Miller, Mr C C
Mitchell, Mr K G
Mukerji, Mr. Basanta Kumar.
Mukerji, The Honourable Sir Manmatha Nath
Nauman, Mr Muhammad
Nur Muhammad, Khan Bahadur Shaikh.
Paliwal, Pandit Sri Krishna Dutta.
Rafiuddin Ahmad Siddiquee, Shaikh.
Ramayan Prasad, Mr
Ranga, Prof N G
Rao, Mr M. Thirumala.
Santhanam, Mr K
Satyamurti, Mr S.
Scott, Mr J Ramsay
Shahban, Mian Ghulam Kadir Muhammad
Shaukat Ali, Maulana
Sheehy, Mr J F
Sher Muhammad Khan, Captain Sardar Sir
Sinha, Mr Satya Narayan.
Sri Prakasa, Mr
Subbarayan, Shrimati K Radha Bai.
Sukthankar, Mr Y N
Sundaram, Mr. V S.
Town, Mr H S
Varma, Mr B B.
Walker, Mr G. D.
Yamin Khan, Sir Muhammad.
Zafrullah Khan, The Honourable Sir Muhammad.
Ziauddin Ahmad, Dr. Sir.

The motion was negatived.

Mr. C. C. Miller: Sir, I move :

" That in clause 7 of the Bill, in sub-section (*2*) of the proposed section 6B, after the word ' found ' the following be inserted :

' or such other Veterinary Officer as may be authorised in this behalf by rules made under section 15 '."

Sir, the object of this amendment is very simple. The clause deals with the power of the magistrate to order the destruction of an animal provided it is certified that it is incurable by the veterinary officer in charge of the area in which the animal is found. That is all very well

[Mr C C. Miller.]

up to a certain point, but there is always the contingency that the animal might have been moved to an infirmary or hospital out of the area of that veterinary officer and it would cause a considerable inconvenience if it could only be destroyed on his certificate and not on the certificate of the veterinary officer into whose area it had been moved I do not think that there could be any objection to this amendment Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim) · Amendment moved

" That in clause 7 of the Bill, in sub section (*z*) of the proposed section 6B, after the word ' found ' the following be inserted

' or such other Veterinary Officer as may be authorised in this behalf by rules made under section 15 ' "

The Honourable Mr R. M. Maxwell : Sir, I would accept the amendment.

Mr President (The Honourable Sir Abdur Rahim) · The question is

" That in clause 7 of the Bill, in sub-section (*z*) of the proposed section 6B, after the word ' found ' the following be inserted

' or such other Veterinary Officer as may be authorised in this behalf by rules made under section 15 '."

The motion was adopted.

Babu Baijnath Bajoria : Sir, I move ·

" That in clause 7 of the Bill, to sub section (*z*) of the proposed section 6B, the following proviso be added ·

' Provided, however, that no order directing destruction shall be made in respect of any cow or calf ' "

I am omitting the word " bull " from the printed amendment. (*Cries of* " Why ?") The change is made in order to make it more acceptable to the House,—it is not that I do not want it as printed.....

Mr President (The Honourable Sir Abdur Rahim) : The Honourable Member cannot move this in view of what has been already decided by the House. The Honourable Member is now trying to restrict its application That cannot be done

Babu Baijnath Bajoria : That amendment related that there should be no order of destruction of any animal but now I want to change that .

Mr President (The Honourable Sir Abdur Rahim) : The Honourable Member cannot do that. It is barred. Dr. Dalal—amendment No. 26

Sardar Sant Singh (West Punjab · Sikh) · On a point of order, Sir, we have not yet heard your ruling about that amendment No. 24.

Mr President (The Honourable Sir Abdur Rahim) : I have given my ruling. The ruling is that it is barred by the vote of the House on a previous amendment. Dr. Dalal.

Dr. B. D. Dalal (Nominated Non-Official) : Sir, I move :

"That in clause 7 of the Bill, after sub-section (6) of the proposed section 6B, the following new sub-section be inserted

'(7) If the cost incurred under sub-section (4) exceeds the proceeds of such sale, the excess shall on the order of a Magistrate be recoverable, to such extent as seems reasonable to the Magistrate, from the owner as a fine

Provided that no such order shall be made unless the owner has been afforded an opportunity of showing cause before the Magistrate against such order'."

Sir, this amendment restores the original sub-clause of the Bill. I strongly deprecate the omission of sub-section (7) of the new section 6B which was adopted from legislation already in force in Bombay I submit that this sub-section is necessary to complete the other provisions of the new section, because it has been found that if the cost for which the owner is liable in respect of an animal which has been the subject of an offence exceeds the value of the animal, the owner neglects to remove it when called upon to do so, and the balance of the cost, after sale of the animal, then falls on the Provincial Government, or on the infirmary or the *pinjrapole* concerned I may add that the interests of poor owners are sufficiently protected by the discretion allowed to the magistrate under the proviso to this sub-section Sir, I move

Mr President (The Honourable Sir Abdur Rahim) : Amendment moved :

"That in clause 7 of the Bill, after sub-section (6) of the proposed section 6B, the following new sub-section be inserted

'(7) If the cost incurred under sub section (4) exceeds the proceeds of such sale, the excess shall on the order of a Magistrate be recoverable, to such extent as seems reasonable to the Magistrate, from the owner as a fine :

Provided that no such order shall be made unless the owner has been afforded an opportunity of showing cause before the Magistrate against such order.'"

Mr. Abdul Qaiyum : Sir, I oppose this amendment I think we should not carry our business considerations so far as this. If something can be recovered, part of the amount he (the owner) will certainly pay, but if he is unable to pay and the cost cannot be recovered from the sale of the animal, then I think the State should defray the expense After all, the poor animal should not be bandied about in the manner suggested in this amendment

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

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

"That in clause 7 of the Bill, after sub-section (6) of the proposed section 6B, the following new sub-section be inserted :

'(7) If the cost incurred under sub-section (4) exceeds the proceeds of such sale, the excess shall on the order of a Magistrate be recoverable, to such extent as seems reasonable to the Magistrate, from the owner as a fine :

Provided that no such order shall be made unless the owner has been afforded an opportunity of showing cause before the Magistrate against such order'."

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim) : I understand that there is an amendment which has been circulated today by the Honourable Member, Mr Faruqui, on behalf of the Government. The amendment is to the same effect substantially as amendments Nos. 27 to 29 Mr Faruqui

Mr N A. Faruqui : Sir, I beg to move :

" That in clause 7 of the Bill, the following ***Exception*** shall be inserted at the end of the proposed section 6C :

' ***Exception.***—It shall not be an offence under this section to incite animals to fight if such fighting is not likely to cause injury or suffering to such animals and all reasonable precautions are taken to prevent injury or suffering from being so caused ' "

Sir, the object of this Bill is to prevent cruelty to animals. If as it appears from the amendments which follow that there are certain animal sports which are not cruel, then I see no reason why they should not be excluded from this clause Sir, I move.

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

" That in clause 7 of the Bill, the following ***Exception*** shall be inserted at the end of the proposed section 6C

' ***Exception*** —It shall not be an offence under this section to incite animals to fight if such fighting is not likely to cause injury or suffering to such animals and all reasonable precautions are taken to prevent injury or suffering from being so caused ' "

Mr. Muhammad Azhar Ali Sir, I support this amendment. The amendment says that " it shall not be an offence to incite animals to fight if such fighting is not likely to cause injury or suffering ". The object of the whole Bill is that there should be no injury or cause for suffering to any animal in our country But if some people for pleasure's sake bring some birds like fowls to fight amongst themselves, I do not see any reason why we should not allow an innocent game to be played like this. Do we not justify the boxing that the boys practise in schools or the competition in wrestling ? If men can fight and box, where is the harm in small birds to fight against each other Sir, it may be said that this is cruelty to animals, but that is not so Look at the way in which these small birds are nourished and taken care of. They love them more than their life and they do their best to keep them in good condition They feed these birds just as big wrestlers are fed by these big Rajas or as the Chaubas are fed in Mathura In such cases, there is no suffering, and there is no injury and " all reasonable precautions are taken to prevent injury or suffering from being so caused ". Under these conditions, I think it is much better that we should support this innocent amendment.

Mr Govind V. Deshmukh Sir, I had given notice of an amendment to this very clause which runs as follows

" That in clause 7 of the Bill, in part (*a*) of the proposed section 6C, for the words ' to fight ' the words ' to a fight which causes it mortal injury or profuse bleeding ' be substituted "

Compared with this amendment, this ***Exception*** moved is a very milk and water amendment Part (*a*) of the proposed section 6C runs thus :

" If any person incites any animal to fight."

In other words, it prohibits every kind of fight whatever its nature may be It may be an innocent diversion. It may be, as somebody says, a fight to a finish. It has been suggested that we are here to prevent every sort of cruelty. As a matter of fact, we do not contemplate that by enacting this Act. For instance, clause 3 which we have passed exempts certain kind of cruelty That clause runs thus ·

" If any person overdrives, beats, or otherwise treats any animal so as to subject it to unnecessary pain or suffering "

It is the giving of unnecessary pain or suffering that is made punishable In other words, the House has committed itself to tolerate a certain degree of pain or beating or whatever you might call it I submit, therefore, that it is neither possible nor desirable to prevent every kind of cruelty I also support this amendment on another ground. My Honourable friend, Mr Aney, said that we must give the same treatment to animals which we give to human beings Now, in the case of human beings, boxing is not objected to nor is wrestling objected to On the same ground, I cannot see why this amendment should not be supported I may also mention here that the bull fights and ram fights serve as a stimulant to persons to breed better cattle I can tell the House, this that I have seen many buffalo, bull and ram fights and I have never seen any animal being injured When the owners of these animals incite them to fight, the animals fight for a certain length of time and the moment they get tired and receive a sort of a shock or a blow they start running. After all, the animal is after saving its life and it is not necessary that you should be there to save its life Once the defeated animal takes to running, it cannot be induced to fight again I have seen hundreds of these fights and I have not seen one single instance where there was either profuse bleeding or mortal injury It was on account of this that I had given notice of my amendment Though I am not allowed to move it, my heart is in that amendment Even men indulge in fights and the animals can certainly stand the bruises and the abrasions much better because their skins are thicker and bones are stronger Of course, there are certain oversensitive persons who think that a little abrasion or a little knock is bad Their case stands on a different footing But let me tell you this that I judge the case of a bull from the same standpoint as I judge the case of a man A man who goes in for wrestling exercises attunes his muscles to keep them at certain tension He, therefore, loves to fight Hence it is absolutely necessary to indulge in a little fighting We encourage wrestling so that there should be a better race in the country It serves as a stimulus to bring up good and robust race in the country. Similarly, these animal fights act as an incentive for people to breed better cattle From my experience of ram fights and bull fights, I can certainly say that no appreciable harm or injury is done to them. There is only a little bit of exercise of their muscles These little fights they will certainly be able to stand. I desire to support the amendment My heart is with it. I cannot understand how any fight can be contemplated by anybody without the slightest injury or a slight suffering or a slight abrasion. I want that this amendment, the exception to the section should be modified thus :

" It shall not be an offence under this section to incite animals to fight if such fighting is not likely to cause more than simple injury or a slight suffering ..."

[Mr. Govind V Deshmukh.]

I cannot imagine a provision like this exception If a case is put up for trial against an accused for his animal having received slight abrasions, how can the accused defend himself ? Let us not have a legislation which will put us to ridicule in the eyes of the public I suggest we must have some such modification in this or do not have this exception at all I cannot dream of any fight where not even the slightest injury is contemplated You must expect some bruises or knocks I am of the opinion that with some modification or qualifying adjective to the word 'injury' the amendment may be adopted Otherwise, we will make fools of ourselves When a prosecution is launched how can an accused defend himself I wholeheartedly support the amendment with these modifications.

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

"That in clause 7 of the Bill, the following *Exception* shall be inserted at the end of the proposed section 6C .

'*Exception.*—It shall not be an offence under this section to incite animals to fight if such fighting is not likely to cause injury or suffering to such animals and all reasonable precautions are taken to prevent injury or suffering from being so caused' "

The motion was adopted

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

"That clause 7, as amended, stand part of the Bill"

The motion was adopted

Clause 7, as amended, was added to the Bill.

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

"That clause 8 stand part of the Bill"

Mr K Santhanam : Sir, I beg to move :

"That part (*b*) of clause 8 of the Bill be omitted"

Sir, my only reason for moving this amendment is that in clause 3 (*3*) (*c*) the Select Committee has put in a special clause to prevent this abandonment and so the provision in clause 8 (*b*) is redundant and it is a mere repetition of the same offence It was put in this place in the original Bill, but when the Select Committee put in the provision (*c*) under clause 3 (*3*), they forgot to remove part (*b*) of clause 8 Hence the necessity for my amendment

Mr. President (The Honourable Sir Abdur Rahim) . Amendment moved

"That part (*b*) of clause 8 of the Bill be omitted"

Mr. M. S. Aney : Sir, I support this amendment I find that if this provision is retained, it is likely to include even the case of those bulls which are released deliberately as a practice of religion in the performance of *shradh* which is known as *Vrishotsarga* ceremony This is one of the ceremonies which a pious son is expected to perform out of regard for the memory of his deceased father. It is one of the things pres-

cribed by the *shastras*. If an animal is abandoned in the street like that and the only provision made for its maintenance is for a day, it is expected that somebody, generally a washerman, takes charge of it or sometimes that animal will move like stray cattle for some days If this clause is retained as it is, then it would not be possible to release an ox or a bull like that because, under the provisions of the Bill as it is, it will be considered that abandonment in the street of an animal for the maintenance of which no provision has been made and the man who thus releases the bull will be, therefore, committing an offence under the law. Something should have been done to exclude that kind of abandonment which is done as a religious ceremony I, therefore, submit that release of animals connected with *shradh* ceremonies must be exempted from this clause I wanted to bring out this point in the general debate on this Bill, but I did not get any chance I wanted to show that there is some lacuna in this Bill which is likely to come in the way of our practice of religion in certain cases The best course of avoiding that difficulty is to omit this clause by supporting the amendment of my Honourable friend. Mr Santhanam.

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

"That part (*b*) of clause 8 of the Bill be omitted."

The motion was adopted.

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

"That clause 8, as amended, stand part of the Bill."

The motion was adopted.

Clause 8, as amended, was added to the Bill.

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

"That clause 9 stand part of the Bill"

Babu Baijnath Bajoria : Sir, I move :

"That in clause 9 of the Bill, in the proposed sub-section (*f*) of section 7A, the words 'not below the rank of sub-inspector' be omitted."

This is a very important amendment The section as it stands says "if a police officer not below the rank of a sub-inspector or any person specially authorised, etc, etc," has reason to believe that *phooka* is being performed, then he will enter that place and take the animal to a veterinary officer for examination I would say that the inclusion of these words "not below the rank of sub-inspector" will defeat the very purpose for which this section has been inserted here. How many sub-inspectors have we got ? In each and every case where shall we get a sub-inspector ? I would like my Honourable friend, Mr. Ranga, and others on those Benches to remember that this section only relates to *phooka* and not to any other offence. "Any person specially authorised" may refer to S P. C. A. or other persons who may be authorised. But persons below the rank of sub-inspector will be expressly excluded from taking any action under this clause. Since we have given this power to persons who are not even police officers I do not see why we should not have confidence in a police officer to take action under this

[Babu Baijnath Bajoria.]

section After all, what is he going to do ? He has only to go into the premises and if he finds that an animal has been subjected to *phooka* he will seize the animal and take it to the veterinary officer for examination.....

Pandit Nilakantha Das . Any village chowkidar can do it in your opinion ?

Babu Baijnath Bajoria : If he is a police officer then he will be able to do it If not, he will have to be specially authorised.

An Honourable Member : Is a constable an officer or not ?

Babu Baijnath Bajoria : A constable is an officer in my opinion. I may say that village chowkidars will have nothing to do with this as this practice of *phooka* is not in vogue in villages : it is mostly in urban areas I hope the Government and the House will see their way to accept this amendment, which is very necessary for the prevention of this pernicious evil

Mr. President (The Honourable Sir Abdur Rahim) Amendment moved

" That in clause 9 of the Bill, in the proposed sub-section (*8*) of section 7A, the words ' not below the rank of sub-inspector ' be omitted "

The Honourable Mr R M Maxwell : Sir, I have no particular objection to this amendment, but I should like to know how the Honourable Member, Mr Bajoria, proposes to deal with the next amendment in his name Here he says that the words " not below the rank of sub inspector " should be omitted. In his next amendment he says that for the word " sub-inspector " which would have been removed if this amendment is carried, the words ' head constable ' should be substituted. If it is his intention that the clause should really read " if a police officer above the rank of a constable or any person specially authorised, etc , etc ", then that is the amendment which I should prefer , but I do not know how he is going to move it

Babu Baijnath Bajoria : If this amendment is accepted by the House I shall not move the next one if this is not accepted, then, I shall move it

Mr. S Satyamurti : Sir, the Honourable the Home Member cannot make an amendment for the Honourable Mr Bajoria. This House can only deal with the amendment as it is moved I oppose this amendment. We feel that *phooka* is a heinous offence , but what is a more heinous crime is interfering with the liberty of the citizen unnecessarily, or on insufficient grounds, or on account of inexperience I have no desire to say anything bad about the police, especially as they are under our charge in eight provinces now But, at the same time, I want this House to realise that there are policemen and policemen, and they have got the traditions of a century and a half of alien rule. It will take some time to reform them Therefore, I suggest that this is an extraordinary power in this clause : I want the House to remember the power given to the officer : he may enter any place in which he has reason to believe such animal to be and may seize the animal ; these are serious powers It is not as if he can do something small. I believe the class

of people contemplated in the clause as passed in the Select Committee are ample and I want the Honourable the Home Member and the House to recognise the other class—" or any person specially authorised by the Provincial Government in this behalf " If there are philanthropic societies who have funds and personnel and voluntary honorary workers like Mr Bajoria, I have no doubt the Provincial Governments will authorise them to do this work I, therefore, think, in the sacred name of the liberty of the citizen, the clause ought to remain as it is, and this amendment ought not to be accepted

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa Muhammadan) : Sir, I rise to oppose the amendment on the ground that we have sufficient experience of the police in this country and especially police below the rank of a sub-inspector. There have been unfortunately so many complaints coming to us from different quarters, from time to time Taxi-drivers and tonga-drivers have normally been victims of such fictitious things as the constables may choose to create about them for their own fancies or gains, whatever it may be. Mr. Satyamurti has very rightly remarked that it interferes too much with the liberty of the people in general and on any pretext anybody's house may be searched and a constable may enter to say : " I have some sort of information that *phooka* is going on here ". With the powers at ready given to the police in this Bill, I and my Party feel that it is rather too much, and, under the circumstances, the least we can think of is that the officer who can be allowed to take cognisance of such facts should be a subinspector at least My preference would have been for an officer above the rank of sub-inspector ; but since this is there in the Bill, we are prepared to take it as it is and we oppose this amendment

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

" That in clause 9 of the Bill, in the proposed sub section (2) of section 7A, the words ' not below the rank of sub-inspector ' be omitted."

The motion was negatived.

Babu Baijnath Bajoria : Sir, I move ·

" That in clause 9 of the Bill, in the proposed sub-section (2) of section 7A, for the word ' sub-inspector ' the words ' head constable ' be substituted."

I would only like to remind my friends that in the Bengal Prevention of Cruelty to Animals Act it is mentioned that the power has been given to any police officer, and it is only on the basis of that section I move this amendment, but as the House does not like to give that power to all those officers, I think we should agree to giving power to head constables Sir, I move

5 P.M.

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

" That in clause 9 of the Bill, in the proposed sub-section (2) of section 7A, for the word ' sub-inspector ' the words ' head constable ' be substituted."

The motion was negatived

Mr. K. Santhanam : Sir, I move :

" That in clause 9 of the Bill, in the proposed sub-section (2) of section 7A, after the words ' *doom dev* ' the words ' has just been or ' be inserted."

[Mr. K. Santhanam.]

Sir, I do not think a long speech is required in support of this amendment. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim) Amendment moved

"That in clause 9 of the Bill, in the proposed sub-section (*g*) of section 7A, after the words '*doom dev*' the words 'has just been or' be inserted."

Babu Baijnath Bajoria : Sir, I support this amendment

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

"That in clause 9 of the Bill, in the proposed sub-section (*g*) of section 7A, after the words '*doom dev*' the words 'has just been or' be inserted"

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.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 20th September, 1938.

LEGISLATIVE ASSEMBLY.

Tuesday, 20th September, 1938.

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

MEMBER SWORN.

The Honourable Sir Thomas Alexander Stewart, K.C.I.E., C.S.I. (Member for Railways and Communications).

STARRED QUESTIONS AND ANSWERS.

(a) Oral Answers.

Revision of Pay of the Indian Civil Service

1159 ***Mr Abdul Qaiyum** (on behalf of Mr T S Avinashilingam Chettiar) : Will the Honourable the Home Member state

(a) how many years have elapsed since the revision of the pay of the servants of the Government of India ;

(b) why the matter of revising the pay and emoluments of the Indian Civil Service men has not been taken up , and

(c) whether Government have considered the advisability of taking up this matter at once ?

The Honourable Mr. R. M. Maxwell (a) The pay of services and posts under the rule-making control of the Government of India was last revised in 1933

(b) and (c) I would refer the Honourable Member to the answer given on the 30th September, 1937, to Mr C N Muthuranga Mudaliar's starred question No 933

Mr. Abdul Qaiyum With reference to the answer to part (a) of the question, in view of the great demand for reduction of salaries, may I know whether the Government of India will take up the question of reduction of salaries, especially of the Indian Civil Service ?

The Honourable Mr. R. M. Maxwell : That was replied to in the answer to which I have referred the Honourable Member, namely, that it has been decided by the Secretary of State, with whom the matter rests as regards the Indian Civil Service, that the question should be deferred until the occasion arises to review the future recruitment and conditions of service of that Service.

Seth Govind Das : Have the Government received any representation in this respect from the Provincial Governments ?

The Honourable Mr. R. M. Maxwell : No, not within my recollection

Mr S Satyamurti May I take it that the period referred to in the previous answer to which my Honourable friend referred is five years after the commencement of the Act as provided in the Government of India Act ?

The Honourable Mr R. M Maxwell No definite period is prescribed by the Act The matter may be taken up at any time, either before or after five years The period of five years was merely suggested as a possible period by the Joint Parliamentary Committee

Mr. S Satyamurti May I know, in view of the great financial stringency of the Government of India, in view of the falling revenues and the increasing expenditure on Waziristan and other things, whether Government are taking up this question, especially in view of my Honourable friend's answer that it can be taken up at any time, of urging upon the Secretary of State the need for bringing about retrenchment in these salaries, in order to have a balanced budget ?

The Honourable Mr. R. M Maxwell No, Sir. The matter was discussed as recently as 1936 and then it was decided that there was no advantage in taking it up when a possible review of the conditions of service might happen at any time Any such revision would, therefore, relate only to a possibly limited period before that review

Mr. Abdul Qaiyum In view of the fact that the last occasion on which the question of revision of pay was considered was 1933, I want to know whether the Government of India are thinking of considering the revision of pay of officers who belong to services other than the Indian Civil Service , and, if so, when ?

The Honourable Mr. R M. Maxwell 1933 was only five years ago You cannot have a five yearly revision of all rates of pay.

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

POSSIBILITY FOR REDUCTION OF STAFF IN THE HOME DEPARTMENT

1160 ***Mr Abdul Qaiyum** (on behalf of Mr T. S Avinashilingam Chettiar) Will the Honourable the Home Member please state

(a) whether the subjects of law and order previously under the Home Department of the Government of India, have been taken away as regards the Provinces since the inauguration of Provincial Autonomy ,

(b) the extent of the reduction of work consequent on the transfer of those subjects ; and

(c) whether Government have enquired into the matter and examined whether any reduction of staff is possible under that Department, especially in view of the Honourable the Finance Member's answer to starred question No 806 on the 7th September, 1938 ?

The Honourable Mr R. M. Maxwell (a) The main difference is that as regards a number of matters now within the executive authority of the Governors' Provinces the Government of India no longer exercise superintendence, direction and control

(b) A comparison of statistics of receipts and issues in the Home Department shows no substantial reduction as regards the normal work of the Department. I may mention for the Honourable Member's information that the Department is now responsible for a great part of the administration of two Chief Commissioners' provinces with which it was not formerly concerned If the Honourable Member will refer to the list of Home Department business in the circular of the Legislative Assembly Department No XLIV of the 6th June last, he will see that the volume of work of the Home Department is still considerable

(c) Consequent on the separation of the Governor General's work the ministerial staff of the Home Department has been reduced by two assistants and five clerks , and very shortly it is proposed to convert the post of Joint Secretary into that of a Deputy Secretary and reduce the number of Under Secretaries from three to two

Mr S. Satyamurti : May I know what is the saving to the Home Department which the Honourable the Home Member expects to accrue on account of the reductions which he has mentioned just now ?

The Honourable Mr R M Maxwell I should require notice of that. I have not got the figures worked out

Mr. S Satyamurti : How is it, whenever reduction of work takes place in any Department of the Government of India, only the under-dogs get sacked and the superior people manage to keep on somehow or other ?

The Honourable Mr R M. Maxwell I have mentioned that some of the superior staff are also being reduced

Mr S. Satyamurti : Only one

The Honourable Mr R M Maxwell Two. The Joint Secretary is being converted into a Deputy Secretary and one Under Secretary is being reduced

Exchange Ratio for Payment of the Pay of British Soldiers.

1161. ***Mr Abdul Qaiyum** (on behalf of Mr T S Avinashilingam Chettiar) Will the Defence Secretary state :

(a) whether it is true that the pay of the British soldiers is fixed in sterling and whether that pay is changed into rupees by a 16*d.* per rupee ratio ;

(b) what is the extra expenditure involved in giving them a lower ratio ; and

(c) the reasons for giving them the special ratio ; and how long this practice has been in existence ?

Mr C M G Ogilvie (a) (b) and (c) I refer the Honourable Member to my answer to Sardar Mangal Singh's starred question No 1066 of September 15th and to my predecessor's answer to starred question No 271 asked by Bhai Parma Nand on the 8th February, 1938

RECRUITMENT TO THE INDIAN ARMY

1162 ***Mr Brojendra Narayan Chaudhury** Will the Defence Secretary please state

(a) whether the attention of Government has been drawn to the address of the Punjab's Premier the Honourable Sir Sikander Hyat Khan to his brother soldiers in these words 'No patriotic Punjabi would wish to impair Punjab's position of *supremacy* in the Army as reported by the Associated Press of India in the *Hindustan Times* of the 5th September 1938, and

(b) whether it is the policy of Government to maintain the supremacy of Punjabis in the army by continuing to recruit the major portion from the Punjab or to attempt recruitment of the army from all the Provinces without racial or Provincial considerations ?

Mr C M G Ogilvie (a) Yes

(b) I refer the Honourable Member to the replies I gave to the supplementary questions arising from starred question No 1060 asked by Mr Amarendra Nath Chattopadhyaya on the 15th September 1938

Mr Sri Prakasa With reference to the answer to part (b) of the question may I know if it is not a fact that the first Indian soldiers to be trained on the European model were recruited at Telingana in Madras and because of which they are still known as Telingas in the north of India ?

Mr C M G Ogilvie I do not think that that arises but the first soldier in India to be trained on the European model were the army of Maharaja Ranjit Singh in the Punjab

Mr S Satyamurti With reference to the answer to part (a) of the question my Honourable friend referred to previous answers As far as I remember they were not given after this statement was brought before this House May I know if the Government of India have examined this statement of the Punjab Premier No patriotic Punjabi would wish to impair Punjabi's position of supremacy in the Army' ? May I know whether Government have considered the dangerous implications of this statement and will they take steps to prevent a responsible Minister going about and claiming provincial or communal supremacy in the Indian army which ought to remain Indian first and Indian last ?

Mr C M G Ogilvie I can only answer in exactly the same words as I answered to a precisely similar question of the Honourable Member

whether the Government have examined the dangerous implications of any provincial Premier claiming provincial supremacy in the Indian army and whether they propose to take any steps to correct this dangerous misapprehension ?

Mr. C. M G Ogilvie : Government consider that there are no dangerous implications whatever but rather the reverse

Mr S. Satyamurti Do Government accept the supremacy of any province or any community as a desirable consideration, even if it is a fact, to be uttered by responsible public men and do not the Government consider that this will give rise to communal and provincial quarrels and jealousies inside the army and possibly a military dictatorship in this country ?

Mr. C. M. G Ogilvie Government consider that none of these forebodings have any justification at all.

Mr. M S Aney Do the Government subscribe to the policy implied in the statement of Sir Sikander Hayat Khan ?

Mr. C. M G. Ogilvie Government's policy has been repeatedly stated and made clear

Mr. M S Aney Is it the policy that the Punjab should have its supremacy in the army ?

Mr. C. M G Ogilvie The policy is that the best material should be recruited for the army

Mr M. S. Aney I again repeat the question Is it the policy of the Government that Punjab should have supremacy in the army ?

Mr. C. M. G Ogilvie I have repeatedly answered that question. The policy is that the army should get the best material from all provinces and Government are quite satisfied that it has the best material at present

Mr M. S Aney : Is it not therefore necessary that Government should make a statement modifying the policy suggested by Sir Sikander Hayat Khan ?

Mr. C M G. Ogilvie Government have no intention whatever of changing their policy in any particular

British Troops maintained by India sent outside India.

†1163 ***Mr Manu Subedar** : (a) Will the Defence Secretary state how often during the last six years British troops maintained by India were sent outside India, and how often they were diverted to service elsewhere than India directly from the United Kingdom on their way to India ?

(b) What was the saving to the Indian military budget in each case ?

(c) How many troops (i) British and (ii) Indian, maintained by India are at present outside India, and what is the saving to the budget [illegible] expected during the current year ?

[illegible] to be laid on the table, the questioner being absent.

Mr C. M. G. Ogilvie : (a) Once in each case.

(b) About Rs 5 5 lakhs in case of British troops sent out of India and approximately Rs. 20 5 lakhs in the other case, or Rs. 26 lakhs in all.

(c), (i). No British troops maintained by India are at present serving outside this country.

(ii) One battalion of Indian infantry If it remains abroad for the remainder of the current year the saving will amount to 6½ lakhs.

PAPER IMPORTED FOR THE PRINTING OF CURRENCY NOTES, ETC., AT NASIK

†1164 ***Mr Manu Subedar** : Will the Honourable the Finance Member state

(a) whether Government are importing any paper for the printing of currency notes, securities, or any work at Nasik ,

(b) if the reply to part (a) be in the affirmative, what steps have been taken by Government to secure the production of the requisite quality in this country ,

(c) whether any negotiations have taken place between Government and paper manufacturing firms in India with a view to securing the production of the requisite paper in this country , and

(d) the total amount spent on paper of all description at the Security Printing Press, Nasik, and how much of it is of Indian origin ?

The Honourable Sir James Grigg : (a) Yes , Government import board for post cards, paper for bank notes and other high quality paper not available in the Indian market

(b) and (c) This is a matter for private enterprise

(d) About 17 lakhs of rupees per annum of which 2¼ lakhs represents the cost of paper of Indian origin

REVENUE UNDER THE HEAD OF OPIUM

†1165 ***Mr Manu Subedar** : (a) Will the Honourable the Finance Member please state in which year the Government of India received the highest revenue under the head of opium and how much ?

(b) What was the revenue under this head during the last year, and is any diminution therein expected ?

(c) If the reply to the above be in the affirmative, taking India's general consumption and export for medicinal use, at what stable figure is the income from this head expected to remain ?

(d) Have Government estimated the total amount of loss under excise revenue expected in all Provinces due to proposals for the establishment of universal prohibition, making allowance for the continuance of

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

that part of the revenue, which arises from the use of excisable articles and drugs in medicinal toilets and other preparations ? If so, what is the figure ?

(e) Can the Honourable the Finance Member now state to this House whether the difficulties expected to be experienced by the Provinces through the gradual disappearance of this revenue were discussed at the Finance Members' conference and, if so, the nature of the relief asked for by the Provinces, and whether any relief was promised by the Central Government ?

(f) Do Government expect to introduce any Bills for the levy and collection of taxes indicated in section 137 of the Government of India Act for distribution to the Provinces ? If so, for which items and when ?

The Honourable Sir James Grigg : (a) The year 1910-11 , about 11¼ crores

(b) The Honourable Member's attention is directed to Statement V in the Explanatory Memorandum on the Budget for 1938-39. Exports to Far Eastern countries having ceased, it is not expected that there will be any serious further diminution in gross revenue unless the demand for Excise opium decreases

(c) It is impossible to predict the future requirements of Provinces and States for the supply of Excise opium

(d) No estimate has been made

(e) I should not ordinarily be prepared to disclose what passed at the Conference, but I will say that this particular matter was not discussed

(f) The Government of India have no intention at present of levying any tax under section 137 of the Government of India Act. They are, however, as has been announced in the press, deputing an officer to go into the question of the imposition of succession duties with the Provincial Governments

Applications invited for certain Posts of Superintendents of Excise and Salt

1166 ***Mr M. Thirumala Rao** : (a) Will the Honourable the Home Member please state whether Government are aware that the Federal Public Service Commission through an advertisement in the issue of the *Statesman*, dated the 23rd August, 1938, invited applications for certain posts of Superintendents of Excise and Salt ?

(b) Is the attention of Government drawn to the announcement in the advertisement referred to above excluding qualified persons belonging to the Provinces of Bombay, Madras, Orissa and Sind from applying for these posts ?

(c) Will the Honourable Member please state the reasons for such exclusion ?

(d) Is there any Provincial allotment of quotas in the cadre or cadres of the Government of India services ?

(e) If so, what are the proportions fixed for the Provinces ?

Mr. A H. Lloyd : Sir, I shall answer this question, although it has been addressed to the Honourable the Home Member

(a) and (b) Yes.

(c) Candidates belonging to the provinces of Bombay, Madras, Orissa and Sind have been excluded as these provinces are outside the jurisdiction of the Northern India Central Excise and Salt Department and there are separate Salt and Central Excise establishments in those provinces

(d) No.

(e) Does not arise.

Mr. Sri Prakasa : Will Government consider the desirability of confining their recruitment to this department to the Punjab, so that they may be true to their salt.

(No answer)

CREATION OF A POST OF SECRETARY TO HIS EXCELLENCY THE GOVERNOR GENERAL.

1167 ***Mr. S. Satyamurti** : Will the Honourable the Home Member be pleased to state

(a) whether Government have sanctioned or have under contemplation the creation of a new post of Secretary to His Excellency the Governor General or the Viceroy or the Crown Representative, in addition to that of the Private Secretary ,

(b) if so, the reasons therefor ;

(c) the extra cost involved including all charges ,

(d) the duties of the new office ;

(e) whether it is proposed to consult the Assembly in this matter ; and

(f) if not, why not ?

The Honourable Mr R. M Maxwell : (a) to (f). I would refer the Honourable Member to the reply given on the 30th August, 1938, to Sardar Mangal Singh's starred question No 604

Mr. S. Satyamurti : As far as I remember, the Honourable Member will correct me if I am wrong, that answer did not give us the extra cost involved, including all charges

The Honourable Mr R. M. Maxwell : I am not in a position at present to state what the extra cost will be The organisation, I understand, is not complete yet

Mr. S Satyamurti : When is the new post going to be created ?

The Honourable Mr. R. M Maxwell : Some time in October.

Mr S Satyamurti : How is the money going to be found for this new office ? Has the Home Department got the sanction of the Finance Department ?

The Honourable Mr. R. M. Maxwell : It has nothing to do with the Home Department

Mr S. Satyamurti : Then, does the Home Department create these offices without finding the money ?

The Honourable Mr. R. M. Maxwell : This is not an office created by the Home Department It is created by the Governor General under section 305 of the Government of India Act.

Mr S. Satyamurti : With regard to clause (e) of the question, may I know whether it is proposed to make a statement before the Assembly, because the matter is concluded, as far as I understand, explaining the need for this office, the duties of this office and how it is opposed to finance it ?

The Honourable Mr. R. M. Maxwell : The appointment is one to be made by the Governor General in his discretion and therefore the matter is one which does not concern the Governor General in Council Therefore a statement cannot be placed before this House

Prof. N. G. Ranga : On whose initiative was this post created ?

The Honourable Mr. R. M. Maxwell : I have already said that the initiative is that of the Governor General in his discretion under section 305

Seth Govind Das : Who is going to supply the funds for this ?

The Honourable Mr. R. M. Maxwell : These charges will be borne on the Central revenues, under section 67A (3), Item (vii) of the Ninth Schedule of the Government of India Act

GRIEVANCES OF THE WORKERS OF THE CALCUTTA MINT

1168 *__Prof. N. G. Ranga__ : Will the Honourable the Finance Member be pleased to state

(a) whether Government have received any representations on behalf of the workers of the Calcutta Mint, regarding their grievances about pension, leave rules, etc ,

(b) whether Government are contemplating the restoration of pension, leave and sick allowance privileges to these workers, which, it is alleged, were withdrawn by Government ; and

(c) whether the Mint Master had promised the restoration of such privileges at the time of the settlement of a strike which was resorted to by the workers in 1929 ?

The Honourable Sir James Grigg : (a) Yes

(b) and (c) No such privileges were withdrawn by Government and, consequently, the question of their restoration does not arise

Prof. N. G. Ranga : Have they made any representation as to the improvement of their conditions ?

The Honourable Sir James Grigg : That is the question I have answered in part (a).

EXCHANGE RATIO.

1169 *Mr. S. Satyamurti : Will the Honourable the Finance Member be pleased to state .

(a) whether he is aware of the strong feeling in the House and outside against any opportunity being given to the House to discuss even the appointment of a committee to examine the rupee exchange ratio question ,

(b) whether he has himself examined the whole question of ratio in the light of the most important and the most recent relevant Indian and world factors ,

(c) whether he has consulted any economic experts, or even the Economic Adviser to the Government of India, Dr Gregory, in the matter ,

(d) whether Government are now satisfied that no beneficial purpose will be served by even examining the question of the continuance of the present ratio by an expert impartial Committee , and

(e) whether Government propose to issue a reasoned statement for the view they are taking in order to enable the public to test and discuss the soundness of their view ?

The Honourable Sir James Grigg : (a) I think I can best answer this by reminding the Honourable Member of the cases of the Tooley Street Tailors and of the Skibbereen Eagle

(b) Yes

(c) Yes

(d) Yes

(e) I will consider this suggestion between now and the next Session of the Assembly

Mr. S. Satyamurti : With reference to the facetious answer given by my Honourable friend may I ask whether it is not a fact, that in this country the Treasury Benches are the seven tailors of 20 Street in India, and that we on this side represent the people of India

The Honourable Sir James Grigg : I have answered that

Mr. S Satyamurti : On the merits of the question, may I know whether Government are now satisfied that no purpose will be served even by examining the question by means of an expert impartial committee ?

The Honourable Sir James Grigg : That is the question which I have answered

Mr S Satyamurti : What are the reasons on which Government have come to this conclusion ?

The Honourable Sir James Grigg : I gave my reply in an earlier answer

Mr. S. Satyamurti : The reason given was that there would be speculation and he did not want to share his knowledge with others I am asking my Honourable friend as the Finance Member of the Government

of India and keeper of their financial conscience, whether he has come to the conclusion that no purpose will be served by even having an expert impartial committee in connection with this matter, when all the world's Finance Members, bigger than he, are examining this question ?

The Honourable Sir James Grigg : I have answered that question and I gave more than one reason

PROSCRIPTION OF BOOKS

1170. ***Mr. S. Satyamurti** : Will the Honourable the Home Member be pleased to state :

(a) the nature of the qualifications of the intellectual agency employed to read books which Government have proscribed or desire to proscribe ;

(b) whether Government propose to retain the prohibition of books written by certain authors irrespective of the contents of the book , if so, why , and

(c) whether Government propose to invite suggestions of the Provincial Governments in this behalf ; if not, why not ?

The Honourable Mr R M. Maxwell : (a) The Home Department of the Government of India assumes the responsibility of examining these books

(b) Government do propose to continue the interception of books written by certain authors, according to the terms of notifications issued under the Sea Customs Act , but by no means all books by those authors are prohibited entry into India They are examined by Government, and are allowed entry if they are found harmless

(c) No because the statutory responsibility is on the Government of India

Mr. S. Satyamurti : With reference to the answer to clause (a), may I ask for some elucidation ? My Honourable friend said that the Home Department is responsible That is a very big responsibility May I know the nature of the qualifications of the intellectual agency employed to read books , the qualifications of the men or women who read these books and then advise the Home Department that, according to the criteria laid down by the Home Department, these books should be proscribed ?

The Honourable Mr. R. M Maxwell : I am not able to give an exact account of the intellectual qualifications of the officers of the Home Department of the Government of India if that is what the Honourable gentleman requires

Mr. S. Satyamurti : May I take it therefore that all books which are proscribed are read by one or other officer of the Home Department ?

The Honourable Mr R M. Maxwell : Of the Home Department or of its attached offices

Mr. S. Satyamurti : May I know if customs offices are treated as attached offices for this purpose, at the various ports of entry ?

The Honourable Mr R. M. Maxwell : No.

Mr. S. Satyamurti : May I take it that when customs officers proscribe these books, they have the advice of some agency responsible to the Home Department ?

The Honourable Mr. R M Maxwell : The Honourable Member is under a misapprehension The Customs officers proscribe nothing They merely carry out the notification in certain terms issued by the Government of India in the Home Department.

Mr S. Satyamurti : May I take it whether these books, which come within the notifications of the Home Department, are read ?

The Honourable Mr. R M. Maxwell : Well, if an individual book, after examination, has been proscribed, that is, prohibited entry into India under the Sea-Customs Act, then there is no further occasion for reading it when it is intercepted in the customs because it has been examined previously.

Mr S Satyamurti With reference to the answer to part (c) of the question, may I know why Government have decided to continue the practice of proscribing books by authors irrespective of the contents of the book ? Even " bad " authors may produce good books

The Honourable Mr. R. M Maxwell : The Honourable gentleman is not quite correct in using the term " proscribed " in this connection What happens is that a notification is issued under the Sea-Customs Act prohibiting entry into India That is not the same thing as " proscribed " It means that those books are intercepted They are, however, afterwards examined and a certain number are passed for circulation

RELIEF TO INDIA IN RESPECT OF DEFENCE CHARGES

1171 ***Mr. S. Satyamurti** : Will the Defence Secretary be pleased to state :

(a) whether any settlement has been arrived at between the Government of India and the British Government over the defence charges of this country which have been the subject of discussion between them for some months now ,

(b) whether India has got any relief at all ? if so the extent of that relief , and

(c) whether Government propose to carry on the discussion with the British Government for greater relief being given to India in respect of her defence charges ?

Mr. C M G. Ogilvie : (a), (b) and (c) I refer the Honourable Member to the announcement made on the 13th September, 1938, on this subject by the Honourable the Finance Member

Mr. S. Satyamurti : May I ask my Honourable friend whether the removal of these three battalions is a permanent reduction of the strength of British troops in India ?

Mr C M. G. Ogilvie : Yes.

Mr. S Satyamurti : May I know if the removal of these three or four battalions are a permanent reduction of the strength of British troops in India ?

Mr C. M. G. Ogilvie : Yes.

Mr S. Satyamurti : May I know—with regard to the answer to clause (c) of the question—whether the Government of India are preparing the case for greater relief being given to India in respect of defence charges for presentation before the Committee that is coming out ?

Mr C. M G. Ogilvie : I cannot add to the information that was already given by the Honourable the Finance Member

Mr. S. Satyamurti : Is it intended to replace these three British battalions by Indian soldiers ?

Mr. C. M G. Ogilvie : Not at present

Conditions of Leave for Indian Commissioned Officers in the Army

1172 ***Mr. Abdul Qaiyum** : Will the Defence Secretary please state

(a) whether Indian commissioned officers in the Army are allowed to stay in India during long furlough ,

(b) if not, the reasons for the restriction , and

(c) whether conditions of leave are similar in the case of British officers ?

Mr. C. M. Ogilvie : (a) Leave in India of two or three months is normally admissible to Indian commissioned officers Those who wish to travel abroad may get special leave up to six months for this purpose

(b) and (c) The leave rules are intended to approximate to those applicable to British Officers serving in the United Kingdom

Mr. Abdul Qaiyum : May I know, if an Indian officer takes leave beyond three months, whether he can stay in India ?

Mr. C. M. G. Ogilvie : No, he cannot

Mr. Abdul Qayium : May I know if Government realise that this works as a great hardship on people coming from Dehra Dun on account of their getting half pay or less pay than their British colleagues ?

Mr. C. M. G. Ogilvie : No The leave rules, as I said, were intended to approximate to those of British officers serving in the United Kingdom ; but having in view the fact that the distances and so on are greater, they are considerably more generous.

Mr. Abdul Qaiyum : May I know whether British officers serving in India can spend long leave in India ?

Mr. C. M. G. Ogilvie : Yes.

Mr. Abdul Qaiyum : May I know why there is this discrimination against Indians ?

Mr. C. M. G. Ogilvie : There is no distinction against Indians Indians serving in their own country are treated rather better than British officers serving in their country

Mr. Abdul Qaiyum : May I know if the Government realise that it is very difficult for Dehra Dun officers to spend money on European tours if they have to take long leave ?

Mr. C. M. G. Ogilvie : There is no compulsion for them to spend money on European tours if they do not want to.

Mr. Abdul Qaiyum : Does it not then mean that they have to forego long leave and to be content with very short leave ?

Mr. C. M. G. Ogilvie : That is no reason why they should have long leave unless they wish to go abroad.

Mr. Abdul Qaiyum : May I know if a similar restriction does not usually apply to British officers ?

Mr. C. M. G. Ogilvie : Exactly a similar restriction applies to all British officers stationed in England

INDIAN MECHANISED REGIMENT PROCEEDING TO PESHAWAR TO TAKE OVER FROM THE ROYAL TANK CORPS.

1173 ***Mr. Abdul Qaiyum** : Will the Defence Secretary please state

(a) whether an Indian mechanised regiment is shortly proceeding to Peshawar to take over from the Royal Tank Corps ,

(b) whether the Indian regiment will occupy the quarters of the Royal Tank Corps ,

(c) whether any changes are intended to be effected in these barracks for the Indian regiment , and

(d) if so, the nature of the proposed changes ?

Mr. C. M. G. Ogilvie : Yes, but the date of the move is not yet fixed

(b) Yes

(c) Yes

(d) The proposed changes comprise additions and alterations to existing barracks to make them suitable for use by the Indian regiment by conversion of existing buildings into Viceroy's Commissioned Officers quarters, and religious teachers quarters, and by the addition of cookhouses and dining halls

Mr. Abdul Qaiyum : May I know—with reference to the answer to part (c) of the question—whether these changes will not actually result in a diterioration of the condition of these barracks ?

Mr. C. M. G. Ogilvie : I think that the Honourable Member is asking for a portion of his original question which was excluded.

Mr. Abdul Qaiyum : May I know if wire gauze for windows is being removed, and electric fans also ?

Mr. C. M. G. Ogilvie : Not that I am aware of ; but fans probably are in the barrack quarters

Mr. Abdul Qaiyum : Is it a fact that British troops in such barracks are entitled to the use of ceiling fans and that Indian troops are not ?

Mr. C. M. G. Ogilvie : That, I imagine, is the reason.

Mr. Abdul Qaiyum : May I know what is the reason for this palpable racial discrimination ?

Mr. C. M. G. Ogilvie : Because it is found that Indian troops do not require fans, and British troops do.

Mr. Abdul Qaiyum : May I know if Indian troops were consulted in this matter, and have they agreed to this discrimination ?

Mr. C. M. G. Ogilvie : The opinions of troops are not usually asked in this matter, but their views are perfectly well-known and no complaints have ever been received on that score

Mr. Abdul Qaiyum : May I know the agency through which Government have come to know that they do not want fans, etc ?

Mr. C. M. G. Ogilvie : The troops have officers

Mr. Abdul Qaiyum : Indian officers, or British ?

Mr C M. G Ogilvie : Both

Taking up of Indian Languages in the Entrance Examination for the Staff College

1174. ***Mr. Abdul Qaiyum** : Will the Defence Secretary please state ·

(a) whether in the entrance examination for the Staff College, Indians are not allowed to take up Indian languages ;

(b) whether British officers are allowed to take up Indian languages ; and

(c) the reasons for the discrimination against the Indians ?

Mr. C. M. G. Ogilvie : (a) and (b). British officers are allowed to offer Urdu and Indian officers also are allowed to, if it is so foreign to them as to render its acquisition a matter of difficulty

(c) There is none.

Mr. Abdul Qaiyum : May I know if it is a fact that British officers have to write answers in their own mother tongue and that the Indians are handicapped in this respect ?

Mr. C. M. G. Ogilvie : I cannot say that

Mr. Abdul Qaiyum : May I know if Government will consider the desirability of altering these rules so that Indian officers can answer in their own mother tongue ?

Mr. C. M. G. Ogilvie : Government will not alter these rules

Mr. Abdul Qaiyum : Does it not work as a great hardship to Indian officers ?

Mr. C. M. G. Ogilvie : It is hoped not.

AMOUNT OF TRIBUTES OR OTHER PAYMENTS RECEIVED FROM OR OFFERED TO INDIAN STATES

†1175 *Mr. Manu Subedar : (a) Will the Honourable the Finance Member state the total amount of tributes or other payments of like nature received from the Indian States ?

(b) What is the percentage of the relief offered to the States under this head during the last budget ?

(c) What are the amounts of relief given to each State ?

(d) On what principle were these amounts of relief determined ?

(e) Have Government come to a decision as to the procedure, which they will adopt in future with regard to this matter ?

The Honourable Sir James Grigg : (a) The total amount of tributes, now known as cash contributions for the year 1937-38 was Rs 72 lakhs approximately before the provisional remissions were made

(b), (c) and (d) Attention is invited to the reply given by the Honourable Mr (now Sir John) Nixon in the Council of State to question No 235 on the 22nd March, 1938

(e) Attention is invited to section 146 of the Government of India Act, 1935, under which the cash contributions due from Indian States shall be received by His Majesty and it rests with His Majesty to remit at any time, if he thinks fit to do so, the whole or any part of such contributions Without prejudice to this right the conditions under which His Majesty may remit the cash contributions of States which may federate are laid down in section 147 of the same Act

AGREEMENT WITH THE MARITIME STATES OF KATHIAWAR REGARDING CUSTOMS DUTY.

†1176 *Mr. Manu Subedar : (a) Will the Honourable the Finance Member state whether it is a fact that Government are under an agreement with the maritime States of Kathiawar with regard to the amount which such States are permitted to retain from the customs duty collected at their ports ?

(b) If the reply to part (a) be in the affirmative, what is that amount and will the Federal Ministry be free to negotiate fresh agreements, or will these agreements be binding on them ?

(c) In making these agreements, has the criterion of the population of the State been applied uniformly to all the States, including Baroda ?

(d) Are Government aware of the acute discontent amongst the business community and the travelling public with regard to the land frontier at Viramgam ?

(e) Have Government formulated any scheme, by which, subject to such arrangements as they might make with the States in regard to sharing of the revenue from the customs duty, the land frontier at Viramgam may be completely removed ?

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

(f) Has any such scheme been the subject matter of negotiations between the Central Government and the maritime States as a whole ?

(g) Has any conference been held since the Mount Abu conference in June 1927 ?

The Honourable Sir James Grigg : (a) Yes.

(b), (i). In most cases a maximum of Rs .5 lakhs duty per annum on goods entering British India (in addition to the duty collected on goods consumed in Kathiawar)

(ii) As it is not known whether the States will accede to Federation and, if so, on what terms, this part of the question is hypothetical.

(c) No

(d) The Government are aware that there is certain inconvenience involved in the maintenance of this land frontier

(e) No.

(f) No.

(g) No

Levy of Internal Duties by Indian States and Sugar Excise Duty.

†1177 ***Mr. Manu Subedar :** (a) Will the Honourable the Finance Member please state whether Government have under consideration any scheme for buying out the rights of levying internal duties by Indian States ?

(b) If the reply to part (a) be in the affirmative, what is the estimated amount which such a scheme might involve ?

(c) Have any negotiations taken place either with the States as a whole, or with any individual State, for fixing the amount by the payment of which Government or their successors would induce Indian States, or any of them, to terminate import and export duties at their borders ?

(d) Has any similar scheme been thought of in respect of sugar excise ?

(e) In which States are sugar manufactories located and what is the amount of sugar excise collected by them now ?

(f) Have Government come to a decision as to the manner in which this question will be settled between them and the States ?

The Honourable Sir James Grigg : (a) to (d) and (f) It is not in the public interest to answer these questions

(e) A statement is laid on the table giving such information as is available

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

Statement showing the names of Sugar Producing Indian States and the approximate amount of Excise Duty calculated at the British Indian rate of Es 2 per cwt

	Approximate duty in lakhs of rupees, on production during 1936-37.
Kolhapur	2 0
Phaltan	2 7
Mysore	9 3
Jaora	1 9
Kapurthala	2 6
Rampur	10 7
Baroda	0 3

RESIGNATIONS, ETC., OF OFFICERS OF THE IMPERIAL SERVICES.

1178 ***Mr Brojendra Narayan Chaudhury**: Will the Honourable the Home Member please state :

(a) the number of incumbents of the Imperial Services who resigned during the year preceding the inauguration of the Provincial Autonomy part of the Government of India Act, 1935 ;

(b) the number who have resigned since the inauguration of Provincial Autonomy , and

(c) the number of those who have taken jobs under the Central Government, and in the Indian States with the salaries they get there ?

The Honourable Mr. R. M. Maxwell: (a) and (b) I presume, the Honourable Member refers to retirements on proportionate pension A statement is laid on the table which shows the number of officers of the Indian Civil Service and the Indian Police who retired on proportionate pension during the periods in question The information in regard to the Indian Police however is based on the date of the Secretary of State's sanction to the retirement and not on the date of actual retirement. I have no information as regards members of other services

(c) Government have no information.

Indian Civil Service.

Number of Indian Civil Service officers who retired on proportionate pension during the period :

(a) 1st April, 1936 to 31st March, 1937	8
(b) 1st April, 1937 to 15th September, 1938	11

Indian Police

Number of Indian Police officers whose retirement on proportionate pension was sanctioned by the Secretary of State during the period :

(a) 1st April, 1936 to 31st March, 1937	4
(b) 1st April, 1937 to 15th September, 1938	11

POSITION ON THE NORTH-WEST FRONTIER AND IN WAZIRISTAN.

1179 *Mr. S. Satyamurti : Will the Defence Secretary be pleased to state :

(a) the latest position on the North-West Frontier and especially in Waziristan, the number of troops, British and Indian, still actually employed in warfare in those areas ,

(b) the amount of money spent on these operations up to the latest date for which figures are available ,

(c) how long these operations are expected to continue, and what their future cost is estimated to be ; and

(d) what is the objective, or what are the objectives specifically for which the present war is being fought ?

Mr. C. M. G. Ogilvie : (a) As regards the latest position on the North-West Frontier, I refer the Honourable Member to the press communiqué issued on the subject on the 30th August, 1938. As regards additional troops, British and Indian, now in Waziristan, I refer the Honourable Member to the reply I gave to part (b) of starred question No 358 asked by Mr Abdul Qaiyum on the 22nd August, 1938.

(b) I again refer the Honourable Member to my reply to part (c) of Mr Abdul Qaiyum's question

(c) I am entirely unable to say

(d) The objectives are the restoration of peace and order in the areas in question and the checking of acts of brigandage and kidnapping on the part of the tribes concerned

Mr. S. Satyamurti : With reference to the answer to clause (d) of the question, may I know if the attention of Government has been drawn to an editorial note in the *Statesman* of yesterday ? I shall refer only to two or three sentences

" The comprehensive review of happenings in Waziristan recently issued continued much interesting matter but the latest month covered by it was July. The deductions to be drawn from it, moreover, could hardly be called cheering It is now nearly two years since the disorders there began and to few of those concerned can the prolonged and apparently unprogressive guerilla warfare which has been taking place have afforded much satisfaction. The Faqir of Ipi remains as elusive as ever. So far as we are aware not even the gang responsible for the raid on Bannu has yet been effectively dealt with."

Will the Honourable Member please state whether any portion of the objective or the objectives which he mentioned in answer to certain questions in this House has been achieved or is in sight of achievement ?

Mr. C. M. G. Ogilvie : I cannot answer that question in any detail at all. At present the situation is somewhat better than it has been.

Mr. S. Satyamurti : Do the Government want in this part of the world peace by conquest of the tribal areas, or by settlement with them ?

Mr. C. M. G. Ogilvie : It has merely to be peace.

Mr. Lalchand Navalrai : May I ask if any methods have been adopted to bring about a compromise and settlement between these tribesmen and Government ?

Mr. C. M. G. Ogilvie : I do not think myself that the tribesmen concerned understand compromise very well

Maulvi Abdur Rasheed Chaudhury : May I ask who broke the peace at Waziristan ?

Mr. C. M. G. Ogilvie : If the Honourable Member will take the trouble to read the very lengthy communique which I have quoted, he will have a detailed account of the many acts of outrage and aggression perpetrated by the various tribes in Waziristan

Mr. Abdul Qaiyum : With reference to part (d) of the question may I ask when a decision about the military policy to be pursued by Government was last taken by the Government of India ?

Mr. C. M. G. Ogilvie : I do not understand what the Honourable Member's question is or means, but it sounds much too wide to be answered as a supplementary question

Mr. Abdul Qaiyum : May I know if Government now intend to review their military policy in Waziristan ?

Mr. C. M. G. Ogilvie : I am not at all sure what the Honourable Member means by "military policy"

Mr. Abdul Qaiyum : I want to know whether this is intended to be a war of extermination or whether there is a possibility of an amicable settlement ? The Honourable Member remarked that he wanted peace I want to know whether it is going to be a peace of the grave-yard or something like it ?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member is using all sorts of expressions based on inference and assumptions

Mr. S. Satyamurti : Will the Honourable Member inform the House whether they will secure the good offices of the Provincial Government of the North-West Frontier Province in order to explore the possibility of a peaceful settlement between the tribes and the Government of India ?

Mr. C. M. G. Ogilvie : I think that question has been answered several times before by the Foreign Secretary

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UNSTARRED QUESTIONS AND ANSWERS

LAVATORIES IN THE ARMY HEADQUARTERS BUILDINGS

62 **Babu Kailash Behari Lal** : Will the Defence Secretary be pleased to state if it is a fact that in the Army Headquarters buildings the lavatories are labelled as "for Indian clerks only" and "for European clerks only" ? If so, will the Defence Secretary please state the reasons for this distinction ?

Mr C. M. G Ogilvie : Yes The distinction is practical and necessary, owing to the differing customs of the clerks concerned

APPOINTMENT OF A COMMITTEE TO EXAMINE THE ACCELERATION OF THE PACE OF INDIANISATION OF THE ARMY

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

(a) whether Government have considered the Resolution passed by the House without any division, recommending the appointment of a committee with a majority of elected members in order to examine the acceleration of the pace of Indianisation of the army ;

(b) the conclusions they have arrived at on that examination ,

(c) whether they propose to appoint a committee ; if so, when ,

(d) what the terms of reference of that committee will be ;

(e) whether the personnel of the committee has been settled ,

(f) whether in selecting the personnel of the committee from the elected members of the House, the leaders of parties will be consulted ; and

(g) when the committee is expected to report and when Government propose to take action to implement the recommendations of that committee ?

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

(b), (c), (d) and (e) Government propose to appoint a committee They have, however, not yet decided its personnel and terms of reference

(f) and (g) Do not at present arise.

STATEMENTS LAID ON THE TABLE

Information promised in reply to parts (d) to (g) of starred question No 414 asked by Mr K S. Gupta on the 23rd August, 1938

FINANCIAL CONDITION OF THE VIZAGAPATAM PORT.

(d) Yes At the time of the opening of the Harbour, capital works were still in progress On the completion of those works, the staff employed thereon was discharged.

(e) 1930	2,230
1934	3,479
1936	1,693
1938	1,664

(f) No. There has, generally speaking, been a decrease in numbers and in rates of pay.

(g) The following table gives the number of supervisors down to charge-heads. This does not include staff engaged on special work such as pilotage, dredging and electrical generation

Supervisors	European	Anglo-Indian	Indian	Total
1930 . .	10	6	29	45
1934	8	17	41	66
1936	7	14	32	53
1938	7	14	30	51

Information promised in reply to part (a) of starred question No. 507A asked by Mr K B Jinaraja Hegde on the 25th August, 1938.

FAILURE OF BANKS

The number of banks with above Rs 50,000 subscribed capital registered in British India and Indian States that have failed from the year 1914 to 1937 is 156

Information promised in reply to part (d) of starred question No. 653 asked by Mr Lalchand Navalrai on the 31st August, 1938.

INADEQUATE STAFF IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

Number of sanctioned establishment	Permanent	Temporary	Total	Number of sanctioned establishment	Permanent	Temporary.	Total
As on 1-4-31	1106	136	1242	As on 1-4-37	1181	52	1233
As on 31-3-32	1111	106	1217	As on 31-3-38	1184	52	1236
Number of vouchers dealt with	Correct figures not available				15,29,136 (figures relate to April 1937 only).		

Information promised in reply to unstarred question No 23 asked by Mr. Muhammad Azhar Ali on the 31st August, 1938

REVENUE DERIVED FROM THE SALE PRODUCE OF TREES AND CULTIVATED AREA ON THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.

(a) No revenue for cultivated area of land is paid by the Shahdara-Saharanpur Light Railway Company to the Government of the United Provinces.

(b) The income from this source which was mainly derived from the sale of dry trees and grazing fees and auction of mango orchards, etc, was as follows

	Rs
1934-35	1,940
1935-36	2,135
1936-37	5,915

Information promised in reply to a supplementary question to starred question No 915 asked by Mr. S. Satyamurti on the 12th September, 1938.

INDIAN COMMISSIONED OFFICERS SERVING WITH BRITISH UNITS IN INDIA

On the 1st September, 1938, fifty-seven Indian commissioned officers were serving with British units in India

ALLOTMENT OF A DAY FOR THE DISCUSSION OF THE REPORTS OF THE PUBLIC ACCOUNTS COMMITTEE AND PROLONGATION OF SESSIONS WITHOUT GIVING SUFFICIENT NOTICE

Mr President (The Honourable Sir Abdur Rahim) Legislative business

Mr. S. Satyamurti (Madras City Non-Muhammadan Urban) : Sir, before you proceed with the legislative business, may I just make a few observations ? Some time ago, I asked the Honourable the Leader of the House whether he will be pleased to give the first day of the November Session for the discussion of the three years' reports of the Public Accounts Committee At that time, although he promised to consider it, he was not in a position to give any such assurance I am simply asking him today not for the exact day, but for some day or some longer time in the first week of the November Session, because, if the Honourable Members know the approximate time when these reports will be taken up, they will have time to read these three years' reports I should also like to ask his colleague, the Honourable the Finance Member, through him, when the evidence volumes of this year's Public Accounts Committee will be ready

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions Muhammadan Rural) May I add one word, Sir, about this matter ? I think it is very desirable that we should know the approximate time when we will discuss the Public Accounts Committee report so that we may be ready for it

The Honourable Sir Muhammad Zafrullah Khan (Leader of the House) Sir, subject to the exigencies of official business, I shall make every effort that a day should be allotted in the first week of the November Session for the discussion of the reports

Sir, I had hoped that it might be possible to conclude the consideration of official business today, but it is now clear that that would not be possible. I have, therefore, to request that tomorrow may be fixed as a working day for the consideration of official business

Honourable Members : No, no.

The Honourable Sir Muhammad Zafrullah Khan : I request you, Sir, to fix a meeting of the Assembly for tomorrow for the consideration of official business, and if it is not finished tomorrow, then I shall have to ask you for further days.

Dr Sir Ziauddin Ahmad : Sir, we are all anxious that Qazi Muhammad Ahmad Kazmi's Bill be taken up, and, if that is allowed, we are prepared to sit tomorrow.

Mr. M. S. Aney (Berar Non-Muhammadan) Sir, it is rather inconvenient for the Members of this House to be told at the eleventh hour that the Session will be prolonged by a day. Members have made certain arrangements thinking that the Session will last up to a particular day and they also made margin for some more days But we are told today that the Session will be prolonged by a day. The result will be that all the arrangements that we have made for the future programme will be seriously dislocated Therefore, this suggestion of the Honourable the Leader of the House, which would otherwise have not been very unwelcome, is, for this reason, certainly very unwelcome and undesirable I submit that it would be very inconvenient to most of the Members to be detained for a day more by prolonging the Session till tomorrow I, therefore, oppose the motion

Mr. S. Satyamurti : Sir, I do not know how these things are being arranged now, but normally, to the best of my knowledge, whenever the Sessions of the Assembly have got to be extended or fresh meetings are to be held, the Honourable the Leader of the House usually consults the Leaders of Parties in the House, before he approaches the Honourable the President But today is the first time when I hear on the floor of the House, my Honourable friend facing the House with a proposition that we should sit not only tomorrow but even the day after for the despatch of the official business. So far as Mr Kazmi's Bill is concerned, we are anxious that it should be referred to the Select Committee this Session, if possible I have a constructive suggestion to make in regard to his Bill, namely, that his Bill may be referred to the Select Committee with just one or two speeches, in the course of the day. I am perfectly agreeable to that, if Government are also agreeable to it. But I want to mention a practical inconvenience So far as the 19th and the 20th were concerned, they were fixed as early as a fortnight ago in consultation with all of us, so much so that we could and did send notices of questions to your office in time But today, when several of our Members have left Simla on the basis that the sitting of the Assembly will not be continued beyond the 20th, it is very inconvenient to ask the House to sit tomorrow. My Leader was here till half-past four yesterday, and he was not told a word about it nor I He has left Simla and several others have left Simla and I think it is not fair to the House that a truncated House should be called upon to sit just for a day or so at the end of the Session, especially as previous practice has been to consult us. Even these two particular days, namely, yesterday and today, were allotted long before those days, at least a fortnight before.

The Honourable Sir Muhammad Zafrullah Khan : Sir, to begin with, over a week ago the official list of business was announced and Honourable Members could judge for themselves, apart from any other indication, as to what the length of the Session would be. But I did not

leave the matter at that stage Throughout last week, inquiries were made from me either by Leaders or Deputy Leaders of Parties or by Whips of Parties and I made it pertectly clear to them that I shall have to ask for the sitting to be extended beyond Tuesday in case official business was not finished

Mr. S Satyamurti : I was not consulted

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member was not himself one of them If necessary, I can name those Honourable Members who made the approach to me and to whom I gave that information But we were all hoping—and I was receiving assurances from time to time from different Parties—that official business might be concluded by Tuesday It was only yesterday that it became apparent that the consideration of official business would not be concluded today and that is why I have had to ask for extension of time at the end But I have throughout made it clear—and there are several Members in this House who will bear witness to it—that it was Government's desire that official business, set down in the list, should be concluded It is for that purpose that the Council of State is being kept in session so that they might be able to wind up that business Therefore, I would respectfully submit that the complaint made by Mr Satyamurti is really not correct because it was not till yesterday that it became apparent that it would be necessary to sit beyond Tuesday

Dr. Sir Ziauddin Ahmad : Sir, may I just add one word to this discussion At the time when Sir Shanmukham Chetty was the President, the Government definitely fixed the last day of the session of the Assembly. On that day, I was speaking on the report of the Public Accounts Committee I was not able to finish my speech on that day and the Government did extend the Session by one day to enable me to finish my speech.

Mr. J. Ramsay Scott (United Provinces European) : Sir, I would suggest for your consideration that we should sit for a couple of hours tonight and see how far we can get along

Babu Baijnath Bajoria (Marwari Association : Indian Commerce) : Sir, in consideration of the fact that the business of the House will be concluded today, I made arrangements last evening for my departure tonight I am deeply interested in some of the Bills, especially Dr. Deshmukh's Bill

Dr. G. V. Deshmukh (Bombay City : Non-Muhammadan Urban) : Sir, I certainly want the Assembly Session to be extended

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable the Leader of the House has said that he did consult, at any rate some of the prominent Members of the House.

Sardar Sant Singh (West Punjab : Sikh) None.

The Honourable Sir Muhammad Zafrullah Khan : Sir, Sardar Sant Singh was one of the Members who made the enquiry from me as to when the Session would be concluded, and I told him quite clearly that the Session will not be concluded at least until official business was concluded.

Sardar Sant Singh : I rise to a point of personal explanation The Honourable the Leader of the House has been pleased to remark that he spoke to me and informed me that the Session would be extended. It is a fact that he spoke to me, but I never agreed to the extension of the Session By merely speaking to some Members the Honourable the Leader of the House could not take it for granted that they agree to the extension of the Session I wish to submit further .....

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

Sardar Sant Singh : I have not finished my speech yet I submit, Sir, that the Chair cannot ask me to stop until I have finished my statement

Mr. President (The Honourable Sir Abdur Rahim) . But the Honourable Member has already said what he had to say

Sardar Sant Singh : I have not yet finished my statement

Mr. President (The Honourable Sir Abdur Rahim) . The Honourable Member must now resume his seat

I must admit that it is rather inconvenient to many Honourable Members that after a date has been fixed by the Government the Assembly sitting should be prolonged from day to day I think it is up to the Government to notify all the Members before hand as much as possible what will be the last date of the sitting. At the same time it cannot always be possible, it all depends upon the amount of Government business that has to be transacted I find that in the notice that was circulated to Honourable Members, in the last paragraph it is said " the above allotment is provisional and if the state of Government business requires, the Honourable the President will appoint further days for the transaction of official business " I believe about a fortnight back the present list of official business was circulated to Honourable Members I take it that the Honourable the Leader of the House did inform some Honourable Members that if the business was not concluded, the Session would be prolonged I do hope that under the circumstances the business will be concluded by tomorrow I, therefore, appoint tomorrow as the day when the Assembly will sit.

Mr. M. S. Aney : May I have your permission to say one word about the ruling which you have given ?

Mr. President (The Honourable Sir Abdur Rahim) I have given no ruling

Mr. M S. Aney About the statement you have just made on this point ? When an Honourable Member is in possession of the House, with the permission of the Chair, and if he makes a statement of personal explanation, I submit that the Chair should allow him to have his full say

Mr President (The Honourable Sir Abdur Rahim) : I heard his explanation It does not follow that he was to be allowed to make another speech

The Honourable Sir Muhammad Zafrullah Khan : In order that there may be no misunderstanding may I make one further observation with regard to the List of Business Honourable Members are now con-

sidering the Bill to amend the law relating to Prevention of Cruelty to Animals. There are four more Bills down for the purpose of being taken into consideration and passed I do not know exactly how much time would be required for these In these matters, one is completely in the hands of the House. It is for Honourable Members to judge. With regard to three of them, I can assure the House that none of them need occupy much time, particularly the Bill relating to amendment of the Indian Tea Cess Act. If time does not permit, I am quite prepared not to make the motion to send the Bill relating to the protection of inventions and Designs to a Select Committee, as I think that would require some time and perhaps it would prolong the Session unduly. I am quite prepared to allow that to stand over and the rest of the business after that is really non official business

Mr. K. Santhanam (Tanjore *cum* Trichinopoly : Non Muhammadan Rural) : What about the Railway Property Bill. It is a very controversial matter and we are going to contest that Bill

The Honourable Sir Muhammad Zafrullah Khan : With regard to the Railway Property Bill, I would persuade my Honourable friend, the Member for Communications, to let it stand over It the House is prepared to agree to the speedy despatch of this much of Government Business—three Bills in my name and one standing in the name of Sir Girja Shankar Bajpai—I shall be prepared to leave out Nos 11 and 15 on the List Nos 12, 13, 14 and 16 on the List are non-official business

An Honourable Member : What about item No 9, Tea Cess Bill ?

The Honourable Sir Muhammad Zafrullah Khan : It is not a controversial Bill, the whole purport of the Bill is to add a Member to the Board so as to give representation to Travancore

Mr. K. Santhanam : Are we to understand, Sir, that the Session will be over by tomorrow evening ?

Mr. President (The Honourable Sir Abdur Rahim) : We must try to finish tomorrow evening.

Mr. S. Satyamurti : I wish to make a submission to you, with regard to the general statement that you made just now You were pleased to direct that the Government should inform the House as early as possible with regard to the last date of the Session I should like you to make it a convention of this House for the future—I am not talking of the ruling or order you have given just now so far as tomorrow's meeting is concerned—I want this convention to be observed by the Government and by the House that as early as possible—at least a week or ten days before,—the Government should inform Honourable Members of the last date of the Session. Secondly, as regards settling the matter, I submit that the Honourable the Leader of the House ought not merely to talk to certain Honourable Members of the House and then take it for granted—I am not raising this on account of any personal matter—he ought to consult Leaders of Parties, because if Leaders are approached, they naturally approach their Parties immediately and if all the Members of Parties agree or do not agree, you have the definite opinion of the various Parties in this House. On these two matters, I request you to establish this con-

[Mr. S. Satyamurti.]

vention that an early notice should be given to the House of the date of termination of the Session, and, secondly, Leaders of Parties should be consulted on these extensions, and not merely individual Members

The Honourable Sir Muhammad Zafrullah Khan : Sir, it is not necessary for you to make any observation on this, because there is not the slightest doubt—and I have recognised it, as my predecessors have recognised it—that as early notice as possible should be given of any additional sittings that you may be requested to fix On the other hand, I hope the House will also recognise that if, owing to factors over which nobody has any control, the consideration of official business which is considered urgent is not concluded by a particular date, it may become necessary, right at the end, to ask for the extension of the sittings by a day or two As regards the formal consultations, I have recognised, that Leaders of Parties should be consulted , but as I have said, right till yesterday, everybody was hoping that the consideration of, at least, urgent official business may be concluded by today It is an exceptional case at each stage of the business on the agenda the time that the House was expected to take has been exceeded and, therefore, we find ourselves in the position that we have to ask for the extension of the sittings by a day

THE PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) BILL—*concld.*

Mr. President (The Honourable Sir Abdur Rahim) . The House will now resume consideration of the Bill to amend the law relating to the prevention of cruelty to animals, as reported by the Select Committee The question is

"That clause 10 stand part of the Bill."

Mr. N. A. Faruqui (Government of India Nominated Official) : Sir, I beg to move :

"That in part (*a*) of clause 10 of the Bill, commas be inserted before and after the words 'Presidency Magistrate'."

This amendment is merely formal and it is required to make the meaning of the sub-section clear

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

"That in part (*a*) of clause 10 of the Bill, commas be inserted before and after the words 'Presidency Magistrate'."

The motion was adopted.

Mr. N. A. Faruqui : Sir, I beg to move :

"That in sub-clause (*b*) of clause 10 of the Bill, the word 'and', occurring at the end, and sub-clause (*c*) be omitted"

Sir, section 8 of the Act provides that when any offence is believed to have been committed against the Act certain magistrates who are specified there, and certain officers who are also specified there, may issue a warrant for search If sub-clause (c), which I propose for deletion, is added to this section, the effect would be that the class of officers to

whom the warrant could be directed would be limited that is to say, only sub-inspectors or higher officers could execute a search warrant. The idea underlying the proposal of the Select Committee probably was to prevent the harassment of people by inferior police officers. My submission is that such harassment is not possible under this sub-section because the police officer cannot act on his own authority he has to take the previous sanction of the court in the form of a warrant, and since there is only one sub-inspector in charge of a police station the result of the Select Committee's recommendation would be that the facilities for search, provided in this sub-section, would be greatly reduced I would also like to point out that under the Criminal Procedure Code, which deals even with more serious offences, there is no such restriction In section 98, which is the only section under which there is a restriction, the restriction is confined to officers above the rank of a constable If my amendment is accepted by the House that restriction would still remain because it is already there in section 8 I submit that it would really be ludicrous that in this Bill we provide that a search warrant could not be executed by an officer below the rank of a sub-inspector, when in the Criminal Procedure Code in the case of more serious offences there is no such restriction Sir, I move

Mr. President (The Honourable Sir Abdur Rahim) Amendment moved

"That in sub-clause (*b*) of clause 10 of the Bill, the word 'and', occurring at the end, and sub-clause (*c*) be deleted"

Mr. K. Santhanam (Tanjore *cum* Trichinopoly Non-Muhammadan Rural) : Sir, I regret to find that it is the Government which is prolonging the Session unnecessarily Yesterday the House definitely pronounced its verdict that it does not want a constable to exercise these powers of search or seizure of animals Here, it is a case of search and we do not want officers below the rank of sub-inspectors to go and execute search warrants and, therefore, I oppose the amendment

The Honourable Mr R. M. Maxwell (Home Member) Sir it is not a case of a police officer making a search · it is a case of executing a warrant there is no initiative in the matter and it is merely a case of a magistrate issuing a warrant and the constable serving it on a particular person Even now, as the Act stands, if the amendment is carried, the power of directing the issue of a warrant is limited to a police officer above the rank of a constable, and not to a constable

Mr. S. Satyamurti (Madras City Non-Muhammadan Urban) Sir, it is not so simple as the Honourable the Home Member wants to make it out. This section 8 of the original Act which is sought to be amended reads as follows

"he may either himself enter and search or by his warrant authorise any police officer above the rank of a constable to enter and search the place"

The whole point of it is that the Select Committee in omitting these words and substituting, therefore, "not below the rank of a sub-inspector" recommended to this House the principle that wherever private premises are to be searched and such extraordinary powers are to be exercised they ought to be exercised only by persons who are not below the rank of

[Mr. S Satyamurti.]

a sub-inspector The amendment moved now seeks to delete that amendment—sub-clause (c) of clause 10 of the Bill. That sub-clause (c) says

"for the words 'above the rank of a constable' the words 'not below the rank of sub inspector' shall be substituted"

These are rather very difficult and delicate powers, and I think the House, consistently with its vote yesterday—although I recogn se the force of what the Honourable the Home Member says that in this case the initiative is not with him—still, I think for the purpose of searching private premises, we should rather have police officers of the rank of sub-inspector or above I do hope the House will reject this amendment of the Government

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

"That in sub-clause (*b*) of clause 10 of the Bill, the word 'and', occurring at the 12 NOON end, and sub clause (*c*) be deleted."

The Assembly divided :

AYES—38

Abdul Hamid, Khan Bahadur Sir.	Metcalfe, Sir Aubrey
Ahmad Nawaz Khan, Major Nawab Sir.	Miller, Mr C C
Ahmed, Mr K	Mitchell, Mr K. G
Aikman, Mr A.	Mukerji, Mr Basanta Kumar.
Anderson, Mr. J D	Mukerji, The Honourable Sir Manmatha Nath
Ayyar, Mr N M	Nur Muhammad, Khan Bahadur Shaikh.
Bajoria, Babu Baijnath	Ogilvie, Mr C M G
Bajpai, Sir Girja Shankar	Rahman, Lieut Colonel M. A
Chambers, Mr S P	Scott, Mr J Ramsay
Chanda, Mr. A K.	Sheehy, Mr J F
Chatterjee, Mr R M	Sher Muhammad Khan, Captain Sardar Sir
Conran Smith, Mr E	Stewart, The Honourable Sir Thomas.
Dalal, Dr R D	Sukthankar, Mr Y. N.
Dalpat Singh, Sardar Bahadur Captain	Sundaram, Mr. V. S.
Damzen, Mr P R	Town, Mr H S
Faruqui, Mr N A	Walker, Mr G. D.
Hughet, Mr J C	Zafrullah Khan, The Honourable Sir Muhammad.
Kamaluddin Ahmed, Shams-ul-Ulema	
Lloyd, Mr. A H	
Mackeown, Mr J A	
Maxwell, The Honourable Mr R M.	

NOES—43.

Abdul Ghani, Maulvi Muhammad.	Das, Mr B.
Abdul Qaiyum, Mr	Das, Pandit Nilakantha.
Abdur Rasheed Chaudhury, Maulvi.	Datta, Mr. Akhil Chandra.
Aney, Mr M S	Deshmukh, Dr G. V
Azhar Ali, Mr Muhammad.	Deshmukh, Mr. Govind V.
Banerjea, Dr P N.	Gadgil, Mr. N. V.
Chaliha, Mr. Kuladhar.	Ghulam Bhik Nairang, Syed.
Chattopadhyaya, Mr Amarendra Nath.	Govind Das, Seth.
Chaudhury, Mr. Brojendra Narayan.	Gupta, Mr. K. S.

Hans Raj, Raizada.
Hegde, Sri K. B Jinaraja
Jogendra Singh, Sirdar
Lalchand Navalrai, Mr
Maitra, Pandit Lakshmi Kanta
Mangal Singh, Sardar
Muhammad Ahmad Kazmi, Qazi
Murtuza Sahib Bahadur, Maulvi Syed.
Nauman, Mr Muhammad.
Pande, Mr Badri Dutt.
Parma Nand, Bhai.
Rafiuddin Ahmad Siddiquee, Shaikh.
Raghubir Narayan Singh, Choudhri
Ramayan Prasad, Mr.
Ranga, Prof N G
Rao, Mr M Thirumala.
Sant Singh, Sardar.
Santhanam, Mr K
Satyamurti, Mr S.
Shaukat Ali, Maulana.
Singh, Mr Gauri Shankar
Sri Prakasa, Mr
Subbarayan, Shrimati K. Radha Bai.
Varma, Mr B B.
Ziauddin Ahmad, Dr Sir

The motion was negatived

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

"That clause 10, as amended, stand part of the Bill"

The motion was adopted

Clause 10, as amended, was added to the Bill.

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

"That clause 11 stand part of the Bill"

Mr N. A. Faruqui : Sir, I move .

"That in clause 11 of the Bill, in the proposed sub-section (*2*), the words 'above the rank of a constable' be omitted"

Sub-section (*2*) of section 10 contained in the original Bill was based on section 25 (*3*) of the Bengal Prevention of Cruelty to Animals Bill, and its main object was to minimise the delay in dealing with animals injured in street accidents The changes proposed by the Committee will, to a large extent, defeat that purpose. Since the first action to be taken by the police officer is to call in the veterinary officer, there is no need to limit the function to officers above the rank of constables who are not likely to be on or near the scene of accident Sir, I move

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

"That in clause 11 of the Bill, in the proposed sub-section (*2*), the words 'above the rank of a constable' be omitted"

Mr. Abdul Qaiyum (North-West Frontier Province : General) : Sir, we oppose this amendment This clause gives very wide powers to police officers, namely, to initiate the question of the destruction of animals, and we should like to take extra precautions to see that a constable is not permitted to use such wide powers. I think the clause as it stands is good enough, and the amendment proposed is not acceptable to this side. Sir, we oppose this amendment.

Sri K. B. Jinaraja Hegde (West Coast and Nilgiris : Non-Muhammadan Rural) Sir, I also oppose this amendment. Clause 11 authorises a police officer.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member had no right to begin his speech till his name was called.

Sri K B Jinaraja Hedge : Sir, clause 11, as it is, authorises any police officer to approach a magistrate or the veterinary officer before he enters a private house or premises in order to destroy an animal which is suffering from a serious disease or so severely injured that it cannot be removed without cruelty This power has been given to a police officer We all know how these police officers behave and what would be their evidence before the magistrate for him to order the destruction of the animal in private premises We know that in criminal cases the police diary is no evidence at all, but in this case a special type of evidence is created Under this Bill the magistrate can pass an order for the destruction of the animal on the report of a police officer. The Government now want that even on the report of an ordinary police constable the animal should be destroyed This is a great hardship and this power ought not to be given to ordinary constables No officer less than a sub-inspector of police should be permitted to report to the magistrate and get an order for the destruction of the animal

The Honourable Mr R M. Maxwell : My Honourable friend who has just spoken has not presented a clear picture of the power under this clause. He says that the clause authorises any police officer to take steps to destroy an animal or words to that effect The point is that the police officer is merely a finding agency—he has no authority whatever to destroy the animal, he is only the finding agency and he has to report to the veterinary officer who has to consider the matter of destruction It is the veterinary officer who has to give a certificate in this connection. The object of not limiting the police officer is that intelligence should be brought to the veterinary officer as soon as possible of any animal involved in any street accident, for instance The larger the number of officers who are available for that purpose, the greater the chances of the veterinary officer being summoned as early as possible I hope that the House will agree that there is no use in restricting the number of officers who can obtain a report on the condition of an animal as soon as possible

Maulvi Muhammad Abdul Ghani (Tirhut Division Muhammadan) : This is not only a case of reporting If you will refer to clause 11, you will find in the end, " may without the consent of the owner, destroy the animal or cause it to be destroyed " This power of destruction of the animal ought on no account to be given to *any* police officer, meaning thereby even a constable I oppose the amendment

Prof. N. G. Ranga (Guntur *cum* Nellore . Non Muhammadan Rural) I oppose this amendment I fail to understand the mentality of the Government We went to the Select Committee and made a number of alterations I find from the notices of amendments given by Members representing the Government and from those amendments which have been supported by my Honourable friend, the Home Member that the Government want to upset everything that was done in the Select Committee In that case I do not know why they asked us to go to the Select Committee at all It was sheer waste of time of

Honourable Members of the House who were sent to the Select Committee and also a waste of time of the House, because the Select Committee is intended to economise the time of the House by making concrete amendments and by bringing about as much agreement as possible. I find, that even in this clause, two alterations were made; namely, the words "above the rank of a constable" and also the words "after obtaining orders from a Magistrate" were added. These two amendments they seem to want to delete, and we are dealing with the first thing My Honourable friend, the Home Member, should remember this, that it is the constable who starts the mischief. He sets the ball rolling He catches hold of a man and says, "Your animal is not fit to live at all According to me, it is fit only to be destroyed So, let me first of all see what the veterinary doctor says" Then he drags in the veterinary officer After getting that man's certificate and after somehow or other managing to get orders from the local magistrate, he may get the animal destroyed, even without the consent of the owner This is a very serious matter In hundred cases of such seizures only 10 or 15 may be taken to the notice of the veterinary officer All the others may be compounded in some private fashion with the poor owners We want to protect the public from the mischief of the policeman and that is why, as a last resort, we saw to it that at least a head constable should be insisted upon In fact, if I am not divulging the proceedings of the Select Committee, and if it is permissible for me to say so, it was an agreed settlement We wanted the sub-inspector and they would not agree and in the end we agreed upon the head constable And it is not really honourably open to Government to come forward and move this amendment. Yesterday, over the amendment of my Honourable friend, Mr. Bajoria, there was such a serious discussion and the House was split in twain almost because people held very strong views over the destruction of any animal And in such a serious thing as this, it is only fair that some consideration should be shown by the Government to those Honourable Members who had agreed to this compromise of a head constable instead of insisting upon a sub-inspector and they should in fairness withdraw this amendment instead of pressing for it

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural) The fact is this The Government is trying its level best, by these amendments on this Bill, to introduce at every step the lowest rung of the police department This amendment leads us to think that our lives, our honour, our houses, and our property are to be left to the sweet mercies of the lowest rungs of the police department officials According to this amendment, a constable who finds any animal—the clause says this

"Any police officer who finds any animal so diseased, or so severely injured, or in such a physical condition that it cannot, in his opinion, be removed without cruelty"

These constables are mostly illiterate people The clause says, if the owner is absent or refuses to consent to the destruction of the animal—what a great harassment will be caused to these owners of animals by the lowest class constables? If this amendment is carried, it means that nothing is safe in our hands It is impossible to depend upon their discretion It is a great pity that Government do not realise the feeling in the country and in the House against these low ranks of constable. The result will be that poor owners of these

[Mr Muhammad Azhar Ali]

animals will be harassed like anything I submit that such discretion and such powers should not be given to constables We have agreed to the most moderate amendment in the Select Committee, that is, above the rank of a constable, and we agreed to head constables The head constables will be at least to a certain extent literate and they might listen to reason The police constables here are given power, they are absolutely illiterate and do not know how to behave towards gentlemen I submit that this is too drastic and the amendment should not be pressed

Some Honourable Members : Let the question be now put

Mr. President (The Honourable Sir Abdur Rahim) The question is that the question be now put

The motion was adopted

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

"That in clause 11 of the Bill, in the proposed sub section (2), the words 'above the rank of a constable' be omitted"

The motion was negatived

Mr K. Santhanam : Sir, I move

"That in clause 11 of the Bill, in the proposed sub-section (2) of section 10, the words 'without the consent of the owner' be omitted"

The section says, " if the owner is absent or refuses to consent to the destruction of the animal " The clause applies only when the owner is either absent or refuses and I do not see the necessity of the words "without the consent of the owner" again It is absolutely superfluous and may create confusion So, I move

Mr. President (The Honourable Sir Abdur Rahim) . Amendment moved

"That in clause 11 of the Bill, in the proposed sub-section (2) of section 10, the words 'without the consent of the owner' be omitted"

The Honourable Mr. R. M. Maxwell : I accept the amendment

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

"That in clause 11 of the Bill, in the proposed sub-section (2) of section 10, the words 'without the consent of the owner' be omitted'

The motion was adopted

Babu Baijnath Bajoria (Marwari Association Indian Commerce) Sir, I move

"That in clause 11 of the Bill, to the proposed sub section (2) of section 10, the following proviso be added at the end

'Provided, however, that no order directing destruction shall be made in respect of any cow, bull or calf'"

Mr President (The Honourable Sir Abdur Rahim) This is barred.

Babu Baijnath Bajoria : No, Sir The previous amendment to 6B related to an animal which was presumed to be in an infirmary but here the animal is presumed to be in the street I submit that if any order for destruction is made in respect of any cow, bull or calf in a street or

in an open place, from where the animal cannot be removed, then it will be repugnant to the feelings of the Hindu public in general and also likely to cause a breach of the peace. I said yesterday that I am against the destruction of all animals and more so about the destruction of cow bull or calf This will be repugnant to the feelings of millions of Hindus and is also likely to cause a breach of the peace

Mr President (The Honourable Sir Abdur Rahim) Amendment No 24 which has been negatived is in exactly the same terms

Babu Baijnath Bajoria : The circumstances here are different In the previous case the animal was presumed to be in an infirmary and it could be destroyed after obtaining a certificate from the veterinary officer Here, the reference is to a police officer above the rank of constable. I submit the circumstances in the two cases are different.

Mr President (The Honourable Sir Abdur Rahim) But the principle is the same I rule this out of order

Mr M S. Aney (Berar Non-Muhammadan) : It is true that yesterday you ruled a similar amendment as being out of order. But, I submit, that that clause having been retained intact by the House, the amendment of Mr Bajoria was not really out of order As his first amendment was rejected, the other amendment could not have been out of order Here is a different set of circumstances. No other amendment has been moved to this clause Therefore, the amendment under discussion cannot be in any sense out of order

Mr. President (The Honourable Sir Abdur Rahim) But the principle is the same and I have given my ruling

The question is

" That clause 11, as amended, stand part of the Bill "

The motion was adopted

Clause 11, as amended, was added to the Bill

Sri K. B. Jinaraja Hegde : Sir, I move

" That after clause 11 of the Bill, the following new clause be inserted

' 11B In section 11 of the said Act, for the words ' nothing in this Act ' the word ' It ' shall be substituted ' "

This is a section which deals with sacrifice of animals Yesterday, when the Mover moved this Bill for the consideration of the House he said that under section 1 of the Act the Provincial Government could exempt the operation of section 11 of the Act in any area they like But may I bring to his notice that though nearly 50 years have passed since this Act was enacted, not a single Provincial Government came forward to stop this barbarous animal sacrifice, in any of the British Indian Provinces I may tell him that Native States, like Hyderabad and Mysore, have gone to a large extent in this matter They have restricted the number of animals to be sacrificed and the number of places where the sacrifices take place. But in British India, everywhere this animal sacrifice is going on and the Central Government have not taken any steps, so far, in spite of public agitation in this regard. I may bring to his notice that the Madras province is the worst sinner in this respect. Several attempts were made by the Humanitarian

[Sri K. B Jinaraja Hegde]

Leagues and the S P C As They approached the Madras Government to bring in a Bill or pass certain orders under section 11 prohibiting this animal sacrifice No steps have been taken so far I shall bring to the notice of the House some of the worst cases of animal sacrifice which are taking place in my own presidency, the Madras Presidency

"Young kids of two or three months are bitten in their necks and their blood sucked at Kulumiyayi temple in Puttur near Trichy The womb of a pregnant sheep is cut open and the young ones are taken out for offering to Mariyamma in Mayavaram to Kottayam at Devakottai and to Ayirathamman at Palamkotta The stomach of a sheep is torn and the intestines are pulled out to be worn as garland before goddess Sellıyamman at Madambakkam in Chingleput District Pigs are thrown from a height over sharp spikes until the spikes are filled up with such animals This is prevalent in the Tinnevelley District A buffalo is let into a pit about 4 feet deep and tied in it and then the persons who take oath to pierce the animal to death shall be in action before the goddess at Moppedu in Nellore District A sharp stick is thrust into the anus of a pig and driven right through the mouth This is a form of sacrifice at Anakapalli in Vizagapatam District The young one of a pig is pierced with a lance and carried aloft in procession along the public streets of Maduvettimangalam in Viruddachalam Taluk A simultaneous sacrifice of seven buffaloes at each time at the Maduvetimangalam temple at Viruddachalam Taluk, South Arcot A long process of chisseling the neck of a goat before the goddess in Poovannur, Viruddachalam Taluk, South Arcot District Drinking the blood of the animal during sacrifice at Uyanapalli is a common feature during sacrifices in many places"

These are some of the varieties prevalent in the Madras Presidency and similar sacrifices of all sorts of animals and birds take place throughout India No British Indian Province, so far, has taken a single step to prohibit this sort of animal sacrifice, and, in the face of such sacrifices, we see the movements for breeding better bulls and better stud bulls? Sir, why all this farce? When people are sacrificing all these poor animals before God in the name of religion, I wonder why we are sitting quiet and have not the courage to stop that barbarous practice of cruelty committed in the name of religion Did Hinduism or any other religion, which has taken birth in this land of ours, ever preach that this animal sacrifice shall go on? Sir, it is not for the first time that the Central Government has invaded the sphere of provincial subjects Have you not seen recently instances of such invasions? Were there not provincial subjects in the Motor Vehicles Bill wherein we entered very deeply into the provincial sphere? Why should my Honourable friend the Home Member say that this was a subject which ought to be left to the Provincial Governments? Sir, we have seen, during the last half a century, that they have not moved an inch in this respect Is it too much if I move this amendment and say that we must take certain definite step in this regard in order to put an end to this sort of sacrifice of animals in the name of religion? Sir, the present clause reads.

"Nothing in this Act shall render it an offence to kill any animal in a manner required by the religion or religious rites and usages of any race, sect, tribe or class"

My amendment seeks to delete the first four words If the amendment is carried it will read like this:

"It shall render it an offence to kill any animals, etc, etc"

Therefore, Sir, I request the Mover of this Bill to accept this amendment straightaway And by the next amendment No 51 I will move that six months' time should be given so that all the temple

trustees and other people carrying on these animal sacrifices could be informed within that time, notifying that "the Act has come into force and they shall not perform such sacrifices" With these words, Sir, I move my amendment.

Mr President (The Honourable Sir Abdur Rahim) Amendment moved

"That after clause 11 of the Bill, the following new clause be inserted

'11B In section 11 of the said Act, for the words 'nothing in this Act' the word 'It' shall be substituted'"

The Honourable Mr. E M Maxwell: Sir, my first objection to this amendment is that as a matter of drafting it does not make sense of the section The Honourable Member has read out the section as it would stand after the word 'it' is substituted for the words "nothing in this Act" The section will then read, "it shall render it an offence to kill any animal in a manner required by the religion or religious rites and usages of any race, sect, tribe or class" What would render it an offence it is not clear, but even if the Honourable Member's intention is that the section should read, "it shall be an offence, etc", even so, the House will just consider how the section will stand "It shall be an offence to kill any animal in a manner required by the religion or religious rites and usages of any race, sect, tribe or class" The fact of the matter is that the section does not lend itself to amendment in this particular way Section 11 of the original Act is a negative section,—excepting certain kinds of things from the other provisions of the Act, such as section 5 Section 5 of the Act is the governing section "if any person kills any animal in an unnecessarily cruel manner, he shall be punished with fine which may extend, etc, etc". This is the section which governs the destruction of animals. Section 11 in the original Act merely excepted the killing of animals in accordance with religious usage from the operation of that section or any other sections which might be applicable to the case I hope I have already explained to the House how the Select Committee did propose to deal with this matter The Honourable Member who moved this amendment has remarked that not a single Province has taken action to stop these animal sacrifices The reason was of course that wherever the Act was in force, section 11 was also in force by virtue of section 12 of the original Act Section 12 is the section which has prevented Provincial Governments from making this method of destruction of animals an offence What the Select Committee have done is to remove section 11 from its mention in section 12 and, therefore, Provincial Governments will now be in a position, wherever the Act is in force, not to apply section 11 If the Provincial Government does not apply section 11, then section 5 will apply to the destruction of these animals in the ordinary course. I hope, therefore, that Honourable Members will see that this amendment is really not necessary.

Mr. Muhammad Azhar Ali: Sir, I have every sympathy with what my Honourable friend behind me, who spoke just before the Honourable the Home Member, said about cruelty to animals But, Sir, the only point that we have to say in this House is that this—as the Honourable the Home Member has said—is only a negative section; it is a sort of exception, and if my friend is very particular about these things,

[Mr. Muhammad Azhar Ali]

he ought to approach the Local Government to modify the practices he referred to and to enact legislation for provincial purposes In this House we have enacted this Bill simply to provide for those things where there has been a lacuna in the former Act, and, therefore, I oppose the amendment of my friend

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

" That after clause 11 of the Bill, the following new clause be inserted

' 11B In section 11 of the said Act, for the words ' nothing in this Act ' the word ' It ' shall be substituted ' "

The motion was negatived

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

" That clause 12 stand part of the Bill "

The motion was adopted.

Clause 12 was added to the Bill

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

" That clause 13 stand part of the Bill "

Maulvi Muhammad Abdul Ghani : Sir, I move

" That in clause 13 of the Bill, the proposed section 14 be omitted "

Sir, this new section which is going to be added gives wide powers to persons authorised by the Provincial Government There are no stipendiary officers to whom this power is going to be given The powers are too wide under this clause, and there is every likelihood of abuse of such powers, as, for instance, we have just adopted the provision in clause 3 (c) that the keeping of an animal thirsty is an offence Now, under this clause, if any person is authorised and if he has reason to believe that an animal is thirsty, he will take drastic action under this clause. Had it been here provided that a sub-inspector or some other responsible officer, as laid down in the present Act, would be the person authorised to take action, then there would have been some consolation but we are much afraid that this clause, if enacted, would specially hurt or injure the cause of the poor cultivators As you know, Sir, they take away their cattle or bullocks for cultivation purposes into the fields sometimes in large numbers, and if any local person be the person authorised by the Local Government, then that local person might have some animosity against that poor cultivator and he may take the opportunity to wreak his vengeance or carry out his grudge

An Honourable Member : That is far-fetched.

Maulvi Muhammad Abdul Ghani : That may be far-fetched in your opinion but I come from the cultivator class and I know where the shoe pinches.

Therefore, I thought it proper to ask the House to delete this clause. With these words I move my amendment and hope that the House will consider the difficulty of the poor *kisan* as has already been pointed out by the learned Member, Mrs. Subbarayan

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

" That in clause 13 of the Bill, the proposed section 14 be omitted "

Babu Baijnath Bajoria : Sir, I rise to oppose this amendment. Yesterday, when the Deputy Leader of the Congress Party was speaking on my amendment about clause 9, giving power to a police officer of any rank, I wanted the word ' Sub-inspector ' to be deleted, but he said that powers of this nature, seizure and arrest, should be given to the respectable persons of the locality He also very kindly mentioned my name in that connection Sir, this clause authorises the Provincial Government to give the power to any other person other than the police officer If this clause is deleted, then the Local Government would not be in a position to authorise anybody except the police officer to help them in the detection of a crime under this Act I submit that that will be very harmful because the intention is that men with a sense of public responsibility should come forward and help in the detection of crime under this Act That purpose will be defeated if this amendment is accepted I strongly oppose this amendment

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) Sir, my Honourable friend, Mr Bajoria, has really given arguments in support of my Honourable friend, the Mover of the amendment He said that he may be appointed as a person under this particular clause and it is just to avoid a person of his type that this amendment is moved If my friend, Mr Bajoria, is appointed under this particular clause, then I am certain that the first persons who will be presented will be the Honourable the Secretary of the Department of Education, Health and Lands, because he is the person who takes steps to destroy malarial mosquitoes The next set of persons who may even be sent to jail will be all the Health Officers because they destroy all germs of cholera and of other diseases Consequently, according to his point of view, they deserve punishment May I just inform the House that whenever there are a good deal of bugs in the cots of the friends of my Honourable friend, Mr Bajoria, they do not kill them, but they use a special phrase called *khatmal khilai*. They would not use the word of destruction, but pay four annas for the comforts of those bugs and it really means destruction I think it is just to avoid a person of his type to be nominated by the Government under this clause that my friend, Maulvi Abdul Ghani, has moved its deletion Unless the word ' person ' is changed into some other form, there is every danger of a person of the mentality of Mr. Bajoria coming in and troubling the country

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

" That in clause 13 of the Bill, the proposed section 14 be omitted."

The motion was negatived

Mr N. A. Faruqui : Sir, I beg to move :

" That in clause 13 of the Bill, for the proposed section 14 the following be substituted :

' 14. (1) Any police officer may arrest without a warrant, and any person authorised by the Provincial Government in this behalf may arrest, any person who in the view of such officer or authorised person commits any offence against this Act or

Arrest of offenders

[Mr N A. Faruqui]

any person in respect of whom such officer or authorised person has received credible information of his having committed an offence against this Act, if the name and address of such offender or accused person is unknown to such officer or authorised person and if the offender or accused person, on demand, declines to give his name and address or gives a name and address which such officer or authorised person has reason to believe to be false

(2) When the correct name and address of a person arrested under sub-section (1) have been ascertained, such person shall be released on his executing a bond, with or without sureties, to appear before a Magistrate, if so required

Provided that, if such person is not resident in British India, the bond shall be secured by a surety or sureties resident in British India

(3) If the correct name and address of such person is not ascertained within twenty four hours from the time of arrest, or if such person fails to execute a bond or, if so required, to furnish sureties, he shall forthwith be forwarded to the nearest Magistrate having jurisdiction

(4) Any person authorised by the Provincial Government in this behalf, who has reason to believe that an offence against this Act has been or is being committed in respect of any animal, may, if in his opinion the circumstances so require, seize the animal and produce the same for examination by the nearest Magistrate or by such Veterinary Officer as may be designated in this behalf by rules made under section 15, and such police officer or authorised person may, when seizing the animal, require the person in charge thereof to accompany it to the place of examination".

General power of seizure for examination.

Sir, there is nothing new in this amendment There is a similar provision in the Criminal Procedure Code and I want it to be introduced in this Bill in order to enable the Provincial Governments to authorise persons, other than police officers, to have similar powers Sir, I move

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

"That in clause 13 of the Bill, for the proposed section 14 the following be substituted.

'14 (1) Any police officer may arrest without a warrant, and any person authorised by the Provincial Government in this behalf may arrest, any person who in the view of such officer or authorised person commits any offence against this Act or any person in respect of whom such officer or authorised person has received credible information of his having committed an offence against this Act, if the name and address of such offender or accused person is unknown to such officer or authorised person and if the offender or accused person, on demand, declines to give his name and address or gives a name and address which such officer or authorised person has reason to believe to be false

Arrest of offenders

(2) When the correct name and address of a person arrested under sub-section (1) have been ascertained, such person shall be released on his executing a bond, with or without sureties, to appear before a Magistrate, if so required ·

Provided that, if such person is not resident in British India, the bond shall be secured by a surety or sureties resident in British India

(3) If the correct name and address of such person is not ascertained within twenty-four hours from the time of arrest, or if such person fails to execute a bond or, if so required, to furnish sureties, he shall forthwith be forwarded to the nearest Magistrate having jurisdiction

(4) Any person authorised by the Provincial Government in this behalf, who has reason to believe that an offence against this Act has been or is being committed in respect of any animal, may, if in his opinion the circumstances so require, seize the animal and produce the same for examination by the nearest Magistrate or by such Veterinary Officer as may be designated in this behalf by rules made under section 15, and such police officer or authorised person may, when seizing the animal, require the person in charge thereof to accompany it to the place of examination".

General power of seizure for examination

Mr. K. Santhanam : Sir, there are two difficulties in accepting this amendment It starts by saying that 'any police officer may arrest without a warrant'. This House has rejected the giving of power to anybody except officers above the rank of the police constable Then there is another difficulty Clause 14 (1) says :

"Any police officer may arrest without a warrant and any person authorised by the Provincial Government in this behalf may arrest, etc."

I suppose it is intended that the person authorised by the Provincial Government should get a warrant before he arrests any person, and before a person is to be arrested under this section only, he must ascertain his name and address It seems to me to be a very elaborate procedure that this person should go and get a warrant merely to ask for the name and address of the person who has committed the crime I think that is the implication of this clause For instance, if an officer of the S P C. A. is authorised by the Provincial Government to arrest a man and he finds that some person has committed an offence, then he must announce that fact to the Magistrate and get a warrant from him and then find out his name and address It seems to me that this is not the intention of the Government of India in framing this amendment So, I would suggest that they should remedy these two defects and then we shall be glad to consider this amendment with sympathy I want the Government to explain these two difficulties and then it will be considered by our Party.

Prof. N G. Ranga : Sir, I sincerely hope that the Government will see reason to amend their own amendment in the manner in which my Honourable friend, Mr Santhanam, has suggested, namely, any police officer above the rank of a constable may arrest without a warrant and so on. In regard to the second suggestion made by my Honourable friend, I am sorry to have to say that I am not able to agree with him because, after all, these S P C A officers and others are expected to have much more knowledge than the police officers and, therefore, are expected to know the identification of these people It is only to prevent any undue harassment to ordinary public bodies by these S P. C A officers and other authorised officers that evidently Government have seen fit to make provision here for a warrant to be obtained previous to making any arrest of these people That is why I am rather more in favour of the clause as it is In regard to the various persons, I suggest that they had better agree to our suggestion of amending this amendment by making it any police officer above the rank of a constable. I hope the Government will agree to it.

The Honourable Mr R. M Maxwell : Sir, if the amendment were amended in the way suggested by my Honourable friend, it would actually

[Mr R. M. Maxwell]

give the police officer less power than he already possesses under section 57 of the Code of Criminal Procedure. This section reads

"When any person who in the presence of a police officer has committed or has been accused of committing a non cognisable offence refuses on demand of such officer to give his name and residence he may be arrested by such officer in order that his name or residence may be ascertained"

That is to say in regard to a non-cognisable offence under the Indian Penal Code and other Acts, the Code of Criminal Procedure gives them power to arrest solely for the purpose of ascertaining the name and residence of the offender That is the only purpose which this amendment is intended to serve in regard to the police officers and other officers authorised by the Provincial Government The power to be given by this proposed clause is solely for the purpose of ascertaining the identity of the offender and it is obviously impossible to issue a warrant against a person whose name and residence is not known The idea that a warrant should be necessary is inconsistent with the purpose of the clause I was saying that if the identity of the offender is not known, it is not possible to obtain a warrant Therefore, it seems to me that the section as it stands is perfectly sound and in accordance both with the Code of Criminal Procedure and with the requirements of the case I am not quite sure exactly what it is that the Honourable Member wants to change

Mr K Santhanam: May I ask the Honourable Member whether the person authorised will get a warrant before he could ascertain the name ?

The Honourable Mr. R M. Maxwell: Not under this clause. He does not know against whom to obtain a warrant

Maulvi Muhammad Abdul Ghani: Sir, I moved for the deletion of the clause but unfortunately it has been rejected Sir, the amendment of the Government reminds me of the famous proverb · "*Rozá Bakhshwane gae Qale pari nemáz*" "I want to get the fasting forgiven but five times prayer was made obligatory instead thereof"

Sir, the proposed section was opposed by the Punjab Government and several Associations as apparent from the Opinions received on the Bill

Sir, the proposed section 14 simply deals with reporting the matter and taking action in consultation with veterinary surgeon but here the police officer of any rank, including a constable, is authorised to arrest a person without warrant I cannot say why the Government are so much enamoured of police constable This is the first time for me in this House when I see that Government are enamoured of police constables. It is, therefore, my duty to oppose this.

Mr. S Satyamurti: Sir, I listened to the Honourable the Home Member's speech attentively, but it does seem to me that either the clause as it stands in the Bill or the section in the Code of Criminal Procedure ought to satisfy all reasonable demands of the case The clause as proposed to be amended by my Honourable friend, Mr Faruqui, authorises any police officer to arrest any person without a warrant If the Honourable the Home Member's answer to my Honourable friend, Mr. Santhanam, is correct, any person also without a warrant can arrest a person for the purpose of finding out his name and residence, etc. Now, Sir, so far as

the Code of Criminal Procedure goes, the police officers get that power because an offence is defined as " any act or omission made punishable by any law for the time being in force ", and, therefore, any offence which is committed under this Act in the presence of a police officer and if the man refuses to give his name and address, he can be arrested by a police officer But the simple question is,—is the House prepared to give any person authorised by the Provincial Government the power to arrest persons ? Now, so far as the clause in the Bill is concerned, as reported on by the Select Committee, what power is given is a much simpler one, that is a person authorised may arrest the animal and produce the same before a magistrate No doubt, such authorised officer may, when seizing the animal, require the person in charge thereof to accompany it to the place of examination It is a much less power than yours Yours, i e, arrest, carries with it a number of other obligations and restrictions on the part of the man On the whole, it seems to me, taking clause 14 as it stands in the Bill, and section 57 of the Criminal Procedure Code and the definition of offence in section 4 (*o*), it does seem to me that Government have ample powers Of course, we have great confidence and trust in the Provincial Governments, ours and others, but it does seem to me to vest any person appointed by the Provincial Government to arrest a person with or without a warrant is a weapon out of all proportion to the purposes of this clause I, therefore, do hope that Government will withdraw their amendment, and will let the clause as it stands If I can do so, I will commend that amendment No 54 be accepted and that will give power to any police officer above the rank of a constable to prevent these offences being committed and to give an order to save the animal Otherwise, in the name of saving the animals, we shall be sacrificing men to the tender mercies of many people.

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

" That in clause 13 of the Bill, for the proposed section 14 the following be substituted .

' 14 (1) Any police officer may arrest without a warrant, and any person authorized by the Provincial Government in this behalf may arrest, any person who in the view of such officer or authorised person commits any offence against this Act or any person in respect of whom such officer or authorised person has received credible information of his having committed an offence against this Act, if the name and address of such offender or accused person is unknown to such officer or authorised person and if the offender or accused person, on demand, declines to give his name and address or gives a name and address which such officer or authorised person has reason to believe to be false

Arrest of offenders

(2) When the correct name and address of a person arrested under sub section (1) have been ascertained, such person shall be released on his executing a bond, with or without sureties, to appear before a Magistrate, if so required

Provided that, if such person is not resident in British India, the bond shall be secured by a surety or sureties resident in British India.

(3) If the correct name and address of such person is not ascertained within twenty-four hours from the time of arrest, or if such person fails to execute a bond or, if so required, to furnish sureties, he shall forthwith be forwarded to the nearest Magistrate having jurisdiction.

[Mr. President]

(4) Any person authorised by the Provincial Government in this behalf, who has reason to believe that an offence against this Act has been or is being committed in respect of any animal, may, if in his opinion the circumstances so require, seize the animal and produce the same for examination by the nearest Magistrate or by such Veterinary Officer as may be designated in this behalf by rules made under section 15, and such police officer or authorised person may, when seizing the animal, require the person in charge thereof to accompany it to the place of examination.".

General power of seizure for examination.

The motion was negatived.

Mr K. Santhanam : Sir, I beg to move ·

"That in clause 13 of the Bill, in the proposed section 14, before the words 'Any person' the words 'Any police officer above the rank of a constable or' be inserted"

Sir, in the proposed section 14, as it stands, in the latter part it is said "and such police officer", whereas no mention is made of 'police officer' at all in the beginning of the section By putting it as 'Any police officer above the rank of a constable' I have brought it into line with the other sections Sir, I move.

Mr President (The Honourable Sir Abdur Rahim) . Amendment moved

"That in clause 13 of the Bill, in the proposed section 14, before the words 'Any person' the words 'Any police officer above the rank of a constable or' be inserted"

The Honourable Mr R. M. Maxwell : Sir, I accept the amendment.

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

"That in clause 13 of the Bill, in the proposed section 14, before the words 'Any person' the words 'Any police officer above the rank of a constable or' be inserted"

The motion was adopted.

Mr. K. Santhanam : Sir, I beg to move

"That in clause 13 of the Bill, in clause (*b*) of sub-section (*2*) of the proposed section 15, for the word 'prohibiting' the words 'prescribing conditions to prevent' be substituted."

Sir, you cannot create an offence in the rules about overcrowding of animals It is already prohibited in clause 3 (*3*) (*c*) What the rules can do is to take steps to give effect to the prohibition which is already enforced by statute So I am substituting the words 'preventing conditions to prevent' I commend the amendment to the acceptance of the House.

Mr President (The Honourable Sir Abdur Rahim) · Amendment moved

"That in clause 13 of the Bill, in clause (*b*) of sub-section (*2*) of the proposed section 15, for the word 'prohibiting' the words 'prescribing conditions to prevent' be substituted."

The Honourable Mr. R. M Maxwell : Sir, I accept the amendment.

Mr President (The Honourable Sir Abdur Rahim) · The question is

" That in clause 13 of the Bill, in clause (*b*) of sub-section (*2*) of the proposed section 15, for the word ' prohibiting ' the words ' prescribing conditions to prevent ' be substituted "

The motion was adopted.

Mr. Abdul Qaiyum : Sir, I move

" That in clause 13 of the Bill, clause (*c*) of sub-section (*2*) of the proposed section 15 be omitted and the subsequent clauses be re-lettered accordingly "

My object in moving this amendment is that a vast majority of the animals referred to in sub-clause (*c*) are used by the agricultural population and we know that agriculture is not a regular profession It might involve short periods of intensive work and long periods of absolutely no work , and I think that to prescribe conditions under which such animals shall not be allowed to work for draught purposes and also introduce limitation of the hours of work would be introducing legislation which is really not called for in this country It would mean unnecessary interference with a class of people called *Kisans* for whom my Honourable friend, Professor Ranga, and I entertain the greatest affection and regard Sir, I move

1 P M.

Mr President (The Honourable Sir Abdur Rahim) . Amendment moved ·

" That in clause 13 of the Bill, clause (*c*) of sub section (*2*) of the proposed section 15 be omitted and the subsequent clauses be re-lettered accordingly "

The Honourable Mr. R M. Maxwell : Sir, I must oppose this motion. It is particularly in regard to buffaloes that certain powers of regulation are necessary because they are the animals which probably suffer most from being driven during the hot hours of the day and I think it may safely be left to Provincial Governments to decide whether any regulation of the employment of buffaloes for draught purposes is required. This section only gives the rule-making power to the Provincial Governments and they need not use it unless it is required Sir, I oppose.

Mr President (The Honourable Sir Abdur Rahim) · The question is ·

" That in clause 13 of the Bill, clause (*c*) of sub-section (*2*) of the proposed section 15 be omitted and the subsequent clauses be re-lettered accordingly. "

The motion was negatived

Mr K. Santhanam : Sir, I move .

" That in clause 13 of the Bill, in clause (*d*) of sub-section (*2*) of the proposed section 15, after the word ' infirmaries ' the commas and the word ' , pinjrapoles,' be inserted "

My reason for this amendment is that we have permitted under clause 6 (*b*) a magistrate to send animals to the *pinjrapoles* ; and when he can send animals to the *pinjrapole* it is but fair that out of the fines collected the Provincial Government should have power to give money to *pinjrapoles* It is not as if we are prescribing that money should be given—we are only giving power to the Provincial Governments to give money and so I move this amendment.

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

" That in clause 13 of the Bill, in clause (*d*) of sub-section (*2*) of the proposed section 15, after the word ' infirmaries ' the commas and the word ' , panjrapoles,' be inserted "

Babu Baijnath Bajoria : Sir, I rise to support this motion wholeheartedly After all the work that the *panjrapoles* are doing for the old and sick animals, I think it is only just and proper that we should empower the Provincial Governments to make rules that out of the fines some money may be paid to them Sir, I support

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

" That in clause 13 of the Bill, in clause (*d*) of sub-section (*2*) of the proposed section 15, after the word ' infirmaries ' the commas and the word ' , panjrapoles,' be inserted "

The motion was adopted.

Mr. Abdul Qaiyum : Sir, I move

" That in clause 13 of the Bill, in clause (*g*) of sub-section (*2*) of the proposed section 15, the words ' in a local language ' be omitted and the words ' in a language or languages commonly understood in the locality ' be added at the end "

This sub-clause requires that persons owning or in charge of premises in which animals are kept or milked should register such premises Next, it expects such persons " to comply with prescribed conditions as to the boundary walls or surroundings of such premises, to permit their inspection for the purpose of ascertaining whether any offence against section 4 is being or has been committed therein " All these things are very important, and the Provincial Governments, under this Act, will be framing a number of complicated rules which these poor *gowalas* and other ignorant people will have to observe It is but meet that the rules should be published in as many languages as are commonly understood in the locality After all the fact remains that about most localities it may be said that one language is not the only language—there are several languages Take the case of Simla The Government notices here appear in English, and in Hindustani—in Urdu script and also Devnagari script , and in Southern India the situation becomes even more complicated I, therefore, commend this amendment for the acceptance of the House, because if this is accepted it will be possible for people to carry out more effectively the rules which have been framed by the Local Governments under this Act Sir, I move

Mr. President (The Honourable Sir Abdur Rahim) Amendment moved

" That in clause 13 of the Bill, in clause (*g*) of sub-section (*2*) of the proposed section 15, the words ' in a local language ' be omitted and the words ' in a language or languages commonly understood in the locality ' be added at the end "

The Honourable Mr R M Maxwell : Sir, I would accept the amendment

Mr President (The Honourable Sir Abdur Rahim) · The question is

" That in clause 13 of the Bill, in clause (*d*) of sub-section (*2*) of the proposed section 15, the words ' in a local language ' be omitted and the words ' in a language or languages commonly understood in the locality ' be added at the end."

The motion was adopted.

Prof. N. G Ranga : Sir, I move :

" That in clause 13 of the Bill, after clause (*g*) of sub-section (*2*) of the proposed section 15, the following new clause be added :

' (*h*) prohibiting the impounding of cattle in any place without adequate provision being made for adequate space, food and water ' "

It happens, not infrequently, that no adequate provision is made for food and drink and space in these pounds with the result that the cattle which are impounded there are starved and are made to suffer also owing to thirst and sometimes congestion And by the time they are put to auction they sell for very low prices with the result that the owners of these cattle have to suffer very considerably, in addition to causing so much cruelty to the animals themselves Therefore, I suggest that this amendment may be accepted by the House

Mr President (The Honourable Sir Abdur Rahim) Amendment moved

" That in clause 13 of the Bill, after clause (*g*) of sub-section (*2*) of the proposed section 15, the following new clause be added :

' (*h*) prohibiting the impounding of cattle in any place without adequate provision being made for adequate space, food and water ' "

Mr. M S Aney : Sir, I have no doubt that the principle of this amendment will commend itself to all Members of this House, but there is one thing which I should like to point out here There are Cattle Pound Acts in different provinces, at any rate in my province there is the Central Provinces Cattle Pound Act, and the Berars also have got the unique honour of having their own laws on many matters, and they have also got a Cattle Pound Act, which contain similar provisions I can't say whether the same can hold good in regard to the laws of other provinces relating to cattle pounds I think it would be advisable for all the provinces to incorporate provisions similar to this in their local Acts Sir, I, therefore, support this amendment

The Honourable Mr R. M. Maxwell : Sir, I am quite in sympathy with the object of this amendment, but I find some difficulty about its drafting We were told just now that the object of a rule is not to prohibit anything but to prescribe conditions But here is an amendment which prohibits the impounding of cattle in any place without adequate provision being made for adequate space, food and water Surely the object of the rule and what the Provincial Government should be empowered to do is to prescribe the provisions required relating to adequate food and water in a cattle pound and to see that that accommodation is not exceeded That surely is the proper form

Mr. S Satyamurti : Sir, I quite see the point of my Honourable friend, the Honourable the Home Member, but if he will kindly look at (*e*) of clause 15 (*2*) he will see it is stated there ' prohibiting the use of.. ' - In substance, I quite agree with the Honourable the Home Member's observations, but he has got an opportunity in the other place to correct both clause (*e*) and this clause if the House accepts it We want the vote of the House on the principle of this amendment, and later on, in the other place they can look into the matter and change both the clauses Sir, I commend the principle of this amendment for the acceptance of the House.

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

" That in clause 13 of the Bill, after clause (*g*) of sub-section (*2*) of the proposed section 15, the following new clause be added .

' (*h*) prohibiting the impounding of cattle in any place without adequate provision being made for adequate space, food and water ' "

The motion was adopted

Mr. N. A. Faruqui : Sir, I move .

" That in clause 13 of the Bill, after the proposed section 16, the following new section be added

' 17 No suit, prosecution or other legal proceeding shall lie against any person who is, or who is deemed to be, a public servant within the meaning of section 21 of the Indian Penal Code, in respect of anything in good faith done or intended to be done under this Act ' "

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

" That in clause 13 of the Bill, after the proposed section 16, the following new section be added

' 17 No suit, prosecution or other legal proceeding shall lie against any person who is, or who is deemed to be, a public servant within the meaning of section 21 of the Indian Penal Code, in respect of anything in good faith done or intended to be done under this Act '."

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

Clause 1 was added to the Bill

The Title and the Preamble were added to the Bill

The Honourable Mr. R M. Maxwell : 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 "

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

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

Shrimati K. Radha Bai Subbarayan (Madura and Ramnad *cum* Tinnevelly . Non-Muhammadan Rural) : Sir, I should like, first, to apologise to the House for rising at this late hour, and I am specially reminded of the reference made by one of my Honourable friends the

other day, to the sense of proportion in speeches at this stage of a Bill. I ask the House to pardon me if I do not conform strictly to that sense of proportion, because, fortune denied me an opportunity to join in the general discussion, and as I am deeply interested in this subject, I feel impelled to say a few words on this Bill.

Sir, this is one of the rare occasions when Members on this side of the House have the pleasure of welcoming a measure brought forward by the Government in response to public opinion I wish that these instances would be more frequent than rare and that the Government of India would allow themselves to be influenced by public opinion in all matters I am reminded now that there are certain measures that we are urgently in need of There are others besides animals whom the State has to protect against cruelty and hardship, such as the working and poorer classes, women and children This fact is brought home to us especially at Simla, if I may say so, where we have the pain of seeing weak, young and old people climing up the steep paths of Simla with heavy loads, either as coolies or rickshawmen Now, that the Government have dealt with the case of dumb animals, I do hope that they will give their attention to questions relating to the welfare of these others who, though not physically dumb, are still voiceless I trust that they will not shirk their duty by holding up to our face the concurrent list The Government of India must realise their responsibility of promoting a uniform national policy and of giving a lead and impetus to provinces in all matters just as they have done in this matter When I wrote to some friends in Geneva for information about legislation on the subject with which this Bill deals, one of my friends in her letter mentioned that when this Bill became law, India would occupy a place among the most modern and civilised nations of the world Well, we are very anxious that India should occupy the foremost place among all modern civilised nations with regard to all matters of national welfare. I shall not now say more about the subject.

I should like to say that as a woman also I welcome this measure. The women of India have repeatedly at their conferences and meetings expressed their earnest desire that Government should introduce legislation of this kind Perhaps the reason for women having a special interest in this matter, is that they know what it is to suffer and yet have to carry on the daily task Naturally, they can sympathise with the dumb sufferings of the animal servants of man Also, Sir, women feel that the sight of cruelty has an unwholesome effect on children. Women have an innate repugnance to any form of cruelty and have deep sympathy for those in pain and suffering I remember reading somewhere, " God has placed the genius of women in their hearts ". I do not want to labour this point here and now.

My principal reason for intervening in this debate is to inform this House and others that my friends and I are painfully aware that there is an impression among some people in this country and outside, that Indians are prone to be cruel towards animals. I was afraid that the support of this House to this Bill, particularly, the support of the Congress Party, would be misinterpreted as an endorsement of this opinion. This impression has grown because of the condemnatory

[Shrimati K Radha Bai Subbarayan.]

remarks of a peculiar class of foreigners who seem to come to this country to indulge in the unholy enjoyment of looking at the darkest and most unpleasant spots and then pointing out the finger of scorn at us Naturally, they have eyes only for such sights as are seen in some of our public streets and places, as half starved animals and stray dogs suffering from open wounds or festering sores There are dark spots in every country, not only in ours And in our country nobody is more conscious of them than those people who are anxious to improve conditions in India Sir, it is very wrong to generalise from any particular sight that a foreigner sees and then condemn the whole nation I think it is an international crime, and I should like to take this opportunity to repudiate emphatically the charge that has been levelled against my nation I agree with my Honourable friend, Mr Bajoria, and my Honourable friend, Mr Aney—I wish we could be in agreement on all questions of social reform—that tradition and custom have ordained that *Ahimsa*, kindness to animals, to all living creatures, should be part of our religion All our ancient prophets, writers, sages, and others have emphasised the importance of this principle, and even in these modern days of hard materialism, the greatest living exponent of this creed is an Indian,—Mahatma Gandhi With such tradition it is very difficult for us, if not impossible, to be cruel to animals No doubt, it does seem cruel when we see half starved animals But if those people who accuse us of cruelty would only give a few quiet moments to this matter, they would agree with me that the causes for the existence of these conditions in India are mainly two , first, the poverty, the appalling poverty of the great mass of our people and consequent ignorance and low economic life, and secondly, inertia due to a feeling of helplessness that is common to all subject nations in this world. Also human nature is the same all over the world, and certain failings in it give rise to a tendency in man to take an undue advantage of the helplessness of the meek and the humble If there is a great deal of cruelty to animals in this country like *phooka*, it is due to the desire of man to exploit them for purposes of personal gain I am as earnest as anybody in this House or outside that such people should be severely punished. In fact, I go further and I request the Government to consider whether they could not bring in legislation which would affect the owners of circuses and menageries Sometimes the animals in these places are treated very badly and I think it is necessary to take some steps to prevent cruelty to these animals also Wanton cruelty for commercial gain should always be punished with a strong hand.

With regard to animal sacrifice I cannot express in adequate language the abhorrence that I entertain I fully share the feelings of my Honourable friend, Mr. Hegde I was shocked at some of the descriptions that he read out from a pamphlet and I deeply regret that these practices are believed to exist in my own province I am entirely unaware that these practices exist and I do hope and trust that they are an old story and that they do not continue to be in practice now, and if they do, I hope the Congress Government will take stern measures to suppress them. Even animal sacrifices are due to this spirit of exploitation of a group of people who are known in our parts as *pujaris*.

They prey on the ignorance and superstition of poor people and manage to make a living by inducing them to offer animal sacrifice Also, as a woman, I resent that these people should depict the noble queen of these mountains as a blood thirsty dragon That shows how unfair men can be to women !

I do not want to take up too much time of the House but I should like to say before I close, how much I appreciate the noble work of philanthropic societies like the Humanitarian League, the S P C As and others They have done a great deal with regard not only to giving relief to sick animals but also with regard to propaganda which is of great importance if this Act is to be a success I should like to draw the attention of the House, the Government and also these societies to two points and that is whether it would not be possible to give some kind of relief to the poor man whose only source of income and livelihood is an animal, which has to be sent to hospital or destroyed under the provisions of this Act and, second, that the poor paid employee should not be made to pay the penalty for the sins of omission and commission of his employer or for obediently carrying out the orders of his employer This Act is meant for humane purposes and I congratulate the Home Member for introducing it but the success of it will depend on the manner in which it will be enforced. I do hope that the magistrates and the police and other agencies who will have to carry out the provisions of this Act will do so in the spirit in which this legislation has been introduced Sir, I support the motion

Mr M. S Aney : Before submitting any observations on the third reading I really want to offer my congratulations to my friend, Mr. Govindarao, Deshmukh, a distinguished Member of this House. It is he who first gave notice of a Bill to amend the Prevention of Cruelty to Animals Act with a view to make stringent provisions against *phooka* practice. After he gave notice of the Bill, official conscience was aroused and later on, a friendly suggestion was made that the Government was prepared to come forward with a more detailed and comprehensive measure and that it would be proper for Mr Govindarao Deshmukh to withdraw his Bill in favour of the official Bill Mr. Deshmukh ultimately agreed to this suggestion and we have now before us a Bill which has gone through all the stages in this House. Before thanking the Government, I think the House should really thank Mr. Deshmukh for having set the ball rolling in the proper direction in regard to this matter.

The horrifying atrocities we have heard about the *phooka* practice and the abhorrence with which it is held by the general public are not altogether new things. In the Press and elsewhere, agitation has been going on for some years in the past but for a number of years it went unheeded by the authorities It was because that a private Member of this House brought forward a Bill to deal with the matter that the Government thought that they must not lag behind in this matter. Better late than never and we are now about to put a Bill on the Statute-book. No subject should interest a humanitarian more than the one in which an attempt is made to improve the condition of those who cannot and can never protest—the dumb driven cattle, the birds and other animals with whom man not merely comes in contact but from whom man even exacts some work and service also. They must be primarily the object of his attention and care. This is a subject to which the Indian people, being

[Mr. M. S. Aney.]

primarily a people engaged in the agricultural industry, depending entirely on the labour of the cattle, have paid a good deal of attention in olden times In Sanskrit works, there are references to the treatment of animals. In the Smritis, a number of provisions have been laid down, which lay down rules for the treatment of animals There is a passage in Yagnavalkya or Narada which says that that is a cruel man who allows his plough to be carried only by two bullocks—an act for which he has to make some kind of atonement My friend, Mr Bajoria, in one of his amendments has referred to a suggestion to the effect that she-buffaloes and cows should not be used for the purpose of ploughing and other heavy work. There is an exact provision made on that point also in our old Sanskrit works. Detailed rules have been laid down for the treatment and care of animals. This is a subject in which the Indian people, who are primarily engaged in agriculture, were deeply interested No cultured people can ever think of ignoring this matter altogether I regard the treatment given to dumb cattle and the birds and other animals which we love or which we preserve as one of the signs or index of the culture and, therefore, the amount of compassion that we show to these animals is a measure of the culture which we have attained

I am glad that a subject which has, unfortunately, been neglected for a number of years has now received a good deal of attention through the efforts of some humanitarian bodies and other individuals and many evil customs prevalent in our society in spite of all these religious injunctions in the Shastras have been found to exist and also prominently brought to the notice of the world, and, if we now find that by the present Bill we cannot adequately deal with all the evils mentioned by my Honourable friend, Mr Hegde, then I believe, in the near future we shall have a new Bill introduced in this House which will enable us effectively to do away with the very cruel customs which have been so very feelingly described before us by the Honourable Member And let us hope that we shall, hereafter, pursue this question and not be content with the achievement we have already made We must take it as a good beginning in the right direction and conclude our labours with determination to pursue the matter further until we have substantially eradicated all these evils of which any civilized people ought to be ashamed With these few words, I offer my congratulations to the House for having put this measure on the Statute-book and also to the Honourable the Home Member for having taken all the trouble to enable the House to deal with this question speedily and successfully.

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

Mr. Deputy President (Mr Akhil Chandra Datta) I want to take the sense of the House, because, ordinarily, before giving at least one Member of each Party the chance to speak, it would not be fair on the part of the Chair to close the debate, especially as the Deputy Leader of the Muslim League Party has got up Before proceeding further I want to tell the House that if any Member of any Party who has not yet spoken gets up, I think I should give him a chance Mr. Ghulam Bhik Nairang.

Syed Ghulam Bhik Nairang (East Punjab : Muhammadan) : Sir, I do not propose to occupy much time of the House with a speech ; in fact nothing like a speech is required,—and I do not in the least make any reflec-

tion on my Honourable friend, Mr. Aney, who has just preceded me because I do not think he has made any unnecessarily long speech. I wish simply by way of formality to tender my congratulations to the Honourable the Home Member for giving us a highly useful and long-needed measure and for having successfully piloted it through this House. There is no doubt that the subject of prevention of cruelty to animals is engaging the attention of all right-minded people in this country and the abominable practice of *phooka* has long been so much in vogue and so much agitation has been going on against it that people will feel very much gratified indeed that we have now passed this measure against that practice It will be noted that in the Prevention of Cruelty to Animals Act of 1890 also there was section 4 making it an offence to practise *phooka* and prescribing a sentence of fine or imprisonment or both, but the term *phooka* was not defined in that Act, perhaps the subject remained vague on that account, and the maximum sentence which was prescribed was only three months' imprisonment or a fine of one hundred rupees or both Now, of course, we have given the definition of what is meant by *phooka* and we have prescribed much heavier sentences,—two years' imprisonment, a fine of Rs 500, and the confiscation of the animal on which *phooka* is practised So, I think this heavier sentence will prove a deterrent and this abominable practise will cease Sir, it is all the more revolting because the vast majority of people who practise it are *gowallas* who profess the Hindu faith which regards the cow as such an object of veneration and calls it *go-mata*. In spite of those sentiments, this cruel practice has been indulged in so long by these *gowallas* for the sake of filthy lucre and I hope that the more efficient measures that we have now prescribed for the detection of this crime will have the effect of stopping it altogether With these words, I support the motion

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

Mr. Deputy President (Mr Akhil Chandra Datta) As I said before, I will first see that each Party gets its own turn I now call upon Mr Bajoria But in view of the feeling in the House, I would request the Honourable Member not to speak for more than three or four minutes

Babu Baijnath Bajoria : Sir, I have to draw the attention of this House to only one point and that is why I have insisted upon standing up. Sir, I am glad that this measure is going to be passed by this House and to be placed on the Statute-book in a very short time Sir, now the whole responsibility of administering this useful measure will rest upon Provincial Governments It is for the purpose of stressing that point that I have stood up. We know that even in the previous Act there was a provision for stopping *phooka* but, unfortunately, the Provincial Governments did not do their duty as they should have done. Now, I think, that these elaborate provisions which we have made here, and especially the provisions in clause 12, in which we have given powers that wherever any section of this Act is to be applied, all the sections relating to *phooka* will be applied by the Local Government in that area, are very useful, I think that all the Provincial Governments will make it a point to extend the sections of this Act which relate to *phooka* as early as possible, because otherwise there will be no use in our making an elaborate Bill which has received such a cordial reception from all sides of this House ; and I think the Government of India may also request Provincial Governments to move in this matter Sir, I congratulate the House upon passing this useful measure.

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

Mr Deputy President (Mr Akhil Chandra Datta) The question is that the question be now put.

The motion was adopted.

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

" That the Bill, as amended, be passed "

The motion was adopted

THE EMPLOYMENT OF CHILDREN BILL

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour) Sir, I beg to move ·

" That the Bill to regulate the admission of children to certain industrial employments be taken into consideration "

Sir, this Bill, I venture to think, is not only non-controversial, but, I am sure, will have the sympathy of all sections of the House What it seeks to do is to restrict the employment of children below 15 years and in one case below 14 years in the transport of goods, passengers or mail by railway and in the handling of goods in docks and wharves Having regard to the anxiety of the House to finish the consideration of the remaining list of business as quickly as possible, I shall not enter into any details Notice of certain amendments has been given , I am sure that with regard to such of them as are likely to improve the Bill, there shall be no difficulty in accepting them With regard to others, I am equally sure there will be no difficulty in persuading Honourable Members in whose names they stand not to move them Sir, I move

3 P.M.

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

" That the Bill to regulate the admission of children to certain industrial employments be taken into consideration "

Sardar Sant Singh (West Punjab : Sikh) : Sir, it was in the fitness of things that after we have passed the Bill for the prevention of cruelty to animals there ought to have been another Bill to prevent cruelty to young children. I really congratulate the Honourable Member for having brought this useful measure in this House The employment of children younger than 14 or 15 years is really very undesirable, especially in the case of those employments where the younger children are open to face certain risks In the Statement of Objects and Reasons it is stated that this Bill has been introduced in conformity with the recommendations of the International Labour Conference and it is in that connection that certain provisions are to be made in employing children in handling the loads at ports I do not want to make a long speech in this connection, but I do welcome this measure as necessary and it was probably overdue by this time

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

" That the Bill to regulate the admission of children to certain industrial employments be taken into consideration."

The motion was adopted

Clause 2 was added to the Bill

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

" That clause 3 stand part of the Bill "

Mr. K. Santhanam (Tanjore *cum* Trichinopoly Non-Muhammadan Rural) Sir, I beg to move .

" That in sub-clause (*1*) of clause 3 of the Bill, for the word ' connected ' the words ' involving the handling of loads in connection ' be substituted."

Sub-clause (*1*) runs thus :

" No child who has not completed his fifteenth year shall be employed or permitted to work in any occupation connected with the transport of passengers, goods or mails by railway "

According to the wording of this sub-clause, even a newspaper boy or a boy who sells soda water or *pan* will be affected because he is engaged in an occupation connected with the transport of passengers I want to avoid this contingency and restrict the clause to those who are engaged in heavy work My amendment is also in line with the wording of sub-clause (*2*). Sir, I move

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

" That in sub-clause (*1*) of clause 3 of the Bill, for the word ' connected ' the words ' involving the handling of loads in connection ' be substituted "

The Honourable Sir Muhammad Zafrullah Khan · Sir, it is no doubt true that the clause as it stands in the Bill would have the effect of prohibiting the employment of children below 15 years to work in any occupation connected with the transport of passengers, goods or mails by railway. On the other hand, the effect of the amendment is so to restrict the clause that such employment shall be prohibited only in connection with work involving the handling of loads I am prepared to admit that the clause is perhaps rather widely framed but I am afraid the amendment is too restrictive I discussed this amendment with the Honourable the Mover this morning and I put my difficulty to him I am not particularly wedded to the wording of the clause itself but I will point out that if the provisions of the clause are restricted in the manner suggested in the amendment, then, apart from the actual handling of the loads, such as parcels or passengers' luggage and so on, the employment of children below 15 will still be open in all sorts of other capacities It may be that with regard to some of these capacities, there may be no objection For instance, as was pointed out by the Mover to me, a child below 15 may well take a tea tray to a passenger or sell a newspaper or something of that sort, but what I am worried about is that there may be other occupations or work in connection with the transport of goods, apart from these categories, where it may not be desirable that children should be employed. Therefore, after considering the whole position, I am prepared to accept whatever the sense of the House may be on this. I wish to leave this

[Sir Muhammad Zafrullah Khan.]

matter to the free vote of the House So far as the official block is concerned, we shall not vote on it and we shall accept whatever the House decides

Mr. N V. Gadgil (Bombay Central Division Non-Muhammadan Rural) Sir, I think the object of this Bill is to prevent children being employed in actual work which involves physical strain. From that point of view, the amendment of my Honourable friend, Mr Santhanam, is the best and it also leaves sufficient room for poor parents to employ their children in such branches of transport industry in which no physical strain is involved I, therefore, hope that the House will accept the amendment moved by Mr Santhanam

Prof N. G. Ranga (Guntur *cum* Nellore · Non-Muhammadan Rural) : Sir, it is not quite easy for me to appreciate this amendment because, first of all, we do not have a definite provision as to what are those different things which these children can be expected and are being made to do on the railway platforms, railway workshops and in several other places connected with the railways It is wrong to think that these people will be employed only in handling goods and passing them from the goods vans or godowns to the platforms or anything like it I have known many children being employed even as news boys or messenger boys on the railway platforms While the train is at a station, to allow children to run about from one end of the platform to the other in order to cater to the needs of the passengers is a very risky affair Therefore, I personally, am not so sure whether by accepting this amendment we would be really doing any good to labbour as such I quite see the difficulty mentioned by my Honourable friend, Mr Santhanam, that there are many people who employ their children in occupations where no risk is involved. But, on the whole, the balance of advantage lies on the side of the clause as it is in the Bill It does not matter if a few people who are today employing their children will not be able so to employ them in future if this particular amendment were not accepted. Therefore, I cannot very well say that I am in favour of this amendment

Maulana Zafar Ali Khan (East Central Punjab Muhammadan) · The scope of the Bill is very narrow

Mr Deputy President (Mr Akhil Chandra Datta) . The House is now discussing the amendment No 3 moved by Mr Santhanam So the Honourable Member must confine himself to the amendment He cannot discuss the scope of the Bill That stage is over.

Maulana Zafar Ali Khan In that case I will reserve my remarks for the third reading stage

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

" That in sub-clause (*1*) of clause 3 of the Bill, for the word ' connected ' the words ' involving the handling of loads in connection ' be substituted "

The motion was negatived.

Shrimati K. Radha Bai Subbarayan (Madura and Ramnad *cum* Tinnevelly : Non-Muhammadan Rural) : Sir, I beg to move :

" That in sub-clause (*2*) of clause 3 of the Bill, for the word ' fourteenth ' the word ' fifteenth ' be substituted."

Sir, I do not think it is necessary for me to make a long speech to commend this amendment to the House A child of 14, I hope the House will agree, is too young to be employed for this kind of work, and also for the sake of uniformity, I think the age of 14 should be raised to 15. Sir, I move.

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

" That in sub clause (*3*) of clause 3 of the Bill, for the word ' fourteenth ' the word ' fifteenth ' be substituted "

The Honourable Sir Muhammad Zafrullah Khan : Sir, I accept the amendment.

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

" That in sub-clause (*3*) of clause 3 of the Bill, for the word ' fourteenth ' the word ' fifteenth ' be substituted."

The motion was adopted.

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

" That clause 3, as amended, stand part of the Bill "

The motion was adopted.

Clause 3, as amended, was added to the Bill.

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

" That clause 4 stand part of the Bill "

Mr N M Ayyar (Government of India Nominated Official) Sir, I beg to move

" That in clause 4 of the Bill, the words and figure ' section 2 or ' be omitted "

Sir, the object of my amendment is to rectify obvious error , there is no reference in clause 2 of the Bill, which is merely a definition clause, to children or the employment of children Sir, I move

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

" That in clause 4 of the Bill, the words and figure ' section 2 or ' be omitted "

The motion was adopted.

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

" That clause 4, as amended, stand part of the Bill "

The motion was adopted.

Clause 4, as amended, was added to the Bill.

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

" That clause 5 stand part of the Bill."

Mr. K. Santhanam : Sir, I beg to move .

" That in sub-clause (*f*) of clause 5 of the Bill, for the words ' either the employer of a child or the child himself has obtained a certificate ', the words ' at the time of employment, a certificate had been obtained ', be substituted."

Sir, I move this amendment because a certificate can be obtained not only by a child or its employer but by a trade union or by any Association or contractor of labour or anybody who will be concerned with the child There is no reason why the obtaining of a certificate should be restricted as proposed in the clause

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

" That in sub clause (*f*) of clause 5 of the Bill, for the words ' either the employer of a child or the child himself has obtained a certificate ', the words ' at the time of employment, a certificate had been obtained ', be substituted "

The Honourable Sir Muhammad Zafrullah Khan : I accept the amendment.

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

" That in sub clause (*f*) of clause 5 of the Bill, for the words ' either the employer of a child or the child himself has obtained a certificate ', the words ' at the time of employment, a certificate had been obtained ', be substituted "

The motion was adopted

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

" That clause 5, as amended, stand part of the Bill "

The motion was adopted

Clause 5, as amended, was added to the Bill

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

" That clause 6 stand part of the Bill "

Mr. K. Santhanam : I beg to move ·

" That in clause 6 of the Bill, for the words ' appoint persons to be inspectors ' the words ' appoint any person or any person holding a particular office to be an inspector ' be substituted "

Sir, from the clause, as it stands, it appears to me that the Provincial Government may only appoint persons by name and not appoint persons by office For the purpose of the Bill we must give them power to designate persons in virtue of their office to do it I am not quite sure whether this is covered by the General Clauses Act , if it is not covered I would press my amendment, but if it is covered then I will not press my amendment Sir, I move

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

" That in clause 6 of the Bill, for the words ' appoint persons to be inspectors ' the words ' appoint any person or any person holding a particular office to be an inspector ' be substituted."

The Honourable Sir Muhammad Zafrullah Khan : Sir, I would submit that though I have no quarrel with the object of this amendment, it is really covered by the provisions of the General Clauses Act Section 15 of that Act says

" Where by any Central Act or Regulation a power to appoint any person to fill any office or execute any function is conferred, then, unless it is otherwise expressly provided, any such appointment, if it is made after the commencement of this Act, may be made either by name or by virtue of office "

And, of course, as everybody knows, sub-section (*2*) of section 13 of the same Act says that words in the singular shall include the plural and *vice versa* I think this should clear up the doubt which Mr. Santhanam had, and I, therefore, submit that the amendment is unnecessary

Mr. K. Santhanam : Sir, I do not press the amendment and I ask for leave to withdraw it.

The amendment was, by leave of the Assembly, withdrawn

Mr. K. Santhanam : Sir, I move

" That in clause 6 of the Bill, for the words ' all inspectors ' the words ' any inspector ' be substituted "

I think this is the usual form in legislation and so I move it

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

" That in clause 6 of the Bill, for the words ' all inspectors ' the words ' any inspector ' be substituted."

The Honourable Sir Muhammad Zafrullah Khan : Sir I accept the amendment

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

" That in clause 6 of the Bill, for the words ' all inspectors ' the words ' any inspector ' be substituted."

The motion was adopted.

Mr. K. Santhanam : Sir, I move

" That in clause 6 of the Bill, for the word ' servants ' the word ' servant ' be substituted."

The Honourable Sir Muhammad Zafrullah Khan : Before you put the question, Sir, I think it ought to be " a public servant ' in place of the words " public servants ".

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

" That in clause 6 of the Bill, for the words ' public servants ' the words 'a public servant ' be substituted."

The motion was adopted.

Mr. Deputy President (Mr Akhil Chandra Datta) : 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

Prof. N. G. Ranga : Sir, I move :

" That after clause 6 of the Bill, the following new clause be added and the subsequent clauses be re-numbered accordingly .

' 7. The hours of work for a child shall be so arranged that they shall not spread over more than seven and a half hours in any day '."

Sir, this recommendation was made as long ago as 1931, by the Royal Commission on Lobour, and I do not know why the Government have not thought it fit to implement this even now, seven years after it was made In the Factories Act itself there are provisions—sections 54 to 57—dealing with the hours of work and the manner in which those hours should be spread over in any particular day and so on My amendment is only a copy of section 54 (*2*) of that Act which says :

" The hours of work of a child shall be so arranged that they shall not spread over more than seven and a half hours in any day "

So, I do not know whether in these railways and ports, the Factories Act applies In the definition of the word ' factory ' I do not find any mention at all If it does not apply, then I want to know what is the earthly use of simply prohibiting young children below 15 years from being employed here if no provision is made in this particular Bill for the manner in which their hours of work should be spread over in any particular day for those children who are going to be employed under this Bill Therefore, I suggest that it is only reasonable that the Government should accept my amendment and thus make it impossible for them to employ these children for more than 7½ hours in any particular day Sir, I move

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

" That after clause 6 of the Bill, the following new clause be added and the subsequent clauses be re-numbered accordingly

' 7 The hours of work for a child shall be so arranged that they shall not spread over more than seven and a half hours in any day ' "

The Honourable Sir Muhammad Zafrullah Khan : Sir, I am afraid I must oppose this amendment The Honourable the Mover has said, " What is the use of this Bill if you are not prepared to prescribe the maximum number of hours that a child may work ? " I am afraid the matter is the other way about What this Bill seeks to do is to prohibit altogether the employment, in certain professions and in certain kinds of work, of children below 15 years of age. That is the scope of the Bill ; and I am afraid the amendment is, in the first place, out of order, because it is outside the scope of the Bill · it seeks to regulate the hours of work of children in other employments : in cases covered by this Bill they will not be employed at all below 15 years of age... ..

Prof. N. G. Ranga : But what about others ? Those who are above 15 years ?

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member has not tried to insert in this Bill any definition of a child The amendment is too general. It reads as if he is seeking to regulate the hours of work of children whose employment in this class of work the Bill seeks to prohibit altogether But apart from that I would draw the Honourable Member's attention to the fact that to the extent to which these children are subject to the Factories Act the matter is regulated by the provisions of that Act If the Honourable Member is anxious to carry that principle further, I am afraid he must seek some other opportunity to do so This amendment is really out of place altogether in this Bill.

Prof. N. G. Ranga : Sir, I ask the leave of the House to withdraw my amendment

The amendment was, by leave of the Assembly, withdrawn

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

" That clause 7 stand part of the Bill "

Mr. N. M Ayyar : Sir, I move

" That in sub-clause (*i*) of clause 7 of the Bill, the bracket after the word ' Gazette ' and the bracket before the word ' make ' be omitted "

This is merely a drafting change Sir, I move

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

" That in sub-clause (*i*) of clause 7 of the Bill, the bracket after the word ' Gazette ' and the bracket before the word ' make ' be omitted "

The motion was adopted

Mr. K. Santhanam : Sir, I move :

" That in part (*b*) of sub-clause (*ii*) of clause 7 of the Bill, after the words ' which may issue such certificates ' the words and comma ' the form of such certificate, ' be inserted."

Sir, it is desirable that certificates should be issued in an uniform manner, and so I move this amendment

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

" That in part (*b*) of sub-clause (*ii*) of clause 7 of the Bill, after the words ' which may issue such certificates ' the words and comma ' the form of such certificate, ' be inserted."

The Honourable Sir Muhammad Zafrullah Khan : Sir, I accept the amendment

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

" That in part (*b*) of sub-clause (*ii*) of clause 7 of the Bill, after the words ' which may issue such certificates ' the words and comma ' the form of such certificate, ' be inserted."

The motion was adopted.

Mr. K. Santhanam : Sir, I beg to move :

" That to part (*b*) of sub-clause (*3*) of clause 7 of the Bill, the following proviso be added :

' Provided that no charge shall be made for the issue of any such certificate if the application is accompanied by evidence of age deemed satisfactory by the autority concerned '."

Sir, after the passage of this Bill, every employer will automatically require certificates I am only anxious that poor people who have got evidence of age either by birth certificates or other reliable evidence should not have to pay anything for that certificate After all, by producing such evidence, they will make the work of those authorities who are entrusted with the task of issuing a certificate somewhat easy I hope this amendment will be accepted by the House

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

" That to part (*b*) of sub-clause (*3*) of clause 7 of the Bill, the following proviso be added

' Provided that no charge shall be made for the issue of any such certificate if the application is accompanied by evidence of age deemed satisfactory by the autority concerned '."

The motion was adopted

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

" That clause 7, as amended, stand part of the Bill."

The motion was adopted.

Clause 7, as amended, was added to the Bill.

Clause 8 was added to the Bill.

Clause 1 was added to the Bill

The Title and the Preamble were added to the Bill

The Honourable Sir Muhammad Zafrullah Khan : Sir, I move :

" That the Bill, as amended, be passed "

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

" That the Bill, as amended, be passed."

Maulana Zafar Ali Khan : Sir, it would be very audacious on my part after this Bill has passed through its various stages to raise my voice against it as a halting and lame measure If you will go through the Statement of Objects and Reasons given by the Honourable Sir Muhammad Zafrullah Khan, you will see that this Bill relates only to those children who are employed either on the railways or on the ports, as if the enormous number of children of India with ages varying between 14 and 15 out of a total population of 37 crores, had no claim on the benevolence and generosity of our Honourable friend here Sir, the scope of this Bill is very narrow It extends only to a small number of children employed in the two industries mentioned in this Bill, but if you cast a glance at the miserable life of India, you will find that there are millions and millions of children who die before they actually

attain the age of 14 years, because they are under-fed, under-nursed and are not properly looked after, and their growth is arrested Therefore, Sir, the Government, which has shown so much solicitude for the welfare of those whildren who are employed on the railways and the ports, should also have kept a soft corner in their heart for those children who throughout the length and breadth of India are suffering and suffering terribly Take the case of a poor peasant who has got two children and has say about ten acres of land He cannot employ a labourer, and so he has to employ his own children to do his work, and these poor children between five and six years of age have to sweat and labour from morn till night and there is no law which can prevent this You may introduce these measures so far as the children employed on the railways, ports and mines are concerned, but what about those children who live in the 500,000 villages of India ? You don't do anythink for them Unless you take upon yourself the responsibility of educating them, of providing them with medical relief, milk and other amenities of life. you have no right to introduce this Bill, we will not allow you to take credit for this Bill by saying 'We are for the children of India' First do something for those millions of children who are in the villages, then only this Bill can have some claim for our consideration I, therefore, oppose this Bill, Sir

Prof N. G. Ranga : Sir, I only wish to say a few words My Honourable friend, Sir Muhammad Zafrullah Khan, asked me to take another opportunity to see that some steps are taken to limit the hours of work and their spread-over also as far as the youngmen who will come to be employed hereafter on the railways and ports I do recognise the fact that those who are above 15 years are today described as adolescents under the Factories Act of 1934, but even in regard to these people, certain provisions are already provided in the Factories Act which apply to the kind of young people as are to be employed in the two employments mentioned here, and that is why I wish to draw the attention of my Honourable friend to the provisions of the Factories Act and request him to consider whether it may not be possible for him in the not distant future to introduce a suitable measure to provide protection for these young people For instance, section 52 of the Indian Factories Act says .

" (*b*) a certificate of fitness to work in a factory as an adult, if he is satisfied that such person has completed his fifteenth year and is fit for a full day's work in a factory."

This is insisted upon in respect of those employees who are to be employed in the two industries mentioned here, but in regard to those people who will come to be employed under railways and ports, there is no provision at all in this Bill, and I hope the Honourable Member will keep this in mind

Then, there is one other point, Sir, which I should like to mention. There is section 58 (*b*) which says

" that a child or adolescent working in a factory with a certificate is no longer fit to work in the capacity stated therein."

That empowers the Factory Inspector to state that a child or adolescent working in a factory with a certificate is no longer fit to work in the capacity therein stated That also empowers the Factory Inspector

[Prof. N. G. Ranga.]

to weed out from time to time those people who are not fit to work although they are beyond 15 years of age This power should also be given hereafter to Factory Inspectors or others

Then, there is also a third point Section 59 says :—" The Provincial Government may make rules " and there is one item mentioned here " prescribing the physical standards to be attained by children and adolescents " This is also needed In fact, all these detailed powers are to be given to medical authorities to certify under what circumstances these medical certificates are to be given, and they should record their reasons in writing should they refuse to give a medical certificate I sincerely hope that the Provincial Governments or the Central Government when they come to make rules under this particular Act will keep in mind these particular provisions in the Factories Act and see that the medical officers will issue certificates with due care to the age of the children as also their fitness to carry on work, and try to prevent all those who are really below 15 years of age from being employed, and all those who are above 15 years are allowed to work only when they are medically fit I hope, Sir, Government will introduce such a measure in the next Session at least

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

" That the Bill, as amended, be passed "

The motion was adopted.

THE EMPLOYERS' LIABILITY BILL

The Honourable Sir Muhammad Zafrullah Khan (Member of Commerce and Labour) . I move

" That the Bill to declare that certain defences shall not be raised in suits for damages in British India in respect of injuries sustained by workmen be taken into consideration "

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

Sir, this is a Bill which will, I am sure, have the sympathy of the whole House The object, briefly, is this It is an old doctrine of the English Common Law that if a workman sustains injury by reason of something done or neglected to be done by another workman in the same employment, the employer is not normally liable to pay damages in respect of the injury Again, there is the doctrine of assumed risk by which an employee is presumed to have accepted a risk if it is such that he ought to have known it to be part of the risks of his occupation The Royal Commission on Labour held that these defences were inequitable defences and they recommended by a majority that they should be abrogated in India. So far as judicial pronouncements on this matter are concerned, on at least the first of these defences, that is to say, the defence of common employment, there have been conflicting decisions Therefore, it has been considered desirable that it should be clearly laid down by Statute that in India these defences would not be available in suits to recover damages in respect of injuries sustained by a workman Sir, I move.

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

" That the Bill to declare that certain defences shall not be raised in suits for damages in British India in respect of injuries sustained by workmen be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

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

" That clause 3 stand part of the Bill."

Mr K. Santhanam (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) I move

" That in sub-clause (*d*) of clause 3 of the Bill, after the words ' in that behalf ' the words ' or in the normal performance of his duties ' be inserted "

As the clause stands, " by reason of any act or omission of any person in the service of the employer done or made or in obedience to particular instructions given by any persons ", it does not exclude consequences arising from the normal performance of duties by any person working along with the person injured My amendment seeks to supply the omission I hope that it will be accepted

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

" That in sub-clause (*d*) of clause 3 of the Bill, after the words ' in that behalf ' the words ' or in the normal performance of his duties ' be inserted."

The Honourable Sir Muhammad Zafrullah Khan : I accept it

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

" That in sub-clause (*d*) of clause 3 of the Bill, after the words ' in that behalf ' the words ' or in the normal performance of his duties ' be inserted."

The motion was adopted

Mr. K Santhanam : I move :

" That in clause 3 of the Bill, after the words ' shall not fail ' the words ' the assessment of damages shall not be affected ' be inserted."

I am told that legally the assessment of damages will be made only upon the extent of the injury and will not depend upon the fact of the person being in the employment or any other such reason. If that is the correct legal position I won't press the amendment. I want an authoritative pronouncement from the Honourable the Law Member before I consider the question of moving or withdrawing the amendment.

The Honourable Sir Manmatha Nath Mukerji (Law Member) : That is the correct legal position

Mr. K. Santhanam : In that case, I ask for leave to withdraw my amendment

The amendment was, by leave of the Assembly, withdrawn

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

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

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

"That clause 4 stand part of the Bill"

Prof N. G Ranga (Guntur *cum* Nellore Non-Muhammadan Rural) I move :

"That for clause 4 of the Bill, the following be substituted

'4 Any claim for such damages shall not fail by reason only of the fact that the workman has either expressly or impliedly undertaken any risk attaching to his employment'"

If we allow clause 4 to stand as it is, it will come to mean in actual practice that in the case of a large number of workers it would be possible for employers to extract either written or unwritten agreements from them to the effect that they have understood the risk, and having understood the risk they propose to carry on the work Their employers need not then consider themselves liable to pay compensation in regard to any of the risks that may be involved there In view of the fact that our workers, in most cases, are not able to look after themselves either with the aid of an organisation or otherwise, it is only fair that my amendment should be accepted and their interests protected Under the present law as it stands, it is on the same plane as the general provisions of the Workmen's Compensation Act. Even there it is stated that if a worker, either knowingly or unknowingly, disobeys any sort of instruction that may be given either by the employer or any of his agents and thereby incurs any risk and becomes a victim of any accident, he need not be paid any compensation at all This provision does not exist in the English Workmen's Compensation Act, and to that extent already our workers are very much under a great disability If on top of it we were to insist upon this clause 4, our workers would be subject to greater disabilities and it would not be fair What is more In England the workers are much more educated, they are better organised and are better able to look after themselves than our own workers, and in spite of that, so many privileges are allowed to those people even under the Workmen's Compensation Act in that country. In these circumstances it is only fair on the part of Government to accept my amendment and thus make it possible for our workers to entitle themselves to workmen's compensation if ever they were to incur any risks and thus come to suffer from any accident Sir, I move

Mr President (The Honourable Sir Abdur Rahim) : Amendment moved

"That for clause 4 of the Bill, the following be substituted :

'4 Any claim for such damages shall not fail by reason only of the fact that the workman has either expressly or impliedly undertaken any risk attaching to his employment'"

The Honourable Sir Muhammad Zafrullah Khan : I am afraid I must oppose this amendment. I am not prepared to carry this principle to the extent to which the Honourable Member desires but in order to make the position perfectly clear, I am prepared to accept amendment No. 8, which does not leave the matter merely at the stage of " understood " by the workman I am not prepared to go beyond this

Mr. N. V. Gadgil (Bombay Central Division Non-Muhammadan Rural) : The position of the worker is not sufficiently appreciated by my friend, the Mover of the Bill In this country most of the workmen are illiterate and the contract of employment usually bears the thumb impression of the employee, on the authority of which the employer says that the nature of the risk has been fully understood by the worker I take it that it is the object of this Bill to safeguard the interests of the worker and whether the worker has voluntarily or otherwise undertaken the risk, a suit for damages ought not to fail only by reason of that That is the purpose of this amendment and I suggest that in the interest of the workers this amendment ought to be accepted by the House

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

" That for clause 4 of the Bill, the following be substituted

' 4 Any claim for such damages shall not fail by reason only of the fact that the workman has either expressly or impliedly undertaken any risk attaching to his employment ' "

The motion was negatived.

Mr K Santhanam : Sir, I move

" That in clause 4 of the Bill, before the word ' understood ' the words ' explained to and ' be inserted "

I would have preferred the amendment of Mr Ranga but as it has not been carried I move this The object of this amendment has already been explained by the Leader of the House So, I merely move it

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

" That in clause 4 of the Bill, before the word ' understood ' the words ' explained to and ' be inserted."

The motion was adopted

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

" That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Prof. N. G. Ranga : Sir, I move :

" That after clause 4 of the Bill, the following new clause be inserted and the subsequent clause be re-numbered accordingly :

' 5 Any contract or agreement whether made before or after the commencement of this Act whereby a workman relinquishes any right conferred by this Act, shall be null and void in so far as it purports to confer upon the employer the defences which are not available to him under this Act ' "

[Prof. N. G. Ranga.]

Under this amendment I only wish to prevent our workers from committing suicide Ordinarily speaking, the attempt to commit suicide is a penal offence A worker knows that a particular kind of employment is risky Under the Workmen's Compensation Act, if he becomes the victim of any particular accident, he must be paid compensation With the failure of my earlier amendment, it becomes quite easy for an employer to get a thumb impression or illegible signature and say that the workman has entered into a contract, knowing full well all the risks of that particular employment Once that is done, the workman is finished His fate is sealed We know only too well how these agreements can be manufactured by our employers Moreover, employment is so rare in this country that workmen are simply dying to get some kind of employment in order to maintain their wives and children. In the name of the families of these workers and in the name of the workers themselves, I appeal to my Honourable friend, the Leader of the House, to accept this amendment and thus save the workers from their own ignorance and their stupidity and helplessness and make it possible for them to claim compensation in case of accidents Sir, I move

Mr President (The Honourable Sir Abdur Rahim) Amendment moved

"That after clause 4 of the Bill, the following new clause be inserted and the subsequent clause be re-numbered accordingly

'5 Any contract or agreement whether made before or after the commencement of this Act whereby a workman relinquishes any right conferred by this Act, shall be null and void in so far as it purports to confer upon the employer the defences which are not available to him under this Act'"

The Honourable Sir Muhammad Zafrullah Khan: The Bill does exactly what the Honourable the Mover of this amendment wants to secure The Bill says

"In any suit for damages, in respect of an injury instituted by a workman or by any person entitled in case of his death, the suit shall not fail by reason only of the fact that the workman was at the time of the injury a workman of, or in the service of, or engaged in the work of the employer"

Now, stop there for a moment. If a suit is instituted for damages for injury sustained under the circumstances mentioned in any one of the sub-clauses of clause 3, then according to Prof Ranga, the defence might be that it is an injury resulting from common employment and that though the Statute has disallowed this defence—here is a contract which the workman has entered into, which says that he cannot claim damages on that account The reply to that is that no such defence, whether it is by virtue of common law or anything else, can be pleaded in answer to a suit of this description That is the statutory provision Similarly, with regard to clause 4, unless it is proved that the risk was explained to and understood by the workman, the employer cannot successfully raise a defence on that account So, I submit that this amendment is entirely unnecessary Finally, may I say for the satisfaction of the Honourable the Mover of this amendment that if in actual practice employers are able to discover courts which give effect to these defences on the ground of such contracts, as he has in mind, in spite of the provisions of the Statute, Government will take steps to see that the provisions of the Statute are effectively put into operation.

Mr. S Satyamurti (Madras City . Non-Muhammadan Urban) : The sum and substance of the argument of the Honourable the Leader of the House is this. In his judgment, this clause is superfluous Secondly, if he is proved to be a false prophet and it turns out, in actual working, that this clause is necessary, Government will take steps to implement the necessary legislation. Now, as regards the second argument, I warn the House against accepting this promise, not because it is insincere or is not made in earnest. I know and the House knows the ways of the Government of India Take this very law The provinces were consulted in 1932, and they were unanimously in favour of legislation for the purpose We are now nearing the end of 1938, and it has taken six years for the Government of India to bring in a short Bill like this which, almost every Provincial Government, whom they consulted, approved of I am not blaming the Government,— I am simply pointing out that every Government legislation involves delay Then we go back to the first point I concede to the fullest the soundness of that argument of the Honourable the Leader of the House Assuming he is right that all the clauses as drafted prevent any workman from contracting himself out of the rights conferred upon him by the Statute, still we are not unfamiliar with provisions in Statutes to the effect that no man shall contract himself out of the rights conferred upon him by a Statute, and amendment No 9 merely seeks to give effect to that principle ; that is to say, that a workman shall not be entitled to contract himself out of the rights conferred upon him by this Bill Therefore, I appeal to the House and to the Government also not to resist the amendment on either of these grounds Even assuming that it is superfluous, I think that it is safe to put it in, considering the relative ignorance, poverty, and disorganized condition of most of our workmen in most of our industries . and secondly that we ought not to wait for legislating until there is a lacuna found out in the working of the Bill I, therefore, commend the amendment to the House

4 P.M

The Honourable Sir Muhammad Zafrullah Khan : May I say one word of explanation ? The explanation I gave in answer to Professor Ranga's plea in support of his amendment was not merely my opinion. I have also fortified myself by competent legal opinion

Mr Muhammad Azhar Ali (Lucknow and Fyzabad Divisions · Muhammadan Rural) Sir, I have heard the criticism which my friend, Mr Satyamurti, has advanced in favour of his arguments, but there is another side of the question also to be looked at He has appealed to the ignorance, to the poverty and to other things of these workmen, but he forgets that there is also a very great and important principle involved in this amendment, and it is this Sir, we have to see here whether such suits, if they are brought into courts, are honest suits because of some injury or something of the kind We have to see and study the point whether such consideration of ignorance only will have to be seen or if it raises any other question I will give an illustration Supposing a zemindar or employer has a tenant or ryot, who is a work-man Now, of course, his rights will be safeguarded by the Statute ; but if there is to be a compromise, why should you interfere with the free will of the man to enter into a compromise with his employers, and why should that free will be suppressed by this clause ? Sir, the latter portion of

[Mr Muhammad Azhar Ali.]

the clause is only argumentative, it does not show any reasons why such an amendment should be accepted by this House I submit that we have also to see the other picture of the case, namely, why the workman should be stopped from entering into a compromise? He may very well say, "although the Statute has given me a right, but I can very easily enter into a compromise" So I do not agree with my Honourable friend and I oppose the amendment.

Mr. N. V Gadgil: Sir, I rise to support the amendment. Clause 3 (*d*) says

"a suit for damages in respect of the injury instituted by the workman or by any person entitled in case of his death shall not fail by reason only of the fact that the workman was at the time of the injury a workman of, or in the service of, or engaged in the work of, the employer"

It does mean that there are other defences open, and the defendant employer may say that the party contracted himself out of the benefits of these provisions, I may also point out to the Honourable Member that in England in all the labour legislation there is usually specific clause to the effect that no man on whom benefits are conferred shall contract himself out of those benefits, and I think that is a good provision There is, therefore, no reason why even in this Bill, if we propose to confer certain benefits upon the workman, it should not be up to us to say that such benefits are conferred upon the workman permanently and there should be no loophole Sir, I think the House will be justified in accepting this amendment

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

"That after clause 4 of the Bill, the following new clause be inserted and the subsequent clause be re-numbered accordingly

'5 Any contract or agreement whether made before or after the commencement of this Act whereby a workman relinquishes any right conferred by this Act, shall be null and void in so far as it purports to confer upon the employer the defences which are not available to him under this Act'"

The Assembly divided:

Abdul Qaiyum, Mr	Jedhe, Mr K M.
Abdul Wajid, Maulvi	Jogendra Singh, Sirdar.
Aney, Mr M S	Kailash Behari Lal, Babu
Banerjea, Dr P N.	Lalchand Navalrai, Mr
Chaliha, Mr Kuladhar.	Mangal Singh, Sardar
Chaudhury, Mr Brojendra Narayan.	Misra, Pandit Shambhu Dayal.
Chunder, Mr N. C.	Muhammad Ahmad Kazmi, Qazi.
Das, Mr B	Paliwal, Pandit Sri Krishna Dutta.
Das, Pandit Nilakantha	Pande, Mr Badri Dutt.
Deshmukh, Dr G V	Parma Nand, Bhai.
Deshmukh, Mr Govind V	Ramayan Prasad, Mr
Gadgil, Mr N V.	Ranga, Prof N. G.
Gupta, Mr K S	Rao, Mr. M. Thirumala.
Hegde, Sri K B Jinaraja.	Sant Singh, Sardar
Hosmani, Mr. S K.	

Santhanam, Mr K
Satyamurti, Mr. S.
Sheodass Daga, Seth
Singh, Mr. Gauri Shankar.
Sinha, Mr. Satya Narayan.
Sri Prakasa, Mr.
Subbarayan, Shrimati K Radha Bai.
Varma, Mr. B. B

NOES—48.

Abdul Ghani, Maulvi Muhammad.
Abdul Hamid, Khan Bahadur Sir.
Abdullah, Mr H M.
Ahmad Nawaz Khan, Major Nawab Sir.
Aikman, Mr A
Anderson, Mr J. D.
Ayyar, Mr N M
Azhar Ali, Mr Muhammad.
Bajoria, Babu Baijnath
Bajpai, Sir Girja Shankar
Bewoor, Mr G. V
Chambers, Mr S P
Chanda, Mr A. K
Chatterjee, Mr R M
Conran-Smith, Mr E
Dalal, Dr R D
Dalpat Singh, Sardar Bahadur Captain.
Essak Sait, Mr H A. Sathar H.
Faruqui, Mr. N A
Fazl-i-Haq Piracha, Khan Bahadur Shaikh.
Ghulam Bhik Nairang, Syed
Grigg, The Honourable Sir James.
Kamaluddin Ahmed, Shams-ul-Ulema
Lloyd, Mr A H
Mackeown, Mr. J. A
Maxwell, The Honourable Mr R. M
Metcalfe, Sir Aubrey.
Miller, Mr C. C.
Mitchell, Mr K. G
Mukerji, Mr. Basanta Kumar.
Mukerji, The Honourable Sir Manmatha Nath
Nauman, Mr Muhammad.
Nur Muhammad, Khan Bahadur Shaikh.
Rahman, Lieut.-Colonel M. A
Scott, Mr J Ramsay
Shahban, Mian Ghulam Kadir Muhammad
Shaukat Ali, Maulana.
Sheehy, Mr J F.
Sher Muhammad Khan, Captain Sardar Sir
Siddique Ali Khan, Khan Bahadur Nawab.
Stewart, The Honourable Sir Thomas.
Sukthankar, Mr Y N.
Sundaram, Mr. V S
Walker, Mr G D
Yamin Khan, Sir Muhammad.
Zafar Ali Khan, Maulana.
Zafrullah Khan, The Honourable Sir Muhammad
Ziauddin Ahmad, Dr. Sir.

The motion was negatived

Clause 5 was added to the Bill

Clause 1 was added to the Bill

The Title and the Preamble were added to the Bill

The Honourable Sir Muhammad Zafrullah Khan : Sir, I move :

"That the Bill, as amended, be passed."

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

"That the Bill, as amended, be passed."

The motion was adopted

THE INDIAN AIRCRAFT (AMENDMENT) BILL.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands) . Sir, I move :

"That the Bill further to amend the Indian Aircraft Act, 1934, be taken into consideration."

[Sir Girja Shankar Bajpai]

This is a very simple and uncontentious measure and is merely designed to empower the Central Government to deal with an emergency as regards the introduction of diseases by aircraft—I hope it will have a ready passage. Sir, I move.

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

"That the Bill further to amend the Indian Aircraft Act, 1934, be taken into consideration."

The motion was adopted

Mr President (The Honourable Sir Abdur Rahim) The question is ·

"That clause 2 stand part of the Bill."

Mr. K Santhanam (Tanjore *cum* Trichinopoly · Non-Muhammadan Rural) Sir, I beg to move

"That in clause 2 of the Bill, in sub section (*1*) of the proposed section 8B, for the words 'the outbreak of such disease or the spread thereof' the words 'such danger' be substituted"

Sir, as the clause stands, the Central Government is given more power than is absolutely necessary for the purpose Sub-clause 2 (*1*) says ·

" and that the ordinary provisions of the law for the time being in force are insufficient for the prevention of danger arising to the public health through the introduction or spread of the disease by the agency of aircraft, the Central Government may take such measures as it deems necessary to prevent the outbreak of such disease or the spread thereof"

The last part trenches seriously on the powers of the Provincial Governments which are interested in public health I hope this amendment will be accepted by the House

Mr President (The Honourable Sir Abdur Rahim) Amendment moved .

"That in clause 2 of the Bill, in sub-section (*1*) of the proposed section 8B, for the words 'the outbreak of such disease or the spread thereof' the words 'such danger' be substituted."

Sir Girja Shankar Bajpai : Sir, the language to which my Honourable friend has taken exception finds its place in the Bill because the draftsman reproduced the original language of section 2 of the Epidemic Diseases Act I am quite satisfied with the amendment which he has moved and I accept it on behalf of Government.

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

"That in clause 2 of the Bill, in sub-section (*1*) of the proposed section 8B, for the words 'the outbreak of such disease or the spread thereof' the words 'such danger' be substituted"

The motion was adopted

Mr. K. Santhanam : Sir, I beg to move ·

"That in clause 2 of the Bill, in sub-section (*3*) of the proposed section 8B, all the words occurring after the words 'as it deems necessary in the circumstances ;' be omitted."

Sir, this sub-clause empowers the Central Government to levy fees and it is possible that this power may be used to levy fees from local bodies and Provincial Governments. That is why I have moved for the omission of those words Sir, I move

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

"That in clause 2 of the Bill, in sub-section (*2*) of the proposed section 8B, all the words occurring after the words 'as it deems necessary in the circumstances ,' be omitted."

Sir Girja Shankar Bajpai : Sir, in order to appease my Honourable friend's suspicion, I am prepared to accept the amendment

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

"That in clause 2 of the Bill, in sub-section (*2*) of the proposed section 8B, all the words occurring after the words 'as it deems necessary in the circumstances ;' be omitted"

The motion was adopted

Mr. K Santhanam : Sir, I beg to move :

"That in clause 2 of the Bill, in sub-section (*3*) of the proposed section 8B, for all the words occurring after the words 'but such rules shall not' the following be substituted :

'remain in force for more than three months from the date of notification :

Provided that the Central Government may by special order continue them in force for a further period or periods of not more than three months in all'"

As the clause stands, the Central Government is given power to extend the rules indefinitely It is only to prevent such an extension that I am moving this amendment Sir, I move

Mr President (The Honourable Sir Abdur Rahim) : Amendment moved

"That in clause 2 of the Bill, in sub-section (*3*) of the proposed section 8B, for all the words occurring after the words 'but such rules shall not' the following be substituted :

'remain in force for more than three months from the date of notification :

Provided that the Central Government may by special order continue them in force for a further period or periods of not more than three months in all'"

Sir Girja Shankar Bajpai : Sir, the form of wording suggested by my Honourable friend represents an improvement, and so I accept it.

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

"That in clause 2 of the Bill, in sub-section (*3*) of the proposed section 8B, for all the words occurring after the words 'but such rules shall not' the following be substituted :

'remain in force for more than three months from the date of notification :

Provided that the Central Government may by special order continue them in force for a further period or periods of not more than three months in all'."

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

Clause 3 was added to the Bill

Clause 1 was added to the Bill

The Title and the Preamble were added to the Bill

Sir Girja Shankar Bajpai : Sir, I beg to move

"That the Bill, as amended, be passed"

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

"That the Bill, as amended, be passed"

The motion was adopted

THE INDIAN TEA CESS (AMENDMENT) BILL

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour) Sir, I beg to move

"That the Bill further to amend the Indian Tea Cess Act, 1903, for a certain purpose, be taken into consideration"

Sir, the object of the Bill is to amend the Indian Tea Cess Act, so as to provide for separate representation of tea planters of Travancore, the Government of which levy cess on tea at the same rate as it is levied elsewhere, but they have no representation on the Tea Market Expansion Board Sir, I move

Mr President (The Honourable Sir Abdur Rahim) Motion moved

"That the Bill further to amend the Indian Tea Cess Act, 1903, for a certain purpose, be taken into consideration"

Mr. Brojendra Narayan Chaudhury (Surma Valley *cum* Shillong : Non-Muhammadan) Sir, I rise to oppose this motion and my reasons are these The House should know how the Tea Market Expansion Board which is sought to be expanded by the addition of one new Member is working and what control the Government of India have in actual practice over the Board Sir, as the House is aware this Board was set up under an Amendment of the Indian Tea Cess Act Now that Act expired on 28th March last In that Act it was provided that the life of the Tea Market Expansion Board should be extended either by legislation in this House or by a notification under the Act But I should state here again that the Tea Market Expansion Board and its sister committee, the Tea License Committee, are nothing but branches of the Indian Tea Association I ask the House not to imagine that the Indian Tea Association is an Association of Indians. It is an Association of European growers of tea in India Now, Sir, before the expiry of that Act, I sent notice of a short notice question to the Honourable Member in charge of this, asking whether he intends to bring in legislation for the purpose of extending the life of that Board,

but even that small request which could be easily answered from the files in the office at Delhi was not conceded and when the full period of the notice for the question expired, I was told that the Act expired and that the Government of India have issued a notification extending the life of this Board I ask this House to consider why this hole and corner method of extending the life of the Board which spends annually a sum of 42 lakhs of rupees, nearing half a crore from all the contributions of tea growers, both Indian and European and that expenditure is virtually in the hands of the Indian Tea Association with a joint Committee in London in which there are no representatives of Indian tea growers This is my first complaint about the Board

As regards the supervision of the Government of India, I again say that it is nil The Honourable Member in charge was pleased to tell me, in this House, that the only kind of supervision exercised and they were satisfied with that kind of supervision is to receive an annual report from that Board and its audited accounts Sir, by means of interpellations I tried to bring to the notice of the House the conditions of affairs in that Board I asked certain interpellations regarding the Dacca office and the House knows that it is quite possible at the Dacca office for its officers to temporarily misappropriate moneys and be exonerated Not only that The House has heard that one Mr Rendell temporarily misappropriated a sum of Rs 3,000 and he was allowed the option of paying that amount in small monthly instalments out of his salary If that officer has any deposit money, then the whole sum which was misappropriated could have been recovered from that deposit Apparently he had no deposit whatsoever But still he was allowed the option of making good the Board's money, which means the tea planters' money—both Indian and European—by easy instalments May I ask the Honourable Member in charge what would happen to the monies of the Board if that officer took it into his head to resign his service and go away Mr Rendell is a European and, as the House knows, Europeans of that kind who accept such a low salary of Rs 350 a month or even less are not the kind of people who have got any tangible property which we could assess and probably none in England also

Now, Sir, I want the Government to withdraw this Bill at present and to make a thorough enquiry into the affairs of the Tea Market Expansion Board and then come before the House with a report and also for the expansion of this Board not by a single Member but by other representatives of other interests who claim to be on the Board What about Kangra, what about Kumaon ? Do not the Indian tea planters there pay tea cess and the cess there is as high as Rs 1-4-0 per hundred lbs I say that a thorough enquiry should be made into the affairs of this Board. The Government should come before this House with their report and then expand the Board not by a single Member but by several Members representing all other interests The duties of the Board are expansion of the market for tea and the tea merchants are intimately interested in that. They will be very helpful to the Board, but strangely enough there are in that Board no representatives of Indian tea merchants I would ask for representation on this board of representatives of the Bengal National Chamber of Commerce, the Indian National Chamber of Commerce and the Federation of Indian

[Mr Brojendra Narayan Chaudhury.]

Chambers I am told that representations have already been made by these bodies to be included on this Board, but the Government has paid no heed to it So I would request the Honourable Member to withdraw the Bill and take action on the lines I have suggested and bring in a Bill which will satisfy all the interests concerned

Mr Kuladhar Chaliha (Assam Valley Non-Muhammadan) Sir, I wish I could respond cheerfully to the call of tea at tea time, but my position today is unfortunate I shall have to sing a melancholy tune about the Tea Cess Fund and the Tea Cess administration

I believe the House hardly knows that we contribute about 48 lakhs to the Tea Cess Fund, and, I think, Members here know very little of how it is administered We contributed about Rs 18 lakhs towards the Indian propaganda, but let us see how this money is administered, and whether it is administered to the satisfaction of the people in charge of this House There were five superintendents or assistant superintendents who misappropriated money of the Tea Cess Fund Mr Powell, who is known as Captain Blood, and who owned five race horses, used to get Rs 350 a month, and he misappropriated money to the tune of Rs 8,000 for which he was sent to jail after trial Several of the officers lost the money of the Tea Cess Fund, all of them Europeans of the third class variety Mr Rose lost Rs 200 of the Fund, and who is either a superintendent or an assistant superintendent ; Mr. Farrel lost money to the extent of Rs 1,408, but no drastic action has yet been taken against him , another, Mr Turnock also lost money which was meant for supervision or propaganda ; Mr Kearney also lost money in the same way, yet we find that the Tea Commissioner has not taken sufficient action in the matter We pay a very good sum to the President and we pay another Vice-President also a good sum , but we have got no proper check to see whether they administer the funds properly My submission is they have neither administered the funds properly, nor have they been able to carry on propaganda nor have organised marketing in a businesslike way. We have extended the consumption of tea from 50 million pounds to about 86 million pounds in India, but was it due to them only ? They do not know how propaganda should be carried on in cities and industrial centres ; but they go to East Bengal where there are very poor people and are opposed to tea-drinking—they do not know what is tea They have not been doing things properly I know Mr. Griffiths is trying to organise the whole thing now but after a lapse of valuable time. This Tea Cess Fund has been existing from 1903 and we have wasted a lot of money The less said about foreign propaganda the better. On foreign propaganda we spend about 24 lakhs of rupees and in America alone we spend 10 lakhs, but it will surprise the Honourable Members to learn that the consumption in America has fallen from 67 million pounds last year to 63 million pounds this year—and this after spending 10 lakhs of rupees ! We have spent a total of 24 lakhs on foreign propaganda and, yet, we have been unsuccessful in increasing the tea consumption. I would even say we have lost a lot. We have lost the Russian market already Java and other teas are making headway in America. The administration of the foreign propaganda is left in the

hands of the International Tea Market Expansion Board, London, over which we have no control and they do not even submit their budget to us. Like the Defence Department of the Government of India over which the Honourable Sir James Grigg has no voice, in the same way the International Tea Market Expansion Board in London go on spending without our having any voice in it. We have simply to send money to them on demand—one more surprising fact is that the London Branch of the Indian Tea Association though they have no connection with the Indian Tea Cess Fund here yet get Rs. 6,000 for their office expenses. I do not know who has sanctioned this sum. The whole difficulty is that we have not got enough control over this fund and we have not got enough Indian members, we do not have the representation we should have. Possibly the Commerce Member was obsessed with the idea that the capital invested in the industry is almost entirely European But he has forgotten that we are the consumers. one-fourth of the total tea produced nowadays is consumed by the Indian people, and we have the land that pays land revenue, and we have the labour and we have the services of the other intelligentsia and added to it a certain percentage of Indian capital If we take all this we should have at least 60 per cent representation in the Indian Tea Cess Fund and then only we will have better administration of this fund, otherwise, we are sure, the money will be wasted in America and other places Unless a more comprehensive Bill is brought in, we are almost inclined to oppose this, but for the time being we will give our support to it because the Honourable Member has given representation to Travancore under this Bill We shall not oppose the Bill this time and I shall advise my friends of the Congress Benches to support it on the ground that the Commerce Member has provided representation for an Indian State

Dr Sir Ziauddin Ahmad (United Provinces Southern Divisions. Muhammadan Rural) : Sir, the object of this Bill as stated in the Statement of Objects and Reasons is simply to give representation to Travancore on the Tea Cess Committee, that Travancore exports tea to outside countries and pays cess but it has no representation at present on the Tea Cess Board. We desire to give it a representation. My friends who have spoken so far will admit that Travancore should have representation on this Board and there can be no two opinions on it. My friends have raised a wider issue which really does not arise out of this Bill and I shall say a few words on that It has been mentioned that the funds are not properly administered. No arguments have been given nor any specific instances in support of that statement. The Honourable gentlemen may bring those specific cases, if any, either to the notice of the Honourable the Commerce Member or the President of Tea Cess Board. He can also draw the attention of the House in the shape of a Resolution, then I am sure we will go into the matter and see that the funds are properly administered ; but it is not fair to make mere assertions without giving any specific illustrations with proof .

Mr. Kuladhar Chaliha : On a point of personal explanation, Sir, I have given all the instances and all the names and if you require them, I shall pass on the list to you.

Dr. Sir Ziauddin Ahmad : If he hands over the names to the department in charge they will look into the matter ; but as he himself has

[Dr Sir Ziauddin Ahmad.]

pointed out that the President of the Tea Cess Board is now reorganising the whole department, and I confirm it from personal knowledge, his difficulties will disappear Sir, we had occasion to discuss, in the last Session, the amount of work which is now being done by the Tea Cess Committee I am not a tea planter myself but I have several Indian friends who are tea planters and I have taken the opportunity to discuss matters with them and they all say that if the Tea Cess Fund had not come into existence and the Government had not put down quotas, then the condition of the tea trade would have been very bad We also know that the President is now carrying on experiments in large scale in this country He is attempting to find out what particular water will suit what particular tea, and I think that his work ought to be appreciated I am not in a position to say whether there is waste of some money in America or in other countries I have no personal experience We can't discuss it in this Bill That ought to be taken up separately and not in connection with this Bill

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

"That the Bill further to amend the Indian Tea Cess Act, 1903, for a certain purpose, be taken into consideration"

The motion was adopted

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

"That clause 2 stand part of the Bill"

Mr. Kuladhar Chaliha : Sir, I beg to move

"That in sub-clause (*a*) of clause 2 of the Bill, for the word 'twenty-eight' the word 'twenty-nine' be substituted"

Mr President (The Honourable Sir Abdur Rahim) Amendment moved

"That in sub-clause (*a*) of clause 2 of the Bill, for the word 'twenty-eight' the word 'twenty-nine' be substituted"

Mr Y N Sukthankar (Government of India : Nominated Official) Sir, the Honourable the Mover of this amendment has not adduced a single reason in support of his amendment It will be within the recollection of this House that it was only as recently as 1936 that the number of members of the Indian Tea Market Expansion Board was raised from 20 to 27, and one of the reasons for doing so was to give sufficient representation to Indians. In an earlier speech the Honourable Member complained that there was not sufficient representation of Indians on the Tea Market Expansion Board, but the House will be glad to know that facts are entirely different. The share of Indians in the tea industry, taking the basis of the area under tea, works out to roughly about 15 per cent , on the crop basis, that is to say, on the basis of productivity, the percentage is roughly about 20 , whereas, actually, now, the number of Indians on the Tea Market Expansion Board has been raised from six to nine, that is to say, the representation of Indians is about 33 1/3 per cent. There is, therefore no case for raising

the number of members still further, and if we do so, we shall not be adding to the efficiency of the Board inasmuch as we shall be making it unwieldy Sir, I oppose this amendment

Mr. Badri Dutt Pande (Rohilkund and Kumaon Divisions Non-Muhammadan Rural) Sir, I support this amendment. The object of raising the number from 28 to 29 is to give one representation to the Kangra Valley Tea Planters' Association, because one seat has been given to them in the Licensing Board Therefore, I think, Sir, it is up to us to grant one seat to the Kangra Valley Tea Planters' Association in the Marketing Board also, because they are 2,563 in number It is a large number and they are not adequately represented on the Board Of course, they don't pay a direct cess, but they sell their quota to the tea planters of Assam and they pay an indirect tax The Kangra Tea Planters send tea to Afghanistan, Kashgar and to various other parts, and therefore I think that one more seat should be given to them on this Board That is the object of this amendment, and I support it strongly

Dr. Sir Ziauddin Ahmad : There is one point, Sir, which was probably not mentioned by any of the previous speakers, and that is, that the tea from Kangra valley is not exported, and, therefore, they contribute nothing to the Cess Fund Similarly, if you give the quota to all the tea plantations, irrespective of the fact whether they contribute anything to this fund or not, then I see no reason why they should not give representation to small planters of Almora, Dehra Dun and other places who grow tea but contribute nothing towards this fund My point is, as Kangra Valley does not export any tea outside this country, and as it does not contribute anything to the Cess Fund, I see no reason why it should be singled out and be given representation on this Board I, therefore, oppose this amendment

Some Honourable Members : Sir, the question may now be put.

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

"That the question be now put"

The motion was adopted

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

"That in sub-clause (a) of clause 2 of the Bill, for the word 'twenty-eight' the word 'twenty-nine' be substituted."

The motion was negatived.

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

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Muhammad Zafrullah Khan : Sir, I move :

"That the Bill be passed."

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

"That the Bill be passed."

The motion was adopted.

THE INDIAN PATENTS AND DESIGNS (AMENDMENT) BILL.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour) Sir, this morning, I said that Government were willing that items 11 and 15 should stand over, but I have since been advised that it would be necessary to move formally the motion in my name, that is item No 11, so as to secure that it shall not be necessary in the next Session to obtain the special permission of the House to proceed with this matter inasmuch as no formal motion has been made in respect of this Bill during two Sessions Therefore, Sir, with your permission, and with the permission of the House, I will just move the motion and will request you that the debate on it may be adjourned till the next Session

Sir, I beg to move

"That the Bill further to amend the law relating to the protection of Inventions and Designs be referred to a Select Committee consisting of Mr V N Sukthankar, Mr M Ananthasayanam Ayyangar, Mr Sri Prakasa, Sardar Sant Singh, Mr T Chapman-Mortimer, Dr Sir Ziauddin Ahmad, 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 President (The Honourable Sir Abdur Rahim) : Motion moved

"That the Bill further to amend the law relating to the protection of Inventions and Designs be referred to a Select Committee consisting of Mr. V N. Sukthankar, Mr M Ananthasayanam Ayyangar, Mr. Sri Prakasa, Sardar Sant Singh, Mr. T. Chapman-Mortimer, Dr Sir Ziauddin Ahmad, 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 understand it is the desire of the House that the discussion on this motion should stand over.

Several Honourable Members : Yes, yes

Mr. President (The Honourable Sir Abdur Rahim) Very well.

THE HINDU WOMEN'S RIGHT TO DIVORCE BILL.

Dr. G V. Deshmukh (Bombay City : Non-Muhammadan Urban) : Sir, I beg to move for leave to introduce a Bill to give a right to divorce to Hindu women under certain circumstances. I may mention here that out of deference to the long established convention in this House I am not going to move the next motion which stands in my name, that is No. 16 on the agenda. Sir, I move.

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

"That leave be granted to introduce a Bill to give a right to divorce to Hindu men under certain circumstances"

The motion was adopted

Dr. G. V. Deshmukh : Sir, I introduce the Bill

THE MUSLIM DISSOLUTION OF MARRIAGE BILL—*contd.*

Mr. President (The Honourable Sir Abdur Rahim) : The House will now resume consideration of the motion moved by Qazi Muhammad Ahmad Kazmi

Dr. G. V. Deshmukh (Bombay City : Non-Muhammadan Urban) : May I say a word, Sir, before Mr Kazmi's Bill is taken up, I thank the Honourable the Leader of the House and the Government for giving time. . .

Mr. President (The Honourable Sir Abdur Rahim) : No, he can't make a speech now

Dr G V Deshmukh : Very well, I shall publish whatever I have to say in the papers

Mr President (The Honourable Sir Abdur Rahim) : Further consideration of the motion moved by Qazi Muhammad Ahmad Kazmi on Friday, the 26th August last. Mr. Aney.

Mr. M. S. Aney (Berar : Non-Muhammadan) : Sir, last time I only began when it struck five, and this time there are ten minutes to five.

An Honourable Member : You may speak tomorrow.

Another Honourable Member : Don't be long.

Mr. President (The Honourable Sir Abdur Rahim) : I understand that it is the desire of the House to finish the rest of the agenda today.

Mr. M. S. Aney : My Honourable friend is asking me not to speak long. Let me tell him that it is not my habit to be unnecessarily long. My previous record in the House, whatever worth it may have otherwise, is at least sufficient to give me credit for being not unnecessarily prolix or long.

The Bill which was introduced by my Honourable friend, Mr. Kazmi, and which is now at the stage of being referred to a Select Committee was, at first sight, thought by me to be not a very controversial one, and, therefore, when the motion for its circulation was made in this House I stated that with the exception of the two clauses 5 and 6 the remaining part of the Bill was acceptable to the House, and I, at least, accepted the principle of the same. Now, after having read all the opinions that have been received and heard the debate that took place in this House I feel that the measure is of a highly controversial nature. This proposition, I believe, will not be disputed now by any Member of this House. The nature of the Bill is so controversial that we have witnessed a somewhat unusual spectacle in this House during the course of the debate on this motion. Two Honourable Members from the front Treasury Benches got up and

[Mr. M. S. Aney.]

made speeches which annihilated the effect of each other. While the Honourable the Leader of the House made a very eloquent and learned contribution to the debate with some amount of religious fervour imported into it—it is a matter of credit that a man should have religious fervour—I found the Honourable the Law Member making a speech taking the exactly opposite view of the Bill, although as a Member of the Government it might become necessary for him to follow the Honourable the Leader of the House into the lobby in case the motion is pressed to a division. This in itself is sufficient, in my opinion, to indicate that men who have given the best thought to the provisions do not find it possible to come to the same conclusion as regards the urgency or utility of the measure in its entirety that is before us now. I was, therefore, surprised at the attitude of the Government in regard to this Bill.

So far as regards legislation relating to moral, religious or social matters is concerned, the policy of the Government of India, hitherto pursued, is a policy of non-intervention. In fact, they very seldom take any initiative at all in such matters. The general policy is one of non-intervention. There are exceptions I know. The policy has been so defined as to admit of certain reasonable exceptions. But in those matters what we generally find is this. If a measure relates to a social usage and is admittedly intended to do away with a recognised abuse, or some usage which conflicts with principles of public policy or principles of public health and morals or natural justice, then the Government have now and then intervened and even taken the initiative in legislation in regard to social matters. But on a question about which no such thing can be said and about which there appears to be a very keen controversy and difference of opinion between men who can be credited with having given the best thought to the matter and with having examined the question both from its legal and practical aspects,—in such matters the policy of the Government of India has all along been one of non-intervention. I am, therefore, surprised to find that on this particular occasion the Government have declared its attitude to support this Bill through the speech which the Honourable the Leader of the House has made.

Syed Ghulam Bhik Nairang (East Punjab Muhammadan): Was the Honourable Member not surprised when the Law Member took as his adopted child the Arya Marriage Validation Bill?

Mr. M. S. Aney: If my Honourable friend wants me to make a long speech, I am prepared to do that. I believe he is not interested in giving me new points for further prolonging my arguments, leaving aside the main arguments as regards this Bill, or diverting me into further ramifications and distant channels.

My point is this. So far as this Bill is concerned, there is no doubt that there are certain provisions in this Bill which are considered as not only controversial but even objectionable from various points of view. And about that, the difference of opinion is not merely confined to Members here, but from the bulk and volume of public opinions that we have received it is perfectly clear that High Court Judges and Provincial Governments have recorded opinions which indicate that a majority of the Judges and the Provincial Governments do not favour certain clauses of this Bill. With that kind of public opinion received and also the opinions to which the Gov-

ernment have listened to on the floor of this House, I really think that it is a very serious departure by the Government of India from the policy they have so far pursued in regard to social and religious matters, when they have announced that the Government of India is prepared to support this Bill on certain conditions About those conditions I shall speak later on But one thing I want to say. If we take those conditions into consideration, we find that Government have imposed such conditions that they will change the nature of this Bill to a very great extent, and I do not know whether it would be proper for the House to refer a measure to Select Committee with directions to make so many modifications as to change the entire nature of the Bill and make its appearance out of recognition altogether,—whether it would be advisable for the House to give its vote on a motion for reference to Select Committee like that

To turn to the merits of the Bill itself, I shall first say this, that so far as clause 3 of the Bill is concerned, the main principle underlying that clause is unexceptionable because my Honourable friend, Mr Kazmi, has lucidly explained to the House, and I entirely agree with him, that certain provisions ought to be made to enable Muslim women to claim divorce under the existing state of the divorce law The divorce law relating to the Muhammadans is practically *ex parte*, a man can claim a divorce, but a woman cannot So far as that particular aspect of the Bill is concerned, I believe nobody can take exception to the clause which is intended to meet that particular requirement But even as regards that . .

Maulana Zafar Ali Khan (East Central Punjab : Muhammadan) : The Muhammadan Law is perfect A woman has the right of getting a divorce from her husband, and that is called *Khala*

Mr. M. S. Aney : So far as the Muhammadan Law is concerned, I am not a scholar in Arabic or Persian, but so far this Bill proceeds on the assumption that there is no provision for Muhammadan women at present to claim a divorce in a court of justice and, therefore, this Bill is intended to meet that requirement and make up that defect in the Muhammadan Law as it is administered today

An Honourable Member : It is not Muhammadan law, but Anglo-Muhammadan Law

Mr M. S Aney : I am not going to discuss a matter on which I cannot speak with personal knowledge and on which I cannot give any authoritative opinion I can only understand the law as expounded by the courts of justice and in the treatises written on Muhammadan Law by eminent scholars If there is that lacuna at present and some remedy has got to be adopted, my friend, Mr. Kazmi, has really come up with a laudable object of removing that defect.

5 P.M

Having said that much in favour of clause 3, I really feel that the provisions thereafter made are not sufficient to enable the Members of this House to understand as to what it is that they are exactly going to legislate upon. We find that certain conditions are laid down in clause 3 and then clause 4 says that part (A) is to be governed in accordance with the procedure of the Hanafi law and part (B) is to be governed in accordance with the Maliki law. On that particular point the remarks made by the Honourable the Law Member, the other day, are very pertinent. We do

[Mr. M S. Aney.]

not know exactly what the Maliki law is I do not mean to say that there are no Members in this House who do not know it When you, Sir, are in the Chair, I cannot say that there is no Member who does not know it at all. That is not the question but what I say is that it is the right of every Member of this House to understand the measure which is before the House and if there is something unintelligible, then the House should be made to understand what it is voting upon. But at this hour, it is unfair to ask us to record our vote one way or other You must explain the subject in all its aspects, so that the House may know what it is called upon to decide On account of these two technical clauses which have been introduced, we do not know exactly where we stand, whether the conditions which have been mentioned in parts (A) and (B) are those contained in the procedure of the two Muhammadan schools at all It is a very peculiar measure that has been brought before the House We have been asked to take things on trust We have to take it on trust that the treatises dealing with the law of Hanafi and Maliki Schools contain something which is embodied in the Bill That is the first point of objection To a great extent that position was conceded also by the Honourable the Leader of the House when he said that Government gives its consent on condition that the position will be perfectly clarified in the Select Committee. Today we are called upon to record our vote even as regards that clause on which we have differences of opinion This is a somewhat unusual procedure to follow. This has created a good deal of confusion of thought in the minds of many After that my real difficulty is this It is said in clause 4 that suits brought on grounds mentioned in section 3 (A) shall be heard and decided according to Maliki law and suits brought on grounds mentioned in section 3 (B) shall be heard and decided according to Hanafi law Here we are called upon to observe a certain procedure which is not usual The question of procedure is known to or can be explained only by those who know the Maliki law and who know the Hanafi law. I think the proper course, without meaning any disrespect to my friend, Mr Kazmi, would have been to reproduce in the Bill the pertinent provisions of the Maliki and the Hanafi law Then we would be in a position to know whether that is the proper procedure for the House to adopt, and whether it is one by which the court could be enabled to come to a proper adjudication of the questions submitted to it for decision. The Bill before the House wants to proceed without doing it

I now come to the most controversial clause in the Bill, namely, clause 5 Clause 5 lays down a principle which I am afraid it will be difficult for anybody to subscribe to under any conditions My friend, Mr Kazmi, in the course of his speech on the motion, made a casual suggestion that he is prepared to exclude some kind of converted women out of the category of the operation of clause 5 I believe that kind of solution will never commend itself to any man who is prepared to consider it as a matter of principle It is a question of principle The principle laid down here is this A Moslem woman who is converted to another religion shall still continue to be the wife of her Muhammadan husband. That is the position laid down here. The position of the present law, as laid down in the Statement of Objects and Reasons, is quite clear. If there is any conversion from Muhammadanism to any other religion of a woman, then the marriage would *ipso facto* become void.

Now, it has been stated to us that this position is not strictly in accordance with Muhammadan Law, as was expounded by very authoritative writers and reliance has also been placed on certain passages in the book on Muhammadan Law written by Justice Ameer Ali. My point is this—whether this is strictly in accordance with the principles laid down in the Muhammadan Law is not very material to great extent ; as it is admitted by Justice Ameer Ali himself that the law which is now in vogue and as it has been interpreted hitherto consistently by the Indian High Courts was in accordance with the view taken on this question by the old Muhammadan jurists and the view that is being propounded now by some Indian scholars is only a later modern development of that law in Samarkhand and Balkh. They do not follow the view taken by the Indian High Courts If that is so, it cannot be said that the principle that has been adopted in this matter and recognised by the Indian High Courts for a long time has no sanction at all in Muhammadan Law It is only a question of interpretation, an authoritative interpretation of the Muhammadan Law. For example, reference is made there to Fatwa Alam Giri and the Hedaya, in the book of Justice Ameer Ali, which clearly shows that there are eminent Muhammadan jurists who take the same view of this law as the Indian High Courts have taken Therefore, the view that is now put down or accepted in India is the view which was propounded by Muhammadan jurists themselves about this matter in old times

Now, there is another school of thought which has taken a different view during the last 200 or 300 years in another place It is said that the old view is wrong and that the modern view is the correct one It is rather difficult for any layman to say anything definitely one way or the other. Persons who are not followers of the faith of Islam are not interested in this matter from this point of view They will ask what is wrong with the view which has been accepted during all these years What is the particular difficulty which the Muhammadan faith has been feeling on account of the law being what it has been interpreted to be by the Indian High Courts for such a long period continuously and also enforced so long by the Government ? Unless you make out a case from that point of view, there is no justification for anybody to come forward and disturb a state of law, simply on the ground that there is also another interpretation and that we want that interpretation to be accepted in preference to the old interpretation which must be thrown out Here is a state of law which has been recognised for a long time and which has also got the sanction of Muhammadan jurisprudence itself That fact is conceded by Ameer Ali and also by other friends who spoke about this If that is so, a much stronger case ought to have been made out for demanding a departure from that view. Particularly it is important for this reason. Had it been purely a question which affected the followers of Islam and none else, had it been purely a matter of the solution of a difficulty of a domestic nature concerning the Muhammadan population which has got no reference whatsoever to others and in which the interests of the followers of other religions have not been in any way concerned, I could have understood the matter being left solely to the option and choice of those who are the followers of Islam. The principle which the Honourable the Leader of the House wanted to enunciate was this, namely, that in a matter like that, the opinion of the Muslim world and, particularly, of the Muslim jurists ought to be the determining factor or criterion for everybody to follow. I can understand that princi-

[Mr. M. S Aney.]

ple to be valid only in matters of Muhammadan Law and usage provided those matters affect and refer only and exclusively to the followers of Islam and in no way affect directly or indirectly the interests of the followers of other religions What is the position here ? The position is this. Immediately a woman is converted to another religion and renounces Islam, she ceases to be a Muslim woman and becomes the follower of another faith That fact is not denied there Now the justification for treating her still as the wife of a Muslim is given out to be that she, according to the strict interpretation of Muslim Law, is not at all allowed to renounce her connection with her husband but, on the other hand, she is to be detained in prison till she repents That is the position When you say that the marriage of that woman still subsists, that the Muslim husband can still claim her as his wife in spite of her changing her religion, it means that although she may or may not like it, still she is to be detained and to remain under the custody or in the charge of her Muslim husband There is no remedy provided for her to get out of this most undesirable state The Bill does not make apostasy as a ground for a divorce at all anywhere , the Bill only gives some other grounds for divorce, but, so far as the change of religion is concerned, the Bill reproduces in a somewhat modified form an old and archaic condition of detaining the woman in imprisonment until she repents When she repents, she is entitled to embrace Islam again You thus deny her the freedom of marrying anybody, or living independently, and she must be detained under the old Muhammadan Law till she repents, and if she does that, and if she so desires to do, she can only embrace Islam and be married with her husband again That was evidently one of the ways in which women were not allowed to go out of their religious fraternity.

Now, I have nothing to say as I consider it simply futile against the doctrine as it prevailed in some Islamic countries at one time But we have now come to and are living in different times altogether Do we, or do we not, recognize the freedom of faith for women ? Are the Government not committed to the policy of the freedom of faith, and if so, how is it that a clause like that, which forcibly keeps a woman attached to a husband who belongs to Islam while she herself is converted to another faith can be supported by the Government ? How can Government accept a principle like that in the case of the Moslem woman ? Either the Government of India should see to it that so far as the policy of the freedom of faith is concerned, they do not stand any longer committed to that principle at all , Or that they come out to oppose this pernicious clause boldly Are the Government of India going to say that under certain conditions it is all right for the people of a particular religion to force a woman to remain in that religion, and not to allow her any independent choice or liberty of action ? I do not understand how according to Hinduism a Hindu woman can be forced to recognize a Muslim who happened to be her husband before conversion to Hinduism ? I maintain, Sir, that she cannot fulfil her duties as a Hindu properly while still discharging her duties as the wife of a Muslim husband.

Maulana Zafar Ali Khan : Just as in the case of a Christian woman or a Jewish woman ?

Mr. M S. Aney : But your books of law have made a clear distinction between the so-called revealed religions and unrevealed religions. You cannot tolerate idolatry I do not blame you if you cannot tolerate it as you consider it a superstition. If you believe that honestly, I respect you for your belief But at the same time I cannot understand the hypocrisy that for the sake of preventing a woman from going out of your religion and compelling her to come back to Islam, you want to make a show of toleration of idolatry.

Maulana Zafar Ali Khan : You are using very strong language

Mr. M. S. Aney : How can you tolerate that ? It is impossible, and I cannot understand a Hindu woman doing that I have no feeling of anger against my Muhammadan friends, but the position created by this clause is of an impossible nature and I cannot understand how that position can be justifiable at all It has been stated by the Honourable the Leader of the House that under Hindu Law when a woman is converted to any other religion, still the position remains that she is not allowed to marry any other man because that is bigamy I, personally, am not here to justify a position like that If a Hindu woman changes her religion, I declare that under the Hindu scriptural law, the position is altered That is the correct position and if the present law is not like that, then I urge on the Honourable Members of this House that efforts should be made to change that law on the right lines rather than to make the existing Muhammadan Law irrational Fortunately, you are in a better position A status should be accorded to that woman by the court in my opinion in accordance with the principles of equity, justice and good conscience, and, therefore, her present position under the Muhammadan Law ought to stand If you find that the position under Hindu Law is somewhat of a different nature, then your remedy is not to plead that you also must depart from the right principles but those who are departing from the right principles should be brought on the right path to follow That should be the method for you to take and I, for myself, shall not object to a method of that kind, because, according to my scriptural law, what is the meaning of *patni* and *jâya* ? These are the words used by the Shastras in the case of the woman who is to be the companion of her husband for the sake of performing religious ceremonies. She is called a *patni* which, according to the grammarian Panini, means a female married to be a companion to perform sacrifices *"Patur no yajna sanyoge"* is the aphorism which explains the derivation of the word *Patni* If a woman cannot be the companion of her husband in the performance of his religious ceremonies, then there is no reason whatsoever for the man to marry that woman or to treat her as his wife, because marriage is intended to be a sacrament in order to enable the couple to perform certain religious ceremonies together. The entire scriptural literature requires the husband and wife to be treated as a kind of unity for the purpose of performing together their religious and sacrificial ceremonies So that being the case, I am unable to understand the position that a Hindu can have a wife who belongs to a Christian faith or a wife who belongs to Islam. If such a position is tolerated by law anywhere, that is irrational and that requires to be remedied Sir, I do not want the Government of India's representative in this House, the Leader of the House, taking up an altogether anomalous position and using it as an argument in defence of the wrong and indefensible provision

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embodied in clause 5 That is a wrong and misleading defence, in my opinion Sir, I do not claim to be a student of Arabic or Persian but I have made a little reading of some translations. Some friends have obliged me with a few citations from the Holy Quran but I do not want to vouchsafe for the literal accuracy of the translation of the passages from the Holy Quran which I propose to cite, as I am not a student of Arabic. I will leave that to my learned friends to say whether the translation is correct or not But certain passages have been cited to me by friends to show that in the Holy Quran there are specific passages which prevent a marriage between a believer and an unbeliever If you cannot have a woman in marriage who belongs to a different faith, then the position is that. Immediately the woman embraces another faith, she must cease to be your wife You cannot treat her as your wife at all any longer The continuance of the marriage tie is impossible. Sir, it is my good fortune that you are in the Chair, but a friend of mine who is himself a scholar of Arabic has sent me the following translation of a passage from the Holy Quran :

"Do not marry non Muslim woman until she believes A believing slave girl is better than her, even though she should please you, and do not give believing women in marriage to non Muslim even though he should please you These invite to the fire (Dozak) Chapter II, section 27, Ayat 221."

Now, therefore, it is perfectly clear that there are express passages in the Holy Quran which go counter to the doctrine that is being propounded here.

Maulana Zafar Ali Khan : The translation is wrong

Mr. M. S Aney : I have already admitted that I am not an Arabic scholar myself and I am not here to defend the literal accuracy of the translation It is enough for the purpose of my argument that the Holy Quran does not tolerate a marriage between a Muslim and a non-Muslim At least it regards it as the most undesirable and the worst kind of connection and as an evil which will lead the married couple to fire in the other world.

Maulana Zafar Ali Khan : We are allowed to marry a Christian or a Jew.

Mr. M. S. Aney : But they belong to the revealed faith.

Maulana Zafar Ali Khan : You also say that your religion is a revealed religion

Mr. M. S. Aney : I do not want you to treat my religion as revealed only and solely for the purpose of shutting out a woman from the light of Vedic religion permanently So far as clause 5 is concerned, I do not think any good case has really been made out in defence of that clause by the Honourable the Leader of the House, who certainly treated us to a very learned discourse on the point Therefore, I feel that, if no practical difficulties have been felt by the people on account of the presence of the existing law and I take it that there are none as they have not at all been disclosed to us and if no other valid and rational ground has also been urged before us as to why this should be changed, there is no reason why this House should allow this Bill to go to the Select Committee without giving a clear and unambiguous direction that so far as clause 5 is concerned, we are entirely opposed to it. There is another thing which I want to say and it is this. It has been said that so far as clause

5 is concerned, we shall be trying in the Select Committee to help the Moslem woman of non-Moslem birth to be out of the scope of the Bill. On principle, I object to that clause. I maintain that it contravenes the principle which has been accepted by us and it also contravenes the principles which ought to govern us in legislating in these matters. If the position which has been mentioned in the passage from the Holy Quran be accepted as correct, what would be the relation between that woman and the man ? It is immaterial whether that woman is a born Muslim or converted Muslim. It will not be the relation of a husband and a wife but something else. It will be an undesirable connection, that is all I can say. I do not want to use stronger language. A law ought not to be enacted by this House which will compel a woman to live not in a valid state of marriage with another man but in an invalid state of union of an altogether undesirable and reprehensible nature On grounds of public policy and public morals, I would, therefore, object to any clause like that being enacted by this House, and the Select Committee ought to consider this matter very carefully

Then, we come down to the last clause, clause 6. If we consider that clause, what do we find ? So far as that clause is concerned, it has been condemned universally and the Government has also expressly told the Honourable the Mover of this Bill that they are not going to support this Bill if clause 6 is retained by the Select Committee. So, it comes to this that my Honourable friend will have to submit to the deletion of this clause. Clause 6 is concerned with the kind of court which is to adjudicate upon cases of divorce. Now, the attempt that is made in this clause is that the cases of divorce should be considered only by Muslim judges. That was the attempt. Certain suggestions were made to the effect that at least some Muslim assessors should be associated with the presiding Judge of the court. Even that suggestion I strongly condemn. The reason is this that if your law is perfectly clear, the matter can and ought to be decided by the court to which you apply for divorce and the personnel of that court must be immaterial. Any restriction upon the personnel of the court will tantamount to the creation of a communal court for the sake of deciding communal matters. I notice that the Government of India could not be a party to that thing and my Honourable friend has, I believe, agreed to that position That being the case, what do we find left in this Bill ? The procedure which is to be followed by the court is of a novel nature, not known to us. The courts which they want to be set up will not be subject to the existing law because they want the cases to be decided by the Hanafi and the Malaki laws So, today we are called upon to give our consent for the reference of this Bill to the Select Committee without being in a proper position to know what it is exactly that we are doing.

Sir, I would like to shorten my remarks. After all, my object was to explain clearly the position which I have taken in this matter. I would have gone on with other reasons on which I oppose the Bill but I do not want to detain the House for another day and thus put a burden on the tax-payer to the tune of Rs. 3,000 for the sake of making a few other points which are more or less subservient to these points. I, therefore, want to say this that judged from any point of view, even if we have sympathy for the principle which underlies the Bill and the motive with which the Bill was brought here, the Bill, as it is, is not one to which this House ought to

[Mr. M. S. Aney.]

give its consent If the Bill is to be transformed in the way in which it ought to be, then my Honourable friend ought to bring in another Bill on those lines and then ask this House to proceed to consider it and take it through its various stages. That is the proper thing for him to do. That being the case, I am unable to give my assent to the motion which is before the House and, therefore, I oppose the motion for referring the Bill to the Select Committee.

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : Mr President, rising at this late hour on the last day of the Session, I want to make a very short and, I hope, a very sweet speech So far as this Bill is concerned, we have had a strange phenomenon of two Members of Government, the Honourable the Leader of the House and the Honourable the Law Member, expressing different opinions That is perhaps inevitable in the nature of things But I want to say this to myself and to this House that while we may be Christians, Muslims or Hindus, by our oath when we took our seats here, we are bound to look at this question as Members of this House and promote a piece of legislation which will commend itself to the enlightened common sense of all sections of the House We may look at the various interests purely from various points of view, but, ultimately, we have got to exercise our judgment as Members of this Honourable House Sir, this question of this Bill being referred to the Select Committee is to be understood as subject to the limitations which have been already mentioned on the floor of the House by more than one Honourable Member So far as clause 6 is concerned, I think it may already be called the late lamented clause 6 of this Bill, because listening to the speech of the Honourable the Leader of the House, I think Government made it perfectly clear that they are against that clause altogether Speaking on behalf of the Congress Party, let me also say that we are against that clause altogether We refuse to contemplate communal Judges for deciding communal cases God knows we have enough communalism in this country and we do not want any more communalism. We do not accept clause 6 in any form either in its present form or in any altered form

An Honourable Member : Is there no communalism in this House ?

Mr. S Satyamurti : Yes. it is here, but I am hoping that all of us are ashamed of ourselves when we are told that we are communalists and when we talk of communalism, and in all other minds a constant struggle is going on between nationalism and communalism and I hope that very soon all of us will be nationalists and none a communalist Therefore, Sir, we cannot have clause 6 altogether.

So far as clause 5 is concerned, as it stands, I feel that it cannot command the support of the House or of the Congress Party. But, Sir, from the very conciliatory speech which I had the pleasure of listening the other day both from Syed Ghulam Bhik Nairang, the Deputy Leader of the Muslim League Party, and from my Honourable friend, Bhai Parma Nand, I feel there is some hope left in me that in the Select Committee with the Honourable the Law Member, the Honourable the Home Member and the Honourable the Commerce Member,

there is a possibility of evolving something which will avoid fraud or force on the part of one community or another We do not want any power which may be given by any clause to be used by any community for the purpose of promoting fraud or force either in marriage or in divorce. We want to see that the Select Committee Members put their brains together and their hearts together, and if they can evolve a clause which will do no injustice to either community and no injustice to our own commonsense, if they produce it we shall look at it As it is we are against clause 5 also As regards clauses 3 and 4, I take the assurance of the Honourable the Leader of the House that as they stand, they do not command the support of the Government They will want more precise and more accurate definitions of the various causes of divorce and the canons of law to be applied by the Judges who decide these cases to be specified more definitely in this clause That, I think, we may confidently leave to the Muslim Members of the Select Committee. To this House it is purely a question of Muslim Law in which we shall abide by the majority verdict of the overwhelming majority of Muslims both in the Select Committee and in the House. It governs only the Muslims My Honourable friend, the Leader of the Congress Nationalist Party, made it perfectly clear that, according to our own Congress traditions and Resolutions, we shall leave our Muslim brethren to decide this question according to the best tenets of their own religion and their customs, having at the same time in view the interests of the country Our only desire is that whatever decisions we may come to here with regard to legislation shall be subject to public order and public morality With these words, I want to lend our support to the reference of this Bill to the Select Committee, in the hope that clause 6 of the Bill will go, that clause 5 of the Bill may go, but if at all it comes back, it will come back in a form acceptable to all sections of this House and not calculated, I would repeat, to permit fraud or force to be practised on one community by another. I do hope that clauses 3 and 4 will be so accurately drafted with the help of expert draftsmen and of lawyers in the Select Committee as to make it understandable for Advocates and Judges who will have to argue and decide these cases That is all I have to say. I hope the Select Committee will be able to make something of this Bill which will be acceptable to all sections of the House.

Qazi Muhammad Ahmad Kazmi (Meerut Divisions: Muhammadan Rural) Sir, at this late hour of the day and at this fag end of the Session when the whole House has been so kind to me as to take up this Bill at this late hour, it will not be proper on my part to take up much of the time of the House But still I feel in duty bound to thank the House for the criticism that has been advanced for the improvement of the Bill.

Now, Sir, from the very beginning I made it perfectly clear that I myself was convinced that so far as clauses 3 and 4 were concerned, they required considerable improvement in redrafting. I want to make it clear, in this connection, that reference to Maliki law and Hanafi law was put in the clause only to eliminate the incorporation of some cumbersome provisions which would be necessary if we had not made any reference to those laws. But I have found from the

[Qazi Muhammad Ahmad Kazmi.]

speeches that have been made in this House, and from the opinions that have been received that it will be much more convenient if we accept the suggestion that those detailed provisions should be incorporated in the Bill itself rather than be left to the courts to be found out by actually going into those text books of law.

As regards clause 5, I also made it perfectly clear what my position is It was never intended by me in any way to encroach upon the rights of other communities After reading the opinions of the Rajputana Hindu Maha Sabha and the opinions of other people and also after hearing the speech of my Honourable friend, Bhai Parma Nand, I thought it my duty to make my position perfectly clear. I have today heard a very interesting and elucidating speech from my Honourable friend, Mr Aney, and I think, in the light of his opinion, we might be able further to consider that clause and find out how best we can evolve a clause so as to keep the principle of Muslim Law intact as well as not to encroach in any sense or in any way on the rights of other communities

Now, Sir, as to clause 6, in the very beginning, I submitted that it was on account of the defects in the administration by Non-Muslim Judges that this part of Muslim law had not at all come into force. Any way, the Bill is not now in my hands, it is now in the hands of the House and in the hands of Honourable Members who represent various interests and communities in India. It will be too much on my part to insist on any particular provision being incorporated in the Bill. We are after all living here to be guided by the consensus of opinion of all Honourable Members who are here. The insistence of one man cannot be of any avail I introduced this provision only after consulting the Ulemas. I went to different Ulemas and personally consulted them in this matter and in all other matters I may assure this House and very particularly my Honourable friend, Mr. Aney, that whatever we are providing for in this law, I, personally, hesitated very much to interfere with the present practice without taking the consent and full consultation of all the leading Ulemas of India I personally went to all persons of repute, and it was only after consulting those gentlemen that I framed the provisions of this Bill. I did not rely on my own convictions and beliefs only At the same time I wish to say that in connection with the discussion on this Bill on the last occasion there has been a certain misunderstanding and some people said that the Congress Party was instrumental in not having allowed the discussion to terminate on that day I must frankly admit the great support that I always have been receiving in the matter of this Bill from the Congress Party. There may be differences of opinion on other things, but I must in fairness mention to the House that my Honourable friend, Mr. Bhulabhai Desai, personally took the trouble of approaching the Honourable the Law Member and the Honourable the Home Member in the last Simla Session to set time for this Bill Even on that occasion I never found the least hesitation from the Congress Party. It was a misunderstanding which I think I am bound to clear up before this House. With these words, I thank all the Honourable Members for their co-operation, and I thank the Congress Party and the Government.

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 be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable the Home Member, Captain Sir Sher Muhammad Khan, the Honourable Sir Muhammad Zafrullah Khan, Mr. N. A. Faruqui, Dr. G V Deshmukh, Mr. M Asaf Ali, Maulvi Abdul Wajid, Sardar Mangal Singh, Bhai Parma Nand, Sir Muhammad Yamin Khan, Maulvi Abdur Rasheed Chaudhury, Syed Ghulam Bhik Nairang, Mr H. M Abdullah and the Mover with instructions to report by the 15th December, 1938, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted

Mr. President (The Honourable Sir Abdur Rahim) I understand that the motion that stands in the name of Mr. Clow is not going to be moved ?

The Honourable Sir Thomas Stewart (Member for Railways and Communications) : That is correct, Sir

Mr. President (The Honourable Sir Abdur Rahim) : I also understand that Dr G V Deshmukh is not moving the motion standing in his name ?

Dr. G. V. Deshmukh : No, Sir I have already said so.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, the following Message has been received from the Council of State

"I am directed to inform you that the Council of State, at its meeting held on the 20th September, 1938, agreed, without amendment, to the Bill further to amend the Indian Emigration Act, 1922, which was passed by the Legislative Assembly at its meeting held on the 17th September, 1938."

Mr. President (The Honourable Sir Abdur Rahim) : The Assembly will now adjourn till Thursday, the 10th November, 1938, at Eleven O'clock at New Delhi.

The Assembly then adjourned till Eleven of the Clock on Thursday the 10th November, 1938, at New Delhi

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