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(6th September to 20th September 1927)

FIRST SESSION

OF THE

THIRD LEGISLATIVE ASSEMBLY, 1927



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1928

Legislative Assembly.

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Deputy President :

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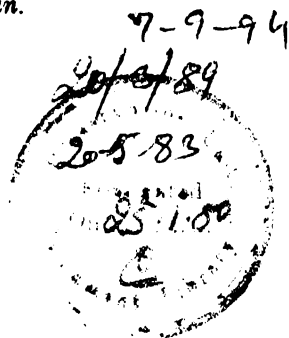
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MR. C. DURAISWAMY AYYANGAR, M.L.A.



CONTENTS.

PAGES

TUESDAY, 6TH SEPTEMBER, 1927—

Questions and Answers ..	3979—89
Short Notice Question and Answer ..	3989—91
Unstarred Questions and Answers ..	3991—93
Demands for Supplementary Grants ..	3993—95
Draft Convention and Recommendation of the International Labour Conference regarding Inspection of Emigrants on Board Ship, etc.—Motion to ratify the Draft Convention and accept the Recommendation adopted ..	3995—4003
The Indian Emigration (Amendment) Bill—Introduced ..	4004
The Indian Tariff (Cotton Yarn Amendment) Bill—Discussion on the Motion to consider and the Motion to circulate adjourned ..	4004—41
Statement of Business ..	4041—42

WEDNESDAY, 7TH SEPTEMBER, 1927—

Member Sworn ..	4043
Questions and Answers ..	4043—58
Motion for Adjournment—Retrenchment by the Bengal Nagpur Railway of Workmen employed in the Workshops at Kharagpur—Ruled out of Order ..	4058—60
Message from the Council of State ..	4060
Bills passed by the Council of State laid on the Table ..	4061
Indian Tariff (Cotton Yarn Amendment) Bill—Passed as amended ..	4061—4118

THURSDAY, 8TH SEPTEMBER, 1927—

Member Sworn ..	4119
Message from the Council of State ..	4119
The Indian Tariff (Amendment) Bill—Passed as amended ..	4119—50
The Bamboo Paper Industry (Protection) Bill—Passed ..	4150—56
The Indian Securities (Amendment) Bill—Passed as amended ..	4156—61
The Volunteer Police Bill—Withdrawn ..	4161—79
Statement of Business ..	4179—82
The Criminal Law Amendment Bill—Time for the Presentation of the Select Committee's Report extended ..	4182

CONTENTS—*contd.*

	PAGES.
TUESDAY, 13TH SEPTEMBER, 1927—	
Member Sworn	4188
Questions and Answers ..	4183—4229, 4231—33.
Short Notice Questions and Answers ..	4229—31
Unstarred Questions and Answers	4233—41
Motion for Adjournment—The Gold Standard and Reserve Bank of India Bill—Leave granted	4242
Appointment of Munshi Iswar Saran to the Library Com- mittee	4242
Resolution <i>re</i> Indianization of Half the Cadre of Officers of the Indian Army—Adopted as amended	4242—75
Resolution <i>re</i> Manufacture and Sale of Khadi—Discussion adjourned	4275—77
Motion for Adjournment—The Gold Standard and Reserve Bank of India Bill—Adopted	4277—92
WEDNESDAY, 14TH SEPTEMBER, 1927—	
Questions and Answers ..	4293—4321
Unstarred Questions and Answers	4321—25
Motion for Adjournment—Serious Situation in the Bengal Nagpur Railway Workshops at Kharagpur—Leave grant- ed	4325
Presentation of the Report of the Public Accounts Committee ..	4325
The Criminal Law Amendment Bill—Presentation of the Report of the Select Committee	4325
Statement laid on the Table	4325—31
Appointment of a Committee to consider the Question of Resi- dence and Accommodation for Members of the Indian Legislature	4332—35
The Indian Income-tax (Second Amendment) Bill—(Amendment of Sections 2, 23, 28, etc.)—Motion to circulate adopted ..	4335—36
The Indian Forest Bill—Passed	4336—44
The Transfer of Property (Amendment) Bill—Introduced ..	4344
The Transfer of Property (Amendment) Supplementary Bill— Introduced	4344—45
The Indian Income-tax (Amendment) Bill—Passed ..	4345—46
The Indian Lighthouse Bill—Passed ..	4346—51
The Indian Succession (Amendment) Bill—Passed ..	4352—53
The Presidency-towns Insolvency (Amendment) Bill—Passed ..	4353—54

CONTENTS—*contd.*

	PAGES.
The Cantonments (Amendment) Bill—Passed	4355
The Indian Emigration (Amendment) Bill—Passed ..	4355—59
Resolution <i>re</i> Censorship of Cinematograph Films—Discussion adjourned	4359—77
Motion for Adjournment—Serious Situation in the Bengal Nagpur Railway Workshops at Kharagpur—Adopted ..	4377—4402
THURSDAY, 15TH SEPTEMBER, 1927—	
The Societies Registration (Amendment) Bill—Amendment made by the Council of State agreed to	4403—05
The Hindu Child Marriage Bill—Referred to Select Committee ..	4405—57
FRIDAY, 16TH SEPTEMBER, 1927—	
Short Notice Question and Answer	4459
Message from the Council of State	4459
Bill passed by the Council of State laid on the Table ..	4459
The Criminal Law Amendment Bill—Discussion on the considera- tion of Clauses adjourned	4459—4520
MONDAY, 19TH SEPTEMBER, 1927—	
Questions and Answers	4521—69
Unstarred Questions and Answers	4569—74
Message from the Council of State	4574
The Criminal Law Amendment Bill—Passed as amended ..	4575—4612
Appointment of Members to the Committee to consider the Question of Residence and Accommodation for Members of the Indian Legislature	4613
The Hindu Child Marriage Bill—Constitution of the Select Com- mittee	4613—14
The Aden Civil and Criminal Justice (High Court Jurisdiction Amendment) Bill—Passed	4614—15
The Inland Bonded Warehouses (Amendment) Bill—Intro- duced	4616
The Indian Divorce (Second Amendment) Bill—Passed ..	4616
The Assam Labour and Emigration (Amendment) Bill— Passed	4617
Resolution <i>re</i> Ratification of the Draft Conventions concerning (1) Seamen's Articles of Agreement, and (2) Repatriation of Seamen—Adopted	4617—25
Resolution <i>re</i> Recommendations concerning (1) The Repatriation of Masters and Apprentices, and (2) The General Principles for the Inspection of the Conditions of Work of Seamen— Adopted	4626—29

CONTENTS—*concl'd.*

	PAGES.
Resolution <i>re</i> Censorship of Cinematograph Films—Discussion adjourned	4629
TUESDAY, 20TH SEPTEMBER, 1927—	
Member Sworn ..	4631
Questions and Answers ..	4631—59
Message from the Council of State	4659
Resolution <i>re</i> Manufacture and Sale of Khadi—Withdrawn ..	4659
Resolution <i>re</i> Pensions of the employees of the Telegraph Department—Withdrawn	4659—64
Motion <i>re</i> Privileges and Status of Members of the Legislative Assembly—Adopted	*4665—69

LEGISLATIVE ASSEMBLY.

Wednesday, 14th September, 1927.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

†1015*—21*.

LIQUIDATION OF THE INDRAPARASTHA STORES LIMITED, DELHI.

1022. ***Rao Bahadur M. C. Rajah** : (a) Is it a fact that the Indraparastha Co-operative Stores, Delhi, was placed under liquidation about 4 years ago ?

(b) Have the Government received any complaints regarding delay in winding up the stores or regarding misappropriation of its funds during the unusually long period of liquidation ?

(c) What steps do the Government propose to take to expedite the winding up of the Stores ?

The Honourable Sir George Rainy : (a) There is no such Company as the Indraparastha Co-operative Stores, Delhi. There is, however, a company styled Indraparastha Stores, Ltd., which went into voluntary liquidation by resolution of an Extraordinary General meeting held on the 9th January 1925, that is about 2 years and 8 months ago.

(b) The only complaint received by the Chief Commissioner, Delhi, is one dated 27th January 1927, against the liquidator of the company. This complaint was answered and returned in original to the complainant, Jagdish Pershad, a contributory of the above company.

(c) The Indian Companies Act, VII of 1913, prescribes no limit of time by which the winding up of a company should be completed. The liquidator hopes to complete the winding up of the company by the end of January 1928. The delay is said to be due to the non-realization of several decrees. In the case of voluntary liquidation the Government have no power under the Act to expedite the proceedings.

ARTICLES IN THE *Hindustan Times* ENTITLED "LIFE IN RAISINA".

1023. ***Rao Bahadur M. C. Rajah** : (a) Has the attention of the Government been drawn to the editorial notes under the heading "Life in Raisina" published in the *Hindustan Times*, Delhi, dated the 17th February 1927, and 27th March, 1927 ?

(b) What action do the Government propose to take to remove the hardships and defects pointed out therein ?

† Not put at the meeting, but the questions with their answers will be found at pages 4313—16 of these proceedings.

The Honourable Sir Bhupendra Nath Mitra : (a) Yes.

(b) I have nothing to add to the reply given by me to Khan Bahadur Sarfaraz Hussain Khan's question No. 1166 on the 25th March 1927.

REMOVAL OF THE MAIN ELECTRIC SWITCHBOARD IN SOME OF "D" CLASS QUARTERS IN NEW DELHI INSIDE THE QUARTERS.

1024. ***Rao Bahadur M. C. Rajah :** (a) Is it a fact that the main switch of electricity in some of the "D" Class quarters at Raisina is in the verandah outside the quarter and can thus be easily shut off by thieves, etc., at night ?

(b) When do the Government propose to remove it to some place inside the quarters ?

The Honourable Sir Bhupendra Nath Mitra : (a) Yes, this is the case in nearly all bungalows and quarters. The switchboard is situated in the verandahs in order that the meter may be read without the meter reader entering the quarters to which the tenants usually strongly object.

(b) Government do not propose to do this at present.

DEFECTS IN "D" CLASS QUARTERS IN NEW DELHI.

1025. ***Rao Bahadur M. C. Rajah :** (a) Is it a fact that in the case of a burglary in the last winter the thieves entered a "D" class quarter in the Albert Square in New Delhi by jumping over the low outer wall of the courtyard and entered one of the rooms through the wide ventilator (width 2 feet) without any obstacle ?

(b) Is it a fact that some of the doors of "D" class quarters are fitted with glass panes which are not required as sufficient light can come into the rooms through windows and ventilators ?

(c) Is it also a fact that usually the thieves open the bolts inside by breaking the glass panes ?

(d) Are the Government also aware that the outer door in the courtyard of some of the "D" class quarters has got openings on all the four sides (for want of wooden frame) which helps in ascending the walls and makes the house open to view from outside even when it is closed ?

(e) When do the Government propose to remove the above four defects in some of the "D" class quarters to safeguard the life and property of the residents ?

The Honourable Sir Bhupendra Nath Mitra : (a) Government have no information.

(b) Government understand that glass panes are fitted where light would be otherwise insufficient.

(c) Government have no information.

(d) Some of these doors have no chowkets, but Government understand that this does not produce the defects asserted.

(e) Government do not propose to take any further action at present.

REPLACEMENT BY GLASS WINDOWS OF THE HONEY-COMBED PORTIONS OF THE BATH ROOMS IN THE " D " CLASS QUARTERS IN NEW DELHI.

1026. ***Rao Bahadur M. C. Rajah** : (a) Is it a fact that the bath rooms of " D " class quarters in all the quarters except those newly built for the " G " point Post Office are provided with a honey-comb instead of a glazed window ?

(b) Have the Government obtained the views of any medical officer as to whether it is safe for a person to bathe with warm water in winter in a bath room which is open to draughts from outside through honey-combs ?

(c) Are the Government aware that almost all the residents have to shut up the honey-comb to protect themselves from cold wind ?

(d) When do the Government propose to replace the honey-comb by glass windows to allow light into the bath room at the same time affording protection from cold draughts when necessary ?

(e) When do the Government propose to replace the bath room pipe by high shower and torrent bath pipe like those in the Indian clerks chummeries ?

The Honourable Sir Bhupendra Nath Mitra : (a) Yes.

(b) No. The tenant can protect himself against draughts by covering the honey-combed portion by a small purdah on the inside. In order to render this possible and yet admit light all solid doors have been specially provided with glazing.

(c) No, but this is what Government suggest the tenants should do if they wish to do so.

(d) Government do not propose to effect this replacement.

(e) Government do not consider that this is necessary.

CLOSING OF THE WATER PIPES IN THE HIGH LEVEL QUARTERS IN NEW DELHI SOON AFTER 10-A.M.

1027. ***Rao Bahadur M. C. Rajah** : (a) Is it a fact that water pipes in the high level quarters in New Delhi close soon after 10 o'clock in the morning thus putting the residents to great inconvenience ?

(b) Do Government propose to take any steps to remove this inconvenience ?

The Honourable Sir Bhupendra Nath Mitra : (a) and (b). Government understand that water pipes are open throughout the 24 hours of every day.

ISSUE OF EXTRA FURNITURE TO RESIDENTS OF " D " CLASS QUARTERS IN NEW DELHI.

1028. ***Rao Bahadur M. C. Rajah** : (a) What articles of extra furniture are usually supplied if required by the residents of " D " class quarters in New Delhi ?

(b) What is the rate of charges for each ?

(c) Are the Government aware that extra furniture is usually supplied very late in the month of November or in December even when it is requisitioned in October ?

(d) Are the Government aware that it causes a good deal of inconvenience to those concerned and also loss of income to Government ?

(e) Do the Government propose to instruct the authorities concerned to issue extra furniture as soon as a quarter is occupied so that the extra hire may commence from the same date ?

The Honourable Sir Bhupendra Nath Mitra : (a) and (b). The list of articles of extra furniture and the rate of charges can be had on application to the Estate Officer, Delhi.

(c), (d) and (e). It is not the policy of Government to provide furniture in excess of the scale that has been laid down. There is, however, a surplus of certain articles and additional demands are met from this source as far as possible. This surplus is likely to be exhausted in the near future in providing for replacements. In the circumstances furniture over and above the scale referred to can only be issued if available and certain articles may only become spare late in the season, if at all.

FIXING OF PERMANENT HANGING HOOKS IN THE WALLS OF QUARTERS IN NEW DELHI.

1029. ***Rao Bahadur M. C. Rajah :** (a) Are the Government aware that the walls of quarters are spoiled every year by the residents in their unsuccessful efforts to fix hanging hooks and nails in the walls ?

(b) To avoid unnecessary trouble and spoiling of walls do the Government propose to fix permanent hanging hooks in the walls or to indicate by lines, etc., on the walls where they can be fixed ?

The Honourable Sir Bhupendra Nath Mitra : (a) and (b). The answer is in the negative.

DIFFERENCE IN THE COURSES OF STUDIES IN THE DELHI AND SIMLA SCHOOLS.

1030. ***Rao Bahadur M. C. Rajah :** (a) Is it a fact that the school courses of Delhi and Simla schools are different ?

(b) In view of the fact that the children of the Government of India employees have to move between Simla and Delhi, are Government prepared to take steps to remove this trouble ?

(c) Are the Government aware that there is a general complaint to the effect that the teachers of New Delhi schools find it difficult to give special attention to the boys that go there from Simla and join the schools for the winter only ?

(d) Do the Government propose to issue instructions to the Inspectors of Schools to consider very carefully whether the difference in the course of studies in Delhi and Simla impedes the progress of the children of the Government of India employees ?

Mr. A. R. Dalal : (a) The courses differ to a small extent.

(b) Attempts are being made to minimise the hardship.

(c) No.

(d) No ; but the Honourable Member is referred to the answer to (b).

EXTRADITION PROCEEDINGS AGAINST SARDAR DIWAN SINGH, EDITOR OF THE
Riyasat.

1031. ***Diwan Chaman Lall** : (a) Will Government be pleased to state whether it is a fact that the complaint lodged against Sardar Diwan Singh, Editor, *Riyasat*, by the Patiala State was lodged three years ago ?

(b) Is it a fact that Colonel Minchin (Agent, Governor General, Punjab States) refused extradition proceedings three years ago for the same criminal complaint ?

(c) Will Government state if the legal representative of Sardar Diwan Singh will be given an opportunity of being heard should extradition proceedings be started against him before the Agent to the Governor General, Punjab States ?

(d) Is it fact that in a cocaine smuggling case instituted against Sardar Diwan Singh it is stated in the judgment that "there is little doubt that Diwan Singh was an eye-sore to the Patiala people. All that is relevant to this case is that Diwan Singh by writing such articles made himself a bitter enemy of the Patiala party. . . . (judgment acquitting Sardar Diwan Singh Criminal case Lahore, No. 3/3, dated 5th January 1923) ?

The Honourable Mr. J. Crerar : (a) I would refer the Honourable Member to the answer I gave to Mr. B. Das' question on the subject on the 31st of August.

(b) No such proceedings have been traced.

(c) The Agent has to satisfy himself that there is a *prima facie* case against the accused and I have no doubt that any application from a duly empowered legal representative of Sardar Diwan Singh to be heard on his behalf would receive the fullest consideration.

(d) Government have not seen the judgment referred to.

APPOINTMENT OF A TECHNICAL COMMISSION TO EXAMINE THE GAUGE PROBLEM
RELATING TO RAILWAYS.

1032. ***Mr. E. F. Sykes** : (a) Are the Government aware that the Acworth Committee described the gauge problem as an urgent one and recommended the appointment of a technical Commission to examine it ?

(b) Do Government propose to appoint such a Commission ? If so, when ?

Mr. A. A. L. Parsons : (a) Yes.

(b) When the recommendation made in paragraph 181 of the Acworth Committee's Report was considered the Railway Board were more inclined to the views expressed by Sir Henry Burt in his minute of dissent, which I have no doubt the Honourable Member has read, namely, that the gauge problem should be dealt with as incidental to, and with regard to, the immediate necessities of each new project as it comes under consideration. It has not been thought necessary to appoint a technical Commission to

examine the problem as a whole as Government have held the view that the work of improvement and development on a systematic basis which is now going forward was of prior importance to a possibly academic examination which might set up a competing demand for heavy expenditure on work of less pressing urgency. The question of gauge is however examined with great care when new projects are being investigated and under present instructions new branches will ordinarily conform to the gauge of the parent line, except that where expected traffic on a proposed branch does not warrant the use of the 5 ft. 6 inch standard gauge the 2 ft. 6 inch gauge will be adopted.

DETENTION OF STATE PRISONERS UNDER THE BENGAL CRIMINAL LAW AMENDMENT ACT, 1925.

1033. ***Mr. Satyendra Chandra Mitra :** (a) Will the Government be pleased to state how many of the State prisoners arrested under Regulation III of 1818 are being now detained under the Bengal Criminal Law Amendment Act, 1925 ? And on what grounds ?

(b) How many of these have been detained outside the Province of Bengal must be detained only in jails ?

(c) Is it the law that persons detained under the Bengal Criminal Law Amendment (Supplementary) Act, 1925, outside the Province of Bengal and in what jails ?

The Honourable Mr. J. Crerar : (a) I understand the Honourable Member's question relates to the recent action taken to transfer certain State prisoners from Regulation III to forms of detention under the Bengal Criminal Law Amendment Act. Nine prisoners have been so transferred in the last few months. The ground for substituting orders under the Bengal Criminal Law Amendment Act for warrants under Regulation III is, as explained by Sir Alexander Muddiman in his statement of the 21st March last, to which I would refer the Honourable Member, that the former Statute furnishes means for gradually relaxing the degree of restraint to which the prisoners are subject.

(b) None of these are detained in jails outside Bengal, the object of the action taken being, as I have mentioned, that they should be released from jail detention.

(c) Yes.

Mr. T. C. Goswami : Do I understand from the answer of the Honourable the Home Member that the prisoners so transferred are meant to be released in a short time ?

The Honourable Mr. J. Crerar : The intention is that they should be released from the conditions of jail detention and placed under milder forms of restraint.

Mr. T. C. Goswami : What is the object of the milder forms of restraint, considering that they could run away if they wanted to ?

May I have an answer to my question ? I think it is a very serious question.

The Honourable Mr. J. Crerar : The object of the milder forms of restraint is, while providing so far as necessary for the public security, to mitigate the degree of restraint imposed upon the prisoners.

Mr. T. C. Goswami : Do I understand that the Honourable the Home Member still thinks them to be dangerous people, people dangerous to public safety ?

The Honourable Mr. J. Crerar : That, Sir, is the justification for maintaining any restraint on them.

Mr. Satyendra Chandra Mitra : In answer to part (a), the Honourable the Home Member was pleased to say that the reason for transferring prisoners from Regulation III to the Bengal Criminal Law Amendment Act was that according to the latter law the prisoner was capable of being placed under gradations of restraint, but in answer to part (c) he said that when a prisoner was transferred outside his province, he was only to be kept in jail. Then why is it that in those particular cases when they are not capable of being placed under gradations of restraint they are transferred from Regulation III to the Bengal Criminal Law Amendment Act ?

The Honourable Mr. J. Crerar : The position is this. Under section 4 of the Supplementary Act, the power is given to Local Governments, other than Bengal, to detain prisoners in jail. That power extends only to jail detention, and if it is desired to release a prisoner from jail detention and put him under milder forms of restraint, then he is ordinarily returned to the jurisdiction of the Government of Bengal.

Mr. Satyendra Chandra Mitra : In that case, the Honourable Member must know that there is no object in transferring a man from Regulation III to the Bengal Criminal Law Amendment Act when that man is transferred outside the province.

The Honourable Mr. J. Crerar : No, Sir, in most cases there would be no object where a prisoner is detained outside the Presidency of Bengal.

Mr. Satyendra Chandra Mitra : Will the Honourable the Home Member kindly take it from me that in several cases prisoners were transferred from Regulation III to the Bengal Criminal Law Amendment Act and at the same time they were transferred outside the province ? My personal experience is such, and we were kept continually for 2 years and 10 months when there was no justification, as the Honourable Member says.

The Honourable Mr. J. Crerar : I am not quite sure that I quite understand the point placed by the Honourable Member, but the object of the provision which I referred to is this. If the Government primarily responsible, the Government of Bengal, consider that in any particular case, the detention may be reduced from jail detention to milder forms, if that is the conclusion arrived at, there is in most cases no object in detaining a prisoner in a province other than his own province. When, therefore, these provisions are put into operation, the prisoner is brought back to Bengal and there subjected to milder forms of restraint.

Mr. A. Rangaswami Iyengar : Is the Honourable Member aware that a large number of prisoners who were originally detained under Regulation III were subsequently specifically put under this Act and sent to Burma ?

The Honourable Mr. J. Crerar : Yes, Sir, that is true ; but, as I have said in the first part of my reply, I understood that the Honourable gentleman opposite was referring primarily to recent cases of transfer.

Mr. A. Rangaswami Iyengar : May I know, Sir, what is this mild form of restraint and what is the object that the Government have in view ?

The Honourable Mr. J. Crerar : I think, Sir, the Honourable Member will find this sufficiently explained in the provisions of the Act.

Mr. A. Rangaswami Iyengar : I want to know what is the reason for the change into the milder forms of restraint.

The Honourable Mr. J. Crerar : I think I have already replied to that point. The reason for imposing milder forms of restraint is to mitigate the conditions of the prisoners concerned.

Mr. A. Rangaswami Iyengar : No, Sir. I submit it is not an answer to my question—the object of a milder form of restraint is to give a milder form of restraint. I want to know what the object is.

The Honourable Mr. J. Crerar : I really cannot take the Honourable Member's point. Certainly the question which he put constrained me to give the reply which he indicates, namely, the object of milder forms of restraint is milder forms of restraint.

Mr. A. Rangaswami Iyengar : I want to know what is the ground upon which Government determine when a man is put under a severe form of restraint he must at a particular time be put under a particular form of restraint. Why is it that the Government want to do it and what are the conditions upon which these milder forms of restraint are given ? What is the criterion ?

The Honourable Mr. J. Crerar : The criteria are the facts and opinions formed by the Local Government with respect to the particular prisoner in question.

Mr. A. Rangaswami Iyengar : Am I to take it that it is not the conditions of peace and order in the province, but the particular conduct of the detenu that governs the situation ?

The Honourable Mr. J. Crerar : In their relation to the question of peace and order.

REMOVAL OF MR. SATISH CHANDRA CHAKRAVARTY, A STATE PRISONER, TO CALCUTTA, TO UNDERGO AYURVEDIC TREATMENT FOR FILARIASIS.

1034. ***Mr. Satyendra Chandra Mitra :** (a) Is it a fact that Mr. Satish Chandra Chakravarty, State prisoner, now detained in Bassein Jail, contracted filaria while he was living in a cell at Moulmein Jail ?

(b) Is it a fact that his disease has been declared incurable under the Allopathic system by the different Jail Superintendents while he was at Mandalay and he was permitted thereafter to take recourse to Ayurvedic treatment and that Kaviraj Shyamadas Bachaspati of Calcutta has given him an assurance that if he is kept under his treatment and personal supervision he may recover completely and in fact Mr. Chakravarty has somewhat improved under the Kaviraj's treatment ?

(c) Do the Government contemplate to bring Mr. Chakravarty to Calcutta and permit him facilities of personal visit and treatment by the said Kaviraj ?

The Honourable Mr. J. Crerar : I am making enquiries on the points raised by the Honourable Member and will inform him of the result.

GRANT OF TEMPORARY PERMISSION TO MR. BEPIN BEHARI GANGULY, A STATE PRISONER, TO VISIT HIS HOME.

1035. ***Mr. Satyendra Chandra Mitra :** (a) Have the Government received a petition from Mr. Bepin Behari Ganguly, a State prisoner now detained in Bassein Jail, praying for temporary permission to visit his home to protect his property, from being wrongly recorded in the name of other persons during the ensuing Cadastral Survey which is now proceeding in his district, his only brother who used to look after their affairs having died leaving only a helpless widow and a minor son ?

(b) If so, are they prepared to grant his prayer ?

The Honourable Mr. J. Crerar : (a) and (b). A petition has been received and is at present under consideration.

ASSAM BENGAL RAILWAY STATION AT SYLHET GHAT.

1036. ***Mr. Sris Chandra Dutta :** (a) Has the attention of the Government been drawn to the discussion held in a meeting of the Assam Legislative Council on the 20th July, 1927, over question No. 61, regarding the Assam Bengal Railway Station at Sylhet Ghat ? If so, will the Government be pleased to state if it is the general rule that the Assam Government cannot move in the matter of removal of grievances of the travelling public brought to their notice by the Members of the Legislative Council, unless those matters are in the first instance considered by the Railway Advisory Committee of the Assam Bengal Railway ? Will the Government be pleased to define the relations between the said Railway and the Provincial Governments so far as the removal of grievances of the travelling public are concerned ?

(b) Are the Government prepared to advise the Provincial Governments whose jurisdictions are served by the Assam Bengal Railway to draw the attention of the Agent of the said Railway Company to the matter of removal of grievances of the travelling public and such other cognate matters which are brought before the meetings of the Provincial Councils ?

(c) Will the Government be pleased to state how many meetings of the Advisory Committee of the Assam Bengal Railway Company were held in 1926 and 1927 ?

Mr. A. A. L. Parsons : (a) and (b). Government have not yet seen the report of the discussion in the Assam Legislative Council referred to, and will send the Honourable Member a reply to parts (a) and (b) of his question when the proceedings of the Assam Council for the 20th July 1927 have been received.

(c) Three meetings of the Assam Bengal Railway Advisory Committee were held in 1926. No meetings are yet reported in 1927.

FENCING OF THE LINES ON THE KATAKHAL-LALABAZAR RAILWAY AND THE SYLHET-KULaura BRANCH OF THE ASSAM BENGAL RAILWAY.

1037. ***Mr. Sris Chandra Dutta** : Will the Government be pleased to state the number of run-over cases during the years 1926 and 1927 by trains of cattle and men on the Katakhal-Lalabazar Railway line and the Sylhet-Kulaura Branch of the Assam Bengal Railway ? What steps do the Government propose to take for the fencing of the aforesaid lines ?

Mr. A. A. L. Parsons : The information is being collected and will be communicated to the Honourable Member in due course.

CONSTRUCTION OF THE HABIGANJ SHAISTHAGANJ BRANCH LINE OF THE ASSAM BENGAL RAILWAY.

1038. ***Mr. Sris Chandra Dutta** : Will the Government be pleased to state when the construction of the Habiganj-Shaisthaganj Branch line of the Assam Bengal Railway is proposed to be undertaken ?

Mr. A. A. L. Parsons : The line has been sanctioned, and it is hoped that construction will start this year and be completed early in 1929.

NUMBER OF POST OFFICES IN THE DISTRICTS OF SYLHET AND CACHAR.

1039. ***Mr. Sris Chandra Dutta** : Will the Government be pleased to state the total number of Post Offices in the districts of Sylhet and Cachar ? How many of them do not entertain peons and on what grounds ?

The Honourable Sir Bhupendra Nath Mitra : The information has been called for and will be furnished to the Honourable Member in due course.

ENHANCED RAILWAY FREIGHT ON SALT FROM THE SALT MINES AT WARCHA IN THE DISTRICT OF SHAHPUR.

1040. ***Mr. M. S. Anon** : (a) Will the Government be pleased to state whether the Railway Board has imposed any enhanced rate of railway freight on salt from the salt mines at Warcha in the District of Shahpur ?

(b) If so, will the Government be pleased to state :

(i) since when the enhanced rate was introduced,

(ii) what was the previous rate,

(iii) what is the enhanced rate and from what station and for what distance ?

(c) Will the Government be pleased to state what is the rate of railway freight for salt from the salt mines at Khewra in the District of Jhelum ?

(d) Will the Government be pleased to explain the reasons for imposing different rates of railway freight for the same article on the State-owned and State-managed Railway line ?

(e) Will the Government be pleased to give the figures showing the quantity of salt and the amount realised for railway freight on salt exported from Warcha railway station to stations beyond a distance of 100 miles for each month from 1st January 1927, to 31st July 1927 ?

(f) Are Government aware that the imposition of enhanced railway freight on salt from the Warcha salt mines has been prejudicial to the consumption of Warcha salt and facilitated the import of salt from the

Khewra mines in parts where salt from the Warcha mines was normally sold and consumed ?

(g) If the answer be in the affirmative, will the Government be pleased to state what steps they propose to take to prevent the trade and consumption of Warcha salt being prejudicially affected by the continuance of enhanced railway freight ?

The Honourable Sir Basil Blackett : As the answer is a very long one, I propose, with the Honourable Member's permission, to lay it on the table.

(a) The Railway Board have not imposed any enhanced rates.

The enhancement was made by the North-Western Railway.

(b) (i) The enhanced rate was introduced from 1st June 1927.

(ii) The previous rate was as follows :

For the first and up to 100 miles .. .380 pies per maund per mile.

For extra distances above 100 miles .220 pies per maund per mile.
but not exceeding 300 miles to be
added to the charge for 100
miles.

For extra distances above 300 miles .130 pies per maund per mile.
but not exceeding 600 miles to be
added to the charge for 300
miles.

For extra distances above 600 miles .110 pies per maund per mile.
to be added to the charge for 600
miles.

(iii) The enhanced rate which applies from Warcha is as follows :

For the first and up to 150 miles .. .380 pies per maund per mile.

For extra distances above 150 miles, .333 pies per maund per mile.
but not exceeding 250 miles to be
added to the charge for 150
miles.

For extra distances above 250 miles, .200 pies per maund per mile.
but not exceeding 500 miles to be
added to the charge for 250
miles.

For extra distances above 500 miles, .130 pies per maund per mile.
but not exceeding 700 miles to be
added to the charge for 500
miles.

For extra distances above 700 miles .100 pies per maund per mile.
to be added to the charge for 700
miles.

(c) The rates described in the answer to (b) (ii) still apply to salt despatched from Khewra.

(d) The enhancement is due to the cost incurred in working the branch line between Gunjyal and Warcha, but it was at the instance of the Central Board of Revenue that the enhancement was made to fall upon long distance traffic and not upon local traffic. The Board's motive was to attempt to discourage an excessive demand for Warcha Salt, coupled with a reduced demand for Khewra salt, from places to reach which Warcha salt has actually to pass Khewra ; this peculiarity in demand was causing

serious practical difficulties to the Salt Department. The Board was unwilling to meet the problem by raising the issue price of Warcha salt; since such a course would have affected local markets adversely as well as the more distant markets.

(e) and (f). A reference is reported to have been made to the Rates Advisory Committee, and the information asked for will doubtless become available in the course of the enquiries made by that Committee.

(g) The action to be taken by the Railway Board or Government upon the result of the reference to the Rates Advisory Committee cannot be anticipated now; but it is fair to let it be known that if the rates for long distance traffic from Warcha and Khewra are again equalised, it may be thought necessary to find other means to discourage the excessive diversion of the demand for salt from Khewra to Warcha.

PROHIBITION AGAINST OFFICERS OF THE INDIAN MEDICAL DEPARTMENT JOINING THE ANGLO-INDIAN AND DOMICILED EUROPEAN ASSOCIATION.

1041. *Lieut.-Colonel H. A. J. Gidney : (a) Will the Government please state if it is a fact that officers of the Indian Medical Department are debarred from joining an avowedly non-political body, the Anglo-Indian and Domiciled European Association, All-India and Burma, on the plea that it is contrary to military law ?

(b) Is it a fact that military officers and men are allowed to be members of other similar Associations, e.g., Masonic Lodges, the Y. M. C. A., the Ex-Services Association, etc. ?

(c) Will the Honourable Member please inform me if there is any evidence to show that officers of the Indian Medical Department, who were members of the Anglo-Indian and Domiciled European Association till October 1924, were, at any time, drawn to movements of a political character which necessitated the issuing of the circular No. 476/3612-B.-3641-B., dated 16th October, 1924, by the Director-General, Indian Medical Service, to the Surgeon Generals with the Local Governments ?

(d) Is the Honourable Member aware of the fact that most of the officers of the Indian Medical Service, the Royal Army Medical Corps and the Royal Air Force Medical Corps, are members of the British Medical Association ?

(e) Do Government intend to take immediate steps to prohibit these officers from being members of the British Medical Association ?

(f) If the reply to part (e) is in the negative, will the Honourable Member please state why a privilege is allowed to the superior offices which is denied to the subordinate services ?

Mr. G. M. Young : (a) Members of the Indian Medical Department are debarred by the operation of paragraph 203 of the Regulations for the Army in India from membership of the Anglo-Indian and Domiciled European Association. In the view of the Government of India, the association is not an entirely non-political body.

(b) Military personnel are permitted to become members of the institutions mentioned by the Honourable Member : but he appears to be begging the question when he calls those institutions "similar".

(c) There is no evidence of the kind suggested. The letter was issued because it was brought to notice that, under Regulations, military personnel are debarred from joining the Association.

(d) Yes.

(e) No.

(f) So far as I am aware there is nothing to prevent members of the Indian Medical Department from joining the British Medical Association, provided that they are eligible under the rules of that Association.

Lieut.-Colonel H. A. J. Gidney : Does military law permit of army officers becoming members of Trade or Labour Unions ? If not, will the Honourable Member please state why military medical commissioned officers are permitted to join the British Medical Association, which is entirely a Labour Union of the first order ?

Mr. G. M. Young : I must ask for notice of the first part of the question. The second part is a question that does not really concern the Government of India, as the British Medical Association is a body in the United Kingdom.

Lieut.-Colonel H. A. J. Gidney : Are officers of the Army in India members of the British Medical Association in the United Kingdom ?

Mr. G. M. Young : Yes, Sir.

Lieut.-Colonel H. A. J. Gidney : Then, is it right or is it permitted by military law for these officers of the Army to be members of a Labour Union anywhere—in the United Kingdom or India ?

†1042*—1047*.

NUMBER OF THE DEPRESSED CLASSES IN EACH BRITISH PROVINCE.

1048. ***Mr. M. S. Aney** : Will the Government be pleased to state the number of persons belonging to what are styled as depressed classes in each British Province according to the census of 1921 ?

The Honourable Mr. J. Crerar : The Honourable Member is referred to page 225 of the Census of India, 1921, Volume I, Part I. A copy of this Report is in the Library of the Assembly.

NUMBER OF THE DEPRESSED CLASSES EMPLOYED IN THE POLICE FORCE IN EACH PROVINCE.

1049. ***Mr. M. S. Aney** : What is the numerical strength of depressed class men in each of the British Provinces in the Police force ?

The Honourable Mr. J. Crerar : Recruitment to the provincial police forces is a function of the Local Governments, and the Government of India are not in possession of information on the point.

EXCLUSION OF THE DEPRESSED CLASSES FROM THE POLICE FORCE.

1050. ***Mr. M. S. Aney** : (a) Is it the policy of the Government not to employ members of the depressed classes in the public service in general and the police service in particular, so long as the depressed classes are not treated as on an equal footing by all sections of the Hindu community ?

† Not put at the meeting, but the questions and the answers thereto will be found at pages 4316—18 of these proceedings.

(b) Will the Government be pleased to state clearly whether it has issued instructions to the Local Governments in general and the Punjab Government in particular, to exclude the depressed classes altogether in the recruitment of the provincial police force on the ground that their employment for the present will impair the efficiency of the police service and be not in the best interest of the composition of the police force ?

The Honourable Mr. J. Crerar : (a) No.

(b) The Government of India have issued no such instructions.

Mr. M. S. Aney : May I bring to the notice of the Honourable Member that in reply to a question put on this point the Punjab Government have stated that recruitment of the depressed classes to the police service is not possible so long as they are not treated on a footing of equality by the Hindus ?

The Honourable Mr. J. Crerar : I am afraid I have not seen the answer to which the Honourable Member refers.

Mr. M. S. Aney : Will the Honourable Member make inquiries in the matter ?

The Honourable Mr. J. Crerar : As I have already explained, the recruitment to the provincial police force is a matter within the discretion of the Local Governments and I consider it unnecessary to ask for reports from the Local Governments on that point.

Mr. M. S. Aney : Am I to understand the Honourable Member's meaning to be that the Provincial Governments are at liberty to depart from the general policy laid down by the Government of India in the matter of recruitment ?

The Honourable Mr. J. Crerar : No, Sir ; if there is any general policy regulating the matter.

†1051*—1052.*

HINDU-MUSLIM RIOTS SINCE 1920.

1053. ***Pandit Thakur Das Bhargava :** Will the Government be pleased to place a statement on the table giving the following particulars regarding Hindu-Muslim riots since 1920 :

- (a) date of riot, (b) place, (c) cause of the riot,
- (d) number and nature of the casualties on each side,
- (e) legal proceedings taken in its connection, (f) the result of such proceedings ?

The Honourable Mr. J. Crerar : I regret that the Government have not got the full information which the Honourable Member asks for and its collection would involve elaborate enquiries all over India. I think however he will find that the statement laid on the table of this House on the 18th August 1926, together with the statement which I now lay on the table showing details of occurrences from the beginning of 1926

† Not put at the meeting, but the questions and the answers thereto will be found at pages 4318—19 of these proceedings.

up to date will give him a clear view of the number and nature of these unfortunate conflicts in recent times :

Date.	Place of occurrence.	Casualties.	Cause of disturbance.
1st February 1926.	Agra City, United Provinces.	1926. 1 person roughly handled by hooligans.	
7th February	Madhi in Pathardi Mahal, Ahmednagar district, Bombay.	6 persons slightly injured.	Dispute over a building called the temple of Kambhoba or Dargah of Hazrat Shah Ramzan in which both Hindus and Muhammadans have in past claimed and exercised rights.
11th February	Barondi, Ratnagiri district, Bombay.	1 killed and 21 injured.	Alleged playing of music before mosques by Hindu procession on Maha Shivratri day.
12th/13th April	Rewari, Punjab	1 killed, several injured.	Cause alleged to be playing of music before mosque by Hindu marriage procession. A Muhammadan crowd also attempted to take a corpse in procession through main bazar.
2nd to 15th April.	Calcutta ..	46 killed and 675 injured.	The playing of music before mosque by a Hindu procession.
14th/16th April	Sassaram, Shahabad, B. and O.	2 killed and 15 injured.	The trouble originally arose out of an individual quarrel between a Hindu and a Muhammadan followed by an attack on a gathering of Hindus and later the looting of shops.
22nd April to 9th May.	Calcutta ..	67 killed and 395 injured.	The tense feeling resulting from the previous (<i>vide</i> above) rioting had not died down. The immediate cause of renewal of hostilities was a brawl between some Hindus and Muhammadans.
17th to 26th May.	Kharagpur, Bengal	Casualties believed to be 11 killed and 32 injured.	Playing of music before a mosque by a Hindu funeral procession.
1st June ..	Hajinagar Paper Mills, 25 miles north of Calcutta.	40 injured ..	Objection by Hindus to a Muhammadan passing a Hindu temple to fetch water.
14th/15th June	Rawalpindi City	16 killed and 90 injured.	Communal tension arising out of resentment of Muhammadans over the leasing of land in close proximity to the Jnma Masjid for purposes of a cinema and the alleged playing of music by a Sikh procession while passing the mosque.

Date.	Place of occurrence.	Casualties.	Cause of disturbance.
22nd June ..	Damoh, C. P. ..	1926. 7 injured ..	Bakr-Id celebrations.
22nd June ..	A village in Darbhanga District.	4 or 5 slightly injured.	Ditto.
Do. ..	Jhusi village near Allahabad.	1 killed and 9 injured.	Ditto.
Do. ..	Maksudpur, Thana Katra, Muzaffarpur District.	4 injured ..	Ditto.
23rd June ..	Singhasan Beniapatti Thana, Darbhanga District.	4 killed ..	
Do. ..	Shankarpur, Sursand Thana, Sitamarhi Sub-Division, Muzaffarpur District.	No injuries reported.	Bakr-Id celebrations.
Do. ..	Bihar Sub-division	Do. ..	Ditto.
Do. ..	Gaya ..	Do. ..	Ditto.
Do. ..	Sihali, Bara Banki District, U. P.	9 injured ..	Bakr-Id celebrations. Hindus attempted to stop cow sacrifices by force.
24th June ..	Delhi ..	3 killed 62 injured	Bakr-Id celebrations. Immediate cause was the knocking down of a man by a run-away tonga in Khari Baoli.
Do. ..	Gobindpore, Gaya District.	Riot with murder : number of casualties not reported.	Bakr-Id celebrations.
Do. ..	Katra Thana, Muzaffarpur District.	2 persons injured	Ditto.
1st to 7th July	Pabna, Bengal ..	23 injured ..	The immediate cause is believed to be the taking of a Hindu procession with music past a mosque.
15th July ..	Karachi ..	11 injured ..	Alleged annoyances to some Hindus by a Jew convert to Islam.
11th and 15th to 25th July 1926.	Calcutta ..	28 killed and 226 injured.	Disturbances in connection with Hindu religious Rath Jatra and Raj Rajeswari processions and the Muharram celebrations.
21st July ..	Purnea, B. and O.	1 person injured	Muharram celebrations.
21st August ..	Andarsul, Taluka Yeola, District Nasik, Bombay.	Few persons injured slightly.	Playing of music before a mosque by a Hindu procession.

Date.	Place of occurrence.	Casualties.	Cause of trouble.
27th August	Delhi ..	50 persons injured	The immediate cause was a quarrel between a Hindu Bank chaprassi and a Muhammedan shopkeeper who was instrumental in bringing about the dismissal of the former.
5th September	Kidderpore, Garden Reach, Calcutta.	13 injured (1 seriously).	Playing of music before a mosque by a Hindu religious (Janmastami) procession.
6th September	Madhi, Pathardi Mahal, Ahmednagar, District Bombay.	11 persons injured slightly.	Dispute in connection with a Hindu bullock procession in celebration of the annual ' Pola ' festival.
8/10th September.	Dacca City, Bengal.	8 killed and 72 injured.	Janmastami festival celebrations.
16th October	Calcutta ..	None reported ..	Dasahra celebrations.
Do. ..	Howrah ..	1 killed and 20 injured.	Ditto.
23rd December	Delhi City ..	1 killed and 4 injured.	Disturbances following the murder of Swami Shradhanand.
1927.			
1st February	Kaganarai village, North Arcot, Madras.	1 killed and 7 wounded.	Ill-feeling between a wealthy Muhammadan Mittadar and a wealthy Hindu ryot.
17th February	Abdulpur in Bahadurganj town, Ghazipur District, U. P.	1 killed and 16 injured.	Immediate cause was a quarrel between a Muhammadan and a Hindu Halwai over the preparation of some food.
20th February	Bombay City ..	1 killed and 30 injured.	Music before mosque.
2nd March ..	Ponabalia, Kulakati, Barisal District, Bengal.	17 killed and 12 injured.	Procession before mosque.
23rd March ..	Badlapur, Thana District, Bombay.	25 injured ..	Trouble arising out of a Muhammadan procession.
29th March ..	Larkana, Bombay	1 killed and 68 taken to hospital. (Number of other injured persons who are stated to have been treated by private practitioners is not known).	Dispute between Hindus and Muhammadans over the possession of a woman and 3 boys.

Date,	Place of occurrence.	Casualties.	Cause of trouble.
10th/11th April.	Aligarh ..	40 injured ..	Dispute between Muslim, ekha drivers and Hindu parao contractors.
3rd May ..	Samat, Bombay ..	1 killed and 58 injured.	Music before mosque.
3/7th May ..	Lahore ..	27 killed and 270 injured.	Tension between the two parties was already acute. The actual outbreak was occasioned by a chance quarrel between a Muhammadian and two Sikhs.
11th June ..	Dinapur, B. and O.	1 killed and 4 injured.	Cow sacrifice.
3/4th July ..	Some villages in Meherpur Sub-division, Nadia District, Bengal	3 killed, 1 missing and 4 injured by gunshot and several others reported injured.	Communal ill feeling, culminating in attack by one party upon the other party's village, and counter-attack by the other party.
10th July ..	Sholapur, Bombay	43 injured ..	Clash between Hindu Rath procession and Muhammadan Muharram Tige procession.
Do. ..	Faizpur, East Khandesh, Bombay.	1 killed and 7 injured.	Music before mosque.
Do. ..	Barroilly, U. P. ..	36 injured ..	Muharram celebrations.
11th July ..	Murawan in Unao District, U. P.	1 killed and 13 injured.	Ditto.
11/14th July ..	Multan, Punjab	12 killed and 18 injured.	Ditto.
13th July ..	Sandila in Hardoi District, U. P.	8 injured ..	Ditto.
About 13th July (exact date not specified).	Ballia, U. P. ..	Few injured (number not reported).	Ditto.
2nd August ..	Bettiah town, Champaran District, B. and O.	13 killed and 80 wounded.	Mahabiri procession.
4th August ..	Basim in Akola, C. P.	1 killed and 50 injured treated at hospital.	Friction arising out of Muharram celebrations and cow sacrifice.
15th August ..	Karepatan, Deogad Taluka, Ratnagiri District, Bombay.	4 injured ..	Gokul Ashtami celebrations.

Date.	Place of occurrence.	Casualties.	Cause of trouble.
19th August	Comilla, Bengal	2 killed and 33 injured.	Music before a mosque.
Do. ..	Mohamdi in Kheri District, U. P.	About 14 injured (exact number not known).	"Chehlum" and "Janmastami" celebrations coinciding.
21st August ..	Ichauli, Police Circle, Tikatinagar, 34 miles from Barabanki, U. P.	7 injured ..	"Ramdol" procession.
23rd August	Delhi	About 10 injured (exact number not known).	A Hindu died as the result of an attack in the train on the night of 21st/22nd August by a robber whose identity is not known. Rumour spread that his assailant was a Muhammadan and this led to disturbances during the funeral procession.
28th August	Bareilly, U. P. ..	13 killed and 107 injured admitted to hospital.	Procession passing a mosque.
29th August	Cawnpore, U. P.	1 killed and 56 injured.	....
4th September	Nagpur ..	19 killed and 123 injured admitted to hospital.	Trouble in connection with a Muhammadan procession.
11/12th September.	Sholapur, Bombay	5 killed and 66 injured (exact number not known).	

PLAYING OF MUSIC BEFORE OR NEAR MOSQUES.

1054. *Pandit Thakur Das Bhargava : Will the Government be pleased to lay on the table copies of the orders passed by various Government authorities in various places relating to the stoppage of or placing restrictions upon the playing of music before or near mosques ?

The Honourable Mr. J. Crerar : Any orders of this nature would ordinarily be passed by the local authorities in exercise of the powers conferred on them by section 144 of the Criminal Procedure Code and the provisions of the Police Act. Government have no copies of such orders which are passed in relation to particular local circumstances.

QUARREL DUE TO THE PLAYING OF MUSIC BEFORE MOSQUES.

1055. *Pandit Thakur Das Bhargava : Will the Government be pleased to lay on the table a statement of the places where quarrels have taken

place on the question of music before mosques, the date of the quarrel, the origin of the quarrel, the number and nature of casualties on each side, the proceedings taken by the Government and their results ?

The Honourable Mr. J. Crerar : I would refer the Honourable Member to the answer I have just given to his question No. 1053.

PROVISION OF EMPLOYMENT UNDER GOVERNMENT FOR CLERKS, ETC., OF THE ARMY CANTEN BOARD.

1056. ***Rao Bahadur M. C. Rajah :** (a) Is it a fact that the Army Canteen Board (now in liquidation) was a company guaranteed by the Government of India ?

(b) Have the Government taken any steps to ensure that those clerks, etc., that have rendered useful services to the Board for several years are not thrown out of service without being provided elsewhere in other Government Departments where their experience can be utilised ? If so, what steps, and will those that have crossed the limit of 25 years of age be debarred from joining other Government departments as being over age ?

(c) Will the employees of the Canteen Board, when appointed in other Departments of the Government, be granted any advance increments or special personal pay so that they may not have to start from the bottom of a time-scale after several years of service in a quasi-Government office ?

(d) What efforts have the Government so far made to have the Indian clerks of the Board absorbed in permanent vacancies in the Indian Corps of Clerks and other military offices and with what result ?

(e) Are the Government prepared to reserve some of the future vacancies in the office of the Military Accountant General for suitable accounts clerks of the Board's office ? If not, why not ?

Mr. G. M. Young : (a) Yes.

(b) to (e). The terms of agreement under which these men were employed in the Army Canteen Board definitely laid down that employment was terminable at one month's notice. Government cannot therefore accept any direct responsibility in the matter of their future employment nor can they grant any general exemption from the ordinary rules or reserve vacancies expressly for them in any office. They are, however, doing what they can to help individuals and ten Indian employees of the Board have already obtained employment in Government offices.

BURGLARIES IN NEW DELHI.

1057. ***Rao Bahadur M. C. Rajah :** (a) Is it a fact that there is a general complaint of the residents of New Delhi regarding the frequent burglaries that have taken place there during the last 12 months ?

(b) Do the Government propose to issue instructions for granting more freely licences for guns and pistols for defensive purposes to the residents of the city ?

The Honourable Mr. J. C. Crerar : (a) Certain complaints of this nature have been received.

(b) I would refer the Honourable Member to the answer given by me on the 22nd August to a similar question by Mr. G. P. Singh.

**FILLING OF SECOND DIVISION TEMPORARY AND OFFICIATING VACANCIES IN
ARMY HEADQUARTERS.**

1058. ***Rao Bahadur M. C. Rajah :** (a) Will the Government please state the number of second division temporary and officiating vacancies for which candidates were requisitioned by the various branches of the Army Headquarters from the Establishment Officer from the 1st November 1926 to 30th June 1927 ?

(b) In how many of these vacancies were unpassed candidates appointed and how many of them (unpassed men) were Muslims and how many Hindus ?

Mr. G. M. Young : (a) 163.

(b) 82. 46 of these were Hindus and 25 Muslims.

†1059*—1061*.

QUESTIONS NOT PUT WITH ANSWERS TO THE SAME.

**NAMES OF INFORMERS WHO SUPPLY INFORMATION TO GOVERNMENT IN REGARD
TO INDIANS RESIDING IN AFGHANISTAN, RUSSIAN TERRITORY
AND PERSIAN TERRITORY.**

1015. ***Diwan Chaman Lall :** Will Government state the names of non-Indian or other informers who supply the Government with information :

- (a) from Afghanistan,
- (b) from Russian territory, and
- (c) from Persian territory,

in regard to Indians residing in those countries ?

Sir Denys Bray : I am not quite sure of the Honourable Member's purport. If he desires to know how to get news of Indians abroad, His Majesty's representatives, who endeavour to keep in touch with all British subjects, British Indian subjects of course included, are always ready to exercise their good offices on their behalf. If his question refers to sources of information of any other kind, I regret I am unable to make any statement.

**REPRESENTATION OF MUSLIMS IN NON-GAZETTED APPOINTMENTS IN THE
ARCHAEOLOGICAL DEPARTMENT.**

1016. ***Maulvi Muhammad Yakub :** (a) Will the Government be pleased to state what is the total strength of the non-gazetted appointments both clerical and technical in the Archaeological Department and how many of them are held by Moslems ?

† Not put at the meeting, but the questions and answers thereto will be found at pages 4319—21 of these proceedings.

(b) How many new non-gazetted appointments both clerical and technical were created in the Department during the last three years and how many were given to Moslems ?

(c) Do Government propose to increase the number of Moslems in the Department in making future appointments both clerical and technical ?

Mr. A. B. Dalal : (a) There are 129 non-gazetted appointments in the Archaeological Department of which 28 are held by Moslems.

(b) From the beginning of the year 1925, 25 posts were filled in the Department out of which 5 were given to Moslems.

(c) Yes, provided that suitable qualified applicants are forthcoming.

EUROPEAN AND INDIAN RAIL MOTOR DRIVERS ON THE KALKA-SIMLA RAILWAY.

1017. ***Maulvi Muhammad Yakub :** (a) Will Government kindly state the strength of rail motor drivers on the Kalka-Simla Railway ? How many of them are Europeans and how many of them are Indians ?

(b) Is it a fact that there is differentiation between the grades of European rail motor drivers and Indian rail motor drivers, as well as in the uniforms supplied ? Is it a fact that a European rail motor driver starts on Rs. 215 and goes up to Rs. 325, rising by Rs. 15 annually, whereas an Indian rail motor driver starts on Rs. 100 and goes up to Rs. 175 only, rising by Rs. 10 annually ? Is it a fact that a European rail motor driver gets double uniform of what is supplied to an Indian rail motor driver ?

(c) Is it a fact that the nature of the duties between the two grades of rail motor drivers is exactly the same but the differentiation is only a racial one ?

(d) Is it a fact that one of the rail motor drivers in the European rail motor driver's grade is an Indian Christian and that for the sake of religion he has been given the European grade ?

(e) Are Government aware that there is considerable heartburning amongst Indian rail motor drivers on account of this invidious distinction in the grades ? Are Government also aware that some of the Indian rail motor drivers know English very well, and are well educated ?

(f) Are Government prepared to consider the desirability of relaxing this invidious distinction in the grades and making all the grades equal, so that those Indian drivers who have got the necessary literacy in English qualifications and do the same work as Europeans may have equal chances of promotion ?

Mr. A. A. L. Parsons : I am obtaining the information for the Honourable Member.

GRANT OF A LOCAL ALLOWANCE TO THE POSTMEN OF SIMLA.

1018. ***Maulvi Muhammad Yakub :** (a) Is it a fact that the postmen at Simla are on the same scale of pay as the postmen of the first class Head Offices in the plains and get nothing extra to compensate them for the high cost of living at Simla ?

(b) Do Government propose some compensatory allowance for Simla postmen equal to that given to the clerks of the Telegraph Department ?

(c) Is it a fact that no local allowance is given to the postmen of Simla while other departments of the Government, including the post office clerks, are in the enjoyment of the same ? If the answer is in the negative, will the Government be pleased to state the reason for not giving a local allowance to the postmen at Simla ?

MEMORIAL OF THE POSTMEN OF SIMLA.

1021. *Maulvi Muhammad Yakub : Was any memorial received by the Director General of Posts and Telegraphs in India from the postmen of Simla ? If so, what action was taken on it ? If no action was taken, what was the reason ?

The Honourable Sir Bhupendra Nath Mitra : I propose with your permission, Sir, to answer questions Nos. 1018 and 1021 together as they relate to the same case. The postmen at Simla are on the same scale of pay as those in the other 1st class Head offices in the Punjab and North West Frontier Circle, but whereas the former are provided with free quarters, the latter are given a house rent allowance of Rs. 5 a month. In none of the cases is a compensatory allowance granted. The postmen at Simla have submitted memorials to the Director-General on the subject of their emoluments and these are being considered in connection with a general scheme for the revision of the emoluments of such officials at all places where such a revision has not recently been carried out.

The answer to part (c) of question No. 1018 is in the affirmative, but as already pointed out, the postmen in Simla are provided with free quarters while clerks of the post office and other Government departments do not enjoy this concession.

PRIVILEGE LEAVE OF POSTMEN.

1019. *Maulvi Muhammad Yakub : Are postmen entitled to one month's privilege leave every year like the other Government servants ? If not, why not ?

Mr. H. A. Sams : No Government servant is 'entitled' to leave. Postmen like other Government servants in superior service earn every year privilege leave or leave on average pay, according as they have elected to remain under the Civil Service Regulations or to come under the Fundamental Rules.

SYSTEM OF SENDING CASH FROM THE HEAD POST OFFICE IN SIMLA TO THE SUB-POST OFFICES.

1020. *Maulvi Muhammad Yakub : (a) What is the system of sending cash from the Head Post Office in Simla to the Sub-Post Offices ?

(b) Why is not the cash given in leather bags sealed by the Postmaster of the Head Post Office, to be opened by the Sub-Postmaster of the Sub-Post Office ?

(c) What are the arrangements for the protection and safety of the postmen and the cash when it is taken by a postman to distant places like Mashobra ?

(d) Do Government provide conveyance for the postmen when they have to take money to places over 5 miles ? If not, why not ?

Mr. H. A. Sams : (a) Cash is remitted in sealed bags through the post and loose through head postmen and overseers.

(b) As the duty of giving cash in sealed leather bags is performed jointly by two responsible officials of the Head Office, it is not considered necessary to impose this duty on the Postmaster. In the Sub-Post office the cash bag is opened by the Sub-Postmaster.

(c) When a postman carries heavy remittances to places like Mashobra another official accompanies him.

(d) Yes ; that is the rule. I am however enquiring into the practice in respect of the outlying offices of the Simla Head Office.

CONTRIBUTIONS MADE BY THE DISTRICT BOARD OF HAZARIBAGH TOWARDS
THE COST OF THE CONSTRUCTION OF THE JOINT RAILWAY AND
DISTRICT BOARD BRIDGE OVER THE KONAR RIVER.

1042. ***Mr. Ram Narayan Singh :** (a) Will the Government be pleased to state the different amounts the District Board of Hazaribagh (Central India Coalfield Railway) was asked to pay on different occasions as the contribution of the cost of the construction of the Joint Railway and District Board Bridge over the Konar River in the district of Hazaribagh ?

(b) Are the Government aware that the District Board of Hazaribagh was put to a great difficulty in paying the said different amounts on different occasions owing to the uncertainty and inaccuracies of the estimate of the said construction of the said work and its consequent several necessary revisions ?

(c) Will Government be pleased to state the name or names of the engineer or engineers who prepared the estimate of the Bridge and the length of his or their experience ?

(d) Were the engineer or engineers taken to task for the preparation of such a bad and defective estimate ?

Mr. A. A. L. Parsons : The required information is being obtained and a communication will be sent to the Honourable Member in due course.

SEARCH FOR MISSING CURRENCY NOTES BY THE CURRENCY OFFICE.

1043. ***Raja Raghunandan Prasad Singh :** (a) Is it a fact that the Currency Office has ceased any more to search for missing currency notes on being supplied with the numbers of such notes ? If so, why so ?

(b) If the answer to (a) be in the affirmative, do Government propose to re-introduce the practice for the convenience of the public ?

The Honourable Sir Basil Blackett : If the Honourable Member is referring to the maintenance of " stopped note " list at Currency offices,

I would invite his attention to the Government of India, Finance Department Resolution No. 523-F., dated the 12th November 1912. The reasons given therein for the abolition of that system still hold good and the Government do not propose to reintroduce it.

REFUNDS ON MISMATCHED OR OTHERWISE DEFECTIVE CURRENCY NOTES.

1044. ***Raja Raghunandan Prasad Singh :** (a) Is it a fact, that the Currency Office refuses any more to find out counterparts of mismatched halves of currency notes as it used to do before ? If so, why so ?

(b) If the answer to (a) be in the affirmative, do Government propose to restore the old practice in this behalf and, if necessary, charge reasonable remuneration for the extra service to be rendered by the Currency Office ?

The Honourable Sir Basil Blackett : The rules regarding refunds on mismatched or otherwise defective currency notes were published in the Gazette of India dated the 21st May 1927. Refunds can still be obtained on mismatched notes subject to certain conditions. The rules were issued after prolonged consideration and the Government do not propose to revert to the previous practice.

INFANTILE MORTALITY.

1045. ***Raja Raghunandan Prasad Singh :** Will Government be pleased to lay on the table a statement showing the rates of infant mortality in the different provinces of British India during the last five years ?

Mr. G. S. Bajpai : A statement giving the information available is being placed on the table.

Statement showing the rates of infant mortality in the different provinces of British India during the five years ending 1925.

Provinces and Administrations.	Infant mortality per 1,000 of births during the years.				
	1921.	1922.	1923.	1924.	1925.
Bengal Presidency.. ..	206.1	187.7	182.1	184.17	179.05
United Provinces	265.8	183.8	169.4	191.99	175.51
Delhi	217.2	120.26	212.85	179.33	192.33
Assam	188.5	198.2	179.5	184.75	174.35
Bihar and Orissa	191.4	139.9	146.5	158.4	137.66
Madras Presidency	166.0	166.4	173.7	179.21	180.94
Bombay Presidency	178.1	169.1	159.7	191.17	162.01
Central Provinces	279.5	228.7	220.3	234.94	204.44
Punjab	191.6	169.6	196.62	212.57	187.71
North-West Frontier Province	195	151.5	149.5	161.36	139.13
Burma	172	185.3	184.1	197.86	188.99
Coorg	225	272.5	217.3	331.03	293.66
Ajmer Merwara	256.3	208.2	236.5	227.45	207.35
Total	197.9	175.1	175.56	188.66	174.40

ARTICLE IN THE *Searchlight* ON THE SUBJECT OF INCOME-TAX ADMINISTRATION.

1046. ***Raja Raghunandan Prasad Singh** : Has the attention of Government been drawn to the leading article in the *Searchlight* of Patna of a recent date on the subject of income-tax administration ? Will Government be pleased to say if they propose to institute an enquiry into the allegations contained therein ?

The Honourable Sir Basil Blackett : The Government have now seen the article in question. They do not propose to institute any enquiry into the allegations made in it, but the Central Board of Revenue has already received and is considering a report upon them from the Commissioner of Income-tax.

ABOLITION OF THE BRANCH POST OFFICE AT BETWAN BAZAR, MONGHYR.

1047. ***Raja Raghunandan Prasad Singh** : Is it a fact that the Branch Post Office at Betwan Bazar, Monghyr (Bihar and Orissa) is likely to be abolished due to the man running the same having expressed his inability to do so any longer owing to the inadequacy of remuneration paid to him for the same ? If so, do Government propose to increase the remuneration so as to ensure the continuance of the office in question in view of its supplying a real local need ?

Mr. H. A. Sams : The information has been called for and will be furnished to the Honourable Member in due course.

EMOLUMENTS OF CLERKS AND SORTERS IN THE RANGOON GENERAL POST OFFICE, AND CLERKS OF THE MOFUSSIL IN BURMA, AND SORTERS OF THE BURMA RAILWAY MAIL SERVICE.

1051. ***U. Tok Kyi** : (a) Is it a fact that prior to the introduction of the time-scale pay in the Post Office, the difference in the initial emoluments of clerks and sorters in the Rangoon General Post Office on the one hand and the clerks of the mofussil of Burma and the sorters of the Burma Railway Mail Service on the other was only Rs. 10 ?

(b) Is it not a fact that the same initial difference in emoluments was recommended by the Postal Enquiry Committee ?

(c) Are the Government aware that the present initial difference in emoluments between Rangoon and the Burma mofussil and Railway Mail Service is as much as Rs. 20 ? If so, will the Government be pleased to state whether the difference is compatible with the latest orders of the Burma Government on the subject as regards its own officials stationed in Rangoon and in the mofussil of Burma ? If not, are Government prepared to take early steps to rectify matters ?

The Honourable Sir Bhupendra Nath Mitra : (a) Yes, in respect of post office clerks, there was no difference in the case of Railway Mail Service sorters.

(b) The Postal Enquiry Committee recommended a difference of Rs. 10 between the emoluments of the men stationed in Rangoon and those in the rest of Burma.

(c) The answer to the first part is in the affirmative. As regards the second part the revised rates of pay of postal clerks and sorters in

Rangoon and in the rest of Burma were worked out after due consideration of the rates allowed by the Local Government to their employees. The third part does not arise.

REVISION OF THE PAY OF THE POSTMEN AND LOWER STAFF IN THE BURMA POST OFFICES AND THE RAILWAY MAIL SERVICE.

1052. *U. Tok Kyi : Is it a fact that revision of pay of the postmen and lower staff in the Burma Post Offices and the R. M. S. is still under consideration ? If so, will the Government be pleased to state its reasons for not taking up the case of these lowly-paid men before any revision of the clerical cadre was contemplated ?

The Honourable Sir Bhupendra Nath Mitra : Yes, except in respect of postmen and mailguards in Rangoon where the pay has been revised. The Honourable Member's attention is invited to the relevant portion of my speech in this House on the 11th March last.

PROTECTION OF THE RIGHTS AND INTERESTS OF INDIANS RESIDENT IN TANGANYIKA.

1059. *Mr. Gaya Prasad Singh : (a) Has the attention of Government been drawn to the articles published in the *African Comrade* of Dar-u-Salaam, dated the 18th May 1927 (pages 3, 6, 11) in which it is stated that the "Kenya policy" is attempted to be introduced into Tanganyika as regards Asiatic settlement, in pursuance of a resolution passed by the East African Section of the London Chamber of Commerce ?

(b) Will Government be pleased to ascertain and quote the text of the Resolution referred to in (a) above ?

(c) Are Government aware that the speech of Sir Edward Grigg at Falmouth in this connection has given rise to considerable misgivings and anxieties in the minds of the Indian settlers in the East African Colonies ; and what steps have Government taken, or propose to take to protect the rights and interests of Indian residents against White settlers ?

Mr. G. S. Bajpai : Government have not seen, either the articles in the *African Comrade* newspaper of Dar-es-Salaam, referred to by the Honourable Member or the report of the speech of His Excellency Sir Edward Grigg said to have been delivered at Falmouth. If the Honourable Member will supply me with the articles and the text of the speech I would endeavour to answer his question.

SEGREGATION OF INDIANS IN MOMBASSA.

1060. *Mr. Gaya Prasad Singh : Has the attention of the Government been drawn to the articles published in the *African Comrade*, dated the 23rd March 1927 (pages 4, 16) and dated the 30th March 1927 (pages 3, 9, 11), regarding the renewed scheme of segregation of Indians in Mombasa ; and will the Government be pleased to state the present position with regard to this subject, and also indicate the steps taken, or proposed to be taken, in this connection ?

Mr. G. S. Bajpai : Yes : the Honourable Member's attention is invited to the answers given by me to his question No. 55 and the connected supplementaries asked on the 22nd August 1927. I regret I am not in a position to add anything to what I said on that occasion.

CLAIMS OF INDIANS IN TANGANYIKA AGAINST GERMANY.

1061. ***Mr. Gaya Prasad Singh :** (a) Has the attention of the Government been drawn to the articles published in the *African Comrade*, dated the 9th March 1927 (pages 7, 9, 11, 13), and dated the 16th March 1927 (pages 5, 7, 9), regarding the debt claims of Indians in Tanganyika against Germany during the War ?

(b) Is it a fact that several test cases have been fought out against the German Government, in which the Tribunal has decided in favour of the Indian claimants, but that the German Clearing Office has declined to accept these awards as binding upon it in settling claims of a similar description ?

(c) Is it a fact that Germany has accepted and admitted the *locus standi* of the claimants to prefer their claims before the Tribunal as decided by the Allies and Associated Powers on the one hand, and Germany on the other in the Treaty of Versailles ?

(d) Are Government aware that instead of paying up the claims in full, the German Clearing Office has written to the claimants individually with offers of compromise on such miserably low terms as 25 per cent. ?

(e) Have Government taken any steps, or propose to take any, to render assistance to the Indian claimants in the realization of the war debts ?

Mr. W. T. M. Wright : (a) The attention of Government has been drawn to the articles mentioned.

(b) The articles deal with the claims of Indians resident in Tanganyika Territory in respect of currency notes issued by the German East Africa Bank. As far as Government are aware no test case relating to such notes has been decided by the Anglo-German Mixed Arbitral Tribunal.

(c) It does not rest with Germany to admit the *locus standi* of claimants to prefer their claims before the Tribunal. All such claims preferred within the period allowed [In India 8 months from the date of formal rejection by the Treuhander (Custodian's) Dept.] are accepted by the Tribunal and if the question of jurisdiction is raised by the German Government it is for the Tribunal to decide it.

(d) The claims in respect of the currency notes involve difficult questions of law and of the effect of depreciation of currency and it cannot be said what would be the decision of the Tribunal if the cases were fought out before it. The offers of compromise referred to were made to the claimants after consultations at which the Custodian of Enemy Property, Tanganyika Territory, attended in the interests of British and Indian claimants in Tanganyika Territory and approved of the proposed offers. It is understood that the offers of 25 per cent. of the face value of the notes are being made only in respect of notes acquired after 15th November, 1915, offers of 80 per cent. being made in respect of notes held before that date.

Taking into consideration the difficulties of the case and the uncertainty of the decision that would be given by the Tribunal it is doubtful if the offers can be characterised as inadequate. Similar offers have been made in all the claims in respect of such notes preferred to the Tribunal by claimants resident in India and have all been accepted. It is open to any claimant who is not disposed to accept the offer of compromise to fight out the case before the Mixed Arbitral Tribunal.

(e) The Government have endeavoured to keep themselves informed as to the progress of these claims generally and Sir, Darcy Lindsay who had interested himself in the matter was furnished with all the information in the possession of the Government that might be of assistance to the claimants in prosecuting their claims before the proper Tribunal. The claimants are aware of their legal remedy and it is not practicable for the Government of India to render them any further assistance in the matter.

UNSTARRED QUESTIONS AND ANSWERS.

HIGH DEATH RATE AMONG POSTAL OFFICIALS IN THE JALPAIGURI POSTAL DIVISION.

118. **Mr. Amar Nath Dutt :** (a) Has the attention of the Government been drawn to the articles published in the November 1926 and January 1927 issues of *Labour* under the captions "Premature decease" and "The Vale of Tears"?

(b) Will the Government please lay on the table a comparative statement showing the names, designation, age and illness of postal officials who died during the last six years while employed in the Jalpaiguri and Darjeeling Divisions?

(c) Will the Government please furnish a similar statement of relatives and dependents of postal officials who died from illness during the last six years while postal officials to whom they were related were employed in the Jalpaiguri and Darjeeling Divisions?

(d) Do not figures in the statement show that the death-rate among postal officials employed in the Jalpaiguri Division is abnormally high?

The Honourable Sir Bhupendra Nath Mitra : (a) Yes.

Information relating to parts (b) to (d) is being collected and will be furnished to the Honourable Member in due course.

SAFEGUARDING OF THE LIVES OF POSTAL OFFICIALS EMPLOYED IN THE JALPAIGURI POSTAL DIVISION.

119. **Mr. Amar Nath Dutt :** Has the attention of the Government been drawn to the interpellations put in the House of Commons on the 23rd May 1927 regarding the serious state of affairs in the Jalpaiguri Division? If so, what action has been taken to safeguard the lives of postal officials employed in the Division?

The Honourable Sir Bhupendra Nath Mitra : Yes. The state of affairs in the Jalpaiguri Postal Division has attracted the attention of

the Director-General long before those interpellations. An increase of 88 per cent. in the leave reserve for the Division has been arranged by the Director-General and other remedial measures are under his consideration.

INCREASE OF THE LEAVE RESERVES FOR THE JALPAIGURI POSTAL DIVISION.

120. **Mr. Amar Nath Dutt** : Is it a fact that in view of the extremely unhealthy condition of the Jalpaiguri Division the Postmaster-General had issued sanction by wire for the entertainment of 15 per cent. leave reserves in excess of the usual number sanctioned for all Postal Divisions on the recommendation of the Postal Enquiry Committee ? Has the sanction been given effect to ? If not, why not ?

The Honourable Sir Bhupendra Nath Mitra : On account of the unhealthy climate of certain places in the Jalpaiguri Division the Government of India sanctioned the increase from 17 to 32 in the number of reserve clerks attached to that Division. Effect has been given to the sanction.

ALLEVIATION OF THE DISTRESS AND SUFFERING OF POSTAL OFFICIALS EMPLOYED IN THE DOOARS AND THE TERAI.

121. **Mr. Amar Nath Dutt** : (1) In view of the extremely unhealthy condition of all localities situated within the Dooars and the Terai in the Jalpaiguri Division do the Government propose to adopt any of the following remedial measures as suggested in *Labour*, dated January 1927, page 502 :

I. (a) That expert travelling doctors should be sanctioned for the Eastern Dooars, Western Dooars and the Terai.

(b) The number of relieving hands in the Jalpaiguri District should be increased by 50 per cent.

(c) Sick officials should be transferred to healthier places.

(d) Suitable quarters should be provided at Jalpaiguri town to accommodate at least two patients with their families.

(e) All single-handed offices in the Dooars and the Terai should be increased by additional hands without any consideration of statistics.

(f) Suitable residential quarters should be constructed at all stations in the District for postal officials of all classes and the rent be fixed at 10 per cent. of pay or interest on capital outlay, whichever is less.

II. (a) That the compensatory allowance sanctioned for the Dooars and Terai should be increased to Rs. 40 for men of the clerical cadre and to Rs. 20 for men below that cadre.

(b) Suitable compensatory allowance should be sanctioned for Inspectors and Overseers required to tour in the Dooars and the Terai.

(2) If not, what measures do the Government propose to adopt for alleviating the distress and suffering of postal officials employed in Post Offices situated in the Dooars and the Terai ?

The Honourable Sir Bhupendra Nath Mitra : All the remedial measures suggested in the issue of *Labour* of January, 1927, are being

examined by the *Director-General* and certain action in this direction has already been taken.

REVISION OF THE TIME TEST OF DEAD LETTER OFFICES.

122. **Mr. Sris Chandra Dutta** : With reference to the assurance given by the *Director-General* of Posts and Telegraphs in the last Session of the Assembly that the time-test of Dead Letter Offices is under revision will the Government be pleased to state if the revision has been completed and with what result ? If not when may completion be expected ?

Mr. H. A. Sams : The question is still under consideration and it cannot be stated at present when a final decision on the matter will be arrived at.

NIGHT DUTY IN THE MUNSHIGUNJ POST OFFICE.

123. **Mr. Sris Chandra Dutta** : Has the attention of Government been drawn to page 92 of *Labour*, April 1927, *apropos* night duty in the Munshigunj Post Office (Dacca District) ? If so, what measures have been taken to afford relief or compensation to the officials affected ?

Mr. H. A. Sams : The information has been called for and will be furnished to the Honourable Member in due course.

TREATMENT OF HIS STAFF BY THE SUPERINTENDENT OF POST OFFICES, HOOGLY DIVISION.

124. **Mr. Sris Chandra Dutta** : (a) Has the attention of Government been drawn to pages 65, 66 and 145 of *Labour*, March and May 1927 regarding treatment of men under his charge by the Superintendent of Post Offices, Hoogly Division ? Are the facts related therein substantially correct ? If so what action do Government propose to take for affording relief and redress to the aggrieved staff ? Is the Superintendent's appointment permanent at Rangpur Division and if so why has he been retained in the Hooghly Division ? Is no other Superintendent competent to administer the Division ?

(b) Is it a fact that orders have been issued by *Director-General* of Posts and Telegraphs for prompt relief of men who report sick and submit applications for leave on medical grounds duly supported by medical certificate ? If so, what action has been taken against the Superintendent who is alleged to have ignored or contravened the *Director-General's* order ?

(c) What action was taken against the Superintendent of Post Offices, Hooghly Division, for ignoring the *Director-General's* orders in respect of the Sub-Postmaster, Baly as alleged in page 145, *Labour*, May, 1927 ?

Mr. H. A. Sams : The information is being collected and will be furnished to the Honourable Member in due course.

CASE OF MR. HARIHAR PRASAD.

125. **Mr. Sris Chandra Dutta** : Are the facts relating to Mr. Harihar Prasad narrated on page 142 of *Labour*, May 1927, substantially correct ? If so, are the Government prepared to consider a review of his case ? If not, why not ?

The Honourable Sir Bhupendra Nath Mitra : The attention of the Honourable Member is invited to the reply given by me on the 31st August, 1927, to Mr. Ganganand Sinha's starred questions Nos. 712 and 715 to 721.

INORDINATE DELAY IN THE APPEALS OF POSTAL EMPLOYEES.

126. **Mr. Sris Chandra Dutta** : Has the attention of Government been drawn to page 214 of *Labour*, June 1927 *apropos* inordinate delay in the disposal of appeals ? Will Government please lay on the table a statement of appeals pending over three years from each circle separately with reason for delay in every case ?

The Honourable Sir Bhupendra Nath Mitra : The reply to the first part of the question is in the affirmative. As regards the second part I would inform the Honourable Member that there are no appeals pending for over 3 years in the Director-General's office.

SORTING WORK IN THE AMHERST STREET, BOW BAZAR AND BEADON STREET POST OFFICES.

127. **Mr. Sris Chandra Dutta** : (a) Is it a fact that with a view to cope with the voluminous work in connection with the large number of newspapers and periodicals posted at the Amherst St., Bow Bazar and Beadon St. T. S. Os., also for preliminary sorting one sorter from the Calcutta Sorting office used to be deputed to each of these offices during the past several years ?

(b) Has the practice of deputing sorters to these offices for sorting newspapers and periodicals for preliminary sorting of letters, been discontinued ?

(c) If the reply be in the affirmative will the Government please state how the work is being managed since the discontinuance of the practice ?

(d) Is the staff of each post office regulated according to a fixed standard called "Time-test" ?

(e) Is the work in connection with newspapers and periodicals and also preliminary work included in the time-test ?

(f) If so, where was the necessity for deputing a sorter from the Calcutta Sorting Office to the T. S. O.'s mentioned above for coping with work ?

(g) If not, do the Government propose to increase the staff of these offices adequately for purposes of the additional work thrown on them ?

(h) If not, why not ?

Mr. H. A. Sams : The information has been called for and will be furnished to the Honourable Member in due course.

SITUATION AND CONDITION OF THE BOW BAZAR POST OFFICE BUILDING.

128. **Mr. Sris Chandra Dutt** : (a) Has the attention of Government been drawn to the paragraph published at page 513 of *Labour*, dated January 1926, regarding the situation and condition of the Bow Bazar Post Office building ?

(b) Are the statements made in the paragraph substantially correct ?

(c) If so, do the Government propose to remove the Bow Bazar T. S. O. to a more suitable building at an early date for the convenience of the staff as well as of the public ?

(d) If not, why not ?

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

(c) The question of extending office is under consideration.

(d) Does not arise.

MOTION FOR ADJOURNMENT.

SERIOUS SITUATION IN THE BENGAL NAGPUR RAILWAY WORKSHOPS AT KHARAGPUR.

Mr. President : I have received the following notice of motion for adjournment of the business of the Assembly from Mr. M. K. Acharya :

"I desire after question time to-day to make a motion for the adjournment of the business of the Assembly to discuss a definite matter of urgent public importance, namely, the serious situation that has arisen in the Bengal Nagpur Railway workshops at Kharagpur as evidenced by the fact that the railway authorities have thought it necessary to lock up the workshops and call in the aid of military police for patrolling the streets and guarding the workshops."

When I ruled out of order the Honourable Member's motion on the same subject the other day, I had hoped that the situation would improve. Unfortunately, however, I find that by the recent action of the railway authorities the situation has become worse. I am, therefore, inclined to admit this motion unless the Honourable the Commerce Member satisfies the Chair that the motion is out of order.

The Honourable Sir George Rainy (Member for Commerce and Railways) : I do not wish, Mr. President, to raise any objection to the moving of this motion.

Mr. President : I rule that the motion is in order and ask whether the Honourable Member has the leave of this Assembly to move the adjournment.

(No Honourable Member rose to object to the motion.)

As no Honourable Member objects to the motion for adjournment, I intimate that leave is granted and the motion will be taken up at 4 o'clock.

PRESENTATION OF THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I present the Report of the Public Accounts Committee.

THE CRIMINAL LAW AMENDMENT BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Mr. J. Crerar (Home Member) : Sir, I present the Report of the Select Committee on the Criminal Law Amendment Bill.

STATEMENT LAID ON THE TABLE.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour) : Sir, I lay on the table a statement furnished by the High Commissioner for India showing all cases in which the lowest tenders have not been accepted by him in purchasing stores for the Government of India during the half year ending 30th June, 1927.

HIGH COMMISSION

INDIA STORE

Abstract of cases in which Tenders for Stores demanded by the Central Govern goods demanded, were accepted on the grounds of superior quality, superior delivery, etc.

HALF YEAR ENDING

PART A.—Cases in which lower foreign tenders, including British tenders for
ten

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Buffers No. 2,000	F. 4361/5944/20-1-27	H. J. Skelton & Co. ..	7,500 0 0 Hungarian.
Buffers No. 1,000	F. 4917/5944/23-2-27	P. & W. MacLellan ..	3,975 0 0 British.
		Total ..	11,475 0 0
Laminated Bearing Springs.	F. 4882/7187/19-2-27	Jonas Woodhead & Sons, Ltd.	427 10 0 British.
Postcard Board 1,000 tons.	G. 274/7411/29-4-27	L. S. Dixon & Co. ..	11,943 15 0 German.
	G. 275/7411/29-4-27	Jas. Cropper & Co. ..	12,250 0 0 British.
		Total ..	24,193 15 0
Muriate of Ammonia 700 Cwts.	G. 586/960/24-5-27	Brunner Mond & Co.	612 10 0

WER FOR INDIA.

DEPARTMENT.

ment, other than the lowest complying with the technical description of the trustworthiness of the firm tendering, greater facility of inspection, quicker

30TH JUNE 1927.

foreign made goods, have been set aside wholly or partially in favour of British ders.

Lowest Tender not accepted. —	Reason for acceptance.
<p>£ s. d.</p> <p>11,250 0 0 Hungarian.</p>	<p>The lowest tenderer, Messrs. H. J. Skelton & Co., offered buffers to be manufactured at a works near Buda Pesth which had had no experience of the class of work required under the present contract. It was therefore not considered advisable to entrust the whole order to this firm, and one third of the order was placed with the next lowest tenderer, Messrs. P. and W. MacLellan, who could be relied upon to supply satisfactorily and within a reasonable time.</p>
<p>412 10 0 German.</p>	<p>The lowest tender was from a firm which offered German springs for delivery in 12/14 weeks. The works at which it was proposed to manufacture the springs had already several contracts in hand for springs for the Indian State Railways, and were in arrears as regards delivery.</p> <p>It was thought advisable to place the order with the second lowest tenderer who offered delivery in 8 weeks.</p>
<p>23,887 10 0 German. 24,000 0 0 Austrian.</p>	<p>The Indenting Officer was on deputation in England and opportunity was taken to discuss these tenders with him.</p> <p>As in the light of previous experience, the indenter preferred the boards offered by Messrs. Jas. Cropper & Co., the order was on this occasion divided equally between Messrs. Cropper and the lowest tenderer Messrs. L. S. Dixon & Co., in order to secure further trial and experience.</p>
<p>599 7 6 German.</p>	<p>The extra cost of inspection if the lowest tender had been accepted would have been more than the difference in price between that tender and the tender accepted.</p>

PART B.—*Cases in which the discrimina*

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Paint, Copper Red.	F. 4274/2458/14-1-27	Lewis Berger & Sons, Ltd.	19 5 0
	F. 4275/2458/14-1-27	(1 Ton) Szerelmey, Ltd. (5 Tons).	150 0 0
		Total	169 5 0
Waistcoats, Car- digan.	F. 4763/5162/9-2-27	Bent & Watson, Ltd.	1,546 17 6
Junction Fishplates of cast manganese Steel.	F.4982/6673/2-3-27	Head Wrightson & Co.	386 5 0
	F.4983/6673/2-3-27	Hadfields ..	6,478 15 0
		Total ..	6,865 0 0

tion is between British firms only.

Lowest Tender not accepted.	Reason for acceptance.
£ s. d.	The indenter demanded 6 tons of Szerelmey's paint. Competitive tenders were invited and two firms quoted lower prices than Szerelmey and submitted samples which compared favourably with those offered by the latter firm.
115 10 0	It is known that actual experience in use is the only safe test and accordingly a trial order of 1 ton was placed with the lowest firm, the balance of 5 tons being ordered from Messrs. Szerelmey, Ltd.
1,442 14 2	The indent stated that the cardigan waistcoats were required in India not later than the 31st December 1926. They were originally ordered from a firm which proved to be unable to deliver satisfactory supplies. Part of the original order was therefore cancelled, and fresh tenders were obtained. Of these tenders the lowest offered delivery in instalments to commence in 4 weeks and to be completed in 18 weeks. In view of the urgency of the demand and of the delay which had occurred, this delivery was considered to be too long, and the order was accordingly placed with the second lowest tenderer who was known to be reliable and who undertook to complete in 16 to 20 days.
6,278 19 2	The manufacture of junction fishplates of cast manganese steel is work of a very special nature. The lowest tenderer had not previously made fishplates of this Material. The bulk of the order was accordingly given to the next lowest tenderer who had previously made large supplies satisfactorily but at the same time a trial order was given to the lowest tenderer.

PART C.—Cases in which the disori

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Paper envelope— 42 Tons ..	G. 276/7409/29-4-27 ..	Ed. Beer & Co. ..	1,186 10 0 (Austrian).
100 Tons ..	G. 278/7409/29-4-27 ..	Spicers, Ltd. ..	2,925 0 0 (Belgian).
100 Tons ..	G. 277/7409/29-4-27 ..	L. S. Dixon & Co. ..	3,165 0 0 (Finland).
100 Tons ..	G. 279/7409/29-4-27 ..	Wm. Hartmann, Ltd. ..	3,200 0 0 (Austrian).
100 Tons ..	G. 280/7409/29-4-27 ..	H. Reeve Angel & Co. A. B.	3,250 0 0 (Swedish).
		Total ..	13,726 10 0
Steel Dogspikes— No. 1,500,000	G. 749/1059/8-6-27 ..	Ste. Ame. des Usines Gilson & Ste. Ame. des Usines Boulonneries et Etirage de la Louviere.	4,191 15 11 (Belgian).
Steel Dogspikes— No. 500,000 ..	G. 750/1059/8-6-27 ..	Ste. Ame. des Laminiers et Boulonneries du Ruau	1,409 9 8 (Belgian).
		Total ..	5,601 5 7

mination is between Foreign firms only.

Lowest tender not accepted.	Reason for acceptance.
<p>£ s. d.</p> <p>..</p>	<p>The indenting officer was on deputation in England and opportunity was taken to discuss the tenders with him.</p> <p>In accordance with his wishes the contract was divided as shown between the five lowest tenderers, in order that a trial could be made of the different qualities of paper offered.</p>
<p>12,500 0 0 (Austrian).</p> <p>..</p>	<p>The delivery offered by the lowest tenderer would not have satisfied the Indenting Officer's requirements had the contract for the full quantity been placed with that firm.</p> <p>The order was therefore divided between the two lowest tenderers.</p>
<p>5,589 1 0 (Belgian) for No. 2,000,000</p>	

APPOINTMENT OF A COMMITTEE TO CONSIDER THE QUESTION OF RESIDENCE AND ACCOMMODATION FOR MEMBERS OF THE INDIAN LEGISLATURE.

Mr. President : The House will now resume further consideration of the following motion moved by the Honourable Sir Bhupendra Nath Mitra on the 5th September 1927 :

" That the Honourable the President do appoint six members of this House to serve on a Committee to consider the question of residence and accommodation for Members of the Indian Legislature, including the use and disposal of the Western Hostel, New Delhi, and that the Council of State be asked to nominate members to serve on the Committee."

Sir Hari Singh Gour (Central Provinces Hindi Division : Non-Muhammadan) : Sir, I beg to move the following amendment to the Honourable Member's Resolution :

" That after the words ' New Delhi ' the following be inserted :

' and the question of constituting a Standing House Committee to deal with all matters connected with the allotment to Members of accommodation or quarters available for their residence '."

Sir, I need not take up the time of this House because the Honourable Members will remember that I have said all that I had to say on the last occasion when the Honourable Sir Bhupendra Nath Mitra moved his original motion. I pointed out then that we have a somewhat similar Committee in charge of the accommodation and comforts of the Honourable Members, but it never functions. And I now wish that a formal motion in the shape of an amendment be accepted by this House so that this Committee may consider the advisability of re-instating that defunct Committee. Sir, I move.

Mr. P. B. Haigh (Bombay : Nominated Official) : Sir, I desire to oppose this amendment. I wish to make it quite plain at the outset that I have no objection to raise to the appointment of a Standing House Committee to function in Delhi or in Simla after the Session is begun. But what I do strongly object to is that this Standing House Committee should be entrusted with the business of allotting quarters to Members. I do not suggest for a moment that, if you appoint a committee for that purpose, they will not do their work with the best good will and as speedily as possible. The point I wish to make clear is that the proposal is not feasible.

Mr. President : Perhaps the Honourable Member seems to have misunderstood the scope of the amendment of Sir Hari Singh Gour. All that the amendment seeks is that this particular Committee which is proposed to be nominated by the Honourable the President should also be empowered to consider the question of constituting a Standing House Committee to deal with certain matters and formulate their recommendations which Government might or might not accept.

Mr. P. B. Haigh : Sir, I ask your permission to lay before the House at this stage, before the matter goes before the Committee which you are to appoint, the view which, I think, is shared by several Members on this

side of the House and I do not think we shall have another opportunity of putting that view before the Committee. What I wish to point out is this, that the date of the meetings of the Assembly is not always fixed very long before hand. When the list of the dates is fixed, it is customary for the Secretary of the Legislative Department to circularise all Members of the Assembly and to send them out forms inviting their applications for accommodation. Those forms are not received filled in until a short time before the Assembly meets and the work has necessarily to be done towards the end in a few days. Now, how is the Committee to deal with that ? The members of the Committee will presumably include non-officials and probably they will not be present in Delhi at all. The work cannot be done by correspondence and the consequence is that the matter will be delayed and Honourable Members will arrive in Delhi or Simla to find at the very last minute that accommodation has not been settled and all sorts of confusion and discontentment will arise. I therefore submit that this point of view may be borne in mind by the Committee which you are about to appoint and, if possible, I would like this House to record its opinion that this question of allotment should not be entrusted to the members of this Committee. Sir, I oppose the motion. (Applause.)

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour) : Sir, my Honourable friend Mr. Haigh has drawn the attention of the House to certain practical difficulties which may stand in the way of the adoption of the amendment moved by my Honourable friend from Nagpur. At the same time, there is considerable force in the observations which you made, namely, that what my Honourable friend Sir Hari Singh Gour wants is that this Committee which will be nominated by you should go into this particular question. Therefore, neither the House nor Government is at present committed to the acceptance of this proposition that there should be a Standing House Committee one of whose functions should be the allotment to Members of accommodation or quarters available for their residence. That being the position, on behalf of Government I am not prepared to oppose the amendment of my Honourable friend from Nagpur. At the same time it is a fact that there is a considerable amount of feeling on this question on the part of certain Honourable Members, particularly official Members who come up from the provinces. In view of this feeling, Government would leave the matter to be settled by the free vote of the House. (Hear, hear.)

Mr. President : The original motion was :

“ That the Honourable the President do appoint six members of this House to serve on a Committee to consider the question of residence and accommodation for Members of the Indian Legislature, including the use and disposal of the Western Hostel, New Delhi, and that the Council of State be asked to nominate members to serve on the Committee ”.

Since which the following amendment has been moved :

“ That after the words ‘ New Delhi ’, the following be inserted :

‘ and the question of constituting a Standing House Committee to deal with all matters connected with the allotment to Members of accommodation or quarters available for their residence ’.”

The question is that that amendment be made.

The Assembly divided :

AYES—52.

Abdullah Haji Kasim, Khan Bahadur Haji.
 Acharya, Mr. M. K.
 Ahmed, Mr. K.
 Aiyangar, Mr. C. Duraiswamy.
 Aney, Mr. M. S.
 Ayyangar, Mr. M. S. Sesha.
 Ayyangar, Rao Bahadur Narasimha Gopalaswami.
 Belvi, Mr. D. V.
 Bhargava, Pandit Thakur Das.
 Blackett, The Honourable Sir Basil.
 Chalmers, Mr. T. A.
 Chaman Lall, Diwan.
 Chetty, Mr. R. K. Shanmukham.
 Cocke, Mr. H. G.
 Crawford, Colonel J. D.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Dutta, Mr. Srish Chandra.
 Gidney, Lieut.-Colonel H. A. J.
 Goswami, Mr. T. C.
 Gour, Sir Hari Singh.
 Gulab Singh, Sardar.
 Haji, Mr. Sarabhai Nemchand.
 Iyengar, Mr. A. Rangaswami.
 Iyengar, Mr. S. Srinivasa.
 Joshi, Mr. N. M.

Jowahir Singh, Sardar Bahadur Sardar.
 Kidwai, Mr. Rafi Ahmad.
 Kunzru, Pandit Hirday Nath.
 Lahiri Chaudhury, Mr. Dharendra Kanta.
 Lamb, Mr. W. S.
 Mehta, Mr. Jamnadas M.
 Mitra, Mr. Satyendra Chandra.
 Mitra, The Honourable Sir Bhupendra Nath.
 Moonje, Dr. B. S.
 Mukherjee, Mr. S. C.
 Mukhtar Singh, Mr.
 Neogy, Mr. K. C.
 Parsons, Mr. A. A. L.
 Rainy, The Honourable Sir George.
 Rang Behari Lal, Lala.
 Rao, Mr. G. Sarvotham.
 Roy, Mr. K. C.
 Sams, Mr. H. A.
 Shervani, Mr. T. A. K.
 Siddiqi, Mr. Abdul Qadir.
 Singh, Mr. Narayan Prasad.
 Singh, Rai Bahadur S. N.
 Sinha, Mr. Siddheswar.
 Sykes, Mr. E. F.
 Yakub, Maulvi Muhammad.
 Young, Mr. G. M.

NOES—22.

Ahmad, Khan Bahadur Nasir-ud-din.
 Alexander, Mr. William.
 Ashrafuddin Ahmad, Khan Bahadur Nawabzada Sayid.
 Ayangar, Mr. V. K. Aravamudha.
 Bajpai, Mr. G. S.
 Bray, Sir Denys.
 Coatman, Mr. J.
 Cosgrave, Mr. W. A.
 Courtenay, Mr. R. H.
 Czeraz, The Honourable Mr. J.
 Crofton, Mr. R. M.

Dalal, Mr. A. R.
 Dalal, Sardar Sir Bomanji.
 Donovan, Mr. J. T.
 Dunnett, Mr. J. M.
 Haigh, Mr. P. B.
 Kabul Singh Bahadur, Captain.
 Keane, Mr. M.
 Kirk, Mr. R. T. F.
 Rajah, Rao Bahadur M. C.
 Samsom, Sir Victor.
 Tonkinson, Mr. H.

The motion was adopted.

Mr. President : The motion, as amended, runs as follows :

“ That the Honourable the President do appoint six members of this House to serve on a Committee to consider the question of residence and accommodation for Members of the Indian Legislature, including the use and disposal of the Western Hostel, New Delhi, and the question of constituting a Standing House Committee to deal with all matters connected with the allotment to Members of accommodation or quarters available for their residence, and that the Council of State be asked to nominate members to serve on the Committee ”.

The question I have to put is that the motion, as amended, be adopted.

The motion was adopted.

THE INDIAN INCOME-TAX (SECOND AMENDMENT) BILL.

(AMENDMENT OF SECTIONS 2, 23, 28, ETC.)

The Honourable Sir Basil Blackett (Finance Member) : Sir, I move that the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes (amendment of sections 2, 23, 28, etc.), be circulated for the purpose of eliciting opinions thereon.

This is a Bill designed to do something towards checking what is known as legal evasion of income-tax and super-tax. The provisions of the Bill are technical and obviously the first requisite is that the Bill should be circulated and public opinion elicited thereon. I do not know whether the House desires that I should enter at this stage into the details of the Bill and, on the assumption that they would prefer to be spared from having that done, I will confine myself to moving that the Bill be circulated.

Mr. C. Duraiswamy Aiyangar (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : Sir, as this motion is only for circulation I do not propose to detain the House by any detailed examination of the Bill. But at the same time I want to know from the Honourable the Finance Member what are the principles involved in the Bill which he has brought before the House, so that we may get some opinions from the persons to whom the Bill is to be circulated. For instance, I do not find on what principle section 23A is to be added here, giving liberty to the Income-tax Officer either to levy the tax on the income of the individual member of a firm separately or on the profits of the firm as a whole. Is it on the principle of getting as much money as possible ? If the individual member is otherwise not assessable, then add this profits amount to his income and the Income-tax Officer will have the discretion to levy income-tax on the individual separately. If, on the other hand, there is a likelihood of individual members being assessable for their share in the profits of the firm, in addition to their private income-tax, then I suppose it will be upon the firm that the income-tax will be assessable. Is that the principle involved ? Is the discretion to be given to the Income-tax Officer to get some tax by hook or by crook, either by levying the tax on the firm or on the individual members separately, according as such income-tax will be enhanced by such a discretion being exercised ?

Again, in clause 5, I am unable to understand why in 28 (2), because some partners who are not able to get the profits distributed to them on account of some dispute in the firm, everyone should be penalised not only by making them pay the income-tax which they would otherwise

[Mr. C. Duraiswamy Aiyangar.]

have to pay by adding those profits, but by levying a penalty. Disputes in partnership may arise at any time and it does not seem fair that every individual member who is unable to get his profits distributed by the firm should also be asked to pay some penalty for his not getting his profits and for not having included those profits as a portion of his income.

I do not propose to go into further details at this stage and will only ask whether the Honourable the Finance Member in framing this Bill will not also see his way to making some provision for references to the civil courts in each district in cases of minor importance instead of confining the reference always to the High Court. There is a wide demand from assesses that some provision should be made for reference to the local civil courts instead of always making a reference to the High Courts, which may be done in more important cases.

With these suggestions I do not propose to detain the House any further at this stage.

The Honourable Sir Basil Blackett : Sir, I should be glad to have the points raised by my Honourable friend Mr. Duraiswamy Aiyangar carefully considered before the next motion comes on in regard to this Bill. I think he has slightly misunderstood the purpose particularly of clause 5, which is a case of penalties for concealment of income or improper distribution of profits. I think one might say that the principle of this Bill is to prevent income-tax that is due in equity failing to be collected owing to hook and crook, not an effort by the Government by hook or by crook to obtain all sorts of income-tax but to prevent the taxpayer, who is paying equitably, from being unfairly treated in comparison with someone who equitably ought to pay more and is in fact succeeding in evading it. As the motion is only one for circulation I will not detain the House by a more learned or more lengthy discussion of the Bill at this stage.

Mr. President : The question is :

“ That the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes (amendment of sections 2, 23, 28, etc.) be circulated for the purpose of eliciting opinions thereon.”

The motion was adopted.

THE INDIAN FOREST BILL.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I beg to move that the Bill to consolidate the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce, as reported by the Select Committee, be taken into consideration.

Honourable Members will remember that when introducing this Bill I pointed out to the House that this was a purely consolidating measure. The Statute Law Revision Committee since its inception has consolidated several Acts of the Indian Legislature, the object being to clean up the Statute-book by putting into one consolidating measure what is found scattered throughout the various volumes of the Indian

Statute-book. As such this House passed that very important measure, the Succession Act. We have also had one or two minor Acts like the Criminal Tribes Act and one or two others of a similar consolidating character. Following that policy the Committee decided to consolidate the Indian Forests Act, and if Honourable Members will turn to the copy in their hands they will find from the schedule at page 25 that no less than eight different Acts of the Legislature are affected by this measure. I submitted on the last occasion, when a motion was moved by one of the Honourable Members of this House for reference to a Select Committee, that no principle other than the principle of consolidation could be gone into because the purpose and object of consolidation is nothing more than mere consolidation. This House was anxious to consider whether the Bill was purely a consolidating measure or anything more. The Select Committee have since held their sittings and some members wanted to discuss principles and suggest amendments. You, Sir, on the last occasion ruled that it is not the purpose of a purely consolidating measure to revise and amend its underlying principles, and the Chairman of the Select Committee has also ruled to the same effect. We discussed, Sir, the two main points that were raised by one of the members of the Select Committee; one was the retention of section 34 of the old Act VII of 1878, and the other was a slight verbal change made in section 42 of the Act. Now the Select Committee have fully dealt with both these points, but for the information of Honourable Members I may recapitulate our views on the subject. So far as section 34 of the Forests Act is concerned, it was a transitory provision enacted and inserted for the purpose of safeguarding the rights of persons into whose claims no inquiry had been made before the enforcement of Act VII of 1878, and they were given one year's time within which to set the law in motion for the purpose of settling any claim they may have regarding the forests which were then to be notified. I pointed out, Sir, on the last occasion that this transitory provision spent itself after the expiry of one year from the date of the notifying of the Act. Some Honourable Members hold that this provision should be re-inserted in the consolidating measure, and I wish to point out that the legal effect of re-inserting this provision would be to unsettle all old claims and titles that have been hushed up after inquiry on or before the last day of 1879. Now that is not the object of any Honourable Member of this House. It has been suggested that this Act does not apply to the whole of India and Burma, and there are certain districts, or at any rate one district, excluded from the operation of this Act, and if by notification of the Local Government this Act is extended to those territories, persons possessing private rights would be deprived of the right which is given to those who came under the operation of Act VII of 1878. Now that would have been a perfectly valid argument, and I have no doubt my Honourable colleagues on the Select Committee would have acceded to it, only that the Legislative Department made inquiries and found that in the exempted provinces of Madras and Burma, where they have local Forests Acts of their own, they have a provision analogous to section 34, by which inquiries have been made and titles in those provinces settled. The Legislative Department after considerable research reported to us that there is no place where this Act is to be extended hereafter, and if it is to be extended the Local Government would naturally ask for an *ad hoc* provision to be added to the Act should they desire to extend its provisions to their local

[Sir Hari Singh Gour.]

territories. My submission therefore is that it would not only not serve any immediate and useful purpose, but if this provision is re-inserted in the consolidating measure it would confuse titles already settled and set a premium upon litigation.

Pandit Hirday Nath Kunzru (Agra Division : Non-Muhammadan Rural) : How ?

Sir Hari Singh Gour : My friend Mr. Aney ejaculates, " How ? ".

Mr. M. S. Aney (Berar Representative) : No, Mr. Kunzru.

Sir Hari Singh Gour : I am glad, Sir, that at any rate my friend Mr. Aney who was the protagonist of the opposition on the last occasion now assures me that he is with me. (Laughter.)

Mr. M. S. Aney : No, no.

Sir Hari Singh Gour : I stand corrected. My friend Mr. Aney has put that question through Mr. Kunzru. Now, Sir, the answer is very simple. If you were to re-insert the provisions of section 34—that section runs to the following effect :

" That within 12 months from the date on which this Act comes into force in the territories administered by any Local Government such Government shall, after consideration of the rights of Government and private persons in all forest lands or waste lands then under its executive control, for the purposes of forest conservation determine which of such lands, if any, can, according to justice, equity and good conscience, be classed as reserved

I will leave out the rest of the section because it is more or less on the same lines. This section 34 therefore gives the public a new right to compel the Local Government to inquire into their claims within one year from the passing of that Act. That period has long expired and we are only now putting together all the existing law which is contained in eight different Acts of the Legislature. In doing so we have naturally lopped off some dead branches, such as section 34, which would create confusion and unsettle old titles already settled. That is my answer to my friend's query as to how it will affect existing rights.

As regards section 42 which has been slightly altered, my friend's contention was—and I have no doubt it will be repeated on the floor of this House—that while under the original section 42 of the Act the magistrate had the discretion to inflict a double penalty in cases of subsequent conviction, the present draft Bill gives the Local Government the power to make rules for the infliction of double penalties if they should deem it necessary. The view of the Select Committee is that, so far as this section is concerned, it is ambiguous, and if Honourable Members will turn to section 42, they will find that it is ambiguous, because under clause 1 of section 42 we have :

" the Local Government may by such rules prescribe penalties for the infringement thereof imprisonment for a term which may extend to six months or fine which may extend to Rs. 500 or more "

and then we have the second clause :

" double penalties may be inflicted in cases where the offence is committed "

But whether " the double penalty may be inflicted " must be read in conjunction with " the Local Government may prescribe penalties " or it is an independent clause conferring upon the magistrate jurisdiction

to inflict double penalties, is a question upon which section 42 was ambiguous, and the Statute Law Revision Committee thought that the ambiguity must be solved in favour of the subject, the result being that under the corresponding clause we give the Local Government the authority to prescribe double penalties if they consider them necessary. That is all that has been done by the draftsman with the concurrence of the Statute Law Revision Committee in section 42. I, therefore, submit, Sir, that so far as this draft Bill is concerned, it has been thoroughly examined now by the Select Committee, and with the exception of one Honourable Member who has tabled an amendment to which I shall reply, if it is moved, there is absolutely nothing which has in the slightest degree added to or subtracted from the existing statute law appertaining to forests. I therefore submit, Sir, that this House should pass the motion I have made that this Bill be taken into consideration. Sir, I move.

Mr. M. S. Aney : Sir, my friend the Honourable the Mover of this motion has tried to explain what has been done in the Select Committee and how and why the provisions of this Act have been examined in the Committee purely on the principle of consolidation. In this connection, Sir, I should like to remind the House of what was stated by the Honourable the President when the motion for referring this Bill to the Select Committee was pressed to a division last Session. The Honourable the President then declared that the Chairman of the Select Committee should bear in mind that the amendments that should be considered in the Select Committee should have reference to the principle of consolidation. So, that point was again raised in the Select Committee, and the Chairman of the Select Committee ruled that any amendments which have no bearing purely on the principle of consolidation but are intended to have a bearing on the merits of the Forest Act by some changes in other provisions of the Bill could not be considered there ; and therefore the Select Committee had to confine its attention only to such provisions and to such amendments as were intended to show that the law was defective even from the point of view of consolidation. I am stating these facts, Sir, for the sake of emphasising that because the Select Committee has not considered the other amendments and had not examined this Bill from other points of view, it should not be understood that the Forest Law, as it now stands, was in any way acceptable to the Members on this side of the House. The obvious defects of this law had been clearly pointed out when this Bill was discussed in the other place. When the discussion took place in the Council of State it was suggested on behalf of the Government itself that, this being a consolidation measure, Government would not like to consider any amendments on the merits of the Bill, but that Government would be prepared to consider any suggestions that would be made by the House to rectify the law at the next opportunity. Consequently, a Resolution was moved in the other House to appoint a Committee to revise the Indian Forest Law, and that Resolution was in a modified form accepted by the Government. The Resolution has been circulated by the Government to various Provincial Governments to elicit their opinions as to whether a Committee should be appointed to revise the Indian Forest Law and, if so, what should be the nature of the Committee. Up to this time we do not know what decision the Government have arrived at in regard to that Resolution. In reply to certain questions put in the other House, I find that the only reply given

[Mr. M. S. Aney.]

by Government is that some opinions have been received and that the matter is still under consideration. If, therefore, the Government are going to give an assurance that in pursuance of that Resolution they will appoint a Committee to revise the Indian Forest Law from all possible points of view to meet the popular demand in this matter, then I might not think it worth while even to move the amendments that stand in my name here ; but if no such assurance is forthcoming, it will be my duty to move at least one of the two amendments that stand in my name here and to show that the Bill, as it stands, is not a purely consolidating measure.

It may be asked what would be the propriety for not moving the amendments even if the Government do not give an assurance that they would appoint a Committee. My answer is this. If they are going to give an early opportunity to revise the whole Act, then the question of considering those provisions which are now being omitted from the present Bill can be appropriately re-opened and even profitably considered afresh along with other cognate points to amend the Law. But if no such assurance is forthcoming, then I will have to consider, Sir, whether I should not now, when this Bill is under consideration, press the amendments that stand in my name.

As regards certain points to which reference was made in the speech made by my friend, Sir Hari Singh Gour, I think I should give a brief reply. I was not satisfied with the explanation given by him here nor with the explanation given in the Select Committee. It has been urged that section 34 of the Act of 1878, the old Act, or rather the existing Act,—because the present Bill has yet to pass into an Act, and come into force—is only a transitory measure. A part of that section has been read by my friend Sir Hari Singh Gour. I do not want to take up the time of the House by reading the whole section, but I shall briefly tell this House what that section is. That section consists of three parts. The first part of that section is that immediately after this clause comes into force, it shall be the duty of the Government within twelve months to determine what parts of the forest, which were till then for the purposes of forest conservancy under the executive management of the Government, should be classed as reserved forests and what parts as protected forests. Then comes in the first proviso to the effect that in the course of such inquiry, Government should try and find out what were the rights of Government as well as those of private persons over the forests that were going to be classed as reserved or “ protected ” forests respectively. That inquiry has to be made within the aforesaid period by the Government. If any such inquiry has already been made at any time before the application of this Imperial Act, and the rights are settled and a due record has already been prepared, then this new inquiry need not be made and the forest officer should recognise the rights previously settled and recorded. But if any such inquiry was not previously made, and no inquiry contemplated under section 34 be instituted to prepare the record of popular rights within the period of 12 months, then the rights of the Government and of the private persons over those parts which have been classed as “ reserved ” and “ protected ” shall remain unaffected and unabridged. It is certainly not merely a transitory or a permissive provision. If the Government for any reason fail to make an inquiry and settle the rights of

the people and make a proper record of their rights and consequently no such record is forthcoming in any particular tracts within the province to which the Act is extended, then notwithstanding and even in spite of any notification issued by the Government determining certain forests as reserved and certain forests as protected such rights as the individuals have been exercising over these forests for a number of years will remain unabridged and unaffected. It is a very important proviso from this point of view. Provisions in clauses 12, 13 and 14 of this Bill under Chapter II relate to certain inquiry to be made by the forest officer in regard to Reserved Forests. It will be found that if within three months no claim to their rights has been set up by individuals before the forest settlement officer, the right of the individual shall cease to exist. Now, the Honourable Member can see what the omission of section 34 will mean. The difference is this. If section 34 is retained it is clear that whether any such complaint is made by the person concerned or not, if the Government of its own accord fails to institute any such inquiry, the rights subsist and remain unaffected. The obligation is upon the Government to hold the inquiry and register the rights and there is no lapse of right because the private person has not set up his claim within a period of three months or 12 months. That is the main point of difference. Unfortunately it is not duly taken into account by the Statute Law Revision Committee or the Select Committee. I am confident that if this difference is properly appreciated by this House then the House will agree with me in urging that section 34 cannot without some prejudice to the rights of the people in as much as it leads to the position that if a private person bearing any rights do not apply within three months from the date of the notification which the Government may issue all private rights automatically lapse. Government knows that there are tracts to-day to which the Forest Act is not extended. It was no use for Dr. Gour to inform me that in the second clause of this Bill, the names of the provinces to which the Act is at present extended are mentioned. I will ask him and the Honourable Members to read the third clause, and in that clause of the Bill Honourable Members will find that besides these provinces mentioned in clause 2 provision is made empowering any Local Government to extend this Act either to the whole province or to any part of a province administered by the Local Government. Even in provinces where this Act is already extended, there are certain tracts to which this law does not apply. And if Honourable Members are careful in reading the Gazette of India notifications published from time to time they will find—I know certain recent cases that notifications to extend the application of this Act to new tracts and areas are often published from time to time. There is still room for extension and to move in search of fresh fields and pastures new. That is to say that the process of extension of this Act is still going on. And so long as this process is going on, I maintain, Sir, that the propriety of section 34 undoubtedly exists. That propriety cannot be gainsaid and treated as a redundant superfluity. And if it be merely a consolidating measure, as it is contended on behalf of Government, then my contention is that it is the strongest ground on which this House can urge that the clause which was intended to safeguard the rights of the private person and the Government also in case of certain contingencies must be retained intact and should not be lightly tampered with or interfered with. That is the particular point I wish to make. It is not merely a formal change that is being brought about. It is not merely the elimination of a clause

[Mr. M. S. Aney.]

here and a clause there to remove some real or imaginary ambiguities. A very fanciful contention was urged on a former occasion. Last time when my Honourable and learned friend Sir Hari Singh Gour argued this point before the House, he said that this Act came into force in 1878, and the period of 12 months within which the Government was to inquire was over after 1879. He feared that if this provision, namely, section 34, be retained in this Bill which after being passed will come into force in 1927 or 1928, then that period of 12 months will extend to 1929. And therefore all the orders which might have been made before would be reopened and that would give rise to immense difficulty. He said it would create immense confusion, and incalculable disturbance. Even now he maintains it will create confusion. I think if he reads proviso 2 of section 34, he will find that, if there are inquiries already made with regard to the rights of the people and duly recorded, then that very record had to be accepted by the Government. When this law will come into force, the mere fact that it has come into force in 1928 or any other year will make absolutely no difference. At the same time my Honourable friend will realise that in tracts where any inquiries of this kind have not been previously made the omission of clause 34 will result in great hardship. In certain tracts it has been taken for granted by the Government that the rights must have been settled, as they found that under the old forest conservancy rules certain forests had been already declared State forests. On the strength of these declarations notifying certain forests as State forests Government proceeded to treat them as the reserved and protected forests under this law without any bother of an inquiry contemplated under section 34. The position that is now created is this. The rights which the people have been up till now exercising over these forest areas as legitimate rights will not be legitimate rights immediately after this provision is eliminated from the law. (*Sir Hari Singh Gour* : "Why?") That is the position. The reason is very simple. The implications of this law are not known to many Members. The real difficulty is this. Very few Members have any idea as to how this law is being administered in tracts which are adjacent to the Government forests. The real position is that there are certain parts where Government have declared that certain forests are reserved and certain forests are protected. But they have made absolutely no inquiry in certain parts at all. They have gone by the entries in the official register to classify state forests into two classes aforesaid. But as they did not immediately want waste lands treated and classified as reserved or protected forests for any immediate purpose, they did not find it necessary to make any inquiry to settle and record the rights of the individuals or communities over them and allowed the people to enjoy such rights uninterruptedly as they had been exercising over those parts from time immemorial. Now, it so happens that certain tracts which have been in this way classed in forest records as reserved but virtually left out in the uninterrupted enjoyment of the people are being used by the people for herding their cattle or for similar other purposes. I know a particular instance which very recently occurred in Berar, and which created a good deal of trouble and worry to the villagers. It has occurred to one of the Forest officers in Yeotmal District that a certain waste site in a village was in reality classed as a reserved forest. And he thought that he should enforce the rule that no part of such forest could be used for purposes

of herding cattle without express permission. He paid possibly a surprise visit to find all the cattle in the village in that very area. A case was going to be instituted against the owners for using a reserved tract without permission. All the cattle were taken into custody and sent to the cattle pound in a neighbouring village. Now, here there was in my opinion a clear infringement of a right and usage from time immemorial. When this matter came up for consideration before superior forest officers I brought it to the notice of the Forest Officer the provisions in section 34. Have you settled those rights? Have you made any inquiry. Were the rights of the people over this part of the forest recorded any where? If not, then their rights remain unaffected, inspite of any official notification. But although criminal proceedings against them were fortunately not started, still they had to release the cattle from the pound on payment of a very heavy sum. Other clauses of the law penalising the use of that tract by certain people, I strongly urged, will not apply in absence of such record. The rights which have been exercised by the people for a number of years must remain unaffected unless there is a specific record duly prepared in the manner provided for by this Act. What I mean to say is that there are possibilities of things of this nature and this House must scrupulously guard against all possible dangers when they consider any piece of legislation.

I urge another reason. Assuming that it is true that the Government have extended the whole of this clause to the whole of India. But it is also true that in every province there are certain big private estates which contain a good deal of forest administered by the proprietor as he liked. Suppose for some reason that land or estate escheats to Government or becomes Government estate. It is undoubtedly a new tract. In the case of such private lands with a considerable forest you will naturally find that the people have been using certain rights over that and if an inquiry which should be made under section 34 be not made to settle and record their rights they can persist in exercising them unmolested, but if this section is taken away to relieve the forest officer from the bother and worry to make any inquiry what will be the position? The user of these rights of which they have been rightfully in possession from time immemorial will become an illegal act and they shall be liable under sections 26 or 33 of this Act. Well, there is that difficulty. I say that the Statute Law Revision Committee may have made certain inquiries. My learned friend who was on the Select Committee, representing Government, may have given certain information. But what is it? He did not show that in several parts of the forest which are either administered under this law or which is likely to come under the administration of this law some time later, Government have made certain inquiries and rights have been recorded. The members of the Select Committee did not insist upon seeing any such record. And therefore I am at any rate not at all satisfied with that. Particularly with the certain and definite knowledge which I have got of conditions existing in my own province, it was impossible for me to be satisfied. That is the position according to my understanding. Therefore, I was not satisfied with the information given and I was unable to agree with my colleagues in the Select Committee on this point.

Secondly, Sir, with reference to the other question which is touched by my learned friend, namely, the modification that is made in section 42, I am rather surprised that in the Report of the Select Committee....

Mr. President : Order, order. The Honourable Member is exhausting all the arguments in favour of his amendments which have not yet been moved.

Mr. M. S. Aney : My position is this that, as I have already stated, if Government are going to give me an assurance that.....

Mr. President : Order, order, the Honourable Member should wait.

Mr. M. S. Aney : In that case I do not want to proceed further with this motion, and I will only state that the explanation given by my learned friend does not at any rate satisfy me, and I think ought not to satisfy any Member in this House.

Mr. President : The question is :

“ That the Bill to consolidate the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce, as reported by the Select Committee, be taken into consideration.”

The motion was adopted.

Clauses 2 to 34 were added to the Bill.

Mr. President : Mr. Aney.

Mr. M. S. Aney : I am not going to move my amendment.

Clauses 35 to 86 were added to the Bill.

The Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Sir Hari Singh Gour : Sir, I move that the Bill be passed.

The motion was adopted.

THE TRANSFER OF PROPERTY (AMENDMENT) BILL.

Mr. W. T. M. Wright (Secretary, Legislative Department) : Sir, I introduce a Bill further to amend the Transfer of Property Act, 1882, for certain purposes, which was published under Rule 18 of the Indian Legislative Rules on the 20th August 1927.

(At this stage Sir Hari Singh Gour rose in his place.)

Mr. President : The Honourable Member is not called on.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : I thought, Sir.....

Mr. President : Mr. Wright.

THE TRANSFER OF PROPERTY (AMENDMENT) SUPPLEMENTARY BILL.

Mr. W. T. M. Wright (Secretary, Legislative Department) : Sir, I introduce a Bill to supplement the Transfer of Property (Amendment) Act, 192 , which was published together with the Bill which I have just introduced.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I.....

Mr. President : Is there any point of order ?

Sir Hari Singh Gour : I am raising a point of order.

Mr. President : There is no motion before the House on which a point of order can be raised.

Sir Hari Singh Gour : I am entitled, Sir, to state to the House a point of order.

Mr. President : The Honourable Member can only state a point of order to the Chair in connection with some business which is before the Assembly. There is nothing before the House at present.

Sir Hari Singh Gour : The Bill is before the House.

Mr. President : There is no Bill before the House. The Bills have been introduced.

Sir Hari Singh Gour : I want to point out that the Bills have been introduced without any formal procedure laid down by the Standing Orders.

Mr. President : Order, order. Sir Basil Blackett.

THE INDIAN INCOME-TAX (AMENDMENT) BILL.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I hope no point of order arises on this Bill of mine. As I explained when I introduced this Bill, it is for the purpose of amending the Indian Income-tax Act, 1922, with reference particularly to the difficult problem of the assessment of tea companies. Under a rule in existence until a short time ago, a specific percentage of the profits of tea companies was laid down as the amount which should be treated as non-agricultural profits. It has been found that there is at any rate some considerable question whether that rule was *intra vires*. On the other hand the tea companies who have been assessed regard it as most undesirable that the question of the exact percentage of the profits which should be treated as non-agricultural should have to be examined in every individual case. It would mean a great deal of trouble to the tea companies and trouble to the income-tax authorities. It is therefore proposed that we should take power, as we propose in this Statute, to make a rule that will be valid fixing a percentage. If we had been in a position to do so, the Government would much have preferred to introduce a Bill laying down the exact percentage. But we need some more experience in the case of tea companies and in other cases before we can safely do so. We therefore propose in the first instance to proceed as under this measure. Then, when we have obtained fuller experience of the way the matter has been worked, the Government will try to put the matter, as I think all will agree, in a position which will be a more satisfactory one by introducing legislation to fix definite percentages. They cannot do that now, because it is impossible without more experience to know what the figures should be in several of the cases in question.

I move, Sir, that the Bill be taken into consideration.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir Basil Blackett : Sir, I move that the Bill be passed.

The motion was adopted.

THE INDIAN LIGHTHOUSE BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways) : Sir, I move that the Bill to consolidate and amend the law relating to the provision, maintenance and control of lighthouses by the Government in British India, as passed by the Council of State, be taken into consideration.

Sir, it will not be necessary for me, I think, to speak at any length on the subject of this Bill. The Bill is really part of a scheme that the Government of India have in view for bringing mercantile marine matters of all kinds under the direct control of the Government of India, and this is the first instalment of the Government of India's plan. At present lighthouses on the coast of India are under a different system of administration in almost every province, and I believe that in the sub-province of Sind there is a different arrangement from that which is in force in the rest of the Presidency. This Bill proposes that all the lighthouses should be brought under the control of the Government of India under a uniform system. It provides for the appointment of a Chief Inspector of Lighthouses and of Inspectors of Lighthouses. It classifies lighthouses into general lighthouses which will be under the direct control of the Government of India and the local lighthouses which will be controlled ultimately by the Government of India, but will be administered for the most part by Local Governments and port authorities. It provides for the constitution of an advisory committee on which the interests concerned will be fully represented. And, finally, it provides for the levy of light dues, so that the administration of lighthouses may be self-supporting and may not be a charge on the general tax-payer.

On the subject of this Bill, Mr. President, we have consulted very fully commercial and mercantile opinion. The Bill has been considered by a strong Joint Committee composed of the Members of both Houses. That Committee has presented a unanimous report and I have no doubt that the House will agree that the recommendations of such a Committee ought to be accepted. For that reason, I do not propose to enter into any further explanation of the provisions of the Bill. I should like, however, to refer to two recommendations made by the Joint Committee on particular points. These are recommendations in which they did not propose any amendment in the Bill but recommendations as to the action that Government should take. The first of them is this. They say : \

“ The question of inserting a provision requiring that the advice of the Central Advisory Committee should always be accepted was discussed, and we strongly recommend to Government that its advice should in all ordinary cases be accepted.”

Well, on that point, Mr. President, I would say this. It is clear that the Government of India must retain ultimate control over expenditure. But subject to this, we are prepared to accept the recommendation that the advice of the Central Advisory Committee should in all

ordinary cases be accepted. The second recommendation was as to the constitution of the Advisory Committee. The Joint Committee said :

“ As regards the constitution of the Central Advisory Committee we recommend that the Commerce Secretary should be Chairman, and that the Committee should include representatives of the following interests :—Royal Indian Marine (or Royal Indian Navy), shipping registered in India, and commerce, both British and Indian, which should each be represented by an equal number of members appointed after consultation with the commercial bodies concerned.”

The Government of India have no objection to accepting the proposed constitution as a suitable constitution for the Committee subject only to this, that as the Joint Committee themselves recognised as time goes on it may be necessary to revise the constitution for certain reasons. The example they give is that eventually it may be necessary to have District Advisory Committees and the District Advisory Committee might suitably elect a member to the Central Advisory Committee.

I do not think, Sir, I need add anything further and I move the motion standing in my name.

The motion was adopted.

Clauses 2 to 22 were added to the Bill.

The Schedule was added to the Bill.

Mr. President : Clause 1....

(Some Honourable Members rose in their places.)

Honourable Members should not rise when the Chair is standing.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir George Rainy : I move that the Bill, as passed by the Council of State, be passed.

Mr. W. S. Lamb (Burma : European) : Sir, I desire to give a hearty welcome to this Bill and to the establishment of the principle that such revenue as is secured from light dues shall be utilised to maintain lights and light ships and also towards reduction of the dues payable for lights. I think the House would like to have a certain assurance from the Honourable the Commerce Member in this connection. We are not unacquainted with the ways of Chancellors of Exchequer, and Finance Members, and we should like to hear from our Honourable friend that the principle I have mentioned will always be kept in mind. With regard to the Report of the Select Committee, who have done their work well, I am sure the House would be glad to hear from the Honourable Member for Commerce repetition of the assurance given in another place concerning the Central Advisory Committee. I have no more to say about the Bill. But I should like to say a few words with regard to the Burmah lights. We have a very dangerous coast. I think it is admitted that it is the most dangerous part of the Indian coast, and therefore anything which militates against that efficiency which should at all times characterise the service of the lights is to be condemned. There are quite a number of questions which will engage the attention of the proposed Committee. I should like to mention two. One is this that at the present time the crews of lightships, of which there are five, are not under the terms of the Merchant Shipping Act, although I understand

[Mr. W. S. Lamb.]

that in Bengal they are under the Act. This, of course, affects the discipline and accordingly efficiency, and I do trust that this particular point will have the early attention of the Advisory Committee. There is another matter, and a more important one. That is the provision of a craft which will attend to the lights and relieve the men who serve those lights. At present these services are being carried out by two trawlers. No doubt they are very good stout sea boats, but being trawlers they have very little accommodation. They cannot carry on board the crew which is required to serve the relieving boats. Further, there is no accommodation for any medical officer, an officer who, I think, is as important as the Captain who commands the trawler or other ship. Now, being served by two trawlers only, when the monsoon comes along, it is quite proper to describe the service as dangerously inadequate. I should like to hear from the Honourable the Commerce Member that one of the very early duties of the Advisory Committee will be to cause to be designed a ship especially fit for the job. I should like to have an assurance of that nature because I regret to say that at the moment I have some misgivings about the attitude of the Government of India towards this matter. Only some months ago a character was arranged for a term of years for a certain vessel to serve the Andamans generally and the lights there and this ship has been described by a nautical friend of mine as "a standing disgrace" and "the worst selection that could possibly have been made." I trust that the proposals of the Government of India will be made in no spirit of cheese-paring and that they will accept recommendations on the lines of certain suggestions I have put before the Department of the Honourable Member. They are not my own suggestions or recommendations. They are the suggestions of a man who has the most intimate acquaintance with the coast lights. Sir, I support the motion.

Mr. Sarabhai Nemchand Haji (Bombay Central Division : Non-Muhammadan) : Sir, the Honourable the Commerce Member and the Honourable Mr. Lamb have drawn the attention of the House to certain points in the Joint Committee's Report, but with your permission I would like to draw the attention of the House to another point in that Report which unfortunately has been overlooked by the previous speakers. That, Sir, is a reference to the Indianization of the staff engaged in connection with the lighthouses of India. As it happens, this is a Bill upon which the Joint Committee has as important points to make as are made in the body of the Bill itself, and if there were any means by which the Report of the Joint Committee could be tagged on to the Act proper I should have very much preferred that it was done. But the facts being as they are, I would draw the attention of the House to the recommendation of the Joint Committee that, as regards the personnel of this staff and of the expert mechanics, it may be found necessary, to begin with, to recruit them from England. The Committee, however, recommends to Government that an Indian personnel should be trained in the special work as quickly as possible so as to fit them for these posts. This being the verdict of the Joint Committee, I do hope that the Government would try their utmost to get Indians, even to begin with, if possible, for this technical work. And if Indians are not available, then the initial recruitment of non-Indians should be as small as possible. I

consider that no more than one or two mechanics need be brought out from England, that simultaneously with them a number of Indian apprentices should be put in, who in a year or two would be fit to take the place of the expert mechanics imported from abroad.

There is, Sir, in the Joint Committee's Report another principle, or rather the recognition of another principle, to which I should like to draw the attention of the House. It is in connection with the composition of the Central Advisory Committee. You will notice, Sir, that the composition is made up of :

- (1) The Royal Indian Marine or the Royal Indian Navy,
- (2) Shipping registered in India—and this is the point I want to lay stress on—, and
- (3) Commerce, both British and Indian, which should each be represented by an equal number of members appointed after consultation with the commercial bodies concerned:

Here, I hope, we have a recognition by the Government of India of the principle that in matters connected with shipping and allied subjects, the Indian Mercantile Marine, which has so far received very niggardly and step-motherly treatment from the Government has a definite place, a place which is its own by right and I hope that the precedent that has been set up now will be followed up in later measures.

With regard to the definition of "Indian shipping", which is here represented by "shipping registered in India," I should like to draw the attention of the Government to the fact that when at a later date either of their own volition or under pressure of public opinion and of this House, the Government of India see their way, which they do not now, to accept the coastal reservation recommendation of the Indian Mercantile Marine Committee with regard to the development of Indian shipping, I hope they will replace the present definition of Indian shipping as "shipping registered in India" by the definition given in the report of the Indian Mercantile Marine Committee, namely :

- (a) that is registered in India ;
- (b) that it is owned and managed by an individual Indian or by a Joint Stock Company, public or private, which is registered in India with rupee capital with a majority of Indians on its directorate and a majority of its shares held by Indians ; and
- (c) that the management of such company is predominantly in the hands of Indians.

This, to my mind, should be the proper meaning of the words "Indian shipping". But under the circumstances of to-day we have to manage with the definition that was available in the Merchant Shipping Act, namely, that Indian shipping means shipping registered in India.

With regard to the question of separate accounts of lighthouses to which reference was made by my Honourable friend Mr. Lamb, I should

[Mr. Sarabhai Nemchand Haji.]

like to make it quite clear that the Joint Committee did get a definite undertaking on the part of the Government which has been expressed by them in their remarks on clause 20 which reads as follows :

“ We have not amended clause 20 but we here record our recommendation that any surplus to the credit of the lighthouse account should be definitely earmarked for the purpose of lighthouse administration and should not be appropriated for any other purpose ”.

This is a recommendation which, I trust, will always be borne in mind by the Government along with the other recommendations made in the Joint Committee's Report.

There is just one point more and I will have done with this subject. That is with reference to the exemption of sailing ships from the dues that are payable by them now. Up to the moment, different provinces have had different scales with regard to exemption of sailing ships from the payment of light dues. The original Bill, as introduced by the Government, laid down the limit of 30 tons. The Joint Committee, taking the Burma figure as the one which was likely to cause the least heart-burning, raised the figure to 50. The reason why the Joint Committee raised it to 50 and not to any other figure was that, as they mention, they tried to keep the Burma figure in mind. But, unfortunately the Government themselves are not in a position to give the House any information as regards the various types of sailing ships and their tonnage plying along the Indian coast. The information, at our disposal in the Joint Committee, was more or less empirical and the remedy designed is also very much of that nature. Since the publication of the Report, I have received a telegram from the Chairman of the Buyers and Shipping Chamber at Karachi which reads :

“ Reference lighthouse consolidation measure before the Assembly. My Chamber strongly urge sailing craft up to 100 tons be exempted from dues in order to secure some relief from already hampering condition.”

In view of this telegram and the representations that have been made or might be made later on by interests concerned, I do hope the Honourable the Commerce Member will, if the case is fully represented to him, see his way to exceed this limit of 50 tons because, after all, as I said before, the figure has been more or less empirically fixed.

Finally, I would just like to say one word with regard to this question of sailing ships which are to be exempted from the operation of the clauses of this Bill. As I said before, the Government did not have sufficient information which they could put before the Joint Committee and I am afraid they have not got that information even now. It is to my mind an example of the utter indifference which the Government have shown to this question of Indian shipping, whether steam or sail, and I do hope that in future no occasion will arise when the Government would come forward with the excuse that they have not in their possession facts and figures, statistics and particulars which would facilitate the work of the House and the Select Committee, and I do hope that the Government would on future occasions be in a position to place all the necessary materials before the Committee and this House so that the country might see that the Government are quite serious in their intention to revive the Indian mercantile marine. Sir, with these words, I support the motion made by the Honourable the Commerce Member.

The Honourable Sir George Rainy : Sir, I am indebted to my Honourable friend Mr. Haji for drawing my attention to the recommendation of the Joint Committee which I had intended to mention in my previous speech, but which I inadvertently omitted. The Government of India accept the recommendation of the Committee, namely, that though it may be found necessary to begin with to recruit expert mechanics and the personnel of the staff from England, an Indian personnel should be trained in the special work as quickly as possible so as to fit them for these posts. The Government of India have accepted that recommendation. (Applause.)

Then, Sir, as regards the point that he raised about the limit of tonnage which would justify the exemption of sailing ships from the payment of light dues, as matters stand at present we cannot go beyond the recommendation of the Joint Committee, namely, that the limit should be 50 tons. But once the Advisory Committee has been constituted and the new system has got into working order, there would be no objection to considering whether that limit might not be raised. But, clearly, this is one of the matters on which the opinion of the Advisory Committee will be very important, and as I stated a few minutes ago that in all ordinary cases the Government of India would accept the recommendation of the Advisory Committee, it is clearly out of the question now, even before the Advisory Committee has come into existence, to say what the opinion of the Government of India would be.

Then, my Honourable friend Mr. Lamb asked for an assurance that the light dues would be appropriated solely for the purpose of maintenance and so on of the lighthouses. He had apparently some apprehension in his mind as to the practice to which Chancellors of the Exchequer and Finance Members are said to be addicted when they feel like robbing henroosts. All I can say is that it is the intention of the Government of India that, while the lighthouse administration should be self-supporting, light dues should not be used as a source of profit. (Hear, hear.) I will add this, that the total amount of revenue likely to be obtained from this source is, I think, too small to be an appreciable temptation to my Honourable friend the Finance Member. (Laughter.)

Then, my Honourable friend Mr. Lamb mentioned two matters which, he was anxious, should be brought before the Advisory Committee at an early date. I do not think there ought to be any difficulty about that, and I will certainly make a note of what my Honourable friend has said, so that these matters shall not be overlooked when the Advisory Committee comes into existence.

Finally, I would refer to the closing remarks of my Honourable friend Mr. Haji in which he complained of the indifference which the Government of India in the past had shown in mercantile marine matters. I thought his tone was unduly gloomy, and I missed, I confess, the absence of any recognition of our sign of repentance in the shape of this Bill which the Government of India have placed before the Assembly.

Mr. President : The question is :

“ That the Bill to consolidate and amend the law relating to the provision, maintenance and control of lighthouses by the Government in British India, as passed by the Council of State, be passed.”

The motion was adopted.

THE INDIAN SUCCESSION (AMENDMENT) BILL.

The Honourable Mr. J. Crerar (Home Member) : Sir, I move that the Bill further to amend the Indian Succession Act, 1925, and the Married Women's Property Act, 1874, as passed by the Council of State, be taken into consideration. To Honourable Members who are lawyers the Statement of Objects and Reasons will be adequate to give a clear idea of the intention of this Bill. I think that I shall sufficiently discharge the necessities of the case if I explain very briefly in non-technical language to Honourable Members who are laymen what the Bill sets out to do.

Sections 223 and 236 of the Succession Act of 1925 reproduce provisions of the law which have been in the Indian law since, I think, 1865. They prohibit the grant of probate or of letters of administration to a married woman when the deceased is a Christian or is at any rate not within the categories specified in these two sections. Those provisions were based, and have since been continued without amendment, on the law as it existed in England at that time. Since then, however, there have been many changes in the English law and it is desirable that the Indian law on these points should be brought into conformity with the English law. Nor is it merely a question of any academic discrepancy in the law. This measure was as a matter of fact originally drafted in consequence of representations made to the Government of India by the High Court of Bombay. They pointed out that under modern conditions serious hardship could be caused and as a matter of fact within their knowledge had been caused by the existing prohibition. There may be, for instance, physical reasons which render it impossible in cases arising under these sections for the consent of the husband to be obtained. The object of the Bill therefore is to bring the law into conformity with what is now the English Law in the matter, and also to provide remedies for those specific cases of hardship which have come to notice.

The other part of the Bill limits the liability of a husband in cases in which his wife has obtained probate or letters of administration and is a trustee, executrix or administratrix either before or after marriage. The object of clause 3 of the Bill is to limit the husband's liability in that case also in accordance with the principles of the English law in the matter.

I hope, Sir, this brief explanation will commend this small measure to the favourable consideration of the House.

***Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : Sir, I have no observations to offer on the present measure but I rise to make an enquiry from the Honourable Member in charge. I was one of the members of the Joint Committee that had to deal with the Indian Succession Consolidation Act of 1925, and when we were dealing with that measure of consolidation the desirability of a general revision of the whole law of succession was pointed out, and, as far as I recollect, Government also admitted the necessity of undertaking a general revision at an early date. I do not know what are the particular reasons that have induced Government to bring up this measure as a sort of piecemeal proposal instead of undertaking the revision of the whole Act as was said would be done.

* Speech not corrected by the Honourable Member.

Mr. President : The question is :

“ That the Bill further to amend the Indian Succession Act, 1925, and the Married Women's Property Act, 1874, as passed by the Council of State, be taken into consideration. ”

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Mr. J. Crerar : Sir, I move that the Bill, as passed by the Council of State, be passed.

In making that motion I should like to explain, with regard to what fell from my Honourable and learned friend Mr. Neogy, that the question of a general revision of the law is one on which Government have not yet arrived at any conclusion ; and the reason for introducing this particular measure—which I hope will not fall within the category of those boxes of chocolates for which my Honourable friend has expressed an extreme distaste in which I cordially admit I participate,—the reason for introducing this measure was that specific cases of hardship had been brought to the notice of the Government of India and this amendment had been pressed upon them by the High Court of Bombay as a measure of very considerable urgency.

Sir, I move the motion standing in my name.

The motion was adopted.

THE PRESIDENCY-TOWNS INSOLVENCY (AMENDMENT) BILL.

The Honourable Mr. J. Crerar (Home Member) : Sir, I move that the Bill further to amend the Presidency-towns Insolvency Act, 1909, for certain purposes, as passed by the Council of State, be taken into consideration.

I think, Sir, this is another case in which it is unnecessary for me to go elaborately into the details and technicalities of the Bill, which again will be apparent to Members of the House who are lawyers, and I propose, therefore, as on the previous measure, to indicate very briefly what the object of this Bill is. It relates to the interpretation which ought to be placed upon sections 7 and 36 of the Presidency-towns Insolvency Act and to elucidate and settle the law on that point. The position is this. Section 7 as it stands appears to give very wide powers to Insolvency Courts to decide questions of priority and all other questions whatsoever, whether of law or of fact, which may arise in any case of insolvency coming within the cognizance of the court. Section 36, on the other hand, empowers the court *inter alia* to summon before it any person supposed to be indebted to the insolvent and to require such person to produce any documents in his custody or power relating to the insolvent, his dealings or property. If on the examination of any such person the Court is satisfied that he is indebted to the insolvent, the Court may, on the application of the official assignee, order him to pay to the official assignee...the amount, etc. It is important to notice that this section taken alone does not empower the Court to enquire into and to decide a claim which the alleged debtor does not admit.

[Mr. J. Crerar.]

There has been some difference of opinion between various High Courts in India on the subject. The High Courts of Calcutta and Bombay following I think the *cursus curiae* in England on similar matters have held that the joint effect of these two sections is not to enable the Insolvency Court to decide a claim of this kind unless the claim is admitted. The High Court of Madras have taken a different view and it has been their practice to deal with matters of this kind by a procedure which is known in legal parlance as garnishee summonses and orders. It appears to the Government, as it has appeared to the High Courts who have followed a different procedure, that this might involve a very serious injustice in ordinary circumstances. A person against whom a claim for debt is made has ordinarily certain very definite remedies. He may file a written statement. He may claim to have access to and to examine documents on which the plaintiff relies, and he is entitled to cross-examine the plaintiff and any witnesses that the plaintiff may produce. Now there appears no just reason why any one against whom a claim of that character is made should, merely because his creditor happens to be an insolvent or a person who is a petitioner for insolvency, be deprived of the remedies which are necessary for an equitable determination of the claim. I should like to say incidentally that the proposal which is comprised in the Bill has been laid before the High Court of Madras, and the High Court of Madras have expressed their willingness to adopt the procedure. The object then of the Bill is to bring the law into conformity with the law in England, or rather to make quite clear that the law is so in conformity and to remove all doubts as to the procedure which ought to be followed. Clauses 3 and 5 of the Bill provide for a subsidiary matter. They make it clear that rules may be framed regulating the conditions in which a petitioner in insolvency may be required to produce his books of accounts, to file lists of creditors and debtors and to afford such assistance to the Court as may be prescribed. The necessity for a provision elucidating the law on that point arises from the fact that in some cases rules have been made for this purpose, and in one case at any rate a ruling of the High Court of Calcutta has raised doubts as to whether such rules are *intra vires*. It is obviously necessary for the convenient and efficient administration of insolvency law and also for the ends of justice that any doubt on that point should be put at an end to and that rules which are framed for this purpose should be of unquestionable validity.

Mr. President : The question is :

“ That the Bill further to amend the Presidency-towns Insolvency Act, 1909, for certain purposes, as passed by the Council of State, be taken into consideration.”

The motion was adopted.

Clauses 2 to 5 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Mr. J. Crerar : Sir, I move that the Bill, as passed by the Council of State, be passed.

The motion was adopted.

THE CANTONMENTS (AMENDMENT) BILL.

Mr. G. M. Young (Army Secretary) : Sir, I move that the Bill further to amend the Cantonments Act, 1924, for certain purposes, be taken into consideration.

This Bill, Sir, is a miscellaneous collection of amendments on points of detail which have come to light in one way or another recently in the working of the Cantonments Act. I have explained those points at length in the Statement of Objects and Reasons, and when I moved for leave to introduce the Bill. I do not suppose that the House will wish me to enter into them again.

Sir, I move.

The motion was adopted.

Clauses 2 to 13 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

Mr. G. M. Young : Sir, I move that the Bill be passed.

The motion was adopted.

THE INDIAN EMIGRATION (AMENDMENT) BILL.

Mr. A. R. Dalal (Secretary, Education, Health and Lands) : Sir, I move that the Bill to amend the Indian Emigration Act, 1922, for a certain purpose, be taken into consideration.

It is unnecessary for me to explain the object of this Bill as I have already done it more than once in introducing the Resolution on the subject of ratifying the Convention, and I shall therefore confine myself to a few comments on the two operative clauses of this very simple and small measure. Under clause 2 we define the term "emigrant ship" as "any ship specially chartered for the conveyance of emigrants, or conveying emigrants exceeding a number to be prescribed". A ship specially chartered for the conveyance of emigrants becomes *ipso facto* an emigrant ship. But it may happen that passenger vessels might carry emigrants in large numbers and in that case Government might consider it advisable to include them under the definition of emigrant ships so as to extend to them the provisions of the Indian Emigration Act. There is a further proviso to this clause which runs :

"Provided that the Governor General in Council may, by notification in the Gazette of India, declare that ships conveying emigrants to any specified port shall not be deemed to be emigrant ships."

The object of this proviso is to exempt the ports of Ceylon and the Malay States at present from the provisions of this Bill. As I have explained in moving my Resolution on the ratification of the Convention, it is not necessary to institute any system of inspection of emigrants on board ships plying to Ceylon, which is merely a short journey across the straits by what is practically a ferry boat ; and as for the Malay States we have already a system of inspection by the Malay Government itself. It would not therefore be necessary for us to extend this measure to ports which might be called home-trade ports. As for the definition of what

[Mr. A. R. Dalal.]

are home-trade ships I would draw the attention of the House to section 2 (3) of the Indian Merchant Shipping Act, which runs as follows :

“ Home-trade ship means a ship employed in trading between any ports in British India or between any ports in British India and any port or place on the continent of India or in the Straits Settlements or in the island of Ceylon.”

As the House will notice we have reserved power, if and when it is necessary, to extend the provisions of this Act to any port even within home waters, if we consider it necessary. But for the present we do not consider it necessary to extend the provisions of this Bill to the ports of Ceylon and the Malay Straits.

As for clause 3 (1), it is purely a drafting clause. Under clause 3 (2), we take upon ourselves the power to make rules for the purpose of providing for the safety and well being of emigrants during the voyage. Under the existing clause 24 of the Indian Emigration Act, we have power to provide for the safety, well-being and protection of the emigrants up to the date of their embarkation and on their return, but not during the voyage. But by this clause we take upon ourselves the power to provide for their safety, protection and well-being during the voyage. Sir, I move.

The motion was adopted.

Mr. President : The question is :

“ That clause 2 do stand part of the Bill.”

Mr. N. M. Joshi (Nominated : Labour Interests) : Sir, I move :

“ That in clause 2 of the Bill, in the proposed clause (cc), after the word ‘ conveying ’ the words ‘ more than ten ’ be inserted ; and the words ‘ exceeding a number to be prescribed ’ be omitted.”

The object of my amendment is that the minimum number of emigrants which is required to be carried by a ship in order to constitute it an emigrant ship should be prescribed by this House and not by the Government of India. Sir, the personnel and the policy of the Government of India vary from period to period. To-day we may have a progressive department which manages this business of emigration; but to-morrow we may not have such a progressive department. It is, therefore, better that the minimum number of emigrants which is necessary to constitute an emigrant ship should be defined by this House, so that the definition may not vary according to the vagaries of the Government of India of a particular period. I therefore think that my amendment is very necessary and reasonable.

As regards the second portion of my amendment, it is also quite necessary, because if we once fix the number at 10, we have to omit the latter portion of the first part of sub-clause (cc).

I hope, Sir, the House will accept my amendment.

Mr A. R. Dalal : Sir, I very much regret that I cannot accept the amendment moved by my friend Mr. Joshi. I think, Sir, I have repeated almost to the point of weariness that the object of the Convention was not the institution of any new system of inspection of emigrants where

none existed, but the simplification of the system of inspection of emigrants where it did exist. Now, Sir, what would be the result of accepting the amendment of my Honourable friend Mr. Joshi? The result would be that whenever any ten persons who come under the definition of the word "emigrants" travel, even say to Ceylon, immediately all the provisions of the Indian Emigration Act including the various Articles of the Convention would come into operation. Now, has my friend put forward a single argument to prove the necessity of such a provision? Has he proved that there are any hardships undergone by emigrants who now travel to Ceylon and the Malay States? I submit, Sir, that he has not attempted to do anything of the sort.

I would draw the attention of the House to the provision of the old Emigration Act, 1908. Section 2 (4) of that Act says :

" 'Emigrant' and 'emigration' denote the departure by sea out of British India of a Native of India under an agreement to labour for hire in some country beyond the limits of India other than the Island of Ceylon or the Strait Settlements '.

A similar provision exists in the British Act, section 364, which says :

" The provision of this part of the Act respecting emigrant ships shall apply to all voyages from the British Islands to any port out of Europe and not within the military....".

Mr. N. M. Joshi : May I ask the Honourable Member on which of my amendment he is speaking, because I have not moved all of them. I thought he was speaking on the amendments which I have not yet moved.

Mr. A. R. Dalal : Sir, if we accept the Honourable Mr. Joshi's amendment and do not take to ourselves the power to define the number of emigrants who travel by what we call emigrant ships, then I submit the arguments which I have just adduced are valid. As a matter of fact, the two amendments of my friend Mr. Joshi are so closely interconnected that it is really difficult to speak on the one without touching upon the other. Under the British Act also, I find that the number of steerage passengers which a ship should carry to constitute it an emigrant ship is 50, and not 10, as now proposed by my friend Mr. Joshi. I submit, Sir, that for these reasons I cannot accept my friend Mr. Joshi's amendment. Apart from that, as I have mentioned before, he has not made out a case to prove that any hardship is now undergone by passengers who travel to Ceylon or the Malay States, to which ports alone the Emigration Act is now applied and which alone we propose to exempt from the proviso.

Mr. President : The original question was :

" That clause 2 do stand part of the Bill '.

Since which an amendment has been moved :

" That in clause 2 of the Bill, in the proposed clause (cc) after the word 'conveying' the words ' more than ten ' be inserted ; and the words ' exceeding a number to be prescribed ' be omitted."

The question I have to put is that that amendment be made.

The motion was negatived.

Mr. President (to Mr. N. M. Joshi) : Does the Honourable Member wish to proceed further with his second amendment?

(Several Honourable Members : " Withdraw, withdraw ".)

Mr. N. M. Joshi : I move, Sir :

" That in clause 2 of the Bill, in the proposed clause (cc), the proviso be omitted."

Sir, this proviso gives power to the Government of India to make an exception, namely, that even though a ship may be chartered for carrying emigrants or even though a ship may be carrying emigrants of the prescribed number, still the ship may not be called an emigrant ship. Sir, the Honourable Member in charge of the Bill explained that it is not the intention of the Government of India to apply this Act to emigrant ships going to Ceylon or the Malay States, and he gave it as a reason for the policy which the Government are adopting that Ceylon and the Malay States in the first place are what he calls " home-trade ports ". Sir, Ceylon and the Malay States may be " home-trade ports " from the point of view of the British Government, because they are under the same Imperial Government, but from the point of view of Indian emigrants, they are not home-trade ports. Our Government has no control over the Ceylon Government nor over the Malay Straits. I therefore think that the argument that these two ports are called home-trade ports cannot have much influence on the decision of this House as regards that point.

Secondly, he said that at present the ships conveying emigrants are being inspected by the Inspectors of the Government of Malaya and the Straits Settlements. Now, Sir, my point is that if Indians are being carried as emigrants on ships, the ships ought to be inspected not by the Inspectors appointed by the Government of Malaya but by the Inspectors appointed by the Government of India. It is only then that the emigrants will receive adequate protection. The Honourable Member in charge of the Bill stated that, so far no complaints have been received. Sir, it is difficult for me to say when Government will say that complaints are received. I have read several times in the Press that the condition of deck passengers going to Malaya and the Straits Settlements is not quite good and Mr. C. F. Andrews has once or twice made serious complaints about the point. I therefore think, Sir, that it is not right that we should give power to the Government of India to exempt ships going to the ports of Ceylon and Malaya from the operations of this Bill. I hope, Sir, the House will accept my amendment.

Mr. A. E. Dalal : Sir, I regret I cannot accept the amendment. The only point that the Honourable the Mover of the amendment has made is that certain hardships are being undergone by deck passengers travelling to Malaya and that it is necessary for the Government to see that those hardships should be removed. I understand, Sir, that the Report of the Deck Passengers Committee is now under consideration.

Mr. N. M. Joshi : May I ask when was the Report of the Deck Passengers Committee made ?

Mr. A. E. Dalal : I am afraid, Sir, he must address that question to the Honourable Member for Commerce.

Mr. Sarabhai Nemchand Haji (Bombay Central Division : Non-Muhammadan Rural) : Was it not in 1921, Sir ?

Mr. A. B. Dalal : That point, I submit, Sir, does not arise out of the consideration of this measure. If any hardships are being undergone by deck passengers, they are being undergone by deck passengers travelling throughout the various ports and not merely by deck passengers travelling to Malaya. As for the conditions of the voyage of emigrants to the Malaya States, perhaps, I might expand my remarks to a certain extent. Recently, the Government of the Malay States urged the shipping companies to increase the number of their vessels and the accommodation on board ship, and I understand that two very fine vessels have been put on by the shipping companies at the request of the Malay Government for the conveyance of emigrants and those vessels which were formerly conveying 5,000 British troops are now only conveying 3,000 emigrants. The accommodation provided for emigrants travelling to the Malay States is therefore very much in excess of what is laid down under our Indian Merchant Shipping Act and is better than the accommodation provided for British troops. Under these circumstances, Sir, I do not think that my Honourable friend has made out any case for removing the proviso altogether. If we were going to do so, we should have to consult the shipping companies and it would be impossible for us to carry this measure through in the present Session and that would be defeating the Bill altogether, because we would not be able to give effect then to the recommendation of the International Labour Organisation and bring into operation the provisions of this Convention by the 1st January 1928.

Mr. President : The question is :

“ That in clause 2 of the Bill, in the proposed clause (cc), the proviso be omitted.”

The motion was negatived.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

Mr. A. B. Dalal : Sir, I move that the Bill be passed.

The motion was adopted.

The Assembly then adjourned for Lunch till Twenty Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Twenty Minutes to Three of the Clock, Mr. President in the Chair.

RESOLUTION *RE* CENSORSHIP OF CINEMATOGRAPH FILMS.

The Honourable Mr. J. Crerar (Home Member) : Sir, I beg to move the following Resolution :

“ That this Assembly recommends to the Governor General in Council that he be pleased to appoint a Committee to examine and report on the system of censorship of cinematograph films in India and to consider whether it is desirable that any steps should be taken to encourage the exhibition of films produced within the British Empire generally and the production and exhibition of Indian films in particular.”

Sir, in view of the fact that a considerable amount of criticism has lately been passed in this House upon the appointment of Committees and of the

[Mr. J. Crerar.]

fact that on some occasions the Government of India have been unwilling to appoint Committees which this House has been desirous of appointing, I should have some hesitation in making this motion if I did not feel confident that I had a really strong and convincing case to lay before the House. I think that in the matter of appointing Committees there are two considerations to be taken into account. The first is whether there is a problem of sufficient importance and urgency to call for an inquiry and the second whether a Committee of inquiry is the best means of carrying it out. I shall revert to this particular point later. Meantime, I think I need say very little to emphasise the great importance of this question. It has been pressed very strongly upon the notice of Government in many ways and in particular on more than one occasion by Resolutions moved in the Indian Legislature. The last occasion, in fact, on which it was prominently brought to the notice of Government was the Resolution moved by the Honourable and learned gentleman who is the Leader of the Congress Party in another place. Sir, the rapid and extraordinarily wide development of the cinematograph throughout the world has brought a new force into being. It is as a matter of fact now one of the great forces for good or evil now operating upon society. In respect of very large sections of the population it rivals, if in some cases it does not even surpass, the power of the printing press and the platform and even the pulpit for the communication and dissemination and formation of ideas. It has a peculiar appeal because it appeals directly to the eye. It is not only that the cinema has become a favourite amusement of large sections of the community. We have to deal with what is not only a great force but what may be a great art. And in dealing with matters of that kind, we have to be very careful of the principles on which we proceed and the expedients by which we propose to operate. Now, Sir, the censorship in itself, however efficient the censorship may be, is by no means a final answer to the various problems which the cinema sets up. Censorship in all forms is an extremely difficult and extremely delicate task. It imposes a very heavy responsibility on those who are entrusted with it and it is not unnatural that the operations of the censorship should be subject to a very great deal of criticism. Indeed, Sir, I do not overstate the case when I say that an official censorship set up by law of all forms of official activity is itself one of the most exposed to censure. It is by no means easy to establish any rigid or hard-bound rules by which the censorship could operate. If, for example, we set out to exclude from the cinema such matter as an educational authority might exclude from school books we should find ourselves very much in the wrong. If we attempt to proceed on rigid principles of that kind, if I may paraphrase a familiar phrase, the public would fight and the public would be right.

Sir, I intend to dwell very briefly on what is the existing law. Two Statutes were passed, one in 1918, and one which very considerably amended it in 1919, to set up a censorship. The main principle adopted was that the Government of India should be empowered to authorise Local Governments to institute boards of censors and it was then provided that at least half of such boards should consist of non-official members. In pursuance of those powers the Government of India have authorised the Local Governments of Bombay, Madras, Calcutta and Burma to institute such boards. Those provinces have been selected for the natural reason that they are sea port towns and the points at which the greater part of

films shown in India come into the country. Other Local Governments are of course not left without powers. The certificates of films which are censored by the boards at the 4 centres I have mentioned are in the first instance valid for any part of India. But the Local Government may at its own discretion declare to be uncensored any film which they consider unsuitable for exhibition in their own jurisdiction, and such a film cannot be exhibited. Other local authorities have also powers enabling them to deal with matters arising in their charge. The District Magistrate, for example, may, if he finds that a film which is being exhibited or is proposed to be exhibited, in his charge, is unsuitable, suspend the certificate and submit the case for the orders of the Local Government. That, Sir, is the general existing machinery and so far as the actual powers which it conveys are concerned, I do not think they are inadequate. The question is largely whether we have arrived at the most convenient method of applying them. As I have said, it is impossible to attempt to establish any machinery with standards of universal application.

The kind of criticism which has been made against the operation of the existing censorship is of a very diverse character. Exception has been taken by members of the European community, to a class of films which has particularly aroused the criticism of the members of that community and which are of a type of film, usually coming from America, which, without coming within the extreme limits which obviously render the film unfit for exhibition, nevertheless represent customs of society and manners in an undesirable light. That objection has been taken not only by the members of the European community. The objection has been taken equally strongly and in respect of the same matter by Indian opinion, and the point was argued at very considerable length and with great force and lucidity by the Honourable and learned member, to whom I have already referred, in another place. Then there are questions of a provincial point of view. For example, there is a case which came to my personal notice. It was a film dealing with the life of Buddha. It was imported I think, at Bombay and was there certified. The film, as a matter of fact, dealt with a great and sublime episode in a reverent and respectful spirit. It was produced in Bombay, Calcutta and in many parts of India without any objection being taken to it. But when it was produced in Burma, very strong exception was taken to it. There are several instances of that kind which I could quote which indicate that films may be passed by the board of censors according to very reasonable standards for large cities like Bombay or Calcutta, but which, nevertheless, when they are exhibited to less sophisticated audiences in Upper India, are found to be objectionable. That point of view has been impressed upon the Government of India from several parts of the up-country of India. As regards the criticisms that have been made regarding the work of the boards of censors, I should like to point out that to a very large extent they have been of a very general nature, which makes it difficult for the boards to take effective notice of them. I would suggest one practical measure that if in any film anything obviously objectionable comes to the notice of any private person, the best course is to call the attention of the board of censors which certified it, not in general but in specific terms. Criticism of that character would be of very material assistance to the Boards.

Now, Sir, in the various discussions which have taken place on our general system of censorship, on more than one occasion the suggestion has

[Mr. J. Crerar.]

been made that the particular machinery set up by the Acts of 1918 and 1919 was not well conceived. A non-official Member of the Legislature actually urged upon the Government of India that the censorship ought to be strictly official, strictly stipendiary and central. There are some obvious objections to that course being taken, but it is a view which has been very widely held, even by Indian public opinion. Of course, if any change were made in that respect, it would be necessary that the matter should come before the House in the form of legislation. Now, in referring to the criticisms which have been levelled upon the existing machinery of the censorship, I desire particularly to be understood as not in any way endorsing those criticisms. I think that the work done by the two main boards which deal with the greater part of the work, namely, those at Bombay and Calcutta, has been carried out on the whole extremely well and that the country is under an obligation to the members of those boards, both official and non-official. The standards that they have set up are, on the whole, sound and practical. But there are, as I have pointed out inherent difficulties in the case and it is desirable that the whole system should be overhauled and examined.

The second part of my Resolution refers to a somewhat different matter. It refers to the question of the industry as distinct from the question of the censorship. The Resolution refers in particular to the films produced within the Empire and especially to those manufactured in India. The question was raised before the Imperial Conference I think two years ago, on which India was represented. A resolution was passed suggesting that all the Dominions represented at the Conference should consider this question.

Lala Lajpat Rai (Jullundur Division : Non-Muhammadan) : May I ask who represented India in that Conference ?

The Honourable Mr. J. Crerar : I think it was Mr. Chadwick, but I am not quite sure. At any rate, that resolution was adopted. Whether we find it possible to proceed on these lines or not, it would be premature to say. That is a question which might very well be examined. But, in particular, I think the question of the Indian film industry is one which ought to engage the sympathy of this House and is a matter which ought to be inquired into. At the present moment the manufacture of films in India has hardly got beyond the initial stage. There is no reason why it should not become a large and a thriving indigenous industry. Personally, I should welcome a large extension of the manufacture of films in India because I consider that Indian films, if properly contrived and properly treated, would be in many respects more attractive to the average Indian audience than foreign films, the attractions of which often are of a very doubtful character. I think that films of that character, if we could get them, would not only be more instructive and more interesting to the Indian public, but would do a great deal to squeeze out from the market those films which we all unitedly condemn. I think, therefore that if a committee of inquiry could devise means by which this nascent Indian industry could be encouraged and put upon a sound footing, it would have rendered a very great service not only from an industrial point of view but from the point of view of instruction and healthy amusement.

Now, Sir, I do not want to delay the House longer on this point. I only wish to say this. The constitution of the Committee which the Government of India have in mind would be a small committee with a preponderance of non-official representation. We contemplate a committee with a non-official Indian chairman and I think that it would not be improper on my part to inform the House that if this Resolution is passed and the committee is duly appointed, Diwan Bahadur T. Rangachariar, late Member and Vice-President of this House, has been good enough with great inconvenience to himself to consent to assume the duties of the Chairman. (Applause.) Of the five other members of the Committee, we propose that three should be non-official, two of them Indian and one a non-official European ; that is to say, in all four non-officials of whom three, including the Chairman should be Indian. The remaining two members were contemplated to be officials. The necessity of that is, I think, apparent. The question of cinematograph censorship, the whole organisation that has been set up, is a matter now of very considerable complexity and technicality and a purely non-official committee, however, constituted, would spend a very great deal of their time in exploring, the voluminous, almost overwhelming correspondence, which exists on the subject before they could really extricate the issues to which their attention ought to be directed.

I revert now to the point why it is desirable that a committee should be appointed to deal with this problem. The magnitude of the problem, its complexity and its difficulty will, I think, be recognised generally. When I say that we cannot get any further without the appointment of a special agency, I have some credentials for expressing that opinion. I have myself been personally connected for nearly nine years now with the whole course of the correspondence and discussions which have taken place in the matter of cinematograph censorship from 1918 when the first Act was passed. I have seen it from the point of view of a local board of censors. I have seen it from the point of view of the Local Government. I have seen it from the point of view of the Government of India. I hardly like to compute the many hours, the many days which I have spent in reading the extraordinarily voluminous mass of correspondence, of despatches, and of other proceedings on paper in the course of the enquiry. I am convinced that we have now arrived at a stage when nothing effective can really be attained without some special agency for the purpose. The ordinary methods of correspondence will serve merely to add to the volume of our records without adding very much to our knowledge of the subject or to the practical expedients which we should undertake to deal with the question. I am convinced of that, and I hope the House will agree with me. We have now, I say, reached the stage where the ordinary method of examining questions of public importance by correspondence between the Government of India and the Local Government and between the Local Government and the various subordinate authorities has been nearly exhausted. We have passed that stage and it is because I am convinced, that we have passed that stage, that I have put forward this proposal before the House. If the House agrees with me that this is an important question, one which ought to engage the attention both of the executive and the Legislature, one on which some advance ought to be made, then I trust it will agree with me that the committee that I have suggested ought to be appointed.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : Sir, I rise to move the amendment which I

[Mr. C. Duraiswamy Aiyangar.]

have given notice of and which runs as follows :

“ That for the original Resolution the following be substituted :—

‘ This Assembly recommends to the Governor General in Council that he be pleased to appoint a committee consisting of a majority of non-official Indians with an Indian as the President of the committee :

- (a) to examine and report on the system of censorship of cinematograph films in India ;
- (b) to examine and report on the kind of films now exhibited in the various theatres ;
- (c) to suggest legislative measures to be adopted for preventing and penalising the exhibition of films having a demoralising effect ;
- (d) to consider and report on the desirability of preventing religion being dragged into the films of cinematograph ’.”

Sir, I have heard with great pleasure the fine arguments of the Honourable the Home Member in presenting his case for proving the necessity of appointing a committee for cinematograph censorship. The Honourable the Home Member started by saying that this House is naturally prejudiced against committees and that, therefore, he with great diffidence moved the Resolution relating to the appointment of a committee. But I may assure him that, if the Government have the same warmth in putting into force the recommendations of a committee as they have at its institution or inauguration, surely much of the prejudice of this part of the House would have faded long ago. On the other hand, what do we find in practice ? We find in practice at the inauguration of a committee, all the warmth and zeal is exhibited by the Government. They start with big pronouncements ; they start with pompous declarations and they start with all sorts of communications. But after the committee have sat for a long time and after they have spent lakhs of rupees of public money in their investigations, and after they have made the recommendations, then comes all the delay and the disinclination and the aversion to give effect to those recommendations. If this be the conduct pursued by the Government of India, we are amply justified in viewing with alarm the starting of any committee. I hope the Honourable the Home Member will in this case, at least, try to give effect to the opinion of the Indian members on the committee, such as he has described to us, as forming the constitution of this committee.

Sir, when I read this Resolution, I considered, at first sight, that it was of the gravest importance that a committee of this nature must be appointed to make the enquiries under contemplation. But, when I got deep into this, I found the Resolution as framed by the Honourable the Home Member contained words which must be taken with a little bit of suspicion and alarm by this part of the House. Sir, in this Resolution the Honourable the Home Member says :

“ That the committee should consider whether it is desirable that any steps should be taken to encourage the exhibition of films produced within the *British Empire* generally and the production and exhibition of Indian films in particular.”

Sir, I do not know why this partiality should be exhibited for films produced in the British Empire alone. If the films exhibited in cinematographs are to have an educative value to the audience which are attracted to it, then I cannot understand this partiality shown to the British products. I, for one, Sir, will always be willing to have films of all countries exhibited in cinematographs provided they do not

have a demoralising effect, provided they are not calculated to humiliate one section of the world and exaggerate the virtue of another section of the globe. If that be the object with which these films are exhibited, if the cinematographs represent the true state of conditions, they thereby act as an educative force. Then, I am sure, films coming from Japan, films coming from China, those coming from Russia, from Germany or those coming from any country for the matter of that, must necessarily be wholeheartedly welcome to Indians. I do not for one moment understand why this Imperial Preference, why this preference for British films alone must be shown even in the cinematograph industry. They have a good deal of preference in every industry and in all other things that concern the British interests. At least so far as the film industry is concerned, let them not have this partiality for British Empire films, or for Imperial films alone.

Sir, the Honourable the Home Member has also stated that the censorship is being made effective and is worked with more or less efficiency. But, Sir, the proof of the pudding is in the eating. When we see the various kinds of films that are exhibited in this country, we find that there has been absolutely no efficient or effective control over the exhibition or the selection of appropriate films in India. I am glad to hear from the Honourable the Home Member that the European community itself has expressed resentment always at the manner in which the Western life is depicted in the films in this country. Yes, they feel it, and I wish that feeling is also reciprocated. I wish that it is also realised that when we Indians are depicted in books like that of Catherine Mayo and when we resent the atrocious manner in which we are depicted in books of that sort, I hope that the Honourable the Home Member will realise and appreciate the feeling of Indians. I say with all the emphasis that I can command that we are injured by such films, by such book-films and by such treatises aided and subsidised and financed by the various persons who are interested in humiliating this country. If, Sir, some of the pictures which are depicted in this book are to be transformed into films and brought to this country and exhibited in the cinematographs, then I hope the Honourable the Home Member will stand by our side and see that these films are prohibited. I feel for the European community. I appreciate their indignation when Western life is depicted in the most undesirable ways in this country. I hope that feeling will also be reciprocated by the Honourable the Home Member so far as we are concerned.

Sir, the Honourable the Home Member has informed us what the constitution of this Committee is going to be and he has informed us that the Indian President has already been selected. I am glad to hear that. Sir, very often we do realise that Committees are pre-arranged, pre-formed, and everything is settled and the recommendation of this House is only a formal affair. However, if this Committee is properly constituted we shall have not the least objection to that. But as it is we do not as a matter of fact find that there is a majority of non-official Indians, and I do not see how Government will suffer if they satisfy the desire of this part of the House by adding one more Indian and thus make it a majority, which my amendment seeks to do.

In the amendment of which I have given notice I have not tried to exclude any of the main purposes for which this Committee is to be

[Mr. C. Duraiswamy Aiyangar.]

appointed according to the scope of the Resolution moved by the Honourable the Home Member. But I wanted to emphasise the fact that certain necessary instructions must be given to the Committee in the shape of definite propositions and definite powers which they have to exercise as members of the Committee. Oftentimes you find that the members of a Committee are told that a particular enquiry or a particular investigation is not exactly within the scope of the reference. To avoid that sort of thing I place before the House certain items of specific reference which must be considered by the Committee. First of all, I say, Sir, it is "to examine and report on the system of censorship of cinematograph films in India"—which I have reproduced from the Honourable the Home Member's Resolution itself; but I have also asked them not only to examine and report on the system of censorship but to examine the actual films that are being exhibited in the various cinematographs, so that they may see how far the censorship is obeyed. If the censorship is not properly obeyed and is in practice ineffective it is the duty of the Government to frame the necessary legislation in order not only to prevent undesirable films coming into existence but also to punish those who have exhibited films contrary to the censorship.

Now, Sir, the most important thing that I wanted to put into this amendment of mine is the question of religion not being dragged into the cinematographs; and I am glad to see that the Honourable the Home Member has himself stated an instance where the Life of Buddha was exhibited as a picture and approved in various parts of this country but when it went to Burma there the devotees of Buddha resented it and it was found to wound the religious feelings of Buddhists in that province. I can also quote to my Honourable friend the Home Member several other cases in which religion and religious legends and incidents which are recorded in the Puranas and the Holy Texts have been dragged into the films. There is the birth of Krishna, there is the Kalinga Mardana Droupadi Vastrapaharana. So many things of this character are now being manufactured by Indian film producers. I found also at these exhibitions that a good deal of Puranic history has been converted into some false stories, legends and other things. So great is the mutilation of it that when these pictures are taken to other countries, as sure as anything those other countries will try to ridicule them without understanding where the mistake lies or where the mistake does not lie. In this connection I may point out to the Honourable the Home Member the remarks of the Editor of the *Madras Mail* about the mentality of the persons who attend these cinematograph exhibitions. He says:

"It is extremely difficult for a member of the audience constantly to remind himself that the scenes he is witnessing are influenced by the place of their production, the nationality of their producer, the kind of people he works with, the producer himself and by the actors considered in similar relations. Even the most aloof, critical and highly educated person is only partially able to rid himself of the impression that the camera does not lie when a film is convincingly presented."

That shows the enormous psychic force and the psychological effect which is produced by the films upon persons of various kinds of education and culture who are attracted to them, and it is absolutely necessary that a good deal of care should be taken in seeing that the Puranas

and other religious subjects are not brought into the scene of ordinary cinematographs. Of course the Honourable the Home Member has stated how British people do not appreciate and even condemn the American cinemas. I believe the reason is also mentioned by the Editor of the *Madras Mail* as to where the crux of it lies. The *Madras Mail* says :

“ The outcry against the American war film ‘ The Big Parade ’, for example, was directed not against any actual details of presentation, but against the underlying assumption of the film that America won the war.”

Therefore the British people naturally resent America exhibiting in all the cinematographs that they won the war, and not the British people. And if the British resent this simple thing, how much more must we resent it if our religion is sought to be exposed even to the extent of being humiliated by foul and perverse stories. Therefore, I am strongly of opinion that much care must be taken by this Committee in prescribing what kinds of films alone can be exhibited. Sir, the film exhibitor after all is not there for educating the people ; he is not an educationist. On the other hand, he is a commercial man. The more he can draw people to his shows, the more profitable it is for him. Therefore he mixes up so many things which are false but which he wants to make appear true, as the Editor of the *Madras Mail* again points out :

“ For him a historical picture means 90 per cent. production and 10 per cent. historicity. Production is the art of making the impossible credible. British historical films have largely succeeded in making the truth incredible.”

If, in dealing with history, the truth is presented in such a crude and undesirable manner what shall we say when they begin to deal with our Puranas which belong to 5,000 or even 10,000 years ago ? They are exhibited to us in most humiliating forms and in figures which are ridiculous, humiliating and demoralising. I say, Sir, that it is absolutely necessary that this Committee should work promptly and immediately. It is also equally necessary that as we are dealing with the exhibition of films in this country and dealing with films relating to this country, the majority of that Committee must be Indians. Indian sentiment must prevail and it must be properly brought before the notice of the Committee. These things are absolutely essential and, therefore, I request the Honourable the Home Member to consent to this amendment by raising the number of non-official Indians that are to sit upon this Committee, to such an extent as to make it a majority. Certainly he is interested in seeing that the films are properly regulated, controlled and checked in the interests of both the European as well as the Indian community ; and among non-officials there are certain Europeans domiciled here who will no doubt take an interest in this matter. I will go to the length even of not objecting to such a member on the Committee who will make it a non-official Indian majority. I for one have been anxious that this Committee should commence its existence soon if it is to do really useful work ; and therefore it is that I did not put into my amendment that the non-official members of the Committee must be elected by the elected members of the Legislature which might act as a red rag to the Government. I avoided all these expressions for the sake of promptly bringing into existence this Committee, and provided the Honourable the Home Member agrees with my view in this matter, a view which I believe is shared by all my Honourable friends on this

[Mr. C. Duraiswamy Aiyangar.]

side of the House, the Committee will be quite acceptable to the Indian community.

Sir, I move the amendment.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, I am fully alive to the necessity of appointing a Committee for the censorship of films, but I agree with my Honourable friend Mr. Duraiswamy Aiyangar that the sphere of the activities of this Committee should not be confined only to encourage the exhibition of films produced within the British Empire. I think, Sir, as he has already pointed out, that no Imperial preference should be given in this connection.

The other point, and the point in my opinion which is more important than that, is the appointment of the Chairman of this Committee. Sir, I have great respect for the Honourable Mr. Rangachariar. He was for a long time a Member of this Assembly and I have very great regard for his ability. But I consider it a slur upon the present Members of this House that an outsider should be given preference in being appointed to an office or as a member of a committee. I note that the Honourable Mr. Rangachariar was appointed by the Government to represent India in Australia last year, and now I find that the same Honourable gentleman is appointed as Chairman of this Committee. It means that the Government have no faith in the capacity of the present Members of this House or that they consider that the present Members are not fit to hold that office in the Committee which is being appointed. I have not the slightest idea of saying anything against the Honourable Mr. Rangachariar, but what I submit is that making a selection of the members and office bearers of such Committees the rights of the present Members of the House should be kept in the forefront. If, of course, no Member of this House is willing to serve or is capable of working on such Committees, then an outsider may be appointed. But as long as Members of the House are willing and capable of holding office or of being Members, they should be given preference over outsiders. The work of censorship of cinematographs is not I think such a highly technical thing for which you require the special knowledge of an expert ; and even if you do require it I do not think my friend Mr. Rangachariar possesses any special qualifications in that direction. He is a distinguished member of the Bar and I think we, in this House, have many distinguished members of the Bar like the Honourable Mr. Rangachariar. I therefore strongly urge upon the Government that in appointing the office bearers of committees they should not go over the heads of the present Members of the House, who should be given preference in the matter of such appointments. With these reservations I support the Resolution.

Lala Lajpat Rai : Sir, I consider it my duty to enter an emphatic protest against the insidious way in which various methods are adopted to thrust the principle of British Imperial preference upon this House through the back door. I think this is a very objectionable procedure and I wish the Members of this House were strong enough to-day to show to the Government their resentment of the procedure adopted by the Government. Sir, I do not object to the appointment of a Committee to consider the question of censorship of cinematograph films ; but I find

that the real object of this Resolution is practically to afford a kind of protection to films produced in the British Empire. As regards the encouragement of the Indian industry it is all eye-wash. We know that the Indian industry is not in a good condition. I would rather urge that no films except those produced in India should be exhibited in India at all. I do not see any reason why the British Empire should have the preference, and why only films produced in the British Empire should be exhibited and not those produced in any other country. If this principle is going to be adopted I do not see why it should not be introduced all round specially in the book industry as well. Cinematographs have an educational value; so have books. Authors of books are being encouraged to come to this country and Government officials co-operate with them so that they may write books which are extremely humiliating to the Indians, full of lies and insulting to the manhood and womanhood of this country. I do not understand this parental solicitude to protect the morals of the people of this country. I cannot see any purity of purpose behind this Resolution considering the attitude and behaviour of various officials in connection with a book which is now on the lips of everybody in this country. I can see no basis for this Resolution except the anxiety of Government to protect and encourage British produced films. Why not extend that anxiety also to the protection of British Empire produced books and give those a preference over American produced books. If an American author can be imported into this country and helped in the work of degrading the people of this country, I see no reason at all why American films should not be exhibited in India. The European community is very anxious not to let films into this country which depict a degraded view of European life. But are those films entirely false? And, if they are true to the life of the people, why should there be any objection raised to their being exhibited in this country? Sir, I have travelled in many countries and I think there is a deliberate conspiracy amongst film producers in the various countries of Europe and America to bring into discredit and contempt all Asiatic countries by means of cinematograph productions. I have seen several films in England and elsewhere in which most disgraceful and humiliating scenes representing Asiatic life are shown nauseous details of a rajah's life or a nabob's harem, which are produced simply to prejudice the English and other people against Asiatics in general and Indians in particular. I say that the anxiety behind this Resolution is not genuine and is really an anxiety to protect the British film industry, because perhaps the British films in competition with the American article do not draw such crowded houses and do not bring in much money. I therefore strongly object to the whole of this Resolution, unless the words relating to British Empire preference are entirely deleted. If those words are deleted, I will have no objection to the Resolution. (*An Honourable Member*: "They are not in the amendment.") But in the amendment there is one defect which I wish to point out, namely, that the Honourable Mover has not added the words "manufactured in India". His amendment therefore gives no encouragement to the film industry in India. If he adds those words the amendment will be an excellent one.

One word more. The Honourable the Home Member has told us that there was some kind of conference in England which discussed this

[Lala Lajpat Rai.]

subject and India he said was properly represented. I humbly beg to say that that is exactly how India is being wrongly forced to accept proposals which are said to be for the good of the Empire and which are very detrimental to India. No one in this House was ever consulted in this particular matter. No Indian was ever sent who could be said to represent the people of this country. This is the case generally in relation to all International or Imperial Conferences. Britishers that are sent support British interests rather than Indian interests. I wish emphatically to protest against this procedure of committing India directly or indirectly to various schemes of Imperial preference through people who do not represent India and who do not know India's wishes, who nevertheless commit India to schemes to which it is claimed afterwards that India was a party and therefore must abide by the commitments thus made. I submit that is a very objectionable procedure to which we on this side of the House very strongly object. To the League of Nations, the International Labour Conference and various other Conferences representatives are sent who do not represent the wishes of India and who make statements and commit themselves to schemes entirely detrimental to the interests of this country. We on this side of the House insist on non-official representation ; but the procedure which Government adopts is a very roundabout one ; and there are non-officials and non-officials. Government has got into the habit of catching hold of one or two gentlemen to represent non-official India in the different Conferences. Some times it is a Hindu and some times a Muslim ; but the character is almost always the same. He is ostensibly nominated to represent poor India's interests, the interests of 300 millions of the people of this country. Whatever he says, whatever he agrees to, is afterwards quoted as having been said or agreed to on behalf of India. That is a course which we strongly object to.

Then I come to the constitution of the Committee. My friend Maulvi Muhammad Yakub has dealt with that. I do not want to insist that the Members of this House only should be appointed to this Committee. There are many people in the country who can well perform that duty, but I may inform the Honourable the Home Member that the gentleman whom he proposes to appoint as Chairman does not inspire any enthusiasm in Nationalist circles and is not likely to protect the interests of the people of the country. He is a very able man ; he is a very good man ; but somehow or other he has a weakness for what I may call the milk and water policy. I say nothing against him. He is a very good man ; he is a very able man. (Laughter). But somehow or other he is a favourite of Government. For this reason, Sir, I say that.....

Mr. President : The Honourable Member is speaking against Diwan Bahadur Rangachariar.

Lala Lajpat Rai : I am not saying anything against him, Sir ; nor have I said anything against him. What I am saying is that he is not the sort of person who is likely to inspire any enthusiasm amongst us, in spite of his ability and in spite of his goodness. Therefore, Sir, the mention of his name does not take us any further. I do not attach very much importance as to how many non-officials there are on this Committee. I only

object to the element of introducing British Imperial preference in this otherwise simple and innocent Resolution.

***Mr. A. Rangaswami Iyengar** (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir, I desire to associate myself with all that my friend Lala Lajpat Rai has so forcibly and eloquently placed before the House on behalf of us all, Nationalists, who feel very keenly in this matter. But, Sir, I desire, in the first instance, to say that the logical conclusion of the reasoning which he so lucidly set forth must be that he should not be prepared to accept this Resolution merely with the omission of the words "within the British Empire". On the other hand, I feel that the Honourable the Home Member having come to this House with a Resolution to strengthen his hands ought to have left it to this House to elect the Committee which is to sit and examine this matter. We claim, Sir, that it is the right of this House, when it passes a Resolution for the appointment of a Committee, to choose the Committee, and I do not see how otherwise this Resolution can properly be brought before the House. Sir, the Government in this country possesses any amount of power; not only does the Government in this country possess immense powers, but the Government in England can pull the wires from behind and can get this Government to do most atrocious things. If that is the state of things, Sir, I do not see why the Government of India should now come to this House and ask us to give them the power to appoint a Committee which they can do themselves. If it is necessary then that this Legislature should be a party to the appointment of this Committee, I say it logically follows—and Lala Lajpat Rai has definitely indicated it—that it is the duty of this House to appoint this Committee in the same manner in which it has been appointing so many Committees in connection with the administration of this country. Therefore, Sir, my objection to this Resolution is based not merely on the insidious method employed for introducing Imperial Preference, but because it derogates from the right of this House to elect its own personnel.

Sir, much has been said about the appointment of a particular fellow Indian of my province.

Mr. President : Order, order. The Honourable Member ought to be more dignified.

Mr. A. Rangaswami Iyengar : I say fellow countryman of my province. Sir, I am not concerned here to discuss the merits or demerits of Diwan Bahadur Rangachariar, and I do not think they are germane to the Resolution before us. The real thing that we want is that the Chairman of this Committee should be appointed by this House, and when this House is asked to affirm the propriety of appointing a Committee, it is the duty of this House to point out as to who the Chairman should be, and the duty of judging of the qualifications or of the fitness of any Member, whether of this House or not, must pertain to this House. I therefore strongly object to the Government of India appointing the Chairman of this Committee. And I ask, Sir, why does the Honourable the Home Member ask this House to recommend to the Governor General in Council to appoint a Committee? If the Governor General in Council possess the power, of course he does it himself; but if, on the other hand, he thinks this House

* Speech not corrected by the Honourable Member.

[Mr. A. Rangaswami Iyengar.]

is good for anything, he can consider it good enough also for the appointment of the Committee. Therefore, I sincerely trust that the Honourable the Home Member would be pleased to allow this House to elect this Committee and also to omit the words "within the British Empire", and that he would adopt the policy which his colleague the Honourable Sir George Rainy has definitely accepted and is out here to carry it out, namely, that of protecting Indian industries. Therefore, I hope, Sir, that both these amendments will be accepted by the Honourable the Home Member.

Colonel J. D. Crawford (Bengal : European) : Sir, I rise to congratulate the Government on having taken steps to bring the Cinematograph Censorship Act under revision. I am one of those who have received very many complaints from my own community regarding the misrepresentation of the conditions of western life in cinematograph films shown in this country, and I can sympathise with my friend, Mr. Duraiswamy Aiyangar when he says that his community also have objected and must rightly object to any misrepresentation of Indian life in western countries through the cinematograph. Sir, the cinematograph is, I believe, of great educational value ; it is one of the greatest educational factors of the future, and it seems to me perfectly right that we should do all we can to see that the films presented in public places, both for amusement as well as for instruction, should be of the very best stamp and kind.

In regard to one aspect of the Resolution, namely, the production and exhibition of Indian films in particular, I feel that that is a point of very real importance. Sir, if the cinematograph industry is to flourish in this country, it has not only to serve a few communities, but it has got to serve all the different communities that inhabit this vast continent ; it has also got to penetrate right through into the Indian villages. For that purpose I feel very much in sympathy with my friend Mr. Duraiswamy Aiyangar's amendment, that the proposed Committee should have a non-official Indian majority, because I feel that a Committee of that description is likely to know exactly what type of film is wanted for Indian audiences.

I do not think, Sir, that the rest of his amendment is complete, although all the big questions he has put down are questions which will undoubtedly be examined by the Committee. I agree with my Honourable friend Lala Lajpat Rai that the question of building up an Indian film industry should be included. In India we have climatic conditions admirably suited to the building up of a film industry. In our historic life, there are romantic and historical incidents which would make very admirable pictures if the industry is controlled and guided on right lines, and altogether we have a great opportunity in India of producing films which will show to the other parts of the world what India really is, and that, to my mind, Sir, is a matter of very great importance. Sir, I would strongly support my friend Mr. Duraiswamy Aiyangar's suggestion that there should be a non-official Indian majority on the Committee, and I trust that the Committee will be able to produce really something more satisfactory than the present system of censorship, and will give very real assistance for the building up of an Indian cinematograph industry.

Mr. Muhammad Yamin Khan (Nominated : Non-Official) : Sir, I am one of the regular cinematograph goers, and when I go to a cinematograph, I do not think I care very much to see whether the film is produced in Germany, America or England or in India ; but I go with a view to see good art and to get good enjoyment. I think, Sir, everybody who goes to a cinematograph has only one point in view, and it is that, after the day's work is over and after having spent the whole day (*An Honourable Member* : "In the Assembly") say in the Assembly or in other places, one would like to have some sort of relaxation which may give some relief to his brain. But one thing which I have noticed in England is that there are certain cinematographs which are reserved for people of tender age, the like of which we do not find in this country. There were cinematographs which were very instructive and certain cinematographs specialised themselves in producing films of the type which may give good instruction to people of tender age. One cinematograph I remember used to produce only historical events like the life of Queen Victoria, Julius Caesar, Napoleon Bonaparte and others. There were other cinematographs which produced only social events. Then there were others, Sir, which produced different kinds of films for people of different tastes. Here what we find is nowadays really one thing which is coming from the Pathe films and other films which come to India, though I do not attach so much importance to this kind of feeling which might be prevailing in the mind of my Honourable friend, Colonel Crawford, that people in India consider western life as they see it in the cinematograph—and they see western life in the worst form of it—or they attach some value to it, thinking that it is western life or what life, as I go to the cinematograph and I have a talk with many of the people who go regularly to the cinematograph, I can say that they do not think a bit about whether it is representing western life or not, but they want only some kind of fun. Nobody takes it seriously that it is really the life of western countries that is depicted. They say it is only some foolish acts that are done on the cinematograph and are shown just to please men.

Lala Lajpat Rai : All are not like Mr. Muhammad Yamin Khan.

Mr. Muhammad Yamin Khan : I think most of them are like myself.

Lala Lajpat Rai : I doubt that very much.

Lieutenant-Colonel H. A. J. Gidney (Nominated : Anglo-Indian) : Who says this ?

Mr. Muhammad Yamin Khan : But I quite agree with one point which has been made by the Honourable the Home Member and by other Honourable Members too, that there are some films that, though they may be amusing to some people, are really objectionable if we find that they are visited by young boys from college or school children and women, and they find that these films go beyond the limit of decency. Those kinds of films are really objectionable. Though some things may not be considered objectionable in western countries, for instance in Europe and America and other places, from the point of view of India, on account of the different social customs prevailing here, they are really objectionable.

Mr. President : What about the Resolution ?

Mr. Muhammad Yamin Khan : That is what I am saying. The Resolution aims only at stopping these very films which I was just mentioning. It asks that these objectionable films should be stopped and should not be exhibited. That is the only thing which we want at present in India. But to come to this conclusion and to make recommendations, Sir, we can only do this in two ways. Either by creating public opinion which may insist that these films should not be exhibited, and that nobody should patronise these films when they come, which is impossible. This cannot be done by creating any public opinion in favour of such action because the people who have got the cinematograph business can always find an audience willing to patronise them even by showing the worst kind of films and the most objectionable kinds of films too. Now, the only thing that can be done is by legislation and legislation can be initiated by the appointment of a Committee which will go thoroughly into this matter and after seeing the whole situation they might make definite and substantial recommendations which might be acceptable to the House as a whole.

There is one point, Sir, about the Indian industry. I think the Indian industry in films is making rapid progress. About three or four years ago, the films which were produced in Bombay and Madras—the Coronation Company and other companies—were worthless and did not attract any kind of audience. People would not like to go to see them in preference to the American films or English films or French films. But now I see that rapid progress has been made by these companies and they are putting up some very good shows, and this industry I think deserves a great deal of consideration and encouragement by this House. But one difficulty to my mind is coming up in the Indian Films Act, and I agree with my Honourable friend Mr. Duraiswamy Aiyangar's suggestion in clause (d) of his amendment with regard to the desirability of preventing religion being dragged into cinematograph films. In most of the films shown in India at present I find there is a touch not of social events but of religion : they drag in religion or some very delicate points and communal questions which are not desirable for creating a good atmosphere in India. And I think from the political point of view and from the social point of view, those things require to be checked.

One word, Sir, about the appointment of the Committee. Certain names have been dragged in which I consider very very unfortunate for this House to indulge in. The name of my old friend, Mr. Rangachariar, has been dragged in. Those Honourable Members who are here who were members of the first Assembly might remember in what esteem we all held Mr. Rangachariar.

Lala Lajpat Rai : Even now we hold him in esteem.

Mr. Muhammad Yamin Khan : He was one of the foremost members and very liberal minded, and he always fought for radical changes in this Assembly. Mr. Rangachariar's character was unimpeachable from all points of view and from all sides in this Assembly. I think it deplorable that any attack should have been made on a Member who is not present to defend himself.

Mr. T. C. Goswami (Calcutta Suburban : Non-Urban) : I have not heard any attack.

Maulvi Muhammad Yakub : May I point out, Sir, that it was not intended to attack the character or the policy of the Honourable Mr. Rangachariar. What I submitted was the question of principle that an outsider should be given preference over the present Members of this House, and this I think is not right, and it throws a slur upon the present Members of the House. I do not in any way want to throw a slur on Mr. Rangachariar, but it is the principle which I consider to be objectionable.

Mr. President : I did not think the cap fitted the Honourable Member. I thought the Honourable Member was referring to the speech of Lala Lajpat Rai.

Mr. Muhammad Yamin Khan : Sir, what I was alluding to was not the speech of the Honourable the Deputy President of this House, and I think like a valiant champion fighting for the honour of the present House, it was his duty to come forward and to say what he said.

I am sorry I cannot agree with his views. I do not think that the present Members of this House have got any preference over the Members who have once adorned the Benches of this House if they are suitable and capable to deal with this case. I do not think that even the present Members should have any privilege over those people who have not had the privilege of coming into this House as Members. It is fighting for a privilege which, I think, will defeat its own ends. I do not think Honourable Members of this House should be so narrow-minded as to want that they should be placed in each and every position and nobody else should have any privilege outside this House. It is too narrow ; we should not take that view ; it is undignified ; it is objectionable from the point of view of India. We should not exclude all Indians who could not come and serve or who have not had the opportunity of serving India here but who are quite ready to serve outside in different spheres ; they should not be shut out and Members of the present Assembly only should not be made to take each and every position. In other words, it is not right that we should get everything and not others. Is it that, if after three years the present Members go out of office, all those privileges should be taken away from them and they must be entrusted to somebody else ? That is not correct. I do not think that at this time the Honourable the Deputy President was voicing the feeling of this House.

Maulvi Muhammad Yakub : The feeling of a large number, at any rate, of the Members of this Assembly.

Mr. Muhammad Yamin Khan : Coming to the merits of the resolution and the amendment, I certainly suggest, Sir, that it is not desirable to have Imperial preference in an industry and an industry which only indulges in amusements and nothing else. One point which strikes at the very root of the thing is this. How are you going to control cinematographs, those objectionable matters which may be coming in or are imported from America or other places, like the film *Indian Raja* ? He is depicted to be a great villain who abducts all the white girls and who is keeping a big harem in America and who comes riding on an elephant and who after inviting ladies shuts them up in his room. We have got no check over America producing this kind of film. Of course if a film is

[Mr. Muhammad Yamin Khan.]

produced in England, if we have no direct control over the company in England, at least through the Indian Government we could bring pressure to bear upon them. If English people produce a film of that kind, India can produce just the reverse kind of film, showing English life and character badly. Of course that will soon teach every body a lesson. We can only go to this length to see whether the particular film is suited to the condition of the country. We have to see that our country does not get demoralising pictures which may tell very injuriously on the minds of the young and uncultured youths from schools and other places. Indian ladies have now started to see the cinematograph and I like it very much. But would it be desirable that Indian ladies after coming out from purdah should see such kinds of films that are exhibited nowadays? There should be some check on them and for this purpose there can be only one control, which the Committee can go into. We should not show any kind of suspicion about a Committee that is going to be formed? Supposing a Committee is constituted which is composed of certain people and the Committee does not do as we expect. The only result will be it will make absurd recommendations; it is open to this House not to accept them. We can discuss that after the recommendations are made. But it is putting the cart before the horse to say we have got doubts that the Committee is not going to be good, because we do not know what sort of Committee is going to be formed. It was quite right on the part of Government not to mention the names, because we are all human beings, like my valiant champion in the Assembly. It is not right to say that if a Committee is to be formed it should be composed of the Members of the House. No Committee should be formed with the consent of this House, because we are bound on account of our feelings to say that we must prefer the Members of this House over others.

Maulvi Muhammad Yakub : If the consent of this House is required to appointing a Committee, certainly the Members of the Committee ought to be selected from amongst the Members of this House.

Mr. Muhammad Yamin Khan : If this House is consulted about the formation of the Committee, I suppose there are some Honourable Members who have never gone to the cinematograph and they might be selected for this Committee. The only possible suggestion is the suggestion of the Government of India. The Honourable Member in moving his Resolution did not ask this House to form a Select Committee but that the Committee may be formed from outsiders who may impartially go into the whole question.

Maulvi Muhammad Yakub : As if Members of this House are partial?

Mr. Muhammad Yamin Khan : I suppose that the Member who is expected to sit sometimes in the Chair should know first how to keep himself in order.

Maulvi Muhammad Yakub : Therefore he tries to keep order.

Mr. Muhammad Yamin Khan : At present if Honourable Members, who come and devote long time to the sittings of this House over a month in Simla and about three months in Delhi, are entrusted to do other public work too, I think it will be asking them to do too much. It may

not look very good to some. I know that it will not commend itself to some Members, because it is going against the desires of some Members who want to sit on that Committee. I, at any rate, support this Resolution, and I think the Honourable Member in charge will accept at least clause (d) of the amendment.

(Some Honourable Members moved the question be put.)

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I welcome this Resolution, this censoring of American films, I would rather welcome a Resolution which would censor American women. I particularly refer to Miss Mayo and her book. Sir, that book has aroused strong comment from Indians and we all condemn that sort of book. American films have no doubt done great injury to the minds of the Indian public and Indian youth. I find that American books are doing now great harm to the honour and dignity of India. I want British films, they must be good films and should be exhibited in India as well as Indian films and continental films if they are good and if they are educative to students and the youth of India. Sir, I support my friend Mr. Duraiswami Aiyangar's amendment which goes into the details and brings out the essential points that are necessary from the Indian view point. I am glad, Sir, that this Resolution has given an opportunity, to us to condemn the action of a certain American woman and I wish we could bring in another clause in this Resolution by means of which we will be able to condemn every foreign woman who writes irresponsibly anything about

4 P.M.

India ; and that book, I hope, will be proscribed under certain sections of the Criminal Procedure Code. In reference to films to be exhibited I want only....

(It being Four of the Clock, Mr. President called upon Mr. M. K. Acharya to move his motion for the adjournment of the House.)

MOTION FOR ADJOURNMENT.

SERIOUS SITUATION IN THE BENGAL NAGPUR RAILWAY WORKSHOPS AT KHARAGPUR.

Mr. M. K. Acharya (South Arcot *cum* Chingleput : Non-Muhammadan Rural) : Sir, from the pleasures of the cinematograph we have to turn to the pains of the workshops at Kharagpur. At the very outset I desire to convey to you, Sir, and to the Honourable Sir George Rainy the thanks of the thousands of workmen there for affording this opportunity to discuss the very serious situation that has arisen in that place. I want to be very brief, and I shall, therefore, not go into very ancient history. It was last Wednesday when compulsory notices were served upon about 1,300 people asking them to quit the workshops—it was then that the situation became very serious. Nearly 700 men had voluntarily resigned before that date. But on the 7th about 1,300 notices were served compulsorily asking as many men to retire. Then the next day, I believe, the men met and discussed the situation, and came to the conclusion that these notices were served upon men in a manner which was bound to elicit the sympathy of the other men. Therefore, they seem to have gone to the workshops, and simply attended them without doing the work. On the next day, it was that the men were determined that some justice should be obtained for those who, they considered, were unfairly retrenched.

[Mr. M. K. Acharya.]

It was then that the railway authorities found the necessity for locking up the workshops and calling in military aid to guard the streets and the workshops. Sir, the whole thing therefore relates to the retrenchment problem at Kharagpur. I am ready to admit that that retrenchment has been resolved upon evidently by the various agencies concerned from very different motives. It has been given out to the men that it is all brought about under the directions of the Railway Board. And I believe that the Railway Board with the very best of intentions, on the impression that there were too many men in the Kharagpur workshops, came to the decision that a large number of men must be retrenched. That was evidently the motive of the Railway Board. But the Managing Director, the Agent, the Chief Mechanical Engineer and some of the superior officers seem to have had also their own intentions. I do not say that they were wrong or right ; but I do say that they had other intentions than those which moved the Railway Board. Now, Sir, through the kindness of some other officers more sympathetic towards the men in their troubles the men have been able to obtain copies of secret correspondence which clearly shows that this matter had engaged the attention of the Managing Director and the Agent for some time past. In the early part of the year, soon after the unfortunate strikes, they seem to have been discussing this matter pretty seriously, and trying to find out how far the work of the railway could be carried on without depending entirely upon the workmen with whom they were dissatisfied. Therefore, and as a result of this correspondence, an attempt seems to have been made to see whether some, indeed a great deal, of the work that was being done in the workshops could not be got done through private contractors from the Calcutta firms. I will read, Sir, only one or two paragraphs.

The Honourable Sir George Rainy (Member for Commerce and Railways) : May I ask if this document is a document which the Honourable Member admits is not properly in his possession ?

Mr. M. K. Acharya : I am unable to make any such admission. It is a piece of information which has come into the possession of the men, and I want to give it to the Honourable Member to show exactly how the thing has been going on so that he may find out the proper solution. It has been sent to me by the Labour Union and they have obtained it, I take it, through very proper means. As I have said, they obtained it through the kindness of some of the officers who are very sympathetic towards them, and who were willing to let them know how the whole thing was being worked. That is my impression. However, here is the letter from the Managing Director to the Agent in which it is said :

“ The work done in shops divides itself into two heads :

- (a) Repair work,
- (b) Manufacturing work.

The workshops must do repair work, and because in the early days of Indian Railways there were no private workshops in India capable of doing manufacturing work, railways had to embark on this work themselves. Times have changed and there are many private workshops in India that can turn out good work. The line, I think, we ought to take is to reduce our manufacturing work, giving it out on contract to private firms, and give this reason why we are making large reductions in our workshops.”

Then, Sir, on this letter there is a long correspondence. There is a long letter submitted by the Chief Mechanical Engineer to the Agent ; and there he says :

“ We are already arranging contracts for the manufacture of a substantial quantity of Loco spares, iron and brass castings and forgings and loco cylinders complete—which we can now buy cheaper than and fully as good as those we make ourselves. We shall probably cast as more cylinders here, and this I hope is the beginning of the end of the foundry.”

This last sentence I would like to emphasise. The letter proceeds :

“ The very favourable position of engineering firms in Bengal in relation to sources of coal and iron supplies should eventually enable us to do the same as many American Railways, and dispense with our own foundry altogether. Mechanical inspections we can easily arrange for and now that we have our own chemist we are or shall soon be in a position thoroughly to check all supplies.

We now have specifications for practically all our regular purchases in India, and conditions of contract also have been introduced for local manufactures corresponding with those used by our Consulting Engineers at Home, modified only where necessary to fit Indian conditions.

Partly as an experiment and partly to make good the outturn lost due to the strike, we are also arranging contracts with the Indian Standard Wagon Company and Jessops for the repair of a few hundred wagons.

If successful, this measure will indicate another means of rendering ourselves rather more independent of local labour. But at present it is an experiment.

A great deal has become possible since the war that we could not contemplate before the war, and the more outside firms become capable of dealing satisfactorily with manufactures for us the stronger will be our own position.”

This, Sir, was a letter written about the 3rd of May. I have produced this simply to show what has been working in the minds of the men. The impression that they had was to the effect that whatever motive the Railway Board might have had their superior officers were gradually trying to eliminate local labour and to obtain the requirements of this particular railway from the manufacturing firms of Calcutta. That, Sir, was the position about the beginning of this month. So, when this question of retrenchment came, the men took the view that, if the workshops were conducted in the old way, no very large reductions would be required at all. In fact, in one of their meetings that they held with the Chief Mechanical Engineer or some other important officer about the beginning of August they came to the conclusion that about 700 and odd men would be the maximum number that will be required to be dispensed with. But later when this went up to 2,000, and when in the matter of choosing the men to be sent out it was naturally left in the hands of the subordinate officers, there came the third trouble for the men. I do not of course blame the Agent or the Mechanical Engineer who necessarily had to entrust this work to their subordinates. But human nature being what it is, the subordinate officers picked out those men against whom they had personal grudges. That is the kind of action which exasperated the feeling of the workmen and which made them come to the conclusion that under the plea of retrenchment, a large number of men were sent out in a most unjust manner. Under the plea of trying to put the workshop at Kharagpur on the same working level as other workshops with respect to other railways, under that plea, the subordinate officers gave full vent to their personal grudges against individual workmen. I again repeat that I do not blame the Agent for this. When one of the men interviewed the Agent he categorically denied that there was any intention on his part to victimise the men. He also informed the men

[Mr. M. K. Acharya.]

that if it was proved to his satisfaction that his subordinate officers victimised the men, he would take necessary action against them. But it must be remembered that it is very difficult to get such proofs. Under those circumstances, the victimisation has gone on unchecked. That has aggravated the situation, and exasperated the feelings of the men.

The Union at first were willing to co-operate with the authorities in trying to get a large number of men voluntarily to resign ; and with the willing co-operation of the Union about 700 have up to date been retrenched. That was the position some time last week, when this compulsory notice was served on the men. Then the men began to feel that retrenchment was only an opportunity for sending away a large number of men in the most unfair manner. They feel that they have been working for many years, for some of them have put in 10, 15 and 20 years of service ; that they have really helped to build up the railway to its present level. Having worked for such a long period, they feel that some consideration ought to have been shown to them. They feel that they should not have been so summarily got rid of. They have no objection to superannuated men being sent away, they have no objection to the men recently employed being sent away, they have no objection to the men engaged on day-to-day wages being sent away ; or those who could not pull their required weight. They have no objection to such men being retrenched. But they feel that the retrenchment of the capable permanent men, of men who have put in long years of satisfactory service is quite unjust. With this idea at the back of their minds, they feel that the present method of retrenchment was merely intended to give more and more work into the hands of the private contractors. They feel, and I hope, Sir, everybody in this House will sympathise with them, that this method of sacrificing the poor people for the benefit of the contractors is very cruel and unjust. They feel that the bread has been snatched from their mouths and put into the mouths of other people. They have loyally and diligently served the company to the best of their ability for the past several years, and this is the reward they now get.

There is one more important point to which I should like to draw the attention of the House. Till recently the Bengal Nagpur Railway had a large amount of repairs very urgently required to be done and which were being delayed. The Director of Foreign Wagon Interchange seems to have complained about it ; and the Chief Mechanical Engineer in one of his notes has put this clearly down :

“ There are 5,000 vehicles on the average per month running without due repairs, that is 20 per cent. of the authorised stock of wagons is without repair, a point very much commented on by the Director of Wagon Interchange and the Railway Board. This is the railway of all first class railways which has topped the list in the matter of running stock without repairs. Similarly coaching stock stands also on the same position when compared with other railways. The capacity of the Kharagpur workshop is only 600 vehicles per month though Ardhra and Waltair shops are newly named as mechanical workshops and other important loco sheds on the lines were also made to function as shops in the matter of repairs. The percentage of wagons running without repairs could not materially improve and in consequence huge recurring debit of Rs. 5 per waggon per day is realised from the Bengal Nagpur Railway by the Director of Foreign Wagon Interchange ”.

Well, Sir, these admissions have made the men feel that there is plenty of work at Kharagpur workshops, if really the Bengal Nagpur Railway

aims at keeping itself abreast with the other Railways. There are 5,000 wagons every month to be repaired. The men have therefore come to the conclusion that there is plenty of work. The officers of the Railway on the other hand having got permission to effect large retrenchments are wantonly sending away these men without justifiable reasons. The men feel that the retrenchment is not carried on in the best interests of the Company, nor in the best interests of the public, and certainly of course in the very worst interests of the men themselves. This, Sir, was the position last Wednesday which drove the men to down their tools. I have received telegrams, which I do not think it is necessary for me to read to the House ; which telegrams show that meetings of 5,000 men and 10,000 men were held, and resolutions were passed to the effect that there was ample work and that somehow unfortunately the railway officers had taken it into their heads to push through this retrenchment under any circumstance, not heeding the best interests of the railway itself. Now the men are determined to stand by their unfortunate brethren who had been given compulsory notice. That, Sir, is the position. I repeat, I do not want to blame anybody for it ; I do not want to blame the Railway Board.

Mr. President : The Honourable Member is mistaken if he thinks he does not blame the Railway Board. The constitutional effect of his motion is a vote of censure on the Government.

Mr. M. K. Acharya : Thank you, Sir, while I am not anxious to blame the Railway Board.....

Mr. President : If the Honourable Member does not wish to blame the Railway Board, he should ask for permission to withdraw his motion.

Mr. M. K. Acharya : On the other hand, I do not of course want to err on the side of being overcourteous. Certainly the Railway Board should have insisted on getting fuller materials before sanctioning such huge reductions ; and they should have examined the whole position more carefully, much more carefully than they have done in the present case. They should not have given a *carte blanche* to the railway officers to go on retrenching as they liked. The result is that the Railway Board have got into this position. Of course there is the final responsibility of the Railway Board in the matter. I want to make a few suggestions on this matter as the situation is very serious.

Mr. President : The Honourable Member has already exceeded his time limit.

Mr. M. K. Acharya : Very well, Sir. I appeal to the House to insist that real efforts should be made to meet this serious situation. I have no doubt that leaders on the front benches will say very much more. I appeal to the Government to realise the seriousness of the situation, suspend further retrenchments and take steps to ameliorate the hardships of these poor workmen, and enable them to resume work immediately.

Mr. N. M. Joshi (Nominated : Labour Interests) : Sir, my Honourable friend Mr. Acharya has narrated some of the main facts of the situation at Kharagpur. Sir, the workers at Kharagpur feel that the proposals for retrenchment which are being carried out at present have their origin in the last strike about which this House knows something.

[Mr. N. M. Joshi.]

They feel, Sir, that the authorities of the Bengal Nagpur Railway felt somewhat humiliated on account of the strike. They expected the strike not to become general. They expected that the men would not show any strength, but they were disappointed and thought they were humiliated and defeated. There is good ground for the workers to feel, that the proposals for retrenchment emanated from the Managing Director in London who was present during the last strike in India and who took that strike as a personal humiliation and a personal defeat. The men also feel, Sir, that this is an act of victimisation, and I feel, Sir, that they have some justification even for that feeling. It will be admitted that one of the superior officers at Kharagpur, the Works Manager, issued instructions to the foreman that while making retrenchment or while suggesting names for retrenchment, he should see that the non-strikers were not retrenched at any cost. If the men after knowing of these instructions, feel that the present proposals for retrenchment had their origin in the last strike and are an act of victimisation, I think the men are fully justified.

Mr. A. A. L. Parsons (Financial Commissioner, Railways) : Sir, those instructions were immediately withdrawn.

Mr. N. M. Joshi : I know, Sir, that the instructions were withdrawn after they were brought to the notice of the superior authorities, but the very fact that the instructions were issued by a responsible officer in the workshop, namely, the Workshop Manager to his foreman, was sufficient for the men to entertain the fear that the present proposals were an act of victimisation.

Then, Sir, the second feeling in the minds of the workers in Kharagpur is that the present proposals for retrenchment are intended to do away with the labour troubles at Kharagpur or at least to reduce the labour troubles at Kharagpur by giving work to private contractors and by ordering out things from foreign countries. Now, Sir, during the last few months the Bengal Nagpur Railway, when that Railway could repair any number of wagons, when that Railway could manufacture any number of articles themselves, gave an order for repairing 100 wagons to a private company. If after knowing these things the workers at Kharagpur feel that these proposals for retrenchment are intended as an act of victimisation against them, I think, Sir, they have some justification.

Now, Sir, the Bengal Nagpur Railway is a State Railway, and as that Railway is controlled by the Railway Board I think, it is the duty of the Railway Board to examine the policy of giving work to private contractors or getting articles made by foreign manufacturers when these articles could be made in the State workshops. It is not a right policy that when the Legislative Assembly and even the Government have accepted the policy of protecting the industries of this country, they should, when they have got their own workshops, order out things from foreign countries and of the State management of Railways and, when they have got their own workshops and superior staff, should get their work done through private contractors. Unfortunately the Railway Board has made this an item of their policy and not only on the Bengal Nagpur Railway but on other lines also. I have seen this being done gradually on the Great Indian Peninsula Railway also. Under these circumstances if the

workers at Kharagpur feel that these proposals of retrenchment are also intended to benefit private contractors and foreign manufacturers, they have got sufficient justification.

It is said that the work is given to foreign manufacturers or to private contractors in the interests of economy. Sir, if the work is given to foreign manufacturers and private contractors in the interests of economy, it is necessary that the Railway Board and the railway authorities at Kharagpur or on the Bengal Nagpur Railway should convince the public that their policy is at least in the interests of economy. They have not done so. How is it possible that when superior officers are brought from England on very high salaries and they have been given the Lee concessions, and when the labour employed by private contractors and the State workshop is the same, how is it possible that private contractors can turn out articles cheaper than your own workshops turn out? If there is a difference, then, the difference must be in the quality of the supervisors whom the Railway Board and the Bengal Nagpur Railway have appointed. I myself feel that the Railway Board have not yet made out any case that work given to private contractors is cheaper. Moreover, even if it is somewhat cheaper, I say, Sir, to give work to private contractors and to get work done by foreign manufacturers is against the policy which this House has approved of.

There is one more point which I would like to make and it is this. If the Railway Board want to effect economy and if they want to reduce the men and to reduce the work done at Kharagpur, it is necessary that they should also reduce the number of supervising officers; but on the contrary during the last 4 or 5 years they have increased the number of superior officers by about 30. Why is it then that the number of ordinary workers is to be reduced and the number of superior officers is being increased?

Sir, I do not believe that the proposals for retrenchment are actuated by considerations of economy. But even if these proposals are made upon considerations of economy, I think, Sir, there are considerations which are superior to considerations of economy. The Government as the trustee of the working classes in this country have a duty towards those classes. These men may have served the Bengal Nagpur Railway for several years, some of them for 3 years, some 5 years, some 10 years some 15 years and some even 20 years. Have the employers no duty towards the employees? Government, as the trustee of the people and as the authority which lays down proper standards for labour legislation and labour conditions, must recognise that they have a moral duty towards the employees who are serving under them. Sir, I feel that Government do not recognise their duty towards the workers at Kharagpur simply because these workers belong to the working classes. They do not belong to the superior or the privileged classes. I know, Sir, there is at least one Department of the Government of India which only last year Government found it was overstaffed. It is clearly laid down in the report issued by the Department that it was overstaffed; and still Government did not send away the men at once, though Government I understand are trying now to reduce the number gradually in the natural course of things. My Honourable friend Sir, Bhupendra Nath Mitra knows which is this Department which was considered to be overstaffed last year. Why did not Government send away those men all

[Mr. N. M. Joshi.]

at once ? Because those men were considered to belong to the privileged class and the workers at Kharagpur belong only to the working classes. I hope, Sir, the Government of India do not make this distinction between the privileged classes and the working classes. Now, Sir, if the Government of India want to effect economy and want to reduce the number of men, I do not agree to the proposals for reduction at all, but even taking for granted that those proposals are necessary, Government should recognise their duty towards the men who have served them for some time and should see that no hardship is caused by those proposals. It is quite possible that if Government had recognized this necessity for retrenchment last year during this one year they could have reduced at least 500 men in the natural course of things, as there are always vacancies occurring in these big workshops, and in the next year they could have retrenched another 500 men, and in a short time it would have been quite possible to reduce the full number. If they had adopted this policy of waiting and gradually reducing the number, it is quite possible that Government would have to spend about a lakh or two lakhs of rupees more. But is it not due to the men who have served you so long that you should spend two lakhs of rupees so that they may not suffer the hardship which you are now asking them to suffer ?

Now, Sir, the Government proposals have been decided upon and notices have been given. The working classes who are very weak have only one remedy for protecting themselves, and that remedy is to stand by each other. And it is to the credit of the workers at Kharagpur that they have stood by the people to whom notices were given. I am proud of those people who refused to work because others were given notice. Sir, the men after all have their duty towards their comrades and they have done it. I want the Government to appreciate the spirit of those people who are making sacrifices for the sake of their comrades. I feel that it was wrong on the part of the management at Kharagpur to have made these proposals at all. I feel that the manner in which they tried to enforce these proposals was worse still. I hope, Sir, that the Government of India will not stand still. It is their duty towards the working classes at Kharagpur that they should not put any hardship upon these men. They should not ask them to make sacrifices which they themselves would not make. I want, Sir, the Members who are sitting on this side to consider what their position would be if the Government of India asked a large number of them to leave this country without what they call proportionate pensions. I want them to ask themselves whether they do not sympathise with the men who are being asked to leave their work, to leave their homes, without proper compensation. If the Government of India are prepared to give some kind of proportionate pensions to all these men there may be some justification for asking them to leave. I hope the Government of India will take the humane course of making the reduction, if they want to make a reduction, by not filling up vacancies for the next year or two. It is wrong to retrench in the way they have done. Moreover, Sir, the Bengal Nagpur Railway authorities as well as the Railway Board do not realize that if they had made economies in proper time this situation would not have arisen. It is their fault. They ought to have realized that it was wrong to reduce 2,000 men all at once. Are there any workers in the world who,

when one-fourth of their numbers are threatened with reduction, will not stand by those who are being sacrificed ? It is the Railway authorities who have made the strike and not the workers. I would like any Member of this House to say that he would not in a like situation stand by the comrades with whom he has been working. Whatever the workers at Kharagpur have done, they have done their duty by their comrades. This House, Sir, should feel sympathy with these men, and I think the Railway Board and the Government of India will appreciate the spirit in which the men at Kharagpur have acted. I hope, Sir, this motion will be carried.

Mr. T. C. Goswami (Calcutta Suburbs : Non-Muhammadan Urban) : Sir, the confidence which the Trade Union Congress has very often reposed in me and my connection with the Labour Union at Kharagpur demand that I should add whatever little weight my words possess in support of the motion which has been moved by Mr. Acharya. Sir, I was myself witness, during the last cold weather, to many of the conditions for which one Sir R. T. Wynne, whom I once described in this Assembly as the octogenarian Dandolo of the Bengal Nagpur Railway, who had come to hibernate in this country, was responsible. And I have reason to believe—and, Sir, I have been in close touch with the march of events in Kharagpur—that the state of things which we have to deplore in this House to-day is a continuation of those conditions which were the cause of the strike last cold weather.

Sir, you will forgive me if I feel great hesitation in proceeding further with my speech ; because, Mr. President, having in the course of the day read the official, uncorrected report of Mr. Chaman Lall's speech of yesterday on another motion for adjournment, I feel I have not had sufficient time to determine the criteria of relevancy which, no doubt, underlay your successive rulings. And, Sir, I assure this House that it is not that I have not, to quote your words, " nothing more to say ".....

Mr. President : Will the Honourable Member proceed with the merits of the motion ? Does he realize that he is making an insinuation against the rulings of the Chair ?

Mr. T. C. Goswami : No, Sir, not at all.

Diwan Chaman Lall (West Punjab : Non-Muhammadan) : May I ask on a point of order whether an Honourable Member is not within his rights in making a remark of that nature ?

Mr. President : The Honourable Member is not within his rights.

Diwan Chaman Lall : By what rule or regulation is the Honourable Member not within his rights.

Mr. President : Order, order. Mr. Goswami.

Mr. T. C. Goswami : Sir, I must say that I have been so unnerved by reading the report of the speech and your rulings that I feel it is extremely difficult to keep within the limits of relevancy which seemed to have been prescribed by you.

Mr. President : The Honourable Member is perfectly entitled to call into question the rulings of the Chair by a substantive motion in that behalf, but he is not in order in challenging them in this manner.

Mr. T. C. Goswami : Sir, I have absolutely no desire to call into question your rulings. Your rulings in this House are inexorable, though my religion forbids me to regard them as infallible. Therefore, Sir, the only thing I feel it safe for me to do is to paraphrase the Resolution which has been moved by my Honourable friend Mr. Acharya, namely, that there is a serious situation—there is a very serious situation, a large number of workmen are about to be thrown out of employment for no fault of their own. It is the prodigals who are making honest workers pay for their prodigality.

Mr. Varahagiri Venkata Jogiah (*Ganjam cum Vizagapatam : Non-Muhammadan Rural*) : I rise, Sir, to support this motion. In doing so, I must say that there is a widespread feeling and a lurking suspicion in the minds of the public of Kharagpur and those of the workmen, that the discharges and notices of removal that have been served on the workmen are not actuated merely by considerations of economy but that they are due to other causes. It is said that the retrenchment is proposed as a means of victimisation of strikers, though it was agreed when the strike was concluded that no victimisation would be resorted to. This feeling of suspicion is not altogether without foundation. As you are aware, during the strike the Managing Director, Sir T. R. Wynne, was in this country. Naturally he was against the strike and wanted to stop it, but he could not do so. Therefore, the conduct of the strikers enraged him very much, and it is stated that the present policy of retrenchment is dictated by the Managing Director more as a punishment to strikers than as a means of economy. It is also stated, and truly too, that if it were really a matter of economy, this would have been undertaken long before this strike commenced. As a matter of fact, not a word was ever mentioned about the retrenchment before the strike began, but only after it came off. There are other circumstances which strengthen this suspicion on the part of the railway authorities. We are informed that the Managing Director writing to the Agent stated—and that too after the strike—that the administration would not be able to give good reasons for making large reductions in workshops and that the administration was not in a position to sack men with bad records. He therefore suggested to the Agent the giving of contracts to private firms for manufacturing anything that is necessary for the railway administration in order to reduce the workmen in the workshops, and the reason that he gave for this was that that was the only thing that would enable the administration to escape the charge of victimisation. When suggestions such as these came from the Managing Director, it is no wonder that the railway officials out-heroded Herod, and gave contracts not only for manufacturing ordinary things but even for carrying out small repairs. As this House has already been told, private firms have been entrusted with contracts for carrying out even minor repair works. All this shows that the retrenchment is adopted with a view to punish the strikers, and not as a matter of economy.

There are also other reasons, Sir, which strengthen this suspicion. It is stated, and it has already been pointed out to this House by my friend Mr. Joshi, that one of the officers holding a high position in the workshop, Mr. Tyres, sent information to the foremen not to enforce the order of retrenchment against non-strikers. It is also stated that, while enforcing this order of retrenchment against strikers, about 300 new

hands were employed, and sanction was obtained to import from England officers drawing high salaries. Further, Sir, there was never any indication that such a large reduction would be made in the number of employees engaged in the workshops by the administration. The only time we heard of it was, during the time of the strike. Even then it was said that the number of workmen would be reduced to the extent of 10,000 in the workshops, and I understand that to restrict it to that number, the officers estimated that there would be a reduction of only 600 employees—500 from the Loco. Workshop, 150 from the Carriage Workshop and another 150 from the Wagon Workshop. I do not know how this number of 600 was considered insufficient, and in the course of 15 days it was increased to 2,200. Even if this retrenchment is held to be unavoidable, I suggest that it should be done gradually in consultation with the members of the Indian Labour Union. Every year some men necessarily go out for reasons of death, resignation or other causes. Their places may not be filled up and no fresh appointments made; and inducements may be offered to those who retire early as the railway administration itself now proposed to do.

Now, Sir, these methods, I submit, will go a long way to reduce the number of workmen gradually without causing much panic. No doubt, some pecuniary loss will result to the Government, but regard being had to the fact that these men have been serving the railway administration for a long time and have been living with their families for years in Kharagpur, these pecuniary losses should not be regarded as very great. Unless this is done, it will be no wonder if the railway workmen sympathise with the sufferers and take to passive resistance, as some of them have already done, and this might lead to further troubles.

In the light of the information I have placed before the House, it is necessary, in the interests of the good name of the Bengal Nagpur Railway administration and the well-being of the railway employees, especially regard being had to the serious disputes between the employees and the employers, to appoint a Conciliatory Board consisting of representatives both from the railway administration and the Indian Labour Union in order to see how, in view of the proposed retrenchment, that the least injury would result to the employees. This aspect which I place before the House was agreed to in another place, the House of Elders, a few months ago, in reply to a Resolution moved by a Member of that House regarding the grievances of railway workmen by the Honourable Member for Commerce. Sir, with these few remarks, I support the motion.

Lala Lajpat Rai (Jullundur Division : Non-Muhammadan) : Sir, I just want to say a few words. It is extremely unfortunate that retrenchment in this country should begin with the lowest paid Indians, and while I am not going into the general question for want of full information on the subject, I want to associate myself with every word of what my friend Mr. Joshi has said. I want to point out very respectfully to the Government that, after all, most of the civilized Governments have begun to recognise that it is a part of their duty to keep every one of their subjects alive, and to find either work for them or to insure them against unemployment. We know that at the present moment in England over a million people are getting the dole of unemployment. So, if we look at the question from that point of view, it will not be good economy

[Lala Lajpat Rai.]

to dismiss these people at once and throw them entirely out of employment and to the mercy of circumstances. I therefore appeal in the interests of these workmen and in the interests of justice that the Government should do something to alleviate the sufferings of these people and not dismiss them at once. I fully sympathise with the object of this motion, and I hope the House will carry it.

The Honourable Sir George Rainy : Mr. President, I have listened with great interest to the speeches which have been delivered by the Honourable Members who have spoken in support of the motion for the adjournment. I think, however, that before I say anything in reply to these speeches, it might be convenient if I were to begin by stating the case from the point of view of the Government of India and the Railway Board. The Agent of the Bengal Nagpur Railway last July when he was in Simla placed his proposal for the reduction of the staff of the Khargpur workshops by 2,000 men before the Railway Board. Now, the reasons which were held to justify this reduction fall in the main under 4 heads. In the first place, there is the question of economy which is always present to the mind of every railway administration, or at least it most certainly ought to be. In the second place, during the war and since the end of the war, there has been a very considerable development in the railway workshops, as in other workshops, in the introduction of modern machinery which reduces the number of men who have to be employed to carry out a given amount of work. When that machinery was first introduced in some of the railway workshops, the supervising staff did not clearly understand the extent to which it would enable them to reduce staff and consequently to reduce the cost of production. That was a matter, I think, which the Raven Committee drew attention to in their Report. In the last two or three years, greater attention has been paid to that matter, and the result is that there has been a distinct reduction in the staff required in a workshop where the volume of work has remained about the same. New methods have also been introduced in the execution of repairs in workshops and that also has had a similar effect. Finally, during the 4 or 5 years after the war, the work to be done in the railway workshops was swollen by the working off of the war-time arrears of repair and maintenance work. Now these generally were the causes put forward in support of the reduction in establishment. Now, the Railway Board had to examine this proposal not only in the light of what was put forward by the Agent but in the light of the information which they already possessed and their knowledge of the manner in which in an efficient railway workshop work ought to be carried out. The test which can be applied in such cases is a comparison between the results achieved in one railway workshop and the results achieved in other railway workshops. The application of all the tests the Railway Board were able to apply, indicated that the reduction in establishment proposed was fully justified, and indeed some of the tests appeared to show that an even larger reduction would have been justified. I should like to give a few figures to illustrate this point. On the North Western Railway the locomotive shop has to look after 1,361 locomotives and employs 6,336 men. On the Bengal Nagpur Railway there are 729 locomotives and the number of men employed in the locomotive shops is 5,756. If the same number of men at Khargpur did the same amount of work as those in the North Western Railway workshop it would be necessary to reduce the

number of men employed to 3,353, which would be a reduction of over 2,400 men, whereas the actual reduction in the loco. shops is only 750. I quite admit that these figures have to be applied with caution. You cannot argue strictly from one railway to another and say that you can expect exactly the same outturn on all railways. Possibly in northern India, with a more bracing climate, the individual worker may be able to turn out a greater amount of work, but still the discrepancy is so great that the only possible inference that can be drawn, I think, is that a reduction in the number of men employed in the shops at Kharagpur was urgently called for unless the work was to continue to be carried on in a thoroughly uneconomical way.

Mr. C. Duraiswamy Aiyangar (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : Is this principle applied at the top also ?

The Honourable Sir George Rainy : I had intended to come to that presently, but I have no objection to replying to my Honourable friend at once. I have forgotten which of the earlier speakers—my friend Mr. Joshi I think it was—complained that, whereas there was reduction at the bottom, the supervising staff was being increased. My reply to that is that one of the points which the Raven Committee criticised unfavourably in the Indian railway workshops was the inadequacy of the supervising staff, and they expressed the opinion that greater attention ought to be given to that point of adequate supervision. That answers my friend's point. I could give figures similar to those I have already given for locomotives, for carriages and wagons also, but I do not think it is necessary to enter into much detail. Approximately, on the North Western Railway standard, the number of men required for the Kharagpur workshops would be about 7,000 in all, whereas after the reductions which the Agent is actually making, the number will be 9,000. There are some other figures which illustrate the same point, but time does not permit that I should go deeply into them. The Railway Board definitely approved of the Agent's proposal, that was in July last, that the reduction of 2,000 men should actually be carried out. Then the Agent, after his consultation with the Railway Board, discussed the question also with the Government of Bengal, and thus, before he actually issued any notices to the men, he had been in consultation with both the authorities principally interested. His subsequent course of action was as follows: In the first place he offered inducements to the men to tender their resignations voluntarily by giving a bonus of a month's pay to the men who did so. After that, he proposed that the reduction of staff should be effected in the first place by reducing those who had reached the age of superannuation and then those who were approaching the age of superannuation, that is from the age of 50 to the age of 54, and it was not until these classes had been exhausted, and also until the voluntary resignations had been taken into account that he issued notices of compulsory reduction of establishment to make up the total number whom he had to get rid of. I might perhaps give the House the figures as nearly as we can get them. Since April the total number of resignations and of ordinary casualties amounts to 800, and the balance, about 1,300, is the number of notices of reduction issued and the latter figure includes some of those who were superannuated. The exact number we do not know, but in all probability it is between 200 and 300. Therefore, if these are excluded, the total number of men under compulsory reduction by

[Sir George Rainy.]

these notices is about 1,000 ; that is to say, it is probably not more than 1,100 and it is probably not less than 900.

I should like now, Mr. President, to deal with the point—it is a very important point—raised by my friend Mr. Joshi. His claim amounted to this, that when from any cause the amount of work to be done in any establishment controlled by Government had fallen off and the full staff were no longer required, it was not right to make sudden reductions and the proper course was to wait till vacancies fell in and let the whole operation take place gradually. Now, I quite recognise that in some cases that is a perfectly possible way of dealing with such a situation. But I am not for a moment prepared to admit that in all circumstances that way of dealing with the difficulty is the right way or the justifiable way or the way which Government should adopt. In a Department like the Railway Department cases must occur when, if the authorities responsible are to avoid a very great waste of public money, it is necessary to make a large reduction of establishment at one time. I can see no other alternative in certain circumstances, such as have occurred at Kharagpur, where the number of men employed is obviously a great deal too large for the work to be done, and it seems to me that in such circumstances it is not possible for the authorities responsible to refrain from making a comparatively large reduction in the establishment at one time. What I am prepared to say, however, is this, that Government do recognise the necessity in such cases of examining every possible alternative before agreeing to a large simultaneous discharge of staff in such cases. They will be prepared in any similar cases that arise in future to examine proposals placed before them from that point of view. But they are not prepared to give any undertaking that it will always be possible to avoid such large reductions ; and I would like to draw the attention of the House to one aspect of the position at Kharagpur and it is this, that if we were now to adopt Mr. Joshi's proposal, namely, to ask the Railway Company to withdraw the notices which they have issued and to let the reduction take place gradually as vacancies occur, it would not be only a question, as my Honourable friend seemed to think, of one year or 18 months before things righted themselves, because the figures in possession of the Railway Board rather indicate that further economies in the establishment are possible. The clock would be put back 4 or 5 years and for 4 or 5 years to come we should be steadily every year spending more money on the execution of particular classes of work done in this railway workshop than we are really justified in spending.

I should like to allude again to another remark of my Honourable friend Mr. Joshi, when he referred to reductions in establishment of a higher grade. Whether he had my own service in mind I do not know. But he used the sacred words " proportionate pension " and he asked whether the members of these higher services would think it fair that they should be sent away without proportionate pension. I am not going to say what my view as a member of the Government of India is, but my view some 7 or 8 years ago was very strongly that for the members of the Superior Services the pensionary system ought to be abolished and the provident fund system substituted, so that it would be in the power of the Government to send them away at any time they choose. That was my view then ; I do not say it is my view now. My Honourable

friend said that we should give something in the nature of a proportionate pension to these men if their discharge was absolutely necessary. But my Honourable friend has forgotten that of the 1,300 men to whom notices have been issued at Kharagpur 600 are subscribers to the provident fund, and as far as they are concerned it is not a question of the Railway Company suddenly sending them off and leaving them with no sort of means to keep themselves going until they can find work again, because some of them, it would appear, must be in a position to draw very substantial sums from the provident fund. Subscribers contribute one-twelfth of their pay every month and they get interest on that, and in case of a reduction of establishment all of them get a bonus which is an equal amount contributed by the Railway Company with interest on that. I thought it might be worth while to work out the figures of a workman who might be regarded as a typical subscriber to the fund. It is about 9 years now since the workshops staff became eligible to subscribe to the provident fund ; and therefore I took a man who had been subscribing for 9 years. I assumed that he rose from Rs. 22 a month at the beginning of the period to Rs. 40 a month at the end of it with annual increments of Rs. 2 a month. I find that, if he subscribed regularly to the provident fund, he would at the end of 9 years have Rs. 671 to his credit, and if to that is added the gratuity of half a month's pay, which is given in such cases ordinarily on reduction of establishment it would amount to a grand total of Rs. 911. I do think it is important that the House should realise that the 600 men who are subscribers to the provident fund will not be thrown on the streets without any means of support, but will have fairly large sums to help them on their way. As regards the remainder, the men who are not subscribers to the provident fund, a good many of them must be labourers on daily wages, and the majority I should think would be men with less than 4 years' service with the Bengal Nagpur Railway, and therefore, as my Honourable friend Mr. Acharya pointed out, not liable to the same hardship as men who had put in 10 or 12 or 15 years' service.

I do not think, Mr. President, that I am justified in delaying the House much longer. The Government of India have given this matter very anxious consideration, and what they feel is that this is a case in which it is not possible to put pressure on the railway administration and to ask them to withdraw their notices of reduction. They do feel, however, that if harmonious relations are to be re-established at Kharagpur between the railway administration and their workmen, the workmen must feel some sense of security and not be under constant apprehension that they may be exposed again to a similar risk of another big reduction of establishment in a few months' time. That would clearly create a position of such difficulty, that even from the purely financial point of view it seems to me that the Railway would have nothing to gain by adopting a policy of that kind. Therefore, the Government of India will be prepared to communicate with the Railway Company and to point out to them that this large reduction of establishment having been effected, the Government of India consider that if it is found necessary, as it may be found necessary to reduce the staff still further, that should be done gradually and as far as possible on the occurrence of vacancies as they fall in. I do not believe myself that if that plan is adopted, the Railway has anything to lose.

[Sir George Rainy.]

Before I sit down I should like to refer to the correspondence which my friend Mr. Acharya read. I am quite sure that my Honourable friend, when he read that correspondence, did so under a full sense of public duty and in the belief that he was entitled to do it. But I would like to point out that Government have also their own point of view in that matter. Of the document that he read, the first, I understand, purports to be a letter from the Managing Director of the Bengal Nagpur Railway to the Agent of that Railway and it was communicated, as my Honourable friend said, to the Labour Union at Kharagpur by someone whom he described as a sympathetic officer. I doubt if the word "sympathetic" would be an exhaustive description of an officer who considered it proper to make over these documents to persons for whom quite obviously they were not intended. That is not, however, my main point. My main point is that the Government of India and the Railway Board cannot take any action whatever on documents placed before them in that way. It is clearly impossible and.....

Mr. A. Rangaswami Iyengar (Tainjore *cum* Trichinopoly : Non-Muhammadan Rural) : Are the facts disputed ?

The Honourable Sir George Rainy : I should like to say again that I am attributing nothing improper in any way to my Honourable friend Mr. Acharya who, if I may say so, has stated his case very fairly.

I ought to allude before I sit down to what was said about the giving out of work on contract. On the big point raised by Mr. Joshi, I will leave him to argue it out with the Bengal Chamber of Commerce who take a somewhat different view on that question.

Mr. N. M. Joshi : They are not the Government of India.

The Honourable Sir George Rainy : And I shall hope that both parties will be so preoccupied with each other as to be unable to direct their artillery on me for the time being. But as regards this question of giving work on contract, I should like to point out this that, in so far as the work is given out on contract to Indian firms, there is no reduction of employment. It is merely a transfer from one place to another. I have no doubt, however, that if the Bengal Nagpur Railway Company accept the view that after this big reduction of staff has been effected it will be necessary to go slow and to let any further reduction that is necessary come on the occurrence of vacancies, they will obviously not desire to pay both the workmen in their workshops and the contracting firms for the same work. I think it may be taken for granted that they will postpone this question of giving out the work on contract until the staff has been brought down to the figure at which this can be done without loss of money. I do not think, Sir, I need add anything further. (Applause.)

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, we are passing through very hard times and this is not the time for the trial of strength between the Railways and the Labour Unions. Sir, the Bengal Nagpur Railway might be backed by the Railway Board, the military authorities, the Auxiliary Forces, the volunteer forces and also the Police and the Gurkha bayonets, but as I have said at the beginning we are passing through very hard times. Kharagpur is situated in an area where most

of the workers come from the flood-stricken area. The districts of Midnapur, Cuttack, Balasore and Chota Nagpur supply at least half the labour of the Kharagpur area. And to-day the Bengal Nagpur Railway, backed by the Railway Board, are throwing out of employment at least 2,000 workers employed at Kharagpur, and it is no consolation to us to be assured, as we are now assured by my Honourable friend Sir George Rainy that he will see his way to gradually reduce the workers when subsequent reductions will take place in the Bengal Nagpur Railway. My Honourable friend before he came to my own province Bihar and Orissa was a member of the Bengal Civil Service. So, he knew Kharagpur and the condition of the working classes in Bengal. And when he was in my province he also knew something about the condition of the working classes and the condition of unemployment that prevails there among the skilled labourers for whom work is not available in abundance. So, I was sorry to listen to the speech of my Honourable friend which was rather unsympathetic. His sympathy went to the future reduction and nothing was promised on the present unemployment problem and the injustice that is going to be perpetrated to-day. Sir, the Honourable Sir George Rainy told us that 600 members of these 2,000 workers that are going to be reduced will get something like Rs. 900 as provident fund compensation when they are forcibly kept out from the Kharagpur workshops. My friend, Sir George Rainy, has very admirably worked out the details in the Tariff Board Reports but I do not know whether he has ever studied the economic condition and economic indebtedness of the people. Sir, the economic struggle among the working classes of India, thanks to my Honourable friend Sir Basil Blackett for his policy of exchange—the ratio policy—is becoming more acute day by day. Sir, I deplore the incident that took place at Bombay where 30 or 40 Indian working class women got so enraged and exasperated that they mobbed their employer and I believe that employer is now dead. If that employer is dead, I deplore it.

I deplore that we have come to such a pitiable condition in this country that the working class Indian women, who are usually so meek and timid, have become so distressed and exasperated because their children are going to starve and they will find no employment to feed them that they resorted to mob their employer. If that was the result when 50 women were put in the unemployment list, what will be the condition in the Bengal Nagpur Railway workshop where more than 2,000 men are to be sent out? The Bengal Nagpur Railway is situated in that part of the country which is known for its distress caused by famine and flood, I do not want to contest the accuracy of the statement of the Honourable the Commerce Member about the employment capacity of the Bengal Nagpur Railway locomotive workshop. If reduction is to be made, I say that that reduction should be made with sympathy and in a conciliatory spirit. If only the authorities had been sympathetic, I do not think my Honourable friend Mr. Parsons would be sitting here on the Treasury Benches! He would have run up to Kharagpur to watch the situation personally. I would not find the Chief Commissioner of Railways here in Simla but I would expect him at the workshop at Kharagpur. I would also expect the Honourable the Commerce Member to run up to Kharagpur after the Assembly adjourns so that he can study the situation on the spot. It is no use saying we cannot pay these men, and so we reduce the staff. What about the economic distress caused thereby? What about the untold distress caused to those who are dependent on them? I do not also agree

[Mr. B. Das.]

with the point raised by the Honourable the Commerce Member that the reduction was caused by the introduction of power machinery. I think that power machinery was introduced in the Bengal Nagpur Railway workshop as well as in the workshops of other railways for a long time past. I remember when I was an engineer student I visited these workshops in 1911. I do not think they have got any further improvement in power machinery. There is a great deal in what my Honourable friend Mr. Jogiah said that the Bengal Nagpur Railway has tried to victimise the men owing to the strike that took place there a few months ago. I think the Government ought to set themselves in earnest to settle this problem and they should not allow it to be light heartedly put aside by the railway authorities. I think ways and means should be devised to solve this difficulty. As was suggested by Mr. Jogiah, the Honourable the Commerce Member may call in the aid of Honourable Members like Mr. Joshi and a few other gentlemen to form a conciliatory Board which might meet at Kharagpur and listen to the complaints of the workmen there and solve the present distress of the men.

My Honourable friend referred to the Report of the Raven Committee which brought to light a lot of mismanagement in the workshops, in the matter of management, slackness in manufacture of appliances, accumulation of stores, etc. The committee found that there was no proper costing and accounting and they suggested several improvements in every department of workshop administration. We have been told that the Government are still considering those recommendations. But nothing has come out of the Report of that Committee so far. My Honourable friend Mr. Aney just now reminds me that the Raven Committee did not go into the workshop question at Kharagpur because the Bengal Nagpur Railway is a Company-managed Railway. That Committee did not report about the reduction of the staff at Kharagpur as the case was not referred to it. It only went into the case of State-managed Railways. Therefore, there is no reason why the Bengal Nagpur Railway should take in hand the question of retrenchment. My submission is that it was merely to victimise these poor workmen that they took up the question of retrenchment. That would lead us to concede those observations of my friend Mr. Jogiah that the workmen are sacrificed because they joined the strike last February and this House will be no party to any such policy of victimisation.

The motto should be "No victimisation."

Diwan Chaman Lall : Sir, I think the issue ought to be narrowed down to the point as to whether in this motion for adjournment it is to be brought home to the Railway Board that they have been allowing the Bengal Nagpur Railway to pursue a policy which is meant for the purpose of victimisation of their workmen. The merits of this particular case can be resolved by a reference to the statements that have been made by the authorities of the Bengal Nagpur Railway themselves. I heard the Honourable the Commerce Member say that it was only last month that the Bengal Nagpur Railway people came up to Simla and brought up the matter of this reduction.

The Honourable Sir George Rainy : July, Sir.

Diwan Chaman Lall : That is still better for my purpose. They came up in July. I want the Honourable Member to refer to the letter, which I dare say is in his file, which will show him that even as far back as 7th January 1927, a circular was issued, a demi-official note was issued, in which it was stated that steps should be taken to reduce these men and that no impression should be given to these men that they were being victimised. That is to say the reduction must take place in such a broad manner that there must be no impression given to them that they were being victimised. This was a note issued as far back as 7th January 1927.

Mr. A. A. L. Parsons : What document ?

Diwan Chaman Lall : I am sure my Honourable friend knows exactly what the document I am referring to is.

Mr. A. A. L. Parsons : The Honourable Member suggested that it was on the file of the Honourable the Railway Member or on my file; I must therefore enquire what that document is.

Diwan Chaman Lall : If the Honourable Member wants me to tell him what the particular document is, it is a demi-official note from Sir T. R. Wynne.

Mr. A. A. L. Parsons : Then, I must at once say that that letter has never been received by the Railway Board, nor is there any such letter in the file of the Railway Board.

Diwan Chaman Lall : Will the Honourable Member take it from me that there was such a letter issued. I am pointing out the intention that was at the back of the mind of the people in charge of the retrenchment scheme. Their intention was that they wanted to reduce these men and they did not want that the impression should go abroad that these men were being victimised. If the Honourable Member would kindly refer to this document he will discover that that was the intention namely that measures should be adopted to reduce the staff in order that the railways should be "independent" of the workers. There is a sentence in one of these letters which runs as follows :

"If successful, this success will indicate another means of rendering ourselves rather more independent of local labour. But at present it is merely as an experiment".

The intention was there : namely these people had gone on strike. The Railway wanted to become independent of these men. They wanted to get rid of these men and the Railway wanted to give the impression that these people were not being victimised on account of the strike.

Mr. A. A. L. Parsons : The only point I wish to make clear is that the document from which the Honourable Member is quoting has not been before us ; it is not in the possession of the Railway Board.

Diwan Chaman Lall : I do not care.

Mr. President : Is the Honourable Member prepared to lay the document on the table for the information of the House ?

Diwan Chaman Lall : With pleasure, I shall lay it on the table of the House, if the Honourable Member so desires.

The next point that I want to make is that the very fact of the existence of this document shows that the Railway Board must know.....

The Honourable Sir Basil Blackett (Finance Member) : May I know your ruling Sir, whether it is not desirable to lay on the table all such documents before they are referred to.

Mr. President : The question does not arise because the Honourable Member, Diwan Chaman Lall, has agreed to lay the document on the table.

The Honourable Sir Basil Blackett : I am referring also to the document which Mr. Acharya referred to and which was not laid on the table.

Mr. President : It is too late now.

Diwan Chaman Lall : If the Railway Board does not know about this incident, I say that the Railway Board have been deceived and that they have not made proper investigations of the facts in connection with the retrenchment. That is my charge against the authorities of the Bengal Nagpur Railway. Let me refer to another document.

Mr. President : The Honourable Member might pass on the two documents to the table.

Diwan Chaman Lall : I will,* Sir. But may I use them for a minute, with your permission, before I lay them on the table ? I now refer to another document which also I shall lay on the table. It bears the number 8690D and is dated 17th August 1927. In this the proposals in regard to these reductions have been detailed, and what are these reductions ? The total number of men to be reduced according to these detailed instructions comes up to 608 only. Subsequently, because they found that by placing contracts with private firms they could reduce more men and thereby, as they themselves, said, become independent of local labour, they desired to reduce further the number of men.

The Honourable Sir George Rainy : Would the Honourable Member just mention again what this document is. I did not gather its nature or from whom it emanated.

Diwan Chaman Lall : May I be permitted to read out to the first portion ?

“ As per the Meeting held on 1st March 1927, the proportion for the reduction of staff was, etc. Signed M. H. O. 17th August 1927.”

It is one of your official documents of the Bengal Nagpur Railway ; and I say this document proves that their intention was that only 608 people should be reduced and no more ; but nevertheless they went beyond that and reduced, as Sir George Rainy said, over 2,000 men. At present what we are concerned with is not only that it was the intention to reduce these men because of the strike, not only was action taken to reduce these men because they wanted to become independent of local labour, but that they found means of doing so by placing work with private firms somewhere else. That is the method adopted. Although it has been stated that it is cheaper to get work done by outside firms, I would very much like it proved to me how it is really a business proposition for the workshops to place work on contract with private firms. If this is the policy which is being pursued by the Bengal Nagpur Railway for victimising men I could understand it, but if it is a policy which is being pursued as a business policy, I assure you I am not in a position to understand it. Now, bearing this position in mind, that this is being done with a definite object, I would request the Honourable Member in

* Vide Appendix “ A ” to these proceedings.

charge to take note of the fact that there are only 946 men who are at the present moment involved in regard to these reductions. Why cannot some method be found by means of an enquiry, a joint enquiry by the Railway authorities and the union people or some such means, so that these men should be kept on in employment until such time as their services can be gradually got rid of or the services of others got rid of in whose places they can be put. I see no reason why such a scheme could not be adopted by the Honourable Member in charge. If it cannot, it is because, as I suspect, the Honourable Member has not the full particulars in regard to this matter from the Bengal Nagpur Railway authorities. If it could be done it would not be a very heavy burden upon the Railway. It would cost at the outside, even if these men were kept on for a year, about a lakh of rupees. The other day we passed a grant of Rs. 75,000 for 35 women clerks in the Y. W. C. A. I was a party to the passing of that myself, and I say that it was a good thing to have done. Women workers must be housed and well housed. But here are not 35 clerks but a thousand men—nay, a thousand families that are involved; and surely it would be only right and just to ask of the Honourable Member to do the right thing by these people and keep them on in employment until such time as he finds means to employ them in some other way.

(Several Honourable Members moved that the question be put.)

Mr. President : The question is that the question be put. Does the Honourable Pandit wish to speak ?

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : I wish to speak only for a few minutes, Sir, if you will permit me.

Mr. President : We must finish this debate before six.

Pandit Madan Mohan Malaviya : I shall take only a few minutes, Sir. I wish to draw the attention of the Honourable Member for Commerce to just a few facts. When the Government permits a Railway Company to establish and run a railway, it incurs certain obligations, and one of these obligations is to protect the people employed by the Company. The Honourable the Commerce Member has not controverted the fact that the Company is giving out some work to foreign manufacturers and that the Company is getting a great deal of repairs done by private contract. I submit, Sir, this fact not being controverted, there is an obligation on the Company not to dismiss men who have been in its service for so many years when there is work to be done. It is not a case of their services being no longer needed. As I understand, the Honourable Sir George Rainy has not answered the point raised by my Honourable friend Mr. Acharya, that 5,000 wagons need repairs every month and the maximum capacity at Kharagpur at present with all the establishment that there was before the reduction in question is for the repair of only 600 per month. I submit if there is work to be done it is certainly cruel that these men should be sent away and work done by outside agency, and I submit it is eminently a case in which the Railway Board might appoint a Committee of Arbitration on which the men who have been given notice should be represented either by Members of this Assembly or by some other agency, to go into the facts and to place them before the Government of India in order that justice may be done. At present the feeling is that the reduction has not been carried out merely

[Pandit Madan Mohan Malaviya.]

in the interests of efficiency but that there is something else at the bottom of it, and that sense of injustice should be remedied.

Pandit Hirday Nath Kunzru (Agra Division : Non-Muhammadan Rural) : Sir, may I just put one question to the Honourable the Commerce Member ? He referred to the Raven Committee. May I ask him whether it is not stated on page 76 of their report that all the *elements of cost* have necessarily a tendency to be lower in a railway workshop than in a private workshop ? ”

Mr. President : The question is that the question be now put.

The motion was adopted.

Mr. M. K. Acharya : Sir, I do not at this late hour want to make any lengthy speech; and indeed I believe it is quite unnecessary, because I am sure that the Members of the House will realise the gravity of the situation and act in a befitting manner and that, placing their hands on their hearts, and realising that one thousand poor men and their families are going to be turned out into the streets, they will give such a verdict as will be a proof of their sympathy for the working classes.

The Honourable Sir George Rainy : Sir, I do not think it is necessary for me to say more than a very few sentences but I would like to say one thing which I ought to have mentioned when I spoke before, and that is, to disclaim in the most absolute manner, on behalf of the Government of India, the Railway Board and the Agent of the Bengal Nagpur Railway, any policy of victimisation. It is right that I should do so distinctly. Whatever indiscretion subordinate officers may have been guilty of, I am prepared to answer for the Agent as well as for the Railway Board and the Government of India that everything possible will be done to discountenance any policy of that kind. I think it was necessary that I should say so much.

Mr. President : The question is :

“ That the House do now adjourn.”

The Assembly divided :

AYES—44.

Abdul Matin Chaudhury, Maulvi.
Acharya, Mr. M. K.
Aiyangar, Mr. C. Duraiswamy.
Aney, Mr. M. S.
Ayyangar, Mr. M. S. Sessa.
Belvi, Mr. D. V.
Bhargava, Pandit Thakur Das.
Chaman Lall, Diwan.
Chunder, Mr. Nirmal Chunder.
Das, Mr. B.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Goswami, Mr. T. C.
Haji, Mr. Sarabhai Nemchand.
Iswar Saran, Munshi.
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S. Srinivasa.
Jayakar, Mr. M. R.
Jogiah, Mr. Varahagiri Venkata.
Joshi, Mr. N. M.
Kidwai, Mr. Rafi Ahmad.
Kunzru, Pandit Hirday Nath.

Lahiri Chaudhury, Mr. Dharendra Kanta.
Lajpat Rai, Lala.
Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jamnadas M.
Mitra, Mr. Satyendra Chandra.
Moonje, Dr. B. S.
Mukhtar Singh, Mr.
Naidu, Mr. B. P. :
Neogy, Mr. K. C.
Prakasam, Mr. T.
Purshotamdas Thakurdas, Sir.
Rajah, Rao Bahadur M. C.
Rajaw Baksh Shah, Khan Bahadur Makh-
dum Syed.
Ruthnaswamy, Mr. M.
Sarda, Rai Sahib Harbilas.
Shervani, Mr. T. A. K.
Siddiqi, Mr. Abdul Qadir.
Singh, Mr. Narayan Prasad.
Sinha, Kumar Gangaranand.
Sinha, Mr. B. P.
Sinha, Mr. Siddheswar.

NOES—33.

Abdul Qaiyum, Nawab Sir Sahibzada.	Gidney, Lieut.-Colonel H. A. J.
Ahmad, Khan Bahadur Nasir-ud-din.	Haigh, Mr. P. B.
Ashrafuddin Ahmad, Khan Bahadur Nawabzada Sayid.	Irving, Mr. Miles.
Ayyangar, Mr. V. K. Aravamudha.	Jowahir Singh, Sardar Bahadur Sardar.
Ayyangar, Rao Bahadur Narasimha Gopalaswami.	Kabul Singh Bahadur, Captain.
Bajpai, Mr. G. S.	Keane, Mr. M.
Blackett, The Honourable Sir Basil.	Kirk, Mr. R. T. F.
Bray, Sir Denys.	Mitra, The Honourable Sir Bhupendra Nath.
Coatman, Mr. J.	Moore, Mr. Arthur.
Cocke, Mr. H. G.	Mukherjee, Mr. S. C.
Cosgrave, Mr. W. A.	Parsons, Mr. A. A. L.
Courtenay, Mr. R. H.	Rainy, The Honourable Sir George.
Crawford, Colonel J. D.	Sams, Mr. H. A.
Crerar, The Honourable Mr. J.	Singh, Rai Bahadur S. N.
Crofton, Mr. R. M.	Sykes, Mr. E. F.
Dalal, Mr. A. B.	Tonkinson, Mr. H.
Dalal, Sardar Sir Bomanji.	Wright, Mr. W. T. M.
Donovan, Mr. J. T.	Yamin Khan, Mr. Muhammad.
Dunnett, Mr. J. M.	Young, Mr. G. M.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 15th September, 1927.

APPENDIX A*.

No.

Kharagpur, 3rd May 1927.

Dear Carroll,

Re. *Sir Trev's note on workshops.*

We do not appear to get the Railway Board's Weekly summary in this office. If possible I should like to see the one for the week ending 26th February 1927.

2. As regards the possibility of getting work done outside.—

Sir Trev states the present position exactly. It has entirely changed since the war. We now have one large (and quite first class) engineering shop—Angus—almost at our doors and doubtless others will develop.

3. We are already arranging contracts for the manufacture of a substantial quantity of Loco. spares, iron and brass castings and forgings and loco. cylinders complete—which we can now buy cheaper than and fully as good as those we make ourselves. We shall probably cast as more cylinders here, and this I hope is the beginning of the end of the foundry.

4. The very favourable position of engineering firms in Bengal in relation to sources of coal and iron supplies should eventually enable us to do the same as many American Railways and dispense with our own foundry altogether. Mechanical inspections we can easily arrange for and now that we have our own chemist we are or shall soon be in a position thoroughly to check all supplies.

5. We now have specifications for practically all our regular purchases in India, and conditions of contract also have been introduced for local manufactures corresponding with those used by our Consulting Engineers at Home, modified only where necessary to fit Indian conditions.

6. Partly as an experiment and partly to make good the out-turn lost due to the strike, we are also arranging contracts with the Indian Standard Wagon Co. and Jessops for the repair of a few hundred wagons.

7. If successful this measure will indicate another means of rendering ourselves rather more independent of local labour. But at present it is merely an experiment.

8. A great deal has become possible since the war that we could not contemplate before the war, and the more outside firms become capable of dealing satisfactorily with manufactures for us the stronger will be our own position. We shall have to keep them strictly upto specification and inspection is being fully provided for.

Yours sincerely,

(Sd.) H. L. COLE.

C. CARROLL, Esq.,

Agent, B. N. Ry., Calcutta.

WORKSHOPS.

The Railway Board's Weekly Summary for the week ending 26th February 1927 gives a very useful lead for reducing the number of men employed in the shops but for us to be able to do so we must give some good reasons as we are not in a position at the moment to sack men with bad records in time keeping and efficiency. If we do so at the present time we should be said to be "victimising" the men.

The work done in shops divided itself into two heads :—

(a) Repair work.

(b) Manufacturing work.

* Vide page 4396 of these proceedings.

The workshops must do repair work and because in the early days of Indian Railways there were no private workshops in India capable of doing manufacturing work railways had to embark on this work themselves. Times have changed and there are many private workshops in India that can turn out good work.

The line I think we ought to take is to reduce our manufacturing work, giving it out on contract to private firms and give this reason why we are making large reductions in our workshops. Will you go into this with Cole. Incidentally we will save in not having to spend a large amount of capital in building quarters at Khargpur for workmen if we can make a substantial reduction in the numbers.

(Extract from a D. O. from Sir T. R. W. to Agent).

(Sd.) H. L. COLE.

7th January 1927.

T. R. WYNNE.

7th January 1927.

No. 8690, dated 17th August 1927.

As per the Meeting held on 1st March 1927, the proportion for the reduction of staff was—

Loco. Shops	365	} 729
Carr. Shops	..	..	..	182
Wagon Shops	..	..	..	182

These numbers were based on the establishment on 31st January 1927 when the—

Loco. Shops had a total of	..	..	5,677
Carriage Shops had a total of	..	..	2,949
Wagon Shops had a total of	..	..	2,104

TOTAL .. 10,730

The figures on 31st January 1927 were—

Loco. Shops	..	..	5,509
Carr. Shops	..	..	2,873
Wagon Shops	..	..	2,225

TOTAL .. 10,607

showing a difference of—

For Loco. Shops	..	..	..	—168
For Carr. Sh.	..	..	..	—76
For Wagon Shops	..	..	..	—121

In connection with the Wagon Shops, it should be noted that additional smiths hearths have been put into the Shops and certain additional machines. Each hearth and each machine has to be manned. It is said however that in the Wagon Shops certain machines are double manned as a result of the strike.

In addition to the men for Smiths hearths and machines a special sanction for number of coolies was given for handling material in the Wagon Shops.

These three points will have to be taken into consideration in adjusting down the number of men allowed.

Taking in round figures 10,000 to be the total staff to be employed and working on the proportion decided in the Meeting in April it shows that, of the total staff to be reduced, the Loco. Shops will take 50 per cent.

Carr. Shops will take 25 per cent.

Wagon Shops will take 25 per cent.

The Loco. Shops have now to reduce a further	304	} 608
The Carr. Shops have now to reduce a further	..	..	152
The Wagon Shops have now to reduce a further	..	..	152

This will bring the total down to approximately 10,000.

(Sd.) M. H. O.

17th August 1927.