

27th March 1928

THE  
**LEGISLATIVE ASSEMBLY DEBATES**

(Official Report)

Volume II

*(8th March to 27th March, 1928)*

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**SECOND SESSION**

OF THE

**THIRD LEGISLATIVE ASSEMBLY, 1928**



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# LEGISLATIVE ASSEMBLY.

Tuesday, 27th March, 1928.

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

## MEMBER SWORN.

Mr. Arthur Beatson Reid, M.L.A. (Government of India: Nominated Official).

## QUESTIONS AND ANSWERS.

### POSITION OF MEMBERS OF THE BAR APPOINTED TO SUPERIOR JUDICIAL POSTS WITH REGARD TO PROMOTION TO A HIGH COURT JUDGESHIP.

545. \***Pandit Hirday Nath Kunzru**: With reference to section 101 of the Government of India Act, will Government state what is the exact position of the members of the Bar who are appointed to superior judicial posts with regard to promotion to a High Court Judgeship? Will they be regarded as barristers or vakils under clauses (a) and (d) of sub-section (3) of section 101, or as persons having held judicial office not inferior to that of a subordinate judge or of a judge of a Small Cause Court under clause (c)?

**The Honourable Mr. J. Orerar**: This is a question of interpretation and from the terms of the section indicate that in law members of the Bar appointed direct to judicial posts would for the purpose of appointment as Judges of a High Court fall within the categories mentioned in clause (a) or (d) as well as within that mentioned in clause (c).

### POSITION OF MEMBERS OF THE BAR APPOINTED TO SUPERIOR POSTS FOR PURPOSES OF PROMOTION TO JUDGESHIPS OF THE OUDH CHIEF COURT.

546. \***Pandit Hirday Nath Kunzru**: (a) Are Government aware that under the Oudh Court Act IV of 1925 of the five judges of the Oudh Chief Court two should be members of the Indian Civil Service, two should be members of the Bar and one should be a member of the United Provinces Civil Service?

(b) Will a member of the Bar who is appointed to a superior judicial post be regarded as belonging to the Bar or to the Provincial Civil Service for the purpose of promotion to a Judgeship of the Chief Court?

**The Honourable Mr. J. Orerar**: (a) Yes.

(b) A member of the Bar appointed direct to a superior judicial post would be treated as belonging to the Bar for the purpose of promotion to a Judgeship of the Chief Court.

**ANONYMOUS LETTERS CONTAINING COMPLAINTS ADDRESSED TO THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.**

547. \***Mr. Anwar-ul-Azim**: Is it a fact (a) that the present senior Deputy Director-General of Posts and Telegraphs has issued office orders to the effect that no action will be taken on anonymous letters containing complaints, (b) that an assistant of the office cannot approach the Director-General and the Deputy Director-General nor can he write to them in his individual capacity without coming through the Office Superintendent? If the replies to (a) and (b) be in the affirmative, do these orders apply also in cases where the Superintendent himself happens to be the aggressor, persecutor or a dishonest man?

**Mr. H. A. Sams**: (a) Yes, under orders of the Director-General.

(b) The Director-General and Deputy Director-General are both readily accessible to any clerk or others of the Department. Written communications must be sent through the Chief Superintendent, as the Office Superintendent is now called. A copy can always be sent direct to the officer concerned.

With regard to the last part of the question the clerk concerned can approach the Director-General or Deputy Director-General personally or send a duplicate of his communication direct.

**ENQUIRY BY MR. KING OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS INTO THE CONDUCT OF THE OFFICE SUPERINTENDENT.**

548. \***Mr. Anwar-ul-Azim**: Is it a fact (a) that the Director-General of Posts and Telegraphs or the Deputy Director-General authorised Mr. King to enquire into the conduct of the Office Superintendent on having received some complaints against the Superintendent for some injustices done to Mussalmans, and (b) that some questions were put lately in the Assembly challenging the capacity and authority of Mr. King and the senior Deputy Director-General?

**Mr. H. A. Sams**: (a) Only one complaint was received, namely, from a Muslim temporary clerk who is now working in another Department. Mr. King was instructed to enquire into the facts of the case, not into the conduct of the Office Superintendent.

(b) Government are not in a position to say what led certain Honourable Members of this House to put the questions referred to by the Honourable Member.

**STOPPAGE OF THE INCREMENTS OF POSTAL OFFICIALS BY MR. G. D. BAJPAI DURING HIS TENURE AS POSTMASTER, LUCKNOW.**

549. \***Mr. Anwar-ul-Azim**: (a) Will the Government be pleased to furnish the following information:

1. How many officials' increments were stopped by Mr. G. D. Bajpai during his tenure as Postmaster, Lucknow?
2. How many of these officials were allowed to draw their annual increments by his successor Mr. Newton, Postmaster, Lucknow?

3. How many officials' increments were stopped and how many officials were stopped at efficiency bars by Mr. G. D. Bajpai, Postmaster, Delhi?
4. Is it a fact that the recommendations for allowing an official to cross the bar entirely depend on the will of the Postmaster or Superintendent? If it is so, why?

**The Honourable Sir Bhupendra Nath Mitra:** (a) 1. 19.

2. 9.

3. 8 and 7 respectively.

4. The answer is in the negative.

**CHARGES OF ALLEGED CHEATING AGAINST TRAVELLING TICKET COLLECTORS OF THE EASTERN BENGAL RAILWAY.**

550. \***Mr. Dharendra Kanta Lahri Chaudhury:** (a) Are Government aware that one Mr. C. Mathews of the Eastern Bengal Railway is undergoing his trial at present on an alleged charge of cheating the said Railway and receiving illegal gratification?

(b) If so, is it a fact that six other subordinate Travelling Ticket Collectors working under Mr. Mathews were also charged with abetment of the alleged offences and the Agent, Eastern Bengal Railway, has summarily discharged all these Travelling Ticket Collectors from service?

(c) Will Government be pleased to state what procedure they adopt in the cases of under-trial employees of the State? Are they temporarily suspended from service pending decision of the court or summarily discharged? Will the Government please state what procedure has been adopted in the present case?

**The Honourable Sir Basil Blackett:** Enquiry is being made and information will be supplied to the Honourable Member in due course.

**ARREST OF HAVILDAR HADI ALI KHAN OF THE 11-15TH PUNJAB REGIMENT (INDIAN TERRITORIAL FORCE).**

551. \***Mr. Muhammad Rafique:** Will the Government be pleased to furnish the following information:

- (a) If it is a fact that Havildar Hadi Ali Khan of the 11/15th Punjab Regiment (Indian Territorial Force) was placed under arrest by the Commanding Officer, Major J. E. Waller, during the last training season?
- (b) Whether a court-martial was appointed to try him and the same was notified in regimental orders?
- (c) If the answer to (a) and (b) be in the affirmative, is it a fact that he was released subsequently without any trial?

**ARREST OF MOHAMMAD ISHAQ, A SECOND LIEUTENANT OF THE 11-15TH PUNJAB REGIMENT (INDIAN TERRITORIAL FORCE).**

552. \***Mr. Muhammad Rafique:** Will the Government be pleased to state the circumstances under which Mohammad Ishaq, a Second Lieutenant of the 11/15th Punjab Regiment, was placed under close arrest for over

ten days on mere suspicion of having written an anonymous postcard and was released at the end of the training without having had any trial?

**Mr. G. M. Young:** With your permission, Sir, I will answer questions Nos. 551 and 552 together.

I am making enquiries and will inform the Honourable Member of the result in due course.

**NUMBER OF RESIGNATIONS TENDERED BY OFFICERS OF THE 11-15TH PUNJAB REGIMENT (INDIAN TERRITORIAL FORCE) DURING THE LAST THREE YEARS.**

553. **\*Mr. Muhammad Rafique:** (a) Will the Government be pleased to state the number of resignations tendered by the territorial officers of the 11/15th Punjab Regiment during the last three years?

(b) Is it a fact that some of these were due to pressure by the Commanding Officer?

(c) If the Government have no information as to (b), are they prepared to enquire into the matter?

**Mr. G. M. Young:** (a) Seven

(b) Government are informed that this is not the case.

(c) Does not arise.

**COMMANDING OFFICER OF THE 11-15TH PUNJAB REGIMENT (INDIAN TERRITORIAL FORCE).**

554. **\*Mr. Muhammad Rafique:** (a) Will the Government be pleased to state the policy they adopt in the appointment of Commanding Officers to the battalion?

(b) Is it not a fact that the Commanding Officer usually belongs to the group to which the battalion belongs?

(c) Does the Commanding Officer of the 11/15th Punjab Regiment belong to the group of the battalion?

(d) Is it a fact that his period of service having expired he has applied for one year's extension of service? In case it is given, will it be superseding the claims of some of the senior officers of the battalion?

**Mr. G. M. Young:** (a) The Honourable Member is referred to the answer I gave on the 10th March to starred question No. 399.

(b) Yes.

(c) No, Sir.

(d) The answer to the first portion of the question is in the negative. The latter portion does not arise.

**COMPANY OFFICERS OF THE 11-15TH PUNJAB REGIMENT (INDIAN TERRITORIAL FORCE).**

555. **\*Mr. Muhammad Rafique:** (a) Is it a fact that the Commanding Officer of the 11/15th Punjab Regiment filled up a vacancy of one platoon by Sikh recruits?

(b) Is it a fact that there is one company officer to four platoons?

(c) Is it a fact that of the 8 platoons, consisting of 4 platoons Hindus, 1 platoon Sikhs, 3 platoons Muhammadans, the company officers are a Hindu and a Sikh?

(d) Why is there no Muhammadan company officer?

**Mr. G. M. Young:** Enquiries are being made and the result will be communicated to the Honourable Member in due course.

**REPRESENTATION OF MUSLIMS IN THE INDIAN METEOROLOGICAL DEPARTMENT.**

556. **\*Mr. A. H. Ghuznavi:** (a) Will Government be pleased to give the total number of Meteorologists and Assistant Meteorologists employed in the Indian Meteorological Department, and to state how many of them are Hindus and how many are Muslims?

(b) Will Government be pleased to state how many of the ministerial staff, such as office superintendents, mechanic assistants and clerks engaged in the Indian Meteorological Observatories at the following places, are Hindus and how many are Muslims:

Simla, Calcutta, Kodaikanal, Madras, Bombay, Karachi and Agra?

(c) Will Government be pleased to state the reasons why the proportional communal representation is not given effect to in making appointments in the Meteorological Department?

**The Honourable Sir Bhupendra Nath Mitra:** (a) 22, of whom 19 are Hindus and 1 Muslim.

(b) The figures are:

Simla . . . . .	Hindus	36	Muslims	26
Calcutta . . . . .	"	33	"	Ni.
Kodaikanal . . . . .	"	9	"	Ni.
Madras . . . . .	"	9	"	Ni.
Bombay . . . . .	"	18	"	Ni.
Karachi . . . . .	"	6	"	Ni.
Agra . . . . .	"	51	"	23

(c) The attention of the Honourable Member is invited to the reply given by me to part (b) of Sardar Gulab Singh's question No. 312 on the 7th February 1927. Effect is being given as far as possible to the declared policy of Government as regards communal representation when vacancies occur.

**EXEMPTION OF SOLDIER CLERKS IN ARMY HEADQUARTERS FROM THE EXAMINATION OF THE STAFF SELECTION BOARD.**

557. **\*Mr. A. H. Ghuznavi:** (a) With reference to the reply to clause (b) of starred question No. 1173 on the 20th September 1927, to the effect that Government was not aware of any widespread discontent amongst the civilian clerks of the Army Headquarters for exempting soldier clerks from passing the prescribed test of the Staff Selection Board's examination.

will Government be pleased to state whether it is a fact that the Uncovenanted Association of the Army Headquarters had represented to the Government on the publication of India Army Order No. 418 of 1925, that so far at any rate as the examination for promotion to the Upper Division was concerned, there should be no exemption made in favour of the soldier clerks as it would mean according them more favourable treatment than their civilian confrères?

(b) Is it a fact that in reply to the above representation Government had stated that exemption was made in their case because there were other means to satisfy all necessary requirements?

(c) If so, will Government please state what other means are adopted to test the capabilities of soldier clerks?

(d) Is it a fact that under India Army Order No. 41-S. of the 28th June 1922, soldier clerks were invited to appear at the Staff Selection Board's examination held on the 29th July 1922 with the result that almost all the soldiers who appeared at that examination failed?

(e) Is it also a fact that the decision to exempt soldier clerks from passing the rigid test of the Staff Selection Board was arrived at after this incident?

(f) Will Government be pleased to state why the above quoted special India Army Order was superseded by India Army Order 418 of 1925 and subsequent orders?

(g) Is it the intention of the Government to eliminate qualified Indians from upper division appointments in favour of soldier clerks with inferior educational qualifications in comparison with those required of civilian Indians?

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

(b) Yes.

(c) In addition to the First Class Army School certificate, the test of general intelligence and ability in other respects has been applied by the soldier clerk's Commanding Officer who is in a position to form an opinion as to suitability for Army Headquarters. No man is admitted except on the recommendation of his Commanding Officer.

(d) The answer to the first part is in the affirmative. It is not a fact that almost all failed. Many passed and are now employed at Army Headquarters. Those who failed mostly held the War Office certificate of exemption which was given to men, who, owing to the Great War, had had no opportunity of obtaining an Army School Certificate.

(e) Yes, but solely because of the expense and inconvenience of doing otherwise.

(f) The India Army Orders of 1925 and 1922 merely called for the names of candidates. The terms of each order were in accordance with the conditions ruling at the time.

(g) It is not admitted that the educational qualifications of soldier clerks for the work that they have to do are inferior to those required of civilian clerks.



**EXTENSION OF THE FUNDAMENTAL RULES IN REGARD TO LEAVE TO CIVILIAN CLERKS PAID FROM ARMY ESTIMATES.**

**558. \*Mr. A. H. Ghuznavi:** (a) Is it a fact that the travelling allowance of civilian clerks paid from Army Estimates is governed by the Fundamental Rules while their leave is governed by the Civil Service Regulations?

(b) If so, will Government be pleased to state whether and when is it proposed to extend the Fundamental Rules to the civilian employees referred to above in regard to leave?

**Mr. G. M. Young:** (a) The Fundamental Rules do not apply to civilian clerks paid from Army Estimates. The civilian clerks at Army Headquarters, to whom I presume the question refers, travel under the Simla Allowance rules if proceeding to or from Delhi for the winter season, and for other journeys are subject to the military travelling rules.

(b) Does not arise.

**RATE WAR IN THE KEROSENE OIL MARKET IN INDIA.**

**559. \*Mr. S. C. Mukherjee:** (a) Are the Government aware of the price war which has been going on in the kerosene oil market in India for nearly six months owing to the introduction of cheap Russian oil by the Standard Oil Co. of New York and of the apprehension in commercial circles that the price war is likely to result in the early closing down of some of the oil companies producing oil in India unless some measure of protection is given by the Government?

(b) Have Government considered the matter and the question of taking any measures to prevent the destruction of the oil industry in India?

(c) What is the amount of Central and Provincial revenue from oil produced in India?

**The Honourable Sir George Rainy:** The Government of India have decided to direct the Tariff Board to enquire into the question of safeguarding the Indian oil industry from the injury inflicted by the dumping of kerosene in India. A Resolution on the subject was issued yesterday.

The amount of excise duty collected by the Central Government on kerosene oil is about Rs. 1 crore a year. The Government of India have no information as to the amounts realised by the Provincial Governments from kerosene oil.

**Mr. B. Das:** In view of the reference of this subject to the Tariff Board, will Government draw the attention of the Tariff Board to the fact that kerosene is used by the poor classes of people and for that reason they will have to go into the matter from the consumer's point of view, so that they may have cheap kerosene oil?

**Mr. President:** The Honourable Member is asking the Government to take action.

†560.

†561.

†562.

†563.

† For these questions and answers thereto, see pages 2003—2004 of these proceedings.

REVISION OF THE PAY AND RETIRING GRATUITY OF THE MINISTERIAL STAFF  
OF THE EASTERN BENGAL RAILWAY.

564. \*Mr. B. Das: (a) Have Government any scheme under consideration for the revision of the pay and retiring gratuity of the ministerial staff of the Eastern Bengal Railway?

(b) Have Government received any report of a Committee appointed by the E. B. Railway Indian Employee's Association on the subject? If so, what action do Government propose to take thereon?

Mr. A. A. I. Parsons: (a) No.

(b) A copy was sent to them. The Railway Board do not propose to take any action.

ALLOTMENT OF QUARTERS TO THE ESTABLISHMENT OF THE INDIAN STORES  
DEPARTMENT IN NEW DELHI.

565. \*Mr. B. Das: Will Government be pleased to state:

(a) Is there a paucity of Government quarters?

(b) Before making allotment of quarters do all or most of the offices of the Government of India send round a circular enquiring which members of the establishment will make their own arrangements?

(c) Was this being done every year in the Indian Stores Department? Was it done this year also in that Department? If not, why not?

(d) What was the period between the date of final allotment of quarters and the date of the move down to Delhi of that Department? Is it correct that it was about ten days?

(e) Did the Government expect members of the staff to make arrangements for accommodation within this period?

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

(b) Yes.

(c) (i) Yes.

(ii) Yes.

(iii) Does not arise.

(d) The allotments were settled on the 4th October and a notice was circulated among the staff on that date. A few alterations had to be made later in consequence of the non-acceptance by certain individuals of the quarters assigned to them and the whole matter was finally settled on the 7th October, about 10 days before the move of the office from Simla to Delhi. It was not possible to decide the matter earlier, as certain doubtful points, which were under discussion with the Estate Officer, were not cleared up until the 3rd October.

(e) Yes.

ALLOTMENT OF QUARTERS TO THE ESTABLISHMENT OF THE INDIAN STORES DEPARTMENT IN NEW DELHI.

566. \*Mr. B. Das: (a) Was any petition signed by many members of the establishment of the Indian Stores Department submitted to the head of that Department in 1926 requesting his intervention in the matter of allotment of quarters and stating that the signatories to that petition had no confidence in the Direction Section of the Indian Stores Department?

(b) How many members of the staff of the Department are living in the city of Delhi and of these how many are the signatories to the petition referred to above?

(c) Is it a fact that even though there were members of the establishment who were asking for quarters and to whom, if quarters had been allotted, no loss in revenue would have resulted to Government and that although some of the signatories to the petition had made their own arrangements for their accommodation in Delhi City in anticipation they were formally asked by the Chief Superintendent if they wanted quarters in order that they may refuse at that late period the quarters offered to them and thus lose the house rent paid to employes living in the City of Delhi?

(d) Were their cases fully considered, before quarters were offered to them? If so, what was the consideration shown to them?

The Honourable Sir Bhupendra Nath Mitra: (a) A representation was made to the Chief Controller of Stores by 37 members of the Indian Stores Department against the detailed allotment of quarters proposed in his office for the season 1926-27. After personal examination the Chief Controller of Stores was satisfied that the proposed allotment was unexceptionable and fairest both to the Government and to the general body of the members of his establishment.

(b) Twenty-two members of the staff of the office of the Chief Controller of Stores are living in the City of Delhi at present. Six of them signed the petition referred to in part (a) of the question.

(c) The petition to which the Honourable Member refers related to the allotment of quarters in 1926 and no one of the signatories of that petition who had expressed a desire to make his own arrangements was allotted a quarter during that year. In 1927 two of the signatories of the petition, who applied for quarters, were, in strict accordance with the rules, offered quarters which they subsequently refused. There were no other members of the staff of the appropriate class, to whom these quarters could have been offered without entailing a loss in revenue.

(d) Yes. The answer to the second part of the question is that there was no justification for making a special departure from the rules in favour of the individuals concerned.

DISCONTENT IN THE OFFICE OF THE INDIAN STORES DEPARTMENT ON ACCOUNT OF THE CHIEF SUPERINTENDENT'S TREATMENT OF THE STAFF.

567. \*Mr. B. Das: (a) Is it a fact that there is great discontent in the office of the Indian Stores Department?

(b) Have complaints been received regarding the Chief Superintendent's treatment of the staff?

(c) In this connection will the Government of India please say:

- (1) whether the present Chief Superintendent served in the office of the Deputy Accountant General, Central Revenues?
- (2) whether while there, there were complaints against his treatment of the staff there?
- (3) whether he actually submitted his resignation and subsequently withdrew it, and if so, for what reasons?

(d) Are the Government of India prepared to cause enquiries to be made into the grievances of the staff of the Indian Stores Department?

**The Honourable Sir Bhupendra Nath Mitra:** (a) No.

(b) No.

(c) (1) Yes.

(2) No records are traceable to show this.

(3) Yes, it appears that he tendered his resignation early in 1918 and subsequently withdrew it. The papers leading to his resignation are, however, not traceable and the reasons cannot be specified.

(d) There is no necessity for such an enquiry.

**TOTAL NUMBER OF APPLICATIONS SUBMITTED TO THE RAILWAY RATES ADVISORY COMMITTEE, ETC.**

**568. \*Mr. Ghanshyam Das Birla:** Will Government be pleased to give information on the following points?

(a) What is the total number of applications submitted to the Railway Rates Advisory Committee to date?

(b) How many have been rejected entirely and how many withdrawn?

(c) On how many applications have the Committee submitted their report to the Railway Board?

(d) In how many cases has the report of the Railway Rates Committee been accepted by the Railway Board entirely and in how many with modifications and in how many cases has the report of the Committee been rejected?

(e) Of the applications pending before the Railway Rates Committee on which no decision has been given by the Committee, how many were submitted within the last three months and how many within the last six months and how many within the last nine months and how many before nine months?

(f) Is it a fact that the Committee has not been hearing any applications for the last three months? If the reply is in the affirmative, will the Government state the reason?

(g) In cases where reports have already been submitted by the Railway Rates Advisory Committee to the Railway Board, will the Government be pleased to state the period which elapsed between the submission of the application to the Committee and the final report by the Committee to the Railway Board in each case?

(h) Considering the importance to trade and industry of the work of the Railway Rates Committee will Government state if they propose to make any rules for the more expeditious despatch of business by the Railway Rates Committee?

**Mr. A. A. L. Parsons:** (a) and (b). 32 applications have been submitted to the Railway Board. Of these 7 have been rejected, 8 withdrawn, and 14 sent to the Rates Advisory Committee; one awaits the Railway's statement and two await resumption of the Rates Advisory Committee's sittings.

(c) Four.

(d) Two were accepted entirely and 1 with modifications. One was rejected.

(e) None in the last three months, three in the last six months, two in the last 9 months and five more than 9 months ago.

(f) The sittings of the Committee have been suspended during the last three months owing to the absence of the President of the Committee on leave under medical certificate.

(g) Approximately 4½ months, 4 months, 9½ months and 7 months.

(h) Government do not propose to adopt the course suggested.

**Mr. K. Ahmed:** In view of the fact that the President of the Rates Tribunal is remaining absent for the last three months, and in view of the fact that certain important matters are now pending, do Government propose to appoint a man to do justice to the cause for which this Committee was formed?

**Mr. A. A. L. Parsons:** I am glad to say that our latest information is that Sir Narasimha Sarma's health will probably permit him to take up his duties on the Committee again about the middle of next month.

**Mr. K. Ahmed:** Are Government aware that Sir Narasimha Sarma is a retired officer whose health has been shattered owing to his hard work, and do Government propose to appoint a man who will be able to discharge his duties regularly and properly?

**The Honourable Sir George Rainy:** I am afraid I must resent the suggestion contained in that question that Sir Narasimha Sarma's services are not of the very highest value in his capacity as President of the Rates Advisory Committee.

**Mr. B. Das:** Is it not a fact that this Committee is not functioning properly, because it is only an advisory committee, and will Government see their way to appoint a Rates Tribunal instead of this advisory committee?

**Mr. A. A. L. Parsons:** No, Sir, it is not a fact that the Committee is not functioning properly. Government have no reason whatsoever to complain of the way in which it is functioning.

**Mr. B. Das:** Is it not a fact that the Acworth Committee recommended the appointment of a Rates Tribunal and not an advisory committee?

**Mr. A. A. L. Parsons:** I am not sure that the Honourable Member is quoting the Acworth Committee exactly, but both he and I can of course refer to the copy of the report in the Library.

WEIGHT CONDITION IMPOSED BY THE EAST INDIAN RAILWAY ON CONSIGNMENTS OF JUTE.

569. \***Mr. Ghanshyam Das Birla:** (a) Will Government be pleased to state whether it is the practice of the East Indian Railway including the Oudh and Rohilkhand Section to charge railway freight on a minimum load of 200 maunds per wagon in the case of all jute shipped from stations on this line while the actual loading capacity of the wagons supplied does not exceed 135 to 140 maunds?

(b) Is it a fact that in reply to a request for wagons of bigger capacity a circular was issued asking merchants to pay haulage charges if they wanted such wagons?

(c) Why have jute merchants to pay freight for 200 maunds while they actually ship a considerably less quantity?

(d) Are Government prepared to consider the desirability of fixing the chargeable minimum of 150 maunds instead of 200 maunds as at present?

**Mr. A. A. L. Parsons:** (a) No weight condition is imposed by the East Indian Railway on consignments of jute booked at the ordinary rate, Class 2. A special reduced rate schedule C/L is, however, quoted at owner's risk subject to a minimum charge as for 200 maunds per wagon.

(b) Government have not seen the circular referred to.

(c) The merchants have the option of paying the ordinary rate irrespective of weight.

(d) The Government cannot undertake to consider detailed conditions attaching to special rates, but a copy of the Honourable Member's question and this reply will be forwarded to the Agent, East Indian Railway.

DATE OF THE MOVE OF THE ARMY HEADQUARTERS TO SIMLA.

570. \***Mr. B. Das:** (a) Is it a fact that the Government move to Simla this year has been fixed about the 15th April?

(b) Is it a fact that the Army Headquarters moves up between the 26th and 31st March?

(c) Is it a fact that the move of the Army Headquarters was recently decided to take place between 9th and 13th April and was changed later to take place between 26th to 31st March?

(d) Is it a fact that a deputation of European clerks, both men and women, waited upon the Quartermaster General in connection with the move of the Army Headquarters, and that it was only after this event that the dates were altered?

**Mr. G. M. Young:** (a), (b) and (c). Yes.

(d) No, Sir.

**Mr. B. Das:** Is it not a fact that the Honourable the Home Member the other day in reply to a question stated that the housing accommodation at Delhi is quite suitable for people to live in during the summer season, and, if so, what is the hurry on the part of the Army Department to go to Simla?

**The Honourable Mr. J. Orerar:** I think if the Honourable Member will refer to the terms of my answer which was given on the floor of the House he will see precisely what it conveyed.

**Mr. K. C. Neogy:** Is it a fact that the longer stay of the Government this season in Delhi has been decided upon as the result of certain directions received from the Secretary of State?

**The Honourable Mr. J. Orerar:** No, Sir.

**QUESTIONS NOT PUT AT THE MEETING, OWING TO THE ABSENCE OF THE QUESTIONER, WITH ANSWERS THERETO.**

**PREVENTION OF THE EXPORT OF GOOD MILCH COWS AND BUFFALOES TO THE TOWNS.**

560. **\*Mr. Mukhtar Singh:** Has the attention of the Government been drawn to the Resolution No. 16 of the Board of Agriculture in India held at Coimbatore in 1913, in which they recommended the stopping of the drain of good milch cows and buffaloes to the towns where they are not utilised for breeding purposes to the best advantage? If the answer be in the affirmative, will the Government be pleased to state the steps taken to bring about the necessary legislation?

**Mr. G. S. Bajpai:** Yes. The Resolution referred only incidentally to the stoppage of the sending of milch cows and buffaloes to towns, and proposed legislation principally with the object of improving urban milk supplies. The Government of India considered the matter in consultation with Local Governments in connection with the question of legislation for preventing the adulteration of articles of food, and decided that any legislation that may be required should be left to the provincial Legislatures.

**DATE OF THE MOVE OF THE GOVERNMENT OF INDIA AND ARMY HEADQUARTERS OFFICES TO SIMLA.**

561. **\*Mr. Mukhtar Singh:** Will the Government be pleased to state whether the general date of the move of the Government of India as approved by H. E. the Viceroy is 14th April, 1928? If so, whether the Army Headquarters officers (including Army Department Secretariat and Military Finance Department) will also move on the same date? If not, why not?

**Mr. G. M. Young:** The general date for closing the Government of India offices in New Delhi is the 14th April. The Army Headquarters Offices will move to Simla at the end of this month because their temporary quarters in Old Delhi are unsuitable after 1st April from the medical point of view. It is, moreover, customary for the offices of Army Headquarters to precede those of the Government of India in the move to Simla, in order to avoid undue congestion of traffic. The offices of the Deputy Financial Advisers, Military Finance, will move to Simla with the Army Headquarters Offices, as the former must work with the latter. The Financial Adviser's Office will proceed to Simla as soon as the budget work is over. The Army Department Secretariat will move with other Departments about the 14th April.

## IMPOSITION OF AN EXPORT DUTY ON OILSEEDS AND CAKES.

562. \***Mr. Mukhtar Singh**: Has the attention of the Government been drawn to Resolution No. 7 of the Board of Agriculture held at Pusa in 1919, in which they recommended the imposition of an export tax on oil-seeds and cakes? If the answer be in the affirmative, will the Government be pleased to state what steps they have taken to give the Resolution a practical shape?

## IMPOSITION OF AN EXPORT DUTY ON BONE AND BONE-MEAL.

563. \***Mr. Mukhtar Singh**: Is it a fact that the Agricultural Board recommended the imposition of an export tax on bone and bone-meal? If so, will the Government be pleased to state what steps the Government have taken to impose such a tax?

**Mr. G. S. Bajpai**: With your permission, Sir, I shall answer questions Nos. 562 and 563 together. The Board of Agriculture did recommend the imposition of an export duty on oil seeds and cakes, but doubts arise about the recommendation subsequently and in 1922 the Board proposed that the whole position should be examined by a small committee of experts. This investigation could not, however, be undertaken for financial reasons, and the recommendation made by the Fiscal Commission also operated to relegate to the background the suggestion to impose an export duty on these fertilisers. As regards bone and bone-meal the Board did not recommend a tax, but the prohibition of the export of these commodities. The whole question is now under examination by the Royal Commission on Agriculture and will be considered by Government when the report of the Commission is received.

## SHORT NOTICE QUESTION AND ANSWER.

## APPLICATION OF THE COLOUR BAR BILL TO NATAL.

**Pandit Hirday Nath Kunzru**: (a) Has the attention of Government been drawn to the telegram, published in the *Hindustan Times* of the 26th March, to the effect that the Colour Bar Act has been made applicable to Natal?

(b) Will Government be pleased to make a full statement on the subject?

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

(b) Government telegraphed to Mr. Sastri for a report and have been informed that it was notified in the Gazette on the 16th that the Mines and Works Amendment Act which became law in 1926 would become operative from the 17th March. The exact significance of this announcement is not yet known, but inquiries on the subject have been made. The Natal Congress have made no representations against the announcement either to the Union Government or the Government of India, nor do they appear to be anxious about the matter.



**Pandit Hirday Nath Kunru:** After Government have received the information that they are trying to obtain will they publish a communiqué on the subject for the information of the public?

**Mr. G. S. Bajpai:** The Honourable Member's suggestion will be considered by Government.

## UNSTARRED QUESTIONS AND ANSWERS.

### SEPARATION OF THE EXECUTIVE AND JUDICIAL FUNCTIONS.

**461. Mr. O. S. Ranga Iyer:** (a) Is it a fact that the Government of India have or have been in correspondence with the present Secretary of State for India with regard to the separation of the executive and judicial functions in India?

(b) Do the Government of India propose to take steps to separate the judicial and executive functions?

(c) Will the Government be pleased to place the said correspondence on the table?

**The Honourable Mr. J. Orerar:** (a) and (b). The matter is under consideration in correspondence with the Secretary of State.

(c) Government regret their inability to place the correspondence on the table.

### RECRUITMENT OF KHATTRIS, ARORAS AND AGGARWALS TO THE INDIAN ARMY.

**462. Lala Lajpat Rai:** (a) Is it a fact that all castes and classes of the people of India are not eligible for recruitment in the Indian Army?

(b) Is it a fact that the Khattris, Aroras and Aggarwals are not eligible for recruitment?

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

(b) Yes, with the exception of Khattri Sikhs.

### TELEGRAPHISTS AND TELEGRAPH MASTERS OF THE LOCAL SERVICE.

**463. Mr. Amar Nath Dutt:** With reference to the reply of the Honourable Member in charge of Industries and Labour to question No. 30 (a) answered in the Assembly on 31st January 1927, regarding telegraphists and telegraph masters of the Local Service, will Government be pleased to state whether the same rule applies to postal recruited men when transferred to the Telegraph Department, namely, of counting the total length of postal service as was done in the case of Local Service men when transferred to the General Services? If the answer be in the negative, will Government be pleased to state what the reasons are for the same?

**The Honourable Sir Bhupendra Nath Mitra:** The reply to the first part of the question is in the negative. The transfer of officials from the Local to the General Service is one involving no change of duties, whereas in the case of postal recruited telegraphists the transfer is from a clerical service in the Postal Branch to service as telegraphists in the Telegraph Branch. It may, however, be added that all transfers from one scale to another are now effected in accordance with rule 22 of the Fundamental Rules.

## MEMORIAL OF POSTAL RECRUITED TELEGRAPHISTS.

464. **Mr. Amar Nath Dutt:** With reference to the reply of the Honourable Member in charge of Industries and Labour to question No. 377 (b) answered in the Assembly on the 25th of August 1927, regarding postal recruited telegraphists, will Government be pleased to furnish reasons for withholding the memorial?

**The Honourable Sir Bhupendra Nath Mitra:** The memorial was withheld under rule XI (13) of the Rules for the submission of memorials to the Secretary of State, because the specific prayer was for the grant of monetary concessions to which the memorialists were not entitled according to the conditions accepted by them at the time of their transfer or under any rule in force at the time.

## CLAIMS OF POSTAL RECRUITED TELEGRAPHISTS.

465. **Mr. Amar Nath Dutt:** (a) With reference to the reply of the Honourable Member in charge of Industries and Labour to question No. 207 (d) answered on 28th February 1925, regarding the claims of postal recruited telegraphists, will Government be pleased to state whether the Committee of 1921 discussed the question regarding postal recruited telegraphists?

(b) If the answer to question (a) be in negative, will Government be pleased to state the reasons for referring the Committee's reply to the Union?

(c) Will Government be pleased to state whether they have not reconsidered the decisions of several Committees against which protests were raised by different associations and whether they did not modify the orders and grant the demands prayed for by the different associations?

(d) If the answer to question (c) be in the affirmative, will Government be pleased to state the grounds under which they refuse to reconsider the question of granting the postal recruited men their service in the Postal Department for purposes of increment?

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

(b) Does not arise.

(c) The Government of India are not bound to accept the conclusions arrived at by any Committee though due weight is given to such conclusions in issuing orders on the matters dealt with. It is quite likely that there have been cases of the kind suggested in this part of the Honourable Member's question.

(d) The matter was carefully reconsidered by Government in 1926 in connection with various representations on the subject and they saw no justification for modifying the previous decision. The Honourable Member's attention is drawn to the reply given in this House on the 31st January, 1927, to Mr. M. K. Acharya's unstarred question No. 26.

## PAY OF MISTRIES EMPLOYED IN THE TELEGRAPH DEPARTMENT.

**Mr. Amar Nath Dutt:** With reference to the reply of the Honourable Member in charge of Industries and Labour to question No. 382 (b) answered in the Assembly on 25th August 1927, regarding mistries will Government be pleased to state whether they have considered the

question and if so, will Government be pleased to state the decision that has been arrived at?

**Mr. H. A. Sams:** The matter is still under investigation and the result will be intimated to the Honourable Member as soon as a decision is reached.

**STOPPAGE OF RECRUITMENT TO THE GENERAL SERVICE OF THE TELEGRAPH DEPARTMENT FROM THE COONOOR AND LOVEDALE SCHOOLS, ETC.**

**467. Mr. Amar Nath Dutt:** 1. (a) Will Government be pleased to state what the system of recruitment to the General Service was before 1920 and whether any distinction was then made between Indians, Europeans and Anglo-Indians for admission to the General Service?

(b) If the answer to question 1 (a) be in the affirmative, will Government be pleased to state what steps are being taken to abolish the distinction now maintained?

2. (a) In view of the statement made on the 11th of March 1926, on the floor of the Assembly by the Honourable Member in charge of Industries and Labour, that recruitment had already been stopped except in cases where Government had made commitments and such commitments would expire next year, will Government be pleased to state the grounds under which they have allowed recruitment from Coonoor and Lovedale schools?

(b) Will Government be pleased to state when the contracts were entered into with the schools from which the recruitments are being made to the General Service and when those contracts will expire?

(c) Will Government be pleased to state the number of men recruited to the General Service from the different schools subsidised for this purpose after the 11th of March 1926?

3. (a) Will Government be pleased to state whether it is a fact that recruitment to the Station Service of the Telegraph Department is made only through two schools and that, only in Calcutta?

(b) If the answer is in the affirmative, will Government be pleased to state what staff it maintains to supervise the teaching in these schools, whether the apparatus is supplied and maintained by Government and whether any fee is paid to the school for each student while under training and whether any bonus is also paid on a student after passing out?

4. Will Government be pleased to state the reason for confining recruitment to the Station Service of the Telegraph Department only to Calcutta?

5. Will Government be pleased to state whether the desirability of throwing open, the Station Service to the whole of India will be considered?

**The Honourable Sir Bhupendra Nath Mitra:** 1. (a) The system before 1920 was:

(i) By direct recruitment

and (ii) By transfer from the Local Service.

Direct recruitment was confined to Anglo-Indians, while the transfers from the Local Service were mostly those of Indians. In this connection the

attention of the Honourable Member is drawn to the reply given by me on the 27th January 1926 to part (a) of Mr. M. K. Acharya's starred question No. 331.

With regard to (b), the whole question of the future recruitment to the Signalling Establishment is under the consideration of the Government of India.

2. (a) The Honourable Member is apparently referring to my budget speech of the 11th March, 1927. The attention of the Honourable Member is drawn to the reply given by the Director-General to Mr. N. M. Joshi on the 1st February, 1928, to his starred question No. 27.

2. (b) The Agreements with the schools now supplying recruits to the General Service were entered into on the dates given below :

Lawrence Memorial School, Lovedale, 19th May, 1925.

St. Joseph's College, Cocnoor, 9th July, 1921.

St. Fidelis' High School, Mussoorie, 14th February, 1922.

Barnes High School, Deolali, 4th July, 1922.

Although a formal Agreement with the Lawrence Memorial School, Lovedale, was not entered into till the 19th May, 1925, a training class was opened in that School in 1867. Agreements are terminable at 12 months' notice on either side.

2. (c) 85.

3. (a) Yes.

3. (b) The Department provides one instructor for each school and supplies and maintains the necessary apparatus. No fee is paid to the school for students under training, but for every candidate admitted into the Department as a Station Service telegraphist from such a training class a bonus of Rs. 70 is paid to the school and Rs. 40 to the candidate.

4. The schools were originally opened in Calcutta as a beginning of the scheme. The question of opening such training classes in other parts of the country was dropped owing to the surplusage in the signalling staff.

5. The whole question is under the consideration of the Government of India.

#### ARRANGEMENTS FOR THE STATE PRISONERS AND DETENUS IN THE INSEIN CENTRAL JAIL TO PLAY TENNIS.

468. **Mr. Satyendra Chandra Mitra:** (a) Is it a fact that the State prisoners and detenues in the Mandalay Central Jail were allowed to play tennis within the jail compound?

(b) Is it a fact that the State prisoners and detenues in the Insein Central Jail have asked for facilities for playing tennis within the tennis compound? Is it a fact that there is sufficient space within the jail compound to have a tennis ground? Has any recommendation been received from the Jail Superintendent for permission to make necessary arrangements for tennis? If so, with what result?

**The Honourable Mr. J. Orerar:** (a) Yes.

(b) The Government of Burma are making arrangements whereby it will be possible for State prisoners and detenues confined in the Insein Jail to play tennis.

**HEALTH OF STATE PRISONER PRATUL CHANDRA GANGULI.**

469. **Mr. Satyendra Chandra Mitra:** Is it a fact that State prisoner Mr. Pratul Chandra Ganguli is not keeping good health at Insein Jail to which he has been recently transferred?

**The Honourable Mr. J. Orerar:** Mr. Ganguli was ill for a few days in the third week of February, but is now reported to be in good health.

**HEALTH OF MR. SURENDRA MOHAN GHOSH, A DETENU IN THE YERWADA JAIL.**

470. **Mr. Satyendra Chandra Mitra:** (a) Is it a fact that detenu under the Bengal Criminal Law Amendment Act (Supplementary) Mr. Surendra Mohan Ghosh has been transferred from Mandalay Jail to Yerwada Jail in the Bombay Presidency? Will the Government state reasons for such transfer?

(b) Is it a fact that Mr. Surendra Mohan Ghosh has been suffering from chronic dysentery for a long time?

(c) Is it a fact that Mr. Surendra Mohan Ghosh was suffering from acute chronic dysentery at the time of his arrest in 1924?

(d) Is it a fact that his present weight is considerably below that of the average weight of a man of his height?

(e) Will the Government be pleased to state his present weight?

(f) Is it a fact that the food supplied in the Yerwada Jail is not prepared according to Bengali way of cooking? If so, will the Government state whether any arrangement has been made to prepare his food according to the Bengali method? If not, why not?

**The Honourable Mr. J. Orerar:** The latest report is to the effect that Mr. S. M. Ghosh's health is fair, but that he suffers from chronic granular pharyngitis. He has at present no dysentery, though it is understood that he has had frequent attacks in the past. Further enquiries are being made about this prisoner's health.

**DETENTION OF BENGAL STATE PRISONERS AND DETENUS IN JAILS OUTSIDE BENGAL.**

471. **Mr. Satyendra Chandra Mitra:** (a) Is it a fact that State prisoners and detenus from Bengal had to be sent to jails outside the province, for want of proper accommodation for them in the Bengal jails?

(b) Is it a fact that since then many of them have been let out of the Bengal jails? If so, do the Government contemplate bringing State prisoners and detenus from outside of Bengal to the Bengal jails? If not, why not?

(c) Is it a fact that those who are lodged in jails outside Bengal, suffer from serious inconvenience from lack of facilities for interview with relations and friends, extreme limitation of the restricted association allowed in jails and the method of preparation of food to which they are not accustomed?

**The Honourable Mr. J. Orerar:** (a) and (c). I would refer the Honourable Member to the answers that I gave to a similar question of his on the 19th September, last.

(b) In the interval there have been a number of releases from jail. The question of bringing back some of those confined in jails outside Bengal has not been overlooked and is under consideration

**GRANT OF PERMISSION TO MR. BEPIN BEHARI GANGULI, A STATE PRISONER TO LOOK AFTER HIS PROPERTIES DURING THE CADASTRAL SURVEY TAKING PLACE IN HIS DISTRICT, ETC.**

472. **Mr. Satyendra Chandra Mitra:** (a) Is it a fact that Mr. Bepin Behari Ganguli, a State prisoner, has made several applications for permission for facilities to look after his properties, during the time of the cadastral survey that is going on in his District? If so, do the Government intend to allow him temporarily to go to his place for such time as is required for the purpose? Is it a fact that the time allowed to him for this purpose was not sufficient to finish the work or make proper arrangements for the same? If so, are Government prepared to give him proper facilities for completing the same?

(b) Is it a fact that all the teeth of Mr. Bepin Behari Ganguli have been extracted?

(c) Will the Government be pleased to state whether he has been supplied with artificial teeth? If not, why not?

**The Honourable Mr. J. Orerar:** (a) I would refer the Honourable Member to the reply given on the 10th instant to a question put by Khan Bahadur Sarfaraz Hussain Khan. Government have no reason to suppose that the time allowed has been inadequate.

(b) Thirteen teeth have been extracted.

(c) The latest report was to the effect that his gum was not yet fit for an impression for artificial teeth.

**TREATMENT OF STATE PRISONER SATISH CHANDRA CHAKRABARTI FOR FILARIASIS.**

473. **Mr. Satyendra Chandra Mitra:** (a) Is it a fact that State prisoner Mr. Satish Chandra Chakrabarti is suffering from filariasis? Is it a fact that he was improving under the Kabiraj system of treatment? Is it a fact that Kabiraj Syamadas Bachaspati of Calcutta wanted to see the patient and guaranteed his cure if placed under his personal supervision?

(b) Will the Government be pleased to state whether they contemplate to place him under the Kabiraj's treatment and give all necessary facilities for his personal inspection of the State prisoner Mr. Satish Chandra Chakrabarti?

**The Honourable Mr. J. Orerar:** I have nothing to add to the information that I caused to be sent to the Honourable Member by the Home Department letter No. D.-3667 of the 19th November last, a copy of which was laid on the table of this House in answer to question No. 344 asked by Khan Bahadur Sarfaraz Hussain Khan on the 10th of this month. Mr. Chakrabarti is no longer confined in jail, but has been placed in village domicile.

**PLACE OF CONFINEMENT AND STATE OF HEALTH OF STATE PRISONER, JYOTISH CHANDRA GHOSH.**

**474. Mr. Satyendra Chandra Mitra:** Will the Government be pleased to state the place where State prisoner Mr. Jyotish Chandra Ghose is kept at present and the present state of his health?

**The Honourable Mr. J. Orerar:** As regards the State prisoner's health I would refer the Honourable Member to the statement that I laid on the table of this House on the 12th March 1928 in connection with his unstarred question No. 365. I regret that I cannot undertake to give the information asked for in the other part of the question.

**EXEMPTION OF SOLDIER CLERKS IN ARMY HEADQUARTERS FROM THE EXAMINATION OF THE STAFF SELECTION BOARD.**

**475. Kumar Ganganand Sinha:** (a) With reference to the reply to clause (h) of starred question No. 1173 on 20th September, 1927, to the effect that Government was not aware of any widespread discontent amongst the civilian clerks of the Army Headquarters for exempting soldier clerks from passing the prescribed test of the Staff Selection Board's examination, will Government please say whether it is a fact that the Uncovenanted Association of the Army Headquarters had represented to the Government, on the publication of India Army Order No. 418 of 1925, that so far at any rate as the examination for promotion to the Upper Division was concerned, there should be no exemption made in favour of the soldier clerks as it would mean according them more favourable treatment than their civilian confrères?

(b) Is it a fact that in reply to the above representation Government had stated that exemption was made in their case because there were other means to satisfy all necessary requirements?

(c) If so, will Government please state what other means are adopted to test the capabilities of soldier clerks?

(d) Is it a fact that under India Army Order No. 41-S. of the 28th June, 1922, soldier clerks were invited to appear at the Staff Selection Board's examination held on the 29th July, 1922, with the result that almost all the soldiers who appeared at that examination failed?

(e) Is it also a fact that the decision to exempt soldier clerks from passing the rigid test of the Staff Selection Board was arrived at after this incident?

(f) Will Government be pleased to state why the above-quoted special India Army Order was superseded by India Army Order No. 418 of 1925 and subsequent orders?

(g) Is it the intention of the Government to eliminate qualified Indians from Upper Division appointments in favour of soldier clerks with inferior educational qualifications in comparison with those required of civilian Indians?

**Mr. G. M. Young:** The Honourable Member is referred to the reply given to-day to starred question No. 557.

**EXTENSION OF THE FUNDAMENTAL RULES GOVERNING LEAVE TO CIVILIAN CLERKS PAID FROM ARMY ESTIMATES..**

**476. Kumar Ganganand Sinha:** (a) Is it a fact that the travelling allowance of civilian clerks paid from Army Estimates is governed by the Fundamental Rules while their leave is governed by the Civil Service Regulations?

(b) If so, will Government be pleased to state whether and when is it proposed to extend the Fundamental Rules to the civilian employees referred to above in regard to leave?

**Mr. G. M. Young:** The Honourable Member is referred to the reply given on the 27th March to starred question No. 558.

**EMPLOYMENT OF A LADY CLERK AS STENOGRAPHER TO THE SECRETARY OF THE RAILWAY BOARD.**

**477. Kumar Ganganand Sinha:** (a) Is it a fact that the stenographer attached to the Secretary, Railway Board, draws an allowance of Rs. 50 *per mensem* in addition to pay?

(b) Is it also a fact that the post was held by Rai Sahib N. L. Chatterjee until recently and that by orders of Mr. Kaul immediately on taking charge of the office of the Secretary he has been relieved of the post and a girl clerk appointed in his place?

(c) If the reply to part (b) be in the affirmative, will Government be pleased to state the reasons for this change?

(d) What is the length of service of Rai Sahib Chatterjee and of the girl clerk concerned? How long did the Rai Sahib enjoy this allowance?

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

(b), (c) and (d). Rai Sahib N. L. Chatterjee held the post until recently when he was placed on deputation and a girl clerk was appointed in his place. These changes took place before Mr. Kaul was appointed to officiate as Secretary. Rai Sahib N. L. Chatterjee has 22 years' service and has been stenographer to the Secretary for 3 years; the girl clerk who is carrying on the duties of stenographer to the Secretary has two years' service.

**EXERCISE BY THE DIRECTOR OF FINANCE, RAILWAY BOARD, OF THE FUNCTIONS OF THE FINANCE DEPARTMENT OF THE GOVERNMENT OF INDIA IN RESPECT OF ESTABLISHMENTS.**

**478. Kumar Ganganand Sinha:** (a) Is it a fact that since the separation of railway finance from general finances, the Director of Finance in the Railway Board exercised the functions of the Finance Department of the Government of India in respect of establishments of the Railway Board until recently when the Audit Officer brought the irregularity to the notice of the Finance Department?

(b) If so, will Government be pleased to state (i) how long did the practice continue, (ii) how many such cases were sanctioned by him, and (iii) the total expenditure involved in such sanctions?

(c) What steps has the Finance Department taken (i) against the officer concerned, and (ii) to prevent any recurrence of similar irregularities?

**Mr. A. A. L. Parsons:** (a) No.

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



**TRANSFER OF THE ADMINISTRATIVE CONTROL OF THE CLERICAL STAFF OF ARMY HEADQUARTERS TO THE SECRETARY, ARMY DEPARTMENT.**

**479. Kumar Ganganand Sinha:** (a) With reference to the reply to clause (f) of starred question No. 1340 on 22nd March, 1926, will Government be pleased to state the reasons for the issue of the Army Department letter No. 511, dated 1st April, 1921, transferring the administrative control of the clerical staff of the Branches of Army Headquarters to the Secretary, Army Department?

(b) Were the Heads of Branches unsuccessful in controlling the clerical establishment of their respective offices?

(c) How has the revised system worked in comparison with what was in vogue previous to the issue of the letter referred to above?

(d) Is it a fact that one of the reasons for such transfer was to give effect to the scheme to civilianise the clerical staff of Army Headquarters recommended by the Army in India Committee and to amalgamate the different staffs into one combined roll?

(e) If so, why has no effect been given to this scheme?

(f) Is it a fact that the Establishment Officer or the Army Secretary has no first hand knowledge of the working of the individual clerks of the Army Headquarters and only depends upon the reports of the Branches concerned in making appointments and promotions, etc.?

**Mr. G. M. Young:** (a) In anticipation of the changes recommended by the Army in India Committee.

(b) No, but there are greater advantages in centralized control.

(c) With advantage.

(d) Yes.

(e) To a large extent effect has been given to the scheme inasmuch as the permanent clerical establishments are now almost entirely civilianised. Amalgamation on one combined roll was found administratively unworkable.

(f) Yes.

**EMPLOYMENT OF 25 PER CENT OF SOLDIER CLERKS IN ARMY HEADQUARTERS**

**480. Kumar Ganganand Sinha:** (a) With reference to the reply given in this House on 22nd March, 1927, to starred question No. 1111, relative to the employment of 25 per cent. of soldier clerks in the Branches of Army Headquarters, will Government be pleased to state how this 25 per cent. is apportioned in the 1st, 2nd, and routine divisions?

(b) Is it a fact that there is no bar to the recruitment of all the 25 per cent. of soldier clerks straight to the first division?

(c) If the total of an establishment of a Branch consists of 25 1st division and 75 2nd division clerks, can all the 25 posts of 1st division clerks be filled by soldier clerks?

**Mr. G. M. Young:** (a) There is no fixed proportion of soldier clerks as between the first and second grades. Soldier clerks are not recruited into the routine grade.

(b) Yes; soldier clerks are intended for the first grade posts. Owing to the paucity of vacancies some of them are placed in the 2nd division until opportunity for promotion arises.

(c) This would be possible.

#### RECRUITMENT OF TWO SOLDIER CLERKS TO THE OFFICE OF THE MASTER GENERAL OF SUPPLY.

481. **Kumar Ganganand Sinha:** (a) Is it a fact that in contravention of the principle enunciated in reply to clause (j) of starred question No. 1173 on 20th September, 1927, two soldier clerks have been recruited to the Master General of Supply Branch over the heads of several officiating first division assistants?

(b) Is it also a fact that though several of the officiating first division assistants referred to above earned more than one increment in the officiating chain for their approved service, the soldier clerks referred to in (a) above have been earmarked for confirmation in the first division in preference to the already officiating men?

(c) Is it a fact that one of the appointments against which a soldier clerk has been entertained was specifically sanctioned for the entertainment of a civilian clerk on the transfer of inspection work from the Quartermaster General's Branch? If so, why?

**Mr. G. M. Young:** (a) and (b). There has been no contravention of the principle referred to. Two soldier clerks have been recruited and by virtue of greater merit and suitability have been selected for confirmation over the heads of other clerks.

(c) No, Sir, the appointment carries civilian rates of pay, but is tenable by a soldier clerk.

#### INCREASE OF SELECTION GRADE APPOINTMENTS IN THE DELHI POST OFFICE.

482. **Mr. B. Das:** Is it a fact that the status of the Delhi Post Office was raised equal to that of Lahore from 1st November 1927? If so, will the Government please state what steps have so far been taken to increase selection grade appointments in that office in branches such as correspondence, money order paid, delivery, accounts, etc., where five or more than five clerks are working?

**Mr. H. A. Sams:** The answer to the first part of the question is in the affirmative.

No steps have been taken to increase the number of selection grade posts in the office. Such increases are regulated solely with reference to the actual requirements of each office and are not based on any fixed standard as suggested by the Honourable Member.

#### EXEMPTION OF OFFICIALS WHO HAVE PASSED THE EXAMINATION FOR INSPECTORS OF POST OFFICES FROM THE NEW SELECTION GRADE EXAMINATION.

483. **Mr. B. Das:** (a) Has the attention of the Government been drawn to paragraph 7 of Director General, Posts and Telegraphs, G. O. No. 5, dated the 19th July, 1927? If so, will the Government please state the circumstances under which differential treatment is based between Accountants and Inspectors in respect of the exemption of the latter from the examination?

(b) Are Government aware that Accountants' papers were set and examined by Audit Officers of different Audit Offices throughout India under the Finance Department, while the Inspectors' papers are set and examined by their own Circle officers, who are their executive superiors?

(c) Are Government aware that as the result of the Accountants' examination held in April 1925, only 88 out of 411; in 1926, 94 out of 851; in 1927, 66 out of 811 were passed throughout India, *i.e.*, an average of about 15 per cent?

(d) Do Government propose to exempt also the Accountants, who have already passed their examination from further examination?

**The Honourable Sir Bhupendra Nath Mitra:** (a) Yes. Officials who have passed the examination for Inspectors of Post Offices were exempted from the new selection grade examination because the subjects for this examination are practically the same as those for the examination for Inspectors of Post Offices. Officials who have passed the Accountants' examination have not been exempted because the subjects for their examination included only a few of the subjects now prescribed for the selection grade examination.

(b) Yes. But I may add for the information of the Honourable Member that the papers for the Inspectors' examination were set by or under the direction of the Head of the Circle and not by Superintendents of Post Offices who were the immediate executive superiors of the candidates.

(c) Yes.

(d) No.

**PAY OF CLERKS OF THE DIFFERENT STATE RAILWAY AUDIT OFFICES TRANSFERRED TO THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI.**

484. **Mr. Amar Nath Dutt:** Was any increase of pay given to the clerks of the different State Railway Audit Offices, transferred to the Railway Clearing Accounts Office, Delhi? If so, what is the percentage of increment and have the clerks of the East Indian Railway proper been given the percentage of increase? If not, why not?

**Mr. A. A. L. Parsons:** Personal allowances have been granted ranging from 5 per cent. to 20 per cent. The clerks of the East Indian Railway have been granted an increase in the same way as others.

**RESIDENTIAL ACCOMMODATION OF CLERKS TRANSFERRED TO THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI.**

485. **Mr. Amar Nath Dutt:** Has any arrangement been made to provide the clerks transferred to the Railway Clearing Accounts Office with Government quarters? If not, what steps have been taken by Government to accommodate them?

**Mr. A. A. L. Parsons:** No.

The Government are not satisfied that there is any necessity yet for them to take steps to supplement private enterprise in the matter.

**GRANT OF TIME SCALE OF PAY TO THE STAFF OF THE TRAFFIC ACCOUNTS  
OFFICES OF THE EAST INDIAN RAILWAY.**

**486. Mr. Amar Nath Dutt:** Is it a fact that the benefit of time scale of pay enjoyed by the staff of Traffic Audit offices of the Eastern Bengal, North Western and the old Oudh and Rohilkhund Railways has not been given to the staff of the Traffic Accounts Office of the East Indian Railway? If not, why not?

**Mr. A. A. L. Parsons:** The scales of pay on the East Indian Railway are time-scales.

**LONG HOURS OF DUTY OF THE SUBORDINATE STAFF OF THE RAILWAY  
CLEARING ACCOUNTS OFFICE, DELHI.**

**487. Mr. Amar Nath Dutt:** Is it a fact that the subordinate staff of the Railway Clearing Accounts Office have to work usually from 10 A.M. to 8 P.M. every day even on Sundays and gazetted holidays? If so, why?

**Mr. A. A. L. Parsons:** No.

**GRIEVANCES OF THE PIECE-WORKERS OF THE GOVERNMENT OF INDIA PRESS,  
DELHI.**

**488. Mr. Amar Nath Dutt:** (1) Is it a fact that the piece-workers of the Delhi Government Press have received no increment whatever during the course of the last 5 years? Are they supposed to get increments yearly? Do salaried hands of the said Press get increments annually? Is it so in the case of the piece-workers? If not, why not?

(2) Is it a fact that the earnings of the piece-workers depend upon their labour? Is it a fact that when their earnings increase above a certain amount, the excess is deducted? If so, why? Is it a fact that Lino and Mono Operators are given a bonus for excess work? If so, why is it not so in the case of piece-workers?

(3) Is it a fact that there is an order to the effect that old and senior employees of the Press should get comparatively lighter work than the junior employees? If so, are they given such work? If not, why not? Are they required to labour equally with the juniors?

(4) Is it a fact that the piece-workers and the industrial salaried hands of the Government of India Press, Delhi, are not made permanent for 15 or 20 years and they have to remain in the temporary cadre? If so, why?

(5) Is it a fact that the employees of the warehouse in the Government Press were made salaried hands last year? Is it a fact that there is no grade among them? If so, why?

(6) Is it a fact that the piece-workers do not get any leave concession except casual leave, and that when they fall sick they have to go on leave without pay? Do the Government contemplate to allow them privilege leave, medical leave, etc., as is done in the case of salaried hands? If not, why not?

**PAY OF LINO OPERATORS IN THE GOVERNMENT OF INDIA PRESS, DELHI.**

**489. Mr. Amar Nath Dutt:** (1) Will the Government be pleased to state whether the Lino Operators of the Delhi Press are salaried hands? If so, why do they get no annual increments as other branches of the same Press?

(2) Is it a fact that the Lino Operators are paid according to output of their work? If so, are they treated as piece-workers? If so, why is there a difference between the Delhi and Calcutta Presses where the Lino Operators are paid according to graded pay?

#### COPYHOLDERS IN THE GOVERNMENT OF INDIA PRESS, DELHI, ETC.

490. **Mr. Amar Nath Dutt:** (1) Is it a fact that the Copyholders of the Delhi Government Press have to work for a Reviser or a Reader every now and then without any additional remuneration for it? Is it a fact that vacancies in the cadre of a Reader or Reviser are generally filled up by outsiders without considering the prior claim of the men in the Branch? Is it a fact that if the Copyholders apply for the Reader's or Reviser's post they are subjected to such an examination as is far beyond their capacity to answer? If the answer is in the affirmative, will the Government kindly let the House know the reason?

(2) Is it a fact that in reply to a question put to Sir Alexander Muddiman in the Simla Session last year he said that such Government of India subordinate offices as are permanently located in Delhi will enjoy local holidays sanctioned by the Chief Commissioner, Delhi, for his office when the Headquarters of the Government of India is not in Delhi? Is it a fact that the Government of India Press, Delhi, is not acting upon this statement of the then Honourable Member? If so, why so?

(3) Is it a fact that the Government of India have recently given a sum of Rs. 300 for doing good work and printing the Budget, etc., most promptly? Is it a fact that the sum of Rs. 300 was awarded to one individual and not to the employees who actually worked?

**The Honourable Sir Bhupendra Nath Mitra:** I propose to answer questions Nos. 488 to 490 together. The information is being obtained and will be supplied to the Honourable Member in due course.

#### FENCING OF THE LINES ON THE KATA-KHAL, LALABAZAR AND KULaura-SYLHET RAILWAYS.

491. **Mr. Srish Chandra Dutta:** Will the Government be pleased to state the grounds which prevent them from taking any steps in regard to the fencing of the Kata-Khal Lalabazar and Kulaura-Sylhet Railways in spite of a considerable number of run-over cases on those Railways during the years 1926 and 1927 as stated in their reply to my starred question No. 1037 in the Legislative Assembly on the 14th September, 1927?

**Mr. A. A. L. Parsons:** Unfortunately fencing does not deter men from trespassing on to the railway, and if the grazing is good they break down the fencing to bring their cattle in. Our statistics show that the number of accidents to cattle is greater on fenced than on unfenced lines.

#### GRANT OF LOANS BY THE IMPERIAL BANK OF INDIA TO EUROPEAN AND INDIAN FIRMS OR COMPANIES.

492. **Mr. Srish Chandra Dutta:** Will the Government be pleased to state separately the number of European and Indian firms or companies in British India who have been granted loans or advances up till now by

the Imperial Bank of India? What are the rules and conditions for granting such loans or advances?

**The Honourable Sir Basil Blckett:** The Government have no information on the subject.

#### EMPLOYMENT OF PEONS IN POST OFFICES IN THE DISTRICTS OF SYLHET AND CACHAR.

493. **Mr. Srish Chandra Dutta:** With reference to my starred question No. 1039 in the Legislative Assembly on the 14th September 1927, will Government be pleased to state the number of post offices in the districts of Sylhet and Cachar, in which peons have been sanctioned since then?

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

#### NUMBER OF POLITICAL PRISONERS IN ASSAM.

494. **Mr. Srish Chandra Dutta:** Will the Government be pleased to state if there are any political prisoners in the province of Assam? If so, what is their number and under what Regulations are they confined?

**Sir Denys Bray:** There is only one political prisoner, a Manipuri, in the Province of Assam. He is detained under Regulation III of 1818 for complicity in the Kuki rebellion.

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#### ELECTION OF THE PUBLIC ACCOUNTS COMMITTEE.

**Mr. President:** I have to inform the Assembly that the following Members have been elected to serve on the Committee on Public Accounts:

Mr. T. A. K. Shervani,

Mr. B. Das,

Haji Chaudhury Muhammad Ismail Khan, and

Rao Bahadur M. C. Rajah.

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#### ELECTION OF THE STANDING FINANCE COMMITTEE FOR RAILWAYS.

**Mr. President:** The Assembly will now proceed to elect eleven Members to the Standing Finance Committee for Railways. There are 23 candidates whose names are printed on the ballot papers which will now be supplied to Honourable Members in the order in which I call them.

I understand that Maulvi Muhammad Yakub and Mr. M. A. Aziz have since withdrawn their candidature.

(The ballot was then taken.)

## ELECTION OF THE PANEL FOR THE CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

**Mr. President:** The Assembly has also to elect a panel of 8 Members from which six members of the Central Advisory Council for Railways will be nominated. There are 11 candidates whose names are printed on the ballot paper. Out of these, the following three Members have withdrawn their candidature, namely:

Sardar Gulab Singh.

Mr. S. C. Mitra, and

Lala Lajpat Rai.

I therefore declare the remaining eight Members to be duly elected. Their names are:

Sir Purshotamdas Thakurdas,

Sir Hari Singh Gour,

Mr. Muhammad Yamin Khan,

Khan Bahadur Nawabzada Syed Ashrafuddin Ahmad,

Sir Walter Willson,

Lieutenant-Colonel H. A. J. Gidney,

Rai Bahadur Tarit Bhushan Roy, and

Mr. N. C. Kelkar.

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## THE CHITTAGONG PORT (AMENDMENT) BILL.

**The Honourable Sir George Rainy** (Member for Commerce and Railways): Sir, I rise to move that the Bill further to amend the Chittagong Port Act, 1914, for certain purposes, as passed by the Council of State, be taken into consideration. This Bill, Sir, proposes to do two things. In the first place, it transfers to the Governor General in Council the powers vested in the Local Government by the Chittagong Port Act; and, in the second place, it reconstitutes the Port Trust. It will only be necessary to indicate very briefly the course of events which have led up to the introduction of this Bill. The Port of Chittagong occupies a somewhat unusual position inasmuch as it is situated in the province of Bengal, while its importance lies in the fact that it is the port for the import and export traffic of Assam. Now, if it is to serve its purpose to the fullest extent, a good deal of money will have to be spent on its development, and there was an obvious difficulty about this so long as the port remained under the jurisdiction of the Government of Bengal, because that Government felt that they might have to incur large financial liabilities in connection with the development of the port, while the benefit probably would not accrue mainly to the province of Bengal. There was a good deal of discussion on the subject, but the final conclusion reached was this. The Government of Bengal agreed to take a loan of Rs. 50 lakhs from the Government of India for the development of the port, and, on the other hand, the Government of India agreed that if for three successive years the traffic of the port exceeded in value Rs. 15 crores they would be prepared to declare it a major port and take over all liabilities in connection with the loan. The latter condition has now been fulfilled. For two years in succession the

[Sir George Rainy.]

traffic of the port was just about Rs. 15 crores, and in the current year it is expected that it may amount to Rs. 17 crores. I may say that as long ago as 1925 this arrangement was approved in a Resolution passed in the Legislative Council of Bengal by 43 votes to 11. The Resolution was:

“This Council recommends to Government that a loan of Rs. 50 lakhs be granted to the Port Trust of Chittagong for the development of the port of Chittagong.”

And the Finance Member of the Bengal Government at that time speaking on the Resolution said:

“When the trade of the port has reached an average of Rs. 15 crores per annum for a period of three years, the port will become a major port, whereupon the payments of the Government of Bengal to the Government of India will cease and the principal, together with the interest, will be returned to the Bengal Government and the management of the port thereafter will be in the hands of the Government of India. The Government of Bengal consider these terms fair and just and recommend them for the acceptance of the Council.”

In the face of that statement, the Bengal Council by 43 votes to 11 approved of the Resolution, and therefore I think it is clear that the arrangement which this Bill embodies has the approval not only of the Local Government but also of the Local Legislature. It is not necessary, I think, to say anything about the detailed provisions of the Bill. As regards the transfer of powers from the Government of Bengal to the Government of India, all these are matters of detail, mainly matters of drafting, and they have been carefully examined. The only point on which, so far as one can judge, there has been any difference of opinion is as regards the constitution of the Port Trust. All I should like to say about that now is that the constitution proposed in the Bill is the result of joint agreement arrived at locally when the Secretary in the Commerce Department visited Chittagong last autumn; he consulted all the persons interested there, and the solution proposed in the Bill is what all parties actually at Chittagong agreed to.

Sir, I move.

**Mr. President:** The question is:

“That the Bill further to amend the Chittagong Port Act, 1914, for certain purposes, as passed by the Council of State, be taken into consideration.”

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

**Mr. President:** The question is:

“That clause 4 do stand part of the Bill.”

**Mr. Amar Nath Dutt** (Burdwan Division: Non-Muhammadan Rural):  
Sir, I beg to move the amendment which stands in my name and which runs as follows:

“That for clause 4 of the Bill the following be substituted:

‘4. For section 7 of the said Act the following section shall be substituted, namely:

‘7. There shall be fifteen Commissioners as follows:

(a) the Chairman,

(b) the Collector of the Chittagong District, *ex-officio*,

(c) the Customs Collector of the Port, *ex-officio*,

(d) two Members of the Indian Legislative Assembly representing the Chittagong Division, *ex-officio*,



- (e) one Commissioner appointed by the administration of the Assam-Bengal Railway,
- (f) two Commissioners elected by the Chamber of Commerce at Chittagong,
- (g) two Commissioners elected by the Chittagong Indian Merchants' Association,
- (h) two Commissioners elected by the Trades Association of Chittagong,
- (i) two Commissioners elected by the municipal commissioners of Chittagong, and
- (j) one Commissioner elected by the District Board of Chittagong'."

The amendment which I propose gives a substantial majority to Indians in the Port Trust. The Bill provides for 12 Commissioners only and of them not less than 8 are members upon whom we cannot rely for doing the right thing, at least from the Indian point of view. You have your majority everywhere. In fact I do not know of any other country in the world save and except my unfortunate country where the government of the country has a hand in at least getting a major portion of their people nominated in order to support their case. Even in small bodies like municipalities and district boards they have powers of nomination. Seemingly it is a minority, but if you closely analyse it, you will find that the minority, is really a majority, because out of the elected members it is not difficult to get two or three toadies elected in order to swell their number and thereby become masters of the situation everywhere and say "You have got your own elected men there." I would not cite the instance of the Legislative Assembly or the Council of State. But, Sir, I beg to submit that the Government should at least for decency's sake allow us in these matters some latitude, so that we can work in the best interests of our country. Now, Sir, in the amendment which I propose I only add three members. They want only 12 Commissioners, while I want 15. Of these Commissioners, they want the Chairman to be nominated; I have kept it. The Collector of the Chittagong District, the *huzur* and the *ma bap* of the district, will be there; so your man is there. The Customs-Collector of the Port is also there, who is also your own man. Then there is one Commissioner appointed by the Governor General in Council; he is also your own child. Then you have one Commissioner appointed by the administration of the Assam-Bengal Railway. We know who he will be and you cannot disclaim him also to be a child of yours. Then, there are three Commissioners elected by the Chamber of Commerce at Chittagong. You have not announced their names, but who does not know the ways of our rulers here in India? It may at the first blush seem that this provision is very fair but those who are acquainted with the inner working of the Indian administration know what is meant by the Chamber of Commerce, which is nothing short of a Chamber for the Exploitation of India. So, these three Commissioners will also be your own kith and kin. Thus, you get a majority of 8 in a Board consisting of 12 members only. Therefore, my humble submission to you, Sir, and through you to the Government Benches, who are so deaf at times, is that they should try to make this body somewhat at least of a representative nature. My proposal contemplates the removal of one member from the Chamber of Commerce and from the Indian Merchants' Association. The last-named Commissioners are provided by clause (g) which says:

"three Commissioners elected by the Chittagong Indian Merchants' Association or by such body or bodies or firms as the Governor General in Council may, from time to time, select as best representing the interests of the Indian mercantile community at Chittagong."

[Mr. Amar Nath Dutt.]

Now, it is quite clear that they will get their own men out of half-a-dozen as alleged representatives of Trades Associations. Sir, these mushroom associations are springing up according to the needs of the Government and also according to the exigencies of the case. I see, Sir, that I was wrong when I said that the Government would have 8 Commissioners out of 12; they would really have 11. Sir, we know very well the sort of game which the Government plays and we also fully understand the meaning of "the Governor General may from time to time according to the exigencies of the case". The net result therefore is that the whole body of Port Commissioners is reduced to an official body save and except that there will be one Commissioner elected by the Municipality. I submit, Sir, that this is a minor port; it is not like the one at Bombay or Karachi.

**Mr. B. Das** (Orissa Division: Non-Muhammadan): It will be a major port in the Government of Bengal.

**Mr. Amar Nath Dutt**: I do not think it will be so big as Bombay and Karachi at least during the next 50-years. Of course, if Swaraj comes early, it will develop soon.

I beg to submit, Sir, that the Government should realise that by giving way to my amendment they will not lose much, and if they do so, they will at least be able to keep up their appearance before the civilised world and will be in a position to say that at times they do concede the demands made by such unreasonable men as the members of the Congress Party are in the Assembly. I would therefore request through you, Sir, and ask them to consider whether or not my amendment is so outrageous as not to command their sympathy.

Then, we want to have two Commissioners elected by the Municipal Commissioners of Chittagong and one Commissioner elected by the District Board of Chittagong. I am sure no one will question the representative character of these Commissioners who will be elected by the District Board and the Municipality. In fact, Government need not entertain much fear from these quarters also, knowing as I do these so-called self-governing bodies in Bengal, which are in the hands of the Ministers, who use them as their tools, and whose very lives depend upon your vote. I also know that these Ministers have the power of nomination and they nominate only such people who will support them and who invariably try to get elected through various means two or three other Government men to swell the number in order that they may be sure of their majority. So, from this quarter you need not apprehend much trouble. I would request you, therefore, that this is a very harmless amendment which you should accept. If you do so, you will be able to face the world with some show of decency and say that you always concede to the Congress Party when they are reasonable. Therefore, I do not think, Sir, I need be long in my speech for the acceptance of my amendment by this House. I have given all my reasons and I ask for an elected majority in the body. I have asked for the increase of three members only, and have, of course, reduced the constituency of my friends like Sir Walter Willson and others. I do not think they will grudge it. It may be said that the amendment is somewhat selfish as it seeks for the election of two Members of the Legislative Assembly from the Chittagong Division. I may at once point out Sir, that I do not come from the Chittagong Division nor do I contemplate

doing so. I am quite content with my own constituency of Burdwan and so long as they have faith in me I shall continue to come from the Burdwan Division. So, it is not in my interests that I am contemplating this change. I am really pleading in the interests of my friends over there, Mr. Anwar-ul-Azim and Mr. S. C. Mitra. I think that at least one of them is a safe man and will not do you much harm if you think that the other man might prove dangerous. With these words, I beg to move the amendment standing in my name which I have already read out to the House.

**The Honourable Sir George Rainy:** Sir, I shall try to imitate the spirit of sweet reasonableness that animated my Honourable friend opposite, but I shall ask the House to recognise that it is the proposal in the Bill which is moderate and reasonable and should receive their support and not the amendment moved by my Honourable friend. My Honourable friend made his reasons quite plain for moving the amendment, namely, that he wanted an Indian majority on the Trust. He did not seem to mind particularly how he got his Indian majority as long as he got it by some means, whether these were suitable for the election of such a body as a Port Trust or not. What he has done is that out of the constitution as proposed in the Bill he removes the nominee of the Governor General in Council, he cuts out one of the members to represent the Chittagong Chamber of Commerce and he also cuts out one of the members for the Chittagong Indian Merchants' Association; that gives him three seats. He then adds three seats to the body and thus gets 6 seats to fill up, which he does as follows: the 2 Members of the Indian Legislative Assembly representing the Chittagong Division, 2 members elected by the Trades Association of Chittagong, 1 from the District Board and 1 from the Municipality.

I should like to explain that the power of nomination reserved to the Governor General in Council will ordinarily be exercised by the appointment of the Port Officer. It is desirable that he should be a member of the Port Trust and I think it would be a great pity if the power of nominating the Commissioner were cut out of the Bill. That is my first objection.

In the second place, I am afraid Government cannot agree to the proposal that the two Members of the Legislative Assembly from the Chittagong Division should automatically become members of the Port Trust. I am not going to argue it on high constitutional grounds, but I am going to put the position plainly to the House. The Members for the Chittagong Division are elected, quite rightly, for their political opinions. But it would be wholly inappropriate to select two of the members of the Chittagong Port Trust on the ground that their political opinions were acceptable to the electors of the Chittagong Division. That would be a wrong criterion. The Port Trust is not a kind of embryo Parliament; it is a business body which has got to do a lot of hard work throughout the year in order to carry on the business of the port. It would be most inadvisable to constitute its membership on political lines. As regards the two members proposed to be elected by the Trades Association, Chittagong, that seems to me a surprising proposal. If there is any local support for that proposal, why was it not brought to the notice of Sir Geoffrey Corbett when he visited Chittagong last autumn? It was never even brought to his notice there that there was a Trade Association in Chittagong. I feel strongly that if representation is to be given to a body of that kind, it ought to be done on the representation of the local people, and not merely as an expedient conceived in the Legislative Assembly at Delhi.

[Sir George Rainy.]

Finally, as regards the representation proposed for the District Board, there is really no more reason for giving the District Board of Chittagong a representative on the Chittagong Port Trust than there is for giving a representative to any of the District Boards in Assam. Probably some of the districts of Assam are much more interested in the development of the Chittagong port than the Chittagong district itself.

For all these reasons it seems to me the proposal of the Honourable Member is not acceptable and ought not to be approved by this House.

I should like again to remind the House that the constitution proposed in the Bill was unanimously accepted at a meeting which Sir Geoffrey Corbett had with the local representatives of all the interests concerned when he visited the port in October, and I think the Assembly should be very slow to disturb a settlement arrived at in that way.

**Mr. President:** The question is:

“That for clause 4 of the Bill the following be substituted:

‘4. For section 7 of the said Act the following section shall be substituted, namely:

‘7. There shall be fifteen Commissioners as follows:

- (a) the Chairman,
- (b) the Collector of the Chittagong District, *ex-officio*,
- (c) the Customs Collector of the Port, *ex-officio*,
- (d) two Members of the Indian Legislative Assembly representing the Chittagong Division, *ex-officio*,
- (e) one Commissioner appointed by the administration of the Assam-Bengal Railway,
- (f) two Commissioners elected by the Chamber of Commerce at Chittagong,
- (g) two Commissioners elected by the Chittagong Indian Merchants’ Association,
- (h) two Commissioners elected by the Trades Association of Chittagong,
- (i) two Commissioners elected by the municipal commissioners of Chittagong, and
- (j) one Commissioner elected by the District Board of Chittagong.”

The motion was negatived.

Clause 4 was added to the Bill.

Clause 5 was added to the Bill.

Clause 6 was added to the Bill.

Clauses 7 to 23 were added to the Bill.

Clause 24 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

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

**Mr. B. Das:** Sir, I wish to oppose this Bill. I will give my reasons. The former Member of Commerce, the Honourable Sir Charles Innes, out of his first love to the province of Madras, created two major ports, *vis.*, Vizagapatam and Cochin, in that Province during his term of office. I, who come from Orissa, wanted that a major port be given to Orissa, and

the Honourable Sir George Rainy, who was formerly a member of the Government of Bihar and Orissa, must have read what Lord Hardinge in his famous despatch in 1911 said that Orissa was added to Bihar to provide a sea-board for the Province of Bihar and Orissa and that Orissa was entitled to have a major port created for it. I and my friends of Orissa have protested in this House that the Government of India have given no support to the creation of a port for Orissa, and the Honourable Sir Charles Innes, out of his old love for Madras, gave Madras two excellent major ports, and I should have thought that the Honourable Sir George Rainy, before he took up the development of any port, would have given his first love to the province of Bihar and Orissa where he served in so high a position and where he did such splendid work. Instead of that, this Chittagong port is brought before us to be created as a major port. The subject is never discussed in this House, and whenever a controversial matter is to be discussed it goes to the Council of State and comes here as passed, and we are not allowed to discuss the subject fully.

I would ask the Honourable Sir George Rainy what he thinks of that famous despatch which Lord Hardinge wrote to the Secretary of State, where the Government of India gave their definite promise that a port should be created in Orissa. I asked various questions of my Honourable friend, Sir Charles Innes, when he was here, and he said that the Government of India cannot spend any money to have a small port created, and if it is to be developed let it be developed by the Provincial Government. Then why is all this money being spent for Chittagong? Bengal grew prosperous in the old days at the cost of Bihar and Orissa. Now Bengal is to have another major port, and Orissa is to have none. This is a violation of a sacred promise of the Government of India. It may not be the Government of India to which the Honourable Sir George Rainy belonged but a preceding Government, but Sir George Rainy himself has eaten the salt of Bihar and Orissa and he ought to show a certain amount of love for his own province and fulfil a sacred and old old pledge of the Government of India.

For this reason I oppose this Bill, and I say that no major port should be created in India unless a major port is given to the province of Bihar and Orissa.

**Mr. Sarabhai Nemchand Haji** (Bombay Central Division: Non-Muhamadan Rural): Sir, I rise to support my friend Mr. Das in his motion that this Bill be not passed.

My reasons for doing so are that I was hoping and have been disappointed in that hope that, when Mr. Amar Nath Dutt moved his motion by which a larger proportion of Indians would have been brought on the Chittagong Port Trust, the Honourable the Commerce Member would have found a *via media* by which this eleventh hour but essential change could be introduced, because now that the subject of the Chittagong Port Trust is on the anvil, Indian interests should be safeguarded from the very beginning. Analysing the motion of my friend Mr. Amar Nath Dutt, the Honourable the Commerce Member went into the details of the various sections of that clause as proposed by Mr. Dutt, and he said that the two Members of the Indian Legislative Assembly, as proposed by Mr. Dutt, should not be accepted, because the Members of the Legislature are appointed on quite a different franchise. There I am disposed to agree with the Honourable the Commerce Member, but what about two

[Mr. Sarabhai Nemchand Haji.]

members to be elected by the Municipal Commissioners of Chittagong? No reply was given. We know that in Bombay and in Calcutta, and I believe in Karachi as well, the local municipal bodies . . . .

**Mr. President:** Where was the Honourable Member when the amendment was moved?

**Mr. Sarabhai Nemchand Haji:** I am giving my grounds for opposing this Bill.

**Mr. President:** The Honourable Member should have advanced these arguments when the amendment was under discussion.

**Mr. Sarabhai Nemchand Haji:** I was hoping that the Honourable the Commerce Member would yield to the pressure exercised by Mr. Dutt.

**Mr. President:** Is the Honourable Member serious?

**Mr. Sarabhai Nemchand Haji:** Sir, I will show that when it comes to a division. So, Sir, at least the suggestion of the Honourable  
12 Noon. Member from Burdwan should have been accepted as regards the two Commissioners to be elected by the Municipal Commissioners and one to be elected by the District Board. With these two modifications, even if the Commerce Member did not take into consideration the suggestion of having Members of the Indian Legislature on the Board, we would have got a working Indian majority. The reason for a working Indian majority is this, that we have found from our experience of Port Trust administration in all the ports of India that, wherever there is a non-Indian majority, the interests of India, the interests of Indian shippers, the interests of Indian ship-owners, the interests of Indian employees of the Port Trusts,— all Indian interests, in fact, are never properly looked after.

**Sir Walter Willson:** Oh, no!

**Mr. Sarabhai Nemchand Haji:** I will presently come to a point where my Honourable friend Sir Walter Willson will not be able to say "Oh, no!"; and that is the case of Calcutta. Recently in that Port Trust it was intended that an Indian should be appointed to the post of an Assistant . . . .

**Lieut.-Col. H. A. J. Gidney** (Nominated: Anglo-Indian): Why only an Indian?

**Mr. Sarabhai Nemchand Haji:** Because he was the best qualified man.

**Sir Walter Willson:** On a point of order, Sir. Has this anything to do with the Chittagong Port Act—what has happened in the Calcutta Port Trust?

**Mr. President:** I don't suppose the Honourable Member is going to be long.

**Mr. Sarabhai Nemchand Haji:** No, Sir. I was just going to say, Sir, that if we have not got an Indian majority in the Chittagong Port Trust

the very same sad state of affairs as obtains in Calcutta will be repeated at Chittagong. All that has happened in Calcutta with regard to the overlooking of Indian interests in spite of all the Indian members of that Port Trust insisting on Indianization of a particular post, in spite of the fact that a decent Indian was available, the Europeans on that Port Trust taking advantage of their majority have combined together to keep a competent Indian out. That is why I want a majority of Indians properly elected on this Chittagong Port Trust, and if we cannot have a new Port Trust under conditions we approve of, it would be as well not to have any changes at all but to carry on in the same old way.

**Mr. President:** The question is:

“That the Bill further to amend the Chittagong Port Act, 1914, for certain purposes, as passed by the Council of State, be passed.”

The motion was adopted.

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### THE INDIAN MINES (AMENDMENT) BILL.

**The Honourable Sir Bhupendra Nath Mitra** (Member for Industries and Labour): Sir, I rise to move that the Bill further to amend the Indian Mines Act, 1923, for certain purposes, as reported by the Select Committee, be taken into consideration.

Sir, it is not necessary for me to make a long speech on this occasion. As I said on a previous occasion, the most important provision of the Bill is that which imposes a maximum limit on the daily hours of work of individuals employed in a mine, with the object of regulating the daily hours of work. In the Bill which went before the Select Committee this maximum limit was put down at twelve hours. Before the Select Committee various proposals were made to reduce this figure to 8, 9, 10, or 11. It will be seen from the Select Committee's Report that the matter was considered by them very carefully and that by a large majority they decided to retain the figure of twelve, though they have recommended that the matter should be reconsidered in 1933. The Bill as it went before the Select Committee also included a special provision for change of shifts. On the information before them the Select Committee considered the provision to be unnecessary and they deleted it. Further, the Select Committee made certain minor modifications,—drafting and otherwise.

Sir, I move.

The motion was adopted.

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

“That in clause 2 (a) for the word ‘twelve’ the word ‘eight’ be substituted.”

Sir, when the motion was made that the Bill be sent to a Select Committee I expressed my views about the maximum hours of work to be permitted by this legislation and I stated at that time that the maximum hours per day or a day's work under this legislation should not be more than 8 hours. I also stated my reasons at that time. I am now glad to find, Sir, that the Select Committee has expressed great sympathy with

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the view which I took at that time. This is what the Select Committee states in its Report:

"The proposal to reduce the period to eight hours was strongly urged in the interests of the workmen, for reasons with which we find ourselves in sympathy. There can be no doubt that in a properly equipped and organised mine the eight hours' shift is the best for all concerned, for reasons which are so well-known that they require no elaborate statement by us. The advantages of the eight hours' shift are so clear that, we understand, many well equipped mines in India do now actually work on an eight hours' shift."

After having stated their sympathy with the proposal that the maximum hours should be kept at 8, I am somewhat surprised that the Select Committee should have allowed the proposals of the Government of India to be retained unamended in this Bill. The Select Committee express sympathy with my view. They also say that a properly equipped mine can work with advantage to all parties if the maximum hours are kept at eight. So it is quite clear that the Government of India's Bill, as approved by the Select Committee, is not really in the interests of well equipped mines, but it is in the interests of badly equipped mines. What really the Government wants to do is not to encourage proper equipment of mines but to encourage bad equipment of mines. Sir, the Select Committee, I am quite sure, has not done any good to the mining industry in this country because they are putting a premium on bad management and bad equipment of the mines.

The Select Committee has given one or two reasons for the course which they have adopted. The first reason given by them is that it is in the interests of the miners themselves that they should keep the maximum hours at twelve, because they state that it is quite possible that the total output of a miner may go down if the hours are kept at eight, and therefore they say that it is in the interests of the miner that his output should not go down and his wages also along with the output. Now, Sir, the Select Committee has not given any figures to show that the output of the miner will go down if the hours are kept at eight. I have made it quite clear that a large number of well managed mines at present are working on 8 hour shifts; and during those 8 hours the miners in India produce between three and four tubs of coal. Nobody here states that in those mines which work for 12 hours the miners produce more than three or four tubs at the most; and if in the mines which work 12 hours the miners do not produce more than three or four tubs a day, and if in good mines the miners also produce per day three or four tubs, it is quite clear that the miners are not likely to lose even if the hours are reduced to eight. The Select Committee should certainly have produced figures to show that in those mines where the miners work for 12 hours the production is larger, and they should have also produced figures to show that in those mines where the miners work only 8 hours the production is less than in the case of mines where the miners work 12 hours. Without giving any figures the Select Committee simply depend upon their impression and, I may say, their prejudice. My own view is that the three tubs which the Indian miner at present produces daily, can be produced by miners if they work even for six hours only. I maintain that three tubs can be produced in 6 hours' time; but I am prepared to keep it at 8 hours in order that the miners should not be speeded up and compelled to work all the 6 hours without much rest. I am therefore willing that the hours should be kept at 8, so that the miners can still



work at ease and produce their three tubs which they at present do. Therefore, there is no danger of the production of the miners going down and the miners suffering any loss in wages. Then the Select Committee says that the miners in India have not yet acquired the habits of punctuality and regularity, and therefore they fear that, if we keep the daily hours at 8, some of the miners who come late will not be able to produce the coal which they are producing to-day in the course of one day. I have stated that the three tubs which the miner in India produces can be produced in 6 hours' time; and therefore if we place the limit at 8, there will still be two hours for the Indian miners to be irregular and unpunctual. They are not likely to suffer any loss. Even if the miners are likely to be unpunctual or irregular, I am quite sure they are not likely to go into the mine so late that they will not get even 6 hours' work out of the 8 hours. I therefore think that there is sufficient margin for the Indian miners to be irregular and unpunctual. In 8 hours' time, even if they work for 6 hours, they will produce three tubs which they are producing now. Moreover, Sir, I would like to ask the Select Committee and the Government of India whether they want to encourage this habit of unpunctuality and irregularity which they allege is found in Indian miners. I do not admit that the Indian miners' habits are either unpunctual or irregular. They are unpunctual and irregular because the mines are kept open for 12 hours in a day and it is not humanly possible for any man to go on working for 12 hours regularly and punctually. It is not possible for any one of us to work 12 hours without any rest, and certainly the miners, if they are asked to work 12 hours, cannot work punctually and regularly as you want them to work. I therefore think that the Select Committee has done a wrong thing, in the first place, in alleging that the Indian miners are not punctual or regular, and throwing that blame upon their habits. It is not their habits which make them unpunctual or irregular; it is the wrong practice of allowing the mine owners to take 12 hours' work from them that makes them unpunctual and irregular. Secondly, the present Bill does a wrong to the Indian miners by encouraging in them the habit of irregularity and unpunctuality. What the Government should have really done is to put a little pressure upon the Indian miners if they find that their habits are unpunctual and irregular in order that they should become more punctual and regular; and, therefore, if you reduce the hours, there will be a pressure upon the miners to be punctual and to be regular. Instead of doing that, the Select Committee and the Government of India allow full scope for the tendency of the miners to be irregular and unpunctual. I therefore think that it is not in the interests of the miners that the hours should be kept at 12.

The second reason given by the Select Committee is that there are some mines which do not possess sufficient number of tubs in order that the miners should be able to produce three tubs in a day. That, Sir, is certainly not the fault of the miners, that the mine owners do not provide a sufficient number of tubs. This really is a proof that it is only badly equipped mines that want longer hours. If some mines do not provide a sufficient number of tubs, it is not the business of Government to encourage them to maintain this insufficiency of tubs and equipment. It is the business of Government to compel them to equip their mines better and to keep a sufficient number of tubs. Why should the poor miners suffer simply because some mine owners will not put sufficient

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capital in their mines and will not have a sufficient number of tubs? I think, Sir, the Government of India is doing a wrong thing in not putting a little pressure upon the mine owners to provide a sufficient number of tubs. Therefore, I think that the arguments used by the Select Committee in favour of keeping the hours at 12 should not weigh with this House, as they in the first place encourage the habit of unpunctuality and irregularity among the miners and in the second place they encourage mine owners to keep their mines badly equipped.

Then, Sir, the Select Committee have given a third reason for the course they have adopted. They say:

"Bearing in mind the important alterations in working conditions which this Bill and other contemplated changes (*viz.*, the gradual stoppage of employment of women underground) will bring about in many mines, we thought it safer not to run the risk of outstripping the capabilities of some of the mines to adjust themselves to these rapidly altering conditions."

**The Honourable Sir Bhupendra Nath Mitra:** That observation refers to clause 1.

**Mr. N. M. Joshi:** Yes; it refers to clause 1; but that seems to me one of the reasons which seem to have influenced the Select Committee in approving of the proposals of the Government of India. They think that these changes are coming very rapidly. Nothing of the kind. Both the changes, namely, the prohibition of the employment of women and the introduction of the shift system, have been before the Government of India and the employers now for more than five years. The Government of India issued a circular on the subject in the year 1923, and it is now five years since that circular was issued. The employers in India knew that the changes were going to come. Not only that, but this Bill was introduced in 1927, and since then they had sufficient time to make any adjustments they wanted to make; since then there was sufficient time to enable them to provide more tubs and also to tell their miners that henceforth they must be more punctual and more regular if they were unpunctual and irregular at all. I therefore think, Sir, that the Select Committee has not done a proper thing in approving of the proposals of the Government of India.

Sir, I stated in my previous speech on this subject that there are many people in this country who approve of keeping the hours of work at 8. There are some Chambers of Commerce like the Indian Merchants' Chambers in Karachi who have suggested that the hours should be 8. Then there are also some others like the Manager of the Moppani Colliery, Narsinghpur, who says that:

"a man's efficacy ends after 8 hours hauling coal, and any longer period only encourages sleeping in the mine which in a large number of cases is the direct cause of accidents."

**Sir Walter Willson** (Associated Chambers of Commerce: Nominated Non-Official): What page is that?

**Mr. N. M. Joshi:** That is on page 8.

Now, Sir, the Chief Inspector of Mines in India has several times complained in his report that the miners sleep in the mines and therefore there are always accidents. Now, what can the miners do? How can they remain without sleep when they have worked for 12 hours in the day?

If they are made to work for 12 hours in a day, I am quite sure the miners will not be human beings if sometimes they do not fall asleep in the mine. Therefore, in the interest of the safety of the life of the miners it is absolutely necessary that the hours of work should be reduced. Then, Sir, there is the Karachi Merchants' Association which makes the same suggestion, that the Mines Act should be so modified as to restrict the work of a miner during a day of 24 hours to a maximum of 8 hours. The Buyers and Shippers' Chamber, Karachi, also suggest that the principle of 9 hours' work during the day and 6 hours' by night should be adopted, and so I am quite sure they will be in favour of keeping an average of 8 hours' work in a day.

Sir, I do not wish to speak at greater length on this subject, but I feel that this is a question really of humanity. Is it right that we should ask any class of human beings to work in a dark mine for more than 8 hours in a day? I feel, Sir, that if Honourable Members will realise what the difficulties and hardships of working in a mine are, they will certainly vote for my amendment, and let them not entertain any fear that the mining industry will suffer if this change is made. In the first place, there will be no loss to the miners, because the miners will produce three tubs of coal in 8 hours' time. Secondly, Sir, nobody has shown that properly equipped mines will suffer any losses. In fact, properly equipped mines are to-day working 8 hour shifts and they are not suffering any losses thereby. Therefore, if 12 hours are to be kept in the interest of bad mine owners, I hope the Government of India and the Assembly will not give their assent to such a proposal which will merely help bad mine owners. I maintain, Sir, that my proposal is in the interest of good employers. Whenever good employers compete with bad employers, they naturally suffer a loss. Therefore, if my proposal is accepted, the good employers will be at a distinct advantage in continuing their progressive spirit in treating their employees fairly and liberally.

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

**\*Diwan Chaman Lall** (West Punjab: Non-Muhammadan): Sir, I should have preferred to have spoken after the Honourable Sir Bhupendra Nath Mitra, but the subject has been before the Government of India and the public for a long time, and although my friend Mr. Joshi said that the matter had been before the public for the last five years, really it has been before the public since 1890. This is a question which affects not only the male workers but it affects also the women workers in the mines. When the Honourable Sir Bhupendra Nath Mitra interrupted my friend Mr. Joshi and referred him to clause 1, I thought he did not probably remember that the question of women workers was also affected by this new amendment that he is now proposing to the Mines Act. Now, Sir . . . . .

**The Honourable Sir Bhupendra Nath Mitra:** Will the Honourable Member please speak up? The Honourable Member is going off the rails.

**Diwan Chaman Lall:** I did not hear the Honourable Member. (*Some Honourable Members:* "Please speak up; we cannot hear you properly"). The amendment he is proposing is this. Under the old Act of 1923 we have the hours of work for the miners laid down. Now the Honourable Member is proposing, no doubt under pressure apparently

*\*Speech not corrected by the Honourable Member.*

[Diwan Chaman Lall.]

from the mine-owners, that a miner should be enabled to work by Statute for 12 hours a day if necessary, that a shift should be of 12 hours and not less. It is conceivable, Sir, that if we spread out the 54 hours the miner works now, the average comes to 9 hours. But what the Honourable Sir Bhupendra Nath Mitra wants to do is to make the average not 9 hours but 12 hours, and I ask my friend how he can make such a proposal which affects not only the male workers but also the women workers in the mines. I want to ask my Honourable friend how he reconciles the position which he is taking up now with the oft repeated assurances of the Government of India that they want to adhere to international verdicts on similar questions. Let us take the 8 hours day fixed by the Washington Convention. Now, I know perfectly well that India was exempted. Why? Because it was said that industrial conditions in India are different to those that prevail in other countries. Now, I want to ask the Honourable Member in charge if he can tell me in what way the conditions in India are different to those that prevail in other countries or in what particular way is the work or the life of the Indian worker different to the work and life of a European worker? Does he not need the same sort of nourishing food? Does he not need the same amount of sleep and the same amount of relaxation? Does he not need the same sort of amenities of life, social and others, which the workers in the West need? But he is deprived of all these simply because there is unfortunately not a powerful labour movement in this country to fight for him. Do I take it that the Honourable Sir Bhupendra Nath Mitra considers it to be a civilized method in the year 1928 to ask any worker to go underground in a mine and work there for 12 hours a day? Is there any other country in the world where the hours of work have been fixed as high as that?

**Lieut.-Colonel H. A. J. Gidney** (Nominated: Anglo-Indians): Quite right. I agree with you.

**Diwan Chaman Lall**: I would ask my friend Colonel Gidney to go down a mine and work there for 12 hours without any protest against the proposition of the Honourable Sir Bhupendra Nath Mitra.

**Lieut.-Colonel H. A. J. Gidney**: I quite agree with you. I do not want to go down a mine and work there for 12 hours at a stretch to agree with you.

**Diwan Chaman Lall**: I am very glad my friend Colonel Gidney agrees with me.

Sir, the same Select Committee has given certain reasons why the 8 hours or 10 hours day was not accepted by them, and the reasons are very curious. The first reason they give is again in favour of the mine-owners without any regard to the life of the workers. They say there is a lack of tubs and therefore the miner must be forced to work in shifts for 12 hours. Now, the easiest method will be to ask the mine-owners to provide more tubs, and if they fail to do so, it is no reason why an extra pound of flesh should be demanded from the worker. Try and civilise the mine owner and do not try and brutalise the miner.

The second reason advanced is that the wages would probably be lower. Now, Sir, my experience of coal mines is that on an average three tubs are filled by a miner as well as his wife. The wife usually happens to be the carrier. The miner digs the coal and the wife carries it on her head

in a basket and dumps it down into the tub. Both combined get in the course of a working day something like three tubs and on an average they are paid about 18 annas—at 6 or 7 annas a tub; I think that is about the average they get. I am quite willing to concede that with the methods which prevail now-a-days in the coal mines in India—antediluvian methods, methods which are very old, methods which ought to be improved—it is a very arduous task for the miner as well as his wife to dig three tubs in the specified period, let us say 8 hours; but he does succeed in doing it. No facts and figures have been placed before us, nor before the Select Committee, to show that he cannot and does not succeed in filling his three tubs. If Honourable Members will look at the Report of the Select Committee they will find a clear proof of this. The report says in column 2:

“At present they (the miners) may take, and do take, longer than eight hours to get their three tubs of coal.”

In the last paragraph of column 1 they also say:

“The miner’s wages are not fixed on a daily basis, but on a piece-work basis at so much per tub of coal, and the average outturn of a miner is three tubs of coal per working day. A skilful miner who works hard can fill four tubs in eight hours, but this rate of output is exceptional, and the majority of the miners consider the getting of three tubs to be a day’s work.”

My own experience is this, that on an average they put in not more than 8 hours’ actual work and that they do succeed in filling three tubs a day. There are no facts placed before us, and no facts were placed before the Select Committee which permitted the Select Committee make a categorical statement of this nature:

“At present they may take, and do take, longer than eight hours to get their three tubs of coal.”

**Mr. B. Das** (Orissa Division: Non-Muhammadan): What are your facts?

**Diwan Chaman Lall:** I have already said—if the Honourable Member had only been listening—that my own experience is that they do fill three tubs within the eight hours and that they are quite capable of doing so. That is, in mines which are properly worked. In Jharria, as the Honourable Member himself has seen, there are some coal mines which are worked on modern lines. There are others which are being worked without any decent modern machinery or any decent modern management. In mines which are being worked with modern machinery—German machinery for instance—the miner has every facility and he does succeed in filling his tubs. Why should the Honourable Member penalise the miner merely because the mine-owner is not prepared to bring his mine up to date and work it with up-to-date machinery? The handicap should be placed upon the mine-owner and not upon the miner. If there is going to be legislation, there should be legislation compelling the mine-owner not only to use modern methods and machinery but to provide also amenities for the workers in order to enable them to do their day’s work or earn their day’s wages in the shortest period possible.

The third reason alleged is that the miner is not a punctual person and, because he is not punctual, therefore you must make him work 12 hours in the mine in order to teach him what punctuality means. I have never

[Diwan Chaman Lall.]

come across a more illogical statement than a statement of this nature embodied in the Report of the Select Committee. This is what they say :

"We consider that the safest course is to advance cautiously and to consolidate the position as we go along. When the miner has acquired improved habits of punctuality and application under the twelve hours shift system and the small mine-owner has equipped his mine properly, the eight hours' shift may be introduced."

I want to know how it is possible for the Honourable Member to support a statement like that? Are you going to teach the miner methods of punctuality by imprisoning him in the mine for 12 hours? That is just the way to teach him habits of unpunctuality, because, the only result will be that the miner will work the first day for 12 hours and then absent himself for a couple of days. That has been the complaint made to my Honourable friend that the workers do not work for more than 4 days in the week. That is the complaint, as the Honourable Member is perfectly well aware, which has been raised time and again in the coal mines. I want to ask, what incentive there is, when he gets only 7 to 9 annas, for the worker to work longer than he does at the present moment? The Honourable Member has seen the hovels in which the miner lives. He has seen the condition of his children. There is nobody to look after him. He has seen that there are hardly any amenities worth speaking of whatsoever for the family of the miner. He has seen the conditions of water supply although it has been improved. There is absolutely no inducement except the fear of starvation for the miner to work longer than he does in the coal mines, and taking advantage of that position, taking advantage of the fact that it is starvation that compels the miner to go down the coal mine and earn a precarious living, a dangerous living, the Government of India, a very uncivilised Government of India, is wanting now to compel that miner to work 12 hours under the shift system. No sufficient reasons have been advanced to support the theory that the 12 hours' shift system is a good system, a better system than the 8 hours' system. In fact, the Select Committee themselves are ashamed—obviously ashamed—of having made the suggestion. They say they have got full sympathy with the system of 8 hours' shift, but yet, curiously enough, over-shadowed by the all-powerful influence of the mine-owners, over-shadowed by the influence of the vested interests, they went in for a recommendation that the shift system should be a 12 hours' shift.

**Mr. B. Das:** Certainly not. I was in the Select Committee and my Honourable friend is entirely wrong in saying that they were influenced by any vested interests.

**Diwan Chaman Lall:** My Honourable friend Mr. Das says that he was not influenced. He is always the victim of unconscious influence. (Laughter.) If he will only read the Report he will see that in almost every paragraph there is the fear expressed that the reduction of the shift to 8 hours might hurt the mine-owner, might disorganise the industry. I say that if that industry cannot thrive except on an uncivilised basis, that industry deserves to be ruined. The Honourable Member should have considered that point of view, and stood out against this system being forced upon him deliberately by the mine-owners of this country.

Now, Sir, I want to come again to the question of women in the mines. If you are going to compel men workers to work in the mines for 12 hours, it obviously follows that the women who carry the coal will also have to work for a period of 12 hours. The 12 hours' shift system does not mean in reality only 12 hours. As the Honourable Member knows, it will probably mean 14 hours.

**Sir Walter Willson:** No.

**Diwan Chaman Lall:** My Honourable friend says "No." The time that the miner has got to take to go down from his little hut to the mine has got to be considered. The time that he takes to go back to his hut must be considered.

**Mr. B. Das:** That is allowed in the 12 hours.

**Diwan Chaman Lall:** My Honourable friend is utterly ignorant of the system. I am very sorry and this is clear proof of the fact that he had no business to be on the Select Committee. All that has got to be considered. What is going to happen to the women? As long ago as 1890 this matter was broached by the Government of India, and the Secretary of State for India at that time—I think it was Lord Cross—said in one of the Government publications that while the Bill provided for the safeguarding and control of female labour, it did not prohibit the employment of women altogether. He warned the Government of India that as the mining industry developed it would be increasingly difficult to prohibit the employment of women and suggested that the question of further safeguarding such employment should be carefully considered in Committee. That was the opinion of a very liberal Secretary of State. From 1890 to 1928, a period of 38 years, the Government of India have still been considering the question of prohibition of female labour in the mines, and this Bill will make the women work not for 8 hours but for 12 hours a day. If there is any greater retrograde measure than this in the labour legislation of this country, I would like to have an instance of it. No doubt my Honourable friend would say that at the present moment there is absolutely no prohibition as to the number of hours a day a miner may work. He knows from actual experience that there is a limit imposed upon the miner because of physical necessity. It is not possible for a miner to work more than a certain number of hours but here by legislation you are compelling him to work not the number of hours that he wants to work but twelve hours a day.

**Sir Walter Willson:** No.

**Diwan Chaman Lall:** The Honourable Member says, "No." Will he be good enough to read the actual clause we are discussing, and especially clause (c) of section 23 of the Indian Mines Act, 1923? Now, if a man is going to be employed in any particular mine on the shift system, he will have to work 12 hours a day. The employer has a right to demand that the shift shall be of 12 hours. Now, I can well understand there may be a very philanthropic employer like my friend, Sir Walter Willson, though I doubt it very much. Let us take an example. He may say to his workers, "Very well. We have got the law on our side. We have got the power to make you work 12 hours, but we will make you work only 8 hours a day." But suppose orders come pouring in and Sir Walter

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Willson sees ahead and sees tremendous profits coming in from the sale of coal. Will he then pocket his philanthropic instinct and still go on making the miner work only 8 hours or will he make him work 12 hours? I say this is a weapon which Government is placing in the hands of mine-owners which is going to act to the detriment of the miner in the coalfields. I submit we should not be a party to the Honourable Member passing this kind of legislation. The Honourable Member should have taken his courage in both hands and enacted a measure which would compel the mine-owner to work the miner not more than 8 hours a day as in other civilised countries.

There is one other point I wish to refer to. The Honourable Member knows perfectly well that the Secretary of State, whose name I have mentioned, referred this matter to the Government of India 38 years ago. What happened? The Government of India took no step except that in the 1921 Act and again in the 1923 Act they gave power to the Governor General in Council to prohibit any particular class of women working underground. In the original Act it was left to the Local Governments. In the 1923 Act, that is five years ago, the Government of India expressed their provincial opinions about the employment of women. The matter has since then rested where it was left, and, although power had been given to the Governor General in Council, that power was never exercised in favour of the prohibition of women workers underground. Opinions had been gathered from all sources by the Government of India, but no action has been taken to this day to prohibit the employment of women underground. Instead of doing that, the Honourable Member is now forcing the women workers to work not merely the number of hours that they want to work but 12 hours or up to the limit of 12 hours. Now, I ask, is that civilisation? Is that progress or is it not a definitely retrograde measure of which every public man should be ashamed?

Now, Sir, I have nothing more to add on this subject except to make an appeal to the Honourable Member. I know that his own instincts are very fine instincts, but unfortunately, even if you were to put the Lord Buddha or Sri Krishna or the Lord Jesus Christ into the chair of an Executive Councillor of His Excellency the Governor General he would probably not be able to do any better than the Honourable Members opposite are doing at the present moment. But there are certain things in the matter of Labour legislation in which we are a very backward country, in spite of the encomiums poured upon the Honourable Member's Department for what the International Labour Office has done and for their ratification of the recommendations of the International Labour Office. But they are minor things compared to the essential things before us. We have noticed time and again that whenever there has been any matter of urgency or importance to the workers, it has been shelved. Take the case of sickness insurance which we shall discuss presently. It has been shelved by the Government of India because it was a matter which vitally affected the health and welfare of the workers. The minor things we get; the major things are denied us; and even in this measure we are being denied a civilized standard of life for the average miner. The Honourable Member knows that between 1897 and 1920, whereas the retail price of wheat in the district of Purnea, which is a coal area, went up by 250 per cent., the miners' wages remained stationary. They were 54 of a rupee in 1897



and 50 of a rupee in 1920. The miner's condition to-day is not very much better than it was in 1920, and, although prices have gone up considerably, wages have not gone up as they should have gone up. You are taking advantage, the Honourable Member, the Government of India, the mine-owners are taking advantage, of the unorganised condition of the Indian miner in order to force a measure down his throat and down the throat of the Indian public which is, in my opinion, a measure which should never have been thought of.

**The Honourable Sir Bhupendra Nath Mitra:** Sir, my friend Mr. Chaman Lall has, as is customary with him on occasions like this, gone mostly off the rails. I was rather amused to find him make a somewhat similar complaint against my friend Mr. Das. My friend Mr. Joshi, I am pretty sure, knows fully well the correct position, and I should like to quote to the House a few words from a speech made by him in this House on the 30th January 1923:

"I have specially made the amendments moderate, putting the daily hours of work at such a high figure as 11, because I want to make the principle of the regulation of daily hours of work recognized. If there is any Member here who can show any other way of getting the same principle recognized, I shall be only too glad to accept his suggestion."

At another place he says:

"It is true that the miners will not like the regulation. Nobody likes any control, nobody likes any regulation when first introduced."

That, Sir, was in 1923. I fully admit that my friend Mr. Joshi's outlook has grown much wider in the last five years; but I think, as my friend Mr. Chaman Lall stated, the conditions and the habits of these unfortunate miners has not progressed, at least to that extent, during these five years. Now, Sir, this amendment of my Honourable friend was very fully discussed in the Select Committee, and the Select Committee have dealt with the matter at some length in their Report. There is no question of thrusting something down the throat of the miner. There is no question of taking any retrograde step. As matters now stand, there is no limitation, no maximum limit on the daily hours of work which a miner can put in. A miner may remain in a mine for 24 hours and if a Mines Manager is a party to that action he is not liable to be punished. The whole point of the measure before the House is, to quote again Mr. Joshi's words "to introduce some regulation in regard to the daily hours of work"; and I have not the slightest doubt that Mr. Joshi was perfectly correct when in 1923 he said that the miner would not like that regulation. In fact, in that respect, the conditions in India are different from the conditions in many other countries which my friend, Diwan Chaman Lall, had in mind. In England, the miner, if he is working underground, goes down in the cage at a stated hour. If he wants to go down after that hour is passed, he is not allowed to go down. He also comes up at a stated hour. If he is working above ground, there too his attendance is regulated by the clock. But what happens in India? The miner goes down into the mine at times which suit him, so long as he can manage to get a cage which will take him down. His habits unfortunately at the present moment are unpunctual and irregular, and we cannot by any legislation cure him of these habits. Mr. Joshi said that a miner could do his three tubs of coal in six hours, but that in order that he might work at ease and not be speeded up, he would allow him eight hours to do those three tubs. Now

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supposing we say that the maximum hours of work in a mine which does not work on the shift system are to be eight hours. Let us assume that those eight hours are to be from 8 o'clock in the morning to 4 o'clock in the afternoon. It is a fact and it is not an infrequent fact that the miner may not turn up till 10 o'clock. He then goes down, and thereafter in the time available he may not be able to do his three tubs. Who will be hit? The employer will not be hit, for he will put in more miners to provide him with his present output of coal, if it is a coal mine. It is the unfortunate miner who will be hit. He will be unable to earn the daily wages which he is now earning. Mr. Joshi has said that we are trying to put a premium on bad equipment and bad management, and by our legislation we are going to make the unfortunate miner suffer for the defects of the mine-owner and mine-manager. Now no legislation can correct the deficiency of the mine-owner or the mine-manager in this respect. As the Select Committee have brought out very fully in their Report, it may be that a miner will be able to produce his three tubs of coal in a specified time, call it six hours or seven hours or eight hours; but there must be this number of tubs available for him to fill. Now if in the case of some of these mines where the mine-owner has not got a sufficient amount of capital, the tubs are not available, who will suffer? Not the mine-owner, because he will put in a larger number of miners. The unfortunate miner, whose hours are restricted to eight and who probably works actually for only six hours or less, will find that there are not tubs enough for him to secure his usual outturn of three tubs in that period. The result will be that the mine-owner will not suffer. He will probably arrange for three shifts of eight hours each. The poor miner will probably fill up actually two tubs of coal in that period, and he will suffer, while the mine-owner will manage to get his previous output of coal and will not suffer in any way.

**Diwan Chaman Lall:** Then legislate for a minimum wage.

**The Honourable Sir Bhupendra Nath Mitra:** There is no question at present of a minimum wage. I rather prefer to confine myself to the subject before me. As we have said in this Report of the Select Committee, the miner receives payment at present at piece-work rates. It may be that when we get minimum wages and all sorts of other things, conditions may improve or may be different. But we have to look at the position with reference to the facts as they now stand and not what they may be at some future and distant date. That being so, it is absolutely in the interests of the miner, and of the miner alone, that the Select Committee came to the conclusion that we must proceed cautiously in the matter and let things adjust themselves before any further advance is attempted. As it is, in the Select Committee we paid little attention to the requirements of the mine-owner or mine manager. We were absolutely guided, everyone of us, by the effect of the legislation on the miners themselves. Mr. Chaman Lall said that the effect of this legislation will be that the miner will be compelled to work for 12 hours by Statute. As I have already said, a miner is employed at piece-work rates. If he does two tubs of coal and thereafter goes away, there is nothing to prevent his doing so. There is no question therefore of forcing him to work for 12 hours. Mr. Chaman Lall incidentally referred to the question of employment of women underground. Well, Sir, I am not in a position

to say what happened 38 years ago, because I was not then in the Government of India, but I know that ever since I took charge of my portfolio, I have been trying my best to introduce certain measures intended eventually to stop the employment of women underground. My friend Mr. Joshi and the other members of the Standing Advisory Committee are fully aware of the action which it is intended to take in that matter. It is possible that we have taken more time over this matter than I should have myself liked; but things in India as well as in other countries take time to move, and I entirely agree with what is stated in the Report of the Select Committee "that the safest course is to advance cautiously and to consolidate the position as we go along." I trust, Sir, that in view of the full explanation that I have given, the House will not accept Mr. Joshi's amendment which I cannot help opposing.

**Mr. President:** The question is:

"That in clause 2 (a) for the word 'twelve' the word 'eight' be substituted."

The Assembly divided:

AYES—22.

Abdul Matin Chaudhury, Maulvi.  
Abdullah Haji Kasim, Khan Bahadur  
Haji.  
Aney, Mr. M. S.  
Chaman Lall, Diwan.  
Chunder, Mr. Nirmal Chunder.  
Dutta, Mr. Srish Chandra.  
Gulab Singh, Sardar.  
Ismail Khan, Mr.  
Iswar Saran, Munshi.  
Jogiah, Mr. Varahagiri Venkata.  
Joshi, Mr. N. M.  
Kunzru, Pandit Hirday Nath.

Lajpat Rai, Lala.  
Mitra, Mr. Satyendra Chandra.  
Mohammad Ismail Khan, Haji  
Chaudhury.  
Murtaza Saheb Bahadur, Maulvi  
Sayyid.  
Rao, Mr. G. Sarvotham.  
Shafee, Maulvi Mohammad.  
Siddiqi, Mr. Abdul Qadir.  
Singh, Mr. Gaya Prasad.  
Singh, Mr. Ram Narayan.  
Sinha, Mr. Rajivaranjan Prasad.

NOES—46.

Abdul Aziz, Khan Bahadur Mian.  
Abdul Qaiyum, Nawab Sir Sahibzada.  
Ahmad, Khan Bahadur Nasir-ud-din.  
Allison, Mr. F. W.  
Anwar-ul-Azim, Mr.  
Ashrafuddin Ahmad, Khan Bahadur  
Nawabzada Sayid.  
Ayangar, Mr. V. K. Aravamudha  
Bajpai, Mr. G. S.  
Blackett, The Honourable Sir Basil.  
Bray, Sir Denys.  
Chatterjee, The Revd. J. C.  
Chatterji, Rai Bahadur B. M.  
Coatman, Mr. J.  
Couper, Mr. T.  
Courtensay, Mr. R. H.  
Crawford, Colonel J. D.  
Crerar, The Honourable Mr. J.  
Dalal, Sardar Sir Bomanji.  
Das, Mr. B.  
Gidney, Lieut.-Colonel H. A. J.  
Graham, Mr. L.  
Irwin, Mr. C. J.  
Jawahir Singh, Sardar Bahadur  
Sardar.

Kabul Singh Bahadur, Captain.  
Mitchell, Mr. D. G.  
Mitra, The Honourable Sir Bhupendra  
Nath.  
Moore, Mr. Arthur.  
Mukherjee, Mr. S. C.  
Neogy, Mr. K. C.  
Parsons, Mr. A. A. L.  
Rainy, The Honourable Sir George  
Rajah, Rao Bahadur M. C.  
Rao, Mr. V. Pandurang.  
Reid, Mr. A. B.  
Roy, Mr. K. C.  
Roy, Mr. S. N.  
Sams, Mr. H. A.  
Shamaldhari Lall, Mr.  
Shillidy, Mr. J. A.  
Suhrawardy, Dr. A.  
Sykes, Mr. E. F.  
Taylor, Mr. E. Gawan.  
Yakub, Maulvi Muhammad.  
Yamin Khan, Mr. Muhammad.  
Young, Mr. G. M.  
Zulfikar Ali Khan, Nawab Sir.

The motion was negatived.

**Mr. N. M. Joshi:** Sir, I beg to move:

"That in clause 2 (a) for the word 'twelve' the word 'ten' be substituted."

I am very sorry that this Assembly, which is supposed to represent the people of this country, with the help of this Government, which is supposed to protect the interests of the masses, and which in season and out of season call themselves the trustees of the working classes and of the masses (Ironical Cheers) of this country should have defeated my last amendment. Now, Sir, it is no good worrying myself over that defeat. I am quite willing to try my luck again. (*An Honourable Member:* "Yes, better luck next time"), and suggest to the House that, although they may have once committed a wrong in voting against my amendment that the hours should be kept at 8, they will not commit that sin again. (*An Honourable Member:* "There are some old sinners here.") I hope that the old sinners may once in a while adopt a better mode of living.

My amendment now meets all the objections which the Honourable Member may bring forward. Can he really now say that more than 10 hours time is necessary for the production of three tubs, even though some mine-owners may not have a sufficient number of tubs? I stated in my first speech this morning that three tubs can be produced in 6 hours work. There are now 4 additional hours to be accounted for, 2 for the unpunctuality of the miners and 2 for want of tubs. Sir, the Honourable Member in charge of the Department of Industries quoted a speech which I had made about five years ago in this House. I am quite sure that, if the Honourable Member had quoted me very correctly, he would have told this House that in that very speech I had made it quite clear that in my opinion the hours should be 8. I am quite sure he will find that point mentioned in my speech, but I moved an amendment for keeping the hours at 11 at that time because I knew that it was not possible to get from the House of that time anything more than what I had proposed. I had proposed at that time that the hours should be 11. Even at that time I did not suggest that the hours should be what Government are proposing now. Moreover, Sir, I have unfortunately a habit of progressing, and fortunately I have not yet adopted the attitude of Government of never making progress. I feel that times have changed during the last five years. If the Government of India had also kept a progressive frame of mind, I am quite sure if at that time 11 hours were good enough they may feel that in the year 1928, 12 hours must be regarded as reactionary. Now, Sir, this proposal of ten hours has been approved of by a large number of people who, I am quite sure, the Honourable Member in charge of the Department regards as very moderate and who, in his opinion, are very reasonable also. He knows my friend Mr. Roy Chowdhury and he has quoted him in this House as an example of reasonableness and moderation. I hope, Sir, he will read his opinion. He has suggested that the hours of work should be 10. Then, Sir, there is the Marwari Chamber of Commerce in Bombay which has suggested that the hours of work should be 10, and all those who are in favour of 8 are surely in favour of 10. I am really surprised that the Government should receive the support of what are called the elected Members of this Assembly in their reactionary attitude. They are not elected by the working classes or the masses in this country. They are elected by the income-tax payers. They therefore naturally support the capitalist cause. But, Sir, I want to appeal to them and ask them whether it is not their ambition that the people should regard them as

their representatives in this House. Let them therefore not be overpowered by the feeling that their electors, the income-tax payers, may not elect them next time if they support the cause of the working classes in this country.

**Mr. B. Das:** You are entirely wrong there.

**Mr. N. M. Joshi:** How am I wrong, the Honourable Member has not stated. Now let them once in a while remember that although they may have been elected by the capitalist class they are the only people who can safeguard the interests of the working classes in this House. There is no other Legislature in this country. This is the only Legislature, and these are the only gentlemen who are expected, if they are true to their professions of caring for the interests of the people of this country, to do some justice to the working classes of this country. I hope, Sir, that whatever they may have done on the last amendment they will support this amendment and allow the hours to be kept at 10.

**\*Diwan Chaman Lall:** Sir, I rise only to say just a few words on this subject. I think a very reasonable appeal has been made by my Honourable friend Mr. Joshi, and the Honourable Sir Bhupendra Nath Mitra ought to accept that appeal. But I want to make it perfectly clear that we on this side of this House deprecate the system of bringing up such an important measure as this on practically the last day of the Session. I think legislation of this far-reaching nature should have been brought in at an earlier stage of the Session than this. I think I am well within my rights in criticising the action of the Honourable Member in bringing in this legislation on the last day.

As far as the appeal of my Honourable friend Mr. Joshi is concerned, I think there can be no constitutional or technical objections or difficulty in regard to the acceptance of the suggestion made by him. After all what does it mean? It means that instead of 12 hours you have a working day of 10 hours. How is it going to dislocate the industry? How is a difference of two hours going to affect the industry? Bearing in mind all the arguments and objections that have been raised by the members of the Select Committee in regard to a day of 12 hours instead of 8 hours, I submit that this proposal would be a half-way house. It is not what we want, but it is something better than the 12 hour shift, and I appeal to the Honourable Member in charge to accept the proposal.

**The Honourable Sir Bhupendra Nath Mitra:** Sir, this again was a point which we carefully considered in Select Committee, as will be apparent from paragraph 5 of the Committee's Report. Before, however, proceeding to deal with the amendment itself, I should like to make one observation in regard to what fell from my Honourable friend, Diwan Chaman Lall? He complained of this Bill having been brought up before the House at this late stage. Well, Sir, if the Members of the House, and of his party in particular, were anxious to take an interest in this particular legislation, I submit that it was incumbent on them to attend the meeting of the House to-day.

Now, Sir, referring to the amendment itself, the reason why the Select Committee refused to accept that amendment was again the interests of

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\* Speech not corrected by the Honourable Member.

[Sir Bhupendra Nath Mitra.]

the miner and the interests of the miner alone. As I explained in connection with the previous amendment, this Bill, when it is placed on the Statute-book, will not compel the miner to work for 12 hours; on the other hand it will impose a penalty on the mine-manager who tries to work him for more than 12 hours. That is the precise object of this Bill. Within that maximum limit of 12 hours, if the miner can finish his three tubs in 6 or 7 or 8 hours, nothing prevents him from coming out. On the other hand, as I explained in connection with the previous amendment, if we pitch the maximum limit rather low, the effect may be that the miner may for some reason or other not succeed in filling his three tubs, and therefore in earning\*the wages which he is now earning. The whole point, Sir, as was stated by Mr. Joshi in 1923, is to introduce some regularity in the attendance of the miner. That being so, we in the Select Committee considered that the safest course which would be in the best interests of the miner would be to fix the maximum limit at 12 hours for the present; to allow conditions to stabilise themselves and thereafter reduce the minimum limit of 12 hours. In fact, the Select Committee definitely stated that the question of reducing the 12 hours' limit should be reconsidered in 1933, by when they hoped that the miner would have some time to adjust himself to this attempt to impose a regulation on his hours of attendance. In view of these facts, Sir, I am sorry that I am unable to accept Mr. Joshi's modified amendment and I am sure that the House will agree with me.

**Mr. President:** The question is:

"That in clause 2 (a), for the word 'twelve' the word 'ten' be substituted?"

The motion was negatived.

**Mr. N. M. Joshi:** May I, Sir, point out that we asked for a division?

**Mr. President:** The Honourable Member is too late.

**Mr. N. M. Joshi:** Well, Sir . . . .

**Mr. President:** The Honourable Member should have raised his voice.

**Mr. N. M. Joshi:** Well, Sir, I did not say that the Chair did not hear: I can only say that I asked for a division.

**Mr. President:** The question is:

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

The motion was adopted.

Clause 2 was added to the Bill.

**Mr. President:** The question is:

"That clause 3 do stand part of the Bill."

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

"That in clause 3, in the proposed new section 23A, the words 'in work of the same kind' be omitted."

Sir, the new sub-section 23A runs as follows:

"23A. Work shall not be carried on in any mine for a period exceeding twelve hours in any consecutive period of twenty-four hours except by a system of shifts so arranged that not more than one shift of persons employed in work of the same kind shall be at work in the mine at the same time."

Now, the object of this section is intended to see that no mine shall be allowed to work for more than 12 hours except by a system of shifts arranged in such a manner that no person can, without fear of detection, be employed for more than 12 hours in a day. Now, if this double object is to be secured, we must see that the shift system is properly arranged. If the number of persons who are working in one shift are doing the same kind of work, then certainly there will be no difficulty; but people belonging to one shift may be doing different kinds of work. For instance, there are people who cut the coal, while there are others who carry the coal. It is quite possible, therefore, that according to the present section, one shift of persons who cut the coal may begin at a particular hour, say at 8 and a shift of persons doing another kind of work, namely, carrying coal, may begin at 10 o'clock. Now, Sir, this system will cause confusion as far as the work of the inspecting staff in the mines goes. It is not very easy for the Mining Inspector to find out which people have begun work at 8 and which people have begun at 10. It is therefore right and proper that all the workers working in a shift should begin work at a particular time and should also stop at a particular time. At least the shift in respect of the principal workers, like those who cut the coal and those who carry the coal, should not be allowed to vary nor should the periods be different. This, Sir, is the object of my amendment, and I hope the House will accept it.

**The Honourable Sir Bhupendra Nath Mitra:** Sir, this again is a point which we discussed very carefully in the Select Committee and we were unable to accept the proposal of my friend Mr. Joshi. The matter is dealt with in paragraph 8 of the Report of the Select Committee. Mr. Joshi seems to be particularly influenced by considerations of making easy the task of the Inspection staff employed in the mines. Now, Sir, the people whose labours he wants to simplify apparently do not see any advantage in this amendment of my friend Mr. Joshi. On the other hand, as has been brought out in paragraph 8 of the Select Committee's Report, this amendment may lead to practical difficulties, for in that clause are mentioned certain classes of employes and there are certain other and more important classes like pumpmen, engine men and onsetters, whose work may be largely affected if Mr. Joshi's amendment were accepted by the House. Mr. Joshi is apprehensive that but for that amendment a person who begins with a certain class of work in a particular shift, may be transferred later on in the day to a shift which is engaged in some other class of work, with the result that in the aggregate his total hours of daily work may exceed the statutory maximum of 12.

Well, Sir, the provisions in clause 5 of the Bill will tend to prevent abuses of that kind because the hours of work of each person will have to be specified in the register to be maintained under that clause, and from the entries in the register it will not be difficult for the Inspector of Mines, when he visits that mine, to check whether any abuses of the type apprehended by Mr. Joshi are actually taking place. If other experience has been gained of the operation of the amended Act, it is found that Mr. Joshi's apprehensions have been justified and abuses are occurring, we may

[Sir Bhupendra Nath Mitra.]

have to devise some means of checking the abuse, but the particular amendment proposed by Mr. Joshi is, according to our information, unnecessary and will lead to practical difficulties from the point of view of working of the mines.

**\*Diwan Chaman Lall:** The Honourable Sir Bhupendra Nath Mitra surprises me. He says that clause 3 as drafted by his draftsman is perfect and that there is no likelihood of any evasion, and then he went on to say that if there are any, they will see to it. The question is obvious, and I am surprised that the Bill should be drafted as it is, and that this particular clause should be drafted as it is. I want to draw the Honourable Member's attention to the particular words of the clause, and I want to point out to him that it would be absolutely nullifying all that he wants to do if the clause is left as it is. Clause 3 says:

"23A. Work shall not be carried on in any mine for a period exceeding twelve hours in any consecutive period of twenty-four hours except by a system of shifts so arranged that not more than one shift of persons employed in work of the same kind shall be at work in the mine at the same time."

My Honourable friend Mr. Joshi wants to omit the words "of the same kind." It is obvious why he wants to omit them. Take the case of a digger and a carrier. They are obviously not doing work of the same kind. Take the case of a man and his wife working in the mine. She carries the coal on her head and he digs the coal. Suppose after 12 hours they change their position. They are not doing work of the same kind. These are the two most important people in the mine, the carrier and the digger, and yet, under this clause, you permit each one of these to take the place of the other. It is possible that there may be two men, one digging and one carrying, and there is nothing to prevent them changing their positions. You are not preventing that position in your Bill. You can prevent it if you accept Mr. Joshi's amendment, but without accepting it you cannot prevent such a sort of thing happening. If it is stated that the carrier's work and the digger's work amount to work of the same kind, I want any lawyer to consider this and to point out to me how it is possible for any construction to be placed upon this clause other than the construction that I am placing upon it, that there is the possibility of a reversal of the position of the carrier and the digger. If there is the possibility of that, what happens? Will there not be cases of evasion? The Select Committee themselves say:

"We consider that evasion by this means is unlikely."

They do not say that there never is likely to be any evasion. They are not so categorical as the Honourable Sir Bhupendra Nath Mitra. They say this is unlikely and if any instances should occur, they will be brought to the notice of the Government by the inspecting staff. I submit, Sir, that we are placing too much responsibility upon the inspecting staff. What should be done by law should not be left merely to the vigilance of the inspecting staff, and under the circumstances, the construction of the particular clause being what it is, I submit that the Honourable Member should accept the amendment of my friend Mr. Joshi.

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\* Speech not corrected by the Honourable Member.



**Mr. S. Lall** (Government of India: Nominated Official): Sir, I do not think that Mr. Chaman Lall is quite correct in what he said about the interchange of work between cutters and carriers employed in a mine. Section 23 of the Indian Mines Act as amended will provide that no person shall be employed in a mine for more than 12 hours in any consecutive period of 24 hours, and section 23A lays down that work shall not be carried on in a mine for a period exceeding twelve hours in any consecutive period of twenty-four hours except by a system of shifts. The Inspectors of Mines will be able to check this by means of the registers which will be required to be maintained under clause 5 of the Bill. I do not therefore think that clause 3, as it stands, will in any way enable mine-owners to employ any one for more than 12 hours. Further, as the Honourable Sir Bhupendra Nath Mitra has pointed out, the omission of the words "in work of the same kind" will seriously interfere with other classes of employees in mines, such as onsetters and pump men, who have to come to the mines and leave earlier than the miners. I think therefore that these words may be allowed to remain.

**Mr. President:** The question is:

"That in clause 3 in the proposed new section 23A the words 'in work of the same kind' be omitted."

(After cries of "Ayes" and "Noes.")

**Mr. President:** The Noes have it.

**Mr. Chaman Lall:** "Ayes" (in a low voice).

**Mr. President:** The Honourable Member will speak up if he wants a division.

**Mr. Chaman Lall:** The "Ayes" have it.

The Assembly divided:

AYES—19.

Abdul Matin Chaudhury, Maulvi.  
Abdullah Haji Kasim, Khan Bahadur  
Haji.  
Chaman Lall, Diwan.  
Chunder, Mr. Nirmal Chunder.  
Das, Pandit Nilakantha.  
Dutt, Mr. Amar Nath.  
Dutta, Mr. Srish Chandra.  
Gulab Singh, Sardar.  
Iswar Saran, Munshi.  
Jogiah, Mr. Varahagiri Venkata.

Joshi, Mr. N. M.  
Kunzru, Pandit Hirday Nath.  
Mitra, Mr. Satyendra Chandra.  
Murtuza Saheb Bahadur, Maulvi  
Sayyid.  
Rao, Mr. G. Sarvotham.  
Shafee, Maulvi Mohammad.  
Shervani, Mr. T. A. K.  
Singh, Mr. Ram Narayan.  
Sinha, Mr. R. P.

## NOES—40.

Abdul Aziz, Khan Bahadur Mian.  
 Ahmad, Khan Bahadur Nasir-ud-din.  
 Allison, Mr. F. W.  
 Ashrafuddin Ahmad, Khan Bahadur  
 Nawabzada Sayid.  
 Ayangar, Mr. V. K. Aravamudha.  
 Bajpai, Mr. G. S.  
 Blackett, The Honourable Sir Basil.  
 Bray, Sir Denys.  
 Chatterji, Rai Bahadur B. M.  
 Coatman, Mr. J.  
 Couper, Mr. T.  
 Courtenay, Mr. R. H.  
 Crawford, Colonel J. D.  
 Crerar, The Honourable Mr. J.  
 Dalal, Sardar Sir Bomanji.  
 Das, Mr. B.  
 Graham, Mr. L.  
 Irwin, Mr. C. J.  
 Jowahir Singh, Sardar Bahadur  
 Sardar.  
 Kabul Singh Bahadur, Captain.

Mitchell, Mr. D. G.  
 Mitra, The Honourable Sir Bhupendra  
 Nath.  
 Moore, Mr. Arthur.  
 Mukherjee, Mr. S. C.  
 Neogy, Mr. K. C.  
 Parsons, Mr. A. A. L.  
 Rainy, The Honourable Sir George.  
 Rajah, Rao Bahadur M. C.  
 Rao, Mr. V. Pandurang.  
 Reid, Mr. A. B.  
 Roy, Mr. K. C.  
 Roy, Mr. S. N.  
 Sams, Mr. H. A.  
 Shamaldhari Lall, Mr.  
 Shillidy, Mr. J. A.  
 Sykes, Mr. E. F.  
 Taylor, Mr. E. Gawan.  
 Yamin Khan, Mr. Muhammad.  
 Young, Mr. G. M.  
 Zulfiqar Ali Khan, Nawab Sir.

The motion was negatived.

**Colonel J. D. Crawford** (Bengal: European): Sir, with your permission I should like, on behalf of my friend Sir Walter Willson to move the amendment standing in his name.

**Mr. President:** Such a procedure is not justified by any Standing Order or Rule.

The question is:

“That clause 3 do stand part of the Bill.”

The motion was adopted.

Clause 3 was added to the Bill.

Clauses 4, 5, 6 and 7 were added to the Bill.

**Mr. President:** The question is:

“That clause 1 do stand part of the Bill.”

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

“That in clause 1 (2) of the Bill for the words and figures ‘7th day of April, 1930’ the words and figures ‘1st day of April, 1929’ be substituted.”

Now, Sir, I do not understand why the Government of India should propose that the operation of this Bill should begin from the 7th day of April 1930. I can understand, Sir, why they should not begin on the 1st day of April, but I cannot understand why they should be so

particular about the year 1930. If they do not want to begin the operation on the 1st of April, let them begin on the 7th of April of the year 1929. Sir, the only point mentioned by the Select Committee in their Report is that the mine-owners should have some time to adjust themselves to the change and which is simultaneous with the other change which the Government of India propose, namely, the prohibition of the employment of woman labour. Now, Sir, I would like this House not to be deceived by the fears which the Select Committee try to inculcate in their mind. Let them remember what the proposals about the prohibition of women working underground are. The Government of India propose to prohibit the employment of women underground in ten years' time. They do not propose to prohibit the employment of women at once or in two years' time, and let them consider that the total number of women working underground in India is about 30,000, and the Government of India propose that every year their number should be reduced by one-tenth. So in the year 1930, when the Bill will come into operation, the number of women to be reduced is about 3,000. These 3,000 women are distributed over a large area, and I cannot understand what readjustments are necessary in order that the labour of three thousand women all over the mines in India should be substituted by the labour of men. I do not think, Sir, that there is any adjustment necessary to be made when the proposal for the prohibition of the employment of women underground is to take effect so gradually. I therefore hope that the House will accept my amendment.

**The Honourable Sir Bhupendra Nath Mitra:** Sir, this, again, is a matter which we very carefully considered in Select Committee, and the views of the Select Committee are embodied in paragraph 2 of their Report. The arguments used by Mr. Joshi are precisely the same as those which he placed before the Select Committee, and he has brought forward no new argument at all. That being the position, I am unable, on behalf of the Government, to accept the amendment. I am pretty sure that the House will, in view of the very weighty considerations urged in paragraph 2 of the Select Committee's Report, negative the amendment.

**Mr. President:** The question is:

"That in clause 1 (2) of the Bill for the words and figures '7th day of April, 1930' the words and figures '1st day of April, 1929' be substituted."

The Assembly divided:

AYES—16.

Abdul Matin Chaudhury, Maulvi  
Chaman Lall, Diwan.  
Chunder, Mr. Nirmal Chunder.  
Das, Pandit Nilakantha.  
Dutt, Mr. Amar Nath.  
Dutta, Mr. Srish Chandra.  
Gulab Singh, Sardar.  
Joshi, Mr. N. M.  
Kunzru, Pandit Hirday Nath.

Mitra, Mr. Satyendra Chandra.  
Mohammad Ismail Khan, Haji  
Chaudhury.  
Murtuza Saheb Bahadur, Maulvi  
Sayyid.  
Shafee, Maulvi Mohammad.  
Shervani, Mr. T. A. K.  
Singh, Mr. Ram Narayan.  
Sinha, Mr. R. P.

## NOES—35.

Abdul Aziz, Khan Bahadur Mian.  
 Ahmad, Khan Bahadur Nasir-ud-din.  
 Allison, Mr. F. W.  
 Ashrafuddin Ahmad, Khan Bahadur  
 Nawabzada Sayid.  
 Ayangar, Mr. V. K. Aravamudha.  
 Bajpai, Mr. G. S.  
 Blackett, The Honourable Sir Basil.  
 Bray, Sir Denys.  
 Chatterji, Rai Bahadur B. M.  
 Coatman, Mr. J.  
 Couper, Mr. T.  
 Courtenay, Mr. R. H.  
 Crerar, The Honourable Mr. J.  
 Dalal, Sardar Sir Bomanji.  
 Graham, Mr. L.  
 Irwin, Mr. C. J.  
 Kabul Singh Bahadur, Captain.  
 Mitchell, Mr. D. G.

Mitra, The Honourable Sir Bhupendra  
 Nath.  
 Mukherjee, Mr. S. C.  
 Parsons, Mr. A. A. L.  
 Rainy, The Honourable Sir George.  
 Rajah, Rao Bahadur M. C.  
 Rao, Mr. V. Pandurang.  
 Reid, Mr. A. B.  
 Roy, Mr. K. C.  
 Roy, Mr. S. N.  
 Sams, Mr. H. A.  
 Sarda, Rai Sahib Harbilas.  
 Shamaldhari Lall, Mr.  
 Shillidy, Mr. J. A.  
 Sykes, Mr. E. F.  
 Taylor, Mr. E. Gawan.  
 Yamin Khan, Mr. Muhammad.  
 Young, Mr. G. M.

The motion was negatived.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

**The Honourable Sir Bhupendra Nath Mitra:** Sir, I move that the Bill, as amended, be passed.

The motion was adopted.

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

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

DEMANDS FOR EXCESS GRANTS FOR 1925-26.

CIVIL.

*A.—Expenditure charged to Revenue.*

STAFF, HOUSEHOLD AND ALLOWANCES OF THE GOVERNOR GENERAL.

**The Honourable Sir Basil Blackett** (Finance Member): Sir I move:

"That an Excess Grant of Rs. 2,03,033 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted Grant in the year 1925-26 in respect of 'Staff, Household and Allowances of the Governor General'."

The causes of this excess were fully investigated by the Public Accounts Committee, as also the causes of the remaining Excess Grant. I do not know whether it is and will be the desire of the House that I should explain each. This extra expenditure, I may say quite shortly,

was due to more extensive touring, and, in particular, to expenses incurred just before the 1st April, in connection with the change in the Viceroyalty. Steps are being taken with a view to securing that even when extra expenditure is incurred, a supplementary estimate is produced in time before the end of the year to regularise such excess and thereby the irregularity of such an excess is avoided.

The motion was adopted.

#### EXECUTIVE COUNCIL.

**The Honourable Sir Basil Blackett:** Sir, I move:

“That an Excess Grant of Rs. 19,539 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted Grant in the year 1925-26 in respect of ‘Executive Council’.”

The motion was adopted.

#### PAYMENTS TO PROVINCIAL GOVERNMENTS ON ACCOUNT OF ADMINISTRATION OF AGENCY SUBJECTS.

**The Honourable Sir Basil Blackett:** Sir, I move:

“That an Excess Grant of Rs. 2,359 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted Grant in the year 1925-26 in respect of ‘Payments to Provincial Governments on account of Administration of Agency subjects’.”

The motion was adopted.

#### ADMINISTRATION OF JUSTICE.

**The Honourable Sir Basil Blackett:** Sir, I move:

“That an Excess Grant of Rs. 108 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted Grant in the year 1925-26 in respect of ‘Administration of Justice’.”

The motion was adopted.

#### POLICE.

**The Honourable Sir Basil Blackett:** Sir, I move:

“That an Excess Grant of Rs. 4,654 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted Grant in the year 1925-26 in respect of ‘Police’.”

The motion was adopted.

#### GEOLOGICAL SURVEY.

**The Honourable Sir Basil Blackett:** Sir, I move:

“That an Excess Grant of Re. 1 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted Grant in the year 1925-26 in respect of ‘Geological Survey’.”

The motion was adopted.

## OTHER SCIENTIFIC DEPARTMENTS.

**The Honourable Sir Basil Blackett:** Sir, I move:

“That an Excess Grant of Rs. 10,840 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted Grant in the year 1925-26 in respect of ‘Other Scientific Departments’.”

The motion was adopted.

## EDUCATION.

**The Honourable Sir Basil Blackett:** Sir, I move:

“That an Excess Grant of Rs. 13,712 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted Grant in the year 1925-26 in respect of ‘Education’.”

The motion was adopted.

## CIVIL VETERINARY SERVICES.

**The Honourable Sir Basil Blackett:** Sir, I move:

“That an Excess Grant of Rs. 5,598 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted Grant in the year 1925-26 in respect of ‘Civil Veterinary Services’.”

The motion was adopted.

## CENSUS.

**The Honourable Sir Basil Blackett:** Sir, I move:

“That an Excess Grant of Rs. 2,384 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted Grant in the year 1925-26 in respect of ‘Census’.”

The motion was adopted.

## EMIGRATION—EXTERNAL.

**The Honourable Sir Basil Blackett:** Sir, I move:

“That an Excess Grant of Rs. 3,680 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted Grant in the year 1925-26 in respect of ‘Emigration—External’.”

The motion was adopted.

## SUPERANNUATION ALLOWANCES AND PENSIONS.

**The Honourable Sir Basil Blackett:** Sir, I move:

“That an Excess Grant of Rs. 1,32,756 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted Grant in the year 1925-26 in respect of ‘Superannuation Allowances and Pensions’.”

The motion was adopted.

## REFUNDS.

**The Honourable Sir Basil Blackett:** Sir, I move:

"That an Excess Grant of Rs. 7,95,612 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted Grant in the year 1925-26 in respect of 'Refunds'."

The motion was adopted.

## POST AND TELEGRAPHS.

*B.—Expenditure charged to Capital.*

## CAPITAL OUTLAY ON INDO-EUROPEAN TELEGRAPHS.

**The Honourable Sir Basil Blackett:** Sir, I move:

"That an Excess Grant of Rs. 1,71,428, be voted by the Assembly to regularise the expenditure chargeable to capital actually incurred in excess of the voted Grant in the year 1925-26 in respect of 'Capital Outlay on Indo-European Telegraphs'."

The motion was adopted.

## RAILWAYS.

*A.—Expenditure charged to Revenue.*

## RAILWAY BOARD.

**Mr. A. A. L. Parsons** (Financial Commissioner for Railways): Sir, I move:

"That an Excess Grant of Rs. 5,000 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted Grant in the year 1925-26 in respect of 'Railway Board'."

The motion was adopted.

## INSPECTION.

**Mr. A. A. L. Parsons:** Sir, I move:

"That an Excess Grant of Rs. 28,000 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted Grant in the year 1925-26 in respect of 'Inspection'."

The motion was adopted.

## COMPANIES' AND INDIAN STATES' SHARE OF SURPLUS PROFITS AND NET EARNINGS.

**Mr. A. A. L. Parsons:** Sir, I move:

"That an Excess Grant of Rs. 1,52,000 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted Grant in the year 1925-26 in respect of 'Companies' and Indian States' share of Surplus Profits and Net Earnings'."

The motion was adopted.

## APPROPRIATION TO THE RESERVE FUND.

**Mr. A. A. L. Parsons:** Sir, I move:

"That an Excess Grant of Rs. 50,88,000 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted Grant in the year 1925-26 in respect of 'Appropriation to the Reserve Fund'."

The motion was adopted.

## DEMANDS FOR SUPPLEMENTARY GRANTS.

*A.—Expenditure charged to Revenue.*

## CUSTOMS.

**The Honourable Sir Basil Blackett** (Finance Member): Sir, I move:

"That a supplementary sum not exceeding Rs. 7,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1928, in respect of 'Customs'."

The motion was adopted.

## FOREST.

**The Honourable Sir Basil Blackett:** Sir, I move:

"That a supplementary sum not exceeding Rs. 10,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1928, in respect of 'Forest'."

The motion was adopted.

## INDIAN POSTAL AND TELEGRAPH DEPARTMENT.

**The Honourable Sir Basil Blackett:** Sir, I move:

"That a supplementary sum not exceeding Rs. 20,11,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1928, in respect of the 'Indian Postal and Telegraph Department'."

**Khan Bahadur Sarfaraz Hussain Khan** (Patna and Chota Nagpur *cum* Orissa: Muhammadan): I have a motion on this, Sir. It is:

"That the demand for a Supplementary Grant of a sum not exceeding Rs. 20,11,000 to defray the charges that will come in course of payment during the year ending the 31st day of March, 1928, in respect of the 'Indian Postal and Telegraph Department' be reduced by Re. 1."

**The Honourable Sir Bhupendra Nath Mitra** (Member for Industries and Labour): On a point of order, Sir. Is the Honourable Member justified on a Supplementary Grant in raising these general questions of policy?

**Mr. President:** What has the Honourable Member got to say in regard to the point of order?



**Khan Bahadur Sarfaraz Hussain Khan:** I do not see why I am not in order.

**Mr. President:** Can the Honourable Member say why he is in order?

**Khan Bahadur Sarfaraz Hussain Khan:** I have moved the motion and the Honourable Member raises an objection. He has to prove it; the burden of proof is on him.

**Mr. President:** I think the Chair must undertake the responsibility. In view of a large number of cuts that have been put down on these Supplementary Grants, I have taken some trouble to examine the question, and I invite the attention of the House to a summary of the position as stated in May's "Parliamentary Practice", page 536, which I will read to the House:

"Debate on supplementary and excess grants is restricted to the particulars contained in the estimates on which those grants are sought and to the application of the items which compose those grants; and the debate cannot touch the policy or the expenditure sanctioned, on other heads, by the estimate on which the original grant was obtained, except so far as such policy or expenditure is brought before the Committee by the items contained in the supplementary or excess estimates."

This is the practice of the House of Commons, and it has been followed by my predecessors on more occasions than one. I have also followed that practice since I have been in this Chair, but on one occasion it appears, when the question was raised on the spur of the moment, I happened to say that I had some doubt as to the correctness of the procedure and perhaps Honourable Members have been encouraged by that remark of mine to put down all these motions. I now rule that no questions of policy can be raised on Supplementary Demands for Grants except to the extent indicated in the summary I have read.

**Khan Bahadur Sarfaraz Hussain Khan:** May I say a word or two on something other than the question of policy?

**Mr. President:** The Chair has given its ruling.

The question is:

"That a supplementary sum not exceeding Rs. 20,11,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1928, in respect of the 'Indian Postal and Telegraph Department'."

The motion was adopted.

#### INDO-EUROPEAN TELEGRAPH DEPARTMENT.

**The Honourable Sir Basil Blackett:** I move:

"That a supplementary sum not exceeding Rs. 38,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1928, in respect of the 'Indo-European Telegraph Department'."

The motion was adopted.

INTEREST ON ORDINARY DEBT AND REDUCTION OR AVOIDANCE OF DEBT.

**The Honourable Sir Basil Blackett:** I move:

"That a supplementary sum not exceeding Rs. 8,28,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1928, in respect of 'Interest on Ordinary Debt and Reduction or Avoidance of Debt'."

The motion was adopted.

EXECUTIVE COUNCIL.

**The Honourable Sir Basil Blackett:** I move:

"That a supplementary sum not exceeding Rs. 23,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1928, in respect of 'Executive Council'."

The motion was adopted.

LEGISLATIVE BODIES.

**The Honourable Sir Basil Blackett:** I move:

"That a supplementary sum not exceeding Rs. 38,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1928, in respect of 'Legislative Bodies'."

The motion was adopted.

PUBLIC SERVICE COMMISSION.

**The Honourable Sir Basil Blackett:** I move:

"That a supplementary sum not exceeding Rs. 10,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1928, in respect of the 'Public Service Commission'."

**Mr. N. M. Joshi** (Nominated: Labour Interests): As regards the Public Service Commission, Sir, I want to ask the Government whether they propose to publish a report of the work of the Public Service Commission. This body has been appointed to do some important work, and it has been doing its work for some time now, and we are anxious to know what exactly they are doing. If we get a report from that body, we shall certainly be in a position to know something about their activities. I hope, therefore, the Government will accept my suggestion and publish an annual report of the work of the Public Service Commission.

**The Honourable Sir Basil Blackett:** In support of your ruling, Sir, I would ask that this question be not allowed to be asked in public at this stage. I have no doubt that the Honourable Member in charge will be prepared to tell Mr. Joshi the answer privately, but it does not fall within your ruling at this stage.....

**Mr. President:** The Honourable Member has already asked a question. The Honourable Member is perfectly entitled to decline to answer it.

**Mr. N. M. Joshi:** If there is a grant for a particular item, then certainly before I vote I am entitled to ask for some information, otherwise I am entitled to oppose it.

**Mr. President:** The Honourable Member is perfectly entitled to oppose it.

**Mr. N. M. Joshi:** I am going to oppose it.

**Mr. President:** The question is:

"That a supplementary sum not exceeding Rs. 10,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1928, in respect of the 'Public Service Commission'."

The motion was adopted.

#### SEPARATION OF ACCOUNTS FROM AUDIT.

**The Honourable Sir Basil Blackett:** I move:

"That a supplementary sum not exceeding Rs. 25,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1928, in respect of 'Separation of Accounts from Audit'."

The motion was adopted.

#### AUDIT.

**The Honourable Sir Basil Blackett:** I move:

"That a supplementary sum not exceeding Rs. 2,17,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1928, in respect of 'Audit'."

The motion was adopted.

#### ADMINISTRATION OF JUSTICE.

**The Honourable Sir Basil Blackett:** I move:

"That a supplementary sum not exceeding Rs. 15,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1928, in respect of 'Administration of Justice'."

The motion was adopted.

#### POLICE.

**The Honourable Sir Basil Blackett:** I move:

"That a supplementary sum not exceeding Rs. 4,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1928, in respect of 'Police'."

The motion was adopted.

#### MEDICAL SERVICES.

**The Honourable Sir Basil Blackett:** I move:

"That a supplementary sum not exceeding Rs. 35,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March 1928, in respect of 'Medical Services'."

**Mr. N. M. Joshi:** I propose to oppose this Supplementary Grant. Before I vote for it, I want to obtain, Sir, from Government some information about the Medical Research Fund. I want to know how that Medical Research Fund is constituted; I want to know how that Medical Research Fund is controlled, and I want to know how that Medical Research Fund is utilised. As far as my information goes, Sir, the money comes out of the public treasury.....

**Mr. G. S. Bajpai** (Secretary, Department of Education, Health and Lands): On a point of order, Sir. This Medical Research Fund comes under the next Demand, not under this one. The Research Fund is under No. 56, not under No. 55.

**Mr. N. M. Joshi:** Then, Sir, I shall make my speech on the next motion.

**Mr. President:** The question is:

"That a supplementary sum not exceeding Rs. 35,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1928, in respect of 'Medical Services'."

The motion was adopted.

#### PUBLIC HEALTH.

**The Honourable Sir Basil Blackett:** I move:

"That a supplementary sum not exceeding Rs. 48,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1928, in respect of 'Public Health'."

**Mr. N. M. Joshi:** Sir, as far as my information goes, this Medical Research Fund is built up.....

**Mr. G. S. Bajpai:** Again, Sir, on a point of order, with reference to the ruling which you gave just now. This particular Supplementary Demand which is being placed before the House relates to a specific and limited object, namely, the grant of a sum of Rs. 30,000 for malaria work. My Honourable friend raises the general question of the Research Fund Association and I would like a ruling as to whether the discussion is in order.

**Mr. N. M. Joshi:** As regards this point of order, what I want to say is, the Government of India have provided a sum of Rs. 30,000 for malaria, but it is for medical research work and I want to know what medical research work is being done, and who utilises that Fund. I am entitled to get information before I vote.

**Mr. President:** The Honourable Member may oppose the Grant. But he must confine himself to the merits of the particular Demand for Grant. He cannot travel outside it and raise questions of policy.

**Mr. N. M. Joshi:** I will not raise other questions, Sir.

**Mr. President:** The Honourable Member is raising them.

**Mr. N. M. Joshi:** I shall try my best to confine myself within the Demand.

**Mr. President:** If the Honourable Member raises questions which have nothing to do with the merits of the Demand he will not be allowed to do so.

**Mr. N. M. Joshi:** Sir, this Grant is intended for research as regards malaria, and I want to know, Sir, from Government, who is going to spend this money, whether the money is to be spent by private doctors or by I. M. S. officers. I am anxious that this Grant should be spent not by I. M. S. officers alone but should be also available for private doctors.

**Mr. President:** This is a question which the Honourable Member should have raised at the time of the General Budget.

**Mr. N. M. Joshi:** Unfortunately that question did not come up.

**Mr. President:** That is no fault of the Chair.

The question is:

"That a supplementary sum not exceeding Rs. 48,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1928, in respect of 'Public Health'."

The motion was adopted.

#### AVIATION.

**The Honourable Sir Basil Blackett:** I move:

"That a supplementary sum not exceeding Rs. 6,18,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1928, in respect of 'Aviation'."

The motion was adopted.

#### EMIGRATION—EXTERNAL.

**The Honourable Sir Basil Blackett:** I move:

"That a supplementary sum not exceeding Rs. 20,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1928, in respect of 'Emigration—External'."

The motion was adopted.

#### JOINT STOCK COMPANIES.

**The Honourable Sir Basil Blackett:** I move:

"That a supplementary sum not exceeding Rs. 9,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1928, in respect of 'Joint Stock Companies'."

The motion was adopted.

#### CURRENCY.

**The Honourable Sir Basil Blackett:** I move:

"That a supplementary sum not exceeding Rs. 16,84,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1928, in respect of 'Currency'."

The motion was adopted.

## SUPERANNUATION ALLOWANCES AND PENSIONS.

**The Honourable Sir Basil Blackett:** I move:

"That a supplementary sum not exceeding Rs. 4,53,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1928, in respect of 'Superannuation Allowances and Pensions'."

The motion was adopted.

## MISCELLANEOUS.

**The Honourable Sir Basil Blackett:** I move:

"That a supplementary sum not exceeding Rs. 7,70,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1928, in respect of 'Miscellaneous'."

**Pandit Motilal Nehru** (Cities of the United Provinces: Non-Muhamadnan Urban): I crave your permission to say a few words on this Grant. This sum of Rs. 7,70,000 includes a sum of Rs. 57,000 on account of the Statutory Commission and by acceding to this Grant the money that has been spent on the Statutory Commission will also be granted. This is the last echo of the Statutory Commission.....

**Mr. President:** The question of policy has been already raised and decided. The Honourable Member cannot raise the question of policy again.

**Pandit Motilal Nehru:** I am not doing anything of the kind. I am simply making a statement to explain the position in which we find ourselves to-day, so that our action in regard to this Grant may not be misinterpreted. This Assembly has already decided the question of principle on two occasions. The first was on the 18th February, when the Resolution was adopted declaring that this House will have nothing to do with the Commission at any stage and in any form. This was followed by the rejection of the budget estimate for the expenditure of the Commission for the ensuing year and thereby the same principle was affirmed. To-day we are asked to grant this sum of Rs. 57,000 which has already been spent in the current year on the Commission. What I wish to point out is that this Demand stands upon an entirely different footing to the Demand which was made in the Budget and therefore that we are wholly unconcerned with it. I wish to make it perfectly clear that whatever the decision of this House may be as to this item the earlier decisions of the House stand good and are in no way affected. Therefore, the position of my Party is that we are not at all interested in this Grant. We are taking no part in the discussion or in the voting of this Grant and the reason why we do so is that we are entirely unaffected. You have yourself been pleased to rule that the question of principle and policy does not arise on this Grant. That is all I have to say.

**Mr. M. S. Aney** (Berar Representative): In addition to what has been said by the Leader of the Swaraj Party, I only wish to add one more thing—that it is rather unfair to this House that Government should have

come forward with a supplementary Demand for this purpose at such a late stage. They probably counted upon the thinness of the House in carrying these things through. They had ample time to bring up these Demands earlier in the Session. They could have brought this forward on any official day even before the budget estimates were placed before the House, but they have chosen this hour for bringing this forward. I believe the House will be justified in recording its protest against the procedure and the manner in which Government has dealt with a question of such importance as that.

**Maulvi Muhammad Yakub** (Rohilkund and Kumaon Divisions : Muhammadan Rural): Sir, I want to raise a question on the point of order upon this Demand. My submission is, Sir, that supplementary Demand means a Demand which supplements any expenditure which was sanctioned first by the House.

**Mr. President:** The Honourable Member is wrong in his reading of the rules. A supplementary demand may be made when the amount voted in the Budget is found to be insufficient for the purpose as also when need arises for a new service not contemplated in the Budget for the year.

**Maulvi Muhammad Yakub:** Very well, Sir. There is another question and it is this, that when this House has already rejected the Demand for certain expenditure, is it permissible for the Government to ask for sanction again to spend money on the same thing when once the vote of the Assembly has been taken and the Demand has been rejected?

**Mr. President:** The Honourable the Leader of the Opposition has already pointed out the distinction between the two grants. It is not necessary, therefore, for the Chair to say anything more. The one was a grant for expenditure to be incurred; this is a grant for expenditure which has already been incurred.

**Mr. L. Graham** (Secretary, Legislative Department): Sir, there is one point I should like to make clear in response to Mr. Aney, who I think suggested that we have purposely delayed bringing forward these supplementary Demands until the members of his Party had gone away. Needless to say that is not the fact, but I thought it was right to take this opportunity of explaining the position. Supplementary Demands are always kept till towards the end of the financial year for reasons which are perfectly obvious. It is not till the end of the financial year that the exact sum required as a supplementary Demand is known, even approximately.

Another point is that Members have had quite adequate notice of this. We put forward a list of business showing the business to be transacted up to the end of the Session some days ago, and these supplementary Demands were first shown on the list for Monday, the 19th, which must actually have issued to Members on the previous Friday or Saturday. Members, therefore, I submit, have had adequate notice, and if they did not choose to stay it is not our business.

**Mr. President:** The question is:

"That a supplementary sum not exceeding Rs. 7,70,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1928, in respect of 'Miscellaneous'."

The motion was adopted.

MISCELLANEOUS ADJUSTMENTS: BETWEEN CENTRAL AND PROVINCIAL GOVERNMENTS.

**The Honourable Sir Basil Blackett:** Sir, I move:

“That a supplementary sum not exceeding Rs. 3,47,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1928, in respect of ‘Miscellaneous Adjustments between Central and Provincial Governments.’”

The motion was adopted.

REFUNDS.

**The Honourable Sir Basil Blackett:** Sir, I move:

“That a supplementary sum not exceeding Rs. 19,35,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1928, in respect of ‘Refunds.’”

The motion was adopted.

BALUCHISTAN.

**The Honourable Sir Basil Blackett:** Sir, I move:

“That a supplementary sum not exceeding Rs. 81,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1928, in respect of ‘Baluchistan.’”

The motion was adopted.

DELHI.

**The Honourable Sir Basil Blackett:** Sir, I move:

“That a supplementary sum not exceeding Rs. 62,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1928, in respect of ‘Delhi.’”

The motion was adopted.

*B.—Expenditure charged to Capital.*

CAPITAL OUTLAY ON SECURITY PRINTING.

**The Honourable Sir Basil Blackett:** Sir, I move:

“That a supplementary sum not exceeding Rs. 18,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1928, in respect of ‘Capital Outlay on Security Printing.’”

The motion was adopted.

IRRIGATION WORKS—NOT CHARGED TO REVENUE.

**The Honourable Sir Basil Blackett:** Sir, I move:

“That a supplementary sum not exceeding Rs. 16,77,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1928, in respect of ‘Irrigation Works—not charged to Revenue.’”

The motion was adopted.



## COMMUTED VALUE OF PENSIONS.

**The Honourable Sir Basil Blackett:** Sir, I move:

“That a supplementary sum not exceeding Rs. 6,68,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1928, in respect of ‘Commuted Value of Pensions’.”

The motion was adopted.

*C.—Disbursements of Loans and Advances.*

## LOANS AND ADVANCES BEARING INTEREST.

**The Honourable Sir Basil Blackett:** Sir, I move:

“That a supplementary sum not exceeding Rs. 4,93,45,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1928, in respect of ‘Loans and Advances bearing Interest’.”

The motion was adopted.

## DEMANDS FOR SUPPLEMENTARY GRANTS IN RESPECT OF RAILWAYS.

*A.—Expenditure from Revenue.*

## INSPECTION.

**Mr. A. A. L. Parsons** (Financial Commissioner, Railways): Sir, I move:

“That a supplementary sum not exceeding Rs. 27,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1928, in respect of ‘Inspection’.”

The motion was adopted.

## WORKING EXPENSES—ADMINISTRATION.

**Mr. A. A. L. Parsons:** Sir, I move:

“That a supplementary sum not exceeding Rs. 19,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1928, in respect of ‘Working Expenses—Administration’.”

The motion was adopted.

## COMPANIES' AND INDIAN STATES' SHARE OF SURPLUS PROFITS AND NET EARNINGS.

**Mr. A. A. L. Parsons:** Sir, I move:

“That a supplementary sum not exceeding Rs. 16,75,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1928, in respect of ‘Companies’ and Indian States’ share of surplus profits and net earnings’.”

The motion was adopted.

*B.—Expenditure charged to Capital.*

## COMMERCIAL LINES—NEW CONSTRUCTION.

**Mr. A. A. L. Parsons:** Sir, I move :

“That a supplementary sum not exceeding Rs. 1,09,93,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1928, in respect of ‘New Construction (Commercial Lines)’.”

The motion was adopted.

## OPEN LINE WORKS.

**Mr. A. A. L. Parsons:** Sir, I move :

“That a supplementary sum not exceeding Rs. 4,20,63,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1928, in respect of ‘Open Line Works (Commercial Lines)’.”

The motion was adopted.

*A. — Expenditure from Revenue.*

## APPROPRIATION FROM THE DEPRECIATION FUND.

**Mr. A. A. L. Parsons:** Sir, I move :

“That a supplementary sum not exceeding Rs. 1,20,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1928, in respect of ‘Appropriation from the Depreciation Fund’.”

The motion was adopted.

## APPROPRIATION TO THE RESERVE FUND.

**Mr. A. A. L. Parsons:** Sir, I move :

“That a supplementary sum not exceeding Rs. 3,11,68,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1928, in respect of ‘Appropriation to the Reserve Fund’.”

The motion was adopted.

*B.—Expenditure charged to Capital.*

## STRATEGIC LINES.

**Mr. A. A. L. Parsons:** Sir, I move :

“That a supplementary sum not exceeding Rs. 20,86,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1928, in respect of ‘Strategic Lines’.”

The motion was adopted.

RESOLUTION RE DRAFT CONVENTIONS AND RECOMMENDATION  
OF THE TENTH INTERNATIONAL LABOUR CONFERENCE  
REGARDING SICKNESS INSURANCE.

**The Honorable Sir Bhupendra Nath Mitra** (Member for Industries and Labour): Sir, I rise to move the following Resolution:

"That this Assembly, having considered the Draft Conventions and Recommendation adopted by the Tenth International Labour Conference, recommends to the Governor General in Council that he should not ratify the Draft Conventions nor accept the Recommendation."

Sir, during its tenth session held at Geneva last year, the International Labour Conference adopted two Draft Conventions and one Recommendation, the text of which will be found in the document which was circulated among Members of this House some days ago. In accordance with Article 405 of the Treaty of Versailles, to which India is an independent signatory, the Government of India have to submit these Draft Conventions normally within one year from the closing of the session, in this case the 16th June 1927, to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action. That, Sir, is the reason for my bringing before this House the Resolution which I have just moved.

The two Draft Conventions deal with the subject of sickness insurance, one for workers in industry, commerce and domestic service, and the other for agricultural workers, and they have been drawn up in identical terms. It will be seen from Article 1 of each Draft Convention that the ratification of a Convention by any member of the International Labour Organisation implies an undertaking on its part to set up a system of compulsory sickness insurance which shall be based on provisions at least equivalent to those contained in the Convention. The provisions referred to include cash benefits for a minimum period and certain medical benefits; they stipulate that the funds required for the purpose should be obtained from compulsory contributions from the insured persons and their employers, a contribution by the State being optional; and they prescribe that sickness insurance shall be administered by self-governing institutions under the supervision of the competent public authority, though the administration may be undertaken directly by the State where certain special conditions prevail. The scheme incorporated in either Convention contemplates that it should apply to *all* workers covered by each Convention, though it is permissible to make exceptions in a limited number of cases specified in the Convention, or in districts where, by reason of the small density and wide dispersion of the population and the inadequacy of the means of communication, the organisation of sickness insurance in accordance with the Convention is impossible. The Recommendation is a corollary to the two Conventions and explains in greater detail the principles under which the schemes of compulsory sickness insurance are to be administered. There are obvious and serious difficulties in the way of introducing in India in the near future any scheme of compulsory insurance for workers in industry, commerce and domestic service and agriculture on the lines contemplated in the Draft Conventions and Recommendation. Broadly stated, these difficulties arise from the migratory character of industrial and other labour; the anxiety of the labourer to go back to his village and his relations when he falls seriously ill rather than submit himself to treatment

[Sir Bhupendra Nath Mitra.]

on Western lines in hospitals at industrial and other centres; the want of qualified medical practitioners in sufficient numbers willing to take up the role of the country practitioner in Western countries; the existence of indigenous system of medicine; the opposition of the workers themselves to any system involving compulsory deductions from their pay; and the absence of self-governing institutions like properly organised trade unions through which the insurance could be administered, with the result that a costly machinery will have to be set up by Government for purposes of administration alone. The Government of India have no doubt that it will not be a practical proposition for some years to come to set up in India a system of sickness insurance which shall be based on provisions at least equivalent to those contained in the Draft Conventions. That being the position, Sir, the Government of India cannot ratify the Draft Conventions nor adopt the Recommendation; and I am sure this conclusion will be accepted by this House. At the same time, the Government of India are in full sympathy with the ideals which underlie these Draft Conventions and they feel that their position as a member of the International Labour organisation makes it incumbent on them to explore more fully the possibility of introducing some system of sickness insurance for a particular class of workmen or at particular centres. They propose to consult Provincial Governments who are primarily responsible for the welfare of labour in their territories as to whether it would be feasible to introduce a limited scheme of sickness insurance in this country either on the lines indicated in the Draft Conventions or on some other practical lines. On receipt of the replies from the Provincial Governments, the Government of India will discuss the matter further with the Standing Advisory Committee of the Legislature attached to the Department of Industries and Labour, and examine the question of the desirability of appointing a special committee for dealing with the subject. I should like to add that the line of action proposed has the approval of the Standing Advisory Committee of the Legislature attached to the Department of Industries and Labour with which I recently discussed the whole question.

Sir, I move.

**Mr. N. M. Joshi** (Nominated: Labour Interests): Sir, I move that at the end of the Resolution . . . .

**Mr. President:** I am not sure whether the amendment is in order.

**Mr. N. M. Joshi:** I do not feel doubtful; but if you give your ruling against it, I do not mind.

**The Honourable Sir Bhupendra Nath Mitra:** Before Mr. Joshi moves his amendment, I propose to submit for your ruling a point of order. The Resolution which I have moved raises a very definite issue, namely, whether the Government of India should ratify the Draft Conventions passed in the tenth session of the International Labour Conference. It does not cover the general question of sickness insurance. Mr. Joshi wants by his amendment to tag on to it a different issue altogether, and I submit, Sir, that the Resolution with the amendment tagged on to it will contravene the provisions of the proviso in paragraph 135 of the Manual of Business and Procedure of the Legislative Assembly in which it is stipulated that a

Resolution shall be clearly and precisely expressed and shall raise substantially one definite issue. That, Sir, is my submission and I should like to have your ruling on it.

**Mr. President:** Before giving my ruling, I should like to know what is the Honourable Member's view as to whether Mr. Joshi's amendment is within the scope of the Resolution or not.

**The Honourable Sir Bhupendra Nath Mitra:** My view clearly is that it is not within the scope of the Resolution. My Resolution is very clear. It raises only one substantial issue and that is that the Government of India should not ratify the Draft Conventions adopted at the Tenth Session of the International Labour Conference. That is the only substantial issue raised by my Resolution. There is no other issue involved in it.

**Mr. M. S. Aney** (Berar Representative): I rise on a point of information, Sir. May I ask the Honourable Member whether the points raised in the amendment are covered by the Draft Conventions or not?

**The Honourable Sir Bhupendra Nath Mitra:** The point raised in the amendment is not covered by the Draft Conventions.

As I said, Article 1 of the Draft Convention clearly lays down that any member who wants to ratify the Draft Convention undertakes an obligation of introducing in its territories a sickness insurance scheme which shall be based on provisions at least equivalent to those contained in the Convention. Mr. Joshi's amendment is directed to introduce in India a limited scheme of sickness insurance; therefore it is not covered by the Draft Conventions.

**\*Diwan Chaman Lall** (West Punjab: Non-Muhammadan): May I point out that after all is said and done the Honourable Member has introduced a motion that this Assembly having considered the Draft Conventions and Recommendation adopted by the Tenth International Labour Conference recommends to the Governor General in Council that he should not ratify the Draft Conventions nor accept the Recommendation. All my friend, Mr. Joshi, is trying to do is to bring in an amendment to the effect that a portion of those Draft Conventions in a modified form should be given effect to. The first Draft Convention, part III, is a Draft Convention concerning sickness insurance and insurance of agricultural workers, industrial and commercial workers and domestic servants, and Article 1 which the Honourable Member read out says that a compulsory system of sickness insurance shall be based on provisions at least equivalent to those contained in the Convention. Mr. Joshi does not agree with it, the Honourable Member does not agree with it. Mr. Joshi says, "Let us have something in a modified form". I cannot see how that can be ruled out of order. There is the Draft Convention before us. The Honourable Member says that this House should not accept that Draft Convention. Mr. Joshi says, "Let us accept that in a modified form". I cannot see how Mr. Joshi can, in the circumstances, be ruled out of order.

**Mr. N. M. Joshi:** The ratification of the Convention requires Government to take much larger action than my amendment makes them do. My amendment, therefore, cannot be outside the scope of the Resolution

\* Speech not corrected by the Honourable Member.

[Mr. N. M. Joshi.]

at all. I could certainly have moved an amendment that the Convention be ratified, which would have meant that Government should take action which is much larger than the one I ask Government to take. Therefore, Government cannot say my amendment is out of order.

**Mr. President:** Does the Convention deal with sickness insurance?

**Mr. N. M. Joshi:** Yes, insurance of agricultural, industrial, commercial and domestic workers. There is also a Recommendation which can be given effect to in a modified form, and it is open to me to suggest what action should be taken on that Recommendation. I therefore cannot see . . . . .

**Mr. President:** I think the Honourable Member may proceed.

**Mr. N. M. Joshi:** Thank you, Sir. I move :

"That at the end of the Resolution the following be added :

'but that he should take immediate steps to establish in India a compulsory system of sickness insurance, the application of which may for the present be confined to workers working in factories and in mines, and on organised and large-scaled plantations'."

Sir, I am very glad that the Honourable Member has brought forward this Resolution, but I cannot congratulate him upon the form in which he has put his Resolution. I thought, Sir, he would bring forward a Resolution asking this House to ratify the Conventions, but he has not done that. At the outset let me make it quite clear that I do not think myself that it is impossible to give effect to the Conventions and to the Recommendation in the present state of India. I do not think that the heavens will fall down if we ratify this Convention and legislate accordingly. I do not think any great disaster will befall the Government of India either.

**Mr. President:** Will there be any disaster if you don't ratify it?

**Mr. N. M. Joshi:** Yes, Sir, that is what I am pointing out. There will not be any disaster or calamity upon the Government of India or upon the people of this country if this is ratified, but on the contrary there will be a calamity and a disaster upon the working classes of this country if the Conventions are not ratified and the Recommendation is not given effect to. Now, what do these Conventions ask the Government of India and the people of this country to do? They ask that a compulsory system of sickness insurance be established for the benefit of industrial, commercial and domestic workers as well as for the benefit of agricultural workers in this country. The Recommendation makes it quite clear why the system of sickness insurance should be introduced by all Governments of the world. The first reason given is this, that it is not only in the interests of the workers themselves that they should maintain good health. Certainly it is to the interests of the workers that they should maintain good health, but it is made quite clear that it is in the interests of industry itself, it is in the interests of the community as a whole, that the workers engaged in industry, commerce and domestic service and also in agriculture should maintain good health, and in order that they should be protected during the period of sickness the Conventions require the Governments of the world to establish a system of compulsory insurance.

Sir, the Honourable Member in charge of the Department pointed out certain difficulties in the way of his giving effect to these Conventions and the Recommendation. The first difficulty which he pointed out was that labour in India is migratory. I do not understand the meaning of the phrase which he has used, that labour in India is migratory. What is the meaning of it? Does he mean that the workers in one factory in Bombay do not stick to that factory but go to another factory after six months' work or two years' work or three years' work, or does he mean that the workers in Bombay go to Sholapur or Ahmedabad for work? I want to know what is the meaning of that phrase. It is quite possible he may mean that the workers who live in a particular village go to Bombay where they work for three years and as other people find it necessary to have some rest and to recoup their health they go to their villages for a month or two to recoup their health. I do not think labour in India is migratory in any other sense except this that they work in a city for two or three years or more and then when they find their health beginning to suffer they go to their villages, live there for a month or two or three months and again go back to the city. This is the only interpretation I can put on the phrase which he has used. I do not think there is any other interpretation which can be true. If he means that labour in India is migratory in the sense that people in villages go to cities where they remain for two months and again go back to their village for ten years, and again after ten years go to the city, he is not correct. Labour in India is not migratory in that sense at all. Even if labour is migratory in one sense, namely, that they go from town to town or that they go to their villages for a few months, how does it make it difficult for Government to have some system of compulsory insurance? What the compulsory insurance system requires is that the contributions should be paid. If the contributions of the compulsory insurance are paid by the employers and the Government, at least these two parties are not migratory and they can always go on paying the compulsory insurance contributions. The only migratory element is the labourer and if he wants to keep up his claim to the insurance he will go on paying his contribution to the insurance fund. I do not see that there is much difficulty due to what is called the migratory nature of labour in India, and I do not admit for a moment that labour in India is migratory in some sense which is different from the one which I have explained.

Then, Sir, the Honourable Member pointed out another difficulty, and that difficulty was that in India there are not many trade unions which will manage the sickness insurance. Sir, it is not necessary that, in order to have a compulsory system of insurance, there should be trade unions in the country. I do not think there is any connection between the existence of trade unions and the existence of compulsory insurance for sickness, because the Convention itself and this report also makes it quite clear that if there are countries where labour is not organized then the proper course for that Government is that the Government itself should manage the insurance system. That has been provided by the International Labour Conference itself. They anticipated that there may be some countries in the world where labour may not be thoroughly organized and therefore they pointed out that in such countries it was the business of the State to manage the insurance system. Of course if there are trade unions in the country, the work of distributing the benefits and the work

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of collecting contributions will be done through the trade unions; otherwise that work will have to be done by the Government agency; but it can be done. Sir, India is not the only industrial country in the world. There are other industrial countries and there are also some countries in Asia itself who have already introduced this compulsory system of sickness insurance. Take Japan for instance. There is a system of sickness insurance which is applicable to all the factory workers and some other kinds of workers also; and that system has been in existence now for some time, and if Japan, which is considered to be a country where the labour conditions are not as good as ours, and where labour legislation is not considered to be as advanced as ours, could establish a system of sickness insurance, I do not know why the Government of India cannot do it. I do not think the Government of India is going to admit that it is a government which is less progressive or more reactionary than the Japanese Government. Moreover, I do not think anybody can say that labour is better organized in Japan than in India. I am quite willing to challenge any one to prove that labour in Japan is more organised or better organized than it is in India. If Japan, without much labour organisation, can establish a sickness insurance system, I do not know why India should not do it and could not do it. Sir, I therefore think that the difficulties pointed out by the Honourable Member are not very great and they need not weigh much with the Members of this Assembly.

There is one thing which I wish to say to the Members of this House and it is this: that the Assembly is quite anxious, and very rightly too, for the development of industries in India. But let them remember this, that if industrial development is to take place in our country, it must take place on right lines, because an industry does not consist only of the money which is invested in that industry; the industry consists of the people who work in that industry. The industrialists take good care about the machinery which they use. They have a sinking fund and a depreciation fund; they also appoint men to take care of the machinery, oil it and keep it in order. Now, Sir, more than machinery, the industry requires men. Is it not necessary and is it not in the interests of the industry itself that the men who are to work in that industry should maintain good health? And if it is in the interests of the industries that the men who are working should maintain good health, is it not the duty of the industry and of the Government to take all measures in order that the men working in that industry may maintain good health?

**Mr. K. Ahmed** (Rajshahi Division: Muhammadan Rural): Who will pay for that?

**Mr. N. M. Joshi**: I am coming to that. Now, Sir, when a country begins to develop industries there is a change in the life of men. Before the industrial development or before men go to a city for industrial work, they live in their villages; they are in the midst of their relatives and neighbours and if a man becomes sick and if the sickness is unprovided for, his relatives and even his neighbours might take care of him. But when a man goes to an industrial city like Bombay and becomes sick, he is completely unprovided for. There is practically nothing out of which during his sickness he can get some medical help or some money for his own maintenance. Unfortunately Honourable Members who are sitting



on this side, Sir, do not realise the difficulties of people like the industrial workers in this country. When they become sick, they get no pay, whereas Government officials get sick leave on full pay for one, two or three months or even for six months, and I am told they can get leave up to 18 months.

**Lieut.-Colonel H. A. J. Gidney** (Nominated: Anglo-Indian): Not on full pay.

**Mr. N. M. Joshi**: Not on full pay, but at least on half pay. So, Sir, they do not realise the difficulties of industrial workers. The sickness of Government officers is very well provided for at the cost of these very poor men, but when it is a question of providing for poor people at whose cost these Government officers enjoy full pay, they say that there are insuperable difficulties. But were there no difficulties when the Government of India thought of framing rules for giving their servants sick leave? And if those difficulties were somehow overcome, it should not be difficult for them to overcome the difficulties that may exist in the way of establishing sickness insurance fund for the working classes. Then, Sir, when these poor people go to big cities and when they fall ill, they naturally require more money, whereas if they are sick they get nothing at all. In Bombay, for instance, when a man falls sick his pay is stopped. When he begins to work he gets his pay, but so long as he is sick and does not work he gets nothing. Now, as is well known, everybody wants a little more for his expenses during his sickness, because he wants some medicine, some milk, and the doctors nowadays advise him to take fruit instead of eating rice. Therefore, when he is asked to spend more money during his sickness, his pay is stopped. This kind of thing cannot be allowed to continue and it is not in the interests of the industry itself.

I therefore think, Sir, that this House should not accept the Resolution moved by my friend in charge of the Industries Department but should accept it along with my amendment, because then only a beginning of the sickness insurance fund will be made in India. I am not asking that all the industrial workers in the country should be brought within the scope of that insurance system all at once. I am merely asking that for the present the sickness insurance system should apply to the workers in factories who number about twenty lakhs of people out of thirty crores. Then I have also suggested that a few hundred thousand people working in Indian mines should be brought within the scope of that system. I have also suggested that the system for the present need not apply to all agricultural workers, but it is quite possible to apply it to agricultural workers on organized and large scale plantations similar to those which exist in Assam, Coorg and Madras. In my judgment, Sir, there is absolutely no difficulty to introduce this scheme, because it will be a very small scheme and will apply to about four million people in all, and a scheme like that is certainly workable and can be made to work successfully. Moreover, the scheme is not likely to cost as much as is made out. After all, if the scheme is applicable only to four million people, it will not cost a great deal, and even if it costs something, it is worth while doing it. We are all anxious to develop industries, and for that reason we must take care of the people who are to develop those industries. We cannot grudge to spend money. Moreover, Sir, I would like to ask the Government of India to introduce a system of insurance which is non-contributory, that is to say, the Government and the employers should

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bear all the costs. But, Sir, if the Government and the employers are anxious that the worker also should contribute a small portion out of his small wages I shall not be against that scheme if it becomes necessary, because I feel that the worker, by contributing a small portion required for the establishment of the sickness insurance system, will be doing some good to himself. I am therefore anxious that some system of sickness insurance should be established even though that system be a contributory system. On the whole, Sir, the establishment of the sickness insurance system will not cost very much and the cost may be divided between the Government and the employers and, if necessary, the workers also. I hope therefore that the House will consider that this question is not only in the interests of the workers themselves but, as the Convention itself has made it quite clear, it is in the interests of the whole community, it is in the interests of industry and it is in the interests of the country. I therefore hope that my amendment will be accepted by this House.

\***Diwan Chaman Lal:** Sir, Mr. Joshi in a very eloquent speech has placed the cause of the workers of India before this House and I hope he has sufficiently convinced the Honourable Sir Bhupendra Nath Mitra that the hopes he has been building on of getting the unanimous support of this House are hopes that are rather too premature. The question raised by Sir Bhupendra Nath Mitra in his very brief speech is briefly this. He says it is not possible for us in this country to have a sickness insurance system for three reasons. The first reason is that Indian labour is migratory. I want to ask him if that is so and if that is a fact. You hear it said everywhere that Indian workers are prone to be migratory. If it is true, how does it, I ask, prevent the Honourable Member from bringing in any scheme for sickness insurance in this country? If a man works in Bombay to-day and has his sickness card with him, and goes off to Poona the next day, how does it prevent the Honourable Member, in the scheme that has been adumbrated, from giving him the sickness insurance that he deserves in Poona? Does the Honourable Member not know that there is a similar scheme for sickness insurance in England? Every worker there has the right of getting his card, paying his insurance money down, and then he has got the right to medical aid wherever he may be. If this happens in other countries, surely it can happen in this country. How is it, I ask again, an insuperable difficulty for the Honourable Member merely because it is said that Indian labour is migratory?

The second difficulty that the Honourable Member foresaw was this. He says there are indigenous systems of medicine and it would be difficult to bring in any sickness insurance. Am I to take it that the people of this country have with one voice declared against any system of medicine except their own indigenous system? Am I to take it that the Honourable Member is not going to give encouragement to the indigenous system of medicine for the worker if he wants to be treated by a Hakim rather than by my friend Colonel Gidney? Is the Honourable Member going to prevent him being treated in that way? It is his look out. It is for the Honourable Member to have his panel of doctors whether they be Indians working on the Indian system or Indians working on the European system, or Englishmen working on the European system. It makes no difference what system is adopted. The question is, how to give relief. How is it

\* Speech not corrected by the Honourable Member.

going to prevent him from giving relief to the workers and how is it an insuperable difficulty in giving sickness insurance to the workers in this country? In this connection, before I go on, I should like to say that if the Government were to hold this view, I think the Department of which my friend Mr. Bajpai is Secretary ought to be abolished. I do not want him to look so absolutely flabbergasted at the idea.

**Mr. G. S. Bajpai** (Secretary, Department of Education, Health and Lands): On the contrary, Sir, I was looking away.

**Diwan Chaman Lal**: If you are against the indigenous system, and if it is the indigenous system that is preventing you from giving sickness insurance to the workers, then abolish the indigenous system and let us have the European system. The other corollary is, let us have the indigenous system and abolish the other system. That is not an argument for preventing workers from getting relief whether it is on the indigenous basis or on the European basis.

The third objection was this—that it was not a practical scheme. It would not be in the fitness of things that any scheme which the popular party demands should be considered by Government to be a practical proposition. It would not be in the fitness of things that any scheme should be adopted which would make India a first rate nation instead of the tenth rate nation she is to-day. It is the deliberate object of the British Government to keep this country down, to keep it as an uncivilised country, to keep it away from all the amenities of civilisation that obtain in other countries. The simple reason is that this is a no man's land so far as they are concerned. When the members of the Civil Service went mentally sick, they demanded more pay and a crore and a half was taken out of the coffers of India and handed over to them. Here are the workers of India demanding a little more in the shape of wages and comforts and social amenities and the reply of the Honourable Member to that is that they cannot do it because it is not a practical scheme. I ask the Honourable Member, what is a practical scheme? Here is a verdict given by the International Labour Office by 97 votes to 9 and employers, employees and the Government have voted in favour of it. That is a scheme which has been carefully thought out and considered to be a practical scheme by employers, employees and the official delegates, and yet the Honourable Member there asks us to throw this Draft Convention into the waste-paper basket. He knows the feeling in this country. We know that the average life of the Indian worker is somewhere about 23½ years. That is due to the rapid development of epidemics in this country. Plague, cholera and every conceivable kind of epidemic are carrying away millions in this country. People who would be living to-day have been wiped off by these preventible diseases. It is very easy to die in this country and it is very difficult to live and yet the Honourable Member is making it difficult for people to live by not bringing in a scheme of this nature. The Honourable Member knows that if there is a country in the world which needs assistance in this matter it is India. I may in this connection inform the House that Dr. Nair in a statement before the Factory Labour Commission compared the average weight of an Indian worker with the weight of an average prisoner in His Majesty's prisons. That shows only one thing, that that worker in India whose weight is less than even that of a prisoner in His Majesty's jails is more prone and subject to all sorts of diseases, which diseases are

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preventible and can be avoided if the Honourable Member will only make provision to give medical relief to the worker.

Now, the Honourable Member no doubt has read this Bulletin which his Department has issued. The arguments he has placed before us are arguments which I find in this very Bulletin. The Honourable Member has one great fault; he is not original. All his arguments are to be found on page 16 of this Bulletin. The objections, as the Bulletin states, briefly are, the migratory character of industrial labour, the want of qualified medical practitioners in sufficient numbers, the existence of indigenous systems of medicine and the opposition of the workers to any system involving compulsory deductions from pay. I challenge the Honourable Member to come along with me to any duly constituted trade union and I will get him a verdict in favour of payment of sickness insurance. I do not know where he gets his facts from, whether they are manufactured in his office, in the rooms of the Secretariat or not I do not know. But I say that it is a libel upon the workers of India to say that they are not willing to pay their quota, if necessary, in order to obtain the relief which they badly need. Go outside a town like Lahore, only three miles outside—I took Dr. Rutherford out to a village only three miles out of Lahore, he mentioned it in his book, and he found there no arrangements whatsoever for any sort of medical relief for the villager. And when he asked the peasants what they did in the case of sickness they said when they were very ill they were put on a charpoy and taken to the general hospital at Lahore. That is the position of the agriculturist. What provision is the Honourable Member making for that? In all the 750,000 villages in India how many of the villages can afford to obtain medical advice and treatment for the peasants in those villages? Talk about prosperity! I think any man who talks about the prosperity and civilisation of India under your rule ought to be ashamed of himself. You know perfectly well that no arrangements whatsoever are made for the agricultural workers in the villages to give them medical relief. You talk about the experiments you have made down here in Gurgaon! Go down to those villages yourself, only 35 miles from here, and see the condition of those villages. There is nothing to be proud about after 180 years of British rule in this country. I say deliberately that this is but one step towards the civilization of these people. I care not that much for Swaraj in this country, but I do care for Swaraj for the worker—not the Swaraj for which people clamour, but the real Swaraj, which means better conditions of life and work for the workers of this country. But when we ask you to give us those conditions, what do we find? A stone wall staring us in the face, and speeches like the one which the Honourable Member made just now, speeches which make me feel that although he has a soft heart he sometimes forgets that after all he is a human being, a human being in a country of millions of human beings. He must remember that the cry of the poor in this country is the only cry worth listening to, not the cry of the witness who turns round and says, as Mr. Birla turned round and said at Geneva:

“In the general discussion which followed Mr. Birla explained the attitude of Indian employers. He said that they were not in favour of compulsory insurance, which would place too heavy a burden on Indian industries.”

I say that if Indian industries cannot bear this burden, which is very small, those industries are not worthy of your support or the support of

any decent man. What is it after all that we are demanding? A very small thing, namely, that the employer should contribute under the scheme as well as the employee, and that the Government should come in and assist them; because under the Draft Convention it is left to the choice of each Government to go in and help or not help. Now here is a country, India, which is definitely in a position or ought to be in a position to help a scheme forward of this nature: and if the Government were to help a bit and contribute, then the employees would get this scheme working straightaway. What is it that my friend, Mr. Joshi, wants after all? Whereas you have already got the Indian Factories Act on the Statute-book and you find no difficulty, no practical difficulty in working that Act and in applying that Act to the workers who are covered by the provisions in that Act, he is merely asking you to apply similar legislation to those very workers who are working here. Just as you find no difficulty in applying the provisions of your Indian Factories Act, you will find no difficulty whatsoever in applying the provisions of that Act to the workers covered by that Act, and I see no difficulty whatsoever . . . .

**Mr. President:** Order, order. If the Honourable Member wants to continue longer, I should like to adjourn till to-morrow.

**Diwan Chaman Lall:** No, Sir. I will bring my remarks to a close. I have nothing more to say on the subject except merely to remind the Honourable Member that now that he is going to refer this matter to Local Governments for their opinion, would he be good enough to get their opinions at the earliest date possible and take a step forward, a jump forward,—take his reputation in his hands, never mind if he loses his reputation, but do the great thing that he owes to the workers of India. (Applause).

**The Honourable Sir. Bhupendra Nath Mitra:** Sir, my friend, Diwan Chaman Lall, when he was delivering his speech, was probably under the impression that he was addressing a future gathering at Geneva in the role of the employees' delegate. He delivered a very eloquent speech, but unfortunately, as usual, he was mostly irrelevant and inaccurate in various matters, if I may say so in all humility. Further, I did not gather what he was really driving at, because he ended up by saying that if I was going to refer the matter to Provincial Governments, I ought to see that we received their replies promptly and that thereafter I ought to proceed to make serious efforts to get something done. Well, that, Sir, is something different from Mr. Joshi's amendment, which wants this House to recommend to the Governor General in Council to take immediate steps to establish in India a compulsory system of sickness insurance, etc., etc. Then again in the course of his speech my friend, Diwan Chaman Lall took me to task for having stated that there were difficulties in the way of India's ratifying the Draft Conventions passed at the tenth session of the International Labour Conference because in the speech which I made earlier I was dealing only with the question of ratifying these Conventions. Apparently even my Honourable friend Mr. Joshi does not seriously urge that India is in a position to ratify those Conventions. I shall next turn to the more serious discourse of my friend, Mr. Joshi. What he said was certainly not new to me nor to any Member of this House who was present at the meeting of the Standing Advisory Committee at which we discussed this matter very fully. Mr. Joshi's first question was: he did not understand what

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was meant by labour in India being migratory. The matter is perfectly simple, Sir. Now let us assume that we have ratified these Draft Conventions. The compulsory scheme of insurance embodied in these Draft Conventions applies to domestic servants. I know that a certain class of servants whom I employ come from the Kangra Valley. They come and serve with me for probably two or three years and they go away to their homes and do not turn up for the next two or three years. Now, Sir, I cannot imagine how I am going to start a workable scheme of sickness insurance for men of that class. Take certain groups of industrial labourers. The labourers in the jute mills in and around Calcutta, I believe come mostly from the Oriya-speaking country or from the United Provinces. On a certain occasion I examined not in detail but broadly the conditions under which they live; and I gathered that whenever they fall seriously ill instead of agreeing to be admitted into a hospital in or about Calcutta they prefer to go back to their homes as I mentioned in my previous speech. I am pretty sure that any of my Honourable friends in this House who know the habits of these labourers and who is not an absolute idealist like my Honourable friend Mr. Joshi will bear out the correctness of my statement. Take for example the coalfields. The labourers there come largely either from the Santhal Parganas or the Chhattisgarh Division of the Central Provinces. There too the position is the same. Therefore, Sir, it is a fact that the migratory nature of industrial labour in India constitutes one drawback in the way of establishing any compulsory scheme of insurance.

**Diwan Chaman Lall:** Establish a scheme for 20,000 railway workers.

**The Honourable Sir Bhupendra Nath Mitra:** In fact the migratory nature of the labour leads to another difficulty. Now, let us confine our attention to that servant of mine who comes from the Kangra Valley. He falls ill and wants to go home. He says, "Well, I do not want to be treated here in a hospital; I prefer to get to my village". He goes to his village. Thereafter it will be practically impossible to watch when he recovers from his illness and whether on recovery he has not started earning wages, say, as an agricultural labourer.

**Mr. K. Ahmed:** This is not agricultural but industrial labour.

**The Honourable Sir Bhupendra Nath Mitra:** No. My friend has overlooked that these two Draft Conventions apply to all sorts of occupations. They apply to agriculture; they apply to industries; they apply to commerce; and they apply to domestic service. Even my friend Mr. Joshi's amendment, though it rules out domestic service and rules out agriculture in general, still applies to agricultural labourer of certain classes, and I was dilating on that illustration of the domestic servant, because the conditions in the case of certain classes of industrial workers are more or less the same. Take, for example, one of these labourers in the jute mills of Calcutta. When he falls ill, he goes back to his village, say, in Ganjam.

**Mr. K. Ahmed:** If he is ill, he cannot move.

**The Honourable Sir Bhupendra Nath Mitra:** As it is, he does move, rather than stay on in Calcutta in any of the hospitals.

**Mr. K. Ahmed:** Treat him as long as he is there.

**The Honourable Sir Bhupendra Nath Mitra:** Generally speaking, he would refuse to submit himself to the medical treatment.

**Mr. K. Ahmed:** No. On the other hand, he receives medical treatment from the factory.

**The Honourable Sir Bhupendra Nath Mitra:** I know that he does get medical treatment, but for the moment we are not concerned with that question. What we are concerned with is the period of sickness and the duration of the allowance to be given during that period of sickness. In the case of those workers who go to a hospital, there is no difficulty. But whenever they are in a position to go away to their homes, and I am pretty sure that they frequently do go away to their homes so that they may be in the midst of their relations . . . . .

**Mr. K. Ahmed:** But in the factory some of them are with their families.

**The Honourable Sir Bhupendra Nath Mitra:** My friend does not know the conditions. They do not come to Calcutta with their families; that is the difficulty.

**Mr. K. Ahmed:** Some of them are local people; they have got their huts as well.

**The Honourable Sir Bhupendra Nath Mitra:** They are not local people. My friend, I am afraid, has absolutely no knowledge of these jute mill labourers.

**Mr. K. Ahmed:** What about the tea gardens?

**The Honourable Sir Bhupendra Nath Mitra:** Even on the tea gardens there are no local people.

**Mr. K. Ahmed:** But they settle down there in the gardens.

**The Honourable Sir Bhupendra Nath Mitra:** Some of them do settle down, but not all. My friend's knowledge is, I am afraid, very limited.

Then, Sir, Mr. Joshi seems to think that India would place herself in a most unenviable position among the hierarchy of nations if some sort of scheme of compulsory sickness insurance were not introduced forthwith. Surely, my friend Mr. Joshi knows that even in a country like France the only scheme of sickness insurance now in force is a voluntary one and in almost all the countries of the world they began with a system of voluntary sickness insurance before the system of compulsory insurance was started. Countries like Australia and Canada have at the present days systems of voluntary sickness insurance, and that was precisely the point to which I referred when I talked about the absence in India of self-governing institutions like properly developed trade unions. My friend Diwan Chaman Lall, who, I believe, is the President of the Trade Union Congress, took some exception to that remark. I do not want to be offensive, but I shall simply refer him to the observations made by Mahatma Gandhi at the time when the Ahmedabad Textile Trade Union was asked to join the Trade Union Congress.

**Diwan Chaman Lal:** May I ask the Honourable Member to tell us what his observations were?

**The Honourable Sir Bhupendra Nath Mitra:** Then, Sir, Mr. Joshi referred to Japan. Japan undertook some legislation in the year 1922; but it took her five years to give effect to that legislation. That shows that it is impossible to take any action in a matter of this sort in a hurry. Japan is a much smaller country than India and, although it passed legislation for a limited system of sickness insurance in 1922, it took five years to give effect to that legislation. Now, Sir, I suppose my friend will admit that Italy is a progressive country and I should like to read a small extract from the reply which the Italian Government sent to the International Labour Conference at Geneva in connection with this system of compulsory sickness insurance.

"In its investigation of the question here referred to, the Italian Government has had to consider the seriousness of the burdens which might be involved in the creation of a social institution such as compulsory sickness insurance, and which appear to be anything but negligible, especially at the present moment when all the forces of the country are, and must continue to be, engaged in national and economic reconstruction."

I do not want to inflict on the House the whole of the passage, but it ends with the following words:

"This Government intends to reserve its right to choose the moment in which provision may be made for the realisation of this principle in the national territory as a whole in conformity with the economic possibilities of the country, with a view to avoiding the premature imposition on production of excessive social charges which, in injuring the interests of production, would also be prejudicial to the interests of the working classes which are indissolubly bound up with the prosperity of production."

That is . . . . .

**Mr. N. M. Joshi:** May I ask the Honourable Member one short question?

**The Honourable Sir Bhupendra Nath Mitra:** I do not propose to give way.

**Mr. N. M. Joshi:** May I ask him.....

**Mr. President:** Order, order. Sir Bhupendra Nath Mitra.

**The Honourable Sir Bhupendra Nath Mitra:** That is the answer to Mr. Joshi's protestations that the employer in India will find it to his advantage to be a party to a system of sickness insurance, and that if he is not a willing party Government must thrust it down his throat. Of course, it might be in the interest of employers to contribute to some scheme of sickness insurance, but a system of compulsory insurance is quite a different matter. At the same time, as I have already said in my previous speech, it is the intention of the Government of India to go into this matter more fully in consultation with Provincial Governments, because if we are to assume that these schemes will have to be fostered with the help of State contributions, it will be the Provincial Governments who will have to pay the bill. Mr. Joshi seems to think that a scheme of compulsory sickness insurance which covered 5 millions of industrial workers would cost a trifle. Now assuming that 10 per cent. of the 5 million are continually sick throughout the year, that means, 500,000 beneficiaries. Assuming that the sickness benefit is Rs. 10 a month, the cost will be Rs. 50 lakhs a month; Twelve times that is 6 crores! Mr. Joshi is too full of his ideals to give due attention to the practical aspects of the case.



The Government of India prefer on the other hand to deal with the matter in a more practical manner, and that is the reason why in the Advisory Committee, after hearing all that Mr. Joshi had to say, some of the other Members of this Assembly who are also members of the Advisory Committee agreed with me that the course of action to which I have already referred in my previous speech is the most practical course which the Government of India can take in the matter.

Sir, I am sorry I must oppose Mr. Joshi's amendment.

**Mr. President:** The question is:

"That at the end of the Resolution the following be added :

'but that he should take immediate steps to establish in India a compulsory system of sickness insurance, the application of which may for the present be confined to workers working in factories and in mines, and on organised and large-scaled plantations'."

The motion was negatived.

**Mr. President:** The question is:

'That the following Resolution be adopted :

'That this Assembly having considered the Draft Conventions and Recommendation adopted by the Tenth International Labour Conference, recommends to the Governor General in Council that he should not ratify the Draft Conventions nor accept the Recommendation'."

The motion was adopted.

\*The Assembly then adjourned *sine die*.

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