

17th September 1928

THE

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# Legislative Assembly Debates

(Official Report)

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THIRD SESSION

of the

THIRD LEGISLATIVE ASSEMBLY

1928



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# LEGISLATIVE ASSEMBLY.

*Monday, 17th September, 1928.*

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

## QUESTIONS AND ANSWERS.

†551°.

### MOSLEMS IN THE CLERICAL STAFF EMPLOYED IN THE OFFICES OF THE PORT COMMISSIONERS, CHITTAGONG.

552. \*Mr. Anwar-ul-Azim : Will Government be pleased to state what is the total clerical cadre in the office of the Chairman, Chittagong Port Trust, and how many of them are Moslems ? Do Government propose to direct that no future vacancy is offered to anybody else, till the Moslem representation reaches at least 45 per cent. of the whole cadre in that office ?

The Honourable Sir George Rainy : The total clerical cadre of the offices of the Port Commissioners, Chittagong, is 23 of which 6 posts are held by Muslims. Government are informed that while the Port Commissioners consider that increased efficiency in the work of the port should be their first aim, they have already decided that, in order to bring the proportion of Muslims in their ministerial staff up to one-third of the total cadre, preference will, other things being equal, be given to qualified Muslim candidates for vacancies, except those filled by promotion from the permanent staff, until the above limit is reached. Government do not propose to take any action.

### INSANITARY ROOM ALLOTTED TO THE MILITARY DESPATCH SECTION OF THE CENTRAL FORMS STORE.

553. \*Mr. Anwar-ul-Azim : Will Government be pleased to state whether it is a fact that the military despatch section of the Central Forms Store is located in a low, damp, dark and highly insanitary room formerly used as a stable by Messrs. Hurd Cook and Company and whether one record supplier (Nur Bakhsh) working in that section died of phthisis ? If so, do Government propose to remove the section to a well ventilated sanitary room ?

The Honourable Mr. A. C. McWatters : Government are informed that the room in question is not dark, damp or insanitary. They have no information regarding the cause of Nur Bakhsh's death and there is no ground for supposing that it was in any way connected with his working in the Military despatch section of the Central Forms Store. The last part of the question does not arise.

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†For this question, see at the end of starred questions for the day.



### APPOINTMENT OF AN OFFICER OF THE INDIAN CIVIL SERVICE AS CONTROLLER OF PRINTING AND STATIONERY.

554. **\*Mr. Anwar-ul-Azim :** Do Government propose to appoint a member of the Indian Civil Service as the Controller of Printing and Stationery for the more efficient administration of the Department ? If not, why not ?

**The Honourable Mr. A. C. McWatters :** There is no vacancy and Government are satisfied with the administration of the present Controller ; the question therefore does not arise.

†555\*.

### NUMBER OF ASSISTANT SECRETARIES IN THE GOVERNMENT OF INDIA SECRETARIAT.

556. **\*Maulvi Muhammad Yakub :** Will Government be pleased to state the total number of Assistant Secretaries employed in the Government of India Secretariat, and how many of them are Europeans, Hindus, Sikhs and Muslims, respectively ?

**The Honourable Mr. J. Orerar :** The total number, including officers holding corresponding posts in the Railway Board and in the office of the Financial Adviser, Military Finance, is 26. Of these 6 are Europeans, 11 are Hindus, 1 is a Sikh and 2 are Muhammadans. In addition 3 Hindus are officiating.

### APPOINTMENT OF MUSLIMS AS SUPERINTENDENTS AND ASSISTANTS IN THE COMMERCE DEPARTMENT.

557. **\*Maulvi Muhammad Yakub .** Will Government be pleased to state :

- (i) the total number of Superintendents and Assistants employed in the Department of Commerce and how many of them are Muslims ?
- (ii) how many permanent and temporary appointments of Superintendents and Assistants have been made in the Commerce Department since 1st January 1926 and how many of them have been filled by Muslims ?

**The Honourable Sir George Rainy :** (i) There are 3 Superintendents and 18 Assistants employed in the Commerce Department. One Assistant is a Muslim.

(ii) The following appointments have been made since 1st January 1926 : in the grade of Superintendent one permanent appointment and in the grade of Assistant two permanent appointments and one temporary appointment. None has been filled by a Muslim.

### APPOINTMENT OF MUSLIMS AS SUPERINTENDENTS AND ASSISTANTS IN THE COMMERCE DEPARTMENT.

558. **\*Maulvi Muhammad Yakub :** Will Government be pleased to state if it is a fact that the Muslim community has a poor representation

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†Mr. Anwar-ul-Azim did not wish to put this question.

in the Superintendents' and Assistants' grades in the Commerce Department? If so, do Government propose to take steps to check the preponderance of other communities and appoint Muslims to the next vacancies?

**The Honourable Sir George Rainy :** Information regarding the number of Muslims in the Superintendents' and Assistants' grades in the Department of Commerce has been furnished in the reply just given by me to question No. 557. Of the permanent and temporary vacancies which have occurred in these grades since 1st January 1926, all have been filled by the appointment of officers already in Government service. In the case of fresh recruitment, the claims of the Muhammadan community will be considered.

**APPOINTMENT OF MUSLIMS AS SUPERINTENDENTS AND ASSISTANTS IN THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS.**

**559. \*Maulvi Muhammad Yakub :** Will Government be pleased to state :

- (i) the total number of Superintendents and Assistants employed in the Department of Education, Health and Lands, on 1st January 1928?
- (ii) the number of Muslim Superintendents and Assistants as they stood on the 1st January 1926 and 1st January 1928, respectively?
- (iii) whether it is a fact that the number of Muslim Assistants has considerably decreased since 1926? If so, do Government propose to make up the deficiency by appointing qualified Muslims as Assistants in the vacancies falling vacant in the future?

**Mr. G. S. Bajpai :** I lay on the table, Sir, a statement giving the information asked for by the Honourable Member :

**(i) 1st January 1928—**

Superintendents	..	..	..	5
Assistants	..	..	..	31
Clerks	..	..	..	45

**(ii) 1st January 1926—**

Muslim Superintendents	..	..	N/L.
" Assistants	..	..	9
" Clerks	..	..	14

**1st January 1928—**

Muslim Superintendents	..	..	N/L.
" Assistants	..	..	7
" Clerks	..	..	12

(iii) There has been a decrease of only two Muslim Assistants and two clerks since 1926 owing to the transfer of two Assistants to service under the Punjab Government and of two clerks to the Office of the Inspector General of Forests, Dehra Dun. Future vacancies will be

filled either by departmental promotion which will continue to be regulated by merit, or by fresh recruitment in accordance with the policy of Government which already provides for the adoption of measures to ensure the representation in due proportion of the various communities.

#### REPRESENTATION OF MUSLIMS IN THE OFFICE OF THE RAILWAY BOARD.

560. **\*Maulvi Muhammad Yakub :** Will Government be pleased to place on the table a statement showing the number of Superintendents and Assistants employed in the Railway Board according to the various communities ? Is it a fact that the Muslim community has not been given proper representation in these grades ? If so, what steps do Government propose to take in the matter ?

**Mr. A. A. L. Parsons :** A statement showing the position is laid on the table. Promotion to these grades is made by selection.

*Statement showing the number of Superintendents and Assistants employed in the Railway Board according to various communities.*

	Superintendents	Assistants
Hindus .. .. .	2	18
Muslims .. .. .	..	3
Europeans and Anglo-Indians	3	6
Indian Christians ..	1	1
Sikh .. .. .	..	1

#### RETIREMENT OF THE RIGHT HONOURABLE SRINIVASA SASTRI, P.C., FROM SOUTH AFRICA.

561. **\*Mr. Gaya Prasad Singh :** (a) Will Government kindly state when the Right Honourable Srinivasa Sastri is going to retire from South Africa ?

(b) In view of his conspicuous success, do Government propose to request him to stay on in South Africa for another term ?

(c) In case of his inability to do so, whom do Government propose to appoint as his successor ?

**Mr. G. S. Bajpai :** (a) Mr. Sastri has expressed a desire to be relieved of his duties in South Africa as early in 1929 as may be practicable.

(b) The Government of India asked him to prolong his stay in South Africa, but he has expressed his inability to do so.

(c) The matter is under consideration.

#### APPEALS OF GOVERNMENT SERVANTS.

562. **\*Mr. N. M. Joshi :** (a) Will Government be pleased to say it under the present rules governing appeals, Government servants are debarred from submitting reminders to the officers to whom the appeals are addressed ?

(b) Is it a fact that the Postmaster-General, Bombay, has recently directed the appellants not to send in or address reminders to the appellate authority ?

(c) If so, do they propose to take steps to have such directions withdrawn ?

**The Honourable Mr. A. C. McWatters :** (a) No.

(b) and (c). Government understand that such orders were in force for some time but have since been cancelled.

**RECRUITMENT OF THE CLERICAL CADRE OF THE GENERAL POST OFFICE, BOMBAY.**

563. **\*Mr. N. M. Joshi :** Will Government be pleased to state :

- (a) The number of clerks—men and women—recruited in the clerical cadre in Bombay General Post Office since January 1927, who had passed neither the Matriculation nor School Leaving Certificate examinations nor any higher examination ?
- (b) Whether the Director-General has restricted the recruitment in the Post Office to the Revenue Divisions and the adjoining Revenue Divisions in the case of Bombay and Calcutta ?
- (c) Whether one of the non-qualified recruits is a native of the Punjab ?
- (d) Whether a register of approved candidates is maintained in the Bombay General Post Office ?
- (e) If the reply to (d) above is in the affirmative what is the number on the register and the number of graduates, undergraduates and matriculates on the register ?

**Mr. P. G. Rogers :** (a) Four men and two women.

(b) Yes.

(c) Yes.

(d) No.

(e) Does not arise.

**LOW RATES OF KIT CONVEYANCE ALLOWANCE SANCTIONED FOR POSTAL OFFICIALS WORKING ON TRANSFER AT BARODA.**

564. **\*Mr. N. M. Joshi :** (a) Will the Government be pleased to state :

- (i) the present rates of kit conveyance allowance granted to the Post Office officials working at Baroda on transfer ;
- (ii) similar rates that are sanctioned for Anand, Broach, Ahmedabad and Nadiad ?

(b) Whether it is a fact that the Bombay Presidency Postal and R. M. S. Association has protested against the low rates of kit conveyance allowance sanctioned for Baroda ?

(c) If so, do Government propose to revise them early ?

**The Honourable Mr. A. C. McWatters :** (a) (i) and (ii). One anna per maund per mile, in both cases.

(b) No such representation is traceable though representations were received from other bodies at a time when the rates were different.

(c) Does not arise.

**RESTRICTION OF RECRUITMENT IN THE POSTAL DEPARTMENT IN THE PRESIDENCY TOWN OF BOMBAY TO THE ADJOINING REVENUE DIVISIONS.**

565. **\*Mr. N. M. Joshi :** (a) Is it a fact that the Director-General, Posts and Telegraphs, has issued instructions restricting recruitment in the Postal Department in the Presidency Town of Bombay to the adjoining Revenue Divisions ?

(b) Is it a fact as a result of this, inhabitants of the nearest Districts such as Poona, Nasik, Ahmednagar are ineligible, whereas those from far-off Districts such as Ahmedabad, Kaira, Belgaum, Dharwar and Karwar are eligible ?

(c) If so, do Government propose to modify the orders so as to allow recruitment in Bombay from any part of the Bombay Presidency ?

**The Honourable Mr. A. C. McWatters :** (a) Yes.

(b) Yes.

(c) The matter is already under the consideration of the Director-General.

**NUMBER OF OFFICIALS IN THE GENERAL POST OFFICE, BOMBAY, ON THE SUPERANNUATION LIST.**

566. **\*Mr. N. M. Joshi :** (a) Will Government be pleased to state the number of officials in the Bombay General Post Office on the superannuation list (i) in the selection grades (ii) in the time-scale ?

(b) Is it a fact that the extensions to officials in the selection grade is causing greater stagnation in the time-scale ?

(c) Is it a fact that the officials on extension of service have further been given acting or permanent promotions to higher non-gazetted or gazetted appointments ?

(d) How do Government propose to remedy this grievance of the staff ?

**The Honourable Mr. A. C. McWatters :** (a) It is understood that, by the term "superannuation list" the Honourable Member means a list of officials between the ages of 55 and 60. There are 10 such officials in the selection grade and 3 in the time-scale. Such officials must not however be regarded as "superannuated" since the rule relating to ministerial servants is that they should ordinarily be retained in service up to the age of 60 years if they continue efficient.

(b) In view of the explanation just given, the expression "extensions" as applied to continuance in service after the age of 55 is misleading ; and the effect of retaining such officials in the service up to the age of 60, in accordance with the ordinary rule, cannot be regarded as causing stagnation.

(c) and (d). In view of the explanation given, these questions do not arise.

**HOUSE-RENT ALLOWANCES SANCTIONED FOR SUB-POSTMASTERS OF OFFICES  
CONVERTED INTO SELECTION GRADE SUB-OFFICES.**

567. \*Mr. N. M. Joshi : (a) Will the Government be pleased to state if the house-rent allowance normally sanctioned for a selection grade sub-postmaster in Bombay, who is not provided with free quarters, is Rs. 25 ?

(b) Is it a fact that house-rent allowances sanctioned for the sub-postmasters of offices recently converted into selection grade sub-offices still remain the same as when they were time-scale offices ?

(c) If so, do Government propose to revise the same ?

Mr. P. G. Rogers : (a) No. The allowances vary from Rs. 18 to Rs. 40.

(b) Chinch Bunder town sub-office in Bombay is the only office which has recently been converted into a selection grade office and in which the house rent allowance for the sub-postmaster has not yet been revised.

(c) The matter is under consideration.

**INVESTIGATING INSPECTORS IN THE OFFICE OF THE POSTMASTER GENERAL,  
BOMBAY.**

568. \*Mr. N. M. Joshi : (a) Will the Government be pleased to state whether it is a fact that an appointment of Investigating Inspector to the Postmaster-General's office in Bombay has been filled up by an official of the Postmaster-General's office ?

(b) Is it a fact that the second appointment of Investigating Inspector has also been filled up in an officiating capacity, by an official of the Postmaster-General's office ?

(c) Is it not directly against the reply given by Mr. Sams to question No. 86 put by Mr. N. C. Kelkar in the last session ?

(d) Is it a fact that the Bombay Presidency Postal and R. M. S. Association has passed a resolution at the Satara Conference in June 1928, protesting against these appointments ?

(e) If so, will Government be pleased to state what action is being taken to set the matters right ?

Mr. P. G. Rogers : (a) and (b). Yes.

(c) No ; as no clerk who had passed the qualifying examination was available.

(d) Yes.

(e) In view of the reply to part (c) of this question, Government do not consider any action necessary.

**DEPARTMENTAL TEST FOR CANDIDATES BEFORE EMPLOYMENT IN THE POST  
OFFICE IN BOMBAY.**

569. \*Mr. N. M. Joshi : Will the Government be pleased to state :

(a) Whether it is a fact that until recently qualified men and even graduates were subjected to a departmental test in

dictation, etc., before employment in the Post Office in Bombay ?

(b) Whether the non-qualified men, if any, entertained since January 1927, and confirmed as reserve clerks were subjected to the test mentioned above ?

(c) Whether any such recruits mentioned in (b) belong to the depressed or backward community ?

(d) If the answer to (c) above be in the negative, will Government be pleased to give reasons for such special treatment ?

**Mr. P. G. Rogers :** (a) No.

(b) Yes.

(c) Yes.

(d) Does not arise.

#### EMPLOYMENT OF A NON-QUALIFIED LADY CLERK IN THE GENERAL POST OFFICE, BOMBAY.

570. **\*Mr. N. M. Joshi :** (a) Is it a fact that a non-qualified lady clerk employed in the Bombay General Post Office within the last three months is the daughter of an Assistant Postmaster who is in service ?

(b) Is it a fact that one Mr. Darase of Ahmednagar possessing the necessary educational qualifications and whose father died in harness with over 36 years of service, was refused employment ?

**The Honourable Mr. A. C. McWatters :** (a) Yes.

(b) No. Mr. Darase has been enrolled as a candidate for employment.

#### MINIMUM EDUCATIONAL QUALIFICATIONS OF CLERKS IN THE POST OFFICE.

571. **\*Mr. N. M. Joshi :** Will the Government be pleased to state the minimum educational qualification necessary for recruitment as clerk in the Post Office,

(a) in the case of men candidates,

(b) in the case of women candidates ?

**Mr. P. G. Rogers :** No minimum educational qualifications are definitely prescribed either for men or women candidates for recruitment to the Postal Service, though the former are ordinarily required to produce evidence of having passed the Matriculation examination or its equivalent.

#### LEAVE RULES ON RAILWAYS.

572. **\*Lieutenant-Colonel H. A. J. Gidney :** With reference to Mr. A. A. L. Parsons' reply to my motion for a cut in the Demand for the Railway Board moved in the last Session of the Legislative Assembly on the subject of Leave Rules, will the Honourable Member please state if the new Leave Rules have been framed and when he hopes to publish them ?

**Mr. A. A. L. Parsons :** New leave rules for railway services as a whole have not yet been framed. But the Railway Board as a separate

matter are going into the question of revising the leave rules for subordinates on the Great Indian Peninsula and the East Indian Railways, who were originally in the Companies' service. These employees remain at present under the rules of the old companies and are not, like the remaining subordinate employees on the State-managed Railways, under the Fundamental Rules.

**SUBORDINATES OFFICIATING AS OFFICIALS ON RAILWAYS.**

**573. \*Lieutenant-Colonel H. A. J. Gidney :** With reference to Mr. Parsons' reply to my motion for a cut in the Demand for grant for Railway Administration on the 28th February 1928, regarding subordinates officiating as officials, will the Honourable Member please state if he has given effect to his assurance, and, if so, the extent to which this has been done ?

**Mr. A. A. L. Parsons :** I have discussed the matter with the recent Agent of the Great Indian Peninsula Railway, and propose to have a further discussion with him and the present Agent very shortly. I am hopeful that as a result we shall be able to arrive at a satisfactory conclusion.

†574\*.

†575\*.

†576\*.

**OFFICIAL WHO SIGNED THE PEACE PACT IN PARIS FOR INDIA.**

**577. \*Mr. Gaya Prasad Singh :** Will Government kindly state who signed the Peace Pact in Paris for India ?

**The Honourable Mr. J. C. Crerar :** Sir Denys Bray has asked me to answer this question on his behalf. Owing to illness he is unable to be in his place to-day.

Lord Cushendun. On this point I would refer the Honourable Member to the answer the Foreign Secretary gave to Mr. Birla's question on the 13th September.

**EMPLOYMENT OF STUDENT ENGINEERS ON RAILWAYS.**

**578. \*Sardar Gulab Singh** (on behalf of Sardar Kartar Singh) : (a) Will Government please state what was the object of the Railway Board in employing student engineers in 1927 ?

(b) How many of these student engineers completed their training successfully and at what dates at the earliest and latest ?

(c) Was any attempt made to employ them as assistant engineers or temporary engineers ? If so, how many of them are employed as such ?

(d) How many temporary engineers have so far been employed since some of these student engineers had completed their training ?

(e) How is it that the Government did not employ people from amongst these student engineers as temporary engineers or assistant engineers, when they were given training for this purpose ?

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†For this question, see at the end of starred questions for the day.



(f) How do the Government justify that they keep in view the welfare of these young engineers ?

(g) Were any Anglo-Indians or Europeans ever entertained as student engineers ?

(h) Do the Government propose to take any steps in near future for the employment of these qualified and trained engineers, whose career is being spoiled ?

**Mr. A. A. L. Parsons :** (a) and (f). The object was to meet the difficulty experienced by Indian youths who have qualified as civil engineers in obtaining practical training. Railway construction gives unrivalled opportunity for training civil engineers after their college course, and as the Railway Board have a considerable construction programme in hand, the opportunity has been taken of giving practical training to engineering graduates. This training is given for a period of one year only. There is no obligation on the part of Government to give these student engineers employment on Railways, either permanent or temporary on completion of their training, but Government naturally select the best of these young men for temporary employment whenever the demand arises.

(b) Of those appointed in 1927, seven have completed their training successfully.

(c), (e) and (h). The names of the students who complete their training successfully are placed on the Railway Board's registers of approved candidates and when the need arises for temporary engineers, their names are considered along with others. Of those who had completed their training in 1927, three are now employed as temporary Engineers.

(d) The three referred to in my reply to (c).

(g) No.

**Mr. B. Das :** Is it the practice for the Railway Board to take student engineers from every provincial Engineering College and do they take student engineers from the Bihar College of Engineering ?

**Mr. A. A. L. Parsons :** I am afraid I must ask the Honourable Member to give me notice. I do not recollect the names of all colleges from whom we take student engineers.

#### APPOINTMENT OF PROBATIONARY UPPER SUBORDINATES IN THE SURVEY OF INDIA.

579. **\*Sardar Gulab Singh** (on behalf of Sardar Kartar Singh) : (a) Is it a fact that nine appointments of probationary upper subordinates in the Survey of India were made since 1926 and 4 were given to Muhammadans on a communal basis ?

(b) Were the appointments advertised in the Punjab newspapers ?

(c) If the reply to (a) is in the affirmative, were there any Sikh applicants ? If so, why was none taken ?

**Mr. G. S. Bajpai :** (a) 16 probationary appointments to the Upper Subordinate Service in the Survey of India were made originally in 1926. These included a number of candidates of different minority communities. The number was, however, subsequently reduced to 9, owing to

the weeding out of unsatisfactory candidates. The revised figure of 9 includes 4 Muhammadans.

(b) Yes.

(c) One Sikh was included in the original batch of 16 appointments, but he resigned a few days after he was appointed, as he was not satisfied with his prospects.

**EMPLOYMENT OF SIKHS AS EXTRA ASSISTANT COMMISSIONERS IN THE SURVEY OF INDIA DEPARTMENT.**

580. \***Sardar Gulab Singh** (on behalf of **Sardar Kartar Singh**) : (a) Is it a fact that there is not a single Sikh as Extra Assistant Commissioner in the Survey of India Department ?

(b) Is it also a fact that some 14 probationary Extra Assistant Commissioners were recruited in 1926 and 1927 of whom 4 were Muhammadans who were taken on a communal basis ?

(c) If so, do Government propose to recruit Sikhs in future vacancies like Muhammadans ? If not, why ?

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

(b) Yes, but the appointments were made in 1925 and 1927, and not in 1926 and 1927, as stated in the question.

(c) The Honourable Member is referred to the reply to his question No. 422 on the 11th September 1928.

**EMPLOYMENT OF SIKHS IN THE IMPERIAL SERVICE OF ENGINEERS IN THE IRRIGATION BRANCH, PUNJAB.**

581. \***Sardar Gulab Singh** (on behalf of **Sardar Kartar Singh**) : (a) Is it a fact that there are only 4 Sikhs out of 151 in the Imperial Service of Engineers in the Irrigation Department of the Punjab Province ?

(b) Is it also a fact that in spite of the great predominance of other communities in this service, the new recruitment is still open to them and no Sikhs are taken ?

(c) Is it a fact that nomination of the candidates from minority communities is made in almost all the Imperial Services, even where there is a competition ?

(d) Do the Government similarly reserve appointments for the members of the minority communities ? If not, why ?

(e) If the reply to (b) be in the affirmative, do Government propose to order the entertainment of Sikhs in all future vacancies in the Punjab until their fair representation is brought up ? If not, why not ?

**The Honourable Mr. A. C. McWatters** : (a) Yes. But of 151 officers of the Indian Service of Engineers in the Irrigation Branch, Punjab, 77 belong to the Europe-recruited branch of the Service, and, as recruitment to that branch is confined to European British subjects, no question as to communal representation therein can arise.

(b) and (c). Direct appointments to the India-recruited branch of the Indian Service of Engineers having hitherto been guaranteed to students of certain engineering colleges in India, it has not so far been

possible to reserve any posts in the Service for minority communities. The guarantees have, however, now expired, and the question of the procedure under which direct recruitment to the branch will be made in future is under consideration. Due provision will be made in the rules for the reservation of certain appointments for the redress of communal inequalities.

(c) Yes.

(e) Does not arise.

#### REFUSAL TO ALLOW INDIAN CLERKS OF THE ARMY HEADQUARTERS AND OF THE IMPERIAL SECRETARIAT TO JOIN THE INDIAN TERRITORIAL FORCE.

582. \***Sardar Gulab Singh** (on behalf of Sardar Kartar Singh) : Is it a fact that the Indian clerks of the Army Headquarters and of the Imperial Secretariat are not allowed to join the Indian Territorial Force whereas the Anglo-Indians are permitted to join the Auxiliary Force ? If so, why ?

**Mr. G. M. Young** : The rule in force is that Government servants may not join the Auxiliary Force or the Territorial Force without the permission of the Head of the Department in which they are serving.

It is only possible for an Indian clerk at Army Headquarters or in the Imperial Secretariat to join a Provincial unit of the Indian Territorial Force, and a Provincial unit only trains by annual embodiment in camp for periods of one or two months, whereas members of the Auxiliary Force (India) can perform their obligations by intermittent drills. It follows, therefore, that it is easier for the Head of a Department to give permission to an Anglo-Indian than to an Indian.

#### EMPLOYMENT OF SIKHS IN THE CIVIL AVIATION OFFICE.

583. \***Sardar Gulab Singh** (on behalf of Sardar Kartar Singh) : (a) Is it a fact that the ministerial establishment of the Civil Aviation Office (Department of Industries, Government of India) consists of the following :

(1) Anglo-Indians..... 4, (2) Hindus..... 4, (3) Muham-madans..... 3.

(b) If so, will the Government please state the reasons for the exclusion of Sikhs on its staff ?

(c) Do Government propose to take steps to safeguard the interests of Sikhs and order their recruitment in future vacancies ? If not, why ?

**The Honourable Mr. A. C. McWatters** : (a) The number of Muham-madans is two. The other particulars are correct.

(b) There has been no endeavour to exclude Sikhs. Only two applications were received from Sikhs and the post was filled by a member of another community who was considered more suitable.

(c) If qualified Sikhs apply for future vacancies, their claims will receive consideration, but Government are unable to adopt the suggestion made by the Honourable Member.

**NUMBER OF SIKHS EMPLOYED AS TRAFFIC INSPECTORS (TRANSPORTATION BRANCH) ON THE NORTH WESTERN RAILWAY.**

584. \***Sardar Gulab Singh** (on behalf of **Sardar Kartar Singh**) : (a) Will the Government be pleased to state the total number of posts of Traffic Inspectors (Transportation Branch) on the North Western Railway drawing more than Rs. 300 per mensem ?

(b) How many of them are Sikhs as against Hindus and Muham-  
madians ?

**Mr. A. A. L. Parsons** : The information asked for by the Honourable Member will be found in the Alphabetical List of Non-Gazetted Employees on the North Western Railway in receipt of Rs. 250 per mensem and over or on scales of pay rising to Rs. 250 per mensem and over. A copy is in the Library.

**EMPLOYMENT OF SIKHS AS CONTROLLERS AND ASSISTANT CONTROLLERS OF STORES ON THE NORTH WESTERN RAILWAY.**

585. \***Sardar Gulab Singh** (on behalf of **Sardar Kartar Singh**) : (a) How many Controllers and Assistant Controllers of Stores are there on the North Western Railway and how many of them are Sikhs ?

(b) Is it a fact that the appointment of Controllers and Assistant Controllers are made by nomination ?

(c) If so, what steps have been taken by the Government to ensure that Sikhs get their proper share in this branch of service ?

**Mr. A. A. L. Parsons** : (a) There are one Controller and four Assistant Controllers of Stores on the North Western Railway. None of them are Sikhs.

(b) and (c). Direct recruitment to the Superior Stores Department has been discontinued, and recruits are now obtained by the transfer of suitable officers from the Civil and Mechanical Engineering Departments. Sikhs in these Departments have an equal chance of being transferred.

**EMPLOYMENT OF SIKHS IN THE CLERICAL ESTABLISHMENTS OF THE GOVERNMENT OF INDIA PRESSES AT DELHI AND SIMLA.**

586. \***Sardar Gulab Singh** (on behalf of **Sardar Kartar Singh**) : (a) What is the total number of posts in the clerical establishments of the Government of India Press, at Delhi and Simla, respectively, and how many of them are held by Sikhs in each Press ?

(b) If none, why are the claims of Sikhs being ignored in this service ?

**The Honourable Mr. A. C. McWatters** : (a) The total number of posts in the clerical establishments of the Government of India Presses at Delhi and Simla is 28 and 28 respectively. There is no Sikh on the clerical establishment of either Press.

(b) The claims of a candidate belonging to a minority community are given due consideration if he is adequately qualified.

#### EMPLOYMENT OF SIKHS IN THE OFFICE OF THE DIRECTOR, WIRELESS TELEGRAPH, SIMLA.

587. \***Sardar Gulab Singh** (on behalf of Sardar Kartar Singh) : Is it a fact that there is no Sikh on the staff of the office of Director, Wireless Telegraph, Simla ? If so, do Government propose to recruit Sikhs in future vacancies ?

**The Honourable Mr. A. C. McWatters** : There is one Sikh clerk employed in the Wireless Branch of the Director-General's office. I would add that the Wireless Branch forms part of the Director-General's office as a whole, in respect of which the general orders of Government relating to the adjustment of communal inequalities are in force.

#### EMPLOYMENT OF SIKHS IN GAZETTED POSTS IN THE INDIAN STORES DEPARTMENT.

588. \***Sardar Gulab Singh** (on behalf of Sardar Kartar Singh) : (a) Will Government please state whether any appointments have been made to the gazetted posts in the Indian Stores Department since January 1928 ? If so, has any Sikh been taken ?

(b) If the reply, to part (a) be in the negative, will the Government please say if the claims of Sikhs were duly considered at the time of recruitment in this Department ? If so, how ?

**The Honourable Mr. A. C. McWatters** : (a) One appointment has been made to a gazetted appointment in the Indian Stores Department since January 1928. The officer selected is not a Sikh.

(b) The claims of minority communities to appointments in the Department are given due consideration at the time of recruitment.

#### PAUCITY OF SIKHS IN THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI.

589. \***Sardar Gulab Singh** (on behalf of Sardar Kartar Singh) : (a) Is it a fact that there is a great paucity of Sikhs in the Railway Clearing Accounts Office ?

(b) How many appointments were made in that office since January last ?

(c) How many Sikhs were taken ?

**Mr. A. A. L. Parsons** : (a) Government regret, that, for reasons which have been previously explained, they do not consider it in the public interest to give figures of communal representation in individual offices.

(b) and (c). 120 appointments have been made in the Railway Clearing Accounts Office since last January of which a certain number went to Sikhs. And I can assure the Honourable Member that the Director of the Clearing Accounts Office is following the instructions of Government with regard to the representation of minority communities when vacancies arise in this office.

**SIKH INSPECTORS OF COACHING AND GOODS.**

**590. \*Sardar Gulab Singh** (on behalf of Sardar Kartar Singh) : What is the total number of Sikh Inspectors of Coaching and Goods as against Hindus and Muhammadans ? Do the Government propose to take necessary steps to safeguard the interests of this community in this line ?

**The Honourable Sir Bhupendra Nath Mitra** : The information is being collected and will be supplied to the Honourable Member in due course.

**Nawab Sir Sahibzada Abdul Qaiyum** : May I ask, Sir, what is the proportion of Sikhs to the whole Indian population ?

**The Honourable Sir Bhupendra Nath Mitra** : I have no recollection, Sir, but the Honourable Member will be able to obtain it from the Census Reports.

**NUMBER OF URBAN AND RURAL UNITS OF THE INDIAN TERRITORIAL FORCE.**

**591. \*Pandit Thakur Das Bhargava** : (a) What steps if any have been taken by the Government to give practical effect to the provisions of the Territorial Force Act after it was passed in March last ?

(b) How many recruits have joined the Territorial Forces in the different provinces from March 1928 to 1st September 1928 in

(1) urban units (per province) ?

(2) rural units (per province) ?

(c) Will Government be pleased to state the amount of expenditure incurred in respect of the Territorial Forces from 1st April 1928 to 1st September 1928 ?

(d) Will Government be pleased to state the number of urban and rural units of the Territorial Forces per province and the strength of each unit ?

**Mr. G. M. Young** : (a) The Honourable Member is referred to the answer given on the 8th September to starred question No. 234.

(b) (1). None. As I have previously stated, the amending Act came into force on September the 1st.

(2) I am not aware how many recruits joined the Force between the dates mentioned, and I do not think that any useful purpose would be served by attempting to collect the figures, as the new Act only came into force on the 1st September. I trust my Honourable friend will agree with me.

(c) The figures will not be available in any case before December next. In view of what I have just stated, I presume that my Honourable friend would prefer to have figures relating to a similar period after September 1st. These will be available at the end of the financial year.

(d) A statement giving the information is laid on the table,

Province.	Name of units.			Authorised strength.	Strength on 1st July 1928.
	<i>Provincial (Rural) Units.</i>				
Punjab ..	11/1st Punjab Regiment .. ..			738	652
	11/15th Punjab Regiment .. ..			738	594
	11/17th Dogra Regiment .. ..			738	517
North West Frontier.	11/12th Frontier Force Regiment .. ..			738	722
	11/13th Frontier Force Rifles .. ..			738	643
United Provinces	11/7th Rajput Regiment .. ..			738	627
	12/7th Rajput Regiment .. ..			738	592
	11/9th Jat Regiment .. ..			738	729
	11/18th Royal Garhwal Rifles .. ..			738	586
Delhi .. ..	11/14th Punjab Regiment .. ..			738	717
Ajmer-Merwara ..	11/4th Bombay Grenadiers .. ..			738	625
Bengal .. ..	11/19th Hyderabad Regiment (Bengal Wing).			738	313
Bihar and Orissa.	11/19th Hyderabad Regiment (Bihar and Orissa Wing).			738	330
Madras .. ..	11/3rd Madras Regiment .. ..			738	447
	12/3rd Madras Regiment .. ..			738	372
	13/3rd Madras Regiment .. ..			738	530
	14/3rd Madras Regiment .. ..			738	472
Burma .. ..	11/20th Burma Rifles .. ..			738	562
Bombay .. ..	11/5th Mahratta Light Infantry .. ..			738	716

Province.	Name of units.	Authorised strength.	Strength on 1st July 1928.
	<i>Urban units.</i>		
Bombay ..	1st Bombay (Parsi) Urban Infantry ..	738	554*
	2nd (Bombay Presidency) Urban Infantry (2 Companies).	346	..
Madras ..	3rd (Madras Presidency) Urban Infantry (2 Companies).	346	..
United Provinces	4th (United Provinces) Urban Infantry (2 Companies).	346	..

\* Strength given is that of 11/2nd Bombay Pioneers, now being converted into an Urban Battalion.

**Pandit Hirday Nath Kunzru :** May I ask whether any addition has been made to the University Training Corps anywhere except in Bombay ?

**Mr. G. M. Young :** Sir, there is a question on the paper about additions to the University Training Corps which I shall be answering shortly.

#### EDUCATION AND EMPLOYMENT IN THE PUBLIC SERVICES OF THE DEPRESSED CLASSES.

592. **\*Pandit Thakur Das Bhargava :** What action if any have Government taken in connection with the Resolution passed by the Assembly in its last Session in respect of the education and employment in the public services of the members of the depressed classes ?

**Mr. G. S. Bajpai :** The Resolution with an extract from the debates of the Assembly was communicated to Local Governments and certain minor Administrations and their attention invited to the main points raised in the course of discussion.

#### ACQUISITION OF LAND FROM MEMBERS OF AGRICULTURAL TRIBES BY THE DEPRESSED CLASSES RESIDING IN THE DELHI AND NORTH WEST FRONTIER PROVINCES.

593. **\*Pandit Thakur Das Bhargava :** (a) Is it a fact that members of the depressed classes residing in villages in the Delhi and the North West Frontier Provinces depend upon land and agricultural labour as their main source of livelihood ?

(b) Is it a fact that the depressed classes are not included in the list of agricultural tribes in the provinces of Delhi and the North West Frontier and the members of these classes are interdicted from acquiring land from members of agricultural tribes ?



(c) Do the Government propose to remove this caste disability of the depressed classes at an early date ? If so, by what time ?

**Mr. G. S. Bajpai :** The information asked for is being collected from the Local Governments concerned and will be supplied to the Honourable Member.

#### CONTROL OF FIRING WITHOUT NOTICE ON CROWDS BY THE POLICE OR MILITARY.

**594. \*Pandit Thakur Das Bhargava :** (a) How many cases of firing without notice by the police or military have taken place during the last year, i.e., from September 1st, 1927 to September 1st, 1928, and what is the total loss of life due to such firing ?

(b) Do Government propose to pass some legislative measure to control such firing with a view to minimise the enormity of the loss of life ?

**The Honourable Mr. J. Crerar :** (a) There was no case within my knowledge of firing by any military force. As regards other instances the reports are not in all cases definite on the point whether the police were able to give warning or not. So far as I can judge there were only two or three cases in which no warning could be given resulting in three fatal casualties.

(b) The existing orders lay special stress on the importance of giving warning before opening fire. Where a definite attack is being made on the police, this may not always be practicable. But Government are satisfied that the orders are adequate and that no legislative measure is required.

#### PROCEDURE OF THE INDIAN STATUTORY COMMISSION.

**595. \*Pandit Thakur Das Bhargava :** Will the Government be pleased to lay on the table the correspondence between Sir John Simon, the President of the Statutory Commission, and the Governor General in Council relating to the procedure announced on 6th February 1928 and its subsequent modification in response to the demand of the Punjab Committee ?

**The Honourable Mr. J. Crerar :** The procedure of the Indian Statutory Commission is settled by the Commission itself and does not form the subject of correspondence with the Governor General in Council.

†596\*.

#### ALLEGED PREFERENCE SHOWN TO ANGLO-INDIANS IN THE MATTER OF RECRUITMENT TO THE OFFICE OF THE DIRECTOR OF CIVIL AVIATION.

**597. \*Mr. Gaya Prasad Singh :** (a) Will the Government be pleased to lay on the table a statement showing the number of employees of the Director of Civil Aviation specifying their communities, the dates of their appointments and the salaries payable to them ?

(b) Are Government aware that there is a definite discontent against the manner in which preference has been shown to Anglo-Indians in the matter

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†For this question, see at the end of starred questions for the day.

of recruitment of this staff and do Government propose to issue instructions to the Director to put a stop to this unfair practice ?

**The Honourable Mr. A. C. McWatters :** (a) The office staff consists at present of four Hindus, two Muslims and four Anglo-Indians. I am sending a statement giving details of their pay and dates of appointment to the Honourable Member.

(b) Government have received no complaints on the subject and they do not consider that there is any justification for the imputation made in the latter part of the Honourable Member's question. They understand that the Director intends to increase the relative numbers of the Hindu community in making appointments to a number of posts which have been recently created and are not yet filled.

**Mr. D. V. Belvi :** Will Government be pleased to state if they will lay a copy of the statement on the table of the House ?

**The Honourable Mr. A. C. McWatters :** Yes, Sir, certainly.

#### DISMISSAL OF A HEAD CLERK IN AN OFFICE OF A SUPERINTENDENT OF POST OFFICES.

598. **\*Pandit Thakur Das Bhargava :** (a) With reference to the reply given to Kumar Ganganand Sinha's questions No. 712 and Nos. 715 to 721 on 31st August, 1927, will the Government be pleased to state whether they are now in a position to give detailed answers to those questions ?

(b) If the answer is in the affirmative, will the Government be pleased to give the information wanted in the questions 712, 715, 716, 717, 718 and 720 referred to above ?

(c) If the answer is in the negative will the Government be pleased to state their reason for the same ?

**The Honourable Mr. A. C. McWatters :** The question relates to the case of a Head Clerk in an office of a Superintendent of Post Offices, who was dismissed from the service in 1923 in connection with charges of accepting bribes, misappropriation of Government property, etc. His dismissal was ordered, in the first instance, after a careful enquiry into the charges, by the Postmaster General of the Circle. Since then the case has been re-examined, on appeal, on numerous occasions by three different Directors-General of the Posts and Telegraphs Department and by two Members in charge of the Department of Industries and Labour.

2. The Government are satisfied that the clerk's dismissal was thoroughly justified : they do not see their way to considering it further, nor do they think that any useful purpose would be served by undertaking the labour necessary to extract from the large volume of papers which have accumulated regarding it detailed answers to the Honourable Member's numerous enquiries.

3. In these circumstances, the Government propose to take no further action in the matter.

#### ALLEGED PREFERENCE SHOWN TO ANGLO-INDIANS IN THE MATTER OF RECRUITMENT TO THE OFFICE OF THE DIRECTOR OF CIVIL AVIATION.

599. **\*Mr. S. C. Mitra :** Will the Government be pleased to lay on the table a statement showing the number of employees of the Director

of Civil Aviation specifying their communities, the dates of their appointments and the salaries payable to them ? Are Government aware that there is a definite discontent against the manner in which preference has been shown to Anglo-Indians in the matter of recruitment of this staff and do Government propose to issue instructions to the Director to put a stop to this unfair practice ?

**The Honourable Mr. A. C. McWatters :** The question is identical with question No. 597 asked by Mr. Gaya Prasad Singh which I have just answered, and I would refer the Honourable Member to the reply given to that question.

**TIME SPENT ON THE INSPECTION OF OUT-AGENCIES IN THE BILLS BY MR. WOOD,  
CHIEF AUDITOR OF THE NORTH-WESTERN RAILWAY.**

600. \***Mr. S. C. Mitra :** (a) Are the Government aware that the present Chief Auditor of the North-Western Railway, Mr. Wood, has during each of the last two years spent more than three months in summer in the hills on the inspection of railway out-agencies ?

(b) Are Government aware that he is accompanied on several of the inspections by the Travelling Auditor and throughout by a Travelling Inspector of Accounts ?

(c) What steps do Government propose to take to put a stop to this practice ?

(d) Is it a fact that no previous Chief Auditor has been absent for such a long time from his headquarters on this work ?

(e) Is it a fact that hitherto the usual procedure has been to divide the out-agencies among the officers and that very junior officers have conducted the inspection of out-agencies without any assistance ?

(f) If the answer to (e) be in the affirmative what action do Government propose to take to put a stop to the waste involved in this system adopted by the present Chief Auditor ?

(g) Do the Government propose to direct the Agent of the Railway to inquire into the matter ?

(h) Is it a fact that it is for actions like those referred to in the preceding questions that Mr. Wood has not been considered fit for promotion to a higher acting appointment ?

**The Honourable Sir Bhupendra Nath Mitra :** Enquiry is being made and a reply will be sent to the Honourable Member in due course.

**DEPRIVATION OF THE CANTONMENT BOARD AT BELGAUM OF A LARGE PORTION  
OF THEIR REVENUE.**

601. \***Mr. D. V. Belvi :** (a) Will Government be pleased to state if the Army Department has recently deprived the Cantonment Board at Belgaum of a large portion of their revenue under the plea that the lands are of military ?

(b) If so, is the money so obtained spent on the salaries of the officers of the Military Estates Department ?

(c) What is the total cost annually of these new appointments and what service is rendered by them to the public or to the Army ?

**Mr. G. M. Young :** (a) Before the Cantonment Reforms, Cantonment Authorities were entrusted with the management of all Government lands in the Cantonment and were allowed to take the profits from such management.

As part of the arrangements consequent on the Reforms, Cantonment Authorities have been relieved of the management of land in direct military use and a small proportion of the income from the remaining Government land, which is still managed by Cantonment Authorities, is paid to Government. On the other hand, Cantonment Authorities have also been relieved of certain expenditure, which was formerly met from the Cantonment Fund, such as expenditure on troops' conservancy, which is now paid by Government; and on the whole there is no reason to believe that Cantonment Authorities are worse off now than they were before. In any case Government supplement the resources of Cantonment Authorities, where necessary, by grants-in-aid. No application for such assistance has been received from Belgaum.

(b) No, Sir. The income now received by Government from Government lands is utilised for the benefit of Cantonments as a whole.

(c) The appointment of Military Estates Officers entail no extra cost to Government. The appointments are made from the existing cadre of the Cantonments Department. The duties of Military Estates Officers are confined to the acquisition, custody and relinquishment of land on behalf of the military authorities.

#### TEMPORARY ENGINEERS ON STATE RAILWAYS.

602. **\*Mr. M. S. Aney :** Will the Government be pleased to state :

- (a) How many persons have been placed on the register of approved candidates for appointment as temporary engineers on State-worked Railways ?
- (b) How many of them have so far been offered employment ?
- (c) And what prospects are there for the remaining ones to be taken in the near future ?

**Mr. A. A. L. Parsons :** (a) 65.

(b) 26.

(c) Government cannot give any definite information. The employment of temporary engineers is subject to the number of railway programme works and constructions which are taken in hand from time to time. The prospects of employment of further temporary engineers are poor at present.

#### EMPLOYMENT OF CANDIDATES QUALIFIED FOR SECOND DIVISION APPOINTMENTS IN THE GOVERNMENT OF INDIA SECRETARIAT.

603. **\*Mr. Siddheswar Sinha :** (a) Will Government be pleased to state the number of candidates who have qualified themselves for the second grade appointments in the ministerial service of the Imperial Secretariat in the examinations held by the Staff Selection Board and the Public Service Commission during the year 1925 and 1926, respectively ?

(b) How many of the candidates so qualified have been provided for in the appointments of that grade in the Imperial Secretariat since then ?

(c) Is it a fact that candidates qualified for the second grade of the Imperial Secretariat have been debarred for appointments in the third grade in the Imperial Secretariat ?

(d) Is it also a fact that a large number of such candidates have been offered posts and are actually employed in attached offices in the routine grade ?

(e) Is it a fact that the routine grade is lower than the third grade of the Imperial Secretariat ?

(f) Do Government propose to take steps that candidates who have passed for the second grade of the Imperial Secretariat be declared fit for appointments in the upper grade of attached offices, or else be given second grade appointments in the Imperial Secretariat ?

**The Honourable Mr. J. Crerar :** (a) 42 candidates in 1925 and 58 in 1926.

(b) 21.

(c) and (d). Candidates who are qualified for the second division are not ordinarily nominated for appointments in the routine grade of the Imperial Secretariat, as candidates for the latter grade are required to pass the typewriting test, which is an essential qualification in their case. Such candidates are, however, employed in the second division of attached offices, the reason being that only two divisions exist in attached offices and experience in typewriting is not necessarily demanded of all candidates for employment in the lower division of those offices.

(e) Yes.

(f) Every endeavour is made to provide candidates who are qualified for the second division of the Imperial Secretariat and whose names are still borne on the waiting list of candidates with appointments in that grade as vacancies occur. Government regret that they are unable to declare such candidates qualified for appointment to the upper division of attached offices unless they pass the examination for that division.

#### EMPLOYMENT OF MUHAMMADANS AS CLERKS IN THE OFFICE OF THE CHIEF MEDICAL OFFICER, DELHI.

604 \***Maulvi Muhammad Yakub :** (a) Is it a fact that for the last 30 years no Muhammadan clerk was engaged in the office of the Chief Medical Officer, Delhi, with the exception of a temporary chance being given to a Muhammadan for a few months ? If so, will the Government be pleased to state why no Muhammadan clerk was permanently appointed ?

(b) Is it a fact that Babu Nathan Lall, Head Clerk of the Chief Medical Office, has been granted an extension for the last five years and is now to retire ? If so, do Government propose to take an opportunity of redressing the Muhammadans' grievances ?

**Mr. G. S. Bajpai :** With your permission, Sir, I shall deal with questions 604, 605, 606, 607, 608, 609 and 611 together. The necessary information has been called for from the Chief Commissioner of Delhi and will be supplied to the Honourable Member when received.

**EMPLOYMENT OF MUHAMMADANS AS DOCTORS IN THE HOSPITALS IN DELHI.**

†605. \*Maulvi Muhammad Yakub : (a) Is it a fact that for many years no Muhammadan doctor has been given a chance in the in-door Department of the Civil Hospital, Delhi ? If so, will the Government be pleased to state whether there is any rule not to appoint a Muhammadan doctor in the above post ? If not, will they be pleased to state what action they would take in exercising an equilibrium in the postings ?

(b) Is it a fact that in the New Delhi Hospital there are three doctors who are all non-Muhammadans ?

(c) Is it a fact that in Balak Ram's House Hospital both the doctors are Hindus ?

**EMPLOYMENT OF MUHAMMADAN COMPOUNDERS IN THE DELHI PROVINCE.**

†606. \*Maulvi Muhammad Yakub : Is it a fact that the number of Muhammadan compounders is very few in Delhi Province and particularly in the Civil Hospital at Delhi ?

**DOCTORS EMPLOYED ON INSPECTION DUTIES IN THE EDUCATION DEPARTMENT, DELHI.**

†607. \*Maulvi Muhammad Yakub : Is it a fact that all the doctors employed on inspection duties in the Education Department, Delhi, are Hindus ?

**CHARGE OF BRANCH DISPENSARIES IN DELHI.**

†608. \*Maulvi Muhammad Yakub : (a) Is it a fact that Delhi branch dispensaries were always occupied by the senior incumbents up to the time when the transfers were in the hands of Inspector General, Civil Hospitals, Punjab ?

(b) Is it a fact that for the last five years the Chief Medical Officer is authorised to make local transfers in Delhi Province ?

(c) Is it a fact that during the last five years not a single senior Sub-Assistant Surgeon was asked for, from the Inspector General, Civil Hospitals, Punjab ?

(d) Is it a fact that Assistant Surgeon Doctor Mukand Lall is holding charge of Civil Hospital, Delhi, for more than five years ? Will the Government be pleased to state whether this contravenes any provision in the Punjab Medical Manual ?

(e) Is it a fact that in 1926 one Doctor Muniruddin\*, Assistant Surgeon, was ordered to be transferred in place of Doctor Mukand Lall, but the order of transfer was postponed for some months ? If so, will the Government be pleased to state why the above order has not been brought into force till now ? Is it a fact that that order has not yet been actually cancelled ?

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\*For answer to this question, see answer to question No. 604.

## CHARGE OF MUFASSIL DISPENSARIES IN THE PUNJAB.

†609. \***Maulvi Muhammad Yakub** : (a) Is it a fact that in the Punjab, most of the mufassil dispensaries are in the charge of senior grade Sub-Assistant Surgeons ?

(b) Is it a fact that in Delhi Province, there is no senior grade Sub-Assistant Surgeon ? If so, do Government propose to take the necessary steps in the matter ?

## TRANSFER OF DR. MUKHERJI, SUB-ASSISTANT SURGEON IN-CHARGE OF THE RAILWAY DISPENSARY, DELHI.

610. \***Maulvi Muhammad Yakub** : (a) Is it a fact that the post of Railway Sub-Assistant Surgeon, Delhi, is under the Chief Medical Officer, Delhi ?

(b) Is it a fact that one Doctor Mukerji, Sub-Assistant Surgeon, is holding charge of the Railway Dispensary, Delhi, for the last some 12 years ? If so, do Government propose to consider the rights of others and to remove the officer who has been stationed for a long time in one place ?

**Mr. A. A. L. Parsons** : (a) The North Western Railway Sub-Assistant Surgeon, Delhi, is under the Medical Officer of the North Western Railway, who is also the Civil Surgeon at Delhi, and Chief Medical Officer, Delhi Provinces.

(b) Mr. Mukerji has been stationed in Delhi for a considerable time—I am not sure of the exact period. Government have no intention of removing an officer whose work has been satisfactory.

## STATEMENT SHOWING THE ALLOCATION OF THE CIVIL MEDICAL DEPARTMENT, DELHI PROVINCE.

†611. \***Maulvi Muhammad Yakub** : Will the Government be pleased to lay on the table a statement of the allocation of the Medical Department, Delhi Province, showing names and caste, religion, age, pay, date of appointment in Delhi Province, native place, length of service, present postings, with date and years ?

## REORGANISATION BY THE AGENT OF THE NORTH WESTERN RAILWAY OF THE GENERAL WORKERS' UNION, NORTH WESTERN RAILWAY.

612. \***Maulvi Muhammad Yakub** : (a) Are Government aware that a trade union of the North Western Railway employees was registered under Trade Unions Act on 31st March 1928 under the name "The General Workers Union, North Western Railway" ?

(b) Are Government also aware that Mr. M. A. Khan, General Secretary of the said Union, wrote to the Agent, North Western Railway, vide letter No. G.U.4, dated 25th April, 1928, for the recognition of the said Union ?

(c) Is it a fact that the Agent, North Western Railway, did not acknowledge receipt of the aforesaid letter ?

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†For answer to this question, see answer to question No. 604.

(d) Are Government aware that the registered Trade Union is meant to regulate relations between the employers and the workmen ? Will Government be pleased to state how it will be possible to regulate these relations without recognition and co-operation ?

(e) Do Government propose to ask the Agent, North Western Railway, to negotiate with and grant recognition to the said Union ?

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

(b) Yes.

(c) I understand that the Agent did not acknowledge receipt of this letter.

(d) The view of Government is that registration should predispose the Agent to deal with the Union as representing the interests of its members, but the question whether the Agent should deal with a particular Union, and if so, to what extent, is one which must be decided with regard to the facts of each case. The position on the North Western Railway is that there are two rival Unions covering the same ground which are in direct opposition to each other. The Agent of the North Western Railway has dealt with one of these Unions from its inception in 1920, and is not prepared to deal with the rival body, which has only been recently started.

(e) No ; for reasons which I have already explained.

#### EMPLOYMENT OF INDIANS AS CARRIAGE INSPECTORS ON THE NORTH WESTERN RAILWAY.

613. **\*Maulvi Muhammad Yakub :** Is it a fact that no Indian is working on the North Western Railway as a Carriage Inspector ? If not, why not ? Do the Government propose to move the North Western Railway authorities to select a few senior and qualified head Carriage Examiners and promote them as Carriage Inspectors when vacancies occur next ?

**Mr. A. A. L. Parsons :** I understand that no Indian, as distinct from a statutory Indian is working as a Carriage Inspector on the North Western Railway. These posts are filled by selection from Carriage Examiners and there is no bar to Indians being appointed.

#### PAY OF WORKMEN IN THE POWER HOUSE AND LOCOMOTIVE AND CARRIAGE SHOPS, NORTH WESTERN RAILWAY.

614. **\*Maulvi Muhammad Yakub :** Is it a fact that workmen in the Power House of the North Western Railway have a maximum grade of Rs. 3-8-0 per day, while in the Locomotive and Carriage Shops, the maximum grade is Rs. 2-8-0 a day ? Do the Government propose to move the Agent, North Western Railway, to equalise the rates of both the Workshops ?

**Mr. A. A. L. Parsons :** The answer to the first part of the question is in the negative. Rs. 2-8-0 a day is the maximum for mechanics in both the Power House and in the Locomotive and Carriage Shops.



# **AGREEMENTS WITH THE DAILY RATED STAFF ON THE NORTH WESTERN RAILWAY.**

615. \*Maulvi Muhammad Yakub : Is it a fact that the daily rated staff on the North Western Railway has been made to sign an agreement of service with the Secretary of State for India like the ministerial and clerical staff who are monthly paid ? If so, do Government propose to consider the question of granting the daily rated labour casual, privilege, sick and furlough leave like the other above-mentioned staff ?

Mr. A. A. L. Parsons : The answer to the first part of the question is in the negative except that daily rated staff who subscribe to the Provident Fund are made to sign an agreement of service and become entitled to one month's notice before their services are dispensed with. The second part of the question does not arise.

## **NUMBER OF EMPLOYEES OF THE NORTH WESTERN RAILWAY DISMISSED, DISCHARGED, REDUCED IN PAY AND FINED IN THE YEAR 1927-28.**

616. \*Maulvi Muhammad Yakub : Will the Government be pleased to state how many employees of the North Western Railway have been dismissed, discharged, reduced in pay and fined in the year 1927-1928 and how many appeals were entertained and with what results ?

Mr. A. A. L. Parsons : I am making enquiries from the North Western Railway how far the information desired by the Honourable Member can be procured and will communicate with him later.

## **TIME SCALE OF PAY FOR THE OUTDOOR CLERICAL STAFF ON THE NORTH WESTERN RAILWAY.**

617. \*Maulvi Muhammad Yakub : Are Government aware that the outdoor clerical staff with 20 to 25 years' service on the North Western Railway is blocked on Rs. 60 per mensem, while the grades of the clerical staff in the Postal, Secretariat and other Government Departments have risen up to Rs. 140. Do Government propose to draw the attention of the Agent of the North Western Railway, to introduce a time-scale system on the same lines as in the other Departments under the Government of India ?

Mr. A. A. L. Parsons : I have called for information from the Agent of the North Western Railway, but it has not yet arrived. I will communicate with the Honourable Member when the reply is received.

## **POPULATION OF THE DEPRESSED CLASSES.**

618. \*Rao Bahadur M. C. Rajah : Will Government be pleased to state :

- (a) if the figures given in the schemes set out in Appendices I to VIII of the Report of the Franchise Committee dated 22nd February, 1919, regarding the population of the Depressed Classes (shown in the statistical summary as "Others" with an asterisk mark\* under the heading "Hindus") are correct ?
- (b) if these figures indicate the untouchable castes ?

- (c) if these figures include the criminal tribes also ?
- (d) if these figures referred to territory outside British India as well as British India ?
- (e) if the total population of the Depressed Classes according to the figures given on pages 19, 29, 37, 45, 53, 61, 69 and 75 of the Franchise Committee's Report, 1919, was more than 42 millions ?

**The Honourable Mr. J. Crerar :** (a), (b), (c) and (e). The Honourable Member will see from the footnotes to the Appendices that the population shown under the heading "others" referred to those castes which were generally described as "untouchables". Their total number was over 42 millions. The references in the footnotes to the Census Reports suggest that the Committee obtained their figures from the Census Reports of 1901 and 1911, but a scrutiny of the Census tables shows that the figures given in them do not in all cases tally with the figures given in the Appendices referred to by the Honourable Member. The Government of India are not therefore in a position to check the figures. Precise details of criminal tribes are not available.

(d) The figures referred only to British India.

#### POPULATION OF THE DEPRESSED CLASSES.

619. **\*Rao Bahadur M. C. Rajah :** Will Government be pleased to state :

- (a) if the population of the Depressed Classes according to the census of 1921 is as follows (approximately) ?

	Millions.
Madras Presidency	7.20
Bombay Presidency	3.06
Bengal Presidency ..	11.50
U. P. of Agra and Oudh .. ..	15.69
Punjab .. ..	3.55
Central Provinces and Berar .. ..	10.00

- (b) if the answer to the above is in the negative, will the Government be pleased to lay on the table the correct figures for these provinces as well as for Bihar and Orissa and Assam ?

**The Honourable Mr. J. Crerar :** I propose, with your permission, to answer questions Nos. 619 and 620 together. I would refer the Honourable Member to the Census Report of 1921.

#### UNTOUCHABLE POPULATION OF INDIA.

†620. **\*Rao Bahadur M. C. Rajah :** Will Government be pleased to state if the total untouchable population of India according to the census of 1921 is more than 60 millions ?

†For answer to this question, see answer to question No. 619.

**Mr. C. Duraiswamy Aiyangar :** May I know whether the term "depressed classes" is a term recognised by the Government?

**The Honourable Mr. J. Crerar :** It is a term in common use, and Government do employ it in the various reports dealing with the matter.

**Mr. C. Duraiswamy Aiyangar :** May I ask whether they are depressed by Government or by others?

(No answer).

**Mr. C. Duraiswamy Aiyangar :** May I ask one more question, whether during the last seven years, since 1921, many of those who were depressed have been elevated and those who were non-depressed then have become depressed?

**The Honourable Mr. J. Crerar :** I hope that it is certainly true that certain castes which were depressed in 1921 have since advanced, and that in the next census a different classification may be possible for them.

#### QUALIFICATIONS FOR PROMOTION TO THE GRADE OF HEAD LIGHT KEEPERS IN THE MADRAS PRESIDENCY.

621. **\*Mr. Sarabhai Nemchand Haji :** (a) Is it a fact that the Head of the Madras Presidency Port authorities issued two circulars regarding the qualifications for promotion to the grade of Head Light Keepers?

(b) If so, will Government be pleased to lay them on the table?

(c) Is it a fact that these circulars have been ignored by the authorities concerned in filling up recent vacancies?

**The Honourable Sir George Rainy :** Enquiries have been made from the Government of Madras, and the result will be communicated to the Honourable Member on receipt of the Local Government's reply.

#### NUMBER OF PERSONS EMPLOYED IN THE LIGHT HOUSES SERVICES.

622. **\*Mr. Sarabhai Nemchand Haji :** Will Government be pleased to state the number of men of different communities in India employed in the different Presidencies in the various grades of the Light-houses Services?

**The Honourable Sir George Rainy :** With your permission, Sir, I will answer questions 622 and 623 together. The coast light services, which are now administered by Local Governments, will in the course of the ensuing cold weather be reorganised under the direct control of the Government of India. The information for which the Honourable Member asks will then be available.

#### SEA AND COAST LIGHTS ESTABLISHMENTS IN INDIA.

†623. **\*Mr. Sarabhai Nemchand Haji :** Will Government be pleased to lay on the table a statement showing the list of Sea and Coast Lights Establishments in India?

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†For answer to this question, see answer to question No. 622.

BANKING ENQUIRY COMMITTEE.

624. **\*Mr. Sarabhai Nemchand Haji :** Is it a fact that Government proposed to appoint at an early date a Banking Enquiry Committee in terms of the Resolution passed by the Legislative Assembly during the Simla Session of 1927?

**The Honourable Sir Bhupendra Nath Mitra :** Government have no present intention of appointing a Committee of the kind mentioned in the immediate future.

**Mr. Sarabhai Nemchand Haji :** Is it a fact that Sir Basil Blackett stated in the course of his reply to the Resolution that, as soon as the Reserve Bank question was got out of the way and as soon as the Report of the Royal Agricultural Commission was available, the Government would consider the advisability of appointing this Committee?

**The Honourable Sir Bhupendra Nath Mitra :** That does not in any way affect the answer I have already given to the Honourable Member.

**Mr. Sarabhai Nemchand Haji :** Will the facts I have stated induce the Honourable Member to expedite the matter?

**The Honourable Sir Bhupendra Nath Mitra :** I have nothing to add to the answer I have already given, and I would advise my Honourable friend to read my answer a little more carefully.

COMPETITIVE EXAMINATION FOR THE INDIAN MEDICAL SERVICE.

625. **\*Mr. Sarabhai Nemchand Haji :** (a) Will Government be pleased to state the year in which the last competitive examination for the Indian Medical Service was held?

(b) When do Government propose to resume the competitive examination for entrance into the Indian Medical Service?

(c) Is it a fact that in the recruitment of men for the Indian Medical Service since the vacancies are filled by selection, the proportion of two Europeans to one Indian is being maintained?

(d) If so, why?

**Mr. G. M. Young :** (a) 1915.

(b) It is proposed to wait and see what effect the reorganization of the Indian Medical Service will have on recruitment before taking up the question of reintroducing the competitive examination.

(c) The proportion aimed at is as stated by the Honourable Member. But the total number of Indians recruited by nomination up to date is in excess of this proportion.

(d) The ratio of two Europeans to one Indian represents roughly the proportions necessary in order to provide for attendance on European civil officers and their families and to allow for the reserve of British officers required by the Army in war. It represents a considerable increase over the number of Indians who succeeded in entering the service under the old system of open competition.

**Pandit Hirday Nath Kunru :** Why is a reserve of British officers needed by the Military Department in the Indian Medical Service?

**Mr. G. M. Young :** Because in time of war there is no reserve for the Royal Army Medical Corps. The war reserve of British officers in the Indian Medical Service provides a reserve for the Royal Army Medical Corps.

**Pandit Hirday Nath Kunzru :** Is there any understanding between the War Office and the Government of India that the British troops would in time of war be attended on only by British officers ?

**Mr. G. M. Young :** British troops are attended to only by British officers and the reserve of British officers exists for attending to them in war.

**Mr. Gaya Prasad Singh :** Why is it so ?

**Pandit Hirday Nath Kunzru :** May I know whether the Government of India or His Majesty's Government have laid down the policy that British officers and British troops should in time of war be looked after only by British officers of the Indian Medical Service ?

**Mr. G. M. Young :** The assumption is that British officers and British troops will be looked after by British medical officers in war.

**Pandit Hirday Nath Kunzru :** Has that policy been laid down anywhere, or has the present practice been continued without any direct enunciation of principles by either the Government of India or His Majesty's Government ?

**Mr. G. M. Young :** I am not aware that the question has ever been raised. It is an assumption, rather. British troops are at present looked after by British medical officers, and it is naturally assumed that in time of war the reserve should also be British.

**Pandit Hirday Nath Kunzru :** Is the Honourable Member aware that the British medical officers attached to the British troops are part of the Royal Army ? When the officers of the Indian Medical Service in time of war attend on British troops, it does not necessarily follow that the officers who look after the British troops should also be British.

**Mr. G. M. Young :** I am afraid I have not entirely followed the argument just stated by the Honourable Member. If he wishes to obtain from me a statement about the policy that has been pursued or laid down in the past, I trust he will give me notice.

**Mr. Sarabhai Nemchand Haji :** In view of the very vicious principle just enunciated by the Honourable the Army Secretary.....

**Mr. President :** Will the Honourable Member put his question without any arguments ?

**Mr. Sarabhai Nemchand Haji :** Sir, may I enquire if it is a fact that Indian members of the Indian Medical Service attended on British officers and soldiers during the last war ?

**Mr. G. M. Young :** I have no detailed information on the subject, but I should think it quite probable.

**Mr. Sarabhai Nemchand Haji :** If it is quite probable, is it the reward for that service that the Indian officers of the Indian Medical Service are kept out now ?

**Mr. G. M. Young :** I think that that is more in the nature of an argument than a question.

**Mr. M. R. Jayakar :** Have the Government of India discovered any new principle in medical science that the curative qualifications of a medical man depend upon the similarity of complexion between him and his patient ? (Laughter.)

**Mr. N. M. Joshi :** May I ask whether Mr. Haji's Bill for the reservation of coastal traffic is not based upon this reservation of British medical officers for Europeans ?

**Mr. R. K. Shanmukham Chetty :** If, as the Honourable Member stated in answer to my Honourable friend, Mr. Haji, during the war Indian officers of the Medical Service attended upon British Army officers, may I ask what is the basis of his assumption that British officers and British troops will always be attended during war by British officers of the Indian Medical Service ? May I know what is the basis for his assumption ?

**Mr. G. M. Young :** I still think that these questions take the form of arguments, but there appears to be some slight misapprehension. Many of the officers of the Indian Medical Service are Indians, and I say it is quite probable, in fact, it is quite certain that they did attend on British officers in the war. But this is a question of a reserve of medical officers for British troops. British troops are not attended in peace time by Indian Medical Service officers, and in time of war it is natural that the reserve should be of the same composition as the main cadre.

**Pandit Hirday Nath Kunzru :** Does the Honourable Member mean that the organisation of the Indian Army should depend upon the needs of the British troops during a time of war ?

**Mr. G. M. Young :** No. I do not think that is an inference that could possibly be drawn from anything I have said.

**Dr. B. S. Moonje :** If the needs of the British Army can be met even by Indian members of the Indian Medical Service, where is the necessity of reserving British medical officers for British officers and troops in the Indian Medical Service when the Royal Army Medical Corps is solely reserved for them ?

**Mr. G. M. Young :** The answer to that question lies in part (d) of my answer to the main question.

#### NUMBER OF CIVIL APPOINTMENTS TO WHICH INDIAN MEMBERS OF THE INDIAN MEDICAL SERVICE WILL BE ADMITTED.

626. **\*Mr. Sarabhai Nemchand Haji :** (a) Is it a fact that the provision of an adequate number of civil appointments has always been considered necessary to draw the European of the right calibre into the Indian Medical Service ?

(b) If so, has the same principle been borne in mind in arranging the number of civil appointments to which Indian members of the Indian Medical Service will be admitted under the new scheme referred to in the press communiqué, dated 10th May, 1928 ?

**Mr. G. M. Young :** (a) and (b). The reply to both parts is in the affirmative.

### SURGEONS-GENERAL AND INSPECTORS-GENERAL OF CIVIL HOSPITALS.

627. **\*Mr. Sarabhai Nemchand Haji** : Is it a fact that under the new scheme Provincial Governments will have the right to appoint non-I.M.S. men to the posts of Surgeons-General or Inspectors-General of Civil Hospitals, when the present incumbents retire?

(b). Will it be open to the Provincial Governments to abolish these posts, if they choose to do so?

**Mr. G. S. Bajpai** : (a) Local Governments will have the right to make appointments to these posts when the existing rights of Indian Medical Service officers in civil employ have been liquidated.

(b) Not under the present financial rules.

**Mr. Sarabhai Nemchand Haji** : Does it follow that under present rules the Provincial Minister will not have the right to abolish these posts if he is so advised?

**Mr. G. S. Bajpai** : That is so, Sir.

**Mr. Sarabhai Nemchand Haji** : Is that going to be the nature of provincial autonomy?

**Mr. G. S. Bajpai** : That is a question which is susceptible of debate and not of a short and direct answer.

### RESERVATION OF POSTS FOR INDIAN AND EUROPEAN MEMBERS OF THE INDIAN MEDICAL SERVICE.

628. **\*Mr. Sarabhai Nemchand Haji** : Is it a fact that under the new scheme while only two posts are definitely reserved for the Indian members of the Indian Medical Service more than 200 posts are definitely reserved for the European members of the Indian Medical Service?

**Mr. G. S. Bajpai** : The Honourable Member is presumably referring to posts on the civil side. The number of such posts definitely reserved for European Indian Medical Service officers is 143 and although the number of posts specifically reserved for Indian I. M. S. officers is only 2, it is the intention of Government to give to Indians a sufficient number of posts on the civil side to bring the total number of Indian officers in civil employ up to 90.

**Mr. Sarabhai Nemchand Haji** : Am I to understand that for all practical purposes 90 posts will be reserved for Indian officers of the Indian Medical Service?

**Mr. G. S. Bajpai** : I think my Honourable friend has not quite followed the basis of the reorganisation scheme. The aim is to take officers not merely for posts but also to allow for a leave and study reserve of 27½ per cent. Including this leave and study reserve we want 90 Indians on the civil side, but the number of posts which will be given to these officers will be the difference between 90 and the 27½ per cent. of 90 which represents the leave and study reserve.

### TRAINING OF CADETS ON THE TRAINING SHIPS "CONWAY" AND "WORCESTER."

629. **\*Mr. Gaya Prasad Singh** : Will Government be pleased to state :

(a) What is the duration of the course of training for English Cadets on the training ships "Conway" and "Worcester" ?

(b) Are there any restrictions in the way of Indian youths to their admission to the above training ships? If so, what are those?

(c) What is the average cost of training per annum for a Cadet on either of the above training ships?

**The Honourable Sir George Rainy :** The information, so far as it is available to the Government of India, is as follows :

(a) The minimum period on the "Worcester" is two years, but the length of training varies with the age and ability of the candidate. It is understood that the course on the "Conway" is similar.

(b) The "Conway" and the "Worcester" are private institutions. The managements were approached on the subject by the Committee on Indian Students in 1921, and their replies are summarised in paragraph 105 of the Committee's report. Subsequently, Captain Sayer, the Captain Superintendent of the "Worcester", who came to India in 1925 to advise the Government of India on the scheme for the establishment of a training ship in India, recommended as an alternative that the management of the "Worcester" should be asked to accept Indian cadets. But in view of the decision of the Legislative Assembly on the 19th March, 1926, to establish a training ship in Indian waters, Captain Sayer's alternative proposal was not further pursued.

(c) The fees for the "Worcester" are £140 per annum, inclusive of one suit of uniform yearly, washing and medical attendance, and the fees for the "Conway" are £120 per annum without uniform.

**Dr. B. S. Moonje :** If the "Worcester" is a private ship, does it receive any subsidy from the Government ?

**The Honourable Sir George Rainy :** I am quite certain that neither the "Worcester" nor the "Conway" receive any subsidy from the Government of India. Whether either receives a subsidy from the British Government I am not aware, and if the Honourable Member desires information, perhaps he will give me notice.

**Mr. Sarabhai Nemchand Haji :** Supposing they received a subsidy from the British Government, have not British subjects a claim.....

**Mr. President :** That is a hypothetical question.

**Mr. Sarabhai Nemchand Haji :** With reference to part (a) of the question, and with reference to the mention of the report of the Indian Students Committee referred to by the Honourable Member, is it a fact that in reply to the queries of that Committee, both these British institutions definitely refused to take Indian candidates ?

**The Honourable Sir George Rainy :** I have the papers here, but I cannot without a little delay give the answer to the Honourable Member's question. If that report is not already in the Library, I will see that a



copy is placed in the Library, so that Members may satisfy themselves as to what exactly happened at that time.

#### SEA SERVICE NECESSARY FOR A SECOND MATE'S CERTIFICATE.

630. \***Mr. Gaya Prasad Singh** : (a) Is it a fact that for those who come out of the "Conway" and "Worcester" the qualifying sea service is only three years, while the Indian Cadets of the I. M. M. T. S. "Dufferin" have to put in four years of sea service before they can appear for the Second Mate's Certificate ?

(b) If the answer to the above be in the affirmative, what is the reason for making this differentiation in the period of sea service to be put in by the Indian and English Cadets ?

**The Honourable Sir George Rainy** : (a) The qualifying sea service required of a "Dufferin" cadet is exactly the same as is required of a "Conway" or "Worcester" cadets.

(b) Does not arise.

#### ADMISSION OF CADETS FOR THE "DUFFERIN" TO THE TRAINING SHIPS "CONWAY" AND "WORCESTER."

631. \***Mr. Gaya Prasad Singh** : (a) Do Government propose to afford the necessary facilities regarding admission and other amenities of life to those Cadets of the I. M. M. T. S. "Dufferin" who are desirous of proceeding to England and receiving training on the "Conway" and "Worcester" ?

(b) If the answer to the above is in the affirmative, do Government propose to count the period of service put in by those Cadets of the "Dufferin" who are desirous of proceeding to England for training on the "Conway" and "Worcester" when calculating the total period of training to be put in on the English training ships ?

**The Honourable Sir George Rainy** : (a) No, Sir.

(b) Does not arise.

#### THE INDIAN NAVY.

632. \***Mr. Gaya Prasad Singh** : (a) Will Government be pleased to state when the Indian Navy will be created ?

(b) Will posts in the Indian Navy be thrown open to Cadets of the "Dufferin" ?

(c) If not, why not ?

(d) If the answer to (c) is in the negative, will Government be pleased to state the special qualifications required of youths desirous of joining the Indian Navy ?

**Mr. G. M. Young** : (a) The designation and status of the Royal Indian Marine cannot be raised to those of a Dominion Navy until the Naval Discipline Act, applicable to such Navies and to the Royal Navy, has been passed by the Indian Legislature.

(b) Cadets from the "Dufferin" are already eligible to compete for posts in the reorganized Royal Indian Marine, and will be equally eligible to compete for posts in the Royal Indian Navy, if one is created.

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

**Mr. Sarabhai Nemchand Haji :** Have Government fixed a proportion of Indian recruitment from the "Dufferin" in connection with the general recruitment for the Royal Indian Marine?

**Mr. G. M. Young :** I am afraid I have not understood the question, but no proportion has been fixed with reference to the "Dufferin".

**Mr. Sarabhai Nemchand Haji :** I shall explain the question. The question was this. Just as you have reserved a certain number of posts with regard to the engineering side, will you tell us the number of posts, the proportion of posts fixed for Indian candidates taken from the "Dufferin".

**Mr. G. M. Young :** I am afraid the identity of the second question with the first has altogether eluded me, so that I must ask him for notice of both.

#### THROWING OPEN OF THE BENGAL PILOT SERVICE TO CADETS OF THE "DUFFERIN."

633. **\*Mr. Gaya Prasad Singh :** Will Government be pleased to say if the Bengal Pilot Service will be thrown open to the Cadets of the "Dufferin" after they have completed the necessary qualifying sea service?

**The Honourable Sir George Rainy :** I would invite the attention of the Honourable Member to the Commerce Department Notification, No. 141-S. (12), dated the 9th June, 1928, published in the Gazette of India of the same date, containing the revised rules for the appointment of candidates to the Bengal Pilot Service. Under these rules, preference will be given to candidates who have passed through the Indian Mercantile Marine Training Ship "Dufferin".

#### COURSE OF TRAINING PRESCRIBED FOR CADETS OF THE "DUFFERIN."

634. **\*Mr. Gaya Prasad Singh :** (a) Are Government aware that the course prescribed for Cadets of the "Dufferin" is intended to prepare them more for the Bombay University Examination than for giving them a thorough theoretical and practical training so as to prepare them for a nautical career?

(b) Do Government propose to consider the desirability of so revising the course of training on the "Dufferin" as to fit the Cadets to hold posts not merely in the Mercantile Marine, but also in the Indian Navy and the Royal Indian Marine, the Bengal Pilot Service, in the various Port Trusts, Docks, Harbours and Lighthouses, in case the Cadets after completion of their course find it inconvenient either for reasons of health or due to other causes to continue the actual nautical career?

**The Honourable Sir George Rainy :** (a) No, Sir.

(b) So far as Government are aware, the present course of training on the "Dufferin" is well suited to prepare cadets for any nautical employment.

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

**HIGH HOUSE RENTS IN DELHI.**

551. **\*Lala Rang Behari Lal** : Will Government be pleased to state if they are aware of the fact that in Delhi house rent is high and that it is difficult to secure suitable houses at fairly high rents ?

**Mr. A. A. L. Parsons** : Government understand that there is some difficulty in obtaining accommodation in Delhi, and proposals are being formulated for housing the large number of clerks who have recently come to the Clearing Accounts Office there.

**SEPARATION OF AUDIT FROM ACCOUNTS ON THE NORTH WESTERN RAILWAY.**

574. **\*Lala Rang Behari Lal** : 1. Will the Government be pleased to state if it is proposed to separate " Audit " from " Accounts " on the North Western Railway ? If so, is this system more economical than the present one ?

2. (a) Are the Government aware of the fact that there exist at present in the Divisions under the supervision of qualified accountants, accounts branches in the office of Divisional Superintendents under the North-Western Railway ?

(b) Will the Government state what shall be the status of these qualified accountants, who are in most cases drawing salaries, drawn by the senior accountants in the Audit Department, under the new scheme ?

3. Will the Government be pleased to state if they are aware of the fact that the qualified accountants, sub-heads and clerks working in the existing accounts branches, are doing executive accounts work ; whereas the Audit staff likely to be transferred to a new Accounts Department, possess merely routine audit knowledge ?

4. Do Government propose to earmark some posts of Assistant Accounts Officers for the qualified accountants in the Divisional Superintendent's Office ?

5. Are Government prepared to keep in view at the time of the formation of the new accounts offices that the sub-heads and clerks in the existing accounts branches are not allowed to be superseded by audit sub-heads and clerks ?

**Mr. A. A. L. Parsons** : 1. The Reply to both parts of the question is in the affirmative.

2 to 5. If separation is given effect to, the question of utilising the staff referred to in the accounts department if suitable will be considered, but Government cannot undertake to earmark any posts for them. The relative seniority of such as are taken will be carefully considered at the time of their appointment.

**ALLEGED MISUSE OF A SECOND CLASS CARDPASS BY MR. ASHWOOD, OFFICE SUPERINTENDENT IN THE OFFICE OF THE DIVISIONAL SUPERINTENDENT, DELHI, NORTH WESTERN RAILWAY.**

575. **\*Lala Rang Behari Lal** : (a) Is it a fact that Mr. A. C. Ashwood, a guard on the North-Western Railway, in receipt of Rs. 110 as salary,

was selected for the post of Office Superintendent, carrying a salary of Rs. 400—20—500 in the office of the Divisional Superintendent in Delhi ?

(b) Has the attention of the Government been drawn to a note in the *Hindustan Times* of the 25th August 1928, relating to the misuse of a second class card-pass by the same Mr. Ashwood ?

(c) If so, will the Government be pleased to state what action, if any, had been taken in the matter ?

**Mr. A. A. L. Parsons :** (a) This appointment rests with the Agent and is made by selection. Government are not aware whether any change has recently taken place in the incumbency.

(b) and (c). The copy of the newspaper mentioned by the Honourable Member has been examined, but contains no such allegation.

#### OUTFIT, MAINTENANCE AND TRAVELLING ALLOWANCES OF OFFICERS OF UNIVERSITY TRAINING CORPS.

576. **\*Lala Rang Behari Lal :** 1. Will the Government be pleased to state the steps that they contemplate taking for the organisation of the projected second company of the Delhi University Training Corps ?

2. Will the Government be pleased to state if it is a fact that the University Training Corps officers get an outfit allowance of Rs. 100 only on first appointment, and an allowance of Rs. 200 subsequently on passing the retention examination ?

3. Are the Government aware that Rs. 100 is absolutely insufficient for the purchase of an officer's complete uniform and equipment ?

4. Is it a fact that the University Training Corps officers get no maintenance allowance ? If so, do Government propose to consider the advisability of introducing an allowance for the University Training Corps officers on the lines of the Army in India Reserve of Officers ?

5. Is it a fact that the University Training Corps officers were granted a travelling allowance for distances over 2 miles from the place of parade on a special consideration of the fact that they got no other allowances, and that the same travelling allowance has now been discontinued (by the Controller, Military Accounts, Meerut District) ?

6. In view of the above facts, do Government propose to reconsider the question of the granting of travelling allowance to University Training Corps officers at an early date ?

**Mr. G. M. Young :** 1. The unit has been constituted and orders for its formation have already been issued.

2. Yes.

3. Yes, but this sum is not intended to cover the cost of an officer's complete uniform and equipment. Government will consider the possibility of arranging that the whole amount of Rs. 300 should be paid on first appointment, subject to certain conditions as to refund if the officer relinquishes his commission within a certain time.

4. Presumably the Honourable Member is referring to the grant of a retaining fee. Government have no intention of introducing any such allowance for King's commissioned officers of either the Auxiliary Force or the Indian Territorial Force.

5. Travelling allowance for journeys to and from casual parades is not admissible to officers of the Auxiliary Force or the Indian Territorial Force.

6. This recommendation will be considered along with other minor recommendations of the Auxiliary and Territorial Forces Committee as soon as funds are available.

**MESSAGE IN THE *Pioneer* OF THE 3RD SEPTEMBER, 1928, UNDER THE HEADING "AMARNATH PILGRIMS IN DISTRESS."**

596. \***Mr. M. S. Aney** : Has the attention of the Government been drawn to the message published in the *Pioneer* of the 3rd September 1928 under the heading "Amarnath pilgrims in distress" ?

2. Will the Government be pleased to publish the following information :

- (a) Total number of pilgrims who died ?
- (b) The number of pilgrims who stand in need of relief ?
- (c) Steps, if any, taken by the Government of India for the relief of the surviving pilgrims who might have been rendered helpless to enable them to return to their native places ?

3. If the Government of India have not yet taken any steps, will the Government be pleased to state what steps they propose to take to give relief to the aforesaid suffering pilgrims ?

**Sir Denys Bray** : Information has been called for from the Resident in Kashmir and I will pass it on to the Honourable Member as soon as it is received.

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**UNSTARRED QUESTIONS AND ANSWERS.**

**PAY OF CLERKS OF THE OFFICE OF THE CHIEF AUDITOR, NORTH WESTERN RAILWAY.**

350. **Pandit Thakur Das Bhargava** : (a) Is it a fact that there are two scales of pay for clerks in the Chief Auditor's Office, North Western Railway ?

(b) If the answer is in the affirmative will the Government kindly state the respective starting and ultimate pay of each class ?

(c) Is it a fact that the scales were revised in 1922 ?

(d) Is there any special distinction or difference in the work allotted to the clerks of class I and class II in the various sections of the office ?

(e) Is it a fact that the pay and prospects of the superior class are disproportionately better than the pay and prospects of the inferior class considering the distinction or difference if any in the work of the two classes ?

(f) Has any memorial or petition been received by the Auditor General, Bodyguard Lines, New Delhi, on behalf of clerks of the 2nd class ?

(g) If so, what reply if any has been given ?

Class I .. Rs. 60—4—120—5—145.  
(efficiency bar at Rs. 100).

(c) These scales were sanctioned in 1922.

(e) This question is now under the consideration of the Auditor General.

(g) The Auditor General is considering the memorials and the recommendation of the Accountant General, Railways, and no reply has yet been given.

CONTINUANCE OF THE SYSTEM OF FORCED LABOUR FROM MEMBERS OF THE  
DEPRESSED CLASSES IN DELHI, AJMER-MERWARA, ETC.

**351. Pandit Thakur Das Bhargava :** Are the Government aware that the system of Begar (forced labour from members of the depressed classes) is still in vogue in Delhi, Ajmer-Merwara and other provinces of India ?

**Mr. G. S. Bajpai :** Full information has already been furnished to one House or the other of the Central Legislature in respect of the system of *begar* or forced labour so far as it prevails in various provinces in India. I would invite the Honourable Member's attention to :

(a) the reply given in the Legislative Assembly on the 11th February, 1924, to the Honourable Mr. V. J. Patel's question No. 234 ;

(b) the reply given in the Council of State on 12th September, 1927, to the Honourable Sir Haroon Jaffer's question No. 116 ; and

(c) my reply to Khan Bahadur Sarfaraz Hussain Khan's question No. 156 in the Legislative Assembly on the 1st March, 1928.

## REMOVAL OF INCOME-TAX OFFICERS FROM THEIR OFFICE BY THE COMMISSIONERS OF INCOME-TAX.

**352. Pandit Thakur Das Bhargava :** Is it a fact that the Income-tax Officers are removable from their office by the Commissioners of Income-tax ?

**The Honourable Sir Bhupendra Nath Mitra :** Yes, subject to the officers' right of appeal to the Governor in Council of the Province concerned.

## REVISION OF THE RULES RELATING TO THE REFUND OF MONEY IN RESPECT OF LOST OR TORN CURRENCY NOTES.

353. **Pandit Thakur Das Bhargava :** (a) Have the rules in regard to the refund of money in respect of lost or torn currency notes been lately changed ?

(b) Is it correct that according to the existing rules a person in possession of a half portion of the note is entitled to a refund of half the amount of the note and the Currency Office is under no obligation to give information to the claimant of the lost note in respect of any claim made by the person in possession of the other half portion of the note ?

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

(b) If the half note is part of a note the denomination of which does not exceed Rs. 10, no claim is entertained. If it is part of a note the denomination of which exceeds Rs. 10, the position is regulated by rules 11, 13 and 14 of the Currency Notes (Refund) Rules, 1921 (published in the Gazette of India, dated the 26th November, 1921), as amended by the Finance Department Notification, dated the 19th May, 1927, (published in the Gazette of India of the 21st idem). In this latter case, the position is substantially as stated by the Honourable Member.

#### TRANSFER OF HIGH EXECUTIVE AND JUDICIAL OFFICERS IN AJMER-MERWARA.

354. **Pandit Thakur Das Bhargava :** (a) Is it a fact that high executive and judicial officers in Ajmer-Merwara are like permanent fixtures and hold their offices for a number of years without transfer and apprehension of such transfer ?

(b) Do the Government propose to take steps to arrange that the incumbents of high executive and judicial posts in Ajmer-Merwara may hold their posts for particular periods of time (as in other provinces of India) after the lapse of which transfer to some other area may be compulsory ?

**Sir Denys Bray :** Ajmer-Merwara is a small area with a self-contained local cadre. Transfers as between the posts within the Province are effected when necessary in the interests of public service. It is not considered that any particular advantage would accrue from prescribing a limited tenure for these posts.

#### ALLEGATIONS AGAINST A GUARD OF HAVING ATTEMPTED TO OUTRAGE THE MODESTY OF A CHRISTIAN WOMAN.

355. **Pandit Thakur Das Bhargava :** (a) Has the attention of Government been drawn to a statement made in a vernacular newspaper published at Saharanpur called *Pariwartin* in its issue of 8th May 1928 in which a complaint had been made against a guard having attempted to outrage the modesty of a Christian woman ?

(b) Are the facts stated in that article correct ?

(c) If so, what action have Government taken to bring the offender to book ?

**Mr. A. A. L. Parsons :** Government have not seen the article referred to and are consequently unable to say whether the facts stated in it are correct or not. They have ascertained, however, that an officers' enquiry was held into some such incident as appears from the Honourable Member's question to have formed the subject matter of the allegations in the article, and the decision was that the charge was not proved.

**PUBLICATION OF AN ATTACK ON HINDUS BY THE MUHAMMADAN AHMADI PAPER *Sunrise*.**

**356. Pandit Thakur Das Bhargava :** (a) Has the attention of the Government been drawn to the publication of an attack on Hindus by a Muhammadan Ahmadi paper *Sunrise* by name in its issue of 23rd July 1928 ?

(b) What action, if any, have Government taken against the paper ?

**The Honourable Mr. J. Orerar :** (a) No.

(b) The Local Government concerned will no doubt consider the propriety of taking action, if any action appears to be called for.

**OPENING OF A RAILWAY BETWEEN JIND AND HANSI *via* NARMAUND.**

**357. Pandit Thakur Das Bhargava :** Have the Government ever been pleased to consider the advisability of opening a railway line between Jind (State) and Hansi (Hissar District in the Punjab) *via* Narmaund ? If so, with what result ?

**Mr. A. A. L. Parsons :** No such project has hitherto been considered.

**RAILWAY LINE BETWEEN THANESAR AND JAGADHRI.**

**358. Pandit Thakur Das Bhargava :** By what time will the railway line between Thanesar and Jagadhri be completed and opened for public traffic ?

**Mr. A. A. L. Parsons :** It has been found on investigation that the line cannot be financially justified. The proposal has therefore been dropped.

**OPENING OF A BROAD GAUGE RAILWAY LINE BETWEEN JAKHAL AND SIRSA *via* FATEHABAD.**

**359. Pandit Thakur Das Bhargava :** Did the Punjab Government recommend to the Railway Board the opening of a broad gauge railway line between Jakhal and Sirsa *via* Fatehabad (Hissar District in the Punjab) ?

**Mr. A. A. L. Parsons :** The Punjab Government recommended the examination of a project for a broad gauge connection from Jakhal *via* Fatehabad to Bhattu or Sirsa in July 1927.

**OPENING OF A METRE GAUGE RAILWAY BETWEEN JAKHAL AND BHATTU *via* FATEHABAD.**

**360. Pandit Thakur Das Bhargava :** (a) Did the Railway Board ever consider the possibility and suggestion of connecting Jakhal and Bhattu *via* Fatehabad by the metre gauge ?

(b) How long has the matter of connecting Bhattu and Jakhal *via* Fatehabad been pending before the Railway Board and when can it be expected to be decided ?

**Mr. A. A. L. Parsons :** (a) and (b). The project has been under the Railway Board's consideration since April 1927, and the question of its construction on the broad gauge is at present under investigation.



### INTRODUCTION OF A UNIFORM MEASURE OF WEIGHT.

361. **Mr. Amar Nath Dutt :** (a) Is it a fact that the necessity of introducing a uniform standard of measure of weight was admitted by the Agriculture Commission and advocated by the Lucknow Session of the All-India Economic Conference ?

(b) If so, will the Government be pleased to state, what action, if any, has been taken to introduce a uniform standard of measure of weight in British India ? Do the Government propose to introduce any Bill on the subject ?

**The Honourable Sir George Rainy :** The recommendation of the Agricultural Commission is under consideration. The Government of India have not seen the proceedings of the Lucknow Session of the All-India Economic Conference.

### REMOVAL OF THE POST OFFICE AT COONOR FROM "MINSTED" TO "ROSE HALL."

362. **Mr. Amar Nath Dutt :** (a) Is it a fact that the Post Office at Coonor in the Nilgiri Division was shifted to the present building "Rose Hall" before the expiry of the lease of the old building "Minsted" ? If so, who paid the rent for the old building up to the date of expiry of the lease ?

(b) Is it a fact that the staff of the Maharaja of Pithapuram was occupying the old Post Office building in the months of May and June 1928 ? If so, what was the rent collected from them and credited to the accounts ?

**Mr. P. G. Rogers :** (a) Yes. The owner of "Rose Hall" paid the rent of the old building up to the date of expiry of the lease.

(b) Government have no information.

### ALLEGATIONS AGAINST THE POSTMASTER OF COONOR.

363. **Mr. Amar Nath Dutt :** (a) Is it a fact that the Postmaster of Coonor was giving all sorts of trouble to the clerks occupying the quarters allotted for them in the Post Office building ? Was this fact brought to the notice of the Divisional Superintendent ? What action has the Superintendent taken in the matter to prevent the Postmaster from interfering in the private affairs of the clerks ?

(b) Is it a fact that one Superintendent wrote in the office order book that no member of the clerk's family except his wife and children must remain with him in the quarters ?

**Mr. P. G. Rogers :** The Government have no information. It is open to the aggrieved persons to represent the matter through the usual channel.

### PRESENT TIME SCALE OF PAY OF THE LOWER DIVISION CLERKS OF THE OFFICE OF THE ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS.

364. **Mr. Amar Nath Dutt :** (a) Will the Government please state when the present time-scale of pay of the lower division clerks of the Accountant General, Posts and Telegraphs, was introduced ?

(b) Will the Government please state how many times the lower division men under the Accountant General, Posts and Telegraphs, have submitted their memorials since the introduction of the present scale and what were the steps taken by the Government ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The 1st March, 1924.

(b) The attention of the Honourable Member is drawn to the final reply given to question No. 1242 by Mr. Jogiah on the 26th March, 1927, a copy of which will be found in the Library.

#### TIME SCALE OF PAY FOR SENIOR POSTMEN.

**365. Mr. Amar Nath Dutt :** (a) Is it a fact that a time-scale of pay of Rs. 50-0-0 to Rs. 100-0-0 has been sanctioned for the senior postmen ?

(b) If the answer be in the affirmative, do the Government propose to revise the lower division scale in near future ?

(c) If not, why not ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) It is presumed that by senior postmen the Honourable Member means head postmen. If so, it is a fact that a time scale of pay of Rs. 50—5—100 has been sanctioned for the head postmen in Calcutta.

(b) and (c). The attention of the Honourable Member is drawn to the final reply given to question No. 1242 by Mr. Jogiah on the 26th March, 1927.

#### PAY OF LOWER DIVISION CLERKS OF THE OFFICE OF THE ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS.

**366. Mr. Amar Nath Dutt :** (a) Is it a fact that an uniform scale of Rs. 40-0-0 to Rs. 80-0-0 has been sanctioned for all the lower division men under the Accountant General, Posts and Telegraphs ?

(b) Is it a fact that no such uniformity has been maintained in the upper division scale under the same official ?

(c) If the answer be in the affirmative, do the Government propose to revise the lower division scale on that basis ?

(d) If not, why not ?

**The Honourable Sir Bhupendra Nath Mitra :** The attention of the Honourable Member is drawn to the final reply given to question No. 677 asked by him on the 7th September, 1925, a copy of which will be found in the Library.

#### RETIREMENT OF MEMBERS OF THE CLERICAL ESTABLISHMENT OF THE RAILWAY BOARD.

**367. Mr. Amar Nath Dutt :** With reference to the reply given in this House to starred question No. 1411 on 24th March, 1926, regarding the retirement of members of the clerical establishment of the office of the Railway Board, will Government be pleased to state whether any decision has since been arrived at, and, if so, what ?

**Mr. A. A. L. Parsons :** Yes. In addition to the men who were prematurely retired a further reduction of five posts has been effected.

**EXEMPTION OF THE RAILWAY BOARD FROM THE RULES GOVERNING RECRUITMENT OF STAFF THROUGH THE STAFF SELECTION BOARD.**

**368. Mr. Amar Nath Dutt :** (a) With reference to the reply given in this House to starred question No. 1402 on 24th March, 1926, will Government be pleased to state since when the Railway Board became free from the operations of the Staff Selection Board ?

(b) Was it ever officially announced either by the Railway Board or by the Staff Selection Board or by the Home Department ? If so, when and where ?

(c) Is there any other department or attached office under the Government of India which has been similarly exempted ? If not, what are the reasons for exemption in the case of the Railway Board ?

(d) In what respect does the ordinary clerical work of the Railway Board differ from that of other offices ?

**Mr. A. A. L. Parsons :** (a) In March 1925.

(b) No.

(c) The answer to the first part of the question is in the affirmative. The second part does not arise.

(d) The work is of a specialised and technical nature.

**RECRUITMENT OF CLERICAL STAFF FOR THE OFFICE OF THE RAILWAY BOARD.**

**369. Mr. Amar Nath Dutt :** (a) Is it a fact that recruitment of unpassed men was allowed as a special concession to posts requiring technical or special qualifications subject to the previous approval of the Home Department ? If so, why were not the regulations of the Staff Selection Board made applicable in the case of recruitment of clerical staff for the office of the Railway Board ?

(b) In how many cases was the approval of the Home Department obtained ?

**Mr. A. A. L. Parsons :** (a) The reply to the first part of the question is in the affirmative. As to the second part, general exemption has been granted in view of the fact that recruitment of men with technical qualifications is not an exceptional feature in the case of the Railway Department as in other Departments.

(b) Does not arise.

**RECRUITMENT OF THE CLERICAL STAFF FOR THE OFFICE OF THE RAILWAY BOARD.**

**370. Mr. Amar Nath Dutt :** (a) Is it a fact that the Railway Board was not excluded from the operations of the Staff Selection Board in the notifications regarding their examinations issued by that body for the information of the public in 1920, 1921 and 1922 ?

(b) Is it also a fact that a number of permanent men in the second division and many temporary men of the Railway Board were sent in to qualify themselves for the upper division appointments of the Board's office, of whom a good number failed ?

(c) If the answers to (a) and (b) be in the affirmative, will Government be pleased to state why this was done if the Railway Board is free to recruit its clerical staff independent of the Staff Selection Board ?

(d) Has the nature of the clerical duties in the Railway Board undergone a radical change since 1922 ?

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

(b) A certain number of the Board's staff sat voluntarily for the examination and some were unsuccessful.

(c) Exemption had not been granted to the Railway Board at that time.

(d) No.

#### TOTAL STRENGTH OF THE CLERICAL STAFF OF THE OFFICE OF THE RAILWAY BOARD ON THE 31ST JANUARY 1927.

371. **Mr. Amar Nath Dutt :** With reference to the reply given in this House to starred question No. 634 on 2nd February, 1925, will Government be pleased to state what was the total clerical strength on 31st January 1927 in the 1st, 2nd and 3rd divisions on the permanent establishment in the Railway Board, and what was the number of temporary clerks on that date ?

**Mr. A. A. L. Parsons :** The total clerical strength on the 31st January, 1927, was 30 in the 1st Division, 43 in the 2nd Division and 32 in the 3rd Division. There were 14 temporary clerks filling vacancies caused by men who had proceeded on deputation.

#### RECRUITMENT FOR LEAVE VACANCIES IN THE CLERICAL ESTABLISHMENT OF THE OFFICE OF THE RAILWAY BOARD.

372. **Mr. Amar Nath Dutt :** Is it a fact that men are recruited in leave vacancies in the clerical establishment of the Railway Board ? If so, will Government please state the reason for continuing this practice in spite of the statement made in reply to starred question No. 634 on 2nd February 1925 ?

**Mr. A. A. L. Parsons :** The answer to the first part of the question is in the negative, and the second part does not arise.

#### RECRUITMENT OF OUTSIDERS AS CLERKS IN THE OFFICE OF THE RAILWAY BOARD.

373. **Mr. Amar Nath Dutt :** (a) How many clerks were recruited in the Railway Board's office from outside during the past two years ?

(b) How many of them were required to fill in posts in which technical qualifications outside the scope of the Staff Selection Board were necessary ?

**Mr. A. A. L. Parsons :** (a) I am not sure what the Honourable Member means by recruitment from outside, but if he is referring to recruits who were not obtained from the Staff Selection Board, the number engaged from the 1st of September, 1926, to the 31st of March, 1928, to fill vacancies in permanent posts in the Board's office was 32.

(b) 14 of these men had special technical qualifications and of the remainder, a good many were appointed to fill short term vacancies.

ARTICLE IN THE *Forward* OF 3RD FEBRUARY, 1926, HEADED "RAILWAY BOARD'S MISMANAGEMENT."

374. **Mr. Amar Nath Dutt** : Has the attention of the Government been drawn to an article headed "Railway Board's mismanagement" which appeared in the *Forward* of 3rd February 1926 ? If so, will Government be pleased to state whether the allegations made in the last paragraph thereof are correct ? If so, what if any, action has been taken by the Government ?

**Mr. A. A. L. Parsons** : I have not been able to get hold of a copy of this back number of the periodical mentioned.

STAY IN SIMLA THROUGHOUT THE YEAR OF THE OFFICE OF THE MASTER GENERAL OF SUPPLY.

375. **Mr. Amar Nath Dutt** : (a) Is it a fact that the annual move of the Government of India offices including the Branches of Army Headquarters to and from Simla is determined primarily by climatic considerations ?

(b) Is it also a fact that since the allotment to the civil departments and their attached offices of the Secretariat Buildings at New Delhi, the old Secretariat Buildings at Old Delhi are allotted to the Branches of Army Headquarters and the Military Finance Department ?

(c) With reference to the reply given in this House on 13th September 1927 to clause (b) of starred question No. 927, will Government be pleased to state why except the Master General of Supply Branch all other Branches of Army Headquarters get the accommodation required at Old Delhi ?

(d) Is it a fact that the Master General of Supply never asked for accommodation in Delhi even for a portion of his staff ?

(e) If the reply to (a) above is in the affirmative, will Government be pleased to state whether the staff of the Master General of Supply Branch are not affected by their stay in Simla all throughout the year ?

**Mr. G. M. Young** : (a) The annual move of the Government of India offices, including branches of Army Headquarters, to Simla, for the hot weather, is determined primarily by climatic considerations.

(b) A portion of the Secretariat Buildings at Old Delhi has been temporarily allotted to Branches of Army Headquarters and certain sections of the Military Finance Branch until they can be moved to New Delhi.

(c) The Master General of Supply Branch, like other Branches of Army Headquarters, has been given the accommodation it requires at Old Delhi.

(d) No, Sir.

(e) Not adversely affected. The climate of Simla in the winter is considered healthy and bracing.

### REPORT OF MR. HESELTINE ON THE CLERICAL ESTABLISHMENTS OF THE ARMY HEADQUARTERS.

376. **Mr. Amar Nath Dutt :** (a) Has the attention of the Government been drawn to the articles under the headlines, " Simla News—Army Retrenchment, Hardworked Indians "—which appeared in the Simla Edition of the *Hindustan Times* of the 17th April, 1928 ?

(b) Will Government please state whether in his Report on the clerical establishments of the Army Headquarters, Mr. Heseltine has, *inter alia*, remarked :

- (i) That a large percentage of clerks employed at Army Headquarters is in excess of requirements ?
- (ii) That the Indian clerks employed in Army Headquarters are made to work hard, and in fact they are the real workers ?
- (iii) That the highly paid European clerks (technical, military soldier and *ex*-soldier clerks) are merely luxury clerks who have very little work ?

(c) Is it a fact that the heads of Branches and other European officers of the Army Headquarters have resented the above remarks ? If so, on what ground ?

(d) Is it also a fact that an *ex*-soldier officer of the Military Finance Department has been deputed to examine and report on the above remarks ?

(e) Is it a fact that the report submitted by Mr. Heseltine is still being treated by the Establishment Officer as a confidential document ? If so, why ?

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

(b) to (d). The Report deals with questions of administrative economy within Branches of Army Headquarters : it is still under departmental consideration, and Government have no intention at present of submitting it to public discussion. I may add, however, that the information conveyed to the Honourable Member is far from accurate.

(e) For the reasons given above, the report is confidential, and is, or should be, treated as such by anyone who has official access to it.

### CREATION OF A LEAVE RESERVE FOR THE BRANCHES OF ARMY HEADQUARTERS.

377. **Mr. Amar Nath Dutt :** (a) With reference to the reply to starred question No. 925 of the 13th September, 1927, will Government be pleased to state whether any decision has yet been arrived at in regard to the creation of a leave reserve for the Branches of Army Headquarters ?

(b) If not, will Government, please say when the decision is likely to be arrived at ?

(c) Is it a fact that a large number of temporary and officiating clerks in Army Headquarters are awaiting confirmation on the creation of the leave reserve ?

**Mr. G. M. Young :** (a) No.

(b) When the report of the officer referred to in question No. 925 of 13th September, 1927, has been fully examined.

(c) The creation of a leave reserve would naturally increase the numbers of the permanent establishment, but no guarantee can be given as to the precise composition of the reserve.

#### DIRECT CABLE CONNECTION BETWEEN LONDON AND INDIA.

378. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Englishman* of the 27th August 1928, page 9, under the heading "Direct Cable System—Features of new rapid service—Automatic working"?

(b) If so, will Government please state if it is a fact that London is now in direct touch with India without any retransmission of messages being required at intermediate points?

**Mr. P. G. Rogers :** (a) and (b). Yes.

#### TOWN INSPECTORS OF POST OFFICES IN CALCUTTA.

379. **Mr. Amar Nath Dutt :** 1. (a) Has the attention of the Government been drawn to the editorial comments in the issues of the *Amrita Bazar Patrika* dated the 15th and the 22nd May, 1928, and the 8th and the 23rd June 1928 regarding the cases of the Town Inspectors of Post Offices in Calcutta?

(b) If so, what action has been taken by the Government to remedy the grievances complained of?

2. Has the attention of the Government been drawn to page 308 of *Labour*, dated October 1927, regarding the endorsement of the Government Orders 11 P. T. E., dated the 16th September 1927, by the Postmaster-General, Bengal in his No. A.-94, dated the 17th October 1927, to the addresses of the Presidency Postmaster, Calcutta, and the First Class Head Postmasters in the Bengal Circle, calling for a report in the spirit of the aforesaid Government Orders regarding the suitability of their direct subordinates?

3. Has the attention of the Government been drawn to the reports of the Presidency Postmaster, Calcutta, and the First Class Head Postmasters regarding the suitability of the then permanent Town Inspectors, as stated at page 7 of the General Letter No. 3, dated July 1928, from the Association of All-India Postal Town Inspectors, India and Burma?

4. Is it a fact that the reports of the Presidency Postmaster and the First Class Postmasters were called for by the Postmaster General, Bengal? If so, what action has been taken upon the reports?

5. Is it a fact that the appeals from the Town Inspectors who had been made to revert to the clerical line have been recommended by their immediate superiors for their retention in their substantive posts of Postal Town Inspectors and is it also a fact that the Director-General, Posts and Telegraphs, has also recommended their case to the Government of India? If so, what action, if any, has been taken on the same?

**The Honourable Mr. A. C. McWatters :** Government have seen some but not all of the papers mentioned by the Honourable Member. Representations from Town Inspectors and others regarding the operation of the orders relating to the appointments of Town Inspectors have been received and are at present under my consideration.

**REMOVAL OF THE OFFICE OF THE COMMISSIONER OF INCOME-TAX, BIHAR AND ORISSA, FROM RANCHI TO PATNA.**

380. **Mr. Gaya Prasad Singh** : (a) With reference to my starred question No. 708 of the 31st August, 1927, regarding the desirability of removing the office of the Commissioner of Income-tax, Bihar and Orissa, from Ranchi to Patna, have the Government received any representation from the Bihar and Orissa Chamber of Commerce on the subject, in which the Committee point out that Ranchi is an out of the way, inaccessible place, while Patna is the most suitable centre, and the offices dealing with the heavier assessments as also the largest in number are situated in Bihar, and proper legal help is not available at Ranchi ?

(b) Is not the main function of the Commissioner of Income-tax the supervision of district offices, and the hearing of appeals and is it a fact that it can be more efficiently performed at Patna ?

(c) Do Government propose, both from the point of view of administrative efficiency, and public convenience, to remove the office of the Commissioner of Income-tax from Ranchi to Patna ?

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

(b) The supervision of district offices and the hearing of appeals are among the main functions of the Commissioner of Income-tax. As to the headquarters of the officer who has to perform these functions in Bihar and Orissa, the Government are not satisfied that the selection of Patna instead of Ranchi would make any appreciable difference in efficiency for reasons stated in my predecessor's reply to the Honourable Member's previous question No. 708 of 31st August, 1927.

(c) No.

**TOTAL QUANTITY OF COAL PROVIDED FOR HOT WATER FOR BATHS IN THE CART ROAD QUARTERS, SIMLA, LAST YEAR.**

381. **Mr. Gaya Prasad Singh** : Will Government kindly state the total quantity of coal with its actual price, provided for hot water for baths in the Cart Road quarters last year ?

**The Honourable Mr. A. C. McWatters** : A total quantity of 180 maunds of charcoal at an actual price of Rs. 461 was provided for hot water for baths in the Cart Road quarters last year.

**DESPATCH RELATING TO THE CONSTITUTION OF A SEPARATE OFFICE FOR THE LEGISLATIVE ASSEMBLY.**

**The Honourable Mr. J. Orerar** (Home Member) : Sir, I lay on the table the Government of India's despatch of the 26th July, 1928, to the Secretary of State, relating to the constitution of a separate self-contained



[Mr. J. Crerar.]

office of the Legislative Assembly. Copies will be circulated to Honourable Members this afternoon.

No. 2 of 1928.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

ASSEMBLY.

To

THE RIGHT HONOURABLE THE EARL OF BIRKENHEAD,

*His Majesty's Secretary of State for India.*

*Simla, the 26th July 1928.*

SUBJECT.—*Constitution of a separate self-contained office of the Legislative Assembly.*

MY LORD.

WE have the honour to address you on the subject of the separation of the Legislative Assembly staff from the Legislative Department. Your Lordship is doubtless aware that, under the system which has been in force from the introduction of the Montagu-Chelmsford Reforms the administrative and clerical work of both Chambers of the Indian Legislature has been carried on by the Legislative Department. The Secretary to the Government of India in the Legislative Department is, by order of the Governor General passed under rule 5 of the Indian Legislative Rules, Secretary of both Chambers; Joint and Deputy Secretaries in the Legislative Department are by a similar order Assistants to the Secretary of the Assembly and of the Council of State and the clerks at the table for both Chambers are supplied from among their number, while the whole of the clerical establishment is provided from the ministerial staff of the Legislative Department. From time to time the question of having a separate establishment for the Assembly has been raised in that Chamber and in Appendix A a detailed index of these references prior to the last session has been compiled. Questions were asked again in the last session and notice was given of a resolution in the following terms :

“ This Assembly recommends to the Governor General in Council that he be pleased to take immediate steps to give effect to the proposals submitted by the Honourable the President for the creation of a separate Secretariat for the Legislative Assembly with such modifications as may be deemed necessary having due regard to the dignity and importance of the House.”

The notice was given by fifteen members of the Assembly, among whom were members of the Congress, Nationalist and Independent Parties. The resolution was not entered in the ballot and neither of the relevant grants was reached in the voting of demands. In fact no decision has ever been reached in the Assembly, but this may be attributed to the fact that the vote for the Legislative bodies is generally not reached in the discussion stage of the voting of demands. The view of Government was definitely stated on the 1st February 1924, in reply to a question by Mr. K. C. Neogy, in the following terms :

“ The question was exhaustively examined after the Incheape Committee submitted its Report ; and it has been decided that for the present in the interests both of economy and efficiency it is desirable that the business of the Legislature should continue to be conducted by the Legislative Department of the Government of India.”

That answer was given with the concurrence of Sir Frederick Whyte, the first President of the Legislative Assembly ; but since it was given the position has to a certain extent been changed by the appointment of an elected President.

2. It appears to be held in certain sections of the House that the independence of the elected President is threatened by the close contact into which he is brought with the official view owing to the fact that the Secretary of the Assembly is also Secretary of the Legislative Department, and, as such, a member of the Legislative Assembly. This view is not shared by us but we do not wish to appear to be resisting the wishes of the President supported by any section of the Assembly in this matter. It is our wish not only that the President should be independent but also

that there should be no room for the suggestion that the present constitution of the Assembly establishment is maintained with a view to curbing his independence. When, therefore, the President presented to Government in August 1927 a scheme for the separation of the Assembly establishment, which is attached to this despatch as Appendix B, we felt ourselves obliged, in examining it, to take into account the suggestion that the present system affected prejudicially the independence of the President, and we have reached the conclusion that the time has come for separating the Assembly establishment from the Legislative Department. In reaching this conclusion we have been influenced not only by the feeling that Government should not be subject to the charge however false of exercising an improper influence over the President but by other and more cogent reasons. In the first place, we may be said to have accepted publicly the principle of a separate establishment in the debates on the motions of Rao Bahadur Subrahmanayam in September 1922, and Mr. Ginwala on 15th March 1923, and though we might with reason continue to postpone the application of the principle for some time yet, we should certainly be met with a strong demand for a separate establishment when the new constitution comes into operation. It is in our view preferable to have the change made now at a time of comparative administrative ease than to await the introduction of the reformed constitution with all the administrative turmoil which must come with it. It is possible that the establishment now proposed by us will require enlargement to meet the needs of the new constitution but the addition to the existing organisation will be an easier matter than the setting up of a new organisation.

3. We have considered as an alternative the possibility of having an officer of the Legislative Department of lower rank than Secretary of the Department appointed to be Secretary of the Assembly by the Governor General. This would practically mean the separation within the Department for the period of the session of an establishment for the conduct of the business of the Assembly. We are satisfied, however, that such a procedure would not meet the wishes of the President and the Assembly and we think that it would be said, not without some justification, that a Secretary of the Assembly who was subordinate to the Secretary of the Legislative Department would be in a somewhat invidious position. So long as the Secretaries of the Departments of the Government of India are required to serve as members of either Chamber, the exercise by the Secretary of the Legislative Department of control over a Secretary of the Assembly who was in fact an officer subordinate to him in the Department would be apprehended and the cry would continue that the independence of the Chair was in danger.

4. Before we enter into the detailed examination of the scheme proposed by the President, we think it right to explain why we are not at the same time proposing to set up a separate establishment for the Council of State, or an establishment joint with that of the Legislative Assembly. In the first place, there has been no demand either from the President or from the members of the Council of State and so long as the President is appointed by the Governor General it is not expected that there will be any such demand. In the second place, owing to the feeling of jealousy which the Assembly entertains towards the Council of State, it would not be possible to have a joint establishment for the two Chambers. Lastly, the volume of work transacted by the Council of State is so much less than that transacted by the Assembly that it would in our opinion be an improper expenditure of the public funds to set up a separate establishment for the Council of State. With the separation of the Assembly staff according to our proposals it is possible to set against the new appointment of a Secretary to the Legislative Assembly the abolition of the appointment of Additional Joint Secretary in the Legislative Department, but it would not be possible to make any further reduction in the staff of the Legislative Department even though a separate Secretary were to be constituted for the Council of State.

5. We have accordingly reached the conclusion that for the present we should separate the staff of the Legislative Assembly only. The sanction of Your Lordship is required to the creation on a permanent basis of the new appointments of Secretary, Deputy Secretary and Assistant Secretary of the Legislative Assembly and to the abolition of the appointment of Additional Joint Secretary in the Legislative Department. As the last-mentioned post is borne on the cadre of the Indian Civil Service, its abolition will involve the reduction of the cadre of that Service by one superior and one inferior post.

6. The establishment which we propose for the new Assembly office is set out in Appendix C. It will be observed that the President in his scheme proposes a Secretary on Rs. 3,000 per month and a Deputy Secretary on Rs. 1,750 per month. We

propose that the pay of the Secretary should be Rs. 2,500 rising to Rs. 3,250 by annual increments of Rs. 75, and that the pay of the Deputy Secretary should be Rs. 1,500 rising to Rs. 2,000 by annual increments of Rs. 50. The reason for putting these two posts on an incremental pay is that the incumbents cannot look to any promotion outside the Assembly Office and that each will in the ordinary course hold his appointment for a long term of years.

7. The Secretary, and his Assistants under the titles of Deputy Secretary and Assistant Secretary, will be appointed by the Governor General under Rule 5 of the Indian Legislative Rules. The appointment of Secretary should be included in the list of posts in the upper grade qualifying for superior pension under Article 175-A of the Civil Service Regulations. We also propose that the appointment should be added to those specified in Rule 98 of the Fundamental Rules. The incumbent of the appointment will ordinarily be domiciled in Asia, and in the absence of special provision he would be governed by the ordinary leave rules contained in the Fundamental Rules. As he will usually not obtain leave save during intervals between sessions of the Assembly, he should, we think, receive the more favourable treatment in the matter of taking short leave on full pay which is accorded to the officers to whom Rule 98 applies. An additional reason for this proposal is that in future the appointment is likely to be filled either direct from the Bar or by the succession of the Deputy Secretary who will probably himself have been recruited from the Bar, so that in either case the holder of the appointment of Secretary will have entered service at a comparatively advanced age. Acceptance of this proposal would automatically attract the provisions of Rule 56 (c) (iii) of the Fundamental Rules; but while we are of opinion that the office is pre-eminently one in which long service will conduce to efficiency, we are not prepared to give the incumbent the right of serving till he reaches the age of sixty. In the event, therefore, of Your Lordship approving the inclusion of the appointment in Rule 98, we request you to exclude it expressly from Rule 56 (c) (iii).

8. In view of the rates of pay suggested, the proposed appointments of Deputy Secretary and Assistant Secretary also require Your Lordship's sanction. The principal duties of the Deputy Secretary will be to dispose of such work as the Secretary delegates to him and to be available to assist the President when the Secretary is engaged at the table or otherwise preoccupied, and lastly to take the place of the Secretary when the Secretary is engaged on work on behalf of the President or for any other reason is not in a position to sit at the table. Either the Secretary or the Deputy Secretary will be continuously at the table while the House is in session. We are not proposing that the post of Deputy Secretary should be created on a temporary basis because we are of opinion that in the earlier years at any rate the necessity for the post is clear, and if it is created on a temporary basis it will be difficult to obtain a suitable person to fill it. When, however, a vacancy arises by reason of the resignation of the first Secretary appointed, we shall consider whether it is necessary to continue the appointment of Deputy Secretary. The principal duties of the Assistant Secretary will be to supervise the office establishment outside the House, and in the House to keep a check on the course of amendments to legislation in order to ensure that Bills passed by the Assembly are printed up in the form in which they are passed.

9. On the question of the status of the new office we are not in agreement with the President or, so far as we understand, with the members of the Assembly who are asking for a separate establishment. The demand of the members of the Assembly has generally been expressed in the form of a demand for an establishment of their own independent of Government control and responsible only to the Assembly. This demand is reflected in the scheme of the President in the following sentence :

“ Moreover the members of the Assembly hesitate at present to ask the Legislative Department to get their own work done but with a separate office the position will be quite different and it is apprehended that there will be a good deal of extra work thrown on the new office ”.

In other words, it is anticipated by the President that the services of the separate establishment will be at the disposal of members for the preparation of questions, resolutions, bills, and any other work which the members may require of them. Again, the President describes his demand as a demand for an office of his own. Our view is that the establishment is to serve the Assembly in its collective capacity

and not the individual members of the Assembly. Equally, as Government furnishes a portion of the members of the Assembly and does its work through the Assembly, it is entitled to demand that the office of the Legislative Assembly shall not be the office of the President of the Legislative Assembly. Our proposal is that the office of the Legislative Assembly should, to all intents and purposes, be an independent office. The requirements of the constitution demand that it should be linked with the Imperial Secretariat and the natural status for it is that of an attached office, that is to say, an office attached to one of the Departments of the Government of India, at the head of which will be the Secretary of the Legislative Assembly. In reaching our conclusions as to the relations between the President and the Secretary of the Assembly we have been guided by what we understand to be the constitution of the establishment of the House of Commons. The Secretary of the Legislative Assembly will correspond to the Clerk of the House and the Deputy Secretary and the Assistant Secretary will correspond to the Clerks Assistant. The remaining members of the establishment will be appointed by the Secretary, in the first instance from the members of the Legislative Department who will be placed at his disposal for that purpose. Thereafter the establishment will be recruited by the Secretary of the Legislative Assembly in the manner in which the ministerial establishments of the Government of India Secretariat are recruited and will serve under precisely the same conditions in respect of pay, discipline and the like as those establishments. The Secretary of the Legislative Assembly will have the ordinary powers of the head of an attached office and the President of the Legislative Assembly will not have anything to do with the details of the administration of this office. The Secretary will be in close relations on the one hand with the President of the Legislative Assembly and on the other hand with the Leader of the House, but he will be subordinate to neither.

10. Our conclusion then is that the Office of the Legislative Assembly should be an Attached Office working under its own head, the Secretary, and administering itself. The Assembly Office will be attached to whichever Department of the Government of India it may be found most convenient to attach it, but in respect of matters involving expenditure and of all financial matters generally it will maintain direct relations with the Finance Department. It will be observed that in the President's scheme it is proposed that the President should frame the budget of the Assembly office and that the budget so framed should be accepted without question by the Department which presents it, and the position of the Chartered High Courts in this respect is cited as analogous. We are unable to accept this claim of the President either on behalf of himself or on behalf of the High Courts. A reference to paragraph 8 of the Letters Patent of the Calcutta High Court is sufficient for this purpose. The budgets of the High Courts are included under the provincial head "Administration of Justice" and in their preparation are liable to control in the case of the Calcutta High Court by the Governor General in Council and in the case of other High Courts by the Governor in Council. Naturally the views of the President of the Legislative Assembly on the financial provision required for the office as on all other important matters connected with the office will receive the closest attention but it would, in our opinion, be altogether inappropriate that the President of the Legislative Assembly, who is not an official, should be put in the position of official head of the Assembly Office. Paragraph 8 of the President's scheme sets out to deal with the position and status of the new office but it does not make it clear what degree of control over the office should be vested in the President. In conversation, however, it has been brought out that the intention of the President was that he should have control of the office, in fact that it should be his office and not the office of the Secretary. Failing that position being allotted to him he has claimed that he should have the same power of dismissal of members of the Assembly Office other than the Secretary, the Deputy Secretary and the Assistant Secretary, as is vested in the Speaker of the House of Commons over the staff of the Clerk of the House by Statute (52 Geo. III (cap. XI, Section 16)). The view which the Government of India take is that the members of the Assembly office, both those now to be transferred from the Legislative Department and also those to be appointed later on to fill vacancies, must all be Government servants so long as there is a majority in the Assembly which may at any time be adverse to Government and, on the support of which the President must depend for his continuance in office. In the event at some future date of the Central Government being made responsible to the Legislature it may be possible, if the Assembly of that time thinks it desirable, either to exclude the members of the Assembly office from the civil service of the Crown subject, of course, to the maintenance of existing rights, or while retaining them in the civil service of the Crown, to subject them to different authorities for

the purposes of disciplinary control. Over the Secretary, the Deputy and Assistant Secretaries of the new office the President has not proposed that he should personally exercise disciplinary control but he was of opinion that those three officers should be liable to be removed by the Governor General on an address voted by the Legislative Assembly. When informed that the Government of India could not agree in existing circumstances to expose the servants of the Crown to such a contingency, he modified his demand to the extent of proposing that the Assembly should be enabled to vote an address to the Governor General, and the President, independently of the Assembly, should also be enabled to present a request to the Governor General, and that the result of either of those proceedings should be that the Governor General would hold or cause to be held an inquiry into the conduct of the officer concerned. We have not found ourselves able to accept either of these proposals for two reasons. In the first place the salaries of these officers will, unless they should happen, and this is not to be expected, to be persons appointed by, or with the approval of His Majesty, or of Your Lordship in Council, be votable and consequently the Assembly will have such control as is reasonable over them. In the second place, we consider that the President has an adequate remedy in his right of direct access to the Governor General, in exercise of which he will always be in a position to make representations to him against the conduct of the Secretary or the Deputy or Assistant Secretary.

11. We have stated above that we are asking Your Lordship's sanction to the abolition of the post of Additional Joint Secretary in the Legislative Department on the creation of the post of Secretary of the Legislative Assembly, our intention being that Mr. S. C. Gupta, the present incumbent of the post of Additional Joint Secretary in the Legislative Department, should be appointed to the post of Secretary of the Legislative Assembly—his initial pay in the post being fixed by the operation of rule 22 of the Fundamental Rules at Rs. 3,025 per mensem. We trust that the abolition of the appointment of Additional Joint Secretary will be permanent, but we cannot, of course, anticipate what will be the requirements of the Department under the new constitution and we must utter the warning that it is not unlikely that an additional temporary appointment of Additional Joint Secretary will be necessary for some time when the Government of India are considering the Report of the Statutory Commission and thereafter when they are putting into operation the scheme of the reformed constitution.

12. It will be observed that the scheme, both as submitted by the President and as revised by us, does not provide separately and expressly for the personal staff of the President. In effect the Marshal, a retired Indian Army officer, is of that staff as also is one stenographer who has the title of Personal Assistant to the President and is really the private secretary of the President. There are also certain *chaprasis* who are attached to the President. We propose, and the President agrees, that he should select his Personal Assistant from the stenographers in the Assembly Office and that the Assembly Office should place at his disposal *chaprasis* in suitable numbers. The Marshal will continue to be appointed by the Governor General in Council. Neither our scheme nor that of the President provides for the appointment of a separate Legal Adviser for the President. The question of obtaining independent legal advice for the President is likely to come up, but the President has so far made no proposal, and as he has expressed a desire that the Assembly Office scheme should be settled without delay, we have not thought fit to await his proposals for the appointment of a Legal Adviser. At present it seems unlikely that the President would be in a position to secure the whole-time services of Counsel, and it is more probable that he will ask for a sum to be provided in the budget to meet the expenses of consulting Counsel from time to time.

We have the honour to be,

MY LORD,

Your Lordship's most obedient, humble servants,

(Signed) B. N. MITRA.

MD. HABIBULLAH.

G. RAINY.

J. CRERAR.

D. F. MULLA.

## APPENDIX A TO THE DESPATCH.

*Statement showing occasions when the question of a separate office establishment for President, Legislative Assembly, was discussed.*

No.	Date.	Where subject was raised.	By whom.	References.	Remarks.
1	5th Mar. 1921	Assembly	Mr. E. L. Price (Resolution).	Assembly Debates, Vol. I, Part I, page 595.	
2	22nd Sep. 1921	Do. ..	Dr. (now Sir) Hari Singh Gour.	Assembly Debates, Vol. II, page 829 (Unstarred question No. 2).	
3	16th Mar. 1922	Do. ..	Mr. P. P. Ginwala ..	Assembly Debates, Vol. II, Part III, page 3166.	
4	Do.	Do. ..	Dr. (now Sir) Hari Singh Gour.	Assembly Debates, Vol. II, Part III, page 3167.	
5	Do.	Do. ..	Mr. President (The Hon'ble Sir F. Whyte).	Assembly Debates, Vol. II, Part III, page 3169.	
6	22nd Sep. 1922	Do. ..	Rao Bahadur C. S. Subrahmanyam (Resolution).	Assembly Debates, Vol. III, Part I, page 772.	
7	15th Mar. 1923	Do. ..	Mr. P. P. Ginwala ..	Assembly Debates, Vol. III, Part V, page 3461.	
8	Do.	Do. ..	Mr. President (The Hon'ble Sir F. Whyte).	Assembly Debates, Vol. III, Part V, page 3464.	
9	1st Feb. 1924	Do. ..	Mr. K. C. Neogy ..	Assembly Debates, Vol. IV, Part I, page 28 (Starred question No. 9).	
10	18th Feb. 1924	Do. ..	Khan Bahadur Sarfaraz Hussain Khan.	Assembly Debates, Vol. IV, Part I, page 686 (Starred question No. 391).	
11	19th Sep. 1924	Do. ..	Diwan Bahadur T. Rangachariar.	Assembly Debates, Vol. IV, Part VI, page 3766 (Starred question No. 2212).	
12	23rd Feb. 1926	Do. ..	Diwan Bahadur T. Rangachariar.	Assembly Debates, Vol. VII, Part II, page 1648 (Starred question No. 968).	
13	16th Mar. 1927	Do. ..	Sir Hari Singh Gour (For Sardar Gulab Singh).	Assembly Debates, page 2233 (Starred question No. 971).	

No.	Date.	Where subject was raised.	By whom.	References.	Remarks.
14	16th Mar. 1927	Assembly	Mr. President (The Hon'ble Mr. V. J. Patel).	Assembly Debates, page 2334.	
15	21st Mar. 1927	Do. ..	Sir Hari Singh Gour	Assembly Debates, page 2439 (Starred question No. 1075).	
16	18th Aug. 1927	Do. ..	Mr. Gaya Prasad Singh	Assembly Debates, page 2996 (Starred question No. 37).	

## FOOTNOTE.—

During the discussion of the demands for grants in March 1925 Sardar Gulab Singh gave notice of a "cut" under the head "Legislative Bodies" (Demand No. 29) in order to raise the subject of a separate office establishment for P. L. A. Again in March 1926 Diwan Bahadur T. Rangachariar gave notice of a "cut" under the head "Legislative Department" (Demand No. 33) with the same object in view. These motions were not, however, reached.

In March 1928 Mr. S. N. Haji gave notice of a "cut" under (Demand No. 29) "Legislative Bodies"—to discuss the provision of a separate Secretariat for the Legislative Assembly, and in connection with (Demand No. 33) "Legislative Department" notices of motions for reduction with a view to raising the same matter were received from Mr. N. C. Kelkar, Mr. M. S. Aney, Mr. Gaya Prasad Singh, and Khan Bahadur Sarfaraz Hussain Khan. These motions also were not reached.

## APPENDIX B TO THE DESPATCH.

## Extract from the Legislative Assembly Debates, Volume I, No. 12.

The Assembly met in the Assembly Chamber of the Council House, New Delhi, on Monday, the 20th February, 1928.

## QUESTION AND ANSWER.

## CONSTITUTION OF A SEPARATE SELF-CONTAINED OFFICE OF THE LEGISLATIVE ASSEMBLY.

254. **Mr. B. Das :** (a) With reference to starred question No. 37 of the 18th August, 1927, by Mr. Gaya Prasad Singh, on the separation of the establishment of the Legislative Assembly, will Government be pleased to state if they have come to any decision on the scheme received by them from the Honourable the President of this House last August ?

(b) Will Government be pleased to state the decision arrived at on that proposition ?

(c) Will Government be pleased to lay on the table a copy of the scheme of the Honourable the President ?

**Mr. L. Graham :** (1) A copy of the scheme drawn up by the Honourable the President is laid on the table.

(2) Government have examined the scheme but have not yet reached a final conclusion.

*Proposals submitted to the Government of India on the 17th August, 1927, by the Honourable Mr. V. J. Patel, President of the Legislative Assembly, regarding the constitution of a separate self-contained office of the Legislative Assembly, in fulfilment of a promise made in the House. (Vide page 2334 of the Legislative Assembly Debates of the 16th March, 1927.)*

F.-43-IX/27-A.

D.-2668.

17th August, 1927.

Dear Mr. Wright,

I am now ready with my proposals for the constitution of a separate self-contained office of the Legislative Assembly, which I promised in reply to a question asked by Sir Hari Singh Gour in the Legislative Assembly on the 16th March, 1927.

I forward the scheme for the consideration of Government, and I hope you will take immediate steps to have it considered. As you are aware, Members of the Legislative Assembly are in earnest about the matter, and the question, therefore, needs immediate attention.

Yours sincerely,

(Sd.) V. J. PATEL.

W. T. M. Wright, Esq., C.I.E., I.C.S.

I submit the following proposals for the constitution of a separate self-contained office of the Legislative Assembly in pursuance of a promise made by me on the 16th March, 1927, in reply to a question asked by Sir Hari Singh Gour.

2. I have observed that the opinions expressed in the Assembly on various occasions are distinctly in favour of the proposal and unmistakeably show a keen desire on the part of the Members to have a separate office. In fact it has been asserted that the independence of the President and the House will not be complete until they are provided with separate staff for the due performance of their high office and duties. Mr. E. L. Price (Bombay : European) first raised the question in the Assembly on the 5th March, 1921, when he moved his Resolution on the subject of the holding of sessions and more frequent meetings of the Assembly. *Inter alia* he pleaded for a double staff or an independent staff for the Assembly on the ground of efficiency. Then on the 16th March, 1922, in the course of the Budget discussion an opportunity was taken by Mr. P. P. Ginwala (Burma : General), then the chief Whip of the Democratic Party, to bring the matter before the House. It was urged that the staff of the Assembly should be self-contained and under the direct control of the President. So far the question was treated more or less as a side issue, and it was not till the 22nd September, 1922, when Mr. C. S. Subrahmanyam (Madras) moved his Resolution, that the subject was debated fully and at great length. It was agreed in principle and in theory that it was the right thing to do but that the time had not arrived when the Assembly should bring into existence a separate staff. The question was also discussed more than once at the Presidents' Conference and Sir A. F. Whyte considered that it was most desirable that the Legislature should have its own body of officers to carry out its functions, and eventually in accordance with the decision arrived at the Conference held in January, 1926, the Legislative Department was addressed on the subject of the separation of the office of the Assembly from the Legislative Department of the Government of India.

3. Before dealing with the actual staff that will be required for the separate office I shall consider the duties and functions that will devolve on it. It is necessary in this connection to refer to the existing machinery for carrying out the work connected with the Assembly. Apart from the superior staff, the Legislative Department, which at present conducts the business of the Legislature, consists of the following Branches and staff :

1. Registrar.
2. Assembly Branch (one Superintendent, 6 Assistants and 4 clerks).
3. Printing Branch (one Assistant and 5 clerks).



4. Establishment Branch (one Cashier and 3 clerks).
5. Issue Branch (one Assistant and 11 clerks).
6. Librarians (one Assistant and one clerk).
7. Reporters (13).
8. Record (one clerk).
9. Translation Branch (Head Translator and his Assistant).
10. Stenographers (3).
11. Publication Branch (one Superintendent, 5 Assistants and 5 clerks).
12. General Branch (one Superintendent, 5 Assistants and 3 clerks).
13. Council Branch (one Superintendent, 5 Assistants and 1 clerk).
14. Assistant to Registrar (one Assistant).
15. P. A. to P. C. S. (one Assistant).

4. During the session and also at least a month before and after it the business of the Assembly, as will be seen from the classification of duties detailed in Appendix A, affects almost every one in the Department, and I understand the Publication, General and Council Branches are also more or less affected. The Registrar is the normal head of the office and is directly responsible for the superintendence, control, discipline and management of the office. He is in charge of all work connected with the establishment of the Department, accommodation for Members of the Legislature, sitting arrangement in the Chambers, issue of tickets to the visitors' galleries, and various other odd jobs.

5. The duties performed by the present staff cover practically the whole field of purely Assembly work as well as those pertaining to the Department as an integral unit of the Government of India (Appendix A). Broadly speaking, there are two separate matters, *viz.*, (1) the duties of the Secretary, which are those laid down in the Rules and Standing Orders—Rules 5 and 41, S. O. 3, 7, 8, 11, 12, 22, 43, 46, 52, 65, 75, and Rule 2 of Schedule I of S. O., and (2) the duties performed by the Legislative Department as an administrative department of the Government of India. The Assembly Branch performs dual functions at present in certain respects while the work of the Publication and General Branches falls under the latter category. It is not at present possible, owing to the overlapping of duties in certain cases, to suggest any clear-cut division of functions between the Assembly office and the Legislative Department which can only be built up in process of development of the new scheme, but from the duties enumerated above a fairly accurate idea can be formed. It is therefore clear that almost the whole of the work with only a few exceptions will have to go over to the new office. The following items must necessarily remain with the Legislative Department:

1. The drafting of official Bills and unofficial references from Departments connected therewith.
2. Allotment of non-official days.
3. Programme of official business.
4. Memorandum of Legislative business in prospect.
5. Amendments to Indian Legislative Rules.
6. Nomination of Members and election petitions.
7. Amendments to Electoral Rules and Regulations.
8. Maintenance of the records of election expenses.
9. Dissolution of Assembly and elections.

6. The two strongest points of attack on the question of separation are, firstly, on the score of economy, and secondly, that the Assembly office, while not being entirely without work during the recess, would not have enough work to keep it fully occupied throughout the year. As to the first, consideration of economy must make way before so important and well-intentioned a step which the Assembly as a body is undoubtedly desirous of taking in furtherance of the constitution which has brought it into being. The demand for an office of his own by the first elected President of the Legislative Assembly was made officially in

February 1926, as already stated, and bearing in mind the recognition accorded to similar demands in some provinces, I expect the Government of India in fairness to accede to that demand which I now repeat. Against the second point of attack, I would point out that the pressure of work when the Assembly is in session asserts itself fully a month or more before the session commences, that is to say, notices of Bills, Resolutions and Questions (each of which has to be examined and submitted at once separately for my orders) pour in. This pressure gradually reduces after the close of a session but a considerable amount of work still remains in the shape of the preparation not only of a summary of the proceedings of the whole session but of each resolution debated in the House and the indexing of the debates which requires great accuracy and care and the expenditure of a great deal of time and labour, while the Conference of Presidents is usually held at a convenient date during the recess, throwing upon the Assembly office the entire work connected therewith from the start to the finish. In the case of Bills which are circulated to Local Governments for opinion by the direction of the Assembly the opinions are received during the recess, printed and their precis is prepared by the office as soon as they are complete. Moreover Committees, such as the Joint Committee on the Gold Standard and Reserve Bank of India Bill, invariably hold their sittings during the off season and throw a considerable amount of work on the Assembly Branch. Other miscellaneous files which are not of an urgent nature are held over during the session and are disposed of when the session is over. The manuscript papers of Acts passed by the Indian Legislature are arranged for binding when the pressure of work decreases and also the recording of cases, which has to be kept aside during the session, is, I understand, undertaken at this time. Admitting that the work out of session is considerably lighter than that in the session, it would only be fair to allow the staff the well-earned respite after the strain of a full session's work (when they are not merely over-worked but grossly over-worked) as is the case with the House of Commons staff. I would here invite attention to the minutes of the Presidents' Conference held in January, 1926—pages 6 and 7.

7. Having thus cleared the ground about the scope and functions of the new office I shall now proceed to consider the question of the actual staff. It has to be borne in mind that for the new office, as in the case of the present Legislative Department, the numerical strength of the staff must be based on the actual requirements when the Assembly is in session. With this in view I propose the following scheme :

Apart from the appointment of a Secretary the Assembly office would require one Deputy Secretary and one Assistant Secretary. The appointment of an Assistant Secretary is I consider essential in the best interests of the office. The Deputy Secretary will be required to assist the Secretary in such duties as he is required to perform under the Rules and Standing Orders, *e.g.*, dealing with notices of Bills, Resolutions and Questions and other departmental files. He will also have to attend the meetings of the Assembly and to interview Members and other persons. It will be almost impossible for him to superintend and supervise the work of the office and to attend to numerous and varied duties which should be done by the Assistant Secretary as at present done by the Registrar. The Deputy Secretary should not be burdened with any work in connection with the establishment, discipline, management, etc., which I am convinced is too heavy for one officer.

In addition to these officers the Assembly office would require at least :

- I. One Marshal ;
- II. One Editor and eight Reporters ;
- III. The present Assembly Branch *en bloc* ;
- IV. Four men from the Printing Branch to deal with the debates and any other printing work there may be : as heretofore the Editor would be assisted by the men of this Branch in the preparation of the index to the debates, etc. ;
- V. Three Cashiers : these would deal with the preparation of Members' T. A. Bills, etc., and all correspondence arising therefrom and also with all establishment questions ;
- VI. For its Issue Branch, 10 men as detailed below :
  - (i) an Examiner, who would be in charge of the Branch ;
  - (ii) a Reader, who would do typing in his spare time ;

- (iii) two despatchers, and
- (iv) six typists, two of whom would work the multigraph ;
- VII. Two Librarians ;
- VIII. One Record Keeper ;
- IX. Two Notice Office Clerks ;
- X. P. A. to P. L. A. ; and
- XI. One Stenographer.

In the case of the Assembly Branch at all events the staff will require to be augmented. It will require another Recorder, an Assistant to deal with miscellaneous receipts and especially with the sale and distribution of debates, the Manual and the corrections thereto, an Assistant for issuing admission tickets to the galleries, a second expert typist and one other Duftry. The need for the last three particularly has been very keenly felt and in fact the posts were sanctioned for the last Delhi session as an experimental measure and are likely to be sanctioned on a permanent footing. It would be a mistake to launch the new office under-staffed in any respect. Two Assistants will also be required to keep the officers' sets of books up-to-date, and at least two Assistants or clerks will be required to assist the Police during the session. This work at present is done with the help of other Branches of the Department. Past experience has shown the need of an Enquiry Office to be attached to the Notice Office. Members frequently make all sorts of inquiries every now and then and make requests to the Notice Office clerks to supply them with information on various matters. The Notice Office clerks have found it extremely difficult to cope with all this work in addition to their own duties, hence the need for an Assistant in an Enquiry Office is badly felt.

In basing these requirements I have assumed that the staff will ordinarily be granted leave only when the Assembly is not sitting and that no substitutes will be entertained in place of absentees, except in long leave vacancies which are likely to go into a session. This arrangement would, however, throw an undue strain on those remaining on duty after a session more especially if it becomes the practice in the future, as it very probably will, to hold three sessions (using the word in its non-technical sense) or three terms in the year. Therefore I feel very strongly that a leave reserve should be maintained which will be the best means to obtaining the maximum of efficiency. As far as I know there is at present in the Legislative Department no leave reserve, the Department containing its own leave reserve. This system, as past experience I believe has shown, has not worked very satisfactorily but somehow or other the Assembly side of the Department has been able to pull on. But this will not work in a separate office. In the Legislative Department at the time of a great rush of work during the session or owing to leave vacancies in the off season, permanent men are invariably requisitioned from other Branches but in the new office there will not be any staff of trained men to draw on and it must therefore have its own trained men for leave vacancies. There is no way of getting over this difficulty other than by a leave reserve. It may be argued in this connection that as some of the work now performed by the Assembly Branch will remain over with the Legislative Department the staff detailed above should be able to find its own leave reserve. The argument no doubt appears to have some force but the fact must be borne in mind that during the session or out of the session whenever the Assembly Branch is rushed with heavy work or understaffed owing to leave absentees the General and the Publication Branches of the Department which are least affected by the Assembly work always come to its rescue, while in the new office there will be no other source to draw on. Moreover the Members of the Assembly hesitate at present to ask the Legislative Department to get their own work done, but with a separate office the position will be quite different and it is apprehended that there will be a good deal of extra work thrown on the new office.

8. Then there is the important question of the position and status of the new office. It would certainly not satisfy the Assembly if the new office were attached to any Department. It will have to be determined at the outset what its position and status will be. Who will be responsible for the preparation and presentation of its Budget to the Legislative Assembly and who will deal with questions raised in the House affecting the office ? What will be the status of this office in relation to other Departments of the Government

of India ; will the office be treated on an equal footing with those Departments or will it be regarded as one of the attached offices ? I may say at once that I am definitely opposed to any attempt to treat it as an attached office. The Secretary of the Assembly is under Rule 5 of the Legislative Rules appointed by the Governor General and it is important that the staff should be similarly appointed. I also feel very strongly that the staff should not be denied the privileges in the matter of leave enjoyed by the Secretariat staff ; nor should the present staff, which forms part of a Department of the Government of India, in any way suffer, by separation from the Legislative Department, in the matter of their pay and prospects. Any question of depriving them of the status, pay and privileges they enjoy now as members of the I. S. S. would certainly operate harshly against them. I must make this quite clear at the outset in order to avoid complications and difficulties later.

At the Presidents' Conference held in September 1921, under the Presidency of Sir A. F. Whyte it was agreed that, although constitutionally funds for Council work must be sanctioned and provided by the Government, the Presidents should be placed in the same position as High Courts, i.e., that they should be the sole judges as to whether the expenditure was necessary, the only power of criticism by the Government being on the point as to whether funds were available.

9. The following is the summary of the requirements referred to in the preceding paragraph :

1. Secretary.
2. Deputy Secretary.
3. Assistant Secretary.
4. One Marshall.
5. Eight Reporters.
6. *Assembly Branch*.—One Superintendent, 13 Assistants and clerks (including 2 Notice Office clerks).
7. *General Branch* (including establishment).—One Superintendent, 3 Cashiers, one record keeper, one recorder, 2 clerks for publications, one for issuing tickets, one general Assistant, two clerks for general management and assistant to Police and for enquiry office.
8. *Printing Branch*.—One Editor, one Assistant-in-charge, 3 Assistants and clerks.
9. *Issue Branch*.—One Assistant-in-charge, one Reader, 2 Despatchers, 4 typists, two multigraphists.
10. P. A. to P. L. A.
11. One Stenographer.
12. Two Librarians.
13. Fourteen per cent. of the permanent establishment as leave reserve.

10. In addition to the above translator will also be required to undertake translations referred to in Standing Orders 43 (2) and 46 (3) and also to translate, if any, the speeches delivered by members of the Assembly in vernacular.

11. These requirements are based on the actual existing state of work and I am not in a position at present to give the full details of the work which each assistant and clerk will be required to do. It will appear from Appendix B that in all 43 assistants and clerks are at present employed on the Assembly work during a Session and the same number is also proposed for the new office.

12. In basing these requirements the varying and peculiar nature of the work has been borne in mind. All work connected with the Assembly has to be submitted and got out against time. Provision must therefore be made to cope with the volume of work which pours in and which has to be dealt with *immediately* and passed out without delay. At present assistance is often sought from other Branches at the time of a very heavy rush, while the new office would have to be self-dependent. It would therefore be a mistake to start the new office under-staffed and the above establishment is the absolute minimum with which it could start.

13. The above requirements relate only to the superior and clerical staff. The new office will also require some dufftries and a large number of peons. The actual number of these can best be settled after the total strength of the office establishment is decided upon, but at a conservative estimate the new office will require 9 Dufftries, 2 Jamadars, 1 Dafadar and 40 peons.

14. The above is a full and complete scheme for a separate and self-contained office which the Members of the Assembly demand and which I support with all the power at my control, and nothing short of this is likely to satisfy them. But if it is urged by Government that the staff will have a very easy time for some months in the year. I would suggest that the President should be empowered in consultation with the Leader of the house to place on deputation under the Legislative Department such members of the staff as he thinks he can without prejudice to the Assembly work, spare for those months.

15. I append two statements\* showing the approximate cost of the present Legislative Department and of the new office. It is not possible to show the cost of the Legislative Department as it will be after the separation—unless it is known what staff will be required for carrying on the duties of the Department. Therefore it is difficult for me to estimate the extra cost which will be incurred consequent on the creation of the new office. There will certainly be some additional cost but it could be met from the saving under the head Legislative Bodies which, as will be seen on the statement† attached, amounts to an average Rs. 1,33,809 per annum.

## APPENDIX A.

### *Assembly Branch.*

1. All work connected with the meetings of the Assembly, e.g., issue of summons circulars regarding official and non-official days, Select and Departmental Committee meetings, Programme of Business and Announcements for the Leader of the House.

2. All work connected with official and non-official Bills, Ballots and ballot circulars, for non-official Bills and Notices of Amendments to Bills.

3. Preparation, printing, and circulation of Lists of Business, Questions, Resolutions, Notice Lists, Admitted Lists, Amendments to Resolutions, Ballot and ballot circulars for Resolutions.

4. Preparation and printing of a note or programme of legislative work in prospect twice a year. The note includes as far as possible all suggestions for legislation.

5. Preparation of the summary of the session including the discussion on Resolutions.

6. All work connected with the Electoral Rules and Regulations, Indian Legislative Rules, and Standing Orders and amendments and issue of addenda and corrigenda thereto.

7. Printing and distribution of the Assembly Manual and addenda and corrigenda thereto.

8. All work connected with election, nomination, resignation of members and election petitions, etc.

9. Dealing with motions for reduction of budget demands, supplementary demands, excess grants, etc., and printing work connected therewith.

10. All work connected with the election of the President and Deputy President.

11. Circulation of Bills to Local Governments for opinions, collection and printing of those opinions and the preparation of a précis of the opinions received.

12. Arrangement and binding of the manuscript papers of all Acts passed by the Indian Legislature.

13. Preparation of weekly statements showing all decisions taken in the Assembly for submission to His Excellency the Viceroy.

14. Collection of replies to questions from the Departments and the arrangement of sets.

15. Maintenance of and keeping up to date the registers of amendments to Acts, Amendments to the Indian Legislative Rules and Standing Orders, register of names of the members of the Legislative Assembly and the Bill register.

16. Recording and editing of "A" proceedings of the Assembly and Council Branches.

17. Collection of minutes of the Honourable the Law Member.

18. All work connected with the Indian Branch of the Empire Parliamentary Association.

19. All work connected with the receipts relating to election expenses and the maintenance of records of the same.

20. Compliance with requisitions from Members.

21. Taking down Divisions in the Chamber and other work in the Notice Office.

22. Dealing departmentally with questions and resolutions relating to the above subjects.

23. All the typing and routine work of the Branch.

24. Miscellaneous and general correspondence.

#### *Printing Branch.*

1. Printing of Debates of Council of State and Legislative Assembly and all work connected therewith.

2. Printing of Acts, Bills, Regulations, Ordinances, Opinions, Précis and Opinions, Reports of Select Committees.

3. Preparation and printing of Index to Debates.

4. Publication of Bills and Acts in the Gazette.

5. Other miscellaneous printing.

#### *Establishment Branch.*

1. Preparation of daily and travelling allowance bills of Members.

2. Preparation of officers' and establishment salary bills.

3. Arrangement of residential and office accommodation.

4. Distribution and custody of stationery of the Department and of the legislature.

5. Dealing with rent cases of officers and establishment.

6. Preparation of Budget estimates for the Department and Legislative Bodies.

7. Maintenance of Register of expenditure.

8. Maintenance of Service Books of establishment.

9. Dealing with all establishment cases.

#### *Issue Branch.*

1. All typing and despatch work.

2. Examination of all fair copies of letters, officers' notes, etc., that issue from the Department.

3. Issue of letters, etc.

4. Circulation of Despatches.

5. Distribution of all papers to Members.

6. Typing and multigraphing of papers.

8. Correction of copies of Bills, précis of opinions and Debates.

**Correction of officers' sets of publications.**

### 1. Police arrangements in the Chamber.

## 2. Telephonic arrangements.

### 3. Other miscellaneous work.

### 1. Accommodation of Members.

## 2. Recording of cases.

3. Sale of Assembly Manual and stationery.

#### 4. Issue of tickets for visitors' galleries.

*Assistants and Clerks employed on Assembly work.*

Assembly Branch	..	..	{ 10 (permanent).
			{ 3 (temporary).
Printing Branch .. .. .	..	..	4
Establishment Branch			{ 3 (permanent).
			{ 1 (temporary).
Library .. .. .	..	..	2
Record .. .. .	..	..	1
Translation Branch .. .. .	..	..	2
Stenographer .. .. .	..	..	1
P. A. to President, Legislative Assembly	..	..	1
Publication Branch .. .. .	..	..	2
General Branch .. .. .	..	..	2
Council Branch .. .. .	..	..	2
Issue Branch .. .. .	..	..	8
Assistant to Registrar .. .. .	..	..	1
			<hr/>
		Total	.. 43

*1.—Statement showing the approximate cost of the Legislative Department.*

	Establishment.				Average pay.			
					Rs.	a.	p.	Rs. a. p.
1 Marshal at Rs. 250 .. .. .	..	..	..	..	250	0	0	
1 Secretary at Rs. 4,000 .. .. .	..	..	..	..	4,000	0	0	
1 Joint Secretary and Draftsman at Rs. 3,000—100—4,000					3,500	0	0	
1 Joint Secretary at Rs. 3,000 .. .. .	..	..	..	..	3,000	0	0	
1 Deputy Secretary at Rs. 2,250 .. .. .	..	..	..	..	2,250	0	0	
1 Solicitor at Rs. 3,000 .. .. .	..	..	..	..	3,000	0	0	
1 Assistant Solicitor at Rs. 1,200—50—1,800				..	1,500	0	0	
1 Assistant Solicitor at Rs. 1,000—50—1,200				..	1,100	0	0	
1 P. C. S. .. .. .	..	..	..	..	4,250	0	0	
1 P. L. A. .. .. .	..	..	..	..	4,000	0	0	
1 Registrar at Rs. 900—50—1,000 .. .. .	..	..	..	..	950	0	0	
4 Superintendents at Rs. 600—40—800 .. .. .	..	..	..	..	2,800	0	0	
13 Council Reporters at Rs. 450—25—750 .. .. .	..	..	..	..	7,800	0	0	
27 Assistants at Rs. 200—15—500 .. .. .	..	..	..	..	9,450	0	0	
34 Clerks at Rs. 100—8—350 .. .. .	..	..	..	..	7,700	0	0	
1 Clerk at Rs. 90—4—170 .. .. .	..	..	..	..	130	0	0	
3 Stenographers at Rs. 175—12½—375—15—450—25—500.					1,212	0	0	
					56,892	0	0	56,892 0 0
<i>Permanent menial establishment.</i>								
5 Record Sorters at Rs. 20—1—40 .. .. .	..	..	..	..	150	0	0	
11 Daftries at Rs. 15—1—35 .. .. .	..	..	..	..	275	0	0	
4 Jemadars at Rs. 25—1—30 .. .. .	..	..	..	..	110	0	0	
3 Daffadars at Rs. 17—1—22 .. .. .	..	..	..	..	58	8	0	
41 Peons at Rs. 14—1—16 (quinquennial) or Rs. 15-9-0 each.					638	0	0	
					1,231	8	0	1,231 8 0
<i>Temporary menial establishment.</i>								
35 Peons at Rs. 14 each .. .. .	..	..	..	..	490	0	0	
2 Farashes at Rs. 14 each .. .. .	..	..	..	..	28	0	0	
3 Sweepers at Rs. 10 each .. .. .	..	..	..	..	30	0	0	
1 Bhistee at Rs. 6 and 1 at Rs. 4 .. .. .	..	..	..	..	10	0	0	
					558	0	0	558 0 0
<b>GRAND TOTAL PER MENSEM .. .. .</b>								
								58,681 8 0

Rs. 58,681-8-0 × 12 = 7,03,178-0-0 approximate annual cost.

N.B.—There is no leave reserve in the Legislative Department.

L128LA



## 2.—Statement showing the approximate cost of the new Office.

Establishment.	Average pay.			Rs.
	Rs.	a.	p.	
P. L. A. .. .. .	4,000	0	0	
1 Secretary .. .. .	3,000	0	0	
1 Deputy Secretary .. .. .	1,750	0	0	
1 Assistant Secretary .. .. .	1,125	0	0	(1,000—50—1,250)
1 Marsha .. .. .	250	0	0	
9 Reporters .. .. .	5,400	0	0	(450—25—750)
2 Superintendents .. .. .	1,400	0	0	(600—40—800)
13 Assistants .. .. .	4,550	0	0	(200—15—500)
28 Clerks .. .. .	6,300	0	0	(100—8—300)
1 P. A. to P. L. A. .. .. .	437	8	0	} (175—12½—375—15—450—25—500)
1 Stenographer .. .. .	337	8	0	
Leave Reserve—2 Assistants and 4 Clerks .. .. .	1,600	0	0	
				30,150 0 0 × 12 = 3,61,800 (Annual approximate cost).

*Menial Establishment.*

3 Record Sorters at Rs. 20—1—40 .. .. .	90	0	0	(20—1—40)
6 Daftries at Rs. 15—1—35 .. .. .	150	0	0	(15—1—35)
2 Jemadars at Rs. 25—1—30 .. .. .	55	0	0	(25—1—30)
1 Daffadar .. .. .	19	8	0	(17—1—22)
40 peons at Rs. 15-9-0 each .. .. .	622	8	0	(14—1—16)
				937 0 0 × 12 = 11,244 (Annual cost of menial establishment).
2 Farashes at Rs. 14 each .. .. .	28	0	0	
2 Sweepers at Rs. 10 each .. .. .	20	0	0	
1 Bhistee at Rs. 6 .. .. .	6	0	0	
				54 0 0 × 12 = 648 (Annual cost).
GRAND TOTAL .. .. .	3,73,692 (Approximate annual cost).			

## 3.—Statement showing the Budget estimate, annual expenditure and saving under the head Legislative Bodies.

Year.	Budget estimate.	Actuals for the year.	Annual saving.	Average saving for one year.
	Rs.	Rs.	Rs.	Rs.
1922-23 . . . . .	8,28,300	7,56,079	72,221	1,33,809
1923-24 . . . . .	9,22,000	6,49,798	2,72,202	
1924-25 . . . . .	7,92,300	7,22,852	69,448	
1925-26 . . . . .	7,45,992	6,24,627	1,21,365	

APPENDIX C TO THE DESPATCH.

Statement "A" showing the comparative strength of the officers of the present Legislative Department and of the proposed Assembly Office and the additional cost involved.

Designation of posts.	Present staff of the Legislative Department.	President, Legislative Assembly's proposals for Assembly staff.	Revised proposals of Government for Assembly staff.	Staff which Legislative Department will continue to require.	Difference between columns 4 and 5 and column 2.	Average annual cost involved.	Remarks.
1	2	3	4	5	6	7	8
(LEGISLATIVE DEPARTMENT.)						Rs.	
Secretary ..	1	..	..	1	..	..	
Joint Secretary and Draftsman.	1	..	..	1	..	..	
Additional Joint Secretary.	1	..	..	..	-1	36,000	
Deputy Secretary	1	..	..	1	..	..	
Assistant Secretaries (ASSEMBLY OFFICE.)	2	..	..	2	..	..	
Secretary (2,500—75—3,250).	..	1	1	..	+1	+24,500*	
Deputy Secretary (1,500—50—2,000).	..	1	1	..	+1	+21,000	
Assistant Secretary (1,000—50—1,250).	..	1	1	..	+1	+13,500	
Net increase	..	..	..	..	..	33,000	

Statement "B" showing the comparative strength of the ministerial staff of the Legislative Department and of the proposed Assembly Office and the additional cost involved.

Designation of posts.	Present staff of the Legislative Department.	President, Legislative Assembly's proposals for Assembly staff.	Revised proposals of Government for Assembly staff.	Staff which the Legislative Department will continue to require.	Extra staff required. (Columns 4 and 5 minus column 2).	Average annual cost on account of the extra staff required.	Remarks.
1	2	3	4	5	6	7	8
Superintendents ..	3	3	3	3	1	Rs. 8,400	
Council Reporters	13	0	0	3	1	7,200	
Assistants and Clerks	*61	46	41	38	18	54,000	
Stenographers ..	3	2	2	2	1	4,050	
Translators† ..	2	1	1	1	..	..	
Total	82	60	55	48	21	73,650	

\* Excluding one Assistant's post held in abeyance.

† If the translators of the Legislative Department instead of staying throughout the year at Delhi are taken to Simla there will be no need of a separate establishment of Translators for the Assembly office.

Statement "C" showing comparative strength of the menial staff of the Legislative Department and of the proposed Assembly Office and the additional cost involved.

	Present Staff.	President, Legislative Assembly's proposals.	Revised proposals.	Staff which Legislative Department will continue to require.	Extra staff required.	Extra cost per annum.	Remarks.
						Rs.	
Daftries and Record Sorters.	16	(1) 9	(1) 9	(1) 9	(2) 2	660	
Jamadars ..	4	2	2	3	1	330	
Peons, Dafadars and Farashes.	(3) 81	(4) 43	(4) 43	(5) 55	(6) 17	3,018	
Sweepers ..	(7) 4	2	2	3	1	120	
Bhisties ..	(8) 2	1	1	(8) 2	1	72	
Total	..	..	..	..	..	4,200	

(1) Of these 3 will be Record Sorters.

(2) One of these will be a Record Sorter.

(3) Of these 44 are permanent including three Dafadars and 37 temporary. Except during session periods about 32 temporary peons only are employed.

(4) Including 2 dafadars—out of these 23 will be permanent and 20 temporary.

(5) Including 2 dafadars—out of these 30 will be permanent and 25 temporary.

(6) Including 1 dafadar—out of these 9 will be permanent and 8 temporary.

(7) Three on Rs. 10 and one on Rs. 4 (for Delhi).

(8) One on Rs. 6 and one on Rs. 4 (for Delhi). The latter is only for summer months.

## THE INDIAN PATENTS AND DESIGNS (AMENDMENT) BILL.

**The Honourable Mr. A. C. McWatters** (Member for Industries and Labour) : Sir, I beg to move for leave to introduce a Bill further to amend the Indian Patents and Designs Act, 1911, for certain purposes.

This Bill, Sir, is an attempt at a comprehensive revision of our patents law. The Indian Patents Act of 1911 is based substantially on the corresponding British Act of 1907. The British Act was revised in 1919, and since then a British Empire Patents Conference was held in 1922. We have brought both these into consideration in framing our present Bill.

The Bill is naturally one which is of considerable importance to the public and the commercial community, and if my motion is accepted, I propose to move on a later date for its circulation. The Bill contains a large number of details and I have added a very full statement of Objects and Reasons to make it clear to the House.

Sir, I move.

The motion was adopted.

**The Honourable Mr. A. C. McWatters** : I introduce the Bill.

### THE INDIAN TRADE UNIONS (AMENDMENT) BILL.

**The Honourable Mr. A. C. McWatters** (Member for Industries and Labour) : Sir, I beg to move that the Bill to amend the Indian Trade Unions Act, 1926, for a certain purpose, be taken into consideration.

Sir, as I explained at an earlier stage, the object of this Bill is merely to remove certain obscurities which have crept into section 11 of the Indian Trade Unions Act, 1926. The two substantive alterations which we propose to make are first to make it clear that the court of appeal from the order of the Registrar shall be the court situated at the place where the headquarters of the trade union is situated, and secondly we propose to make it clear that there shall in all cases be one appeal to the High Court. From the original debate on the Trade Unions Act, it was perfectly evident that those were the two propositions which the House desired to have in the Act, but owing to slight defects in drafting and owing to the acceptance of an amendment while the Bill was under discussion the intention of the House was not made absolutely clear. The Bombay High Court have suggested to us that we should make these amendments.

Sir, I move.

**Mr. N. M. Joshi** (Nominated : Labour Interests) : Sir, while we consider the motion made by the Honourable Member, I want to make a few remarks as to the position of the Registrars of Trade Unions. From the Trade Unions Act, it is quite clear and from the present Bill also it is quite clear that the Registrars of Trade Unions are judicial officers. But, Sir, on account of certain things which have come to my notice a doubt has been created in my mind whether the Registrars are treated by Government as judicial officers and whether the Registrars consider themselves judicial officers. I want, Sir, the Government of India to make this point quite clear, when we are discussing this Bill. The instances which led me to believe that the Registrars are not judicial officers and that they do not regard themselves as judicial officers are these. I find that the Registrars are unwilling to register trade unions of Government employees. According to the Trade Union Act, I think there cannot be any objection to the registration of associations of Government employees. I also learn that the Government of India is putting pressure either upon the Registrars or upon their employees or their organisations that these organisations should not be registered. I want to have some definite information from the Government of India on this point, namely, whether they have issued any instructions to the Registrars that these trade unions of Government employees should not be registered, or whether they are putting any pressure upon their employees themselves not to register their unions. If this is so, it is in contravention of the provisions of the Trade Unions Act. If the Registrars are judicial officers, I feel that either of these courses is a bad one. If the Registrars are judicial officers and the Government of India have issued

[Mr. N. M. Joshi.]

instructions to them not to register trade unions, then certainly the Government of India have done a wrong thing in issuing instructions to judicial officers. Secondly while the Trades Union Act provides for registration and also for an appeal, if the Government of India puts pressure upon the organisations of its employees, this also, I feel, is a wrong thing done by the Government. Moreover, Sir, another instance which has come to my notice is this. Recently the Registrar of Trade Unions in Bombay called an officer of the Bombay Textile Labour Union and wanted to discuss with him certain matters regarding the position of the Union formed at Sholapur. If the Registrar of the Trade Unions is a judicial officer, I feel, Sir, that he has no right informally to call any officer of a trade union and discuss with him certain matters regarding a trade union. Unfortunately, several Local Governments have appointed persons who are doing some executive work as Registrars of Trade Unions. For instance, the Bombay Registrar of Trade Unions is the Director of the Labour Bureau. If we complain that the Registrar of Trade Unions had no business to call an officer of a trade union to have a talk with him, it is possible for him to say that he called him not in the capacity of a Registrar of Trade Unions, but in the capacity of Director of the Labour Bureau. I therefore want to draw the attention of the Government of India to this fact that it is a pernicious practice that they should appoint officers who have got some other work to do of an executive kind as Registrar of Trade Unions. The Registrar of Trade Unions is a judicial officer and if you appoint the Director of Industries or the Director of the Labour Bureau as the Registrar of Trade Unions, then the Registrar of Trade Unions is likely to perform his duty in a partial manner. I have just narrated an incident which has created a doubt in our mind as to the impartiality of the officer. You know, Sir, in one of my speeches in this House, I mentioned that there is some trouble about the union at Sholapur. The employers of the workers in the textile industry at Sholapur raised an objection that they would not recognise the Sholapur Union inasmuch as it was a branch of the Bombay Textile Labour Union. Whether it was a pure accident or not, I find that the District Magistrate takes the same objection. Well, Sir, the District Magistrate may not have anything to do judicially about the registration of the trade union, but perhaps he may also be Registrar of Trade Unions in Sholapur. But I do not know whether this is a fact or not. There is another accident, it is not only the District Magistrate of Sholapur who takes this objection to the Sholapur Union being a branch of the Bombay Textile Labour Union, but the Registrar of Trade Unions in Bombay called, as I have already stated, an officer of the Bombay Textile Labour Union and discussed the matter with him. I feel in my mind that there is a conspiracy between the employers in Sholapur and the District Magistrate.

**Sir Victor Sassoon** (Bombay Millowners' Association : Indian Commerce) : Me.

**Mr. N. M. Joshi** : You are not an employer there. I feel, Sir, that there is a conspiracy between the employers of Sholapur on the one hand and the District Magistrate of Sholapur and the Registrar of Trade Unions in Bombay on the other to see that the Sholapur Union does not form a branch of the Bombay Textile Union. Otherwise, certainly it cannot be a pure accident that the employers, the District Magistrate and the Registrar of Trade Unions should all say one and the same thing regarding the union

at Sholapur. All the three raise the same difficulty in the matter of registration of the union. I am raising this question because I feel that the Registrars of Trade Unions do not yet realise that they are judicial officers. If they do not realise that they are judicial officers, they will prove to be a source of danger to the trade union movement in India. I want therefore a clear statement from the Government of India as to whether these Registrars of Trade Unions are considered to be judicial officers and if they are judicial officers whether it is right for a department of the Government of India to issue instructions to them and whether in fact any instructions were issued to them or not. Thirdly, whether it is a right policy for the Government of India or Local Governments to appoint such persons as Registrars as they do some other executive work as regards industries or as regards labour welfare work. I hope, Sir, the Government of India will give me information on these points before I agree to vote for the consideration of this Bill.

**Mr. C. Duraiswamy Aiyangar** (Madras ceded districts and Chittoor : Non-Muhammadian Rural) : Sir, I do not rise to oppose the motion, but I wish to have certain doubts cleared. I do not pretend for a moment that I am in touch with the activities of these trade unions or with the grievances against Trade Union Registrars and do not know whether they get justice or not. But I do want to point out to this House that while this Bill professes to clarify the doubts that at present exist in section 11 of the Act of 1926, this Bill, on the other hand, promotes some more doubts. It seems to me that so far as the fixing of the forum is concerned, the object is well achieved by making it clear that the jurisdiction is of the Judge within whose local area the headquarters of the trade union is located. But so far as No. 2 is concerned, the Statement of Objects and Reasons does not indicate clearly what Judge may be appointed to hear appeals in Presidency Towns and in Rangoon. The amendment is designed to make it clear that in such areas the appeal lies to the High Court and there is no second appeal. In a so-called innocuous motion like this I really believe the trade unions are being deprived of a certain right which they at present enjoy. In Presidency Towns and in Rangoon under the old section 11 it was competent for the Local Government to appoint a Judge of the grade of a City Civil Court Judge as the officer who must first entertain the appeal, and on any decision passed by him there would be a second appeal to the High Court. But now, as it is, the trade union is deprived of the right of two appeals and given one appeal under the provisions of this Bill. It may so happen under this provision it may really be entrusted to a single Judge of the High Court sitting on the Original Side to dispose of the appeal of a trade union whose registration has been refused. But we find under the existing provision that a Judge of the grade of City Court may be appointed as the court to hear the first appeal. The party will have not only the benefit of a first appeal but, in the event of his not having his grievance redressed by the first Judge, he will have the opportunity of having the matter judged by two other Judges on the Appellate Side. Therefore while this Bill pretends to be very innocuous, it really deprives the party of a substantial right which at present exists under section 11 of the old Act of 1926.

Now I may also point out another doubt which I feel with reference to the drafting of the present Bill. In sub-clause (3) of clause 11 what you find is that for the purposes of an appeal under sub-section (1) an appellate court shall, so far as may be, follow the same procedure and have the same

[Mr. C. Duraiswamy Aiyangar.]

powers as it follows and has when trying a suit under the Code of Civil Procedure, 1908. I take it by "for the purpose of an appeal under sub-section (1)" is probably meant "In the disposal of any appeal entertained under clause (1)". But what follows? The court has all the powers which an original court trying an original suit is entrusted with. That is, I take it, it has all the powers of getting an answer, framing issues, receiving evidence, and then disposing of it. I dare say, that is a valuable provision, but when we come to sub-clause (4) of clause 11 we find :

"In the event of the dismissal of an appeal by any court appointed under clause (b) of sub-section (1), the person aggrieved shall have a right of appeal to the High Court, and the High Court shall, for the purpose of such an appeal, have all the powers of an appellate Court under sections (2) and (3)",

which means that even in the second appeal provided for in the High Court, the High Court shall receive all evidence and shall adopt the same procedure as is followed in the trial of suits, so that both in the first appeal as well as in the second appeal the proceedings will be in the nature of a trial by the original side. If that is the meaning intended, I do not for one moment doubt that trade unions are given a substantial advantage under sub-clause (4) of both courts hearing the evidence—that is what it means when it says "shall have all the powers" given under sub-clause (3) also. But if it is not intended by the Government and still the clause is left like that, I am afraid the High Court to which the party goes will say "It is in the nature of a second appeal and we will consider only a question of law and nothing else." That is why I wish the Government would make it perfectly clear whether in the second appeal provided for under sub-clause (4) the High Court will adopt the procedure followed in the trial of a suit, or that they will only hear the matter on the evidence recorded by the first appellate court. Their Lordships of the High Court are shy of going into even important questions of fact and confine themselves to mere questions of law. It used to be humorously said that when a lawyer said, "In fact the law is so and so" a Judge said "This is a second appeal; don't use the word fact!" In face of such a construction by the High Court Judges the parties would again have to come to this Assembly for clarifying these doubts also. Therefore I do wish that the Government will make it perfectly clear what powers in the second appeal are given to the appellate court. In the Statement of Objects and Reasons it is said that opportunity has been taken to define clearly the powers of the High Court in the second appeal, but as I read sub-clause (4) I do not find it like that. Therefore it is I wish to ask the Honourable Member as to what exactly he means by saying that the appellate court, the High Court in the second appeal, shall have the same powers as under sub-clauses (2) and (3) of this Bill. I may also suggest to the Honourable Member that in providing for costs under sub-clause (4) he may provide that the costs of both the first and second appeals may be granted by the second appellate court.

With these observations, Sir, I leave it to the House to say, or such Honourable Members as are interested in trade unions to say, whether it should be passed as it is on the floor of the House or that it should go through a Select Committee.

(At this stage Mr. President vacated the Chair which was taken by Lala Lajpat Rai, one of the Panel of Chairmen.)

**The Honourable Mr. A. C. McWatters :** Sir, with regard to the remarks made by my Honourable friend, Mr. Joshi, about the position of the Registrar, I am not a legal Pandit myself, but the duties of the Registrar are those laid down in the Indian Trade Unions Act and I leave it to the legal members of the House to decide whether it makes him a judicial officer or an executive officer. The main point which Mr. Joshi desired to make was that Government were bringing undue influence to bear on Registrars, particularly with regard to registration of unions of Government servants. If the Honourable Member had wished for information on that point, I think he might very well have put down a question for answer by my Honourable colleague the Home Member and he would have got a complete answer to it. The exact facts are not within my knowledge but I know there are certain difficulties in bringing the registration of Government servants of different classes within the Trade Unions Act in consequence of their position as Government servants under the Government Servants Conduct Rules, and those questions are being explored at the present moment. As the Honourable Member knows, there are unions of Government servants of all classes, some clerical and other workers ; and the whole question wants thrashing out. I may inform the Honourable Member that the question is under consideration at the present moment. I do not think he was at all fair in bringing accusations of partiality against Registrars, and I think that they are, so far as I know, acting extremely fairly in their relations towards trades unions.

Now, Sir, with regard to the legal point raised by my Honourable friend, Mr. Duraiswamy Aiyangar, there again I think it would have helped us if the Honourable Member had been kind enough to put down some amendments on the paper and we could then have considered the points carefully. The first point was that there should be a second appeal within the Presidency Towns. All I can say to that is that during the original debate it was made perfectly clear by my Honourable friend, Mr. Jinnah, that he did not want a second appeal in the Presidency Towns. What he did want was that the High Court should at least once be able to take cognisance of these cases, and it was in order to give effect to what we believed to be the desire of the House that we drafted the Bill in this way. With regard to the second point I am afraid I do not see the Honourable Member's difficulty. As the Bill is drafted, it seems to me that full powers are given to the High Court in appeal just as much as to the original appellate court, and I see no reason to suppose that the High Court Judges will take a more limited view of their powers in appeal, but if the Honourable Member wishes to move an amendment we shall consider it.

**Mr. C. Duraiswamy Aiyangar :** I am satisfied, Sir, with the answer given by the Honourable Member. That is really what I want, that the power of the High Court should not be limited even in second appeal but should be extensive.

**Mr. Chairman (Lala Lajpat Rai) :** The question is :

“ That the Bill to amend the Indian Trade Unions Act, 1926, for a certain purpose, be taken into consideration.”

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.



**The Honourable Mr. A. C. McWatters :** Sir, I move that the Bill be passed.

**Mr. S. Srinivasa Iyengar** (Madras City : Non-Muhammadan Urban) : Sir, I only want to remove a misconception which has arisen in the course of the debate. A second appeal will depend upon the Letters Patent as now amended and the rules framed by the High Court. If the appeal is made to a single Judge of the High Court from the Registrar's order, then there may be an appeal under the Letters Patent to two Judges, whatever the Assembly may have said or whatever is supposed to be implied in this Bill. There will be a second appeal to two Judges if the first appeal is made to a single Judge of the High Court. But if under the rules of the High Court the appeal from the Registrar's decision is heard by two Judges of the High Court, why, then, there will not be any further appeal.

**Mr. N. M. Joshi :** May I also say a few words, Sir ? The Honourable Mr. McWatters stated that it was not of importance to decide whether the Registrar is a judicial officer or an executive officer. I feel, Sir, that it is necessary to decide it because I think it is on account of misunderstanding in the minds of the Registrars that they are judicial officers and not executive officers, that incidents like those which I have mentioned just now, occurred. The Registrar, if he realises that he is a judicial officer, will call a man judicially if he wants to give certain decisions. But at present I find that the Registrar sends for him as if he was the Collector or some kind of executive officer, and it is not right that a judicial officer should act in such an unjudicial manner. The difficulty is this, Sir. The Registrars not realising that they are judicial officers take upon themselves the duties of Inspectors of trade unions. As a matter of fact there is no provision for Inspectors of trade unions in our legislation at all. Registrars are merely Registrars and their duty is to receive certain returns ; if they find that the returns are not written in the proper manner they may send them back and get them made in a proper manner ; but beyond that the Registrar of Trade Unions has no power or authority. Unfortunately these Registrars consider that they have got large powers. I therefore want the Government of India to let the Registrars know clearly that they are merely Registrars and not Inspectors ; it is necessary that they should know that they are judicial officers and not executive officers.

**The Honourable Mr. A. C. McWatters :** Sir, I do not propose at this stage of the Bill to enter into any disquisition as to the characteristics and qualities of Registrars. As I have said I am not a legal Pandit and the matter must be decided by the Courts which have to interpret the Act. With regard to the point made by Mr. Srinivasa Iyengar, I gather from him—and I have no doubt whatever that he is right—that if the High Court so decides by its rules a second appeal will lie in the Presidency Towns. All I can say is that I have no objection and I am sure that Mr. Duraiswamy Aiyangar will be extremely pleased.

**Mr. Chairman** (Lala Lajpat Rai) : The question is :

“ That the Bill to amend the Indian Trade Unions Act, 1926, for a certain purpose, be passed.”

The motion was adopted.

## THE INDIAN SUCCESSION (AMENDMENT) BILL.

**Mr. J. A. Shillidy** (Home Department : Nominated Official) : Sir, I move that the Bill further to amend the Indian Succession Act, 1925, for a certain purpose, be taken into consideration.

When I moved for leave to introduce the Bill, I think I said all that was to be said on this very short Bill, and it will be found fully explained in the Statement of Objects and Reasons. The intention of the Bill is to give sure effect to what was the intention of the Government and of the Legislature at the time of amending the Indian Succession Act in 1926. I do not think there is anything more to say and I hope the House will accept the Bill.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

**Mr. J. A. Shillidy** : Sir, I move that the Bill be passed.

The motion was adopted.

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## THE REPEALING AND AMENDING BILL.

**Mr. L. Graham** (Secretary, Legislative Department) : Sir, I move that the Bill to amend certain enactments and to repeal certain other enactments, be taken into consideration.

(At this stage Lala Lajpat Rai vacated the Chair which was resumed by Mr. President.)

I do not propose to weary the House with any attempt to enter into the details of this legislation. I must confess, Sir, that there is no principle in this Bill at all. It is merely an attempt to bring our Statute-book up to date by making certain alterations of a formal nature. The Statement of Objects and Reasons sets out more clearly than I can the actual reasons for the amendments, so I propose to trouble the House no further and I move.

The motion was adopted.

Clauses 2, 3 and 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Schedule was added to the Bill.

**Mr. L. Graham** : Sir, I move that the Bill be passed.

The motion was adopted.

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## THE INDIAN INCOME-TAX (AMENDMENT) BILL.

**The Honourable Sir Bhopendra Nath Mitra** (Finance Member) : Sir, I move that the Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose, be taken into consideration.

[Sir Bhupendra Nath Mitra.]

Sir, sub-section (3) of section 5 of the Indian Income-tax Act runs as follows :

" There shall be a Commissioner of Income-tax for each Province who shall be appointed by the Governor General in Council after consideration of any recommendation made by the Local Government in this behalf."

Sir, this short and simple Bill before the House proposes to omit the words " after consideration of any recommendation made by the Local Government in this behalf " from this particular sub-section. The reason for this omission arises from the fact that the administration of the Act has been taken over now by the Government of India.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Sir, in a way I welcome this small measure which the Honourable the Finance Member has just moved. But it is not a small measure. As the matter stands at present, there is a great amount of scandal, and one has to see whether the standard of morality that at present prevails in the Income-tax Department when these appointments are made through the recommendations of the Local Governments, will not be improved when the administration of the Income-tax Act is taken over entirely by the Government of India. We have also to consider another point, and that is, whether the standard of manners of Income-tax Officers will not be improved by the new step that will be taken under this head.

Regarding the standard of morality of Income-tax Officers in my Province, Sir, there have been grave scandals and they are the subject of agitation in the Press both in my province as well as in Bengal. It has been the practice with the Government of India to recruit officers from the Local Government who at times know too much and who at times try to take measures that are not conducive to the good administration of the Income-tax Department, and that often harasses the people of the province. I will just refer to one case, the well-known Darbhanga case, which was the subject of a judicial inquiry before the courts. I do not know what happened to it later. But I will read to the House a short extract about this case from the *Searchlight*, the provincial paper of Bihar and Orissa. This is what that paper wrote in their issue of 10th April, 1927 :

" On Saturday the 2nd instant, before the Subordinate Judge at Darbhanga, a suit, on behalf of Maharajadhiraj of Darbhanga, was filed by Mr. Pugh, appearing with Mr. Jayswal and Mr. Manoharlal, against (1) Mr. W. Johnston, I.C.S., Commissioner of Income-tax, (2) Mr. Haridas Chatterjee, Assistant Commissioner of Income-tax and (3) Babu Mohan Prasad Chaudhry, Income-tax Officer, Darbhanga, to restrain the defendants from realising an alleged illegal levy of 8 lakhs said to be income-tax and super-tax and 4 lakhs penalty for non-payment of the above taxes within the 30th March 1927. The plaint alleges that *this tax of 8 lakhs was levied maliciously and without jurisdiction in respect of the income for 1925-26.*"

Then, Sir, I find in the *Searchlight* of the 2nd December, 1927, a reference has again been made to this case :

" Sir Sultan Ahmed, appearing for the defendants, urged that he limited his petition to the trial of the two issues only, the first of court fees and the second of the incompetency of the suit for want of notice under section 80 of the Civil Procedure Code.

Mr. Jayswal opposed the piecemeal trial of any particular issue except that on court-fees. He urged that the main defendant (the Assistant Commissioner of Income-tax)

was trying to avoid an inquiry about the allegations of his endeavours to exact money. He on behalf of the Maharaja made a written offer in court that if the Government would proceed under the Public Servants Conduct Act with a trial in the court on the said issue the case would be given up. The Subordinate Judge, Mr. J. N. Ghose, has now given his judgment declining to hear any preliminary issue except that of court fees."

Now, Sir, the Maharaja of Darbhanga is a well-known man in financial circles, and if he likes he can upset the Calcutta and Bombay share markets at any time. I find that the Maharaja Sahib was assessed to income-tax as follows :

In 1920-21, he was assessed under 4 lakhs.

In 1921-22, he was assessed under 4 lakhs.

In 1922-23, he was assessed about 13 lakhs.

In 1923-24, he was assessed about 11 lakhs.

In 1924-25, he was assessed about 18 lakhs.

But somehow in 1925-26 the Maharaja of Darbhanga's income was reduced to *nil* and no income-tax was assessed in his case ! There was a huge uproar. Thereafter, the next year, there was a levy of 8 lakhs income-tax with four lakhs of rupees as penalty for the year 1925-26 and this assessment was done by the same Assistant Commissioner of Income-tax who had assessed *nil* a year ago. This is scandalous !

Sir, last session, I think, in Delhi I raised a point of information in this connection with another Bill to amend the Income-tax Act, and I believe my friend Mr. Gaya Prasad Singh also wanted to refer to it, but the Government of India then told us that the case was *sub-judice* and that we could not go into the matter. But I think that the case is not *sub-judice* and the case has been circulated privately. But I am referring to this particular instance to show that officers of the provincial service and even of the Indian Civil Service, who know too well the people, go out of their way to maliciously harass the people.

My second point is that the standard of good manners will have to be improved by officers thus recruited. Everybody here who has knowledge of collection of income-tax will admit that there are at times grave harassment to the assessee : at times the Income-tax Officers deal with them very unfairly and very rudely and almost imitate the habits and customs of police officers. I do hope therefore that when the centralisation is complete and in the departmental examinations after the recruitment of these officers, the test of good manners will be one of the most important test by which officers are to be promoted to a higher grade.

Sir, with your permission I will read one or two lines from the same paper, the *Searchlight*, once again—from an issue dated Sunday, the 14th August, 1927. It happened that our old friend Mr. Tottenham visited my province. His attention was particularly drawn to the scandalous bad treatment that the Income-tax officials mete out to the gentry in my province :

"Not unoften some Income-tax officers in the province have been accused of meeting out discourteous treatment to the tax-payers,....."

and so on, and the paper complains that they are not received with ordinary courtesy but are treated very badly. The paper further mentions here that the Commissioner of Income-tax they have in Bihar and

[Mr. B. Das.]

Orissa likes to stay in the comparatively hilly climate of Ranchi rather than at Patna which is the capital of the province, and the people who wish to appeal to him have to spend a lot of money to go out of their way to Ranchi. I do not know if Mr. Tottenham inquired into this when he was in Bihar and Orissa. I will just refer to another passage written specially for Mr. Tottenham's benefit :

“ Not unoften complaints of ill-treatment by individual officers and consequent heavy assessments come to our notice.”

Sir, it is not the complaint of the province of Bihar and Orissa alone. This is the complaint of every province in India. If the junior Income-tax officer finds that any assessee takes it into his head to complain against him he harasses him by increasing his assessment. This kind of vindictive spirit ought not to be practised by the Income-tax Officers. They should be of a judicial frame of mind and not like the harassing police officers or C. I. Ds. Sir, I do not know whether Mr. Tottenham inquired about it when he visited my province last year and whether he tried to better the condition there so that the people are not being harassed there any longer perhaps. I have talked with my friends and I am sorry to find that in Bombay and Calcutta—and at one time I spent a good deal of my life in Bombay City and I know a good deal of Calcutta—in Bombay and Calcutta I know there exist certain rings and combines who think that they can control the Income-tax Commissioners and Officers in the different provinces and that they can regulate the assessment of big capitalists. I know this is the practice. Of course poor people cannot get the help of these gilded combines in which I hear some very high retired Government officials are concerned who by their influence in the clubs where they socially associate with the Income-tax Commissioners and other European Income-tax officers can induce them, or profess to be in a position to induce them, to reduce the income-tax assessment. This is common knowledge. I think it may be in the knowledge of the Finance Member and when the Honourable the Finance Member centralises completely the recruitment of Income-tax Officers I hope he will see that the recruitment is done in such a way that people of the inferior mentality or people of a vindictive turn of mind are not taken into the Income-tax Department. That is my first point. My second point is that income-tax officers should be above a certain standard of life and certain stand of morality so that they cannot be induced by a glass of whisky and soda or other inducements. I do not accuse them of any bribery, but I have before me this particular instance in Bihar and Orissa which is of common knowledge to every body. There is an impression in the minds of people—there is a guess of bribery—that these golden gangs of influential rings in Bombay and Calcutta influence high Income-tax officials and income-tax is thereby reduced. This needs close investigation. I desire to see Government collecting their full dues. At the same time, I do not like that the Income-tax Department should be worse than the C. I. D. or the Police Department and be a source of continuous harassment to the people, and I do hope these observations of mine will be taken into consideration by the Honourable the Finance Member and that he will watch the Income-tax Department and free it from all such scandals.

**Mr. Vidya Sagar Pandya** (Madras : Indian Commerce) : Sir, I rise simply to obtain a piece of information from the Honourable Member. In the Statement of Objects and Reasons the last sentence runs :

“ This proposal has received the assent of all Local Governments except one.”

I should like to know which is the Local Government that had the moral courage to differ from the Government of India.

**The Honourable Sir Bhupendra Nath Mitra** : Sir, I much regret that my friend, Mr. B. Das, should have tried to discuss on the floor of this House a particular case which I understand is still *sub judice*.

**Mr. President** : If the Honourable Member had said so at the time, I should have stopped Mr. Das.

**The Honourable Sir Bhupendra Nath Mitra** : I did not know at the moment that the matter was *sub judice*. I thought he said definitely that it was not. But immediately thereafter, I made inquiries and I understand that it is *sub judice*. When that case is finished, I shall be glad to answer in this House any questions which my Honourable friend may desire to make in that connection.

I am sorry also that my Honourable friend has taken advantage of the present occasion to cast aspersions, and unmerited aspersions, on a body of public servants. It must be, Sir, the unfortunate lot of every collector of revenue to find himself at some stage or other in disfavour with the people who have to pay the tax, and I submit that my Honourable friend would have followed the more desirable course if he had brought to my notice any specific cases of harassment or ill-treatment or actions like that. As a matter of fact, he mentioned that certain cases were brought to the notice of Mr. Loftus Tottenham, the senior Member of the Central Board of Revenue when the latter visited his province quite recently. If my Honourable friend had waited until Mr. Loftus Tottenham had returned to headquarters, and put questions to him or to me, we might have probably settled most of his doubts about grievances, genuine or imaginary. But I submit, Sir, that it is hardly fair for him to cast aspersions on a body of public servants on an occasion like this. I shall not add anything more on that subject at the present moment. I have not the slightest doubt that my Honourable friend, when he reconsiders the matter, will admit that my remarks are justified.

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

“ That the Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose, be taken into consideration.”

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

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

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadian) : Sir, just now my Honourable friend Sir Bhupendra Nath Mitra said that if any irregularity with reference to the department with which this Bill is concerned is brought to his notice, he will be

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pleased to make inquiry and to find out the truth. Last year I brought one objectionable circular, which was issued by the Commissioner of Income-tax of Bihar and Orissa before this House, and Sir Basil Blackett, instead of meeting my point, tried to evade replying to my question (*An Honourable Member* : " And to defend "), and to defend the particular circular which was issued by the Income-tax Commissioner of Bihar and Orissa. In course of that circular, which was alleged to be a confidential one and not meant for publication,—in the course of that circular, which was issued by the Income-tax Commissioner to all his subordinate officers, it was stated in so many words that in any particular case they must take a view which is favourable to the department, and leave the assessee to press for a decision in the High Court if he is so advised. I am quoting exactly what that circular stated. I asked on what principles of justice, equity and good conscience can a circular like that be defended. and my Honourable friend, the then Finance Member, did not reply to that question. Then this matter was taken up by the Chamber of Commerce of Bihar and Orissa, and a representation from that Chamber was addressed to the Central Board of Revenue. In reply the Central Board of Revenue merely referred to the statement made by Sir Basil Blackett in this House. I want to know, Sir, specifically the circumstances under which that objectionable and obnoxious circular was issued, the justification for issuing it, and whether the Honourable Member, since he is in a communicative mood, will be pleased to say if the circular has been withdrawn or not.

**Mr. Ram Narayan Singh** (Chota Nagpur Division : Non-Muhamadan) : Sir, my Honourable friend the Finance Member took strong objection to the remarks of my Honourable friend Mr. B. Das. He suggested that if any incident like the one he referred to was brought to his notice he would take all possible measures to stop it. At the same time he regretted that my Honourable friend utilised the opportunity to pass strong remarks against a body of public servants. My Honourable friend Mr. Gaya Prasad Singh has just quoted an instance in which the Honourable the Finance Member hopelessly failed to take any notice.

**Mr. President** : Not this Finance Member.

**An Honourable Member** : The Finance Department.

**Mr. Ram Narayan Singh** : It may be the present temporary Finance Member or the permanent Finance Member, but on the whole it is the Finance Member. I may say in this respect, Sir, that this Government is so hopelessly rotten.....

**Mr. President** : Order, order.

**Mr. Ram Narayan Singh** : Sir, I am prepared to say that we should take every possible opportunity to say anything and everything about this Government in this House.

**Mr. President** : Order, order.

**Mr. Ram Narayan Singh** : However, Sir, I say that whenever anything is brought to their notice, they should take every possible care to satisfy us that the grievance is removed. But they do not. When they are criticised, they regret the criticism and take strong objection. I think this is due to their inability, and this they should regret.

**Mr. B. P. Naidu** (Guntur *cum* Nellore : Non-Muhammadan Rural) : Sir, I hope I may be permitted to say a few words with reference to the remarks made by my Honourable friend Mr. B. Das. The complaint made by him with regard to bad manners is not confined only to his province but extends even to my province. There was recently a conference of income-tax assesses and they have made a list of their grievances. I regret that I have not got the list with me now, but one of the grievances is this lack of good manners on the part of income-tax officials. I should like to know under what circumstances the Government of India are attempting to make this change now. The Statement of Objects and Reasons says :

“ The taking over by the Government of India of the administration of the Act is far advanced.”

I do not understand what that means. It may be that they want to have a comprehensive and centralised service, but I do not think that that necessity would justify the taking of the whole of the service out of the purview of Local Governments altogether. With these remarks, Sir, I should like to suggest that the change is not altogether well-advised.

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammadan Rural) : Sir, I have no intention of taking part in this debate.....

**Mr. C. Duraiswamy Aiyangar** (Madras ceded District and Chittoor : Non-Muhammadan Rural) : Then keep quiet.

**Mr. Amar Nath Dutt** : I whole-heartedly approve of the principle of this Bill and I would have been glad if the Finance Member had gone further than the formation of an all-India cadre of Commissioners of Income-tax and created an all-India service of Income-tax Officers. Be that as it may, my reason for rising on this occasion is the chastisement which has been dealt to my Honourable friend Mr. B. Das for his protest about the honesty of the Income-tax Officers. Sir, my Honourable friend Mr. Gaya Prasad Singh has already pointed out the existence of mischievous circulars and we do not know whether they have been withdrawn yet or not. I may point out to the Honourable the Finance Member that about four or five years ago I introduced a Bill in order to give some relief to the holders of Government promissory notes, some relief in the shape of income-tax not being deducted at the maximum rate but at the rate at which the assessee is ordinarily assessed, and though that Bill is being brought in year after year, as is the fate of all non-official Bills, we hardly get any chance. At one time I remember that the Honourable Mr. Lloyd was pleased to have a conference with me and he requested me to withdraw that Bill in view of a certain circular which he said was promulgated and which enabled Income-tax Officers to grant anticipatory certificates. Sir, I shall only place before this House an instance how his circular is acted upon. I myself asked for an anticipatory certificate. It was said that my income was liable to fluctuation and I must be assessed at the maximum rate although my income is certainly not Rs. 50,000 a year. This is the way in which anticipatory certificates are refused.

There is one other fact which I wish to bring to the notice of the Honourable Member—probably he is not aware of it, having been the whole of his life in Government service—that at times even poor men whose income is not even Rs. 1,000 a year are assessed to income-tax in order to swell the income-tax returns. You will find that every year the



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income-tax that is realised from a particular province is increasing. This is certainly not due to the prosperity of the country. All these facts I bring to the notice of the Honourable the Finance Member in order that he may take the necessary steps to constitute an all-India service where there would be, I say advisedly, less corruption and less harassment.

**Pandit Thakur Das Bhargava** (Ambala Division : Non-Muhamadan) : I also did not wish to take part in this debate so far as this particular Bill was concerned, but seeing that the debate has become rather broad-bottomed, I also wish to say something on the subject. Last Session I brought to the notice of the Honourable the Finance Member that his Income-tax Officers are always obsessed with the desire of increasing income-tax returns. I also brought to his notice that they exercise the discretion vested in them under section 23 of the Act arbitrarily. The burden of proof of the fact that a person has got a particular income is, according to law, on the Income-tax Officer, but in practice you will find that those persons who do not file any returns are penalised arbitrarily. In my own province I have known of cases where the Income-tax Officers have without rhyme or reason doubled the amount of the income-tax on account of the assessee not furnishing the return. Moreover, there are various other ways by which the Income-tax Officers harass the public. The Income-tax Department, as is well known, is very unsympathetic towards the people, and if any complaint is made the same stereotyped reply is given by every Finance Member, be he European or Indian, that as a tax collector he is bound to be unsympathetic. If that is the reply to every sort of criticism, whether well-grounded or not, I think there is an end of the matter. So far as the uniformity of taxation is concerned, I brought to the notice of the Honourable the Finance Member that the administration of the income-tax is very harsh towards undivided Hindu families. It was admitted by the Finance Member at the time, that as a matter of fact the provisions of the Income-tax Act were harsh on undivided Hindu families and the uniformity of taxation was not to be found there. Rs. 20 to 25 lakhs more are brought to the Exchequer by this harshness and by this inequity towards undivided Hindu families, and as a consequence the Income-tax Department has not seen its way to secure uniformity of treatment for undivided Hindu families. It is very unfortunate that a non-official Bill cannot be piloted through this House very easily. I had a mind to bring up a non-official Bill in this connection, but in the life of this Assembly I cannot be successful in getting it passed. May I hope that Government will take up the matter and bring in a Bill to meet the difficulty of the undivided Hindu family ?

**Mr. B. Das** : Sir, the Honourable the Finance Member will see what support I have in this House and I need not refute the insinuation which he suggested at the end of his speech. If I cited the Darbhanga case, I thought the case was settled.

**Mr. Gaya Prasad Singh** : My information is that the Darbhanga case has been settled.

**The Honourable Sir Bhupendra Nath Mitra** : My information is that it is still before the courts.

**Mr. Gaya Prasad Singh** : Then your information may be more accurate.

**Mr. B. Das :** It may have gone back to the courts again.

**Mr. President :** In any case it is doubtful.

**Mr. B. Das :** In any case I did it in good faith and with the good intention of helping the Government in the proper collection of income-tax revenue and incidentally raising the department to a standard of high efficiency. I did not charge the income-tax officials with that amount of depravity which the Honourable the Finance Member has read into my speech. To support my point, I have in hand another cutting from the same paper, the *Searchlight*, which shows how Income-Tax Officers unnecessarily harass the ordinary income-tax payers. It was a case from Sambalpur which is in Orissa. The report says :

“ In the application of Ram Pratap Thandu Mulla the Commissioner of Income-tax refused to refer his case to the High Court on the ground that the application was one day too late, being beyond one month and one day after the judgment of the Assistant Commissioner of Purulia. Mr. Jayaswal, appearing for the petitioner, complained that there was a tendency on the part of the Commissioner to plead limitation where no limitation arose. The view of the Commissioner offended against the General Clauses Act and against common sense and practice that time must be counted from the day when the order is passed that is communicated to the Assessor and not from the day when an order is merely signed. The counsel for the Commissioner admitted that in view of the General Clauses Act he could not support the decision of the Commissioner on the point. Their Lordships (that is, Mr. Justice Ross and Mr. Justice Kulwant Sahay) decided the point against the Commissioner.”

Their Lordships also wanted the Commissioner to submit certain further information in connection with the case. These things are happening every day, and my duty towards the people of this country impels me to ventilate the grievances of the public on the floor of this House.

The Honourable the Finance Member suggested that there should be a certain amount of cordiality between him and this side of the House and we should talk over this privately. There cannot be any cordiality between the Treasury Bench and this side of the House. If the Finance Member uses his influence with the Treasury Benches and they show on all occasions that spirit of cordiality which he wants us to shew on this occasion, then many of the things which we say on the floor of the House will be said in their chambers or we may speak to them in the lobbies, but we find that that atmosphere is entirely lacking in the Government at present.

**The Honourable Sir Bhupendra Nath Mitra :** If the remarks of my Honourable friend, Mr. Das, like those of my Honourable friend, Mr. Ram Narayan Singh, were actuated by a general distrust of every Member on the Treasury Benches, then I have nothing more to say. But I can tell both of my Honourable friends that when theyoust us from these Benches they will be up against the same difficulty. To carry on the Government they will have to obtain a certain amount of money by taxation. As I have already said, no tax-payer is in love with the tax collector. I do not think I ever used the word “ unsympathetic ” which was mentioned by my Honourable friend, Mr. Bhargava. We, as the Government, undoubtedly desire that there should be the fullest sympathy between the tax collector and the tax-payer. But, Sir, it is obviously an unnatural state of things. For when the operation of the former touch the pocket of the tax-payer, the latter will say that the tax collector is unsympathetic. I have no personal knowledge of the particular incident to which my friend, Mr. Gaya Prasad Singh, referred, but judging from his remarks it seems

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to me to be a somewhat similar case. The Income-tax Collector, being a servant of the State, wants to collect what according to his lights he is required to collect under the Act. If the tax-payer thinks that the amount collected from him is not payable under the provisions of the Act, he has his right of appeal under the Act. All the same I shall again repeat to my friend, Mr. B. Das, that if he will give up his distrust of the Members of these Benches and will bring before us specific grievances, I for one—and I am pretty sure that my friends Sir George Rainy and Mr. McWatters—will always be glad to give him a patient hearing. (*An Honourable Member* : “What about the other Members?”) Mr. Crerar is not here and I cannot refer to him at the moment. (*An Honourable Member* : “Will you give us an assurance about your successor?”) I cannot commit my successor. (*An Honourable Member* : “You are not sure of Mr. Crerar?”) I cannot refer to him because he is not here at the present moment, but I am sure he will be glad to follow the same procedure.

**Mr. Gaya Prasad Singh** : But you have not answered my question.

**The Honourable Sir Bhupendra Nath Mitra** : I am not aware of the specific grievances of Mr. Gaya Prasad Singh. As I understand the position, there was some circular which instructed the Income Tax Officers, that in making assessments they should pay more regard to the interests of the department which, as I understand it, are the same as the interests of the State, than to those of the assessee. If that is so, if my presumption is correct, I think that should be the natural tendency of the department. The Income-tax Collectors are there to collect as much money as they can for the State, consistently with the provisions of the Income-tax Act. If there is any assessee who feels himself aggrieved by that assessment, the Act itself provides him with the machinery for contesting the assessment of the Income-tax Officer.

**Mr. Gaya Prasad Singh** : Sir Basil Blackett disapproved of this notification on the floor of this House. In view of his disapproval, has that circular been withdrawn?

**The Honourable Sir Bhupendra Nath Mitra** : I don't know. If Mr. Gaya Prasad Singh had spoken to me about the matter before this debate, or asked a question, I would certainly have been able to give him an answer. I submit, further, that these are questions which might more appropriately be discussed when this House is voting the money for the Income-tax Department, and not on a small Bill like this.

If I understood my friends Mr. B. Das and Mr. Amar Nath Dutt correctly, they all welcome the Bill as it will have the effect of improving the efficiency of the Income-tax administration. Apparently my friend, Mr. Naidu, on the other hand, holds a somewhat different view. So far as we are concerned, the action we are taking is not being taken with reference to the particular point raised by Mr. B. Das, though I should be very happy if it has that effect; but we are taking it for quite a different reason which is clearly brought out in the Statement of Objects and Reasons.

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

“That the Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose, be passed.”

The motion was adopted. .

## THE MADRAS SALT (AMENDMENT) BILL.

**The Honourable Sir Bhupendra Nath Mitra (Finance Member) :** Sir, I move that the Bill further to amend the Madras Salt Act, 1889, for a certain purpose, be taken into consideration.

This again, Sir, is a simple Bill and the object is fully explained in the Statement of Objects and Reasons, and I have nothing to add to what is stated therein.

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

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

The motion was adopted.

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## THE INDIAN INSURANCE COMPANIES BILL.

**The Honourable Sir George Rainy (Member for Commerce and Railways) :** Sir, I move that the Bill further to amend the Indian Life Assurance Companies Act, 1912, for certain purposes, and to provide for the collection of statistical information in respect of insurance business other than life assurance business, as reported by the Select Committee, be taken into consideration.

It will not be necessary that I should say more than a very few words in support of this motion. It will be seen from the Report of the Select Committee that the Bill as a whole commended itself to that body, and that they thought it was a useful measure in substance. Only one amendment has been made by the Select Committee, namely, the omission of the words "British" before "India", I think in eight places in all. In case Members on the Benches besides me should apprehend that the omission of the word "British" has been made under any sinister inspiration, I hasten to add that the object of the omission is to meet the convenience of insurance companies, and also the convenience of the public, of Government and of the Legislature, all of whom will have to consider the statistics which will be prepared under this Bill. As the Bill was originally drafted, the insurance companies would have been required to submit figures as to the business transacted by them, arranged under two heads, one for British India and the other for business transacted in other parts of the world. As the Bill now stands after amendment, any business transacted in the Indian States or in the foreign settlements in India will be classed with Indian business, and not with the business transacted in other places. Since the Committee reported, Sir, I have had the matter carefully examined by the Insurance Branch of my office, and I have no doubt that the amendment made is an improvement, and I hope will be satisfactory to all concerned.

That, Sir, is all I need say in explanation of the Select Committee's Report. As for the Bill as a whole, I explained the idea underlying it, in the Statement of Objects and Reasons, and in the speech I made when I moved that the Bill should be referred to Select Committee. I do not think

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it necessary on this occasion that I should add anything to what I said then.

Sir, I move.

The motion was adopted.

Clauses 2 to 20 were 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 beg to move that the Bill, as amended, be passed.

**Sir Purshotamdas Thakurdas** (Indian Merchants' Chamber : Indian Commerce) : Sir, I rise to say a few words on this, the third reading of the Bill. While we welcome this Bill to amend the Life Assurance Act, I am sure the Honourable the Commerce Member is fully aware that the public in general and the Indian public in particular, are very anxious that the Government should now hasten the preparation of the measure which is to affect not only life assurance, but insurance generally in India. This was promised to us more than two years back. But the Government of India is in this connection being held up owing to the inordinate delay which has taken place regarding a similar measure in Great Britain. Sir, the interest in India in insurance business has been increasing at a very considerable pace and I have not the slightest doubt that, not only in life insurance but also in insurance generally, there is a wide scope in India. I am therefore very anxious that the regulation of this business should be taken in hand as early as possible by Government. I am anxious that no set back should be given in India to Indian enterprise in this direction by acts of omission and commission on the part of those who are getting on with work in connection with insurance companies. Barring the fact that the Government of India are awaiting the insurance legislation in Great Britain to give them a lead—a fact the necessity of which I appreciate to a certain extent although I myself think that if this legislation in Great Britain is put off *sine die*, the Government of India will not be justified in delaying any further—this fact should not be lost sight of, namely, that while we welcome this interim legislation, we hope the Government of India would be able to introduce their full Bill before another year expires. With these few words, I have very great pleasure in giving my support to this Bill which is now before the House for its final approval.

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

“ That the Bill, as amended, be passed.”

The motion was adopted.

## THE MATCH INDUSTRY (PROTECTION) BILL.

**The Honourable Sir George Rainy** (Member for Commerce and Railways) : Sir, I beg to move that the Bill to provide for the protection of the match industry, be taken into consideration.

Sir, as I explained at the time of its introduction, this Bill is a comparatively simple measure and all that it does is to transfer the existing duty on matches, and on veneers and splints from the revenue part of the

Tariff Schedule to the protective part. I do not think, Sir, it will at all be necessary that I should speak at great length on this measure, although it is very far from being an unimportant one. When the Legislature is asked to pronounce that a certain industry shall be treated as a protected industry, that is a matter which cannot be lightly treated and deserves full consideration. I think, Sir, that the Tariff Board, in the Report which has been in the hands of Members for some little time now, have given us a very valuable and interesting document. They have examined the question referred to them with great care and thoroughness, and in the opinion of the Government of India they have amply justified their conclusions. It has been of course my duty to study the Report very closely, and not by any means an unpleasant duty. Whether all the Members of this House share what is perhaps my morbid taste for tariff literature I am not prepared to say, but of course having been responsible for a great deal of literature of that kind myself, it is at any rate my duty to give due attention to the reports which are provided for my reading by other people. What interested me most in the Report of the Tariff Board on the match industry was this, that in the case of this industry we are presented with a series of features which have not presented themselves in any of the earlier enquiries, and which mark off this case as being rather a special one. The ordinary case of an industry demanding protection occurs when it can be treated as an infant industry supplying only a fraction of the country's demand for the commodity concerned, whereas in this case, as the Tariff Board have reported, the industry is already able to meet the whole of the country's demand for matches. That is an unusual feature. Again in ordinary cases the price of the article manufactured in India is regulated by the cost of importation. Thus, to-day, the cost of the steel manufactured by the Tata Iron and Steel Company is in the main regulated by the price at which steel can be imported from Europe or America. But in the case of the match industry, this is not so at all. The price of Indian matches is at present determined solely by internal competition, and the price of imported matches has ceased to affect the price of Indian matches directly. Now, one consequence of that is this, that it is not much use considering what would be a fair selling price for Indian matches because even if we prohibited the import of foreign matches, the Indian manufacturer would get no more for his matches than he can obtain in competition with other manufacturers. That again distinguishes this case from the common case. A third difference is this. In the previous cases, the protective duties have been imposed as new duties, and we had to consider what the effect of that duty was likely to be both on the industry and on the consumer. But in this case the protective duty has already been in force for six years and has ceased to impose any burden on the consumer, the reason being of course that the Indian industry has developed behind the tariff wall, and, as I have already said, the price of Indian matches is determined by internal competition. The consumer, as far as the Government of India can judge, already obtains his matches as cheaply as he is ever likely to get them. The fourth difference is this, that in no previous case has it been a vital factor in the whole enquiry that there is a very powerful and ably organised international trust in existence in a great many countries of the world, which controls the manufacture of the commodity proposed to be protected. That is a new factor in this enquiry and it has had to be given special weight. Finally, there is this very interesting feature, that we have to take into account the lowest unit in our currency system as a factor which directly

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affects the price that the manufacturer can charge and indirectly the amount of protection to be given. The Tariff Board have pointed out that matches are at present sold in India for one pice a box and if the manufacturer wishes to raise his price he will have to double it because the next unit is two pice a box.

Well, Sir, all these are to my mind very interesting points in the case and they have been given due weight by the Government of India in their consideration of the matter. The Tariff Board have found, Sir, that the match industry satisfies the three conditions laid down by the Fiscal Commission. The Government of India fully accept that view. I do not propose to trouble the House by going in detail into the reasons which led the Board, and have led the Government of India, to that conclusion, because I think after the very clear and lucid statement given by the Tariff Board it is not necessary that I should do so. I will refer therefore only to one point in that connection, namely, this, that there may be room for doubt as to whether at present matches can be made in India from Indian wood, equal in quality to the imported match. Now it might be argued on that ground that the industry does not possess a natural advantage which ordinarily protected industries ought to possess. I believe myself, Sir, that there is room for hope that the position in that matter will improve as time goes on, and I believe we can reasonably expect that a larger and larger proportion of Indian matches will be made from Indian wood. But what I think the Board have established is this, that even with the handicap of using imported wood, it can still be shown that the industry will eventually be able to resist world competition unaided and without assistance from Government. To my mind two of the conditions laid down by the Fiscal Commission hang closely together. These are, first, that the industry should possess natural advantages, and secondly, that eventually the industry should be able to resist competition unaided. Ordinarily we have no data from which we can certainly determine whether eventually the industry will be able to resist competition unaided or not, and we have therefore to be guided by the probabilities of the case and the best evidence we can get. Usually the best evidence is supplied by the natural advantages of the industry whatever they may happen to be; but in this case the position is different. From the very careful analysis of the cost of production given by the Board I think we are clearly entitled to draw the inference that eventually the industry will be able to dispense with protection when the preference for the imported match has gradually been dissipated, and when we can be certain that the industry will not be exposed to attack by a very powerful international trust.

Now, when these circumstances exist, when we have independent evidence showing that the industry will eventually be able to dispense with protection, then we are fairly entitled to assume the existence of natural advantages because, unless the industry had such advantages, it could not in fact dispense with protection, I do not for a moment say that the industry has not natural advantages, for I think it has. Two of them I might mention. It is quite clear from the Tariff Board's figures that the imported match has to bear very heavy charges between the factory in the countries from which it comes and its arrival at the port of destination. As nearly as I can make out these charges amount to something like 25 per cent. of what would be a fair selling price for the imported match.

Clearly this gives a great natural advantage to the locally made match. There was a second point to which the Tariff Board drew special attention, namely, this. So far as the match industry is concerned, Indian labour is cheap labour. That does not necessarily mean low-paid labour, but it does mean that with the aid of the automatic machinery now in use in the match industry you can get a very effective return from Indian labour.

The next point I want to deal with, Sir, for a brief space is the question of the amount of the duty. There is no doubt of course that the rate of duty proposed is very high compared to the rates of duty we have applied in other cases. It is so high indeed that it approaches the point where it would become prohibitive. Now, I think the House are entitled to some explanation of why the Government of India consider a very high rate of duty justified. In the first place, there is the existence of this world-wide combine with immense financial resources which has obtained control of the industry in a great many countries of the world. Clearly, if the manufacture of matches in India is to be protected against that we must be quite sure that the duty is high enough to be effective. In the second place, the manufacture in India has grown up behind the shelter of the high revenue duty imposed in 1922. The Government of India feel that the industry has special claims upon Government and upon the Legislature and that its interests ought to be fully safeguarded. But finally, and this is really the vital point, although the duty is high yet we can be certain that it will not impose any burden or any appreciable burden upon the consumer, the reason of course being the one I have already given that the price of matches in India to-day is determined by the internal competition of the Indian match manufacturers. But at this point someone may raise the question : Suppose behind the shelter of your protective duty there were to be a combination of match manufacturers, or suppose that the Swedish Match Company were gradually to oust all its competitors so that in their case something in the nature of a monopoly should come into existence, is it not possible that then the consumer might be exploited ? To that question, Sir, I think there are several answers. In the first place, it has been shown very clearly by the history of the last six years that it is not a difficult thing to start new match factories and that the amount of capital required is not very large. Now let us suppose the monopoly has come into existence and is going to try and exploit the consumer. What must its first step be ? If it raises the price of matches to the consumer, it has got to raise the price to two pice a box. that is to say, it has got to double the price, and the moment it did that the profits to be made in match manufacture would be so large, that almost at once new factories would begin to compete, and the result would be that before very long the trust would have to bring down its price again. That is one natural way in which the consumer would be protected. But there are other ways on account of which we are entitled, I think, to regard any attempt to exploit the consumer by doubling the price of matches as most improbable. From what I have been able to learn of the management of the Swedish Match Trust, it seems to me that the management has displayed in many ways great wisdom and great sagacity ; and as it would obviously be unwise from the point of view of that company to render itself very unpopular with the consumer in India, I think it is most unlikely that they would adopt the short-sighted policy of doubling the price. Finally, supposing they did so, the resources of civilisation are not yet exhausted. For, if any attempt were made to raise the price of matches to two pice a box, there



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would be a very strong temptation to the Finance Department of the Government of India to step in and to impose an excise duty. It was clearly stated in the Government Resolution that the Government of India had no present intention of imposing an excise duty, but quite clearly if the Trust were to set to work to act without regard to the interests of India or of Indian consumers, then the Government of India would certainly take the matter into consideration.

Before I sit down, Sir, I think there are only two other points to which I wish to refer.

**Mr. President :** If the Honourable Member is going to talk much longer I should like to adjourn.

**The Honourable Sir George Rainy :** I think about three minutes will suffice, Sir. One of them is that the Government of India, as has been said in the Resolution, do not contemplate that the duty should remain at this very high figure for any long period. We hope that the preference for the imported match will gradually pass away and also we hope that in other respects the necessity will disappear.

Finally, Sir, there is one particular point on which I know some Members of the House are anxious. It is this. What would the attitude of Government be if the Swedish Match Company proceeded on its present lines and by a policy of cutting prices and trying to freeze out all the other Indian factories, endeavoured to obtain something approaching a monopoly of the manufacture of matches in India? We have stated very clearly in the Resolution that if that were to happen a new situation would arise, which Government would consider it necessary to examine very carefully. But my own hope is that that situation will not arise; my own hope is that the Swedish Match Company will give great weight to the very sagacious advice, the very wise and sensible advice given by the Tariff Board in paragraph 161 of their Report at pages 94 and 95. I will not read the whole of the passage, Sir, because Members can read it for themselves. I will only read the last sentence :

“ If then it is definitely declared that match manufacture in India is to be protected we believe that the Swedish Match Company would be short-sighted indeed if it did not bring its activities into closer contact with public opinion in the country.”

The suggestion underlying that sentence is that the Swedish Match Company might give its enterprise an Indian character by transferring the manufacture to a company established and registered in India with rupee capital and with a proportion of Indian Directors and with a definite reservation of a certain amount of capital for Indians. That is the substance of it. I think, Sir, I have said what is necessary to explain to the House the object and scope of this Bill and therefore I sit down after moving it.

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

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

**Mr. President :** Motion moved :

“ That the Bill to provide for the protection of the match industry, be taken into consideration.”

**Mr. M. S. Sesha Ayyangar** (Madura and Ramnad *cum* Tinnevely : Non-Muhammadian Rural) : Sir, the Indian match industry will really feel grateful for the promptness with which the Government have brought forward this Bill. They will also feel thankful to the Honourable the Commerce Member for the rather candid speech that he made this morning on this Bill. He certainly took note of the fact that there is really a great combine as the Swedish Match Company ; but he said towards the concluding portion of his speech that the company will take into account the salutary advice given to them by the Tariff Board at the end of paragraph 161 of their Report as to how they must behave if they wanted to be popular in this country with their manufactures. But there are certain well-grounded fears entertained by those who are interested in the manufacture of matches in this country, that, after all, this combine may not accept the salutary advice given to them by the Tariff Board ; because, from what we see of their object as detailed in the Report itself, they will have their own way in regard to their methods of operation in this country and elsewhere. Our fears are really well-founded when we happen to think that they may not after all pay heed to the advice given to them by the Tariff Board. I will just refer to paragraph 149 of the Tariff Board Report. This is what is stated there :

“ The object of the company is to secure a position in every possible market of the world which would enable it eventually to regulate prices. The acquisition even of the major part of the business in a market will not enable it to achieve this object. Either a complete monopoly must be obtained or a majority interest in every important unit constituting the industry.”

Then as regards the company's methods, details are given in paragraph 150 of the Tariff Board Report. It is not very refreshing to go through them :

“ Where circumstances are favourable, the company obtains a direct monopoly from the State. In some cases the monopoly is granted because the particular country conceives that to be in the best economic interests of their country. Where this is not possible, and especially where the industry is sheltered by a high tariff ”

—that is the prospect of what the company might eventually do in this country—

“ the company acquires in the country by negotiation the existing factories or builds new ones ”.

Both of these they have done in the past in this country.

“ An attempt is then made to obtain control of the industry amicably.”  
That is the first method.

“ If this proves unsuccessful, an intensive price war is initiated until the local industry surrenders.”

This is what they have been doing all this time, because the Tariff Board Report itself in another part says that the prices at which they have been selling imported matches were certainly uneconomical. For example, in Belgium very severe competition prevailed before the company obtained virtual control over the industry. And lower down, the Tariff Board quotes the statement made by the President of the Belgium Match Manufacturers :

“ The cartel (meaning the Swedish Match Company) makes more money by the matches manufactured in Sweden and in other countries by it than on those manufactured in Belgium. It is therefore to its interest to close down in Belgium as many factories as possible. The price war which the cartel is capable of carrying on during years in all countries to which Belgium can hope to export matches is very formidable.”

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Exactly the same thing might happen in India. They might import matches from elsewhere, sell them at uneconomical prices here and thus ruin the indigenous match industry in this country as they did in Belgium.

The Report then goes on to say :

"It is a matter of public notoriety that last year a Belgian factory was compelled to go into liquidation on account of this price war : the assets realised in the liquidation were not enough to pay 10 per cent. to the shareholders."

These are the insidious methods, Sir, which the Swedish Company adopted in Belgium and elsewhere. The same insidious methods, we are afraid, they will put into operation in this country as well. The question will then be whether the Bill that is now before the House will be enough to protect the indigenous match industry in India. The Honourable the Commerce Member was particularly alive to the existence of this company and also of their operations in India, but he thought that the present Bill would suffice for at least some time to come to protect the indigenous match industry. No doubt, the Bill seeks to protect the industry from matches imported from elsewhere, but what about the dangers within ? Unless some effective steps are adopted to protect the indigenous industry from the danger of the Swedish Company existing and operating from within, this Bill by itself cannot go very far towards really encouraging the indigenous match industry.

As I said, Sir, there are well-grounded fears that the present Bill would protect more the Swedish Match Company in India rather than the indigenous match industry. In this connection, I would refer to the opinions of two or three journals. First, I would read a short extract from the *Bombay Chronicle* :

"It is necessary, therefore, to see that the Company does not by using the very advantages afforded by protection in India or otherwise threaten the existence and progress of the indigenous industry."

There is another passage in the *Indian Daily Mail*, and this is what that paper says :

"As it is, however, the benefits of the protection granted will go to the Swedish company more than to the Indian companies."

Then I will read to the House another short extract from the *Bombay Samachar* :

"The import in 1926-27 in comparison with 1911-12 has been reduced to almost one-half, but we should not err into believing that the reduction in import means that so much quantity was manufactured in India and as these foreign factories are conducted on an extensive basis their manufactures also must have exerted more or less influence on the import of foreign matches. The Indian match industry requires protection against these foreign manufacturers and till that is not granted Indian owned factories will not prosper."

Now, I would ask the Honourable the Commerce Member to try and allay the fears which, I submit, are really well-founded. In this connection I would ask the Honourable the Commerce Member frankly to answer one or two points that I raise in this debate. It is said—an open accusation is made—by the weekly *Praia Mitra* that when this new Swedish Company first came into existence in India, the Bengal Government

openly encouraged this company by certain methods which are detailed in this weekly. This is what it says :

“As regards the match industry Swedish capitalists under the patronage of the Bengal Government prospered in India and established rival match factories in Amarnath and other places..... Notwithstanding strong protests from the Indians, Government supplied these foreign capitalists with land, forests, etc., so that they were placed in a favourable position to compete with Indian factories.”

Now I would ask the Honourable the Commerce Member to say whether there is any foundation for this open accusation that is made. If really the Bengal Government have moved in the matter on the lines indicated in this passage, it becomes a question of expatriation, so to say. We the Indian people of this soil stand expatriated by the Bengal Government adopting this method and planting securely this foreign enterprise in our soil and giving them land, forests, etc., so that their industry might prosper to the detriment of Indian interests. And in addition to this I would ask the Government also to say whether or not there is foundation for the suspicion that in this Swedish Company in India some rich merchants in England have got interests, and whether or not it is a fact, as it is said, that the merchants of England have some interests in this Swedish Match Company in India. And the second thing I would ask the Honourable Member to clear up is whether the British Government have any interests in this Swedish concern. Now if these things are cleared up by the Honourable the Commerce Member—and I dare say he will clear them up—then most of the fears entertained against the move of the Government by this side of the House would be removed. Some of us think that the protection given to the Indian match industry is half-hearted and halting ; because, in addition to the provisions made in the Bill, certain other lines of relief were asked for specifically by the indigenous match industry, such as Government levying an excise duty on these foreign made products and also Indianising these foreign companies : unless these measures also are given a provision in the Statute-book, this remedy by itself of simply converting a revenue duty into a protective duty at the rate provided in the Bill will not go far to really encourage the growth of Indian match manufactures, especially when that industry has to fight against very great odds in the shape of the Swedish companies existing in India. No doubt the Honourable the Commerce Member, in detailing the existence of the Swedish combine, has given a clear assurance to the House that, even though no doubt the Government does not choose at the present moment to make any provision in the Bill to operate against the Swedish combine, they may, if circumstances should show that this is taken advantage of by the Swedish combine to run down the indigenous match industry, take every step to see that something is done to relieve the match industry against such methods. Certainly the House would thank him for the assurance ; but I really ask him whether it would be advisable to wait till the danger is completely demonstrated ; whether it is not necessary, regard being had to the insidious methods of the Swedish combine of securing the entire monopoly of the industry all over the world, and regard being had also to the unscrupulous methods they have adopted in the past, whether the Government should not see that some safeguards are provided even now to protect the Indian match industry against the operations of this combine. One other fact which the Honourable the Commerce Member did not mention in his opening speech which I would like to bring to his notice strongly is this : that, since the Report of the Tariff Board, prices have gone down by 20 per cent. I am told. Now that is a very serious factor which the Honourable

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the Commerce Member must take note of. That would also indicate the line of action which the Government should feel constrained to adopt to protect the indigenous match industry against the Swedish combine. No doubt the Tariff Board made some recommendations after an exhaustive survey of the whole thing and I would repeat that these recommendations were really halting. They were alive to the fact of the existence of this powerful combine with very large resources and to the methods they had been adopting in this country, but that they would not go to the length of recommending at once any prompt measures to be taken by the Government to encourage the Indian match industry. After all, Sir, I seriously ask : whom are you protecting ? Is it not the indigenous match industry which Government seeks to protect ? They are not really out to protect the Swedish combine. Their purpose is the protection of the Indian match industry not only against competition from the Swedish match combine outside but also against competition from within. What is it they have done to protect it ? That is why I say the recommendations made by the Report are halting. They say in paragraph 31 of " Findings and Proposals " :

" We do not think that in the present circumstances any action is called for against the Swedish Match Company on the ground of unfair competition."

In another paragraph they admit that they have been systematically selling their products from abroad at uneconomical prices ; I really fail to see what else the Tariff Board would take to be unfair competition. They also endorse the opinion in paragraph 143 of the Report as to the unfair propaganda that they have been doing :

" It has been alleged that by means of circulars, cartoons and other forms of propaganda carried on by the Company to develop the sale of its imported matches, it has made comparisons to the disadvantage of Indian matches and thus spoil their reputation. There is evidence that such propaganda has been carried on by the Company or its agents and some harm must have resulted."

And then the Tariff Board go on to say :

" Where trade rivalry exists and competition is intense, it cannot be expected that manufacturers will be over-scrupulous in pushing the sale of their goods."

Not that the methods were not unscrupulous but they wanted to condone it by saying that where trade rivalry exists these things must also exist. They may exist, but we want protection against such hard methods. Then they go on :

" At the same time, we have seen advertisements of the Swedish Match Company which in some cases explicitly, in others by implication, condemn the products of all Indian match factories without reserve. We must confess that it strikes us as curious that a foreign firm should repay the hospitality offered to it by India by belittling the quality of Indian manufactures as a class or indeed that the Swedish Match Company considered that its interests were best served by methods of advertisement which could not but stir up animosity."

Now, these are the methods adopted by this company. And in spite of the evidence of their frightful methods which was placed before the Tariff Board, the Tariff Board in the summary of their conclusions, do not recommend anything against this company. They say :

" We do not think that in the present circumstances any action is called for against them."

But they go to the length of saying (paragraph 31) :

“ But taking into account the vast resources of the Company and the policy pursued by them in other countries, it is necessary that future developments of the Company in India should be watched. Should such developments indicate that the Company is acquiring undue control to the detriment of the Indian industry, we recommend that Government should take steps to safeguard the Indian industry.”

The only point of difference between the Government view and mine is that I submit that such action as is desirable to protect the Indian industries against foreign competition from within must be taken at once and that the Government should not in pursuance of the recommendations of the Tariff Board wait a little longer to see if matters are pushed to more serious lengths. In paragraph 32 the Tariff Board say :

“ We consider that, if the industry is declared protected, the Swedish Match Company should take steps at the earliest opportunity, to organise its business in India on the basis of an Indian company under the control of a local directorate with suitable Indian representation on it.”

At least this could have been adopted by the Government in this Bill. If you Indianise the Swedish combine you make their operation less insidious ; and greater protection would be given thereby to the Indian match industry. Even that the Government have not chosen to adopt. And then, in paragraph 34, they say :

“ In these circumstances, an excise duty may, if necessary, be imposed upon match factories in India. But we refrain from recommending any definite rate of duty as this must depend on Government's financial requirements.”

I quite admit that. They certainly allude to the fact that an excise duty is necessary to protect the Indian match industry. They only refrain from giving us the rate of duty, which they have left to the Government to adopt according to their financial requirements. So that, even this question of levying an excise duty upon these foreign manufactures in India has not been considered by the Government. I submit that unless these two safeguards are provided, namely, that there must be a method of Indianising this combine, so to say, to make it less operative against the Indian indigenous manufacture and there should be an excise duty upon the manufactures made by this foreign combine in India—unless these two safeguards are provided for in the Bill, the protection that is given in the Bill would operate more towards the encouragement of the Swedish combine than towards the encouragement of Indian manufactures for whose protection solely the Bill is apparently intended. I would submit that with these reservations I am certainly in support of the Bill so far as it goes.

**Mr. Ghanshyam Das Birla** (Benares and Gorakhpur Divisions : Non-Muhammadian Rural) : Sir, I offer my hearty congratulations to Sir Pestonji Ginwala for placing a very valuable document before the country in the shape of this report for the protection of the match industry and I also congratulate the Government of India for accepting its recommendations *in toto*. Sir, when the policy of protection was inaugurated in this country about five years ago, there were critics who were not slow to criticise the action of the Government in accepting that policy. They maintained that the policy of protection calculated to increase the burden on the consumer for the benefit of the capitalist. But it has been proved by the Report of the Tariff Board, so far as the match industry is concerned, that if proper protection is given, the indigenous industry in course of time can not only compete with foreign imports but can also produce goods much cheaper for the consumer of its own country. As could be seen from the Report, Sir, in 1927, the price at which imported Swedish matches were

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sold was Rs. 2-3-0 per gross while the lowest price at which the Indian manufacturer could sell his matches was Rs. 1-2-6, that is, about Rs. 1-0-6 lower than that of the imported matches. That, while conclusively proving the efficacy of protection, shows that protection helps not only the indigenous producer but eventually the consumer himself. Now, Sir, when we impose a burden on the consumer, we should do so with only one object, and that is, to help the indigenous industry. If it is found that by imposing a fresh burden on the consumer we are not helping our own industries but are helping the foreign industries, I think it would be quite appropriate for this legislature to say that we should not and would not help any foreign producer at the cost of the Indian consumer. As could be seen from the Report of the Tariff Board, the capital invested by the Swedish Match Company in India amounts to nearly one-third of the total capital invested in the industry. But at the same time it will be seen that the prices are determined by internal competition in the country, and therefore, even the imposition of this duty has not been a burden on the consumer and if the Swedish manufacturers are also making profit, it is not at the cost of the Indian consumer at present. It has been estimated by the Tariff Board that the fair selling price of half size matches ought to be about Rs. 1-3-0 per gross and the price at which the Indian manufacturer has been selling is about the same. Therefore it could not be said that the Swedish manufacturer here is being protected in any way at the cost of the Indian consumer. I hope the advice given by the Tariff Board to the Swedish interests that they should convert their concern into a rupee company, with a fair proportion of Indian directors would be duly taken up by them. At the same time I would ask the Government of India to have inquiries instituted departmentally every year to find out whether the Swedish company were carrying on any unfair competition to cut down the profit of the Indian manufacturers. If at any time it is found that the Swedish interests are abusing the hospitality extended to them by this country, I hope the Government of India would not be slow to take such actions as the circumstances might justify.

About the maintenance of the present duty I have one suggestion to make. I think in the present circumstances it is essential that the present rate of duty should be maintained for an indefinite period. As could be seen from the Report, the Swedish Company is a very powerful concern. If the present duty were abolished, the consequence might be that the Swedish importers would again start dumping, and thus ruin the Indian industry. I am quite sure that if such an occasion arose, the Government would not be slow to take action. But I think that prevention is better than cure, and therefore, I think that for the time being, the Government should maintain the present rate of duty without fixing any limit to the period of protection until it appeared that all danger from foreign importers was totally eliminated. With these words I support the motion before the House.

**Sir Purshotamdas Thakurdas** (Indian Merchants' Chamber : Indian Commerce) : Sir, I give my support to this Bill, but as the Honourable the Commerce Member knows, my constituency are not satisfied with the Bill as being a completely satisfactory measure. As they said in their telegram to the Commerce Department they "are sorry to note that both the Report of the Tariff Board and the Resolution of the Government of India have left unaffected operations of the Swedish Match Trust which is a danger to

the indigenous industry". The Committee of my Chamber urge that Government be pleased "to require the Swedish Match Trust to be under Indian control as required by paragraph 32 of the Tariff Board Report". Sir, I have not given an amendment to this Bill necessitated by this opinion of my Chamber for reasons which I will explain in a very few words. The Tariff Board—and Sir Pestonji Ginwala, President of the Tariff Board, has the completest confidence of this Assembly, and if I may say so, of the Indian commercial community (Hear, hear)—have gone into this aspect and this danger which my Chamber have referred to. They rely on the hope that this Swedish Trust, which is one of the most powerful combines that we know of in the world, and which has extended its activities to many rich countries—richer than India—will learn by its experience till now and will try and follow on lines which will meet with the approval of the Indian public generally. The Government, I understand by inference, are disposed to endorse this hope of the Tariff Board. I however felt, I have taken that responsibility upon myself that when legislation suggested with the best of intentions is likely to be misunderstood as legislation on racial lines, I may not be justified in adding one more to the several which are before the House this Session. I have therefore preferred to rely upon the hope expressed by the Tariff Board and let the Government of India find out by experience whether the Swedish Trust are likely to carry on on the lines which they expect that they will. The Honourable the Commerce Member said that he is prepared to rely upon the wisdom and the sagacity of those who are in charge of this combine. I have a very high opinion of the commercial sagacity and of the business like acumen of the persons in charge of this combine. If they had not that, they could not have made inroads into the various countries referred to in the Tariff Board. But I take it that the Government of India are not likely to overlook the fact that even though the Indian match industry has come up to a certain point, it may have to pass through critical stages still before it is established firmly on the Indian soil. I only hope that the Commerce Department will watch the developments in this direction, and as far as the Indian public opinion is concerned, if the Tariff Board's hopes of the behaviour of the Swedish Trust are fulfilled, none else will be the first to acknowledge it than the representatives of the Indian trade and Indian industry.

There is one very significant lesson which the match industry in India has for us to note. I am sure my Honourable friend in charge of the Commerce Department will agree that his Department cannot take credit for the establishment of the match industry in India. If the credit can go to anybody either consciously or unconsciously for their action, it can only go to his colleague, the Honourable Member in charge of the Finance Department. (Laughter). The exigencies of finance in 1921 and later made the match industry a real industry worth speaking of to-day. An ill wind as a rule blows nobody any good; but this ill wind of deficits in the Government of India finances did blow good to one and that was, Sir, to the consumer of matches in India. 100 and 200 per cent. duty *ad valorem*—something which would have horrified the Honourable the Commerce Member and his Department if even mentioned for anything else—was imposed irrespective of the considerations of the consumer,—the consumer who is trotted out with such great solicitude by my Honourable friend there and is many a time made a hardy excuse of—by my Honourable friends on my left (referring to the European group); but when the Finance Member found that he wanted money and offered to put a duty of 100 and 200 per



[Sir Purshotamdas Thakurdas.]

cent., and at times it was a little higher too, the "poor" consumer was overlooked. But where the Treasury Benches and my Honourable friends on my left forgot the consumer, the laws of nature and of economy vindicated the best interests of the consumer. We have it in the Tariff Board's Report that during the last 7 years the price of matches has gone down, and India to-day produces two-thirds of her requirements. I am sure that although the Commerce Member and his Department played no part in this, he is proud of the achievement of those who trusted their enterprise in the match industry. I feel that the warning sounded by my Chamber is not purely imaginary. We have many members on the Committee who are directly interested in this match industry. There are many members who I know reconcile their business—shall I call it greed in order that nobody else may interrupt me—with the best nationalistic tendencies, but they apprehend that, should some bad advice prevail, this big Swedish combine with which we have nothing in India which can really cope, may crush out the Indian industry. I do hope that the Trust will not be as daring and short-sighted as that. I feel that where the Commerce Department played no part in bringing up the match industry to the point where it is, they may now make up for it by looking after it more carefully and with greater solicitude than they have done till now. I have great pleasure in supporting this measure and I only hope that we will have no cause for complaint that the Government of India did not consider the warning which my Chamber has put before them.

**Mr. D. V. Belvi** (Bombay Southern Division : Non-Muhammadan Rural): The only reason why I intervene in this debate is that I have been connected with a small match factory at Belgaum for the last 20 years or so. I wish to make one or two suggestions to the Honourable the Commerce Member in order to promote the match industry in this country. The first request I have to make to the Honourable the Commerce Member is to see that wood for making splints is supplied to Indian factories at a nominal price. This is a matter in which the Government can help us very well if they choose to do so. The wood out of which splints are made is generally of a kind which may be classed as fuel; it is not timber. It does not fetch much of a price, and my request to Government is that so far as the Indian match factories are concerned, the wood required for making splints may be supplied even gratis for some years. Government will not sustain a heavy loss on that account. The second suggestion which I wish to make is that the rates charged by the Railways for sending matches from one place to another in India should be regulated a little more carefully. I shall give you, Sir, a personal instance. At Belgaum we find that we have to send our matches from Belgaum to Bangalore. For that purpose we have to pay more railway freight than we have to pay if we send our matches from Belgaum to a place beyond Bangalore. The object was, it seems, to handicap us. For smaller distances we are charged more, whereas for longer distances we are charged a smaller freight. This is not, I submit, fair to us. In that connection, the Railway Department may kindly help the indigenous industry. These are my two suggestions to the Government. They may do what they please. What has been said by my Honourable friend, Mr. Sessa Ayyangar on the strength of the Report recently made by the Tariff Board is perfectly true. The Swedish combine is a great menace to the Belgaum match factory. We have not been able to give any dividend to our shareholders for many years and we fear very much that

so long as this Swedish combine in India is allowed a free hand there is hardly any chance for indigenous match industry to prosper. I make these suggestions to the Commerce Member with a request that he will do something to help the indigenous industry. What the Government have now done under this Bill is a mere eyewash. They have transferred, as the Commerce Member has said, the duty from one head to another. That does not help us at all. If Government are pleased to issue orders to the Forest Department and also make suggestions to the Railway Board to help the indigenous match industry, the industry is sure to thrive in this country. With these suggestions I heartily support the measure which is brought forward by Government.

**Mr. B. Das** (Orissa Division : Non-Muhammadian) : Sir, I am not an admirer of the present Tariff Board. Since my Honourable friend Sir George Rainy translated himself from the Presidentship of the Tariff Board to membership of the Treasury Benches, which I appreciated very much at the time, I have lost all confidence in the Tariff Board as it is constituted at present. The Tariff Board as it exists at present dabbles too much in politics. If two years ago it introduced the policy of Imperial Preference, to-day it has introduced in the body of this report the policy that there should be uncontrolled foreign capital and foreign companies in India. The present members seem to believe that foreign companies with foreign capital are inevitable for the salvation of India. I submit, Sir, that the Swedish combines and the Swedish match factories ought not to be in India and they ought not to exist any longer in India. The Tariff Board, as it is constituted at present wants these Swedish combines to remain in India. On the floor of this House, I am constrained to say that the Tariff Board, as it is constituted at present, is a bureaucratic body and not a democratic body. It goes contrary to the wishes of all Indians and says that the Swedish combine is necessary for the development of the match industry in India. I am quite certain that India will never be a party to such a proposition and it will never consent to the existence of a foreign company to receive State concessions and protection in India to the detriment of Indian interests.

No doubt, Sir, I am in full sympathy with a protectionist policy, but I differ from the sort of protectionist policy which was advocated in the case of the cotton mills. Duty on cotton yarn was not really protection so far as Indian interests were concerned. It gave protection to my Honourable friend Sir Victor Sassoon, while at the same time it killed the hand-loom industry in the country. This Bill which the Government are introducing to-day may be a slight protection to the match industry, but there are suggestions from the Government to the Tariff Board in their Resolution and in the recommendations of the Tariff Board that go against the very principle of protection. I think unless we get Swaraj there can be no real system of protection in this country. In my opinion the days of protection are numbered and I think the days of the Tariff Board are also numbered, and I know there is no work for the Tariff Board now. I will suggest to the Honourable the Commerce Member that he should abolish the Tariff Board immediately.

**Sir Purshotamdas Thakurdas** : Oh !

**Mr. B. Das** : I am sorry to differ from my esteemed friend Sir Purshotamdas Thakurdas. I am a protectionist and a full-fledged one too. But the present Tariff Board is not a mere protectionist body but a

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body that supports Imperial Preference. It now wants foreign capitalists and foreign combines in India to flourish under systems of protection.

**Mr. Ghanshyam Das Birla :** Why do you say its days are numbered ?

**Mr. B. Das :** Because it advocates the policy of Imperial Preference. But its days will not be numbered so long as the present Government is constituted as they are at present. The Tariff Board is not giving much help in the direction of protection to Indian industries but it is giving Imperial Preference to foreign capitalists.

The Government in their Resolution say :

“ If the Tariff Board decides that consideration must be paid to the industry brought into existence by the present rate of duty and that the duty should be maintained at the present figure, or approximately at the present figure, it will further report whether the loss of customs revenue can be made up in whole or in part by any other appropriate form of taxation of the industry.”

This paragraph in the Resolution of the Government of India gave to my political friend, Sir P. Ginwala, a handle and this Resolution introduced the invidious suggestion that there should be an excise duty on Indian matches if Government want it for revenue purposes. Sir, all excise duties are very hateful and obnoxious duties. We know the system of the cotton excise duty, that was levied at the instance of Lancashire on cotton cloth produced in Indian Cotton Mills and this excise duty actually crushed the cotton mill industry in India for a time. Thank God, it is abolished now. We know what the excise duties are doing in the provinces. We know what the duty on wines and drinks is doing for the country. I know that 40 per cent. of the Government revenue in my own province, Bihar and Orissa, is derived from the excise duty. The excise duty on salt, a central Government tax, is also doing a great deal of harm to the country. This tax on salt falls heavily on the poor people who cannot thereby get an adequate and proper amount of salt for their food and my suggestion is that this duty also should be abolished. The Tariff Board was not asked to go into and advise as to what are the revenue yielding taxes of the country, but the Board has thought fit to suggest an excise duty. The Board suggests in an insinuating way that Government should have an excise duty on matches. It would kill the match industry if this excise duty is levied. I do not doubt the good intentions of my Honourable friend Sir George Rainy in his desire to protect the match industry, but this suggestion of the Tariff Board is not going to protect the match industry and is a vicious suggestion. It is nothing but a politically invidious suggestion that the Tariff Board is making to the Government. If there is to be this excise duty, the match industry will surely make no headway ; on the other hand the match industry will surely be killed by this excise duty. If for no other reason, at least for this mad suggestion the present Tariff Board must be abolished.

One of the recommendations of the Tariff Board to which I should like to draw the attention of the Honourable the Commerce Member appears on page 102, paragraph 21. It runs :

“ The existing supply of Indian wood may be increased by a suitable system of plantation. It appears to us desirable that Local Government within whose territories match factories of any size or importance have been established should adopt a cautious programme of plantation with reference to the probable future requirements of the factories.”

I do hope the Honourable the Commerce Member would circularise all the Local Governments and advise them to take an active part in this direction. In some provinces, forest, is a reserved subject and not a transferred subject. But in spite of this, all Local Governments ought to take a keen interest in the matter of plantation so that the match industry may be developed.

In paragraph 22, the Tariff Board recommend :

"We recommend that a definite research project into the match industry should be drawn up at the Forest Research Institute, Dehra Dun. While the project should be under the immediate supervision of the Forest Economist, the appointment of a special officer might be considered to ensure contact with Local Governments and match manufacturers."

This recommendation concerns the Forest Department which is within the province of my Honourable friend Mr. Bajpai. I do hope that this recommendation of the Tariff Board will be taken in hand by the Forest Research Institute at Dehra Dun and that proper steps will be taken to give an impetus to the development of the match industry in India. When we have the proper supply of match wood, we can successfully compete with all the foreign combines that have taken shelter here and can drive them out of this country. We do not want any foreign companies or syndicates here which are solely financed by foreign capital. They ought not to be given any concessions in India for they stand in the way of the proper development of Indian industries. The Tariff Board ought to have taken into consideration in their recommendations the recommendation of the External Capital Committee and ought to have applied the principles enunciated therein to the case of the Swedish Match Company. It has not been done and that is one of the reasons why I condemn the present Tariff Board.

**The Honourable Sir George Rainy :** Sir, perhaps it will be convenient to deal first with three or four specific suggestions that have been made in the course of the discussion. My Honourable friend Mr. Das wanted to know about two of the recommendations of the Tariff Board, the first of which was that Local Governments should undertake the planting of suitable trees for the manufacture of match splints. As regards that, I cannot remember at the moment whether we have already brought the proposal to the notice of Local Governments or whether we are about to do so ; but if we have not, we shall certainly draw their attention to it, and ask them to give it their best attention and, if possible, their concurrence. As regards the immediately succeeding recommendation, namely, that a definite scheme of research into the match industry should be drawn up at the Forest Research Institute at Dehra Dun, I understand that already the Institute has undertaken a certain amount of work in connection with research into the match industry. I will certainly look into the matter and satisfy myself that what is possible to be done is being done there.

Then there is my Honourable friend Mr. Belvi. One of his suggestions was that wood for splints should be supplied at a nominal rate to match factories—I presume from the Government forests.

**Mr. D. V. Belvi :** Yes, Sir.

**The Honourable Sir George Rainy :** I think, if I understood him correctly, the match factory in which he is principally interested is at Belgium. I should have no objection whatever to bringing the matter

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to the notice of the Government of Bombay, but I think—I am speaking from memory—that in Bombay, Forests are a provincial transferred subject. Is it not?

**An Honourable Member :** Yes.

**The Honourable Sir George Rainy :** That being so, my function must end by bringing the matter to the notice of the Local Government, because I am not in a position to issue any orders to them. Then my Honourable friend drew attention to some anomaly which exists in the matter of railway freight on matches and which again affects this factory in Belgaum. If he will let me have the details of the matter in writing, I shall certainly see that it is brought to the notice of the Agents of the Railways concerned.

Then other specific suggestions were made at the opening of the discussion by my Honourable friend Mr. Sessa Ayyangar. He wanted definite replies to three questions. The first of them was whether direct assistance had been given to the Swedish match industry by Government. I gather from what he said that the Government chiefly concerned was the Government of Bengal.

**Mr. M. S. Sessa Ayyangar :** Yes.

**The Honourable Sir George Rainy :** I am afraid I have no information on the point. If he desires that information should be obtained, I think perhaps the easiest way to set the wheels moving would be to put a question on the paper. As regards the other two questions, namely, whether merchants in England or the British Government have an interest in the Swedish Match Company, the suggestions came as a surprise to me that there was any belief or suspicion of that kind, unless my Honourable friend is referring to the undoubted fact that Bryant and May, the very large match manufacturers in England, having entered into an agreement with the Swedish Match Company, are in some sense a member of the Match Combine. I do not think there is any secret about the fact so far as that is concerned; but I have never heard that the British Government was interested in it in any way, and I cannot conceive any particular reason why it should be.

Now, Sir, to turn to rather broader points, my Honourable friend Mr. B. Das has a very low opinion of the Tariff Board, and thinks that the reason for their existence has disappeared. I am not going to argue that matter with him, but I do not agree with him and I do not believe that the House does. Then my Honourable friend Mr. Sessa Ayyangar drew attention to the fact, quite clearly brought out in the report of the Tariff Board, that the policy of the Swedish Match Company, in practically every country into which it has entered, has been directed towards obtaining as complete a control as possible over the manufacture and sale of matches. He also drew attention to the fact that it appeared from the Board's Report that the Swedish Company had been selling matches in India—that is, matches made in Sweden—at an uneconomic price. That also is perfectly true. He argued from these two facts that the danger from the operations of the Swedish Match Company was so great that immediate measures ought to be taken to prevent harm resulting to the Indian match industry. As regards the sale of imported matches at uneconomic prices I think it is only fair to point out this, that it is almost the

direct consequence of the very high rate of duty, because if the Company are to sell matches at all subject to that very high rate of duty, they can hardly help cutting the price to the bone. But it is not in the least the attitude of Government that we can afford to stand on one side and hope for the best and not keep a close watch on what goes on. That is not the Government case at all. We do recognise that the existence of this very powerful combine does create a danger, and that it may be necessary—I hope it will not be, but it may be—necessary to take special measures to deal with it, if the combine were to endeavour to establish a monopoly behind the tariff wall. But agreeing with the Tariff Board, we think we are justified, in holding our hands for the present, in the belief that some arrangement can be arrived at which will be satisfactory both to the Swedish Match Company and to Indian manufacturers. Whether any attempt has been made to come to such an arrangement I am not fully informed. Indeed, until this Bill had been placed before the Assembly, it seemed to me it was much better that I should keep clear of anything that might be going on. All I wish to say is that, if an attempt should be made after the passage of this Bill to come to some arrangement mutually satisfactory, and it were thought that the Government of India could give any help we should be very glad to do so. But if we do intervene at that stage we can only usefully intervene if we intervene uncommitted. It is for that reason I do not want to make any very definite statement to-day as to what the Government might do or might not do in given circumstances. All I will say is that Government will not remain indifferent to any attempt that may be made to bring the complete and final control of the manufacture of matches in India into the hands of a foreign company.

What I have said, Sir, I think covers most of what was suggested by my Honourable friend Sir Purshotamdas Thakurdas. I quite recognise that the Chamber he represents hold strongly the view that it would have been much better if Government had decided to take immediate action. I can assure him that due weight will be given to that opinion and that, as I have said, we shall keep our eyes open and that we shall be alive to any danger that may threaten. My Honourable friend was quite right in saying that the credit for this duty does not rest with the Commerce Department but entirely with the Finance Department; but whether from a financial point of view the Finance Department would be entitled to take equal credit for this particular duty I am not quite sure, because the revenue has been falling away rather rapidly.

There is one other point I should like to mention which was taken by my Honourable friend Mr. Birla. He was anxious that the present rate of duty should continue for an indefinite period, and that there should be no attempt to remove it prematurely. As regards that, I may say that the Government have no idea of leaving it on for a year or two and then summarily removing it. There would be no sense in doing that; and in any case, when the time comes, we shall undoubtedly put our proposals before this House. And I may point out that the final decision will rest with the House; and unless we can persuade the House that we are right and that a lower duty will suffice, then the existing duty will continue. But what the Government of India feel is this. It is very uncertain how exactly the Indian match industry may develop in the next two or three years, and there are various possibilities. It is for that reason among others that we do not lay down any definite period for the

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retention of this duty, because we have not got sufficient data on which to fix any period.

I think, Sir, I have dealt with all the points of importance that were taken and that I need not delay the House any longer.

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

“ That the Bill to provide for the protection of the match industry, be taken into consideration.”

The motion was adopted.

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

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

**Mr. N. M. Joshi** (Nominated : Labour Interests) : My amendment is an addition to clause 2.

**Mr. President :** Does the Honourable Member wish to move it ?

**Mr. N. M. Joshi :** Yes, I propose to move it, Sir.

**Mr. President :** I was given to understand that the Honourable Member was not moving it ?

**Mr. N. M. Joshi :** I never said so to any one, Sir. Sir, I move that after clause 2 of the Bill.....

**Mr. President :** It comes after clause 2; let clause be passed first. The question is :

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

Clause 2 was added to the Bill.

The motion was adopted.

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

“ That after clause 2 of the Bill the following new clauses be inserted :

‘ 3. Undertakings engaged in the manufacture of matches shall submit to the Government of India not later than 1st of October, 1928, a declaration whereby they pledge themselves to keep prices of the articles during the period when such protective duties are in force at such figures as the Government of India may approve.

4. Notwithstanding the passing of this Act the protective duties shall not apply unless the condition laid down in section 3 and the following conditions are found by the Government of India to have been fulfilled :

- (a) Joint stock companies and other limited liability companies engaged in the manufacture of matches shall submit to the Government of India not later than 1st October 1928 a declaration whereby they pledge themselves for the financial years during which the protective duties are in force.
- (b) Not to pay any fee or equivalent sums to the Directors and management for the said financial years.
- (c) Not to pay to shareholders and other participants with limited liability a greater sum by way of annual dividend than what they would get at 6 per cent. on the actual capital invested in the undertaking by the persons concerned.
- (d) To employ any further surplus in consolidating the position of the undertaking in the manner approved by the Government of India.
- (e) To employ only Indians in the undertaking.
- (f) To produce a certificate that the labour conditions in the undertaking are satisfactory from a committee of three persons appointed by the Government of India for the purpose.

5. If an undertaking manufacturing matches fails to perform its duties under sub-sections (3) and (4), within a period fixed the Government of India may order those responsible to perform their duties on penalty of a daily fine not exceeding Rs. 1,000."

Sir, the object of this Bill is to protect the match industry in India. I am anxious that in this country industries should develop and that they should develop very fast; I have never been against that. But I am equally anxious that all interests should be protected and not only the interests of one particular class. For that purpose I have proposed my amendment. The first part of my amendment proposes that if by chance those people who are manufacturing matches make a combine and begin to raise prices unreasonably and without any justification, there should be some power with the Government of India to enforce a just and fair price. Manufacturers should declare that they will not raise prices beyond the limit which will be justified by the rise in the cost of production. I propose that the community which makes the sacrifice—and this nobody will deny—in giving this protection should not also suffer unreasonably. The principle of the second part of my amendment is that if there is to be a sacrifice on the part of the community as a whole in order that the industry should be developed, that sacrifice should also be accepted by those people who are managing that industry. This is a principle of sacrifice all round. I therefore propose, Sir, that in those undertakings which are going to get the benefit of the protective duties, the Directors should not receive any fee.....

**Sir Victor Sassoon :** Nor workmen their wages !

**Mr. N. M. Joshi :** When there are some Directors in these concerns to represent labour, then I shall certainly say that they also should not get any fee ; but to-day we know that in our industrial organisations it is only the shareholders who have the right to elect Directors. The Directors are bound under the present circumstances to hold certain shares in that undertaking. I am not proposing that the shares of the Directors should not get any dividend. (*An Honourable Member :* "Thank you.") The Directors will get dividends on their shares, but they should be content with that. If the Directors of a match factory expect the community to make a sacrifice the Directors themselves must be ready to make a sacrifice for the sake of the industry. I am told, Sir, that if no fee is paid to the Directors, who is going to be the Director of a match factory? I have no fear on that score. I am quite sure the industrialists in our country are patriotic enough and those who believe that people will not come forward as Directors of match manufacturing companies without any fee have a very low opinion of the industrialists in this country.

Well, Sir, the next point is that as the community will make a sacrifice on account of levying this protective duty, the people who invest their money should also not expect unreasonable profit. I am suggesting that the dividend in these companies should be limited to 6 per cent. I am not suggesting further that any surplus profit should be taken away by the community or by the Government, although I would have been justified in doing it. What I am suggesting is this, that the surplus profit should be utilised by these companies in such a way that their financial position will be strengthened. We have got experience that there are industries which had made large profits on certain occasions. They wasted or spent the money as they liked in paying huge dividends which they ought not to have done. If an industry which makes 50 per



[Mr. N. M. Joshi.]

cent. or 100 per cent. profit and spends it in giving dividends and if it suffers losses, it will come here and ask for protection, and naturally the protection will be given at the cost of the country. I want to avoid that contingency, Sir. I therefore suggest that when any company makes a profit beyond 6 per cent., the surplus profit should be utilised in such a manner as to strengthen its financial position.

Then, Sir, I also suggest that as the industry is going to be supported by import duties by Indians mainly, the employees of the match manufacturing companies should be also Indians only.

**Sir Victor Sassoon :** And the Directors.

**Mr. N. M. Joshi :** That is my proposal and there is very good reason for it. It is quite natural that Indians who consume the matches should feel that these matches should be made by Indians. That principle is accepted by the whole of that side, I mean the Treasury Benches. They insist that the superior services which are represented here should be treated, when they or their families are ill, by white doctors. This morning we had a question on this subject.

Now, Sir, if Indians insist that the matches which they use should also be made by Indians, there is certainly nothing to be surprised at. I therefore insist that every match manufacturing company which receives the benefit of these import duties should engage only Indians as its employees. I am not asking, Sir, that the rupees to be invested in these companies should be only those of Indians. I make no difference in the rupees, and money will be welcome from others as well.

Then, Sir, I have suggested another addition which is a very important one. Protection to an industry means not merely protection to those people who invest their capital but also protection to those people who invest their labour in the particular industry. I have therefore suggested in my amendment that the match manufacturing concerns should produce a certificate from a committee consisting of three persons appointed by the Government of India to the effect that the labour conditions in those concerns are quite satisfactory. Now, Sir, this condition is quite necessary. At the present time this protection is not given to the workers engaged in that industry. I have been making this suggestion for many years, Sir. Unfortunately the Government of India and the Legislative Assembly have been indifferent to the interests of those people who are working in the industry. The Tariff Board makes an inquiry, and I am told, a very close inquiry. They have also written a big Report, but I find that they do not inquire into the labour conditions—at least I have not read much in this Report about labour conditions—and where they make mention of labour they only talk of the efficiency of labour. I therefore insist, Sir, that when the Tariff Board makes an inquiry into any subject it should be their business to inquire into the labour conditions of that industry. Then only can they make recommendations as to the protection of all the elements engaged in that industry. Unfortunately the Tariff Board does not do it, nor does the Government of India care to suggest to the Tariff Board that there should be an inquiry into the labour conditions engaged in a particular industry. Now, take the match industry. The work in this industry is very dangerous. Those people who have got some experience of work, ing in match factories will tell you that if there is one accident in a textile

factory, there are ten accidents in a match factory, and these poor people working in the match factories in India are not given the special protection to which they are entitled. For instance, in England the Factories Act provides some special regulations for those industries in which dangerous chemicals are used as in a match factory.

**Sir Victor Sassoon :** No, not now.

**Mr. N. M. Joshi :** Yes, even now there are special regulations in England under the Factories Act to give special protection to the workers who are engaged in those trades which are considered to be dangerous or unhealthy to human life....

**Sir Victor Sassoon :** Not in match factories, because dangerous chemicals are not used in match factories.

**Mr. N. M. Joshi :** The match industry, Sir, is an industry where dangerous chemicals are used.

**Sir Victor Sassoon :** No.

**Mr. N. M. Joshi :** I know it for a fact that the number of accidents in a match factory is much larger than in any other industry.

**Sir Victor Sassoon :** Not because of dangerous chemicals.

**Mr. N. M. Joshi :** Yes, it is the case. Therefore, I feel, Sir, that it is necessary, when we are passing this Bill, that some provision should be made for the protection of workers in this industry.

Then, Sir, I have added another clause which imposes certain penalties on those people who do not satisfy these conditions. It used to be said by the predecessor of the Honourable the Commerce Member that these conditions could not be enforced. I therefore thought, Sir, that some method must be found by which these conditions may be enforced, and that method is that any one who breaks these conditions should be fined out thousand rupees a day. The fine cannot be put at a low figure, because the profits may be more than a thousand rupees a day, and the manufacturer may pay the fine and go on breaking the conditions. I therefore suggest that the manufacturer should be fined one thousand rupees a day if he does not fulfil the conditions laid down in these clauses.

I hope, Sir, that this House in the interests of India as a whole and in the interests of the workers engaged in this industry will accept my amendment.

**Mr. Ram Narayan Singh** (Chota Nagpur Division : Non-Muham-madan) : Sir, I wholeheartedly support the amendment just moved by my Honourable friend Mr. Joshi and endorse every word of what he has said in support of his proposition. Sir, I admit that in the present backward industrial condition of the country, protection is absolutely necessary, and, as far as I know, almost every country in the world has given protection to all new industries. But, Sir, as the public is going to help this particular industry at some sacrifice to the consumers, they have a right to demand some sort of control over the management of it, and the method suggested by the Honourable Mr. Joshi is the only method by which the rights of the labourers as well as those of the consumers could be adequately protected. Further, Sir, it has been suggested that there is a suspicion in the minds of

[Mr. Ram Narayan Singh.]

certain people that Government is not going to encourage the indigenous match industry of the country but they want to support and encourage the particular Swedish company in this country. I do not think that this suspicion is baseless, because from our past experience of the conduct of the Government we are inclined to suspect their actions and intentions every minute and at every stage. So I think that, if the Government of India are honest in their intentions to really encourage the indigenous match industry in this country, they should wholeheartedly accept the amendment just moved by Mr. Joshi. With these few words, Sir, I support the amendment moved by my friend, Mr. Joshi.

**Mr. President :** Sir Victor Sassoon.

**Sir Victor Sassoon** (Bombay Millowners' Association : Indian Commerce) : Sir, there are Members of this Assembly who complain that they have not the good fortune to catch your eye even when they desire to. I therefore, Sir, am in the unique position of not only having the honour of catching your eye when I desire but of being called on to speak even though I show no apparent desire to do so.

**Mr. President :** You must change your seat.

**Sir Victor Sassoon :** But, Sir, if in your wisdom you consider it advisable that I, as a representative of the capitalists, should reply to the remarks made by my friend Mr. Joshi, I am prepared to do so, although I admit I did think that the remarks of Mr. Joshi were so easy of refutation that it would have been wasting the time of this House to have attempted to controvert them. My friend, Mr. Joshi, has advanced the plea that where an industry is protected that industry should share the sufferings of the consumer. To start with, he did not make out a case that the consumer of matches in India had any. No doubt that was due to the fact that he was not in the House when my Honourable friend Mr. Birla so pertinently put forward the interesting point that the price of matches had gone down, not gone up.

(Mr. N. M. Joshi made a remark which was inaudible at the Reporter's table.)

**Sir Victor Sassoon :** The last remark of the Honourable Member is entirely unintelligible to me, Sir.

**Mr. N. M. Joshi :** May I, Sir, explain that it is quite possible that if the duty is removed, prices may go down still further, and there is a sacrifice on the part of the consumers when they agree to the retention of the duty.

**Sir Victor Sassoon :** On the other hand, it is equally possible that, if it had not been for the duty, the match industry would not have developed in India and therefore there would have been a monopoly for the foreign import. The point I wish to make is this that, if it is laid down that any industry which receives protection should be limited as to the dividends paid to shareholders, and that no Directors in such industries should have any fees for attending Directors' meetings, that would affect more industries than this match industry. I am quite prepared to consider the scheme of Mr. Joshi's if he would at the same time allow the work people for whom he is so interested to share in it. If Mr. Joshi was prepared to see that the work people of the industry

receiving protection would not receive a higher wage than, shall we say, they would be receiving in the agricultural districts from which they came, but that the difference between the wages which the manufacturer was prepared to pay and this should be put into a special fund so that they would be enabled to receive wages where the industry was losing money, then I think I might be prepared to support my Honourable friend.

**Mr. N. M. Joshi :** But there is no application for protection yet from the workers.

**Sir Victor Sassoon :** It is not a question of the workers of the match industry making an application for protection. What is the case is that, owing to the existence of protection, the industry has been allowed to take root in this country, which has enabled these agriculturists to earn better wages than they otherwise would. I therefore oppose the amendment.

**Mr. President :** Does the Honourable Member wish to speak ?

**The Honourable Sir George Rainy :** For five minutes, Sir. I think we must all admire the consistency and doggedness with which my Honourable friend Mr. Joshi keeps the standard flying. My Honourable friend Sir Victor Sassoon has dealt with the merits of the proposal. The point on which I wish very briefly to ask the attention of the House is that, assuming the objects of the proposal to be such as the Assembly would approve, the machinery provided for bringing them into effect would break down hopelessly at every turn. This proposed clause 4 of the Bill applies only to companies engaged in the manufacture of matches prior to the 1st of October 1928, and would not be applicable to a company started after that date. That is obvious because they could not make the declaration before the 1st of October. Therefore, there is nothing to prevent anybody from starting a new company immediately after the 1st October and being entirely exempt from all these restrictions. In the second place there is nothing to prevent all the existing companies from going into liquidation and selling their concerns to new companies formed after the 1st October. Then again, the restriction would only apply to joint stock companies and other limited liability companies. Therefore, again, it would be possible to evade the restrictions by transferring the concerns to private companies or to private individuals. Finally, I would point out that there is a third and a very important point to remember, namely, that these restrictions would apply in British India and would not apply in the Indian States, and I do not think there would be any difficulty whatever in transferring the greater part of the match industry in British India to the States. For these reasons, Sir, I would ask the House not to approve of this amendment.

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

“ That after clause 2 of the Bill the following new clauses be inserted :

3. Undertakings engaged in the manufacture of matches shall submit to the Government of India not later than 1st of October 1928, a declaration whereby they pledge themselves to keep prices of the articles during the period when such protective duties are in force at such figures as the Government of India may approve.

[Mr. President.]

4. Notwithstanding the passing of this Act the protective duties shall not apply unless the condition laid down in Section 3 and the following conditions are found by the Government of India to have been fulfilled :

- (a) Joint stock companies and other limited liability companies engaged in the manufacture of matches shall submit to the Government of India not later than 1st October 1928 a declaration whereby they pledge themselves for the financial years during which the protective duties are in force.
- (b) Not to pay any fee or equivalent sums to the Directors and management for the said financial years.
- (c) Not to pay to shareholders and other participants with limited liability a greater sum by way of annual dividend than what they would get at 6 per cent. on the actual capital invested in the undertaking by the persons concerned.
- (d) To employ any further surplus in consolidating the position of the undertaking in the manner approved by the Government of India.
- (e) To employ only Indians in the undertaking.
- (f) To produce a certificate that the labour conditions in the undertaking are satisfactory from a committee of three persons appointed by the Government of India for the purpose.

5. If an undertaking manufacturing matches fails to perform its duties under sub-sections 3 and 4 within a period fixed the Government of India may order those responsible to perform their duties on penalty of a daily fine not exceeding Rs. 1,000."

The motion was negatived.

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 be passed.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 18th September, 1928.