

# LEGISLATIVE ASSEMBLY DEBATES

---

MONDAY, 11th FEBRUARY, 1929

Vol. I—No. 9

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## OFFICIAL REPORT



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# LEGISLATIVE ASSEMBLY.

*Monday, 11th February, 1929.*

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

## QUESTIONS AND ANSWERS.

### REDUCTION OF FREIGHT CHARGES ON AGRICULTURAL IMPLEMENTS AND THEIR RAW MATERIAL.

**438. \*Mr. N. C. Kelkar:** (a) Will Government be pleased to state whether they intend giving any facilities by way of reduction in the freight on agricultural implements and their raw material to the manufacturers of agricultural implements, as recommended by the Royal Commission on Agriculture?

(b) Will Government be pleased to state whether they intend giving a rebate of the protective duty collected on the raw materials used by manufacturers of agricultural implements?

**The Honourable Sir George Rainy:** (a) Action was taken in advance of the receipt of the report of the Royal Commission on Agriculture to reduce the rates on agricultural machinery. With effect from the 1st of February 1928, machinery used for agricultural purposes, not worked by its own power, has been classified in the lowest class, when packed and carried at railway risk, instead of in the 4th class. Such machinery is also now classified in the lowest class when carried unpacked at owner's risk, instead of in the 2nd class as previously. Agricultural implements are already in the lowest class.

The Royal Commission on Agriculture made no recommendation for the reduction of freight on the raw material used in the manufacture of agricultural machinery and implements. Their recommendation was that railway freight rates on agricultural machinery and implements should be re-examined, and, where possible, concessions should be given.

(b) No. I would point out, however, that in any case where there is a tariff inequality, it is open to the manufacturer to apply for its removal through the Tariff Board in accordance with the Commerce Department Resolution No. 38-T (2) dated the 28th March 1925, which was published in the Gazette of India of the same date.

### RULES REGULATING RECRUITMENT TO PROVINCIAL SERVICES AND SPECIAL POSTS.

**439. \*Mr. A. Rangaswami Iyengar:** Will Government be pleased to state what action has been taken by Provincial Governments in pursuance of the Civil Services Governors' Provinces Delegation Rules in the way of making rules regulating the method of recruitment to the provincial services and special posts?



**The Honourable Mr. J. Ozerar:** The Government of India understand that Local Governments have, to a large extent, drafted rules to regulate recruitment to their provincial services and special posts, but that in the majority of cases the issue of the rules has been postponed pending the issue of the new Classification Rules.

**Mr. A. Rangaswami Iyengar:** May I know whether these rules are generally sent for the administrative approval of the Government of India?

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

**Mr. A. Rangaswami Iyengar:** Then what steps do the Government of India take to see that the actual delegations are not exceeded?

**The Honourable Mr. J. Ozerar:** I think that point will arise under the next question of the Honourable Member.

#### RULES FOR PROVINCIAL AND SUBORDINATE SERVICES MADE BY THE MADRAS GOVERNMENT.

440. **\*Mr. A. Rangaswami Iyengar:** (a) Will Government be pleased to state whether any Local Government has been permitted to make rules, or enact legislation empowering the making of rules in regard to the Provincial or Subordinate Services, which is contrary to the proviso to Rule 4(1) of the Delegation Rules or which in any manner adversely affects any person who was a member of any provincial or subordinate service or was holding a special post on the 9th March, 1926?

(b) Are Government aware of the publication by the Madras Government of notifications under the Delegation Rules which have applied the communal principle to promotions in the Registration Department and have thereby adversely affected members of the Provincial and Subordinate Services of that Department?

(c) If so, what action do Government propose to take to see that the notifications and orders issued by the Madras Government are modified, and that steps are taken to correct the same, not only in respect of the said notification, but also in respect of notifications for other departments which are in contemplation?

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

(b) The Government of India have not seen the notifications referred to.

(c) I am prepared to forward a copy of the Honourable Member's question and this answer to the Government of Madras and invite their observations.

**Mr. R. K. Shanmukham Oshetty:** Are the Government of India aware of the fact that the notification referred to relating to the recruitment in the Registration Department issued by the Government of Madras is very greatly appreciated by the Madras public?

**The Honourable Mr. J. Ozerar:** I am glad to have the Honourable Member's assurance that this is the case.

**Mr. A. Rangaswami Iyengar:** May I give the Honourable Member the other assurance, namely, that it is not so?

**Mr. R. K. Shanmukham Chetty:** May I tell the Honourable Member that this notification was in pursuance of a Resolution passed by the Madras Legislative Council? (Hear, hear.)

**The Honourable Mr. J. Oorerar:** I am afraid that I am not myself in a position to resolve what is apparently a difference of opinion between two Honourable Members from the Madras Presidency.

**OPINION EXPRESSED BY SIR MICHAEL O'DWYER ON EX-KING AMANULLAH OF AFGHANISTAN.**

**441. \*Mr. Gaya Prasad Singh:** (a) Has the attention of Government been drawn to the following opinion expressed by Sir Michael O'Dwyer, and published in the *Statesman*, dated the 23rd January, 1929, regarding the ex-King Amanullah of Afghanistan?

"Firstly he usurped the Afghan throne; secondly, he made a most treacherous attack in April, 1919, on India, then in its weakest state owing to the absence of the best part of the British Indian Army."

(b) Do Government endorse that view? If not, what steps do they propose to take against Sir Michael O'Dwyer?

**Sir Denys Bray:** Yes, Sir. I am sure the Honourable Member will appreciate my inability to enter into a historical disquisition on such a matter at such a time.

**Mr. Gaya Prasad Singh:** Are Government aware that such writings are calculated to rouse the feelings of Hindus and Muslims, as well as jeopardise our relationship with Afghanistan?

**\* CIRCULATION IN BRITISH INDIA OF LOTTERY TICKETS ISSUED IN INDIAN STATES.**

**442. \*Mr. Vidya Sagar Pandya:** (a) Are Government aware that lottery tickets issued in the Indian States are still circulated in British India?

(b) What steps have Government taken to check the circulation in British India of literature on such lotteries?

**The Honourable Mr. J. Oorerar:** (a) Instances have come to the notice of the Government of India.

(b) Durbars are aware that the Government of India, discountenance circulation in British India of circulars or tickets relating to lotteries, and the transmission by post of such circulars has been prohibited.

**Mr. Lalchand Navalrai:** May I request your permission, Sir, to put this question (No. 443) which stands in the name of the Honourable Haji Abdoola Haroon?

**Mr. President:** Why should I give the permission?

**Mr. Lalchand Navalrai:** I request your permission under Standing Order 19 of the Legislative Assembly Standing Orders which runs thus:

"If on a question being called it is not put or the member in whose name it stands is absent, the President, at the request of any member, may direct that the answer to it be given."

I am submitting that I do not insist on asking this question on behalf of the Honourable Haji Abdoola Haroon, but I adopt it as my question and request your permission to put the same.

**Mr. President:** I refuse the permission.

#### CUSTOMS DUTY CHARGED ON FREE SAMPLES.

†443. **\*Haji Abdoola Haroon:** (a) Will Government be pleased to state whether their attention has been drawn to an article under the caption of "Duty on Free Samples" published in the *Daily Gazette* of Karachi, in its issue dated 24th January, 1929, in connection with customs and postal duties charged on free samples?

(b) If the reply to part (a) is in the affirmative, will Government be pleased to state what steps they propose to take in the matter?

**The Honourable Sir George Schuster:** (a) Yes.

(b) The writer of the article criticizes the levy of a uniform postal fee on foreign postal articles, regardless of size or amount of duty involved, and makes two suggestions. Firstly, that the postal fee on articles on which the duty recoverable is less than Re. 1 should be waived and, secondly, that duty on postage on such articles should be remitted.

With regard to the first suggestion the work which the post office has to do in connection with articles conveyed by post into British India, and on which customs duty is charged, is substantial and is the same irrespective of the amount of duty recoverable. Government therefore consider that it is reasonable to levy a fee of annas 4 in all cases in which duty is actually charged and that there are no grounds for exempting articles on which the duty is less than Re. 1 from payment of the fee.

With regard to the second suggestion, the postage covering an article represents part of its value as defined in Section 30 of the Sea Customs Act and Government cannot agree that the value of any article assessable to duty *ad valorem* should be calculated in any other manner than that prescribed by the Act.

#### CUSTOMS DUTY CHARGED ON OLD CLOTHES IMPORTED INTO INDIA.

†444. **\*Haji Abdoola Haroon:** (a) Are Government aware that, under the Indian Customs Tariff, Schedule II, Import Tariff, under Serial No. 59, and No. 85 in Statutory Schedule, the Customs authorities charge 15 per cent. *ad valorem* duty on old second-hand warm clothing which is imported from the United Kingdom and America?

(b) If the answer to part (a) is in the affirmative, what amount did Government realise as duty in the years 1924-25, 1925-26 and 1926-27?

(c) Are Government aware that the cost price of this second-hand warm clothing is from 8d. for waist-coats to about 3s. for over-coats?

(d) Are Government aware that this second-hand clothing is worn in winter by the poor class of people—labourers and cultivators—in Sind, Punjab, and all over India, to protect themselves from the severe cold?

(e) Do Government propose to make this second-hand clothing free of duty in order to give relief to the poor people throughout India?

**The Honourable Sir George Rainy:** (a) Yes.

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† This question was not put, owing to the absence of the questioner.

(b) The duty collected on old second-hand *warm* clothing imported from the United Kingdom and America is not separately recorded in the statistics.

(c) and (d). Government have no information.

(e) Government do not propose to remove the duty.

**OPENING OF A BRANCH POST OFFICE AT SINDHRI IN KHIRPO TALUKA.**

†445. **\*Haji Abdoola Haroon:** (a) Will Government be pleased to state whether their attention has been drawn to a leading note under the caption "For Perusal of Deputy Post Master General, Sind and Baluchistan Circle" published in the *Al Ishlah* of Mirpurkhas in its issue, dated 17th January 1929, in which the attention of the authorities concerned is drawn to the need of opening a branch post office at Sindhri in Khirpo Taluka of the Thar and Parkar District?

(b) If the reply to part (a) is in the affirmative, what steps do Government propose to take in the matter?

**Mr. H. A. Sams:** (a) Government have not seen the paper to which the Honourable Member refers. They understand, however, that the local postal authorities have not been approached on the subject of opening a branch post office at Sindhri.

(b) The Director, Posts and Telegraphs, Karachi, will be asked to examine the necessity for opening an office, and if he is satisfied that a post office is actually required, it will be opened when this becomes possible.

**EXTENSION TO BACKWARD CHRISTIAN CONVERTS OF EDUCATIONAL BENEFITS CONFERRED ON OTHER MEMBERS OF THE DEPRESSED CLASSES.**

446. **\*The Revd. J. O. Chatterjee:** (a) Has the attention of Government been called to a resolution passed unanimously at the annual session of the all-India Conference of Indian Christians held at Madras in December last as follows:

"This Conference requests the Central and the Provincial Governments that in their efforts for the amelioration of the social and economic condition of the backward and depressed classes, no discrimination be made between the Christian and non-Christian section of the backward and depressed classes"?

(b) Will Government be pleased to state if they are prepared to extend to Christian converts from the depressed classes, still in a backward condition, the special educational and other benefits extended to members of the depressed classes?

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

(b) The matter is primarily one for Local Governments and Administrations, to whom a copy of the question will be communicated. So far as the areas directly under the Government of India are concerned, the Honourable Member's suggestion will be considered.

**COMMUNITIES DESCRIBED AS DEPRESSED CLASSES.**

447. **\*The Revd. J. O. Chatterjee:** Will Government be pleased to state what class and communities of persons are classed as the depressed classes?

**The Honourable Mr. J. Orerar:** The Honourable Member is referred to the reply which I gave on the 4th September 1928 to the late Lala Lajpat Rai's question No. 1.

† This question was not put, owing to the absence of the questioner.

**DEBARRING OF MEMBERS OF CERTAIN COMMUNITIES FROM EMPLOYMENT IN  
THE REGULAR POLICE FORCE.**

**448. \*The Revd. J. O. Chatterjee:** Will Government be pleased to state, if members of certain communities are debarred from recruitment into the regular police force?

**The Honourable Mr. J. Orerar:** I assume that the Honourable Member refers to the police forces of the areas administered directly by the Government of India. The only persons who may not be recruited without special sanction are members of recognised menial or criminal classes.

**EXCLUSION OF INDIAN CHRISTIANS FROM EMPLOYMENT AS CONSTABLES IN THE  
PUNJAB POLICE.**

**449. The Revd. J. O. Chatterjee:** (a) Is it a fact that departmental rules exist prohibiting the recruitment as constables of Indian Christians into the regular police force in the Punjab?

(b) If the answer to the above question be in the affirmative, will Government be pleased to state their reasons for the exclusion of members of the Indian Christian community from the Punjab police force?

**The Honourable Mr. J. Orerar:** (a) The Government of India have no information to this effect.

(b) The composition of the subordinate ranks of the police forces is a matter for the decision of Local Governments.

**The Revd. J. O. Chatterjee:** If information can be furnished of the existence of this circular, am I to understand that the Government of India cannot interfere in a circular of this kind issued by the Provincial Government?

**The Honourable Mr. J. Orerar:** I am not aware of the circular which the Honourable Member refers to. But so far as recruitment to the subordinate ranks of provincial services is concerned, it is obvious that the discretion must rest with the Local Government concerned.

**The Revd. J. O. Chatterjee:** My question really is whether Local Governments are empowered to exclude any community from recruitment to the subordinate ranks of the police?

**The Honourable Mr. J. Orerar:** I am not aware that any discrimination of that kind except to the extent which I have mentioned is in point of fact practised.

**ALLEGED DISCHARGE OF SEPOYS AND NON-COMMISSIONED OFFICERS OF  
INDIAN REGIMENTS CONVERTED TO CHRISTIANITY.**

**450. \*The Revd. J. O. Chatterjee:** Is it a fact that sepoy or non-commissioned officers in Indian regiments are discharged, if they become converts to Christianity?

**Mr. G. M. Young:** Serving soldiers are not, as a matter of rule, discharged if they change their religion. But, as the Honourable Member is no doubt aware, units or sub-units of the Indian Army consist of homogeneous classes of men, having a common religion. If a man is converted to a religion different from that of his unit, the question of his discharge or transfer is likely to arise, both in his own interests and in those of his

fellow soldiers. The decision would depend, among other things, upon the man's personality, his position in the unit, and the circumstances accompanying his change of faith.

**The Revd. J. C. Chatterjee:** May I ask the Honourable Member that if such a discharge is necessitated by a man's conversion to another religion, do Government endeavour to find a place for such a person, if he has been discharged for no fault of his own, into another regiment?

**Mr. G. M. Young:** I am afraid that that is a hypothetical question which I cannot answer.

**RENEWAL OF THE POST OF TALLYMAN AT RAMKRISTOPUR GOLA SIDING ON THE EAST INDIAN RAILWAY.**

**451. \*Rai Bahadur Tarit Bhusan Roy:** 1. Are Government aware that the abolition of the post of a tallyman at Ramkristopur Gola Siding with the East Indian Railway:

- (i) has caused inconveniences to the rice merchants of Ramkristopur (Howrah);
- (ii) has been detrimental to the interest of the rice merchants of the locality: and
- (iii) has been a source of trouble, damage, pilfering, shortage and other sorts of business losses to the local rice merchants?

2. Are Government aware that prior to the abolition of the post of the tallyman, there was, normally speaking, no complaint of shortages and pilfering, etc., on the part of the rice traders of the locality?

3. Will Government be pleased to state:

- (i) when the tallyman was first appointed;
- (ii) what were the reasons that led to the abolition of the said appointment?

4. (a) Will Government be pleased to state whether any representation was made by the local merchants to the Government of Bengal for the renewal of the appointment?

(b) If so, have Government considered the matter and what is their decision?

(c) Are Government considering the desirability of creating the appointment?

(d) If the answer to part (c) is in the negative, are the Government considering the desirability of inquiring into the matter?

5. Are Government aware that the jute mill-owners at Ramkristopur are all along enjoying the services of a tallyman, and if so, what are the reasons for such differential treatment?

**Mr. A. A. L. Parsons:** I am sending the Honourable Member such information on this matter as is in the possession of Government. If the consignees have any complaint to make about the present arrangements, they should represent the matter to the Agent.

**APPOINTMENT OF FIVE QUALIFIED INDIAN OFFICERS TO THE BREEDING  
BRANCH OF THE ARMY REMOUNT DEPARTMENT.**

452. **\*Khan Bahadur Makhdum Syed Rajan Bakhsh Shah:** (a) Is it a fact that five unqualified Indian officers are working in the Breeding Branch of the Army Remount Department (Meerut area, Montgomery area, Chenab area, Shahpur area and Rawalpindi Circle)?

(b) If so, do Government propose to take up five qualified Indian officers from the Indian Army Veterinary Corps?

**Mr. G. M. Young:** (a) Indian officers employed in horse breeding areas of the Army Remount Department are generally recruited from Indian Cavalry Regiments and are not required to possess expert veterinary knowledge. The main requirement is a thorough knowledge of horse and mule stock from the Army point of view, and their main duties are to assist the Circle Remount Officer in his dealings with the horse-breeders. Separate veterinary officers are provided for the purely veterinary duties of the Department.

(b) For the reasons already given, the answer is in the negative.

**INCREASED EMPLOYMENT OF MUSLIMS IN THE RAILWAY MAIL SERVICE,  
NORTHERN CIRCLE, AMBALA.**

453. **\*Khan Bahadur Makhdum Syed Rajan Bakhsh Shah:** (a) Is it a fact that the staff of the Northern Circle, Railway Mail Service, Ambala, with 4 Divisions consists of establishment as below?

	Total.	Hindus.	Mubammadans.
Superintendents . . . . .	5	4	1
Inspectors . . . . .	32	22	10
Upper selection grade (H. R. C.) (250—20—350) . . . . .	4	4	..
Lower selection grade (160—10—250)	26	22	4
Nominated candidates for Inspector- ship selection grade examination to be held in March 1929 . . . . .	128	103	25

(b) If so, do Government propose to make up the deficiency of the number of Muslims in the Railway Mail Service, Northern Circle, Ambala, where they are poorly represented?

**The Honourable Sir Bhupendra Nath Mitra:** (a) The figures quoted by the Honourable Member are not altogether correct. Of the five Superintendents, two are Hindus, one is a Sikh, one a Muslim, and one an Anglo-Indian, while the correct total of the candidates nominated for the selection-grade examination is 112, of whom 85 are Hindus and 27 Muslims. I would add that the former examination for Inspectors and Superintendents' head clerks has been merged into the proposed new examination the details of which are under further consideration. The date of the examination has been postponed.

(b) No; the Honourable Member is referred to the reply given by the Honourable Mr. McWatters to Starred Questions Nos. 72, 78, 75, 78 and 201 on the 5th September. 1928, by Mr. Anwar-ul-Azim.

**EMPLOYMENT OF MUSLIMS AS INSPECTORS IN THE RAILWAY MAIL SERVICE,  
NORTHERN CIRCLE, AMBALA.**

**454. \*Khan Bahadur Makhdum Syed Rajan Bakhsh Shah:** Is it a fact that the selection for the Inspector's examination has been made according to seniority, in terms of Director General's Circular No. 10, dated 24th May, 1928, by which the Hindus have been selected in great number, and the Muslims who were already on the list of selected candidates have been refused admission?

**Mr. H. A. Sams:** According to the Director-General's Circular there is no separate examination for Inspectors, whose appointments are open to all those who enter the lowest selection grade. Candidates to appear at the examination will be in order of seniority according as they are shown in the different Circle gradation lists. No communal discrimination is therefore likely to occur.

**EMPLOYMENT OF MUSLIMS AS SORTERS AND CLERKS IN THE RAILWAY MAIL SERVICE, NORTHERN CIRCLE.**

**455. \*Khan Bahadur Makhdum Syed Rajan Bakhsh Shah:** Will Government please state how many applications of Muslim qualified candidates for the posts of sorters and clerks in the Railway Mail Service, Northern Circle, and Posts and Telegraph offices in the Punjab Circle were received during the year 1927 and 1928 and how many of them were accepted?

**Mr. H. A. Sams:** Government have no information nor would it be possible to supply it, as no record of rejected applications is ordinarily kept.

**EMPLOYMENT OF MUSLIMS AS INSPECTORS IN THE RAILWAY MAIL SERVICE,  
NORTHERN CIRCLE.**

**456. \*Khan Bahadur Makhdum Syed Rajan Bakhsh Shah:** (a) Is it a fact that a list of candidates to appear at the Examination for Railway Mail Service, Inspectorship, Northern Circle, to be held on 18th and 19th February, 1929, was prepared, but subsequently the above examination was postponed to be held in March, 1929, while the names of the Muslim candidates entered in that list have not been included in the newly prepared list?

(b) Is it also a fact that plucked candidate Bal Kishan, clerk, Superintendent, Railway Mail Service, Lahore Division, has been promoted to the lower subordinate grade to work as head clerk in the same office, without appearing in any test required, while senior Muslim hands were available for the job.

**Mr. H. A. Sams:** (a) The examination to which the Honourable Member refers has, for the time being, been postponed and the conditions for the selection of candidates to appear in it are still under the consideration of Government, but there will be no difference between the treatment of Muslims and that of other candidates.

(b) I have no information. If any official considers that his claim for promotion has been improperly disregarded he can represent his case through the usual channel.



**ADMISSION OF MUSLIMS TO THE EXAMINATION FOR INSPECTORS IN THE  
RAILWAY MAIL SERVICE, NORTHERN CIRCLE.**

457. \***Khan Bahadur Makhdum Syed Rajan Bakhsh Shah:** Does the Honourable Member in charge, who has on many an occasion given a promise to the Muslim Members on the floor of this House that undue preponderance of one community will not be tolerated, propose to look into the rights of the Muslims in the coming examination to be held in March, 1929, for selecting Inspectors?

**The Honourable Sir Bhupendra Nath Mitra:** I think the Honourable Member will find that any assurances given by me referred to the question of recruitment, and did not distinguish between the claims to consideration of Muslims and those of other minority communities. As was explained by Mr. McWatters in reply to a series of questions asked by Mr. Anwar-ul-Azim on the 5th September last, communal considerations do not come into operation when it is a question of making promotions. The question of the examination for the selection grade is still under consideration and it will not be held in March 1929. The examination is not being held specially for Inspectors.

**NUMBER OF TOWNS AND VILLAGES IN BRITISH INDIA, WITH THEIR  
POPULATIONS.**

458. \***Mr. M. K. Acharya:** Will Government be pleased to state the total number of towns and of villages in each Province of British India, together with the total urban and rural population in each Province, in 1911, and 1921?

**The Honourable Mr. J. Orerar:** The Honourable Member is referred to Table I in Part II of Volume I of the Census of India, 1911 and 1921. A copy of these Reports is in the Library of the Assembly.

**DEVELOPMENT OF SELF-GOVERNING INSTITUTIONS IN RURAL AREAS.**

459. \***Mr. M. K. Acharya:** Will Government be pleased to state:

- (a) What general instructions, if any, have been issued to Provincial Governments regarding the development of Self-Governing institutions in rural areas?
- (b) Whether any periodical reports have been received from Provincial Governments on the subject; and whether such reports are available to the Members of the Central Legislature?

**Mr. G. S. Bajpai:** (a) The Honourable Member is referred to the Government of India Department of Education Resolution Nos. 55—77, dated the 28th April 1915, and No. 41, dated the 16th May 1918, which were published in the Supplement to the Gazette of India dated the 1st May 1915 and 25th May 1918, respectively. For the convenience of Honourable Members I have had copies of these Resolutions placed in the Library of the House.

(b) The Government of India receive from Provincial Governments copies of their annual reports on the working of local bodies such as municipal committees, district boards, etc. In 1923, 1924 and 1927 they also received from Local Governments special reports on the working of the

Reformed Constitution, which contained some information about the working of local bodies. All these reports are priced publications and are available to Members of the Central Legislature.

REVENUE AND EXPENDITURE OF THE POSTAL AND TELEGRAPH DEPARTMENTS.

460. \*Mr. M. K. Acharya: Will Government be pleased to state:

- (a) The total revenue and expenditure during the past three years from the Postal and from the Telegraph departments respectively?
- (b) The total number of (1) State, (2) Private, and (8) Press messages during the past three years; and the annual revenue from each class of message?

Mr. H. A. Sams: As the reply to the question consists of figures which could not be followed conveniently, if read out, a statement furnishing the required information will be furnished to the Honourable Member.

APPOINTMENT OF THE DISTRICT INSPECTOR OF SCHOOLS, DELHI, AS SECRETARY OF THE TEXT-BOOK COMMITTEE, DELHI.

461. \*Lala Rang Behari Lal: (a) Is it a fact that a Text-Book Committee has been constituted in Delhi, with the District Inspector of Schools, Delhi, as its Secretary getting an allowance of Rs. 40 per month?

(b) Will Government kindly state from which date the Secretary has been drawing his allowance, and what is his staff, and what has been the monthly expenditure on the same?

(c) Will Government kindly state since when the Committee has been functioning and how many meetings of the General Committee have been held and when?

(d) Have any meetings of the Sub-Committees been held? If so, how many and when, and how many books have been considered by the sub-Committees, and how many by the Text-Book Committee up till now?

(e) Is it a fact that a grant of Rs. 2,000 was sanctioned for a Text-Book Committee Library in the last financial year, but the same was allowed to lapse?

(f) Is it a fact that a non-official gentleman (retired Principal of an intermediate college) had offered to act as secretary on the same allowance, but was not taken and the District Inspector, an official, was appointed?

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

(b) From 25th November 1927. The staff consists of a part-time clerk and a daffri. The monthly expenditure on the staff amounts to Rs. 25 (excluding the Secretary's allowance).

(c) Since 21st May 1928. Only one meeting of the General Committee was held on 21st May 1928.

(d) Yes, seven meetings. Four on 8th November 1928 and three on 28th January 1929. Fifty books were considered by the Sub-Committees. The Text-Book Committee has not considered any of them up till now. They will be put before the Text-Book Committee at the end of the year.

(e) Yes.

(f) Yes.

**RECRUITMENT OF SENIOR ACCOUNTANTS TO THE NEW ACCOUNTS OFFICE  
OF THE NORTH WESTERN RAILWAY.**

**462. \*Lala Rang Behari Lal:** (a) Has the attention of Government been drawn to the *Hindustan Times*, page 2, dated the 6th January, 1929, in connection with the separation of Audit and Accounts on the North Western Railway?

(b) Will Government be pleased to state the policy it is pursuing in connection with the recruitment of the new accounts offices in regard to:

- (i) assistant accounts officers,
- (ii) senior accountants,
- (iii) junior accountants,
- (iv) assistant superintendents,
- (v) sub-heads,
- (vi) senior clerks, and
- (vii) junior clerks?

(c) Is it a fact that certain men have been appointed as senior accountants without their passing any railway accounts examination prescribed for either by Agent or Audit?

(d) Will Government be pleased to state:

- (i) what was their job prior to their appointment as senior accountants,
- (ii) what pay they were drawing before, and
- (iii) what has been allowed now?

**Mr. A. A. L. Parsons:** (a) Yes, by the Honourable Member's question.

(b) The policy is laid down in Annexure D of the Memorandum by the Financial Commissioner, Railways, on the proposal to adopt, as a permanent measure, the system of separation of Accounts from Audit on Indian Railways, which has been approved by the standing Finance Committee for Railways.

(c) and (d) None were appointed to any office where the passing of an examination before such appointment was required by rules or orders.

**NOMINATION OF SUB-HEADS OF DIVISIONAL ACCOUNTS BRANCHES OF THE  
NORTH WESTERN RAILWAY FOR TRAINING AT THE SCHOOL FOR  
ACCOUNTANTS AT CALCUTTA.**

**463. \*Lala Rang Behari Lal:** Are Government aware that, in the old engineering districts of the North Western Railway, there used to be accounts clerks who were getting Rs. 20 as duty allowance (sanctioned by the Railway Board), in addition to their class pay, and that they are fully acquainted with the details of accounts work in divisions and are at present working as sub-heads in the existing Divisional Accounts Branch with more staff working under them; as compared with the sub-heads, assistant superintendents and junior accountants of the Audit offices? Will the Government be pleased to state the reasons for altogether ignoring these sub-heads and other capable clerks of the Divisional Accounts Branch for nomination to Calcutta Training School?

**Mr. A. A. L. Parsons:** With your permission, Sir, I propose to reply to questions Nos. 463, 464 and 466 together.

Candidates for the Training School for Accountants at Calcutta were selected from a list of employees nominated by heads of accounts offices as persons most likely to prove useful accountants. In making the selections, all classes of employees in railway accounts offices were considered, but preference was given to young men possessing high educational qualifications. The older men, who have experience, are to be permitted to appear for the examination prescribed for candidates of the Training School, provided the head of the office, in which each such an employee serves, considers that he has a reasonable chance of passing the examination.

**SELECTION OF AUDIT CLERKS FOR TRAINING AT THE SCHOOL FOR ACCOUNTANTS AT CALCUTTA.**

†464. **\*Lala Rang Behari Lal:** Are the Government aware that amongst the audit clerks so selected for training at Calcutta there are certain people who though M. A., etc., failed in the accounts examination, held by the Agent, North Western Railway, each year and that they have been selected in preference to Class II and III clerks of the Divisional Accounts Branch although the latter beat them in competition in the above Examination?

**APPOINTMENT OF DIVISIONAL ACCOUNTANTS AND HEAD ACCOUNTS CLERKS AS ASSISTANT ACCOUNTS OFFICER, ETC.**

465. **\*Lala Rang Behari Lal:** Will the Government be pleased to state if they will take steps to safeguard the interests of the divisional accountants or head accounts clerks and their sub-heads and other senior clerks employed in the Divisional Accounts Branches in making appointments for the posts of assistant accounts officer, senior accountants, assistant superintendents and sub-heads, which have so far been filled up by nomination from Audit Offices or Railway Board Offices only?

**Mr. A. A. L. Parsons:** The Honourable Member is referred to the answer to part (b) of his question No. 462. The interests of every class of employee of the Accounts Offices have received and will continue to receive proper consideration.

**SELECTION OF CLERKS OF DIVISIONAL ACCOUNTS BRANCHES FOR TRAINING AT CALCUTTA.**

†466. **\*Lala Rang Behari Lal:** Will the Government be pleased to state the reasons for a wholesale exclusion of the staff employed in the Divisional Accounts Branches? Is it a fact that the men who have been sent to Calcutta do not possess initial knowledge of executive accounts work as the Divisional Accounts Branch staff have?

**THREATENED DEPORTATION OF COLOURED SEAMEN FROM CARDIFF.**

467. **\*Dr. B. S. Moonje:** (a) Has the attention of the Government been drawn to what has appeared in the *Hindustan Times* of Saturday, January 26th, 1929, page 12, under the heading "Racial prejudice at Cardiff: White men's agitation against coloured seamen and threat of deportation"?

† For answer to this question, see answer to question No. 463.

(b) If so, are Government prepared to make enquiries and state if there are Indians also amongst the coloured seamen?

(c) If it is a fact that the Home Office threatened to deport them, has the attention of Government been drawn to the following remark of the Chief Constable Wilson "we were crowded out by the coloured men. However we have made it so hot for them that they are leaving"?

(d) Will the Government be pleased to state the offence of the coloured seamen in detail which made them liable to the threat of deportation?

**The Honourable Sir George Rainy:** (a) The Government have seen the paragraph.

(b), (c) and (d). Government have no information, but enquiries are being made and the result will be communicated to the Honourable Member as soon as possible.

#### STRENGTH AND ANNUAL COST OF THE PERSONNEL OF TWO SQUADRONS OF THE ROYAL AIR FORCE RECENTLY SENT TO INDIA.

**468. \*Dr. B. S. Moonje:** (a) Will the Government be pleased to state if the two squadrons of the Royal Air Force which were to be sent from England have arrived in India, and if so, of how many men each squadron is constituted?

(b) Of the men in each squadron, how many are officers, commissioned and non-commissioned, and how many rank and file?

(c) What is the total yearly cost to the Indian treasury of the individual officer and of the individual rank and file?

**Mr. G. M. Young:** (a) The two squadrons arrived in India on January 19th. The strength of each is 58.

(b) 12 officers, 15 warrant and non-commissioned officers and 31 other ranks.

(c) The average pay of an officer is Rs. 9,155 a year and that of an airman Rs. 2,141.

#### ADDITION OF AN AIR FORCE SECTION TO THE INDIAN TERRITORIAL FORCE.

**469. \*Dr. B. S. Moonje:** Will the Government be pleased to state if it is proposed to raise air force sections of the Territorial Force organisation, so that India may not have to import such squadrons from England in future at a heavy cost?

**Mr. G. M. Young:** The answer is in the negative. My Honourable friend is aware that Government have taken all necessary steps to raise an Indian regular air squadron, and that it only remains for Indians to come forward and qualify as flying officers. Until this unit is in existence, or, in the alternative, until civil aviation in India has reached a more advanced stage, it would be, in the opinion of Government, a sheer waste of money to organise a territorial force air unit. Even if such units could be formed, they could not be substituted for regular units of the Royal Air Force.

**Dr. B. S. Moonje:** Why should not the Government be prepared to raise, when it feels the necessity, and train one air force squadron in India, especially when it is cheaper?

**Mr. G. M. Young:** The answer to that question is that a unit of the kind that my Honourable friend recommends would neither be cheap nor an accession of strength to the Royal Air Force.

**Dr. B. S. Moonje:** Does the Honourable Member know that we had proof during the last Budget debate that the cost of the Indian rank and file is cheaper than that of the British rank and file?

**Mr. G. M. Young:** That is, I think, a matter of opinion.

**Dr. B. S. Moonje:** It is a question of fact, Sir, which has been proved during the Budget debate in the last Session. Therefore, I say it is cheap. Why should not the Government go in for the cheaper things instead of for costly ones?

**Mr. G. M. Young:** I still think, Sir, that it is a matter of opinion whether while what my Honourable friend says is a matter of fact.

#### CIRCUMSTANCES OF BOMBING ACCIDENT NEAR PESHAWAR.

**470. \*Dr. B. S. Moonje:** (a) Will the Government be pleased to state in detail the circumstances under which the 17th Poona Horse came to be bombed from a machine of the Royal Air Force, mentioning the exact number of casualties, both in killed and wounded, with their names and ranks?

(b) Will Government be pleased to state if it was merely an accident, or if it was due to any action deserving punishment under the Army Act, and if so, what punishment has been meted out and to how many, mentioning their names and ranks?

(c) Do Government propose to provide adequately for the families of the killed and the wounded, and if so, how?

**Mr. G. M. Young:** I have prepared a statement in answer to this question, Sir, and to question No. 498. It is very long, and I do not know if Honourable Members would prefer that I should lay it on the table or read it out to the House.

**Mr. President:** If it is very long, it may be placed on the table.

**Dr. B. S. Moonje:** I should prefer, Sir, to have it read; because we may then be better able to put supplementary questions based on the answer.

**Mr. President:** All right.

**Mr. G. M. Young:** With your permission, Sir, I propose to answer this question and question No. 498 together, and to take this opportunity of making a full statement to the House. His Excellency the Commander-in-Chief has received and considered the report of the Court of Inquiry appointed to investigate the terrible accident that occurred at Peshawar on the 28rd January. The story of the accident is as follows:

Bombing practice with live bombs is part of the normal training in units of the Royal Air Force, and is regularly carried out by them over areas of ground which are reserved as bombing ranges in the same way as artillery and rifle ranges are reserved for use by artillery and troops of the line. There is a bombing range in the neighbourhood of Jamrud which is used by the Royal Air Force stationed in Peshawar. It had been decided, by the local Air Force authorities, that bombing practice should be carried

out on this range on the 21st, 22nd, 23rd and 25th of January. On such occasions the Royal Air Force unit concerned is responsible for taking certain preliminary steps. It has to notify the District Magistrate and obtain from him a statement that there is no objection to bombing taking place on the range on the dates mentioned. It has further to notify the Superintendent of Police, the Tehsildar, and the local military headquarters, in order that human beings and cattle may be safely cleared off the ground before practice begins, and in order that both the civil and military authorities in the station may be made aware of the fact that bombing is to take place. All these precautions were duly complied with on January the 12th by the Officer Commanding, No. 20 Army Co-operation Squadron, the unit of the Royal Air Force concerned: and in addition a copy of the notice was sent direct to the Officer Commanding, Poona Horse, as that regiment would be required, in accordance with the usual procedure, to provide four troopers and a non-commissioned officer to help in clearing the dangerous area of human beings and cattle at the times and on the dates mentioned. Notice of the bombing practice appeared, in the ordinary course, in the local military Orders of the 16th January.

Some days later, it was decided, at short notice, by the local Armoured Car authorities, to repeat, for the benefit of an inspecting officer, a tactical exercise, which had been carried out by an armoured car company, over a large area, which included the Royal Air Force bombing range, on January the 11th. A feature of this exercise on both occasions was that a squadron of cavalry should enact the rôle of a party of raiders, supposed, for the purpose of the exercise, to be escaping from Peshawar over the border. It was the function of the armoured car company engaged in this exercise to cut off the supposed raiders before they could have made their way into tribal territory. Arrangements were accordingly made, by the officer commanding the armoured car company in Peshawar, through the authorities concerned, for the repetition of the tactical exercise which I have described, to take place on the 23rd January, which was the third of the dates already notified for bombing practice by the Royal Air Force on their bombing range. On the morning of the 23rd, the Safety Officer, that is, the officer of the Royal Air Force who was detailed to supervise the clearing of the bombing range for live bomb practice, went down early to the range, where he met the four *sowars* and the non-commissioned officer who had been sent to help him. It was raining, and the lorry which should have brought the Air Force personnel required for duties on the ground during bombing practice, as well as the signals which are used on such occasions, had not arrived. The Safety Officer thereupon went back to the aerodrome at Peshawar, a distance of four miles, on his bicycle. He found the delay to have been due to the fact that weather conditions were not very good, and that it had not yet been decided whether bombing practice would take place that morning or not. While he was there, a machine was sent up to test the weather. The Safety Officer was meanwhile told to return to the range and clear it, and, if no bombing had taken place by 10-30, to pack up and return. This was at about 9 o'clock. The Safety Officer accordingly returned to the bombing range, this time in a tender accompanied by two armourers and an Indian driver, taking with him the signals required on the range. He made his preparations for clearing the range, and sent out the *sowars* to remove any cattle and human beings that might be on the ground. At that moment "C" Squadron of the Poona Horse, which had been detailed for the tactical exercise, appeared, with two British officers,

neither of whom appears to have known that bombing practice was to take place that day. The party were anxious to get across to the other side of the bombing range in order to carry out their part in the exercise. After some colloquy, the Safety Officer agreed to the Squadron crossing the ground, as there was ample time for it to do this before the range was cleared. The squadron accordingly moved off, led by the two British officers, to cross the range. Meanwhile the Safety Officer proceeded to lay out upon the ground a signal, which would be read by any aeroplane coming over the bombing range, and which means—"await further signal: do not bomb." He had only just finished doing this when a bomb fell from an aeroplane on to the squadron, which was now some distance away, but still crossing the danger area. The officer who was piloting the aeroplane had arrived immediately before at a height of 4,000 feet over the bombing range, and had mistaken the signal to wait, for the signal which means—"All clear". This officer had, it would seem, good reason to suppose that the ground would have been cleared by the time that he arrived. The men of the squadron were dressed in khaki overcoats as it was raining, and wore white turbans. They were not seen by either of the two occupants of the aeroplane: and a very careful reconstruction of the accident convinced the Court of Inquiry that the squadron thus clad could not have been seen from that altitude in the conditions prevailing. Both the occupants had their eyes fixed on the target from which the squadron was then about 200 yards distant. The bomb overshot the target and falling as it did upon the squadron in close formation, caused fearful havoc. Three Indian officers and 10 non-commissioned officers and sowars were either killed on the spot or succumbed to their injuries the same day: 12 non-commissioned officers and sowars were injured, of whom 3 subsequently died in hospital. 16 horses were killed, 15 were injured, and had to be destroyed. Medical aid was rushed to the spot as quickly as possible, and everything that could be done for the injured was done. The next of kin of the deceased were informed without delay both by telegram and by letter, and shortly afterwards messages of sympathy from His Excellency the Viceroy, the Secretaries of State for India, War and Air, His Excellency the Commander-in-Chief, the General Officer Commanding-in-Chief, Northern Command, and the Air Officer Commanding, Royal Air Force in India, were received and conveyed to them. The Government of India considered immediately the question whether special compensation or gratuities should be paid to the heirs of those who were killed, and also to those who were permanently injured. Under the ordinary rules, both these categories are entitled to pensions on an adequate scale; and the pensions will be issued in the ordinary course. In addition, the Government of India have decided to grant to the heirs of the three Indian officers who have been killed gratuities on the same scale as are admissible when death is caused by active service, namely, Rs. 1,200 to the heirs of Risaldars, and Rs. 600 each to the heirs of Jemadars. They are also sanctioning gratuities of Rs. 200 each to the heirs of the non-commissioned officers and sowars. For such of the injured as may have to be discharged to pension, they are sanctioning disability pensions at a special rate, instead of the ordinary rate.

From the information at present before them, Government are provisionally of the opinion that the following were the principal contributory causes of the accident:

Firstly, the fact that certain authorities who had at different times received information both of the forthcoming bombing practice on the 23rd



January and of the intended tactical exercise which was to be held in the vicinity on the same day failed to connect these two events in their minds. It was this failure of memory and co-ordination that, in the first instance, apparently rendered the accident possible.

*Secondly*, the despatch of the bombing aeroplane over the range before there had been time to clear the range.

*Thirdly*, the mistaking of the warning signal for the signal that all was clear.

The Court of Inquiry has found certain officers to blame in connexion with the causes that I have mentioned. His Excellency the Commander-in-Chief has most carefully considered the proceedings of the Court of Inquiry and the opinions of the local commanders, and has decided that summaries of evidence should be prepared with a view to the trial of certain officers by court-martial. To some extent the disaster may be found attributable to a combination of mischances, against which no amount of forethought could have prevailed. On the other hand, it may be found due, also, to failure in judgment on the part of individuals, or, to some defect in the prescribed system of safeguards. I would ask Honourable Members of this House, and through them, the Press and the public, not to form too hasty conclusions, and, above all, not to express opinions or conjectures that might in any way prejudice the judicial proceedings.

I need hardly add, Sir, that the sympathies of the Government, and, I am sure, of the whole House, go out to the men who have been disabled, and to the widows and children of those who have perished so tragically and so suddenly, in the prime of their lives, and in the performance of their duty.

**Dr. B. S. Moonje:** Thank you.

**Mr. President:** Has the Honourable Member any supplementary questions to put?

**Dr. B. S. Moonje:** No, Sir. The Honourable Member has given a full report; that is why I thanked him.

#### ORGANISATION OF AN INDIAN BRANCH OF THE OLYMPIC GAMES.

471. **\*Dr. B. S. Moonje:** (a) Have Government seen the report of Mr. Rosser on the achievements of the Indian Olympic hockey team and the review of his report as published in the papers on or about the 25th January, 1929?

(b) Are Government prepared to consider the question of organizing an Indian Branch of the Olympic Games as a part of the general scheme of physical training of Indian boys, and particularly with a view to secure recognition of the Indian Branch in the world organisation of the Olympic Games?

**Mr. G. S. Bajpai:** (a) Government have not seen the report of Mr. Rosser, but they have read a newspaper account of his review of the report.

(b) A body called the Indian Olympic Association already exists for the purpose of promoting public interest in Olympic Games, and for organising Indian teams to take part in these international competitions. Government have aided this Association financially on three occasions in the past that is to say, in 1920, in 1924 and in 1928. It is not understood

what particular form of recognition for this Association the Honourable Member desires to secure. By the fact of its participation in the last series of Olympic Games it already appears to have secured practical recognition for itself.

**PROPORTION OF GENERAL SERVICE TELEGRAPHISTS TO STATION SERVICE TELEGRAPHISTS.**

472. \***Mr. Abdul Latif Sahib Farookhi:** (a) Will Government be pleased to state the proportion of the general service telegraphists to that of the station service telegraphists?

(b) Did the Ryan Committee recommend, as early as the year 1926, that the strength of the two services should be equal?

(c) If the present strength of the general service telegraphists be higher than that of station service telegraphists, what is the reason for not carrying out the recommendation of the Ryan Committee, and when do Government mean to carry out the proposal?

**The Honourable Sir Bhupendra Nath Mitra:** (a) On the 1st of January, 1929, there were in the service 4·2 general service telegraphists for every 1 station service telegraphist. If local service telegraphists (a vanishing class) are taken into account as station service telegraphists, the ratio was 3·7 to 1.

(b) The answer is in the affirmative.

(c) Government have accepted the recommendation of the Post and Telegraph Committee and this is being kept in view in regulating future recruitment. The Honourable Member will realize that it must take a considerable time before the results of a change in the methods of recruitment become apparent.

**NUMBER OF SURPLUS TELEGRAPHISTS IN THE TELEGRAPH DEPARTMENT.**

473. \***Mr. Abdul Latif Sahib Farookhi:** Will Government be pleased to state the present number of surplus telegraphists in the Telegraph Department, and when do Government expect them to be absorbed in the vacancies arising in the Department?

**Mr. H. A. Sams:** Eight on the 1st January, 1929.

It is expected that this small surplus will be absorbed in the immediate future.

**RECOMMENDATIONS OF THE RYAN COMMITTEE TO REDUCE THE NUMBER OF NON-OPERATIVE TELEGRAPHISTS.**

474. \***Mr. Abdul Latif Sahib Farookhi:** Will Government be pleased to state whether the recommendations of the Ryan Committee to reduce the number of non-operative telegraphists from 25 to 18 has since been carried out? If not, why not?

**The Honourable Sir Bhupendra Nath Mitra:** The Ryan Committee recommended a reduction of 78 non-operative telegraphists. Government however found it necessary to retain telegraphists in certain of these posts and decided that only 55 should be brought under reduction. 35 appointments have accordingly been replaced by clerks and the remaining appointments will be reduced as the surplus staff of telegraphists is absorbed.

## STANDARD OF OUTPUT OF TELEGRAPHISTS.

475. \*Mr. Abdul Latif Sahib Farookhi: (a) What is the standard of output per day and per year for each telegraphist?

(b) Is the present establishment of the Telegraph Department fixed on the standard accepted by the Government on the recommendation of the Ryan Committee? If this is in excess, how many are in excess and what is the reason for it?

(c) Is it a fact that, on account of the varying conditions of the service, *viz.*, pressure of work at certain portions of the day and less work during the rest of the day, the number of operations done by a telegraphist for four hours is taken as the basis for the sanction of a telegraphist? If the answer be in the negative, what is the basis for the sanction of a telegraphist?

The Honourable Sir Bhupendra Nath Mitra: (a) No fixed output of work is exacted from individual telegraphists, though the total strength of the telegraphists staff is determined on the basis described in reply to the following sections of this question.

(b) The Committee recommended the adoption of 47,000 signalling operations per telegraphist per annum as a standard for determining the total staff admissible in large offices. Government however, in consultation with the Director-General, decided to adopt a somewhat lower figure—45,000. It has not hitherto been possible to fix the actual strength of the department on this standard pending absorption on an excess number of telegraphists in the actual strength. On the 1st of January last there was an excess of only 8 signallers and this has probably disappeared since that date.

(c) The answer to the first part is in the negative. The admissible strength of the telegraphist staff is determined by dividing the total number of signalling operations in the preceding year by the standard figure—now 45,000—referred to above.

NUMBER OF DEPARTMENTAL TELEGRAPH OFFICES CONVERTED INTO  
COMBINED POSTS AND TELEGRAPH OFFICES.

476. \*Mr. Abdul Latif Sahib Farookhi: Will Government be pleased to state, year by year, the number of departmental telegraph offices that have been converted into combined posts and telegraphs offices during the past three years, and whether there are any more departmental offices likely to be converted into combined offices?

Mr. H. A. Sams: The number of offices converted during the past three Calendar years is:

1926	..	..	..	..	..	9
1927	..	..	..	..	..	13
1928	..	..	..	..	..	8

The reply to the second part of the question is in the affirmative.

**EXEMPTION OF SENIOR POSTAL CLERKS FROM THE EXAMINATION FOR PROMOTION TO SELECTION GRADE POSTS.**

**477. \*Mr. Abdul Latif Sahib Farookhi:** (a) Will Government be pleased to state the procedure that was followed for the promotion of the postal clerks to the selection grade posts before the introduction of the new examination system?

(b) Does the introduction of the new examination system involve a change of the procedure and of the conditions of service, and does it interfere with the rights and prospects of the men already in service for a number of years and are on the verge of retirement?

(c) Did Government give an assurance to the Indian Telegraph Association at Calcutta, in their communication dated the 11th November, 1925, in connection with the threatened strike of the telegraphists that the pay and prospects of the existing members of the staff would not be adversely affected by any recommendation of the Ryan Committee, and that they would be prepared to consider sympathetically measures to prevent any material hardship to the existing members of the staff?

(d) Are Government prepared to reconsider the question of the examination, and exempt all senior officials of over 40 years from the examination? If not, why not?

**The Honourable Sir Bhupendra Nath Mitra:** (a) Until the examination is held, promotion is made by selection, except in the case of the special cadre of Inspectors and Head Clerks to Superintendents where a departmental examination is prescribed.

(b) The new system does not involve a change in the conditions of service or the rights of the staff. It introduces a new and more satisfactory procedure for making selection and does not affect the prospects of promotion of individuals for whom the selection grade posts are intended.

(c) Yes. Such an assurance was given with reference to the staff affected by the adoption by Government of recommendations of the Posts and Telegraphs Committee.

(d) The answer is in the negative.

**COMPENSATORY ALLOWANCES TO NON-GAZETTED SUBORDINATES OF THE POSTS AND TELEGRAPHS DEPARTMENT.**

**478. \*Mr. Abdul Latif Sahib Farookhi:** (a) Will Government be pleased to lay on the table a report of the manner in which the sum of Rs. 1,00,000, proposed to be spent for compensatory allowances to non-Gazetted subordinates of the Indian Posts and Telegraphs Department in the budget estimate of 1928-29, has been utilised during the year 1928-29?

(b) Has the detailed scheme for the grant of compensatory allowance been worked out for all provinces, and if not, in how many provinces has it been worked out?

(c) Will the scheme be brought into force from the next official year in the provinces where it has been completed? If not, why not?

**\*Mr. H. A. Sams:** (a) A statement showing the manner in which the special provision for compensatory allowance has been utilised during 1928-29 is laid on the table.

(b) No. Only for the Burma Circle.

(c) The scheme has already been introduced in the Burma Circle. Detailed schemes for other provinces are being worked out and will be introduced as soon as the necessary investigations are completed and provision can be made in the budget estimates of the Indian Posts and Telegraphs Department.

*Statement showing the manner in which the sum of Rs. 1,00,000 proposed to be spent for Compensatory Allowances to Non-Gazetted Subordinates of the Indian Posts and Telegraphs Department in the Budget Estimate of 1928-29 has been utilised this year.*

	Rs.
1. For the grant of house rent allowance to runners with effect from 1st May 1928 . . . . .	7,000 (A)
2. For the grant of compensatory allowance in Burma with effect from 1st January 1929 . . . . .	11,000 (B)
3. Unspent balance of grant which went to reduce the general excess under working expenses . . . . .	82,000
	<hr/> 1,00,000

(A) The effect of this sanction is an annual expenditure of Rs. 8,400.

(B) The effect of this sanction is an annual expenditure of Rs. 66,000.

#### CUSTOMS EXAMINATION DEPARTMENT OF THE GENERAL POST OFFICE, MADRAS.

479. \*Mr. Abdul Latif Sahib Farookhi: (a) Will Government be pleased to state when the Customs Examination Department was constituted in the Madras General Post Office as a temporary measure and what was the strength of the clerical staff sanctioned for the department at that time?

(b) Is it a fact that the strength of the clerical establishment was reduced when the Director-General, Posts and Telegraphs, accorded permanent sanction?

(c) Is it a fact that the work has now considerably increased from what it was at the time it was constituted?

(d) Is it a fact that the Presidency Postmaster, Madras, sent a proposal early last year for the increase in the establishment of the Department and that the proposal was scrutinised and sent to the Director-General by the Postmaster-General, Madras, for sanction?

(e) Is it a fact that the proposal is lying in the office of the Director-General, Posts and Telegraphs, pending the fixation of a formula for fixing the establishment of the Department?

(f) Is it a fact that there is a similar department in the Bombay General Post Office, and the establishment of that department has been fixed on the recommendations of a committee presided over by Mr. Tambe, Deputy Postmaster-General, Bombay?

(g) Is it a fact that the conditions of work of the two departments in Bombay and Madras are the same? If the answer be in the negative, what is the difference in the nature of work of the two offices?

(h) Do Government expect to come to an early decision in strengthening the establishment of the Customs Examination Department, Madras General Post Office?

**Mr. H. A. Sams:** (a) On 19th December, 1924 with 1 head clerk and 6 clerks.

(b) Yes. The work justified a reduced staff.

(c) and (d). The Postmaster-General reported an increase of 23.2 per cent. and the staff was correspondingly increased.

(e) No.

(f) The reply to the first part is in the affirmative and to the second in the negative.

(g) The reply to the first part is in the affirmative. The second part does not arise.

(h) The question of fixing a standard is under consideration and I hope will soon be settled, after which the strength of the department in Madras will be examined.

#### RECOVERY OF A POSTAL FEE ON FOREIGN PARCELS ON WHICH CUSTOMS DUTY IS LEVIED.

480. **\*Mr. Abdul Latif Sahib Farookhi:** (a) Will Government be pleased to state whether it is a fact that a postal fee of four annas is recovered from each foreign parcel on which customs duty is levied?

(b) Is the fee intended for the purpose of meeting the cost of the services rendered by the Postal Department in attending to the various duties connected with such parcels and for the recovery of the customs duty due on them?

(c) Is any other amount, apart from the above postal fee, recovered from the Customs Department for postal services rendered? If so, how much?

(d) Have Government had investigations made to find out whether the cost of the postal services rendered is covered by the postal fee realised from the parcels which are assessed to customs duty? If so, what is the result of such investigations?

(e) What was the amount of customs duty realised by the Postal Department during the year 1927-28 and what is the amount of postal fee realised during the same period?

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

(b) The fee covers only part of such cost.

(c) Yes. The Customs Department credits the Post Office with  $1\frac{1}{2}$  per cent. of the total customs duty realised through the intermediary of the Post Office.

(d) Yes. Such investigations were made in 1928. The fee recovered at that time was 2 annas per article. It was found that it did not suffice to cover the expenses of the department; even the 4 anna fee does not do this.

(e) The gross amount of duty, including refunds, realised for the Customs Department in 1927-28 was a little over Rs. 85 lakhs. The postal fees amounted to Rs. 1,51,000.

### INTRODUCTION OF THE "SPLIT DUTY" SYSTEM IN THE GENERAL POST OFFICE, MADRAS.

481. \*Mr. Abdul Latif Sahib Farookhi: Will the Government be pleased to state whether it is a fact that there is no split duty for the postal clerks in the Bombay General Post Office? If the reply be in the negative, what is the number of officials employed in the Bombay General Post Office and how many are doing split duty? If the reply be in the affirmative, why is a similar system not followed in the Madras General Post Office?

The Honourable Sir Bhupendra Nath Mitra: The reply to the first part is in the affirmative. The second part, therefore, does not arise. With regard to the third part, the position in Madras will be reviewed by the Director-General of Posts and Telegraphs.

### PAY OF GRADUATES AND UNDER GRADUATES APPOINTED TO THE POSTAL DEPARTMENT.

482. \*Mr. Abdul Latif Sahib Farookhi: (a) Will the Government be pleased to state whether the graduates and undergraduates entertained in the Postal Department were hitherto started on the 5th and 3rd stages of the time scale of pay?

(b) Is it a fact that the above concession enjoyed by these classes of people for many years has been recently withdrawn and they are started now on the initial pay of the time scale and if so for what reason?

(c) Have Government received any memorials from the aggrieved officials and from the All-India Postal and Railway Mail Service Union in the matter, and do they propose to restore the concession? If not, why not?

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

(b) Orders cancelling the concession were issued because it was represented to Government that it is no longer necessary to offer special terms to attract graduates and undergraduates to the service. These orders have however been held in abeyance to some extent pending further consideration.

(c) Representations have been received. Government also re-opened the question of their own motion and are re-examining it.

### PAYMENT OF HOUSE-RENT ALLOWANCE TO EMPLOYEES OF THE POSTAL DEPARTMENT.

483. \*Mr. Abdul Latif Sahib Farookhi: (a) Is it a fact that house-rent allowance is paid to all officials of the Telegraph Department from the officers of the Superior Traffic Branch down to the telegraphists and if so for what purpose is it paid?

(b) Is it a fact that, except in the case of postmasters who are provided with free quarters, and the deputy and assistant postmasters in some principal cities like Calcutta, Bombay and Madras, the rest of the postal officials do not get any house-rent allowance? If so, what is the reason for not paying house-rent allowance to all officials of the Postal Department as in the case of the Telegraph Department?

(c) Is the non-payment of house-rent allowance one of the un-redressed grievances of the All-India Postal and Railway Mail Service Union, and if so, when do Government propose to redress this grievance?

**The Honourable Sir Bhupendra Nath Mitra:** (a) and (b). The fact, in each case, is not as stated: the second parts of these questions therefore do not arise. Generally speaking, house-rent allowance is not paid to officials recruited on local rates of pay for service in particular localities.

(c) Yes, but Government are not prepared to admit that this is a real grievance requiring redress.

**PAYMENT OF HOUSE-RENT ALLOWANCE TO OFFICERS OF THE POSTAL DEPARTMENT WHEN ON LEAVE.**

**484. \*Mr. Abdul Latif Sahib Farookhi:** (a) Is it a fact that the house-rent allowance is paid to all officials of the Telegraph Department when they are on leave?

(b) Is it a fact that the house-rent allowance is denied to the postal officials when they go on leave, and if so, why is such a discrimination made between the officials of the Postal and Telegraph Department and do Government propose to remove the anomaly early?

**Mr. H. A. Sams:** (a) and (b). The facts are not as understood by the Honourable Member. Both telegraph and postal officials who receive house-rent allowance on duty are allowed to draw this also when on leave, under appropriate regulations and restrictions.

**PAYMENT OF AN ALLOWANCE TO SPECIAL POSTMEN ATTACHED TO THE GENERAL POST OFFICE, MADRAS.**

**485. \*Mr. Abdul Latif Sahib Farookhi:** (a) Is it a fact that there are some postmen in the Madras General Post Office intended specially for delivery of higher value insured articles?

(b) When and why was this new arrangement introduced in the Madras General Post Office and has it proved a success?

(c) Are these postmen required to furnish enhanced security than other postmen and what is the amount of security?

(d) Were they paid any allowance for furnishing enhanced security and for shouldering heavier responsibility and if so, what was the amount of allowance paid to them?

(e) Is it a fact that the special allowance has since been withdrawn, and if so, from what date and for what reasons?

(f) Are there similar appointments in the Calcutta, Bombay and Rangoon General Post Offices, and if so, what is the amount of security furnished by them and what is the allowance paid to them? Has the allowance paid at the above places also since withdrawn?

(g) Do Government propose to restore the allowance to the special postmen at Madras with retrospective effect from the date on which it was withdrawn, or do they intend to abolish the new system and revert to the old method of delivery of above-value articles?

**The Honourable Sir Bhupendra Nath Mitra:** (a) Yes, for the delivery of all insured articles irrespective of higher or lower value in some selected areas.

(b) The system was introduced in 1927 to facilitate and expedite deliveries and has been working satisfactorily.



(c) Yes, at Rs. 2,000 each.

(d) Yes, at Rs. 10 each per mensem.

(e) The special pay has not been drawn since the 1st of May, 1928, as it was inadmissible under the revised scale of pay sanctioned by Government for postmen.

(f) The precise arrangements in force under the orders of the respective Postmasters-General in Calcutta, Bombay and Rangoon in respect of this matter are under enquiry; the Director-General proposes to re-examine the whole matter.

(g) Government do not propose to issue any orders pending discussion of the whole question with the Director-General after he has completed his investigation.

#### LEAVE AND PENSION TERMS FOR OFFICERS OF SUPERIOR AND SUBORDINATE SERVICES.

486. \*Mr. Abdul Latif Sahib Farookhi: (a) Is it a fact that there is discrimination in favour of officials of the superior services regarding the privileges of leave and pension as compared with the men in subordinate services?

(b) Do Government propose to allow the men in the subordinate services to enjoy the same privilege regarding leave and pension as the men in superior services? If not, why not?

**The Honourable Sir George Schuster:** (a) I am not sure what the Honourable Member has in mind when he speaks of the superior services and the subordinate services. The only distinction to be found in the leave rules is the distinction between officers of Asiatic domicile and officers of non-Asiatic domicile: there is no discrimination in favour of the higher services as such, except that inferior servants, if there be no leave reserve in the establishment on which they are serving, have their leave allowances reduced if cost is incurred in arranging for the discharge of their duties during their absence. In most cases the reduction does not exceed one-half of the pay of the absentee.

In the matter of pensions, the main distinctions are as follows:

- (i) Members of the Superior Civil Services draw retiring pensions, subject to prescribed maxima, which are invariably less than half pay;
- (ii) all other pensionable Government servants, except inferior servants, draw retiring pensions equal to half pay; and
- (iii) inferior servants draw pensions which are, with extremely few exceptions, less than half pay.

(b) Certain proposals regarding the leave of inferior servants are being investigated with a view to ascertaining whether financial considerations would permit of their adoption, and a general proposal that a system should be adopted in which a provident fund would take the place of pensions in whole or in part is also under consideration.

**SCHEME FOR FUTURE RECRUITMENT OF POSTAL CLERKS.**

487. \***Mr. Abdul Latif Sahib Farookhi:** (a) Will Government be pleased to state whether they have completed the examination of a general scheme for future recruitment of postal clerks, and if so, will they be pleased to lay on the table a copy of the orders issued on the subject?

(b) Do Government propose to restrict the employment of communities which are already over-represented and give facilities for the employment of the unrepresented communities?

(c) If the answer to the part (b) is in the affirmative, do Government propose to take necessary action to see that any orders passed by them on the above matter are faithfully carried out by their subordinate recruiting officers?

**The Honourable Sir Bhupendra Nath Mitra:** (a), (b) and (c). The case is still under consideration. I may however state in regard to (b) that Government are not prepared to go further than the general principle already laid down by them that in the recruitment of outsiders for the postal services one-third of the vacancies are to be reserved for the adjustment of communal inequalities.

**REFUSAL OF DIVISIONAL OFFICERS TO ENTERTAIN THE SONS OF DEPARTMENTAL OFFICIALS IN THE POST OFFICE.**

488. \***Mr. Abdul Latif Sahib Farookhi:** (a) Will the Government be pleased to state whether they are aware of the growing feeling of discontent caused to the postal officials by the refusal of the Divisional officers to entertain the sons of departmental officials in the Post office?

(b) Is it a fact that officials who prefer appeals to the Postmaster-General or the Director General for the entertainment of sons in the department are penalised by the Divisional officers who refused to entertain the appellants' sons in the departments?

(c) Is it a fact that appeals sent to the Director-General by the aggrieved officials are merely forwarded for disposal to the Postmaster-General who, in his turn, forwards it for disposal to the Divisional officers without any action being taken to see that all deserving cases are attended to by the Divisional officers?

(d) Have Government come to a decision about the reservation of a certain percentage of vacancies in the Postal Department for the sons of departmental officials, and if so, will they be pleased to lay on the table the orders passed on the subject? If not, why not?

(e) Are Government prepared to issue orders to ensure that the sons of departmental officers are given employment in the Postal Department?

**The Honourable Sir Bhupendra Nath Mitra:** (a), (b) and (c). Government have received no representations on the points in question and have no knowledge of the "growing feeling of discontent" to which the Honourable Member refers, or of the facts alleged in paragraphs (b) and (c) of his question.

(d) and (e). The question is still under consideration. When it is decided, such orders as may be necessary to give effect to the decision will be issued.

**PROVISION OF ADDITIONAL SELECTION GRADE APPOINTMENTS IN THE TRAFFIC BRANCH OF THE TELEGRAPH DEPARTMENT AND IN THE POSTAL DEPARTMENT.**

**489. \*Mr. Abdul Latif Sahib Farookhi:** (a) Will Government be pleased to state the number of selection grade appointments in the Traffic Branch of the Telegraph Department and in the Postal Department?

(b) Is it a fact that the Accountant General has remarked as follows in his audit report on the accounts of the Posts and Telegraphs Department for the year 1923-24:

"In most cases, however, frauds are facilitated by carelessness and lack of supervision displayed by the supervising authorities."

(c) Have Government stated on the floor of this Assembly in 1926 in their reply to the grievances placed before the Government by the deputation of the All-India Postal and Railway Mail Service Union, that the question of additions to the posts to be provided for in the selection grades will be taken up after the necessary improvements have been made in the rates of pay and allowances of the lower paid staff?

(d) Do Government propose to give effect to the above proposal during the year 1929-30 since the improvements in pay mentioned therein have since been completed? If not, when do they intend to give effect to the proposal?

**Mr. H. A. Sams:** (a) Excluding gazetted staff, on the postal side of the Posts and Telegraphs Department, there were on 31st March, 1928, 1,856 selection grade appointments, including those of head and sub-postmasters in the selection grade, inspectors and head clerks of Superintendents' offices. On the Traffic side there were 27 selection grade clerical appointments and 353 Telegraph Masters' posts, the status of the latter corresponding to some of the posts mentioned on the postal side of the Department.

(b) Yes.

(c) The conclusions reached by Government were not exactly as stated. The attention of the Honourable Member is invited to page 2048 of Volume VII, Part III, of the Legislative Assembly Debates.

(d) Additional Selection Grade appointments have been sanctioned where justified.

**CONVERSION INTO SELECTION GRADE POSTS OF CERTAIN APPOINTMENTS IN THE GENERAL POST OFFICE, MADRAS.**

**490. \*Mr. Abdul Latif Sahib Farookhi:** Is it a fact that there are many appointments of head clerks of departments in the Madras General Post Office, carrying heavy responsibility, that are held by time-scale clerks, while similar appointments are in the selection grade in the Calcutta and Bombay General Post Offices, and if so, when do Government propose to convert these appointments into selection grade posts, and if not, why not?

**Mr. H. A. Sams:** The number of appointments in the non-gazetted selection grades of Rs. 160—10—250 and Rs. 250—20—350 in each of the three General Post Offices is fixed with reference to the number of charges which justify a pay above the ordinary clerical time-scale. An enquiry will, however, be made with respect to the Madras General Post Office.

**PAYMENT OF COMPENSATORY ALLOWANCES TO OFFICERS OF THE GENERAL POST OFFICE, MADRAS.**

**491. \*Mr. Abdul Latif Sahib Farookhi:** (a) Is it a fact that compensatory allowances are paid to officials of the Postal Department in Calcutta and Bombay?

(b) Is it a fact that similar allowances are not paid to the Postal officials in Madras City?

(c) Is it a fact that the officials of the Local Government of Madras stationed in Madras City drawing the same rates of pay as those in the mofussil, are getting compensatory allowance on account of the costliness of living in Madras City as compared with that in the mofussil?

(d) Is it a fact that Government have made the following observations in their proposal regarding compensatory allowance submitted to the Standing Finance Committee on 31st January, 1928?

*"In view of the fact that the scales of pay of these subordinate Posts and Telegraphs officials had been fixed generally speaking with reference to the scales granted by Local Governments to their own officials of like status, due allowance being made for the larger hours of work and nature of duties of the former and it was difficult to justify this dissimilarity of treatment in the matter of local allowance."*

(e) Do not the above remarks apply to the postal officials in the selection grade in the City of Madras and if so, why is not the compensatory allowance paid to them?

**The Honourable Sir Bhupendra Nath Mitra:** On the assumption that the Honourable Member refers to the non-gazetted staff the replies are:

(a) Yes, to the selection grade officials only.

(b), (c), and (d). Yes.

(e) The remarks quoted by the Honourable Member apply only to officials on the local time-scales whose rates of pay have been fixed, generally speaking, with reference to the scales granted by Local Governments. The second part of the question therefore does not arise.

**RULES FOR THE ELIGIBILITY OF A COMBINED POST AND TELEGRAPH OFFICE FOR EARNING PIE-MONEY.**

**492. \*Mr. Abdul Latif Sahib Farookhi:** (a) Will Government be pleased to lay on the table the rules laid down by the Government for the eligibility of a combined post office for earning pie-money?

(b) Are there any such offices in India and if so, how many and in what postal circles?

**Mr. H. A. Sams:** (a) The only rule on the subject is that all proposals for the application of the pie-money system to combined office circuits are required to be referred to the Director-General, Posts and Telegraphs, for orders. Each case is decided on its merits.

(b) Only one office (Deolali), in the Bombay Circle, works on a circuit which has been declared a pie-money circuit.

**INCREASE OF HOUSE-RENT ALLOWANCE TO CERTAIN SUB-POSTMASTERS  
IN MADRAS CITY.**

493. \***Mr. Abdul Latif Sahib Farookhi:** (a) Will the Government be pleased to state when the present house-rent to the sub-postmasters for the no-delivery town sub-offices in Madras City was fixed?

(b) Has not the house-rent considerably risen in Madras City since that time?

(c) Have Government received any representation from the postal officials of Madras City and from their Postal Union for the increase in the house-rent allowance?

(d) Do the Government propose increasing the house-rent at least from 1st April, 1929? If not, why not?

**The Honourable Sir Bhupendra Nath Mitra:** (a) Chepauk Town Sub-office from 1st September, 1903.

High Court Buildings Town Sub-office from 1st December, 1918.

Ripon Buildings Town Sub-office from 1st May, 1918.

Spencer's Building Town Sub-office from 1st July, 1914.

(b) Government have no information on the subject.

(c) No representation has been received by Government.

(d) Does not arise.

**ALLEGATIONS IN THE *PIONEER* OF THE REPRIMAND OF NOMINATED  
MEMBER IN THE ASSEMBLY BY THE GOVERNMENT.**

494. \***Mr. Vidya Sagar Pandya:** (1) Has the attention of the Government been drawn to the statements containing serious allegations against the Government in the *Pioneer*, dated 28th January, 1929, that:

(a) "on more than one occasion when nominated members have felt themselves unable conscientiously to support a particular Government measure and have acted according to their convictions, they have been afterwards sent for and reprimanded and told that a repetition of such conduct would mean that they would never receive a nomination again; and

(b) this attitude on the part of Government has naturally caused considerable dissatisfaction among nominated members"?

(2) If the *Pioneer's* statements are in any sense correct, will Government please state in detail (during the last three years):

(a) how many and what were the several occasions;

(b) what were the particular Government measures;

(c) who were the several Nominated Members (officials and non-officials) who—

(i) had felt themselves unable conscientiously to support the measures;

(ii) had acted according to their convictions;

(d) who, and representing what interests, were the several Nominated Members sent for either for:

(i) reprimand, or

(ii) being told that a repetition of such conduct would mean that they would never receive a nomination again, and

- (c) who were the persons or Government officers through whom this displeasure of the Government with the conduct of the nominated Members (officials and non-officials) was communicated to them, and in what other manner, if any?

**The Honourable Mr. J. Ozerar:** Government have seen the statement.

It must naturally be the hope of Government to obtain as much support as possible in all quarters of the House for their proposals, but the record of voting shows that nominated Non-Official Members do not feel themselves to be unduly restricted in this respect. Moreover nominated Members receive their nomination from the Governor General and should they have any grounds for complaint, they have access to the Governor General.

**Mr. Vidya Sagar Pandya:** Have Government called upon the journal either to substantiate the charges or to withdraw them and to make suitable amends within a reasonable time?

**The Honourable Mr. J. Ozerar:** Government do not consider any such action necessary.

**Mr. Vidya Sagar Pandya:** Have Government considered the desirability of seeing that nominated Members in future at least shall have full freedom to cast their votes according to their convictions whenever they feel themselves unable conscientiously to support any particular measure of the Government and that they would not be reprimanded or otherwise threatened in the faithful discharge of their duty for which they take an oath before taking their seat in the Legislative Councils?

**The Honourable Mr. J. Ozerar:** I think nominated Non-Official Members are quite capable of looking after their own interests and if they have any complaint to make I have indicated the remedy.

**Pandit Hriday Nath Kunzru:** May we have the testimony of the nominated Members themselves?

#### PAYMENT OF BRITISH INCOME-TAX ON STERLING SECURITIES OF THE GOVERNMENT OF INDIA.

495. **\*Mr. Sarabhai Nemchand Haji:** (a) Will Government be pleased to state whether the sterling securities held in the Gold Standard Reserve as well as in the Paper Currency Reserve of the Government of India are chargeable to British income-tax, and are in fact so charged?

(b) If the answer to (a) is in the affirmative, will Government be pleased to state at what rate the tax is charged, as also the amount paid up-to-date on the sterling securities so held in the Indian Currency Reserves ever since the inception of that policy?

(c) Will Government be pleased to state on what principle of municipal or international law or usage or convention the British Government is allowed to charge their local income-tax on the sterling securities belonging to the Government of India?

(d) Is it a fact that the Government of India do not levy Indian income-tax on the interest paid by India on the sterling debt of the Government of India?

(e) Will Government be pleased to state the practice in this behalf in the other Dominions, if any, holding any part of their Reserves in the Imperial sterling securities?

**The Honourable Sir George Schuster:** (a) Sterling securities held in the Gold Standard Reserve and the Paper Currency Reserve of the Government of India are the property of the Crown, and interest thereon is accordingly exempt from British Income-tax under the British Income-tax law.

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

(d) I deal with this in answering the first part of the Honourable Member's next question.

(e) The Government of India have no definite information on this point, but presume that the same considerations as stated in the reply to part (a) of the question would govern the case of sterling securities of the United Kingdom held by the Dominions or Colonies.

#### LEVY OF INDIAN INCOME-TAX IN CERTAIN CASES.

496. **\*Mr. Sarabhai Nemchand Haji:** Will Government be pleased to state:

- (a) if the interest on the sterling debt of the Government of India is chargeable to Indian income-tax or not; and, if not why not;
- (b) if the leave and pensions allowances of the Indian public servants payable outside India are similarly chargeable to Indian income-tax; and, if not, why not;
- (c) whether there are any other similar exemptions or escapements from Indian income-tax; and if so, what steps Government propose to take to prevent such exemptions; and
- (d) the amount of loss incurred by the Government of India every year since 1920-21 due to these exemptions?

**The Honourable Sir George Schuster:** (a) The interest on the sterling debt of the Government of India is payable in the United Kingdom to the investors who hold the corresponding securities. It thus arises and accrues outside British India, and by far the greater part of it is payable to investors who have no connection with India. It can only become subject to Indian income-tax if the securities are held by persons liable to Indian Income-tax, and then only if the interest is *received* by them in British India. This is the position according to the present Indian Income-tax law.

(b) Leave allowances paid in the United Kingdom or drawn from a treasury in a Colony by officers of Government on leave in these countries and the pensions of officers of Government residing out of India which are paid in the United Kingdom or from a Colonial treasury have been exempted from Indian income-tax by notification under section 60 of the Income-tax Act. Indian income-tax has in fact never been charged in such cases and exemption from tax has come to be regarded as part of the arrangement between the Government and its servants.

(c) There are certain exemptions of a like nature in the case of leave allowances and pensions paid in the United Kingdom or in a Colony to officers of local authorities or to the employees of companies or of private employers. These also have been exempted from the payment of income-tax by notification under section 60 of the Income-tax Act, if the recipients

are on leave in those countries or, when in receipt of pension, reside out of India. This also represents a long established practice.

(d) I presume that this question refers to the exemptions referred to under parts (b) and (c) of this question, for part (a) raises a different issue. Precise figures are not available, but a rough estimate of the amount of what the tax on the exempted payments referred to under (b) and (c) would be is 20 to 25 lakhs of rupees per annum. I do not think it is strictly correct to describe this as a loss.

With reference to the general issue raised by these questions, as the Honourable Member is probably aware, there are various other ways in which individuals are at present escaping the incidence of income-tax. The Income-tax Bill at present being considered in Select Committee represents an attempt to close some of these ways.

**Mr. A. Rangaswami Iyengar:** May I know, Sir, whether the allowances of public servants in India during leave are similarly exempted from income-tax?

**The Honourable Sir George Schuster:** I am afraid I must ask for notice of that question.

#### SETTLEMENT OF OUTSTANDING FINANCIAL MATTERS IN DISPUTE BETWEEN THE BRITISH WAR OFFICE AND THE GOVERNMENT OF INDIA.

497. **\*Mr. Sarabhai Nemchand Haji:** (a) Will Government be pleased to state if there are any outstanding financial matters in dispute between the British War Office and the Government of India regarding certain pensions charges and other items?

(b) If satisfactory conclusions have been arrived at in regard to them, what are the terms of the settlement, and what is the benefit received or the loss sustained by India?

**The Honourable Sir George Schuster:** The Honourable Member is referred to the reply already given by me on the 29th January last to a similar question. (starred question No. 169) by my Honourable friend Diwan Chaman Lall.

#### BOMBING TRAGEDY NEAR PESHAWAR.

†498. **\*Sardar Gulab Singh:** (a) Is it a fact that *khaki* is invariably the colour adopted for military uniform all over India?

(b) If so, will the Government please state the reason why the 17th Poona Horse posted at Peshawar was dressed in white on the 23rd January, the date of the gruesome bomb tragedy?

(c) Will Government please place on the table the findings of the Court of Enquiry arising from the bombing tragedy?

(d) Will Government please state if the question of compensation gratuity to the bereaved families of the victims is under consideration?

#### PLATFORM TICKETS FOR MEMBERS OF LEGISLATURES.

499. **\*Sardar Gulab Singh:** (a) Will Government please state if Government officials of the rank of tehsildar upwards are exempt from holding platform tickets on all State-managed railways?

† For answer to this question, see answer to question No. 470.



(b) Will Government please state if they are aware of the fact that Members of the Legislative Assembly and Members of Legislative Councils do not enjoy this privilege and if so, why not?

(c) Is there any circular or regulation on the subject?

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

(b) Yes. Railway officials could not be expected to recognise all Members of the various Legislatures.

(c) Government know of no such circulars or regulations.

#### ATTENDANCE AT OFFICE OF GOVERNMENT EMPLOYEES ON GAZETTED HOLIDAYS

500. **\*Sardar Gulab Singh:** (a) Is it a fact that the Government offices are not entirely closed on Gazetted holidays?

(b) Is it a fact that duty staff is always requisitioned on all such occasions, irrespective of the fact whether the work of the different sections is in arrears or not?

(c) Is it a fact that no regard is shown to the religious susceptibilities of the staff and they are made to attend office on all religious holidays?

(d) If so, will Government please state whether, in lieu thereof, they are allowed any compensatory leave?

**The Honourable Mr. J. Orerar:** (a) On the assumption that the Honourable Member is referring to holidays in offices under the Government of India, I would refer him to the orders contained in Home Department Office Memorandum No. 4562-Public, of 20th October, 1928, a copy of which will be found in the Library of the House.

(b) and (c). The reply is in the negative.

(d) Does not arise.

#### PROMOTION OF PROVINCIAL SERVICE OFFICERS TO CERTAIN DEPARTMENTS ON STATE RAILWAYS.

501. **\*Mr. K. C. Neogy:** (a) Is it a fact that, before the existing rules relating to the recruitment to the (i) Indian Railway Service of Engineers, (ii) Transportation (Traffic) and Commercial Departments of State Railways and (iii) Transportation (Power) and Mechanical Engineering Departments of State Railways were brought into force, the Government of India, in consultation with the Central Advisory Council for Railways, decided that of the 75 per cent. to be recruited in India, one-fifth or 20 per cent. only should be filled by the promotion of local or provincial service officers and specially qualified subordinates?

(b) Is it a fact that in the Government of India, Railway Department Resolution No. 870-E./21, dated the 31st August, 1921, announcing, with the approval of the Secretary of State, the formation of the Provincial Traffic and Engineering Services for each of the State Railways, it was clearly and definitely laid down that 20 per cent. of the number of vacancies in the India-recruited branch would be reserved for promotion from the provincial services and also that such promotions should be given at an early period of the service?

(c) Is it a fact that Mr. Parsons, in reply to starred question No. 156 in the February, 1928, Session of the Assembly, as also in replying to Pandit Hirday Nath Kunzru's motion for a reduction of the Demand under the head "Railway Board" by Rs. 1,000 in connection with the Local Traffic Service in the same session, stated unequivocally that in the new regulations for recruitment, provision had been made for 20 per cent. of recruits to the superior services to be taken from provincial or local service officers and qualified subordinates?

(d) Is it a fact that the Railway Board have very recently notified the promotion of:

- (i) six provincial service engineers to the Indian Railway Service of Engineers,
- (ii) four officers of the local and subordinate traffic services to the Transportation (Traffic) and Commercial Departments of State Railways, and of
- (iii) three subordinates of the Mechanical Engineering Department to the Transportation (Power) and Mechanical Engineering Departments of State Railways?

(e) Is it a fact that in each case the total number considerably exceeds the proportion of 20 per cent. referred to in parts (a), (b) and (c) above?

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

(b) The Resolution to which the Honourable Member refers related to the constitution of the Local Traffic Services on the North Western, Eastern Bengal, and Oudh and Rohilkhand Railways, and stated that selected members of these services would be eligible for advancement to the superior traffic service, and that 20 per cent. of the number of superior posts open to the India-recruited branch of the superior traffic service would be allotted for this purpose. It also stated that, while no restrictions would be laid down regarding the age at which officers in the local services might be promoted to the superior traffic service, ordinarily such promotions would have effect at an early period of their service.

(c) Yes.

(d) Yes.

(e) The proportion of 20 per cent. has been exceeded this year, in order to make good shortages in 1926-27 and 1927-28.

#### PROMOTION OF EUROPEANS AND ANGLO-INDIANS TO SUPERIOR RAILWAY SERVICES IN PREFERENCE TO INDIANS.

502. **\*Mr. K. C. Neogy:** (a) What was the total number of vacancies to be filled in India this year in each of the three services mentioned in part (a) of my preceding question, and what proportion does the number of men promoted from the provincial or local and subordinate services bear to the same in each case? [*vide* part (d) of my immediately preceding question?]

(b) Will Government be pleased to furnish similar information for each of the three preceding years in respect of each of those services?

(c) Was the proportion of 20 per cent. increased? If so, when? Will Government be pleased to quote the Resolution under which this was done?

(d) Was the Central Advisory Council consulted before the modification was made, and if not, why not?

(e) With reference respectively to clauses (i), (ii) and (iii) of part (d) of my immediately preceding question, is it a fact that:

(i) four out of the six promoted men,

(ii) three out of the four promoted men, and

(iii) three out of three promoted men

are Europeans and Anglo-Indians?

(f) Is it a fact that of the promoted officers Messrs. Titus, Chapman, Legat, Brookes, Brown, and Condon are respectively 54, 46, 45, 49, 49 and 48 years of age?

(g) What were the reasons for departing from the principle that promotions from the lower services should be given at an early period of the service?

(h) Is it a fact that between August and October, 1927, eight men were confirmed in the local traffic services and that they are all Europeans and Anglo-Indians?

(i) Why were permanent appointments made to the Local Traffic Services in spite of Government's repeated statements in the Assembly to the effect that the future of the local traffic service was under consideration and that no fresh recruitments were being made?

(j) Is it a fact that the Railway Board, in asking the Agents of State Railways to send up names of provincial or local service officers and subordinates for promotion to the superior services this year, gave confidential directions that as many Europeans and Anglo-Indians as possible should be nominated?

(k) Is it a fact that many young Indian officers in the provincial or local services, some with high university qualifications and others with requisite training in the United Kingdom, have been passed over in favour of the Europeans and Anglo-Indians referred to in part (d) of my immediately preceding question?

**Mr. A. A. L. Parsons:** I lay on the table a statement giving the information required by the Honourable Member.

*Statement.*

(a) Indian Railway Service of Engineers .. .. .	16
Transportation (Traffic) and Commercial Departments .. .. .	13
Transportation (Power) and Mechanical Engineering Departments .. .. .	7

The proportions which the number of men promoted from the provincial or local and subordinate services bears to the total number are as follows:

Indian Railway Service of Engineers .. .. .	37½ per cent.
Transportation (Traffic) and Commercial Departments .. .. .	36½ per cent.
Transportation (Power) and Mechanical Engineering Departments .. .. .	57 per cent.

(b) In 1925-26 the total number of vacancies for Indian recruitment were 3 in each department. The promotion percentages were Nil, 33½, and Nil respectively.  
In 1926-27 the total number of vacancies for Indian recruitment were :

Indian Railway Service of Engineers .. .. .	10
Transportation (Traffic) and Commercial Departments ..	5
Transportation (Power) and Mechanical Engineering Departments .. .. .	Nil.

No promotions were made from the local and subordinate services.

In 1927-28 the total number of vacancies for Indian recruitment were :

Indian Railway Service of Engineers .. .. .	15
Transportation (Traffic) and Commercial Departments ..	11
Transportation (Power) and Mechanical Engineering Departments .. .. .	9

The promotion percentages were 13½ per cent., 18 per cent., and 44½ per cent. respectively.

(c) and (d). The proportion of 20 per cent. was increased in 1928-29 solely in order to remedy shortages in the two previous years. There is no intention of altering the rule as a permanent measure, and no necessity therefore arises for consulting the Central Advisory Council for Railways.

(e) Yes.

(f) Yes.

(g) The Resolution referred to the Local Traffic Service. Of the men referred to in part (f) of the Honourable Member's question, Mr. Browne is the only man promoted from the Local Traffic Service to which he had been promoted from the subordinate ranks in January, 1922.

(h) Between August and October, 1927, seven persons were confirmed in the Local Traffic Service who were either Europeans or Anglo-Indians.

(i) No appointments from outside have been made to the Local Traffic Service. The men referred to in my answer to (h) who were confirmed in this service had been officiating in it for many years.

(j) No.

(k) There has been no racial discrimination. Promotion has been based entirely on the recommendations of Agents and the confidential reports of the officers concerned. Before such appointments are made, the approval of the Public Service Commission is obtained and they examine the reports not only of the men who are recommended, but also of men who are senior to them who are not recommended.

#### ADMISSION TO THE INDIAN AUDIT AND ACCOUNTS SERVICE OF MEN WITH DEFECTIVE EYESIGHT.

503. \*Mr. K. C. Neogy: (a) Is it a fact that several candidates have been debarred in recent years from appearing for the competitive examinations held for the superior services, merely owing to their shortness of vision, even though the defect can be rectified by the use of suitable glasses, and though there is no other organic defect in the eye, and the candidate is, in other respects, fully qualified?

(b) Is it a fact that candidates are so debarred merely for the above reason, even in regard to the examinations for services like the Indian Audit and Accounts Service?

(c) Is it a fact that the vision test was not so stringently applied in the past prior to the constitution of the Public Service Commission?

(d) Are Government prepared to consider the desirability of relaxing the stringency of the present rules in regard to the vision test, so as to allow candidates with mere short-sight, which can be remedied by the use of suitable glasses, and with no other organic defect in the eye, to appear for the competitive examinations, at least in the case of services such as the Indian Audit and Accounts Service which involve only office work?

**The Honourable Mr. J. Ozerar:** (a) and (b). The Government of India have no information to this effect. On the contrary, the standard laid down for the guidance of the Medical Officers allows the admission of officers whose vision can be brought with the aid of glasses to a reasonable degree of normality.

(c) The Government of India have no reason to suppose that the matter has been affected by the constitution of the Commission who have in no way interfered with the discretions of the Medical Officers.

(d) In view of my answer to parts (a) and (b) of the question, this does not arise.

**RECOMMENDATIONS OF THE TRADE UNION CONGRESS AT JHARIA REGARDING  
ELECTION OF ADVISERS TO THE INTERNATIONAL LABOUR CONFERENCE  
AT GENEVA.**

**504. \*Pandit Nilakantha Das:** Has the attention of the Government been drawn to an article, in the *Forward* of the 19th January and the *Amrita Bazar Patrika* of the 16th January about the proceedings of the Jharia Trade Union Congress regarding election of advisers to the International Labour Conference at Geneva, written by Mr. Ram Pershad, Member of the Executive Council of the All-India Trade Union Congress? If so, do the Government propose to make an enquiry into the regularity or otherwise of the recommendations, before considering the same?

**The Honourable Sir Bhupendra Nath Mitra:** The Government of India have seen a letter by Mr. Ram Pershad published in the papers referred to by the Honourable Member. The answer to the second part of the Honourable Member's question is in the negative.

**ALLEGATIONS AGAINST MR. ANWAR HOSSAIN, ASSISTANT CREW OFFICER,  
EASTERN BENGAL RAILWAY.**

**505. \*Mr. V. V. Jogiah:** (a) Are the Government aware of the allegations, reported in the November, 1928, issue of the Eastern Bengal Railway Labour Review, page 20, under the heading "A Conscientious Crew Officer" against Mr. Anwar Hossain, the assistant crew officer, Eastern Bengal Railway?

(b) If so, will Government be pleased to state what action has been taken by the Agent, Eastern Bengal Railway, in the matter?

(c) If no action has been taken by the Agent, do Government propose to request the Agent, Eastern Bengal Railway, to enquire into the matter and to report the result of his enquiry for such action as the Government deems fit to take in the matter?

**Mr. A. A. L. Parsons:** Government have seen the article mentioned. They will draw the attention of the Agent of the Eastern Bengal Railway to it; he is competent to deal with the allegations made in it.

**PAY OF ASSISTANT STATION MASTERS AT SEALDAH, NORTH STATION,  
EASTERN BENGAL RAILWAY.**

506. \***Mr. V. V. Jogiah:** Will Government be pleased to state:

- (a) if it is a fact that the number of passenger trains and passengers, now being dealt with at Sealdah, North Station, Eastern Bengal Railway, is more than what these were in the year 1920, and
- (b) if it is also a fact that the pay of the assistant station masters, who used previously to be posted there, and who had to deal with a far less number of trains and passengers, was higher than the pay of the assistant station masters now posted at this station?
- (c) If the replies to parts (a) and (b) are in the affirmative, will Government be pleased to state the reason for granting smaller pay to the assistant station masters who are now posted there, though they have to do a larger volume of work?

**Mr. A. A. L. Parsons:** With your permission, Sir, I propose to reply to questions Nos. 506 to 513 together. Enquiries are being made from the Agent of the Eastern Bengal Railway, and I will communicate with the Honourable Member when his reply is received.

**PAY OF ASSISTANT STATION MASTERS AT SEALDAH, NORTH STATION,  
EASTERN BENGAL RAILWAY.**

†507. \***Mr. V. V. Jogiah:** (1) Will Government be pleased to state:

- (a) whether the number of trains and passengers, handled at Sealdah, South Station, Eastern Bengal Railway, is the same as that of Sealdah, North Station: and
- (b) whether the assistant station masters posted at the South Station are getting higher pay than the assistant station masters posted at the North Station?

(2) If the replies to parts (a) and (b) are in the affirmative, will Government be pleased to state the reasons for such an anomalous state of affairs?

**DISCRIMINATION IN PAY OF ANGLO-INDIAN AND INDIAN ASSISTANT STATION  
MASTERS AT SEALDAH.**

†508. \***Mr. V. V. Jogiah:** (a) Will Government be pleased to state whether the Indian assistant station masters at Sealdah, North and South Stations, Eastern Bengal Railway, are getting much smaller pay than the Anglo-Indian assistant station masters at these stations, performing the same work?

(b) If the reply be in the affirmative, will Government be pleased to state what is the reason which led the railway authorities to fix different rates of pay for the employees of different communities performing the same work, and whether the Anglo-Indian assistant station masters are superior in technical qualifications to the Indians, or whether racial discrimination was the only reason therefor?

† For answer to this question, see answer to question No. 506.

### DISCRIMINATION IN PAY OF ANGLO-INDIANS AND INDIANS IN SUBORDINATE SERVICES ON THE EASTERN BENGAL RAILWAY.

†509. \***Mr. V. V. Jogiah:** (a) Will Government be pleased to state if it is a fact that the average pay of Anglo-Indians and Europeans in the subordinate service of the Eastern Bengal Railway is much higher than the Indians performing the same duties?

(b) If so, will the Government be pleased to state the reason for such differential treatment and what is the standard of qualifications, either educational or technical, on which such higher pay has been fixed?

### APPOINTMENT OF ANGLO-INDIANS AS "CREW" OFFICERS ON THE EASTERN BENGAL RAILWAY.

†510. \***Mr. V. V. Jogiah:** (a) Will Government be pleased to state if it is a fact that the Traffic Manager, Eastern Bengal Railway, has issued orders that 20 per cent Anglo-Indians should be recruited as crews irrespective of their educational qualifications, etc.?

(b) If so, will Government be pleased to state the reason for such orders?

### PAY OF MINISTERIAL OFFICERS OF THE EASTERN BENGAL RAILWAY.

†511. \***Mr. V. V. Jogiah:** (a) Will Government be pleased to state whether it is a fact that ministerial officers of the Eastern Bengal Railway were brought under the grade system of pay in 1920?

(b) Is it a fact that the senior posts created at the time under the grade system were so few that a large number of junior ministerial officers, having reached the top of their respective grades, have been detained there for several years for want of vacancies in the higher grade?

(c) If the replies to parts (a) and (b) are in the affirmative, will Government be pleased to state if they propose to take any action in the matter to relieve the situation? If not, why not?

### ECONOMIC DISTRESS OF EMPLOYEES OF THE EASTERN BENGAL RAILWAY.

†512. \***Mr. V. V. Jogiah:** (a) Will Government be pleased to state whether, out of about 17,000 permanent employees, (pensionable and non-pensionable), of the Eastern Bengal Railway who are eligible to become members of the Eastern Bengal Railway Co-operative Credit Society in accordance with the bye-laws of that Society, about 10,000 are members of the Society?

(b) If it is a fact that out of 10,000 members, over 9,000 members are borrowers from the Society, and over 50 per cent. of these borrowers are always renewing their loan applications as soon as half of the previous loan is repaid and thus are perpetually in debt?

(c) If the replies to parts (a) and (b) above are in the affirmative, will Government be pleased to state whether Government propose to take steps to alleviate or minimise this acute economic distress?

† For answer to this question, see answer to question No. 506.

**INDEBTEDNESS OF THE STAFF OF THE EASTERN BENGAL RAILWAY.**

513. \***Mr. V. V. Jogiah:** (a) Referring to the Railway Board's reply in their letter No. 7001-E., dated the 6th October, 1928, to Mr. Amar Nath Dutt, to his question No. 249, dated the 4th September, 1928, will Government be pleased to state how the indebtedness of only two per cent of the staff on the Eastern Bengal Railway to the provident fund was arrived at? Does this percentage work out on the total number of staff employed or on the total number of staff eligible to subscribe to the provident fund?

**SUPPLY OF WATER FOR SWIMMING BATHS FOR EUROPEANS AND ANGLO-INDIANS AT PAKSEY AND SAIDPUR ON THE EASTERN BENGAL RAILWAY.**

514. \***Mr. V. V. Jogiah:** (a) Will Government be pleased to state whether the two existing swimming baths, one at Paksey and the other at Saidpur which are used by European and Anglo-Indian employees only of the Eastern Bengal Railway get their supply of water free of cost from the Railway, in preference to a large number of low paid Indian staff, in whose case the supply of water for domestic purposes is very restricted and controlled by scoops?

(b) If the reply to the above be in the affirmative, will Government be pleased to state under what rule water is supplied free and why a few Europeans and Anglo-Indians are given such amenities in preference to the urgent need of a large number of low paid Indian employees?

**Mr. A. A. L. Parsons:** I am making enquiries from the Agent of the Eastern Bengal Railway, and will let the Honourable Member know the result.

**APPOINTMENT OF MR. WILLIARD AS DRAWING OFFICE SUPERINTENDENT, CHIEF ENGINEER'S OFFICE, EASTERN BENGAL RAILWAY.**

515. \***Mr. V. V. Jogiah:** (a) Will Government be pleased to state whether one Mr. Williard has been appointed as Drawing Office Superintendent, Chief Engineer's Office, Eastern Bengal Railway, about two years back and is now drawing Rs. 700 per mensem?

(b) Is it also a fact that the post of Drawing Office Superintendent in the Chief Engineer's Office is one which requires high technical qualifications?

(c) If the replies to parts (a) and (b) are in the affirmative, will Government be pleased to state (i) what is the technical qualification and previous practical training of Mr. Williard before his appointment in the Eastern Bengal Railway and (ii) whether the post was advertised to secure the best candidate? If not, why not?

(d) Will Government be pleased also to state whether the railway authorities, in appointing Mr. Williard, did or did not overlook the claim of Mr. B. N. Gupta, Chief Draughtsman? Is it a fact that the latter's high technical qualifications and thorough mastery of details of work were very highly spoken of by successive Chief Engineers?

**Mr. A. A. L. Parsons:** (a) Yes. His present pay is Rs. 680 per mensem.

(b) The post requires sound engineering knowledge and experience in engineering designs and draughtsmanship.

† For answer to this question, see answer to question No. 506.



(c) (i) Government have no detailed information regarding the technical qualifications and training of Mr. Williard who is a temporary engineer.

(ii) The post which is a temporary one was not advertised as it is ordinarily filled by an engineer officer already in railway employment.

(d) It is within the competence of the Agent to appoint the man he considers most suitable.

**APPOINTMENT OF MR. SAVEDRA AS A CHIEF PASSENGER SUPERINTENDENT  
ON THE EASTERN BENGAL RAILWAY.**

**516. \*Mr. V. V. Jogiah:** (a) Will Government be pleased to state whether the Traffic Manager, Eastern Bengal Railway, issued instructions to all District Traffic Superintendents that candidates for Passenger Superintendentship should be selected from men who have direct dealings with passengers, such as station masters, assistant station masters, guards, etc. ?

(b) If it is also a fact that one Mr. Savedra, an Anglo-Indian, who was formerly an Inspector of the Watch and Ward Department, was selected as one of the two Chief Passenger Superintendents?

(c) If the replies to parts (a) and (b) are in the affirmative, will Government be pleased to state, in what capacities Mr. Savedra served the Eastern Bengal Railway prior to his appointment as Chief Passenger Superintendent and if he had any direct dealings with passengers?

**Mr. A. A. L. Parsons:** Government have no information and regret that they cannot undertake to make enquiries. They can trust the Agent of the Eastern Bengal Railway, with whom the selection for posts of Chief Passenger Superintendents rests, to appoint the most suitable man available.

**SERVICE WITH THE ROYAL CALCUTTA TURF CLUB ON RACE DAYS OF  
CERTAIN EMPLOYEES OF STATE RAILWAYS.**

**517. \*Mr. V. V. Jogiah:** (a) Are the Government of India in the Railway Department aware that there are certain members of the permanent staff employed in State Railways who have taken up service with the Royal Calcutta Turf Club on racing days for a certain remuneration?

(b) If so, will Government be pleased to state whether this privilege is permissible under the Government Servant's Conduct Rules and whether the employees' absence from their legitimate railway duties at 1 P.M. on Saturdays and week days entails loss of work to Government?

(c) If the answer to the above is in the affirmative, will Government be pleased to state what steps they propose to take to stop this practice?

**Mr. A. A. L. Parsons:** (a) and (b). Enquiries made in 1927 show that two employees of the Eastern Bengal Railway then worked as totalizators for the Royal Calcutta Turf Club for remuneration. This is permissible provided the conditions of Rule 15 of the Government Servants' Conduct Rules are fulfilled; and the sanction required by that rule is not given if the private employment interferes with their railway work.

(c) Government do not propose to take any action.

**ALLEGED RACIAL DISCRIMINATION IN THE APPOINTMENT OF DEPUTY SUPERINTENDENTS OF TELEGRAPHS ON THE EASTERN BENGAL RAILWAY.**

518. \***Mr. V. V. Joglah:** (a) Will Government be pleased to state, whether it is the practice in the Eastern Bengal Railway to appoint retired Anglo-Indians or Europeans from the Government Telegraph Department as Deputy Superintendents of Telegraphs, in preference to the claims of senior-most signallers-in-charge?

(b) If the reply be in the affirmative, will Government be pleased to state the reason of such racial discrimination, and whether Government propose to do away with such racial discrimination in future and to appoint deserving Indians to the post?

**Mr. A. A. L. Parsons:** (a) The post of Deputy Superintendent of Telegraphs on the Eastern Bengal Railway is ordinarily filled by an official of the Government Telegraph Department who is recommended by the Director-General of Posts and Telegraphs. The reason for making the appointment in this way is to ensure that the supervision of the working of the Railway Telegraph Department will be under an expert official.

(b) There is no question of racial discrimination. The Director-General of Posts and Telegraphs nominates the man whom he thinks to be most suitable.

**PROVISION OF QUARTERS FOR THE MENIAL STAFF ON THE EASTERN BENGAL RAILWAY.**

519. \***Mr. V. V. Joglah:** (a) Are Government aware that the principle of allowing free occupation of railway quarters by menial staff, embodied in the memorandum by the Financial Commissioner of Railways on the policy to be adopted in regard to the provision of quarters for Railway staff and approved by the Standing Finance Committee for Railways in its meeting of the 15th June, 1926, has not yet been given effect to by the administration of the Eastern Bengal Railway?

(b) If the reply be in the affirmative, do Government propose to fix a date for adoption of the principle in respect of the menial staff?

(c) If the reply be in the negative, will Government be pleased to state the reason for not giving effect to the recommendations?

**Mr. A. A. L. Parsons:** The question is under correspondence with the Agent, Eastern Bengal Railway, and a reply will be sent to the Honourable Member later.

**ORDERS REGARDING COUNTERSIGNATURE OF MEDICAL CERTIFICATES FOR SICKNESS OF EMPLOYEES OF THE EASTERN BENGAL RAILWAY.**

520. \***Mr. V. V. Joglah:** (a) Will Government be pleased to state if it is a fact that medical certificates granted to the employees of the Eastern Bengal Railway in cases of sickness by outside qualified doctors or by doctors holding Government appointments or by civil surgeons, are often wholly or partly ignored by the Railway Chief Medical Officer or district medical officers by refusing to countersign such certificates?

(b) If so, will Government be pleased to state whether there is any specific order issued by the Railway Board on the subject?

(c) If so, will Government be pleased to lay on the table a copy thereof?

**Mr. A. A. L. Parsons:** (a) I am sending the Honourable Member a copy of the rules regarding medical certificates at present in force on the Eastern Bengal Railway. The Honourable Member will see that, in certain circumstances, medical or fit certificates must be submitted to the Chief Medical Officer for countersignature.

(b) and (c). I am also sending the Honourable Member an extract relating to medical certificates from the rules for medical attendance on State Railway employees issued by the Government of India, Public Works Department, in 1892. I should explain that classes I and II referred to in these rules relate to officers and to subordinates drawing Rs. 325 and upwards, and Classes III and IV to persons drawing less than Rs. 325. The Honourable Member will see that under these rules it is the duty of the chief railway medical officer to make enquiries and to countersign or not, as the case may demand, medical certificates which may be submitted to him. I should add that these rules are shortly going to be revised.

#### PROVISION OF QUARTERS FOR INDIAN GUARDS AT OR NEAR SEALDAH.

521. **\*Mr. V. V. Jogiah:** (a) With reference to the reply given by the Government to question No. 235 of the last September Session of the Assembly, will Government be pleased to state whether it is a fact that 52 per cent of the Anglo-Indian guards have been provided with quarters at Sealdah, against 9 per cent of the Indian guards?

(b) If the reply be in the affirmative, will Government be pleased to state why in the past such racial discrimination was made and whether Government propose to provide quarters at or near Sealdah for the Indian guards in the near future?

**Mr. A. A. L. Parsons:** (a) Quarters have been provided for 9 per cent. of the Eastern Bengal Railway's Indian guards who are stationed in Calcutta. I am ascertaining from the Agent of the Railway what proportion of Anglo-Indian guards are provided with quarters, and will let the Honourable Member know.

(b) I am also enquiring from the Agent whether he considers the construction of further quarters for Indian guards stationed at Calcutta necessary. He informed the Railway Board a short time ago that housing accommodation for this particular class of staff was more adequately provided by private enterprise in Calcutta than at many other points on the line.

#### PAY AND PROSPECTS OF MINISTERIAL OFFICERS OF THE EASTERN BENGAL RAILWAY.

522. **\*Mr. V. V. Jogiah:** With reference to the Government's reply to question No. 244 of the last September Session, will Government be pleased to state:

- (a) whether it is a fact that the Agent, Eastern Bengal Railway, has so far taken no action on the Report on the pay and prospects of the ministerial officers submitted to him on the 29th November, 1927, by the Eastern Bengal Railway Indian Employees' Association?

- (b) whether it is also a fact that reminder after reminder on the above subject from the Employees Association has up till now elicited no reply from that officer?
- (c) whether the last letter from the Association, in November last, praying for a deputation, has shared the same fate as the previous ones?
- (d) If the replies to parts (a), (b) and (c) are in the affirmative, will Government be pleased to state if they propose to take any action in the matter? And if not, why not? And whether there is any intention on the part of Government to revise the pay and prospects of ministerial officers of the Eastern Bengal Railway in the near future?

**Mr. A. A. L. Parsons:** I am ascertaining the position from the Agent of the Eastern Bengal Railway and will communicate with the Honourable Member when his reply is received.

**ADMISSION OF EUROPEANS RESIDENT IN INDIA TO THE ROYAL MILITARY COLLEGE AT SANDHURST.**

523. **\*Mr. Gaya Prasad Singh:** (a) Is it a fact that the Army Council have empowered the Government of India to recommend a limited number "of European British subjects who are the sons of parents resident in India, and of pure European descent", for admission to the Royal Military College, Sandhurst, to the extent of four annually? Since how long have such selections been made?

(b) How many Indians are at present taken annually for admission to Sandhurst; and why this discrimination in favour of "European British subjects, who are the sons of parents resident in India, and of pure European descent"?

**Mr. G. M. Young:** The Honourable Member's attention is invited to the answer given to Dr. Moonje's starred question No. 85 on the 28th January, and to the Press communiqué from which he quotes in part (a) of this question.

**PROVISION OF FANS IN SECOND CLASS COMPARTMENTS ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.**

524. **\*Mr. Gaya Prasad Singh:** Are Government aware that on the metre gauge of the Bombay, Baroda and Central India Railway, there are still many second class compartments without fans, even in hot weather? Do Government propose to take necessary steps to have fans provided in them before the next hot weather?

**Mr. A. A. L. Parsons:** I would refer the Honourable Member to the reply I gave to Mr. Ghuznavi's question No. 23 on the 4th September, 1928. The Agent of the Bombay, Baroda and Central India Railway reported that, on the metre gauge system, the more important services over sections of the line where high climatic temperatures are experienced, are provided with fans in second class compartments; but that there are still services not yet so equipped, and that he was considering the provision of fans in such coaches in 1929-30.

# APPOINTMENTS TO LISTED POSTS OF THE INDIAN CIVIL SERVICE IN BIHAR AND ORISSA.

525. **\*Mr. Gaya Prasad Singh:** (a) Is it a fact that the total number of "listed posts" in the Indian Civil Service which are reserved for members of the Provincial Civil Service, sanctioned for Bihar and Orissa is 18, out of which only 8 (including a Bar appointment) are filled up, excluding a few temporary appointments very seldom exceeding six months? If the answer is in the negative, what is the number of "listed posts" sanctioned for this Province?

(b) What is the number of "listed posts" permanently held by members of the Provincial Civil Service in Bihar and Orissa, and was the desire of the Government of India that acting appointments for short periods should also be set off against the sanctioned number of listed posts?

(c) Is it a fact that the Lee Commission recommended 20 per cent of such appointments?

(d) What is the date on which the Government of India sanctioned the number of "listed posts" for Bihar and Orissa, and why has the sanctioned number of such posts not yet been filled up?

(e) Was it the direction of the Government of India that appointments from the Bar should also be included in the number of "listed posts" sanctioned for Bihar and Orissa?

(f) Are Government aware that among members of the Provincial Civil Service in Bihar and Orissa, who are fully qualified to hold "listed" appointments, there is considerable dissatisfaction by reason of their being excluded from them? By what time do Government propose to fill up the sanctioned number of "listed posts" in Bihar and Orissa?

**The Honourable Mr. J. Orerar:** (a) The number of listed posts at present sanctioned is 8 (including a Bar appointment), and these posts have been substantively filled. Sanction has also been accorded to the listing of a ninth post on the occurrence of a vacancy which is expected to arise within a few months. The figure 18 mentioned by the Honourable Member represents the number of posts that it is intended to reserve for the Provincial Civil Service and Bar ultimately, i.e., within five years from the 1st April, 1924.

(b) The number of listed posts held permanently by members of the Provincial Civil Service in Bihar and Orissa is 7. Acting appointments are not taken into consideration.

(c) Yes. This is the figure to be worked up to.

(d) The sanction of the Secretary of State to the gradual increase of the proportion of listed posts to 20 per cent was communicated to Local Government in November, 1925. Each addition to the number is, however, sanctioned separately.

(e) This arrangement has been sanctioned by the Secretary of State and is in force in all provinces.

(f) The Government of India have no information. It is proposed, as has been said, to list the full 20 per cent of superior posts by 1939.

PAY OF SUB-ASSISTANT SURGEONS IN RAJPUTANA.

526. **\*Mr. Jamnadas M. Mehta** (on behalf of Rai Sahib Harbilas Sarda): With reference to the Honourable Sir Denys Bray's reply to my questions Nos. 382 and 383 (*vide* Legislative Assembly Debates, Vol. III, No. 6, page 493) admitting that though the sub-assistant surgeons of Rajputana were employed on the understanding that their pay would be regulated by the United Provinces scale, yet, as a matter of fact, their initial pay has not been fixed after taking into consideration their past permanent services, as has been done in the United Provinces, what action do Government propose to take to carry out the understanding with the sub-assistant surgeons, and are Government prepared to reconsider the matter?

**Sir Denys Bray:** The understanding that the pay of the Sub-Assistant Surgeons in Rajputana would be regulated according to the United Provinces scale does not imply that whenever a revised scale is introduced in Rajputana as a consequence of a change in the United Provinces scale, Government are bound to suspend the operation of the ordinary rules for regulating pay on a change of scale just because the United Provinces Government choose to do so. The initial pay of the Sub-Assistant Surgeons in Rajputana on the revised scale has been determined in accordance with the ordinary rules, to wit Fundamental Rules 22 and 23. But as already stated, Government are prepared to consider any proposals which the Local Administration may make in respect of individual officers with good records in whose cases the application of these rules has in its opinion resulted in undue hardship.

RACIAL DISCRIMINATION IN THE GRANT OF OVERSEAS ALLOWANCE TO EMPLOYEES OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

527. **\*Mr. Jamnadas M. Mehta** (on behalf of Rai Sahib Harbilas Sarda): (a) Are Government aware of the racial discrimination against the Indian officers of the Bombay, Baroda and Central India Railway in the matter of overseas allowance and furlough?

(b) Is it or is it not a fact that all Anglo-Indian officers of Indian domicile who were in service on the 1st October, 1920, are in receipt of the overseas allowance or its equivalent?

(c) Will Government state on what grounds the Indian officers who were in service on the same date have been deprived of the same concession?

(d) Was it not a condition of reforms based on the Montagu-Chelmsford Report, that all racial discrimination against the Indians was to be removed, and also that officers already in service were not to be prejudiced in any way by the introduction of this new principle?

(e) Do Government propose to take steps to bring to an end this racial discrimination against Indians?

(f) Is it or is it not a fact that Indian officers on other Railways, like the East Indian Railway, Great Indian Peninsula Railway, Bengal-Nagpur Railway, who were in service prior to the introduction of this principle, are in receipt of this allowance or its equivalent?

(g) Is it or is it not a fact that Indian officers of the Revenue Establishment of the State Railways, who were in service prior to the introduction of this principle, are also in receipt of this allowance?

(h) Will Government state the grounds on which the Indian officers of the Bombay, Baroda and Central India Railway only have been precluded from the benefits of this allowance?

**Mr. A. A. L. Parsons:** (a) Government are aware that Indian other than Statutory Indian officers of the Bombay, Baroda and Central India Railway have not been given overseas allowance or its equivalent, and are not eligible for furlough.

(b), (f) and (g). Yes.

(d) I am not sure that I know exactly to what the Honourable Member is referring.

(c), (e) and (h). The Railway Board have asked the Bombay, Baroda and Central India Railway Company to reconsider the grant of the equivalent of overseas pay to Indian officers appointed prior to October, 1920, but the Company have not so far agreed to do so.

**Mr. Jamnadas M. Mehta:** How long has this matter been under consideration? How long?

**Mr. A. A. L. Parsons:** Certainly for a year; it may have been longer.

**Mr. Jamnadas M. Mehta:** Is it not time that the question should be finally settled?

**Mr. A. A. L. Parsons:** Possibly, Sir, the Company consider that it is finally settled.

**Mr. A. Rangaswami Iyengar:** What sort of pressure do the Railway Board propose to put on the Bombay, Baroda and Central India Railway to see that this principle is enforced?

**Mr. A. A. L. Parsons:** The Railway Board can only express its opinion. I must remind the Honourable Member that these officers are the servants of the Board of Directors of the Bombay, Baroda and Central India Railway Company and not the servants of Government.

**Mr. Jamnadas M. Mehta:** Is it not a fact, Sir, that 98 per cent of the capital of the Bombay, Baroda and Central India Railway Company belongs to the taxpayer?

**Mr. A. A. L. Parsons:** Without committing myself to the exact percentage, that is true; but under the terms of the contract these officers are the servants of the Railway Company and not of Government.

**Mr. Jamnadas M. Mehta:** Is it not a fact, Sir, that only Indians are excluded from these concessions and that Anglo-Indians have got all these privileges, and there is no justification for discriminating between Indians and Anglo-Indians in this matter?

**Mr. A. A. L. Parsons:** The position, as I have explained in my answer, is that the Railway Company have granted the equivalent of overseas pay to Anglo-Indian officers appointed prior to October, 1920, but not to Anglo-Indian officers appointed after that date.

**Pandit Hriday Nath Kunzru:** May I ask, Sir, whether Government have allowed the Lee concessions to superior officers of the Bombay, Baroda and Central India Railway Company?

**Mr. A. A. L. Parsons:** Government permitted the Lee Commission's concessions—which are, I may say, not actually relevant to this particular matter,—to be granted by the Bombay, Baroda and Central India Railway Company to their servants.

**Mr. A. Rangaswami Iyengar:** May I know, Sir, when the Government allowed these Lee concessions to servants of Railways in pursuance of the recommendations of the Lee Commission, did they not make it a condition that these concessions should apply equally to Indians?

**Mr. A. A. L. Parsons:** Sir, I must ask for notice of that question. The point at issue in this particular question is not the Lee Commission's concessions.

**Mr. A. Rangaswami Iyengar:** Are we to take it, Sir, that under the terms of the contract with the Bombay, Baroda and Central India Railway Company, the Government have absolutely no powers to enforce justice being done in such cases?

**Mr. A. A. L. Parsons:** I have not been able to find any terms in any contract which would enable us to say to a company-managed railway that "you shall give so much money to such and such a servant of the company".

**Mr. Jamnadas M. Mehta:** That means that Government cannot do justice to Indians on company-managed railways?

**Mr. A. Rangaswami Iyengar:** Do the Government think that it is not a matter which conduces to business management of the railways that justice shall be done to railway servants?

**Mr. A. A. L. Parsons:** I must leave the Honourable Member to gather the view of the Railway Board in this matter from my reply to parts (c), (e) and (h) of the question. I have attempted to explain exactly what the position of Government is under their contract with the Bombay, Baroda and Central India Railway Company.

**Mr. M. S. Aney:** Will the Honourable Member inform the Bombay, Baroda and Central India Railway Company that they should abolish the principle of racial discrimination in all matters on their Railway?

**Mr. A. A. L. Parsons:** The Railway Board have addressed the Bombay, Baroda and Central India Railway and all other railways on that subject.

**Pandit Hirday Nath Kunzru:** Have they received any reply, Sir?

**Mr. M. A. Jinnah:** And with what effect?

**Mr. A. A. L. Parsons:** I think we have just received a reply from the Bombay, Baroda and Central India Railway Company, but I am not quite sure.

**Mr. M. R. Jayakar:** Is it favourable or unfavourable?

**Mr. A. A. L. Parsons:** I am not sure whether the reply deals with this question at all; our letter dealt with the general removal of racial discrimination.

**Mr. M. R. Jayakar:** Is the Honourable Member aware that these distinctions cause a considerable amount of discontent which affects the efficiency of the workers?

**Mr. A. A. L. Parsons:** I am aware that they cause a considerable amount of discontent among the people who do not receive allowances which they think they should, if not by title, at least in equity, receive.

#### RACIAL DISCRIMINATION IN THE LEAVE RULES OF EMPLOYEES OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

528 **Mr. Jamnadas M. Mehta\*** (on behalf of Rai Sahib Harbilas Sarda):  
(a) Are Government aware that the Indian officers do not enjoy in full the



benefits of furlough regulations in force on the Bombay, Baroda and Central India Railway?

(b) Is it or is it not a fact that some European and Anglo-Indian subordinates even enjoy these privileges of leave in full, as enjoyed by the European and Anglo-Indian officers, but that they are denied to the few Indian officers?

(c) Will Government submit a statement showing the following:

1. The number of European officers on the permanent scale enjoying these privileges of leave (furlough) in full;
2. The number of Anglo-Indian officers on the permanent scale enjoying these privileges of leave (furlough) in full; and
3. The number of European and Anglo-Indian subordinates on the permanent scale enjoying these privileges of leave (furlough) in full?

(d) Will Government give the number of permanent Indian officers on the Bombay, Baroda and Central India Railway, who are denied these privileges of leave in full, which are enjoyed even by their European and Anglo-Indian subordinates?

(e) Will Government state if there is any other railway in India, State or company-managed, which makes such racial distinctions between their Indian and Anglo-Indian officers of the same domicile in the matter of leave?

**Mr. A. A. L. Parsons:** (a), (b) and (e). Company-managed Railways may frame or modify rules to govern the grant of leave to their servants within the limits of certain Fundamental Rules which were laid down by Government in 1901. A copy of these Fundamental Rules is in the Library. The Honourable Member will see that under them furlough is permissible only to employees who may be classed as Europeans, and that the classification of employees under Europeans and non-Europeans for the purpose of leave rules is a matter which is left to the discretion of the Companies. The position on the Bombay, Baroda and Central India Railway is that, prior to the 1st of October, 1920, it was customary to classify Anglo-Indians as Europeans for the purpose of leave, but since that date only Anglo-Indians who can prove non-Asiatic domicile have been so classified.

(c) and (d). The information is being called for and when received will be supplied to the Honourable Member.

### UNSTARRED QUESTIONS AND ANSWERS.

#### RESULTS OF THE EXAMINATION FOR THE INDIAN AUDIT AND ACCOUNTS SERVICE, ETC., HELD IN DECEMBER 1927.

219. **Mr. N. O. Kelkar:** Will Government be pleased to state:

- (a) how many persons were selected for the Indian Audit and Accounts Service, the Imperial Customs Service, and the Military Accounts Department, by the competitive examination held in December 1927?

- (b) how many appeared for the examination from the Bombay Presidency?
- (c) how many of these were able to get themselves selected?
- (d) whether Government are aware that during recent years very few persons from the Bombay Presidency have been successful in getting a selection?
- (e) whether the posts reserved to be filled by nomination are utilised for adjusting the balance between different communities only, or, are used also for redressing the inequalities as between the different Provinces?

**The Honourable Sir George Schuster:** (a) 10.

(b) 21.

(c) None.

(d) Yes.

(e) The posts reserved to be filled by nomination are utilised only for the purpose of increasing the representation of minority communities in the services in question.

#### GRIEVANCES OF POSTAL EMPLOYEES OF THE PATNA DIVISION, BIHAR AND ORISSA.

**220. Khan Bahadur Sarfaraz Hussain Khan:** (a) Will Government be pleased to state if their attention has been drawn to the following Resolutions of the postal employees of the Patna Division (Bihar and Orissa) which appeared on page 5 of the paper *Postal Vision*, Volume VII, Nos. IV—IX, for the months of April to September, 1928?

- (i) That the scale of pay sanctioned for Allahabad Town be introduced in Patna Town which is as dear as Allahabad.
- (ii) That the house-rent of the Post Office Quarters at Patna be recovered at 5 per cent. instead of 10 per cent.
- (iii) That the procedure recommended by the Postal Enquiry Committee be not altered.

(b) If the answer to part (b) is in the affirmative, will they please state what steps have been taken, or are proposed to be taken, to redress the grievances referred to?

**The Honourable Sir Bhupendra Nath Mitra:** (a) and (b). Government have not seen the paper referred to by the Honourable Member, but they understand that the subject matter of the Resolutions is under correspondence between the Director-General, Posts and Telegraphs and the Postmaster-General, Bihar and Orissa.

With respect to Resolution II referred to by the Honourable Member, however, it may be mentioned that the Government have under their consideration a representation from the clerks attached to the Postmaster-General's office at Patna about the recovery from them of rent for quarters

at 10 per cent. instead of the lower rate of 5 per cent. of pay formerly in force.

With respect to Resolution III, the procedure recommended by the Postal Enquiry Committee has ordinarily been followed, though in the recent increases of pay the Government of India have, in a few instances, thought fit to modify that procedure according to the merits of each case.

#### PROHIBITION OF THE USE OF INDIAN-MADE TILES FOR MILITARY BUILDINGS.

221. **Seth Jamnadas:** (a) Is it a fact that Government have issued orders to military stations in the country to the effect that, in the construction of military buildings, imported asbestos sheeting, instead of Indian-made tiles, should be used for roofing purposes?

(b) If the answer to (a) be in the affirmative, are Government prepared to enquire and state the respective cost of 100 sq. feet of foreign asbestos sheeting and Indian-made roofing tiles at current market rates at (1) Bombay and (2) Jubbulpore?

(c) Do Government propose to enquire and state if at places like Jubbulpore, where roofing tiles are locally manufactured, the using of roofing tiles is found to be more economical and less costly than the asbestos sheeting imported from foreign countries?

(d) If the answer to (a) be in the affirmative, do Government propose to cancel the order or orders issued in the past prohibiting or restricting the use of Indian-made roofing tiles for military buildings?

(e) Are Government aware that there is widespread discontent amongst manufacturers of pottery wares in India consequent upon the military stations not using Indian roofing tiles for their buildings?

(f) Are Government prepared to institute an inquiry to know as to which military stations are using foreign asbestos sheeting instead of Indian-made tiles for roofing their buildings, and in what quantity and of what value these articles were used, or for which indents have already been placed by them since January 1928 up to date? Will Government be further pleased to lay the result of the enquiry on the table of the Legislative Assembly?

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

(b) Does not arise, but in any case the information could be obtained from trade journals, catalogues and other such publications.

(c) Government do not propose to make such an enquiry. At places like Jubbulpore, where tiles are manufactured, they are probably cheaper per square foot than asbestos sheeting; but tiles require heavier roof timbers and their upkeep is more costly. They are more liable to damage in storms, and are not as waterproof as asbestos sheeting.

(d) Does not arise.

(e) and (f). The answer is in the negative.

**ELECTION OF A PANEL FOR THE STANDING ADVISORY COMMITTEE FOR THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS TO ADVISE ON SUBJECTS OTHER THAN INDIAN OVERSEAS AND EMIGRATION.**

**Mr. G. S. Bajpai** (Secretary, Department of Education, Health and Lands): Sir, I beg to move:

"That this Assembly do proceed to elect, in the manner prescribed in the rules published in the Home Department Notification, No. F. 49, dated the 22nd August, 1922, as amended by the Home Department Notification No. D-794-C, dated the 30th January, 1924, a panel consisting of 9 members from which the members of the Standing Advisory Committee to advise on subjects, other than Indian Overseas and Emigration, dealt with in the Department of Education, Health and Lands, will be nominated."

The *raison d'être* of the motion is that the term of office of the existing Committee is due to expire at the end of the present financial year and we want another Committee.

The motion was adopted.

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**ELECTION OF THE STANDING FINANCE COMMITTEE.**

**The Honourable Sir George Schuster** (Finance Member): I beg to move:

"That this Assembly do proceed to the election, for the financial year 1929-30, in such method as may be approved by the Honourable the President, of a Standing Finance Committee of the Assembly not exceeding fourteen in number to which shall be added a member of the Assembly to be nominated by the Governor General. The member so nominated shall be the Chairman of the Committee."

The motion was adopted.

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**THE INDIAN LIMITATION (AMENDMENT) BILL.**

**The Honourable Mr. J. C. C. C.** (Home Member): Sir, I move:

"That the Bill further to amend the Indian Limitation Act, 1908, as passed by the Council of State, be taken into consideration."

As the matters arising out of this motion are of a somewhat technical character, I propose to leave a more detailed explanation of them in the expert hands of my Honourable colleague, the Law Member.

**The Honourable Sir Brojendra Mitter** (Law Member): Sir, this Bill was introduced in the Council of State in pursuance of certain recommendations of the Civil Justice Committee over which the present Chief Justice of Bengal presided. The recommendations were made in order to minimise delays in litigation, and also in order to clear up certain doubts which had arisen as a result of conflict of decisions in different Courts.

[Sir Brojendra Mitter.]

There are two parts in this Bill. The first part deals with section 10 of the Indian Limitation Act. Sir, as Honourable Members, certainly the lawyer Members, of the Assembly are aware, section 10 deals with suits against trustees of express trusts, and the policy of the Limitation Act is that there should be no period of limitation for such suits. So far, therefore, as the grievances of beneficiaries against express trustees are concerned, suits can be brought at any time. A question arose whether such suits could be brought against *shebaitis* or managers of religious endowments, or *mutwallis*. There was considerable doubt in this matter till it was finally decided by the Privy Council that managers of religious endowments, whether Hindu or Muhammadan, did not come within the category of express trustees, that they were merely managers, and therefore section 10 had no application. As Honourable Members are aware, these religious endowments, both Hindu and Moslem, are very much mismanaged all over the country and special legislation for their protection has been passed in some provinces. It is unfortunate that, if the manager of a religious endowment makes an unauthorised or illegal alienation, suits against him should be barred, in the case of immoveable property after 12 years, or in the case of moveable property, after three years. The first object of this Bill is to bring the managers of religious and charitable endowments within the category of express trustees. That is the first part, and that was necessitated by the decision of the Privy Council that they are not express trustees.

The second part of the Bill also deals with religious and charitable endowments and unauthorised or illegal alienations of properties appertaining to such endowments. There has been a great deal of difference of opinion in the different High Courts with regard to the interpretation of Articles 133 and 134. I will just indicate the nature of the difference. The starting point of limitation under both these Articles is the date of the purchase. Article 133 says that to recover moveable property conveyed or bequeathed in trust from the trustee, the period of limitation is 12 years from the date of the purchase. Article 134 says that to recover possession of immoveable property conveyed or bequeathed in trust by the trustee for a valuable consideration, the period of limitation is 12 years and the starting point of limitation is the date of the transfer. Some High Courts hold that the date of the transfer means the date of the transfer—there is no doubt about that. Other High Courts have held, no, the date of the transfer means the date when possession is given under the transaction, under the transfer. The second part of the Bill is intended to lay at rest this conflict of decisions, whether time should begin to run from the date which the document bears or from the date when possession is given or any other date. While this matter was being considered, it was discovered that no provision had been made in the Limitation Act, as it stands, with regard to religious endowments. What I mean is this, that if a manager of a religious endowment, illegally or without authority, transfers property appertaining to that endowment, what should be the period of limitation? There is no specific provision in the Limitation Act with regard to such cases. Therefore, the Bill, in the second part, deals with unauthorised transfers of endowed property by the manager. In that connection, a question arose as to who is to seek remedy with regard to such unauthorised transfers. The Bill has provided

for two sets of circumstances, one set being, when the persons interested in the religious endowments seek redress in a Court of Law. The second set of circumstances is when the succeeding manager seeks the redress in a Court of Law. Now, persons interested are those who would be beneficiaries if it were a private or non-charitable trust. In the case of a religious trust, it has been said that the beneficiary really is the deity and the person who manages the endowment is not a trustee but is merely a manager. Having regard to all these considerations, the Bill provides that in the case of persons interested, if they want to bring suits for the recovery of property alienated without authority or illegally, limitation should run from the date of their knowledge, because Honourable Members will realise that a fraudulent manager, in collusion with a transferee, may transfer endowed property without anybody coming to know of it. An obvious example arises, for instance, when endowed property is let out on lease, and if the manager executes an out and out conveyance in favour of the lessee, there is no apparent circumstance from which any person interested would come to know that an unauthorised alienation has been made. In order to meet such cases, the Bill provides that when a person interested is the plaintiff, limitation should begin to run from the date of his knowledge; and in the case of a succeeding manager the Bill provides that limitation should begin to run from the removal either by death or resignation or otherwise of the defaulting trustee. Twelve years limitation has been provided for such cases, that is to say, the manager gets 12 years time within which to make inquiries, to find out what the properties belonging to the endowments are and to bring suits, if necessary, for recovering possession of property alienated without authority. These are, Sir, the main provisions of the Bill. The first part deals with section 10. Managers are to be deemed trustees within the meaning of section 10, that is to say, there should be no period of limitation. If a suit has to be brought against a manager who, without authority or illegally, transfers endowed property, there is to be no period of limitation. In so far as the transferee is concerned, the period of limitation provided is 12 years in the case of persons interested—12 years from the date of the knowledge of the transaction—and in the case of the succeeding manager, 12 years from the date of his coming into office. These, Sir, are the provisions of the Bill. Now, this Bill had a somewhat chequered career in the Council of State. It was introduced and was referred to a Select Committee. The Select Committee made a report which materially altered the nature of the Bill. So the Bill was circulated for opinion, and after opinion was collected, it was referred to a Select Committee for the second time. This second Select Committee made a report and the Bill was passed by the Council of State without any amendment and that is the Bill which is now before the Assembly.

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

"That the Bill further to amend the Indian Limitation Act, 1908, as passed by the Council of State, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): Sir, I beg to move the amendment that stands in my name.

**Mr. President:** What amendment?

**Mr. Lalchand Navalrai:** My amendment is that:

"In clause 3 (d) in the entry in column 3 against the proposed article 134B, after the word 'transferor' the words 'or when the transfer becomes known to the manager' be added."

The second part is that:

"In clause 3 (d) in the entry in column 3 against the proposed article 134C, after the word 'seller' the words 'or when the sale becomes known to the manager' be added."

Now, Sir, my amendment aims. . . .

**Mr. President:** Is it one amendment?

**Mr. Lalchand Navalrai:** There are two amendments. Both amendments are similar and both aim at providing for a case where the manager of a religious or charitable endowment has sold away property and the succeeding manager has not come to know of those properties. In such a case no provision is made from what time the limitation will begin to run. Now, Sir, the object of this Bill is that the trust property should not be wasted, but it should be safeguarded and protected. To achieve that end the endowments pertaining to charitable and religious institutions are sought by this Bill to be included in the scope of section 10 of the Limitation Act. It will also be found that in article 134 of the Limitation Act the starting point of limitation is from the date of the transfer, but the present Bill makes the time to run from the date the transfer becomes known to the plaintiff. Similarly, a manager having no knowledge of the transfer should be allowed to sue within twelve years, from the time the transfer becomes known to him. I have therefore added the words "when the transfer becomes known to the manager" in article 134B of the Bill. Now, take article 134A of the Bill, *vis.*:

"To set aside a transfer of immoveable property comprised in a Hindu, Muhamadan or Buddhist religious or charitable endowment made by a manager thereof for a valuable consideration."

This article also provides the period of 12 years to begin from the date the transfer becomes known to the plaintiff. It will thus be an anomaly if a third person who is interested in a charitable institution is allowed, under article 134A, time from the date when the transfer comes to his knowledge, but the manager who succeeds another manager is refused, under article 134B, the same privilege. Sir, it might be urged that the new succeeding manager will, within 12 years, come to know of what properties have been disposed of by his predecessor, but I submit that there will be cases where many of the managers would not come to know of the properties sold. In such cases the property will have gone away from the endowment. Under these circumstances I request that the case should be provided for in which the manager could also sue within 12 years from the time when the transfer becomes known to him. I will illustrate my view point. A manager succeeds another. The succeeding manager, when he takes hold of the endowment, finds that there are no inventories, no accounts and no registers to show which property of the endowment has been sold off. He, however, comes to know 12 years after his assumption of office, that there were certain properties of a very valuable character which had been wrongfully disposed of by the former manager.

He then tries to come into Court but finds himself out of time under the proposed article 134B.

If the object of this Bill is to protect and safeguard the religious and charitable properties, I submit there ought to be time given to the manager to sue when he comes to know of the transfer. It may be no fault of his at all, the property sold may be at a distance, and he may not come to know of it for a long time. When he does come to know and comes into Court, why should he be barred by limitation in taking action? I submit, therefore, that my amendment will be consistent with the very principle of the Bill itself. Why should there be a difference between the manager and other persons interested in the transfer. Some managers may come to know of such transfer of properties, but there will be instances when others may not come to know of them. Under these circumstances I submit that this amendment is a reasonable one and I hope that the House will accept it.

**Mr. President:** I take it that the Honourable Member has moved his first amendment?

**Mr. Lalchand Navalrai:** With regard to the second amendment. . . . .

**Mr. President:** The Honourable Member will have an opportunity of moving his second amendment later.

**The Honourable Sir Brojendra Mitter:** Sir, I am afraid this amendment is not acceptable to Government. As I explained a few minutes ago, the period of limitation has been dealt with under this Bill under two different categories, that is to say, so far as the Manager is concerned he gets 12 years from the moment he assumes charge. Twelve years is long enough time for any Manager to know the assets of that endowment. At any rate his business is to know that. All the papers and documents are available to him. From the papers if he finds any property has been alienated, he gets enough time to seek redress in a Court of Law. But it is not so in the case of a person interested, to whom the papers and documents belonging to the endowment are not available. Therefore in such a case limitation begins to run from the moment of his knowledge, but for a Manager to have a further period from the date of his knowledge would throw the door wide open to perjured evidence. When a Manager comes into office, he has got twelve years to find out what the properties are that belong to the endowment. If during the twelve years he is not in a position to find out, he has no business to be a Manager, as that is long enough time. But if you accept the amendment, and give him a further period of twelve years from the date of his knowledge, then he may sit quietly for thirty years without discharging his duties, and then go to Court and say I came to know it only recently. In that case there would be no security of title to the transferee for an indefinite period, which would be an unfortunate state of things. The alienation may be good or bad. The Manager may have alienated for the benefit of the endowment or from necessity. Mr. Jayakar may perhaps demur to the expression "benefit". I will then say for legal necessity. Alienation may be made for necessity, or it may be made without legal necessity. In the first case, where alienation is made for legal necessity, the transferee ought to have a good title, and he ought to know, after a reasonable lapse of time, that his title is lawful, and is not liable to the risk



[Sir Brojendra Mitter.]

of attack. He should be given twelve years for that, so far as the Manager is concerned, but so far as the person interested is concerned, he not having any means of knowing what has been going on in the course of the management, greater latitude must be given. It is unfortunate, but must be provided for. The Manager has been given less latitude, but I think that sufficiently long time has been given to the Manager who has access to all the materials to find out how the properties of the endowment stand. Therefore I submit, Sir, that the provision of the Bill is quite reasonable. Distinction has been drawn between a suit by a Manager and a suit by a party interested, other than a Manager. In the case of the Manager, he gets twelve years, in the case of the person interested who is not a Manager, he gets twelve years from the date of his knowledge. For these reasons I oppose this amendment.

**Mr. M. B. Jayakar** (Bombay City: Non-Muhammadan Urban): Sir, I congratulate the Honourable the Law Member on the very clear and lucid interpretation he has given of the law, and I hope that, whenever he is pleased to come to this House, his contributions to the debates will be equally lucid, clear and liberal.

I oppose the amendment on the grounds stated by the Honourable the Law Member, with which I entirely agree. The object of the Limitation Act is to give reasonable protection and not to encourage dilatoriness. I therefore submit, on the grounds stated by the Honourable the Law Member, that twelve years running from the time when the new Manager comes into office, are quite enough protection. I agree that we need not do anything to give increased time.

The other two articles to which reference has been made stand entirely on a different footing. They affect a stranger who might require more time to find out the facts.

Articles 184E and 184C, however, refer to the Manager himself, and I think, that twelve years, commencing from the time when the new man comes into office, are quite sufficient for the purpose.

**Mr. Lalchand Navalrai:** After hearing the Honourable the Law Member . . . . .

**Mr. President:** I understand what the Honourable Member wants. Is it the pleasure of the House to allow Mr. Lalchand Navalrai to withdraw his amendment?

The motion was, by leave of the Assembly, withdrawn.

**Mr. President:** The Honourable Member does not move his second amendment?

(Mr. Lalchand Navalrai signified that he did not.)

Clauses 8 and 1 were added to the Bill. The Title and Preamble were added to the Bill.

**The Honourable Mr. J. Orerar** (Home Member): I move:

"That the Bill, as passed by the Council of State, be passed."

• The motion was adopted.

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

**The Honourable Sir Bhupendra Nath Mitra** (Member for Industries and Labour): I beg to move:

"That the Bill further to amend the Indian Patents and Designs Act, 1911, for certain purposes, be referred to a Select Committee consisting of Sir Purshotamdas Thakurdas, Mr. W. Alexander, Mr. Anwar-ul-Azim, Mr. Lalchand Navarai, Kumar Ganganand Sinha, Mr. S. Lall, Mr. L. Graham, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

Sir, I need say only a very few words in connection with this motion as the Bill is of a technical character and contains nothing which in my opinion we can profitably discuss at this stage on the floor of the House. As the Honourable Mr. McWatters explained to the House last September when he moved for its circulation, the Bill represents a complete revision of the Indian Patents Law, based to a large extent upon the revision of the English law undertaken in 1917, though we have not blindly followed the provisions of the English law in all cases and the recommendations of the British Empire Patents Conference of 1922. We have also included in the Bill certain amendments which were suggested by the experience gained from the working of the present Indian Patents and Designs Act during the last seventeen years. The main principles of the Bill have, I am glad to say, been generally accepted by the Local Governments and other bodies who have expressed any opinion on the Bill. It is not necessary for me to attempt to indicate or discuss at this stage the detailed criticisms which have been made on the Bill. This will be examined fully and with due care by the Select Committee which will re-examine the Bill in the light of the opinions received.

Sir, I move.

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

"That the Bill further to amend the Indian Patents and Designs Act, 1911, for certain purposes, be referred to a Select Committee consisting of Sir Purshotamdas Thakurdas, Mr. W. Alexander, Mr. Anwar-ul-Azim, Mr. Lalchand Navarai, Kumar Ganganand Sinha, Mr. S. Lall, Mr. L. Graham, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

The motion was adopted.

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## THE TRADE DISPUTES BILL.

**The Honourable Sir Bhupendra Nath Mitra** (Member for Industries and Labour): Sir, I beg to move:

"That the Bill to make provision for the investigation and settlement of trade disputes, and for certain other purposes be referred to a select committee consisting of Sir Darcy Lindsay, Sir Purshotamdas Thakurdas, Sir Victor Sassoon, Mr. Ghanahyram Das Birla, Mr. Muhammad Ismail Khan, Mr. Anwar-ul-Azim, Pandit Hirdaynath Kunzru, Mr. N. M. Joshi, Diwan Chamau Lall, Mr. Jamnadas M. Melita, Mr. S. C. Mitra, Mr. V. V. Jogiah, Mr. M. S. Seshu Ayyangar, Mr. K. C. Roy, Mr. M. K. Acharya, Rai Bahadur Tarit Bhushan Roy, Mr. Fazal Ibrahim Rehimtulla, Mian Mohammad Shah Nawaz, Mr. S. Lall, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

[Sir Bhupendra Nath Mitra.]

Here, too, I propose to be as brief as possible and not open prematurely the floodgates of eloquence in this House, for I feel that a full discussion of the provisions of the Bill must await the deliberations of the Select Committee which I have tried to make as representative in character as possible. I do not overlook the fact that the Bill which was circulated in accordance with the motion adopted in this House in September last has been the subject of keen controversy and discussion throughout the country. Nevertheless I am glad to find that the opinions received do not attempt seriously to controvert the fundamental proposition underlying the whole Bill, namely, that disputes between employers and workmen do not concern employers and workmen only, but that they concern the community as a whole and involve an obligation on the Government. Indeed the experience of the past year is sufficient to bring home to every one of us the gravity of the situation arising out of industrial disputes in India and in this connection I draw attention to the speech delivered by His Excellency the Viceroy in Calcutta before the Federation of Indian Chambers of Commerce. When I say that the recent Bombay mill strike involved the loss of over 21 million working days and nearly 3½ crores of rupees in wages alone, it requires no argument on my part to prove that the waste occasioned by industrial disputes in India is now assuming alarming proportions. The Honourable Mr. McWatters, in moving for circulation, rightly pointed out that the Bill was not going to put an end to industrial troubles. No legislation can do that. But the experience of other countries has shown that measures of the kind now proposed have made a significant contribution to the movement for industrial peace and it has been the object of Government, in framing this Bill, to make use of the experience of other countries to set up a suitable machinery for the investigation and the settlement of trade disputes. In the first part of the Bill it is proposed to set up two types of machinery, namely, Boards of Conciliation and Courts of Enquiry. The former is intended to secure compulsory conciliation and the latter, compulsory investigation; but the object of both is to mobilise public opinion in order to prevent and shorten industrial disputes. We have avoided any suggestion of compulsory arbitration, and Honourable Members will observe from the provisions of the Bill that the findings of the Boards of Conciliation and Courts of Enquiry are not binding on the parties. So far therefore I may legitimately claim that the Bill is essentially a democratic measure, as its successful working depends not on the power of the Government but on the force of public opinion of the community as a whole. If however the workman must rely on the good-will of the community for the amelioration of his conditions, it follows that he must regulate the methods by which he tries to secure such redress, so as not to impose an inconvenience to the community of a serious character, and he must not adopt methods which must inevitably lead to violent and revolutionary outbreaks which most of us here deplore and condemn. The proposition has been elaborated in a recent speech of Mr. Tairsee, President of the Indian Merchants' Chamber, Bombay, at the annual meeting of the Chamber held on 26th January last, and as I understand that copies of this speech have been circulated to Members of this House, I do not propose to take up its time by reading quotations from it. Moreover the truth of the proposition is so obvious that it requires no great elaboration, and it is this proposition which forms the link between the first part of the Bill now before the House and

its second and third parts. Indeed the fundamental object of these two parts is to restrain the workman from taking any hasty action which may alienate from him the sympathies of a substantial part of the community and may thus impede the achievement of his goal in the matter of improvement of his conditions of living and work. It would be an affectation on my part to ignore the fact that our proposals in the second part of the Bill, which deals with public utility services, have been subjected to severe criticism from workers' organizations in the country. It has been stated in some quarters that we are here interfering with the right to strike of certain classes of workers, many of whom may be the employees of Government. I take this opportunity of asserting with all the emphasis at my command, that it is not in the least the intention of Government to take advantage of the provisions of this Bill to strengthen its hands against its own employees or any employees at all. The principle underlying this part of the Bill is a simple one; *vis.*, that the public utility services are in a category by themselves, because any dislocation of them instantaneously inflicts great inconvenience and hardship upon the whole community. The workers in these industries are in a particularly strong strategic position by reason of the essential services which they perform, and there is therefore no injustice in curtailing, to a limited extent, their right to strike. This principle has been recognised in the legislation of many countries. In India also, it is found in the Post Office Act and in every single Municipal Act. I can therefore assure the House that the basic principle of this part of the Bill, *vis.*, that persons whose work is vital to the welfare of the community, should not be entitled to enter into a strike before some time has been given to permit of an examination of the merits of their grievances and to explore the possibilities of arriving at a possible settlement, is by no means an innovation on the part of the Government of India.

The provisions of the third part of the Bill, which relates to illegal strikes and lock-outs, have also been subjected to severe criticism; but I may say that most of the criticisms are due to a misapprehension as to the scope of our proposals. It has been stated that Government are attempting to make sympathetic strikes illegal, to prevent outsiders from taking a part in the trade union movement of the country, and to encourage black legs. I maintain that the Bill does nothing of the sort. The strikes and lock-outs which are declared illegal must satisfy both of two conditions. First of all, the strike must be one which is not purely industrial; secondly, it must be one intended or calculated to coerce the Government or to intimidate the community or a substantial part thereof, instead of being directed against individual employers. A sympathetic strike does not, therefore, come within the scope of the Bill so long as the strike is directed against the employer and not directed against the Government or the community.

I may be asked why Government have thought it necessary to incorporate the provisions of the legislation enacted in Great Britain to meet a particular contingency, *vis.*, a general strike, when such a contingency has not arisen in India. I would, in reply, say that there is sufficient evidence to show that the extremist wing of the Labour Party in India is already preparing the ground for a general strike. (Hear, hear.) Such a strike had very serious consequences in England, and it is doubtful whether the struggling industries of India would be in a position to survive the shock of such a great upheaval in the labour world of this country. I have no doubt that all those who have the interests of the country at heart will

[Sir Bhupendra Nath Mitra.]

join in condemning a general strike in the same way as it has been condemned in England. It is no use waiting till it actually occurs in India, because then it would be too late to protect ourselves from the disaster which must inevitably follow.

Whatever may be the difference of opinion on the provisions of this Bill, that a Bill of this kind is most essential will, I am sure, be recognised by every Member of this House. I do not maintain that the proposals of Government are incapable of improvement, but I submit they deserve to be considered very carefully and dispassionately by this House.

Sir, I move.

**Mr. R. K. Shanmukham Chetty** (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, in supporting the motion of my Honourable friend, I have to do so with considerable caution and with a good deal of reservation. In the first place, I have got a complaint to make. This Bill was ordered to be circulated for the purpose of eliciting public opinion thereon in the last Simla Session of this House, and a few opinions have been placed in our hands by the department in charge of the Honourable Member, or perhaps by the department of the Legislative Assembly. And when I went through those records to find out what exactly has been the nature of the public opinion expressed, I was greatly enlightened by the opinions expressed by the North-West Frontier Province, Coorg, Ajmere-Merwara, and Baluchistan; but when I wanted to find out what industrial centres like Bombay and Calcutta had to say on this Bill, I found, Sir, to my utter disappointment, that there was nothing contained in these opinions, from these two industrial centres. I do not know whether the opinions from Bombay and Calcutta have not yet been received by the office of the Legislative Assembly. In any case, the fact that this House has not had the advantage of knowing what is the opinion expressed by these two industrial centres, must be a serious handicap in the discussion at this stage of the Bill. I hope that the Select Committee will have the benefit of these opinions before the actual work of the Committee begins on this Bill.

Sir, I started by saying that in supporting the motion of my Honourable friend, I have to do so with considerable caution; and my reason for so stating my position is this: that in the single Bill that is now before the House, my Honourable friend has thought fit to include matters on which there may be general agreement of opinion on all sides and matters on which there is likely to be considerable controversy in the country. I do not see what necessity there was for my Honourable friend to include Parts II and III in the Bill that has now been presented. So far as I have been able to look into the legislation passed in the United Kingdom on these subjects, the subject-matter treated in Part I of this Bill is treated in the British Industrial Courts Act, and the subject-matter of Part III in the British Trade Disputes and Trade Union Act of 1927. It is the mixing up of these various matters in this one Bill that makes our position rather difficult.

Sir, at this stage, we are entitled to say what exactly is the principle of the Bill to which we subscribe. My Honourable friend, in his opening speech, attempted to give an indication as to what he considered to be the principle of the Bill and he stated it somewhat in these words, that trade

disputes are not merely the concern of employers and workmen but are the concern of the State and the community at large, for which the State ought to make provision. But in applying that principle, unobjectionable in itself, to the special provisions of the Bill before us, I am afraid I cannot agree with my Honourable friend that Parts 2 and 3 of this Bill are a necessary corollary to the principle to which we on this side of the House will subscribe. My position and the position of those who sit on this side of the House with regard to this is that so far as the principle embodied in sections 1 to 14 of this Bill are concerned, we accord our general support, subject to modifications—it may be considerable modifications—that will have to be made in the detailed provisions of these clauses. We accept the general principle that the State ought to set up a machinery for bringing about arbitration or conciliation in matters of industrial disputes and also set up Courts of Inquiry in certain cases. But we are not prepared to say at this stage that we will agree to the provisions contained in clause 15 and in part 3 of the Bill. Even in part 1 of the Bill, as I said, considerable modifications will have to be made in Select Committee. In the Statement of Objects and Reasons it is stated that this part of the Bill is based generally on the British Industrial Courts Act of 1919; but I would like to draw the attention of this House to the fact that Government have made considerable modifications in the provisions contained in the corresponding British Act. Boards of Conciliation and Courts of Inquiry are sought to be set up in certain cases. In the corresponding British Act I find that a necessary preliminary to the setting up of a Board of Conciliation is that the dispute must, in the first instance, be reported to the Minister by either of the parties to the dispute; but I find that by the provisions of the Bill that is now before us, even without such a report by either of the parties to the dispute, Government is given the liberty and the option of setting up a Board of Conciliation. Another very important safeguard which I find in the corresponding British Act is that both the parties must consent to the arbitration, and I find no such corresponding provision in the Bill. Sir, it will be for the Select Committee to consider carefully whether it would be necessary that we should incorporate in this Bill these two provisions which are contained in the corresponding British Act.

**Mr. President:** Order, order. The Honourable Member must know by this time that if he accepts the motion for Select Committee, he accepts the main principles underlying all the parts of this Bill.

**Mr. E. K. Shanmukham Oshetty:** Yes, Sir, but I am at liberty to interpret what I consider to be the principle underlying the Bill.

**Mr. President:** It is for the Chair to say what the principle of the Bill is.

**Mr. E. K. Shanmukham Oshetty:** What I meant to suggest was this. My Honourable friend took it upon himself to state in very broad words what he considered to be the principle of this Bill. I do not accept his interpretation, the interpretation that he has placed on it. Of course when the matter comes to the Select Committee, it will be for the person who presides over the Select Committee to decide what exactly is the principle of the Bill and then to decide whether any amendment proposed in Select Committee is consistent with the principle that has been accepted. That, so far as I have understood, is the procedure.

Another very important safeguard which I find in the corresponding British Act is that, where arrangements already exist in any particular

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trade or industry for the settlement of disputes in that particular trade or industry, that source of conciliation and arbitration must be exhausted before reference to this special Board of Arbitration. It will be a point for the Select Committee to consider whether this also ought to be incorporated in this Bill.

Sir, subject to these remarks I said I accept the general principle embodied in clauses 1 to 14; but I maintain that, for the purpose of giving effect to the principle, underlying this Bill, it is not necessary for us to incorporate section 15 and the sections relating to strikes and lock-outs.

**Mr. President:** Order, order. Does the Honourable Member accept the principles contained in parts II and III of the Bill?

**Mr. R. K. Shanmukham Chetty:** I accept the principles contained in this Bill in the light in which I have tried to understand them.

**Mr. President:** I should like to know from the Honourable Member whether he accepts the principles contained in parts II and III of the Bill.

**Mr. R. K. Shanmukham Chetty:** I maintain, Sir, that for the carrying out of the principle of the Bill, it is not necessary to have parts II and III.

**Mr. President:** The Honourable Member is evading the question. I should like to know whether the Honourable Member accepts the principles contained in parts II and III of the Bill?

**Mr. R. K. Shanmukham Chetty:** Sir, it is difficult to say whether a particular section is necessary or not for giving effect to the principles of a Bill. It may be that we accept the general principles embodied in this Bill, but are of opinion that particular sections are not necessary or are going beyond the principles embodied in that Bill.

**Mr. President:** I understood the Honourable Member to say just a few moments ago that he accepted the principle contained in part I of the Bill, but he did not accept the principles contained in parts II and III of the Bill. That was the statement he made sometime ago. Therefore I would like to know specifically from him whether he accepts the principles contained in parts II and III.

**Mr. R. K. Shanmukham Chetty:** What I meant to say—probably I said it in rather clumsy words—was that part I of the Bill carries out the main principle of this Bill as I understand it, but that in carrying out the main principle, it is not necessary to have parts II and III of the Bill,—that parts II and III in my opinion seek to embody a principle altogether different from the main principle of the Bill and Government ought to bring in a separate measure.

**Mr. Jamnadas M. Mehta** (Bombay City: Non-Muhammadian): If I may say so, Sir, there is no such thing as part I and parts II and III of the Bill. It is only a practical and convenient way of describing the Bill. The whole Bill is one and we are at liberty to support the whole Bill.

**Mr. President:** The Honourable Members are opposed to parts II and III, and yet they want to send the whole Bill to Select Committee. Is that the position?

**Mr. Jamnadas M. Mehta:** There are no parts II and III. There is nothing in the Bill to show there are any parts.

**Mr. R. K. Shanmukham Ohetty:** Sir, as my friend Mr. Jamnadas Mehta has pointed out, there is no such thing as part I or parts II and III in the Bill. My Honourable friend in his opening speech used these expressions for the purpose of convenience. I followed what my Honourable friend had done and I criticised the Bill in the light of what my Honourable friend said. If you look at the Bill, Sir, there is no such thing as part I or part II or part III of the Bill.

**Mr. President:** Those were the words of the Honourable Member himself.

**Mr. R. K. Shanmukham Ohetty:** We used it for the purpose of convenience since my Honourable friend himself started by saying parts I, II and III of the Bill.

**Mr. President:** I should like to know from the Government what they consider to be the principles of this Bill.

**The Honourable Sir Bhupendra Nath Mitra:** I have already explained, Sir, in my opening speech that the fundamental principle which runs through the whole Bill is the introduction of certain arrangements for securing the settlement or avoidance of trade disputes. (*Some Honourable Members:* "Quite right".) But I also explained how the provisions with regard to public utility services and illegal strikes fit in with those arrangements. That, Sir, is the precise position. So far as Government is concerned, they hold that all the provisions of the Bill will be required if we are to achieve the object which the Bill is intended to secure.

**Mr. President:** That is quite clear.

**The Honourable Sir Bhupendra Nath Mitra:** At the same time I am quite willing that the whole thing should be discussed in Select Committee and I have no doubt that I shall be able to persuade my friends opposite that all the provisions are required for that purpose.

**Mr. President:** That means that the Government attaches particular importance to the methods proposed by them for achieving the object of the Bill.

**The Honourable Sir Bhupendra Nath Mitra:** That is perfectly correct, Sir. As I have said they do not form part of the complete picture, but I am quite willing to have the provisions discussed in the Select Committee.

**Mr. President:** Are Government prepared to have alternative methods adopted by the Select Committee?

**The Honourable Sir Bhupendra Nath Mitra:** Government, Sir, will not object to alternative methods being proposed in Select Committee, and the Select Committee can express their views throughout; but without knowing anything of what those views would be, it is obvious that it is not possible to commit Government with regard to those alternatives in any way.

**Mr. President:** I take it that even if the methods proposed by Government are not adopted by the majority of the Select Committee, the Government would bring this Bill up for consideration before the House?



**The Honourable Sir Bhupendra Nath Mitra:** What will happen, Sir, will depend upon the report of the Select Committee.

**Mr. President:** I have got to consider what is really the fundamental principle of the Bill and therefore it is necessary that I should know these things.

**The Honourable Sir Bhupendra Nath Mitra:** I have tried my best, Sir, to make clear what Government consider to be the principle of the Bill; and I have already stated that, if in Select Committee other alternative proposals are devised and accepted by the majority of the Select Committee, they will become the proposals of the Select Committee, and in that form they will come before the House. But they will not necessarily commit the Government to the acceptance of those proposals.

**Mr. President:** The Honourable Member is not quite clear whether the Government will proceed with this Bill if their proposals, contained in parts II and III of the Bill, are not accepted by the Select Committee.

**The Honourable Sir Bhupendra Nath Mitra:** I cannot possibly commit Government in regard to that matter.

**Mr. President:** Do Government consider that to be the principle of the Bill?

**Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): I have nothing more to say, Sir. I think the point has been cleared and we should proceed with the discussion of the Bill.

**Pandit Motilal Nehru** (Cities of the United Provinces: Non-Muhammadan Urban): Sir, I beg to submit that it is perfectly immaterial as to what the Government consider or do not consider to be the principle of the Bill. As you were pleased to remark at the very outset, when this question was raised, it is for the Chair to give a ruling upon the point as to what is the principle of the Bill. It has been pointed out by my Honourable friend, Mr. Chetty, what the usual practice in the Select Committee is: he says it is for the Chairman of the Select Committee, when any point is raised before the Committee, to say whether it fits in with the principle of the Bill or not. If in his opinion it does not, he allows discussion; if it does, he stops discussion. I take it that that is the accepted practice of Select Committees, because I have not had the good fortune of serving on many of them and have no personal knowledge. So far as the question of principle is concerned, it can hardly be said that any clause or section of the Bill is devoid of principle: everything must be based upon some principle, and each section, while it is based upon some principle of its own, is governed by the general principle which pervades the whole Act. The question for you, Sir, to decide is what is that general principle, in the carrying out of which the various subordinate principles have been invoked in the various sections. If that general principle is intact and is, as has been put by my Honourable friend, Sir Bhupendra Nath Mitra, then we are quite content to accept it and to go to Select Committee and there make our suggestions as to what the various means are to be in order to carry out that principle of the whole of the Bill. But, I submit, it is a very very large order to say that every method suggested is also a question of principle, and that the principle involved in every section is the general principle of the Bill. I do not understand my friend to mean that; he has quite clearly stated that, whatever proposals are to be made by the Select

Committee, they will come before this House for consideration. Now, it is for the Government to accept them or not to accept them—in fact there will be suggestions, I suppose, from both sides, and it is not compulsory upon either side, simply because the suggestion has been adopted by the majority of the Select Committee, to accept it. In the open House I take it that either party is at liberty to say “We do not accept this or that proposal of the Select Committee” and to take the verdict of the whole House upon it. So I submit, Sir, there seems to be really no difficulty about the matter. We are agreed that the real principle, if I may again repeat it with the permission of the Chair, is the settlement of trade disputes . . .

**Sir Victor Sassoon** (Bombay Millowners' Association: Indian Commerce): And certain other proposals.

**Pandit Motilal Nehru**: And as ancillary to that, there are all these other provisions which of course are based upon principles also.

**Mr. President**: My only difficulty is this: supposing this House decides to refer this Bill to the Select Committee and accepts its principle, which the Honourable Member has just described; supposing also that the Select Committee deletes altogether parts II and III of the Bill and Government refuse to make any further motion in this House on the Bill, as reported by the Select Committee, holding that the provisions of parts II and III were vital to the Bill, what would be the position? Government should not ask the House to refer this Bill to the Select Committee by saying that parts II and III are not fundamental, and then refuse to proceed further with the Bill when they find that the Select Committee has rejected parts II and III. I therefore want to know exactly what Government's position is.

**\*Mr. M. A. Jinnah** (Bombay City: Muhammadan Urban): Sir, may I submit most respectfully that it is not either for the Government or for this side of the House to say individually or collectively as to what the principle of the Bill or principles are. The principle or principles are embodied in the Bill itself which is now before the House. I for one would decline to take any statement from any Honourable Member, including the Honourable Member in charge of this Bill, stating on the floor of this House—it may be *ex cathedra*—that this is the principle of the Bill. I have got the Bill before me and I can perhaps find out what is the principle or principles of the Bill. Now it is quite obvious that the first principle underlying this Bill is covered by clauses 1 to 14 and the principle underlying those clauses is the investigation and settlement of trade disputes. That is the first principle underlying this Bill. The second principle of the Bill is divided into two parts. The second part of the Bill, if you can call it a part, commences with clause 15; and that clause, as you will see, lays down the question which affects sudden strikes in utility services, and the law which will regulate, if this clause is passed, sudden strikes in utility services. Then, the third part of the Bill commences from clause 16 and it deals with strikes and lock-outs which are illegal. Therefore, you have got a very

clear-cut principle or principles underlying this Bill. Now, Sir, the moment we agree that this Bill be referred to a Select Committee, we agree to the principles underlying the Bill—(An Honourable Member: “All of them?”)—all of them certainly, and it may be that the Select Committee may go wrong and destroy some of the principles underlying this Bill. A majority of the members may go wrong,—it can certainly go mad (Laughter),—the majority may or may not approve

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of all the principles of this Bill. But personally, Sir, if I were to give my vote in favour of this Bill, I should be accepting all the principles underlying this Bill, and therefore it is quite clear that you may make alterations or changes in the Select Committee with regard to the details of the Bill, but certainly not with regard to the principles underlying the Bill. That seems to me, Sir, to be the very clear position, and therefore I really do not see what the confusion is.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

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

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**Mr. President:** I am sorry that Honourable Members on the Treasury Benches are absent.

(Honourable Members entered the Chamber immediately thereafter).

**Mr. President:** I should like to know exactly what the position of the Government in regard to this Bill is. The direct question that I should like the Government to answer is this, whether they consider the provisions contained in clauses 15 to 19 so vital to the Bill that, if the Select Committee deletes those clauses or makes material modifications in them, they will not make any further motion in regard to the Bill?

**The Honourable Sir Bhupendra Nath Mitra:** Sir, I submit that that is an awkward question to ask me, because it deals with a hypothetical matter. I hold that I shall be able to persuade the Select Committee to accept all the provisions more or less in the form in which they are in the Bill. But without in any way committing the Government to any principles of procedure raised on hypothetical issues, I am prepared to say this much, that, so far as this particular Bill goes, Government will, in all probability, proceed with the report of the Select Committee in this House, but they will reserve to themselves the fullest liberty of bringing before the House any amendments to the Bill, as reported on by the Select Committee, which Government may consider necessary, and that they will have absolutely free discretion in regard to the course of action about the third reading.

**Mr. R. K. Shanmukham Chetty:** In answer to a specific question that you addressed to the Honourable Member in charge of the Bill, before we adjourned for Lunch, as to what Government considered to be the principle underlying this Bill . . . . .

**Mr. President:** I think that chapter is closed now. Government have clearly made their statement that even if all the clauses Nos. 15 to 19 are omitted or materially modified, they will bring in a motion for taking the Bill as reported by the Select Committee into consideration.

**Mr. R. K. Shanmukham Chetty:** What I meant to say was that in answer to your question the Honourable Member in charge said that the underlying principle of this Bill is to provide for certain arrangements . . .

**The Honourable Sir Bhupendra Nath Mitra:** Fundamental principles.

**Mr. R. K. Shanmukham Chetty:** To make certain arrangements for settling trade disputes. Well, Sir, I, speaking for myself and for those who sit on this side of the House, can say that we subscribe to that principle of the Bill. But, as I was pointing out, the special provision, as it is called in the headline to clause 15—"Special provision regarding Public Utility Services"—is a provision which is not essential for settling trade disputes in any manner whatsoever, and we reserve to ourselves the fullest liberty either radically to alter the provisions contained in clause 15, or to omit it altogether, in the Select Committee if we were advised that that was the proper course to follow.

Sir, clause 15 is supposed to make special provision regarding Public Utility Services. Now, if the object of the Government is to make provision for the prevention of lightning strikes, then I might say that there can be no difference of opinion on that point. I am sure even those who represent trade union organisations do not approve of lightning strikes causing grave inconvenience to the public and to the community at large if they can avoid it. Apart from that, I maintain that clause 15, as it is drafted, does not refer merely to strikes contemplated but even to the ordinary withdrawal of service by a workman engaged in a Public Utility Service. I am sure it is not the intention of the Government to penalise a workman or a group of workmen who may withdraw their services for reasons absolutely unconnected with a strike. I am sure that that is not the intention of the Government, but unfortunately, as the clause is worded at present, it will cover the case of even an individual workman who withdraws from his work for reasons unconnected with a strike. I am sure that this point will be carefully examined by the Select Committee and suitable alterations made.

Sir, I do not want to say at this stage anything about the special provisions made in clauses 16 to 20 with regard to illegal strikes and lock-outs. As has been pointed out in the Statement of Objects and Reasons, these provisions are taken mainly from the British Trade Disputes and Trade Unions Act of 1927, and as my Honourable friend the Mover of the Bill himself pointed out, the British Act that was passed in 1927, was enacted as a result of the general strike in England in 1926. Whether it is advisable in the present stage of trade union development in this country to make such drastic provisions for illegal strikes and lock-outs is a matter on which there is considerable difference of opinion. Sir, Indians, whether they are employers or workmen, are genuinely interested in seeing that the trade union movement in this country develops along right lines. I am sure that my Honourable friends here, who represent Indian commerce and industry, will agree with me when I say that it is to the benefit of the employer to have trade unions properly organised and developed. The real danger to the community at large and to the employer in particular is not from organised trade unions, but from the disorganisation that exists in the trade union movement, and I might assure my Honourable friend that we, on this side of the House, will certainly co-operate with him in making suitable provision for the healthy development of trade unionism in India. At the same time, it would be our duty in the Select Committee to see that, by any fresh enactments that we make, we do not unduly hamper the growth of trade unionism in India, much less to curtail the legitimate privileges of workers.

With these safeguards and with these reservations I support the motion of my Honourable friend, Sir Bhupendra Nath Mitra.

**Mr. Arthur Moore** (Bengal: European): Sir, the other day we listened to a good deal of opposition to the Public Safety Bill on the ground, as I understand, that it was an unprincipled Bill. To-day it appears that the Government have brought in a Bill with too many principles, and we are told that it is suffering from a plethora of principles. But, although it is stated in paragraph 3 of the Statement of Objects and Reasons that, "the main part of the Bill falls into three parts",—I think the Honourable Sir Bhupendra Nath Mitra might reasonably say like, Athanasius, *contra mundum*, "yet there are not three principles but one principle," because we are told in paragraph 2 that the object of the Bill is "to enable the investigation and settlement of trade disputes." I think that sufficiently indicates that the prevention of trade disputes is also one of the objects, and therefore, not only the first fourteen clauses, but the subsequent clauses also, could be brought under the sheltering umbrella of a single principle, which is the promotion of industrial peace. Now, Sir, I am glad indeed to hear the speech of my friend Mr. Shanmukham Chetty, and to gather that the Government may look forward, subject no doubt to helpful criticism in regard to details, to a reasonable measure of support for this Bill. One of the arguments brought against the Government the other day in connection with the Public Safety Bill was that the proper way to deal with these troubles was by remedial measures; and an attempt was made to isolate the Public Safety Bill in a single compartment, and to suggest that the Government was doing nothing apart from bringing forward proposals for the deportation of two or three Englishmen. That would be a fair criticism if it corresponded to the facts. But I think we must be prepared to judge what is being done as a whole,—to link up these various proposals, and then consider whether we are entitled to support them or not. Here we have a further proposal, which I think can fairly be described as a remedial measure; and thirdly, as an interdependent part of the plan we have the pronouncement made by His Excellency the Viceroy at the opening of the Session, that it is proposed to have a Royal Commission on Labour with, as its Chairman, the ex-Speaker of the House of Commons, who is known for his definite part in promoting industrial peace. Therefore I say that here we have a programme that we can take up together.

And let us make no mistake about it. It is not enough, as was truly said, to deport people. We are faced with a danger and a difficulty entirely apart from the undoubted fact that there are people, chiefly foreigners, who are anxious to promote industrial unrest for reasons which are not economic. Their object is to produce revolution and strife, and not to promote the welfare of the workers. Rule out those people and consider them as a problem which has to be dealt with on certain lines—but let us not delude ourselves. When we have dealt with them, I hope successfully, there remains another problem. Undoubtedly we are in for a very long and dangerous and difficult period of adjustment. In this House we are all agreed that we wish to promote and develop Indian industries. We wish to see India a manufacturing country. Now, that in itself produces a difficult situation. One of our advantages in manufacture in this country is a lower rate of wages and a lower standard of living than that of the workmen in Europe. That is an advantage which in itself constitutes, for the infant industries of this country, a measure of protection. It is therefore something which we cannot afford

to throw away at the very outset, but we have got to remember that the rest of the world is against us on this point. We have got to remember that the European workman and the European capitalist alike are agreed in their desire to see the Indian workman get higher wages and have a higher standard of living. They regard the coming competition of the East as unfair competition. This is something entirely apart from Bolshevism, entirely apart from any desire to promote industrial unrest. The workmen of Europe and the employers of Europe are alike insisting that the standard of wages of the Indian workman must go up. Among Europeans in this country there is naturally a certain conflict of interest as between the importer who imports goods from Europe and sells them here, and the increasing number of Europeans who are promoting industries in India. Yet, although it has been the fashion to represent Europeans as blood-suckers and exploiters, I think it can fairly be said that the European has always been the cause of a raising of the standard of living in this country.

**Mr. Jamnadas M. Mehta:** In Assam, for instance. Five rupees a month.

**Mr. Arthur Moore:** Yes, in Assam for instance. I have recently been visiting tea gardens in Assam, and, speaking from my own impressions, I think it is decidedly true that the persons directing those industries have raised the standard of living. I think it is undoubtedly true to say that the European in India has in the past been the cause of a rising standard of wages. He recognises that that has got to continue; but he no more than the Indian manufacturer believes that the East can straightaway throw away whatever manufacturing advantage she has to set off against the drawback that she is creating infant industries and has yet to teach generations of workmen to become skilled. He does not believe that the East can throw away that advantage at once and compete with the Western standard of living. Yet we do sympathise with the desire for a rising standard. Europeans after all are Europeans, and we are bound to believe in our own civilization. Greatly as we respect Mr. Gandhi, our own outlook and view of life is in many ways opposed to his. We do not believe that you can isolate spiritual evolution and say that it is possible for a country to progress in that way and to leave material evolution behind. We believe in a material evolution of this country to keep pace with a spiritual evolution, in the direction of making us all conscious of each other's needs. Therefore we stand for a rising standard. This rising standard of the East is after all an inevitable step in the modern world, with its rapid communication and quick transport. The world is undoubtedly becoming one, and it is impossible to have some countries pouring out their manufactures into its markets while paying their workers on a far lower scale than the rest of the world. If that happened, it would in the end bring down the West to that lower level of wages. It would in the end prove the ruin of modern civilization. What has got to happen, what will happen, what we already see beginning to happen through the committees and councils that sit at Geneva, is a gradual raising of the standard. In the raising of that standard we have before us a long and difficult period. We shall have troubles for years to come. Now are we to follow the bad old way, the way of the nineteenth century and of the first part of the twentieth century in the West; are

[Mr. Arthur Moore.]

we, in facing those troubles, to proceed step by step by a series of violent jerks, strikes and lock-outs? If there is any meaning in the history of the nineteenth century and the first part of this, it surely is that we should come to see that that is the wrong way. The path to be followed is the path of conference and of goodwill, and therefore I think we should welcome this Bill, because it does give us some machinery of conference. There are details in the Bill which various Members of this Group will wish to raise later on. We are not, for instance, quite certain that it is a good thing that, not only in the case of Courts of Inquiry, as to which we should all be agreed, but that also in the case of Boards of Conciliation, Government will have the right to interfere, even if neither party asks for it to do so. We are inclined to think that, if you hold your Court of Inquiry, and a case for a Board of Conciliation is proved, then there will be no difficulty in getting an invitation from one side or the other. But these are details. The main point is that we welcome the creation of machinery that will be there to function in the interests of goodwill and of both parties,—because fundamentally it is beyond all question that the interests of both parties are the same. We do not believe in victories for employers or employees. All those victories leave consequences and lead to fresh strikes. We think the only real victory is to find a true solution which will enable production to go on to the satisfaction of both sides and conduce to a gradual raising of the standard of living in this country.

**Maulvi Abdul Matin Chaudhury** (Assam: Muhammadan): Sir, I rise not to give a qualified support to the Bill as my friend Mr. Chetty did, but to oppose it. I consider this Bill to be one of the most repressive and retrograde measures ever introduced in this House. I consider it to be more repressive than even the Public Safety Bill, because the Public Safety Bill restricts the freedom of movement of a few foreigners, but this Bill restrains the liberty of action of thousands of Indian workers. A parallel for such legislation can only be found in Fascist Italy, and this House, I am sure, is not going to tolerate Fascist methods of dealing with strikes in this country. If, Sir, this Bill is passed into law, it will sound the death-knell of the nascent trade movement in this country, at least so far as the Public Utility Services are concerned, and I am sure Honourable Members in this House, who are interested in the cause of labour, will oppose this Bill most strenuously.

Sir, I recognise the necessity of having a Board of Conciliation or a Court of Inquiry as machinery for the settlement of trade disputes, but the machinery suggested in this Bill will prove to be an ineffective instrument, and I don't believe that much good will come out of it. I find the evils of the Bill far outweigh the good that is in it. This Bill declares strikes in Public Utility Services without one month's notice to be a criminal offence. The right to strike is everywhere recognised as the only weapon of defence for the poor resourceless workers. If you take away that right, you reduce them to the position of serfs and slaves. It will put them absolutely at the mercy of employers. The Indian workers, with large families to maintain, do not go on strike for the mere fun of it. When conditions of service become intolerable, when the choice lies between continuing in that condition, or of making further



sacrifices to improve their lot, they sometimes, in their desperation, go in for strikes. There is not one instance in which Indian strikers went into strikes for political purposes, for establishing a dictatorship of the proletariat . . . .

**Mr. H. G. Cocks** (Bombay: European): Does the Honourable Member suggest that the strike at Jamshedpur was due to the terrible conditions of the workers?

**Maulvi Abdul Matin Chaudhury**: I suggest that that strike was not for establishing the dictatorship of the proletariat. Whenever they go on strike, it is for the betterment of their own conditions and to obtain living wages. If these strikes were due entirely to labour agitators, why is it that the strikes in public utility services, such as the post office are so few, and strikes on railways are so frequent? While talking of the

**8 P.M.** postal service, I would like to pay a well deserved compliment to the Honourable Sir Bhupendra Nath Mitra for all that he has been doing for the postal workers. By this I do not mean to suggest that the Honourable Sir George Rainy is less sympathetic towards labour than his Honourable colleague. (Hear, hear.) We know that when he was called upon to interfere in the Kharagpur strike, he showed tact, he showed sympathy and he showed statesmanship. The workers were satisfied and they went back to their work immediately. But that action of Sir George Rainy brought upon him the condemnation of the Anglo-Indian Press in Calcutta for espousing the cause of labour and letting down the autocratic Agent. Since then, most unfortunately, the very humane side of his character, which Sir George Rainy showed in the Kharagpur strike, he is trying to suppress.

Then, Sir, a strike occurred at Lilooah. The matter was left entirely within the discretion of the Agent, and the strike continued for four months and ultimately it collapsed and the workers went back to their workshop. But they did not go to the workshop contented and satisfied like the workers of Kharagpur; they went back dissatisfied, defeated and humbled and the defeat is still rankling in their heart. It may have been a triumph for the Agent temporarily, but ultimately the Government will find that it will have the most disastrous consequences to the Government. It was these Lilooah strikers who led that most effective demonstration to the Congress pandal during the Congress week. They are all biding their time, and the Government will find that the repressive policy of dealing with labour does not ultimately pay in the long run. My own impression is that strikes in the railway are due more to the haughtiness, arrogance and unsympathetic attitude of railway officials than to the activities of men like Mr. Spratt or Mr. Bradley. If the communists find a very fertile field for their propaganda among the railway workers, it is because the field is well manured with the iniquities and injustices of railway officials. You remove those grievances and they will turn a deaf ear to the communists and turn them out of the field. But the Government will not tread the path of conciliation. They have patented two remedies for all the ills that India is heir to; for all political distemper they have got repression, and for industrial unrest they have got one remedy, that is starvation. The Government starve the workers into submission. But finding that sometimes, even the prospect of starvation does not deter the workers from going on strike



[Maulvi Abdul Matin Chaudhury.]

when they reach the limit of their endurance, the Government are now forging this new fetter to suppress the trade union movement.

I should now like to deal with this Bill from another point of view. His Excellency the Viceroy, in his inaugural address, has announced the appointment of a Commission to enquire into the labour grievances and to devise means for their removal. Though the terms of reference have not been announced, His Excellency has made it clear that the terms will be very wide and that the personnel will be strong and representative. And the importance that the Government attach to this Commission can be gathered from this fact, that they have secured the services of Mr. J. Whitley, lately Speaker of the House of Commons, to preside over the deliberations of that Commission. Now, if that Commission is to fulfil the functions for which it is appointed, it will naturally enquire into the grievances of the workmen and will devise some machinery for the settlement of trade disputes. In view, Sir, of this impending appointment of this Commission, is it necessary to rush through this legislation, this crude piece of legislation which is opposed by the trade union movement so strongly? When specialists have been engaged from London to diagnose and prescribe for the labour distemper, I do not think it is very wise to force upon the patient the prescription of the quacks of the Government of India.

**An Honourable Member:** Official quacks.

**Maulvi Abdul Matin Chaudhury:** There is no particular hurry for this Bill. The Government has been incubating over it for a very long time past and I do not think much harm would be done if this legislation were to wait for a year or two more. My Honourable friend Sir Victor Sassoon talks of general strikes in next May. If, Sir, the general strikes are being engineered by the communists, there is already one Bill on the legislative anvil to deal with these communists.

**Sir Victor Sassoon** (Bombay Millowners' Association: Indian Commerce): No, no.

**Maulvi Abdul Matin Chaudhury:** I do not see the necessity of having a double-barrelled gun to be levelled at the labourers.

**An Honourable Member:** It is not law yet.

**Maulvi Abdul Matin Chaudhury:** It will be law soon with your help.

**An Honourable Member:** I hope not.

**Maulvi Abdul Matin Chaudhury:** Then all the measures that the Government are adopting to deal with labour unrest are taking the form of attacking labour organisations, but not one measure is proposed for the amelioration of the conditions of labour. I would suggest that instead of trying to thrust this Bill down the throat of unwilling workers, the Government ought to wait for the recommendation of the Labour Commission and try to sugar-coat the Bill with the recommendations of the Commission about improvement of labour conditions. In that case they will find the House in a readier mood to consider this Bill.

**Pandit Hirday Nath Kunzru** (Agra Division: Non-Muhammadian Rural): Sir, I should like to say a few words in regard to the principle of this Bill before it is sent to the Select Committee. The Bill may, as the Honourable Member in charge of it has said, be divided for the sake of convenience into three parts. The first deals with the machinery for settlement and investigation of trade disputes. The second deals with strikes in public utility services; and the third with strikes the object of which is to coerce Government. At one time, as you know, Sir, there was some doubt in the beginning with regard to the principle of this Bill, but although Government have now agreed that it would be within the purview of the Select Committee to consider the Bill in all its aspects and make such changes as it thinks proper, nevertheless, I think it would be useful to discuss what is the link which connects all these three parts of the Bill. So far as the machinery for the settlement and investigation of trade disputes is concerned, everybody will welcome it, though I find in the opinions that have been received in regard to the Bill that some of the employers' organisations have raised a feeble objection to it on the ground that there should be no State interference, compulsory State interference either in regard to enquiry or in regard to conciliation. However as the House already knows opinions differ with regard to second and third parts of the Bill.

The Honourable Member in charge of the Bill said that the object of the Bill being to diminish strikes and to promote concord between workers and employers, it was very desirable that the provisions contained in clauses 15 and 16 of the Bill should be accepted by the House. I personally can see no organic connection between the first part and the second and third parts of the Bill and in order to elucidate my point of view, I would place my case before the House in this manner. It was possible for Government to bring forward a Bill dealing with the investigation and settlement of trade disputes by itself. Such a Bill would have been considered desirable by every section of the House and would have provided its own justification. But let us now suppose that this Bill is shorn of its first part. Would Government then at this stage bring in a Bill dealing with strikes in Public Utility Services or strikes which it is pleased to regard as having for their object the coercion of Government? I venture to think that whatsoever the opinion of my Honourable friend Sir Bhupendra Nath Mitra might be with regard to the urgency of clauses 15 and 16 of the Bill, he should have thought not once or twice but ten or possibly a hundred times before bringing in a Bill at this stage embodying provisions dealing only with the matters referred to in clauses 15 and 16. If these things could not really be dealt with separately at this stage, and Government feel that it would not be expedient to bring these matters before the House in the present circumstances the objection to them does not lose in force, because these two parts are included in a Bill which also contains another part which might be regarded as non-controversial by the House. It is somewhat difficult to avoid the inference that it was proposed to smuggle through clauses 15 and 16 with the aid of another part of the Bill which might be regarded as desirable by all sections of opinion here.

Now, Sir, I will not go into the various clauses or suggest, even in regard to the first part, the modifications that ought to be made therein

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in order to make the Bill fully deserving of the support of this House. As I am dealing only with the principle underlying this Bill, I should like to examine somewhat closely the object underlying clauses 15 and 16. The Honourable Member in charge of the Bill who referred to the opinions received in regard to it, must have noticed that one of the objections to clause 15 is that all the labour which is employed in public utility services is not employed on monthly contracts. There is an appreciable amount of labour which is paid daily or in accordance with some other system. He did not deal with the objections raised by those who thought that unless this clause was so drafted as to cover all kinds of labour, it would be ineffective. I do not know whether he left this point for the consideration of the Select Committee or whether the intention of Government is that clause 15 should be altered so as to apply to all workers, whether they are daily workers or whether in accordance with their contracts of service they have to give a month's notice before they can withdraw from their duties. If it applies only to the case of those who in accordance with their terms of service have to give a month's notice of withdrawal, it is clear that they would expose themselves to a civil liability should they violate the terms of their contract. It is difficult to understand why in the present disorganized condition of labour it is sought to impose another and a penal liability on them. I remember, Sir, that at an earlier stage when this Bill was before the House, one of the objects of this clause, i.e., clause 15, was said to be—and this was repeated by the Honourable Member in charge of the Bill to-day—that it would give an opportunity for setting in motion the machinery for enquiry or conciliation; and the Canadian Act was also referred to, if not to-day at least in September last. If on the lines of the Canadian law there had been any provision in this Bill for compelling the parties concerned in any trade dispute to refrain from going on a strike or from resorting to a lock-out till the cause of the dispute had been enquired into or till a board of conciliation had been appointed, and had given its verdict, there would have been justification for having a clause like this. Had even a general liability been laid on employees and workers in all trades as in Canada that previous notice of a month or so should be given of all changes in the conditions of work or other things which relate to employment, even then there might have been some justification for this provision. But this Bill does not prevent people engaged in services other than Public Utility Services from going on strike before there has been an enquiry or before a board of conciliation has been appointed and has reported. We have, therefore, to take this clause by itself under which a special disability is sought to be imposed on workers engaged in a particular class of work, which might be under the control of Government themselves, e.g., railway service.

The Honourable Member in charge of the Bill in order to reconcile as to the provisions of this clause, said that the principle underlying it was already embodied in several Acts passed either by the Central Legislature or by the Local Legislatures, and he instanced the Post Office Act and the Municipal Acts of the various provinces. Now, Sir, the Honourable Member I hope knows—if he is in touch at all with the Provincial Legislatures—that the desirability of imposing special disabilities on scavengers has been questioned on more than one occasion. But while non-official opinion might, on this point, be at a discount with

him and the other Honourable Members on that side, I am sure they will attach more weight to official opinion. I refer, Sir, to the opinion of the Government of Burma which is presided over by Sir Charles Innes who is well-known to this House. The Burma Government says:

"Clause 15 is more doubtful. It is correct in theory and there are precedents for it. But the value of the clause lies in its moral effect. It is impossible to conceive that wholesale prosecutions should follow a strike even in a public utility service. The object is to declare it an offence against the Community and the law of the land for the employees of a public utility service to strike without notice \* \* \* Even in the Postal Service in India, a clause of this kind has not prevented strikes. Still less has it prevented them among municipal scavenging services. The clause may be useful as containing a sound principle. Whether it will really operate to prevent strikes in public utility services is more doubtful, and the Local Government thinks it might be left to the Select Committee to decide whether the clause should stand."

I believe, Sir that this opinion of the Government of Burma greatly reinforces the case of those who are against this clause 15, at least in the present circumstances. It is important to consider that if you have not been able so far to start criminal prosecutions in services which have already been referred to, whether you have any hope that in times of excitement or after the excitement has subsided you will be able to resort to such a course hereafter? Sir, I find that in all strikes one of the main points of a settlement is whether the wages for the period of strike are to be paid or not; and I believe it has been generally conceded in the past for the sake of reconciling workers and employers that either wages should be allowed for the period of strike or that some provision should be made which would not leave the workers in a state of destitution. Now if in regard to these things, to wages themselves, you find that this difficulty arises, do you not think that the difficulty will become tenfold if the workers are threatened with criminal prosecution. I do not think that it will be at all practicable to institute prosecutions on a large scale, but if a rumour is set afloat that Government wish to use the penal provisions of the law against strikers such a suspicion instead of putting an end to the strike might increase the difficulties of all those concerned and might unnecessarily prolong the strike. In any case no arguments have been adduced to justify an increase in the number of services where workers will be under special restrictions or limit the freedom of workers without imposing obligations on employers which would afford protection to labour against unjust treatment. We have to be particularly careful in this matter as Government themselves are big employers of labour.

I will now, Sir, come to the third part of the Bill. Clause 16, Sir, deals with a strike which has for its object the coercion of Government either directly or indirectly. Two conditions have to be fulfilled before a strike can come under this category—that is, can be regarded as having been started for the purpose of bringing undue pressure to bear upon Government. We have been told that this is a measure which is embodied in an English statute, that the provisions have been taken from English law and that there need therefore be no serious objection to their being embodied in the law of this country also.

Now, Sir, I took the trouble of going through the English law and familiarising myself with the debates that took place on the Trade Disputes and Trade Unions Bill in the House of Commons and in the House

[Pandit Hirday Nath Kunzru.]

of Lords. After criticising the provisions of the English Bill Mr. Clynes, on behalf of the Opposition, said :

"I have said therefore that this is not the end but the beginning of the struggle into which the Government have chosen to enter, and it will be the duty of the Opposition later when in the natural order of things it becomes a Government, no matter in what form this Bill may pass, to repeal the Act, and we make that declaration now because such an Act would not only be unfair but be a malignant endeavour on the part of Government to back up organised capital in the struggle with organised labour and it is because we regard this Bill as totally opposed to the universally accepted principles of British justice that now we declare what our intentions are when empowered in due time by the country to undertake the government of this land."

This, Sir, was the strong view taken of the English law by a representative Labour and Trade Union Leader. A General Election is to take place soon in England. Who knows what will happen as the result of the election? A Labour Government may come into power, and if that Labour Government repeals the English law where shall we be? Is it possible that a law of this character should remain on our Statute-Book after it has been repealed in England. If this country were self-governing it would be different, but situated as it is I doubt, Sir, whether, after the repeal of the English law, a law of this character could be maintained on the Indian Statute-Book. The Government might be convinced not merely of the utility but of the necessity for such a provision, but, from their own point of view, I maintain that it would have been desirable had they waited till the elections were over, put through that part of the Bill which dealt with enquiry and conciliation, and brought the other proposals forward in a separate Bill. But this is not the only aspect, Sir, of clause 16 which deserves our serious consideration. When its prototype, the English Bill, was before the House of Commons and the House of Lords a great deal of criticism was directed to the language of the Bill even after the amendment that it underwent in both Houses. On this point, Sir, I can fortunately quote the opinion not merely of a Labour leader but of a sober and cautious statesman—one who was for five years Viceroy of India. Lord Reading in the course of the debate in the House of Lords, said :

"When I take the Bill as a whole and look through it, as I have, with great care, considering it clause by clause, I say without hesitation that it is a Bill which in the language it uses is more vague, more indefinite, more lacking in precision in respect of the crimes which it enacts and the penalties which follow upon them, than any Bill which I have ever seen or any Act of Parliament that I have ever had to consider either as a Law Officer or as a Judge. I think that is a lamentable state of things."

And he stuck to this opinion even during the third reading of the Bill in the House of Lords.

Let us consider, Sir, for a moment what the effect of clause 16 may be if it is accepted by the House. I do not doubt, Sir, the good intentions of the Honourable Member in charge. I do not say, Sir, that he is actuated by any Machiavellian design of putting down Indian labour and strengthening Indian capital. I know, Sir, that his sympathies are with Indian labour. But in a Bill like this we are concerned not with his intentions, not even with the intentions of the whole Government, but with the language of the Bill, with the manner in which it might be construed; and a perusal of the debates that took place in Parliament shows that the danger of the law being misapplied is not an imaginary but a serious danger. And here

I will give an instance or two relating to Indian conditions which I hope will not be regarded as fanciful. I will leave aside the difficulties with regard to the definition of a trade or industry as a unit, or what constitutes coercion. I will admit for the moment that these things can be defined with substantial accuracy for practical purposes. But there may be cases for which these practical definitions will not serve. Suppose, Sir, the workers in coal mines go on a strike. They ask that the law with regard to the hours of labour in coal mines should be changed. Now, that is not within the power of the employers. The State which passed the law on the subject is the only authority which can change it. Now, suppose that the workers unable to get redress appeal to other workers in the country and that they are able to gain the sympathy of the railway workers. How would Government regard such a strike? The railway strikers would not evidently be engaged in a strike concerned with their own trade or industry. They would be engaged in a sympathetic strike; the object of the strike would be to bring about a change in a piece of legislation passed by this House. Now, would this dispute be regarded as a legitimate trade dispute or would it be regarded as a means, direct or indirect, of coercing the State to comply with the demands of the workers in coal mines? Such a case, Sir, was considered in the House of Lords, and the Lord Chancellor was asked what his interpretation would be. His answer will be found illuminating by the House. He said:

"If they, (that is, the workers in coal mines,) struck for a seven hour day, I do not think that falls within the Bill; that would be a strike in furtherance of a trade dispute within the mining industry and therefore would not fulfil the first condition in the Bill. If they said that they were not out for a seven hour day in their own mine but were out to make the Government legislate for a seven hour day, I am disposed to think that that would be an object other than the furtherance of a trade dispute and if the strike was designed or calculated to coerce the Government or the Parliament, it would fall within the Bill. That is the view we have always taken."

The comment of Lord Reading on this interpretation of the Lord Chancellor was:

"If the coal miners struck against particular employer for the purpose of working only seven hours a day, then it is perfectly lawful, and nothing short of violence or something quite outside the case we are now discussing would in such a strike make any action of theirs illegal. But with the eight hours Act in existence, if their purpose is to get rid of that Act and try to get a seven hour day, the strike is illegal. That seems to me to be the oddest thing in the world."

I shall take another instance. There is unfortunately such a railway in India as the Bengal and North-Western Railway. I have not yet, Sir, during the course of my public life, met anybody who had to say a good word for this line. The time is fast approaching when Government will have to consider with regard to this railway whether company management should continue or whether the line should be taken over by Government. Now, suppose the workers on this particular railway line, considering their wretched condition, considering the disadvantages at which they are, compared to workers in other Government lines, bring their grievances to the notice of Government and even combine to withdraw themselves from their duties, in order that the Railway may be taken over by Government in the hope that their conditions of work would thereby be improved, would such conduct on their part come within the Bill or not? Of course the object of the strike would be to improve their own condition. But since that improvement could, in their opinion, be brought about only by bringing

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pressure to bear upon the State and by making the State take over the management of the railway, would this strike cease to be an industrial dispute and become a political dispute? A clear answer on these points is needed. If Government answer the questions that I have put in the affirmative, that is, if they come to the view that the cases I have discussed really are cases of political disputes, I doubt whether there is anybody on this side of the House who would be prepared for a moment to assent to the provisions of clause 16.

Sir, among the opinions that have been received by Government, the Bihar and Burma Governments have referred to the provisions of clauses 16 to 20. The Bihar Government in particular discusses the possible objections to these provisions and says:

"It may be quite true that labour is at the moment insufficiently organized to undertake a general strike. But it is equally true that in India labour is more gullible than in more advanced countries, and there is little doubt that early efforts would be made to organize it for political, if not for industrial strikes. Communist leaders and extremist political leaders have recently talked openly of paralysing the Government by a succession of strikes. His Excellency in Council considers that this portion of the Bill is in no sense premature and that the Government of India should arm itself with the powers necessary to deal with general strikes without further delay."

The Burma Government has generally speaking expressed the same opinion. The Honourable Member in charge of the Bill also said something of the same kind. The position, then, is this: these provisions, i.e., the provisions which I have referred to, are not needed immediately; but as communist agitators are on the brain of Government, they think they should arm themselves as early as possible with all weapons that they can think of, in order to meet all possible exigencies that might be created by these agitators. In other words, Sir, the principle underlying the Bill is, it seems, the same as that of the Public Safety Bill: in fact this might be regarded in some sense as complementary to the Public Safety Bill. If that is the impression that gains ground in this House, the Honourable Member can well understand what opinion regarding it would be. It would be opposed as strongly and as determinedly as the Public Safety Bill has been opposed in this House. I should have thought, Sir, from the point of view of Government themselves that it would be desirable that such an impression should not be created and that even though in their opinion the various provisions of the Bill hang together, they would, rather than create suspicions of any kind, howsoever unfounded, in the minds of members of this House, be content with placing before it the first part in the hope that when a good beginning had been made, opportunities might be found thereafter of persuading the House to their view.

But, Sir, even a wider principle is involved in the consideration of clause 16 and the subsequent clauses. If the principle embodied here is sound, whether it be made legally applicable to other spheres or not, there can be no logical objection to its application to other relations of human life. We have heard a great deal in the past, Sir, of the peaceful and constitutional means of carrying on agitation in order to make the Government respond to the wishes of the people. Among the methods that have been suggested are that our countrymen should be persuaded not to accept service under Government and that those who are in service should be asked, as far as possible, to dissociate themselves from Government and take up national work. That may not be practicable.



We may even disapprove of it, but if this Bill is passed, will not Government be entitled to come before the House and say, "we want to make all appeals to Government servants to give up Government service penal, because the principle underlying such a provision has already been accepted by the Assembly". If the matter, Sir, is considered in this light, I doubt, whether even those who would on other grounds be with the Government would be inclined to support this clause. I will give, Sir, a concrete illustration. Suppose as a result of the agitation carried on for winning our constitutional rights, Government servants are so affected that some of them even in security services say that they would give up their employment rather than continue their connection with Government.

**An Honourable Member:** Give one month's notice.

**Faizul Huseyn Nadi Baidar:** That may not be enough. If such a thing is done, at present they can give a month's notice. I am not a lawyer and cannot say whether this Bill would apply to ordinary Government servants or not,—it would not,—their case would be considered independently of this Bill. (*An Honourable Member:* "It does apply.") In any case my argument remains unaffected. Suppose, some men in a Government service which is regarded as a pivotal service, withdraw. Government may come forward and say, 'now we shall make withdrawal from this service penal' or 'we shall make appeals to men in particular branches of Government service to give up service penal.' I want to know if there is any section of the House which would be disposed to give power to Government to do such things. I do not say that this Bill does anything of the kind. But the principle underlying the Bill is of such wide application that if we accept it as it is we might be confronted by a sort of accomplished fact, a very undesirable precedent. We might be told that having once accepted the principle we could not reasonably refuse to extend it to other spheres which vitally concerned the Government or the nation.

I hope, Sir, I have said enough to impress upon the House the possible dangers of parts 2 and 3 of the Bill both from their own point of view and from the public point of view. I submit that in their present form at least they are highly undesirable. In giving my vote for the reference of this Bill to the Select Committee, I must be understood, in view of what I have said, to have given it only qualified support. The Honourable Member in charge of the Bill hopes that he will be able to convince us in the Select Committee of the soundness of the provisions that I have objected to. We on our part entertain the hope that he will keep an open mind and be prepared to delete these provisions altogether if we succeed in convincing him of their utter undesirability.

**Mr. Jamnadas M. Mehta:** Sir, the observations which my Honourable friend Mr. Abdul Matin Chaudhury made about the support which these benches have given, or are supposed to have given, to this motion, make it necessary that I should clearly explain what exactly is the attitude of the Congress Party on this question. Sir, it may be briefly stated that this Bill has much that is good, and much more that is dangerous and risky, and that the more you read the Bill, the more you become conscious of its dangers. It is a case of the half being better than the whole. This side of the House is certainly of the opinion that all trade disputes should be settled and investigated, if it is possible to do so, by conciliation and



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inquiries, and to that extent, so far as clauses 1 to 14 are concerned, whatever it may be necessary to do in order to improve the Bill in detail, we are prepared to do in the Select Committee.

As regards clause 15, Sir, as has been said already, no one is in favour of lightning strikes. I do not think it can be alleged against workers or trade unions or labour unions, or against the labour leaders, that they have ever advocated lightning strikes.

**Sir Victor Sassoon:** Question.

**Mr. Jamnadas M. Mehta:** I do not think that any of them have ever advocated lightning strikes, particularly in public utility services. (*An Honourable Member:* Question.) And you will cease to question when you realise that public utility services for the purposes of a penal clause should not be what you or the officials choose to make. Public utility services, for the purposes of the Bill can and ought to mean such services in the absence of which the normal life of the community will be paralysed; and only when a particular service stands that, can you call it a public utility service.

**Sir Victor Sassoon:** What about railways?

**Mr. Jamnadas M. Mehta:** I say, Sir, that the definition of public utility services and the power which the Government propose to take under this Bill for defining them are most reactionary and dangerous. I shall take my Honourable friend, Sir Victor Sassoon, into this definition if he will bear with me. . . .

**Sir Victor Sassoon:** Will you include railways?

**Mr. Jamnadas M. Mehta:** I shall tell you now. The definition of a public utility service is in sub-clause (f) of clause 2. Not only does it take under its wing postal, telegraph or telephone services, or any railway service which the Governor General in Council may, by notification in the *Gazette of India*, declare to be a public utility service, or any system of public conservancy or sanitation, but it includes:

"any other industry, business or undertaking which the Governor General in Council may, after giving by notification in the *Gazette of India* not less than three months' notice of his intention to do, by a like notification declare to be a public utility service for the purposes of this Act."

Now, Sir, the Honourable and the gallant Baronet will, no doubt, point out in his own observations when he follows me. . . .

**Sir Victor Sassoon:** No, I won't.

**Mr. Jamnadas M. Mehta:** What possibility there is for any service to escape from this broad and almost comprehensive definition that is given in this Bill.

**Sir Victor Sassoon:** I will deal with it in the Select Committee.

**Mr. Jamnadas M. Mehta:** I say, Sir, the only test whether a service is a public utility service, is that it should so affect the life of the community that a strike in that particular service will paralyse its normal life, and certainly no one will contend that, if there was no railway, the life of the community would be paralysed. . . .

**Sir Victor Sassoon:** Oh!

**Mr. Jamnadas M. Mehta:** No doubt there will be great and serious inconvenience but I cannot agree that, if there is a strike of scavengers, or in sanitation works, the community would be paralysed. I cannot agree that, even if telegrams are not sent for a few days, there is any paralysis of the life of the community. . . .

**Sir Victor Sassoon:** You would if you were on the Government Benches.

**Mr. Jamnadas M. Mehta:** Happily I am not.

**Sir Victor Sassoon:** That is why.

**Mr. Jamnadas M. Mehta:** Therefore, Sir, unless you define your public utility service in a manner that will make it possible to restrict the definition to such services as are absolutely essential you will not get my support. For instance, water supply—I say it is a public utility service, you cannot do without water; again I say, a man must have light, otherwise he will not be able to carry on his existence. . . .

**Sir Victor Sassoon:** Why?

**Mr. Jamnadas M. Mehta:** You cannot carry on in darkness. . . .

**Sir Victor Sassoon:** You can have electric lights.

**Mr. Jamnadas M. Mehta:** That is also light.

**Sir Victor Sassoon:** Have *batties*. . . .

**Mr. Jamnadas M. Mehta:** For illustration purposes I have given two cases of a public utility service where the community will be paralysed if there was any strike in them—viz., water and light.

**An Honourable Member:** What about legislation?

**Mr. Jamnadas M. Mehta:** Legislation can take its own course. It is neither a public utility service nor an industry.

**An Honourable Member:** Nor a business.

**Sir Victor Sassoon:** Won't you allow transport?

**Mr. Jamnadas M. Mehta:** You can go in a bullock cart. You can travel on horse back or in a tonga, or on the back of a camel.

**Several Honourable Members:** Go on, go on.

**Mr. Jamnadas M. Mehta:** Sir, the Honourable and gallant Baronet seems to think that, because a certain service is useful, therefore it is essential for the existence of the community.

**Sir Victor Sassoon:** Oh, dear me, no.

**Mr. Jamnadas M. Mehta:** A wide gulf exists between a useful and an essential service and that is what my Honourable friend and the Government have failed to notice. The most extraordinary provision is that the Governor General in Council may give notice of three months in the *Gazette* declaring that a certain service is a public utility service, and then it becomes one. Thus he can declare any industry, business or undertaking to be a public utility service. Sir, I am sure it is not the intention of

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the Congress representatives to allow so wide a power to Government in order to define a public utility service and my Honourable friend, Mr. Abdul Matin Chaudhury, may rest assured that the qualified support of the Congress Benches to the motion before the House does not extend to so drastic and revolutionary a definition of a public utility service. That is not a thing to which we shall ever agree, even in the Select Committee. If you have a reasonable and proper definition of a public utility service—a service which is essential to the very existence of society—and if you do not take unduly harsh measures in connection with lightning strikes with regard thereto, then certainly, in the Select Committee, we shall consider all proper ways or means to prevent them. Such strikes are not to the benefit of any body; the workers do not want them; they have not advocated them, they are the people who are most hurt by them; and therefore it is a question on which there is a fair possibility of discussion and negotiation. It is in that sense that we go to the Select Committee on the question of lightning strikes.

As regards the general strike, the conditions under which it is proposed to make them illegal are such that we are opposed to them out and out without any qualification. The only purpose for which we go to the Select Committee on this matter is this: without arguing the question of principle we can request the Honourable Member to regard the question as premature and to delete this question from this Bill altogether. We won't argue the question of principle. We shall say, to Sir Bhupendra Nath Mitra, whether your principle is correct or ours, the provision in the Bill is, at any rate, premature and let us drop it; Sir, the discretion that is given in clause 16 to declare a strike illegal on the ground that it is general is even more sweeping than the discretion given to the Governor General in Council as regards the declaration of public utility services and lightning strikes.

**An Honourable Member:** Would you not allow him to persuade you?

**Mr. Jamnadas M. Mehta:** This is a question on which no compromise is possible.

**Mr. President:** The Honourable Member says that the principle is sound, but its application is premature.

**Mr. Jamnadas M. Mehta:** I won't say it is sound at all. I declare that it is altogether unsound. We shall not discuss it, but we shall request him to regard it as premature and thus drop it. In that sense we shall go to the Select Committee. Congressmen are not in the habit of concealing their mind. They know what they want and what they do not want. My Honourable friend, Mr. Abdul Matin Chaudhury need have no apprehension that anything that is intended either to harm the trade union movement or take advantage of the workers' disorganised condition will have our support, at any rate, not so long as the Congress remains what it is to-day.

Sir, there is another aspect of this third part of the Bill, as it is called for convenience sake, beginning with clause 16. I was in England in the year 1927 when the Trade Disputes Bill was being discussed in both Houses of Parliament, and I may inform Honourable Members that the whole Labour Party was opposed to it. Why? Not because it favoured general strikes. Government have forgotten that people may not favour a general strike

and yet they may be opposed to legislation of this kind, and that is exactly what happened in England. In 1927, when the Trade Disputes Bill was being discussed in the House of Commons, the Labour Members opposed it tooth and nail, inch by inch, clause by clause, up and down. They fought it from beginning to end and refused to be reconciled to it although, as I have said, they themselves were opposed to the general strike in 1926. Why? They thought that no Government could be trusted with powers that were proposed to be taken in the Trade Disputes Bill. It was clearly an attempt to put in the whole might of law behind the employers and thereby limit the freedom of the workers. That was the view taken by the Front Opposition Benches in England in 1927. As I have said, the whole Labour Party, both inside and outside the Houses of Parliament, held huge demonstrations. Government had no end of shame cried on them as each clause was being put on the Statute Book on account of the mechanical majority which the Tory Government possesses to-day. The whole country was aflame. Demonstrations were held all over the country, and I myself had the opportunity of witnessing thousands and thousands of workmen getting together and demonstrating against the Bill; although, as I said, the whole of the Labour Party was opposed to a general strike. Well, Sir, if that was the state of affairs even in England where the Labour Party is opposed to a general strike, certainly we in this country, where there is no Government, where the Government is composed entirely of aliens or such Indian gentlemen as choose to associate with them. . . .

**An Honourable Member:** Is there no Government?

**Mr. Jamnadas M. Mehta:** It is really no Government of the people. Surely for us in this country, who do not enjoy any responsible government, even a semblance of it, it will be highly improper to associate

4 P.M. ourselves with the drastic discretionary powers that are sought to be taken under this Bill so far as clause 16 and the following clauses are concerned. Therefore I say that the object with which we go to the Select Committee is clearly plain to the House. My friend Sir James Simpson and my friend Mr. Lamb are on the Reservation of Coastal Traffic Bill Select Committee. As they are there, we shall go to this Committee. . . .

**Mr. President:** Why did not you go on the Public Safety Bill Select Committee? (Laughter.)

**Mr. Jamnadas M. Mehta:** Because the Public Safety Bill is a Bill to associate with which is to surrender our birthright. This is a Bill which we can improve. The Public Safety Bill is past redemption, is past all hope. Therefore it is not a thing with which we can associate. I have made it clear we are going into this Committee in the same way that Sir James Simpson and Mr. Lamb are justified in going on the Select Committee on the Coastal Reservation Bill.

**Mr. M. S. Seshu Ayyangar** (Madura and Ramnad *cum* Tinnevely: Non-Muhammadan Rural): I share the views of my Honourable friends Pandit Kunzru and Mr. Chetty, in that we are placed in a rather awkward predicament. The two or three principles, as they are called, have been mixed up in this Bill. I take it, however, that the object of the Bill

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is to minimise labour disputes and also to minimise, if possible, friction between capital and labour, or employers and employed. If that is the object of the Bill, I take it, that the provisions ought to be such as can be worked out successfully; that is to say, there ought to be no provisions which are against labour. We must conciliate labour as far as we can. We must also see that the work of the capitalist is not hampered. Unless we take this medium course, it will be impossible to conciliate both the parties. Now, so far as opinions received on this Bill are concerned, they range from one extreme to the other. I must start with the opinion of the Punjab Labour Board. They say that, in its present form, this Bill is absolutely unacceptable to the labourers and workmen of that province because they think that it is manifestly and most unjustly one sided and is certainly a capitalistic measure. They go further and say that the Bill is anti-labour in reality and that it is meant to stifle the labour movement and crush the spirit of the poor workers. They say also that it is quite patent on its very face. That is the view held by the Labour Board of Lahore; and then on the other hand we find an opinion recorded from Bihar and Orissa. One of the Commissioners of that province has written that even from the employers' standpoint, the first part is objectionable because he scents danger even in the first part of the Bill. We on this side of the House take a medium course and want to conciliate labour and to change the provisions of the first part so as to make it acceptable to both labour and capital. It is in that view that we have consented to be on the Select Committee, i.e., with a view to effect certain improvements or amendments in the Bill which would not give away the cause of labour when the provisions are sought to be worked out after the Bill passes into law. With this end in view, we have to clarify certain provisions in the Bill in the Select Committee. These are Select Committee points. The definitions given in the Bill are very important. In this particular Bill, as I see it, there are at least two or three definitions which require clarification, the definition of employer, the definition of workman and the definition of public utility service. In clause 2 (c) "employer" is so described that it is made to apply only to the departments of the Government, but the other provisions of the Bill make it clearly applicable to all concerns, whether Government owned or private. That position has to be cleared up in the Select Committee. So far as the definition of workman in clause 2 (j) is concerned, it does not include the clerical staff, but clause 15 of the Bill is made to apply to the clerical staff also. The extension of the ambit of this Bill to make it include the clerical staff is a thing that has got to be cleared up. With regard to the public utility services, my Honourable friend Pandit Kunzru took some pains to explain the position; but I refuse to go into that matter further because I confess that, however much I strove during the last one or two days really to effect some improvements of clauses from 14 to 18, I found it next to impossible to improve them. Therefore to make them really acceptable from the labour standpoint, my endeavour on the Select Committee will be to fight for the complete elimination of these clauses, and not to try to effect any improvement by way of suggesting any amendment to these provisions. As regards the first part to which we on this side of the House give qualified assent, I would

also suggest to the Select Committee that the very Act from which that has been copied out does not provide for two Courts at all—I mean the British Industrial Courts Act. There is only one Court of Inquiry, and though no doubt a special plea is made in paragraph 3 of the Statement of Objects and Reasons, I feel quite unconvinced by the special plea that is raised, and I find it rather difficult to maintain that there is really any case made out by the Government for the provision of two separate Courts; and if I caught the Honourable Mover of this motion aright, I took him to mean that the functions of these two Courts do, at least on certain occasions, overlap. If that is so, I would ask legitimately what is the need for the creation of these two Courts. That is a matter which the Select Committee might consider. Then, as regards clause 15, I find it provides for lightning strikes, so to say, but here again, as the Punjab Labour Board legitimately maintains, the provisions of the Bill are one-sided. There is absolutely no provision made against an employer trying to send away an employee without any notice whatsoever. That was legitimate ground for complaint against the nature of the provisions of this Bill. There will be scope for partiality in the tribunal you are setting up, and no room whatsoever is given for the settlement of labour disputes by means of strikes. In this connection I would like to refer to the statement made by Mr. Moore. He said that this Bill also endeavours to prevent labour disputes. There must be some remedial measures provided by which they can seek redress; but clauses 14 to 19 have a definite tendency to prevent this. These are not provisions with which you should try to obviate labour troubles. You must endeavour to obviate them, not by taking extreme measures of killing labour. Such provisions are repressive in the minds of labourers. So far as clauses 16 and onwards are concerned, a strike is made *ipso facto* an offence. I do not know if, in any country, a strike is not recognised as a legitimate weapon of redress. It is only at the last moment when all other measures fail and all avenues for settlement are closed, that resort is had to a strike as the last remedy. So that in all countries a strike is considered a legitimate weapon against employers in order to find a remedy for their grievance. If that is so, I do not know how this House can really give sanction to such provisions which strike at the root of a recognised remedy for labour troubles. If a strike is recognised in other countries as a legitimate weapon to be resorted to at the last moment, this House must oppose this part of the Bill which regards strikes as illegal.

In regard to sympathetic strikes, they are certainly justifiable. As my Honourable friend, Pandit Hirday Nath Kunzru said, that is also a weapon by which we can make the employers come to terms more easily and more quickly and it is a more reasonable method of settlement. I therefore submit to the House that any provision which is directed against strikes declaring them illegal and penalising them, is absolutely repressive. Those interested in labour hold that clauses 15 to 19 are unnecessary and unjustifiable, and oppressive; and labour opinion is vehement in denouncing them; and it is on these grounds that I propose to vote for the complete deletion of clauses 15 to 19; but if it is agreeable to the House or to the members of the Select Committee to improve the first part of the Bill in such a way as to inspire confidence in labour and to make the provisions more just from their standpoint, I shall support the motion for reference to Select Committee.

**Mr. Ram Narayan Singh** (Chota Nagpur Division: Non-Muhammadan): Sir, the Bill ought to have been rejected but in the hope that the Bill will be drastically changed in the Select Committee, I give my conditional support. In supporting the motion for reference to Select Committee I would like to say that, to the first part of the Bill we have not much objection, although the legislation appears to be in favour of the capitalists. As regards the second and third part, it appears that the bogey of communism and the bugbear of strikes have made the Bureaucracy hopelessly nervous. It sees danger in every direction. Sir, a strike is a demonstration of a deep sense of wrong, and is a legitimate weapon against employers. I hope that the members of the Select Committee will see their way wholly to deleting the second and third parts of the Bill and with these few words I support the motion.

**Mr. N. O. Chunder** (Calcutta: Non-Muhammadan Urban): Sir, my learned friend Mr. Jamnadas Mehta was not quite accurate in saying that the Congress Party gave their unqualified support to this motion. In fact a considerable number of members belonging to the Congress Party would oppose the motion of the Honourable Sir Bhupendra Nath Mitra, but would not want to divide at this stage on this motion. There are some members who think that they will be able to persuade the Honourable Member to see the futility and the dangers of some of the provisions of this Bill, but, Sir, Government is probably fed up with all the peace and order that we have in the country and they want a variety programme, just as in Bombay, some of the "comrades" do. They head for chaos and confusion. If these provisions were enacted into law and then I were to lead a strike or advise the strikers, I would simply tell them to provoke a lockout rather than go on strike. Though the provisions of this Bill are hopelessly dangerous, I wish my friends on the Select Committee well. At the same time I wish it to be put on record that some of us hold views at one with my Honourable friend, Maulvi Abdul Mat'n Chaudhury.

**Sir Darcy Lindsay** (Bengal: European): Sir, I ask your permission to move an amendment, namely that the name of Mr. M. A. Jinnah be added to the Select Committee.

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

"That the name of Mr. M. A. Jinnah be added to the Select Committee."

The motion was adopted.

**The Honourable Sir Bhupendra Nath Mitra:** Sir, I was prepared to hear many of the interesting speeches delivered on the floor of this House in connection with this Bill of mine because I found that one of the gentlemen who had expressed an opinion on this Bill, and on the whole supported it had observed as follows:

"It seems to me probable that the first part of the Bill will meet with opposition from employers as soon as it is better understood and the second and third parts of the Bill will certainly meet with strong opposition both from the representatives of labour and from politicians in general"

**Mr. Jamnadas M. Mehta:** That is the official view.

**The Honourable Sir Bhupendra Nath Mitra:** But, Sir, the general trend of the speeches have confirmed me in the expression of hope which I gave out in this House while introducing my motion. I may be very

optimistic, but all the same I am very hopeful that I shall be able to persuade the Select Committee and through the Select Committee this House, that provisions of the nature embodied in the Bill are substantially required. When I listened to the speech of my Honourable friend Mr. Shanmukham Chetty, I thought that he was speaking on behalf of the Congress Party, but I have since found that there is great disunion in that party and that opinions differ among them.

**Mr. Jamnadas M. Mehta:** There is no disunion among us.

**The Honourable Sir Bhupendra Nath Mitra:** On this matter.

**Mr. Jamnadas M. Mehta:** All mean the same thing.

**The Honourable Sir Bhupendra Nath Mitra:** I think my Honourable friend Mr. N. C. Chunder voiced a somewhat different opinion. So far as the speech of the Honourable Mr. Shanmukham Chetty went, I think he was even prepared to accept the principle of part II of the Bill, which had for its object the stoppage of lightning strikes.

**Mr. President:** Is Mr. Shanmukham Chetty a member of the Select Committee?

**The Honourable Sir Bhupendra Nath Mitra:** No, Sir. I am very sorry he is not there. But I am pretty sure that he will be able to persuade many of his friends on the Select Committee to come round to that opinion. In regard to part III of the Bill, Mr. Shanmukham Chetty said that he objected to illegal strikes, but that he was a friend of labour and he wanted trade unions in India to be organised on proper lines, and that he was quite willing to agree to any provision which would have that effect. I want to tell the House here and now that I claim to be one of the best friends of labour. Maulvi Abdul Matin Chaudhury was kind enough to admit my claim in that connection. The sole object of part III of the Bill is to enable labour unions to grow up and to develop in this country on right lines. I wish very much that my Honourable friend Mr. Shanmukham Chetty had been on the Select Committee, but I hope to profit in the Select Committee by his association with the party which has agreed to send up five members to that Committee.

**An Honourable Member:** In the lobbies.

**An Honourable Member:** You can still add one more name.

**The Honourable Sir Bhupendra Nath Mitra:** Now, Sir, as regards my Honourable friend Pandit Hirday Nath Kunzru, I do not propose to deal with many of his argument at this stage.

**An Honourable Member:** Perhaps it is inconvenient.

**The Honourable Sir Bhupendra Nath Mitra:** My Honourable friend ascribed to me the motive of trying to smuggle into the Bill parts II and III. That was undoubtedly far from my intention. My Honourable friend Pandit Kunzru probably does not know that this Bill has been under consideration and examination for the last five years, and that before it was brought before this House and circulated in consequence of a motion passed by this House, it had been circulated under executive orders. At that stage the Bill also contained provisions relating to public



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utility services and they had the support of various bodies, even though they were more drastic than what we have now got in the Bill. Pandit Hirday Nath Kunzru wanted me to adopt some provisions similar to those contained in the new Act of Canada. Has my Honourable friend tried to consider seriously what the effect of the incorporation of those provisions would have been? Provisions like those might have prevented a workman in a public utility service from going on strike until the dispute had been taken up for consideration and settled, and this might have meant indefinite delay. I see my Honourable friend Pandit Hirday Nath Kunzru shakes his head. I fail to see what other effect it could have.

**Pandit Hirday Nath Kunzru:** Not indefinitely.

**The Honourable Sir Bhupendra Nath Mitra:** Certainly beyond the period of a month. Now, Sir, here we simply want an employee in a public utility service to suspend his right of striking for a single month, and we have provided that that restriction will apply only to people on monthly rates of pay because, as things are in India, it is lightning strikes among that class of employees in public utility services which are likely to lead to serious inconvenience to the community as a whole.

I wish to make it clear that in this Bill I have not attempted to copy blindly from the English law or any other law. I have tried, according to my lights, to include provisions which seem to the Government to be necessary in the present conditions of labour in India and which are best likely to secure friendly relations between the workmen and their employers.

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

"That the Bill to make provision for the investigation and settlement of trade disputes, and for certain other purposes, be referred to a Select Committee consisting of Sir Darcy Lindsay, Sir Purshotamdas Thakurdas, Sir Victor Sassoon, Mr. Ghanshyam Das Birla, Mr. Mohammad Ismail Khan, Mr. Anwar-ul-Azim, Pandit Hirday Nath Kunzru, Mr. N. M. Joshi, Diwan Chaman Lall, Mr. Jamnadas M. Mehta, Mr. S. C. Mitra, Mr. V. V. Jogiah, Mr. M. S. Seshu Ayyangar, Mr. K. C. Roy, Mr. M. K. Acharya, Rai Bahadur Tarit Bhusan Roy, Mr. Fazal Ibrahim Rahimtulla, Mian Mohammad Shah Nawaz, Mr. S. Lall, Mr. M. A. Jinnah, and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

## ELECTION OF MEMBERS TO THE STANDING ADVISORY COMMITTEE FOR THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS AND THE STANDING FINANCE COMMITTEE.

**Mr. President:** I may inform the Assembly that for the purpose of election of members to the Standing Advisory Committee for the Department of Education, Health and Lands and the Standing Finance Committee, the Assembly Office will be open to receive nominations up to twelve noon on Wednesday the 14th February, 1929. The election for the Standing Advisory Committee for the Department of Education, Health and Lands, if necessary, will take place in this Chamber on Monday the 18th February, 1929, while the election for the Standing Finance Committee, if necessary, will be held on Tuesday the 19th February, 1929. The elections will be held in accordance with the principle of proportional representation by means of the single transferrable vote.

## AMENDMENT OF STANDING ORDERS.

**Mr. A. Rangaswami Iyengar** (Tanjore *cum* Trichinopoly: Non-Muhamadan, Rural): Sir, before the House rises, may I ask the Leader of the House, as the Government business has finished to-day, whether he will give Wednesday for the discussion of the adjourned debate on amendment of Standing Orders?

**Mr. President:** If the Honourable Member had only waited. Honourable Mr. Crerar.

**The Honourable Mr. J. Crerar** (Leader of the House): Sir, I should like to make a brief statement on that point. The motion is down on the list of business for to-morrow, and in the event of its not being reached or finished to-morrow, I am quite willing that it should be put on the list of business for Wednesday the 18th.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 12th February, 1929.