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1935



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Legislative Assembly.

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SYED GHULAM BHIK NAIRANG, M.L.A.

DR. F. X. DESOUZA, M.L.A.

MR. LALCHAND NAVALRAI, M.L.A.

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CORRIGENDUM.

In the Legislative Assembly Debates, Vol. V,
No. 7, dated the 10th September, 1935, page 724,
last line, *for* "weakers" *read* "weakness".

LEGISLATIVE ASSEMBLY.

Monday, 23rd September, 1935.

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

QUESTIONS AND ANSWERS.

SCALE OF DIET GIVEN TO CERTAIN PRISONERS IN THE CELLULAR JAIL, ANDAMANS.

565. *Mr. Mohan Lal Saksena : (a) Will Government state how does the scale of diet given to division II prisoners in the cellular jail compare with that given in Bengal jails ?

(b) Is it a fact that there was a change in the scale of diet in the case of division III prisoners after the hunger strike by them involving the loss of three lives ? Is it also a fact that the new scale is meant for good and well behaved prisoners only and it can be stopped by way of punishment ? If so, will Government state the number of prisoners in whose cases it has been reduced ? Do Government propose to consider the feasibility of modifying this rule and seeing that the scale of diet is under no circumstance reduced ?

The Honourable Sir Henry Craik : (a) I would refer the Honourable Member to the statement laid by my predecessor on the table of the House on the 5th December, 1933, in reply to Mr. Mitra's starred question No. 942. The allowance of vegetables and potatoes is slightly higher in the Andamans. In other respects the scales are identical.

(b) Certain changes were made in the scale of diet prescribed for C class terrorist prisoners. The revised scale of diet is not subject to good behaviour and cannot be reduced as a punishment. The question of modifying the rules, therefore, does not arise.

Mr. Mohan Lal Saksena : Will the Honourable Member read the statement that was laid on the table of the House in 1933 ?

The Honourable Sir Henry Craik : It was laid on the table of the House on the 5th December, 1933.

Mr. Mohan Lal Saksena : If my Honourable friend has got the statement with him, he may read it out now, so that I may put supplementary questions, if any.

The Honourable Sir Henry Craik : It is too long to read.

Mr. Mohan Lal Saksena : Will you, Sir, allow me to put supplementary questions tomorrow on this ?

Mr. President (The Honourable Sir Abdur Rahim) : Yea.

(1587)

COMPLAINTS BY PRISONERS IN THE CELLULAR JAIL, ANDAMANS, AGAINST THE TREATMENT OF DR. TODD.

566. *Mr. Mohan Lal Saksena : (a) Have Government received any complaint by the prisoners against the treatment of Dr. Todd ? If so, what action did Government take in the matter ? If not, will Government enquire as to what has happened to the applications made by the prisoners to the Superintendent as stated in the article, in the *Advance*, dated 27th June, 1935 ? Are Government prepared to consider the advisability of appointing a medical officer, who has had experience of some civil hospital ?

(b) Is it a fact that there are several qualified medical practitioners amongst prisoners and that they offered to work in the Hospital but permission was not granted to them ?

(c) Is it a fact that a large percentage of the prisoners suffer from malaria and have lost in weight ?

(d) Is it also a fact that Mr. Sudhanshu Sen is suffering from T. B. and has lost about twenty pounds in weight and still arrangements have not been made for proper medical aid and adequate nourishing diet for him ?

The Honourable Sir Henry Craik : (a) No complaints have been received by the Government in regard to the treatment of prisoners by Dr. Todd. The Superintendent of the Jail is competent to deal with all applications and prisoners have facilities for bringing their grievances to the notice of the higher authorities, if they desire to do so. Government do not propose to institute any enquiries in the matter. Dr. Todd is a competent medical officer and Government see no reason for replacing him by another officer. The medical arrangements of the jail are under the general supervision of the Senior Medical Officer, who is an I. M. S. Officer.

(b) Yes. There was no need to make use of their services as the medical staff provided by Government is adequate.

(c) The incidence of malaria in the Cellular Jail in 1933 (the last year for which we have comparative figures) was less than in the jails in a number of the provinces in India. In the first seven months of 1934 the admissions into hospital on account of malaria averaged about ten per cent. of the prisoners : in the same period in 1935 the admissions have averaged little over five per cent. of the prisoners.

(d) Prisoner Sudhanshu Sen was examined by the Senior Medical Officer on June, 14, 1935, who found no sign or symptom of tuberculosis. He has lost about ten pounds weight but he is given careful medical treatment and is on a special diet.

Pandit Lakshmi Kanta Maitra : Are Government taking any steps to eradicate malaria from these jails ?

The Honourable Sir Henry Craik : We are taking all possible steps.

Pandit Lakshmi Kanta Maitra : Is the Honourable Member prepared to allow external medical help in the case of this tubercular patient ?

The Honourable Sir Henry Craik : He is not tubercular. I said the Senior Medical Officer of the Settlement, who has nothing to do with the Jail, examined him and found no sign or symptom of tuberculosis.

Pandit Lakshmi Kanta Maitra : Why is then this loss of ten pounds weight ?

The Honourable Sir Henry Craik : I cannot say without seeing the medical report, but there are many other causes of losing weight than tuberculosis.

BOOKS FOR PRISONERS IN THE CELLULAR JAIL, ANDAMANS.

567. ***Mr. Mohan Lal Saksena :** (a) Will Government be pleased to state subjectwise the total number of books in the jail library and their cost ?

(b) Is it a fact that Government recently granted Rs. 300 (three hundred) for purchasing new books and the prisoners asked that books on History, Geography, Economics and general science be purchased out of it, but their request was not accepted and books mostly on fiction were purchased ? Are Government prepared to sanction a sum of at least rupees two thousand for the purchase of new books, the selection to be made by the prisoners themselves subject to the approval of the Secretary to the Government of India in the Education Department ?

(c) Is it also correct that about 200 books were deposited by the relations of the prisoners and most of them have not been given to them on the pretext that the Superintendent has not been able to scrutinise them ? Do Government propose to consider the advisability of making arrangement for the deposit of such books with some official in India for approval being sent to the prisoners without much delay ?

The Honourable Sir Henry Craik : (a) The Government have not the information.

(b) An initial grant of Rs. 500 was made for the purchase of books and a further provision of Rs. 100 has been made by the Bengal Government for 1935-36. I understand that the prisoners were invited last year and have again been invited this year to submit a list of books they would like to read, but the final selection must necessarily depend on the suitability of the books for the majority of the prisoners and the funds available. Government do not consider that any larger grant is required for the purchase of books or that the existing procedure for the selection of books requires a change.

(c) I have no precise information about the number of books received at the Jail from outside sources ; but I understand that a large number of books, including proscribed communist literature received by the local authorities, are entirely unsuitable for issue to the prisoners. Government do not consider that any change in the existing procedure for the issue of books to the prisoners is necessary.

Prof. N. G. Ranga : Who makes this final selection ?

The Honourable Sir Henry Craik : The local authorities,—I believe the Chief Commissioner.

Prof. N. G. Ranga : Is any educational authority consulted ?

The Honourable Sir Henry Craik : That I cannot say without notice.

Pandit Lakshmi Kanta Maitra : Is it a fact that books supplied by outsiders have to pass through a Board of Censors for approval before they could be passed on to the prisoners ?

The Honourable Sir Henry Craik : Yes, that is the practice.

Mr. Mohan Lal Saksena : Is it a fact that many books deposited by the relations and friends of these prisoners have not been reviewed by the Censor up till now ?

The Honourable Sir Henry Craik : I have no information.

Mr. Mohan Lal Saksena : Will the Honourable Member kindly make enquiries in the matter ?

The Honourable Sir Henry Craik : No. I have no reason to think that there is any undue delay in reviewing the books.

Mr. Mohan Lal Saksena : The Honourable Member can take it from me that I have received complaints from their relations and friends that they have deposited books, but they have not been given to the prisoners yet.

The Honourable Sir Henry Craik : If the Honourable Member will send me the complaints he has received, I will investigate.

NEWSPAPERS SUBSCRIBED FOR THE PRISONERS IN THE CELLULAR JAIL, ANDAMANS.

568. ***Mr. Mohan Lal Saksena :** (a) Will Government state the names of papers and the number of copies subscribed for the prisoners ?

(b) Is it a fact that the prisoners offered to subscribe at their own expense the *Daily Statesman* and the weekly issue of *Manchester Guardian*, but they were not allowed to do so ? Do Government propose to consider the advisability of allowing some daily paper and increasing the number of copies of the papers already supplied and also supplying *Andaman Bulletin*, published from the Chief Commissioner's office ?

The Honourable Sir Henry Craik : (a) The following papers are supplied to the terrorist prisoners confined in the Cellular Jail, Port Blair :

(1) <i>Illustrated Times of India Weekly</i>	10 copies.
(2) <i>Statesman Weekly</i> ..	4 copies.
(3) <i>Sanjibani</i>	12 copies.
(4) <i>Bangabasi</i>	6 copies.

(b) Yes. The terrorist prisoners in the Andamans are supplied with a greater variety of papers than in any Bengal Jail. Government see no reason for supplying the *Andaman's Bulletin* or any other daily paper. The question of increasing the number of copies of some of the papers at present supplied to the prisoners is under consideration.

Pandit Lakshmi Kanta Maitra : May I know if there is any particular ban on papers like the *Hindustan Times*, the *Amrita Bazar Patrika*, the *Ananda Bazar Patrika*, for being used by prisoners in the jails ?

The Honourable Sir Henry Craik : Such papers are supplied as are thought suitable.

Mr. S. Satyamurti : With reference to the answer to part (d) of the question, may I know the reasons why prisoners were not allowed to subscribe at their own expense for the *Daily Statesman* and the weekly issue of the *Manchester Guardian* ?

The Honourable Sir Henry Craik : I understand that the Chief Commissioner is considering the question of supply of other papers than those I have mentioned, which the prisoners may desire to obtain at their own expense.

Mr. S. Satyamurti : I am asking specifically with regard to the *Daily Statesman* and the *Manchester Guardian* whether there was a request as stated and the request was turned down, if so, why.

The Honourable Sir Henry Craik : I have no information.

PROVISION OF FACILITIES FOR OUT-DOOR GAMES IN THE CELLULAR JAIL, ANDAMANS.

569. ***Mr. Mohan Lal Saksena :** (a) Is it a fact that gymnasium in jail is fitted with only one horizontal bar and with one set of parallel bars ?

(b) Do Government propose to consider the advisability of providing facilities for out-door games ?

The Honourable Sir Henry Craik : (a) The gymnasium in the Cellular Jail contains Horizontal and Parallel Bars, Vaulting Horse, Dumbells and Indian Clubs.

(b) So far as I am aware it is not the practice to allow out-door games to prisoners in jails in India. Government, therefore, see no reason for providing any such facilities for prisoners confined in the Cellular Jail, Port Blair.

AFFAIRS IN THE CELLULAR JAIL, ANDAMANS, UNDER THE PRESENT SUPERINTENDENT.

570. ***Mr. Mohan Lal Saksena :** (a) Is it a fact that the present Superintendent of the jail has risen from the rank of a warder ?

(b) Will Government state how long he has been the Superintendent of the jail ?

(c) Do Government propose to consider the advisability of transferring him and sending some other person who has had experience of dealing with educated prisoners ?

(d) Have Government received any petition from the prisoners representing their grievances and for appointing non-official visitors ? If so, what action have Government taken ?

(e) Is it a fact that the Superintendent has the right of withholding the petitions sent by the prisoners to the higher authorities ? If so, are Government prepared to make it a rule that such representations should be forwarded by the Superintendent with his remarks to the authority concerned and that the prisoners making any representation should not be punished for doing so ?

(f) Is it a fact that Messrs. Probir Goswami and Sudhendu Dam were whipped and Dam was suspected of suffering from T. B. and was dragged from hospital and was whipped? If so, will Government state the reasons for inflicting this punishment?

(g) Will Government state the names of prisoners who have been whipped during the last twelve months and the reasons therefor? Are Government prepared to abolish the punishment of flogging in the cellular jail?

The Honourable Sir Henry Craik: (a) Before he entered the Madras Jail Service in February, 1917, Major Upshon, the present Superintendent of the Cellular Jail, held non-gazetted appointments under the Madras Government.

(b) He was promoted to the Madras Jail Service on February 20, 1917. He became Superintendent of a District Jail in 1919 and of a Central Jail in 1925. He was appointed Superintendent of the Cellular Jail in August, 1933.

(c) Government see no reason for taking the action proposed by the Honourable Member.

(d) Yes. Government have passed orders on the grievances of the prisoners which were considered to merits attention. The question of appointing non-official visitors for the Jail is under consideration.

(e) I will state what the rules are. The Chief Commissioner exercises full and absolute control over the discipline and management of the prisoners. The Deputy Commissioner is required to visit the Jail once a month and to submit an inspection note to the Chief Commissioner. It is the duty of the Superintendent to hold a parade every Monday morning to hear complaints, but this does not preclude any prisoner from approaching the Superintendent at other times with a legitimate complaint. The rules do not provide for prisoners sending to higher authorities petitions containing complaints; but any matter which the Superintendent could not deal with himself he would naturally refer to the Chief Commissioner if he considered that it should be brought to his attention. The Government have no reason to suppose that a prisoner making a genuine complaint is punished for doing so. They are not prepared to require that the Superintendent shall submit to higher authority every petition which a prisoner may wish to send.

(f) Probir Goswami was awarded 20 stripes for assaulting the Chief Jailor and Sudhendu Dam 30 stripes for assaulting the Superintendent. Both prisoners were examined by the Jail Medical Officer and certified as medically fit for the punishment. Dam was not suspected of suffering from tuberculosis but he was admitted into hospital for slight fever on November 4, 1934. He had no fever from November 5 to 12th on which latter date he assaulted the Superintendent.

(g) No prisoners other than Probir Goswami and Sudhendu Dam have been whipped during the last twelve months. Government do not propose to abolish the punishment of whipping for grave prison offences.

Mr. Mohan Lal Saksena: Is not Sudhendu Dam the same prisoner who has been reported to have lost ten pounds in weight?

The Honourable Sir Henry Craik: No, Sir. The other man's name is different.

Pandit Lakshmi Kanta Maitra : May I know if these petitions from these prisoners representing their grievances are disposed of by the Honourable Member himself or by the Jail Superintendent ?

The Honourable Sir Henry Craik : By the Chief Commissioner.

Pandit Lakshmi Kanta Maitra : Has not the Home Department anything to do with the disposal of these cases ?

The Honourable Sir Henry Craik : If the Chief Commissioner considers the subject of sufficient importance, he would send them on to the Home Department, but ordinarily he disposes of these petitions himself.

Mr. Mohan Lal Saksena : May I know the answer to part (e) ? I have not been able to follow it.

The Honourable Sir Henry Craik : It is fairly long, and I have already read it once.

Mr. Mohan Lal Saksena : If the Honourable Member is not prepared to read, then they should be laid on the table at least half an hour before question time. Otherwise, we are deprived of our right of putting supplementary questions.

Pandit Lakshmi Kanta Maitra : Sir, these are questions relating to political prisoners which are of absorbing interest to the country and we shall not be doing our duty to our country and our constituency if we do not get sufficient information about them. The Honourable Member always gives his answers so quickly and in such a low voice that we cannot follow him, and we cannot put supplementary questions. With your indulgence, I would suggest that these answers relating to the State Prisoners should be sent to us beforehand. Otherwise we should be permitted to put supplementary questions tomorrow.

Mr. President (The Honourable Sir Abdur Rahim) : There are two courses open to the Honourable the Home Member, either to read out the answers again or to lay them on the table.

The Honourable Sir Henry Craik : I had better read it again to save trouble. [The Honourable Member read out again the answer to part (e).]

Prof. N. G. Ranga : What is the answer to part (d).

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has already read out the answer.

Prof. N. G. Ranga : Have Government considered the petition of these prisoners for the appointment of a non-official visitor, and, if so, what is the decision ?

The Honourable Sir Henry Craik : I have already said that the question of appointing non-official visitors for the jail is under consideration.

Mr. S. Satyamurti : With reference to clause (g), may I know what are the reasons why Government are not prepared to abolish the barbarous punishment of flogging in the Cellular Jail ?

The Honourable Sir Henry Craik : It is necessary in the interests of discipline.

Prof. N. G. Ranga : Is the Honourable Member aware that Major Upshon has the credit of having ordered the largest number of corporal punishments while he was Superintendent of the Jail in Rajahmundry ?

The Honourable Sir Henry Craik : I am not aware that he has ever received corporal punishment.

Pandit Lakshmi Kanta Maitra : Does the Honourable Member think that is it really possible for these petitioners to get redress of their grievances, if the Jail Superintendent is the very person against whom these petitioners have complained ?

The Honourable Sir Henry Craik : That is a matter of opinion.

Pandit Lakshmi Kanta Maitra : I understood from the Honourable Member's reply that all petitions in the normal course go to the Superintendent. My grievance is that if such grievances relate to the very conduct of the Superintendent, is the Superintendent the proper person to dispose of these petitions ?

Mr. President (The Honourable Sir Abdur Rahim) : That is a matter of argument.

Mr. S. Satyamurti : When did Government last consider the question and came to the conclusion, that " discipline cannot be enforced without flogging " ? What was the nature of the inquiry ; who inquired ; and what are the materials on which the Honourable the Home Member says that, without flogging, discipline cannot be enforced in the Cellular Jail ?

The Honourable Sir Henry Craik : Does the Honourable Member want to know what is my experience ?

Mr. S. Satyamurti : I am asking the basis of the Government's opinion that " discipline cannot be enforced in these cellular jails without flogging " ?

The Honourable Sir Henry Craik : The " basis " is " experience ".

Mr. S. Satyamurti : Has the Honourable Member any experience of jails at any time ? Has he visited them at any time ?

The Honourable Sir Henry Craik : I have been in charge of jails for four years, and when I was a District Magistrate, I visited many jails and enquired into many jail offences.

Pandit Lakshmi Kanta Maitra : Has the Honourable Member made any inquiries into specific cases where there were complaints against flogging ? Will the Honourable Member make any such inquiries ?

The Honourable Sir Henry Craik : I cannot undertake to do that.

Prof. N. G. Ranga : Is the Honourable Member aware of the fact that some of the prisoners in the Andaman jails were once prisoners in the Rajahmundry jail and were then flogged under the orders of Major Upshon before he was transferred to the Andamans ?

The Honourable Sir Henry Craik : No, Sir, I have no information to that effect.

Prof. N. G. Ranga : Is it a fact that Major Upshon has been appointed Superintendent of the Andaman jails, because, he has had, to his credit,

the largest number of corporal punishments inflicted and carried out under his own instructions ? (Laughter.)

The Honourable Sir Henry Craik : No, Sir.

Mr. S. Satyamurti : Will Government inquire now and consider whether non-official visitors cannot be appointed to a committee,—non-official visitors appointed by themselves,—and come to a conclusion on the need or otherwise for continuing this barbaric practice of flogging ?

The Honourable Sir Henry Craik : I am not prepared to do that.

Pandit Lakshmi Kanta Maitra : May we know the reason why ?

Mr. President (The Honourable Sir Abdur Rahim) : That question cannot be further discussed.

Mr. Mohan Lal Saksena : How long will Government take to discuss the question of the advisability or otherwise of appointing non-official visitors to the jails in question ?

The Honourable Sir Henry Craik : I expect to discuss the question—as I have already said in reply to another question—with the Chief Commissioner who is going to visit Delhi this cold weather.

Mr. Mohan Lal Saksena : Cannot that be done by correspondence, Sir ?

(No reply.)

SUPPLY OF MORNING TEA TO PRISONERS IN THE CELLULAR JAIL, ANDAMANS.

571. ***Mr. Mohan Lal Saksena :** Is it not a fact that the weather of the Andamans is moist and damp and the prisoners suffer from cold, and are Government prepared to consider the advisability of supplying morning tea to the prisoners ?

The Honourable Sir Henry Craik : The Andamans, like Bengal, receive a heavy monsoon : but the climate cannot be called cold : the mean temperature is higher than in Bengal. Tea at the early morning meal is supplied to B class prisoners in the Andamans but not to C class prisoners. Government see no reason to depart from this arrangement.

Pandit Lakshmi Kanta Maitra : Is not the climate more damp than in Bengal ?

The Honourable Sir Henry Craik : The mean temperature is lower.

Mr. Mohan Lal Saksena : May I ask for what reasons Government have arrived at the decision that tea should not be supplied ? Is it on the ground of cost, or what ?

(No answer.)

PROTECTION OF INDIANS IN ABYSSINIA.

572. ***Mr. Mohan Lal Saksena :** Will Government state what action, if any, it has taken to protect the life and property of Indians in Abyssinia ?

Mr. J. G. Acheson : The Honourable Member is referred to the answer given on the 3rd September, 1935, to a short notice question on the same subject by Mr. Satyamurti.

REFUSAL OF ADMISSION TO INDIAN STUDENTS IN ENGLAND TO A SWIMMING POOL.

573. ***Mr. Lalchand Navalrai :** Has Government's attention been drawn to the letter of the London Correspondent of the *Roy's Weekly*, dated the 29th July, 1935, regarding the fact of two Indian students having been refused admittance to a Local Swimming Pool in London on the ground of colour ?

(b) If so, what steps do Government propose to take in such matters once for all ?

The Honourable Sir Girja Shankar Bajpai : I would refer the Honourable Member to the reply given by me to Mr. Akhil Chandra Datta's starred question No. 546 on the 20th September, 1935.

Mr. Lalchand Navalrai : May I know from the Honourable Member what the reason was for not taking any action ?

The Honourable Sir Girja Shankar Bajpai : My Honourable friend can know from me what it was : it was that the Secretary of State made inquiries and found that this was an entirely private concern over which Government have got no kind of control.

Pandit Lakshmi Kanta Maitra : May I know what was the justification for refusing admittance after tickets were actually sold ? Tickets were then actually sold by the company to some Indians, though the company has now discontinued the practice of selling these tickets. After selling the tickets, does it not stand to reason that those to whom tickets were actually sold should have been given admittance ?

The Honourable Sir Girja Shankar Bajpai : The gentlemen concerned have got the ordinary civil remedy.

Mr. Lalchand Navalrai : May I take it that it is a fact that Government have no control whatsoever, in any form, over that company ?

The Honourable Sir Girja Shankar Bajpai : Yes, Sir.

CLASSIFICATION OF THE STAFF OF THE READING BRANCH OF THE GOVERNMENT OF INDIA PRESSES.

574. ***Syed Ghulam Bhik Nairang :** (a) Is it a fact that there are two classes of employees, Industrialists and Clerks, working in the Government of India Presses ?

(b) Is it a fact that the members of the Reading Branch are classified as "Industrialists" ?

(c) Is it a fact that prior to 1920 they were recognised as ministerial servants ?

(d) Is it a fact that the employees of the Reading Branch do only reading and writing work and do not use any tools, instruments, implements or machines of any kind in the discharge of their duties ?

(e) Are Government aware that the Controller of Printing and Stationery in his memorandum No. C.P.O.-12/74/28, dated the 23rd September, 1929, declared the members of the Reading Branch as being ministerial servants ?

(f) Is it a fact that members of the Reading Branch of Government of India Presses are persons "solely employed in a clerical capacity in a room or place where no manufacturing process is being carried on" ?

(g) Is it a fact that the Calcutta High Court in the case *Crown vs. H. Watson* (1934) declared Proof-Readers to be clerical workers and not industrialists ?

(h) If the answers to parts (c) to (g) are in the affirmative, are Government prepared to classify members of the Reading Branch of the Government of India Presses as ministerial servants and not industrialist workers or labourers ? If not, why not ?

Mr. A. G. Clow : (a), (b), (d) and (e). Yes.

(c) I understand that prior to 1920 there was no distinction between clerks and readers or other staff as regards classification.

(f) I am inclined to the view that the correction of printed matter, which is the work of the Reading Branch may be itself a manufacturing process.

(g) No.

(h) Does not arise.

COMPULSORY RETIREMENT OF PERSONS WHO HAVE COMPLETED 25 YEARS OF THEIR PERMANENT SERVICE.

575. ***Syed Ghulam Bhik Nairang :** (a) Is it a fact that the Government of India have issued orders for the compulsory retirement of persons who have completed 25 years of their permanent service ?

(b) If so, when would these orders be given effect to ?

The Honourable Sir James Grigg : (a) No.

(b) Does not arise.

COMMUNAL COMPOSITION OF THE STAFF OF THE RESERVE BANK OF INDIA.

576. ***Syed Ghulam Bhik Nairang :** (a) What is the total strength of the Reserve Bank of India ?

(b) How many of the employees are Hindus, Muslims, Sikhs, Christians and Anglo-Indians ?

(c) Was the recruitment made in accordance with the instructions contained in the Home Department Resolution No. F-14/17-B/33-Ests., dated Simla, the 4th July, 1934 ? If not, why not ?

The Honourable Sir James Grigg : (a) and (b). Government have no information.

(c) The recruitment of the staff of the Reserve Bank is entirely a matter for the Central Board of the Bank.

PROMOTIONS IN THE INDIAN MEDICAL DEPARTMENT.

577. *Mr. Sham Lal : (a) Does a Jemadar of the Indian Medical Department normally take about 21 years to get promotion to a Subedarship ?

(b) Is it a fact that an ordinary soldier with ordinary intelligence under ordinary peace conditions can rise to the position of a Subedar, Subedar-Major, or even to the rank of Honorary Lieutenant in 21 or 22 years ?

(c) Are Government aware that Military Sub-Assistant Surgeons who entered the service after 1918 cannot hope to get promotion above the rank of Jemadar, however intelligent and hardworking they may be, as a very large number of the Sub-Assistant Surgeons were taken in service in 1918 under the system of promotions now in vogue ?

(d) Are Government prepared to make promotion of such Jemadar (Sub-Assistant Surgeons) of the Indian Medical Department to Subedar, Subedar-Major, on time-scale basis just as it is in the case of the Indian Medical Service Officers ?

(e) Are Government prepared to increase the percentage of Honorary King Commissions being granted to such officers from 1 per cent. to 2 per cent. and remove the grievance and discontent existing among the service ?

Mr. G. R. F. Tottenham : (a) The normal period of service before promotion to the rank of subadar is 26 years.

(b) It is only the exceptional men who reach these high ranks, and even they do not do so in 21 years.

(c) Of the 246 sub-assistant surgeons recruited in 1918, only 106 are now in the service. The senior among them will be promoted in due course, but as the cadre of subadars and subadar-majors is limited to ten per cent. of the total strength, promotion is bound to be slow.

(d) No, Sir.

(e) No, Sir. The Indian Medical Department have the same percentage of promotions to Honorary Commissioned rank as other branches of the Indian Army and they have no real grievance in this respect.

ALLOWANCES GIVEN TO MILITARY SUB-ASSISTANT SURGEONS ON TRANSFER.

578. *Mr. Sham Lal : (a) What daily allowance or travelling allowance will an Indian Officer of the Indian Medical Department (Military Sub-Assistant Surgeon) get on permanent transfer from Alipur, Calcutta to Meerut when travelling with a family of four members, all travelling II Class ?

(b) Is it a fact that he gets only five annas a day in lieu of rations from which he is supposed to meet his food expenses (which are always high on journeys), cooly charges and other incidental and miscellaneous charges ?

(c) Are Government aware that an Indian Officer of the Indian Medical Department (Military Sub-Assistant Surgeon) has to spend about half of his pay on the moves in the interests of the service of the State ?

(d) Do Government propose to make the provisions of Form 'E' applicable in the case of Military Sub-Assistant Surgeons in case of their transfer, which provisions at one time were in force ?

Mr. G. R. F. Tottenham : (a) A military sub-assistant surgeon of the Indian Medical Department on transfer travels on second class warrant, which covers not only the conveyance of himself, and his family and his servant but also of the authorised scale of baggage by rail or road, as the case may be. No travelling or daily allowance is admissible.

(b) Yes, but the five annas are not intended to cover cooly charges and other miscellaneous and incidental expenses.

(c) In view of the facilities which the warrant system affords, it is difficult to accept the statement as correct.

(d) No, Sir.

Mr. Lalchand Navalrai : Are there European military sub-assistant surgeons ?

Mr. G. R. F. Tottenham : No, Sir.

DISCRIMINATION AGAINST INDIAN MILITARY SUB-ASSISTANT SURGEONS.

579. ***Mr. Sham Lal :** (a) Is there any difference in accommodation granted to Indian Officers of the Indian Medical Department (Military Sub-Assistant Surgeons) as compared with other Indian Officers of unit or formation ?

(b) Are there any special reasons for this discrimination against Indian Officers of the Indian Medical Department (Military Sub-Assistant Surgeons) ?

(c) Is it a fact that no Darbar Hall or *Baithak* is provided for Indian Officers of the Indian Medical Department (Military Sub-Assistant Surgeons) whereas such Darbar Halls or *Baithaks* are provided for in the accommodation provided for other Indian Officers of the unit or formation ?

(d) Is it a fact that only one lamp is given to the Indian Officers of the Indian Medical Department while two lamps are given to other Indian Officers ? Are Government aware that the former being more educated and being professional men, require more lamps than the latter ?

Mr. G. R. F. Tottenham : (a) Yes. The scale of accommodation allowed to Indian Officers of the Indian Medical Department is somewhat less generous than that allowed to regimental Viceroy's Commissioned officers.

(b) No, Sir. As a matter of fact, the question of providing Indian officers of the Indian Medical Department with the same scale of accommodation and lamps as regimental Viceroy's Commissioned officers has been considered three times in the last ten years, but it has not yet been possible to proceed with the matter on account of lack of funds.

(c) Yes.

(d) Yes—but I cannot admit that officers of the Indian Medical Department need more lamps than other Indian officers.

WATER SUPPLY OF THE CITY OF KARACHI.

580. *Sir Ghulam Hussain Hidayatallah : Will Government be pleased to state :

(a) whether they have received a representation from the Mayor of Karachi on behalf of the Karachi Municipal Corporation praying for certain assistance from the Government of India towards the scheme of that Corporation for bringing water from the River Indus for the purpose of augmenting the water supply of the City of Karachi ;

(b) if so, what they propose to do in the matter ?

The Honourable Sir Girja Shankar Bajpai : (a) No.

(b) Does not arise.

Sir Ghulam Hussain Hidayatallah : Is the Honourable Member sure that they have not received any representation ?

The Honourable Sir Girja Shankar Bajpai : As sure as is humanly possible.

MANUFACTURE OF PETROL FROM COAL IN INDIA.

581. *Mr. T. S. Avinashilingam Chettiar : (a) Will Government state whether they are aware that petrol has been produced in large scale from coal in England by the Imperial Chemical Industries Company ?

(b) Do Government propose to consider the advisability of manufacturing petrol from coal in India ?

Mr. A. G. Clow : (a) Yes.

(b) No ; the process at present is uneconomical.

Mr. T. S. Avinashilingam Chettiar : May I ask if Government have really investigated into the matter, Sir ?

Mr. A. G. Clow : We are familiar with the facts, Sir.

Mr. T. S. Avinashilingam Chettiar : Are Government aware that there is plenty of coal available in India ?

Mr. A. G. Clow : Yes, plenty. (Laughter.)

Mr. T. S. Avinashilingam Chettiar : What is the difference in conditions of production of coal out here and in England ?

Mr. A. G. Clow : There are very big differences between conditions here and in England. Even in England, it has not proved commercially successful ; it is dependent on a substantial remission of the excise duty. England has no internal supplies of oil worth speaking of ; then, there is the very large problem of unemployment there ; there is a large mining population unemployed.

Mr. T. S. Avinashilingam Chettiar : Is there not a large amount of unemployment even in India ?

Mr. A. G. Clow : Not among the miners, as far as I am aware. Our production of coal is very nearly what it was several years ago, and the figures of production are rising again.

Mr. T. S. Avinashilingam Chettiar : Will Government consider the advisability of investigating into the matter again ?

Mr. A. G. Clow : No, Sir, because it requires an extremely heavy subsidy, and, having supplies of petrol within our borders, I do not see any reason why we should produce it by a more expensive method and subsidize the owners of coal and those who use petrol.

Mr. S. Satyamurti : Are Government aware that petrol is being sold almost at monopoly prices in this country, and is much dearer than in many other countries, including the country of my Honourable friend ? Will Government, therefore, examine this question and see if petrol cannot be supplied at a cheap rate, as it is being supplied in other countries ?

Mr. A. G. Clow : I think the Honourable Member can take it from me that petrol cannot be produced cheaper by using coal instead of using the methods that are now in force.

Dr. Ziauddin Ahmad : May I know what is the difference between the quality of the coal that is produced in England and the quality of coal that is produced in India ? How is it that one kind of coal can produce petrol and the other cannot ?

Mr. A. G. Clow : The qualities of coal differ from seam to seam and from field to field.

Mr. T. S. Avinashilingam Chettiar : Is the Honourable Member aware that with the separation of Burma, the supplies of petrol within our borders will become very little ?

Mr. A. G. Clow : The separation of Burma will lessen the supply of petrol in India which will be then practically confined to Assam and the Punjab.

Mr. T. S. Avinashilingam Chettiar : Will that supply be sufficient for the country ?

Mr. A. G. Clow : Not the supply from Assam and the Punjab alone.

MOLASSES PRODUCED IN INDIA.

582. ***Mr. T. S. Avinashilingam Chettiar :** Will Government state :

- (a) whether they are aware that an enormous amount of molasses is being produced in India because of the rapid rise of the white sugar industry ;
- (b) whether they have explored any way of utilising this immense amount of molasses ;
- (c) whether they are aware that in Java, Queensland, Hawa and other countries, molasses has been utilised as manure very successfully ; and
- (d) whether they propose to consider the advisability of finding some such way for utilising molasses ?

The Honourable Sir Girja Shankar Bajpai : (a) Yes.

(b) and (d). Yes. Experiments on the use of molasses as manure and for road surfacing and making acetic acid are already in progress at several centres in India.

(c) Government are informed that an examination of the reports of experiments in these countries shows that the results obtained with crude molasses are erratic and contradictory.

Pandit Lakshmi Kanta Maitra : Will the Honourable Member give the report of these experiments in due course ?

The Honourable Sir Girja Shankar Bajpai : This experiment is being conducted largely under the ægis of the Imperial Council of Agricultural Research, and I think my Honourable friend, if he is curious as regards the results, will find them in the report of the Imperial Council of Agricultural Research.

Dr. Ziauddin Ahmad : Are Government making any experiments with these molasses being used as fuel ?

The Honourable Sir Girja Shankar Bajpai : Experiments on that point have been made already, and I gather that the results have not been very satisfactory.

Maulana Shaukat Ali : Are Government aware that, in the old sugar factories, called Khandsars, they used molasses for making vinegar, both black and white, what they called *muqattar*. As an investigation is being conducted into the use of molasses, cannot Government induce people to make experiments of converting molasses into vinegar on a large scale as there is a great demand for vinegar ?

The Honourable Sir Girja Shankar Bajpai : My own idea is that the establishment of what might be called a large scale factory production of sugar in this country makes the utilisation of molasses for the purpose of producing vinegar very undesirable.

Pandit Lakshmi Kanta Maitra : Are Government carrying out any research for producing alcohol from these molasses ?

The Honourable Sir Girja Shankar Bajpai : I answered that question day before yesterday.

Maulana Shaukat Ali : May I know why it is undesirable to produce vinegar ?

The Honourable Sir Girja Shankar Bajpai : I will answer that question like this : unless the population of this country actually start drinking vinegar with their morning tea, there will not be enough use for the vinegar.

Maulana Shaukat Ali : Not much pickles and *chutnies* are eaten in this country, and they are a very good remedy for many diseases. There is a great demand from the poor people to eat pickles and *chutnies* if they can only be produced at cheap rates.

Mr. President (The Honourable Sir Abdur Rahim) : That is not a question.

CONDITION OF INDIANS IN FIJI.

583. ***Mr. T. S. Avinashlingam Ohetiar** : (a) Will Government state whether they are aware of the fact :

(i) that large numbers of Indians have settled down in Fiji ;

(ii) that they are in a miserable plight ; and

(iii) that the system of land tenure obtaining there works great hardship on the Indian population ?

(b) Will Government state whether they have made any representations to alleviate their conditions ?

(c) Are Government prepared to consider the advisability of impressing upon the Government of Fiji to evolve a better system of land tenure and give better treatment to the Indian community ?

The Honourable Sir Girja Shankar Bajpai : (a) (i). Yes.

(ii) The Indian community have made representations regarding elections to the Legislative Councils and there is the question of land tenure. Apart from that the Government of India have not recently heard of any grievances.

(a) (iii), (b) and (c). I would invite the Honourable Member's attention to the reply given by me to Mr. C. N. Muthuranga Mudaliar's starred question No. 183 asked on the 6th September, 1935.

Mr. T. S. Avinashilingam Chettiar : With reference to the answer to clause (a), (ii), is it not a fact that with time people get accustomed to these hardships and they do not complain any more and that the absence of complaints is no proof that there are no complaints ?

The Honourable Sir Girja Shankar Bajpai : Well, Sir, that seems to me to be a hypothetical question.

GRIEVANCES OF THE EMPLOYEES OF THE EAST INDIAN AND EASTERN BENGAL RAILWAY PRESS.

584. ***Dr. P. N. Banerjea :** (a) Is it a fact that the Honourable Mr. D. G. Mitchell stated in the Council of State on the 25th February, 1935, that the Report on the grievances of the employees of the combined Press for the Eastern Bengal and the East Indian Railway had been presented and assured that the same was receiving the very sympathetic consideration of the Railway Board ?

(b) Is it a fact that in a mass meeting of the employees of Railway Presses, Calcutta, held under the presidentship of Sj. Amarendra Nath Chatterji, M.L.A., at Calcutta on the 27th April, 1935, a resolution was passed requesting Sir Guthrie Russel to give a sympathetic consideration to the Notes on the Administration of the Railway Press, submitted by Press Employees' Association, Calcutta ?

(c) Is it a fact that the Committee reported in paragraph 21 that the complaint made as to the inequitable methods adopted in calculating the revised pay in 1930 is serious and they had to examine in greater details the correctness of the calculation made in 1930 ?

(d) Is it a fact that the Committee is of opinion that the principles laid down by the Railway Board have not been followed in fixing the initial pay at the time of revision of pay in 1930 ?

(e) Is it a fact that the Committee's conclusions regarding the inequitable adjustment of pay are that there have been variations in carrying out the orders of higher authorities in regard to the fixation of initial pay in 1930 ?

(f) Is it a fact that in letter No. 2263-E.G., dated the 20th March, 1934, the Director, Railway Board, directed the Agent, East Indian Railway, Calcutta, to make arrangements to report on each of the points raised by the Press Employees' Association in their Note ?

(g) Is it a fact that in paragraph (4) of the Note submitted by the Press Employees' Association it was pointed out that the details regarding the grievances of the inequitable fixation of initial pay of the industrial employees could be found in their Memorial, dated the 12th January, 1931 ?

(h) If the answers to parts (f) and (g) be in the affirmative, will Government be pleased to state :

(i) whether the memorial, dated the 12th January, 1931, was placed before the Committee for their consideration ; and

(ii) whether materials were placed before the Committee by the Agent to show how the initial pay was fixed in 1930 ? If so, what are the materials that were placed before the Committee ?

Mr. P. B. Rau : (a) to (g) and part (i) of (h). The reply to all these questions is in the affirmative.

(h) (ii). Government have no detailed information as to the materials placed before the Committee, but have no doubt that all relevant facts were taken into consideration by them. I may add that the recommendations of the Committee have been accepted.

INDENT FOR TWO MONO MACHINES FOR THE EAST INDIAN RAILWAY PRESS AT CALCUTTA.

585. ***Dr. P. N. Banerjea :** (a) Is it a fact that the Agent, East Indian Railway, has recommended in his Annual Report for 1934-35, for the indent of two Mono machines for the Press at Calcutta, to cope with the work of the Composing Branch ?

(b) Is it a fact that the following staff and materials are indispensably necessary for the running of a single Mono machine :

(i) One Mono mechanic,

(ii) Mono-operator, and one Caster,

(iii) Two Compositors,

(iv) Outside assistance for occasional repairs,

(v) Spool used in machine,

(vi) Expenditure on gas,

(vii) Expenditure on electricity with separate dynamo,

(viii) Expenditure on lead ?

(c) If the answer to part (b) be in the affirmative, will the Honourable Member be pleased to state the expenditure that is to be incurred under each head ?

Mr. P. B. Rau : (a) In the report it is stated that steps are being taken to increase the capacity of the composing branches by installing more monotype machines and labour saving equipment.

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

FIXATION OF THE INITIAL PAY OF STAFF IN THE EAST INDIAN RAILWAY PRESS:

586. *Dr. P. N. Banerjea : (a) Is it a fact that Mr. P. R. Rau laid a statement on the 18th July, 1934, showing that the mean average of piece-earning rate per hour and class rate $\times 200$ was taken as the method of fixing the initial pay of the men in the East Indian Railway Press ?

(b) If the answer be in the affirmative, will the Honourable Member in charge be pleased to state :

(i) whether this mean average was taken in case of each individual industrial employee ;

(ii) how this mean average was calculated ; and

(iii) what is the mean average taken in case of an industrial employee whose hourly rate was annas four and earnings on piece-rate was Rs. 100 per mensem ?

(c) Is it a fact that in telegram No. 229-E.G., dated the 26th November, 1930, it was stated and the principle was followed that the fact that men can earn piece-work in addition to monthly rates should not be lost sight of in fixing the initial pay of the industrial employees of the Press ?

(d) Is it a fact that working on piece-rate has totally been stopped at the Calcutta Press ? If so, since when ?

(e) If the answers to parts (c) and (d) are in the affirmative, will Government be pleased to state whether any increase in pay has been granted to the industrial employees in view of the staffing of piece-rate working ?

Mr. P. R. Rau : (a) Yes, in connection with starred question No. 258 asked on the 5th December, 1933.

(b) (i) The Agent, East Indian Railway, reports that the reply is in the affirmative.

(ii) I lay on the table a statement showing the details of the method adopted in fixing initial pay in the case of piece-workers in the East Indian Railway Press.

(iii) I am unable to furnish an answer in the absence of information as to the number of hours actually worked on piece rates.

(c) Yes.

(d) The Agent, East Indian Railway, reports that working on piece rates has been stopped since the 1st March, 1933.

(e) Government are informed that no increase in pay, apart from increments accruing according to the time-scale of pay, has been granted.

Statement showing the details of the method adopted in fixing initial pay in the case of piece-workers in the East Indian Railway Press.

The following formula was adopted :

Mean average of

$$(a) \frac{\text{Piece earnings in a period}}{\text{No. of hours worked in the same period}} \times 200$$

$$(b) \text{ Hour rate} \times \frac{162}{152} \times 200$$

The figures 152 and 162 were calculated as follows :—

$$(A) \frac{\text{Total hours of work per week} \times 52 \text{ weeks}}{12 \text{ months}}$$

$$= \frac{35 \times 52}{12} = 151\text{-}2/3 \text{ or } 152.$$

$$(B) \frac{\text{Total attendance hours per week} \times 52 \text{ weeks}}{12 \text{ months}}$$

$$= \frac{37\frac{1}{2} \times 52}{12} = 162\frac{1}{2} \text{ or } 162.$$

NATURE OF DUTIES DISCHARGED BY THE READERS AND COPYHOLDERS IN THE GOVERNMENT OF INDIA PRESSES.

587. *Dr. P. N. Banerjea : (a) Will Government be pleased to state the nature of duties that are discharged by the readers and copy-holders of the Government of India Presses ?

(b) Is it a fact that these duties can be discharged more efficiently by educated employees than by the uneducated ?

(c) Is it a fact that the workings in the binding department require not so much educational qualification than that which is required in the reading branch ?

(d) Is it a fact that educated applicants are being appointed in the binding department of the Calcutta Press whereas less qualified men get the job in the reading branch ? If so, will Government be pleased to state the reason therefor ?

(e) Will Government be pleased to lay a statement showing the appointments made during the last three months in the reading and binding branches respectively of the Calcutta Press together with the names of the employees with their educational qualifications and relations with any employee in the press, if any ?

Mr. A. G. Clow : (a) The attention of the Honourable Member is invited to paragraphs 184 and 185 of the Handbook of the Government of India Presses.

(b) and (c). Yes.

(d) Certain men having educational qualifications equal to or above the matriculation certificate have been appointed as binders in the Calcutta Press. As regards the reading branch of the Press, of the men appointed recently, some possess such educational qualifications, while

others, who are less qualified educationally were appointed by the Manager of the Press in the lowest grade of the branch after he had satisfied himself of their suitability.

(e) A statement is laid on the table.

Statement showing the names, educational qualifications, etc., of the men appointed in the reading and binding branches of the Government of India Press, Calcutta, during the months May, June and July 1935.

Name.	Educational qualifications.	Appointment.	Relations, if any in the press.	Remarks.
READING BRANCH.				
Mohd. Mozammel Huq Taluqdar.	B. A. Apprentice (qualified).	Reader ..	Brother, a clerk.	
L. Wright	Matric ..	Copyholder ..	None.	
Ghulam Hossain	Non-matric ..	Do.	Father, a retired binder.	
Dhruba Kumar Banerjee ..	Do. ..	Do.	Uncle, a senior reader.	A discharged employee.
Suryabali Agnihotri ..	Do. ..	Do.	Father, a peon.	
BINDING BRANCH.				
Bhupendra K. Sen ..	Matric ..	Binder ..	None.	
Kiran Ch. Mazumdar ..	I. A. ..	Do. ..	None.	
Ramananda Sen Gupta ..	Matric ..	Do. ..	None.	
Ghulam Rouff		Do. ..	None.	
Ful Khan		Do. ..	None.	
Ghulam Goffur Choudhury		Do. ..	None.	
Sudhir Ch. Nag		Do. ..	None.	

COMPOSITORS, BINDERS AND DISTRIBUTORS DISCHARGED FROM THE GOVERNMENT OF INDIA PRESS, CALCUTTA,

588. *Dr. P. N. Banerjee : (a) Is it a fact that several compositors, binders and distributors of the Government of India Press, Calcutta, were discharged due to reduction in the year 1923-24 without any payment as compensation ?

(b) Is it a fact that there are Government circulars in the Railway and Postal Departments to the effect that whenever any suitable vacancy occurs in the department the retrenched hands should be given the first preference in the matter of filling up those vacancies ?

(c) Is it a fact that recently several posts in the Composing and Binding Departments of the Government of India Press, Calcutta, fell vacant and the several retrenched compositors and binders of 1923-24 applied for their re-appointment in the said posts ?

(d) Is it a fact that outsiders have been appointed in large number in preference to retrenched hands ?

(e) If the answers to parts (a) to (d) be in the affirmative, will Government be pleased to state the reasons for appointing outsiders ?

(f) Is it a fact that those posts have already been filled up ? If so, will the Honourable Member be pleased to state :

(i) how many posts in the Composing and Binding Sections, respectively, fell vacant recently ;

(ii) how many retrenched compositors and binders and how many outsiders applied for their employment ; and

(iii) how many retrenched compositors and binders and how many outsiders have actually been appointed ?

Mr. A. G. Clow : (a), (b) and (c). Yes.

(d) Yes, a few retrenched employees have also been appointed.

(e) They were considered to be more suitable on administrative and technical grounds.

(f) The answer to the first part is that most of the vacancies have been filled. As regards the second part the particulars are as follows :

(i) 18 and 7, respectively.

(ii) 35 retrenched compositors, 35 retrenched binders and 234 outsiders.

(iii) No retrenched compositors, 3 retrenched binders and 18 outsiders.

Mr. Lalchand Navalrai : With regard to part (a), may I know if these retrenched hands have applied for posts, and do Government insist on their possessing the same qualifications as the new men ?

Mr. A. G. Clow : Not necessarily, Sir. There is also a difficulty about age, as the retrenchment was a matter of good many years ago.

APPOINTMENT OF THE RELATIVES OF RETIRED EMPLOYEES IN THE GOVERNMENT OF INDIA PRESSES.

589. ***Dr. P. N. Banerjee :** (a) Is it a fact that there is a circular that relatives of the employees who are retired, or are going to retire in the Government of India Presses, will get preference regarding appointments in suitable vacancies ?

(b) Is it a fact that during the last two years several appointments as clerks, copy-holders and readers were made from amongst the relatives of the employees of the Government of India Press, Calcutta ?

Mr. A. G. Clow : (a) I assume that this part of the question relates to the Stationery and Printing Department of the Government of India.

If so, the answer is that the Controller of Printing and Stationery recently issued a circular on the subject.

(b) Yes.

APPOINTMENT OF THE RELATIVES OF RETIRED EMPLOYEES IN THE GOVERNMENT OF INDIA PRESSES.

590. *Dr. P. N. Banerjee : (a) Is it a fact that there is a Government circular to the effect that sons and relations of Government employees, who have retired or are going to retire, should get preference in matters of appointment ?

(b) Is it a fact that several appointments as copy-holders have been made in the Government of India Press, Calcutta on the 1st August, 1935 ? If so, have they been filled by the relations of the employees ? If not, why not ?

Mr. A. G. Clow : (a) There is no general Government circular of the sort referred to by the Honourable Member, but I would invite his attention to the reply given by me to part (a) of the question I have just answered.

(b) Four men were appointed as Copyholders on 1st August, 1935, out of whom three are related to Press employees.

MOVEMENT FOR SEPARATION OF CERTAIN INDIAN BORDER TERRITORIES FROM OTHER PARTS OF HINDUSTAN.

591. *Mr. Lalchand Navalrai : (a) Will Government be pleased to state if they are aware that there is really a movement going on, called "Pakistan" demanding from Government—British and Indian—separation of certain Indian border territories from other parts of Hindustan ?

(b) Is it a fact that a document purporting to demand separation of "Pakistan" from Hindustan has been issued by one Mr. Ali and is being circulated amongst Members of Parliament, peers, politicians and press in England and other organizations ?

(c) If not, what action has the British Government and the Indian Government taken in that behalf ?

(d) Has that document been confiscated and proscribed or not ? If not, why not ?

The Honourable Sir Henry Craik : (a) and (b). I have seen the cutting referred to by the Honourable Member and a document signed by a gentleman who calls himself President of the Pakistan National Movement ; but I do not know to whom the document has been disseminated. So far as the Government are aware, the so-called movement is run by some students in England, and is not operating in India.

(c) and (d). I am not aware that any action has been taken by His Majesty's Government. The Government of India have taken no action, and consider no action necessary.

Mr. Lalchand Navalrai : May I know if Government approve of the publication of such documents and pamphlets ?

The Honourable Sir Henry Craik : I do not know that Government have ever even seen those pamphlets.

Mr. Lalchand Navalrai : The pamphlets have been circulated in India. I have got a copy, and, if the Honourable Member wants, I will send it on to him. Will he then take action ?

The Honourable Sir Henry Craik : I do not see it is necessary to take any action.

Pandit Lakshmi Kanta Maitra : What is meant by the word " Pakistan " ?

The Honourable Sir Henry Craik : The Honourable Member had better see the extract.

Pandit Lakshmi Kanta Maitra : Is there any literature on the subject ?

The Honourable Sir Henry Craik : According to the Honourable Member who put the question, a lot of literature has been disseminated in England, but, so far as I know, it has not been disseminated in India.

Dr. Khan Sahib : Will the Honourable Member be pleased to state if the first article which was written from England was inspired from the North-West Frontier Province, and the students, who signed it there, are now given posts in the Frontier Province, one of them as a publicity officer ?

The Honourable Sir Henry Craik : I have no information on that at all.

Dr. Khan Sahib : Will the Honourable Member make enquiries about this young man who has been made a publicity officer and whose father has just been made to retire ?

The Honourable Sir Henry Craik : I do not think the matter is important enough to make enquiries.

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

Pandit Lakshmi Kanta Maitra : Is there any political motive behind this ?

Mr. President (The Honourable Sir Abdur Rahim) : Next question has been called.

RESIDENTIAL ACCOMMODATION FOR GOVERNMENT SERVANTS IN NEW DELHI AND SIMLA.

592. ***Mr. Muhammad Azhar Ali :** (a) What arrangements have the Government of India made in New Delhi and Simla for the accommodation of their Secretariat and its attached offices staff and how many family quarters in all there are at each of these places ?

(b) What percentage of the establishment were allotted Government family quarters in Delhi during the last season and what is the percentage in Simla during this season ?

(c) What percentage will be allotted for the next Delhi and Simla Seasons respectively at each of the Headquarters of the Government of India ?

(d) Is it a fact that the Government quarters for the ministerial establishment at Simla are hardly sufficient for about 5 per cent. only? If not, what are the exact figures?

(e) Are Government aware that due to shortage of quarters a large majority of the staff have got to engage private houses for their accommodation in Simla on heavy rentals?

(f) Are Government also aware that many of them have to engage houses which are situated outside Simla Municipal boundaries and far off from offices and are deprived of the amenities provided by the Municipality as well as by the Government of India itself?

(g) Are Government further aware that all these Government servants who reside in such suburbs of Simla have to do so for want of sufficient accommodation in the city or to avoid high rental of the houses in the city proper or to get better accommodation for the rents they can afford to pay?

(h) Will Government please find out and place on the table a statement showing the number of Government servants who reside in each of the suburbs situated outside municipal bounds together with the names of such suburbs wherein bigger number of the staff of the Government of India offices reside?

(i) Are Government aware that due to the revision of scales which now hardly makes particularly a third division clerk to meet his both ends meet while living single only, it is very hard for the Government of India staff to rent a house in even some of the suburbs which are located within municipal area, and as such they have got to go to a locality where the rents can suit their pockets?

(j) Are Government also aware that the rents of the houses within municipal limits are so exorbitant that the low paid staff cannot afford to reside in Simla proper or nearabout?

(k) Do Government propose providing Government quarters (family) in Simla also to all of its employees as in Delhi? If not, what are the difficulties?

(l) If the reply to preceding part be in the negative, are Government prepared to locate some of the offices permanently at Delhi in order to permit of the remaining Government servants, who have all these years lived in localities outside municipal area and have suffered on account of the distance of the offices from those suburbs and whose children have suffered for want of educational and other facilities, shifting to houses situated in municipal area?

(m) If it is not possible, what are the difficulties?

Mr. A. G. Clow : The information has been called for and a reply will be placed on the table of the House in due course.

FACILITIES AND COMFORTS FOR GOVERNMENT SERVANTS LIVING OUTSIDE THE MUNICIPAL LIMITS IN SIMLA.

593. ***Mr. Muhammad Azhar Ali :** (a) Will Government please state the facilities and comforts provided by it to the employees of the Government of India offices who are not allotted Government quarters in

Simla and compelled to reside outside municipal limits ? If none, what are the reasons ?

(b) What facilities by way of medical, educational, water supply and electricity, are provided by the Government of India for their employees residing in such suburbs ?

(c) What measures have the Government of India adopted therein for the safety of their employees ? If none so far, why ?

(d) Which court of law they have to resort to in case of dispute and why cannot the Government of India provide some special facilities for its employees to attend Government courts only ? If not, why not ?

(e) What are the taxes charged by the Government of India or any other authority from the tenants of the houses in such localities and how much of it comes to in all in each locality ?

(f) Was the house or sanitary tax of 2 per cent. introduced with the approval of the Government in one of the suburban localities ? If so, when and on what understanding was it allowed to be introduced and whether since the introduction any sum has ever been set apart for the betterment of the locality, in respect of educational, medical, electricity and sanitary facilities ?

(g) Are Government aware that the population of one of the suburbs so situated has increased by more than double during the past few years but none of the amenities enumerated above have so far been provided by the Government of India ? If so, are Government aware that instead of increasing the number of water taps, the supply of water through the existing taps was decreased to the minimum thus causing a great inconvenience to the residents ?

(h) Do the Government of India now propose to provide all the amenities mentioned above, and also those which are enjoyed by those who reside in Government quarters to those staff of the Government of India who are compelled to live outside Simla municipal bounds ? If not, why not ?

(i) If the reply to the preceding part be in the negative, do Government in the alternate propose to adopt some other measures whereby the interests of Government of India staff residing in such localities are safeguarded in all ways and have the realised amount of taxes entrusted to a small committee of the residents of localities for the provision of all the facilities and amenities enumerated above every year ? If not, what are the difficulties ?

The Honourable Sir Girja Shankar Bajpai : (a) to (e). Government are not responsible for the provision of special civic or legal amenities to their employees, nor do they subject them to any special form of taxation. They have no information as to taxes levied by other authorities empowered to do so. Both in and outside Simla these employees share, with other classes of the population, such facilities as the authorities concerned provide for all. As an exceptional case, the Government of India make special arrangements for medical attendance and also subsidise certain educational institutions which cater primarily for the requirements of the migratory section of their staff.

(f) and (g). In the absence of the name of the locality Government regret that they are unable to give the Honourable Member the information asked for.

(h) and (i). I would refer the Honourable Member to the general statement of Government's position which I have given in answer to parts (a) to (e) of his question.

SHORTAGE OF GOVERNMENT QUARTERS IN SIMLA.

594. *Mr. Muhammad Azhar Ali : (a) Are Government aware that due to the shortage of Government quarters for the ministerial staff of the Government of India, many of its clerks in order to avoid congestion within municipal area, are compelled to reside in localities called Bharari, Sanjauli, etc., which are said to be situated outside the Simla municipal area ?

(b) How much amount is contributed every year by the Government of India or any other Government for the maintenance of Simla Municipality in any form or shape ?

(c) Are Government aware that the employees of the Simla municipality living in municipal bungalows or quarters situated outside municipal limits, e.g., Sanjauli, are provided with almost all sorts of municipal amenities whereas the employees of the Government of India who are living in such a locality, denied all such amenities ?

(d) Are Government aware that the Government of India employees who reside in Simla outside municipal limits not only pay income-tax to the Government but also purchase almost all kinds of their requirements from the Simla Bazars and indirectly greatly contribute towards the income of its municipality ?

(e) Are Government also aware that water taps and electricity are provided in municipal bungalows and quarters situated outside the limits of municipality for the benefit of municipal employees but if a Government of India servant asks for such amenities, the municipality for whose maintenance the Government also greatly contributes, at once refuses to supply any of these things ?

(f) Are Government also aware that sanitary conditions in the areas outside municipal bounds are bad and what control the Government of India has got to safeguard the health of their employees living in the area due to bad sanitation ?

(g) Do Government propose to come to the rescue of its employees to get facilities, e.g., water supply, electricity supply, improvements in sanitary conditions, education of their children and dispensaries, provided for their benefit ? If not, what are the difficulties ?

(h) In case the Government of India is unable to accede to the suggestion made in part (h) above, do Government propose to build more Government quarters in Simla in order to provide all of the Government of India staff so that all kinds of amenities provided either through the Simla municipality or directly by the Government may be enjoyed by all of its employees ? If not, what are the difficulties ?

The Honourable Sir Girja Shankar Bajpai : (a) Government are aware that there is a shortage of Government quarters in Simla for the

ministerial staff and that some members of that staff reside of their own choice in localities outside the Simla Municipal limits.

(b) The contributions made by the Government of India and the Government of the Punjab to the Simla Municipality have averaged Rs. 38,652 per year during the last three years.

(c) and (e). Certain menial servants of the Committee such as water-works keymen and linesmen whose presence is required all the 24 hours in the premises where they reside are provided with water and electricity. Ordinary municipal employees, however, who choose to live outside municipal limits, are treated like other members of the public and do not receive these privileges.

(d) This may be so.

(f) and (g). As areas outside municipal limits fall within the jurisdiction of Indian States it is not possible for Government to exercise in those areas the control or provide facilities that are possible in British India.

(h) No. The requirements of the Government of India in Simla under the new constitution are by no means certain, and it would be unwise to embark on a large building programme now. In any case funds cannot at present be made available for new works in Simla.

WATER METER RENT REALISED FROM GOVERNMENT SERVANTS IN NEW DELHI AND SIMLA.

595. *Mr. Muhammad Azhar Ali : (a) Is it a fact that the Government of India possess in Simla many of its own buildings for the accommodation of its officers and the clerical staff ?

(b) Are Government aware that the water supply to all of these buildings are made by the Simla Municipality ?

(c) Are Government also aware that all such buildings and quarters are fitted with water meters like those in Government quarters in New Delhi ?

(d) Are Government aware that the Simla municipality do not charge any rent for the water meters so fixed ?

(e) Are Government further aware that as against no charge for the water meters in Simla quarters, the New Delhi Municipal Committee was allowed by the Government of India to charge rent at the rate of Re. 1|- per water meter or per quarter ?

(f) Are Government aware that due to the revision of the scales of pay of the Government of India staff, the pay of a third division clerk has come down to Rs. 60|- a month only and every year the recruitment is made to this grade only ?

(g) Will Government please state the total deductions made separately on account of house rent, water supply (including meter rent), electric supply (including meter rent), furniture supply, or any other service from a clerk who gets Rs. 60|-, 80|-, and 250|- a month respectively ? Are Government aware that this residue of pay (after so many deductions on account of accommodation, etc.), is not quite sufficient for maintenance

of an Indian clerk who generally has many dependents besides his family and children ?

(h) Are Government aware that the minimum charge at New Delhi on account of water supply is Rs. 2|8|- ? On what grounds this charge was fixed and how long is it likely to be allowed to continue ?

(i) Are Government aware that a low paid clerk hardly spends a rupee on account of water supply if he has got to make his own arrangements in a privately rented house ?

(j) Do Government propose to consider the advisability of doing away with water meter rent in New Delhi also ? If not, why is the Government staff being treated so differently by the Simla and New Delhi Municipalities ?

(k) Are Government also prepared to bring down the minimum charge for water supply in New Delhi Government quarters from Rs. 1|8|- for 4,000 gallons to -|4|- per every thousand gallon without fixing any minimum charge and realise the charges on what is actually consumed ? If not, what are the reasons ?

The Honourable Sir Girja Shankar Bajpai : (a), (b) and (c). Yes.

(d) No. The Simla Municipality charges rent for meters.

(e) The New Delhi Municipal Committee charges meter rent at Re. 1 per mensem.

(f) The initial pay of a Third Division clerk is now Rs. 60, but I should point out that the men who are not provided with Government quarters are given house-rent allowance in Simla and Delhi and, in addition get compensatory allowance during the Simla season. Moreover direct recruitment is not confined to the Third Division, but is made to the First and Second Divisions as well.

(g) A statement is laid on the table.

Whether the residue of pay after all deductions is sufficient or not is a matter of opinion.

(h) Yes.

The charge of Rs. 2-8-0 on account of water supply was fixed at—

(1) Rs. 1-8-0 upto 4,000 gallons in a month, and

(2) Re. 1-0-0 for meter rent per month.

The possibility of making a reduction will be examined.

(i) Government have no information.

(j) I would refer the Honourable Member to the reply given on the 7th December, 1933, to part (c) of Mr. Maswood Ahmad's question No. 1313. As already stated, meter rent is charged for in Simla as well as New Delhi and there is no difference in treatment.

(k) Government cannot commit themselves to any of the Honourable Member's suggestion but will consult the municipality regarding the possibility of a reduction.

Statement showing total deductions made in New Delhi on account of different services from a clerk who gets Rs. 60, 80 and 250 a month respectively.

Nature of service.	Amount payable per mensem by a clerk in receipt of a pay of		
	Rs. 60.	Rs. 80.	Rs. 250.
Housing.			
(orthodox quarter)	Rs. 6	Rs. 8	Rs. 22
(unorthodox quarter)	Rs. 6	Rs. 8	Rs. 25
Water supply including meter rent	According to Rs. 2-8-0.	consumption,	minimum charge
Electric supply including meter rent	According to 0-8-0.	consumption	plus meter rent
Furniture.			
(if requisitioned by the tenant)			
Orthodox quarter	Rs. 2	Rs. 2	Rs. 2-4-0
Unorthodox quarter		Rs. 7	Rs. 11
	(reduction of these charges is under consideration).		
Other services		Nil.	

REFUSAL BY THE NAZUL OFFICER, DELHI, TO ACCEPT MONEY FROM THE RESIDENTS OF NAIWALA, KAROL BAGH.

596. *Mr. Muhammad Azhar Ali : (a) Is it a fact that the Government charges rent for the sites leased out to the residents of Naiwala, Karol Bagh, Delhi ? Is it also a fact that the lease money is payable on the 1st of January and 1st of July every year ?

(b) Are Government aware that some residents of the area had disputes with the Lambardar of that area and consequently the Lambardar does not go to make collections ?

(c) Is it a fact that some residents made application to the Nazul Officer to permit them to pay the lease money in the Government Treasury directly and actually sent the amount through their servants and by money orders which the Nazul Officer declined to receive ?

(d) Is it a fact that according to the terms of the lease deed the Deputy Commissioner, Delhi is bound to accept the lease money when tendered ? If so, do Government propose to issue instructions to accept the amount when tendered in person or through money orders ?

The Honourable Sir Girja Shankar Bajpai : (a) Yes.

(b) The answer to the first half is in the affirmative. As regards the second half, Government have no information.

(c) and (d). The attention of the Honourable Member is invited to the reply given by me to starred question No. 451 asked by Sardar Sant Singh on the 17th September, 1935.

DIFFERENTIAL TREATMENT IN THE ALLOTMENT OF GOVERNMENT QUARTERS IN NEW DELHI AND SIMLA.

597. *Mr. Muhammad Azhar Ali : (a) Is it a fact that some of the orthodox clerks quarters are allotted to Indian gazetted officers who are allowed to occupy unorthodox quarters in Delhi ? If so, will Government be pleased to state why this concession has been allowed to Indian officers of the class of gazetted Superintendents only ?

(b) Is it a fact that Indian clerks who declare themselves unorthodox and who occupy unorthodox quarters in Delhi are refused the same concession of living in orthodox quarters in Phagli ? If so, what are the reasons for this differential treatment ?

(c) Is it a fact that New Delhi quarters were classed as orthodox and unorthodox both for the officers as well as for the clerks ?

(d) Will Government be pleased to state since when the classification into orthodox and unorthodox has been abolished so far as the officers quarters are concerned ?

(e) Are Government aware of the impression that the concession of allowing Indian Superintendents to occupy orthodox clerks quarters has been incorporated in the rules of allotment of Government quarters only to benefit a few Superintendents of the Public Works Branch of the Department of Industries and Labour ? If not, do Government propose to state the number of Indian Superintendents and Assistants of the Public Works Branch of the Government of India who are occupying Phagli quarters and will Government be pleased to state how many of such Superintendents and Assistants of the Public Works Branch are occupying unorthodox quarters in Delhi ?

Mr. A. G. Clow : (a) Yes. Under the rules in force before 1933 " A " class orthodox quarters in Simla were allotted to Superintendents, Assistants and Clerks receiving emoluments of more than Rs. 300 per mensem. There was no upper pay limit. When the new rules were introduced in 1933 these " A " class quarters were reserved for Government servants drawing over Rs. 300 but less than Rs. 600 per mensem. The Government of India decided at the time that officers whose emoluments on the 15th June, 1932, were Rs. 600 or more per mensem and who were allotted " A " class quarters for the financial year 1933-34 or the summer season 1933 should not be required to vacate these quarters. It is under those orders that three officers who occupy " D " class officers' houses in New Delhi are still in occupation of orthodox " A " class quarters in Simla.

(b) Yes. But in the circumstances just explained, I do not think that there is any differential treatment.

(c) and (d). Orthodox houses are provided for officers in class " D " only. The distinction between orthodox and unorthodox has, therefore, not been abandoned entirely for officers.

(e) The allegation is unfounded. One Superintendent and four Assistants of the Public Works Branch are occupying quarters at Phagli. The Superintendent alone occupies a "D" class officers' house in New Delhi.

HOUSE RENT ALLOWANCE DRAWN BY PERSONS SHARING GOVERNMENT QUARTERS IN SIMLA.

598. *Mr. Muhammad Azhar Ali : (a) Will Government be pleased to state whether house rent allowance is allowed to be made a source of income to the Government of India employees ? If not, will Government be pleased to state how many men of the Government of India who are entitled to house rent are allowed to draw house rent at the old rates of house rent when actually sharing a Government quarter either in Phagli, Summer Hill or Kaithu ?

(b) Are Government aware that the men of the Public Works Branch of the Government of India are allowed to draw house rent at the old rate while sharing a Government quarter allotted to relations of such employees ?

Mr. A. G. Clow : (a) I presume that by "income" the Honourable Member means "profit". There is no rule to the effect that Government servants may not share quarters, but all Government servants who entered service after 1924, when the rates of house-rent allowance were raised, have to furnish a certificate to the effect that the allowance drawn does not exceed the house-rent paid. Government servants in service before 1924 who drew the lower house-rent allowance under the old rules, which did not provide for the production of a certificate, were given the option of remaining on the old rates of allowance drawn under the old rules or of coming on to the enhanced rates under the new rules. For Government servants who draw the allowance under the new rules, the allowance cannot be a source of profit. For Government servants who still draw the lower allowance under the old rules, the allowance may, in certain circumstances, be a source of profit. Since, however, the allowance itself is lower, there is reason to suppose that such instances are rare, and Government are of opinion that the collection of the information required would involve a disproportionate expenditure of time and labour.

(b) No. The position is explained in the answer to part (a) of the question.

GOVERNMENT QUARTERS IN SIMLA OCCUPIED BY THE STAFF OF THE PUBLIC WORKS BRANCH.

599. *Mr. Muhammad Azhar Ali : Will Government be pleased to state the number of quarters in Kaithu, Phagli and Summer Hill, which are being occupied by men of the Public Works Branch of the Government of India and their near relations like brothers, sisters and brothers-in-law ?

Mr. A. G. Clow : The number of quarters occupied by the personnel of the Public Works Branch at Kaithu, Phagli and Summer Hill is nil, nine, and one respectively. I regret that I am unable to give information as to the relations of the men concerned.

BASIS OF ALLOTMENT OF GOVERNMENT QUARTERS IN SIMLA.

600. ***Mr. Muhammad Azhar Ali** : (a) Is it a fact that the Government of India hold the view that Public Works Department is not a commercial Department in so far as the renting of Government quarters is concerned ? If so, will Government be pleased to state why the Department which has borrowed so much capital for investing on building of quarters should not be run on commercial lines ?

(b) Is it a fact that on the ground of the Department not being run on commercial lines the four-roomed buildings which are also the members' quarters in Summer Hill are rented to men on smaller salaries getting Rs. 50 to Rs. 150 and belonging to attached and subordinate offices whereby Government derives only Rs. 10 to Rs. 15 a month as house rent according to 10 per cent. on pay basis ?

(c) Is it also a fact that men of the Secretariat Departments who forego Rs. 400 to Rs. 450 by way of rent for seven months actual occupation are not allotted those quarters ?

(d) Will Government be pleased to state the rent Government would derive if the quarters in Simla are allotted according to seniority basis and not on juniority basis ?

Mr. A. G. Clow : (a) Yes. I would remind the Honourable Member that the object of providing Government servants with residential accommodation is administrative rather than commercial.

(b) and (c). No. I understand that the Honourable Member is referring to the "A" class quarters at Summer Hill. These quarters are intended primarily for Government servants whose emoluments are over Rs. 450 but less than Rs. 600 per mensem. Under the housing rules quarters in Simla are distributed into three classes, and allotments are in the first instance made to the entitled officers of each class. Surplus quarters in "A" class go first to surplus "B" class applicants and secondly to surplus "C" class applicants.

(d) The information is not readily available.

DIFFERENT PRINCIPLES FOR ALLOTMENT OF GOVERNMENT QUARTERS IN NEW DELHI AND SIMLA.

601. ***Mr. Muhammad Azhar Ali** : Is it a fact that the New Delhi quarters are allotted to the Government of India employees on the seniority basis for deriving income on the capital invested ? If so, will Government be pleased to state the reasons for following two different principles for allotment of Government quarters in the two places like Simla and Delhi ?

Mr. A. G. Clow : The attention of the Honourable Member is invited to the reply given on the 18th March, 1933, to parts (a) and (b) of starred question No. 710 by Mr. Lalchand Navalrai.

RENT CHARGED FROM MEMBERS OF THE INDIAN LEGISLATURE FOR QUARTERS IN SUMMER HILL, SIMLA.

602. ***Mr. Muhammad Azhar Ali** : (a) Do Government propose to state why Members of the Indian Legislature are charged on the basis of

capital outlay ? If so, why should the members be charged the assessed rent for Government quarters allotted to them ?

(b) Is it a fact that a member's quarter, or quarter of the same type is allotted to Government employee drawing smaller salary and thereby Government derive in most cases a rent of Rs. 10 to Rs. 15 a month for such quarters ? If so, will Government be pleased to state the reasons why such a heavy rent of about Rs. 80 to Rs. 100 is charged per mensem from the members for the same accommodation and for the same quarters in Summer Hill ?

Mr. A. G. Clow : (a) I am not sure what my Honourable friend means. All rents assessed under the Fundamental Rules are based on capital outlay, and Members of the Indian Legislature are charged rent assessed under Fundamental Rule 45A. This is a concessional rent payable by Government servants.

(b) When "A" class quarters at Summer Hill are surplus to the requirements of "A" class officers, they are allotted to applicants of "B" and "C" class. But this is no reason why Government should reduce the rent recoverable from "A" class officers and Members of the Indian Legislature.

RULES FOR ALLOTMENT OF GOVERNMENT QUARTERS IN SIMLA.

603. ***Mr. Muhammad Azhar Ali :** (a) Is it a fact that the present rules of allotment are based on the principle of giving advantage to the junior employees ? If so, will Government be pleased to state why the 'A' type quarters in Kaithu and Tutikandi have not been converted into 'B' type quarters to give advantage to junior men ?

(b) Is it a fact that there is a building called "Wheatfield Cottage" in Kaithu which used to be classed as a 'B' class quarter before ? If so, will Government be pleased to state the reasons why this "Wheatfield Cottage" was later on classed as a lower type of quarter, namely, 'C' type ?

(c) Do Government propose to re-classify the "Wheatfield Cottage" into a 'B' class ? If not, why not ?

Mr. A. G. Clow : (a) Allotments are made by juniority in each class. To convert all 'A' class quarters at Kaithu and Tutikandi into 'B' class would deprive 'A' class applicants of accommodation at these places.

(b) and (c). The four quarters comprising Wheatfield Cottage have always been in 'C' class, and no question of re-classifying them arises.

"B" AND "C" CLASS QUARTERS IN KAITHU, SIMLA.

604. ***Mr. Muhammad Azhar Ali :** (a) How many 'B' class quarters are there in Kaithu and what is the ratio of 'B' class quarters to 'C' class in Kaithu ?

(b) Do Government propose to convert some of the one-storied 'C' class quarters into 'B' class by the combination of two 'C' class quarters together ? If not, why not ?

Mr. A. G. Olow : (a) There are four 'B' class and 38 'C' class unorthodox quarters in Kaithu. The ratio of 'B' class to 'C' class is, therefore, 1 to 9.5.

(b) No. There are already 30 'B' class quarters elsewhere, and the number of 'C' class quarters is insufficient for the demand.

DIFFERENT LIMIT OF PAY FOR ALLOTMENT OF ORTHODOX AND UNORTHODOX QUARTERS IN SIMLA.

605. ***Mr. Muhammad Azhar Ali :** (a) Is it a fact that the maximum pay limit for the two-roomed and three-roomed orthodox quarters is Rs. 150 and Rs. 300, respectively, whereas such pay limit for the unorthodox quarters is Rs. 300 and Rs. 450, respectively? If so, will Government be pleased to state the reasons for this different pay limits for the orthodox and the unorthodox quarters?

(b) Do Government propose to bring down the pay limit of the unorthodox quarters to the same limit as is prevailing for the orthodox quarters in Simla? If not, why not?

(c) Will Government be pleased to state why the European employees and the unorthodox Indian employees should be compelled to accept lesser accommodation? Is it a fact that the condition of service of the orthodox and unorthodox employees are the same?

(d) Is it a fact that the pay limit for two-roomed and three-roomed and four-roomed European quarters were fixed long before the quarters were re-classed as unorthodox quarters? If so, do Government propose to bring down the pay limit for such quarters? If not, why not?

(e) Will Government be pleased to state what rent will be realised by Government from all the unorthodox quarters if the pay limit for the different types of unorthodox quarters is brought down to the same level of the pay limit for the corresponding types of orthodox quarters?

(f) Is it a fact that the maximum pay limit fixed at present for the three-roomed orthodox quarter is Rs. 300 and that for the same type of unorthodox quarter is Rs. 450, with the result that a man of the second division of the Secretariat as soon as he acquires a lien on a three-roomed orthodox or unorthodox quarters, retains such quarters till retirement and does not give any chance to any other men below him to get advantage of such quarters?

(g) Do Government propose to fix the maximum pay limit for both orthodox or unorthodox three-roomed quarters at Rs. 299 so that whenever a second division man gets to Rs. 300, he will be allotted a four-roomed quarter thereby making room for others in the three-roomed quarter and also getting advantage for himself of the best available quarters towards the end of his service?

Mr. A. G. Olow : (a) Married clerks' quarters in Simla, both orthodox and unorthodox, are divided into A, B and C classes according to the accommodation provided. The three classes of unorthodox clerks' quarters at Summer Hill are sometimes referred to as four-roomed, three-roomed and two-roomed quarters but this is not an official designation. Assuming that the Honourable Member is referring to "C" and "B" class quarters, the reply to the first part of the question is in the affirmative. The pay limits for unorthodox quarters are considerably lower than

those which were in force before 1925, and were designed to ensure a fair distribution of the accommodation available. Moreover, the unorthodox accommodation is on the whole better than the orthodox accommodation, and this in itself is a justification for the distinction to which the Honourable Member refers.

(b), (d), (f) and (g). The pay limits were settled in consultation with the Imperial Secretariat Association when the rules were revised, and Government do not propose to make any change.

(c) No one is compelled to occupy Government accommodation. I have already said that unorthodox accommodation is on the whole better than the orthodox accommodation. The reply to the last part is in the affirmative.

(e) Government do not consider that the labour involved in the collection of the information will be commensurate with the result.

ASSESSED RENT OF "B" AND "C" TYPE UNORTHODOX QUARTERS IN NEW DELHI.

606. *Mr. Muhammad Azhar Ali : (a) Is it a fact that the assessed rent for 'C' type unorthodox quarters in New Delhi is Rs. 52 whereas the assessed rent of a 'B' type quarters is only Rs. 40 ?

(b) Do Government propose to remove this anomaly by the system of pooling the rents of 'B' and 'C' unorthodox quarters ? If not, why not ?

Mr. A. G. Clow : (a) The assessed rents are Rs. 52 for 'C' class and Rs. 40-8-0 for 'B' class unorthodox quarters.

(b) The revaluation of quarters in New Delhi is under consideration.

PERMISSION TO GOVERNMENT EMPLOYEES WITH COLLEGE GOING CHILDREN TO RETAIN THEIR QUARTERS IN NEW DELHI ON PAYMENT OF RENT ON A 10 PER CENT. RENT BASIS.

607. *Mr. Muhammad Azhar Ali : (a) Is it a fact that if any of the Government of India moving staff who has been allotted a Government quarter in New Delhi has to leave behind him his family for the sake of higher education of his children, he is charged the assessed rent of the building from the last working date in Delhi of his Department ?

(b) Are Government aware that in the absence of colleges in Simla the moving staff of Government who have grown up college-going children, both boys and girls, are to leave behind their families in Delhi till the Delhi colleges close for the autumn, but they are denied the privilege of retaining their houses unless they are prepared to pay assessed rent of their quarters ?

(c) If so, do Government propose to allow such families with college going children to retain their house in Delhi on payment of the usual rent on a 10 per cent. pay basis till the college closes ?

(d) If not, are Government aware that the denial of such concession forces many parents to leave their children in hostels at a heavy cost ?

Mr. A. G. Clow : (a) Yes.

(b) The ten per cent. concession is allowed only to the Government servants concerned while they are actually residing on duty in New Delhi. The assessed rent charged to them when they leave their families in New Delhi is itself a concessional rent.

(c) No.

(d) Government have no information.

LIEN ON A LOWER TYPE OF QUARTER OF THE GOVERNMENT OF INDIA STAFF.

608. ***Mr. Muhammad Azhar Ali :** Is it a fact that the non-moving staff of the Government of India are allowed the privilege of retaining a lien on a lower type of house to which he is inelligible owing to his increase in pay ? If so, will Government be pleased to state whether the same concession is allowed to the moving staff of the Government of India ? If not, why not ?

Mr. A. G. Clow : The attention of the Honourable Member is invited to the reply given on the 20th March, 1933, to parts (c) and (d) of starred question No. 799 by Mr. Maswood Ahmad.

NEGOTIATIONS WITH THE GAEKWAR OF BARODA IN RESPECT OF KATHIAWAR PORTS.

609. ***Mr. T. S. Avinashilingam Chettiar :** (a) Will Government state whether they are carrying on negotiations with His Highness the Gaekwar of Baroda in respect of certain ports in Kathiawar in view of the coming Federation ?

(b) What are the objects and the result of these negotiations ?

The Honourable Sir James Grigg : Negotiations are in progress with a view to securing an equitable arrangement in regard to Customs. The negotiations are not yet complete. They have no direct connection with the question of the States' entry into the Federation.

Mr. S. Satyamurti : If they have no direct connection, have they any indirect connection with the question of the States' entry into the Federation ?

The Honourable Sir James Grigg : The Honourable Member must remain content or must remain discontent with the information I have already given.

Mr. S. Satyamurti : Is it a fact that the negotiations with Baroda have been completed on the basis of the Government of India paying them some crores every year ?

The Honourable Sir James Grigg : No, Sir.

Mr. S. Satyamurti : Is the report in the Press to that effect false ?

The Honourable Sir James Grigg : I cannot add anything to what I have already said.

RESERVATION OF A CERTAIN PERCENTAGE IN GOVERNMENT SERVICE FOR THE ASSAMESE.

610. ***Srijut N. C. Bardaloi :** (a) Are Government aware that the Assamese race was a powerful one, having their own culture, civilization, literature and history ?

(b) Is it a fact that the Assam Valley was taken by the British only about a hundred years ago ?

(c) Are Government aware that people from the rest of India flocked to the newly acquired province and occupied high Government posts and monopolised the Bar and the trades ?

(d) Are Government prepared to consider the situation and reserve for the Assamese a certain percentage in all the services directly under the control of the Government of India ?

The Honourable Sir Henry Craik : (a) I do not propose to express an opinion on historical points which may be in dispute, but I believe it is correct that the Assamese are a separate people with a separate history of their own.

(b) Yes, in 1826.

(c) I understand that this is an overstatement. At the time of the British occupation, Assam was thinly populated and undeveloped. A large number of people from other parts of India came into Assam, and entered the services and certain professions.

(d) I would refer the Honourable Member to the Home Department Resolution, No. F-14|17-B|33-Establishment, dated the 4th July, 1934, a copy of which is in the Library of the House. It would not be consonant with the policy of the Government of India to reserve any vacancies for the Assamese as such, but those Assamese who belong to minority communities are eligible for the percentages reserved for such communities. I might add that a recommendation of the Assam Unemployment Enquiry Committee, similar to the Honourable Member's suggestion, was in May last brought to the notice of those Departments of the Central Government in which recruitment is made by local areas and not on an all-India basis.

HOLIDAYS IN THE GOVERNMENT OF INDIA SECRETARIAT.

611. ***Sardar Sant Singh :** (a) What was the number of holidays given in the Government of India Secretariat in 1922, and on what account was each of those observed ?

(b) What is the number of holidays at present observed in these offices as compared with those granted by the Local Governments within whose limits the headquarters of the Government of India remain ?

(c) When was the present system of observing holidays in these offices introduced and on what account was it adopted ?

(d) How many holidays were originally sanctioned, when the system of granting holidays was changed and how many were added as a result of the representation of different Associations, etc. ?

(e) Is it a fact that the main reason for reduction in the number of holidays was the great need for economy, all round, in those days ?

(f) Are Government aware that though a similar suggestion was made to the Provincial Governments by the then Retrenchment Committee, they either did not at all reduce the number of holidays or, even if any one of the Provinces did so, there was a nominal reduction ?

(g) Are Government aware that even at present the number of holidays observed either in the Punjab or Delhi is at least three times the number of holidays enjoyed by the Government of India offices ?

(h) Are Government aware that due to the grant of very few holidays in the Secretariat, its employees consider that their health is being undermined as they have to do office work for long hours almost daily ?

(i) Are Government aware of the feelings amongst the members of the establishment of the Government of India that with the revival of normal times the authorities have not yet considered the advisability of according them the same old concession in regard to the grant of holidays enjoyed by them for centuries together or to revise orders which as a special measure have entailed hitherto great pressure upon their health ?

(j) Are Government aware that all the attached offices of the Government of India which are located permanently at Delhi enjoy all the holidays given by the Delhi Local Government ?

(k) Are Government further aware that as soon as any of the office of the Government of India is located permanently at Delhi, it begins to enjoy all the holidays of the Delhi Administration ?

(l) Are Government now prepared to re-consider the last revised orders in regard to holidays which were introduced as an experimental measure and allow all the holidays which the Secretariat used to enjoy in 1922 ? If not, what are the reasons ?

The Honourable Sir Henry Craik : (a) There was no uniformity in respect of the holidays observed in the various Departments of the Government of India Secretariat in 1922, but the number of such holidays and the occasions on which they were granted were approximately the same as in the Punjab and Delhi. Saturdays in the months of September and October were also observed as holidays.

(b) Thirteen closed and six sectional holidays are observed in the Government of India Secretariat as also the last Saturdays of summer months in which there is no closed holiday (other Saturdays being observed as half holidays), the number of holidays in the Punjab is 38 and in Delhi 35. In these places the last Saturday of every month may also be observed as a holiday if the state of work permits.

(c) The present system was introduced in 1923 on the grounds stated in paragraph 1 of the Home Department Office Memorandum No. D. 4562-Public, dated the 20th October, 1923, a copy of which is in the Library of the House.

(d) Ten closed and six sectional holidays were originally granted when the present system was introduced in 1923 and in 1930 they were increased by three closed holidays plus holidays on the last Saturdays of the summer months in which there is no other holiday.

(e) Economy was one of the grounds for adopting the present system of holidays.

(f) Some of the Provincial Retrenchment Committees recommended the reduction of holidays in provinces but the Government of India have no definite information how far their recommendations were accepted by the Local Governments concerned.

(g) It will be observed from the answer to part (b) of the question that the position is not as stated by the Honourable Member.

(h) No.

(i) Representations from the Imperial Secretariat Association were received in 1929 and 1930, asking for restoration of the old scale of holidays. Government are not aware that any general discontent now prevails in the matter.

(j) and (k). Attached and subordinate offices of the Government of India which remain in Delhi all the year round follow the local practice in regard to holidays.

(l) No. Government consider it better to have a smaller number of real holidays than to have a large number of holidays which for a large portion of the staff were only nominal, as was the case before the adoption of the present system.

CONSTRUCTION OF NEW RAILWAY STATIONS AT LUHATHAHA AND DUMRA.

612. *Mr. B. B. Varma : (a) Are Government aware that the courts and other offices in the town of Motihari, District Champaran, are to be shifted to another site in village Luhathaha and at Dumra from Sitamarh in the District of Muzaffarpore ?

(b) Will Government be pleased to state if new railway stations are proposed to be constructed at the new places ?

The Honourable Sir Henry Craik : (a) The Government of India have no information. The matter concerns the Local Government.

(b) This question will be considered when occasion arises.

DEMAND AND FORFEITURE OF SECURITIES OF NEWSPAPERS.

613. *Mr. S. Satyamurti : Will Government be pleased to state :

(a) the number and names of the newspapers from whom securities have been demanded during the last three years ;

(b) the number and names of the newspapers whose securities have been forfeited ; and

(c) whether there is any all-India policy in the matter of the demand and forfeiture of securities from newspapers ?

The Honourable Sir Henry Craik : (a) and (b). I would refer the Honourable Member to statements Nos. III and IV which were laid on the table in connection with the reply given by me to Seth Govind Das's short notice questions on the 4th September, 1935.

(c) I would refer the Honourable Member to the reply given by me to part (b) of Mr. Avinashilingam Chettiar's question No. 1389 on the 3rd April, 1935.

Mr. S. Satyamurti : Since the answer was given on the 4th September, has there been any demand for securities or forfeiture of securities ?

The Honourable Sir Henry Craik : I cannot say that now.

Mr. S. Satyamurti : With reference to the answer to part (c), I am referred to an earlier statement made. May I know, as in the case of

the Quetta earthquake and comments thereon, have the Government of India issued, from time to time, or at any time, any circular to Local Governments laying down an all-India policy in the matter of demand for securities, or forfeiture of securities from newspapers ?

The Honourable Sir Henry Craik : If the Honourable Member will refer to the answer to part (b) of question No. 1389, he will find that also. That answer was as follows :

“ The Government of India have issued certain general instructions to Local Governments in regard to the administration of the Press Act, the general purport of which was that while the Act should be so administered as to achieve the object for which it was enacted, care should be taken to see that no undue hardship was caused in cases in which the Local Government were satisfied that the newspaper or press was not likely to offend against the provisions of the Act. It was also suggested that admonitions or warnings should be given in suitable cases, and that editors and others should be able to obtain advice from an officer of Government if they so desired.”

Mr. S. Satyamurti : Is it part of the instructions of Government that, wherever Governments are satisfied that there is not adequate or satisfactory evidence to go before a Court of law, but where the unfortunate newspaper has incurred the displeasure of Government, the Government should proceed under the Press Act, and not prosecute the newspaper ?

The Honourable Sir Henry Craik : No such instructions were issued as far as I am aware.

Mr. S. Satyamurti : Is it part of the general instructions which have been issued to Local Governments classifying presses as friendly and unfriendly press ?

(No answer.)

Prof. N. G. Ranga : Who gets the amount forfeited ? The Government of India or the Local Governments ?

The Honourable Sir Henry Craik : I think the Local Governments.

Mr. S. Satyamurti : In view of the strong feeling expressed in this House and outside on the administration of the Press Act, will Government consider, apart from the repeal of the Press Act, that the administration of the Press Act is done in a more humane and in a juster manner ?

The Honourable Sir Henry Craik : I think the Act is administered with great humanity and justice.

LIFTING OF BAN FROM THE KHUDAI KHIDMATGAR AND OTHER CONGRESS ORGANISATIONS IN THE NORTH-WEST FRONTIER PROVINCE.

614. ***Mr. Mohan Lal Saksena :** (a) Will Government state what action has been taken on the Resolution passed by the Legislative Assembly regarding the lifting of the ban from the Khudai Khidmatgar and other Congress organisation in the North-West Frontier Province ?

(b) Will Government lay on the table a statement showing the names of the institutions which are still unlawful ?

(c) Will Government state from which institutions the ban has been lifted since January last ?

The Honourable Sir Henry Craik : (a) The Government of India considered the recommendation contained in the Resolution and decided to send a copy of the Resolution and the debates to the Local Government.

(b) and (c). I would refer the Honourable Member to item (10) in the statement I laid on the table on the 14th February, 1935, in reply to his own questions Nos. 272 and 273. The ban has not been removed from any of the organizations named therein.

Dr. Khan Sahib : Will the Honourable the Home Member state why the ban on the Khudai Khidmatgars has not been removed? Can Government attribute anything to their behaviour which is against the law which has caused Government to continue this ban?

The Honourable Sir Henry Craik : That question should be addressed to the Local Government; it is in their discretion to remove the ban.

Mr. S. Satyamurti : Did the Government of India consider the Resolution passed by this House and did they come to any conclusion on that matter?

The Honourable Sir Henry Craik : Yes, Sir.

Mr. S. Satyamurti : Did they communicate that conclusion to the Local Government?

The Honourable Sir Henry Craik : I cannot say without looking at the communication addressed to the Local Government, but I imagine they probably did.

Mr. S. Satyamurti : May I take it, therefore, that the Local Government were asked by the Government of India not to remove this ban?

The Honourable Sir Henry Craik : As I said, I have not got the letter addressed to the Local Government.

Mr. S. Satyamurti : Did the Government of India ask the Local Government to remove the ban?

The Honourable Sir Henry Craik : No, Sir.

Mr. Ram Narayan Singh : May I take it that Government still maintain their hostile attitude towards the Congress?

Mr. Mohan Lal Saksena : May I know to what conclusion they arrived at after considering the Resolution passed by the Assembly?

The Honourable Sir Henry Craik : Not to act on it.

Mr. S. Satyamurti : May I know the reasons why Government concluded that they should not accept the Resolution of this House and remove the ban?

The Honourable Sir Henry Craik : Those reasons were fully stated in my speech on the Resolution.

RECRUITMENT OF STAFF FOR THE RESERVE BANK OF INDIA.

615. ***Mr. Akhil Chandra Datta :** (a) With reference to starred question No. 1150 answered on the 29th March, 1935, will Government be pleased to state if they have been informed what arrangements have been made for the recruitment of staff for the Reserve Bank of India?

over and above the employees transferred from the Currency Department and the Imperial Bank of India ?

(b) If so, will Government be pleased to state the time, extent and manner of such recruitment ?

The Honourable Sir James Grigg : I would refer the Honourable Member to the reply given to Syed Ghulam Bhik Nairang's question No. 576.

REMOVAL OF DISQUALIFICATION FOR ELECTIONS ARISING OUT OF CONVICTION BY CRIMINAL COURTS.

616. ***Mr. Akhil Chandra Datta :** (a) With reference to the speech of the Honourable the Home Member made on the 11th February, 1935, on the Resolution regarding removal of disqualification for elections arising from conviction by criminal courts in certain cases, will the Honourable the Home Member be pleased to state the general principles which have been laid down by the Government of India for dealing with applications in individual cases for the removal of the said disqualifications ?

(b) Will the Honourable the Home Member be pleased to state the views of the different Provincial Governments, regarding the policy to be followed in dealing with such applications ?

(c) Have Government considered the desirability of taking such steps as may be necessary for removal altogether of the provisions for such disqualifications under the new constitution ?

(d) Have Government formulated their policy with regard to the statutory rules to be enacted on the question of such disqualification under the new constitution ? If so, will Government state it ?

(e) Have Government considered the desirability of making a distinction between persons convicted in connection with civil disobedience movement and other prisoners in the matter of the said disqualification ?

The Honourable Sir Henry Craik : (a) and (b). The general principles to which I referred were laid down for the guidance of Local Governments in view of the situation at the time and were not intended to be of universal application. The situation was that Government anticipated that there would, at the general election which was then approaching, be a considerable number of candidates who were disqualified on account of convictions in connection with the Civil Disobedience Movement, and the main principle was that when there was nothing more against a candidate than such a conviction the disqualification should be removed, provided that the candidate was not at the time still in jail. I should, however, like to emphasise the fact that the procedure followed last year was designed to meet a particular situation, and that under sub-rule 2 of Rule 5 of the Legislative Assembly Electoral Rules each application must be considered individually on the merits and that the Local Government has power to reject an application without reference to the Governor General in Council.

(c) and (d). I invite the Honourable Member's attention to the provisions contained in sections 26 (1) (e) and 69 (1) (e) of the Government of India Act, 1935.

(e) Under the provisions quoted above power is given to the Governor General or the Governor, as the case may be, to reduce the period of disqualification at his discretion, and Government consider it impracticable to make a distinction on the lines suggested.

ISSUE PRICE OF THE LATEST RUPEE LOAN.

617. *Mr. S. Satyamurti : Will the Honourable the Finance Member be pleased to state :

- (a) whether his attention has been drawn to the editorial comment in the *Indian Finance* of the 3rd August on the issue price of the latest Rupee Loan of Rs. 15 crores ;
- (b) the reason why the issue price was fixed at Rs. 96-8-0 ; and
- (c) whether this has not entailed a loss of Rs. 37½ lakhs to the taxpayer ?

The Honourable Sir James Grigg : (a) Yes.

(b) The issue price was fixed with reference to the market conditions obtaining at the time of issue, and after obtaining the best advice which it was open to me to obtain.

(c) No.

Mr. S. Satyamurti : With reference to the answer to clause (b), may I know whose advice was obtained in fixing the issue price at Rs. 96-8-0 ?

The Honourable Sir James Grigg : No, Sir ; that is a domestic matter.

Mr. S. Satyamurti : Was any expert consulted at all, except the Honourable Sir James Grigg ?

The Honourable Sir James Grigg : Yes, Sir.

Mr. S. Satyamurti : How many were consulted ?

The Honourable Sir James Grigg : I cannot say, but quite a number.

Mr. S. Satyamurti : Indian or British ?

The Honourable Sir James Grigg : Both.

Mr. S. Satyamurti : And did they all agree at fixing the price at Rs. 96-8-0 ?

The Honourable Sir James Grigg : Yes, Sir.

Mr. S. Satyamurti : With reference to the answer to clause (c), was there any loss at all, and, if so, what was the loss ?

The Honourable Sir James Grigg : No, Sir.

Mr. S. Satyamurti : Whose opinion is that ? Is that the Honourable the Finance Member's own opinion, or is it based on any expert advice ?

The Honourable Sir James Grigg : Mine, and all informed opinion.

Mr. S. Satyamurti : May I know what is the informed opinion except the British one ?

The Honourable Sir James Grigg : As I said, all informed opinion.

CONTRACT FOR THE CONSTRUCTION OF THE NEW HOWRAH BRIDGE.

618. ***Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) whether their attention has been drawn to the comment on the construction of the new Howrah Bridge under the heading " Clive Street Gossip " in the *Indian Finance*, Calcutta, of 3rd August ;
- (b) whether the Government of India have been consulted in this matter ; and
- (c) whether the contract for this great work will be given in India ; if not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes.

(b) No.

(c) I am unable to make a guess. The Honourable Member is reminded that under section 5 of the Howrah Bridge Act, 1926, the matter is statutorily within the competence of the Howrah Bridge Commissioners, subject to the approval of the Local Government.

Mr. S. Satyamurti : Is it a fact that Herr Hitler has approached the Port Commissioners with an offer to take this contract on condition that he will spend all the money in India ?

The Honourable Sir Muhammad Zafrullah Khan : I believe, Sir, there is a question put down with regard to that matter, and, when that is reached, a reply will be given.

Mr. S. Satyamurti : Have the Government of India been kept informed of the progress of this matter by the Port Commissioners at Calcutta ?

The Honourable Sir Muhammad Zafrullah Khan : I do not understand what the Honourable Member means by progress in the matter. Does he mean as to what tenders were received and what those tenders were, and so on ?

Mr. S. Satyamurti : The progress of all matters connected with the construction of the new Howrah Bridge.

The Honourable Sir Muhammad Zafrullah Khan : The matter stands thus. Tenders were invited and they were put in with the Consulting Engineers in London ; and, naturally, nobody else outside could have any information as to what those tenders were.

Mr. S. Satyamurti : In view of the very great national importance of this great work going to India, if possible, may I know if the Government of India will press the view on the Port Commissioners of Calcutta and see that this work does not go out of this country ?

The Honourable Sir Muhammad Zafrullah Khan : As I have already said in my reply, the matter lies between the Howrah Bridge Commissioners and the Local Government. The Government of India do not, directly at any rate, come into the picture at all.

Mr. S. Satyamurti : But will they advise the Local Government that in the interest of the national economy of this country, this contract ought not to go out of this country ?

The Honourable Sir Muhammad Zafrullah Khan : I do not think Government would be justified in giving instructions of that kind with regard to this matter to the Local Government.

ENQUIRY INTO THE ALLEGATIONS OF DISCRIMINATIONS BETWEEN INDIANS AND EUROPEANS IN THE MATTER OF RESCUE AND SALVAGE OPERATIONS IN QUETTA.

619. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to the resolution of the Working Committee of the Indian National Congress passed on the 1st August, 1935, at Wardha, opining that many more persons under the debris in Quetta after the earthquake could have been rescued, if digging operations had been undertaken on an adequate scale and had not been stopped after two days, and if the help offered from the public had not been rejected ;
- (b) whether they examined the position from this point of view and what their conclusions are ; and
- (c) whether they propose to conduct an enquiry into the allegations of discriminations between Indians and Europeans in the matter of rescue and salvage operations ; if not, why not ?

Mr. G. R. F. Tottenham : (a) Yes.

(b) and (c). The Honourable Member's attention is invited to Chapter IV of the pamphlet " The Quetta Earthquake, 1935 " and to the record of the debate on the Resolution which was moved by Mr. P. S. Kumaraswami Raju in this House on the 19th September, 1935.

Mr. S. Satyamurti : With reference to clause (a), may I know if Government have examined this matter with all relevant expert opinion which they have obtained, and they are satisfied that no more persons could have been saved if the digging operations could have been continued on an adequate scale, beyond the date and hour at which they were stopped ?

Mr. G. R. F. Tottenham : Yes, Sir ; that should have been obvious from the replies that we gave in the course of the Resolution which was discussed last Thursday.

Mr. S. Satyamurti : I am asking whether any expert inquiry was made by Government with the help of people who know something about what they are talking, to be satisfied that nobody could have been saved if the operations had been continued ?

The Honourable Sir Henry Craik : Yes.

Mr. S. Satyamurti : Who was the expert ?

The Honourable Sir Henry Craik : Mr. Hogg.

TRANSFER OF THE CIVIL AND MILITARY ADMINISTRATION OF GILGIT TO THE GOVERNMENT OF INDIA.

620. ***Mr. S. Satyamurti :** Will Government be pleased to state the financial implications of the transfer of the civil and military administra-

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tive control of Wazarat of Gilgit Province of Kashmir State from the Kashmir Durbar to the British Government ?

Mr. J. G. Acheson : Attention of the Honourable Member is invited to the reply given on the 13th September, 1935, to his question No. 338. As I stated then in reply to a supplementary question, a saving of nearly Rs. one lakh is anticipated.

Mr. S. Satyamurti : Is any payment made by the Government of India to the Kashmir State for this transaction ?

Mr. J. G. Acheson : No, Sir.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred questions Nos. 1554, 1555, 1556, 1557 and 1558 asked by Mr. S. Satyamurti (on behalf of Pandit Sri Krishna Dutta Paliwal) on the 5th April, 1935.

EXPERIENCE REQUIRED FOR RUNNING EXPRESS AND MAIL TRAINS ON THE EAST INDIAN RAILWAY.

1554. The Agent, East Indian Railway, reports :

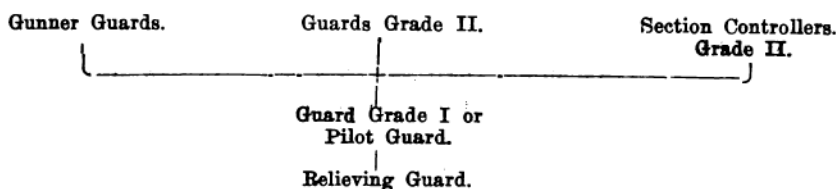
(a) There is no rigid rule to this effect.

(b), (c), (d) and (e). Promotion to the relieving guard's cadre is primarily a matter of selection and seniority is not the only deciding factor.

PROMOTION TO THE RELIEVING GUARDSHIP ON THE EAST INDIAN RAILWAY.

1555. The Agent, East Indian Railway, reports :

(a) The normal line of promotion to the relieving guard's cadre is as under :



(b) Not normally.

(c) As stated in reply to parts (b) (c), (d) and (e) of question No. 1554, promotion to the relieving Guard's cadre is primarily a matter of selection and seniority is not the only deciding factor.

(d) and (e). There has been one case recently on the Asansol division. Orders have already been issued that the normal line of advancement given in reply to part (a) is to be followed.

"B" GRADE CONTROLLERS PROMOTED TO RELIEVING GUARDSHIP ON THE EAST INDIAN RAILWAY.

1556. (a), (b) and (c). The Agent, East Indian Railway, reports that the departure from the normal avenue of promotion referred to in the answer to this question has, as stated, been met by the issue of orders that the normal avenue of advancement is to be followed. The Honourable Member's attention is invited to the reply to part (d) of question No. 1555.

(d) The Agent, East Indian Railway, reports that the orders in question are that promotion to the relieving guard's cadre is primarily a matter of selection subject to the line of advancement indicated in answer to question No. 1555 (a) normally being followed.

INTERVIEW FOR PROMOTION OF "B" GRADE GUARDS ON THE EAST INDIAN RAILWAY.

1557. (a) As no specific cases have been quoted by the Honourable Member, Government are unable to obtain the necessary information.

(b) The attention of the Honourable Member is invited to the reply to part (a) of question No. 1555, which gives the normal line of promotion to the relieving guard's cadre. The Agent, East Indian Railway, reports that promotion from grade II to grade I also depends on the candidate's qualifications and suitability with due regard to the fact that grade I of guards is the main source of supply from which higher grade assistant station masters and yard masters are obtained.

PROMOTION OF CERTAIN CONTROLLERS ON THE EAST INDIAN RAILWAY TO RELIEVING GUARDSHIPS.

1558. (a) and (b). Presumably the Honourable Member is referring to grade II Section Controllers. If so, his attention is invited to the reply to part (d) of question No. 1555 and the replies to parts (a) to (d) of question No. 1556.

(c) The Agent, East Indian Railway, reports that if by 'practice' is implied a systematic departure from the orders mentioned in answer to question No. 1556, part (d), no division is implicated.

(d) No.

(e) The Agent, East Indian Railway, reports that the Divisional Superintendent enquires into all genuine grievances requiring his intervention and attends to such appeals as may lie to him under the rules.

Information promised in reply to unstarred questions Nos. 313 and 314 asked by Dr. N. B. Khare on the 9th April, 1935.

GRANT OF CERTIFICATES TO GUARDS BY THE DISTRICT MEDICAL OFFICER OF THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

313. The Agent, East Indian Railway, reports :

There is no such case on the Moradabad Division. It would appear however that the question refers to the case of ex-guard E. I. Pearce the circumstances of which are as follows :

Mr. Pearce was injured on duty on 23rd February, 1933. On the 17th June, 1933, the District Medical Officer, Moradabad, issued a certificate that Mr. Pearce was unfit for further service in the following terms :

" Physically unfit and permanently incapacitated for further Railway service on account of possible ununited fracture of Medical Malleolus and defective movement of right ankle joint. He is fit for a job of sedentary nature ",

and stated in his covering letter as follows :

" I am herewith sending M 28 in favour of Guard E. L. Pearce, as I do not think he will ever be fit for a job involving running duties."

On receipt of this District Medical Officer, Moradabad, was asked what he meant by " Running duties " to which he replied on the 20th June, 1933, as follows :

" I mean by running duties, any duties involving walking about."

It will be seen that the District Medical Officer did not amend his original certificate but only explained what he meant by the term " running duties ".

(a) *Ex-guards* E. L. Pearce was examined by a Medical Board at the East Indian Railway Headquarters on the 28th July, 1933.

(i) This was after orders of discharge had been issued.

(ii) No recommendation for leave to be granted to Mr. Pearce was made by the Medical Board.

(iii) No.

(b) As stated above the District Medical Officer recommended Mr. Pearce for a sedentary job. The possibility of utilizing Mr. Pearce's service as an Assistant Station Master or in the control in the event of a vacancy arising, were fully considered but as it was not considered that he could fill such posts efficiently and as there was no other posts of a sedentary nature available he was discharged.

(c) The Medical Board which examined Mr. Pearce on the 28th July, 1933, did not recommend leave to Mr. Pearce but suggested he might appear before a board after nine months to show that he was fit for duty.

Mr. Pearce was due no leave.

(d) The finding of the Medical Board was that there was evidence of the possibility of a fracture and that he was unfit for the duty of a guard or any other duty that might necessitate rapid movement in order to avoid moving trains or wagons or any duty which would keep him on his feet for prolonged periods. They found that the disability was due to the accident which occurred in the course of guard Pearce's duty but held that his refusal to undergo the treatment advised by the Surgeon-in-charge, King George's Hospital, Lucknow, was unreasonable.

(e) When an employee is declared permanently incapacitated for further Railway service it clearly means that he cannot serve the Railway in any capacity whatsoever; whereas if he is not fit for duties involving walking about he can still be retained in the service provided that he can be given a post the duties of which do not require him to move about, *i.e.*, he could be employed as a typist, signaller, clerk, etc., provided that the employee possesses the necessary qualifications and ability for the post.

INCREMENTS TO STAFF IN THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

314. (a) Reply to the first part of the question is in the negative. It may, however, be added that the Agent, East Indian Railway, reports that he now finds that an error crept in the information furnished in reply to parts (d) (i) and (ii) of question No. 921 asked by Mr. S. C. Jog on the 30th August, 1934. The increments of the four ticket collectors referred to in the previous reply were stopped on account of their failure to pass the triennial examination in ticket collectors duties and not on account of their failure to pass the goods accounts examination.

(b) Yes, in accordance with the executive orders issued by the Railway Board qualifications in 'First Aid' are obligatory in the case of running staff other than those who are not required to be literate and for supervising staff in all workshops and running sheds. Such qualifications are not obligatory for staff already in service but the possession of such qualifications by staff already in service prior to the issue of the orders are taken into consideration in selection for promotion. The discretion was, however, left to the Railway Administrations to decide which other staff should be retained in First Aid.

(c) Any employee possessing the necessary qualifications and who is otherwise considered suitable for the post of a Station Master of a flag station may be posted there irrespective of whether he was recruited as an Assistant Station Master or not.

(d) The Agent, East Indian Railway, reports that the Rules for recruitment and training of out-door clerks under transportation staff and coaching and goods clerks under Commercial staff which are contained in the Rules referred to in the question are applicable to relieving clerks.

(e) As already stated in reply to part (a) of question No. 921 asked by Mr. S. C. Jog on the 30th August, 1934. Fundamental Rule 24, prescribes that an increment shall ordinarily be drawn as a matter of course unless it is withheld. An

increment is withheld if the service is not approved, i.e., if the conduct of an employee has not been good or his work has not been satisfactory. An increment may also be withheld by a competent authority for good and sufficient reasons.

(f) Government are informed that on the East Indian Railway where an examination is prescribed for a particular category of staff, promotion to such a category must necessarily depend on the passing of the examination. The fact of an employee qualifying for increments for his own scale or grade does not necessarily determine his fitness for promotion to another grade for which he may not be qualified.

(g) If the Honourable Member will specify the Rules to which he is referring I shall attempt to frame a reply.

(h) Firemen as Shunters.

Shunters as Drivers.

Drivers as Assistant Running Shed Foremen.

(i) (j) As already stated in reply to parts (d) (iii) and (iv) of question No. 921 asked by Mr. S. C. Jog on the 30th August, 1934, the practice (which was found to be incompatible with the Rules) had been that the locomotive running staff officiating in higher grade were not granted increments. The date from and the manner in which this practice came to be adopted cannot be traced at this distant date.

(k) The Agent, East Indian Railway, reports that the practice referred to in part (i) was reported by the Divisional Superintendent, Lucknow, who was of the opinion that it should be changed. The matter was dealt with by correspondence and was ultimately decided by the Agent. There is no report on the subject.

(l) 1st September, 1934.

(m) It is not clear what sanction is referred to by the Honourable Member.

(n) The old Oudh and Rohilkund Railway scales of pay of drivers are as follows :

		Scale IV.	Scale III.	Scale II.	Scale I.
		Rs.	Rs.	Rs.	Rs.
1st Year	..	140 p.m.	115 p.m.	35 p.m.	30 p.m.
2nd "	..	150 "	125 "	37 "	32 "
3rd "	..	160 "	135 "	39 "	34 "
4th "	..	170 "	145 "	43 "	38 "
5th "	..	180 "	155 "	47 "	42 "
6th "	..	190 "	165 "	52 "	47 "
7th "	..	200 "	175 "	60 "	55 "
8th "	..	210 "	175 "	60 "	55 "
9th "	..	220 "		70 "	65 "
10th "	..	220 "		70 "	65 "
Special	*230 "	180 "

(o) and (q). In accordance with the practice referred to in reply to parts (i) and (j) above the staff were not eligible for increments and the question of earning.

*After two years satisfactory service on the next lower grade.

such increments did not therefore, arise. As already stated the practice was not compatible with the rules and the Agent on re-consideration of the matter decided to re-fix the pay of the staff from the 1st September, 1934.

(p) The Honourable Member is referred to Fundamental Rules 27 and 35.

(r) No.

(s) It is not the policy of the Government to give retrospective effect.

(t) Rule 31 is as stated in the question. As regards the reasons for not granting the increments the Honourable Member is referred to reply given to parts (i), (j), (o) and (q) above.

(u) The reply to the first part is in the negative. As regards the latter part the Government adhere to their policy of not making payments with retrospective effect.

Information promised in reply to unstarred question No. 34 asked by Mr. V. V. Giri on the 9th September, 1935.

MANUFACTURE OF LOCOMOTIVE BOILERS IN RAILWAY WORKSHOPS.

Boilers of the type recently built at Ajmer have never as yet been imported and therefore an accurate price comparison cannot be given.

Information promised in reply to unstarred question No. 52 asked by Khan Sahib Nawab Siddique Ali Khan, on the 9th September, 1935.

VACANCIES IN THE ENGINEERING DEPARTMENT OF THE GREAT INDIAN PENINSULA RAILWAY.

The Agent, Great Indian Peninsula Railway, reports :

(a) Sixty posts have been abolished on the permanent subordinate cadres of the Engineering Department. These posts were unfilled for periods ranging from one to six years.

(b) The amalgamation of the construction and maintenance branches, and the curtailment of works and other measures have caused an excess of permanent posts, which have not been filled since they fell vacant and have now been abolished. Temporary staff against the lump sum provision may be given permanent appointments when posts still required on the permanent cadre become vacant, but they may be discharged previously owing to further reduction of work.

(c) No.

(d) As regards the Mechanical, Transportation and Traffic Departments, the answer is in the affirmative, but as regards the Engineering Department—Technical staff, except Permanent Way Inspectors and Bridge, Signal and Interlocking Inspectors, the answer is in the negative as they can rise to Rs. 375.

(e) Yes—except in special circumstances leave vacancies of Superior Service officers are filled by Superior Service officers provided as a leave reserve. Subordinates are however promoted to officiate in Lower Gazetted Service leave vacancies.

Information promised in reply to parts (c), (d) and (e) of unstarred question No. 57 asked by Mr. V. V. Giri, on the 9th September, 1935.

APPOINTMENT OF EMPLOYMENT OFFICERS ON STATE RAILWAYS.

(c) No employment officer has been appointed in the electrical department.

(d) Grievances of the staff are put up by the foremen and chagemen concerned or by the head of the office to their district officers who decide those grievances which

are within their powers. Grievances which are outside the powers of the district officers are forwarded to the Chief Electrical Engineer after proper enquiry into the case by the officers, together with their recommendations for necessary action.

The establishment matters of the district staff of the electrical department are dealt with by the District Electrical Engineers with the assistance of the assistant electrical engineers. Where no district electrical engineer has been posted, this is done by the Assistant Electrical Engineer in charge.

(e) Does not arise.

Information promised in reply to starred question No. 374 asked by Pandit Sri Krishna Dutta Paliwal on the 16th September, 1935.

WANT OF A BRIDGE AT THE RAILWAY CROSSING NEAR THE AGRA CANTONMENT STATION ON THE AGRA-JOGNAR ROAD.

(a) Yes.

(b) Government are informed that no undue hardship is caused thereby, as the shunting operations which interfere with the road are so regulated that the gates are opened for road traffic every 10 minutes.

(c) and (d). Requests for an overbridge were received by the Railway Administration both from the District Board of Agra and from the United Provinces Government in 1927, but the matter was dropped by those authorities, when it was explained to them that they would have to share the cost.

(e) Government are informed that no such action has been taken.

(f) Government consider that no action is called for in view of the circumstances explained in (b) above.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, the following Message has been received from the Council of State :

“ I am directed to inform you that the Council of State has, at its meeting held on the 21st September, 1935, agreed without any amendment to the following Bills which were passed by the Legislative Assembly at its meeting held on the 16th September, 1935, namely :

1. A Bill further to amend the Indian Army Act, 1911, for certain purposes ;
2. A Bill to supplement the Central Provinces Courts Act, 1917 ;
3. A Bill further to amend the Provincial Small Cause Courts Act, 1887, for a certain purpose ; and
4. A Bill further to amend the Provincial Insolvency Act, 1920, for a certain purpose.”

THE INDIAN COFFEE CESS BILL.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways) : Sir, I rise to move :

“ That the Bill to provide for the creation of a fund for the promotion of the cultivation, manufacture and sale of Indian coffee be taken into consideration.”

Sir, as I said on the occasion when I asked for leave to introduce the Bill, this Bill is being put forward at the request of an overwhelming number of those who are interested in the coffee planting industry in India.

The principle of this Bill has already been accepted and given effect to in measures like the Cotton Cess, Tea Cess and Lac Cess Acts, and the principle is that Government, where they are satisfied that there is an overwhelming demand on the part of a certain interest to help them, to help themselves by means of legislation, would undertake legislation to that effect provided such legislation is not likely to affect injuriously any of the interests concerned. In this particular case, Government are satisfied on a census taken of the views of coffee planters in India that the demand is supported by over 80 per cent. of the coffee planters, and also, that if their wishes are given effect to in this connection, they are not likely injuriously to affect either the coffee interests or any other interests. The amount of duty that is proposed in this Bill is one rupee per cwt., but the intention is that to begin with the rate of duty should not exceed eight annas per cwt. The object is that the sum collected from the imposition of this duty should be devoted, mainly, to begin with, to propaganda outside India for the purpose of encouraging sales of Indian coffee....

An Honourable Member : Outside India ?

The Honourable Sir Muhammad Zafrullah Khan : I said mainly outside India ; as a matter of fact the object is that sales of Indian coffee, in competition with Kenya coffee, should be encouraged, as figures show that there is a good deal of propaganda being carried on by the Kenya coffee planters on behalf of their coffee, and that propaganda is beginning to have effect and Kenya coffee is beginning, at the expense of the Indian coffee, to increase its sales in foreign countries. As I have submitted there is not much controversy with regard to the object of this Bill so far at least as the coffee planting interests are concerned. Those interests are confined to the Madras Presidency, Coorg, and the states of Mysore, Cochin and Travancore. All five administrations, that is to say, the Governments of Madras and Coorg and the Governments of the States of Mysore, Cochin and Travancore, are unanimous in requesting the Government of India that this legislation should be undertaken ; and, as I have already said, apart from the Governments and administrations concerned the coffee planters themselves have come up to the Government of India on repeated occasions that this piece of legislation should be put forward. As a perusal of the Bill will show, it is proposed to set up under clause 4 of the Bill a Coffee Cess Committee to administer the fund which would be available to the committee as a result of the imposition of this cess for the purposes set out in the Bill.

I may be permitted to dwell a little longer over clause 4. Perhaps Honourable Members might be interested to hear how the membership of this committee is likely to be composed so far as the various interests affected are concerned. Clause 4 proposes that this committee shall have 20 members : five of these members shall be nominated by the Governments and administrations concerned, that is to say, one each by the Governments of Madras and Coorg and one each by the Governments of Mysore, Cochin and Travancore. Eleven persons representing the coffee growing industry will be nominated as follows : three to be nominated by the Mysore State : a little over half of the area under coffee lies in the Mysore State and it will thus be realised that Mysore is not being given more representation than it actually deserves on that basis. Two persons to be nominated by the Local Governments of Madras and Coorg, respectively ; and it is expected that these nominations by the Governments

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of Madras and Coorg will be made in order to secure representation for unassociated planters, that is to say, those who are not members of the two associations to whom representation is given under the two following sub-clauses : three persons to be nominated by the United Planters Association of Southern India ; three persons to be nominated by the Coffee Growers' Association : that makes up 11 *plus* 5 ; 16. The remaining four are to be distributed as follows. Three persons representing trade interests, nominated by the Governor General in Council, and one person representing the Imperial Council of Agricultural Research, nominated by the Governor General in Council. That is how it is proposed that this committee should be made up.

I have tried to form some idea as to how the members of this committee would be distributed as between Indian and European interests. So far as the number of coffee planters is concerned, and I believe also, so far as the area under cultivation is concerned, both the number and the area on the Indian side is larger than on the European side ; that is to say, there are a larger number of Indian planters of coffee as against Europeans and there is a larger area owned by Indian planters than by European planters ; and I anticipate that the nominations to this committee from that point of view would work out somewhat as follows : I have here both the minimum figures which we anticipate would go to particular interests, and also the maximum figures which we anticipate might go to particular interests. Beginning with the first category, five persons representing the agricultural departments of the Local Governments of Madras and Coorg and the States of Mysore, Cochin and Travancore, we think that almost always all these five members are likely to be Indians ; but on the other hand it is possible that occasionally one of them might be a European. So that the distribution is likely to be five Indians against no Europeans or four Indians as against one European. Under the second head, sub-division A, three persons nominated by the Mysore Government,—we are anticipating that all three will be Indians, but we are willing to base our calculations on the basis that it might be that occasionally two would be Indians and one would be European. Two persons nominated by the Local Governments of Mysore and Coorg,—as I have already said, this representation would go to the unassociated planters, almost all of whom are Indians, and, therefore, both these seats would go to Indian planters. Three persons nominated by the United Planters' Association of Southern India,—I think I am right in anticipating that two of these will be Europeans and one will be an Indian, and the same with regard to the three to be nominated by the Coffee Growers' Association. Out of three persons representing trade interests to be nominated by the Governor General in Council, to begin with at any rate, it might be that two might be Europeans and one Indian, although we hope that later on this might work out more to the advantage of Indian interests, and the person to be nominated by the Imperial Agricultural Research might be a European or an Indian,—one could not say how it is likely to go, it might be either one or the other. On this calculation, Sir, when the representative of the Imperial Agricultural Research is an Indian, the representation would work out as 14 Indians and six Europeans, and it is a most advantageous proportion for Indian interests. If he happened to be a European, then the figures would be 13 and seven. On the other hand, the least representation that is likely to go to Indians

on the basis that I have put forward, and even supposing that the representative of the Imperial Agricultural Research was also a European, would work out at 11 and nine, but I anticipate that it will really never be lower than 12 and eight, that is to say 60 per cent. to 40 per cent. I thought perhaps it might be helpful to Members if they knew how, so far at any rate as an estimate could be made at the present moment, this representation was likely to work out.

There is one matter with reference to clause 3 that I might explain at this stage. A reading of clause 3 would show that if this clause were applied in the form in which it stands and in which it is likely to form part of the Act, coffee exported from British India into any of the States who are coming into the scheme, that is to say, Mysore, Cochin and Travancore, or coffee exported from one of these States to another, would be liable to the cess, but that is proposed to be rectified by notifications under section 23 of the Sea Customs Act, so that there is no cess levied upon coffee which is exported from British India into any of the States, or exported from any of the States into British India, or exported from any of the States to another State. That is proposed to be done for the reason that if subsequently any of the States for any reason wanted to go out of the scheme, that could be set right by cancelling the notification so far as it affected that State without having to come up for amendment of the Act on that point.

Pandit Lakshmi Kanta Maitra (Presidency Division : Non-Muhammadan Rural) : Have these three States agreed to join the scheme ?

The Honourable Sir Muhammad Zafrullah Khan : Yes, as I have said, this Bill is supported by the unanimous request of the five Governments concerned, namely, Madras, Coorg, Cochin, Mysore and Travancore.

Then, the only other matter to which I need allude at this stage is that the Bill is proposed to be confined in its operations to British India, except Burma. That, Sir, is being done at the express request of the Government of Burma. They were approached in the matter, and their wishes were ascertained as to whether they would wish to come within the scope of this Bill, and they said that inasmuch as there were only small areas under coffee cultivation in Burma and the exports of coffee from Burma were negligible,—the quantity produced in Burma is consumed in Burma itself, they would wish to be left out of the scheme, and it was in deference to their wishes in the matter that they have been excluded from the operation of the Bill. If they were in the scheme, the situation would be this. The cess would be levied upon any coffee exported from Burma, and then it would not be a matter whether it was their own coffee or it was Indian coffee exported from India. Now that they desire to be left out of the scheme, the scheme would work out in this manner, that any coffee that goes out from India to Burma would be subject to the cess, and if Burma wishes to export any coffee from Burma, it would go cess free. These are the only observations that I think I need make at this stage, and I hope that the Bill would commend itself to all sections of this House, and that its passage will not be delayed, for this reason, that the export season of coffee begins somewhere about the end of November, and this demand for the levy of a cess is now nearly two years old. If this Bill were not passed now and the cess could not be levied at the latest about the middle of November, one more season would be lost, and the Bill will be entirely useless for one year, and as all the interests con-

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cerned are anxious that these funds should be available as early as possible for the purposes set out in the Bill, I hope the passage of the Bill in this House will not be delayed. Sir, I move.

Pandit Lakshmi Kanta Maitra : On a point of information, Sir. I shall be thankful to the Honourable Member if he will let us know whether the propaganda on behalf of the Kenya Government, to which he has made reference, has had any direct appreciable adverse effect on Indian trade, and, if so, to what extent. Is the Honourable Member in a position to give us some figures as to how the Indian coffee trade has been affected by the Kenya propaganda ?

The Honourable Sir Muhammad Zafrullah Khan : I do not know whether the Indian coffee trade has been entirely affected by that, but certainly that has some share in it. Four years ago,—I am giving rough figures,—the export of coffee from India was 292,000 cwts. and odd. It has now fallen in the last three years to 140,000 cwts. and odd. I think these are more or less approximately correct.

Pandit Lakshmi Kanta Maitra : Is it 142,000 cwts. ?

The Honourable Sir Muhammad Zafrullah Khan : From 292,000 cwts. and odd to 140,000 and odd.

Mr. President (The Honourable Sir Abdur Rahim) : Motion moved :

“ That the Bill to provide for the creation of a fund for the promotion of the cultivation, manufacture and sale of Indian coffee be taken into consideration.”

There are notices of amendments standing in the names of Messrs. Nilakantha Das, Avinashilingam Chettiar and U Thein Maung, and Pandit Nilakantha Das has another amendment in sub-clause (2) of clause 8. The Chair proposes to ask the Honourable Members, who have given notice of amendments, to move their amendments formally, and then there will be a discussion on the motion before the House and on these two amendments.....

Pandit Nilakantha Das (Orissa Division : Non-Muhammadan) : Sir, I want to suggest that these two amendments may be moved separately, because, one amendment is for circulation and another is for reference to a Select Committee.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair finds that the Honourable Member has not given the date by which opinions have to be received. By what date does he want the opinions to be received ? He merely says that the Bill be circulated for the purpose of eliciting opinion thereon,—by what date ?

Pandit Nilakantha Das : With your permission, Sir, I may add it now, by the 15th of January 1936. My amendment will then read as follows :

“ That the Bill to provide for the creation of a fund for the promotion of the cultivation, manufacture and sale of Indian coffee be circulated for the purpose of eliciting opinion thereon by the 15th of January, 1936.”

Sir, I move it.

Mr. President (The Honourable Sir Abdur Rahim) : Then the Honourable Member's amendment is :

“ That the Bill to provide for the creation of a fund for the promotion of the cultivation, manufacture and sale of Indian coffee be circulated for the purpose of eliciting opinion thereon by the 15th of January, 1936.”

What is his next amendment ?

Pandit Nilakantha Das : My next amendment is for reference to a Select Committee.

Mr. President (The Honourable Sir Abdur Rahim) : Mr. Chettiar has also given notice of it.

Pandit Nilakantha Das : I shall only think of moving it, if my first amendment fails.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has not given the names of Members of the Select Committee.

Pandit Nilakantha Das : Yes, I have given the names, they are practically the same as those given by Mr Chettiar.....

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcott : Non-Muhammadan Rural) : I might explain, Sir, that I gave the amendment in the names of both of us, and the list of names of members of the Select Committee was also given in the names of both of us.

Mr. President (The Honourable Sir Abdur Rahim) : Very well. The Honourable Member's second amendment is an alternative amendment. In the opinion of the Chair, it will be better in the circumstances and much more convenient if Mr. Avinashilingam Chettiar moves the second amendment.

Mr. T. S. Avinashilingam Chettiar : Sir, I move :

“ That the Bill to provide for the creation of a fund for the promotion of the cultivation, manufacture and sale of Indian coffee be referred to a Select Committee, consisting of the Honourable Sir Muhammad Zafrullah Khan, Dr. F. X. DeSouza, Dr. B. D. Dalal, Mr. Pradyumna Prashad Singh, Mr. F. E. James, Mr. H. A. Sathar H. Essak Sait, Mr. Umar Aly Shah, Dr. P. N. Banerjee, Mr. Mohan Lal Saksena, Mr. Samuel Aaron, Mr. B. B. Varma, Prof. N. G. Ranga and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

Pandit Lakshmi Kanta Maitra : I would like to add the name of my Honourable friend, Pandit Nilakantha Das.

Mr. T. S. Avinashilingam Chettiar : I have no objection, Sir.

Mr. President (The Honourable Sir Abdur Rahim) : Amendment moved :

“ That the Bill to provide for the creation of a fund for the promotion of the cultivation, manufacture and sale of Indian coffee be referred to a Select Committee, consisting of the Honourable Sir Muhammad Zafrullah Khan, Dr. F. X. DeSouza, Dr. B. D. Dalal, Mr. Pradyumna Prashad Singh, Mr. F. E. James, Mr. H. A. Sathar H. Essak Sait, Mr. Umar Aly Shah, Dr. P. N. Banerjee, Mr. Mohan Lal Saksena, Mr. Samuel Aaron, Mr. B. B. Varma, Prof. N. G. Ranga, Pandit Nilakantha Das and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

Pandit Nilakantha Das : The Committee proposed in this Bill is perhaps contemplated like the one on tea already established. But I can say that there is a good deal of difference between the two industries, tea and coffee. As an industry, tea is very big. However, that question is not before us now. So far as we are concerned today, tea is a separate issue. I say, there is no necessity at all for an independent Committee like this for coffee. The object of the Committee is to undertake research investigation into both the industry and agriculture of coffee, and to organise its sale both inside and outside India. If you examine the coffee industry, first of all I may say that it is a very small industry. It is confined to a particular locality in south India.

An Honourable Member : There are other parts also.

Pandit Nilakantha Das : I am coming to that. The latest figures that are available are for 1933-34, and, according to that, the acreage under cultivation of coffee is about 184,000 acres. We have been given official figures for fifteen years, and, during these years, there has been a gradual increase of acreage. There has been an increase of 68,000 acres during this period, out of which Mysore is responsible for 45,000 acres, and next comes Coorg and Madras. Cochin and Travancore are practically negligible. In Madras too, the increase is not so rapid. Whatever the increase, I am afraid, there is not much scope for coffee in this land of India. At best the increase cannot be more than 50,000 acres more. Coffee grows only in a particular climate and on a soil which is congenial to it. Mr. N. G. Mukherjee, in his Handbook on Indian Agriculture, says :

“ This crop requires a hilly, well drained, rich, ferruginous clay soil, e.g., forest land, particularly rich in Nitrogen. Coffee prefers altitudes varying from 1,000 to 5,000 feet height. The temperature best suited for this crop is 60° to 80° F. It grows best in a humid climate, i.e., where there is some rain every month, but the total rainfall should not exceed 150 inches per annum. Frost is fatal to coffee plants. Heavy clouds and strong winds are also objectionable.”

In another place, he says that dense forests also are very objectionable. Such soil and such land can be found only in a few places in India. Suitable soil for this plantation was first spotted in the forties of the last century, and, since then, though there has been a regular progress in acreage, except during one or two years, coffee has not spread into other parts of India, and, considering the soil on which it grows, there is no likelihood of its growing elsewhere. This has also been corroborated in the evidence before the Agricultural Commission by Mr. Munro, the scientific expert of the South Indian Planters' Association, who also says that it will grow from 1,000 feet up to 6,000 feet height. Sir Ganga Ram asked :

“ What is the minimum height from sea level for growing coffee, tea, cinchona ? ”

The answer was :

“ Coffee will grow up to a height of 6,000 feet.”

That is, it is a crop which grows only on highlands shaded by forests, with soil nitrogenous, and constant rain and without any hailstorm or high wind. So, it is confined to a particular area, and there is not much chance of its growth elsewhere in India.

This Bill is intended for this small and scopeless industry in India and coffee is not food, but, to say the least, it is a beverage, if not a drug. The Bill is meant to promote agricultural and technological research and sale, both in and outside India, of coffee. I say, the Government have

full provision for all this. The Government have the Imperial Agricultural Institute, Provincial Agricultural Departments, arrangements for industrial research, Marketing Boards and Overseas Trade Commissioners, and so on and so forth. What is the necessity for this independent committee for this small industry? This is the solicitude of Government for coffee. But when questions of rice, cocoanut, and copra, which are not only food, but the mainstay of our people and regarding which measures are emergent, arise and are pressed, what do the Government do? They never think of independent committees like this. These crops are much more in need of agricultural and technological research and as well as organised sale.

Now, these are the objects which are sought to be achieved by this Bill for coffee. Let us see how far these things are needed at all in this particular case. There are already in existence private organisations for all this so far as coffee is concerned, and they are efficient. The South Indian Planters' Association and the Coffee Planters' Association have efficient arrangement for research in agriculture and industry and for organising sale, and agriculture. This South Indian Association was at least well organised in the days when the Agricultural Commission visited India. The Commission was satisfied that they were working in co-operation with Government Agricultural Departments, and Mysore had by that time established a special agricultural organisation for the investigation of coffee. Mr. Munro, who is the representative of this Association, says before the commission that this association differentiated about different crops for their agricultural research work and they were getting all help and co-operation possible, which cannot be increased, he says, from the Agricultural Department of the Government.

Then, again, my Honourable friend, the Mover of the motion, has said that it is more external propaganda for sale than internal. This is the apparent object, let us examine it.

The Chairman of the Agricultural Commission asked Mr. Munro :

“ Has your association a representative organisation or representative individuals with whom it is in touch in the London and other markets ? ”

“ A.—Yes. The South Indian Association.”

“ Q.—Is it within your knowledge whether that means complaints from the consuming centres as to the way in which the produce is packed or graded or as to its condition reach the ears of the planters ? ”

“ A.—It may come by that way or it may come through the Agents who are handling the goods at the other end.”

“ Q.—Is it your impression that planters get early and reliable information about any complaints ? ”

“ A.—Yes.”

“ Q.—You don't suggest any improvement in that direction ? ”

“ A.—No.”

“ Q.—You think that marketing information is always at the disposal of the planters ? ”

“ A.—Yes, it is quite efficient.”

So, this Coffee Planters' Association is an organised institution maintained by themselves, and they are looking after their own business efficiently. There is no need for a committee as proposed here, and if any cess is to be imposed now by Government, it may be imposed for

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the Imperial Agricultural Research Association or provincial agricultural departments. We have got also, as I have said, our Industries Departments and marketing organisations. We have also got our Trade Commissioners abroad. If they want that a cess should be levied and some arrangement must be made for their benefit, then they may avail themselves of all these institutions of the Government. If the Government want to help them, they may even earmark the money and use it for that purpose. What is the use of having an independent organisation of the planters in order perhaps to make our people cry after a time for Indianisation even in that committee, as it usually happens. The planters ought to have full confidence in the Government and in our Trade Commissioners, in our marketing organisations, our research investigations for industry and agriculture. Government ought not to allow themselves thus indirectly to declare to the world that their own arrangements cannot satisfy our agricultural interests or industrial needs.

This coffee is a small industry only confined to a small area. It cannot be expanded, and, in the case of the planters, it has got a very good organisation. We are now out to give them an independent body, to make money for them by a cess and to give them freehand to make propaganda for sale, not at all outside, but, as I shall presently show, inside this country.

I am afraid the Government have been duped into this Bill. Only the organised planters or the organised industrialists are expected to have the ears of the Government. I shall presently show that this measure is not good for the small coffee cultivators. It is rather to oust them from the field that this organisation is contemplated, and it is only for the purpose of keeping the refuse in this country and sending the best quality coffee abroad that this measure is intended.

We see from the 1933-34 report, that 55 per cent. of the acreage under coffee is in Mysore, 22 in Coorg and 22 in the Madras Presidency. Cochin and Travancore are together one per cent. They are being mentioned, but I don't find that they are much interested in this Bill. Cochin has only got 1,900 acres and Travancore has got less than a thousand acres. If you see the account of the last 15 years, you see that the acreage has increased only in Mysore and Coorg. In Mysore, it has increased from 55 thousand acres in 1919-20 to 101 thousand acres in 1933-34, Coorg from 32 to 39.

Now, let us see what the same Mr. Munro, the representative of the South Indian Planters' Association, their scientific expert, says in his evidence before the Agricultural Commission.

The question was put :

"Have you experience of the area in which small cultivators are growing the same crop as planters do on holdings contiguous with the planters' holdings?"

The answer was :

"In Coorg, about half the coffee is held by Indian planters, and, in Mysore, the bulk of the coffee, I should say, about two-thirds."

The Chairman asked :

"Run by small people?"

"A.—Yes."

"Q.—By ordinary cultivators?"

"A.—Yes, by ordinary cultivators."

Then the question was asked :

“ Have the practices of the planters been copied at all by the small cultivators ? ”

“ A.—To a certain extent, but they certainly do not cultivate to the same extent as the European does.”

“ Q.—They do not copy so freely ? ”

“ A.—They do not.”

“ Q.—Is that due to the limitations of their economic position, or is it due to a slightly greater conservatism ? ”

“ A.—On this particular point of the borer, the average Indian cultivator will keep a great deal more shade on his coffee, in order to keep out the borer; the consequence is that with heavier shade he gets less crop; he is not willing to risk the loss of his trees by borer in order to get a bigger crop.”

“ Q.—He cannot afford to take the risk ? ”

“ A.—He could, really, if he got a bigger crop, and had more money at his command to replant up any bored trees there may be.”

So they are just like our ordinary cultivators; they have no money to invest, they cannot reap any advantage from all these scientific investigations of the planters for the good of their small coffee crops and plantations: and their number, as my friend, the Mover of the Resolution, has just now said, is more than fifty per cent,—and that is my calculation, that is, two-thirds Mysore and half of Coorg, so it comes to fifty per cent or more. And there might be others even in the Madras Presidency. So these small planters will in no way benefit from all the scientific research and investigation or in any other such blessed things as they have no means; they have got each a small acreage for his own cultivation; and the thing is, they can sell their coffee much cheaper than the big planters. For, it is generally our experience that the village artisan, as well as the village cultivator, can sell his goods much cheaper than the goods produced by an organized industry, for the village cultivator does not mind his own labour expenses—that is the main factor.

Here let us consider the question in connection with the export of coffee. We are not at all told if Government have got any figures, any memorandum, any representation from the small planters. If the Government have got any, we are certainly not given these? I am afraid, all this export propaganda is being not only organised, but monopolised by big planters at the expense of the small cultivators. Now, Kenya was not the only problem which we are asked to solve so far as our coffee export is concerned. I am afraid, it is not a great problem at all. Indian coffee may stand competition with Kenya coffee. So perhaps Kenya is being trotted out in this connection here. The real problem is elsewhere. My Honourable friend in charge of the Bill did not give that information. I am afraid he did not give it purposely. I believe he knows it, the main problem in Brazil. When our coffee trade grew in the sixties, seventies or eighties of the last century, and it practically was the only best coffee in the world's markets, then Brazil was not in the field. Now, as I know from books and records, eighty per cent of the world's coffee is produced by Brazil, and world's markets have been captured by Brazilian coffee, because the forests and the slopes and the altitude and the rains, all these are very congenial for coffee in Brazil, so that vast areas of coffee plantation can be undertaken in Brazil. Hence Brazil has got now practically a monopoly of the world's markets. Now, if our planters will expect any

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export of coffee, they must fall back upon quality alone. If they can produce a better quality, then alone can they sell their coffee outside India : and, with a view to improving this quality, they will now organize so that they may sell this good quality coffee abroad. Consequently, they will sell only the refuse in this country, and this refuse coffee of big plantations will compete with the coffee of the small growers, who now practically monopolise the home market.

Is propaganda necessary in the home market ? No propaganda is necessary at all for home consumption of coffee. I find that, in 1925, the home consumption of the Indian coffee was 20,000 cwts., and, in 1933, it was 120.7 thousand cwts., and, in 1933-34, as I have calculated it, it is 123,000 cwts. Which coffee has been consumed in this country ? In seven years, the home consumption of Indian coffee has been more than six times, and import of foreign coffee into India has been completely stopped. So where is the necessity for any propaganda for home consumption ?

Dr. F. X. DeSouza (Nominated Non-Official) : What was the home consumption in 1929 ?

Pandit Nilakantha Das : It was 105.2 thousand cwts. ; in only one year. If my friend wants the information, 1932, it went up by 138,000 cwts. ; it has fallen a little, but it is gradually rising since. It came to 120,000 cwts. in 1933, and, in three months' time, the yearly calculation for 1933-34, rose to 123,000 cwts. But in 1923 it was only 20,000 cwts ; and now the restriction of coffee imported into India has abolished all import. That is found in the report of 1933-34. I hope it continues even now, and I hope the Government will see to it that no foreign coffee is imported into this land any more.

Now, as to the exports, I find that the decennial average before the war—taking into account the years 1870-71, 1880-81, 1890-91, 1900-01, 1910-11, the decennial average is 285,000 cwts. a year for exports.

Dr. F. X. DeSouza : What years ?

Pandit Nilakantha Das : All this is the decennial average—that is, for 1870-71, 1880-81, 1890-91, 1900-01, 1910-11 ; and the average income on this calculation obtained by the planters annually was Rs. 129 lakhs. In those years, internal consumption of Indian coffee was negligible. Now, in 1933-34, the export was 186,000 cwts, and the internal consumption was 123,000 cwts.

The Honourable Sir Muhammad Zafrullah Khan : In 1933, the figure was 185,995 cwts. ?

Pandit Nilakantha Das : I am correct, I believe ? The export was 185,995, or, in round numbers, 186,000 cwts., and the internal consumption was 123,000 cwts. They now together sell Rs. 309 lakhs. The production practically comes along with the increase in acreage. For this year, 1933-34, though the acreage under coffee cultivation is 182 thousand acres, the actual acreage from which coffee was harvested was 156,000 acres only ; the others were new plantations, or whatever it may be ; so the increase comes along with the acreage.

The wholesale price which was declared in India in 1933 was Rs. 72 per cwt. and the total amount in 1933-34 at this rate comes to Rs. 223 lakhs.

An Honourable Member : From which book is the Honourable Member quoting these figures ?

Pandit Nilkantha Das : These figures I am quoting from the "Times of India Year Book". They have made this money. There is no loss. In fact, if we analyse the whole thing, we shall find that a fabulous profit is being made even now. Mr. N. G. Mukherjee, in his book called the "Handbook of Indian Agriculture", says (page 334) that, in a well-cultivated estate, an expenditure of Rs. 80 per acre is incurred on superintendence, field labour, freight and everything, and there is an additional expenditure of Rs. 50 per acre for manures and their application. According to him, this is the best way of cultivating it. He says that, in some coffee estates, a total expenditure of Rs. 80 per acre is incurred, but the result obtained is proportionately poorer; and as the area is manured only in alternate years, the total expenditure comes to Rs. 80 plus half of Rs. 50, i.e., Rs. 105, say, about Rs. 110 per acre in a well kept garden. The annual average outturn of ordinary gardens is something like 3 cwt. and the outturn of a garden which is well kept may be even 4 cwt. per acre. In fact, Mr. Munro says, during his evidence before the Agricultural Commission, that in a well-kept garden, it is sometimes even as much as 6 cwt. The same author (the late Mr. N. G. Mukherjee) goes on to say that if a crop is sold at 60 s. per cwt. then it is sold at a profit. That is to say, if it is sold at Rs. 45 per cwt., which was the then exchange value of 60 s., there is a margin of profit. But if it is sold at 40 s., or Rs. 30 per cwt., then there is no profit. Let us then say, the minimum outturn in a well-kept garden is 3 cwt. per acre, and the average of the outturn from small and big, well-kept and ill-kept gardens will be between 2 and 3 cwt. per acre. If we assume that the outturn from a well-kept garden is even so small as 3 cwt., then the price at the rate of Rs. 45 per cwt. comes to Rs. 135. And if you spend Rs. 110 for all kinds of expenses, then you have a clear profit of Rs. 25 or about 20 per cent. on your investment. But, now, what has been the price? Of course, at a time the average was 140 s. per cwt. and then when in 1923 on account of Brazil's competition it came down to 127 s. per cwt. there began calamitous uproar from the planters that Indian coffee was going to be ruined. Now, what has been the condition? It is Rs. 72 per cwt., that is to say, it is more than 108 shillings per cwt.

The Honourable Sir Muhammad Zafrullah Khan : Rs. 72 is not the present price. The present price is between Rs. 50 and Rs. 55 per cwt.

Dr. F. X. DeSouza : The present price is under Rs. 45 per cwt. and it varies according to the quality.

Pandit Nilakantha Das : Even if the price is Rs. 45 per cwt., the margin of profit comes to about Rs. 20 per cent. on the investment. So, the condition of the planters is not so bad as it is depicted to be.

But the real apprehension of the planter is that his outside world market is failing. There he can now expect to sell quality alone; his quantity won't do. Sir, I am told that if Indian coffee is well-prepared and well-graded, it can fetch better price than even Brazil coffee. So,

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for the outside market, our planters depend upon quality alone. As for the inside market, it is now practically monopolised by these poor small coffee cultivators, for they can easily undersell the big planters. Now, the attempt of the big planters apparently is in future to capture this internal market now open to the cultivators. The planters, by organised propaganda among our poor people, especially in the villages, will sell among them their ungraded refuse coffee cheaper than the produce of the ordinary cultivators. On account of propaganda, poor villagers will get addicted to coffee, and then they will buy cheap coffee without considering the quality at all. I apprehend that is the whole game.

We have received no memoranda from the ordinary cultivators to convince us about their demand for this measure, but we have been told that there is some propaganda which shows a universal approbation for this measure. We would, however, like to know what is that propaganda? Who made it? And, how the opinion of the cultivators was gauged? I know that the planters are an organised body and they must have appealed to the Government. They might have sent their representations and they might have pressed the Government for enacting a measure like this. But what is the propaganda referred to in the "Objects and Reasons", as also by the Mover of the Bill?

We are also told that the Mysore Government is pressing for the measure. For Coorg and Madras, our own Government is responsible. Probably every one in this House knows that Governments are generally led by those who are very vocal and are well organised. What about the poor coffee cultivators? What do they actually feel about this measure? What will they do after this Bill is passed into law?

Therefore, we want to know what this "propaganda" is and what its ascertained effect actually stands for. We cannot take it as a gospel truth from those who are always led by louder voices or by better organised pressure. My Honourable friend, the Mover, will not perhaps deny it. So, I say, let this whole thing be dropped, and, if a cess is to be collected, it should be collected by the Government of India, and it may be earmarked and spent for the purpose for which the planters say they want it; but it should be spent by our own Department. That will be the best thing to do. We do not like any Association or independent committee like this. What is the good of these people, who are very vocal, demanding these sanctions from the Government when they can very well avail of the Government institutions and the Government Department. In fact, before the Royal Commission, their scientific expert, who was the representative of the Association (Mr. Munro), said that everything in this connection was satisfactory and the Royal Commission themselves expressed their satisfaction that the Agricultural Department of the Government are fully made use of and they are working in co-operation with the planters. This being the case, what makes our Government think that there is a necessity for the establishment of such an Association?

An Honourable Member : It has been already done in case of tea.

Pandit Nilakantha Das : As for tea, it is a separate issue altogether, and we are not talking of tea now. Coffee is, after all, a small industry.

You will get less than a lakh of rupees probably 60 or 70 thousand this year. What will they do with this money? How can they make any propaganda outside India with the small amount, besides scientific investigation, internal propaganda as well as the expenditure of the committee itself? So, I say, they want our sanction to make propaganda in our villages to sell their refuse coffee in competition with our poor coffee-growers who are disorganised.

I now come to the effects of coffee on the nation as a whole. Of course, if we can get better graded coffee, that may be a luxury. Many of our better class people have taken to tea and now they are taking to coffee with the result that there is a large increase in its consumption.

Mr. N. M. Joshi (Nominated Non-Official) : May I ask the Honourable Member who are the better class of people?

Pandit Nilakantha Das : The better class of people are those who know whether the coffee is good or bad, whether it is graded or not, and whether it has been kept for a long time and the poison has been destroyed altogether, or whether there is still poison in it to cause hilarity and sleeplessness.

The Honourable Sir Muhammad Zafrullah Khan : It is perfectly clear, Mr. Joshi is not one of the better class of coffee drinkers.

Pandit Nilakantha Das : I am afraid he is not. The object of the present law is to introduce coffee drinking even in villages where only the price will tell. I have also narrated before stories in this House when we discussed tea-cess last Session. The poor villager sometimes has got only six pice a day on which to maintain himself and his family. If he takes to drinking tea, he will take one pice worth of tea dust full of mud both morning and evening. He goes to the village grocer and purchases tea full of dust worth one pice. Then, he puts it in a vessel full of boiling water, probably one seer and five *chataks* of boiling water, and then he will add some salt and then drink the whole thing just as a cow drinks its water mixed with husk powder. This is the condition in our villages so far as tea drinking is concerned. The villagers get only the refuse, for, with the poor villagers, price is the only consideration. The better class of people will be deprived of their cup of coffee, because it will be sent outside India for consumption on the Western Continent.

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Now, India is not the only country which produces coffee. Brazil has got the monopoly of the world's market, not Kenya. That is my information. So, the better class or quality of coffee will be sent out and the refuse will remain in the country for the consumption of the poor villagers. I am afraid that is the whole game as I have already hinted. It appears to me that if opinions are elicited and all people know what it is going to be and if people know all about the circumstances in which we are discussing the subject here, then we shall be enlightened by their views on the subject. Heavens are not going to fall if this measure is passed into law after a small delay of four months. It does not matter if only one season is gone, we shall probably give you the sanction after eliciting public opinion. We already gave sanction for the tea cess. I have no objection to give similar sanction for the coffee cess, but you must separate the money and earmark it and manage the funds under your

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departmental control or do whatever you like with it. But we do not like to have this committee, this organisation of planters who will simply oust the poor cultivators from the field. That is my apprehension. I submit that this aspect of the question has not been considered by the Honourable Members. You want to dump the refuse on the poor villager. Thereby not only his economic position will be ruined, but also his health will be undermined and thus the whole country will be ruined.

I know that coffee is being drunk now-a-days by fashionable people. If, however, coffee is drunk after a meal, its baneful effects are negligible. But, as Honourable Members are aware, coffee is drunk by the poor people with empty stomachs. What will happen if bad stuff of coffee is introduced into these villages with our sanction behind it? I appeal to the House to look at the question from the point of view of the health of the poor villagers. The poor villager does not even get one and half annas per day to maintain himself and his family. If you introduce coffee into the villages and make the villagers also slave to this coffee drink, then they will be ruined. I will read out to the House for its information the opinions of eminent medical men about coffee. In their book on "Food and the Principles of Dietetics" by Robert Hutchison, M.D., F.R.C.P., Physician to London Hospital and Hospital for Sick Children, and Mr. V. H. Mottram, M.A., Professor of Physiology at King's College, London, they say (pages 361—367) :

"Influence of Tea, Coffee and Cocoa on Digestion.

"The influence of these beverages on salivary and gastric digestion is, on the whole, unfavourable. If there was even five per cent. of the infusion in the digesting mixture, practically no digestion of starch takes place. The most elaborate investigation of the action of these beverages on digestion in the stomach has been made by Fraser. He found that tea and coffee both retard peptic digestion."

Then, again :

"The retarding influence of tea and coffee on peptic digestion has also been established by Roberts, Ogata and Schultzenstein. The former is of opinion that the tannic acid only accounts for about one-half of the inhibitory effects exerted by tea. On the whole they are agreed that coffee has less influence than tea, provided it is of the same strength, but, inasmuch as the former is usually a stronger infusion than the latter, its effects in actual practice are equally powerful."

"Apart from their modifying influence on the chemical processes of digestion, it must be remembered that these beverages sometimes affect the stomach more directly. Thus, the tannic acid and other astringent substances met with in strong infusion of tea may act as irritants to the mucous membrane of the stomach, especially if empty; and the same is true to an even greater extent of the coffeeol and other products produced in the roasting of coffee. It is in this way that these beverages may sometimes excite or keep up a condition of chronic gastric catarrh."

Then further on :

"In cases where the digestion is enfeebled and where the ferments are doing their work with difficulty the presence of these beverages in the digesting mass may make all the difference between failure and success in the process. * * * So tea and coffee should both be avoided. * * * As has been previously pointed out, the irritating effects of these beverages on the stomach are more likely to be manifested when the latter is empty."

"There are no available observations on the absorption of tea and coffee. The action of tea and coffee on the body depends entirely upon the tannic acid, caffeine and volatile oil which these beverages contain."

After discussing the ill effects of coffee and tea in their chemical analysis and action, etc., they go on to say :

“ The question has been much debated whether or not caffeine lessens the waste of the body. * * * * Indeed all experiments go to prove the contrary, namely that caffeine tends to increase rather than diminish tissue waste. It does not prolong life in starvation, although it may perhaps lessen the feeling of hunger. Experiments with the ergograph too have shown that tea and coffee are in no sense muscle foods, although they can temporarily increase muscular power by abolishing nervous fatigue, so long, at least as the muscles are not completely exhausted.

We may conclude then that tea and coffee are in no sense foods, in that they can neither build up the tissues nor provide them with potential energy.

The nervous system in childhood or after middle life is peculiarly susceptible to these baneful effects.”

Dr. B. N. Ghosh, F.R.F.P. & S. (Glasgow), in “ A Treatise on Hygiene and Public Health ” says (page 222) :

“ Coffee causes stimulation of the nervous system and there is a feeling of exhilaration and diminution of the sense of fatigue. Strong coffee taken after dinner tends to retard the digestive process ; it should therefore be avoided by dyspeptics. Caffeine lessens the feeling of hunger but does not prolong life in cases of starvation, and it increases tissue waste. In comparative experiments with whole companies of soldiers on the march under like conditions, Leistenstrofer, on behalf of the German Government, found that when the soldiers were well supplied with food, those that were given tea or coffee could endure more prolonged and more severe marches than those that did not get tea or coffee. If no food was supplied fatigue appeared first in the tea and coffee drinkers. Tea and coffee therefore increase the power for continuous physical work so long as the supply of nutritive material is ample, but cause early exhaustion when food is withheld (Bastedo). Excess of coffee drinking causes nervous disturbances, palpitation, insomnia, and liability to attacks of neuralgia.”

Mr. President (The Honourable Sir Abdur Rahim) : Does not the Honourable Member consider that he has recited these opinions at sufficient length ? Is it necessary to prolong the debate in this way ?

Pandit Nilakantha Das : I was simply quoting them here and there. Last time when, perhaps inadvertently, I said that tea was poison I was laughed at in this House. People generally think that this beverage is a food and is a nutritive substance ; but it is not. It is a luxury. For certain classes of people it may be good,—I do not dispute that. But now you are going to introduce it into our villages and that is what I object to. But I do not object to its being directly controlled by Government. Let it be propaganda or anything ; I do not object to that. I agree to your cess but I do not like an independent body, interested organically in the plantation, taking into their hands the whole money and making whatever they like with it, and that with our sanction behind them.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

Pandit Nilakantha Das : Sir, I was going to show how it is injurious to our village people who do not know anything and who are not able to take care of themselves. As I have said very often, I have no objection to

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educated people taking to coffee or tea or tobacco or anything else. They are able to take care of themselves. Dr. W. G. Savage in his "Food and Public Health" says (page 76) :

"In view of the heavy consumption of tea, it is important to consider how far this habit is detrimental to health. . . . Taken in habitual excess, tea may lead to a prejudicial stimulation of the nervous system. More serious is its possible effect upon the digestive organs, to be ascribed in the main to the amount of tannic acid which it contains. This substance is an astringent ; as such it exerts a prejudicial action upon the stomach and other organs with which it comes in direct contact, and is one factor in the production of certain types of indigestion.

Coffee : This is another comparatively recent importation, with much the same general characters as a beverage as tea ; it is, however, far less drunk in this country. (*He means England.*) It contains the same alkaloid, caffeine. A cup of strong black coffee will contain about 1½ grains of caffeine and a certain amount of tannic acid. Its actions as a stimulant and as a cause of indigestion are much the same as those of tea."

This is an expert from the Punjab, Dr. N. R. Dharmavir writing on the heading of "Tea and Coffee Habit" in his book "Public Health in India". He says (pages 51-53) :

"A quarter of a century ago, the drinking of tea or coffee in the Punjab was confined to a few educated people, and the student occasionally took it for the purpose of removing drowsiness at night. Now the practice is very common. In fashionable society, tea parties are the rule and tea is quite a regular meal.

In other parts of India tea drinking has, I think, been common for a very long time even among the poorer classes. This may be true or not, but the fact remains that this habit of tea and coffee drinking is on the increase. It is useful to enquire whether the habit is good or detrimental to health.

* * * * *

It is thus apparent that tea and coffee have no food value. They are merely a luxury and give to life a few moments of pleasure. They may be useful occasionally to remove fatigue and sleepiness but at the other end of the scale, their ill-effects are many and varied when taken in excess, and in the tea or coffee habit it is sometimes just as impossible for the consumer to gauge when the limit has been reached as in the alcoholic habit. Constipation, Dyspepsia, Anaemia, Neuritis, itching of the skin, nervousness, insomnia and many others are the injurious effects which make the life miserable.

Any but an occasional or medicinal use of tea and coffee should be deprecated, and young persons should absolutely avoid these beverages."

It is a drug, just like tobacco or alcohol. In his book "Ideal Health or the Laws of Life and Health", Alexander Bryce, M.D.C.M., D.P.H., says (pages 79-80) :

"The Caffeine Craving : Civilisation has for so long depended upon the stimulus provided by tea and coffee, that it has been stated in some quarters that these drugs are essential articles of our diet. The mere fact that the greatest vigour of body and mind is compatible with complete abstinence from them should serve to controvert such an opinion. That it should prevail, however, rather lends support to my view that a large section of the community is under the influence of a caffeine craving. The truth of this contention can easily be demonstrated by almost any one who is bold enough to cease drinking tea and coffee for even a week. The unbearable headache which will torture his day and nights and the constant hankering after a cup of tea will soon convince him that he is under the spell of the drug. It will also be a wholesome reminder to some who have been in the habit of deriding the 'craving' for alcohol.

An enormous amount of will-power is necessary to break off the habitual use of any drug, and tea and coffee are no exceptions to the rule. For, after all, every cupful of tea or coffee is equivalent to a dose of a drug, and not by any means an infinitesimal dose, but the full pharmacopoeial allowance. Each cup of tea or coffee

contains the equivalent of 2½ grains of citrate of caffeine, a white drug kept on the shelves of every chemist in the world. I would commend this fact to the attention of the by no means inconsiderable section of people who are so loud in their denunciations of the medical man who occasionally allows himself to prescribe a 'drug' of the more conventional category. A drug is a drug whether it be self-administered in sips from a china cup or gulped down from a nauseous bottle with or without a medical prescription.

There are many who are distinctly injured by the use of coffee as of tea. It should be eschewed by the highly nervous by those who suffer from palpitation or almost any heart condition, by dyspeptics and bilious people, and it should never be given to children.

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It may be stated generally that those who rely on tea and coffee as stimulants are laying up for themselves a store of trouble, as the reaction must be faced some day.

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Taken to excess—and this is always a relative term—nervous and gastric disturbances are certain to arise. These include giddiness, headache, tremors, insomnia, flatulence, loss of appetite, and biliousness."

This is a drug as good or as bad as any other drug. Nowadays, for some years we are having people investigating vitamins, R. H. A. Plimmer and Violet G. Plimmer, Associate of the Royal Sanitary Institute and Professor of Chemistry in the University of London have written a book on "Vitamins and the choice of food". And, incidentally, they have referred to coffee. At page 153 of the Book it is stated :

"Chocolate, cocoa and coffee as seed products are possible sources of B-Vitamin, but the quantity in which these beverages are usually consumed and their method of preparation rule them out of consideration as a source of B-factor."

Sir, last but not least, I have ransacked as many books as I could lay my hands on in all the libraries that were available to me in Simla, but I have never found any expert opinion in favour of drinking coffee or tea.....

Mr. S. Satyamarti (Madras City : Non-Muhammadan Urban) : We are experts.

Pandit Nilakantha Das : So I have never said a single word about educated gentlemen whose will power is properly developed because they can take care of themselves. But unfortunately this vicious habit of tea and coffee drinking is going to the very doors of the villagers and I have shown how in my part of the country, where coffee is now practically absent, people are taking to tea. People who are suffering from starvation and poverty, people who cannot afford to pay a pice for giving milk to their children, are taking to tea and coffee and are spending two pice a day on the drug. After all, Sir, after this measure is passed, you will be able to get only about Rs. 60,000 or Rs. 70,000. As I have already pointed out, quoting Mr. Munro, the expert representative, the planters are not in need of any information as regards foreign trade. Their organization and arrangements are perfect and complete, and therefore what is the necessity for having an independent organization with this sum of sixty or seventy thousand rupees ? As I have clearly shown, it is merely to oust the small cultivator from their place and to introduce rubbish articles in the name of tea and coffee in our villages that you are thinking of setting up this independent organization. I know it will be done. 20 or 30 years ago nobody knew what tea was

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in our parts, but those interested in the sale of tea sent round propagandists and demonstrators into almost every village, who made small fires for boiling water, made the tea and supplied it free of charge at the very door of the villagers, and now the craving of the average villager for tea is so strong that, as I have said, he would even not give milk to his children but would spend even 2 or 3 pice a day for tea sacrificing all other necessities. Therefore, I have strong reasons to suspect that this sum of sixty or seventy thousand rupees will be spent for propaganda purposes, with the result that the small cultivator who does not care for his cheap labour and who can sell good things cheap in this country will be deprived of his small plantation. If I am labouring the point so much it is because I am very keen on this subject. This subject, Sir, is connected with our nation building. It is not in plantations and factories alone that nation building can be attempted; we should also look to the health of the consumers as well as to the interests of the small growers and small industrialists.

Sir, here is a book called "Good Food, how to prepare it" by Cornforth. In this book he has described the preparation of various kinds of foods, but only incidentally he has devoted a small chapter to beverages, at page 212, but he has given no hints on their preparation. He goes straight to the subject and says :

"Tea and coffee contain two harmful substances, tannin and caffeine. Tannin has a tanning, or astringent effect upon the lining of the stomach and upon albuminous foods. It interferes with salivary and stomach digestion. Caffeine is one hundred times as deadly a poison as alcohol. This will account for the statement made by Dr. D. H. Kress—'Tea is worse than Beer'. One pound of average tea contains 252 grains of caffeine. Twenty grains of caffeine is sufficient to kill a man. In one pound of tea there is sufficient poison to kill twelve men, two rabbits and fourteen frogs. One cup of tea contains from one and one-half to one and three-fourths grains of caffeine, and three or four grains of tannin. Therefore, it takes a little more than twelve cups of tea to contain a deadly dose of caffeine....."

Mr. J. A. Milligan (Bengal : European) : Sir, I rise to a point of order. May I ask, Sir, whether the subject before the House is tea or coffee ?

Mr. Deputy President (Mr. Akhil Chandra Datta) : The Honourable Member is probably explaining his point by analogy with tea.

Pandit Nilakantha Das : I never referred to tea unless it was very necessary. These remarks about tea refer to coffee as well. The sentence that follows will satisfy the Honourable Member :

"A cup of coffee contains the same amount of caffeine and tannin as a cup of tea. Sleeplessness, stomach trouble, palpitation of the heart, headache, constipation, nervous disorders, arterial and kidney diseases, and liver trouble are some of the diseases caused by the use of tea and coffee."

Now, I believe my friend will understand me.....

Mr. J. A. Milligan : Sir, I again rise to a point of order. I must protest against the opportunity being taken of a discussion on coffee to make a slashing attack on tea.

Pandit Nilakantha Das : My friend should then request the President to cut out the word 'tea' in the Report and substitute 'coffee'. I cannot avoid quoting from this Book in support of my contention.

The Honourable Sir Muhammad Zafrullah Khan : Substitute coffee.

Pandit Nilakantha Das : This author further goes on to say :

“ Tea and coffee blunt the sensibilities and make those who use them oblivious of consequences. This is the reason that a cup of tea will make a tired woman feel equal to doing a big washing on Monday morning.”

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

“ Water is the natural and perfect beverage.”

So the author of this Book does not discuss tea or coffee.....

An Honourable Member : Next comes milk.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : What about chocolates ?

Pandit Nilakantha Das : It is nothing but cocoa.

The Honourable Sir Muhammad Zafrullah Khan : That is also harmful ?

Pandit Nilakantha Das : I am afraid, I have taken much time of the House to show the harmful effects of both tea and coffee by quoting in support of my contention the opinions of some eminent people and medical men. I do not know there may be other opinions which may throw better light for the Members of this House. So I ask for opinion. The question of milk was raised in connection with coffee as the best drink.

Mr. President (The Honourable Sir Abdur Rahim) : It is not necessary to go at length into the respective merits of these things.

Pandit Nilakantha Das : No, Sir. I am talking in connection with coffee. In our villages tea can be drunk without milk, but coffee is so strong and bitter that without milk it cannot be drunk.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member can perhaps leave that to the coffee drinkers. (Laughter.)

Pandit Nilakantha Das : I am simply going to show that our children cannot get milk when coffee is brought to the doors of our villagers. If coffee becomes the habit of our people, our children cannot get sufficient milk ; already they are not able to get milk in proper quantities. In our villages, milk supply is very poor. When elderly people will want milk for their coffee, children will have to be starved. That is what I was going to explain. That is the general complaint of my friends from Southern India. They say that on account of coffee drinking their children are deprived of milk ; their children are given coffee instead of milk, and in their opinion, coffee should be forbidden so far as children are concerned. That is also the expert medical opinion, as I have quoted. In our books there are lessons for children where it is said that coffee and tea are poison. Now, in spite of those lessons we are to make counter propaganda in favour of coffee and tea at the very doors of the parents and guardians of those children. They will have to unlearn at home what they learn at school, or it will be something like the old idea of the earth being round at school, but flat at home. Probably, in course of time when luxury comes to be taxed by provincial Governments themselves, this coffee habit will supply a fresh source of income. Our villagers will be taxed for drinking coffee as they will be taxed for smoking tobacco.

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Now, it is evident that there is no necessity for this Committee. If anything is to be done for these planters the Government may themselves do it through their departments. We have no evidence even to show that there is a surplus stock of good coffee year by year without being sold. We have seen that internal consumption is going up by leaps and bounds without any propaganda, and I am sure this increase is due to our educated people who take to coffee. So far it is all right, it may be a concomitant of civilisation in which we have got to live. I have no objection to that and I said nothing against a bracing cup of tea which my Honourable friends like to enjoy. But my contention is that there is really no necessity for any more foreign propaganda, it was efficient even in 1927. This money is going to be simply spent and that with our sanction on giving free coffee to our villagers by way of propaganda and thus our villagers will be harmed in several ways. Not only that. When quality is the only question, in foreign market the best quality of coffee will be sent abroad and the rubbish will be sold in this country among our villagers.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has already spoken for an hour and a half.

Pandit Nilakantha Das : I am summing up, Sir. The main points I want to press are that the proportion of the acreage of plantation of coffee will remain always almost insignificant ; it is perhaps one in two thousand in our acreage under cultivation in India, and similar will be the proportion, of both temporary and permanent workers, in coffee production including all the growers interested in the industry and the agriculture—the proportion will remain the same. There is no likelihood of its ever increasing, and there is, as I have shown, enough margin of profit today in coffee. The consumption never leaves any surplus stock. The internal consumption is going up as rapidly as possible.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member is repeating himself.

Pandit Nilakantha Das : I am summing up the whole thing. The House has a right to know why this Committee is so urgently necessary, and we have not been enlightened on that.

Mr. J. A. Milligan : I may be doing an injustice to my Honourable friend the Pandit, I may have misunderstood him, but I certainly gather that he is not a devotee of either coffee or tea. On the last occasion, at a meeting of this House in April, when tea was the subject of discussion, the Honourable the Pandit then advocated that the tea cess, if sanctioned, should be devoted to the purchase of milk to be given to children rather than to the corruption of their parents by leading them into such a bad habit. I had hoped that his association with such gentlemen as Mr. Sri Prakasa and Mr. Saksena would have converted him to a more reasonable view, but I very much regret to find today that he is in exactly the same frame of mind with regard to tea as he was on that occasion and that he has now added coffee to the same category.

The various points of this Bill have been so ably and comprehensively dealt with by the Honourable the Commerce Member that it is difficult to say anything without repeating his words. The history of coffee for many years has been a history of steadily going down the hill owing to

foreign competition. Up till a few years ago the coffee grower had a means of escape in that he could pull up his coffee and plant tea, and quite a number of coffee growers resorted to that practice. But for the last three years this has not been legally available to the coffee grower, and in any case, had it been so, the condition of the tea industry would have made such a change as this comparable only to jumping out of the frying pan into the fire. At last the coffee grower has taken a leaf out of the tea grower's book and proposes to do the one thing which promises a real solution of his troubles. That is, to put his hand into his pocket, collect a fund and try to improve his markets. He deserves the encouragement and support of this House in this effort to solve his own problems, and the fact that this House showed such a sympathetic attitude towards the tea industry in similar circumstances may well encourage the coffee growers to hope that this Bill will be received without any serious opposition.

The Bill contains no new principle. It is practically identical in character and purpose with the Indian Tea Cess Act, an Act of which this House has expressed its approval on more than one occasion. In addition, the other criterion which would have to be fulfilled before the Bill could be taken immediately into consideration, namely that those who are affected by it should be overwhelmingly in support of it—that criterion has been more than amply fulfilled in this case. Out of 162,764 acres to whom reference was made in the matter, only 2,936, that is, less than two per cent. objected to these proposals. The proposal is not to put any tax on coffee which will raise the price to the Indian consumer. It is only exported coffee which will come within the operation of this Bill. Personally I can see no other point in the Bill which requires such prolonged delay as will be involved by circulation for opinion or even reference to a Select Committee, particularly when, it is borne in mind what this will mean to the producer, that is, a whole year's delay in the inauguration of the scheme.

The question of the composition of the Committee, about which I am certain a number of Members are interested, has been so ably explained by the Honourable the Commerce Member that there is no advantage to be gained by referring this Bill to a Select Committee or circulating it for opinion. The Commerce Member has made it perfectly clear what the composition of this committee will be and I do not think that any one in the House will say that the composition of the committee as outlined by the Commerce Member is unsatisfactory. It was my intention to appeal to the Mover of this amendment and to his colleague who jointly moved the next amendment to withdraw their amendments and allow this Bill to be taken into consideration forthwith but I am afraid that the objections of the Honourable the Mover are so personal and deep-seated that he is unlikely to adopt this course.

Pandit Nilakantha Das : How was it personal ?

Mr. J. A. Milligan : May I say that it appeared to me that many of the views which were voiced by the learned Pandit were not shared even by his own colleagues and they were certainly not shared in other parts of the House. (*Voices :* "Question.")

An Honourable Member : You take a great responsibility in saying that.

Mr. J. A. Milligan : Am I to understand that there is a body of opinion in this House which shares the views of the learned Pandit against tea and coffee as a beverage. If that is so, I can only say that it fills me with deep regret.

One or two small points I should like to touch upon before I sit down. Other speakers would deal more comprehensively with the wider issues raised by the Honourable the Pandit's speech. He asserted that fabulous profits are being earned by coffee growers in South India. I can only say that he has chosen the correct adjective. It is a fable. There are many growers who are applying to Government for loans to carry on and I should like to know of any coffee concern that is making profits which can be described by the word 'fabulous' in the sense in which the learned Pandit used the expression.

Pandit Nilakantha Das : I quoted expert opinion upon it ?

Mr. J. A. Milligan : I do not think I misunderstood the learned Pandit. Another point on which the learned Pandit has either not completely informed himself, or has been misinformed, is this. He suggested that coffee drinking is confined to the better classes and that the object of this cess is to spread this vice and spread it in such a way that it will seriously harm the poorer classes. From the knowledge that I have gained from the operations of the tea propaganda staff, I know that coffee drinking among the poorer classes in South India is very prevalent indeed ; and just to give you an example that it is so I would mention that if in South India you go out shooting or fishing you give your men what they call "coffee money". There is no such expression in Northern India as "tea money". It is called coffee money in South India.

An Honourable Member : Toddy money ?

Mr. J. A. Milligan : No, coffee money. There is one matter in which I must tender my grateful thanks to the learned Pandit. I understood him to say that when the tea cess proposals come up again he will agree to their being sanctioned on the ground that the tea industry is such a large industry that its proposals ought to be put through. I would deprecate very strongly the point made by the learned Pandit that the object of this cess is in some way or other to oust the smaller cultivators. I am absolutely sure that that idea never crossed the minds of the framers of these proposals, and in evidence of that, we have only to look at the support accorded to the proposals in Mysore State which has 85 thousand acres out of 162 thousand acres under coffee. The support was unanimous. The whole of the 85 thousand acres support these proposals ; and the same is true of Coorg which has 37 thousand odd acres. The whole of the 37 thousand odd acres have supported these proposals.

Pandit Nilakantha Das : Let them make representations and then we shall consider.

Mr. J. A. Milligan : Am I to understand that the Honourable Member is suggesting that the figures I hold in my hand are not authentic ? If so, it is quite easy to satisfy the Honourable Member on that point. I shall not detain the House any longer. I shall only express the hope once more that the Honourable the Movers of these two amendments will see fit to withdraw their amendments and allow this Bill to be taken into consideration forthwith. Sir, I oppose the amendment.

Dr. F. X. DeSouza : Representing as I do a large number of coffee growers, mostly of the smaller variety, I think it my duty to intervene in this debate for a very few moments. I venture to think that the learned Pundit in his very elaborate speech has entirely misconceived the issues before this House and, I think it necessary, that those issues should be clarified and put before the House in a clear cut and lucid form. The facts are these. Here is an industry in which a large amount of capital, more than ten crores of rupees, has been sunk. More than half of this capital belongs to Indians, not of the financier class but of the farmer class. It employs more than one hundred thousand wage earners from the congested parts of Mysore and the west coast of India, and it exports in normal times as much as two crores of rupees worth of produce, to that extent adjusting the balance of trade in favour of India. Unfortunately, during the last three or four years, the industry has passed through a period of unexampled depression. The prices have fallen below the actual cost of production. The result has been that the planters have been obliged to neglect cultivation and in consequence pests like borer, leaf disease and green bug have devastated the plantations and many planters are now wondering what will happen to them next and whether they will have to abandon their plantations and they feel that they will have to do so unless some steps are taken immediately to remedy the situation.

At last, Sir, the planters have pulled themselves together. Being as they are under five different Governments, separated as they are by long distances and by different languages, it was impossible for them hitherto to come together, but common misfortune has combined to make them pull themselves together for the purpose of concerting common action. Sir, they have decided to tax themselves in order to raise funds for the purpose of approaching Government to organize a Committee for the purpose of improving cultivation and marketing and propaganda for coffee. The argument of the Movers of the two amendments, on the opposite side, was that there was really no need for urgency ; if you have waited for so many years, why can't you wait a year longer ? Sir, the reason is, that the export season is in the month of November, and if this Bill cannot be passed before November, 1935, it can only come into force in November, 1936, by which time the condition of some of the plantations will have become hopeless, I say then to this House that the point at issue before Honourable Members is—are you prepared to allow an industry in which Rs. ten crores—and more than half of it belongs to your countrymen—of money have been sunk, which employs more than 100,000 labourers, which exports nearly Rs. two crores worth of produce (Hear, hear).—are you prepared to let it go, in order that you may “ deliberate ”, meanwhile, and see whether your villagers will or will not be injuriously affected by propaganda and whether the alleged deleterious effects of coffee will not justify this House in discouraging its general use. It is absolutely necessary, Sir, to put the issues in this blunt manner so that, if this matter goes to the vote, Honourable Members will know what they are voting for. Are they voting for the destruction of this industry, because, Sir, if this legislation is not passed now, this industry is as good as ruined. Or are you prepared to vote for this measure so that the planters may apply the remedy at the earliest possible moment ?

I venture to think, Sir, that, after all, this motion for reference to a Select Committee or the motion for circulation for eliciting public

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opinion is merely a dilatory motion, because, the only persons most affected are the planters, who are prepared to tax themselves. There is no other class of person who will be injuriously affected by this measure. My Honourable friend, Pandit Nilakantha Das, says "what is the object, by means of propaganda, of multiplying the needs of the poor villager whose earnings are not more than an anna or two a day?" Sir, is this the attitude to be adopted by my friends opposite? Sir, the cry of my Honourable friends on the other side has always been that the standard of living of the poor villager should be raised and that the industries of this country should be encouraged. Now, Sir, the main reason of encouraging an industry is to create and multiply wants and thereby creating demands for some industrial product or other. Then, Sir, my Honourable friend, Pandit Nilakantha Das, dwelt upon what he considered the deleterious effects of coffee. Well, I shall not follow him into a discussion of the medical aspect of the question, but this much I know that coffee is a staple drink in the Southern Presidency. In every town in the Presidency of Madras there are large numbers of coffee houses which cater for the needs of a very large clientele; every villager consumes coffee and, as Mr. Milligan has said "coffee money" is the way *baksheesh* is given in Southern India. Now has Madras suffered in consequence? Sir, so far as I know, Madras differs from the rest of India in several respects. But its main distinction is that the Presidency excels the rest of India in subtlety of intellect. Everybody knows and appreciates the Madrassi's subtlety of intellect. Everybody realizes the Madrassi's financial shrewdness....

Mr. S. Satyamurti : All due to coffee !

Dr. F. X. DeSouza : If anybody disbelieves me, I would ask him to read the current law reports and to pay visits to the Financial Department of the Government of India and analyse its personnel. Does not the major portion of the personnel consist of Madrassis? Has the coffee-drinking habit in any way affected either the moral or the intellectual position of superiority of the Madrassi?

So far, Sir, as intellectual stimulation is concerned, we know the views of the poet Pope who was an habitual frequenter of the coffee house along with the other literary celebrities of his time. Now what does he say? Speaking of coffee, he said that it is a beverage :

"That makes the politician wise (*Hear, hear*)

And see through all things with his half-shut eyes (*Hear, hear*)."

I am quite sure, Sir, if my Honourable friend from Orissa, Pandit Nilakantha Das, had been a devotee of the coffee habit, he would have seen, with half an eye, through all his own arguments which had, Sir, no substance at all. (Laughter.)

Sir, the value of coffee is also in its stimulating properties for both mind and body, and these properties are too well-known to be mentioned. Coffee acts as a most efficient substitute for alcohol. While coffee has all the stimulating effects of alcohol, it has none of the poisonous or other deleterious effects associated with alcohol, for, otherwise, Sir, in what way can you explain this phenomenon that in all Muhammadan countries where under the injunctions of the Prophet alcohol is forbidden, coffee

is the favourite drink of the people. Take Egypt, Turkey, Arabia, Persia. Sir, the best coffee I have ever drunk was in Egypt, and probably other Honourable Members have had the same experience.

The Honourable Sir Muhammad Zafrullah Khan : Sir, is it a wise argument to say that the Mussalmans have adopted coffee as a substitute for alcohol ?

Dr. F. X. DeSouza : And here I draw the attention of my Honourable friend, Mr. Joshi, the labour leader. Sir, there cannot be a better substitute for alcohol among the working classes of this country than coffee (Hear, hear), and the reason why I tell you that is that the great labour leader, John Burns, strongly held that view. John Burns was known to be a teetotaler and was rather looked down upon in the ship where he worked and used to be dubbed as "coffee pot Burns". (Laughter.) (A Voice : "What about Robert Burns ?")

Dr. F. X. DeSouza : Sir, John Burns advocated the drinking of coffee as being the best substitute for the drinking of alcohol amongst the working classes of the population ; and, if prohibition, Sir, is ever going to be a practical proposition in this country, I would certainly ask my Honourable friend, Mr. Joshi, to take to the coffee drinking habit.

Mr. N. M. Joshi : I already drink coffee.

Dr. F. X. DeSouza : I am very glad to hear that, and to popularize it by propaganda amongst the working classes.

There is no doubt about the wonderful stimulating effect of coffee for intellectual purposes. Sir, I have already said what the ideas of the poet Pope are. The same views are held by great men in different spheres such as Balzac and Dryden, the great English poet and Beethoven the musical composer. Every one of them have attributed their inspiration to coffee drinking. Sir, I do not wish in any way to make use of my place in the Assembly for purposes of propaganda for coffee. All that I intended to say was to counteract, as far as possible, the poisonous propaganda of my Honourable friend, Pandit Nilakantha Das.

What are the objections raised by my Honourable friend ? He said that the total acreage under coffee is 182,000 acres and the conditions are such that it is impossible to increase that acreage. Therefore, he asked what is the use of forming this Committee ? The point is that we do not want to increase our acreage ; we want to keep up the acreage already under cultivation because our acreage, in consequence of depression and adverse circumstances, is now dwindling. Then he said why do you require a Committee, why not allow a Government Department to run it ? He urged that the action of the Committee would not be favourable to the small grower but it will only be favourable to the big planters. I quite agree that it will be much better if there was a Government Department to run this propaganda. In fact, other Governments have done it. Look at the Government of Kenya. They run coffee industry as a Government Department. They appoint Trade Commissioners for the purpose of popularising coffee in every place where there is a demand for it, such as, Aden. In London they have an advertising agency by means of which the Kenya coffee has made enormous strides during the last few years. I

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remember visiting a grocer's shop in Bond Street four or five years ago and asked for a pound of Mysore coffee. The grocer told me that he could supply me with Mysore coffee which was being sold at 3s. 9d. a lb. but he could give me a much better substitute, namely, the Kenya coffee which was being sold at 3s. 6d. a lb. Now, everybody knows that Kenya coffee can come nowhere near the Mysore coffee in point of flavour and "liquor", and yet if it is possible for a grocer in Bond Street to tell me, a Mysore coffee grower, that Kenya coffee is better and cheaper, it shows to what extent the propaganda of the Kenya Government can go. Sir, the effect of this propaganda by the Kenya Government has been that while in 1913-14 the export of Kenya coffee was 2,000 tons, in 1930 it rose to 30,000 tons whereas the export of Indian coffee has fallen from 14,000 tons in 1913-14 to 7,000 tons in 1933-34. Can anybody contemplate a position like this with equanimity? This position, I maintain, is entirely due to the propaganda of the Kenya Government and should certainly be counteracted by propaganda on behalf of the Indian grower. I venture to think that it would be the duty of the Indian Government to do this propaganda but we know the policy of our Government. Our Government, when it is a question of protecting an Indian industry, say: "We cannot do it very well because it raises the price and works a hardship on the poor cultivator." But when it is a question of protecting agriculture, they say: "We believe in *laissez faire* because it will be best for agriculture". That being the policy of our Government, it is hopeless to ask them to start this propaganda on their own. Therefore, the only means by which we can do it is by means of a Committee which will work on the lines of the Indian Cess Committee, the Indian Cotton Cess Committee and Indian Lac Cess Committee.

Sir, I do not wish to detain the House very much longer, but there is one little point which my Honourable friend, Pandit Nilakantha Das, made and to which I would like to refer. He said that this is a dodge by the big planters to squeeze out the small planters. My Honourable friend, with all due respect to him, is talking through his hat. This measure is a measure by which the big planters have volunteered to pay a cess on exported coffee; for their own benefit and for the benefit of the small planters. It is only the big planters who export coffee. Small planters sell their coffee in this country. Whatever benefit may accrue to the coffee industry by this cess, which is paid by the big planters, will be to the advantage not only of the big planters but also of the small planter. Therefore, the smaller planter, instead of being injured, will actually be benefited by the self-sacrifice on the part of the big planter. No doubt, later on it is proposed that the cess will be not on export but on production. But till such time comes, it will be really a contribution made by the big planter for the benefit not only of the big planter but of the smaller planter also.

Then he said that the refuse coffee that will be left in this country, if export is stimulated, will be poisonous and will ruin the health of the Indian villager. Sir, there is nothing more untrue than that statement. The coffee that is exported to Europe is known as "parchment" coffee and the coffee that is kept for use in this country is known as the "native" coffee. There is little or no difference between these two varieties of coffee except in mode of preparation. Of course the look of the

parchment coffee is better and the English people go by looks. But the native coffee has a better flavour and is much more pleasant to the taste. I, for one, always prefer what is known as "native" coffee for my personal consumption. Sir, I do not wish to detain the House any longer.

I think the amendment before the House is purely a dilatory motion and in order to rescue the coffee industry from ruin, I feel certain that this Honourable House will vote that this Bill be taken into consideration immediately.

Mr. T. S. Avinashilingam Chettiar : Sir, I do not wish to take more than a couple of minutes. The only point to which I would like to draw the attention of the House is clause 4 of the Bill. The Honourable Member said that there will be 12 Indians and possibly eight Europeans on this Committee. Sub-clause (1) (ii) (a) of clause 4 says :

"Three persons nominated by the Government of the Mysore State. (b) two persons nominated by the Local Governments of Madras and Coorg, respectively."

The Honourable Member presumed that they will always be Indians, for which presumption there is no authority in the Bill itself :

"(c) Three persons nominated by the United Planters' Association of Southern India."

I presume, Sir, it is an association comprising mostly of Europeans, and the representatives that come from that association will, therefore, be all Europeans. The next category is three persons nominated by the coffee growers association which also, I hear, though there are some Indian planters on it, is really dominated by Europeans. Last comes three persons to be nominated by the Governor General and one representing the Imperial Council of Agricultural Research. My own plea here today is that the representation of Indians must be quite adequate. I will only suggest to the Honourable Member to introduce an amendment in the Bill by which these appointments of Indians will be guaranteed and nothing more. If that guarantee is forthcoming, I do not mean to press the motion for referring the Bill to a Select Committee.

Mr. Abdul Matin Chaudhury (Assam : Muhammadan) : I want to say just a few words in support of the motion made by the Honourable the Commerce Member. After hearing the long and eloquent speech of my Honourable friend, Pandit Nilakantha Das, I am not satisfied that there is any need for circulating the Bill or even referring it to a Select Committee. This Bill is a very simple and non-controversial measure. All that it seeks to do is to create a coffee cess fund by imposing a cess on the coffee that is exported from India and also to create a committee to administer this fund. The only question with which we are concerned is about the constitution of that committee. I am satisfied from the speech of the Honourable the Commerce Member that the Indian interests have been very well represented on that committee. From the calculations that he has made, it is apparent that, in any circumstances, a majority of the members of that committee will be Indians. This Bill has been introduced in response to the demands from the coffee interests as the referendum that was made among the coffee growers shows that an overwhelming majority was in favour of this Bill. I think, Sir, more coffee is grown in Mysore than in British India—in the Madras Presidency and Coorg—and both the Mysore Government and the Madras Government including the Coorg Administration have all pressed for the passage of this

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Bill. I think the House will be well advised to facilitate the passage of this Bill and to help the coffee industry without referring the Bill to a Select Committee this Session.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, it is surprising to me that only one aspect of the question has been considered and that unlike in local bodies gentlemen who have got interest in the subject under discussion seem to have a predominant voice in this Assembly. Tea growers and coffee growers, tea growers' association and coffee planters' association think that it is the primary work of the Assembly and the people at large to safeguard the interests of the small industry. The other side of the question as to how far it is desirable to advocate or propagate the drinking of coffee has been practically left to the background. It is really unfortunate that we have come to such a stage when next there will be a Bill brought in by the Commerce Member or some other Member on behalf of the Government, on behalf of vine growers and poppy producers in this country to safeguard the interests of the poppy producers or the vine growers in this country.

It is rather unfortunate that an Honourable Member belonging to the European Group spoke as if he had an absolute knowledge of the conditions in the Madras Presidency. I come from a village in the Madras Presidency and I can speak with much more authority on behalf of those people there than my Honourable friends from the European Group can purport to speak on behalf of that community there. Sir, Honourable Members of this House will feel sorry to learn that for a pinch of salt for the gruel or rice *kanji* the poor villager has to go to the market to purchase or to borrow, and, sometimes, he takes the rice *kanji* even without salt.

Now, Honourable Members of this House are asked to vote for a measure which will make the life of the people in the villages more costly by running after sugar and milk and coffee powder. The villager if he gets into the habit of coffee drinking will have to arrange to get his coffee powder first, then get sugar and then milk. Honourable Members of this House do not seem to understand the gulf of difference between the one and the other. As is well known, Madras Presidency is the hottest part of India. When we started picketing toddy shops during the last Civil Disobedience Movement with a view to trying to prevent them from drinking toddy, the Government themselves advocated toddy drinking and arranged toddy shops to be brought close to the doors of these poor people. One argument that was advanced against removing toddy shop to the centres of towns was that people who drink may be ashamed of drinking if the shop was in the centre of the town. On the other hand Government thought it best to bring toddy shops to their very doors and thus opened up attraction for the poor people to drink. What is the result ? Supposing I happen to live in the locality where a toddy shop is located, first I gradually become accustomed to its smell and sometime later on, I take to it as a medicine and finally become a confirmed drunkard. During those days when we wanted to introduce prohibition, Government advocated by propoganda the drinking of toddy on the ground that Madras Presidency being a hot country, a cool drink

like toddy was required by the poor people, especially the labouring classes. Now, we are asked by this Bill to introduce among the masses coffee drinking in a hot Presidency like the Madras Presidency. Perhaps Honourable Members who come from the northern parts of India might have already got accustomed to this tea drinking, and my own view is that tea drinking and coffee drinking are injurious to the health of the people of the country. I, therefore, submit, that no steps must be taken by this House which will ruin the health of the people and which will not be in the interest of the population of the Southern Presidency.

My Honourable friend, Pandit Nilakantha Das, read out the medical opinion of great authorities about the injurious properties of coffee. He read various extracts from medical journals in condemnation of coffee and tea drink and as proving that they are very deleterious to health. I would ask my Honourable friends here whether there is a single medical opinion which is in favour of tea and coffee drink. No doubt after we have got ourselves accustomed to it, we may say that it is not poison. But it is a poison when you first take it. Later on, when you become habituated to coffee drinking, the poisonous effects disappear, with the result that you require a much stronger stimulant than mere coffee or drink. I was told that a person who got himself habituated to toddy drink later on began to drink methylated spirits not being satisfied with the stimulus afforded by toddy or wine drinking. In the Madras Presidency, when certain associations wanted to preach temperance, a grant was made by the Madras Government to provide coffee hotels and tea clubs close to toddy shops. Those persons who wanted to drink toddy first went to the coffee hotels where they took coffee or tea, not for the coffee or tea contents, but I am certain for the sugar and milk that is provided either in tea or coffee and, immediately after taking tea or coffee, within less than two minutes, those very persons went to the toddy shop and took toddy to their heart's content. This is not the way in which Honourable Members can deceive themselves that this is one of the means of driving out drink evil from this country. No doubt my Honourable friend, Dr. DeSouza, who is a planter himself, suggested to us that we might rest content with a committee to popularise coffee drinking habit because that will remove toddy drinking evil from this country; he was assuming that drink evil will disappear very soon from this country and he exhorted the Honourable Members of this House to take a pledge to increase coffee consumption instead.

Sir, I personally know a schoolmaster who draws Rs. 19 or 20 a month and has three or four children and spends away all the Rs. 19 on drinking coffee. He sends away his wife and children to his father-in-law's place. Every morning he takes coffee and one or two *idlis* and *thosais* and the same in the afternoon and then in the evening he goes home absolutely empty-handed. This is a luxury which is absolutely unsuited to our country. If civilisation in this country, according to my Honourable friend, Dr. DeSouza, comes only in the wake of coffee drinking, I would say good-bye to this, let not our civilisation stand upon such flimsy material as this. Tomorrow, it may be said on behalf of the tobacco growers that we must encourage the habit of smoking among not only men but also among women, in order to be civilised. That is a

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sight which I have been accustomed to seeing during the past 20 days in Simla, men and women smoking together and freely exchanging their cigarettes. I should be ashamed of such a civilisation if it takes its root here. I am not casting any aspersion on any class or community. What may be suited to a cold country may not be suited to this country. Sir, I do not take it myself ; I have never drunk either tea or coffee, but I will tell you how the tea or coffee habit has crept into our villages. The moment you send a boy to school and he goes to Madras, he takes to this coffee drinking. When he comes back his parents who have never drunk tea or coffee give him coffee as a favour, and that is how the coffee evil spreads. Even to this day, I can assure Honourable Members that it has not become such an evil in our parts yet. Should we help a small industry which after all bears to the total exports from this country a proportion of less than .6 per cent. ? The total exports, even during these days of depression, according to the Blue-books, came to 147 crores of rupees in the year 1933-34 and you will be amazed to find that the total export of coffee is not more than 102 lakhs ; that is, it is less than .6 per cent. Is it by protecting such a small industry that we should declare to the world that we are civilised ? Is it for our Government to say, " We have made these dark men civilised by introducing coffee into their households " ? It is a disgrace.....

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : Is this civilisation ?

Mr. M. Ananthasayanam Ayyangar : That is what the Honourable Member has suggested. If you do not agree with it, please vote with us. If that is the emblem of civilization, I would say good-bye to it.

Sir, I do not propose to take the time of the House much longer than saying a few more words and support the motion so ably moved by my Honourable friend, Pandit Nilakantha Das. I know it fell on deaf ears ; Honourable Members on the other side were smiling and sometimes they got on to a roar of laughter because it is impossible for them to shake off the habit of drinking tea or coffee. They make their children drunkards ; and I read in the history of England of a Prime Minister, whose name I will not mention, who was so habituated to drinking wine that fearing lest in his old age he might lose his job and might not be able to drink wine, he made his children drink. The idea was, that if he could not afford money to drink, his son would get habituated to it and would get bottles of wine which he also might drink in his old age. I can understand the mentality of Honourable Members because they are so much accustomed to it that the very thought of abolishing it is nauseating to them and they laugh at it. Honourable Members may take it that in the 43 millions of Madrassis, there may not be even four lakhs who have become confirmed coffee drinkers. And I say that if by this Act it is intended to make propaganda in favour of coffee drinking in my Presidency or outside or in any part of India, I am stoutly against it. With respect to the object of the Bill, if it is intended to help exports to foreign countries by the imposition of this cess, I have my own doubts as to how far an imposition of this kind will benefit the exporter. We find that of all the countries in the world which grow coffee, the Southern Presidency produces the smallest quantity. I will take only one instance, from the

report of the average cultivation and yield of world production. In the year 1932-33, in Brazil, the acreage that was under cultivation was 7,904,000 acres and the yield was 2,200 million pounds. In Columbia 740,000 acres were under cultivation of coffee and the yield was 473 million pounds. Now we will see what the acreage and the yield was during that period in India. In the year 1932-33 it was 78,700 acres in British India and in the Native States, 98,000 acres, in all 1,76,700 acres. In a small country like Venezuela it is more than 470,000 acres that was under cultivation in a particular year. So that even in a small place it is three or four times as much as is produced in the huge continent of India. The yield here was also not more than 32 million pounds in the year 1932-33, whereas in Brazil it was 2,200 million pounds. You can compare 32 million pounds with the 2,200 million of Brazil. I do not know how with the small cess that is proposed to be put upon this coffee, you are going to compete with the foreign market. The only hope is if in return for all that we have done or are offering to Great Britain under the Ottawa Pact, they choose to purchase more from us than Brazil or Kenya Coffee. I find also from the statistics collected that the export of coffee to Great Britain has been declining. The real remedy is to induce Great Britain to purchase more coffee from India instead of this roundabout course of trying to impose a cess and then trying to create a propaganda in every country in favour of drinking this coffee. Here we find that in the year 1932-33, England imported 52,000 cwt. of coffee and France 54,000 cwt. In the next year, i.e., in 1933-34, the 52,000 cwt. of England came down to 50,000 and the 54,000 cwt. of France increased to 57,000 ; and this was in spite of all the benefits that we are conferring on England and the disadvantages that France is suffering by this extraordinary Ottawa Pact under which we are labouring. Therefore the real remedy has been left in the background. My Honourable friend, who rose on behalf of the tea planters, supports the Bill lest he should be misunderstood, if he stood only for the tea cess and not for the coffee cess. They all row in the same boat. My Honourable friend, Dr. DeSouza, is a planter himself. I would only request Honourable Members of this House not to be carried away by such considerations which are absolutely one-sided. It is said as if by drinking coffee we will have a remedy for all the evils in this country. If it can take the place of food let us take it. Every country in the civilised world puts a ban on luxuries ; they do not totally prohibit them but they impose heavy duties on them, but articles of food are not banned. The other day, in the budget Session, when the Finance Bill was under consideration, in the case of a large industry in Southern India of tanning hides and skins, an industry which engaged nearly 33 lakhs of men, the small export duty of five per cent. was removed ; and I do not know if the Honourable Members who spoke on the other side did not vote in favour of that measure and on behalf of Government. Now, they say that the planters here who are engaged in an industry to the extent of a crore and two lakhs must be protected, as if, if they are not protected, the 300 million people will be starving and dying in this country and the whole world will go to the wall. Why should the export duty of five per cent. on the hides and skins industry have been removed ? It is to help the foreigners so that they may flourish. It is a disgrace, and are we to stand by it ? And after all what is left to us ?

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Take the match industry and the sugar industry. Are we using the cess for match production and sugar production? Whether the Commerce Member or the Labour Member is a dark Indian or a white Englishman, it is all alike; the mentality is the same.

I would, therefore, say, it would be much better if they will circulate this Bill for the purpose of eliciting opinion thereon—and not the opinion of these small growers in provinces or small plantation owners: that is not what I would ask: I would ask that every medical gentleman in this country should certify that this Bill is a proper one. It is not right or proper that you should take this drink to the very doors of the men who hunger and starve for a morsel of rice at mid-day and who cannot get a pinch of salt for their *kanji*. I know of a barber who snatched away the upper cloth from his own son and pledged it so that he could get his evening drink of toddy. Are you now trying to create another class of men—higher perhaps in the social scale—the middle class men, and make them suffer from a similar cause? You pay them perhaps 20 rupees out of which the man has to buy milk, sugar and coffee and what is left? He may perhaps get a belching after drinking so much of coffee, but it will not be the belching of a well-fed man and you will merely get the appearance of its being all right with him. You are merely trying to create another set of drunkards. Our religion says that drinking toddy is an absolute vice—it is one of the things that one ought not to indulge in: that is what the Hindu religion says. I know that in other countries there is the doctrine of trans-substantiation which they invoke and they say that bread and wine are transformed into something else—that is their religion and I have no quarrel with it—but my religion condemns any kind of intoxicating drink and here is the Government wanting to encourage another kind of drunkenness in the people. To whatever state of degradation some of us might have come to, because of our association with or having become civilised by contact with this Government in the land, let us not at least carry this one torch of civilisation to the village: let us keep it out. I am not accusing any Honourable Member in this House. I merely want every one to appreciate the difficulty of the villager. One of my Honourable friends stated that when he was taken in a rickshaw or driven in some other kind of conveyance, the man wanted some money for a drink of coffee. I know: I have been moving about, not in one district, but five districts. I had to spend a lot during the election time—I had to engage conveyances when the drivers demanded money for coffee or anything—I knew it was for toddy: but of course my friend's experience is novel: perhaps being in the heart of Madras, the rickshawalla wanted coffee as being easier to get. That experience may be true of Madras city, but it is not true of the places outside Madras, and, therefore, I beseech that this Bill may be circulated. If these coffee planters have not been able to sell their articles in foreign countries by the absolute worth of their material, let them wait for some time more. One November is not going to stand in the way. Let us get opinion: if there is a body of opinion which says that coffee is good for a country like India, we can take it up later. I have been advised that our children who grew lean by drinking coffee should get more fat—and not merely should we give them cow's fat, that is, ghee and such like, but that we should get something we cannot

get in India, like whale oil or cod liver oil, etc. Under these circumstances I request that you will allow this Bill to be circulated for opinion.

The Honourable Sir Muhammad Zafrullah Khan : Sir, I do not think it is necessary for me to take up an appreciable amount of the time of the House in replying to the debate on this motion. But I do propose briefly to offer some observations on some points that have been sought to be made during the course of the debate. Curiously enough, some of the points sought to be made by the same speakers were self-contradictory, and it is, therefore, rather difficult to meet those points because if each point is to be taken up and replied to, my replies may be correspondingly contradictory and I do not desire to adopt that course.

A good deal of time was spent on trying to demonstrate to the House that the coffee industry is in a very flourishing condition and that, therefore, it does not require any further fillip. Other speakers have endeavoured to show that the premise is not correct. But even if it was correct, I doubt whether it is a sound argument to say that if you can improve an industry in the country you should not do so unless the industry is sinking to such a condition that without your help it would be extinguished altogether.....

Mr. Krishna Kant Malaviya (Benares and Gorakhpur Divisions : Non-Muhammadan Rural) : Does that not apply to the glass industry also ?

The Honourable Sir Muhammad Zafrullah Khan : However, I am perfectly certain that Honourable Members will agree that if by means of the imposition of this cess, within the next two or three years, we can raise exports of coffee from the level to which they have sunk to the level at least at which they were in 1931-32, that is to say, from a value of 1.2 crores to say about 2.5 crores, that is not a result which ought to be despised if this little help which the coffee planters are willing to bring to the industry from their own pockets can achieve that result. A very great deal of the time of the House was taken up in trying to demonstrate that coffee is a very injurious drink and anything that helps its export even to other countries ought to be discouraged on general moral grounds and also on the ground that all harm ought to be prevented to the poorer classes of this country. As it happens, I personally have a good deal of sympathy with that point of view. I do not take either alcohol or coffee, nor do I use any tobacco.....

An Honourable Member : What about tea ?

The Honourable Sir Muhammad Zafrullah Khan : As for tea, I take only three cups a day of very very light tea, and, therefore, I have a good deal of sympathy with the point of view that was put forward and has been put forward by the two Honourable Members, Pandit Nilakantha Das and Mr. Ananthasayanam Ayyangar. But then I am afraid it would be a hopeless task for only three sane men to attempt to convert to sanity a whole insane world ! On the other hand one hears so much about self-determination that if other people who are addicted to this vice and the people who provide the means of indulging in this vice think that the production of this particular kind of poison ought to be encouraged, I am afraid the three sane Members of this House must give way on that point ! We were told in the course of the debate

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that tea and coffee were practically on the same level with regard to this matter : and yet curiously enough the Honourable the Pandit went on to say that inasmuch as the tea industry is a very large industry you might go on encouraging it : but as coffee is a small industry you ought not to encourage it.....

Pandit Nilakantha Das : I did not say that exactly : I said tea is a very big industry and that question is not here now : it is a separate issue. That is what I said. I did not say anything in favour of it.

The Honourable Sir Muhammad Zafrullah Khan : Sir, I stand corrected, but that was my impression ; and, as I said before, I was rather surprised at that argument because if the Honourable the Pandit was really convinced that his premises were justified, he should have launched an attack against the tea industry which produces far more poison than the coffee industry which produces far less.....

Pandit Nilakantha Das : I did it in Delhi.

The Honourable Sir Muhammad Zafrullah Khan : Apart from that, after hearing the greater portion of his speech this morning before lunch, I saw this morning's *Hindustan Times* and here is an advertisement in it which stares us in the face. "As a giant refreshed with Indian Tea", and the giant is half a page long—"Indian tea gives life and energy". Here is an advertisement occupying the whole length of the page assuring us with perfect confidence that Indian tea, and Indian coffee also presumably, give life and strength. However, as I said, I am personally of the view which the Honourable the Pandit holds ; but then I am afraid that is not of much avail. We must take things as we find them ; and, if we find that even a small industry can, to a certain extent, be fostered and to some extent redress the balance of trade with regard to which Honourable Members opposite as well as the Government are so anxious at this moment, I am sure it would be good policy to encourage the fostering of that particular industry.

There is one matter, Sir, on which I desire to touch in passing with regard to the position *vis-a-vis* Great Britain. One
4 P.M. Honourable Member said : "The true remedy is to try to induce Great Britain to take in larger quantities of Indian coffee". As a matter of fact, Indian coffee as well as Kenya coffee, I think all Empire coffee, does enjoy a certain amount of preference in Great Britain. I believe the extent is a penny a pound. But the difficulty is, as I tried to explain when moving my motion, Kenya carries on a great deal more propaganda in favour of its own coffee than India does, and the result is that the benefit of this preference goes more largely to Kenya than it does to India, and it is in order to redress this state of affairs that coffee growers in India are anxious that they should have a fund,—to be sure it will be rather small to begin with,—out of which they could also carry on propaganda in Great Britain as against Kenya in order to obtain a larger share of the coffee trade than they do at present.....

Babu Baijnath Bajoria (Marwari Association : Indian Commerce) : Will the Honourable Member say if the proceeds of this cess will be utilised for propaganda in foreign countries or in India ?

The Honourable Sir Muhammad Zafrullah Khan : As the Bill explains, the cess will be for the purpose of encouraging the marketing and improving the production of coffee and also for propaganda, and, I imagine, that mainly the propaganda will be outside the country. The Bill does not bar propaganda inside the country, but what the coffee growers are anxious about is to encourage the export of coffee, and, therefore, the propaganda will be mainly outside.....

Babu Baijnath Bajoria : Why not restrict the propaganda only to foreign countries ? Then much of the opposition will disappear.

The Honourable Sir Muhammad Zafrullah Khan : I do not know that there is much opposition on that point. As I have said, anybody would realise that if the coffee growers in this Committee that is going to be set up are to use to the best advantage the proceeds of the cess that would be available under the provisions of this Bill when it becomes an Act, those proceeds will have to be used outside India in order to encourage the export of coffee. Figures were quoted to show that the industry was in a very prosperous condition. Sir, I am afraid the figures do not support that contention. In 1930-31 the United Kingdom took in 78,488 cwts. of coffee, in 1934-35, in spite of the preference, only 27,978 cwts. were exported to the United Kingdom. France has been referred to in the course of the debate, but even there in 1930-31, it took in 107,704 cwts. as against only 52,995 cwts. in 1934-35.....

Prof. N. G. Ranga (Guntur *cum* Nellore : Non-Muhammadian Rural) : What is the Empire Marketing Board doing ?

The Honourable Sir Muhammad Zafrullah Khan : Therefore, my submission is that it is high time that the coffee growers were assisted in this effort so that they should themselves provide funds for carrying on propaganda with regard to Indian coffee in order that larger quantities might be exported.

As regards the contention that somehow or other the levy of this cess is likely to injure the small coffee grower, I am afraid I cannot agree with it. Whenever an industry begins to be adversely affected, it is the small industrialist, the man with a small capital, who is affected first, and, therefore, if no help is afforded to the industry whatever, the first people to succumb will be the small growers rather than the big growers who can wait till things improve or utilise their own resources for the development of their trade without waiting for the help of the Legislature in order to improve their condition, and if this cess is to be of any help to anybody, I think in the end it is likely to be more beneficial to the small grower rather than to the big grower.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th of January, 1936.”

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim) : Does Mr. Chettiar wish to press his amendment that the Bill be referred to a Select Committee ?

Mr. T. S. Avinashilingam Chettiar : Yes, Sir.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member did not say that he wanted to withdraw his amendment ?

Mr. T. S. Avinashilingam Chettiar : No, Sir ; I want it to be put.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That the Bill to provide for the creation of a fund for the promotion of the cultivation, manufacture and sale of Indian coffee be referred to a Select Committee, consisting of the Honourable Sir Muhammad Zafrullah Khan, Dr. F. X. DeSouza, Dr. R. D. Dalal, Mr. Pradyumna Prashad Singh, Mr. F. E. James, Mr. H. A. Sathar H. Essak Sait, Mr. Umar Aly Shah, Dr. P. N. Banerjea, Mr. Mohan Lal Saksena, Mr. Samuel Aaron, Mr. B. B. Varma, Prof. N. G. Ranga, Pandit Nilakantha Das 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 negatived.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That the Bill to provide for the creation of a fund for the promotion of the cultivation, manufacture and sale of Indian coffee be taken into consideration.”

The motion was adopted.

Clause 2 was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That clause 3 stand part of the Bill.”

U Thein Maung (Burma : Non-European) : Sir, I move :

“ That in clause 3 of the Bill, for the words ‘ or to Burma ’ the words ‘ and Burma ’ be substituted.”

It has been stated both in the Statement of Objects and Reasons and in the course of the Honourable the Commerce Member's speech today that Burma has been excluded from the scope of the Bill as desired by the Government of Burma. Either the Government of Burma have made a serious mistake or they have been very badly misunderstood. In any case, they should not have given the reply without consulting public opinion and the Government of India should not have taken advantage of what is an obvious mistake, especially when the Local Government's opinion had not been formulated after consulting public opinion, and when their opinion, as we maintain, is against public interest and opinion in Burma.

We were told by the Honourable the Commerce Member that the Bill was a non-controversial one. However, we find that it is not only controversial but also involves very large questions of principle as regards trade relations between India and Burma.

Sir, Burma does not export coffee and there is no prospect of her doing so for many years yet, although the soil in several parts of the country is probably fit for coffee plantation. So, we have nothing to lose and everything to gain by Burma being not excluded from the scope of the Bill.

However, we have no objection to Burma being excluded in the sense that the coffee cess is not to be leviable in Burma and that the coffee planters of Burma are not to have any benefit of the proposed cess fund.

At the same time, we strongly object to Burma being excluded in the sense that the cess is to be leviable on Indian coffee which is exported

to Burma. It would be a serious breach of faith on the part of India to create a new cess and apply it as against Burma after the agreement which has been incorporated in the Draft of India and Burma Trade Regulation Order. The agreement clearly contemplates the maintenance of the *status quo ante* and it is absolutely against the spirit thereof to introduce and apply any new cess as against each other in the interval between the publication of the agreement and the actual separation of Burma from India. In this connection we wish to refer the House to clause 3, sub-clause (1) of the Draft Order, which reads :

“ Except as otherwise provided in this Order :

- (1) no customs duties or cesses shall be leviable in British India on goods imported from or exported to Burma by sea other than those, if any, leviable at the date of separation.”

We also wish to refer the House to the special provisions made in the agreement as regards the cess duties on cotton, tea, and lac, which are already in existence. These provisions are contained in clause 7 of the Draft Order, and we submit that if it had been known at the time of the negotiations for the agreement that the Government of India contemplated imposing a cess on coffee, special provisions on similar lines would have been made in the agreement itself. We further submit that the proposed cess contravenes clause 4, sub-clause (2) of the Draft Order incorporating the agreement. This sub-clause reads :

“ Except as otherwise provided in this Order.....

- (2) all goods imported from or exported to a customs port in British India to or from a customs port in Burma shall be deemed for the purposes of the Sea Customs Act, 1878, to be goods imported from or exported to another customs port in Burma, as the case may be.”

We feel, therefore, that Burma is being excluded from the scope of this Bill because the Government of India know that Burma does not export coffee, there is no cess duty to be realised there, that Burma will not grow enough coffee even for her own consumption in the foreseeable future, and that, as a result of exclusion, India would be able to have some revenue out of coffee exported to Burma. We regard this as the first and unworthy attempt at legislation to hit Burma on account of and even before separation. We only hope that this is not a fore-taste of how the Government of India would honour or dishonour the trade agreement after separation. I move this amendment in the interests of justice, good faith and mutual understanding between the two countries.

Mr. President (The Honourable Sir Abdur Rahim) : Amendment moved :

“ That in clause 3 of the Bill, for the words ‘ or to Burma ’ the words ‘ and Burma ’ be substituted.”

The Honourable Sir Muhammad Zafrullah Khan : Sir, I was extremely sorry to hear the Mover of this motion charge the Government of India with a breach of faith in connection with the proposal to exclude Burma from the operation of this Bill. I repudiate that suggestion altogether. There is not the slightest hint of a breach of faith in the proposal to exclude Burma from the operation of this Bill, and that, for two principal reasons. One is that the parties to the trade agreement, or rather the proposed trade agreement, are the Government of Burma and the Government of India. The proposal was fairly put before the

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Government of Burma and whether the Government of Burma have acted in good faith towards their own people or not it is for them to say, but I do assure the Honourable Member that there has been no misunderstanding on the part of the Government of India with regard to the attitude of the Government of Burma. In reply to our telegram this is what they have said and Honourable Members can judge for themselves whether the Government of India have misunderstood their intentions :

“ Your telegram, dated the 15th August, No. 7-G.C. This Government would prefer exclusion Burma from proposed Coffee Cess Act as quantity of coffee growing in Burma very small and consequently export negligible.”

Secondly, the draft trade agreement says that no export duties shall be levied except those that are in operation at the date of separation. Surely it could not be expected that neither the Government of Burma nor the Government of India should do what might appear to them to be very desirable in the interests of their trade simply because from a certain date a certain agreement comes into force which will not affect conditions which might have been brought into being by that date. However, as the House will see we acted perfectly fairly towards Burma. We cabled to them the object of the Bill and the provisions that we intended to put into operation by means of this Bill and asked them whether they would wish to come within it or keep out of it and they said that they would rather keep out. The truth of the matter is not any jealousy as against the coffee growers of Burma, but that Burma appears to be in this matter self-sufficient. They do not appear to import much coffee from India nor do they appear to be exporting much coffee to other countries. Our only anxiety is that no quantity of coffee going out of India should escape cess and, therefore, there are two ways of doing it, either to levy this cess upon all quantities going into Burma or ask the Government of Burma to come into line and to agree to impose a cess upon any coffee which, after it had been sent to Burma from India, was sent out of Burma. Unless the Government of Burma are prepared to agree to this latter arrangement in order to prevent leakage and to make the levy of this cess effective, we are reduced to the position that we must exclude Burma from the scope of this Bill. I hope, Sir, the Honourable Member will realise that no sort of trick is sought to be played upon Burma and this arrangement has been arrived at in perfect good faith between the two Governments.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That in clause 3 of the Bill for the words ‘ or to Burma ’ the words ‘ and Burma ’ be substituted.”

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That clause 3 stand part of the Bill.”

The motion was adopted.

Clause 3 was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That clause 4 stand part of the Bill.”

The Honourable Sir Muhammad Zafrulla Khan : Sir, I want to say a few words on this clause. The Honourable Member who wanted to move the motion for reference to a Select Committee, Mr. Avinashilingam Chettiar, has had some conversation with me with regard to his anxiety as to the scope of sub-clause (i) (b) of clause 4. The Honourable Member wanted some assurance that the hope that I had expressed would be carried into effect. I am happy to be able to assure him that the Government of India are prepared to instruct the Government of Madras and the Coorg Government that the two members to be nominated under this sub-clause should be drawn from the class of Indian planters who are not members either of the United Planters Association of Southern India or of the Coffee Growers' Association.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That clause 4 stand part of the Bill.”

The motion was adopted.

Clause 4 was added to the Bill.

Clauses 5 and 6 were added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim) : Mr. Ranga has just handed in an amendment to clause 7. The Chair cannot allow this to be moved as reasonable notice has not been given. He explains that he could not give notice beforehand as he was under the impression that the motion for reference to a Select Committee might be carried. He had no right to assume any such thing. The Chair cannot, therefore, allow it.

The question is :

“ That clause 7 stand part of the Bill.”

The motion was adopted.

Clause 7 was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That clause 8 stand part of the Bill.”

Pandit Nilkantha Das : Sir, I move :

“ That in sub-clause (2) of clause 8 of the Bill, for the words ‘ and increasing the consumption in India and elsewhere ’ the words ‘ in places other than in India ’ be substituted.”

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has spoken quite enough on that point.

Pandit Nilkantha Das : If this Bill were simply confined to places other than villages in India, that would cover my point.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has dealt with that point fully.

Pandit Nilkantha Das : I have not made myself clear.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has made his point perfectly clear.

[Mr. President.]

The question is :

“ That in sub-clause (2) of clause 8 of the Bill for the words ‘ and increasing the consumption in India and elsewhere ’ the words ‘ in places other than in India ’ be substituted.”

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That clause 8 stand part of the Bill.”

The motion was adopted.

Clause 8 was added to the Bill.

Clauses 9 to 13 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Muhammad Zafrullah Khan : Sir, I move :

“ That the Bill to provide for the creation of a fund for the promotion of the cultivation, manufacture and sale of Indian coffee be passed.”

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That the Bill to provide for the creation of a fund for the promotion of the cultivation, manufacture and sale of Indian coffee be passed.”

The motion was adopted.

THE JUBBULPORE AND CHHATTISGARH DIVISIONS (DIVORCE PROCEEDINGS VALIDATION) BILL.

The Honourable Sir Nripendra Sircar (Law Member) : Sir, I beg to move :

“ That the Bill to remove certain doubts and to validate certain proceedings of the High Court of Judicature at Allahabad be taken into consideration.”

Sir, the position, shortly speaking, is this. The Court in the Central Provinces had no original or appellate jurisdiction over European British subjects until 1923 when the Criminal Procedure Code was amended. By sections 4 and 266 of the Criminal Procedure Code as amended in 1923, this jurisdiction was conferred on the Judicial Commissioner's Court in the Central Provinces. Before the amendment had been passed in 1923, at a time when the Judicial Commissioner's Court had no jurisdiction over European British subjects, there was a notification by the Home Department of the Government of India, dated the 21st April, 1913, and this notification was issued under section 8 of the High Courts Act. The result of this notification was that the original and appellate jurisdiction over European British subjects in the Central Provinces was shared between the High Courts of Allahabad and Bombay, a portion going to Bombay and a portion going to Allahabad. That was the position, Sir, as a result of the notification of 1913. Now subsequent to the amendment of the Criminal Procedure Code in 1923, this notification was withdrawn by the Government of India by another notification which is dated the 1st September, 1923. This was issued

under section 109 of the Government of India Act. This notification purported to end the criminal jurisdiction over European British subjects exercised in the Central Provinces by the Allahabad and Bombay High Courts. Now, Sir, recently the Government of the Central Provinces have discovered that what was happening was that, whereas the decrees nisi in divorce proceedings were going from Courts in the Central Provinces to the Judicial Commissioner (as they ought to in the opinion of the Governor General in Council), so far as the Divisions of Jubbulpore and Chhattisgarh were concerned, they were still going to the High Court of Allahabad. The situation was this, that apparently the Bombay High Court had taken the view that by the result of the subsequent notification, the Allahabad and Bombay High Courts were out of it and the whole thing ought to go to the Judicial Commissioners of the Central Provinces. But from these two Divisions these decrees were still going to the Allahabad High Court. Upon that, the Government of the Central Provinces formally communicated with the Chief Justice of the Allahabad High Court pointing out that, in their view, as the result of the withdrawal of this notification, the Allahabad High Court had nothing further to do and that all decrees should go before the Central Provinces Courts including the decrees of Jubbulpore and Chhattisgarh. Unfortunately, the learned Chief Justice of the Allahabad High Court took the view that, in spite of this notification, the Allahabad High Court retained jurisdiction to deal with these decrees coming from the Central Provinces, and the argument, shortly speaking, of the learned Chief Justice of that High Court was that, inasmuch as section 106 of the Government of India Act laid down that they would retain such jurisdiction as was vested in them, therefore their jurisdiction was not gone. The position, shortly, was that the view of the High Court, Bombay, the view of the Government of the Central Provinces and the view of the Governor General in Council are agreed that the Allahabad High Court should not be further troubled. The Governor General in Council has been advised that the view of the Courts of the Central Provinces and of Bombay is the correct one : and they believed that as the jurisdiction which was conferred on the Allahabad High Court was not a jurisdiction which they had by reason of a Statute or by Letters Patent but was the creature of a Government notification, it could also be destroyed or taken away by another Government notification, which in fact did issue, as I told this House, in 1923.

Now, Sir, that shortly is the position and I do not know that I should go at greater length in this matter, or place the arguments of Allahabad Court at greater length. The situation at the present moment is rather an incongruous one. While the Central Provinces as a whole is owing the allegiance to the Judicial Commissioner of the Central Provinces, the decrees from these two divisions are going to the Allahabad High Court. All that is wanted by this Bill is that we want to remove this doubt and to validate such proceedings as obtained in the divorce cases where European British subjects are concerned. Sir, this is the nature of this Bill.

Mr. President (The Honourable Sir Abdur Rahim) : Motion moved :

“ That the Bill to remove certain doubts and to validate certain proceedings of the High Court of Judicature at Allahabad be taken into consideration.”

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Mr. President, Sir, I beg to move :

[Mr. Sri Prakasa.]

“ That the Bill be referred to a Select Committee, consisting of the Honourable Sir Nripendra Sircar, the Honourable Sir Henry Craik, Sir Cowasji Jehangir, Dr. P. N. Banerjee, Mr. G. Morgan, Mr. Ghansiam Singh Gupta, Khan-Sahib Nawab Siddique Ali Khan, Mr. N. M. Joshi, Mr. D. J. N. Lee, Mr. L. Owen, Dr. Ziauddin Ahmad, Mr. Sami Vencatachalam Chetty and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

In moving the reference of this Bill to a Select Committee, I intend to take the House fully into my confidence and to state quite candidly the exact purpose that lies behind this motion. So far as I am able to judge, the High Court of Allahabad is guilty of a serious lapse. It has taken unto itself powers that do not belong to it, and that had definitely been taken away from it by law. I read in this Bill the desire of the Government that this House should condone the serious mistakes of the Allahabad High Court. As some people are very sensitive where Courts are concerned and lawyers are terribly afraid of their High Courts, I have taken very great care that in the Committee that I have proposed there should be no lawyer.

The Honourable Sir Nripendra Sircar : I thought the Honourable Member had included me.

Mr. Sri Prakasa : I had excluded the Honourable the Law Member and even myself from my original list ; but those, who are more familiar with the ways of this Legislature than myself, informed me that the law demanded that the Law Member must be in every Select Committee ; and that convention required that the Mover also should also be there ! So now the eminent lawyer in the form of the Law Member is there and a very humble lawyer who has only a very nodding acquaintance with law, namely, myself, is also there. Sir, I think it is a serious situation that the Allahabad High Court has created. Ordinarily, the maxim is that ignorance of law is no excuse. For the layman, evidently, it is no excuse ; but for Judges who are paid to administer the law, whose sole business is to know the law and to interpret and apply the law, ignorance of law seems to be a sufficient excuse for breach of law ; and Government feels justified coming and taking the help of the Legislature in order to condone the wrongs that the judges have done. So far as I am concerned, I can be no party to this. I personally think that the law-maker is higher in status than the law-interpreter and the law-applier and, therefore, I think the Legislature is a body which can certainly discuss the conduct of the Judges of High Courts.

The Honourable Sir Nripendra Sircar : No, no. The Honourable Member cannot do that.

Mr. Sri Prakasa : I know I am treading on very delicate ground ; but, Sir, I shall try to say as much as you can possibly allow me to say about the High Court of Allahabad. Judicially and extra-judicially, the conduct of the High Court has not been above suspicion.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has started on wrong lines already. The Chair hopes the Honourable Member has carefully read Article 57 of the Manual of Business and Procedure.

Mr. Sri Prakasa : Sir, the book is not before me, but I take it that this Article debars any reference to High Court Judges.

Mr. President (The Honourable Sir Abdur Rahim) : Then, this should be read out. It says :

“ A Member while speaking shall not.....

* * * * *

(iv) reflect upon the conduct of His Majesty the King or the Governor General or any Governor or any Court of Law in the exercise of its judicial functions.”

Mr. Sri Prakasa : Then, Sir, I should like to ask for your ruling on a definite subject. Is this Bill itself in order? Does it not itself question the judgment of the Court and cast reflections on the conduct of the judges? If that is so, then you may kindly rule the whole Bill out of order and I will have nothing more to say.

Mr. President (The Honourable Sir Abdur Rahim) : The Bill is perfectly in order as this Assembly is quite competent to declare that certain proceedings are valid, and it is for the House to say whether such a declaration should be made or not.

Mr. Sri Prakasa : If, Sir, Government are authorised, as I understand, from what you have just said, to declare that certain proceedings of Courts of law had been invalid and that they should be validated, then I hope you will allow me to claim the right that as a Member of this Legislature I have also the right to say.....

Mr. President (The Honourable Sir Abdur Rahim) : The proceedings are sought to be declared valid and not invalid.

Mr. Sri Prakasa : But, Sir, this Bill, so far as I can see, seeks to validate certain acts of the Allahabad High Court which the Government thinks were invalid. Is not that the position?

The Honourable Sir Nripendra Sircar : To remove doubts, as two constructions are possible.

Mr. Sri Prakasa : That may not be calling a spade a spade; that may be calling it an agricultural instrument. Removing doubts means the same thing as declaring those acts to be invalid, otherwise where is the use of the words ‘ validating certain proceedings of the High Court ’. If these proceedings were not invalid, there is no necessity of validating them. I should like to have your ruling before I proceed.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair has already given its ruling that this Bill seeks to validate certain proceedings of the Allahabad High Court and it is competent for this Assembly to pass a law to that effect.

Mr. Sri Prakasa : Now, Sir, if this Assembly happens not to have confidence in any particular High Court, I hope it has the right to say that it is not going to validate those proceedings.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair has given its ruling and the Honourable Member must proceed on the basis of that ruling.

Mr. Sri Prakasa : I will confess straightaway, Sir, that my law is very rusty and you must stop me as soon as you feel that I am on the wrong track.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair will try to do that.

Mr. Sri Prakasa : I simply say this that we have a High Court in India which, it seems, has been doing things which it has no power to do. I submit that opportunity should be taken of this to review the situation and to see whether the High Court has not been exceeding its powers in other directions as well.

Mr. President (The Honourable Sir Abdur Rahim) : That the Chair cannot allow the Honourable Member to do. The Honourable Member knows that perfectly well.

Mr. Sri Prakasa : I know nothing. I simply know this that I have personally very little confidence in the Allahabad High Court.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair would ask the Honourable Member not to make such reflections on any High Court.

Mr. Sri Prakasa : I wish to ask you, Sir, whether I can at this moment refer to any action taken by the Allahabad High Court in its administrative capacity or not ; not in its judicial capacity but in its administrative capacity.

Mr. President (The Honourable Sir Abdur Rahim) : No, it cannot be done. The speech must be relevant to the subject matter before the House.

Mr. Sri Prakasa : I take it that I can only say that I am against the Bill and that the proceedings of the Allahabad High Court should not be validated.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair cannot find argument for the Honourable Member.

Mr. Sri Prakasa : I do not want you, Sir, to find out arguments for me. I have myself got plenty of them.

Mr. President (The Honourable Sir Abdur Rahim) : Provided they are within the Rules and Standing Orders.

Mr. Sri Prakasa : Personally I think this Bill is against the Rules and Standing Orders. I do not think the Government can question any action that a High Court has chosen to take. According to the Standing Orders that you have read out, the Government is debarred from taking such a course. I now find myself at a loss as to how to proceed while speaking on my motion. I wish I had consulted some eminent lawyer before I tabled this motion because I really thought that I should be able to review the conduct of the Judges of the Allahabad High Court in connection with this Bill. But that I take it you will not permit me to do.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair certainly would not allow the Honourable Member to do it. The Chair has made this perfectly clear.

Mr. Sri Prakasa : Therefore, I can only say that this Bill should be referred to the Select Committee that I have proposed so that the Select Committee might be able to add some clauses to this Bill and may find out other acts that need validation and bring them before the House in the form of a consolidated Bill. I personally will say that

there is no use in validating the particular proceedings which seem to be exercising the mind of the Government. They only deal, I take it, with a few divorce cases. I cannot understand really why the Judges of the Allahabad High Court should have exceeded their powers particularly in divorce proceedings. These are always very unfortunate proceedings and a lot of dirty linen is washed in public and many scandalous statements are made and heard in such proceedings. I am surprised that in this particular class of cases only the Judges should have exceeded their powers. Supposing we do not validate the act, what happens? One of three things can happen. One is that the divorcees can regard the judgments given as invalid and, therefore, of no effect and if they can possibly make up their differences, they can do so and live as husbands and wives again. I think that can happen. No harm will be done to any one, and much good to the persons concerned. Another thing that can happen is that if they still do not like each other, they continue to live separately. If they choose to live separately in that case too, no harm is done to any one else. Thirdly, it is possible that taking that the High Court has acted within its powers, they have married other parties. Well, then, it is the concern of no one to interfere in their affairs. Therefore no trouble can possibly arise to any party if this Bill is not passed and if the proceedings are not validated. I do not see any reason why these proceedings should be validated. If the High Court has done anything which it ought not to have done, let it suffer. If the parties have gone to a High Court which had no power to decide, on this question, then let the parties suffer. I do not see why the Indian Legislature should be called upon to condone acts of a High Court or a party in cases which cannot but involve scandal. I, therefore, propose that the Bill be referred to a Select Committee; and if this Select Committee thinks it proper, it may perhaps see other things which the Allahabad High Court has done and which it may find it necessary to bring before this House. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That the Bill be referred to a Select Committee, consisting of the Honourable Sir Nripendra Sircar, the Honourable Sir Henry Craik, Sir Cowasji Jehangir, Dr. P. N. Banerjee, Mr. G. Morgan, Mr. Ghansiam Singh Gupta, Khan Sahib Nawab Siddique Ali Khan, Mr. N. M. Joshi, Mr. D. J. N. Lee, Mr. L. Owen, Dr. Ziauddin Ahmad, Mr. Sami Venkatachalam Chetty 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 negatived.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That the Bill to remove certain doubts and to validate certain proceedings of the High Court of Judicature at Allahabad be taken into consideration.”

The motion was adopted.

The Honourable Sir Nripendra Sircar : Sir, before I proceed further with the matter today, I have to submit that a certain point has been put before me by the learned Leader of the Opposition and that may require a slight amendment of this Act which we can do on Wednesday if we come to the conclusion that it ought to be done for greater safety. I would, therefore, ask you, Sir, not to proceed with the further stages of the Bill today, as only two minutes are left to five.

STATEMENT OF BUSINESS.

The Honourable Sir Nripendra Sircar (Leader of the House): Sir, with your permission, I desire to make a statement.

A representation signed on behalf of all the parties, Congress, Independent, Nationalist Congress and Europeans as also by several Members not belonging to any Group has been made to me that five Bills relating to social matters, viz.,

- (1) Removal of social disabilities among certain classes of Hindus (By Mr. M. C. Rajah),
- (2) To amend the law governing Hindu Women's rights to Property (By Dr. G. V. Deshmukh),
- (3) Validity of marriages among Arya Samajists (By Dr. N. B. Khare),
- (4) Validity of marriages between different castes of Hindus (By Dr. Bhagavan Das),
- (5) To amend the Child Marriage Restraint Act, 1929 (By Mr. B. Das),

may be set down on an official day. On the understanding that this will not be referred to as a precedent laying down a principle, I intend to put down these five Bills for introduction only on the agenda for Wednesday, the 25th September at the end of the business. As the agenda paper for that day has been issued, I propose to issue a supplementary paper including these items.

The Assembly then adjourned till Eleven of the Clock, on Tuesday, the 24th September, 1935.