

13th September 1935

**THE  
LEGISLATIVE ASSEMBLY DEBATES**

**(Official Report)**

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**Volume V, 1935**

*(2nd September to 16th September, 1935)*

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**SECOND SESSION**

OF THE

**FIFTH LEGISLATIVE ASSEMBLY,  
1935**



NEW DELHI  
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1936

# Legislative Assembly.

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**THE HONOURABLE SIR ABDUR RAHIM, K.C.S.I., KT.**

*Deputy President :*

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*Panel of Chairmen :*

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**MR. G. MORGAN, C.I.E., M.L.A.**

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*Assistant of the Secretary :*

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**CAPTAIN HAJI SARDAR NUR AHMAD KHAN, M.C., I.O.M., I.A.**

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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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# LEGISLATIVE ASSEMBLY.

Friday, 13th 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.

### THIRD CLASS CARRIAGES ON MAIL TRAINS ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

324. \*Prof. N. G. Ranga : (a) Are Government aware of the fact that there is now no uniformity observed by Madras and Southern Mahratta Railway and South Indian Railway in placing their third class carriages on their Mail Trains and that owing to the third class carriages being attached in different positions on different days in different sections of the Mail Trains, the passengers who have to board the Mail trains on any of the small stations in the three or five minutes halts are put to considerable trouble, inconvenience and danger ?

(b) Are Government aware that there are often too few third class carriages for the number of passengers to be carried as compared with the first class accommodation provided on the Mail trains ?

(c) If so, are Government prepared to consider the advisability of increasing the number of third class carriages on all Mail trains of all the railways, regulating the first class accommodation as need arises ?

Mr. P. R. Rau : (a) The Agent, Madras and Southern Mahratta Railway, states that the mail trains on that line are worked with set rakes and the position of the vehicles is never altered except in abnormal circumstances.

The Agent, South Indian Railway, states that the position of third class carriages on their express trains has remained constant during the last three years. Through carriages running between specified points which have indication boards giving the name of the starting and destination stations are attached in the position in which it is most convenient for shunting purposes at junctions.

(b) The number of each class of carriage provided on the various trains is determined by the volume of the traffic offered. Both the Agents state that spare third class stock is stabled at various stations, and station masters have instructions to attach them to trains whenever necessity arises.

(c) The composition of trains must be determined by local conditions which vary from section to section on the different railways, and it is impracticable for Government to regulate such details of railway working.

**Prof. N. G. Ranga :** Are Government aware of the fact that even at junction stations, such as Waltair and Bezwada, when request is made and notice is given for additional third class carriages because of the existing overcrowding, no action is taken ?

**Mr. P. E. Rau :** I am not aware of that.

**Prof. N. G. Ranga :** Will Government see that one or two third class carriages at least are attached to every mail train that passes between Waltair and Madras ?

**Mr. P. E. Rau :** Sir, this is a matter of local interest, and I think it is desirable that the Honourable Member should take it up in the Local Advisory Council.

**Prof. N. G. Ranga :** In view of the fact that no Member of this House is a member of the Local Advisory Council, will the Honourable Member in charge of the Department be good enough to convey the wish of this House that there should be more third class carriages attached to the mail train running between Waltair and Madras and also between Madras and Colombo ?

**Mr. P. E. Rau :** I shall be glad to send a copy of my Honourable friend's observations to the Agents.

#### LUGGAGE ALLOWANCE GIVEN TO THIRD CLASS PASSENGERS.

325. **\*Prof. N. G. Ranga :** (a) Will Government be pleased to state the luggage allowances given on different trains for each of the third class passengers ?

(b) Are Government prepared to consider the advisability of increasing such luggage allowance by another three pounds ?

**P. R. Rau :** (a) On practically all railways, the free allowance of luggage is 25 seers in addition to bedding, walking sticks, umbrellas and such articles of food as may be required on the journey.

(b) On the recommendation of the Indian Railway Conference Association, the free allowance was raised in December, 1929, from 15 seers to 25 seers. Government are not prepared to consider any further enhancement under present conditions.

**Prof. N. G. Ranga :** In view of the fact that this question was considered so long ago as 1929, are not Government of the opinion that time has come when these things should be reconsidered in view of the increasing rail-road competition ?

**Mr. P. E. Rau :** As a member of the Public Accounts Committee, my Honourable friend was most assiduous in asking the railways to increase their net earnings.

**Prof. N. G. Ranga :** It is only because we are anxious that the railways should increase their earnings that we ask that the conveniences afforded to the third class passengers should be increased. Will Government, therefore, consider the advisability of increasing the facilities of third class passengers in this direction ?

**Mr. P. E. Rau :** I do not think that the addition of three seers to 25 seers is likely to increase traffic.

**WEIGHING MACHINES ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.**

326. \***Prof. N. G. Ranga :** (a) Are Government aware of the fact that at many places the weighing machines of the Madras and Southern Mahratta Railway are very defective, to the detriment of the third class passengers and that weighing machines are often not properly and sufficiently tested ?

(b) Are Government aware that the weighing machine installed for third class passengers at the central station, Madras and Southern Mahratta Railway, Madras, was found on the 12th July to show 3 lbs. more than that installed for the first and second class passengers ?

(c) Do Government propose to see that special care is taken to test periodically the weighing machines installed in all stations and especially those machines intended for the third class passengers ?

**Mr. P. E. Rau :** (a) and (b). The Agent, Madras and Southern Mahratta Railway, states that the Administration is not aware of the facts alleged.

(c) Government are satisfied that the instructions issued by the Madras and Southern Mahratta Railway Administration for the care and handling of weighing machines provide for as high a standard of accuracy being maintained as is practicable. They understand that similar instructions have been issued on other railways.

**Prof. N. G. Ranga :** In view of the fact that I myself have had this experience at the Madras Central Station and drew the attention of the Station Master also on that day to this particular defect, will Government try to refresh their memory as well as their information and see that such inaccurate information is not placed before this House ?

**Mr. P. E. Rau :** I understand that my Honourable friend's general allegation is based on one single instance, and when he has brought it to the notice of the authorities concerned, I am sure, that defect must have been rectified.

**Prof. N. G. Ranga :** Is it not a fact that the Honourable Member in his answer has stated that this particular defect to which I have drawn attention as far as the Madras Central Station is concerned does not exist and did not exist on that day ?

**Mr. P. E. Rau :** I could not follow the Honourable Member's question. Will he kindly repeat it ?

**Prof. N. G. Ranga :** What is your answer to part (a) of my question ?

**Mr. P. E. Rau :** The answer to parts (a) and (b) is :

"The Agent, Madras and Southern Mahratta Railway, states that the Administration is not aware of the facts alleged."



**Prof. N. G. Ranga :** In view of the fact that I myself have had this experience and drew the attention of the Station Master to this defect, I wish to inform the Honourable Member that his information is absolutely wrong and that that kind of information should not be placed on the table of the House.

**Mr. P. E. Rau :** May I ask whether my Honourable friend made a complaint in writing to the Agent of the Railway or what steps did he take to bring the defect to the notice of the Agent ?

**Prof. N. G. Ranga :** I personally informed him of what had happened.

**Mr. P. E. Rau :** In such cases, it is probably desirable for the Honourable Member to write to the Agent about it.

**Prof. N. G. Ranga :** I hope the Honourable Member will provide me with the expenses that I will incur on correspondence.

#### WEIGHT OF LUGGAGE OF THIRD CLASS PASSENGERS.

327. **\*Prof. N. G. Ranga :** Are Government prepared to consider the advisability of instructing the Railways to see that passengers, especially the third class passengers, are not troubled at any of the intermediate stations or junctions about the weight of their luggages, if they bear with them the railway receipt for their luggage from their starting stations and that if any doubt is felt about the correctness of the weight recorded on the receipt, that fact may be communicated to the station master of the destination through the guard on duty ?

**Mr. P. E. Rau :** I will convey the Honourable Member's suggestion to the Indian Railway Conference Association for their consideration.

#### GOVERNMENT'S POLICY TOWARDS COMMUNISM.

328. **\*Prof. N. G. Ranga :** (a) Are Government aware of the judgment given by Justices Williams and Jacks on the 17th of July in the High Court of Calcutta in setting aside the sentence on Kamala Krishna Sircar on the kind of propaganda carried on in favour of the establishment of a Bolshevik form of Government in India provided violent means are not advocated ?

(b) If so, will Government place on the table of the House the full text of that judgment ?

(c) Are Government prepared to revise their policy in the light of that judgment towards communists, communist organisations and communist propaganda and also their G. O. on communists ?

**The Honourable Mr. Henry Craik :** (a) and (b). A copy of the judgment is laid on the table.

(c) The judgment had reference to prosecutions under the provisions of section 124-A of the Indian Penal Code. No question of revising the policy of Government towards Communism arises.

IN THE HIGH COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL.

Criminal Appellate Jurisdiction.

The 17th July, 1935.

Present :

The Honourable Mr. Justice Lort-Williams

and

The Honourable Mr. Justice Jack.

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Appeal No. 173 of 1935.  
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Kamal Krishna Sircar,

Appellant,

versus

The Emperor

Respondent.

For the Accused—Mr. B. Das, Counsel, with Mr. Hiran Kumar Roy.

For the Crown—Mr. D. N. Bhattacharya, officiating Deputy Legal Remembrancer.

Lort-Williams, J.—

In this case, the appellant was convicted of sedition under section 124A, Indian Penal Code, and sentenced to rigorous imprisonment for one year.

The speech in which he made the remarks complained of was delivered at Shradhananda Park on November 22, 1934. There was a meeting of the Bengal Youth League, and there was a red banner with hammer, sickle and star. The audience were composed mostly of Bengali youths of the student community and a number of speeches were made.

The accused moved a resolution, expressing emphatic condemnation of Government legislation as being calculated to gag the working class movement in India, in declaring the Communist party of India and various trade unions and labour organisations illegal, while anti-working class organisations like the Indian National Congress and the Congress Socialist Party had not been banned, and had been allowed to prosecute their aims of sabotaging the real class struggle for emancipating the toiling masses of India. The resolution also condemned the banning of the Communist party of India and other militant class organisations in the Punjab and Bombay.

In his speech the accused referred to these orders made by the Government, and explained that what was meant was that the Government by such banning of certain organisations were making it easier for the organisations which were carried on by the well-to-do and the capitalists one of the aims of which was to put down the workers' movement, to pursue the new reformist movements which were favoured by these other bodies. The rich, Gandhi and the Congress were all lumped together by the speaker as being supported by the Government. Then he proceeded to deal with the Round Table Conference and pointed out that at one time the Government had declared the Congress illegal, but that it was the object of the Government, and by reference the speaker obviously wanted to include all Governments, to encourage the reformist movement as a method of checking the revolutionary movement represented by the Communist party, the Bolsheviks and others. The rest of the speech was a mere recital of facts either of recent or past history. A great deal of it was obviously taken from well-known and quite respectable books which have been published recently about the world economic depression, the alleged failure of the capitalistic system, and the necessity of finding some other method for the distribution of goods. In fact, all that the speech amounted to was a recommendation of the Bolshevik form of Government as preferable to what is generally called the "capitalistic" form of Government, i.e., the present form of Government. And all that the speaker did was to encourage the young men, whom he was addressing, to join the Bengal Youth League and to carry on a propaganda for the purpose of inducing as large a number of people in India as possible to become supporters of the idea of communism as represented by the present Bolshevik system in Russia.

It is really absurd to say that speeches of this kind amount to sedition. If such were the case, then every argument against the present form of Government and in favour of some other form of Government might be alleged to lead to hatred of the

Government, and it might be suggested that such ideas brought the Government into contempt. To suggest some other form of Government is not necessarily to bring the present Government into hatred or contempt.

The learned Magistrate, who tried the case, obviously takes a strong view with regard to Bolshevism. He does not like it; neither do I, nor do a very large number of sensible people. That does not mean that one may not make speeches of the kind. I do not like quite a lot of things that people do constantly from day to day. That is no reason for suggesting that those people are guilty of sedition or of attempting to bring the Government into hatred or contempt.

In my opinion, it is not wise to institute prosecution against the makers of speeches of this kind. The effect of it is to give the impression that the Government are desirous of taking the kind of steps which, we understand, have been taken in countries like Germany and Italy, where the right of free speech has practically disappeared. So far as we know, that is not the present position in India. In any case, the present speech is a long way from coming within the provisions of section 124A, Indian Penal Code.

The conviction and sentence passed on the appellant are, accordingly, set aside, and he is acquitted.

The appellant, who is on bail, will be discharged from his bail-bond.

(Sd.) J. LOBT-WILLIAMS.

The 17th July, 1935.

Jack, J.—

I agree.

(Sd.) B. E. JACK.

The 17th July, 1935.

J. W. MCKAY,

*Secretary to the Bengal Legislative Council.*

CALCUTTA ;

The 10th August, 1935.

**Mr. S. Satyamurti :** What is the policy of Government towards Communism ?

**The Honourable Sir Henry Craik :** That was defined at considerable length in a statement I laid on the table in reply to a question about this time last year. The Honourable Member will find it in the Library.

**Mr. S. Satyamurti :** Do Government propose to continue to punish opinions, even if those opinions are not expressed in favour of any acts of violence ?

**The Honourable Sir Henry Craik :** It has never been the policy of Government to punish opinions so long as those opinions are not published.

**Mr. S. Satyamurti :** Do Government propose to punish the opinions even in those publications, which do not incite to any acts of violence ?

**The Honourable Sir Henry Craik :** So long as those opinions do not incite to acts of violence or encourage disaffection or tend to bring Government into hatred or contempt, it is not the policy of Government to punish them.

**Prof. N. G. Ranga :** Is it wrong to publish in original the Communist manifesto issued by Karl Marx and also to translate it ?

**The Honourable Sir Henry Craik :** That depends upon the contents of the manifesto.

**TRADE TREATIES WITH ITALY AND ROUMANIA.**

329. \***Prof. N. G. Ranga :** (a) Will Government be pleased to state whether they have been able to conclude any trade treaties with Italy and Roumania in order to remove or reduce the import duties recently levied by those Governments upon our Indian Imports ?

(b) If not, what stage has been reached by their negotiations with the Governments of those countries ?

(c) When were those negotiations begun ?

(d) When are they expected to be concluded ?

(e) If trade treaties are concluded, what are the terms of such treaties ?

(f) How do these terms compare with those of the treaties concluded by Great Britain with Italy during this year ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) to (f). I would invite the Honourable Member's attention to the replies given to Mr. T. S. Avinashilingam Chettiar's starred questions Nos. 4 and 5.

**MARKETING OF AGRICULTURAL PRODUCE IN FOREIGN COUNTRIES.**

330. \***Prof. N. G. Ranga :** (a) Will Government be pleased to state the progress made by the marketing section of the Imperial Council of Agriculture in carrying on any marketing surveys or in organising marketing of any of the Agricultural produce ?

(b) Are Government prepared to consider the advisability of publishing a periodical survey of the prospects for the marketing of Agricultural produce in foreign countries with the aid of the reports received from the Trade Commissioners ?

**Sir Girja Shankar Bajpai :** (a) A copy of the progress report of the marketing scheme till the end of June, 1935, as circulated to the Advisory Board of the Imperial Council of Agricultural Research, has been placed in the Library.

(b) The quarterly reports issued by the Indian Trade Commissioners already contain sufficient information regarding the marketing of Indian agricultural products in foreign countries and the prospects of expansion of the trade. These reports are published in the *Indian Trade Journal*.

**Prof. N. G. Ranga :** Will Government consider the advisability of publishing a comprehensive report of all the remarks made by the Trade Commissioners, so that it will be easy for those who are interested in agricultural problems to get it and study it ?

**Sir Girja Shankar Bajpai :** I have already informed my Honourable friend that quarterly reports, which I have no doubt are as comprehensive as the subject matter requires, are issued and published in the *Indian Trade Journal*.

**LOSS SUSTAINED BY THE PEASANTS IN THE QUETTA EARTHQUAKE.**

331. \*Prof. N. G. Ranga : (a) Will Government be pleased to state if they have estimated the loss sustained by the peasants in the Quetta earthquake ?

(b) If so, how much is that loss ?

(c) How many peasants have been made homeless and landless ?

(d) What are the steps taken or proposed to be taken to settle them anywhere else and provide them with land ?

(e) Will Government state whether any lands in the newly irrigated portions of the Punjab or Sind are proposed to be granted to them ?

Mr. J. G. Acheson : (a) Yes, Sir.

(b) Approximately rupees five and a half lakhs.

(c) About 2,676 houses were destroyed and roughly 12,800 peasants were rendered homeless. No peasants have been rendered landless as damage to land has been comparatively insignificant.

(d) Grants have been made for the reconstruction of houses but as there has been no appreciable damage to land it has not been found necessary to take steps to settle the peasants elsewhere.

(e) No, Sir.

Prof. N. G. Ranga : In view of the fact that in the report published by the Government of India it is said that this earthquake has affected several hundreds of square miles of land, does the answer given by the Honourable Member relate to all the peasants affected by the earthquake ?

Mr. J. G. Acheson : Does the Honourable Member want to know if my answer refers to the whole of the area ? If so, yes, Sir.

Mr. Lalchand Navalrai : May I know if the lands of these peasants have been destroyed ?

Mr. J. G. Acheson : There were quite a considerable number of casualties among the villagers ; but they were not so heavy as in the city.

Mr. Lalchand Navalrai : I was asking whether the cultivated lands were affected ?

Mr. J. G. Acheson : I thought the Honourable Member was enquiring about loss of life. Land has scarcely been affected. That also applies to orchards which are, of course, very important in Baluchistan.

**GRANT FOR THE DEVELOPMENT OF THE HANDLOOM WEAVING INDUSTRY TO THE MADRAS PRESIDENCY.**

332. \*Prof. N. G. Ranga : (a) Will Government be pleased to state (i) the principles on which they are allocating the handloom weaving development grant between the various provinces, (ii) if such a principle was objected to by the Madras Government, and (iii) if so, on what grounds ?

(b) Are Government aware of the fact that the Madras Government has been spending larger sums upon the development of handloom weaving than other Provincial Governments and is it a fact that the expenditure of Provincial Governments on handloom weaving only during the last four or five years was taken into consideration, and that the Madras Presidency gets very much less than what is really due to her, if her total expenditure during the last decade is considered ?

(c) Are Government prepared to reconsider their method of allocating the grant so as to allot more to the Madras Presidency ?

**The Honourable Mr. D. G. Mitchell :** (a) (i). The Sixth Industries Conference proposed that the grant for the first year should be distributed half in proportion to the consumption of cotton yarn in handloom weaving in the provinces and half in proportion to the actual expenditure of the Local Governments on the improvement of the cotton handloom weaving industry under certain specified heads during the five years ending the 31st March, 1934. This basis was accepted by Government for the first 17 months of the scheme, i.e., up to the 31st March, 1936.

(a) (ii). No.

(a) (iii). Does not arise.

(b) The reply to the first part is in the negative and to the second part in the affirmative. As regards the last part, the allocation was made according to the principles recommended by the Conference.

(c) The basis of allocation of grants in future years will be considered by the Seventh Industries Conference to be held in October.

**Prof N. G. Ranga :** Have Government any scheme by which this total grant is likely to be increased in the near future ?

**The Honourable Mr. D. G. Mitchell :** I believe at the present moment there is little prospect of the total grant being increased.

**BILL re EXEMPTION OF A PORTION OF THE LANDS OWNED BY PEASANTS FROM THE PROPERTIES LIABLE TO BE ATTACHED FOR THE PAYMENT OF DEBTS.**

333. **\*Prof. N. G. Ranga :** (a) Will Government be pleased to state if they are thinking of introducing legislation to amend the Civil Procedure Code Act of 1908 so as to exempt a portion of the lands owned by peasants from the property or properties liable to be attached for the payment of debts ?

(b) If so, when will such a Bill be introduced into the Assembly ?

(c) If not, are Government prepared to consider the advisability of introducing such a Bill ?

**The Honourable Sir Henry Craik :** (a) The answer is in the negative.

(b) Does not arise.

(c) As the Honourable Member is aware, Mr. Ananthasayanam Ayyangar gave notice, last Session, of his intention to move for the introduction of a Bill to amend section 60 of the Civil Procedure Code with the same object in view. Notice of a Bill which *inter alia* seeks to protect

from attachment small agricultural holdings has also been received from the Honourable Member himself. Government will have an opportunity in due course of stating their attitude on the subject in the House in connection with these Bills.

**Prof. N. G. Ranga :** What is the attitude of Government towards the Bill proposed to be introduced by Mr. Ananthasayauam Ayyangar ?

**The Honourable Sir Henry Craik :** I have said that Government will have an opportunity of stating their attitude when the Bill comes up.

#### CLAIMS OVER THE WATERS OF THE TUNGABHADRA RIVER.

334. **\*Prof. N. G. Ranga :** (a) Will Government be pleased to state what progress has been made in regard to the request of the Madras Government that the Government of India should appoint a tribunal to decide the claims of the four Governments over the waters of the Tungabhadra river ?

(b) What is the reply received from the Bombay Government ?

(c) What are the obstacles standing in the way of developing this project ?

**The Honourable Mr. D. G. Mitchell :** (a) The proposal that a Court of Arbitration should be appointed has been put to the Governments of Bombay, Mysore and Hyderabad.

(b) The Government of Bombay have agreed to the appointment of a Court.

(c) The project is beset by political, engineering and financial difficulties.

**Prof. N. G. Ranga :** What is the nature of the reply received by the Government of India from the Mysore Government ?

**The Honourable Mr. D. G. Mitchell :** So far no reply has been received.

**Prof. N. G. Ranga :** How long ago did the Government of India address the Mysore Government ?

**The Honourable Mr. D. G. Mitchell :** I want notice.

**Prof. N. G. Ranga :** Will the Government of India remind the Mysore Government to send an early reply ?

**The Honourable Mr. D. G. Mitchell :** We have already done so.

#### ACTS PASSED BY PROVINCIAL LEGISLATURES TO RELIEVE THE BURDEN OF AGRICULTURAL INDEBTEDNESS.

335. **\*Prof. N. G. Ranga :** Will Government be pleased to place in the Library of the House the Acts passed since 1934 by various Provincial Legislatures to relieve the burden of agricultural indebtedness in order to enable the House to see how far the recommendations of the Economic Conference 1934 have been carried out ?

**The Honourable Sir Nripendra Sircar :** I lay on the table a list of Acts, copies of which have been placed in the Library of the Indian Legislature.

- List of Acts*
- The Agriculturists' Loans United Provinces (Amendment) Act, 1934.  
 The Assam Money Lenders Act, 1934.  
 The Central Provinces Debt Conciliation (Amendment) Act, 1934.  
 The Central Provinces Debt Conciliation (Amendment) Act, 1935.  
 The Central Provinces Money Lenders Act, 1934.  
 The Madras Co-operative Land Mortgage Banks Act, 1934.  
 The Madras Debtors' Protection Act, 1934.  
 The North-West Frontier Province Redemption of Mortgages Act, 1935.  
 The Punjab Relief of Indebtedness Act, 1934.  
 The United Provinces Agriculturists' Relief Act, 1934.  
 The United Provinces Agriculturists' Relief (Amendment) Act, 1935.  
 The United Provinces Encumbered Estates Act, 1934.  
 The United Provinces Encumbered Estates (Amendment) Act, 1935.  
 The United Provinces Regulation of Sales Act, 1934.  
 The United Provinces Temporary Regulation of Execution Act, 1934.  
 The Usurious Loans (Central Provinces Amendment) Act, 1934.  
 The Usurious Loans (North-West Frontier Province Amendment) Act, 1935.  
 The Usurious Loans (United Provinces Amendment) Act, 1934.

#### AGREEMENT WITH THE KATHIAWAR STATES ABOUT CUSTOMS.

336. \*Mr. S. Satyamurti : Will Government be pleased to state :
- (a) whether any agreement has been arrived at between them and the Kathiawar States about customs ; and
  - (b) if so, what the terms of the agreement are ?

**The Honourable Sir James Grigg :** I am not yet in a position to make any statement on this subject.

**Mr. S. Satyamurti :** May I know what the position is ? Is it that a lot of smuggling is going on through the Kathiawar ports ?

**The Honourable Sir James Grigg :** I do not think there is smuggling, for that can be checked at Virangam line. But it is a matter of common suspicion that rebates are being given.

**Mr. S. Satyamurti :** Have Government lost large sums of money over this ?

**The Honourable Sir James Grigg :** The problem is not only one of loss of revenue, but of diversion of trade from Bombay. In one case, of course, the diversion of trade, which is held by the Durbar to be within the terms of their treaty, has been very heavy indeed, and the diversion of revenue has consequently been very big also.

**Mr. S. Satyamurti :** Why is there such a diversion of trade ?

**The Honourable Sir James Grigg :** I think the Honourable Member had better leave me to try and deal with that question. I will promise to make a statement as soon as I can.

**Mr. S. Satyamurti :** Before the next Budget Session ? If so, I shall not ask any more questions.



**The Honourable Sir James Grigg** : I hope so ; but I cannot make any promise.

**Mr. S. Satyamurti** : In view of this *non-possumus* attitude, my Honourable friend will forgive me for using that word, I want to know why there is this continual diversion of trade from Bombay to Kathiawar ports. There is something which my Honourable friend does not want to disclose and which exists.

**The Honourable Sir James Grigg** : One obvious reason is that for certain areas the Kathiawar ports have a definite economic advantage in having a shorter railway route as compared with the ports of British India. But that is not the whole story.

**Mr. S. Satyamurti** : What is the whole story ?

**The Honourable Sir James Grigg** : I am not in a position to say.

**Mr. S. Satyamurti** : Will the Honourable Member expedite this matter, as much as possible ?

**The Honourable Sir James Grigg** : I am trying to do so.

**Mr. S. Satyamurti** : Are Government spending large sums of money to buy up their opposition ?

**The Honourable Sir James Grigg** : The Honourable Member is now fishing.

#### FORMATION OF COFFEE POOLS IN KENYA WITH A VIEW TO DRIVE OUT THE INDIAN SETTLERS.

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

(a) whether their attention has been drawn to the attempt of the White settlers in Kenya to form coffee pools with a view to drive out the Indian traders in the same way as they are being driven out of the clove trade in Zanzibar ;

(b) if not, whether they are prepared to make enquiries in the matter ; and

(c) what steps they propose to take ?

**Sir Girja Shankar Bajpai** : (a) to (c). Government have seen reports in the Press of certain proposals said to have been made by an unofficial organisation called the Coffee Board of Kenya for the better distribution of coffee but have received no representations on the subject from the Indian community in Kenya, and do not, therefore, propose to take any action in the matter.

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

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

(a) whether it is a fact that the treaty between the Kashmir Government and the Government of India, whereby the civil and military administration of the Gilgit area will be transferred to the Government of India, has been signed ; and

(b) the extra cost involved in this transfer ?

**Mr. J. G. Acheson :** (a) The Honourable Member's attention is invited to the communiqué on the subject issued on the 8th January, 1935.

(b) NR.

**Mr. S. Satyamurti :** So there is no extra cost at all ?

**Mr. J. G. Acheson :** No, Sir ; on the contrary, there has been a net saving of approximately one lakh.

**CUSTOMS QUESTIONS RELATING TO THE KATHIAWAR AND MARITIME STATES.**

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

(a) whether it is a fact that an important conference between the officers of the Political Department and the Central Board of Revenue was held early in May to discuss the issue relating to customs questions with the Maritime and Kathiawar States ;

(b) what the points were that were discussed ; and

(c) what the decisions are ?

**The Honourable Sir James Grigg :** Inter-departmental conferences constitute a normal method of Secretariat procedure in important and complicated cases, and this method has been frequently adopted in dealing with customs questions. The proceedings of such conferences, like the noting on Secretariat files, are confidential, and I am unable to disclose any information in regard to this particular or any other one.

**Mr. S. Satyamurti :** Will these decisions be taken by Government, before they are placed before this House ?

**The Honourable Sir James Grigg :** I think that is extremely likely.

**Mr. S. Satyamurti :** In view of the fact that a lot of money is involved in this matter, and Government are not in as strong a position as it ought to be in view of this proposed Federation, will Government try to strengthen themselves by taking the opinion of this House, representing as it does the Indian taxpayer ?

**The Honourable Sir James Grigg :** I do not admit the Honourable Member's premise.

**RELIEF TO THE FAMILIES OF THE PUBLIC SERVANTS KILLED IN THE EARTHQUAKE AT QUETTA.**

340. \***Mr. Lalchand Navalrai :** Do Government propose to provide any earthquake compassionate allowance, or some such relief, for the families of those public servants killed in the earthquake at Quetta ? If so, which and under what conditions ?

**The Honourable Sir James Grigg :** In regard to certain establishments whose conditions of service are regulated by the Royal Warrant and the King's Regulations for the Royal Air Force, it has been held by competent authority that death in the earthquake at Quetta should be treated as attributable to military service. The dependents of deceased members of such establishments become, therefore, eligible for pensions. The same principle will be applied in the Indian Army. In regard to establishments for which the rules prescribe two scales of pension, the

question of which scale should be applied is under consideration. Under the rules applicable to civil personnel contained in the Civil Service Regulations, no pensions are admissible to the dependents of such personnel killed in the earthquake, but the Government of India have decided to relax these rules and to grant pensions and gratuities.

**Mr. Lalchand Navalrai :** Will any gratuity be given where pension is not allowable ?

**The Honourable Sir James Grigg :** I assume the Honourable Member is concerning himself only with the civilian personnel. I said that, under the rules applicable to civil personnel contained in the Civil Service Regulations, no pensions are admissible to the dependants of such personnel killed in the earthquake, but the Government of India have decided to relax these rules and to grant pensions and gratuities.

#### CONSTRUCTION OF ROADS IN ASSAM.

341. **\*Srijut N. C. Bardaloi :** (a) Is it a fact that the Central Reserve Fund for Development of Roads from income derived from petrol tax, amounted to over four lakhs ?

(b) Will Government be pleased to state how much of it was derived from petrol raised and refined in the Assam oil-fields ?

(c) What was the amount allocated to Assam from the Central Reserve Fund ?

(d) How much of that sum was spent in the Assam Valley ?

(e) Is the oil-field situated in the Assam Valley ?

(f) What are the areas of Assam Valley Districts and the Surma Valley Districts, excluding Hill Districts, separately ?

(g) How many miles of *kutch* roads exist in the Assam Valley and how many miles of *pucca* roads ?

(h) Are Government prepared to take up the question of construction of roads in Assam, so that the country may be opened up ?

**The Honourable Mr. D. G. Mitchell :** (a) Yes. On a ten per cent. basis the annual credit to the reserve was about Rs. ten lakhs per annum. On a 15 per cent. basis (from 1934-35) the annual credit is likely to be over Rs. 15 lakhs per annum.

(b) The quantity of petrol produced in Assam is not constant, but the production in recent years is equivalent to a credit to the reserve in the Road Account of between 1½ and two lakhs of rupees per annum.

(c) Rs. 27.30 lakhs. This grant has been made partly from revenue already received and a lump sum contribution of Rs. 40 lakhs, and partly by anticipating future revenue.

(d) A sum of Rs. 14.25 lakhs has been allocated to the Assam Valley, but works are only now being commenced and the expenditure to date is negligible.

(e) Yes.

(f) The combined areas of the Goalpara, Kamrup, Darrang, Nówgong, Sibsagar, and Lakhimpur districts in the Assam Valley are

28,532 square miles and the combined areas of the Sylhet and Cachar Plains districts in the Surma Valley are 9,340 square miles.

(g) The Government of India have no information. The total mileage in Assam is 600 miles of metalled and 7,186 miles of unmetalled roads.

(h) The Government of India have already made very substantial grants to Assam as indicated in reply to part (c) of the question.

**Srijut N. C. Bardaloi** : Of course the Government of India have made substantial grants, but are Government aware that, in the northern portion of Assam from Dhubri to Lakshimpur, i.e., one-half of Assam, there are no metalled roads, and in the southern portion all the important roads of Kamrup to Goalpara are *cutcha* ? And will Government consider these facts when they consider the question of contribution to the Road Fund ?

**The Honourable Mr. D. G. Mitchell** : The Government of India have already taken into consideration the well-known fact that Assam is very badly off for roads. As regards the allocation between the two different valleys, that must be left to the Local Government.

**Mr. F. W. Hockenull** : Will the Honourable Member tell us whether any schemes have already been sanctioned from the central fund ?

**The Honourable Mr. D. G. Mitchell** : Yes, quite a large number.

#### CLAIMS FOR PROMOTIONS AND PREFERMENTS OF ASSAMESE SOLDIERS.

342. **\*Srijut N. C. Bardaloi** : (a) Will Government be pleased to state how many natives of Assam Valley Districts, belonging to the Koch, Rajbangsi, Kachari, Jharuas, Mikir and Saloi castes are serving in the Regiment known as " Assam Rifles ", who are stationed to guard the North-Eastern Frontier ?

(b) Will Government state how many persons of those castes fought in the Great War ?

(c) Will Government enquire of the Assam Government and inform this House whether the Assamese soldiers of these castes were praised for their bravery and fighting qualities by the respective commanders of the regiments in which they served during the War ?

(d) Will Government state whether fairly educated youths of the above castes are now finding employment in the Gurkha regiments in larger numbers ? If not, why not ?

(e) Will Government state who, besides the following, are now holding non-commissioned officers' ranks among the soldiers in the North-Eastern Frontier, who are inhabitants of the Assam Valley Districts :

- (1) Jemadar Debi Singh Mech,
- (2) Jemadar Dhananjoy Kachari,
- (3) Havildar Gangaprasad Rajbangsi,
- (4) Havildar Tarak Chandra Rajbangsi,
- (5) Havildar Bahadur Chandra Uzir,
- (6) Havildar Jatra Mikir,
- (7) Havildar Mayaram Rajbangsi ?

(f) Are Government prepared to take steps to recruit more men from among these castes ?

(g) Are Government prepared to consider the claims for promotions and preferments of these soldiers, who belong to British India, in the same way as in the case of inhabitants of Nepal ?

**The Honourable Sir Henry Craik :** (a) 348.

(b) 448.

(c) Several Commanding Officers expressed appreciation of the fine services rendered by men of the Assam Rifles generally, but no particular classes or castes were specially mentioned.

(d) Practically no Assamese with any education apply for enlistment in the Assam Rifles, and they are not recruited to Gurkha Regiments of the Army because they are not Gurkhas.

(e) Besides the men named in the question there are five Subedars, three Jemadars, 19 Havildars and 17 Naiks who are inhabitants of the Assam Valley districts. A list of their names can be laid on the table if the Honourable Member wishes.

(f) According to the class composition of the Assam Rifles the number of Assamese should be 37½ per cent. This percentage has never been reached by recruits from these or other Assamese castes. Government would be glad to see them come forward in larger numbers provided they intend to stick to the service.

(g) Promotion is made by merit alone and the claims of all castes and tribes are equally considered.

**Srijut N. C. Bardaloi :** Is it a fact that those Assamese, who are in the ranks of non-commissioned officers, are mostly well educated and belong to the educated classes ? Will Government take these facts into consideration in matters of promotion ?

**The Honourable Sir Henry Craik :** My information is that, on enlistment, practically none of the recruits are educated. Possibly they receive some education in the regiment ; but presuming they all enlist as sepoy in the first instance, my information is not in accordance with that of the Honourable Member.

**Srijut N. C. Bardaloi :** As a matter of fact, I may inform the Honourable Member that they all originally enlist as sepoy, but only in matters of promotion somehow their race intervenes and the Gurkhas get promotion and they do not get the promotion which they deserve. Will the Honourable Member make an inquiry into this grievance ?

**The Honourable Sir Henry Craik :** I do not quite see what I am to inquire into. I have said that promotion is made by merit alone, and the claims of all castes and tribes are equally considered.

#### ASSAM VALLEY PLANTERS' ASSOCIATION.

343. **\*Srijut N. C. Bardaloi :** (a) Are Government aware that an Indian Planters' Association, known as the Assam Valley Planters' Association, has been started in Assam ?

(b) Are Government prepared to give representation to this body on the Tea Cess Committee as well as on the Tea Licensing Committee ?

(c) Have Government instructed the Tea Cess Committee to take in representative Indians in the executive of the Tea Cess Committee, as well as in the general committee, as assured by Sir Joseph Bhore during the last Session of this House ?

(d) Do Government propose to lay down the method of electing Indian members to the above bodies, so that Indian planters of Assam Valley may also get representation ?

**The Honourable Sir Muhammad Zafrulla Khan :** (a) No, Sir.

(b) In view of the reply to part (a) of the question, Government are unable to express any opinion as to the desirability of giving representation to the body referred to.

(c) Government are unaware that any assurance of the nature mentioned was given by Sir Joseph Bhore last Session.

(d) Government understand that the existing provisions of the Indian Tea Cess Act and the Indian Tea Control Act have in effect provided for the representation of Indian planters of the Assam Valley on the Indian Tea Cess Committee and the Indian Tea Licensing Committee.

**Srijut N. C. Bardaloi :** That is not my question : my question is this : certainly it provides for representation of the people interested, in the Assam Valley, especially those who are members of the association like the Indian Tea Association ; but the pledge given by the Honourable Sir Joseph Bhore in the last Assembly was that the Government will see that Indians are taken into the executive committee as well as the general committee of the Association : have Government done anything towards that ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have already submitted that Government are unaware that any assurance of the nature mentioned was given by Sir Joseph Bhore last Session.

**Srijut N. C. Bardaloi :** It should be in the Assembly Proceedings. I am the person who started it, and, in his reply, Sir Joseph Bhore said that Government in future would see that more Indians are taken in in this committee : that was one of the conditions why the Bill was supported by me.

**The Honourable Sir Muhammad Zafrullah Khan :** I believe all that Sir Joseph Bhore gave an assurance about was that when the Tea Cess Association puts forward more comprehensive proposals for the amendment of the Tea Cess Act, the question of the proper representation of Indian interests on the committee would be carefully borne in mind. That stage has not yet arrived. Any assurance given by Sir Joseph Bhore will be fully honoured.

#### APPOINTMENT OF AN INDIAN AS THE CHAIRMAN OF THE BOMBAY PORT TRUST.

344. **\*Srijut N. C. Bardaloi :** Will Government be pleased to state if there is any bar to the appointment of an Indian as the Chairman of the Bombay Port Trust ?

**The Honourable Sir Muhammad Zafrullah Khan :** None.

**Srijut N. C. Bardaloi** : Have the Indian Merchants' Chamber and Bureau and other bodies been urging the desirability of appointing an Indian during the last 11 years ?

**The Honourable Sir Muhammad Zafrullah Khan** : The desirability of appointing Indians has been urged in several questions to which I have already given a reply.

**Mr. S. Satyamurti** : Then, why has no Indian been appointed ? Is there no Indian fit for that place ?

**The Honourable Sir Muhammad Zafrullah Khan** : Indians have on several occasions been Chairmen of Port Trusts.

**Mr. S. Satyamurti** : Here in Bombay ?

**The Honourable Sir Muhammad Zafrullah Khan** : Not in Bombay.

**Mr. S. Satyamurti** : Why not ? Are there no Indians in Bombay ? I thought it was an Indian city.

**The Honourable Sir Muhammad Zafrullah Khan** : No answer is necessary—Bombay is an Indian city.

**Mr. S. Satyamurti** : Are there no competent Indians to be Chairmen of the Port Trust there, when Indians can be Commerce Members ?

(No answer.)

**Srijut N. C. Bardaloi** : Is it a fact that the administration of the Port Trust has been extravagant ?

**The Honourable Sir Muhammad Zafrullah Khan** : No.

**Mr. Lalchand Navalrai** : May I know if there has been an Indian Chairman of the Karachi Port Trust ?

**The Honourable Sir Muhammad Zafrullah Khan** : Not so far as I am aware.

**Mr. Lalchand Navalrai** : Then, which are those other places ?

**The Honourable Sir Muhammad Zafrullah Khan** : The other places are Aden and Chittagong : I believe a question to that effect has already been put down, and, when it is reached, I will be able to reply to it more fully.

**Srijut N. C. Bardaloi** : Is it true that the financial difficulties of the Port Trust have contributed to the diversion of trade from Bombay.

**The Honourable Sir Muhammad Zafrullah Khan** : I believe there is a question with regard to the alleged extravagant administration of the Bombay Port Trust put down, and, when it is reached, I will be able to give a reply.

#### ENQUIRY INTO THE FINANCIAL RELATIONS BETWEEN INDIA AND BURMA.

345. **\*Srijut N. C. Bardaloi** : Have Government taken any steps to associate members of this House and the public with the enquiry into the financial relations between India and Burma finally ?

**The Honourable Sir James Grigg** : If the Honourable Member is referring to the financial adjustments between the two Governments, I would remind him that the subject is to be debated in this House during the present Session.

DISABILITIES OF INDIANS IN ZANZIBAR.

346. \*Srijut N. C. Bardaloi : What steps have Government taken to remove the disabilities from which Indians in Zanzibar are suffering, as reported by the Government representative sent there to investigate the grievances of Indians ?

Sir Girja Shankar Bajpai : The attention of the Honourable Member is invited to the reply given by me on the 4th September, 1935, to Mr. S. Satyamurti's question No. 118.

INDIANS IN COCHIN-CHINA, JAVA, CEYLON AND SINGAPORE.

347. \*Srijut N. C. Bardaloi : Are Government aware that Indians in Cochin-China, Java, Ceylon and Singapore are being ill-treated ? If so, what steps are Government taking to remedy the same ?

Mr. J. G. Acheson : The reply to the Honourable Member's question is as follows :

(I) (a) An expulsion order against certain Indian Chettiar Bankers by the Indo-China Government was cancelled upon representations being made by the Government of India through His Majesty's Government and diplomatic channels.

(b) There is no truth in the allegation that Indians in Ceylon and Singapore are being ill-treated.

(c) Government have received no complaints of ill-treatment of Indians in Java.

(II) The question does not arise.

ABOLITION OF THE INDIA STORES DEPARTMENT IN LONDON.

348. \*Srijut N. C. Bardaloi : (a) Is it a fact that the High Commissioner in England has to attend many social and political functions ?

(b) Is it a fact that he is a layman as regards Stores purchases are concerned ?

(c) Do Government propose to abolish the Stores Department in London and entrust the Indian Stores Department with the duties of inspection and other necessary functions in connection with the large purchases for Government in India and abroad ?

The Honourable Mr. D. G. Mitchell : (a) Yes.

(b) I do not know what my Honourable friend means by ' layman '. The position of the High Commissioner is the same as that of any person holding high office who has experts working under him.

(c) No : the Government of India are considering the possibility of amalgamating the London Store Department and the Indian Stores Department.

Mr. Lalchand Navalrai : May I know, when this amalgamation takes place, whether it will be in England or in India ?

The Honourable Mr. D. G. Mitchell : The investigation has still to be carried out, and it is impossible to give any exact date at present.



## EFFECT OF THE OTTAWA AGREEMENT ON INDIA AND THE DOMINIONS.

349. \*Srijut N. C. Bardaloi : (a) Has the Ottawa Pact benefitted the British producers on account of substantial preferential duties ?

(b) Will Government state to what extent India has benefitted on account of that Pact ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) and (b). Government do not propose to offer an opinion on the results of the Ottawa Trade Agreement pending the discussion of the matter in the next Budget Session. Meanwhile, a report on the working of the Ottawa Agreement for the year 1934-35 will be laid on the table of the House at an early date.

**Mr. S. Satyamurti :** When does this Pact expire ?

**The Honourable Sir Muhammad Zafrullah Khan :** I believe some time in the spring of 1936.

**Mr. S. Satyamurti :** Will Government place the matter before the House, before the expiry ?

**The Honourable Sir Muhammad Zafrullah Khan :** I believe so : it will be possible to do so, I think.

**Srijut N. C. Bardaloi :** Is it a fact that from England 224 crores worth of articles less was exported to India ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have already replied to all questions in detail on this matter.

## PURCHASE OF IRON AND STEEL MATERIALS BY INDIAN RAILWAYS.

350. \*Srijut N. C. Bardaloi : Are the Railways in India purchasing all available iron and steel materials in India, or mostly in the United Kingdom ?

**Mr. P. E. Rau :** State-managed Railways in India follow the Stores Purchase Rules and purchase all their requirements of articles manufactured from iron and steel in India on the rupee tender system. Preference is given to articles of Indian manufacture when the quality is satisfactory and the price not unreasonable.

Company-managed Railways also make large purchases of iron and steel articles of Indian manufacture.

**Pandit Lakshmi Kanta Maitra :** May I know from the Honourable Member the extent of the purchases made in England ?

**Mr. P. E. Rau :** I must have notice.

**Mr. S. Satyamurti :** What is the percentage of iron and steel materials purchased by Company-managed Railways outside this country every year ?

**Mr. P. E. Rau :** I am afraid I have not got the figures here : I shall be glad to get them if my Honourable friend so desires.

ENQUIRY INTO THE SYSTEM OF LEVYING INCOME-TAX.

351. \*Srijut N. C. Bardaloi : (a) Is there any chance of an enquiry by British experts about the system of levying income-tax ?

(b) If so, do Government propose to see that Indian businessmen are also associated with that Committee ?

**The Honourable Sir James Grigg :** I would refer the Honourable Member to the reply to question No. 35 asked by Sardar Sant Singh.

RE-TRANSFER OF SYLHET TO BENGAL.

352. \*Srijut N. C. Bardaloi : (a) Are Government aware that a resolution was passed in the Assam Legislative Council some time back, at the instance of the members from Sylhet, that Sylhet should be transferred to Bengal on the ground that Sylhet is a part of Bengal by race and culture and as such it should be re-transferred to Bengal ?

(b) Do Government now propose to consider the question, in view of that resolution ?

**The Honourable Sir Henry Craik :** (a) I am aware of the Resolutions which have been discussed in the Local Legislative Council on this subject from time to time. But I might remind the Honourable Member that the last of these Resolutions, that was passed in 1928, *opposed* the transfer of Sylhet to Bengal. A Resolution moved in favour of the transfer in 1932 was withdrawn after discussion.

(b) No.

**Srijut N. C. Bardaloi :** Is the Honourable Member aware that there is a strong movement in the Assam Valley districts regarding this transfer of Sylhet to Bengal which is now being carried on ?

**The Honourable Sir Henry Craik :** If there is such a feeling, it has not been reflected in the Local Legislative Council.

**Pandit Lakshmi Kanta Maitra :** Is the Honourable Member aware that the people of Sylhet are in favour of being transferred to Bengal ?

**The Honourable Sir Henry Craik :** I am not aware that there is any unanimity of feeling in that direction.

**Pandit Lakshmi Kanta Maitra :** Is the Honourable Member aware that there is a vast volume of public opinion among the people of Sylhet that they should be transferred to Bengal ?

**The Honourable Sir Henry Craik :** No doubt there is some opinion in favour of the transfer : I am not prepared to admit that it is large.

**Pandit Lakshmi Kanta Maitra :** Is the Honourable Member aware that the Assamese people are willing that the people of Sylhet should be taken over by Bengal ?

**The Honourable Sir Henry Craik :** I have already said that, if there is such a feeling, it is not reflected in the decisions of the Legislative Council.

## REPORT AND RECOMMENDATIONS OF THE COCOANUT INDUSTRY COMMITTEE.

353. \*Mr. Samuel Aaron : Will Government be pleased :

- (a) to state whether they have considered the report and the recommendations of the Committee appointed to enquire into the cocoanut industry in India ;
- (b) if so, to place on the table of this House a copy of the report of the Committee ; and
- (c) to state what they have already done, or propose to do, to protect this industry from foreign competition ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) to (c). The Report and the recommendations of the sub-committee are under the consideration of the Government of India. The question of releasing the Report will be considered after the Government of India have completed their examination of the case.

**Prof. N. G. Ranga :** When did Government receive that Report ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have not got the exact date.

**Dr. T. S. S. Rajan :** May I know how long has this Report been under the consideration of the Government ?

**The Honourable Sir Muhammad Zafrullah Khan :** It has been under the consideration of the Government of India for some weeks, but I do not believe there has been any undue delay in considering this matter.

**Mr. Samuel Aaron :** May I know if there has been any increase in duty on cocoanuts ?

**The Honourable Sir Muhammad Zafrullah Khan :** It is obvious I cannot give an answer to that question before consideration of the Report has been completed.

## EXPORT AND IMPORT TRADE BETWEEN INDIA AND CEYLON.

354. \*Mr. Samuel Aaron : Will Government please state :

- (a) if it is a fact that the Government of Ceylon have sent, or propose to send, a representative of theirs to confer with the Government of India and enter into a pact in regard to the export and import trade between India and Ceylon ; and
- (b) if so, at what stage the matter stands at present ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) In May, 1933, an official deputation from the Government of Ceylon visited Simla to discuss the question of the reciprocal grant of preferences between India and Ceylon.

(b) The discussions have been suspended pending a decision as to the appropriateness of the existing import duties on cocoanuts and cocoonut products.

**Mr. T. S. Avinashilingam Chettiar :** When do they propose to take up the discussion again ?

**The Honourable Sir Muhammad Zafrullah Khan :** After they have come to some decision with regard to the scale of duty on cocoanuts and cocoanut products.

**Mr. F. E. James :** May I ask, Sir, in view of the fact that this matter has been pending for a long time now, whether the Honourable the Commerce Member will do his best to expedite Government conclusions after they consider the Report ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have recently been in the Kerala country, and several representations were made to me that the scale of duties on cocoanuts and cocoanut products required the immediate attention of the Government, and, being impressed by those representations, I am trying to do my very best to expedite the decision on the matter.

LEGITIMATE RIGHTS OF INDIANS IN CEYLON.

355. \***Mr. Samuel Aaron :** (a) With reference to their reply to parts (d) and (e) of the starred question No. 428, dated the 22nd February, 1935, regarding the legitimate rights of Indian Settlers in Ceylon, will Government please state whether any notice has been received from the Government of Ceylon regarding the appointment of a commission ; and

(b) if so, what action has been taken by Government in the matter ?

**Sir Girja Shankar Bajpai :** (a) No, Sir.

(b) Does not arise.

RECOMMENDATIONS OF THE DRUGS ENQUIRY COMMITTEE.

356. \***Mr. Mathuradas Vissanji :** (a) Is it a fact that the Drugs Enquiry Committee, appointed by the Government of India, submitted their report so far back as 1931 ?

(b) Have Government received representations from the Indian Merchants' Chamber and other Chambers of Commerce, as also from the Federation of Indian Chambers of Commerce and Industry, urging Government to initiate necessary legislation giving effect to the recommendations of the Drugs Enquiry Committee ?

(c) If so, will Government be pleased to state the reasons, if any, why action has been delayed for such a long time on this matter of all-India importance ?

(d) Are Government aware that, throughout the country, cases of adulteration of drugs, etc., are on the increase every year and that the public suffer helplessly through want of necessary and effective legislation to check this evil ?

(e) Will Government be pleased to state when they intend introducing a Bill giving effect to the various recommendations of the Drugs Enquiry Committee ?

**Sir Girja Shankar Bajpai :** (a) Yes.

(b) Government have received such representations from several commercial associations.

(c) and (e). Legislation can be effective only if organisations to enforce its provisions as proposed by the Committee are set up both by the Government of India and by the Provinces. For financial reasons this has not been found possible so far. No scheme undertaken by the Government of India alone could be effective.

(d) The position may possibly be as stated by the Honourable Member.

#### BANIA SHOPS IN THE MARKET BAZAR, KASAULI.

357. \*Sirdar Jogendra Singh (on behalf of Mr. Shan Lal) : (a) Is it a fact that up to the year 1928 all kinds of shops, including what are called *bania* shops, or provision shops, were allowed to be opened, and continued to be in the Market Bazar, Kasauli, without any objection on the part of the Cantonment Authority ?

(b) Is it a fact that owing to a few plague cases having occurred in 1928, all *bania* or provision shops were closed down in order to prevent the breeding of rats, supposed to carry plague germs ?

(c) Are Government aware that there are a large number of stalls in the Market Bazar owned by the Cantonment Authority and rented yearly for unusually large sums and that, despite the prohibition of *bania* shops, all sorts of provisions and Indian sweetmeats have been allowed to be kept in the stalls, in spite of the repeated objections raised by the shopkeepers of Kasauli ?

(d) Is it a fact that in 1934 three shop-keepers, namely, Messrs. Baroo Mall & Sons, L. Mansa Ram Sud, and Messrs. Ram Chand Bool Chand, were allowed the monopoly for opening *bania* shops in the Market Bazar ?

(e) Are Government aware that the result of monopoly granted to these shop-keepers has been the practical ruin of the business of old and permanent shop-keepers in the old bazar of Kasauli ?

(f) Are Government aware that there exists a great feeling of resentment over this policy of discrimination and favouritism of the Cantonment Authority, and a number of representations had been made by All-India Cantonments' Association and the shop-keepers of Kasauli ?

(g) Are Government prepared to take immediate steps to see that either the *bania* shops and provision shops are removed from the Market Bazar, or all persons, without any discrimination, are allowed to open such shops in the Market Bazar on equal terms and conditions ?

Mr. G. E. F. Tottenham : (a) and (b). Yes.

(c) There are 37 stalls in the Market Bazar, Kasauli Cantonment, which belong to the Cantonment Authority and have existed there for a long time. These stalls are leased annually on rents which are either auctioned or determined by tenders. This year seven stalls were rented to betelsellers who also sell sweetmeats, tea, biscuits, etc. The sale of *dhal*, ghee and other foodstuffs is prohibited.

(d) In 1934, three licenses were given to the persons named, but there was no question of monopoly.

(e) No.

(f) Government understood that the Cantonment Authority has received many representations and has given them due consideration. There is no intention of granting a monopoly to any of the shopkeepers. The Cantonment Authority do not consider it desirable to allow more *bania* shops dealing in food grains in that locality owing to its close proximity to the barracks. Rats are increasing in the Cantonment.

(g) Government are not prepared to interfere in the municipal administration of the Cantonment.

ENQUIRY INTO THE CONDUCT OF AN IMPERIAL SERVICE OFFICER.

358. \*Sardar Sant Singh : (a) Will Government please state the number of Imperial Services officers who have been tried under Act XXXVII of 1850 ?

(b) Will Government please state how many of them were tried by one Commissioner and how many by two or more ?

(c) Will Government please state who is the competent authority to order an enquiry into the conduct of an Imperial Service officer ?

(d) Will Government please state whether any Local Government has any authority to order or institute an enquiry, under Act XXXVII of 1850, into the conduct of an Imperial Service officer ?

The Honourable Sir Henry Craik : (a), (b) and (c). I would refer the Honourable Member to the reply given to Sardar Mangal Singh's starred question No. 313.

(d) No.

PERMANENT WAY INSPECTORS ON THE NORTH WESTERN RAILWAY.

359. \*Sardar Sant Singh : (a) Will Government please state the number of Permanent Way Inspectors on the North Western Railway ? How many of them are Hindus, Sikhs, Muslims, Anglo-Indians, domiciled Europeans, Indian Christians, and Parsis ?

(b) What is the total population of the Sikhs in the Punjab, North-West Frontier Provinces, Sindh and the Delhi Province, through which the North Western Railway passes ?

(c) What is the proportion of Sikhs to the population of the Muslims, Hindus, Anglo-Indians, domiciled Europeans, Indian Christians and Parsis ?

(d) Has the attention of Government been drawn to the notice issued by the North Western Railway, inviting applications for admission to the Walton Training School, Lahore Cantt., to undergo training as Permanent Way Apprentices from the 16th September, 1935 ? If so, what proportion of the vacancies has been reserved for each community and why ?

Mr. P. B. Rau : (a) The available information will be found in the North Western Railway Classified List of subordinate staff of all Branches in receipt of Rs. 250 per mensem and over or on scales of pay rising to Rs. 250 per mensem and over, a copy of which is in the Library of the House.

(b) and (c). I would refer the Honourable Member to the Census of India, 1931, Volume I, India, Part II, a copy of which is in the Library of the House.

(d) The Agent, North Western Railway, reports that of the ten vacancies, eight have been reserved—six for Muslims, one for Anglo-Indians and one for other minority communities. These proportions were fixed in accordance with the instructions regarding the representation of Muslims and other minority communities in railway service.

**EQUIPMENT OF THE AJMER RAILWAY WORKSHOPS WITH ADDITIONAL PLANT AND MACHINERY FOR THE MANUFACTURE OF LOCOMOTIVES.**

360. \*Mr. V. V. Giri : What additional amount of capital has been invested to equip the Ajmere Railway Workshops with necessary additional plant and machinery for the manufacture of locomotives ?

Mr. P. B. Rau : The Ajmer Railway Workshops have carried out repairs to locomotives as well as the building of locomotives for the past 39 years. The greater part of the machinery is employed both on repairs and building. It is, therefore, not possible to state how much of the capital invested in the workshops is attributable to repair work and how much to the building of locomotives.

**LOCOMOTIVES MANUFACTURED IN THE AJMER RAILWAY WORKSHOPS.**

361. \*Mr. V. V. Giri : Will Government be pleased to state the number of new locomotives of different type manufactured in Ajmere Railway Workshops during each of the last five years and the respective cost per locomotive of each type ?

Mr. P. B. Rau : I place on the table a statement giving the information required.

*Locomotives manufactured in Locomotive Shops, Ajmer.*

Item No.	Year in which manufactured.	Number manufactured.	Class manufactured.	Cost per locomotive.	Remarks.
				Rs.	
1	1930-31 ..	7	G2	51,729	
2	.. ..	2	YD	77,680	
3	1931-32 ..	18	YD	77,680	
4	1932-33 ..	15	YD	73,396	
5	1933-34 ..	13	YD	84,183	These locomotives were fitted with Poppet Valve gear. These figures are estimated ones. Completion costs are not yet available, but they will probably be lower than the estimated ones.
6	1934-35 ..	2	YD	84,183	
7	.. ..	14	YB	81,264	

**Mr. V. V. Giri :** May I ask the Honourable Member, apart from the assembling of parts of locomotives, whether there is any real manufacture of locomotives in Ajmer Workshops ?

**Mr. P. B. Rau :** I think the position was fully explained by the Honourable the Railway Member the other day. What the Ajmer Workshops do, to the best of my knowledge, is to purchase a certain amount of fittings and parts. They do not, I believe, manufacture all the parts of the locomotives themselves.

**Mr. V. V. Giri :** Can the Honourable Member give us information as to what parts are manufactured in Ajmer Workshops or at least can he give us that information at a future date ?

**Mr. P. B. Rau :** I should have notice of that question, Sir.

**Mr. T. S. Avinashilingam Chettiar :** What percentage of parts are manufactured in Ajmer Workshops and what percentage of parts are imported ?

**Mr. P. B. Rau :** I should like to have notice of that question, Sir.

#### SALOONS AND INSPECTION CARRIAGES ON EACH RAILWAY.

362. **\*Mr. V. V. Giri :** (a) Will Government be pleased to state the number of saloons that were utilised, without ordering for new ones, by pooling the existing stock on different Railways ?

(b) What is the present number of saloons and inspection carriages on each Railway ?

(c) Is it a fact that nearly 40 per cent. of the officers have saloons provided for them and if not, what is the actual percentage ?

(d) Will Government be pleased to state the annual costs of repair and maintenance incurred on saloons on each Railway since 1931 ?

**Mr. P. B. Rau :** (a) and (b). The latest information available is in the statement placed before the Standing Finance Committee for Railways in June, 1934, and contained in the Proceedings of their Meeting, Volume XI, No. 2. The extent to which pooling has been resorted to is shown in that statement.

(c) The percentage differs on different railways. The percentage for each railway will be found in the statement I have referred to.

(d) I regret that the information is not available as accounts for reserved inspection carriages are not kept separately.

#### RENEWAL OF WAGONS ON INDIAN RAILWAYS.

363. **\*Mr. V. V. Giri :** Will Government be pleased to state whether it is a fact that the Indian Railway Conference Association have pressed for renewal of nearly 21,900 wagons on Indian Railways ? If so, will Government be pleased to state the data on which the Association came to the above conclusion ?

**Mr. P. B. Rau :** The Operating Committee of the Indian Railway Conference Association expressed the opinion that at present 21,923 wagons are uneconomical to run and has recommended that they should be re-conditioned or replaced during the three years commencing 1936-37.



The opinion of the Committee is based on a consideration of the ages of the wagons, the cost of a periodical overhaul for certain types compared with the average cost and their unsuitability to conform with and to stand up to modern traffic conditions.

**Mr. V. V. Giri :** Have they submitted any report ?

**Mr. P. E. Rau :** I think, Sir, they have sent a letter to the Government of India on the point.

**Mr. V. V. Giri :** Will that letter be placed before the Railway Standing Finance Committee for consideration ?

**Mr. P. E. Rau :** No, when proposals are placed before the Standing Finance Committee for re-conditioning or purchasing wagons, the information contained there will be available to them.

#### ENQUIRY INTO THE CONDUCT OF AN IMPERIAL SERVICE OFFICER.

364. **\*Mr. Muhammad Azhar Ali :** Will Government please state how many officers of the Imperial Service have been tried under Act XXXVII of 1850, and how many of them were tried by one Commissioner and how many by two or more ?

**The Honourable Sir Henry Craik :** I would refer the Honourable Member to the answer given to Sardar Mangal Singh's starred question No. 313.

#### PRESSES AND NEWSPAPERS PUNISHED IN CONNECTION WITH ARTICLES ON THE SILVER JUBILEE FUND OR THE QUETTA EARTHQUAKE RELIEF.

365. **\*Pandit Sri Krishna Dutta Paliwal :** Will Government be pleased to state the names of the presses and papers whose securities have been confiscated, or from whom securities have been demanded under the Press Act, in connection with the articles on the Silver Jubilee Fund or the Quetta earthquake relief, together with the amount of securities demanded or confiscated from each ?

**The Honourable Sir Henry Craik :** I lay on the table a statement which gives the information desired.

*Statement showing action taken against newspapers and presses under the Indian Press (Emergency Powers) Act, 1931 for Publication of articles on the Silver Jubilee Fund and the Quetta Earthquake Relief.*

Serial No.	Name of newspaper or Press.	Amount of security demanded.	Amount of security forfeited.	Remarks.
		Rs.	Rs.	
1	Bandemataram, Calcutta ..	500	..	For publication of an article on the Silver Jubilee celebrations.
2	Santi Press, Calcutta ..	500	..	Ditto.

Serial No.	Name of newspaper of Press.	Amount of security demanded.	Amount of security forfeited.	Remarks.
		Rs.	Rs.	
3	Kistna Patrika, Masulipatam ..	2,000		For publication of an article or articles on the Quetta Earthquake Relief.
4	Trilinga, Madras ..	1,500		Ditto.
5	Dhinamani, Madras .. ..	2,000		Ditto.
6	Prabhat, Mangalore .. ..	2,000		Ditto.
7	Mangalore Press, Mangalore ..	2,000		Ditto.
8	Indian Express Press, Madras	2,000	..	Ditto.
9	Free Press Journal, Bombay ..		10,000	Ditto.
10	Free Press Bulletin Press, Bombay .. .. .		10,000	Ditto.
11	Khilafat Daily (or Roznama-e-Khilafat), Bombay ..	1,500		Ditto.
12	Khilafat Press, Bombay ..	1,500	..	Ditto.
13	Bombay Standard, Bombay ..	..	1,000	Ditto.
14	Sun Printing Press, Bombay ..	1,000		Ditto.
15	Siyasat Hyderabad (Sind) ..	1,000		Ditto.
16	Chandan Electric Printing Press, Hyderabad (Sind) ..	1,000		Ditto.
17	Khadim Quadim, Calcutta ..	500		Ditto.
18	Kamah Press, Calcutta ..	500	..	Ditto.
19	Medina, Bijnor ..	..	1,000	Ditto.
20	Vikas, Saharanpur .. ..	1,000		Ditto.
21	Shujaat, Lahore ..	1,000		Ditto.
22	Hindustan Press, Lahore ..	1,000	..	Ditto.
23	Tej, Delhi .. .. .	..	1,000	Ditto.
24	Qaumi Gazette, Delhi ..	1,000		Ditto.
25	Arjun, Delhi .. ..	..	2,000	Ditto.

**Pandit Sri Krishna Dutta Paliwal :** Will Government be pleased to lay on the table copies of the offending articles?

**The Honourable Sir Henry Craik :** I think we have got them all, at any rate I am quite prepared to lay such as we have.

## NON-APPOINTMENT OF AN INDIAN AS PRESIDENT OF THE TARIFF BOARD.

366. \*Pandit Sri Krishna Dutta Paliwal : Will Government please state the reason or reasons for not appointing an Indian as President of the Tariff Board in place of Mr. Wiles ?

The Honourable Sir Muhammad Zafrullah Khan : Mr. Fazal Ibrahim Rahimtoola was appointed President of the Tariff Board in place of Mr. Wiles, and the question, therefore, does not arise.

## MEMBERS OF THE INCOME-TAX ENQUIRY COMMITTEE.

367. \*Pandit Sri Krishna Dutta Paliwal : (a) Will Government be pleased to state the names of the members of the Income-tax Inquiry Committee ?

(b) How many of them are Indians ?

The Honourable Sir James Grigg : I would refer the Honourable Member to the reply to question No. 35 asked by Sardar Sant Singh. The enquiry will be conducted by two experts from the British Inland Revenue and one Indian member of the Indian Income-tax Department.

## PROHIBITIVE DUTY ON CLOVE IMPORTS AND PROTECTION AGAINST INDEFINITE MORATORIUMS DEMANDED BY INDIANS IN ZANZIBAR.

368. \*Pandit Sri Krishna Dutta Paliwal : Are Government aware that Indians in Zanzibar at a mass meeting on the 16th June, 1935, demanded prohibitive duty on clove imports and protection against indefinite moratoriums ? If so, what steps, if any, have Government taken, or propose to take, to see that these demands are fulfilled ?

Sir Girja Shankar Bajpai : The answer to the first part of the question is in the affirmative. As regards the second part I would refer the Honourable Member to the answers I have already given during this Session to the numerous questions about Indian grievances in Zanzibar.

## CONSIGNMENTS OF GOODS FOR INDIAN IMPORT THROUGH EMPIRE SHIPPING.

369. \*Pandit Sri Krishna Dutta Paliwal : (a) Is it a fact that Government issued a circular letter to all the Local Governments, asking them to suggest to the major municipalities of their provinces that exporters should be directed to consign goods for Indian import through Empire shipping ?

(b) Will Government be pleased to lay a copy of the circular on the table of this House ?

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

(b) A copy of the letter is laid on the table.

FROM H. S. MALIK, ESQUIRE, I.C.S., DEPUTY SECRETARY TO THE GOVERNMENT OF INDIA, DEPARTMENT OF COMMERCE, TO ALL LOCAL GOVERNMENTS AND ADMINISTRATIONS. No. 33-M.I.134, DATED NEW DELHI, THE 22ND MARCH, 1935.

SUBJECT :—*Utilisation of British Shipping for the carriage of cargo to and from the countries of the British Commonwealth.*

I am directed to refer to the letter, which was forwarded with the letter from the Government of India, Home Department, No. F. 55133-Enta., dated the 23rd March,

1934, requesting officers entitled to Lee Concession passages to travel by Empire Ships. It was pointed out in that letter that the promotion and development of Imperial trade are dependent to a large extent upon the maintenance of the shipping of the British Empire and that this Shipping is at present meeting with severe and unequal competition from State-aided foreign lines.

2. I am to say that, in order to secure the growth and maintenance of Imperial Shipping which is an interest of the whole Empire, it has now been suggested that public or semi-public organisations concerned with the shipment of produce or the importation of goods from overseas should give the fullest possible employment to Empire ships. I am accordingly to request that, if there is no objection, Port Trusts, important municipalities and other local bodies under the control of the Government of Bengal your control may be addressed in the matter. etc.,

**Mr. S. Satyamurti :** Why did they do that ?

**The Honourable Sir Muhammad Zafrullah Khan :** A copy has been laid on the table, because it has been asked for.

**Mr. S. Satyamurti :** Surely my Honourable friend must take it a little more seriously. I am asking why this Government issued this circular letter.

**The Honourable Sir Muhammad Zafrullah Khan :** I beg your pardon.

**Mr. S. Satyamurti :** I thought it was very obvious.

**The Honourable Sir Muhammad Zafrullah Khan :** It was not so. If it were so, I would have replied to the question certainly. The letter was issued in order to encourage Empire shipping as against non-Empire shipping.

**Mr. S. Satyamurti :** What is the proportion of Indian shipping in Empire shipping ?

**The Honourable Sir Muhammad Zafrullah Khan :** The question does not arise out of my reply.

**Mr. S. Satyamurti :** Yes, it does. I am asking what is the benefit to this country by asking Local Governments to suggest to their major municipalities that exporters should be directed to consign goods for Indian import through Empire shipping. I want to know what is the benefit to this country.

**The Honourable Sir Muhammad Zafrullah Khan :** As I have already said, the question does not arise out of my reply.

**Mr. S. Satyamurti :** It is for you, Sir, to rule.

**Mr. President (The Honourable Sir Abdur Rahim) :** The Honourable Member had better put down another question.

**Mr. S. Satyamurti :** That will be Delhi Session, Sir.

**Mr. T. S. Avinashilingam Chettiar :** Is that a suggestion or an order, Sir ?

**The Honourable Sir Muhammad Zafrullah Khan :** It is not an order.

**Mr. S. Satyamurti :** Was this Government asked by the British Government to issue this communiqué, or was it a spontaneous act of Empire loyalty ?

**The Honourable Sir Muhammad Zafrullah Khan :** If my Honourable friend will put down a question on the subject, I will ascertain and give a reply.

**Mr. S. Satyamurti :** I shall put down a short notice question, and I hope the Honourable Member will be able to give me a reply.

**The Honourable Sir Muhammad Zafrullah Khan :** I will not accept short notice. It is not a matter of urgency.

**Mr. S. Satyamurti :** Then, I ask for a definite ruling from you, Sir.

**Mr. President (The Honourable Sir Abdur Rahim) :** If the Honourable Member is not prepared to accept short notice, what can the Chair do ?

**Mr. S. Satyamurti :** I am asking for a ruling, Sir. My question is this, did Government issue the circular out of their own spontaneous loyalty, or was there any suggestion, direct or indirect, by the British Government to the Government of India ? This supplementary question arises out of part (a) of the original question.

**The Honourable Sir Muhammad Zafrullah Khan :** My reply is that I require notice of that question.

#### EXTERNEE OR EXILED PERSONS NOT ALLOWED TO RETURN TO INDIA.

370. \***Pandit Sri Krishna Dutta Paliwal :** (a) Will Government be pleased to state the names of the persons who have been externed or exiled from India, as also of those who are not allowed to return to their motherland ?

(b) Do Government propose to allow them to return to their country ? If so, when ? If not, why not ?

**The Honourable Sir Henry Craik :** (a) and (b). There are only two British Indian subjects who have applied for and been refused facilities to return to India during the past ten years. One is Sailendra Nath Ghose with whose case I dealt very fully in the replies given in this House on the 15th August, 1934, and 1st April last to Messrs. Mitra's and Satyamurti's questions Nos. 622 and 1287, respectively, and the supplementary questions thereon. I have nothing further to add to what was stated by me on those occasions. The second is Benoy Roy Chaudhuri who was released from detention under Regulation III of 1818 and allowed to go to Europe for medical treatment on the understanding that if he returned to India without permission he would again become liable to detention under the Regulation.

**Pandit Sri Krishna Dutta Paliwal :** May I know what are the offence or offences for which these people have been externed ?

**The Honourable Sir Henry Craik :** There is no question of an offence.

**Mr. T. S. Avinashilingam Chettiar :** Then why were they refused permission ?

**The Honourable Sir Henry Craik :** I have explained that in the case of Sailendra Nath Ghose at considerable length. As regards the other person, Benoy Roy Chaudhuri, he has not been allowed to return to India, because his presence in this country would be a source of

danger to the public peace, but, as a matter of fact, his case is at the moment under consideration.

**Mr. S. Satyamurti :** Did Mr. Subhash Chandra Bose apply for permission to return to India ?

**The Honourable Sir Henry Craik :** No.

**Mr. S. Satyamurti :** He has not applied ?

**The Honourable Sir Henry Craik :** No.

**Mr. M. Asaf Ali :** Is he free to come back ?

**The Honourable Sir Henry Craik :** That does not arise ?

**Mr. M. Asaf Ali :** The question was : Will Government be pleased to state the names of the persons who have been externed or exiled from India, as also of those who are not allowed to return to their motherland. And my supplementary question is, whether Mr. Subhash Chandra Bose is free to come back to India. That arises out of, "as also of those who are not allowed to return to their motherland".

**The Honourable Sir Henry Craik :** The question asked me to state the names of the persons who have been externed or exiled from India.

**Mr. M. Asaf Ali :** See the latter portion, "as also of those who are not allowed to return to their motherland." My question is, is Mr. Subhash Chandra Bose free to return to India ?

**The Honourable Sir Henry Craik :** So far as I know.

**Mr. M. Asaf Ali :** May I know whether Mr. Hardyal and Barendra Nath Chattopadhyaya are free to come back to India ?

**The Honourable Sir Henry Craik :** So far as I am aware, Mr. Hardyal is free to come back to India. I have no information that he is not.

**Mr. M. Asaf Ali :** He is free to come back ?

**The Honourable Sir Henry Craik :** Of course, if he takes the consequences.

**Mr. M. Asaf Ali :** What about Mr. Barendra Nath Chattopadhyaya ?

**Members on the Congress Nationalist Benches :** We cannot hear anything on this side.

**Mr. M. Asaf Ali :** Is Mr. Barendra Nath Chattopadhyaya free to come back to India—Mr. Sarojini Naidu's brother ?

**The Honourable Sir Henry Craik :** So far as I know, he is but the Honourable Member had better put down a question.

**Dr. Khan Sahib :** Is Kazi Abdul Wali free to return to this country ?

**The Honourable Sir Henry Craik :** The Honourable Member had better put down a question. I have not got his name here, but I imagine he is free. In any case, the Honourable Member had better put down a question.

**Pandit Sri Krishna Dutta Paliwal :** What about Raja Mahendra Pratap ?

**The Honourable Sir Henry Craik :** I have explained in answer to a previous question. He is not a British Indian subject to the best of my belief.

RACIAL DISCRIMINATION IN THE EAST INDIAN RAILWAY HOSPITAL AT TUNDLA.

371. \*Pandit Sri Krishna Dutta Paliwal : (a) Is it a fact that in the East Indian Railway Hospital at Tundla, European and Anglo-Indian nurses attend to the Indian patients only in specific cases, when the District Medical Officer considers it necessary ? If so, will Government be pleased to state the reason or reasons for this racial discrimination ?

(b) Is it also a fact that Indians are not allowed to use the swimming bath at Tundla ? If so, why ? Do Government propose to remove this racial discrimination ?

**Mr. P. R. Rau :** (a) Government are informed that this is not the case and that there is no racial discrimination in the matter of nursing in the medical department of the East Indian Railway.

(b) Government understand that the swimming bath at Tundla is run by the European Institute Swimming Club, whose members pay subscriptions from which the expenses of water, electric current, etc., are met, and that no demand has so far been made by the Indian community for a swimming bath.

**Mr. E. H. M. Bower :** In view of the obvious inference from part (a) of the question that Indian patients prefer to be attended to by European and Anglo-Indian nurses, will Government see that the proportion of European and Anglo-Indian nurses in hospitals is not reduced ?

**Mr. P. R. Rau :** I do not think that arises out of this question.

**Mr. S. Satyamurti :** With reference to the answer to part (b) of the question, does the Railway Authority make any contribution to this institution ?

**Mr. P. R. Rau :** I think the swimming bath was probably built at the expense of the railway, but the maintenance is by the European Institute.

**Mr. T. S. Avinashilingam Chettiar :** Is it entirely maintained by the European Institute ?

**Mr. P. R. Rau :** I understand that the members pay subscription from which the expenses of water, electric current, etc., are met.

**Mr. S. Satyamurti :** Does the Railway Authority contribute any portion of the expense of maintaining this bath ?

**Mr. P. R. Rau :** I must have notice of that question. They say that the expenses of water, electric current, etc., are met by the subscriptions that the members pay. But there may be other items of expenditure on maintenance which I am not sure of.

**Mr. S. Satyamurti :** Will the Honourable Member make an enquiry and find out whether there is any racial discrimination practised, and, if so, will he see that it is removed ?

**Mr. P. R. Rau :** I am sure that if the Indian members of the staff form a club and are prepared to pay for the expenses of water, electric current, etc., the administration would be prepared to allot to them certain time in which they can use the bath.

**Mr. T. S. Avinashilingam Chettiar :** Supposing the members of the Indian community who want that are few, will the benefit of this Club be denied to them on racial grounds ?

**Mr. P. B. Rau :** That is a hypothetical question.

MOTION FOR ADJOURNMENT.

GOVERNMENT CIRCULAR PROHIBITING THE CONGRESS ASSEMBLY PARTY COMMITTEE TO ENQUIRE INTO AND REPORT UPON THE ADMINISTRATION OF THE REPRESSIVE LAWS IN BENGAL.

**Mr. President** (The Honourable Sir Abdur Rahim) : Order, order.

12 NOON. I have received notice from Mr. Paliwal that he proposes to ask for leave to move a motion for the adjournment of the business of the House today for the purpose of discussing a definite matter of urgent public importance, namely, the issuing of a circular by the Government of India prohibiting the work of the Committee appointed by the Congress Assembly Party to enquire into and report upon the administration of the repressive laws in Bengal. I should like to know from the Honourable Member how he thinks his motion is in order. A number of questions have been asked in this House on this subject already.

**Pandit Sri Krishna Dutta Paliwal** (Agra Division : Non-Muhamadan Rural) : The questions did not lead to any discussion. We understood only yesterday in reply to certain questions that a circular has been issued by the Government.

**Mr. President** (The Honourable Sir Abdur Rahim) : Does this matter refer to Mr. Mohan Lal Saksena's visit to Bengal ?

**Pandit Sri Krishna Dutta Paliwal** : Mr. Mohan Lal Saksena has received an answer from the Home Member that the circular is a confidential one and Government are not prepared to disclose it in the public interest.

**The Honourable Sir Henry Craik** (Home Member) : I do not admit that there was a circular.

**Mr. S. Satyamurti** : Do you deny it ?

**The Honourable Sir Henry Craik** : Why should I deny it ?

**Mr. President** (The Honourable Sir Abdur Rahim) : Does your motion refer to Mr. Mohan Lal Saksena's visit and to the prohibition to make this inquiry ?

**Pandit Sri Krishna Dutta Paliwal** : The point is that a circular has been issued by the Government of India to all the Local Governments prohibiting the inquiry which the Congress Party was conducting and putting impediments in the way of that inquiry.

**The Honourable Sir Henry Craik** : No such circular was issued.



## CIRCULAR REGARDING GOVERNOR GENERAL'S ADDRESS TO THE MEMBERS OF THE INDIAN LEGISLATURE.

**Mr. President** (The Honourable Sir Abdur Rahim) : Honourable Members are aware that His Excellency the Governor General will address the Members of the Indian Legislature on Monday, the 16th September, 1935, at 11 o'clock in this Chamber. In connection with the said Address, the Secretary of the Legislative Assembly has issued Circular No. LXXII, dated the 21st August, 1935, informing Members about the dress which is to be worn on the occasion. He has also suggested therein that Honourable Members should arrive at the Chamber by a specified time. Mr. Sri Prakasa has given notice of a question asking under what authority such Circulars are issued by the Secretary and has also informed the Chair that there are several other Honourable Members who are also interested in this matter. The question referred to is not admissible as it relates to a matter which is not primarily the concern of the Governor General in Council, but I think it desirable to make a statement in the House to clarify the position.

Under sub-section (3) of section 63-B of the Government of India Act, the Governor General has the right of addressing the Legislative Assembly and may for that purpose require the attendance of its Members. In exercise of this right, the Governor General, by a written order, fixes the place, date and time of the Address which is communicated to Honourable Members by the Secretary of the Legislative Assembly. Under instructions from His Excellency, the Military Secretary informs the Secretary of the Assembly as to the dress which should be worn by Honourable Members on the occasion of the Address, and the Secretary of the Assembly communicates these instructions to Members through a circular. The Secretary in such cases merely acts as a medium between the Governor General and the Members of the Assembly just as the Secretary of the Council of State does as far as the Council of State is concerned. I may also point out that the Legislative Assembly Department is included in the portfolio of the Governor General.

Honourable Members are aware that the traffic outside the Assembly Building is regulated by the Police who are under the administrative control of the Local Government. With a view to avoiding congestion of traffic at the time of His Excellency's arrival at the Assembly Building on the day of the Address, the Police always issue special instructions to close all avenues and approaches to the Building before 11 A.M. In order that the Honourable Members may not be put to any inconvenience on account of Police instructions regarding the regulation of traffic outside, the Secretary in his Circular suggests to them that they should arrive at the Chamber by a particular time.

I may inform Honourable Members that the procedure of issuing such a Circular to Members of the Legislative Assembly is not a new one, but has been followed since 1921 and no objection whatsoever has been taken before.

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## THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL—*contd.*

### AMENDMENT OF SECTION 51.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Assembly will now resume further consideration of the following motion moved by

the Honourable Sir Henry Craik on Tuesday, the 3rd September, 1935, viz. :

" That the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes (*Amendment of section 51*), be referred to a Select Committee consisting of Mr. Sham Lal, Qazi Muhammad Ahmad Kazmi, Mr. M. Asaf Ali, Mr. M. Ananthasayanam Ayyangar, Mr. Muhammad Azhar Ali, Mr. M. Ghiasuddin, Mr. Lalchand Navalrai, Mr. T. Chapman-Mortimer, Captain Rao Bahadur Chaudhri Lal Chand, Mr. A. G. Clow, Mr. J. M. Chatarji and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

**Prof. N. G. Ranga** (*Guntur cum Nellore : Non-Muhammadan Rural*) : When this Bill was brought before this House for circulation, I wanted the Honourable the Home Member to give me an assurance that the peasants' associations also, wherever they have existed, should be circulated on this Bill, with a view to ascertain their views. I find from the papers that have been circulated in this House and the opinions that have been obtained by the Government of India that not even one peasants' association has been approached for its opinion anywhere in this country. Sir, if this Bill is to benefit any one at all, it must be the industrial workers, agricultural workers and peasants mostly and I find that not even the Trade Union Congress has been sounded for its opinion and, of course, the agricultural workers have not been approached at all for their opinion. We find here opinions of High Court Judges and other Government officials, of Chambers of Commerce, big merchants, Nattukottai Chettiaris and several others who are deeply interested in the moneylending business or whose relatives are themselves moneylenders. Naturally any Bill, however little it may affect adversely the interests of the moneylender, will be abnoxious to them and, therefore, it is no wonder that many of these opinions are opposed to this harmless and even inadequate Bill. Even in case, where the Governors in Council are in favour of this particular Bill, District Magistrates, Judges and several other officers are found to be opposed to this. High Court Judges, especially in the Punjab, Bengal and the United Provinces have supported this Bill and yet some judges have thought it fit to note their individual opinions against this Bill and several District Judges are found opposing this Bill. Sir, if this is the way in which opinion is canvassed in this country, for a Bill which is expected to benefit peasants and workers industrial and agricultural, and other masses even to the slightest possible extent, then it would be impossible to find on record any opinion which will be found to be in favour of a Bill like this. I, therefore, Sir, again submit for the consideration of this House, as well as of the Government, that at least in future, whenever any such Bill is proposed to be circulated in this country, proper steps should be taken so that the people who will be materially benefited by a Bill like this should themselves be consulted and their opinion canvassed and their feelings ascertained, so that this House as well as the Government will be in a better position to judge how the real public opinion in this country stands. Sir, I find that only a few District Judges and one Governor in Council and one acting Governor were in favour of the main principle that imprisonment for debt should be abolished altogether. Yet one of them, the Director of Industries, Madras, maintains, that this question of imprisonment for debt cannot be taken up now seriously by legislators in view of the fact that opinion in its favour or against it has not been properly canvassed in this country. If only this Bill had been placed and circulated amongst

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peasants, then this Government as well as this House would have been overwhelmed with their definite view in favour of the abolition of imprisonment for debts. Sir, with regard to this barbaric practice of handing over not only the property, not only the assets, movable and immovable but also the persons of the unfortunate debtors to the creditors for whatever they may like to do with those assets.

Sir, I am reminded of the days of Shylock when for every pound of gold pound, that had remained unpaid, a pound of flesh was demanded. Sir, if in these days a pound of human flesh is not demanded, at least a more valuable asset, the living flesh, is being demanded by our moneylenders in this country in satisfaction of the monies owing to them. Sir, when money is lent to anybody, we expect the moneylender to do so not because he has the vicarious right of putting this particular man in jail but because he has a faith in the property owned by that debtor, movable and immovable and also in the credit possessed by that man. It is quite true that credit in any country will become impossible if the creditors can have no faith in the honesty and straightforwardness of the debtors. But, at the same time, it is not fair to expect debtors to be constantly afraid of this particular contingency that some day they may fail in their business owing to some unforeseen circumstances like the earthquake or a cyclone or some economic depression, when their assets may shrink suddenly, and they may then find themselves in a helpless and hopeless condition and unable to pay their debts and, therefore, they have to stand this risk, this inhuman risk of being put in jail for no fault of their own. Sir, it is not fair to subject the debtors of this country in their millions to this terrible and inhuman risk. It would not have mattered if only this risk had remained there unused and disused, but unfortunately it has been so badly used and taken advantage of by moneylenders and so very badly and inhumanly permitted by the judges that millions of the poor people are placed in this unhappy position.

Sir, we were charged during the course of the last few days' debate in one breath of not having any faith in our judges and in another breath of having a faith in our judges. Yet while our judges seem to me, sometimes, especially in criminal matters, to be a little more favourable to us than the executive, the judges in civil affairs seem to be, Sir, with due respect for your profession, seem to be very much on the side of the moneyed classes, very much on the side of the powerful and the influential and the privileged classes, very much on the side of the moneylenders. It is very difficult, Sir, anywhere in this country, to find many district Munsifs or judges who really can be said even to be impartial as between creditors and debtors. Invariably it has been found in our experience, namely, that of the peasants, that judges have weighted the scales against the debtors, against the poor, against the peasant, against the worker, and it is not an unfair criticism, it is not an unfair statement of the conduct of the Courts for me to have to state, on behalf of the poor peasants and workers in this country, that the poor peasants and workers in this country have lost their faith in the Courts, at any rate in the civil Courts of this country,—not because the peasants and workers are dishonest, not because the peasants and workers are not anxious to have justice, not because the peasants and workers themselves are not willing to be on the side of justice, but because justice has not been doled out by the so-called suppliers of justice, the Courts, to the poor peasants and the workers of this country. If in any

other country they had been faced with an economic depression half as serious, half as bad as we have been faced with, the peasants there would certainly have received very much better and more lenient treatment than they have been permitted to receive from the hands of our Courts and judges in this country. Sir, in thousands and thousands of cases the moneylenders have allowed themselves to be panicky and to be harassed by bigger moneylenders and have rushed down upon the poor peasants and workers with their demands for the liquidation of their debts. Sir, what has happened in the innumerable villages we have, in the last five years, is not very dissimilar to a run on a bank that we come across now and then in the western countries, and yet what have those western Governments done, Sir, on such occasions? In Germany, when there was a similar run on the Reichsbank, the Government of the day issued a decree that the bank should close its doors and any creditor who insisted upon the payment of his total deposits was liable to be put in jail for a certain period. Again, Sir, in America there was a similar run and a disastrous run on banks in 1929 and 1930, and similar and equally momentous steps were taken by Government there to protect their banks and also to protect the depositors from committing economic suicide. But here in this country we have found our Government doing nothing at all, we have found our Government napping, we have found our Government snapping their fingers at anybody who dared to mention any idea. We have found our Government talking even of muddleheadedness when anyone had the courage or good sense to bring forward, for the consideration of this Government, any idea of economic planning or economic reconstruction,—which is the vogue of the day everywhere else in the world. At least, thanks to the experience that our Home Member has had in that agrarian province of the Punjab, we are faced now today with this very inadequate Bill. It does not go far enough at all. It does not touch even the fringe of the problem and it still keeps that obnoxious provision that a man may still be put into jail for not having been able to pay his debts. It still keeps that provision according to which, in the opinion of the Courts, a man may be put into jail for very flimsy and very trivial reasons. A man may not be able to find money in his own house, in his own village or in his neighbourhood and he may be thinking of going to some other village in his neighbourhood and bringing some money in order to pay off his debt. And yet, if by any chance, he goes beyond the particular geographical limit prescribed by the Court for its own jurisdiction, he is liable to be hauled up and put into jail. If it is found that after a due inquiry has been held by the Court the man has been unable to pay the decretal sum within the ten days that are prescribed here, it would be impossible for him to escape from the clutches of the jailor and of the civil debtors' jail. And yet my Honourable friend, Mr. Clow, looked a bit surprised when I said that this Bill does not even touch the fringe of the problem.

Why is it that Government are really so very solicitous about the needs of the moneylenders? Is it because the moneylenders, apart from being able to put their debtors into jail, are not able otherwise to recover their sums? If they are afraid that a man may try to alienate his property, it is still open to them to approach the Court to give an injunction so that all movable properties as well as the standing crops could be attached. It would still be open to them to approach the Courts for attaching the immovable properties of the

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debtors. It would still be open to them to see that any sale deeds that may be registered after the decree has been issued should be cancelled. If these provisions and if these safeguards are not enough to enable the moneylenders to recover their debts, then, Sir, the proper solution is not that the judgment-debtors should be sent to jail but that moneylenders should cease lending any money at all. Among the opinions circulated to us I find an opinion expressed by the Secretary of the Madras Provincial Co-operative Bank. This bank is the biggest money-lender in the whole of the Madras Presidency and even Raja Sir Anamalai Chettiar with all his crores and with all his credit at the Imperial Bank and other banks cannot claim to compete with this Co-operative Bank. And what is it that the Secretary of this bank says in regard to this particular Bill? He says that it does not go far enough. He goes even further and says that it is really barbarous in these days of 1935 to still keep on the Statute-book this wretched provision of putting civil debtors into jail. He maintains that there is no fear at all that, if this particular provision were to be removed, the debtors will not re-pay their debts and the creditors will not be able to recover their debts because, he says with great authority that nearly 70 crores of rupees is being borrowed every year for short term needs by peasants and is regularly re-paid. If Government want any other facts, they are themselves in possession of some remarkable facts. Let them look into the statistics they have got in regard to the operation of the Agricultural Land Improvement Loans Act. Then they will be able to satisfy themselves that agriculturists have not been found wanting in their willingness to pay. They have always paid their debts to the fullest possible extent if their resources have permitted them to do so. Now, Sir, what is it that has happened during the last four or five years? Even the Imperial Bank has been able to recover a large portion of its own investments amongst the agricultural classes simply because it had more sense and more wisdom to grant sufficient times wherever it was needed for its debtors to re-pay their debts. But, unfortunately, our moneylenders have not been in all cases actuated by merely commercial or financial motives. In many cases they have been actuated by personal motives of malice, of envy and of jealousy. They have for a long time been coveting the lands of the agriculturists and, except in the Punjab, they have not been controlled in their powers for acquiring the land of their peasants. They have been anxious to become landholders so that they may raise their social status in this country of peasant proprietors. And they have found their best chance in the economic depression. Once they found that their debtors were not in a position to pay, they jumped on them, began to harass them and succeeded in their ambition of obtaining as much land as possible for their own use and thus depriving the poor peasants of their lands which they had inherited from their forefathers, which are their only assets and which they have come to love. Some timely steps were needed at that time to protect these peasants from these moneylenders and from their ravages. And yet the Government of India as well as the Provincial Governments have kept themselves mum. They, however, called an Economic Conference in order to throw off this responsibility of having to deal with the agrarian problems and especially the financial side of them on to the shoulders

of the provinces, so that the Central Government may not be harassed either by the Legislative Assembly or by any inconvenient public opinion. And what is it that the Provincial Governments have done? In the Punjab, I admit, something has been attempted to be done and they have passed certain laws which, if properly executed, might be able to relieve a portion of the agrarian distress. In the United Provinces as well as in the Central Provinces some action has been taken. In regard to the other provinces, however, we have had so far only a talk of introducing some Bills, ordering some investigations and attempting to do something to alleviate the distress of the peasants. Nothing more has been done and nothing more is likely to be done. In all these provinces we find that the moneylenders and all those who are dependent on them for their influence and for their return to the Legislatures are supremely powerful in the Legislatures and are not likely to allow any legislation, affecting adversely their interests and favouring the interests of the peasants, to be passed or to be approved. Even if some legislation had been passed as is the case in the Central Provinces and the United Provinces, Conciliation Boards had to be established and it is left to the decision of the Provincial Government whether timely action should be taken or not in appointing these Conciliation Boards. In the Central Provinces the Government have complained that they have not got sufficient money to appoint as many Boards as are needed. The peasants have been hard put to it to march on the Government House in order to ask for the constitution of these Conciliation Boards. These Conciliation Boards are not expected to simply cancel all the debts owing to the moneylenders by agriculturists. The Conciliation Boards are only expected to bring the two parties, the debtors and the creditors together and to bring about some sort of compromise between them so that the debtors might not be completely ruined. Even for such a laudable purpose the Government of the Central Provinces will not find money and the Central Provinces Government have had to ask the permission of the Government of India to devote some money out of the grant of one crore placed by the Government of India at the disposal of the Provincial Governments for the development of rural interests and the Central Provinces Government wanted to appoint four more Conciliation Boards out of this grant. At this rate, how many more years will it take in that Province for the peasants to gain even this little help and assistance from that legislation. If that is the state of affairs in a fairly advanced Province like the Central Provinces, and it is not very dissimilar in the United Provinces and the Punjab, then what are we to say of the plight of the peasants in all other provinces especially in Madras. No wonder that the Madras Revenue Board has, for once in all its life and career, committed the sin of expressing certain liberal views in regard to the peasants and their economic needs. The Madras Revenue Board has had the hardihood of imposing an enhancement of land tax upon district after district and even now proposes to impose another enhancement upon the Guntur District and it is carrying on resettlement operations in two other districts. Is this the time, Sir, when definite and strong and even revolutionary measures ought to have been taken by the Government of Madras as well as by other Provincial Governments, to relieve agricultural and economic distress, to think of imposing additional burdens upon the shoulders of peasants and workers? It is not

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only the Madras Government, it is not only the Provincial Governments, but also the Central Government which has been the culprit in this regard. In the last twelve years, even within the last five years how many crores of taxation have been imposed by the Central Government upon the shoulders of the peasants and workers? Their action is quite unconscionable. They have done it and yet the Honourable the Finance Member went the other day to Bombay and wanted to conciliate the monied classes, wanted to conciliate the industrial classes by offering them another hope, another promise, to fulfil which, of course, this Government never finds it very difficult although it would certainly not hesitate to disregard many more important and much needed assurances and pledges so far as the peasants are concerned. The Honourable the Finance Member would go to Bombay and assure them that if there were any surplus budget for the next year, he would take the earliest opportunity of utilising that surplus for the cancellation of the surcharge on income-tax. He would not think of the additional burdens which he himself and his predecessors have imposed upon the shoulders of the peasants, but he would think first of the moneylenders and the capitalists and the big industrialists who have been really growing fat, thanks to the Swadeshi movement, thanks to the Government of India and their anxiety to help only the rich and only the powerful and only the organised; he would remove the tax burden from off their shoulders.

I submit, Sir, that it is high time that this Government should try to do something for the peasants even at this late stage and they should try to incorporate the provisions of the Bill given notice of by my Honourable friend, Mr. Ananthasayanam Ayyangar, and by myself, and see that the poor agriculturists are placed at least on the same footing as the salaried employees are proposed to be placed, as the industrial employees are proposed to be placed and that this obnoxious provision of putting people into jail is completely done away with and removed from the Statute-book.

Sir, it has grieved me much to find that some Honourable Members, even on this side, got up, the other day and tried to oppose an absolutely inadequate Bill like this. If only I have been assured here of the presence of a sufficient number of Members on behalf of the peasants and workers and if only I had been sure of a sufficiently large number of people who are prepared to come here and speak in the name of the masses, I certainly would have opposed this inadequate measure. I would throw it away in preference to another Bill which would contain more suitable provisions and which would contain provisions for the abolition of the punishment of debtors by the way of sending people to jail for inability to pay their debts. But most unfortunately in this country, we have been obliged, thanks to the Government and its repressive policy, to go to the masses not with an economic programme, not with an economic mandate, but with a political programme which naturally precludes me from having the authority to say to the Honourable the Home Member that certainly the masses are not prepared to work a Bill like this and that they would like to have some other more suitable Bill. With these words, I support the motion for reference of the Bill to the Select Committee. I hope the Honourable the Home Member will try to go a little further and help the peasants in getting

these two remedial amendments also incorporated into this. If he does so, I can tell him that although he has earned many a bad feeling from this side of the House, for all the things he has most unfortunately been obliged to do here, in his capacity as the Home Member, certainly there would be some peasants here and there who will thank the man who fortunately has had some experience of the troubles of the peasantry in the Punjab and who has come forward with some sort of Bill to ameliorate the condition of the peasants.

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

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

### STATEMENT OF BUSINESS.

**The Honourable Sir Nripendra Sircar** (Leader of the House) : With your permission, Sir, I desire to make a statement as to the probable course of Government business in the week beginning Monday, the 16th September. You have already directed, Sir, that in that week the Assembly shall sit for Government business on Monday, the 16th, Wednesday, the 18th, and Friday, the 20th.

On Monday, the first business will be a motion for leave to introduce a Bill to remove certain doubts and to validate certain proceedings of the High Court of Judicature at Allahabad. Thereafter, business, if any, not concluded today will be taken up in the order in which it stands on today's list. Motions will then be made for taking into consideration and passing the following Bills :

- (1) The Central Provinces Courts (Supplementary) Bill,
- (2) The Provincial Small Cause Courts (Amendment) Bill,
- (3) The Indian Army (Amendment) Bill.
- (4) The Provincial Insolvency (Amendment) Bill,
- (5) The Indian Motor Vehicles (Amendment) Bill,
- (6) The Repealing and Amending Bill, and
- (7) The Factories (Amendment) Bill.

Business not concluded on Monday will be taken on Wednesday in the order in which it stands on Monday's list. On Friday, leave will be asked to introduce a Bill to provide for the creation of a fund for the promotion of the cultivation, manufacture and sale of Indian coffee. Thereafter, there will be a debate on the motion :

“ That the report of the Tribunal appointed to advise on the formulation of a financial settlement between India and Burma in the event of separation be taken into consideration.”

### THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL—contd.

#### AMENDMENT OF SECTION 51.

**Mr. N. V. Gadgil** (Bombay Central Division : Non-Muhammadan Rural) : Sir, my Honourable friend, Prof. Ranga, wants considerable relief for the agriculturists. I am bringing to the notice of the Honour-



[Mr. N. V. Gadgil.]

able the Home Member that in the Bombay Presidency there is a special enactment called the Deccan Agriculturists' Relief Act. Under that Act agriculturists as defined in section 2 are absolutely immune from arrest in execution of a money decree. In the present Bill although it claims to apply to all industrial labourers and agriculturists also, no absolute immunity from arrest has been provided. I am making this suggestion to the Select Committee that is proposed to be constituted under this motion that those provisions which deal with immunity from arrest in the Deccan Agriculturists' Relief Act may be taken into consideration, and that is the only justification for my intervening in this debate. There are other provisions in the said Act which also provide that no immovable property of an agriculturist can be attached or sold in execution of decree unless it has been specifically mortgaged. If the object of this Bill, as I understand it, is to give relief to agriculturists and to industrial labourers, I think those very healthy provisions in that Act should be inserted here as they have been found useful by experience extending over 50 years, for the said Act was passed in 1879. I think that experience can be usefully utilised by the Select Committee and the real object of the Bill can be further improved if those provisions are incorporated in the Bill at the Committee stage.

Mr. N. M. Joshi (Nominated Non-Official) : Sir, as I had already taken part in the discussion that took place in the Assembly during the last Session when the motion for circulation of this Bill was discussed, I shall not detain the House very long. Sir, the Bill before the House is a very modest, I should have said a very halting, Bill. It makes an inquiry obligatory upon the Courts before they permit debtors being detained in jail. It also prohibits imprisonment for failure to repay the debt, in those cases where it is proved that the debtor has no means of repaying his debt. But, Sir, the Bill permits imprisonment for failure to repay a debt where the Court feels that there is a likelihood of the debtor escaping from the jurisdiction of the Court, or where in the opinion of the Court the debtor has committed some fraud in order to avoid repayment of the debt, or in those cases where in the opinion of the Court the debtor has acquired property since he incurred the debt. Sir, I consider this Bill to be halting because I feel that it is wrong that a man should at all be put in jail for failure to repay his debt. It is a wrong thing for a man in the first place to pledge his personal freedom in order to secure a loan and it is also wrong for the State to help in the recovery of a debt by restraining a man's personal freedom. I also feel that when a man is imprisoned for failure to repay a debt we treat a civil wrong as a criminal offence. I hope, Sir, that when the Select Committee considers this Bill, it will widen the scope of the measure proposed by the Government of India. There are very few civilised countries at present in which people are sent to jail for failure to repay their debts ; and I should like the Government of India to take up a bolder attitude and get rid of what I may call this barbarous practice.

Going through the opinions circulated among the Members, opinions expressed by Provincial Governments and various organisations, I think there is a good deal of support for the proposals of the Government of India. I was somewhat surprised to hear criticism of this Bill, not that it was inadequate, but that it would not achieve its object, from

a Member of the Congress Party. My Honourable friend, Mr. Sri Prakasa, who I am sorry is not present here, made some statements which I was unable to follow. He said that he did not believe in any kind of imprisonment for any kind of wrong. But he said : " So long as you imprison people for criminal offences you have no right to remove imprisonment as a punishment for indebtedness." I know that my Honourable friend belongs to a group of people who may be whole-hoggers, but I feel that I cannot accept his logic. I am against all kinds of imprisonment as a penalty, but I shall be quite content, if I cannot secure the wiping out of imprisonment as a penalty, to secure relief from imprisonment even step by step. Then my Honourable friend, Mr. Sri Prakasa, said, that if you do not permit imprisonment for the failure to repay debt, you must at the same time compel banks or moneylenders to give loans where loans are necessary. I am not against compelling banks or moneylenders to give loans where loans are necessary. As a matter of fact, although not by law, by convention a doctor is bound to offer his services to a patient where he finds his services are necessary. So there is absolutely nothing wrong in compelling a man who has got money to give his money to any one who has the greatest need for it. At the same time, if I cannot secure a law compelling a moneylender to lend his money to the man who needs it, I am quite prepared to be content with having a law which will prevent at least imprisonment for the failure to repay a debt. A step is enough for me. The Honourable Member and several people who have expressed their opinions on the Bill have a fear that if imprisonment is not permitted for failure to repay debt, it will be difficult for people who need some loans to secure those loans. I am prepared to admit that there are occasions when loans become quite necessary ; and I am prepared to admit also that if you take away the easy means of recovering debts, it will not be so easy to secure loans. At the same time in India we experience that many people take loans simply because there are moneylenders who are willing to offer loans or there are moneylenders who will make their moneylending business attractive. The Royal Commission which investigated this problem came to the conclusion that if we take the advantages and disadvantages of restricting credit, on the whole there is an advantage in restricting credit to the person who takes loans. I, therefore, feel, that on the whole the poorer classes of the people will not suffer even though their credit is restricted and even though they may sometimes find it difficult to get a loan where a loan is absolutely necessary. I feel that when the Bill is considered by the Select Committee the Select Committee will try to improve it in the direction I have suggested.

**Mr. T. Chapman-Mortimer** (Bengal : European) : Sir, the intention of this Bill has been so clearly set out in the Statement of Objects and Reasons that I do not propose to detain the House for more than a very few moments to explain why I am supporting the motion of the Honourable the Home Member for reference of this Bill to a Select Committee. Even among the critics of the Bill there is general agreement as to its principles. We are all agreed that it would be a good thing to abolish imprisonment for debt, except in the case of a dishonest debtor : so that there is no real argument about the principle. If the Bill is passed I am quite sure that it will greatly help some day—not at once but one day—the problem of rural indebtedness ; because we all know

[Mr. T. Chapman-Mortimer.]

how great a hold the moneylender has over the debtor nowadays when he can always threaten him with imprisonment.

There are just a few small points that I should like to mention. First of all, it is very important that the Bill should contain, within it, a provision that it is for the debtor to show cause why he should not be imprisoned. That was one of the criticisms put up on the original proposals of the Government and we are all very glad to see that it has been incorporated in the Bill. The second point is that a slight amendment will probably be necessary to make it more difficult for a debtor to evade payment. At present, the debtor, if he wants to evade his creditors, may assign his property before he is actually brought into Court at all. We should like to see something in the Bill to make that impossible. Thirdly, there is the question of the kind of man who, though he does not go out of the jurisdiction of the Court, still is evading the Court's officers, so that they cannot serve a summons on him to show cause why he should not be committed to prison. That it does not provide for this is a weakness of the Bill which I have no doubt the Select Committee will very adequately deal with.

Lastly, there is the question of commercial debts. There are many people who support the principle of this Bill who are gravely anxious about it on administrative grounds. They feel that the fact that there is no provision in the present Bill for the retention of the existing powers whereby judgment-debtors in commercial transactions can be committed to prison is a very grave mistake. I am confident the Select Committee will deal very adequately with it.

These, Sir, are the only points that it is necessary to refer to now and I strongly support the motion for reference of this Bill to a Select Committee.

**The Honourable Sir Henry Craik** (Home Member) : Sir, before you put the motion, may I, with your permission, move an amendment :

“ That in the motion to refer to a Select Committee the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes, the name of Mr. J. A. Milligan be substituted for that of Mr. Chapman-Mortimer ” ?

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

“ That in the motion to refer to a Select Committee the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes, the name of Mr. J. A. Milligan be substituted for that of Mr. T. Chapman-Mortimer.”

The motion was adopted.

**The Honourable Sir Henry Craik** : Sir, I have nothing more to say before the main motion is put.

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

“ That the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes (*Amendment of section 51*), be referred to a Select Committee consisting of Mr. Sham Lal, Qazi Muhammad Ahmad Kazmi, Mr. M. Asaf Ali, Mr. M. Ananthasayanam Ayyangar, Mr. Muhammad Azhar Ali, Mr. M. Ghiasuddin, Mr. Lalchand Navalrai, Mr. J. A. Milligan, Captain Rao Bahadur Chaudhri Lal Chand, Mr. A. G. Clow, Mr. J. M. Chatarji and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

The motion was adopted.

## RESOLUTION *RE* REDUCTION OF IMPORT DUTY ON CARBON BLOCKS.

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

“ That this Assembly recommends to the Governor General in Council to accept the recommendation of the Tariff Board that the import duty on carbon blocks, such as are ordinarily used for the manufacture of carbon brushes for electrical motors and generators, be reduced from 25 per cent. to 15 per cent. *ad valorem*.”

Sir, the history of this matter is this. As the House is aware, the Tariff Board has power under Resolution No. 38-T (2) of the 28th March, 1925, to entertain applications directed towards obtaining the removal of tariff inequalities. Tariff inequality, I might be permitted to explain, means such inequality in the tariff duties upon finished articles imported into the country and on raw material out of which such articles may be manufactured in the country which lay a heavier burden upon the Indian manufacturer as compared with the manufactured article imported into the country. That is to say, if it is found that the raw material, which is manufactured in the country into a finished article, has to pay on the whole a heavier duty than the duty imposed upon the finished article, then the Indian manufacturer is entitled to claim that the burden should be equalised either by raising the duty on the finished article or by lowering the duty on the raw materials. Now, Sir, with regard to this particular matter which is now under the consideration of the House, an application was made to the Tariff Board with respect to the duties imposed upon the raw material required for the manufacture of carbon brushes. These brushes are used in electrical generators and motors, and the raw material required for the manufacture of these brushes consists principally of three articles, namely (1) carbon blocks, (2) flexible wire connecting these brushes with the rest of the machinery of the generator or the motor, and (3) patent cement which is used for connecting the wire to the brush. The duty payable on the finished article imported into India is ten per cent., the duty payable on carbon blocks out of which brushes are manufactured is 25 per cent., in each case *ad valorem*. The duty payable on the other two articles is 20 per cent. *ad valorem*. It does not necessarily follow that just because these duties vary and are at a higher rate on the raw material than on the finished article that there is an inequality of tariff. The inequality depends upon the proportion of the value of the raw material to that of the finished article. It may be that in certain cases the duty levied on the raw material may be higher than on the finished article so far as the rate is concerned, but when you take the sum total of the duty paid upon the raw materials which go to the manufacture of the finished article that sum total may be less than the duty on the finished article. In such a case, there would be no inequality of tariff. As a matter of fact, if the total of the duty paid on the finished article was found to be higher than the total duty on the raw material, there would be some advantage in that respect to the Indian manufacturer. If the House will bear with me, I might illustrate that with reference to this very article, carbon brushes, because if I give one or two simple illustrations, it would become easier for the House to follow the calculations made by the Tariff Board which are set out at page 3 of their Report. For the sake of illustration purely, take, Sir, the value of ten carbon brushes imported into India from outside, and let us assume that the landed cost of ten carbon brushes, without duty,

[Sir Muhammad Zafrullah Khan.]

is Rs. 50. Then, as I have explained, the duty being ten per cent. *ad valorem*, the duty payable in respect of these ten carbon brushes would be Rs. 5. Assuming that the value of carbon blocks required for the manufacture of ten carbon brushes were Rs. 12, the duty being 25 per cent. *ad valorem*, it would amount to Rs. three, and supposing that the cost of wire and cement required were Rs. five, the duty on these articles being 20 per cent. it would work out at Re. one. In this illustration, Sir, it would appear that the raw material required for the manufacture of ten carbon brushes would be liable to a total duty of Rs. four, and the finished article would be liable to a total duty of Rs. five. Therefore, there is no disadvantage to the Indian manufacturer. There is an inequality, but it is an inequality in favour of the Indian manufacturer, and no action in that case is necessary. Let me carry the matter a step further. Let us assume that the cost of carbon blocks required for manufacturing ten carbon brushes, were Rs. 16; then the duty at 25 per cent. would be Rs. four, and if the cost of cement and wire were Rs. five, the duty at 20 per cent. would be Re. one, and the total duty payable would be Rs. five on the raw material, and the total duty payable on the finished article being also Rs. five, there would still be no tariff inequality.

Now, Sir, let me go a step further. If we assume that the cost of the carbon blocks required is Rs. 20, the duty payable at the rate of 25 per cent. *ad valorem* would be Rs. five, and the duty on the other two articles, I mean cement and wire, being Re. one, the total duty payable on the raw material would work out at Rs. six, and the duty payable on the finished article being Rs. five in such a case there would at once be apparent a tariff inequality. In order to remove that tariff inequality, it would be necessary that the total duty of Rs. six payable on all these three articles should be reduced to Rs. five, and if on a consideration of the question it became apparent, as it has become apparent in this case for reasons that I shall give later, that it was feasible to reduce the duty only on one of these articles and not on all three of them, the reduction must take place in respect of one of these articles, that is to say, carbon blocks, from Rs. five to Rs. four. That is to say, the incidence of duty instead of being Rs. five on Rs. 20 at the rate of 25 per cent. should be reduced to Rs. four on Rs. 20, that is to say, it should be brought down to 20 per cent. instead of 25 per cent. This last illustration that I have given would show the method of determining whether there is or is not a tariff inequality and also of determining how it is to be adjusted. One more illustration would show how the adjustment would work out with different figures. Assume, that the cost of carbon blocks required for the manufacture of ten carbon brushes is Rs. 24, in that case the duty on the carbon blocks would be Rs. six, the duty on the other two articles would be Re. one, the total would be Rs. seven, and this Rs. seven, in order to remove inequality, would have to be reduced to Rs. five. And assuming that the inequality is to be adjusted out of the duty imposed on carbon blocks alone, the duty of Rs. six on Rs. 24 must be reduced to Rs. four on Rs. 24, that is to say, it would work out at the rate of 16.6 per cent. This is the method which the Board adopted, that is to say, they determined the total duty payable upon the finished article, deducted from it the duty payable upon wire and cement required, and held that the balance of the duty was the duty which should be imposed upon carbon blocks. They discovered that this adjustment necessitated that the duty on carbon

blocks instead of being 25 per cent. *ad valorem* should be reduced to 15.8 per cent. *ad valorem*, and the recommendation, therefore, is that the duty should be reduced to 15 per cent., ignoring .8 per cent. in order to give a tariff equality in this respect. This finding of the Tariff Board was accepted by the Government and Government issued a Resolution No. 38-T-(10), dated the 23rd March, 1935, saying that this recommendation of the Tariff Board had been accepted by them, that the matter being a small one they intended to take action under section 23 of the Sea-Customs Act instead of by legislation, but that before doing so they would place this matter before this House for their approval. I may explain that the total amount of revenue sacrificed in reducing this duty from 25 per cent. to 15 per cent. would be Rs. 9,600. The figures are, the value of imported carbon blocks, landed cost, *ex-duty* is at present Rs. 96,000, duty at 25 per cent. is Rs. 24,000, the total is Rs. 1,20,000. If the duty is reduced to 15 per cent. the amount of duty would be Rs. 14,400 and the sacrifice of revenue would be Rs. 9,600. As I have submitted to the House, it was open to the Tariff Board to do one of two things. They could either have recommended an increase in the duty on carbon brushes to an extent which would have equalised the incidence of this duty with that imposed upon raw materials, or they could have recommended, as they have recommended, a reduction of the duty on raw materials, and, as I have said, they have recommended a reduction of the duty only in respect of carbon blocks. They have adopted this latter course for the reason which they explain in their Report :

“The bewildering number and variety of carbon brushes which are imported would have made it impossible for the Board to calculate the effect on other industries of raising the duty on the finished product. An increase of duty on carbon brushes would affect the cost of electrical machinery generally and thus create an undesirable burden on consumers.”

On the other hand, the effect on the revenue, as I have explained, of reducing the duty on carbon blocks, would be very small, almost negligible. Then coming to the raw materials, they have confined their recommendation to carbon blocks alone, that is to say, they have recommended that the inequality should be removed by a reduction in the duty imposed upon carbon blocks alone without touching the flexible wire or patent cement, and for this reason. The customs authorities are satisfied that it would be quite easy for them to distinguish carbon blocks which are required for the manufacture of this kind of carbon brushes from other kinds of carbon blocks, so that the reduction would apply only to the raw material required for the purpose of manufacture of carbon brushes, whereas flexible wire and patent cement are required for a variety of purposes and, therefore, it would be difficult to reduce the duty in respect of these last two articles and confine it only to so much of them as are required for the purpose of manufacture of carbon brushes. That is the brief history of the matter. The House will realise that it is not a matter involving very large figures, but it is a matter in which those engaged in the manufacture of carbon brushes can put forward a legitimate claim that the burden should be equalised. With these observations, Sir, I submit this Resolution for the consideration of the House.

**Srijut N. O. Bardaloi** (Assam Valley : Non-Muhammadan) : On a point of information, Sir. May I ask how many factories there are in India which manufacture carbon brushes and how they will be affected by this reduction in duty ?

**The Honourable Sir Muhammad Zafrullah Khan :** My information is that there are two fairly substantial companies and a large number of small manufacturers not having large factories, and how they will be affected is that to the extent of Rs. 9,600 a year they will be helped in the manufacture of carbon brushes. That is to say, their costs will be reduced to the extent of a total of Rs. 9,600 per year. It will be some small help to them in order to develop this industry. At present the cost of brushes imported is about Rs. 1,50,000. More or less roughly half are imported and half are manufactured in the country, and if this reduction of duty helps the Indian manufacturer he might possibly be able to capture the remaining half of the market.

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

“ That this Assembly recommends to the Governor General in Council to accept the recommendation of the Tariff Board that the import duty on carbon blocks, such as are ordinarily used for the manufacture of carbon brushes for electrical motors and generators, be reduced from 25 per cent. to 15 per cent. *ad valorem*.”

**Mr. B. Das (Orissa Division : Non-Muhammadan) :** I rise to support the Resolution, and I am glad that the Honourable the Commerce Member has brought it up this Session. It ought to have been brought up last Session, but I do not know why it was not done so. The electrical manufacturing industry is rapidly growing in India. There are firms in Calcutta who are manufacturing electric fans, electric motors and electric dynamos and this little relief, however small it might be, will give them a chance to compete with the imported machinery. For a long time in India we cannot manufacture carbon brushes, although there is the necessary raw material—graphite to be found in India. It has only reached the stage of pencil manufacture in Madras and Calcutta and it has not gone to other articles that may be manufactured out of it. Therefore, the electrical manufacturing firms that are engaged in the making of dynamos, motors and fans will have long to depend on imported parts such as insulating materials, stampings, copper wires and so on and this relief, however slight it may be, is very welcome to the industry and, therefore, I support it.

**Mr. President (The Honourable Sir Abdur Rahim) :** The question is that the following Resolution be adopted :

“ That this Assembly recommends to the Governor General in Council to accept the recommendation of the Tariff Board that the import duty on carbon blocks, such as are ordinarily used for the manufacture of carbon brushes for electrical motors and generators, be reduced from 25 per cent. to 15 per cent. *ad valorem*.”

The motion was adopted.

### THE PAYMENT OF WAGES BILL.

**The Honourable Mr. D. G. Mitchell (Member for Industries and Labour) :** Sir, I move :

“ That the Bill to regulate the payment of wages to certain classes of persons employed in industry, as reported by the Select Committee, be taken into consideration.”

Sir, we have listened during the past week to much passionate eloquence from certain quarters of the House on the beauty of unrestricted freedom and we have listened to many earnest arguments from other parts

of the House on the ugliness of unrestrained licence. I now proffer this Bill as what I trust will be a pleasant and harmonious interlude in which all parts of the House, I hope, will co-operate in the humane task of securing to the humble workman the prompt and full payment of the wages he has earned.

If I may be permitted, I would recall to the House very briefly the history of this measure. In 1933 a Payment of Wages Bill was introduced and by the direction of the House was circulated to elicit public opinion. The criticisms received were very voluminous and many of them were very cogent. The Bill was redrafted very considerably and was reintroduced in February of 1935. In his speech on the motion to refer the Bill to a Select Committee, Sir Frank Noyce indicated the chief points on which advance had been made in the new Bill. The Bill was criticised and was welcomed by the House generally speaking and was then referred to the Select Committee. As a result of the discussions in that body, further very considerable advances have been made and I cannot do better than follow Sir Frank Noyce's example and indicate the further advances made. In order to do so, I would divide the Bill into four parts, one part relating to the scope of the Bill, that is to the industrial undertakings which it covers, the second part covering those provisions intended to secure the prompt payment of wages, the third part covering those provisions of the Bill intended to secure that the wages shall be paid in full and the fourth part the administrative and other ancilliary provisions intended to carry the Act into effect. I will deal with these in turn.

As regards the scope of the Bill, the Bill, as introduced into this House, applied *in toto* to all workers in factories, including 3 P.M. railway factories. The Bill, excluding those provisions relating to the prompt payment of wages, applied to workers on railways other than those in railway factories. Local Governments were given power to extend the provisions of the Bill, or such of them as they chose to select, with such modifications and relaxations as they thought expedient, to certain other industrial undertakings, namely, mines, quarries, plantations and workshops. In the debate on the second reading, the restricted scope of the Bill was severely criticised by several Honourable Members including my indomitable friends, Mr. Joshi, Prof. Ranga and Mr. Giri. The criticisms were very carefully considered by the Select Committee at considerable length and the result is that the Bill which is now before the House applies *in toto* to all factories and all railways. The Local Government has been given the power to extend the provisions of the Bill without relaxation or adaptation not only to mines, quarries, plantations and workshops but also to tramways, docks and oilfields. I think my Honourable friends who are keenly interested in this Bill will admit that this is a very considerable advance.

As regards the prompt payment of wages, the Bill as introduced required that the wages should be paid on the seventh day after the expiry of the wage period or, if the seventh day should be a holiday, on the next working day after the holiday; and the Local Governments were given power to relax these provisions when they were satisfied that they were impracticable in regard to any particular industry. This provision, as I have already mentioned, did not apply to the railways. Again these provisions were attacked in this House by several Members, particularly in regard to the exemption of railways, and they were also attacked in con-



[Mr. D. G. Mitchell.]

siderable detail by my Honourable friend, Mr. Joshi. Again they were discussed at length in the Select Committee and the Bill now applies to railways and such power of relaxation as is permitted is given only to the Governor General in Council. There is no general power given to Local Governments to relax in regard to the other industries covered by the Bill ; but in one substantive matter relaxation has been made in the Bill itself, to the extent that factories and undertakings which employ more than a thousand hands are allowed to take ten days in making up their pay sheets and paying their employees.

Now, as regards the full payment of wages, there have been several important advances. I will deal with these in two parts, one part relating to deductions generally and the other part relating to the special but very important case of fines. As regards the deductions under the Bill, wages were defined as everything due under the contract. This would have excluded bonuses and other payments for good work, regular attendance and so forth, which it would have left to a considerable extent to the discretion of the employer. This again was objected to strongly by my Honourable friend to my right, Mr. Joshi, and others, and was fully considered by the Select Committee. The very important decision was taken to end the system of bonuses,—to abolish bonuses and all other forms of contingent payment as a regular part of periodical wages. Wages are now defined so as to include all bonuses and other contingent payments contemplated in the terms of the contract. The scheme, therefore, of the Bill, is now fairly complete. The workman will draw his full wages for all work he has performed, and the deductions will be confined to a very narrow list—that list including only items which are obviously either equitable in themselves or are for the benefit of the workman. There have been various other amendments in favour of the employee which I need not discuss at any length. I would only mention that now no deduction is allowed for travelling expenses incurred at the beginning of the workman's employment. Wages must now be paid in cash, and no deduction may be made on account of payment in kind. Again, I think my Honourable friends will admit that this has been a very substantial advance indeed.

Fines require special mention. Under the Bill as introduced, the employers could decide themselves upon those acts which they would penalize by fines. The fine could be imposed without control, subject only to the limit of one anna per rupee in the calendar month. Under the Bill as amended, the employer's list of penal acts must be approved by the Local Government and no fine can now be imposed without giving the workman an opportunity of showing cause why he should not be fined ; and the limit of the fine is now reduced to half an anna per rupee in the wage period, which means that if the wage period is less than one month, the total maximum fine is reduced thereby. In the Bill as introduced, and in the Bill as now reported, all fines must be credited to a fund which must be administered on behalf of the employees. I think Honourable Members will agree with me that the net result of these provisions will be to reduce this practice of imposing fines to almost negligible limits.

On the administrative side of the Bill, the Select Committee have introduced several important changes, all tending towards the tightening up of the administration of the Bill. I will mention only a few. Under

the Bill as introduced, the Local Government could appoint anyone as the authority to which the workman could apply to secure the proper payment of his wages. Under the Bill as amended, this authority must be either the Commissioner for Workmen's Compensation or some person with judicial experience. Again, under the Bill as introduced, appeals from these authorities could lie to any person appointed by the Local Government. Under the Bill as now reported, appeals shall lie to the District Court or, in the presidency towns, to the Small Cause Court. One further provision is that the Bill, following the example of the Factories Act, now requires that abstracts of the Act and of the rules made thereunder shall be posted up in factories.

That, Sir, is a short account of the Bill as it has emerged from the Select Committee. It is a most important Bill affecting the daily livelihood of millions of people in India, and I commend it most strongly to the support of the House. I do so, however, with certain misgivings and regrets. The Bill will unquestionably do away with certain traditional relationships between employers and employed which have existed in India for a very long time. I refer, as examples, to the systems of bonuses for good work, of the supply of cheap grain, of the supply of cheap cloth and other products of the industrial undertaking. In the hands of a humane employer, there can be no question that these old systems can be of very great benefit to the employee ; but in the hands of the less desirable type of employer—of whom I regret many exist,—these systems can undoubtedly be made a means of exploiting the workman. The policy of the Bill is to remove the possible contingent advantages of these old traditional systems and to substitute for them the certain benefits of prompt and full payment. It is better that the workman should receive his daily bread regularly than that he should have an occasional feast, perhaps after a period of hunger.

I have still another misgiving. The Bill marks a very great advance and will unquestionably force many employers, of many vast undertakings, to re-adjust their methods. It will certainly cause them, to begin with, very great inconvenience. I dare say there may be a few Members present who would regard that as of very little account. Nevertheless, I would remind them that a great industrial undertaking must be regarded as a single unit ; and that if the management is put to a very great inconvenience, a certain amount of inconvenience to the employes is almost certain to result. I would appeal, therefore, to the more advanced elements in this House to accept this Bill as sufficient for the present. Let us see how it works, and then let us make such further advance as may be indicated. In particular, I would ask my Honourable friends opposite and my Honourable friend to my right not to endeavour to apply this Bill from the beginning and in its full force to undertakings other than those which have already been adequately surveyed. The Bill allows its provisions to be extended to certain other industrial undertakings, and the idea behind that is to enable the Local Governments themselves, before applying the Bill to those undertakings, to survey the conditions and see if it is possible, practicable and ultimately in the interest of the workman himself that the provisions should be applied. I would appeal to my Honourable friends not to force this experiment too far lest it should defeat its own object. (Loud Applause.) Sir, I move.

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

“ That the Bill to regulate the payment of wages to certain classes of persons employed in industry, as reported by the Select Committee, be taken into consideration.”

In addition to the amendments which are already on the agenda paper, an amendment has just been handed to the Chair by Mr. James and Mr. T. Chapman-Mortimer, to the effect that the Bill be re-circulated for the purpose of obtaining further opinion thereon. The Chair would like to know why no notice of this amendment was given earlier, and if there is any objection to this motion being moved.

**Mr. F. E. James** (Madras : European) : Mr. President, I should like to explain to you and to take the House into my confidence as to why we were not able to give notice of this amendment earlier. The report of the Select Committee was only laid on the table last Monday week. The moment we received copies of the report we sent it to our constituents who are scattered throughout India down to the south and across to Burma. It is only during the last 24 hours that we have received overwhelming expressions of opinion from those of our constituents who are now being brought within the scope of the Bill as a result of the changes made by the Select Committee. They would like to have further opportunity of being consulted as to the present position and, therefore, I do ask that under the circumstances the House would not object to this motion and that you, Sir, will allow this motion to be moved in accordance with the Standing Orders and powers which lie in your hands.

**Prof. N. G. Ranga** (Guntur *cum* Nellore : Non-Muhammadan Rural) : Sir, I object to the motion that this Bill be re-circulated again because it is more than six years since the Labour Commission made this particular recommendation that legislation on these lines is needed.

**The Honourable Mr. D. G. Mitchell** : In view of the explanation given by Mr. James, I do not wish to object to the moving of this amendment, but I must inform him and the House that I shall oppose it.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair is not quite clear whether the provisions of Standing Order 46 requiring two clear days' notice apply to a motion of this character, and the Chair is informed that there is no ruling on this point. However, the Chair does not wish to decide that question now. The Chair would assume that the provision requiring notice of two clear days does apply to a motion of this character, but, under the circumstances mentioned by Mr. James, and having regard to the fact that the Honourable Member in charge of the Bill raises no objection to the motion being moved, the Chair suspends the application of the Standing Order 46 assuming that it does apply to this motion.

**Mr. F. E. James** : Sir, I am deeply grateful to you for using your powers under the Standing Orders to permit me to move my motion and I would like to say immediately that the purpose of my motion is not the usual dilatory purpose. The Honourable Member in charge of the Bill has already given the history of this measure. The Bill was originally circulated in 1933 and a revised Bill was placed before this House in 1935 and referred to a Select Committee. That

revised Bill was not circulated although it differed in a substantial measure from the original Bill which was circulated in 1933. Then, Sir, the Select Committee met and they signed their report on the 1st of June. Had that report been made public on the 1st of June, I should not have moved this motion. But the report of a Select Committee cannot be made public until it is laid upon the table of the House and that report was not laid on the table of the House until last Monday week, when we, for the first time, received a copy of that report. We found then that the report of the Select Committee and the Bill, as it emerged from the Select Committee, made most extensive and material changes in the Bill which had been referred to that Committee by this House during the Budget Session. I will just mention one or two main changes to illustrate what I am now claiming. In the first place, the Bill, as it emerges from the Select Committee, is now extended to a class of industrial establishments which was never originally contemplated when this Bill was first referred to the Select Committee. The report of the Select Committee, indeed, recommends the wholesale extension of the provisions of this Bill to large industrial establishments which never expected to be included within the scope of this Bill and which, therefore, were not consulted. I have already explained, that owing to the fact that the report of the Select Committee was in our hands only about ten days ago, it has been impossible for large scale industries with very important interests both in British India excluding Burma and in Burma which is included within the scope of the Bill, to send us their detailed views. We have only received certain telegraphic communications but we still await their views in detail. That is the first point. Then the second major change is that the wage-limit has been raised from Rs. 100 to Rs. 200 as will be seen from sub-clause (6) of clause 1. I am quite sure the House will readily recognise that whatever may have been the justification for this change—and I am not expressing any opinion on that now—the extension of this Bill from a limit of Rs. 100 per month to Rs. 200 per month makes a very substantial alteration in its scope. Then, Sir, the third major change refers to the matter of deductions. The title of the Bill suggests that it will confine itself to providing for the regular payment of wages due and to protecting the wage-earner from unfair deductions, and irregularities in payment. The Bill, however, goes further. The Bill, as it emerges from the Select Committee, certainly goes further than what was originally contemplated and it prohibits either directly or by implication certain practices with which there is nothing wrong inherently and whose prohibition ought to be the subject of special legislation. I would refer more particularly to sub-clause (1) of clause 7 and sub-clause (1) of clause 2 dealing with this matter of deductions. Then, Sir, there is a fourth major alteration that has been made to which I should like to refer for a moment. In fact, I might say that so many alterations have been made in the Bill by the Select Committee that it is very difficult to be precisely sure as to the interpretation of some of the new amended sections. But, like every other Act, of course, this Bill will, if passed, be interpreted without any reference to the intentions of its framers or to any assurances which may be given on the floor of this House as to the probable effects of any particular amendment. Local Governments, Inspectors appointed under clause 14 wherever they may be, authorities

[Mr. F. E. James.]

appointed under clause 15, appellate authorities specified under clause 17, will all interpret the provisions of this measure without any reference to what was said before. We, therefore, feel that it is most essential that the provisions in certain clauses of this Bill should be so framed as to make the intentions of the Government of India and the Assembly absolutely clear. They are certainly not absolutely clear in quite a number of clauses at the moment. We would also suggest that it is most important that certain clauses of the Bill should be so safeguarded as to prevent such injustice as might easily arise by the present interpretation which applies to some of these clauses, both to the employers and to the employees.

Now, Sir, I have been perfectly frank to the House. We are not opposing this Bill. We agree with its fundamental principles. We support its underlying intention. But our difficulty is, that owing to the shortness of the time, we are not in a position to present adequately the views of our constituents, as we are face to face with a Bill which in many essentials is a completely different Bill from the Bill which went to the Select Committee.

I wish to emphasize once more that we do not wish to suggest that this is a dilatory motion and if there is any other way which my Honourable friend, the Member in charge of the Bill, would suggest, whereby we, at any rate and others who are interested in the Bill, might be given breathing space during which we can secure the views in detail of our constituents, constituents who did not anticipate being affected but who are now affected by the revised Bill, we should be quite prepared to accept such a suggestion. I, therefore, hope that the Government of India will not merely oppose this motion of mine on the ground that it is a dilatory motion because that is not our intention; I hope they will perhaps suggest some other method whereby the real object of my motion can be achieved without undue loss of time. Sir, I move :

“ That the Bill be re-circulated for the purpose of obtaining further opinion thereon.”

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

“ That the Bill be re-circulated for the purpose of obtaining further opinion thereon.”

**Mr. N. M. Joshi** (Nominated Non-Official) : Sir, I had no intention of taking part in the discussion on the motion which was originally made by the Honourable Member in charge of the Department of Industries and Labour. I had spoken more than once regarding the general provisions of this Bill. I shall, therefore, as I am speaking now, confine myself mostly to the amendment proposed by my Honourable friend, Mr. James. Sir, the Mover of this amendment assures us that his amendment is not a dilatory one, at least his intention is not to delay the passing of this measure. But, Sir, the Honourable the Mover of this amendment will agree with me that if his amendment is carried, the passing of this measure will be delayed. In a matter of this kind, the intention is not of much consequence when the result is the same. I feel that the argument used by my Honourable friend, Mr. James, in support of his amendment, was that the Select Committee has extended the scope of this

measure to certain other industries. The first item of extension which he mentioned was that the Bill, introduced in the last Session at Delhi, did not contain provisions relating to the application of this Bill to some industries. He said that those industries were of great importance. I do not wish to belittle the importance of the new industries which are included in this Bill. But I am quite sure my Honourable friend, Mr. James, will agree with me that if you consider the number of men employed in the industries to which the Bill of 1935 was intended to be applied and the number of people employed in the new industries to which the Bill now is extended, I am sure he will agree with me that the number of people is extremely small compared with the number of people to which the original Bill was intended to apply.

**Mr. F. E. James :** Question. 40,000 in oil alone.

**Mr. N. M. Joshi :** My Honourable friend, Mr. James, was not quite fair when he stated that these industries had absolutely no idea that the Bill would ever be applied to these industries. Mr. James knows very well that the Government of India had introduced a Bill for this purpose in 1933. That Bill gave power to the Local Governments to apply to any industrial undertaking the provisions of that Bill. Sir, I shall read that section :

“ The Local Government in any province may, after giving three months' notice of its intention of so doing by notification in the local official Gazette, apply the provisions of the Act or any of them subject to such relaxations as may be specified in the notification of the payment of wages to any class of persons employed in the industrial establishment.”

These industrial establishments had notice in the year 1933 and that Bill was circulated and on that Bill opinions were invited and expressed. I do not, therefore, feel, why my Honourable friend, Mr. James, should take any objection on the ground that these industries had had no notice at all. As a matter of fact, every industrial undertaking had notice. If these industrial undertakings were really interested in this measure it was their duty to study the measure and express their opinions on its provisions. I, therefore, feel, that the ground which my Honourable friend, Mr. James, has placed before the House, namely, some industries which are now included in this Bill had no notice, does not hold much water. Then, my Honourable friend mentioned one or two other items which have been included in the Bill by the Select Committee. He mentioned that the original Bill applied to persons whose wages or salaries did not exceed Rs. 100 and the Select Committee now proposes that the Bill should apply to persons whose wages or salaries do not exceed Rs. 200 a month. May I ask my Honourable friend, Mr. James, how many persons there will be in the industries to which the Bill has to be applied whose wages vary between Rs. 100 and Rs. 200 a month ? The number of people who receive more than Rs. 100 in all these industries is extremely small compared with the total number of people engaged in these industries. It is, therefore, wrong on his part to say that they had no notice that the Bill will be applied to persons whose wages are more than Rs. 100 and less than Rs. 200 a month.

Then, Sir, he mentioned several other amendments made by the Select Committee. I feel that the amendments made by the Select Committee do not go beyond the scope of this Bill. The very fact that the Honourable the Law Member was the Chairman of the Select Committee

[Mr. N. M. Joshi.]

ould be a guarantee to my Honourable friend, Mr. James, that he would not have allowed amendments to be made which were outside the scope of this Bill. Sir, I am against his motion because I feel that this measure should become a law without any delay. If the House knows the full history of this measure the House will entirely agree with me. So far as I am personally concerned, Sir, I became interested in this subject many years ago while I was doing some social work in Bombay. It came to my notice that a great evil prevailed in the factories in Bombay as regards fining the workers who were engaged in the textile industry. As I believe in constitutional methods, when that evil came to my attention I wrote a letter to the Bombay Government asking them only to inquire whether such an evil existed, and, if it did exist, to find out the extent of that evil. Do you know what the reply of the Bombay Government was? The Bombay Government wrote to me a letter, that in their opinion the evil did not exist and they were not prepared to make any investigation or any inquiry unless the demand for that investigation and inquiry was a spontaneous one. I thought, Sir, the Bombay Government were waiting for a strike and a spontaneous strike to persuade them to make an inquiry into this evil. Then, Sir, I asked some questions in the Legislative Assembly as to whether the Government of India would inquire. It took me some time to persuade the Government of India to make an inquiry into this subject. Then the Government of India became willing to make an inquiry and issued circulars to the Local Governments asking for information and for proposals. I do not know exactly in what year the Government of India got the replies from the Local Governments, perhaps it was in 1926 or 1927. Then the Government of India, as we all know, takes time to consider proposals of this kind. They sat over the opinions of the Local Governments for a year. Then when we thought that the Government of India would frame proposals on the information received from the Local Governments and I inquired whether any legislation would be introduced on this subject, I was told that a Royal Commission was appointed to investigate labour conditions in India and, therefore, consideration of this subject must wait till the Royal Commission reported on it. Well, Sir, the Royal Commission reported on it in the year 1930 and today it is the latter part of 1935.

**The Honourable Mr. D. G. Mitchell :** What happened in between ?

**Mr. N. M. Joshi :** If we now insist upon the Bill being passed without delay, are we showing any impatience? I hope the House will not consider that any delay can be tolerated in the passing of this measure. We are patient, but there should be and there is some limit to our patience. I, therefore, hope that the Assembly will not approve of the amendment proposed by my Honourable friend, Mr. James.

As regards the motion made by my Honourable friend, the Member in charge of the Department of Industries and Labour, I do not wish to speak at any great length. This Bill was considered in detail by the Select Committee and I am prepared to admit, that on the whole, although the Select Committee have made some very reactionary amendments, they have improved the Bill. I do not wish to go into the details of the proposals which we propose to make when the Bill will be considered in detail, but I hope that the consideration of this Bill will not be delayed.

**Mr. V. V. Giri** (Ganjam *oism* Vizagapatam : Non-Muhammadan Rural) : Sir, on this side of the House we associate ourselves with the points raised by Mr. Joshi in opposing the motion of Mr. James. I am really surprised that my Honourable friend, Mr. James, should have brought forward this motion. It has been pointed out that for the first time in the year 1933 a Bill of this character was brought before the Assembly. Before that the Royal Commission on Labour had gone into the details of this matter, and they stated in their recommendations clearly on page 241 as follows :

“ In our opinion, the law should be applicable to factories, mines, railways and plantations, and it should provide for possible extension to other branches of industry.”

I am sure, my Honourable friend, Mr. James, must have had enough notice that it was the intention of the Royal Commission on Labour to extend the scope of this Bill. Again, Sir, in February, 1935, when the Bill was brought before this House for reference to Select Committee, some of the Members who spoke on that occasion referred to this question, namely, that the Select Committee should consider the question of extension of the scope of the Bill to plantations and other things referred to by the Royal Commission. And, therefore, I cannot understand why Mr. James should have stated that they had no notice that an expression of view would be made in the Select Committee for possible extension of the Bill to industries other than railways and factories. Moreover, Sir, my Honourable friend, Mr. James, and his friends had time enough to send amendments to the Bill which is now before the House. I, therefore, feel that it is very unreasonable and unjust on the part of Mr. James to have brought forward this motion which is certainly a dilatory motion. So, on this side of the House, we oppose the motion made by my Honourable friend, Mr. James.

**The Honourable Mr. D. G. Mitchell** : Sir, I should like to make just a few remarks on the speech by my most pertinacious friend, Mr. Joshi. He referred to what he regarded as the misdeeds or crimes of omission of the Government of Bombay in some remote year. I can assure Mr. Joshi and the House that if the Government of Bombay were guilty then of any omission then, they have since repented ; out of all Governments they have given the Government of India most assistance in the preparation of this Bill. They have carried out certain special inquiries which have been most valuable ; and they lent to us the services of Mr. Mehrban, regarding whom the Select Committee itself in its opening paragraph says :

“ We desire to acknowledge the valuable assistance given to us by Mr. Mehrban who attended our sessions and placed at our disposal his intimate knowledge on the subject of the payment of wages.”

**Mr. N. M. Joshi** : Sir, may I interrupt the Honourable Member just for a minute ? Although I made certain remarks about the Bombay Government's unwillingness to make an inquiry when I first asked them to do so, I am prepared to agree with the Honourable Member that on the whole the Bombay Government have assisted the improvement of the Bill much more than any other Government have done.

**Sir Cowasji Jehangir** (Bombay City : Non-Muhammadan Urban) : Is there any Government in the whole of India which has done more for labour than the Bombay Government ?



**The Honourable Mr. D. G. Mitchell :** Again, he made some animadversions on the space of time which has passed between the publication of the Report of the Royal Commission and the introduction of this Bill. Mr. Joshi himself knows perfectly well that that is an unfair remark. We quite admit that it is four or five years since the Royal Commission reported ; but I would ask Mr. Joshi if he can point to any country in the world which in that space of time has put so much labour legislation on the Statute-book.

I come now to the amendment moved by my friend, Mr. James. I do not wish to agree entirely with his criticisms of the Bill, nor do I wish to controvert them. I do not subscribe either to Mr. Joshi's criticism or Mr. James' criticism. But I regret that I am not in a position to accept Mr. James' amendment. To re-circulate this Bill now would mean reference of the Bill again to a Select Committee. We could not give Local Governments and industrial concerns less than four months to consider these provisions, and I doubt very much if we can have a Select Committee meeting before next summer : it would mean a delay of a whole year. I do not wish to enter into the merits of Mr. James' case : I cannot controvert him entirely, as I have already admitted in my speech before he raised this question that the Bill had emerged from the Select Committee with very substantial advances in favour of labour. I should like to meet Mr. James and at the same time to meet Mr. Joshi as far as possible. There is a very large number of amendments tabled, which I would like to discuss with the Members most concerned tomorrow. If we go through these amendments one by one, I think we may save the time of the House, perhaps by a day or two. At the same time we might consider this question raised by Mr. James. It might be possible to pass the motion for consideration of this Bill today and then to defer further proceedings until the next Session. The Bill could then be taken up at the beginning of the Budget Session, and passed with the minimum of delay. But I regret that I am unable to agree to the motion for re-circulation.

**Mr. F. E. James :** Sir, I would ask your permission and the permission of the House to withdraw my amendment in view of the statement of the Honourable the Member in charge of the Bill.

**Mr. President (The Honourable Sir Abdur Rahim) :** Has the Honourable Member the leave of the House to withdraw his motion ?

**Honourable Members :** Yes.

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

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

“ That the Bill to regulate the payment of wages to certain classes of persons employed in industry, as reported by the Select Committee, be taken into consideration.”

The motion was adopted.

**Mr. President (The Honourable Sir Abdur Rahim) :** Does the House agree that the consideration of the amendments, of which notice has been given, be postponed until next Monday ?

**Honourable Members :** Yes.

## AMENDMENTS TO STANDING ORDERS.

**Mr. President** (The Honourable Sir Abdur Rahim) : Amendment to Standing Orders.

**Mr. C. N. Muthuranga Mudaliar** (South Arcot *cum* Chingleput : Non-Muhammadan Rural) : Sir, I move for.....

**Mr. President** (The Honourable Sir Abdur Rahim) : No speech is allowed.

**Mr. C. N. Muthuranga Mudaliar** : Sir, I move for leave to amend the Standing Orders of the Legislative Assembly in the following manner :

“ That in Standing Order 17, after the words ‘ Questions, which have not been disallowed, shall be entered ’ the words ‘ together with their answers ’ be inserted.”

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

“ That leave be granted to amend the Standing Orders of the Legislative Assembly in the following manner :

‘ That in Standing Order 17, after the words ‘ Questions, which have not been disallowed, shall be entered ’ the words ‘ together with their answers ’ be inserted.’”

The motion was adopted.

**Mr. C. N. Muthuranga Mudaliar** : Sir, I move that the proposed amendment be referred to a Select Committee.

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

“ That the proposed amendment be referred to a Select Committee.”

**The Honourable Sir Nripendra Sircar** (Law Member) : Sir, I don't want to make a speech, but I only want to say that I agree to the Select Committee. But I want to make it clear that reference to the Select Committee does not mean acceptance of the principle.

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

“ That the proposed amendment be referred to a Select Committee.”

The motion was adopted.

**Dr. G. V. Deshmukh** (Bombay City : Non-Muhammadan Urban) : Sir, I beg to move for leave to amend the Standing Orders of the Legislative Assembly in the following manner :

“ That to sub-order (2) of Standing Order 7A, the following proviso be added, namely :

‘ Provided, however, that no Bill which has received the previous sanction of the Governor General in Council and has obtained a place in the ballot in a particular Session, is shut out from being introduced during that particular Session’.”

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

“ That leave be granted to amend the Standing Orders of the Legislative Assembly in the following manner :

‘ That to sub-order (2) of Standing Order 7A, the following proviso be added, namely :

‘ Provided, however, that no Bill which has received the previous sanction of the Governor General in Council and has obtained a place in the ballot in a particular Session, is shut out from being introduced during that particular Session’.”

The motion was adopted.

**Dr. G. V. Deshmukh** : Sir, I beg to move :

“ That the proposed amendment be referred to a Select Committee.”

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

“ That the proposed amendment be referred to a Select Committee.”

The motion was adopted.

**Mr. President** (The Honourable Sir Abdur Rahim) : The next motion is the one standing in the name of Mr. Ghansham Singh Gupta. It is really to the same effect as the motion moved by Mr. Muthuranga Mudaliar. It is, therefore, barred.

The Chair suggests to the House that both these motions, the one moved by Mr. Muthuranga Mudaliar and the other moved by Dr. Deshmukh, be referred to one Select Committee. The Chair supposes that is agreeable to the House.

**Several Honourable Members** : Yes.

#### ELECTION OF MEMBERS TO THE SELECT COMMITTEE ON AMENDMENTS TO STANDING ORDERS.

**Mr. President** (The Honourable Sir Abdur Rahim) : I have to announce that nominations for the Select Committee

4 P.M.

on the amendments to Standing Orders of the Legislative Assembly will be received upto 12 Noon on Monday, the 16th September, and the election, if necessary, will, as usual, be held in the Secretary's Room in the Assembly Building on Thursday, the 19th September, 1935, between the hours of 10-30 A.M. and 1 P.M. Under Standing Order 56 (2) of the Legislative Assembly Standing Orders, the Committee will be composed of the President, the Deputy President and seven Members elected by the Assembly in accordance with the principle of proportional representation by means of the single transferable vote.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Assembly will now adjourn till next Monday at 2-30 P.M. As His Excellency will address the Assembly in the morning, time has to be allowed to make the necessary arrangements. The Chair would suggest to the House that questions may be dispensed with on that day, otherwise sufficient time will not be left for the ordinary business of the day. Is that agreeable to the House ?

**Mr. S. Satyamurti** (Madras City : Non-Muhammadan Urban) : No, Sir. Questions are important. We have heaps of questions, and we want to get through them this Session.

**Mr. President** (The Honourable Sir Abdur Rahim) : There will be nothing else done.

**Mr. S. Satyamurti** : Only one hour, Sir.

**Mr. President** (The Honourable Sir Abdur Rahim) : Well, then, questions will go on as usual.

The Assembly then adjourned till Half Past Two of the Clock on Monday, the 16th September, 1935.