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FIFTH LEGISLATIVE ASSEMBLY,
1935



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Legislative Assembly.

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CONTENTS.

VOLUME V.—2nd September to 16th September, 1935.

	PAGES.		PAGES.
MONDAY, 2ND SEPTEMBER, 1935—		MONDAY, 2ND SEPTEMBER, 1935—	
Members Sworn	1—2	1935— <i>contd.</i>	
Deaths of Sir Basil Blackett, Sir Deva Prasad Sarvadhi- kary, Lala Fakir Chand and Haji Abdulla Haji Qasim	2—8	Election of a Member to serve on the Standing Committee for Roads	136
Questions and Answers	8—42	Election of a Muslim Member to sit on the Standing Committee on Pilgrimage to the Hedjaz	137
Unstarred Questions and Answers	42—51	Election of Two Members for the Central Advisory Board for Education	137—42
Statements laid on the table	61—124	Election of a Member to sit on the Imperial Council of Agricultural Research and its Governing Body	142
Motions for Adjournment <i>re—</i>		The Payment of Wages Bill —Presentation of the Re- port of the Select Com- mittee	143
Prohibition of Mr. Mohan Lal Saksena from en- tering into the District of Tippera—Disallow- ed by His Excellency the Governor General	125	The Criminal Law Amend- ment Bill—Introduced	143—47
Refusal of permission to Mahatma Gandhi and Babu Rajendra Prasad to enter into the Earthquake Area of Quetta—Not moved	125, 127	The Provincial Insolvency (Amendment) Bill—Intro- duced	147—48
Rioting of British Soldiers stationed at Jubbul- pore—Ruled out of order	125—27	The Indian Army (Amend- ment) Bill—Introduced	148
Prohibition of the Conven- er of the Congress Assem- bly Party Committee <i>re</i> Deen's to enter cer- tain Places in Bengal— Disallowed by His Excellency the Gov- ernor General	127—28, 157	The Provincial Small Cause Courts (Amendment) Bill— Introduced	148
Governor General's assent to Bills	128	The Repealing and Amend- ing Bill—Introduced	148—49
Panel of Chairmen	128	The Indian Motor Vehicles (Amendment) Bill—In- troduced	149
Committee on Petitions	128	Resolution <i>re</i> Ratification of the Draft Convention of the International La- bour Conference concern- ing employment of women during night—adopted	149—57
Agreement between the Re- serve Bank of India and the Imperial Bank of India	129—32	The Factories (Amendment) Bill—Introduced	157
Agreement between the Sec- retary of State for India in Council and the Reserve Bank of India	132—35	Statement of Business	157
Statement (laid on the table) showing the objects on which the Petrol Tax Fund was expended during 1934.	136	TUESDAY, 3RD SEPTEMBER, 1935—	
35		Member Sworn	159
		Questions and Answers	159—205
		Short Notice Questions and Answers	205—08
		Statements laid on the table	208—32
		Motions for Adjournment <i>re—</i> Destruction of the Shahid- gunje Mosque at Lahore —Not moved	232

	PAGES.
TUESDAY, 3RD SEPTEMBER, 1933—contd.	
Motion for Adjournment <i>re</i> — <i>contd.</i>	
Lack of discipline in certain Soldiers at Jubbulpore—Ruled out of order	232—36
Despatch of troops from British India to Addis Abbaba (Abyssinia)—Withdrawn	236—37, 263—71
Election of a Member to the Standing Finance Committee	237
The Cinematograph (Amendment) Bill—Referred to Select Committee	237—53
The Aligarh Muslim University (Amendment) Bill—Passed	254—63, 271—72
The Code of Civil Procedure (Amendment) Bill—Discussion on the motion to refer to Select Committee not concluded	272—76
WEDNESDAY, 4TH SEPTEMBER, 1935—	
Questions and Answers	277—315
Short Notice Questions and Answers	316—42
Motions for Adjournment <i>re</i> —	
Despatch of Troops to Abyssinia—Discussed previously	343
Firing by the Military at Lahore over the Shahidgunje Dispute—Disallowed by His Excellency the Governor General	343
Refusal of grant of protection to the Glass Industry—Ruled out of order	343—47
Bombing of women and children in the Trans-Frontier villages by the Indian Army (Air Force)—Adopted	348, 377— 98
The Code of Criminal Procedure (Amendment) Bill by Sardar Sant Singh—Presentation of the Report of the Select Committee	348
Resolution <i>re</i> Manufacture of Locomotive requirements in State Railway Workshops—Adopted	348—77

	PAGES.
THURSDAY, 5TH SEPTEMBER, 1935—	
Questions and Answers	399—433
Motions for Adjournment <i>re</i> —	
Interests of Indians concerned in Zanzibar—Postponed	433—34
Acoustics of the Assembly Chamber in Simla	434
Election of Members to the Standing Committee on Pilgrimage to the Hadjaz and the Standing Committee for Roads	434
The Criminal Law Amendment Bill—Discussion on the motion to consider not concluded	434—78
FRIDAY, 6TH SEPTEMBER, 1935—	
Questions and Answers	479—540
Statements laid on the table	540—48
Election of a Member to the Imperial Council of Agricultural Research and its Governing Body	548—49
The Criminal Law Amendment Bill—Discussion on the motion to consider not concluded	549—55, 556—88
Statement of Business	555—56
MONDAY, 9TH SEPTEMBER, 1935—	
Questions and Answers	589—619
Unstarred Questions and Answers	619—39
Motion for Adjournment <i>re</i> Interest of Indians concerned in Zanzibar—not moved	639
Election of a Member to the Standing Finance Committee	639
Statement laid on the table	640—41
Election of a Member for the Standing Committee for the Indian Posts and Telegraphs Department	642
The Central Provinces Courts (Supplementary) Bill—Introduced	642
The Criminal Law Amendment Bill—Discussion on the motion to consider not concluded	642—85
Member Sworn	657
TUESDAY, 10TH SEPTEMBER, 1935—	
Questions and Answers	687—717
The Criminal Law Amendment Bill—Discussion on the motion to consider not concluded	717—60
Member Sworn	731

	PAGES.		PAGES.
WEDNESDAY, 11TH SEPTEMBER, 1935—		FRIDAY, 13TH SEPTEMBER, 1935—<i>contd.</i>	
Supplementary Questions and Answers	761—64	Statement of Business	993
Questions and Answers	764—95	Resolution re Reduction of import duty on carbon blocks—Adopted	997—1000
Short Notice Question and Answer	795—96	The Payment of Wages Bill—Motion to consider adopted	1000—10
Motion for Adjournment re—Appointment of an European businessman as the President of the Indian Tariff Board—Not moved	796	Amendments to Standing Orders—Referred to Select Committee	1011—12
Election of Members to the Central Advisory Board of Education	796	Election of Members to the Select Committee on Amendments to Standing Orders	1013
The Criminal Law Amendment Bill—Discussion on the motion to consider not concluded	797—810		
Member Sworn	809	MONDAY, 16TH SEPTEMBER, 1935—	
THURSDAY, 12TH SEPTEMBER, 1935—		Speech delivered to the Council of State and the Legislative Assembly by His Excellency the Viceroy	1013—25
Questions and Answers	841—69	Questions and Answers	1026—59
Statements laid on the table	869—83	Message from His Excellency the Governor General	1059
Election of a Member to the Standing Advisory Committee for the Indian Posts and Telegraphs Department	883	The Criminal Law Amendment Bill—Motion for leave to introduce in the form recommended negatived	1059—62
The Criminal Law Amendment Bill—Motion to consider negatived	883—950	The Jubbulpore and Chhat-tisgarh Divisions (Divorce Proceedings Validation) Bill—Introduced	1062
FRIDAY, 13TH SEPTEMBER, 1935—		The Central Provinces Courts (Supplementary) Bill—Passed	1063—64
Questions and Answers	951—85	The Provincial Small Cause Courts (Amendment) Bill—Passed	1064—65
Motion for Adjournment re—Government circular prohibiting the Congress Assembly Party Committee to enquire into and report upon the Administration of the Repressive Laws in Bengal—Not moved	985	The Indian Army (Amendment) Bill—Passed	1065—67
Circular regarding Governor General's address to the Members of the Indian Legislature	986	The Provincial Insolvency (Amendment) Bill—Passed	1067—69
The Code of Civil Procedure (Amendment) Bill—Referred to Select Committee	986—96	The Indian Motor Vehicles (Amendment) Bill—Discussion on the motion to consider not concluded	1069—76

LEGISLATIVE ASSEMBLY.

Monday, 16th September, 1935.

SPEECH DELIVERED TO THE COUNCIL OF STATE AND THE LEGISLATIVE ASSEMBLY BY HIS EXCELLENCY THE VICEROY.

His Excellency the Viceroy having arrived in procession with the Presidents of the Council of State and the Legislative Assembly took his seat on the Dais at Eleven of the Clock.

His Excellency the Viceroy: Gentlemen, once again it is my privilege as Viceroy to address Honourable Members of both Houses and to give a brief review of the general conditions affecting India, but before doing so, I wish to make a brief reference of a personal character.

Before I shall have an opportunity of addressing you again, my Government will have said farewell to a valued colleague, and the Upper House to one of its most distinguished Members. Field-Marshal Sir Philip Chetwode's term of office as Commander-in-Chief has been one of the most eventful within living memory for the Army in India, and I cannot let this opportunity pass without paying my heartfelt tribute to the value of the outstanding services that he has rendered to India.

In addressing the Members of the Legislative Assembly in January last I expressed the hope that local Governments and local committees would receive the support of all communities in celebrating the 25th anniversary of the accession of His Majesty the King-Emperor to the Throne, and that the princes and people of India would once more give proof of their devotion to the Crown and of their sympathy for those in need by responding to my appeal on behalf of a fund to commemorate the occasion in an appropriate manner. I am glad to be able today to acknowledge how magnificently my expectations have been fulfilled. From every part of India my Government received reports of the genuine and spontaneous exhibitions of enthusiasm which accompanied the Jubilee celebrations not only in the larger towns but also in small and remote villages. The efforts of a few misguided people here and there to mar the occasion only served to show how few such persons were, and how out of sympathy with the general spirit of the people of India, who everywhere were eager to show their loyalty and devotion to the Crown. The response to my appeal has been equally gratifying and it is evidence of the generosity of the princes and people of India that the total collections for the Silver Jubilee fund amount to the splendid sum of over Rs. 125 lakhs. This result could not have been achieved without good organisation and much well-directed effort, and to all those, throughout the length and breadth of the land, who have contributed in any way to the success of the Fund I accord my grateful thanks. It will, I am certain, be a cause of great satisfaction to His Majesty the King-Emperor to know that his Silver Jubilee will for all time be associated in India with so great an increase in the resources of institutions which bring relief to those in sickness and distress.

[H. E. the Viceroy.]

I now turn to Foreign Affairs. As regards Nepal, I would only say that 1934 added still another year to the long tale of unbroken friendship and mutual confidence which are traditional between India and this her only Asiatic neighbour within the Himalayan wall.

In another frontier field there are interesting developments to record. As the result of an agreement concluded with His Highness the Maharaja of Kashmir in March last, the Civil and Military Administration of the trans-Indus portion of the Gilgit Wazarat was taken over by the Government of India on the 1st of last month. The change, without diminishing the suzerain rights of His Highness, places undivided local control in the hands of the Government of India on an important sector of the Indian frontier. I am happy to be in a position to assure the House that the reorganisation has been completed without additional expenditure to Indian revenues.

Beyond the Gilgit frontier stands Sinkiang or Chinese Turkestan, the westernmost province of China. In this Province the situation continues to be obscure and uncertain. My Government learnt with concern of the distress caused by the recent civil turmoil in this friendly and important Province and the ensuing dislocation of the ancient commerce between India and China by the Karakoram passes. The Indian traders in Sinkiang have unfortunately suffered much hardship and loss both to life and property, but there are signs that the efforts of His Majesty's Consulate at Kashgar in their behalf are bearing fruit. Indeed one of the most affecting tributes of loyalty to the King-Emperor came from these very traders, who despite all hardships and losses in this distant land combined to contribute a sum of several thousand rupees to His Majesty's Silver Jubilee fund. Our sympathies are with the local Sinkiang authorities and with the Central Chinese Government in their task of maintaining order and control, a matter of no little neighbourly concern to India.

My Government have under active consideration the question of the improvement of trade facilities between India and Afghanistan in the light of the report of the Trade Delegation which visited that country from India in the spring of last year. In particular it is our desire, if possible, to devise means of lessening the difficulties to Indian trade created by the recent adoption by the Afghan Government of a State trade monopoly system.

His Majesty's Government and the Government of India have special relations of long standing with the independent rulers of the States on the Arab Coast of the Persian Gulf and have accepted special responsibilities towards them. In order to strengthen these ties and in view of the fact that the Arab Coast has acquired a new and increasing importance as a result of the establishment of the Imperial Airways route on that coast and of recent commercial developments, His Majesty's Government, with the concurrence of His Excellency the Shaikh of Bahrain, have now transferred to Bahrain their naval stations hitherto existing at Henjam and Basidu. His Highness the Sultan of Muscat, Their Excellencies the Shaikhs of Kuwait and Bahrain, and certain of the Trucial Coast Shaikhs have concluded agreements with the British Government, which facilitate the passage of the aircraft which form a link of ever-increasing importance in the Empire chain of communications—a link in which

the Government of India have a vital interest. I shall always remember with pleasure my meetings with certain of the Arab rulers in the course of my recent journeys by air through their territories. Their loyalty to their ancient associations with the British Government and the Government of India was on that occasion expressed in the most marked manner, and they may rest assured that no Viceroy in India can fail to have their interest at heart.

The frontier province of Baluchistan has been the focus of world-wide sympathy on account of the terrible earthquake which, as Honourable Members are aware, recently overtook the city of Quetta and the surrounding areas and which caused a loss of life and destruction of property probably unprecedented in the history of this country. The outstanding feature of the scene of suffering and devastation that followed this catastrophe was the prompt and effective manner in which the troops of the Quetta garrison—officers and men—were organised for relief and rescue work. I had the privilege of paying them all my personal tribute of admiration during my recent visit to Quetta. I now take this opportunity again of expressing on behalf of the Government of India and myself our heartfelt sympathy with all those who have suffered and our deep gratitude to those, including the various relief organisations, who have spared no efforts to alleviate their suffering and losses; and, in this connection, I wish particularly to bring publicly to your notice the magnificent work that was done by the ladies of Quetta for whose untiring and devoted service it is difficult to find words of sufficient praise and appreciation. I must also make mention of the most generous way in which Local Governments, particularly of the Punjab, Bombay and the North-West Frontier Province, have responded to our appeal for help with staff, money and medical and other facilities and we are indebted to them and their officers for the efficient organisations set up by them for the reception and relief of refugees. My very sincere thanks are also due for the generous and world-wide sympathy that has been shown in response to my appeal for funds. It is evident that the damage which has been caused amounts to several crores of rupees, and we shall need all the money we can collect if we are to be able effectively to relieve the thousands who have been rendered homeless and destitute.

The problem of the delimitation of the undemarcated frontier between Burma and China to which I referred when I last addressed this House has advanced a stage nearer to solution. As the result of an agreement reached between His Majesty's Government in the United Kingdom and the Government of India on the one hand and the Chinese Government on the other hand by an Exchange of Notes, a Joint Boundary Commission, with a neutral Chairman nominated by the League of Nations, has been appointed to determine the southern section of the undemarcated boundary between Burma and Yunnan. The League has been fortunate in securing the services of Colonel Iselin of the Swiss Army as Chairman of the Commission. This officer has the experience of having successfully and impartially determined the frontier between Iraq and Syria, and is thus particularly well qualified to preside over the labours of the Commission on the Indo-Chinese frontier. The Commission hopes to assemble by the 1st December next and start operations immediately.

Whilst on the subject of Burma I would remind Honourable Members that when I addressed them in January last, I mentioned that the question of

[H. E. the Viceroy.]

the trade relations between India and Burma after separation was the subject of conversations between my Government and the Government of Burma. These negotiations have now been concluded and the agreement which has been reached has been embodied in the Draft Orders in Council which were recently published for general information. These Draft Orders will in due course be laid before Parliament in accordance with the provisions of the Constitution Act, and it would perhaps be inappropriate at this stage to discuss them in any detail. I would, however, say that they represent the agreed opinions of my Government and of the Government of Burma as to the régime which is best calculated to create an atmosphere in which the two countries may, during the period of transition, soberly and dispassionately consider the problems of their future relations.

I am aware of the deep interest which Honourable Members have consistently evinced, since the legislation of last year, in the position of Indians in Zanzibar. The general question is still the subject of discussion between the Secretary of State for India and the Secretary of State for the Colonies. The decision of the Secretary of State for the Colonies that, if specific cases of hardship alleged to have resulted from the operation of the Cloves Decrees, are brought locally to the notice of the Government of Zanzibar, they will be most carefully investigated by that Government and, if necessary, brought to the notice of the Secretary of State for the Colonies has already been announced. All that I can do at this stage is to assure Honourable Members of the unceasing vigilance and solicitude of my Government.

Honourable Members will remember that in the course of my last address to the two Houses of the Central Legislature I referred to the outcome of Mr. Menon's enquiries regarding the probable effects of the Marketing Bill, which had been gazetted in Kenya, on the interests of Indians. His report has since been published together with the comments of the Governors of Kenya, Uganda and Tanganyika. I also informed Honourable Members that in deference to the wishes of the Government of India the Kenya Government had agreed to defer progress with the Bill pending consideration of Mr. Menon's report. It was not to be expected that legislation, which had already been announced on the lines of that existing in the sister territories of Uganda and Tanganyika, and of which the primary object was to improve methods of marketing, would be abandoned. The Government of India, therefore, bent their efforts to securing such amendments in the Bill as would reduce the hardships and remove the apprehensions of the Indian trading community in Kenya. The provision of the Bill which evoked the liveliest criticism was that relating to the grant of exclusive licences. It was feared that if, as was originally proposed, the Governor-in-Council was entitled to issue exclusive licences without reference to the Legislative Council, there would be neither sufficient publicity nor adequate opportunity for discussing the question whether the issue of such licences was necessary or justified. In order to meet this objection the Government of Kenya have inserted a provision in the Bill to the effect that the application of the principle of an exclusive licence to any particular type of produce shall be effected by motion in the Legislative Council after 14 days' notice has been given. Apart from the question of exclusive licences, the chief anxiety of Indians was that the number of buying centres might be unduly restricted, and

that they might be located at inconvenient distances from existing markets. In this respect the Government of Kenya had agreed to give an assurance that all important markets existing at present would be declared as buying centres. It is understood that the Government of Kenya have gone further and have inserted an amendment in the Bill itself providing that trading centres will automatically be markets under the Ordinance. Certain subsidiary amendments, such as the provision that reasons for the refusal to grant or renew a licence shall be recorded in writing, have also been effected. Above all a categorical assurance has been given both by the Colonial Office and by the Government of Kenya that the Bill is not racial in its intention and will not be racial in its operation. These are important safeguards. As Honourable Members are aware, the Secretary of State for the Colonies has agreed that the Bill should not be brought into operation until he has had an opportunity of considering it as passed, if necessary, in consultation with the Secretary of State for India. The way is, therefore, still open to further representations by us, should these become necessary.

A subject of considerable general interest and importance on which I should like to dwell is the activities of the Indian Research Fund Association. The Association depends for its activities primarily on funds provided by Government. The Central Legislature is represented on its Governing Body by two members elected by the Legislative Assembly and one member elected by the Council of State, but I am not sure whether the nature or extent of the work done by the Association are widely known. This must be my excuse for referring to the subject.

I think I am correct in saying that the Association which was founded in 1911 was the first organisation of its kind to be constituted in the British Empire; the Medical Research Council in England was started only during the Great War. An increasing degree of public interest is being directed towards the graver diseases which afflict our country, such as malaria, kala-azar and cholera. In kala-azar notable success has been achieved through investigations made by a special Commission appointed by the Association and through ancillary enquiries which it partly financed. As a result, this disease which at one time seemed so menacing a problem in the Eastern parts of India may now be said to have been brought definitely under control. During more recent years the problems associated with cholera have been receiving intensive study, and I am informed that there is considerable hope that the enquiries now being carried out will throw new light on many of the puzzling features of this formidable epidemic disease. Malaria is a disease of more widespread incidence and presents more varied problems. I need hardly remind Honourable Members that it was an officer of the Indian Medical Service who discovered how the disease is transmitted and thereby pointed out the course of subsequent investigation. It is, therefore, in the fitness of things that India should continue to take a leading part in the investigation of malarial problems. The Malaria Survey of India organised by the Indian Research Fund Association has been at work for years past and has achieved notable results. As an illustration of its activities I may add that, at the moment, one of its parties is engaged in a survey of Quetta and its environments where malaria has been, and is, one of the major problems of public health.

[H. E. the Viceroy.]

All of us, perhaps, are familiar by now with the term "deficiency disease" and all that it connotes. The Research Fund Association has been for long cognisant of its fundamental importance and among its most notable achievements are the researches in nutrition carried out in Coonoor by Sir Robert McCarrison who has earned a world-wide reputation and has brought credit to himself and to India. The results of researches carried out under the auspices of the Association are published from time to time in the *Indian Journal of Medical Research* and the Records of the Malaria Survey—publications issued under its authority—but for the convenience of the general public non-technical articles are also issued periodically to the lay press.

The account that I have given of the activities of the Association has had to be brief. It must not be regarded as exhaustive. But if it should serve to focus interest on a branch of research which is of the utmost importance to the welfare of the country, my object will have been served. For interest begets sympathy and sympathy encouragement. The lot of the research worker is often to miss both, because of the highly technical nature of his investigation and the comparative infrequency of dramatic discoveries. But these latter, when they come, are the culmination of years of patient toil by men whose normal reward is only the satisfaction that comes of duty conscientiously done. Our more enlightened age should at least lend them the encouragement of a public consciousness of the essentially cumulative character of scientific discovery.

Honourable Members will be interested to hear of a recent decision taken by my Government about the disposal of our surplus stocks of quinine. Although Public Health is a transferred provincial subject, the Government of India decided, some time ago, that they should maintain a reserve of 150,000 lbs. of this drug in order to meet possible emergencies. The recent distressing experience of Ceylon where the incidence of malaria on an unprecedented scale last year rapidly depleted locally available supplies has emphasised the wisdom of this decision. The surplus to which I have referred represents the stock of quinine in the possession of the Government of India over and above this reserve. The question of its disposal has been engaging the attention of my Government for some time past. Considering the constitutional position, we were under no obligation to distribute it to Local Governments below the prevailing market rates. Nevertheless in 1932 Local Governments were offered supplies, in addition to their normal annual requirements, at a price lower than the cost of production, so that they may be enabled to extend "quininisation" of the people at a smaller cost than would be incurred if these additional requirements were obtained at current market prices. This scheme fell through mainly because Local Governments found themselves unable to buy the entire surplus stock with sufficient rapidity even at the reduced price. The Government of India then endeavoured, with the full consent of past Public Accounts Committees, to sell this surplus to trade agencies, not with a view to financial profit but in order to convert into cash a commodity for which there was no effective official demand and thus make available funds that might be utilised for some useful purpose of public benefit. These efforts not having met with appreciable success, it was decided recently to distribute 45,000 lbs. free to Local Governments subject to the condition that this amount will

be distributed free over and above the quantities which Local Governments may now be distributing at their expense. The amount which is proposed to be distributed comes to more than half the available surplus, which at the end of June last was only 79,000 lbs. and represents, at the current market price of quinine, a gift of Rs. 10 lakhs to the provinces. It is hoped that the bulk of this will reach the masses in the rural areas and supplement, in the field of public health, the assistance that the contribution of one crore announced by the Honourable the Finance Member during his last budget speech was designed to provide towards rural reconstruction.

You will, I think, expect me to make some mention of a matter which, particularly at the present time, is of great public interest. I refer to India's foreign trade. Nine months ago I ventured to express some degree of cautious optimism in spite of the disabilities under which international trade was then labouring. It is a matter for regret that world conditions still show little sign of the long awaited recovery. On the contrary, yet another of our most important markets, namely, Italy, has been obliged to impose a system of drastic control over imports, in order to protect her foreign exchange position. Nevertheless, I feel that I am justified, so far as India is concerned, in repeating that note of optimism. India's exports of merchandise for the first four months of the present trade year show an increase of more than 4½ crores over the figures for the corresponding period of 1933, and though they show a comparatively small increase of 1½ lakhs over last year's total, it must be remembered that 1934 was marked by exceptional purchases of raw cotton by Japan. On this one head of our trade accounts alone, namely, cotton purchase by Japan, there has been a decrease of over 3½ crores in the present year. Omitting this exceptional item, India's export trade in other commodities has improved by 3 crores in comparison with last year. Honourable Members may be interested more particularly in the results of our trading with Germany and Italy—countries in which the most stringent measures of control have been imposed. In the case of Germany our information is based on the reports of our Trade Commissioner in Hamburg, who has made a critical examination of the German import statistics. Mr. Gupta informs us that in the last quarter of 1934 the balance of trade was against India to the extent of 2½ per cent. In the first quarter of 1935 the balance was even, showing an exchange of goods valued at 26 million Reichsmarks. For the second quarter of 1935 the balance has again swung in India's favour and Germany has imported from India goods valued at 31 million Reichsmarks against exports to India of 24 million only. Again, in the case of Italy, contrary to what might have been expected from the new and stringent system of import control, our exports in the first four months of this year have fallen off by 6 per cent. only.

I quote these figures in no spirit of complacency. My Government are fully alive to the dangers with which the course of international trade is now beset and they will continue to watch the situation with the most anxious care.

Before I leave this subject, may I bring one circumstance to the notice of those who may have found little consolation in a comparison of the trade figures of pre-depression years with those of the present day? I would ask.

[H. E. the Viceroy.]

them to remember that world prices of primary commodities have fallen some 45 per cent. since 1929, and that values in themselves are no true index to the variation in the quantum of trade.

I turn now to certain industrial matters of interest. The coal industry in particular has been prominent in our thoughts in recent months. You will, I am sure, share my deep regret at the two tragic mining disasters which recently occurred within a month of each other and in which 81 persons in all lost their lives. The second of these accidents was, with one exception, the worst mining disaster that has occurred in India. In spite of all that care and foresight can do, mining remains in every country in the world a dangerous occupation, and our record in India in this matter hitherto has been comparatively good. These two last disasters have each been referred for investigation to Statutory Courts of Enquiry by the Government of Bihar and Orissa, and I do not, therefore, desire to comment further upon them except to say that I trust that the results of the Courts' investigations will be to indicate some steps by which the risk of the recurrence of such events can be minimised.

I noted with pleasure the passing at your last Session of the Mines (Amendment) Act which will reduce the hours of labour, will give further protection to children and will effect a number of other reforms. It will come into force in a fortnight's time, and I hope that it will prove effective in increasing the welfare and efficiency of the miners.

As most of you are probably aware we have now constituted within the Government of India a Bureau of Industrial Intelligence and Research, and the Advisory Council for this subject held recently its first meeting in Simla. I am glad to say that we have secured the co-operation of the Provincial Governments, of the leading States and of prominent non-officials on this Council. We have started on a small scale, but it is hardly necessary for me to emphasise the increasing importance of industrial research and intelligence for the advancement of industry. It is my hope that, as this work develops, it may prove of substantial assistance to Indian industrialists and particularly to those who, by reason of the small scale on which they work, are unable to undertake research for themselves or, in present conditions, to avail themselves of adequate expert advice.

Civil Aviation is a subject which will, during the next few years, force itself increasingly upon us all. You will remember that about a year ago we undertook an important programme of development, designed primarily to bring the main Trans-India route and certain internal routes into line with modern ideas. In order to ensure the close co-operation required between the Civil Aviation experts and the engineers, we have formed a special Civil Aviation Circle in the Central Public Works Department to carry out the programme directly. The estimated cost of the works was Rs. 92.57 lakhs and you will be interested to hear that orders have already been placed for hangars at a total cost of Rs. 16 lakhs and for lighting equipment at a cost of approximately Rs. 9½ lakhs. Progress with works for which special surveys have to be made will naturally be rather slower, but the outlines of the programme as a whole are being filled in. We are now faced with the introduction of regular night

flyiug and with a greatly increased intensity of the Trans-India services. These changes will involve certain important adjustments within the original programme, and I hope that our ground organisation will be developed fast enough to meet the demands of the air.

A less spectacular but not less useful branch of official activity is the administration of the Road Fund. Your Resolutions of April, 1934, prolonged the life of the Road Account indefinitely and made it possible for the Standing Committee on Roads to take a longer and perhaps a more generous view in dealing with the demands of the Provinces. A special contribution of Rs. 40 lakhs to the reserve in the Account was a most welcome addition to the sum available for distribution, and in March last the Standing Committee was able to approve in general outline the distribution of approximately Rs. 118 lakhs from the reserve, this sum representing resources actually in hand *plus* the additional resources likely to accrue during the execution of the works. We have not forgotten the Provinces which are most in need of help for road development, and the scheme approved by the Committee allows for grants of Rs. 25 lakhs and Rs. 12½ lakhs to Assam and Bihar and Orissa, respectively. The needs of the new Provinces of Orissa and Sind will be specially considered; surveys are in progress in Orissa and will shortly be undertaken in Sind.

You are aware that for some time past my Government have been giving attention to the development of broadcasting. At the last Session of the Legislative Assembly a fund of Rs. 20 lakhs was created for this purpose, and we are now considering to which of our many needs this fund should be devoted. We are already erecting a large transmitting station in Delhi to broadcast programmes in English and in Urdu. This station will, I hope, be ready for use before the end of this year. A large transmitting station at Madras will certainly be needed and we hope to instal new and powerful transmitters at the existing stations at Calcutta and Bombay. Whether it will be possible within the resources now at our disposal to instal four relay receivers and two short-wave stations to complete a broadcasting framework for India as a whole, I cannot yet say. A more detailed investigation of costs will be made during the coming winter, and a definite scheme for the expenditure of the sum included in the fund will then be prepared.

It is a matter of great disappointment to me that the improvement in railway earnings, which was so welcome a feature of the previous year, has suffered a set-back during the current year, though I hope it is only temporary. Till the middle of August railway earnings have been about half a crore below those of last year, and unless there is a change for the better soon the position of Indian railways will again become serious. I can only add at present that my Government are fully alive to the gravity of the situation and are in consultation with those responsible for the administration of Indian railways in order that whatever steps are possible may be taken to improve their net earnings.

This year has seen an important step forward in the development of the financial organisation of India. On the 1st of April last the Reserve Bank of India came into existence and assumed responsibility for the management of

[H. E. the Viceroy.]

the currency and exchange, and for making the sterling remittances of the Government of India. The Gold Standard Reserve and the Paper Currency Reserve were on that date amalgamated and transferred to the control of the Bank. The Bank is at present continuing to issue Government of India currency notes in the form with which the public is familiar. In due course these will be replaced by the Bank's own notes. The Bank did not assume its full responsibilities as head of the credit organisation of India until the beginning of July when the scheduled banks were required to make their deposits. From that date the Reserve Bank became a central bank in the full meaning of the term and on 4th July declared its bank rate for the first time.

In March last the Legislature approved of the proposal that out of last year's revenue surplus a sum of Rs. 113 lakhs should be distributed to the Provinces for the purpose of improving the conditions of life in the villages. This action, I am glad to say, has been universally welcomed throughout India. Rs. 15 lakhs of this grant were set apart for assisting the co-operative movement. The Local Governments were invited to make recommendations as to the most profitable use to which the balance could be put, and their proposals have been scrutinised by the Government of India before their approval was accorded. A statement has recently been laid on the table of this House which shows the objects to which the money is being devoted. The objects are various, since they are adjusted to the needs of the different parts of the country. Out of the total grant, over Rs. 25 lakhs will be spent on village water-supply and irrigation, nearly Rs. 19 lakhs on schemes for general improvement in the villages, Rs. 12 lakhs on the improvement of village roads, and Rs. 10 lakhs on sanitation and medical work. A sign of the times is that in certain Provinces money will be spent on arrangements for broadcasting instruction and entertainment in the villages. My hope is that this grant will prove the beginning of a steady advance throughout India in improving the conditions of life in the villages in which nine-tenths of the population live.

Since I last addressed you the Government of India Bill has received the Royal Assent and has become the Government of India Act, 1935. A great and difficult task has thus been completed by Parliament, after an expression, direct or indirect, of the views of all sections of the peoples of British India and prolonged consultation with the Princes of India. Here and in England views of every nature, extreme or moderate, advanced or conservative, have been expressed. We have all sought to obtain this provision or that in the Constitution and we have all sometimes succeeded and sometimes failed. It is the business of men of practical wisdom now to forget the individual issues upon which opinion has differed and to consider the sum and substance of our total achievement. On such a consideration we must, I think, conclude that the gain to India is great.

I do not, therefore, on this occasion desire to invite your attention to any of the particular provisions of the Act, but I would ask you to consider two broad features of the new Constitution and desire to give you, if I may, one word of advice.

It is a matter of great satisfaction to me that during my Viceroyalty there has been made possible a consummation which many of the great rulers of India

through the ages desired to see but did not see and which was hardly in sight when I myself took office over four years ago. I mean that the Act for the first time in the history of India consolidates the whole of India, State and British, for purposes of common concern under a single Government. India for the first time can become one great country.

The second broad feature, in contrast with the existing Constitution, is that the Governments of India under the new Constitution will draw their authority by direct devolution from the Crown just as Dominion Governments do. They will cease to be agents and will stand forth as full political and juristic personalities exercising the functions of His Majesty.

The first feature to which I have referred is the consummation of age-long efforts, not only of the British Government but of all great Rulers in India from Asoka onwards. The second feature is the necessary preliminary and best augury for the full attainment by India of the political character which the most developed of His Majesty's dominions enjoy.

My experience of India now extends over two decades, and I have also had no inconsiderable experience of the theory and practice of political life in other parts of the British Empire. It is out of that long and full experience and out of the genuine sympathy which I have ever felt for India's political aspirations that I give you this word of sincere advice. Nothing is to be gained by working the Constitution in a spirit of mere destruction or by the abandonment of constitutional methods. The new Constitution contains within it great potentialities of development. Everything is to be gained by taking up the new proffered rôle of a consolidated India and a full political personality and by developing the Constitution till it, in due season, sheds those limitations and restrictions which have been designed for the period of its growth. The abandonment of constitutional methods has never led us anywhere in the past and will never lead us anywhere in the future.

It will not be my task to introduce the new Constitution, nor to join with you in its constitutional and, I trust, harmonious development. I shall hand over that task to one who comes equipped with great technical knowledge of our new Constitution, for he has himself been a builder in the construction of your policy, one who will I know bring to the service of the Crown here the fullest sympathy with your aspirations and ideals. I feel the greatest confidence that, when he comes to the stage which I have now reached in my life here as Viceroy he will look back on a period fraught with great good to the fortunes of India, enriched by the same kindliness which you will assuredly accord to him as you have so generously accorded to me.

Your thoughts are no doubt occupied, as mine are, by forecasts of the steps by which and at which the new Constitution will be brought into operation. It is impossible for me at this stage to give any indication of precise dates. But, as you are no doubt aware, all branches of my Government and all the Provincial Governments in India are actively and industriously engaged on the problems which must be solved before the new Constitutions in Provinces and at the Centre can be introduced. We shall spare no efforts which will enable us to introduce the new order of things at the earliest possible date.

[H. E. the Viceroy.]

In conformity with this intention, the Committee appointed by His Majesty's Government to report on the delimitation of constituencies and connected problems will assemble in Simla before the end of the present month, that is within two months of the date of the Royal Assent. We have secured as the Chairman of that Committee an electoral authority of great eminence in Sir Laurie Hammond, while with him will be associated two Indian members whose experience as High Court Judges ensures that judicial outlook and strict impartiality which are so essential. The problems which face the Committee are of great complexity, but I am confident that they will prove equal to the task.

In conclusion I wish to make an appeal, which is not new, but which is uppermost in my mind at the present time. No system of Parliamentary Government can be expected to work successfully and for the benefit of the people as a whole without the existence of a spirit of accommodation and a willingness on the part of all sections of the people to prefer the wider interests of the whole body-politic to the narrower interests of their own particular section. As I said not long ago in a speech at Allahabad, the shadow of communal strife is hanging at this time over India. It is a shadow of evil portent and a cause of constant anxiety not only to all Governments in India but to all thoughtful and responsible people. If India is to enter on her new Constitution in conditions favourable to its successful development, that shadow must be dispelled and I would appeal to all those who love this country and desire to see it well governed by its own people to show a spirit of tolerance and goodwill and to work for the creation of greater friendliness among all communities.

On Thursday last the Legislative Assembly to the regret of my Government and myself refused by a majority to take into consideration the Bill to give permanence to the Indian Press (Emergency Powers) Act, 1931, and to certain provisions of the Criminal Law Amendment Act, 1932. I had hoped that the Assembly would share with Government the responsibility for this measure. Their refusal to do so has transferred the responsibility to me and after taking time to consider all the implications of action or inaction on my part I have decided, in discharge of my responsibility for the safety, tranquillity and interests of British India, to give the Assembly an opportunity to reconsider their decision, and the Bill will be brought before that House again in a recommended form. The arguments for and against the Bill have already been discussed at great length on the floor of the Legislative Assembly, and I shall, therefore, state as briefly as possible my own reasons for considering the passage of the Bill to be essential. We are on the eve of important changes in the Constitution of India. Within the next two years the primary responsibility for the maintenance of peace and good government in the Provinces will be transferred to Ministries responsible to the Legislatures. I consider it my imperative duty to use such powers as I possess to secure that that transfer takes place in the most favourable conditions possible to the stability and success of these new Governments. Dangerous subversive movements are still active in the country. Communal unrest as I have already said is unfortunately a more serious danger than for many years past. The experience of all Local Governments has been that the provisions of this Bill give them powers which are

effective in keeping these movements in check and in preventing the publication of incitements to communal dissension. They are unanimous in considering the retention of these powers essential. I am myself satisfied that they are right and that I would be failing in my duty if I did not use my special powers to secure that these Governments have these powers during the remainder of the present Constitution and that the new Governments shall also have them when they take over the reins of Government.

And now I leave you, Gentlemen, to continue your labours of this present Session, and I do so with full confidence that you will continue to maintain the traditions and dignity which have always characterised the proceedings of both our Legislative Chambers. (Loud and Prolonged Applause.)

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

QUESTIONS AND ANSWERS.

INCONVENIENCES TO PASSENGERS AT RAJA-KI-MANDI RAILWAY STATION IN AGRA.

372. *Pandit Sri Krishna Dutta Paliwal : (a) Is it a fact that Raja-Ki-Mandi railway station in Agra, on the Great Indian Peninsula Railway line, is the only station in the heart of the city ?

(b) Is it also a fact that even mail trains stop there ?

(c) Is it further a fact that the platform at that station is very low ?

(d) What is the stoppage of trains at the above station ?

(e) Are Government aware that most of the Agra passengers are put to great inconvenience on account of the lowness of the platform and short stoppage ? If so, what steps, if any, do Government propose to take to remove these inconveniences ?

Mr. P. R. Rau : (a) and (b). Yes.

(c) The down platform is one foot and the up platform eleven inches above rail level.

(d) Two trains stop for two minutes each, six stop for three minutes each, two for five minutes each, one for eight minutes and one for ten minutes.

(e) I am bringing the Honourable Member's suggestion to the notice of the Agent, Great Indian Peninsula Railway, for consideration.

NON-EXISTENCE OF LABELS ON COOLIES INDICATING LUGGAGE FARE AT THE AGRA FORT RAILWAY STATION.

373. *Pandit Sri Krishna Dutta Paliwal : (a) Is it a fact that the coolies at both (East Indian Railway and Bombay, Baroda and Central India Railway) the Fort Stations in Agra wear no label indicating their luggage fare ?

(b) Are Government aware that passengers are put to great inconvenience on account of the non-existence of the labels indicating luggage fare ? If so, what steps do Government propose to take to remove this inconvenience to the travelling public ?

M. P. R. Rau : (a) There is only one Agra Fort station which is worked by the Bombay, Baroda and Central India Railway. I understand that the coolies at that station wear no such label.

(b) The Agent has reported that the inconvenience has not been brought to his notice. He has been asked to consider the desirability of arranging for such labels.

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

374. *Pandit Sri Krishna Dutta Paliwal : (a) Is it a fact that there is no bridge at the railway crossing near the Agra Cantt. Station of the Great Indian Peninsula Railway on the Agra-Jognar Road Line ?

(b) Is it also a fact that people are put to great hardship on account of the above fact ?

(c) Have Government received any representations from public asking them to construct a bridge there ?

(d) Will Government be pleased to lay those representations on the table of this House and also state the date of each representation together with the steps taken on them ?

(e) Have any complaints been lodged or legal steps taken by any member of the public against the railway authorities in connection with the hardship ? If so, when, by whom, and with what results ?

(f) What steps do Government propose to take to remove this hardship ?

Mr. P. B. Rau : Enquiries are being made from the Railway Administration and a reply will be laid on the table in due course.

EXEMPTION OF DISABILITY PENSIONS FROM THE INCOME-TAX.

375. ***Pandit Sri Krishna Dutta Paliwal :** Is it a fact that disability pensions are exempt from the income-tax ? If so, to what extent ?

Mr. A. H. Lloyd : Yes, pensions granted to members of His Majesty's Naval, Military or Air Forces, British or Indian, or of the Auxiliary Force, India, or of the Indian Territorial Force, or of the Royal Indian Marine, who have been invalided from service with such forces on account of bodily disability attributable to, or aggravated by, such service are totally exempt from income-tax.

DOUBLE DISABILITY WAR PENSION CASES.

376. ***Pandit Sri Krishna Dutta Paliwal :** (a) Is it a fact that the pension of an officer, suffering from double disability, one due to service in the Great War, and the other due to post war service, shall be specially assessed, *vide* paragraphs 40 and 81 of the Pension Regulations, India ?

(b) Is it a fact that the post war service in Cantonments in India is included in the term " Post War service " ?

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

PROPAGANDA AGAINST INDIA THROUGH FILMS LIKE " BENGALI " AND " INDIA SPEAKS " IN EUROPE AND AMERICA.

377. ***Dr. P. N. Banerjee :** Will Government be pleased to state what steps have been taken to prevent the spread of false propaganda against India through scandalous films like ' Bengali ' and ' India Speaks ' in Europe and America ?

The Honourable Sir Henry Craik : As I stated in reply to questions on March 27th last, the Government of India addressed the Secretary of State in this matter, pointing out that censorship in India is conducted so as to exclude from exhibition films which are calculated to wound the susceptibilities of any foreign nation and that, for that reason, the Government of India were of opinion that India should be accorded reciprocal treatment in this matter whenever necessary. We have since heard from the Secretary of State that there is no official censorship on films in America, but there is an unofficial arrangement whereby producing companies in Hollywood do, in their own interests, make a

practice of seeking advice on the suitability for Empire audiences of films which they propose to produce. This is in the interests of the companies themselves because the Empire market is a very valuable one. It is most unfortunate that this arrangement did not prevent the production of the offensive parts of the two films mentioned by the Honourable Member. But the Government of India have been informed that the producers of the film "India Speaks" have taken to heart the adverse reception of that film both in America and elsewhere and its ban by the British Board of Censors, whose lead is usually followed by censors in other parts of the Empire, and will be reluctant to allow any similar films to be released in future. As it was believed that the film was no longer being produced and as there is no official censorship in America His Majesty's Government felt that no useful purpose would be served by making representations to the Government of the United States of America.

2. The film "Bengali" is reported to be the same as the film "The Lives of a Bengal Lancer" which has been exhibited in many places in India without objection. Certain portions of the film were excised by the Madras and Bombay Boards of Censors and, as a result of representations made by His Majesty's Government, the publishers of the film agreed to excise some portions from the copies of the film issued for exhibition in England. The copy shown in Vienna, to which references were made in the Indian Press, seems to have been an original copy and, by the time that the representation made by His Majesty's Government reached His Majesty's Ambassador in Austria, the film was at the end of its run in Vienna and the Ambassador thought that it would then be neither advisable nor appropriate to make any representation to the Austrian Government.

3. I should like to assure the House that the Government of India share the resentment of Honourable Members against the exhibition of films picturing India in an unfavourable light. They hope that the arrangement at Hollywood will in future prevent the production of such films at that place and they will take such steps as are possible to stop the exhibition of any such films both in India and elsewhere whenever they come to notice.

Dr. P. N. Banerjea : Are Government aware that a third film entitled "Everybody Loves Music" has recently been exhibited in which Mahatma Gandhi has been depicted as dancing with a European woman ?

The Honourable Sir Henry Craik : I have not heard of it. Where was it exhibited ?

Dr. P. N. Banerjea : In America, produced most probably by the "American Company".

The Honourable Sir Henry Craik : If the Honourable Member will kindly give me details, I will make enquiries.

Dr. P. N. Banerjea : Will Government consider the desirability of banning all "American Company" films if our representations do not bear fruit ?

The Honourable Sir Henry Craik : I do not think that arises. Our representations have so far proved fruitful. The Honourable Member means banning of entry of all American films into India ?

Dr. P. N. Banerjee : American films issued by this Company, the American Company, which issued "India Speaks", "Bengali" and the third film.

The Honourable Sir Henry Craik : They are all of the same company ?

Dr. P. N. Banerjee : Yes, this particular company,—the "American Company".

The Honourable Sir Henry Craik : I will consider it.

Mr. S. Satyamurti : Is the Honourable Member aware of the fact that a new film is projected which is supported by missionaries in this country, depicting the scandalous habits of the people, the disgraceful religions of the people ? May I ask the Honourable Member if he will be good enough to make enquiries ? I am obliged to the Honourable Member for the full and sympathetic answer he has given.

The Honourable Sir Henry Craik : I am not aware of that. Is it the Honourable Member's point that the film is being manufactured in India ?

Mr. S. Satyamurti : Outside India, but supported by the missionaries in this country.

The Honourable Sir Henry Craik : If the Honourable Member will give me full details, I will make an enquiry.

Mr. M. Ananthasayanam Ayyangar : Will the Honourable Member be pleased to state whether there is no law by which objectionable film or picture can be banned in America ?

The Honourable Sir Henry Craik : We have made enquiries, and we are told that there is no official censorship there.

Mr. M. Ananthasayanam Ayyangar : Apart from official censorship, if an obscene picture is put on boards, is there no law by which that film can be banned ?

The Honourable Sir Henry Craik : I am not sure about the American law, but I understand that there is no official censorship. All that happens is that Hollywood producing firms regularly consult our Consul at Los Angeles or somewhere and take his advice as to the suitability of films for British Empire audiences.

Mr. M. Ananthasayanam Ayyangar : What does the American Government themselves do in case they desire to prohibit any picture on political or moral grounds ? Is there any method whereby they can do this ?

The Honourable Sir Henry Craik : As far as I know, there is no censorship at all.

INDIANS EMPLOYED IN, AND INDIA'S CONTRIBUTION TOWARDS, THE LEAGUE OF NATIONS.

378. **Dr. P. N. Banerjee :** Will Government be pleased to state :

- (a) the number of Indians employed in the different departments of the League of Nations during the recent years ; and
- (b) the amount of annual contribution made by India to the League of Nations as compared to the contributions of other countries ?

The Honourable Sir Nripendra Sircar : (a) During recent years the number of permanent Indian employees has been seven. The number has recently been reduced to six by the death of Mr. Chatterjee, in whose place, however, another Indian will, it is believed, be appointed. There are also understood to be about three temporary Indian employees, but temporary employees are not shown in the staff lists.

(b) The Honourable Member will find complete information on pages 1264-1265 of the League of Nations Official Journal, 15th Year, No. 10 (Part II) of October, 1934, a copy of which is in the Library.

Dr. P. N. Banerjee : With regard to clause (a), what is the number of Britishers employed in the office of the League of Nations ?

The Honourable Sir Nripendra Sircar : I have given a complete list twice in answer to questions since I came into this House. All the names and nationalities will be found in the pages of the list I have referred to.

Dr. P. N. Banerjee : Has the attention of the Government been drawn to the speech of His Highness the Aga Khan in which he declared that Indian criticism of the League was growing and complained of the League's lack of universality, want of representation of Indians on it and also the magnitude of the contribution made by India to the League of Nations ?

The Honourable Sir Nripendra Sircar : I have not seen it, Sir.

SELECTION OF DELEGATES TO THE SESSION OF THE LEAGUE OF NATIONS.

379. ***Dr. P. N. Banerjee :** (a) Will Government be pleased to state the method so far adopted in selecting delegates to the sessions of the League of Nations ?

(b) Are Government prepared to consider the desirability of selecting delegates in future on the recommendation of this House ?

The Honourable Sir Nripendra Sircar : (a) The delegates are appointed by the Secretary of State acting in consultation with the Government of India.

(b) No.

Dr. P. N. Banerjee : Is it not a fact that the representatives of other Governments are also representatives of the Legislatures of those countries ?

The Honourable Sir Nripendra Sircar : I do not believe that is correct, but I have not got full information.

Dr. P. N. Banerjee : Will there be any harm if the Assembly be consulted at the time of sending the delegates ?

The Honourable Sir Nripendra Sircar : The difficulty is that the delegate who goes there is supposed to represent the views of the Government of India and not the views of this House.

Mr. S. Satyamurti : Is it the postulate of Government that the Government and this House can never agree, and whoever the House elects is bound to have an opinion different from the Government. Cannot the Government make an honest attempt to agree with us in this matter ?

The Honourable Sir Nripendra Sircar : He may have, but he may not have.

Mr. S. Satyamurti : May I ask the reason why Government refuse to consider the desirability of selecting delegates in consultation with this House ?

The Honourable Sir Nripendra Sircar : Because he may not have the same opinion as the Government of India.

Mr. S. Satyamurti : May I take it that this House ought to have no representative on the League of Nations, but the Government alone should select him ?

The Honourable Sir Nripendra Sircar : That is an inference that the Honourable Member is entitled to draw, though I do not agree.

Mr. S. Satyamurti : Is this House to be treated not as a part, but as an excrescence of the Government of India ?

(No answer.)

AMOUNT COLLECTED UNDER THE SALT (ADDITIONAL IMPORT DUTY) ACT IN BENGAL.

380. *Dr. P. N. Banerjee : Will Government be pleased to state :

- (a) the total amount collected under the Salt Duty (Additional) Act in Bengal from the commencement up to the end of the financial year 1933-34 ;
- (b) the amount made over to the Government of Bengal ; and
- (c) the amount spent by the Government of Bengal for the resuscitation of the salt industry in Bengal ?

The Honourable Sir James Grigg : (a) Rs. 25,02,518.

(b) Rs. 13,52,700.

(c) I would refer the Honourable Member to the reply that I gave to Mr. S. C. Mitra's question No. 645 on the 20th August, 1934.

Dr. P. N. Banerjee : Have the Government of India asked the Government of Bengal why they have not spent the money for legitimate purposes ? Is this not a misapplication of public funds ?

The Honourable Sir James Grigg : Certainly not. If the Honourable Member will refer to the question to which I have given him a reference, he will see quite clearly that the Government of Bengal have not misapplied the money.

TERMS OF REFERENCE OF THE INCOME-TAX ENQUIRY COMMITTEE.

381. *Dr. P. N. Banerjee : (a) Will Government be pleased to state the terms of reference under which a committee has recently been appointed to investigate the existing system of income-tax administration ?

(b) Do Government intend to invite the opinions of public bodies and individuals interested in the matter ?

The Honourable Sir James Grigg : I would refer the Honourable Member to my remarks on these points in the Report of the Proceedings of the Assembly for the 4th of April last. (Page 3667.)

Dr. P. N. Banerjee : What were those remarks ?

The Honourable Sir James Grigg : I cannot repeat them at length.

Dr. P. N. Banerjee : Will the Legislative Assembly be asked to express an opinion on the Report ?

The Honourable Sir James Grigg : I cannot say. When the report is made, I will consider the question of publication and placing it before the Assembly.

ACCELERATION OF THE SUBURBAN SERVICES ON THE EAST INDIAN AND EASTERN BENGAL RAILWAYS.

382. ***Dr. P. N. Banerjee :** Are Government prepared to consider the desirability of accelerating the suburban services on the East Indian and Eastern Bengal Railways ?

Mr. P. R. Rau : The average time table speed of suburban trains on the Eastern Bengal Railway is 21.7 miles per hour and cannot be considered unsatisfactory compared with the electrically operated suburban services on the Bombay, Baroda and Central India and Great Indian Peninsula Railways whose average time table speeds are 23.8 and 22 miles per hour, respectively.

On the East Indian Railway the average time table speed of suburban trains is 19.4 miles per hour : the lower speed being due to the engineering restrictions necessary on account of relaying, reconstruction of bridges and the entire alteration and modernising of the method of signalling trains in and out of Howrah station. These works are being undertaken in order to speed up the service.

I am conveying the Honourable Member's suggestion to the Agents of these two Railways for consideration.

RECRUITMENT IN THE SUBORDINATE POSTAL SERVICE.

383. ***Mr. Suryya Kumar Som :** (a) Is it a fact that recruitment to the subordinate Postal service is to be made according to the Revenue Division basis ?

(b) Is it a fact that an exception has been made with regard to such recruitment in cities like Calcutta and Bombay ?

(c) Is it a fact that recruitment in Calcutta is not to be confined only to the Presidency Revenue Division wherein it is situated ?

(d) Is it a fact that according to the orders, recruitment in Calcutta is to be made also from the Revenue Divisions adjacent to the Presidency Revenue Division ?

(e) Are Government aware that Mr. M. L. Pasricha, late Postmaster-General, Bengal and Assam Circle, interpreted the said orders that as Calcutta is situated within the Presidency Revenue Division, with reference to appointment in Calcutta, Revenue Divisions adjacent to Presidency Revenue Division, such as Rajshahi, Dacca, and Burdwan, should be considered adjacent Revenue Divisions ?

(f) Do not the Government approve of this interpretation of the then Postmaster-General, Bengal and Assam Circle ? If not, are Government aware that there is no such Revenue Division as Calcutta Revenue Division and that Calcutta is within the Presidency Revenue Division ?

(g) Do Government propose to consider the advisability of revising the orders of the present Postmaster-General, Bengal and Assam, who has interpreted the orders of the Director-General of the year 1926 that Calcutta City is a Revenue Division by itself and that Revenue Divisions

adjacent to Calcutta City alone are to be considered as adjacent Revenue Divisions in connection with appointments in Calcutta Posts and Telegraph offices ?

(h) Is it a fact that Calcutta being the capital city of Bengal, all the districts of Bengal contribute to its development, and if so, do Government propose to consider the claim of all the districts of Bengal to such appointments ?

(i) Will Government be pleased to lay on the table the note of the present Postmaster-General, Bengal, requesting the Director-General, to accept the interpretation of adjacent Revenue Divisions as applying to Calcutta City alone ?

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

(d) The fact is not as stated by the Honourable Member. Recruitment in Calcutta is from residents of that city and also from those of the Revenue Divisions adjacent to it, i.e., the Presidency Division and the Burdwan Division. The Honourable Member is referred to the Director General's demi-official letter, dated the 17th December, 1934, a copy of which was laid on the table of this House in reply to parts (c) and (d) of Pandit Lakshmi Kanta Maitra's starred question No. 1455 on the 4th April, 1935.

(e) Yes.

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

(g) The reply is in the negative. The Honourable Member's assumption, that the present Postmaster-General, Bengal and Assam, has wrongly interpreted the orders of the Director General, is incorrect, as the Honourable Member will see from the reply given to part (d) above.

(h) As regards the first part of the question, the fact may be as stated. The reply to the second part is in the negative.

(i) Government are not prepared to lay on the table copies of departmental notes.

Mr. Lalchand Navalrai : May I know from the Honourable Member who fixes the revenue divisions ?

The Honourable Mr. D. G. Mitchell : The Local Government fixes the revenue divisions.

Mr. Suryya Kumar Som : Is it not a fact that Calcutta itself is within the Presidency Division ?

The Honourable Mr. D. G. Mitchell : I understand that Calcutta is within the Presidency revenue division.

Mr. Suryya Kumar Som : Then the previous Postmaster General's interpretation has been overruled or differed from ?

The Honourable Mr. D. G. Mitchell : It has been overruled, because it was not in accordance with the standing instructions of the Department.

Mr. Suryya Kumar Som : Do not Government feel that injustice will be done to the other districts which are adjacent to the Presidency revenue division, because, as a matter of fact, big cities like Bombay and Calcutta are practically supplied by the revenues of these districts ?

The Honourable Mr. D. G. Mitchell : I think that would also apply to Assam, Bihar and Orissa and other parts of India. Does the Honourable gentleman contemplate that the posts of these inferior servants in Calcutta should be recruited from half of upper India ?

Mr. Suryya Kumar Som : I meant the adjacent parts of the revenue divisions, not all over India.

The Honourable Mr. D. G. Mitchell : Government consider that the present arrangement is the most equitable for all concerned.

RECRUITMENT OF THE QUALIFIED SONS AND DEPENDANTS OF THE POSTAL EMPLOYEES IN THE BENGAL AND ASSAM POSTAL CIRCLE.

384. ***Mr. Suryya Kumar Som :** (a) Is it a fact that the Director General of Posts and Telegraphs, issued orders to the effect that the qualified sons and dependents of the existing employees are to be recruited freely in the Divisions wherein they are employed and that the restrictions on this score of Revenue Division should not act as bar in their cases ?

(b) Is it a fact that the aforesaid orders of the Director General are not being carried out in the Bengal and Assam Circle at present ?

The Honourable Mr. D. G. Mitchell : (a) The orders are that recruitment to the subordinate services in the Posts and Telegraphs Department should ordinarily be confined to candidates who belong to or are domiciled in the revenue divisions in which the vacancies occur ; but Heads of Circles have been authorised to depart from this rule at their discretion and to treat with considerable liberality the applications of dependants of postal employees for employment in the same place in which the officials themselves are employed, provided such candidates belong to or are domiciled in the postal Circle in which they seek employment.

(b) No.

Mr. Lalchand Navalrai : Do Government give these appointments away by selection on a consideration of personal qualifications or only on the ground that so and so is the son of these people ? Are these appointments given away by selection ?

The Honourable Mr. D. G. Mitchell : As far as I remember, all posts are filled by selection, but the idea is that, other things being equal, the relatives and other dependants of Government employees will be given a certain degree of preference.

Mr. Lalchand Navalrai : Without any selection ? Are the appointments given away by competition, or by selection ? If by selection, then are these people given preference, or they are not given any preference ?

The Honourable Mr. D. G. Mitchell : I could not say off-hand if all these appointments are by selection or by examination or other method, but, in any case, whatever the method may be, other things being equal, these relatives of Government officials are given a certain degree of preference.

RECRUITMENT IN THE SUBORDINATE POSTAL SERVICE.

385. ***Mr. Suryya Kumar Som :** (a) Is it a fact that according to a circular issued by the Director-General, Posts and Telegraphs, in the year 1926, recruitment in the subordinate Postal service is to be made on Revenue Division basis ?

(b) Is it a fact that the heads of Circles are authorised to use their discretion in special cases ?

(c) Will Government please state what those special cases are ?

(d) Will Government please state if the question of recruitment of the sons and dependents of the existing employees comes under special cases ?

The Honourable Mr. D. G. Mitchell : (a) and (b). The facts are substantially as stated by the Honourable Member.

(c) and (d). Government regret that it is not possible to give a complete list of the special cases that might arise but the general position has been explained in the reply given to part (a) of the late Mr. Fakir Chand's starred question No. 494 in this House on the 23rd February, 1935, to which the Honourable Member's attention is invited.

SUB-DIVISIONAL OFFICERS AND ASSISTANT GARRISON ENGINEERS IN THE ELECTRICAL AND MECHANICAL ENGINEERING BRANCH IN THE ARMY.

386. ***Sardar Sant Singh :** (a) Will Government please state the number of Sub-divisional Officers and Assistant Garrison Engineers in the Electrical and Mechanical Engineering Branch in the Army in each command, separately ?

(b) How many of them are Europeans and how many Indians in each command ? Out of Indians, how many are Hindus, Muslims or Sikhs ?

(c) What is the starting salary of such officials, and for what period they work as Sub-divisional Officers or Garrison Engineers ?

(d) What are the prescribed minimum academical qualifications for such posts ?

(e) Is it a fact that ordinary European Sergeants are given a short training as mechanics and posted as Sub-divisional Officers without any mechanical, or academic qualifications, while Indians with high academical qualifications and with practical mechanical and electrical training are not posted as Sub-divisional Officers ? If so, why ?

Mr. G. B. F. Tottenham : (a) There is only one Assistant Garrison Engineer in the Electrical and Mechanical Branch of the Military Engineer Services.

The number of Sub-Divisional Officers (military and civilian) in this Branch is shown below :

	No.
In Northern Command ..	22
In Southern Command ..	13
In Eastern Command ..	13
In Western Command ..	6
	—
Total	54
	—

(b) I lay on the table a statement giving the information asked for.

(c) The starting pay of military Sub-Divisional Officers is Rs. 220 per mensem and of civilian Sub-Divisional Officers Rs. 150 per mensem. Except for military mechanists who come to India for a five years term

and revert to the United Kingdom on its completion, military personnel of the Sub-Divisional Officer class serve up to the age of 52 when they retire after an average service of 22 years in the Military Engineer Services. Civilians normally retire at the age of 55 after an average service as Sub-Divisional Officers of 20 years.

(d) Military Sub-Divisional Officers have to qualify at a special two years' course at the School of Military Engineering, Chatham, which provides a high standard of electrical and mechanical training to individuals who have already acquired technical knowledge from practical experience in this Branch of engineering in the United Kingdom. In addition, they are required to pass subsequently special examinations conducted by the City and Guilds Institute. Civilian Sub-Divisional Officers are normally promoted from subordinate positions in the various electrical and mechanical installations run by the Military Engineer Services and selection is confined to those who have passed a departmental examination based on the City and Guilds examinations referred to above.

(e) What I have just said shows that it is not a fact.

Statement.

Command.	Europeans.		Indian (civilians).			Total.
	Military.	Civilians.	Hindus.	Muslims.	Sikhs.	
Northern ..	22	..	..	..	..	22
Southern ..	11	2	..	..	..	13
Eastern ..	8	3	2	..	..	13
Western ..	4	..	2	..	..	6
Total ..	45	5	4	..	..	54

SALE OF SILVER.

387. *Mr. Akhil Chandra Datta : (a) Has the attention of Government been drawn to the resolutions recently passed at the annual meeting of the Federation of Indian Chambers of Commerce regarding the dangers of silver sales ?

(b) How much loss did Government suffer by the sale of silver from 1926 to date ?

(c) Is it in the neighbourhood of 26 crores ?

(d) How was this loss met ?

(e) In view of the obligations of Government to keep the Reserve Bank supplied with silver rupees, do they intend selling more silver ?

(f) Will Government state the total value of silver rupees and bullion held by them against currency reserve at the present level of prices (without taking the gold standard reserve into consideration) ?

The Honourable Sir James Grigg : (a) Yes.

(b), (c) and (d). I would refer the Honourable Member to Account No. 93A in the Finance and Revenue Accounts of the Government of India for the year 1933-34. The loss shown there of course only covers realisations since 1927-28 ; in the years prior to this there was of course a very large net profit which cannot however be exactly calculated.

(e) I do not think that it is desirable in present circumstances to make any statement on this subject.

(f) Government no longer hold silver against currency notes. The amounts of rupees held by the Reserve Bank in their reserve against notes are shown in their weekly published statements.

Mr. M. Ananthasayanam Ayyangar : Are Government aware that in the paper Currency Reserve the Government of India's silver rupee securities have gone down in amount from Rs. 43 crores to 26 crores in a period of two months ?

The Honourable Sir James Grigg : I am afraid I cannot understand in the least what the Honourable Member is talking about. The reserves held against currency notes are entirely in the hands of the Reserve Bank.

CONSTRUCTION OF MORE QUARTERS FOR THE EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

338. ***Syed Ghulam Bhik Nairang :** (a) Are Government aware that several employees of the Government of India Press, New Delhi, have been made to live in inferior type quarters due to the paucity of proper and superior type of quarters in the Press Area ?

(b) Is it a fact that many Readers, Revisers and Copy-holders, as well as clerks, have been allotted and are occupying Dufftry type quarters (which are primarily meant for the menial staff), as there is a tremendous shortage of suitable quarters ?

(c) Are Government aware that on the 1st June, 1935, a memorial praying for the construction of more quarters of the type required was submitted by several employees of the Government of India Press, New Delhi, to the Secretary to the Government of India in the Department of Industries and Labour ?

(d) If the answer to part (c) be in the affirmative, what decision have Government reached as to the said memorial ?

(e) Do Government propose to build more quarters for the employees of the New Delhi Press ? If so, when will these quarters be made available to them ?

The Honourable Mr. D. G. Mitchell : (a) Under the rules and orders at present in force no press employee is compelled to occupy Government accommodation in New Delhi.

(b) Yes—but the type of quarters referred to is intended for all employees drawing less than Rs. 45 per mensem and not for Dufftries and inferior servants only.

(c) to (e). Memorials from certain employees of the Government of India Press, New Delhi, praying for the construction of additional quarters have just been received and will be considered by Government.

RULES GOVERNING THE ALLOTMENT OF QUARTERS TO THE EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

389. ***Syed Ghulam Bhik Nairang** : Is there a separate set of rules governing the allotment of quarters to the employees of the Government of India Press, New Delhi ? If so, will Government be pleased to lay a copy of those rules on the table of this House ?

The Honourable Mr. D. G. Mitchell : There are no separate rules for the Press quarters at New Delhi.

WANT OF SMOKE-CHIMNEYS IN THE DUFTARY TYPE QUARTERS OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

390. ***Syed Ghulam Bhik Nairang** : (a) Are Government aware that there are no smoke-chimneys in the Duftary type quarters of the Government Press, New Delhi ?

(b) Is it a fact that smoke-chimneys have been provided in the newly-built Duftary type quarters that have been erected to the east of the Press Area ?

(c) If so, do Government propose to provide similar chimneys in the Duftary type quarters of the Press Area as well ? If not, why not ?

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

(c) No. Funds cannot at present be made available for the work.

CLASSIFICATION OF THE EMPLOYEES OF THE READING BRANCH OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

391. ***Syed Ghulam Bhik Nairang** : (a) Are Government aware that a memorial was submitted to the Government of India by the members of the Reading Branch of the Government of India Press, New Delhi, urging their classification as " ministerial " workers instead of " industrial " workers, which is their present designation ?

(b) Have Government considered this memorial and reached a conclusion ? If so, what is the decision arrived at ?

The Honourable Mr. D. G. Mitchell : (a) and (b). The memorial was not submitted to the Government of India ; it was addressed to the Controller of Printing and Stationery and rejected by him, after careful consideration.

ALLEGED COMPULSION FOR OVERTIME WORK IN THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

392. ***Syed Ghulam Bhik Nairang** : (a) Is it a fact that the employees of the Government of India Press, New Delhi, work over-time during the winter season ?

(b) Is it a fact that very often they have to work eleven hours a day ?

(c) Are Government aware that this over-work is telling upon the health of the employees and that those who do not want to work over-time are forcibly made to do so ?

(d) If so, under what rule of the Press Hand-book is this compulsion justified ?

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

(b) In order to deal with an exceptional press of work generally during the winter season, the men are sometimes required to work for more than ten hours.

(c) Government have no reason to suppose that the amount of over-time has been such as to produce adverse effects on health. The liability to work overtime is part of the ordinary conditions of service of press employees.

(d) Under the last sub-paragraph of paragraph 30 of the Press Handbook.

Mr. Lalchand Navalrai : What is the ordinary time for them to work—how many hours ?

The Honourable Mr. D. G. Mitchell : About forty-eight hours a week.

EXEMPTION OF MUSLIM EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI, FROM WORKING OVERTIME ON FRIDAYS.

393. ***Syed Ghulam Bhik Nairang :** (a) Is it a fact that one hour's leave is allowed to Muslim employees of the Government of India Press, New Delhi, to say their Friday prayers ?

(b) Is it a fact that if the Muslim employees work over-time on Friday this one hour is deducted from their over-time ? If so, why ?

(c) Do Government propose to make payments to Muslim employees for over-time work on Fridays ? If not, why not ?

(d) Do Government propose to exempt as many Muslim employees as possible from working over-time on Fridays and specially when non-Muslim employees are available ?

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

(b) and (c). The attention of the Honourable Member is invited to the reply given in the Legislative Assembly on the 20th August, 1934, by the Honourable Sir Frank Noyce to starred question No. 668.

(d) Government are anxious to reduce overtime as much as possible for all employees. But it would not be fair to members of other communities to detain those who had already worked full time, while those who had worked a shorter time were released.

EFFECT OF THE RISE IN THE PRICE OF SILVER ON THE RUPEE.

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

(a) whether they are aware of the intention of the Government of the United States of America to push up the price of silver to 80d. ; and

(b) what Government propose to do, if, by this rise of price of silver, the rupee ceases to become a token coin ?

The Honourable Sir James Grigg : I would invite the attention of the Honourable Member to the reply given by me to Mr. Satyamurti's starred question No. 223 during the current Session.

APPLICATIONS FROM MAHATMA GANDHI AND BABU RAJENDRA PRASAD FOR PERMISSION TO ENTER THE EARTHQUAKE AREA IN QUETTA.

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

(a) whether it is a fact that Mahatma Gandhi and Babu Rajendra Prasad, the President of the Indian National Congress, had applied for permission to enter the earthquake area in Quetta for doing relief work ;

(b) whether their applications were rejected ; and

(c) if so, on what grounds and for what reasons ?

The Honourable Sir Henry Craik : (a) Yes.

(b) and (c). I would refer the Honourable Member to the answer given by me to Mr. Satyamurti's starred question No. 219.

Mr. T. S. Avinashilingam Chettiar : Are the Government of India prepared to publish the correspondence with Babu Rajendra Prasad on the subject ?

The Honourable Sir Henry Craik : I said in answer to the previous question that I was prepared to do it, but I have not got the permission of the people to whom the letters were addressed.

Mr. T. S. Avinashilingam Chettiar : Are Government aware that Babu Rajendra Prasad has sent out to the press his letter, and are Government free to publish such correspondence ?

The Honourable Sir Henry Craik : I saw something in the press, but he did not say that the Government had asked his permission to publish.

Mr. S. Satyamurti : Do Government propose to publish it, or to ask him for permission to publish it ?

The Honourable Sir Henry Craik : I do not think it would be for Government to ask him for permission.

Mr. S. Satyamurti : Will Government ask for permission ?

The Honourable Sir Henry Craik : If the Honourable Member wants his consent, I suggest the Honourable Member should ask him.

Mr. S. Satyamurti : If I communicate his consent to Government, will Government publish it ?

The Honourable Sir Henry Craik : Yes.

TENDERS FOR WAGONS FOR 1935-36.

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

(a) whether it is a fact that tenders for wagons for 1935-36 were called for in three lots ;

(b) that the third call was for 2,050 wagons, and that for this world tenders were invited and Belgian, German and British firms gave tenders ;

(c) that the tenders of the Indian firms were the lowest, except for Metro-cammell whose price was ten per cent. less and a German group who quoted five per cent. lower ;

- (d) that, though Metro-cammell quoted for the whole lot, the delivery schedule they had given was such that they could complete only 750 wagons in this fiscal year, and so they got an order for 750 wagons ;
- (e) that 500 wagons were withdrawn, and with regard to the balance of 800 wagons, the Indian firms were offered prices which were far below their tender prices ;
- (f) Whether it is a fact that the saving effected by placing the order with Metro-cammell was only Rs. 3 lakhs ;
- (g) supposing this order to have gone to Indian firms, what the increased railway freight is that this manufacture should have occasioned ; what the extra excise duty and additional income-tax is that Government may have obtained ;
- (h) whether Government are aware that, in response to the insistence of the Select Committee of this House in 1927, Sir George Rainy, the then Commerce Member, accepted that all future orders should be placed in India ; and
- (i) in the face of this assurance, why orders for these wagons were given to a foreign non-Indian company ?

Mr. P. B. Rau : (a) Yes.

(b) Yes.

(c) Four types of wagons were included in the world call for tenders, viz.,—

O—Train piped and with hand brake.

O—fully vacuum braked.

OM—and

CR—

For the two O types and the OM type, one British tender and one German tender were lower than the lowest Indian tender. For the CR type, two British tenders and one German tender were lower than the lowest Indian tender. For the types for which the order was placed abroad (viz., O fully vacuum braked and CR) the British tenders were ten per cent. and 14 per cent. and the German tenders 4.5 per cent. and nine per cent., respectively, below the lowest Indian tender.

(d) It was estimated that it was unlikely that they could deliver more than 750 wagons before the middle of February, 1936, i.e., before our peak period of traffic for the year. Consequently only that number was ordered.

(e) The answer to the first part is in the affirmative ; as regards the second, 800 wagons were allotted to Indian firms at an agreed price, which is lower than their original tender but higher than the lowest foreign tender.

(f) The savings effected on 750 wagons, ordered with Messrs. Metro-Cammell, amounted to about 3½ lakhs and on 800 wagons ordered in India, at the negotiated price, to over Rs. 1½ lakhs.

(g) It has been estimated that the profit to Railways on the additional railway freight, if orders had been placed in India, would have

been about Rs. 20 to Rs. 25 per wagon. It is impossible to say how much additional income-tax Government would have obtained. The excise duty would almost certainly have been less than the import duty on the imported wagons.

(h) I presume my Honourable friend is referring to Sir George Rainy's minute of dissent to the report of the Select Committee on the Steel Industry (Protection) Bill of 1928. If so, what he said was as follows :

" I fully accept the view of the Tariff Board that, until orders for wagons can again be placed on a normal scale, all orders should be placed in India subject to a maximum price, and that in fixing the maximum price an addition of 12½ per cent. to the prices paid in 1925-26 will serve as a general guide. But if the Indian wagon building firms refuse to take the orders at the maximum prices which Government consider reasonable, there will be no alternative but to call for simultaneous tenders, and if the duty remains at ten per cent. there is a danger that some of them may be lost to the Indian firms."

(i) The main reason which induced Government to call for simultaneous tenders in India and abroad was that for a long time there had been no price regulator in the shape of foreign prices and Government could not be sure whether the prices quoted by Indian firms were reasonable or not. Moreover, they had grounds to suspect that the internal competition in India between the four wagon building firms had also ceased to exist. Consequently they decided that, specially in view of the fact that the total number of wagons to be purchased during the year was much higher than in past years, tenders for part of the requirements of railways should be called for both in India and abroad, and dealt with according to the Stores Purchase Rules which allow a price preference for articles of Indian manufacture. Out of the total of 4,972 wagons, 722 wagons had been purchased in India in the first call ; of the balance of 4,250 wagons, tenders were called for 2,200 in India only and 2,050 in India and abroad. The results showed that the action taken was fully justified, for the call for open tenders disclosed that the cost to the railways of restricting the second call (for 2,200 wagons) to India was something like ten lakhs.

Mr. T. S. Avinashilingam Chettiar : May I ask, Sir, in regard to
3 P.M. part (e), by how much was the price of Indian Companies above the English price ?

Mr. P. R. Rau : The English price was 2,610 ; the original Indian quotation was 2,930, and we placed the order for 2,700.

RETRENCHED AND RETAINED PERSONNEL IN THE RAILWAY RATES ADVISORY COMMITTEE.

397. ***Mr. Amarendra Nath Chattopadhyaya :** (a) Will Government please lay on the table a comparative statement showing the names of retrenched and retained persons of the Railway Rates Advisory Committee, their educational qualifications, experiences, pay, length of services of each, both in the Committee and outside ?

(b) Will Government please state the action taken for the re-employment of the retrenched persons of the Committee ?

(c) If the reply be in the affirmative, will Government please state their whereabouts ?

(d) If the reply to part (b) be in the negative, will Government please state the reasons thereof ?

(e) Will Government please lay on the table a statement showing the posts revived in the Committee since its reconstitution and names of the holder of each of them giving details of recruitment, i.e., whether they are retrenched persons or outsiders ?

(f) Will Government please state the reasons for not following the rules of re-employment of retrenched personnel promulgated by the Government of India ?

(g) Will Government please state the present strength of the subordinate staff of the Committee by community, caste and provinces ?

(h) Will Government please state the future of the Committee and whether there is any possibility of calling back of the retrenched persons ?

Mr. P. B. Rau : (a) (e) and (g). The information is not readily available and Government regret they cannot undertake the compilation as the labour and expense involved will, they consider, be out of all proportion to any possible use it can be put to.

(b), (c), (d) and (f). Government are informed that the rules for the re-employment of retrenched personnel have been duly followed. The details have been left to the President.

(h) For the future of the Committee I would refer the Honourable Member to section 191 of the Government of India Act, 1935. I am unable to give a definite answer to the second part of his question.

The Honourable Sir James Grigg : Before I reply to question No. 398, you will perhaps allow me to say a few words in connection with my answer to Mr. Ananthasayanam Ayyangar's supplementary question which I did not then properly hear. I now understand that the Honourable Member asked what was the explanation of the fall in the Government of India's securities in the Currency Reserves. If the Honourable Member will look into the returns, he will find that that is compensated for by an increase in sterling securities. This means, of course, that the external Currency Reserves have been strengthened.

SALE OF SILVER BY THE GOVERNMENT OF INDIA.

398. ***Mr. M. Ananthasayanam Ayyangar :** (a) Has any quantity of silver been sold by the Government of India since March, 1935 ? If so, what is the quantity and what is its value ?

(b) What has been done with the proceeds, if any ?

The Honourable Sir James Grigg : I would invite the attention of the Honourable Member to the reply given by me to part (e) of Mr. Akhil Chandra Datta's starred question No. 387 during the current Session.

Mr. M. Ananthasayanam Ayyangar : The Honourable Member has only stated in answer to Mr. Akhil Chandra Datta's question that it is confidential and he is not prepared to state what the silver policy of the Government will be in the future ?

The Honourable Sir James Grigg : I said on a previous occasion, and I repeat it now, that I am quite unwilling to make any statement whatever about silver so long as the market remains in its present condition, the reason being that I think the less said in the way of giving a lead in any direction to speculators the better.

PROTECTION OF INDIANS IN ABYSSINIA.

399. ***Mr. M. Ananthasayanam Ayyangar :** How many Indians are there in Abyssinia ? What steps, if any, have been taken to protect their person and property in view of the impending war between Italy and Abyssinia ?

Mr. J. G. Acheson : The information asked for by Honourable Member has already been supplied by me in reply to a short notice question by Mr. Satyamurti on the 3rd September, 1935.

SIR GEORGE SCHUSTER'S OPINION ABOUT THE BOMBING OF INDIANS.

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

(a) whether their attention has been drawn to the statement made by Sir George Schuster at the Peace Congress, that he is opposed to the bombing of Indians ;

(b) whether Government propose to stop this practice ; and

(c) if not, why not ?

Mr. G. R. F. Tottenham : (a) Government have seen the cutting but have ascertained that no such version of Sir George Schuster's statement can be traced in the London Press reports of the meeting.

(b) and (c). The Honourable Member's attention is invited to the reply I gave to his starred question No. 291 on the 12th September, 1935.

Mr. S. Satyamurti : Apart from Sir George Schuster's speech, may I ask one question ? What is the position today of the Government of India in respect of bombing from aeroplanes ?

Mr. G. R. F. Tottenham : I gave a full statement of that position in reply to the Honourable Member's questions only two or three days ago.

Mr. S. Satyamurti : I think my Honourable friend said that they do not bomb civil population. May I take it that the Government of India use their aeroplanes only for bombing those tribesmen who are fighting in the fields ?

Mr. G. R. F. Tottenham : The main purpose of bombing is to disperse hostile *lashkars* in the field. As I explained the other day, in certain cases the Royal Air Force also use their aeroplanes to blockade certain area.

Mr. S. Satyamurti : May I ask the Honourable Member if these aeroplanes throw bombs on the civil population, after giving notice ?

Mr. G. R. F. Tottenham : They do not.

Mr. S. Satyamurti : May I know what are these blockaded areas to which my Honourable friend refers ? Do they or do they not contain civil population ?

Mr. G. B. F. Tottenham : They contain villages, but notice is given beforehand so as to enable the villages to be evacuated before the bombing takes place.

Mr. S. Satyamurti : Do Government satisfy themselves before bombing that the villages are actually evacuated, and that there are no men, women and children in them ?

Mr. G. B. F. Tottenham : They do satisfy themselves as far as it is possible to do so.

Mr. S. Satyamurti : May I take it that the Government take the risk of bombing the civil population ?

Mr. G. B. F. Tottenham : No, Sir. It is the civil population that takes the risk of being bombed.

OFFICIAL WATCH OVER NEWS AND EDITORIAL COMMENTS IN NEWSPAPERS
RELATING TO THE QUETTA EARTHQUAKE DISASTER.

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

- (a) whether it is a fact that they have instructed Local Governments to keep a watch over news and editorial comments in papers relating to the Quetta earthquake disaster ;
- (b) if so, the reasons therefor ; and
- (c) the names of newspapers or Presses, whose securities have been forfeited on account of comments on the Quetta earthquake and matters relating thereto ?

The Honourable Sir Henry Craik : (a) Yes.

(b) These instructions were issued in view of the venomous campaign of lies which was conducted in certain sections of the Press to vilify Government and the Army over action taken in regard to Quetta.

(c) I would refer the Honourable Member to the reply given to Pandit Sri Krishna Dutta Paliwal's question No. 365.

Mr. S. Satyamurti : May I know why the Government of India prefer to proceed against these presses by way of forfeiting their security instead of prosecuting them in a Court of law under the ordinary law.

The Honourable Sir Henry Craik : Because the ordinary law has been found to be ineffective for the purpose.

Mr. S. Satyamurti : Did they try a single case of any newspaper which published any mischievous article about Quetta under the ordinary law ?

The Honourable Sir Henry Craik : The discretion was left to the Local Governments. It was the Local Governments which actually took the action.

Mr. S. Satyamurti : Did the Government of India issue any general circular or instructions or a demi-official letter to Local Governments to take action under the Press Act with regard to the Quetta affairs.

The Honourable Sir Henry Craik : I have said they did.

Mr. S. Satyamurti : What was the nature and contents of that letter ?

The Honourable Sir Henry Craik : I do not remember exactly now, but it was left to the Local Governments to take action under the Press Act.

Mr. S. Satyamurti : Why did the Government of India instruct the Local Governments to take action under the Press Act, and not under the ordinary law, in view of the fact that in this case no prosecution can be stated to have failed ?

The Honourable Sir Henry Craik : Because experience has shown that the Press Act is the most effective means of dealing with such cases.

RESULTS OF THE OTTAWA TRADE AGREEMENT.

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

- (a) whether they have seen a letter addressed by the Indian Merchants' Chamber to the Commerce Department of the Government of India about the result of the Ottawa Pact ;
- (b) whether Government will place on the table of this House the latest figures of export and import trade of India with Great Britain, the Empire countries and other countries ; and
- (c) whether Government propose to examine this question with a view to place before this House material which would help the Assembly to come to a final decision on the continuance or otherwise of the Ottawa Pact ?

The Honourable Sir Muhammad Zafrullah Khan : (a) I presume the Honourable Member is referring to the letter of the Indian Merchants' Chamber, Bombay, dated the 23rd August, 1934. If so, the reply is in the affirmative.

(b) A report of the nature referred to by the Honourable Member will be laid on the table of the House in the course of the present Session.

(c) All the material that is available and relevant will be placed before the House when it is given an opportunity of discussing the results of the Ottawa Trade Agreement in the next Budget Session.

TRADE NEGOTIATIONS WITH OTHER COUNTRIES.

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

- (a) the progress of trade negotiations on behalf of India with other countries ?
- (b) with how many countries trade agreements have been effected ; and
- (c) when all such trade agreements will be completed ?

The Honourable Sir Muhammad Zafrullah Khan : (a) to (c). I have nothing to add to the replies already given in this Session to the Honourable Member's questions on this subject and to questions Nos. 4 and 10 of Mr. T. S. Avinashilingam Chettiar and No. 354 of Mr. Samuel Aaron on the subject of Trade Agreements.

PROTECTION OF INDIANS IN ABYSSINIA.

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

- (a) whether it is a fact that there are two thousand Indians in Abyssinia ;
- (b) whether Government are aware that the United States of America has taken all possible measures for the safety of American missionaries in Abyssinia, as also France ; and
- (c) what steps Government propose to take to protect the life and property of Indians in Abyssinia ?

Mr. J. G. Acheson : (a) There are approximately 1,000 British Indian Subjects, including British protected persons, residing in Abyssinia.

(b) and (c). The Honourable Member is referred to the answer given on the 3rd September, 1935, to his short notice question on the same subject.

Mr. S. Satyamurti : Are Government aware of the fact that, this morning or yesterday morning, it appeared in the newspapers that the British Consul in Abyssinia has invited all the Indians to come and live in a stated area, and promised to give them protection, and would Government get into touch with the latest developments with regard to the protection of Indians in Abyssinia ?

Mr. J. G. Acheson : Government have no information to that effect, but they are making enquiries.

Mr. S. Satyamurti : Will Government get into touch with the latest developments ?

Mr. J. G. Acheson : Yes, Sir.

Mr. T. S. Avinashilingam Ohettiar : What is the meaning of the expression " British protected persons " ?

Mr. J. G. Acheson : " Protected persons " mean the inhabitants of Indian States who are protected by British Government.

FALL IN RAILWAY EARNINGS.

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

- (a) the total Railway earnings up to date, and the fall in the earnings compared with previous years ;
- (b) whether they have investigated this matter, and if so, the results of such investigation ; and
- (c) what steps Government have been taking or propose to take in this matter ?

The Honourable Sir Muhammad Zafrullah Khan : (a) The approximate earnings up to the end of August, amount to 35½ crores. They are about 70 lakhs below those of the corresponding period of last year and about 135 lakhs more than those of the corresponding period of 1933-34.

(b) The decrease is mainly in goods earnings and indicates a fall in traffic, the commodities principally affected being cotton, oilseeds and rice.

(c) The position is being watched by Government. Agents of Railways have been asked to restrict working expenses wherever possible and to examine every possibility of increasing net earnings. The whole position will be reviewed next month in consultation with Agents and the Railway Board.

Mr. S. Satyamurti : May I know if Government's special attention is being devoted to the question of rail-road competition, both in respect of passenger and goods traffic ?

The Honourable Sir Muhammad Zafrullah Khan : I have replied to this in answer to one of the supplementary questions on a previous occasion.

Mr. S. Satyamurti : Have Government heard from the Agents in answer to their suggestions to consider ways and means of increasing the income, and reducing the expenditure ?

The Honourable Sir Muhammad Zafrullah Khan : I have also explained this in answer to a supplementary question on a previous occasion that certain suggestions were tentatively discussed with the Agents when they were called up to Simla in August and they were asked to consider these suggestions and any others that might occur to them. The whole question will be considered in detail early next month.

Mr. S. Satyamurti : Half the financial year is over ; and so may I know when the Government propose to come to any conclusion so as to have any effect on the earnings or the expenses of this financial year ?

The Honourable Sir Muhammad Zafrullah Khan : I have submitted that the discussion will take place early next month.

Prof. N. G. Ranga : Are Government taking any steps to stimulate internal trade and traffic ?

The Honourable Sir Muhammad Zafrullah Khan : I believe I have answered that question in the answers I have given already.

Mr. S. Satyamurti : Is there any person in the Railway Board whose specific duty it is to consider these matters, that is to say, increase traffic receipts ? Is there any Member of the Railway Board or any officer there, whose job it is to concentrate on this matter and make suggestions for the acceptance of the Government ?

The Honourable Sir Muhammad Zafrullah Khan : There is the Director of Traffic, the Deputy Director of Traffic and the Railway Board itself.

Mr. S. Satyamurti : With so many people, what is the result ?

The Honourable Sir Muhammad Zafrullah Khan : In spite of the help of the opposition in this matter.

Mr. S. Satyamurti : But you won't take our help ; if you do, you will be better off.

The Honourable Sir Muhammad Zafrullah Khan : We welcome all help from any quarter.

RENEWAL OF THE TRADE TREATY WITH TURKEY.

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

- (a) whether they have received a communication from the Muslim Chamber of Commerce, urging the renewal of the trade treaty with Turkey ;
- (b) at what stage the matter stands ; and
- (c) when the trade treaty will be completed ?

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

(b) The matter is still under discussion.

(c) I regret I am unable to fix the exact date.

Mr. S. Satyamurti : How long has this matter been under discussion ?

The Honourable Sir Muhammad Zafrullah Khan : Some months.

Mr. S. Satyamurti : What is the average period for settling important questions ?

The Honourable Sir Muhammad Zafrullah Khan : It depends upon the opposite party. Government cannot arrive at an *ex parte* decision.

Mr. S. Satyamurti : Government cannot arrive at any decision. That is my trouble.

WALK-OUT BY THE INDIAN MEMBERS OF THE KENYA LEGISLATIVE COUNCIL.

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

- (a) whether they have heard that the Indian Members of the Kenya Legislative Council walked out of the Council when the Marketing legislation was being discussed ;
- (b) whether Government took any steps in the matter ;
- (c) what the results of these steps were ;
- (d) whether Government have ascertained the reasons for the walk-out, and if so, what they are ; and
- (e) whether they propose to have an Agent of their own in the East African territories, and if not, why not ?

Sir Girja Shankar Bajpai : (a) Government understand that four out of five Indian members walked out of the Legislative Council on the 3rd July, 1935.

(b) to (d). On receipt of information that a walk-out was intended by some Indian members Government caused them to be informed of the changes effected and contemplated in the Bill, in the hope that they would reconsider their decision ; but the walk-out took place, nevertheless, because the members concerned were not satisfied with the Bill.

(e) Not at present.

Mr. S. Satyamurti : May I know the reason why Government do not propose to appoint an Agent of their own in East African territories now ?

Sir Girja Shankar Bajpai : Primarily financial.

Mr. S. Satyamurti : Did my Honourable friend's Department put up a proposal to the Finance Department, and did the Finance Department turn it down ?

Sir Girja Shankar Bajpai : The Department of Education, Health and Lands has to consider the claims of all competing cases before it approaches the Finance Department.

Mr. S. Satyamurti : Among the competing claims within the scope of the Honourable Member's Department, does he consider that this is not as important as many others ?

Sir Girja Shankar Bajpai : Considering the general financial outlook, I should say that there are other claims that are more important than this.

Mr. S. Satyamurti : Other claims in his Department ?

Sir Girja Shankar Bajpai : I am referring to my Department which is not limited to overseas.

DISABILITIES OF INDIANS IN ZANZIBAR.

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

- (a) whether they are considering the question of Indian disabilities in Zanzibar ;
- (b) what they have so far done in the matter ; and
- (c) the latest position in respect of this matter ?

Sir Girja Shankar Bajpai : (a), (b) and (c). I would refer the Honourable Member to the reply given by me on the 4th September, 1935, to his question No. 118.

SCHEME FOR THE UTILISATION OF THE GRANT FOR RURAL DEVELOPMENT IN THE PUNJAB.

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

- (a) whether the Punjab Government have submitted to the Government of India their final scheme for the utilisation of the grant for rural development ;
- (b) whether Government will place the same on the table of this House ; and
- (c) whether they propose to send it to all the other Local Governments for information and guidance ?

The Honourable Sir James Grigg : (a) Yes.

(b) The Honourable Member is referred to the statement laid on the table of the House in reply to Mr. Basanta Kumar Das's question No. 162, regarding the schemes for rural development.

(c) The statement referred to above is a published document and available to Local Governments equally with the general public.

Prof. N. G. Ranga : Is the Honourable Member aware of the fact that no provision is made at all for water supply or for Harijans in the Punjab ?

The Honourable Sir James Grigg : I answered that question in reply to a supplementary question of the Honourable Member the other day.

INDIANISATION OF THE INDIAN ARMY VETERINARY CORPS.

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

- (a) their policy with regard to the Indianisation of the Indian Army Veterinary Corps ;
- (b) the reasons why to obtain a commission in this service a candidate must first obtain the diploma of M. R. C. V. S. after five years' study in a recognised Veterinary College in England ; and
- (c) the reasons why they have not prescribed an alternative Indian qualification ?

Mr. G. R. F. Tottenham : (a) The policy is to provide Indian mounted units with Indian veterinary officers holding the diploma of Member of the Royal College of Veterinary Surgeons.

(b) and (c). A qualification of this standard is essential for the application of modern veterinary science to the problem of reducing animal wastage, but no such qualifications can be obtained in India at present. The M. R. C. V. S., is the qualification possessed by British Officers of the Royal Army Veterinary Corps in close co-operation with whom the Indian Commissioned Officers will have to work so long as there are British troops in this country.

Mr. S. Satyamurti : Is there any attempt made by the Government to institute or develop a corresponding qualification in this country ?

Mr. G. R. F. Tottenham : Sir, I believe the Royal Commission on Agriculture did make certain recommendations with regard to improving the standard of veterinary education in this country. Of course it is for the Local Governments and their Ministers to take action on that report.

Mr. S. Satyamurti : Will the Government of India address Local Governments in view of the need, which the Honourable the Army Secretary states, exists, to have this qualification, to evolve or develop corresponding qualifications in their own spheres of action ?

Mr. G. R. F. Tottenham : If the Honourable Member wishes, I will pass on that suggestion to my Honourable friend, the Secretary for Education, Health and Lands.

Mr. T. S. Avinashilingam Chettiar : Does the Honourable Member remember his promise in the last Budget Session that he will appoint Indian officers to this post in the Army Department ?

Mr. G. R. F. Tottenham : Indian officers are being appointed.

Mr. T. S. Avinashilingam Chettiar : How many ?

Mr. G. R. F. Tottenham : I require notice.

PROVINCIAL LOANS.

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

- (a) the latest decision with regard to the Provincial loans, that is, the amounts which stand to the debit of each Province ;
- (b) the principles on which these loans are given, and interest thereon is charged ; and
- (c) whether there is any intention to introduce a new system ?

The Honourable Sir James Grigg : (a) and (c). The matter is being considered in connection with the financial arrangements under the new constitution.

(b) I would invite the attention of the Honourable Member to Appendix VI-A of Audit Code, Volume II, copies of which are in the Library of the House.

Mr. S. Satyamurti : May I know if the Local Governments are getting the full benefit of the prevalent low rates of interest to the extent to which the Government of India get such benefit.

The Honourable Sir James Grigg : This depends on a rather complicated series of arrangements. At the moment and to the extent to which individual issues are converted to the extent that Local Governments may be presumed to have borrowed out of the proceeds of those particular issues, they get the benefit of the conversion.

Mr. S. Satyamurti : Is there no proposal to abolish provincial loans funds and distribute them to the various provinces to operate on their own responsibility ?

The Honourable Sir James Grigg : That is a large question which I cannot answer without being obliged to make a considerably longer statement than is possible now.

Mr. S. Satyamurti : May I know if the Government of India have considered in this connection the desirability of avoiding competing loans by various public bodies in this country ?

The Honourable Sir James Grigg : That is precisely one of the functions of a Central Bank.

Mr. T. S. Avinashilingam Othettiar : What are the principles governing provincial loans ?

The Honourable Sir James Grigg : If the Honourable Member would refer to the document I have mentioned in answer to this question, he will find that out.

SYSTEM OF NOMINATIONS TO THE MUNICIPALITIES IN FIJI.

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

- (a) whether their attention has been drawn to the statement of Pandit Shree Krishan Sarma on the system of nominations to the municipalities in Fiji to the effect that what the Indians care for is a common roll, and to effect this they want the qualifications for voters to be broadened ;

(b) what the attitude of the officials in Fiji is towards this demand of Indians ; and

(c) what action Government propose to take in this matter ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) and (c). The attention of the Honourable Member is invited to the reply given by me on the 12th September, 1935, to Mr. Mohan Lal Saksena's question No. 296.

HIGHER IMPORT DUTY ON FOREIGN PADDY IN THE UNITED KINGDOM.

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

(a) whether they have made a strong representation to the British Government on the question of higher import duty on foreign paddy in the United Kingdom ;

(b) the reason for this representation ; and

(c) the latest figures with regard to the import of foreign paddy and Indian rice into England ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). The Government of India were informed that increasing imports of foreign paddy into the United Kingdom were likely to deprive Indian rice of the full benefits of the preference secured under the United Kingdom-India Trade Agreement. This possibility was brought to the notice of His Majesty's Government and as a result of the representations made by the Government of India an import duty of 2/3 *d.* per lb. has been imposed by His Majesty's Government in the United Kingdom on paddy imports of non-empire origin.

(c) I lay on the table a statement containing the required information.

Statement showing the imports of paddy other than Indian and of Indian rice into the United Kingdom.

Imports of	Year.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Total.
Paddy other than Indian.	1933	Cwts. Nil	Cwts. 408	Cwts. 45	Cwts. Nil	Cwts. 600	Cwts. 2,000	Cwts. Nil	Cwts. 1,000	Cwts. 2,000	Cwts. 240	Cwts. 8,039	Cwts. 5,166	Cwts. 19,495
	1934	21,242	10,075	24,467	22,324	9,339	18,780	18,780	94,664	105,071	6,791	Nil	2,100	335,573
	1935 (upto June only).	26,943	63,174	60,472	20,992	1,003	35					..	..	172,618
Indian Rice ..	1933	12,957	11,395	145,196	136,329	84,643	69,451	28,368	22,286	54,182	26,396	36,939	17,303	652,596
	1934	2,678	16,164	88,164	184,047	206,119	112,187	26,485	66,786	12,654	41,933	24,266	10,726	809,232
	1935 (upto July only).	7,268	25,358	112,245	238,235	214,627	104,823	75,368	..	..	..	..	..	777,944

Mr. S. Satyamurti : Has the position improved from the point of view of imported Indian rice into England ?

The Honourable Sir Muhammad Zafrullah Khan : Certainly.

PROGRESS OF SUGAR RESEARCH IN INDIA.

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

- (a) whether on a review of the work done till now, the Sugar Committee of the Imperial Council of Agricultural Research has come to the conclusion that the progress made had not kept pace with anticipations, and that India would not be able to stand on her own legs if the present rate was not accelerated, and that the chief reasons for this are paucity of funds for sugar research and the late starting of the Central Research Institute ;
- (b) whether it is a fact that the Committee noted with regret that there were many sanctioned schemes of research which had been held up for want of funds ;
- (c) whether Sir George Rainy, the then Commerce Member, pointed out that adequate funds should be placed at the disposal of the Committee for this research work ;
- (d) whether the Committee have suggested that two annas out of the sugar excise duty should be assigned for the purpose of promoting research, both on the agricultural and on the manufacturing side ; and
- (e) what steps Government propose to take in the matter ?

Sir Girja Shankar Bajpai : (a) and (d). The Sugar Committee's views are crystallised in a resolution which states that progress in sugar research and agricultural development has not been as rapid as it ought to have been but does not make any mention of delay in starting the Central Sugar Research Institute. The Committee has recommended more intensive work, especially on cane and has expressed the view that a settled and growing source of income should be provided for sugar research either by allocation annually of a sum equal to two annas per cwt. of the excise duty levied on the excisable sugar produced in India or by an annual grant of not less than Rs. ten lakhs.

(b) No.

(c) Yes.

(e) Government have already made or promised grants aggregating Rs. 84 lakhs for sugar research. Requests for financial provision for specific proposals for more intensive work on the lines recommended by the Committee will receive most careful consideration.

TARIFF BOARD ENQUIRY INTO THE TEXTILE INDUSTRY.

415. ***Mr. S. Satyamurti :** Will Government be pleased to state whether they intend to order an enquiry by the Tariff Board into the textile industry, and if so, what the nature of the enquiry will be ?

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member is referred to the Commerce Department Resolution No. 341-T. (12)35, dated the 10th September, 1935, which was published in the Gazette of India Extraordinary of that date, copies of which are in the Library.

Mr. S. Satyamurti : In view of the fact that this Assembly rejected, by a decisive majority, the Indo-British Trade Agreement, which *inter alia* provided that British interests ought to be given a hearing before the Indian Tariff Boards, may I know the reason why Government turned down that recommendation of this House, and have now provided for British textile interests being heard by this Tariff Board ?

The Honourable Sir Muhammad Zafrullah Khan : Government had already given an undertaking to that effect.

Mr. S. Satyamurti : May I know if the undertaking was given before the House gave its verdict or after it ?

The Honourable Sir Muhammad Zafrullah Khan : I believe, before.

Mr. S. Satyamurti : May I know why Government did not consider the need for changing their opinion, in view of the verdict of this House ?

The Honourable Sir Muhammad Zafrullah Khan : There is no question of changing their opinion. Government are carrying out an undertaking given.

Mr. S. Satyamurti : May I know why Government have prescribed as one of the terms of reference for this Tariff Board that they ought to equate what is called the fair-selling price of Indian textile products with the price of imported articles *plus* the duty ? Have Government considered that the Indian textile industry may require further or greater or other protection ?

The Honourable Sir Muhammad Zafrullah Khan : In case the Indian textile industry requires further or other or greater protection, I have no doubt they will take the usual course of making an application with reference to this question to the Tariff Board.

Mr. S. Satyamurti : May I know if this Tariff Board is incompetent to go into this question ?

The Honourable Sir Muhammad Zafrullah Khan : This Tariff Board will go into those questions that are detailed in the Resolution, and not others.

Mr. S. Satyamurti : May I know whether the attention of Government has been drawn to the criticism of Mr. Manu Subedar, the President of the Bombay Indian Merchants' Chamber, on this Tariff Board ?

The Honourable Sir Muhammad Zafrullah Khan : If my Honourable friend will refer to the specific criticisms he has in mind, I will be able to answer.

Mr. S. Satyamurti : May I know whether his attention has been drawn to the particular criticism that membership of this Board has been overweighted in favour of those who are in favour of Imperial Preference ?

The Honourable Sir Muhammad Zafrulalh Khan : That implication is not justified.

REGULATION ISSUED IN RESPECT OF THE QUETTA EARTHQUAKE DISASTER.

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

- (a) the reasons why a Regulation, and not an Ordinance, was issued in respect of the Quetta earthquake disaster ;
- (b) whether the Regulation contemplates giving unlimited powers to local authorities to make rules which will have the force of law ; and
- (c) what the authority was which gave the Military authorities control over the area before the British Baluchistan (Emergency Administration) Regulation, 1935 was issued ?

Mr. J. G. Acheson : (a) and (c). The Honourable Member's attention is invited to Chapter VII of the pamphlet " Quetta Earthquake, 1935 ", a copy of which has been sent to all the Members of this House.

(b) No, Sir. The scope of rule-making power conferred on the Local Government is defined in section 2 of the Regulation to which the Honourable Member is referred.

Mr. S. Satyamurti : With reference to clause (c), may I have a definite answer as to who the authority was which gave the military authorities control over the area before the Regulation ?

Mr. J. G. Acheson : The only answer which I can give now is that the alternative was control by the military authorities or complete anarchy.

Mr. S. Satyamurti : May I know the authority of the person,—the Government of India, or the Government of Baluchistan, or the military authorities themselves,—who took control ?

Mr. J. G. Acheson : That is a legal question which I think perhaps the Honourable the Law Member will be in a better position to answer.

Mr. S. Satyamurti : Will the Honourable the Law Member kindly give an answer ?

The Honourable Sir Nripendra Sircar : Nobody made over the control of Quetta to the military authorities. There was no martial law which was declared. The military authorities had to take charge, because the civil administration had broken down and the civil officers were not available. Those were the circumstances which compelled them to take charge.

Mr. S. Satyamurti : I know the facts ; but what is the law or the authority under which the military took charge of Quetta ?

The Honourable Sir Nripendra Sircar : The law, as has been said,—and this can be discussed at the time of the Resolution,—was the law of compelling necessity. And, if it is strictly illegal, it has got to be remedied by an Indemnity Act which has been legalised.

Mr. S. Satyamurti : May I take it then that the position is this that this act was illegal and that they have since legalised it by an indemnity Act ?

The Honourable Sir Nripendar Sircar : If it was illegal, it has been made legal. I do not concede, and, if necessary, I shall maintain, that it was not illegal.

DEPUTATION IN LONDON OF MR. E. C. MIEVILLE, PRIVATE SECRETARY TO HIS EXCELLENCY THE VICEROY TO EXAMINE THE WORKING OF THE CABINET SECRETARIAT.

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

- (a) whether Mr. E. C. Mieville, Private Secretary to His Excellency the Viceroy, has been placed on deputation in London to examine the working of the Cabinet Secretariat ;
- (b) the reasons for this deputation and the cost of this deputation ; and
- (c) whether it is intended to create a post of Cabinet Secretary, and if so, the reasons therefor ?

The Honourable Sir Henry Craik : (a), (b) and (c). Mr. Mieville was deputed to study the working of the Cabinet Secretariat in London in connection with a proposal to create a new post of Secretary to the Executive Council of the Governor General. Government have felt that the procedure under which the business of the Government of India is at present transacted can be improved and made more suited to existing and future conditions by the appointment of an officer whose main duty will be to co-ordinate the work that comes before the Government as a whole and to make and maintain a record of the discussions and decisions in Council. The extra cost involved in Mr. Mieville's deputation, was Rs. 2,618.

Mr. S. Satyamurti : May I know whether this Cabinet Secretary will be a kind of super Secretary who will report all Cabinet proceedings to the Viceroy and Governor General with a view to his employing his safeguards effectively ? Is that the idea ?

The Honourable Sir Henry Craik : No, Sir ; he will be Secretary to the Executive Council.

Mr. S. Satyamurti : And not to the Ministers ?

The Honourable Sir Henry Craik : After Federation comes in, he will certainly be Secretary to the Council of Ministers. It will be for them to decide whether they wish to continue this post or not.

Mr. S. Satyamurti : Is this gentleman going to attend meetings of the Executive Council and meetings of the future Cabinet ?

The Honourable Sir Henry Craik : Yes, Sir.

Mr. S. Satyamurti : Is it consistent with Parliamentary responsibility that a permanent servant should be present at meetings of the Executive Council, although he is not a Member of the Council ?

The Honourable Sir Henry Craik : Yes, it is done in England.

Mr. S. Satyamurti : Since when ?

The Honourable Sir James Grigg : Tentatively since 1909 I think, but it became a fixed arrangement during the war.

Mr. S. Satyamurti : Do I understand the Home Member and the Finance Member, jointly to say that, today, in the British Cabinet, permanent servants are allowed to attend and watch the proceedings ?

The Honourable Sir James Grigg : Yes, one permanent civil servant who is Secretary to the Cabinet.

Mr. S. Satyamurti : And does he keep any minutes of the Cabinet proceedings ?

The Honourable Sir James Grigg : Yes, Sir.

Mr. S. Satyamurti : Since when ?

The Honourable Sir James Grigg : I think informally just before the war, and then there was a regular appointment during the war.

Mr. S. Satyamurti : Will you consult the Prime Minister and find out ? I do not think you are correct.

MESSAGE FROM H. E. THE GOVERNOR GENERAL.

Mr. President (The Honourable Sir Abdur Rahim) : I have received the following Message from His Excellency the Governor General :

"Whereas by its vote of the 12th September, 1935, the Legislative Assembly has refused to take into consideration a Bill entitled a Bill to amend the Criminal Law :

Now, therefore, I, Freeman, Earl of Willingdon, in pursuance of the provisions of sub-section (1) of section 67B of the Government of India Act, do recommend to the Legislative Assembly that it do pass the Bill in the form hereto annexed."

CRIMINAL LAW AMENDMENT BILL.

The Honourable Sir Henry Craik (Home Member) : Sir, with reference to the Message that you have just read to the House, I should like, with your permission, to be allowed to move for leave to introduce the Bill referred to. Have I your permission, Sir ?

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

The Honourable Sir Henry Craik : Then, Sir, I move for leave to introduce a Bill to amend the Criminal Law in the form recommended.

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

"That leave be granted to introduce a Bill to amend the Criminal Law in the form recommended."

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : On a point of order, Sir : may I know if it can be moved without a copy of the Bill being given to us here ?

Mr. President (The Honourable Sir Abdur Rahim) : It cannot be moved without the Chair's leave, unless it is on the agenda. The Chair has given leave to the Honourable the Home Member to make the motion.

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : Where is the Bill, Sir ?

The Honourable Sir Henry Craik : It is the same Bill.

Mr. President (The Honourable Sir Abdur Rahim) : It is all there : it is only the endorsement now.

Mr. Lalchand Navalrai : My point of order is different : it is whether this Bill can be allowed to be moved, without giving us copies of the Bill just to be moved.

Mr. President (The Honourable Sir Abdur Rahim) : It is exactly the same Bill without any sort of alteration, except that there is the endorsement which the Chair has read out to the House. If the Honourable Member wants copies of the Bill with the endorsement, the Secretary will distribute them.

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muham-madan Rural) : Mr. President,.....

Mr. President (The Honourable Sir Abdur Rahim) : Do you want to oppose the motion for introduction ?

Mr. Bhulabhai J. Desai : Yes.

Mr. President (The Honourable Sir Abdur Rahim) : Does the Honourable the Home Member wish to make any statement ?

The Honourable Sir Henry Craik : I do not think I have any statement to make. I have merely to say that the Bill is exactly the same as the Bill which has been discussed at length last week and the week before, and it has been discussed at such length that I can add nothing useful to what has already been said.

Mr. Bhulabhai J. Desai : Mr. President, I am glad to notice a certain amount of good humour in the House. In the somewhat unusual step of opposing the leave that is asked for, I am doing so under circumstances which, I think, are fairly well described by the Honourable the Home Member himself. He has told the House that we are asked now to reconsider the measure which has been fully discussed and which, by a decisive vote, last Thursday, the House rejected. They refused to consider it. If there is a constitutional sense in the House, this is a matter that ought to affect the House itself—not merely those who rejected the measure, but also the minority who, as a matter of law, are bound by the same, if there is any propriety, any sense, any value in all the legal phraseology and Acts of the Government of India. Therefore, it is not a matter merely for those who opposed the Bill. The vote of the majority, I think the Honourable the Leader of the House will acknowledge, is the vote of the House ; and loyalty demands that, at all events, in decency, all that they would do when asked for this leave is not to vote in support of it, for the simple reason that legislation in any Assembly of this kind would be impossible, and the Government of the country would be reduced to a mockery if this is the manner in which the House is to be treated by reason of the fact that there is a provision for a recommendation of the same Bill for reconsideration by the same House. I do not wish to use somewhat hackneyed language about an insult to this House or an offence to this House ; but I do wish to say this, in all earnestness, that if this House is merely to be used, whenever convenient, to register the decrees of the executive, and where they think it their duty to oppose it, then it is the will of the executive that should prevail, then it is one of those one-sided affairs in any Legislature in the world where they say when we agree, they should prevail, and where we disagree, then also they should prevail. It is, therefore, a matter of serious moment for the Mem-

bers opposite to consider with a certain degree of greater earnestness than they are likely probably, in a sort of lighthearted way, to give to it, whether their very existence here is a matter which is not called into question by the recommended Bill which has been brought before this House. If they feel still that nothing is a matter of moment to them, no Constitution, no law, no democracy, no validity of the majority vote of the House, they are entitled to take the course which they did before.

We have often talked of the breakdown of constitutions. At all events, for the second time, during the course of two Sessions in this House, I have witnessed this, and this is the second. And, here, I wish to remind you of an article which a member of the "friendly press" published only yesterday—even that press has the decency and the honesty to recognise that on a proper analysis of the vote of the House, it was a vote of the bulk of the country against this measure (*Opposition cries of "Hear, hear"*); and, yet within less than a few hours, an executive decree has been issued that the Bill shall be brought back to you, in substance and in words the same as it was here before, and passed. It is not merely a question, as it is sometimes said, of self-respect—it is a deeper and a higher question; and there is a section of the House to whom I wish to appeal in order that they may follow the same traditions which they say obtain in their own country, while governing their own country, and that they will recognise their obligation to the majority of the House, and, therefore, to the sense of the House itself and not lend any further support to the Bill at a time when it is brought back to us again on this occasion: and, but for the fact that the Bill is in terms the same, and, in fact, we are asked to reconsider what is already decided, I should not have taken the course which I am doing and which I am asking the House now to take, that this House do refuse to grant leave for the introduction of this Bill.

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

"That leave be granted to introduce a Bill to amend the Criminal Law in the form recommended."

The Assembly divided :

AYES—57.

Abdul Aziz, Khan Bahadur Mian.
Acheson, Mr. J. G.
Ahmad Nawaz Khan, Major Nawab.
Allah Bakhsh Khan Tiwana, Khan Bahadur Nawab Malik.
Anwar-ul-Azim, Mr. Muhammad.
Ayyar, Diwan Bahadur R. V. Krishna.
Ayyar, Rao Bahadur A. A. Venkatarama.
Bajoria, Babu Baijnath.
Bajpai, Sir Girja Shankar.
Bhagchand Soni, Rai Bahadur Seth.
Bhat, Mr. Madhusudan Damodar.
Bhutto, Mr. Nabi Baksh Illahi Baksh.
Blackwell, Mr. J. H.
Bower, Mr. E. H. M.
Boyle, Mr. J. D.
Chapman-Mortimer, Mr. T.
Chatarji, Mr. J. M.
Clow, Mr. A. G.
Craik, The Honourable Sir Henry.
Dalal, Dr. R. D.

Desai, Mr. S. P.
Fazli-i-Haq Piracha, Khan Sahib Shaikh.
Gajapatiraj, Maharaj Kumar Vijaya Ananda.
Ghuznavi, Sir Abdul Halim.
Graham, Sir Lancelot.
Griffiths, Mr. P. J.
Grigg, The Honourable Sir James.
Hands, Mr. A. S.
Hidayatallah, Sir Ghulam Hussain.
Hockenhufl, Mr. F. W.
Hossack, Mr. W. B.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Lal Chand, Captain Rao Bahadur Chandhri.
Leach, Mr. F. B.
Lee, Mr. D. J. N.
Lister, Mr. T.
Lloyd, Mr. A. H.

AYES—*contd.*

MacLachlan, Mr. D.
 Mehr Shah, Nawab Sahibzada Sir Sayad
 Muhammad.
 Milligan, Mr. J. A.
 Mitchell, The Honourable Mr. D. G.
 Morgan, Mr. G.
 Mukherjee, Rai Bahadur Sir Satya
 Charan.
 Owen, Mr. L.
 Rajah, Rao Bahadur M. C.
 Rau, Mr. P. R.
 Row, Mr. K. Sanjiva.

Sarma, Mr. R. S.
 Scott, Mr. J. Ramsay.
 Sher Muhammad Khan, Captain Sardar.
 Singh, Mr. Pradyumna Prashad.
 Sinha, Raja Bahadur Harihar Prosad
 Narayan.
 Sircar, The Honourable Sir Nripendra.
 Tottenham, Mr. G. B. F.
 Yamin Khan, Mr. Muhammad.
 Zafullah Khan, The Honourable Sir
 Muhammad.

NOES—69.

Aaron, Mr. Samuel.
 Abdul Matin Chaudhury, Mr.
 Aney, Mr. M. S.
 Asaf Ali, Mr. M.
 Ayyangar, Mr. M. Ananthasayanam.
 Ashar Ali, Mr. Muhammad.
 Ba Si, U.
 Badi-uz-Zaman, Maulvi.
 Badrul Hasan, Maulvi.
 Banerjee, Dr. P. N.
 Baqui, Mr. M. A.
 Bardaloi, Srijiut N. C.
 Bhagavan Das, Dr.
 Chattopadhyaya, Mr. Amarendra Nath.
 Chettiar, Mr. T. S. Avinashilingam.
 Chetty, Mr. Sami Vencatachelam.
 Chunder, Mr. N. C.
 Das, Mr. B.
 Das, Mr. Basanta Kumar.
 Das, Pandit Nilakantha.
 Datta, Mr. Akhil Chandra.
 Desai, Mr. Bhulabhai J.
 Deshmukh, Dr. G. V.
 Essak Salt, Mr. H. A. Sathar H.
 Fuzul Huq, Mr. A. K.
 Gadgil, Mr. N. V.
 Ghulam Bhik Nairang, Syed.
 Giri, Mr. V. V.
 Gupta, Mr. Ghansham Singh.
 Hosmani, Mr. S. K.
 Jedhe, Mr. K. M.
 Jogendra Singh, Sirdar.
 Joshi, Mr. N. M.
 Khan Sahib, Dr.
 Khare, Dr. N. B.

Lalchand Navalrai, Mr.
 Laljee, Mr. Husenbhai Abdullabhai.
 Maitra, Pandit Lakshmi Kanta.
 Malaviya, Pandit Krishna Kant.
 Mangal Singh, Sardar.
 Mudaliar, Mr. C. N. Muthuranga.
 Muhammad Ahmad Kazmi, Qazi.
 Murtuza Sahib Bahadur, Maulvi Syed.
 Nageswara Rao, Mr. K.
 Paliwal, Pandit Sri Krishna Dutta.
 Pant, Pandit Govind Ballabh.
 Parma Nand, Bhai.
 Raghubir Narayan Singh, Choudhri.
 Rajan, Dr. T. S. S.
 Raju, Mr. P. S. Kumaraswami.
 Ranga, Prof. N. G.
 Saksena, Mr. Mohan Lal.
 Sant Singh, Sardar.
 Satyamurti, Mr. S.
 Sham Lal, Mr.
 Shaikat Ali, Maulana.
 Sheodass Daga, Seth.
 Siddique Ali Khan, Khan Sahib Nawab.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Anugrah Narayan.
 Sinha, Mr. Satya Narayan.
 Sinha, Mr. Shri Krishna.
 Som, Mr. Suryya Kumar.
 Sri Prakasa, Mr.
 Theih Maung, Dr.
 Thein Maung, U.
 Umar Aly Shah, Mr.
 Varma, Mr. B. B.
 Vissanji, Mr. Mathuradas.

The motion was negatived.

THE JUBBULPORE AND CHHATTISGARH DIVISIONS (DIVORCE PROCEEDINGS VALIDATION) BILL.

The Honourable Sir Nripendra Sircar (Law Member) : Sir, I beg to move for leave to introduce a Bill to remove certain doubts and to validate certain proceedings of the High Court of Judicature at Allahabad.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :
 "That leave be given to introduce a Bill to remove certain doubts and to validate certain proceedings of the High Court of Judicature at Allahabad."

The motion was adopted.

The Honourable Sir Nripendra Sircar : Sir, I introduce the Bill.

THE CENTRAL PROVINCES COURTS (SUPPLEMENTARY) BILL.

The Honourable Sir Nripendra Sircar (Law Member) : Sir, I move :

" That the Bill to supplement the Central Provinces Courts Act, 1917, be taken into consideration."

I do not think that I shall occupy the time of the House for more than two minutes. The Bill has been necessitated by reason of the intention to have a High Court for the Central Provinces. Owing to that, certain consequential changes have become necessary in various Acts, such as, the Indian Stamp Act, the Code of Criminal Procedure, and so on.

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

" That the Bill to supplement the Central Provinces Courts Act, 1917, be taken into consideration."

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : I want to say a few words on this Bill. In the last item of the Schedule it is intended by this Bill to insert the words " Chief Courts of Oudh and Sind " in place of the words " the Chief Court of Oudh, the Court of the Judicial Commissioner of Sind ". My submission is this. Sind is going to be separated.

Mr. President (The Honourable Sir Abdur Rahim) : This Bill does not relate to Sind : it relates to the Central Provinces.

Mr. Lalchand Navalrai : In the last item of the Schedule, these words occur, and I am myself wondering why they should appear in a Bill relating to the Central Provinces.

The Honourable Sir Nripendra Sircar : I am rather in a difficult position, because I have not followed the exact point of the Honourable Member, but probably what I am going to say will meet his point, or rather the point which I expect he has put forward. The Sind Courts (Supplementary) Act, 1926, is not in operation now. When it comes into operation, all that this Bill provides for is this, that the Court, instead of being called the Court of the Judicial Commissioner of Sind, will be called the Chief Court of Sind. If that is the point of my Honourable friend I have given the answer.

Mr. Lalchand Navalrai : I do not think the answer has been given because when that Act comes into operation, the words " Judicial Commissioner's Court " will be taken away and the words " Chief Court " will be substituted. My point is that if any substitution is going to be made in the original Act,—the Sind Courts (Supplementary) Act, 1926,—the words " High Court " should be put in and not the words " Chief Court ". My reason is this. Sind is now sought to be separated though it may be against the wishes of certain people. However, as Sind is going to be separated and made into a separate province there is absolutely no reason whatsoever why the Court should remain a Chief Court. The Nagpur Chief Court is going to be made into a High Court and why should there not be a High Court for Sind ? The people of Sind have passed resolutions and I have had communications with the Honourable the Home Member asking if a High Court is going to be established in Sind or it is going to be left with only a Chief Court or a Judicial Commissioner's Court. The reply was that the Secretary of State and the Government of India are considering that question. Now, when the question

[Mr. Lalchand Navalrai.]

is being considered, what is the reason, when the Act itself has not yet come into force, for this supplementary provision in this Bill? It will be an anomaly. The Preamble says: 'to supplement the Central Provinces Courts Act, 1917' and at the end something is shoved in like this, I would not say surreptitiously. What I mean to say is, at any rate, it will be redundant in this Bill and, therefore, this Bill should not be passed with respect to this item. If the Honourable Member is prepared even at this moment to say that he would allow an amendment to the effect that instead of 'Chief Court' the words 'High Court' will be substituted, I welcome it but if not, I will oppose it.

The Honourable Sir Nripendra Sircar : Sir, I now see the point. We

4 P.M.

are making no change in substance and when we are legislating for the Central Provinces my friend wants to get this High Court for Sind established. That cannot be done. If and when the High Court of Sind is established, some further provisions may be necessary in some other Acts.

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

"That the Bill to supplement the Central Provinces Courts Act, 1917, be taken into consideration."

The motion was adopted.

Clauses 2 and 1 were added to the Bill.

The Schedule, the Title and the Preamble were added to the Bill.

The Honourable Sir Nripendra Sircar : Sir, I move :

"That the Bill be passed."

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

"That the Bill be passed."

The motion was adopted.

THE PROVINCIAL SMALL CAUSE COURTS (AMENDMENT) BILL.

The Honourable Sir Nripendra Sircar (Law Member) : Sir, I move :

"That the Bill further to amend the Provincial Small Cause Courts Act, 1887, for a certain purpose, be taken into consideration."

The matter is so simple that probably nothing need be said beyond once more drawing the attention of the House to the Statement of Objects and Reasons :

"This Bill is designed to remove certain doubts which have arisen in the interpretation of the proviso to sub-section (1) of section 17 of the Provincial Small Cause Courts Act, 1887. As the section stands, an applicant is required to give security to the satisfaction of the Court at the time of presenting his application. It follows that, in order to ascertain what security satisfies the Court, the applicant must already have made an application in that behalf. There is also some doubt whether the words 'as the Court may direct' apply to the deposit of the whole decretal amount as well as to the giving of approved security. The Bill is intended to make it clear that the preliminary application to ascertain what security will satisfy the Court must be made

and decided before the substantive application for the order to set aside the decree, and that it is always open to the applicant to adopt the alternative course of depositing the total decretal amount."

I only need say in supplementing this statement that there is doubt whether the words 'as the Court may direct' apply to the deposit of the whole decretal amount as well as to the giving of approved security. Different Courts have been giving different interpretations.

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

"That the Bill further to amend the Provincial Small Cause Courts Act, 1887, for a certain purpose, be taken into consideration."

The motion was adopted.

Clauses 2 and 1 were added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Nripendra Sircar : Sir, I move :

"That the Bill be passed."

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

"That the Bill be passed."

The motion was adopted.

THE INDIAN ARMY (AMENDMENT) BILL.

Mr. G. R. F. Tottenham (Army Secretary) : Sir, I move :

"That the Bill further to amend the Indian Army Act, 1911, for certain purposes, be taken into consideration."

I am aware that amendments to the Indian Army Act are sometimes looked upon with suspicion by Honourable Members opposite, but I can honestly lay my hand on my heart and say that not even the most captious critic can find anything to cavil at in this small Bill. At the same time, as Honourable Members may find some difficulty in understanding the Bill in its present form, I will do my best to explain very briefly what its three operative sections really mean. Clause 2 (a) of the Bill merely includes among the deductions from pay which are authorised by section 50 of the Indian Army Act, the forfeiture of certain classes of pay, which is awardable as a minor punishment under section 20. Under section 20, certain officers are empowered to award certain minor punishments like forfeiture of good conduct pay, etc., whereas section 50 purports to set out a complete list of all possible legal deductions from pay and makes no mention of the forfeitures under section 20. That is to say, this clause sets right an anomaly which has existed in the Act for some time. Clause 2 (b) is merely a consequential amendment, following an amendment of the Indian Army Act made last year. By that Amending Act of last year, section 42 of the Indian Army Act was deleted and, therefore, the reference to section 42 which has been left in this particular part of section 50 is meaningless and we are now removing it. Then, Sir, clause 3 of the Bill also makes good an accidental omission in last year's Amending Act, which laid down the punishments that could be awarded to warrant officers by a district court martial. Warrant officers, as Honourable Members

[Mr. G. R. F. Tottenham.]

are aware, are a new class, being introduced for the first time in the Indian Army owing to indianization, and it was always the intention that a district court martial should be empowered to award the same punishments to warrant officers of the Indian Army as is the case under the British Army Act for British warrant officers. We, therefore, propose to include by this clause the punishments of forfeiture of seniority and of reprimand and severe reprimand, which are awardable under the British Army Act to British warrant officers. Then we come to clause 4 of the Bill, which is a little bit more elaborate. Under section 103-A of the Indian Army Act at present, whenever, in the course of a trial by a court martial, it appears to the court that the person charged is of unsound mind and, consequently, incapable of making his defence, or that such person committed the act alleged but was by reason of unsoundness of mind incapable of knowing the nature of the act or that it was wrong or contrary to law, the court may record a finding accordingly and then it is possible, under sub-clause (3) of the existing section, to order the accused person to be kept in custody pending a report to the Governor General in Council. Finally, the Governor General in Council may pass an order for his detention in a lunatic asylum. Under sub-clause (5) of the existing section it is also possible, when the accused person is declared to be capable of making his defence, to call him back and have him tried. But there is at present no provision in the Indian Army Act corresponding to sections 474 and 475 of the Criminal Procedure Code by which the release of a lunatic can be ordered or by which he can be delivered to the care of his relatives, if it is not considered necessary to bring him back to trial. Clause 4 of this Bill adds two sub-sections to section 103-A of the Indian Army Act which correspond almost word for word with the provisions of sections 474 and 475 of the Criminal Procedure Code. Sir, in the Army we do not have many lunatics to deal with, but a case did actually arise the other day in which a certain rifleman of the Burma Rifles went off his head and committed a petty theft. He was brought up for trial by court martial and it was found that he was insane. Therefore we took the necessary steps to get him transferred to a mental hospital. After he had been there for some time, the mental hospital reported that he had recovered his sanity but it was discovered that there was no legal power under which we could release him. We took our courage in both hands and ordered his release although it may not have been strictly legal, and we now hope he is enjoying himself in the care of his family. But, Sir, in order to avoid such an anomaly in future, we have brought forward this amendment to the Indian Army Act to cover a case of that kind in future. Sir, I move.

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

"That the Bill further to amend the Indian Army Act, 1911, for certain purposes, be taken into consideration."

The motion was adopted.

Clauses 2, 3, 4 and 1 were added to the Bill.

The Preamble and the Title were added to the Bill.

Mr. G. R. F. Tottenham : Sir, I move :

"That the Bill be passed."

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

“ That the Bill be passed.”

The motion was adopted.

THE PROVINCIAL INSOLVENCY (AMENDMENT) BILL.

The Honourable Sir Nripendra Sircar (Law Member) : Sir, I beg to move :

“ That the Bill further to amend the Provincial Insolvency Act, 1920, for a certain purpose, be taken into consideration.”

Sir this Bill was rather over-due, and we have merely taken action as the result of a judgment of the Madras High Court which pointed out that this amendment is very necessary. Shortly speaking, Sir, the position is this. The scheme of both the Presidency-towns Insolvency Act and the Provincial Insolvency Act is that once an insolvent gets his discharge, he should not be harassed any further by such of his creditors as could have proved their case or taken steps against him in the insolvency proceedings. Now, there is a confusion. In regard to the Presidency-towns Insolvency Act, there is no difficulty, and there is no conflict of judgment ; but, as regards the Provincial Insolvency Act, the position is that there are two judgments. According to one—which we believe is the sounder judgment—unless the language is changed, an undesirable consequence follows. The result is that there arises a curiously anomalous position, namely, that if insolvency proceedings are taken in a mufassil and not in a Presidency-town, then, if the insolvent has six creditors, and, say, one of them holds out and he does not come into the insolvency proceedings at all, and he takes no steps, and proves no claim, then, if there is a composition, according to this decision—and the language of the section is not very happy—the result of it has been that the man who purposelessly held out is not held to be bound by the composition, so that he can ask for his pound of flesh and get an advantage over the other creditors. Now, that was never intended, and the High Court of Madras pointed out that the Act should be amended in the way that we have done. The result of this Bill being passed will be that the two Acts will be on exactly the same footing, and the creditor who purposelessly does not come into the insolvency proceedings will gain no advantage over those who come. Sir, I move.

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

“ That the Bill further to amend the Provincial Insolvency Act, 1920, for a certain purpose, be taken into consideration.”

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, I want to make one or two observations as to how the Bill places the creditor at an enormous disadvantage. Under the present Act, section 33, a schedule of creditors has to be prepared, and, until an order of discharge is made, it is open to a creditor to have his name included in the schedule even though the debtor might not have given the name or the address or have included the name of the creditor in the petition, or even if he fails to give information before the schedule of creditors is prepared. But under the Bill the time will be limited. As soon as an order of adjudication is passed, six

[Mr. M. Ananthasayanam Ayyangar.]

months or a year is the period ordinarily given for the debtor to apply for his discharge and till then it is open to any creditor, even though his name might have been purposely omitted by the debtor, to come in and have his name entered in the schedule and if the Official Receiver divides the property among the creditors, he is also entitled to have a ratable distribution of the property according to the amount of the debt that is due to him.

Now, with respect to composition, there is no period of time fixed within which a proposal should be made. Besides the period of six months or a year under the Code and the original period of six months or a year that is granted for the debtor to apply for an order of discharge may be extended from time to time on an application to the Court. Therefore, in practice, this time for applying for an order of discharge is extended beyond one year. It is nearly extended to two years—by a year more. It is open, therefore, to a creditor to come in before the end of two years to apply to be included in the schedule so that he may have the benefit by way of ratable distribution of the property of the insolvent debtor. Here no such period of limitation is fixed within which a debtor could apply for a composition. I submit that in the proposal for composition the invaluable right of the creditor to come in is taken away. I submit, therefore, that a suitable provision should be made in order to enable the creditor to come in. It ought not to be a one-sided Act of the insolvent with a view to defraud any creditor he chooses. It is open to him to make a proposal at any time after an order of adjudication is made showing only a few persons as persons to whom debts are due. He may try to avoid certain persons who may have been a little harsh on him and those persons may not have had a notice that he applied to be adjudicated an insolvent or that an order of adjudication was passed against him. If this Bill is thrown out, it will prevent them from doing so. Therefore, I submit, that whatever might have been the suggestion of the Learned Judges of the Madras High Court, in this matter, this invaluable right of the creditor should not be taken away. I submit, therefore, that this House should not accept this Bill.

The Honourable Sir Nripendra Sircar : Sir, my Honourable friend has given notice of no amendment.

Mr. M. Ananthasayanam Ayyangar : I have.

The Honourable Sir Nripendra Sircar : The only answer which I need give to my Honourable friend is this that if there has been a fraud, the creditor has not been able to take advantage of the insolvency proceedings because his name was kept back by the debtor and he received no notice, then under the present law he can challenge the composition and have it set aside, so that there need not be any fear for that kind of creditor. Surely, my Honourable friend has not said one word as to why a creditor who purposely does not come into the insolvency proceedings should have this advantage in a provincial insolvency Court when he gets no such advantage in an insolvency under the Insolvency Act, nor is there any reason whatsoever for it because that gives an incentive to some of the creditors to try to be cleverer than others. The results of the insolvency proceedings are nullified if some creditors get an undue advantage over other creditors. I submit, therefore, that in the absence

of any definite amendment, the only point which my friend has made is completely answered by the fact that such a creditor is not put at any disadvantage.

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

“ That the Bill further to amend the Provincial Insolvency Act, 1920, for a certain purpose, be taken into consideration.”

The motion was adopted.

Clauses 2 and 1 were added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Nripendra Sircar : Sir, I move :

“ That the Bill be passed.”

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

“ That the Bill be passed.”

The motion was adopted.

THE INDIAN MOTOR VEHICLES (AMENDMENT) BILL.

The Honourable Sir Henry Craik (Home Member) : Sir, I beg to move :

“ That the Bill further to amend the Indian Motor Vehicles Act, 1914, for certain purposes, be taken into consideration.”

This is a simple Bill, and I hope it will commend itself to the whole House as a desirable measure. It deals with two points. The first is one of comparatively minor importance and is somewhat technical. I will deal with that first.

Sub-clause (a) of clause 2 of the Bill which is marked (ddd) gives the Local Government power to make rules regulating the manner in which and the duration for which licences may be endorsed. At present, a Local Government has power to make rules regarding the suspension and the cancellation of licences but has not power to make rules regarding the endorsement of licences and it is proposed by this sub-clause to fill that gap. The second and more important part of the Bill is that it proposes to give Courts power to compound certain motoring offences. If the House will compare the new clause 16A which we propose to add to the Act with the various sections in the Act which prescribe the offences, it will be seen that we propose to make compoundable the following offences: Any offence under section 4 of the Act, that is, a driver of the motor vehicle not stopping his vehicle when required to do so by a police officer or by a person in charge of an animal that has been frightened or when he is mixed up in an act. Next, we propose to make compoundable an offence under section 8 of the Act, that is to say, failure to produce a licence when called upon to do so by a police officer. Next, an offence under section 10 of the Act, that is, failure to have a vehicle registered. Next, an offence under section 18, sub-section (5) of the Act, that is, failure of a driver to produce a licence before any authority acting under section 18, which means a Court or a Local Government. Lastly, an offence under section 18, sub-section (7) of the Act, that is, a driver whose licence has been endorsed or who has been disqualified from obtaining a licence applies for or obtains a licence without giving particulars of the

[Sir Henry Craik.]

endorsement or disqualification. All those offences we propose to make compoundable. The graver offences under the Motor Vehicles Act, namely, those mentioned in sections 3, 5, 6 and 7 will not be compoundable. We also propose to make an offence against a rule laid down by the Local Government under the Act compoundable. Naturally, offences against rules are of a less serious nature than offences against the substantive sections of the law. We do not propose that composition will be automatic in every case of these comparatively minor offences. The composition will only be allowed with the permission of the Court and the offender will not be entitled to claim composition as of right. There may be instances where, although the offence is of a comparatively trivial nature, the offender may have committed the same offence before and in such cases probably composition should not be allowed, at any rate not as a matter of course. Secondly, the sum for which the offence may be compounded must be fixed by the Court and cannot exceed the fine which is the maximum for the offence. The maximum fine for a first offence is Rs. 100 and for a second offence it is Rs. 200.

There are just two other points I might mention. One is that it will be within the discretion of the Court to dispense with the attendance of the accused person if it thinks fit. That will prevent people from being dragged into Court unnecessarily for trivial offences which they are quite prepared to admit. Secondly, composition of an offence will runk as a conviction, that is to say, it can be endorsed on the licence which, I think, is a reasonable provision. That I think is all I have to say about the Bill.

There is one other provision which I ought perhaps to mention, namely, that we propose to give Local Governments power to make rules regulating the procedure to be adopted by Courts when they decide that an offence could be compounded. I do not think there is anything else that I need explain to the House.

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

“ That the Bill further to amend the Indian Motor Vehicles Act, 1914, for certain purposes, be taken into consideration.”

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, the Honourable the Home Member said that the provisions of this Bill are very simple. But they appear to me to be very extraordinary. When you refer to clause 3 of the Bill, you will find that I am perfectly justified in saying that the provisions of this Bill are very extraordinary. If I am able to show to the House that the provisions are unusual, I hope at least the lawyer Members of this House will consider that point from the point of view of the principle involved therein and will then say whether they should accede to the passing of such a measure with such a principle embodied therein. I submit that the House should properly understand the Bill before giving its assent to it. For the benefit of those Honourable Members who might not have read clause 3 of the Bill, I will read it. It runs :

“(1) Offences punishable under this Act (other than offences under sections 3, 5, 6 and 7 and such offences against rules made under this Act as the Local Government may, by notification in the local official Gazette, have declared to be non-compoundable) shall, with

the permission of the Court, be compoundable, either before or after the appearance of the accused, on payment by the accused of such sum, not exceeding the maximum amount of fine with which the offences are made punishable by this Act, as the Court may determine.

(8) The composition of an offence under this section shall have the effect of a conviction of the accused with whom the offence has been compounded."

Now, my difficulty is this. Under the general law or under the fundamental principles of general law, when a compromise is effected, that does not mean that the guilt has been admitted. Lawyer Members of this House will realise that under the Criminal Procedure Code, if any offence has been compounded, that means an acquittal. It leaves no stigma of criminality upon the person and it cannot be that a compromise would mean punishing the man to pay as much fine as could be levied under that very section. Because it is left to the magistrate to give permission or not for compounding an offence, it does not mean that he should impose a fine on the person even if after he compounds the offence. According to this provision contained in the Bill, it comes to this that a man is asked to plead guilty. After he pleads guilty, the magistrate will punish him with fine up to the maximum limit to which he can go. Then, I ask what is the use of compounding an offence, if the man is really going to be punished. I cannot understand this law. I have never come across any law in which compounding is treated as an acknowledgment of one's guilt and fine is imposed on the man with the result that a stain is left on the character of the man, so that the next time he commits the same offence, he is treated as an old offender and enhanced punishment is awarded to him. I do not think this House will lend its support to a drastic law of this nature. If the provisions of the Criminal Law Amendment Act are considered to be such as the most harassing to the people of this country, then a Bill of the present nature would amount to nothing less. If you become a party to it next time the Government might come forward with another Bill amending the Criminal Procedure Code to the effect that compounding will always mean admission of guilt and also a liability to punishment with fine to the maximum extent allowed by the Act. A Bill like this might be thrown on our face by the Home Member and then he may say that there is a precedent for such a measure because the House passed the Indian Motor Vehicles (Amendment) Act. I would, therefore, request the House to seriously consider the position. I am sure this would appeal to the Members of the House. As I have explained it clearly, I am sure it would also appeal to the non-lawyer Members of the House also. Would the House like that an accused, when he comes before a Court upon a summons and is willing to compromise and the other party also agrees to it, the magistrate should not allow him to enter into a compromise, except on payment of fine? The magistrate will say: "You are fined and you are, therefore, not acquitted of guilt". I cannot accept a law like this. I thought that if there were any reasons for bringing forward a measure like this, those reasons must be found in the Statement of Objects and Reasons attached to the Bill. But what does a perusal of the Statement of Objects and Reasons reveal? There also I got disappointed, because it is a mere repetition of what is said in the clause of the Bill. It reads:

"The Bill seeks to give effect to this recommendation. It is thought that offences under sections 3, 5, 6 and 7 of the Act should not be made compoundable, and as regards offences against the rules made by Local Governments under section 11 of the Act, it is proposed to leave it to them to notify what such offences are to be made non-compoundable."

[Mr. Lalchand Navalrai.]

I can understand this. But, further on, it says :

" Other offences should be made compoundable, with the permission of the Court, either before or after the appearance of the accused in the Court, for a sum not exceeding the maximum amount of fine for the offence concerned."

This throws no further light on what is said in the clauses of the Bill. I would request the Honourable the Law Member to explain this law. Unless the Honourable the Law Member says that this is an extraordinary law and shows that there are valid reasons for enacting such an extraordinary law, I submit that this House should not give its consent for the passing of such a measure.

Further on, it is said, in the Statement of Objects and Reasons, that composition should count as a conviction. I have never heard that composition would count as a conviction. If it is a composition amounting to conviction, I submit you do not call it a compromise. Call it conviction. In such a case, it would only amount to this much that the offender will be excused from personal attendance in Court. That is the only concession to be made. That concession is allowed even under the ordinary law. An accused is often exempted from putting in personal appearance. Therefore, I submit, that the provisions contained in this Act are such that they should not be passed light-heartedly by Honourable Members of this House without giving serious consideration to the provisions.

Then, it is said :

" Such composition should count as a conviction, and the driver's licence will be liable to be endorsed under sub-section (2) of section 18. The machinery for composition of offences is left to be governed by rules to be made under the Act."

Now, Sir, my first objection is that this Bill should not be passed, but I would even go further and ask leave of the Chair to allow me to move an amendment with regard to the Select Committee, that this Bill be sent to the Select Committee and it should undergo a fresh and very careful examination in view of the peculiar nature of it. I would, therefore, request you to give me permission to move this amendment.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, I rise to support Mr. Lalchand Navalrai. The motor car is a dangerous vehicle that has come on our roads ; and any legislation about it must be carefully considered. I may say at the outset that I am a driver myself ; and, therefore, I know the difficulties of driving, and I also know the difficulties of those who use the roads for walking and cycling and for other purposes. I hope I shall not be accused of imputing any motive to any one, but it seems to me that this law is meant to facilitate the wealthy folk who own motor cars. The Honourable the Home Member thinks that offences against sub-section (7) of section 18 of the Original Act are only of a technical nature, and I think, on the contrary, that those offences are serious offences and should not be allowed to be compounded. The section runs :

" No person whose licence has been endorsed or who has been disqualified for obtaining a licence shall apply for, or obtain, a licence without giving particulars of such endorsement or disqualification."

There are some sections offences against which are declared to be non-compoundable. I am referring to the original section 3 which says :

" No person under the age of 18 years shall drive a motor vehicle in any public place."

Any offence against this is not compoundable according to the amendment now moved. Now, I want to draw the attention of this House to this particular section which is worked in an amazing manner. I know at least two boys in my own city of Benares who, in the absence of their parents, got licenses for driving motor cars although they were not 18. And later on, I had to warn their parents against the danger that they were running under the Act if their boys actually drove those cars. Boys will be boys; and they have actually been driving those cars in public places. Luckily no accidents have so far occurred, but I am surprised at the Licensing Officer who can give licences to boys when they go to him for a licence even though they are quite obviously below 18. If the Honourable the Home Member were to add some sort of a sub-clause making it an offence for a Licensing Officer to give a licence like that I should be with him. My great complaint against this Government is that in whatever it does it makes the non-official responsible and not the official. According to sub-section (2) of section 3 of the original Act, the parent who, in the beginning, did not even know that the boy had gone out and taken a licence like that, is made punishable. Surely the Honourable the Home Member should find some way by which the Licensing Officers should be made punishable for dereliction of duty and gross carelessness. I could go on pointing to other defects in this amending Bill but if my Honourable friend Mr. Lalchand Navalrai's motion is allowed by you, then it will be possible for the Select Committee to go into the question. I certainly would plead with you to suspend the Standing Order and permit that motion to be moved so that this question may be taken into consideration more carefully. The House has been rather excited over a most unfortunate Bill for the last so many days; and I will confess that many of us did not bother much about the other Bills which were on the agenda. I will confess myself that it is only now that I have looked into this Bill.

I will only refer to one other section. Though I hold a couple of legal degrees they are only academic, because I am not really a practising lawyer. So, if I make some mistakes, you and my other friends here will please excuse me. There is a section, section 5, offences against which have been made non-compoundable. The section runs thus:

"Whoever drives a motor vehicle in a public place recklessly or negligently or at a speed or in a manner which is dangerous to the public having regard to all the circumstances of the case, including the nature, condition and use of the place and the amount of traffic it actually has at the time or which might reasonably be expected to be in the place, shall, on conviction, be punishable with fine which may extend to five hundred rupees."

Now, what actually happens is this. Most motor drivers,—and I am sure I can include most of the Members opposite who are so fond of law and order—most motor drivers, if not all, contravene the rules under which they hold their licences, and they clearly say that they take the risk. Many of them are not licensed to drive over 15 to 25 miles an hour. I myself have a licence to drive only at 15 miles an hour; but I scarcely drive a car at that low speed, because, as all drivers know, engines are in danger of being spoiled if motors are driven at too slow a speed. Now, I am myself a fairly nervous man and so I never go beyond 20 or 25 miles but most Honourable Members opposite must have enjoyed the fun of driving at the rate of 50 or 60 miles an hour.

The Honourable Sir Nripendra Sircar : I do not drive at all.

Mr. Sri Prakasa : Now, Sir, this clause, as it stands, can be interpreted to mean that if an accident happens when a car is driven at a dangerous speed, in a crowded place, then only is the driver punishable. If he drives at an enormous speed, when, say, he is running between Delhi and Meerut and an accident happens, he can take shelter behind the wording of the amending Bill, and make his offence compoundable, because he will say that he does not come within the terms of this section because he was not driving at a speed or in a manner which is dangerous to the public having regard to all the circumstances including the nature, condition, etc. He will say that it was an open road where old men and children are not usually found ; and if one came up and got crushed under the wheels of his car, then he should be allowed to take advantage of this amendment and compound the offence. Rich men can also buy off poor people. If the Honourable the Home Member really seriously means that even in those cases the offence will not be compoundable, then, I think, he should say so definitely in his Bill.

Before I close, I should like to draw the attention of the Law Member to a particular point. It is not exactly connected with this Bill, but it seems to me rather important. You know that the Honourable the Law Member is often quoting May's Parliamentary Practice ; and when, after we have defeated the Bill this afternoon, I find other Bills being brought forward, I was anxious to know on what page of May's Parliamentary Practice it was given that the Government should not resign after such a thundering defeat but continue introducing other Bills. It is surprising that after sustaining that defeat they still have the gumption to come before the House with many minor Bills which also are quite dangerous in their own way. While the Criminal Law Amendment Bill was dangerous to the public peace, this particular Bill is a positive danger to those who use the public roads ; and I should certainly ask the Honourable the Home Member to bring forward amendments to this Act, if he thinks of bringing them forward at all, in such a manner that the keeping of motors and the driving of motors may be regulated very strictly.

I know that the motor vehicles have come to stay, and I also know that this civilisation, which may be described as a civilisation on wheels, will invent other vehicles that will go faster than motors or such vehicles as are not in vogue today. But with the coming of these dangerous vehicles, the laws must be strengthened ; and I personally suggest strongly that the laws should be so amended that we should have a decent set of Licensing Officers. I personally have very little faith in the type of men who are Licensing Officers today. They are usually police officers. Now, it is a pity that the force, that should be loved by the people, is a force that is most hated. It cannot be that our people are congenitally so perverse as to dislike a useful class of public servants without cause. They are our brothers and we should ordinarily like them. I know that the dislike that we have for the ways of the police is not minded by them, because from time to time, high officers of the Government come down and give them certificates of merit. I have never yet heard of certificates of merit being given to the London police, for the simple reason that the whole world praises them and they are not in need of such certificates. Now, to give police officers the right of granting licences to those who want to drive these vehicles is very dangerous ; and I will tell you why. The first reason is that most of the well-to-do persons in a town always

try to be in the good books of the police officers ; and I know for a fact that many licences have been given to persons who have not known driving at all, simply because some friend of the Licensing Police Officer has requested him to give a licence to a friend of his who after receiving the licence learns how to drive. It should be made incumbent on the Licensing Officer to examine carefully and strictly the person who is seeking a licence before that licence is given.

The second thing is that there is another class of motor drivers,—the lorry drivers and others—who, by ways not unfamiliar to any side of this House, keep themselves in the good books of the police, and, therefore, escape many wrongs that they do. I will give you an illustration out of an experience of my own. I was going for Congress propaganda in the interior of a district. They brought out the usual drums and slogans and flags, which are so anathema to the Honourable the Law Member and to which he referred in scathing terms in his still unfinished speech at Delhi and which we hope will at last be finished tomorrow (Laughter).....

An Honourable Member : No ; it will not.

Mr. Sri Prakasa :....When I was taken out with these drums and slogans, which I dislike as much as the Honourable the Law Member—I am sick of them—I was seated on a lorry and the flags were fastened on, and as the lorry started, I happened to mark that the driver, instead of using the brake, he always used the gear, bringing it from the top to the first gear, as soon as he saw any old person or child in front. This happened about half a dozen times, when I got suspicious ; and I said to the man : “ Have you not got a brake ? Why should you meddle with your gear in this way ? ” He said : “ The brake is out of order : but it does not matter : there is going to be an inspection the day after tomorrow and I am going to get it put right tomorrow.” I said : “ But I am going to die today : what is the use of your getting it put right tomorrow ? ” He said : “ Do not worry. I am usually taking policemen about, free of all cost, and so nobody will interfere.” My death mattered very little to him, though it mattered very much to me ; and with great anxiety I proceeded on my journey. Now, if this is the way in which licences are to be given, and offences made compoundable to boot, then I think you had better give up the system of issuing licences at all and delete all law on the subject. But if, really, seriously, you mean to control motor and other dangerous traffic, you ought to have a more stringent Bill than the one before the House today.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair understands the Honourable Mr. Mitchell wishes

5 P.M.

ness in his charge.

The Honourable Mr. D. G. Mitchell (Member for Industries and Labour) : Sir, in connection with Mr. James's motion last Friday for the re-circulation of the Payment of Wages Bill, I said that I would consult some of the Members of the House specially interested and would decide whether to proceed with the Bill this Session or not. Government have considered this question, and have been influenced in their decision by two main considerations. Firstly, the interval of time

[Mr. D. G. Mitchell.]

elapsing since the publication of the Select Committee's Report has undoubtedly not been sufficient to allow the interests concerned to study carefully the important changes made by the Select Committee. Secondly, numerous amendments have already been proposed, and these require detailed consideration. Government, therefore, propose not to proceed with the Bill till the beginning of the Budget Session.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 17th September, 1935.