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(3rd February to 14th February, 1936)

THIRD SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY,
1936



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1936.

Legislative Assembly.

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Deputy President :

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Panel of Chairmen :

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MR. M. S. ANEY, M.L.A.

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LEGISLATIVE ASSEMBLY.

Friday, 7th February 1936.

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

QUESTIONS AND ANSWERS.

REPORT OF THE DRUGS INQUIRY COMMITTEE.

135. *Seth Govind Das: Will Government be pleased to state:

- (a) whether the Drugs Inquiry Committee submitted their report;
- (b) when that Committee submitted its report;
- (c) the chief points of its recommendation;
- (d) whether Government have considered the question of giving effect to the recommendations so made by the Committee, and if so, to what extent and to which of the points of recommendation; and
- (e) if not, the reasons therefor?

Sir Girja Shankar Bajpai: (a) Yes.

(b) In November, 1931.

(c)—(e). I would refer the Honourable Member to the answer given by me to Mr. Satyamurti's question No. 34 on the 4th February.

Seth Govind Das: Since the 4th February, has there been any change?

Sir Girja Shankar Bajpai: Since the 4th of February? Since then, there has been no change.

Mr. S. Satyamurti: Are Government satisfied that there is no need for any legislation or any further legislation in the matter?

Sir Girja Shankar Bajpai: Sir, I think, in answer to a question of my Honourable friend, the other day, I said that Government were not contemplating legislation. Speaking from memory, the legislation recommended by the Committee was with regard to the education of apothecaries; that is a provincial subject which is left to the provinces, and not to the Government of India.

TRAINING OF INDIANS IN THE MANUFACTURING FIRMS IN GREAT BRITAIN AND OTHER COUNTRIES.

136. *Seth Govind Das: Will Government be pleased to state:

- (a) whether it forms part of the duties of the Trade Commissioners, in the various foreign countries, representing India, to negotiate with the manufacturing firms of those countries, and specially in Great Britain, for giving practical training to qualified Indians in those firms;

- (b) whether the Trade Commissioners fulfilled their duties in this respect, and, if so, to what extent;
- (c) how many Indians are now receiving such training;
- (d) how many Indians have been trained out of those firms until now;
- (e) whether there are any specified rules and terms for the admission of such candidates for training; and
- (f) if so, what they are?

The Honourable Sir Muhammad Zafrullah Khan: (a) No.

(b) to (f). Do not arise. I may, however, mention that through the efforts of the High Commissioner for India a number of firms have offered facilities for practical training to Indian students in Great Britain and other foreign countries. In this connection the attention of the Honourable Member is invited to pages 25 and 26 of the Report on the work of the Education Department of the High Commissioner's office for the year 1933-34, a copy of which is in the Library of the Legislature.

Mr. T. S. Avinashilingam Chettiar: May I ask how many Indians are undergoing such training?

The Honourable Sir Muhammad Zafrullah Khan: I shall require notice of that question.

Mr. S. Satyamurti: Will Government consider the desirability of making it a part of the duties of these Trade Commissioners to negotiate with manufacturing firms of these countries, especially in Great Britain, for their giving practical training to qualified Indians?

The Honourable Sir Muhammad Zafrullah Khan: Even if that were desirable, would my Honourable friend suggest a *quid pro quo* to be offered to these manufacturing firms?

Mr. S. Satyamurti: Sir, it is suggested in clause (b) of the question, that whenever orders are placed with manufacturing firms for the requirements of India, these Trade Commissioners might negotiate with them that as a *quid pro quo* for those orders, they should give facilities for practical training to qualified Indians.

The Honourable Sir Muhammad Zafrullah Khan: That is to say, a system of preferences for these firms, in placing our contracts with them?

Mr. S. Satyamurti: A system of preference for our boys to get training in return for those orders, on the merits of those orders.

The Honourable Sir Muhammad Zafrullah Khan: Surely, it would strike the Honourable Member that if that were part of the bargain, the consideration on our side would have to be higher in price than it would otherwise be?

Mr. S. Satyamurti: Would it not be worth while paying that price, in return for the training of our boys, so that these boys might help to start industries in our country, by and by?

The Honourable Sir Muhammad Zafrullah Khan: My immediate reaction to that is that it would be rather embarrassing.

Mr. T. S. Avinashilingam Chettiar: Which are the countries that have promised to train Indians besides Great Britain?

The Honourable Sir Muhammad Zafrullah Khan: I will collect the information for the benefit of my Honourable friend, if he so desires.

TRADE AGREEMENT WITH COUNTRIES HAVING INDIAN TRADE COMMISSIONERS.

137. ***Seth Govind Das:** Will Government be pleased to state:

- (a) the countries where Trade Commissioners on behalf of India are stationed;
- (b) what kind of agreement exists between those countries and India with regard to trade; and
- (c) whether they will lay on the table a copy of such of the existing agreements?

The Honourable Sir Muhammad Zafrullah Khan: (a) The United Kingdom, Germany and Italy.

(b) and (c). The Ottawa Trade Agreement and the Supplementary Trade Agreement govern our commercial relations with the United Kingdom. Copies of these Agreements are in the Library of the Legislature, the former is printed as Appendix E to the Report of the Indian Delegation to Imperial Economic Conference, Ottawa, 1932. Our commercial relations with Germany are governed by the provisions of Article 31 of the Anglo-German Commercial Treaty of 1924, while those with Italy are regulated by the Anglo-Italian Commercial Treaty of 1883 which has been extended to India by a Convention of 1914. These treaties are contained in the Handbook of Commercial Treaties, 1931, a copy of which is also in the Library.

Mr. T. S. Avinashilingam Chettiar: Have any fresh agreements been made with any other countries after the Ottawa Pact with England?

The Honourable Sir Muhammad Zafrullah Khan: No.

Mr. S. Satyamurti: Was not India directly a party to these treaties to which my Honourable friend refers?

The Honourable Sir Muhammad Zafrullah Khan: I have already explained that the Anglo-Italian Commercial Treaty of 1883 was extended to India by a Convention of 1914. In 1924, India became a party to the Treaty with Germany under the provisions of Article 31 of the Anglo-German Commercial Treaty of 1924.

Mr. S. Satyamurti: Since the answer to the question given last year, have Government advanced any further in the consideration of the question of appointing Trade Commissioners in other countries?

The Honourable Sir Muhammad Zafrullah Khan: I believe I have already given the answer to that question earlier in the Session, *viz.*, that Government are considering the appointment of a Trade Commissioner in East Africa.

Sir H. P. Mody: What is the latest position with regard to the alleged breaches on the part of countries like Germany of the Trade Agreements to which my Honourable friend has just referred? The Government of India have been, it is well-known, carrying on negotiations for more than a year. What is the latest position?

The Honourable Sir Muhammad Zafrullah Khan: With regard to Italy, surely the Honourable Member realises that all those questions are now suspended. With regard to Germany, I am not aware of the breaches that the Honourable Member has in mind.

Sir H. P. Mody: Surely the Government of India do not suggest that there has been no discussion with the German Government with regard to the interpretation of the treaty and the way in which it has been given effect to in recent months?

The Honourable Sir Muhammad Zafrullah Khan: What discussion is the Honourable Member referring to?

Sir H. P. Mody: Do I understand that there has been no dispute between the Government and any of these countries with which India has agreements, such as Germany, Italy, Persia and Turkey, with regard to the way in which they have interpreted the treaties?

The Honourable Sir Muhammad Zafrullah Khan: Correspondence sometimes does take place with regard to the interpretation of any particular clause when the occasion arises.

Sir H. P. Mody: Have not the Government of India taken up the matter seriously with the Governments of Turkey, Persia and Germany?

The Honourable Sir Muhammad Zafrullah Khan: There has been correspondence with Persia and Turkey; I am not quite sure whether there has been correspondence with Germany also.

Mr. S. Satyamurti: Are Government aware that various restrictive measures have been adopted by Germany to prevent the import of Indian goods into Germany after the agreement of 1924?

The Honourable Sir Muhammad Zafrullah Khan: If the implication sought to be conveyed is that those restrictions were imposed with the particular object of preventing the entry of Indian goods into Germany, the answer is no; otherwise, generally, yes.

Mr. M. Ananthasayanam Ayyangar: Have not Germany and Italy been discriminating against the entry of foreign goods including those of India? If so, what steps do the Government of India propose to take in order to get better terms for Indian goods?

The Honourable Sir Muhammad Zafrullah Khan: There is a system of restrictions imposed in both countries, as I have already explained.

Mr. S. Satyamurti: Have Government considered the effect of those restrictions on Indian exports to those countries, and what action do the Government propose to take, in order to see a fair treatment is afforded to our goods?

The Honourable Sir Muhammad Zafrullah Khan: That question was also answered during the last Session.

Mr. S. Satyamurti: Has any effective action been taken?

The Honourable Sir Muhammad Zafrullah Khan: So far as the negotiations that were being carried on with Italy are concerned, the matter has been put an end to by the "sanctions". As regards Germany, the matter is still under consideration.

Seth Govind Das: And as regards Turkey and Persia?

The Honourable Sir Muhammad Zafrullah Khan: There are no negotiations taking place for the moment; there has been some correspondence.

INDUSTRIES GRANTED SUBSIDIES OR BOUNTIES.

138. ***Seth Govind Das:** Will Government be pleased to state:

- (a) the number of industries that are granted subsidies or bounties by the Government in India;
- (b) the names of those concerns;
- (c) the amounts they receive annually; and
- (d) the reasons that led Government to grant the subsidies?

The Honourable Sir Frank Noyce: (a) No industry is receiving any direct subsidies or bounties from the Government of India. Some, such as handloom weaving and sericulture, are being fostered by special grants and others receive fiscal protection involving the payments of higher sums by Government as well as private purchasers. Extra sums are also paid in certain cases in the form of price references in pursuance of the stores purchase policy.

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

RAILWAYS UNDER THE MANAGEMENT OF COMPANIES AND RENEWAL OF CONTRACT WITH THE BENGAL NAGPUR RAILWAY.

139. ***Seth Govind Das:** Will Government be pleased to state:

- (a) the names of Railways that are under the management of companies;
- (b) when they are likely to expire;
- (c) when the contract with the Bengal Nagpur Railway was renewed by the State;

- (d) what the special circumstances were that made Government to renew their contract;
- (e) whether the Government of India on their own initiative favoured the Bengal Nagpur Railway with the facility of renewal or they had to approach the Home Government for their consent;
- (f) whether they will lay a copy of the correspondence with the Railway company in question with the Government and their consultations with the Home Government, if any; and
- (g) whether they will lay on the table a copy of the contract executed by the Bengal Nagpur Railway with the State?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). The Honourable Member is referred to the answer given to question No. 788 asked by Mr. Muthuranga Mudaliar on the 9th March, 1935.

(c) In 1912.

(d) It was apparently considered at the time that it was desirable in the interests of the State to continue the existing system of management on terms less favourable to the Company.

(e) The Secretary of State for India, in consultation with the Government of India, agreed to the renewal.

(f) Governments are not prepared to lay the correspondence on the table.

(g) A copy of the contract with the Bengal Nagpur Railway is in the Library of the House.

Seth Govind Das: What are the reasons on account of which Government are not prepared to lay this correspondence on the table?

The Honourable Sir Muhammad Zafrullah Khan: The Government are not prepared to lay on the table such correspondence in any case owing to reasons of public policy.

Seth Govind Das: Are Government aware that the freights of the Bengal Nagpur Railway are much higher than those charged by the State Railways?

The Honourable Sir Muhammad Zafrullah Khan: Not in all cases.

Mr. Lalchand Navalrai: For how long has this contract with the Bengal Nagpur Railway been renewed?

The Honourable Sir Muhammad Zafrullah Khan: The contract would terminate on the 31st December, 1950, as was explained in answer to the question I have just referred to.

Seth Govind Das: Are Government prepared to say that the freights which are charged by the Bengal Nagpur Railway are in every case the same which are charged by other railways in India?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already answered that question, that it is not higher in all cases.

Mr. M. Ananthasayanam Ayyangar: Did not this Railway work at a loss during 1934-35?

The Honourable Sir Muhammad Zafrullah Khan: Yes, Sir.

Mr. M. Ananthasayanam Ayyangar: Is not this Railway one of the guaranteed Railways of the Government of India? If so, how much did Government contribute towards guaranteed interest?

The Honourable Sir Muhammad Zafrullah Khan: Surely the Honourable Member will recognise that that question cannot be answered without due notice.

REFUSAL OF THE BOMBAY POST OFFICE TO DELIVER PARCELS CONTAINING SOVEREIGNS.

140. ***Seth Govind Das**: Will Government be pleased to state:

- (a) whether they are aware that some parcels containing sovereigns were received by the Bombay post office addressed to a certain bank in Bombay, in the month of August last;
- (b) whether it is a fact that the foreign branch of the Bombay Post Office at first refused to deliver the parcels to the Bank;
- (c) the reasons for and authority under which the Post Office refused delivery of the parcels;
- (d) whether the contents of the parcels were sovereigns;
- (e) the value of each of the parcels and how many such parcels were there in all;
- (f) by whom the parcels were consigned and to whom;
- (g) whether anybody approached Government to intervene over the non-delivery of these parcels to the Bank;
- (h) who approached the Government and through what channel;
- (i) whether Government intervened in the matter;
- (j) if so, what were the results of their intervention in the matter;
- (k) whether Government had to consult the Secretary of State or any other authorities of His Majesty's Government in the matter to reach the decision they have;
- (l) whether they will lay on the table a copy of the entire correspondence over the matter; and
- (m) if not, the reasons of the Government therefor?

The Honourable Sir Frank Noyce: With your permission, Sir, I will reply to questions Nos. 140 and 141 together.

I place on the table a statement containing the information required by the Honourable Member.

Statement.

Twenty insured parcels, each containing 1,000 sovereigns of the approximate value of Rs. 22,000 according to the market rate current at the time, were sent by Messrs. Gondrand Freres, Paris, to the Comptoir National d'Escompte de Paris, Bombay, and were received at Bombay on 8th August, 1935. The Bombay General Post Office at first refused to deliver the parcels to the addressee, as under clause 253(3) of the Post and Telegraph Guide, the importation into British India, by means of a single foreign parcel, of coins exceeding £5 in value, except coin clearly intended for purposes of ornament, is prohibited. According to the Parcel Post Agreement of the Universal Postal Union to which both India and France are parties, there is, however, no prohibition against the transmission of coin in insured parcels, nor is the importation into British India of gold coin prohibited under the Sea Customs Act. The restriction specified in clause 233(3) of the Post and Telegraph Guide was imposed by the regulations of the Indian Post Office on purely postal grounds. When a parcel is found, in course of transmission by the Foreign Parcel Post, to contain coin exceeding £5 in value, except coin clearly intended for purposes of ornament, it is generally returned to the sender. In the case in question no one approached the Government to intervene. As the parcels were posted by the senders in good faith and were erroneously accepted and forwarded by the French Postal Administration, they were ordered to be delivered to the addressee at the special request of the French Postal Administration made by cable. Such action is not unusual in cases of *bona fide* mistakes of the service. I regret I am unable to lay the correspondence on the table; it is further unnecessary to do so as all the facts are given above.

Seth Govind Das: There are certain sub-sections in this question which have not been replied. If replies had been given to those sub-sections, it would enable me to put supplementary questions?

The Honourable Sir Frank Noyce: If the Honourable Member wishes, I can read out the statement that I have laid on the table. It is rather a long statement full of technical details, and I thought it would be convenient if I placed it on the table.

Mr. President (The Honourable Sir Abdur Rahim): If it is a lengthy statement, the Honourable Member need not read it.

Seth Govind Das: Then, how can I put supplementary questions?

The Honourable Sir Frank Noyce: I think my Honourable friend might study the statement that I am placing on the table and then put any further questions he likes. I shall be very willing to discuss them personally with him if he cares to do so.

Seth Govind Das: That is all right. I shall do so.

Mr. President (The Honourable Sir Abdur Rahim): That would be a better course.

RULES FOR PREVENTION OF GOLD COINS BEING IMPORTED INTO INDIA THROUGH POST OFFICES.

†141. ***Seth Govind Das:** Will Government be pleased to state:

- (a) whether it is permissible to send gold coins from foreign countries to Banks, commercial concerns or private individuals in India;

†For answer to this question, see answer to question No. 140.

- (b) what the rules governing the prevention of such gold coins being imported through post offices are;
- (c) what are the penalties for the breach of such rules;
- (d) whether any special consideration has been shown in this case for the breach of law of the land, as has been committed in the case aforesaid in the preceding question;
- (e) if so, what were the special grounds which merited such consideration;
- (f) whether they had to consult the French Consulate or the Government of France pointing the breach of law of this land;
- (g) whether they will lay on the table a copy of all the correspondence that transpired; and
- (h) if not, reasons therefor?

EXAMINATION FOR RECRUITMENT OF ROUTINE DIVISION CLERKS IN THE GOVERNMENT OF INDIA OFFICES.

142. *Seth Govind Das: (a) Will Government please state when the last examination for recruitment to the routine grade of clerks was held by the Public Service Commission in 1934 and when was its result published?

(b) Is it a fact that the Commission took about a year to publish the result of the examination of a few hundred candidates, and are Government aware that universities take only a few weeks or at the most a few months to publish the results of the examinations in which there are much larger number of papers and thousands of candidates?

(c) What steps do Government propose to take to avoid delay in the publication of the result of the next examination to be held by the Commission in December 1935?

The Honourable Sir Henry Craik: (a) The examination was held on the 3rd December, 1934. The result was not published, but it was communicated to the Government of India on the 21st March, 1935.

(b) and (c). As no undue delay occurred, Government do not consider that any action is necessary. The tabulation of the results of a competitive examination requires far more care than that of the results of an examination the intention of which is merely to declare candidates 'failed' or 'passed'.

EXAMINATION FOR RECRUITMENT OF ROUTINE DIVISION CLERKS IN THE GOVERNMENT OF INDIA OFFICES.

143. *Seth Govind Das: (a) Will Government be pleased to state whether it is a fact that in the last examination of the Public Service Commission for recruitment to the routine grade clerks, four papers were rushed through in one day with an interval of few minutes between them?

(b) Will Government please state if there is any other examination besides the Ministerial Branch examinations, in which the candidates are examined in four papers in one day?

(c) Do Government propose to consider the advisability of spreading the examination over two days in future?

(d) If not, will Government state reasons therefor?

The Honourable Sir Henry Craik: (a) to (d). The four papers in the Ministerial Service Examination occupy, all told, only four hours and twenty minutes, whereas in other examinations candidates have to sit for six hours daily. Adequate intervals are allowed between each paper and there is no necessity to give two days to a short examination of such an elementary character.

Mr. Lalchand Navalrai: What is the interval allowed between one paper and another? Is it not a few minutes?

The Honourable Sir Henry Craik: I cannot say that without looking up the time table. The papers only take four hours and twenty minutes in all, and so there is plenty of time to give a reasonable interval between each paper.

Mr. M. Ananthasayanam Ayyangar: How many candidates appeared at that examination?

The Honourable Sir Henry Craik: I want notice.

EXAMINATION FOR RECRUITMENT OF ROUTINE DIVISION CLERKS IN THE GOVERNMENT OF INDIA OFFICES.

144. *Seth Govind Das: (a) Will Government be pleased to state whether it is a fact that for the next examination for recruitment to the routine grade clerks, the Public Service Commission have laid down the names of certain institutions whose certificates of proficiency in type-writing will be recognised by them?

(b) Are Government aware that the two institutions of Lahore and Meerut have examined non-students for the issue of certificates and have charged them three and six months' tuition fees, respectively, in addition to admission and many other fees, under the excuse of making them their *bona fide* students?

(c) Did the Commission fix any limit to the fees which would be charged by the institutions?

(d) Do Government propose to consider the desirability of making enquiries, necessary in the matter, and see that the exorbitant fees so charged by the institutions are being refunded to the candidates?

(e) Are Government aware that a private institution of Delhi City has charged Rs. 54 from each candidate for the Pitman's College, London, certificate which is one of those recognised by the Commission, while an institution of Simla and New Delhi has charged only Rs. 7 for the very examination?

(f) What steps do Government propose to take in order to save the candidates from the loss incurred by them in meeting the exorbitant demands of those institutions (or their representatives) whose certificates were recognised by the Commission?

(g) Do Government consider the desirability of providing more facilities and according recognition, for future, to the certificates of only those institutions that have not misused their recognition in the past?

The Honourable Sir Henry Craik: (a) If the Honourable Member is referring to the examination of December, 1935, the reply is in the affirmative.

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

(c) No.

(d), (f) and (g). The list of recognised institutions was drawn up after consultation with Local Governments. The Public Service Commission will again consult Local Governments whether there are any reliable institutions which can be added to the recognised list. If the Commission receive evidence that any institution has been profiteering, they will be prepared to take up the question of removing its name from the approved list.

Mr. Lalchand Navalrai: Is a list of these institutions published?

The Honourable Sir Henry Craik: It must be published for the information of the candidates.

Mr. Lalchand Navalrai: Is there a copy available in the Library of the House?

The Honourable Sir Henry Craik: I do not know, but I will get a copy if the Honourable Member so desires.

Mr. S. Satyamurti: Will Government consider the advisability of having these institutions, provided they satisfy the required standards, spread over all the Provinces, in order to give facilities to candidates from all the Provinces?

The Honourable Sir Henry Craik: That is a matter for the Public Services Commission to decide. I will however pass on that suggestion to the Public Service Commission.

Mr. M. Ananthasayanam Ayyangar: Does not a test in typewriting also form part of the curriculum of the Public Service Commission examination? Are the candidates who obtain a certificate from these institutions once again examined in typewriting by the Public Service Commission?

The Honourable Sir Henry Craik: They are examined in typewriting.

Mr. M. Ananthasayanam Ayyangar: What is the necessity then for insisting on certificates from these institutions?

The Honourable Sir Henry Craik: In order to keep the number of candidates within reasonable limits.

VACANCIES IN THE OFFICES OF THE RAILWAY BOARD, CENTRAL STANDARDS AND SUPERVISORS OF RAILWAY LABOUR.

145. ***Seth Govind Das:** Will Government be pleased to state:

- (a) the number of vacancies, temporary and permanent, that have been filled in the offices of the Railway Board, Central Standards and Supervisors of Railway Labour from the beginning of the official year 1934, to date;

- (b) the number of vacancies that have been allotted to the different communities;
- (c) whether the equal distribution of the vacancies has been strictly observed;
- (d) number of the different communities; separately, of candidates who were provided on the Public Service Commission qualification; and
- (e) separately the number of those otherwise qualified?

The Honourable Sir Muhammad Zafrullah Khan: I am placing three statements on the table of the House giving the required information.

(i) *Railway Board's Office.*

(a) The number of vacancies filled in the Railway Board's office from 1st April 1934 to 30th November 1935.

				Permanent.					Temporary.
				7	(b)				51‡
(b)	Hindus	.	.	4	Hindus	.	.	.	35
	Muslim	.	.	1	Muslims	.	.	.	11
	Anglo-Indians	.	.	2	Anglo-Indians	.	.	.	7
					Sikh	.	.	.	1
	Total			7	Total				54§
(c)	Yes as far as possible.				(c)	Yes as far as possible.			
(d)	Anglo-Indian	.	.	1*	(d)	Hindus	.	.	13
						Muslims	.	.	2
						Anglo-Indians	.	.	4
						Sikh	.	.	1
									20
(e)	†Hindus	.	.	4	(e)	Hindus	.	.	22
	Muslim	.	.	1		Muslims	.	.	9
	Anglo-Indian	.	.	1		Anglo-Indians	.	.	3
	Total			6		Sikh
						Total			34

*Exempted by the Home Department from passing the Public Service Commission Test.

†5 retrenched hands and one recruited from Indian Railway Conference Association.

‡The total number of 51 is made up as under:

By direct recruitment	49
By promotion from other office	2
	51

§Against 51 temporary vacancies, 54 men were appointed on account of changes.

(ii) *Central Standards Office for Railways.*

(a) The number of vacancies filled in C. S. O. from 1st April 1934 to 30th November 1935.

(b)	Permanent. 22	(c)	Temporary. 4
		As far as possible.	
Hindus	16	(d)	
Muslims	7	Hindu	1
Sikhs	2	Indian Christian	1
Indian Christian	1	(e)	
Total	26	Hindus	15
		Muslims	7
		Sikhs	2

(iii) *Supervisor of Railway Labour's Office.*

(a) The number of vacancies filled in from 1st April 1934 to 30th November 1935 .

(b)	Permanent. 4	Temporary. 2
Hindus	2*	Muslims
Muslims	2	2

(c) Yes.

(d) and (e). No one was recruited through the P. S. C.

*1 out of 2 was given by promotion.

CULTIVATION OF CINCHONA.

146. ***Seth Govind Das:** Will Government be pleased to state:

- (a) when the cinchona cultivation was extended to this country;
- (b) whether the cultivation of cinchona and its development was intended as a philanthropic measure;
- (c) what are the League of Nations' conventions with regard to the starting of cultivation and development;
- (d) whether it is a fact that it has now been converted into a revenue making measure like opium, regardless of the original purpose for which it was started; if so, why;
- (e) the total quantity of quinine at present in the hands of Government;
- (f) the revenue on this head under the revenue making system;
- (g) whether they are aware that a large quantity of the quinine in stock could be distributed among the many charitable districts to serve the advantage for which it was produced; if so;
- (h) what the reasons are to overlook such a vital necessity since malaria is still very rampant in the country;
- (i) whether they are prepared to reconsider their decision and revise it in favour of the purpose for which its product was ear-marked; and
- (j) if the answer be in the negative, their reasons?

Sir Girja Shankar Bajpai: (a) and (b). The cultivation of cinchona was introduced about 1861 as an experiment to explore the possibility of meeting India's requirements of its principal derivatives from Indian sources.

(c) The Government of India are not aware of any conventions of the League of Nations on the subject.

(d) The answer to the first part is in the negative. The second part does not arise.

(e), (g), (h), (i) and (j). The total quantity of quinine belonging to the Government of India at the end of 1935 amounted to 167,921 lbs. Of this 150,000 lbs. is maintained as a reserve to meet national emergencies. The balance of 17,921 lbs. has been left over after the allocation last year to Provinces, for additional free distribution, of 45,000 lbs. of quinine. The Honourable Member will observe that the Government of India have provided a substantial amount of the drug for free distribution only recently and also maintain a large reserve to meet possible emergencies. Further action is really for Local Governments who are responsible for Public Health.

(f) A statement showing the revenue realised from the sale of Government of India quinine during the five years 1930-31 to 1934-35 is laid on the table of the House.

Statement.

Revenue realised by the Government of India from the sales of quinine during 1930-31 to 1934-35.

	Rs.
1930-31	4,43,073
1931-32	3,17,510
1932-33	2,16,988
1933-34	2,88,862
1934-35	6,08,781

Seth Govind Das: Do Government receive periodical reports from the Provinces as to how this quinine is disposed of?

Sir Girja Shankar Bajpai: The Government of India do not directly receive any report, but the Public Health Commissioner with the Government of India makes use of the provincial reports for publication in a consolidated report of the various anti-malarial activities of the Provinces including the utilization of quinine.

Dr. T. S. S. Rajan: What is the actual cost of production of quinine for Government?

Sir Girja Shankar Bajpai: Actual cost of production, so far as the Government of India quinine is concerned, is Rs. 15 and a few annas; that is exclusive of overhead charges.

Dr. T. S. S. Rajan: What is the sale price of quinine according to Government?

Sir Girja Shankar Bajpai: The sale price is Rs. 18.

Dr. T. S. S. Rajan: Are Government a member of any combine for selling quinine?

Sir Girja Shankar Bajpai: No, Sir. The Government of India are not members of a combine. The combine quinine sells at Rs. 22.

Seth Govind Das: If quinine costs Rs. 15 to make and if Government sell it at Rs. 18, then do they not make too much profit?

Sir Girja Shankar Bajpai: As I stated in answer to one of the earlier questions, the cost of production at Rs. 15 includes neither the element of rent for the land utilised nor overhead charges. If you include these items, then there is scarcely any profit at all, possibly only a few annas per pound.

Dr. T. S. S. Rajan: What is the national emergency which the Government expect with regard to such huge reserve of quinine in their hands?

Sir Girja Shankar Bajpai: My Honourable friend might have possibly read of the epidemic of malaria that took place in Ceylon two years ago. They had no quinine left at all. Actually they were in extreme difficulty and they had to come to the Government of India and it was because we gave them 10,000 lbs. of quinine that they were able to meet the emergency with which they were faced. Here in India with a population of over 351 millions, the emergency may be on a very much larger scale.

Mr. M. Ananthasayanam Ayyangar: How long has this reserve been there?

Sir Girja Shankar Bajpai: The reserve has been there since it was built up.

Mr. M. Ananthasayanam Ayyangar: How long ago was it?

Dr. T. S. S. Rajan: Has the area under cinchona cultivation been curtailed in the last year?

Sir Girja Shankar Bajpai: So far as the Government of India plantations in Burma are concerned, the area has been curtailed as the result of a recommendation made by a committee of this House, the General Purposes Retrenchment Committee. Whether the same is true of Bengal, I do not know.

Dr. T. S. S. Rajan: I am talking of cinchona cultivation in the Nilgiris in the Madras Presidency.

Sir Girja Shankar Bajpai: The cinchona area in the Nilgiris in the Madras Presidency is under the Government of Madras and not under the Government of India, and I could not say what the position there is.

SCHEME FOR ENLARGING THE COUNCIL BUILDING OF THE CENTRAL LEGISLATURE.

147. ***Seth Govind Das:** Will Government be pleased to state:

- (a) whether they have prepared any scheme for enlarging the Council Building of the Central Legislature to accommodate the larger number of Members that will have to come to the coming Federal House, in the event of its formation;

- (b) the approximate expenditure estimated for the improvements to be affected;
- (c) whether it would be possible to provide seating accommodation to all the Members in both the council halls at Delhi and Simla;
- (d) whether residential accommodation improvements are also to be made, if so, what the contemplations are; and
- (e) the total expenditure on this account?

The Honourable Sir Frank Noyce: (a), (b) and (c). No scheme has yet been prepared, but the question of enlarging the Council Chamber at New Delhi is engaging the attention of Government. Until detailed proposals are submitted, I cannot give even approximate figures for expenditure or seating accommodation. Government do not propose to incur important expenditure at Simla in advance of the establishment of the Federal Government.

(d) and (e). Government do not propose at present to add to the residential accommodation already available for Members of the Central Legislature.

Mr. S. Satyamurti: With regard to the answer about Simla, do I understand the Honourable Member's answer to mean that he proposes to spend money at Simla, after the establishment of the Federation?

The Honourable Sir Frank Noyce: No, Sir, not this Government at any rate. That will be a matter for the Federal Government to decide.

Mr. S. Satyamurti: Have Government considered the point raised in clause (c) of the question, whether it is physically possible to provide seating accommodation for any conceivable Council Hall in Simla with about 400 members and about 600 in a joint Session?

The Honourable Sir Frank Noyce: That, Sir, will be a question which must engage the anxious attention of the Federal Government, if it decides to hold Sessions at Simla.

Mr. S. Satyamurti: May I take it, therefore, that until the Federal Government really functions and considers the point and comes to a decision, this Government will take no steps to increase the accommodation in Simla?

The Honourable Sir Frank Noyce: That is what I have said. I have said that Government do not propose to incur important expenditure at Simla,—and undoubtedly this would be important expenditure,—in advance of the establishment of the Federal Government.

Mr. S. Satyamurti: What does the word "important" mean?

The Honourable Sir Frank Noyce: Government have to incur expenditure on maintenance and repairs to their present buildings. They do not propose to add to that on any large scale before the establishment of the Federal Government.

Seth Govind Das: As far as the alteration of the Council House is concerned, will Government keep in view that they should not spend so extravagantly on this alteration as they have been doing in the building of New Delhi?

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

IMPORT OF FOREIGN RICE INTO INDIA.

148. *Seth Govind Das: Will Government be pleased to state:

- (a) whether Government have taken any action to prevent the import of foreign rice into India;
- (b) if so, what;
- (c) the quantity of foreign rice which has been imported into India during the year beginning with 1st January to the end of the year;
- (d) whether the import of such rice has adversely affected the rice market of India; and
- (e) if so, the extent to which the market has been affected?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). Yes, Sir. I would refer the Honourable Member to section 2 (2) of the Indian Tariff (Amendment) Act of 1935.

- (c) A statement is laid on the table.
- (d) No, Sir.
- (e) Does not arise.

Statement showing imports of rice into India from foreign countries during the calendar year 1935.

	Rice.	Broken rice.	Paddy.
	Tons.	Tons.	Tons.
January	1,459	4,396	1,617
February	3,142	13,213	3,935
March	6,012	27,755	..
April	912	4,516	1,442
May	506		10,548
June	4		7,363
July	506	..	6,484
August	755	9,035	14,676
September	664	11,930	10,800
October	1,300	5,942	20,704
November	1,660	10,150	7,495
December	2,993	6,179	5,619

Mr. T. S. Avinashilingam Chettiar: Are Government aware that large consignments of rice are still imported into the country?

The Honourable Sir Muhammad Zafrullah Khan: No, they have been on a considerably reduced scale.

Dr. T. S. S. Rajan: What is the import of paddy into India since the tariff was introduced?

The Honourable Sir Muhammad Zafrullah Khan: I could give the Honourable Member the figures. If he likes I can read them out of the statement I have laid on the table.

Dr. T. S. S. Rajan: I am simply asking because the tariff was put on broken rice. I should like to know what is the position with regard to paddy.

The Honourable Sir Muhammad Zafrullah Khan: I can read out the figures from the statement I have laid on the table with regard to any particular month or series of months that the Honourable Member may be interested in, in 1934 or 1935.

Dr. T. S. S. Rajan: I should like to have the total imports.

The Honourable Sir Muhammad Zafrullah Khan: With regard to paddy there has been a decrease of 13,790 tons in 1935 as compared with 1934.

Dr. T. S. S. Rajan: Are Government satisfied that the protection afforded in regard to broken rice is enough and that paddy and rice do not require any further protection?

The Honourable Sir Muhammad Zafrullah Khan: That is the present position.

CENSOR OF LETTERS IN POST OFFICES.

149. ***Seth Govind Das:** Will Government be pleased to state:

- (a) the rules governing the censor of letters in post offices in this country;
- (b) whether the postal officials do the censoring or whether officials of the Intelligence department are engaged in this task;
- (c) the expenditure incurred by the Government by the engagement of this special staff for the postal censoring annually;
- (d) whether they are aware of the delay caused in the delivery of such letters owing to the censoring; and
- (e) the reasons for censoring the letters of Members of the Legislative Assembly?

The Honourable Sir Henry Craik: (a)–(e). I would refer the Honourable Member to section 26 of the Post Office Act and to the answer given by me on the 25th March, 1935, to Pandit Govind Ballabh Pant's question No. 965.

Mr. S. Satyamurti: What is the object of censoring these letters?

The Honourable Sir Henry Craik: I have nothing to add to the answer that I gave to Pandit Govind Ballabh Pant's question No. 965.

Mr. S. Satyamurti: May I know what happens to the censored letters? Are copies sent to Members of Government?

The Honourable Sir Henry Craik: The Honourable Member has perhaps forgotten the answer which I gave on a previous occasion. It was to the effect that the Government of India do not consider it in the public interest to give any information regarding the working of the postal services.

Seth Govind Das: After the reply was given last year to Pandit Govind Ballabh Pant's question, did Government find anything objectionable in the letters of M. L. A.'s, on account of which they want to get them censored?

The Honourable Sir Henry Craik: The Honourable Member is still asking me to give information. I have said that I do not consider it in the public interest to give it.

CONCESSIONS GIVEN TO THE MILITARY TRAFFIC ON THE RAILWAYS.

150. ***Seth Govind Das:** (a) Will Government be pleased to state the extent to which special concessions are being given to Military traffic on the railways?

(b) Will Government be pleased to state the reasons for granting special concessions to the Military Traffic on the Railways?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). I would refer the Honourable Member to the replies given by Mr. P. R. Rau to Mr. Mohan Lal Saksena's question No. 1138 on the 29th March, 1935, and to Mr. K. C. Neogy's question No. 938 on the 25th September, 1929.

Mr. S. Satyamurti: Have Government considered the recommendation of the Public Accounts Committee,—I hope it has reached them,—that they should examine the value of all the concessions which the Railway gives to the Military and other departments, in order to come to some settlement with regard to the real financial position of the Railways?

The Honourable Sir Muhammad Zafrullah Khan: Yes, Sir.

Mr. S. Satyamurti: What is the result of the consideration?

The Honourable Sir Muhammad Zafrullah Khan: There has been some discussion with the Army Department and some slight modifications of the present position are expected.

Mr. S. Satyamurti: Are they expected to be incorporated in the next year's budget, that is to say, credit to be given to the Railways for all these various concessions to the departments including the Military?

The Honourable Sir Muhammad Zafrullah Khan: Any concessions given are not incorporated in the budget, nor any arrangements made with regard to rates and fares.

Mr. S. Satyamurti: May I know whether the income of the Railways will not correspondingly increase, if the Military Department were asked to pay the normal rates which other kinds of traffic pay?

The Honourable Sir Muhammad Zafrullah Khan: I have already submitted that the result of these negotiations is likely to be some slight modification of the present position. To that extent the Railway earnings will benefit.

TRAVELLING OF OFFICERS IN SALOONS.

151. ***Seth Govind Das:** Will Government be pleased to state:

- (a) the rules governing the travelling of officers in saloons;
- (b) what kind of officers are allowed to travel in saloons;
- (c) the reasons for granting them the privilege of travelling in saloons instead of first class in the ordinary compartments;
- (d) the cost of maintaining the saloon system per year on the Indian Railways;
- (e) how many saloons are maintained on the State Railways and how many on the company Railways;
- (f) what are the types and classes of saloons maintained and the officers and their grade for which such saloons are intended;
- (g) the net saving in expenditure if the district officers were asked to travel in first class instead of in saloons; and
- (h) whether they ever considered the scheme of allowing Railway district and sub-officers to travel in first class instead of in saloons? If so, with what conclusions?

The Honourable Sir Muhammad Zafrullah Khan: (a) No general rules governing the travelling of officers in saloons have been prescribed.

(b) Any officer who has to travel in the discharge of his duties may be permitted to use a saloon.

(c) Travelling in a saloon is not regarded as a privilege. Saloons serve the dual purpose of providing a means of transport and a habitation at destination. This latter purpose is no less essential than the former and saloons must be provided if railway officers are to carry out their duties efficiently and without detriment to their health.

(d) The information asked for is not available due to no distinction being made between the maintenance costs for saloons and other types of coaching vehicles in railway accounts.

(e) and (f). The Honourable Member's attention is invited to the statements at pages 84 to 91 of the Proceedings of the Meeting of the Standing Finance Committee for Railways, dated the 14th and 15th June, 1934, Vol. XI, No. 2.

(g) No saving would result because the alternative to providing saloons would necessitate the provision of rest houses at many stations.

(h) No. The scheme has not been considered for the reasons given in (c) and (g) above.

Mr. S. Satyamurti: Apart from railway officers, how many other officers are allowed to travel in saloons?

The Honourable Sir Muhammad Zafrullah Khan: You mean officers not belonging to the Railway Department? If you will put down a question, I shall endeavour to obtain the information.

Mr. S. Satyamurti: May I know how many of these officers actually live in saloons, when they reach their destination?

The Honourable Sir Muhammad Zafrullah Khan: Meaning thereby officers referred to in the last supplementary question, that is to say, not officers of the Railway Department? If there is a specific question put down, I shall obtain the information.

Mr. S. Satyamurti: Do all officers stay in their saloons, when they reach their destination and never go to any other places?

The Honourable Sir Muhammad Zafrullah Khan: I could not say.

Mr. S. Satyamurti: May I know whether, in view of the disastrous situation of the railways, Government would compel all these gentlemen to travel first class and save some money on these saloons being provided for them?

The Honourable Sir Muhammad Zafrullah Khan: That was the question in part (h) to which I have already given a reply.

Seth Govind Das: Are Government aware that many times these officers occupy waiting rooms in stations and these waiting rooms are not available to first and second class passengers?

The Honourable Sir Muhammad Zafrullah Khan: I should imagine that, if an officer does so, he would be changing a comfortable saloon for an uncomfortable waiting room.

Seth Govind Das: Are Government aware of the fact that as the families of these officials accompany them, the accommodation in the saloon is not enough, and, at such times, they occupy the saloons as well as the waiting rooms?

The Honourable Sir Muhammad Zafrullah Khan: What solution does the Honourable Member suggest?

Seth Govind Das: The abolition of saloons.

The Honourable Sir Muhammad Zafrullah Khan: And, consequently, all the available accommodation in waiting rooms being taken up by these officers?

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

INDIAN UNIVERSITIES AND RESEARCH INSTITUTES.

152. ***Seth Govind Das:** Will Government be pleased to state:

- (a) the number and names of the Statutory Indian Universities;
- (b) the number of research institutes that are maintained by the Government of India;
- (c) the grants given to the statutory Indian Universities per year during the last five years;
- (d) the total maintenance expenditure and their income in the research institutes under the Government of India;
- (e) the number of European officers employed in the enterprise of research institutions as against Indians and the salaries they draw separately;
- (f) the names of the research institutes that have proved successful and, if so, to what appreciable extent; and
- (g) the number of people trained through the institutes and the number that were employed by Government after their training?

Sir Girja Shankar Bajpai: Some of the information asked for by the Honourable Member is still being collected and I shall furnish a complete answer in due course.

TECHNICAL INSTITUTES.

153. ***Seth Govind Das:** Will Government be pleased to state:

- (a) the number of technical institutes maintained or supported by them and their names;
- (b) the annual expenditure on each of these institutions;
- (c) whether they have considered the possibility of amalgamating all these technical institutes into a Technical university;
- (d) whether they propose to consider the advisability of starting a university for technical or industrial training; and
- (e) the expenditure for starting and to maintain annually such a university?

The Honourable Sir Frank Noyce: (a) and (b). I would invite the attention of the Honourable Member to the statement laid on the table of this House on the 2nd September, 1935, in connection with the starred question No. 567 asked by Mr. Sitakanta Mahapatra on the 14th August, 1934.

(c) and (d). No.

(e) Does not arise.

AFFIXATION OF STAMPS ON COVERS CONTAINING POSTAL COMPLAINTS.

154. ***Seth Govind Das:** Will Government be pleased to state:

- (a) whether they are aware that, on covers containing complaints to the postal authorities, postage stamps must be affixed;

- (b) since when this rule has been enforced;
- (c) the reason for the change of this rule from non-payment to payment of postage stamps for such covers containing complaints;
- (d) the total estimated revenue per year on this account to the Postal Department;
- (e) whether they propose to re-enforce the old rule eliminating payment of postage on letters of complaint to the postal authorities; and
- (f) if so, when; if not, why not?

The Honourable Sir Frank Noyce: (a) Yes.

(b) 1st January, 1932.

(c) A statement giving the reasons is placed on the table.

(d) Government are not in a position to make any reliable estimate.

(e) No.

(f) The first part does not arise. As regards the second part, the Honourable Member is referred to the reply given to part (c) above.

Statement.

The concession of sending free of postage complaints against the Posts and Telegraphs Department was granted in the early days of the Post Office of India when it was considered desirable to encourage complaints in order to ascertain and remove defects in the service which might otherwise pass unnoticed and generally to establish confidence in the minds of the public. The privilege no doubt served its purpose at the time but it had long outlived its usefulness and had developed into a source of inconvenience, as the majority of the complaints proved to be groundless. On an examination of the figures relating to complaints for several years it was found that the number of frivolous complaints was about two-thirds of the total number. Moreover, covers marked 'Postal Complaints' containing anonymous complaints against officers or frivolous objections and occasionally even petitions for employment were received which not only resulted in a loss of revenue but also entailed much waste of time of the officers concerned. In most countries, including such advanced countries as Great Britain and United States of America, no such concession is granted to the members of the public nor is it granted in India in the case of complaints sent to other departments of the Government. It was, therefore, considered that there was no justification for allowing complaints against postal or telegraph service to be sent without postage and the concession was accordingly withdrawn.

Mr. S. Satyamurti: On account of the mistakes of some postal authorities when such things are done, why should the general public be taxed for making these complaints?

The Honourable Sir Frank Noyce: The Honourable Member will find the reasons why this concession has been withdrawn given in the statement I am placing on the table. In any case, I would point out that it is open to any person making a complaint against the post office to hand it in at the nearest post office, in which case it will be forwarded to the authority concerned.

Mr. Sami Vencatachalam Chetty: This morning I received a postcard from the Director General, Posts and Telegraphs, inviting me to correspond with a particular officer. May I know if my reply to that invitation should also be affixed with a stamp?

The Honourable Sir Frank Noyce: Yes, if it is sent by post.

**CONTRACT FOR BOOK STALLS ON RAILWAY STATIONS TAKEN BY MESSRS.
A. H. WHEELER AND COMPANY.**

155. *Seth Govind Das: Will Government be pleased to state:

- (a) whether Messrs. A. H. Wheeler and Co. have taken a permanent contract from the Railway Board for having book stalls on the railway platforms;
- (b) whether they have to pay a fee to the Railways annually;
- (c) how much do they pay;
- (d) whether their contract, if any, is subject to renewal, like the contract of the other stall keepers;
- (e) if so, whether the contract of the Wheeler & Co. is being renewed year after year on tenders being called for;
- (f) the rules governing the issue of permission to hold stalls on railway station platforms;
- (g) whether the same rule applies to all vendors of different commodities on the platforms;
- (h) whether the position of Messrs. Higginbothams in the Madras and Southern Mahratta Railway and South Indian Railway is the same as that of Messrs. Wheelers' with regard to their terms of contract, etc.;
- (i) if not, the reasons for the discrimination;
- (j) whether they are aware that, in the book stalls, most of the vernacular Nationalist papers are not sold; and
- (k) if so, whether they are aware of the reasons therefor?

The Honourable Sir Muhammad Zafrullah Khan: (a) to (c) and (f). I would refer the Honourable Member to the reply given by Mr. P. R. Rau to Pandit Sri Krishna Dutta Paliwal's question No. 522 on the 19th September, 1935.

(d) and (e). Agents of State-managed Railways were instructed in 1931-32 to arrange for five-year contracts after calling for tenders.

(g) No. There is no analogy between the two.

(h) and (i). I believe the firm mentioned are the sole contractors on the two railways referred to, but Government have no information as regards the terms of their contract.

(j) No.

(k) Does not arise.

Seth Govind Das: Has Sir Henry Wheeler any connection with this concern? (Laughter.)

The Honourable Sir Muhammad Zafrullah Khan: Does the Honourable Member pretend that he is not aware as to who Sir Henry Wheeler is and for what purpose he is visiting India?

Mr. N. M. Joshi: Have Government considered the prices charged by Wheeler and Company for the books they sell? It has come to my notice that they charge for a shilling much more than an ordinary bookseller does.

The Honourable Sir Muhammad Zafrullah Khan: If the question is whether Government have considered the scale of prices, the answer is in the affirmative.

Mr. N. M. Joshi: May I know whether Government do not consider that the charges of Wheeler and Company are excessive?

The Honourable Sir Muhammad Zafrullah Khan: In some cases they are higher than those charged by ordinary booksellers.

Mr. N. M. Joshi: Has this been pointed out to them?

The Honourable Sir Muhammad Zafrullah Khan: A suggestion has been made to that effect.

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

EXEMPTION FROM IMPORT DUTY OF CERTAIN MATERIALS USED FOR EDUCATIONAL PURPOSES.

156. *Seth Govind Das: Will Government be pleased to state:

- (a) whether they received any representation from any Universities or other educational, religious or charitable organisations praying for refunds of customs duties with respect to machinery, apparatus or other materials imported from abroad so far solely for educational purposes;
- (b) if so, whether such representations have been favourably disposed of;
- (c) the number of such representations received during the last year;
- (d) the number that have been favourably disposed of; and
- (e) the estimated loss to the Government Revenues on this head of exempting such materials from import duty, as are solely meant for educational purposes?

Mr. A. H. Lloyd: (a), (b) and (d). Government have received such representations but have been unable to accept them.

(c) Three.

(e) The information is not available.

Mr. S. Satyamurti: May I know the reasons, Sir, why Government have not been able to show this favour to the Universities, in respect of a matter in which they have no information as to the estimated loss to Government revenues? Unless it is very high, I do not see why the Government of India consider that the remission of duties which are leviable under the law is not a proper method for assisting the Universities, but that the help in such cases should take the form of direct grants-in-aid by the departments concerned. Will Government suggest to the Departments concerned to make grants for these Universities corresponding to the duties they have got to pay on these goods?

Mr. A. H. Lloyd: It is for the institutions themselves to ask for that.

Mr. S. Satyamurti: Will the Government of India extend the grant to such Universities which are under their control as Aligarh and Benares? Do Government know that the Inter-University Board has been pressing this matter on Government for many years now, and there is a strong feeling on the part of the Universities in this matter?

The Honourable Sir James Grigg: It is quite natural that the Inter-University Board should raise such questions; otherwise they would not be doing their job. I do not see, however, why Government should necessarily accept their views.

Mr. S. Satyamurti: Have Government calculated the loss that would occur if they gave these concessions?

The Honourable Sir James Grigg: No, but there are lots of other institutions besides Universities which would ask for concessions which embodied the same principle.

Mr. S. Satyamurti: But do not Universities deserve special treatment at the hands of Government?

The Honourable Sir James Grigg: There are lots of other institutions which deserve at least as much or as little special treatment as the case may be.

Sir Cowasji Jehangir: Would not such concessions amount to a grant from Central revenues when by law it should be from provincial revenues.

The Honourable Sir James Grigg: That is so, except in the case of Benares and Aligarh.

SUBSIDY TO PRIVATE AEROPLANE CONCERNS.

157. ***Seth Govind Das:** Will Government be pleased to state:

- (a) the number of aeroplanes that are at the disposal of the Government of India including the various Provincial Governments excluding the Air-Craft Force; and their uses;
- (b) their cost of maintainance per year;
- (c) whether they are prepared to support private concerns if the concerns want to start aeroplane service for traffic in this country; and
- (d) whether they are prepared to grant subsidies to such private enterprises in this country?

The Honourable Sir Frank Noyce: (a) The Government of India own two machines. One is reserved for His Excellency the Viceroy. The other is available for official use. I understand that the Government of Bengal have one machine, but I am not in a position to give details of arrangements made by Local Governments.

(b) The two Government of India machines are maintained and operated under contract by Indian National Airways, Limited. The cost to the Government of India (excluding the cost of petrol and oil) may be put at Rs. 45,000 per annum. The actual cost varies according to the amount of flying done.

(c) and (d). The Government of India welcome the establishment of internal air services, but are not prepared as a general rule to offer subsidies.

Sir Cowasji Jehangir: Is the second a Government aeroplane?

The Honourable Sir Frank Noyce: Yes, it is for official use. I myself have travelled in it.

FOOD PROBLEM IN INDIA AND ADOPTION OF BIRTH CONTROL METHODS.

158. ***Mr. Akhil Chandra Datta:** (a) Have Government taken into consideration the report of Col. Russell, Public Health Commissioner of the Government of India in which he has discussed the gravity of the food problem in India arising out of the rapid growth of population?

(b) Have Government obtained expert economist opinion and advice or taken any steps to obtain such opinion or advice in order to solve the food problem?

(c) What are the different remedies, if any, which have upto now been suggested?

(d) Have Government adopted any definite programme in this behalf?

(e) Have Government considered the merits of Col. Russell's suggestion for adoption of birth control methods to arrest the increase of population?

Sir Girja Shankar Bajpai: (a) to (e). Col. Russell's suggestion that there is an actual insufficiency of food crops represents his personal opinion and is not susceptible of precise verification. There are no accurate statistical data and no practical indication that there is a shortage of food supply. The progressive increase of population naturally gives rise to the question as to how far the economic development of the country is keeping pace with such increase. In answer to another question of the Honourable Member, which is due to come up later, I shall endeavour to explain what is being done for agriculture by the Central Government. There is no reason to believe that the Provinces who are primarily responsible for agriculture are not alive to their responsibility. As regards birth control the Government of India feel that the matter is primarily for Local Governments to deal with, with due regard to public opinion.

MEASURES ADOPTED TO COMBAT MALARIA.

159. ***Mr. Akhil Chandra Datta:** (a) Is it a fact that about 20 per cent. of the total deaths in this country are due to malaria? Will Government state their entire programme for fighting malaria?

(b) What are the different anti-malarial measures adopted and tried in the different provinces and what results have been achieved?

Sir Girja Shankar Bajpai: (a) Deaths from malaria are not recorded separately in all provinces. It is not possible, therefore, to determine the exact percentage of deaths in India due to this disease. Fighting malaria is primarily the concern of Local Governments but the Government of India assist by provision of facilities for instruction in malariology and by research. For curative purposes, as the Honourable Member is aware, the Government of India have recently allocated 45,000 pounds of quinine to provinces for free distribution.

(b) For the latest available information the Honourable Member is referred to pages 64-66 and 213-215 of the Report of the Public Health Commissioner with the Government of India for 1933, a copy of which is available in the Library of the House.

Dr. T. S. S. Rajan: Have the Central Government anything to do with the research into prevention of malaria in the work carried on in the provinces?

Sir Girja Shanker Bajpai: The Government of India through the Indian Research Fund Association maintain the Malarial Survey of India at Kasauli. I could not give here a detailed account of what the Bureau does, but, if my Honourable friend would like to have detailed information, I could obtain it for him.

MEASURES ADOPTED TO COMBAT THE MORTALITY OF CHILDREN.

160. ***Mr. Akhil Chandra Datta:** Is it a fact that about 50 per cent. of total deaths in India are of children below ten years? If so, what steps have Government adopted or proposed to adopt to combat this abnormal mortality?

Sir Girja Shanker Bajpai: The answer to the first part is in the affirmative. An account of the steps taken to reduce infant mortality is given in the statement that I lay on the table.

Statement.

- (1) Preventive work is being done in a large number of Child Welfare Centres all over the country by Local Governments, local bodies, and the Maternity and Child Welfare Bureau under the Indian Red Cross Society.
- (2) Arrangements are made for the medical inspection of school children leading to protective inoculation and vaccination of the unprotected during threatened outbreaks of infectious diseases, for the opening of school dispensaries for treatment of minor ailments and for giving lectures in hygiene and first aid.
- (3) General improvement in environmental hygiene, *i.e.*, the hygiene of the home and the village along with general public health measures.

Mr. S. Satyamurti: What is the answer to the second part of the question?

Sir Girja Shanker Bajpai: That my Honourable friend will find in the statement which I am laying on the table.

Mr. S. Satyamurti: Are the Government of India taking any steps in this matter?

Sir Girja Shanker Bajpai: If my Honourable friend wishes me to do so, I shall read it.

Mr. S. Satyamurti: Only that part about any steps taken or proposed to be taken.

Sir Girja Shanker Bajpai: The statement deals with the steps that Local Governments concerned are taking.

Mr. S. Satyamurti: Are Government aware that infantile mortality is very abnormal, and have Government tried to deal with it as an all-India problem, and tackle it on a nation-wide scale, apart from what the provinces are doing?

Sir Girja Shanker Bajpai: So far as the question of consideration of the problem is concerned that is receiving the attention of the Government of India and the provinces, both; even in the report to which I have referred at pages 64, 65 and so on, my Honourable friend will find that the main reason of the high incidence of mortality among infants is defectiveness of environmental conditions. The Government of India sitting here cannot remove those deficiencies in environmental conditions.

Mr. S. Satyamurti: Have Government considered the problem of milk supply, particularly with regard to these infants and their mothers and are they suggesting to Local Governments any steps on a country-wide scale, in order to conserve and improve the breed of cattle, improve the quantity and quality of milk? Are these engaging the attention of Government, or are they merely concerned in fighting us?

Sir Girja Shanker Bajpai: I do not admit the implication of my Honourable friend's suggestion that Government's sole activity is fighting Honourable Members opposite. As regards the various activities to which he has referred, agriculture, medical, and so on, he will appreciate that I cannot, within the compass of a supplementary answer, say all that the Government of India are doing. But the question of milk supply, which he has mentioned, is, in my opinion, one of such elementary importance that every Local Government must be alive to it.

Mr. S. Satyamurti: Does the Honourable Member think that Government are doing enough?

(No answer.)

RISE IN THE PRICE LEVEL OF INGOTS AND OTHER STEEL ARTICLES.

161. ***Dr. Ziauddin Ahmad:** (a) Will Government be pleased to mention the rise in the price level of ingots and other steel articles compared with the price level of those articles at the time Steel Protection Bill was passed?

(b) What is the additional burden on the consumers of India due to the increase in price level?

The Honourable Sir Muhammad Zafrullah Khan: (a) Ingots are not protected. Generally speaking there has been no rise in the prices of articles of iron and steel which are subject to a protective import duty.

(b) Does not arise.

SALARIES DRAWN BY EUROPEAN GOVERNMENT SERVANTS AND PROFITS EARNED BY BRITISH AND OTHER FOREIGN COMPANIES IN INDIA.

162. *Mr. Akhil Chandra Datta: Will Government state:

- (a) the amount of money drawn as salaries by Europeans as Government servants in India in the year 1933; and
- (b) the amount of profit earned by British and other foreign companies in India during the five years from 1929 to 1933?

The Honourable Sir James Grigg: (a) and (b). The information is not available.

Mr. S. Satyamurti: Will Government collect the information?

The Honourable Sir James Grigg: No.

Mr. S. Satyamurti: Why not?

The Honourable Sir James Grigg: I do not think it is worth while doing so.

Mr. S. Satyamurti: I think it is worth while: I want to know how much money is going outside the country, through salaries and through British and foreign Companies.

The Honourable Sir James Grigg: I disagree with the Honourable Member.

Mr. T. S. Avinashilingam Chettiar: What is the answer to clause (b)?

(No reply.)

'GRANT OF PREFERENCES TO INDIAN GOODS ON IMPORT INTO CEYLON.

163. *Mr. Akhil Chandra Datta: (a) With reference to the answer to starred question No. 10 part (b), given on the 2nd September, 1935, will Government state if the negotiations with the Government of Ceylon on the subject of the grant of preferences to Indian goods on import into Ceylon have been now concluded?

(b) If so, the result of such negotiations?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). The negotiations with the Government of Ceylon on the subject of the grant of preferences to Indian goods on import into Ceylon have not yet been concluded.

INDIAN STATES WILLING TO ENTER THE FEDERATION.

164. *Mr. Akhil Chandra Datta: Will Government state the names of Indian States, if any, the rulers whereof have expressed their intention to accede to the Federation of India under the provisions of Chapter I, Part II of the Government of India Act, 1935?

The Honourable Sir Nripendra Sircar: I would invite the attention of the Honourable Member to my reply to question No. 44.

NEGOTIATIONS WITH INDIAN STATES OVER MATTERS TO BE SPECIFIED IN THE INSTRUMENT OF ACCESSION.

165 ***Mr. Akhil Chandra Datta:** (a) Is the Secretary of State for India or the Government of India carrying on negotiation with any State over the matters to be specified in the Instrument of Accession under section 6 of the Government of India Act?

(b) Has any sample or model Instrument of Accession been drafted by or on behalf of any party? If so, will Government be pleased to lay it on the table?

(c) Have the States or any of them engaged anybody to carry on negotiations on their behalf either with the Secretary of State for India or with the Government of India?

The Honourable Sir Nripendra Sircar: (a) The Honourable Member's attention is invited to my reply to question No. 44.

(b) No final draft is yet ready.

(c) The Government of India have no definite information on the subject.

Mr. S. Satyamurti: With reference to the answer to clause (b) of the question, may I know, when the final draft is ready, whether it will be placed on the table of this House?

The Honourable Sir Nripendra Sircar: At present, there is no intention of doing that; but I cannot bind the Government to any course of policy on a sudden supplementary question.

RECRUITMENT FOR THE INDIAN ARMY.

166. ***Mr. Akhil Chandra Datta:** (a) Will Government be pleased to name the different races, classes, communities or castes from which people have been recruited for the Indian Army during the five years from 1929—33?

(b) Are the classes from which the Indian army is recruited altered from time to time? If so, what is the principle on which the alteration is made?

(c) Are there any written or unwritten rules on the subject?

(d) Has there ever been any rule enacted as to the class from which recruitment should be made? If so, what are the classes?

Mr. G. R. F. Tottenham: I assume that the Honourable Member is referring only to recruitment to the non-commissioned ranks of the Indian Army. The commissioned ranks are open to all races, classes, communities and castes. On this assumption the answer to his question is as follows:

(a) I lay a statement on the table.

(b), (c) and (d). There are no written rules on the subject. The policy of the Government of India is to recruit the limited strength of the Army from those classes which are likely to prove most efficient for the purposes for which the Army is maintained and the military authorities have discretion in giving effect to that policy to vary the classes from which recruitment is actually made from time to time.

Statement showing the classes recruited for the Indian Army, during 1929-33.

CLASSES.

Mohammedans.

Dekkani Mussalmans.
Hazaras of Afghanistan.
Hindustani Mussalmans.
Madrassi Mussalmans.
Meos.
Pathans.
Punjabi Mussalmans.
Rajputana and Central India Mussalmans.
Mussalman Rajputs (Ranghars).
Miscellaneous Mussalmans.

Hindus.

Adi Dravidas.
Ahirs.
Brahmins.
Dogras.
Garhwalis.
Gujars.
Gurkhas.
Jats.
Jats (Rajputana).
Kumaonis.
Mahrattas.
Rajputs.
Rajputs (Rajputana).
Tamils.
Telugus.
Miscellaneous Hindus.

Christians.

Sikhs.

Burmese.

Burmans.
Chins.
Kachins.
Karens.

Mr. T. S. Avinashilingam Chettiar: Is there any ban on any community from being recruited to the non-commissioned ranks?

Mr. G. R. F. Tottenham: I said that certain communities are enlisted and certain communities are not enlisted.

Mr. S. Satyamurti: Will Government consider, at least on a limited and experimental scale, recruitment to the non-commissioned ranks from other communities not in the list, with a view to making this recruitment on as wide a scale as possible and convenient?

Mr. G. R. F. Tottenham: No. I regret that Government cannot consider that.

Sardar Mangal Singh: Will the Honourable Member state why Government have departed from this practice in the matter of recruitment to the commissioned ranks?

Mr. G. R. F. Tottenham: I think in response to public opinion on the subject.

Mr. Lalchand Navalrai: May I know if the only reason why recruitment from certain communities is refused because the men belong to that community?

Mr. G. R. F. Tottenham: For what other reason could we refuse them, I do not understand.

Mr. Lalchand Navalrai: On account of their belonging to a particular community, they are not taken in military service?

Mr. G. R. F. Tottenham: They are not refused entry into the army merely because they belong to a particular community, but because that community does not furnish as good recruits for the army as other communities.

Mr. Lalchand Navalrai: Why is no chance given to them to show that they are fit for the army?

Mr. G. R. F. Tottenham: Very large chances were given during the war.

Mr. S. Satyamurti: Do Government say that all communities in India except those which are in the list, have been tried and found wanting?

Mr. G. R. F. Tottenham: No; it is not that they were found definitely wanting, but they were found to be less efficient than others.

Mr. Lalchand Navalrai: How will they improve, then, I ask?

Mr. G. R. F. Tottenham: The statistics of recruitment during the war proved very conclusively that certain communities were not worth recruiting from.

Mr. Lalchand Navalrai: Is the Honourable Member then waiting for another war for this purpose?

QUESTION OF INCREASING THE EARNINGS OF RAILWAYS.

167. ***Mr. Akhil Chandra Datta:** (a) Have Government considered and examined the question of increasing the earnings of Railways?

(b) Was there any investigation of this matter in October 1935 in consultation with the Agents and the Railway Board? If so, what conclusions have been reached and what decisions taken?

(c) What steps have Government been taking or propose to take to give effect to the said decisions?

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

(b) Yes; Railways were asked to examine their tariffs very carefully and to investigate possibilities of alterations in order to increase net revenue.

(c) Various Railways have already taken action within their powers to achieve this purpose, and have estimated that on the present level of traffic the alterations that they have given effect to or contemplate making in the near future will increase their earnings by, say, a crore.

OVERHAULING OF THE INCOME-TAX SYSTEM OF INDIA.

168. ***Mr. Akhil Chandra Datta:** Will Government state what steps have been taken for the overhauling of the income-tax system of India? Have any experts been appointed either in India or in the United Kingdom? If so, will Government state:

- (a) their names and descriptions,
- (b) the terms of reference,
- (c) their remuneration, and
- (d) the date by which they have been asked to submit their report and recommendation?

The Honourable Sir James Grigg: The Government of India have obtained on loan the services of two experts from the Board of Inland Revenue, United Kingdom, to overhaul the income-tax system of British India, and have associated one member of the present income-tax staff in India with them. The experts arrived in India towards the end of October, 1935, and have commenced their work.

(a) Khan Bahadur J. B. Vachha, C.I.E., Commissioner of Income-tax, Bombay, Mr. C. W. Ayers, Principal Inspector of Taxes, England, and Mr. B. P. Chambers, Inspector of Taxes, England.

(b) I would refer the Honourable Member to what I said on this matter in the Assembly on the 4th April last.

(c) The terms normally accorded in cases of this kind.

(d) The experts are touring in the various Provinces during the cold weather and it is expected will submit their report by October, 1936.

Mr. S. Satyamurti: Do the terms of reference include making liable to Indian Income-tax, Indian money payable in Great Britain which is not liable to tax?

The Honourable Sir James Grigg: The terms of reference are not specific, but the experts have been given information on all the questions which have been raised in regard to income-tax in recent years.

Mr. S. Satyamurti: Is this one of them, I mean the one I mentioned?

The Honourable Sir James Grigg: Speaking off hand, I think it is.

Sir Cowasji Jehangir: The Honourable Member has described the two experts from England as Inspectors. Will the Honourable Member tell us what that exactly means? Does it correspond to the Inspector of Income-tax in India?

The Honourable Sir James Grigg: The Inspector of Taxes in England is of a much higher grade of officers than an Inspector of Income-tax in India.

Sir Cowasji Jehangir: What salary will he be getting in England?

The Honourable Sir James Grigg: There are various grades.

Sir Cowasji Jehangir: The most senior one?

The Honourable Sir James Grigg: The most senior man gets something like £1,700 a year.

Sardar Mangal Singh: Will this Committee look into the question of the revision of land revenue also?

The Honourable Sir James Grigg: Certainly not; they have got enough to do without that.

MEASURES TAKEN TO IMPROVE THE GENERAL FINANCIAL POSITION OF THE POSTS AND TELEGRAPHS DEPARTMENT.

169. ***Mr. Akhil Chandra Datta:** (a) Will Government please state the various measures taken in 1934-35 and 1935-36 to

(i) reduce the expenditure, and

(ii) increase the revenue of the Indian Posts and Telegraphs Department and the actual result achieved thereby?

(b) Do Government propose to take any further action to reduce the expenditure and to improve the general financial position of the Department so as to produce a balanced budget in the year 1936-37?

(c) Have Government considered the question whether the amount of contribution to the Depreciation Fund may be appreciably reduced? If so, what is the result of that investigation?

The Honourable Sir Fank Noyce: (a) As regards the year 1934-35, the Honourable Member is referred to the Director-General's Annual Report on the working of the Indian Posts and Telegraphs Department for the year 1934-35 and to the speech made by me in this House on the 3rd April, 1935, during the discussions on the Finance Bill. Copies of both these documents are in the Library of the House. As regards the year 1935-36, I would refer the Honourable Member to the Memorandum on the financial position of the department furnished by the Director-General to the Public Accounts Committee in August, 1935. That Memorandum will be found in the proceedings of the Public Accounts Committee, a copy of which is in the Library of the House. It is too early yet to make a review of the results achieved during 1935-36 and I must request the Honourable Member to await the Budget discussions.

(b) As regards the year 1936-37, it is obviously impossible for me to make any statement in advance of the presentation of the Budget for that year and I must again ask the Honourable Member to await the introduction of the Budget.

(c) The reply to the first part of the question is in the affirmative. The matter is still under investigation but it is hoped to arrive at a decision at an early date.

Mr. S. Satyamurti: Have Government considered or are they considering the question whether at least a part of the activities of this department will be treated as a service department, and it should not be treated as a mere commercial department?

The Honourable Sir Frank Noyce: I have explained the principles which govern the working of the department on various occasions on the floor of this House. It is regarded as a public utility department which is expected to pay its way.

Mr. S. Satyamurti: Have Government considered the question whether a part at least of the activities of this department to be treated as a service department, and that it need not necessarily be expected to pay all its way, because it renders great service in the spread of knowledge in this country?

The Honourable Sir Frank Noyce: Yes, Sir; that point has been considered, and the policy decided upon is as I have stated.

Mr. S. Satyamurti: With reference to the reply to part (c) of the question, may I know whether the decision of the Government on the amount of contribution to the Depreciation Fund will be arrived at, in time, before next year's Budget?

The Honourable Sir James Grigg: Yes, Sir; I will deal with that point in the Budget speech.

Mr. S. Satyamurti: I am asking my friend when the Public Accounts Committee's Report is going to be discussed on the floor of this House, and whether it will be available for discussion in time before the Budget discussion starts.

The Honourable Sir James Grigg: I shall be very grateful if my Honourable friend will address that question to the Honourable the Leader of the House. As far as I am concerned, I am quite agreeable to the discussion taking place at any time.

FINANCIAL IRREGULARITIES RESULTING FROM THE COMPLEXITY AND OBSCURITY OF THE EXISTING ARMY REGULATIONS.

170. ***Mr. Akhil Chandra Datta:** (a) Is it a fact that the attention of the Army Department has been repeatedly drawn by the Auditor General and the Public Accounts Committee to the numerous financial irregularities resulting from the complexity and obscurity of the existing Army Regulations and to the importance of simplifying and amending them?

(b) When is the revision of the Regulations for the Army in India and the "Pay and Allowance Regulations" likely to be completed?

(c) Have Government issued any instructions to expedite the said revision?

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

(b) I hope before the Public Accounts Committee meets again.

(c) Government are doing all they can to ensure that the work is not delayed.

FINANCIAL IRREGULARITIES MENTIONED IN THE AUDITOR GENERAL'S LETTER REFERRED TO IN THE PROCEEDINGS OF THE MILITARY ACCOUNTS COMMITTEE.

171. *Mr. Akhil Chandra Datta: (a) What were the financial irregularities mentioned in paragraph 7 of the Auditor General's letter referred to in paragraph 15 of Annexure 1 of the Proceedings of the first meeting of the Military Accounts Committee held on the 7th August, 1935 (page 9 of the Report of the Public Accounts Committee on the accounts of 1933-34)?

(b) What was the motive for these irregularities? What was the amount with respect to which they were committed?

(c) What are the names and designations of the officers who were responsible for these irregularities?

(d) What punishment was awarded for these irregularities?

(e) Who dealt with and awarded punishment for these irregularities?

Mr. G. R. F. Tottenham: The information required will be found in Part II, Chapter 2, of the Army Audit Report, 1935, except for the names and designations of individuals concerned which are purposely omitted from the report.

ACTION TAKEN AGAINST OFFICERS FOUND GUILTY OF FURNISHING FALSE CERTIFICATES.

172. *Mr. Akhil Chandra Datta: (a) Have Government considered the following observations of the Public Accounts Committee of 1932-33:

"they also desired to record their opinion that the punishment awarded in some cases was entirely inadequate and that the administrative authorities appear to take far too lenient a view of cases where the furnishing of false certificates was deliberate"?

(b) What action was taken in the cases referred to in the extract quoted above?

(c) What action was taken against the officers who were guilty of deliberately furnishing false certificates?

(d) Will Government be pleased to state the names and designations of the officers who furnished false certificates?

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

(b), (c) and (d). The information asked for will be found in the report of the Director of Army Audit for 1932-33, which, however, purposely omits the names and designations of persons concerned.

CERTAIN DEFALCATIONS COMMITTED BY OFFICERS MENTIONED IN THE PUBLIC ACCOUNTS COMMITTEE REPORT.

173. *Mr. Akhil Chandra Datta: (a) Will Government state:

(i) the names and designations of the officers who committed the defalcations mentioned in page 29, paragraph 12 of the Report of the Public Accounts Committee on the accounts of 1933-34;

(ii) amounts which the respective officers defalcated; and

(iii) the punishment awarded to individual culprits?

(b) Is it a fact that the punishment awarded to the superior officers was lighter than that awarded to the lower paid staff?

(c) If so, what was the justification for this differential treatment? Will Government state the name of the authority who is responsible for this differential treatment?

The Honourable Sir James Grigg: (a) An investigation failed to prove any defalcation or to raise any suspicion against any officer of Government. In consequence no question of punishment for defalcation arose. Departmental action was taken only for breach of routine rules.

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

MAINTENANCE OF ACCOUNTS OF VALUED STORES BY THE DIRECTOR OF THE AGRICULTURAL RESEARCH INSTITUTE AT PUSA.

174 *Mr. Akhil Chandra Datta: Will Government please state whether the Education Department has issued instructions to the Director of the Agricultural Research Institute at Pusa to maintain account of valued stores, as advised by the Public Accounts Committee? If not, do Government propose to do so?

Sir Girja Shankar Bajpai: Yes.

Mr. S. Satyamurti: Is it being done?

Sir Girja Shankar Bajpai: The answer is in the affirmative.

Mr. S. Satyamurti: The answer is in the affirmative, I know; but it is one thing to issue instructions, and another thing to see that those instructions are being carried out. I am asking whether those instructions are being carried out.

Sir Girja Shankar Bajpai: I did not know that my friend wanted to know whether the instructions were being carried out. I presume that, like the very efficient and loyal officer that he is, the Director is carrying out the instructions issued to him.

Mr. S. Satyamurti: May I draw my Honourable friend's attention to the fact that as a member of the Public Accounts Committee, I have often found that instructions issued from headquarters are not always carried out?

Sir Girja Shankar Bajpai: I am quite sure that this is an exception which will satisfy my Honourable friend.

IMPORT OF COTTON VESTS WITH COLLARS BY JAPAN AND GRANT OF PROTECTION TO THE INDIGENOUS HOSIERY INDUSTRIALISTS.

175. *Dr. Thein Maung: (a) With reference to the answer given in reply to the unstarred question No. 186 in the last Session of this House, regarding import of cotton vests with collars by Japan and grant of protection to the indigenous hosiery industrialists, will Government be pleased to state what action they have taken in the matter?

(b) Are Government aware that the manufacturers of sport-shirts in Japan are selling the same at a cheaper price than the under-vests made of the same kind of yarn?

The Honourable Sir Muhammad Zafrullah Khan: (a) The matter is still under consideration.

(b) Government have received representations to this effect.

Mr. S. Satyamurti: Will Government take prompt steps in view of the danger to the Indian industry?

The Honourable Sir Muhammad Zafrullah Khan: Government are pursuing the matter as rapidly as they can.

APPOINTMENT OF A BURMAN AS A PERMANENT CHIEF JUSTICE OF THE RANGOON HIGH COURT.

176. *Dr. Thein Maung: Is it a fact that a Burman Judge of the High Court of Judicature at Rangoon acted as Chief Justice and again in 1934 and 1935 when the permanent Chief Justice was away on leave? If so, are Government prepared to consider the desirability of recommending to His Majesty the appointment of a Burman Judge permanently as Chief Justice when the next vacancy occurs?

The Honourable Sir Henry Craik: I understand that a Burman Judge of the High Court acted as Chief Justice for short periods during 1934 and 1935. Permanent appointments to the High Court are made by His Majesty under section 101 of the Government of India Act, and the claims of Burmans will no doubt receive consideration along with those of persons belonging to other communities with due regard to the provisions of sub-section (4) of that section. The Government of India do not submit recommendations in regard to such appointments.

UNEMPLOYED ANGLO-BURMAN SEAMEN IN RANGOON.

177. *Dr. Thein Maung: (a) Are Government aware that there is a large number of unemployed Anglo-Burman seamen in Rangoon and that eighty per cent. of them are members of the Auxiliary Force?

(b) Are Government prepared to enquire into this matter and see what steps can be taken to give relief to unemployed Anglo-Burman seamen in Rangoon?

(c) Are Government prepared to take such steps as they can to find employment for Anglo-Burman seamen in the Royal Indian Navy as able-bodied seamen and engine-room hands?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government are informed that there are very few *bona fide* Anglo-Burman seamen in Rangoon, whether employed or unemployed, and that their number does not probably exceed 30.

(b) and (c). In view of the reply to part (a) Government do not consider there is any necessity for taking action on the lines suggested. There is even at present no bar to the recruitment of Anglo-Burmans in the Royal Indian Navy.

CONTINUOUS DISCHARGE CERTIFICATES ISSUED BY THE SHIPPING OFFICE IN RANGOON.

178. ***Dr. Thein Maung:** (a) Is it a fact that new continuous discharge certificates (nulis) have been issued by the Shipping Office in Rangoon after 18th June, 1934, the date on which the Government of India ordered that issues of such certificates should be discontinued? If so, will Government state under what circumstances such certificates were issued?

(b) Is it a fact that continuous discharge certificates have been refused to Anglo-Burmans desirous of going to sea, on the ground that these have been discontinued by the Government of India, and if so, will Government explain why a discrimination has been made between Anglo-Burmans and men of other nationalities?

The Honourable Sir Muhammad Zafrullah Khan: (a) The orders to which the Honourable Member refers did not discontinue the issue of Continuous Discharge Certificates, but restricted their issue to special cases; and it is in accordance with those orders that a few certificates have been issued since June, 1934.

(b) No discrimination has been made in this matter between Anglo-Burmans and other seamen.

RECRUITMENT OF CREWS IN RANGOON.

179. ***Dr. Thein Maung:** Is it a fact that crews are recruited in Rangoon by a person known as a Ghat Serang? If so, will Government state who appoints the Ghat Serang and whether the Ghat Serang receives through the Shipping Office or Shipping Companies remuneration for men recruited by him?

The Honourable Sir Muhammad Zafrullah Khan: The answer to the first part of the question is in the negative, and the latter, therefore, does not arise.

UNEMPLOYED SEAMEN IN BURMA.

180. ***Dr. Thein Maung:** Are unemployed seamen brought by certain shipping companies from Indian Ports to be recruited on steamers leaving Burma engaged on the foreign trade? If so, are Government prepared to look into the matter in order to relieve unemployment in Burma?

The Honourable Sir Muhammad Zafrullah Khan: Government understand that certain shipping companies engage crews in Calcutta to join their vessels at Rangoon. Unemployment amongst Indian seamen is far more serious at Calcutta than at Rangoon, and Government are not prepared to take any steps to interfere with the discretion of shipping companies in this matter.

EMPLOYMENT OF BURMANS AS CREWS.

181. ***Dr. Thein Maung:** Have certain shipping companies in Burma agreed to accept a percentage of Burmans as crew on their steamers? If so, will Government state whether they are prepared to induce these Companies also to employ a certain percentage of Anglo-Burmans on their steamers in the laundry or as general servants or in any other capacity?

The Honourable Sir Muhammad Zafrullah Khan: So far as Government are aware no shipping companies in Burma have agreed to accept a percentage of Burmans as crew on their steamers. The latter part of the question does not arise.

EXPENDITURE OF THE MILITARY ENGINEER SERVICES.

182. ***Mr. Akhil Chandra Datta:** (a) Will Government state what the total amount of estimate of costs of individual works and the total amount of actual expenditure incurred in the Military Engineer Services in the year 1933-34 was?

(b) What is the existing machinery for exercising financial control of the expenditure of the Military Engineer Services:

- (i) before the expenditure is actually incurred; and
- (ii) after the expenditure is actually incurred?

(c) Is it a fact that the existing machinery has been found to be not effective?

(d) Do Government propose to strengthen the financial control? If so, what are the measures in contemplation?

(e) Has any step been taken for having trained Works Accountants for Military Engineer Services?

Mr. G. R. F. Tottenham: (a) The figures were Rs. 110 and Rs. 131 lakhs, respectively.

(b) I would invite the Honourable Member's attention to the following paragraphs of the Regulations for the Military Engineer Services, 1933, a copy of which is in the Library:

For (i) paragraphs 24, 85, 111—114, 116, 119 and 120, and for (ii) paragraphs 123—126 and 142—146.

(c) No. In fact the existing machinery is the result of certain reforms carried out during the last few years and represents an improvement over the position as it existed before those reforms were undertaken.

(d) Government have no special measures under consideration at present in the case of Military Engineer Services expenditure. The measures recently taken in this connection included the curtailment of the powers of subordinate authorities in regard to reappropriation, and the more rigid definition of the objects on which the reserve may be utilized.

(e) A certain number of trained works accountants has always existed for dealing with this expenditure. I would also invite the Honourable Member's attention to paragraph 11 of Annexure 1 to the Report of the Military Accounts Committee on the Accounts of 1933-34.

UNEMPLOYMENT PROBLEM.

183. *Mr. Akhu Ohandra Datta: (a) What is now the precise position of the unemployment problem in different provinces?

(b) Will Government be pleased to lay on the table a statement showing whether the number of the unemployed increased or decreased during the years 1930-34?

(c) Will Government be pleased to state their policy with regard to the unemployment problem? What steps, if any, have been actually taken during the five years mentioned in part (b) above.

The Honourable Sir Frank Noyce: (a) and (b). I would refer the Honourable Member to the answer given on the 11th
12 NOON. September, 1935, to Mr. Asaf Ali's starred question No. 265.

(c) I invite the attention of the Honourable Member to the discussions on the subject in this House on the 30th January, 1934, the 6th February, 1934, the 13th February, 1935, and the 21st February, 1935, and in the Council of State on the 13th March, 1935.

Mr. S. Satyamurti: Apart from the numerous discussions to which my Honourable friend has referred, may I know what is the specific answer to the latter part of clause (c) of the question: "What steps, if any, have been actually taken during the five years mentioned in part (b) above"?

The Honourable Sir Frank Noyce: I would suggest to my Honourable friend that if he looks up the discussions on the subject, he will find an answer to his question.

Mr. S. Satyamurti: I have done it, but I find no steps have been taken, and I want to know if Government propose to take any steps for dealing with this problem. I find no steps have been taken.

The Honourable Sir Frank Noyce: That is a matter of opinion. My view is that steps have been taken and that those steps were fully explained.

Mr. S. Satyamurti: Will the Honourable Member try to recollect and give me one step taken to deal with this unemployment problem? Nothing doing!

Seth Govind Das: Do Government propose to take any further steps in this direction?

The Honourable Sir Frank Noyce: I have nothing to add to the statements that I have made from time to time on the floor of this House, except that, in regard to my Honourable friend's challenge, I would mention the stores purchase policy and the fiscal policy of the Government of India.

SHORT NOTICE QUESTION AND ANSWER.

PROVISION IN THE DRAFT ORDER IN COUNCIL FOR GIVING ORISSA PROPORTIONAL SHARES IN THE PROVINCIAL BALANCES AND FAMINE RELIEF FUNDS.

Pandit Nilakantha Das: (a) Will Government be pleased to state whether there is any provision in the draft Order in Council for giving Orissa proportionate shares in the Provincial balances and Famine Relief Funds of Madras, Bihar and Orissa, and the Central Provinces, out of which the new Province is being created? If not, why not?

(b) Do Government propose to take immediate and effective measures to secure such provision in the draft Order in Council? If not, why not?

The Honourable Sir James Grigg: (a) No—but on the other hand Orissa is to get concessions in other directions, *e.g.*, in having to bear a smaller proportion of the pensionary charges of Madras and Bihar than she might have expected.

(b) In view of the answer to (a) this does not arise.

DISCUSSION OF THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

Mr. S. Satyamurti: With your permission, Sir, may I ask the Leader of the House now whether he proposes to give an early chance to the House to discuss the report of the Public Accounts Committee? The Honourable the Finance Member suggested to me to put the question to the Honourable the Leader of the House who was not here then, and may I have your permission to put the question to the Leader of the House now?

The Honourable Sir Nripendra Sircar (Leader of the House): I shall be making a statement at the end of the day about the course of business, and I hope to be able to answer my Honourable friend's question then.

THE PAYMENT OF WAGES BILL.

Mr. President (The Honourable Sir Abdur Rahim): Before the House proceeds to the Payment of Wages Bill, the Chair would just like to make clear the procedure that is followed in this House for dealing with amendments, because, apparently, there was some misunderstanding yesterday. When a clause of a Bill is called, amendments have to be dealt with first, and it is for those Honourable Members, who have given notice of amendments, to move them if they wish to do so. The Chair generally calls the

[Mr. President.]

Members who have given notice, but there is no obligation on the Chair to do so, and it is the responsibility of the Honourable Member who has given notice of any amendment to bring it to the notice of the Chair and move it if it is in order.

The Chair thinks Mr. Clow wanted to move some amendment with regard to clause 2.

Mr. A. G. Clow (Secretary, Department of Industries and Labour): Sir, I have already moved this amendment, but for the convenience of the House, if you have no objection, I shall read it again. It runs as follows:

“That after sub-clause (ii) of clause 2, the following sub-clause be added, namely:

‘(iii) ‘plantation’ means any estate which is maintained for the purpose of growing cinchona, rubber, coffee or tea, and on which twenty-five or more persons are employed for that purpose’

and that the remaining sub-clauses be re-numbered accordingly.”

This is an amendment designed to meet the difficulty brought forward by Mr. Ghansham Singh Gupta, and I hope it is adequate for the purpose. I have nothing to add to what was said on the previous day.

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

“That after sub-clause (ii) of clause 2, the following sub-clause be added, namely:

‘(ii) ‘plantation’ means any estate which is maintained for the purpose of growing cinchona, rubber, coffee or tea, and on which twenty-five or more persons are employed for that purpose’

and that the remaining sub-clauses be re-numbered accordingly.”

Mr. J. A. Milligan (Bengal: European): Sir, I request the Honourable Member in charge of this Bill to tell us whether he has considered the effect of certain correspondence which has been going on between plantation industries and the Commerce Department with regard to amending the terms of the Workmen’s Compensation Act in this respect before adopting the definition of the Workmen’s Compensation Act as it stands. Some apprehension has been expressed in a telegram addressed to me by the Indian Tea Association that an anomalous situation may be created by adopting this definition. I admit quite frankly that I myself cannot see the difficulty, but I would ask my Honourable friend, Mr. Clow, whether he has actually looked into this and if he thinks there is any difficulty.

Mr. A. G. Clow: I have looked into the matter; in fact, it is under our consideration at present. I quite see the point of the argument that there might be an anomaly in the Workmen’s Compensation Act, though I should not personally concede that. But in the present connection I agree with my Honourable friend, for I do not see how it arises here.

Mr. J. A. Milligan: Thank you very much.

Mr. N. M. Joshi (Nominated Non-Official): Mr. President, on the previous occasion, when Government expressed their intention of bringing forward this amendment, I gave them notice that I would move an amendment to the amendment, and the amendment is a very simple one.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has not given any notice.

Mr. N. M. Joshi: I got this amendment only this morning. My amendment is a simple one in regard to which I gave notice to the whole House.

Mr. President (The Honourable Sir Abdur Rahim): Even then the Honourable Member must give notice and the Chair must have the amendment before it. Otherwise, the Chair is not going to deal with it.

Mr. N. M. Joshi: I got this amendment only this morning.

Secretary of the Assembly: No, Sir. It was circulated on the 5th February.

Mr. President (The Honourable Sir Abdur Rahim): If it is a substantial amendment, I cannot accept it now.

Mr. N. M. Joshi: No, Sir. It is a very simple one.

Mr. President (The Honourable Sir Abdur Rahim): Is it a formal amendment?

The Honourable Sir Frank Noyce (Member for Industries and Labour): No, Sir. It is definitely an amendment of substance, and not of form.

Mr. N. M. Joshi: When the Government of India are applying this Bill to tea, cinchona and rubber plantations, the addition of the word "sugar" is not going to be a substantial amendment.

Mr. President (The Honourable Sir Abdur Rahim): The Chair cannot allow it.

Mr. N. M. Joshi: The workers on the sugar plantations will suffer very much on account of this, but I will try to move this at some other stage.

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

"That after sub-clause (ii) of clause 2, the following sub-clause be added, namely:

'(iii) 'plantation' means any estate which is maintained for the purpose of growing cinchona, rubber, coffee or tea, and on which twenty-five or more persons are employed for that purpose'

and that the remaining sub-clauses be re-numbered accordingly."

The motion was adopted.

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

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

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

"That clause 8 stand part of the Bill."

Mr. N. M. Joshi: Sir, I move:

"That in sub-clause (3) of clause 8 of the Bill, after the word 'showing' the words 'either himself or through a representative including an officer of the Trade Union of which he is a member' be inserted."

Sub-clause (3) of clause 8 provides that no fine shall be imposed on any employed person until he has been given an opportunity of showing cause against the fine, or otherwise than in accordance with such procedure as may be prescribed for the imposition of fines. The intention of this sub-clause is to give an opportunity to the employee on whom a fine is to be imposed of showing cause why the fine should not be imposed. My amendment provides that when an employee is asked to show cause why a fine should not be imposed he should either himself do it if he is an able man or he should be allowed to show cause through a representative, including an official of a trade union of which that employee is a member.

Sardar Sant Singh (West Punjab: Sikh): Why not through a lawyer?

Mr. N. M. Joshi: In order to allay the fears of my lawyer friends, let me tell them that my amendment does not preclude the appointment of lawyers at all. I do not say that a lawyer should not be a representative. I am not against lawyers but, unfortunately, lawyers sometimes try to monopolise all the representative character to themselves. That is exactly what I want to avoid. If an employee has got more confidence in a lawyer than in a trade union official, he is free to employ the lawyer. The reason why I move this amendment is this. The employees in the factories, mines and various industries to whom this Bill applies are at present ignorant, illiterate and poor. They are not able to represent their own case, especially when they have to prove why a fine should not be imposed under such a complicated measure as this. I claim I have got some education. I spent four years at a university but I tell you frankly that I find it difficult to understand this measure, although I have spent months and months over it. It is not an easy piece of legislation and if you expect an ordinary, illiterate worker to be able to show cause why a fine should not be imposed under this clause, you are expecting too much from him and you are not quite fair to him. I, therefore, feel that my amendment should be accepted by this House.

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

"That in sub-clause (3) of clause 8 of the Bill, after the word 'showing' the words 'either himself or through a representative including an officer of the Trade Union of which he is a member' be inserted."

Mr. V. V. Giri (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): The Government of India often assert their sympathy for genuine trade union movement and they always say that they desire to foster it. While I was speaking the other day about the payment of wages to a worker on the day of the termination of service my Honourable friend, Mr. Clow, for my edification, referred to the views of the Royal Commission on Labour of which he was a distinguished member, which opposed my view

on that amendment. With equal grace but with greater force, I would like to refer for the edification of Mr. Clow what the Royal Commissioners—he was one of them—stated with reference to the fostering of the trade union movement in India. I would like to refer to one or two passages on pages 322 and 323 of their Report. Speaking about the need for the development of the trade union movement they have stated as follows:

“Nor is labour the only party that will benefit from a sound development of the trade union movement. Employers and the public generally should welcome its growth. It would be foolish to pretend that in present conditions particular employers in particular centres cannot gain an advantage by thwarting and repressing attempts to organise and all employers are bound to find, on occasion, that the organisation of their men limits their power. But whilst the advantages to be gained from repression are temporary and precarious, those that accrue from healthy organisation are lasting If that response does not take the form of a properly organised trade union movement, it may assume a more dangerous form. Some employers have already suffered severely from the lack of responsible trade unions of their workers and this type of suffering extends to the community as a whole.”

Later on, they have stated:

“We would urge that the repression of trade unions because of unhealthy tendencies is unlikely to produce a healthy growth. A movement which is facing so many difficulties cannot be expected to begin at the stage achieved in other countries through long experience and after many vicissitudes. Responsibility can only be developed by power and by experience. If relationships and co-operation are to be withheld until individual unions, or the movement generally, attain vigorous health, that stage is likely to be long deferred.”

The amendment does not demand of the Government anything else except that when a worker is fined he should be given an opportunity to explain his charge, and if he so desires, that he should be allowed to be represented by a representative of the trade union of which he is a member. Generally, Sir, these fines are the result of acts of commission and omission on the part of the supervising staff in many of the workshops and factories in India, and these fines will result in a great deal of discontent on the part of the workers which might sometimes lead to worse results such as strikes, and it is in its own interest to see that the employee is given every opportunity to place before the employer his grievances in respect of any matter involving the payment of fines by himself. Not only that, it is such a trivial matter, and I do not see any reason why Government should be anxious to avoid an amendment of this character. It brings the trade union movement and the industry concerned together as part of a joint machinery as a result of which greater peace and happiness will be brought into the industry. I would now like to refer to the opinions and views of the Royal Commissioners on Labour with respect to railways. At page 162 speaking about discharges and dismissals, they have stated:

“If the employee so elects, he should be entitled to be accompanied by a representative of an accredited trade union of which he is a member.”

Later on, in the case of fines they have stated as follows:

“If it is then necessary to take disciplinary action, such as reduction of grade, stoppage of increment or privileges or a fine, an order should be issued accordingly, but the employee should have the right of appeal to his district or divisional officer and be allowed the same facilities for representation at the hearing as have been indicated above.”

[Mr. V. V. Giri.]

This will test, Sir, the *bona fides* of the Government of India as regards their genuine desire to foster the growth of a genuine trade unionism in this country. With these words, Sir, I strongly support the amendment of my Honourable friend, Mr. Joshi.

Mr. J. A. Milligan: Sir, I have no intention to utter any word in opposition to the principles so ably put forward by Mr. Giri with regard to the desirability of developing the trade union movement. But surely, Sir, to introduce these principles in connection with this amendment is to raise the matter on to altogether too high a plane. Sir, the imposition of a fine is not the complicated business which Mr. Joshi suggests. Clause 8(1) states perfectly clearly that:

“No fine shall be imposed on any employed person save in respect of such acts and omissions on his part as the employer, with the previous approval of the Local Government or of the prescribed authority, may have specified by notice under sub-section (2).”

So that it is perfectly clear to every employed person for what acts they are liable to be fined. At this stage, to allow a lawyer or a trade union official to appear is going to convert every act of fining whether it be a serious or perfectly trivial into a judicial proceeding. It ignores the relief which is given under clause 15 wherein, if it is claimed that a deduction has been made contrary to this Act, it is definitely laid down that the person himself or any legal practitioner or any official of a registered trade union, authorised in writing to act on his behalf, may appear before the authority appointed to hear his appeal. In these circumstances, Sir, I submit that to complicate the business of making the mere imposition of a fine, which may be a very trivial one, into a judicial proceeding is entirely unnecessary. I oppose the amendment.

The Honourable Sir Frank Noyce: Sir, I really have very little to add to what my Honourable friend, Mr. Milligan, has said. The position is that Mr. Joshi, having been defeated on the general question of the imposition of fines, is seeking to achieve the same result by sapping and mining in every direction. The position, if the Bill becomes law, will be that fines will be reduced to very small dimensions; they can only be imposed for reasons of discipline; and the whole effect of the imposition of fines for disciplinary reason lies in prompt action. Is the employer to wait while the employee fined goes off to fetch his trade union representative? As Mr. Milligan has very rightly pointed out, a *quasi-judicial* proceeding is entirely inappropriate at this stage; the proper time for that is later on, and that answers Mr. Giri's point completely. We have recognized the position of the trade unions in this matter; they come in at a later stage. If there is any reason to believe that a fine has not been imposed in accordance with the provisions of this Act, then is the time for the representative of the trade union to come in and to be heard. For that we have made a provision in clause 15(2) of the Bill. For these reasons, Sir, I oppose the amendment.

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

“That in sub-clause (3) of clause 8 of the Bill, after the word ‘showing’ the words ‘either himself or through a representative including an officer of the Trade Union of which he is a member’ be inserted.”

The Assembly divided:

AYES—44.

Abdul Matin Chaudhury, Mr.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Banerjee, Dr. P. N.
Bhagavan Das, Dr.
Chattopadhyaya, Mr. Amarendra
Nath.
Chettiar, Mr. T. S. Avinashilingam.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Gadgil, Mr. N. V.
Gaubha, Mr. K. L.
Ghiasuddin, Mr. M.
Ghulam Bhik Nairang, Syed.
Giri, Mr. V. V.
Govind Das, Seth.
Hans Raj, Raizada.
Hosmani, Mr. S. K.
Jogendra Singh, Sirdar.
Joshi, Mr. N. M.
Kailash Behari Lal, Babu.
Khan Sahib, Dr.
Khare, Dr. N. B.

Maitra, Pandit Lakshmi Kanta.
Mangal Singh, Sardar.
Mudaliar, Mr. C. N. Muthuranga.
Murtuza Sahib Bahadur, Maulvi
Syed.

Nageswara Rao, Mr. K.
Paliwal, Pandit Sri Krishna Dutta.
Pant, Pandit Govind Ballabh.
Raghubir Narayan Singh, Chou
dhri.

Rajan, Dr. T. S. S.
Raju, Mr. P. S. Kumaraswami.
Satyamurti, Mr. S.
Sham Lal, Mr.
Shaukat Ali, Maulana.
Sheodass Daga, Seth.
Singh, Mr. Ram Narayan.
Sinha, Mr. Anugrah Narayan.
Sinha, Mr. Satya Narayan.
Sinha, Mr. Shri Krishna.
Som, Mr. Suryya Kumar.
Thein Maung, Dr.
Varma, Mr. B. B.

NOES—49.

Acott, Mr. A. S. V.
Allah Bakhsh Khan Tiwana, Khan
Bahadur Nawab Malik.
Aminuddin, Mr. Saiyid.
Ayyar, Diwan Bahadur R. V.
Krishna.
Ayyar, Rao Bahadur A. A.
Venkatarama.
Badrul Hasan, Maulvi.
Bajpai, Sir Girja Shankar.
Bhagchand Soni, Rai Bahadur Seth.
Buss, Mr. L. C.
Clow, Mr. A. G.
Craik, The Honourable Sir Henry.
Dalal, Dr. R. D.
Das-Gupta, Mr. S. K.
Dash, Mr. A. J.
Dow, Mr. H.
Essak Sait, Mr. H. A. Sathar H.
Grigg, The Honourable Sir James.
Grigson, Mr. W. V.
Hands, Mr. A. S.
Hudson, Sir Leslie.
Hutton, Dr. J. H.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur
Sardar Sir.
Jehangir, Sir Cowasji.
Khurshaid Muhammad, Khan Bahadur
Shaikh.

Lal Chand, Captain Rao Bahadur
Chaudhri.

Leach, Mr. F. B.
Lloyd, Mr. A. H.
MacDougall, Mr. R. M.
Metcalf, Sir Aubrey.
Milligan, Mr. J. A.
Mody, Sir H. P.
Morgan, Mr. G.
Mukherjee, Rai Bahadur Sir Satya
Charan.

Noyce, The Honourable Sir Frank.
Rajah, Rao Bahadur M. C.
Rau, Mr. P. R.
Sale, Mr. J. F.
Sarma, Mr. R. S.
Scott, Mr. J. Ramsay.
Singh, Rai Bahadur Shyam Narayan.
Sircar, The Honourable Sir
Nripendra.

Spence, Mr. G. H.
Tottenham, Mr. G. R. F.
Vissanji, Mr. Mathuradas.
Witherington, Mr. C. H.
Yakub, Sir Muhammad.
Yamin Khan, Sir Muhammad.
Zafrullah Khan, The Honourable Sir
Muhammad.

The motion was negatived.

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

"That clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

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

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

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

"That clause 9 stand part of the Bill."

Mr. A. G. Glow: Sir, I beg to move:

"That in sub-clause (1) of clause 9 of the Bill for the word 'premises' the words 'place or places' be substituted."

This is a purely formal amendment. We were told that there were some doubts as to the meaning of "premises" and that it might possibly be interpreted as relating only to buildings. In any case the word "premises" is rather unsuitable as the description of a railway line which might extend to several hundred miles.

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

"That in sub-clause (1) of clause 9 of the Bill, for the word 'premises' the words 'place or places' be substituted."

The motion was adopted.

Mr. C. H. Witherington (Assam: European): Sir, I move:

"That to sub-clause (2) of clause 9 of the Bill, the following proviso be added:

'Provided that in the case of lateness the amount of such deduction shall not exceed one quarter of a day's pay'."

The object of this amendment, Sir, is to make it clear that lateness comes within the meaning of the term "absence from duty". It is not clear in the Bill that absence from duty covers this point. It is well known, Sir, that unpunctuality is a source of great interference in the smooth running and efficiency of a factory. For example, in factories where shifts or gangs of work-people are employed, the late arrival of one member of the gang might hold up the work of several work-people; or it would keep idle the machine which he might be working. Unpunctuality presents a difficult problem for the employer and the only feasible method of controlling the practice is in my opinion to provide the employer with the power to impose a penalty which will work regularly and automatically and which will serve as a deterrent. Generally the practice in England, Sir, is that a man loses a quarter of a day's pay if he arrives late for his work. This is a fair method of dealing with habitual unpunctuality and of encouraging better time keeping. "Deduction for

absence from duty" which is allowed for in clause 9 of this Bill is a natural safeguard to the employer for ordinary non-attendance at work. But I contend that lateness or unpunctuality in arriving at work is in a different category. It is a mischief and a nuisance, and it is in order to bring lateness into the terms of the Bill and to provide a recognised penalty to counteract it that the amendment is moved. Sir, the day before yesterday my Honourable friend, Mr. Joshi, gave it as his opinion that the better method of encouraging good attendance at work, and so forth, was by personal example and kindness rather than by the imposition of fines. That, Sir, in a small factory might well serve its purpose where the manager is in close personal contact with every one of his employees. As my Honourable friend, Sir Cowasji Jehangir, pointed out on Wednesday, labour forces in this country are generally on a much larger scale as regards numbers than labour forces in England. I think when Mr. Joshi was referring to kindness and personal example, he was really referring to the extract which he read from reports of Cadbury's Chocolate works in England. But I cannot believe, Sir, that a manager of a large labour force in this country where the numbers are so high could, by his personal example, encourage his workpeople to keep better time. Unless it is made clear in the Bill that lateness is punishable and that it is an offence and that there is a recognised penalty to counteract it, it appears that the only course open to an employer is to take the extreme step of dismissing the habitual offender. Surely this is a regrettable alternative to having an authorised deterrent in the Bill itself.

Sir, I move.

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

"That to sub-clause (2) of clause 9 of the Bill, the following proviso be added :

'Provided that in the case of lateness the amount of such deduction shall not exceed one quarter of a day's pay'."

Mr. N. M. Joshi: Sir, I understand from the speech of the Honourable the Mover the object of the amendment, but at the same time, I am not very clear in my mind as to how the drafting of this amendment clearly brings out his object. However, I am not concerned with the drafting at all, and I think the drafting will take care of itself. So far as his object is concerned, I feel that his amendment is not one which this House should support. What sub-clause (2) of clause 9 provides is, that the fine imposed for lateness should be proportionate to the lateness itself. If a man is five minutes late, his fine will be proportionately less than if a man is ten minutes late. I think that is a reasonable proposal if there is going to be any fine for lateness. If the clause remains as it is and the amendment is not carried, the employer himself will to some extent be inconvenienced because in some cases the fine may be even more than one quarter of a day's pay; but it seems that the employers are willing to take that risk. Perhaps they have got other remedies for a man who comes late, say, in the afternoon; they may dismiss the man or do something else. So far as I can think of, the effect of this will be that the man will be unnecessarily penalized for a very short absence of two or five minutes by a very heavy fine of say, eight annas, four annas or at least two annas.

[Mr. N. M. Joshi.]

As regards the general effect of the system of fining, Mr. Witherington said that the employer could maintain discipline by his own example or by supervision or by guidance or by sympathy in a small factory. But when a factory is a big factory, the employer cannot remain in touch with his men. I know that under modern industrial conditions the employer hardly sees the face of his employee. He does not care to remain in touch with the men. He appoints a manager, the manager appoints a sub-manager, the sub-manager appoints an overseer, the overseer appoints a sub-overseer, and nobody knows what happens to the employee. It is not a right system. If in a factory there is nobody to supervise properly and show by his own example what proper discipline is, that factory deserves to be shut up. It may be a very large factory, but you have to provide for proper supervision and guidance. I feel that those who are in charge of large factories fail to do their duty if they do not provide for a proper kind of supervision and guidance to their employees. Sir, I oppose this amendment.

Mr. J. A. Milligan: Sir, the point of this amendment is as to whether the expression "absence from duty" contained in the Act does or does not cover unpunctuality. The fact that unpunctuality is a very troublesome thing, I think, is unquestionable. Amongst other evils which arise from unpunctuality is the fact that it very often affects the earnings of other workmen. If a whole shift is delayed by the absence of one man, the earnings of the remainder who have been punctual are affected. It, therefore, seems only right—and it is not only in India that this question arises, it is a recognized thing—that unpunctuality should be a punishable offence. If we are satisfied that the wording of the Act as it stands does cover and include unpunctuality and that fines may be automatically levied under section 9 or otherwise for unpunctuality, the amendment loses much of its force. That, Sir, is the point.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): There is just one point that has struck us, and it is the distinction between lateness and non-attendance. If a man comes three-quarters of an hour late, in some factories his place may be filled by a *badli*, but this amendment means that three-fourths of a day's wage will have to be paid to the man for doing no work for the rest of the day. What will be the interpretation of this amendment? We get rather confused between non-attendance and lateness.

Mr. N. M. Joshi: He will have to pay.

Sir Cowasji Jehangir: According to this amendment one would have to pay.

Mr. N. M. Joshi: Certainly.

Sir Cowasji Jehangir: Very often it happens in Bombay that when a man comes three-quarters of an hour late, his place is taken by a man who is waiting for a job. He walks into his shoes as a *badli* for the day.

Mr. J. A. Milligan: There are other cases where a *badli* is not engaged.

Sir Cowasji Jehangir: The next man carries on. But he can carry on for five minutes or for ten minutes, not for the whole day. You wait for a certain amount of time, and if a *badli* is available, the *badli* takes his place. A good many *badlis* are now available. There were times when *badlis* were not obtainable; then others carried on. But when *badlis* are available, they take the place of the man who is absent for three-quarters of an hour. If the interpretation of this amendment is that although a *badli* has been employed the man will have to be paid three-fourths of the day's wage, it may be unfair to the employer. I simply point this out to show that while for some industries this may be a very reasonable amendment, for other industries it may be a hardship. Also it is an encouragement to being late; however late the man is, you have got to pay him three-fourths of a day's wage. It may tend to be an encouragement to be late if you definitely specify in the Bill that although a man may be as late as he likes he has to get three-fourths of a day's wage.

Mr. C. H. Witherington: May I make a personal explanation? The intention of the amendment which I have moved is that there should be a difference between "lateness" and "absence from work". I think the Honourable Sir Cowasji said that if a man came late and did quarter of a day's work he would be entitled to three-fourths of the day's wage. That is not the intention of the amendment at all. The intention underlying the amendment is that if a man is for example half an hour late he is liable to a deduction of his wages not exceeding one quarter of a day's pay. But if a man is half a day or three-fourths of a day late, surely he comes under the provisions of section 9(2) of the Bill.

The Honourable Sir Frank Noyce: Sir, following precedent, I should like to express my appreciation of my Honourable friend, Mr. Witherington's maiden speech in this House. It is true that it has been on a somewhat unimportant issue, but it promises, I venture to think, valuable help in our discussions at some later date. As has been already pointed out, this amendment is ill-conceived. It would have entirely the opposite effect to that which it is intended to have. It is, I gather, intended to enlarge the extent of deductions for late arrival, but that is exactly the effect it would not have. As Sir Cowasji Jehangir has pointed out, if this amendment were accepted, and a man were to arrive three-quarters of a day late, all you can take from his wages is a quarter of a day's pay. I am quite sure that is not what my Honourable friends want, but that is what they will get if this amendment were carried. It would hamper them very definitely. It would hamper them in that it would mean that lateness could only be punished under this particular clause. As the Bill stands at present, lateness can be punished in either of two ways. I can assure my Honourable friends, and I think it will re-assure them, that lateness is absence from duty. I have the authority of my Honourable Colleague, the Law Member, for that statement. That being so, and lateness being absence from duty, it can be punished in either of two ways.

[Sir Frank Noyce.]

You can either punish it under this clause 9(2)—you can deduct from the man's pay a proportionate sum for the amount of time he is late: in that case the deduction goes to the employer; or you can fine him, in which case he can be fined up to 1/32nd of his monthly wages which, in most cases, would be more than the time lost. In that case the fine goes to a fund to be utilised for the benefit of the employees. Lateness can be dealt with under the provisions of the Bill quite sufficiently, I submit, in those two ways and there is no necessity for any further provision on the point. I, therefore, oppose the amendment.

Mr. O. H. Witherington: Sir, in view of the assurance given by the Honourable Member in charge of the Bill, I beg leave of the House to withdraw the amendment.

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

Sir H. P. Mody (Bombay Millowners' Association: Indian Commerce): Mr. President, I beg to move:

"That to sub-clause (2) of clause 9 of the Bill, the following proviso be added:

'Provided that, subject to any rules made in this behalf by the Local Government, if ten or more employed persons acting in concert absent themselves without due notice or reasonable cause, such deduction from any such person may include such amount, not exceeding his wages for 13 days as may under his contract of employment be due to the employer in lieu of notice.'

My amendment seeks to remove a serious disability which industrial employers in India would suffer if the Bill were to be enacted into law in the form in which it has emerged from the Select Committee. The present position, it is a position which has existed for a great number of years, is that both employer and employee have got to give notice of termination of employment. If the employer fails to give notice he has to pay the amount which is specified in the contract in lieu of notice. If, on the other hand, the employee leaves without notice, he forfeits his wages for the number of days which are specified in his contract of employment.

Mr. N. M. Joshi: If there is a contract.

Sir H. P. Mody: If there is a contract; and also, under the common law. Now, the way in which these deductions are made, so far as the employers are concerned, is that, whenever an employee leaves without notice, the wages due to him are paid *minus* the amount which is due to the employer on account of no notice having been given. The Bill which we are considering seeks to do away with that provision. The result will be that the employer would be absolutely without any remedy in case the employee leaves without notice, no matter what the terms of the contract may be. I leave out the individual employee from my consideration. I will deal only with cases which really concern the industrialists very seriously, namely, cases in which large bodies of men have struck work without notice. If this Bill were to be enacted into

law, what would happen in the case of factory hands going on strike would be that the employer would be forced to pay the wages due to them, and for recovery of the amount due to the employer, because no notice has been given, he would have to file suits in the proper Courts of law against, say, a thousand or two thousand workmen, whatever the number may be which may be affected by a strike. That is an impossible position and it is tantamount to the denial of the rights of the employer. The whole position was very carefully considered in 1928. A disastrous strike took place in Bombay, and the Government of Bombay appointed a committee presided over by a High Court Judge, and having another *ex-Judge* as one of its members. That committee went fully into the position, more particularly with regard to this clause. I may say in passing, that both sides, namely, the industrialists as well as the labourers, were adequately represented before this inquiry. All the trade unions were associated together for the purpose of presentation of the case of labour before this committee, and unless I am mistaken, both sides had also the benefit of legal advice. After an exhaustive review of the whole position, this is what the Fawcett Committee decided:

"Treating the clause, therefore, as a legal one, the question of its fairness and advisability has to be next considered. The Joint Strike Committee's written statement says"—(and this is a quotation from the representation made by my Honourable friend, Mr. Joshi, and those who were associated with him):

'If the employer dismisses an employee without notice and does not pay for want of notice, the employee has to go to court. Similarly the employer should go to court if the employee does not give notice or he may compel the employees to go to court, as the employer generally does, by withholding the wages earned.'

"We do not, however, accept this view as a reasonable one. If it is justifiable that the employer should have the power of forfeiting the whole or part of the employee's wages, we do not think that he should be compelled to go to court to enforce the forfeiture. This would mean virtual denial of the right in all cases where the employee disappeared and could not be traced after receiving his full wages, and the employer would probably find it difficult to recover the amount forfeited even when he had obtained a decree."

* * * * *

"In all the circumstances, we are of opinion that it is reasonable that there should be this power of forfeiture allowed under the Standing Orders."

The appropriate Standing Orders were subsequently framed and have been acted upon; and I do not know that there has been any serious complaint as to the way in which the provision has been enforced. This was the view of a very responsible committee, and I submit that such a provision is absolutely essential if the scales are to be held even between the employer and the workman.

But, added point to my remarks has been lent in the course of the last two days by the amendment which my friend, Mr. Clow, moved, and which was accepted by this House without any comment or opposition. That amendment of Mr. Clow lays down that where an employer dismisses a workman without giving him notice, then he has got to pay the workman not only the wages which are due to him, but also the amount due to the workman in lieu of notice, and that the workman should not be compelled to go to a Court of law to enforce his claim. I ask whether, in view of this provision which this House accepted only two days ago, it would lie in the mouth of any one here to say that what I am now asking for is unreasonable. I say that I am asking the House to accept the principle of reciprocity.

[Sir H. P. Mody.]

Sir, even as it is, I am giving up by my amendment a few of the rights which the employers today enjoy. Today, Sir, if any of our workpeople—may be a single individual, may be two or three,—leave us without notice, we are entitled to deduct from their wages the amount due to us because of lack of notice. We are giving up that right. My amendment does not include individual operatives. My amendment deals only with those classes of cases in which, on account of a lightning strike, untold hardship is inflicted upon the industry and also upon the workpeople, and it lays down that the provision will only be applicable if ten or more employed persons act in concert and absent themselves without due notice.

Then, Sir, I have given up another position, and that, I am sorry to have to state, at the suggestion of some of my friends who, I understand, are now going to oppose me. Today, it is sufficient for me to show that a man left without notice; whether he had just cause or not, does not concern me. All that I am obliged to prove is that he left without notice, and I deduct the amount which is due to me in lieu of notice. That is given up now. I have got to show that the workman left without reasonable cause, and when the matter goes before the proper authority, unless the employer is in a position to establish that there was no reasonable cause for these ten or more people to act in concert in the way defined in my amendment, he loses his case and is obliged to pay the workmen all that is due without any deduction whatsoever.

Then, Sir, there is another safeguard against this right, which is unrestricted today, which I can use against even an individual employee, which I can use even when I am not able to show that he has left without reasonable cause, and that is, that the right must be subject to rules made in this behalf by the Local Government. So, Sir, on a review of all the facts of the case, I am quite sure that even those friends who have expressed their determination to oppose my amendment will see that they are really not holding the scales even. This House as recently as two days ago has conceded the right of the workman to recover with his wages the amount due to him in lieu of notice, and so this House, I submit, cannot withhold from us the same right, particularly when we are seeking not to enforce it against individual operatives, who might have, on occasions, cause for leaving without notice. We are only seeking it as a safeguard against those disastrous strikes which have decimated the textile industry, particularly in Bombay. Sir, I move.

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

“That to sub-clause (2) of clause 9 of the Bill, the following proviso be added:

‘Provided that, subject to any rules made in this behalf by the Local Government, if ten or more employed persons acting in concert absent themselves without due notice or reasonable cause, such deduction from any such person may include such amount, not exceeding his wages for 13 days as may under his contract of employment be due to the employer in lieu of notice.’”

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): Sir, I rise to oppose the amendment moved by my Honourable friend, Sir Hormasji Mody. I must agree that *prima facie* one is struck with the reasonableness of his amendment, and the principal point which he has urged for the consideration of this House is that this House having passed an amendment only two days ago in regard to the dismissal of labourers and their right to recover the wages due to them in lieu of notice, should show the same consideration to employers. If other things had been equal, this argument would have been absolutely sound. Unfortunately, so far as the employers and the employees are concerned, other things are not equal. One factor is that the employers are well organized. They have got money and obviously they have got enough influence as well

An Honourable Member: Question.

Mr. N. V. Gadgil: The other factor relates to the labourers. They are not as organized as the employers, and, secondly, that they are poor goes without saying. The present position as has been enunciated by the Honourable the Mover is this, that if there is a special contract, then certainly the employer is entitled to forfeit the amount of wages in case an individual employee leaves without notice; but the present position also is this. The Honourable the Mover, in his Minute of Dissent, has stated that recourse was never had to this. I will read, Sir, with your permission, what the Honourable the Mover has stated in his Minute of Dissent appended to the Select Committee's Report. "As far as the Bombay Mills are concerned, the right of forfeiture has not been exercised except in very special circumstances." So, barring the exceptions, which must obviously be very few, and would go to prove the rule, I submit, Sir, what the Bill presently wishes to do is to regularise the practice and to put it on a statutory basis. If so far as the Bombay mills are concerned they have never exercised this right of forfeiture, and if the Bill only provides that there should be no forfeiture, I think no great injustice is done

Sir Cowasji Jehangir: That is not a correct statement.

Mr. N. V. Gadgil: This is what I have read in the Report. I have read from the Report of the Select Committee to which a Minute of Dissent has been appended by my friend, Sir Hormasji Mody.

Sir Cowasji Jehangir: Ordinarily the pound of flesh is not exacted, but when lightning strikes have taken place it has been attempted to be exacted.

Mr. N. V. Gadgil: The language is there. I have quoted quite correctly. Therefore, what I say is, that, if there is no special contract, then the power of forfeiture cannot be available, but what is sought to be made available by this amendment is just

Mr. M. S. Aney (Berar Representative): From where does my friend get these words 'special contract' in the sentence?

Mr. N. V. Gadgil: I am reading the implication if this amendment is incorporated in the Bill. If this amendment is accepted, the result will be that even if there is no special contract, and if the employees leave,—

[Mr. N. V. Gadgil.]

not one, because the individuals have been excepted in the amendment,—but if ten or more people leave in concert, then automatically the power is available for the employer to have recourse to forfeiture. I submit that resort to lightning strikes is a right which the workers have earned at a very great price, and it is just this right that this amendment seeks to take away. If the employers are not reasonable enough, if they are **not open to negotiations in matters which may be important and urgent**, then the only remedy available is a lightning strike

Sir H. P. Mody: I said without reasonable cause, but there are other safeguards as well.

Mr. N. V. Gadgil: Well, the amendment does contain the words reasonable cause but what are its implications? After all, this amendment will invest the employers with the power to declare that ten people or more have concerted and that they have no reasonable cause.

The employers have to pronounce and decide upon the reasonable cause, just as the Government pronounces and declares certain associations and bodies as unlawful assemblies. The decision of the employers is not subject to any judicial proceedings; they have simply to declare and say that ten or more people have concerted. I submit, Sir, the employers are indirectly seeking to take away the right to strike which has been established by the labourers over a long period. That is really the object of this amendment.

It was pointed out by my Honourable friend, the Mover, that this question was gone into in great details by the Fawcett Committee, but the exact recommendation that was made by the Fawcett Committee has not been incorporated in this amendment. That recommendation had some salutary provisions as well. I will just read the recommendation:

“If any permanent operative leaves without notice, he shall be liable to forfeit by way of liquidated damages at the discretion of the Manager the whole or part of the wages due to him for the 14 days immediately prior to his so leaving provided that no such order of forfeiture shall be passed without giving the operative an opportunity of being heard, if he is present or his attendance can be procured without undue difficulty.”

That proviso is also not to be found in the amendment. On the question of notice there is a difference of opinion. The Royal Commission on Labour has recommended that there should be a notice of seven days. The Joint Strike Committee has recommended that there should be a notice of twenty-four hours. So, without prejudice to what I have said on the merits, unless we have some idea about due notice, it is impossible to say one way or the other about the utility of this amendment. The safeguard that was pointed out by the Honourable the Mover of the amendment was that there would be rules framed by the Local Government. But the Local Government may not make the rules; it is not obligatory on them to frame rules, and if no rules are framed, the amendment would be part of the law, and in that case the employer would be in a legitimate position to declare that the particular strike is unreasonable and without due notice. For all these reasons, the real idea of the amendment being to take away the right to strike, I oppose this amendment.

The Honourable Sir Frank Noyce: My Honourable friend, Mr. Joshi, is lying in wait for me. (Laughter.) However, if he prefers the tender mercies of Mr. Clow to mine, I can assure him that he is welcome to them. He will get them later on in full measure. It is due to the House, I think, that I should explain briefly the reasons for which Government propose to accept this amendment. One of the advantages of delaying the further consideration of this Bill from the September Session to the present Session has been that it has enabled us to consider more fully the various points which have arisen, of which this is one, and that we have been able to obtain the views of the Local Government of Bombay on this proposal. That is my first reason, and also my strongest reason, for accepting this amendment. The Government of Bombay, unfortunately for them, have had more prolonged and unhappy experience of lightning and other strikes than any other Government in India, and as the result of that experience their views on this point are generally in agreement with those that have been expressed by my Honourable friend, Sir Homi Mody. They think that, if this amendment is accepted, it would strengthen the hands of their Labour Officer in getting the conciliation machinery going and would thereby help to prevent lightning strikes, whilst at the same time ensuring that the grievances of the workers were looked into. The argument that has been brought forward by my Honourable friend, Mr. Gadgil, against the amendment is this. He admits the principle that if an employer dismisses a workman without reasonable cause or without due notice he is bound to pay him the full amount due to him in lieu of notice. But though he accepts this position in the case of the workman, he says that it should not be accepted in the case of the employer, because the two are not on equal terms. That I know is the point of view which will be brought forward by my Honourable friend, Mr. Joshi. He will say that what is good for the workman is far too good for the employer.

Mr. N. M. Joshi: I do not accept that there is even equality here.

The Honourable Sir Frank Noyce: I am not saying that there is equality. I am prepared to agree that the employer is in a
 3 P.M. far stronger position than the workman. Of course, he is. As Mr. Gadgil said, he is better organised, he has got greater resources, and it is for that reason that we are not proposing by accepting this amendment to put him on the same terms as the workman. The Government of Bombay consider that there must be something more than an undertaking by the employer not to use the power the amendment would give harshly. My Honourable friend, the Mover of this amendment, has accepted that view and he has introduced three safeguards. Let me repeat what they are. His first safeguard is to forego recoveries in the case of individuals. It is not proposed to use this power in the case of individuals. It is only proposed to use it when ten or more workpeople are acting in concert, in other words, when there is a lightning strike. He has also inserted the words "reasonable cause". It has to be established that these ten or more persons are acting in concert and absenting themselves without due notice or reasonable cause. That is the second of the safeguards. The third is to make the power subject to rules made by the Local Government. My Honourable friend, Mr. Gadgil, doubts whether Local Governments would frame any rules. But I can assure him that they will and that we shall ask them to do so.

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions: Non-Muhammadian Rural): Is it 'or' or 'and'? There may be a notice and still there may not be a reasonable cause. Is that the meaning?

The Honourable Sir Frank Noyce: I do not quite follow my Honourable friend.

Mr. N. M. Joshi: Without notice or reasonable cause may imply that there may be notice and yet the notice may not be justified.

The Honourable Sir Frank Noyce: I think my Honourable friend had better raise the point subsequently when we will endeavour to answer it. What I would submit to the House is that in making similar provisions for both the workman and the employer we are endeavouring to ensure that both of them have time to think. In depriving the employer of the power to dismiss his workpeople without due notice, or rather if he does dismiss them without due notice, in making him pay for the period for which notice should have been given we are making him think twice before he acts. In the same way, the object of Government in supporting this amendment is to make sure that the workpeople think again before they act. We want them to think, to realise that if they go off on a lightning strike, it means a considerable pecuniary punishment to them. There is nothing like making people think when they are engaged in a fight. I am one of those who believe that in the industrial world, no less than in the national world, the mere postponement of a fight is almost always a solid gain. Much may happen in a pause, however brief, and it is for that reason that Government support this amendment. We hope that it will improve the prospects of industrial peace all round. We hope that the delay which will be caused by the workmen thinking again before they go on strike will enable Government to step in, get their conciliation machinery working and make a strike avoidable. I cannot understand how anybody, who knows anything about experience in Bombay or elsewhere for that matter, who knows the distress caused by general strikes, the effect on the workpeople, the effect on trade,—effects which last for months—can oppose any suggestion that will obviate those effects. My Honourable friend, Mr. Gadgil, talked about the right of the workpeople to strike, the right to go on a lightning strike. I know no such right. It certainly is not a legal right. The lightning strike, to the best of my research and of such small legal knowledge as I possess, is a tortious act. Whether it is a right or whether it is not, it is not conducive to peace or prosperity. I trust, Sir, I have given sufficient reasons why Government are prepared to accept this amendment.

Mr. N. M. Joshi: Mr. President, I assure the Honourable Member in charge of the Department of Industries and Labour that, in waiting to hear him first, I had no evil motive in my mind.

The Honourable Sir Frank Noyce: I never at any time suggested that my Honourable friend had any evil motive.

Mr. N. M. Joshi: I am always afraid of the speeches of the Honourable Member and equally afraid of the speeches of his very able Secretary. I wanted, Mr. President, to know what attitude Government proposes to take on this amendment. The Honourable Sir Frank Noyce had been telling us for some time that he stands for the Report of the Select Committee.

The Honourable Sir Frank Noyce: May I rise to a point of personal explanation. I had not intended to enlarge on the point mentioned by Mr. Joshi, but, as my Honourable friend has raised it, I feel that an explanation is due to the House. I have never said that I stood by the Select Committee's report on every detail of this Bill. The position of a Government Member in regard to Bills which have been through a Select Committee is a somewhat peculiar one. I have not yet found any definite ruling as to what attitude the Government Member should adopt. I do not think it has ever been held by any section of this House that the Member in charge of a Bill is bound down to every jot and tittle of the Bill as it has emerged from the Select Committee, even if he signed the report. I think he should,—and that is what I have done,—adhere to the Report of the Select Committee unless there is very good reason for his departing from it and in this case I submit to the House there has been very good reason for departing from it. As I said, we have had considerable time for further consideration of this Bill since it last came before the House. When in such circumstances a good case can be shown for alteration of a Bill, I think it is the duty of Government to try to present the Bill to the House in a fashion in which they think it will work. I hold that in this case the Government are justified in accepting this amendment, even if it has not met with the approval of the Select Committee and even if it introduces an amendment of substance.

Mr. N. M. Joshi: By mentioning the Honourable Member's professed intention to stand by the Report of the Select Committee I did not intend to challenge his right to accept or not to accept any amendments even beyond the Report of the Select Committee. What I intended to say was that in the first place I was anxious to know what the attitude of the Government was; and as the Government had opposed a kind of proposal made by Sir Hormasji Mody on this question in the Select Committee it was quite natural that I should now try to find out what their attitude is. Of course, I do not agree with the Honourable Member that the amendment moved by Sir H. Mody today is a slight amendment or one of very small importance.

The Honourable Sir Frank Noyce: I never said that this is an amendment of slight importance. I have never minimised the importance of it.

Mr. N. M. Joshi: It is an amendment fraught with very grave consequences to the working classes of this country. Before I deal with the general question involved I would like to deal with one argument which seems to have impressed some Members of this Assembly that what Sir H. Mody is asking is a kind of reciprocity. It is said that the workers are given the right of getting wages from the employers if they give notice. Yes, it is true that the workers' wages must be paid after the period of notice is over. But what Sir H. Mody wants is not mere notice. The worker is not given the right of putting his hand into the pockets of Sir H. Mody. The worker is given the right of demanding wages. Sir H. Mody may pay or may not pay. But what Sir H. Mody says is 'I will put my hand into the worker's pocket and take away 13 days' wages without going into Court'.

Sir H. P. Mody: What is the present position?

Mr. N. M. Joshi: If that is the kind of reciprocity that Sir H. Mody wants, then the worker should have the right of taking away from the factory anything without being charged of theft and compel the employer to go to the law Court. There is reciprocity in that. I can grant Sir H. Mody what he wants by way of reciprocity but he has not said yet that if the employer has the right to take away the wages of an employee which he has earned, therefore, the employee also should have the power to take away something from the factory without the permission of the employer. What Sir Hormasji Mody is asking for is not reciprocity at all, he is asking for something which is not given to the employee at all. The employee, if he does not get his wages, has to go to the law Court, but what the employer is asking for is: "I shall have the power to take the wages of the employee and compel him to go to the law Courts". Well, it may be said that the employers are rich people, that they are not going to fight with their employees for the sake of small wages. Well, Sir, there are some employees who are good, some employers that are bad. Yesterday the Honourable Member in charge of the Department mentioned a case which is described in a telegram which he received and a copy of which I also received. Some union of the race horse syces has sent a telegram. They heard some report about the Payment of Wages Bill and they thought that the Bill should be applied to them. What is their complaint? The complaint is that some wages were due to them and they were not paid. They went to the Court—not that they took away the horses (Laughter), they did not do it, although, according to Sir Hormasji Mody, reciprocity would have allowed them to take away the horses or some outfit of the horses; that would have been reciprocity; but they went to the Court. You know what kind of people are the owners of race horses. (Laughter.) I shall not tell you who are the owners of the race horses. They are from the highest officials in the land to subalterns. You will find many people here who are among the owners of race horses. In the Courts also there are people who are fond of racing. (Laughter.) But the Court gave the decision in favour of the syces. The total amount of the wage was Rs. 42. So I think the judge gave them eight instalments. (Laughter.) I shall read out to you what they say:

"Recovery lies in suits but funds unavailable, pauper suit undertaken. Test cases instituted take four to six months . . ."

Mr. J. A. Milligan: Has Mr. Joshi verified all this information?

Mr. N. M. Joshi: Well, if you have got any other information, you can give it; I shall tell you my story. I shall give you the source of my information, I know the man who has sent the telegram, I shall give you his name. The telegram says:

"In one case of decree obtained Rs. 42 with cost but race horse owner filed an application for payment by eight monthly instalments."

In the case of a race horse owner, for the sake of payment of Rs. 42, he asked for eight instalments. Sir, these are the kind of people to whose tender mercies you want me to throw these poor workmen! (Laughter.) I was wrong in stating that the judge gave eight instalments; the judge gave his decree for two instalments. Now, Sir, I shall tell the House the source of my information. This is a telegram I have received from Mr. Tyabji, a Member of the Burma Council. If there is a Government Member from Burma, I think he will know him very well.

An Honourable Member: Yes.

Mr. N. M. Joshi: He went to London to give evidence before the Joint Select Committee and I met him in Rangoon myself. I know him personally and I got his telegram this morning as follows:

"Please ask urgent question, *case No. 80 and 80* Small Causes Court, race horses syces, decree given on 4th instant for Rs. 42, wages with costs in two instalments. Case took five months for suits and decreed by instalments for wages, Preposterous."

If there had been a real reciprocity, I would not have objected, but Sir Hormasji Mody having the money in his pocket belonging to the employee, takes it away, while the poor workmen like these syces have to go to Court. Not that all the employers have not got money; perhaps they have, but when they go to Court, they plead poverty and the judges, being very kind people, give them instalments for the payment of the money. If an employee who has got to receive money is to receive his money by instalments, may I ask you where there is reciprocity? Is Sir Hormasji proposing that the deduction should be by instalments? Reciprocity! I can understand reciprocity, but that is not what he is proposing. I shall now just deal with the wording of the amendment in a few words and then go on to the general question.

Mr. B. Das (Orissa Division: Non-Muhammadan): The Tatas are good paymasters.

Mr. N. M. Joshi: I am not complaining against them. Sir Hormasji Mody says that his amendment asks for some remedy against a lightning strike. Sir, will you call an absence of ten men a lightning strike in large factories like those in Bombay? Sir Hormasji Mody was pleading the cause of the Bombay textile industry. I ask you, Sir, and I ask Sir Frank Noyce whether concerted action of ten men can be regarded as a strike.

The Honourable Sir Frank Noyce: Yes.

Mr. N.-M. Joshi: Sir, it is not a strike. Several times, Mr. President, ten men absent themselves even in a concerted manner without any intention to go on a strike. I will give several examples that have come to my notice. I do not know whether my Honourable friend, Mr. Giri, will speak. He has received recently a telegram regarding a case in point. There is one cause for which what Sir Hormasji calls a lightning strike takes place in Bombay, *viz.*, the desire of the workmen to attend the funerals of their colleagues who die. Now the employers in many cases refuse permission. Men who feel strongly on this point go away taking the risk. Sir, ten people for an Indian's funeral are not too great a crowd. There are people who would go to a funeral even if the employer does not give permission. This amendment will apply to them: for one day's absence, thirteen days' wages are cut!

Sir H. P. Mody: That is absurd.

Mr. N. M. Joshi: It is not absurd.

Sir H. P. Mody: Thoroughly absurd.

Mr. N. M. Joshi: You should have explained what your amendment meant.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): The word "reasonable" is there.

Mr. N. M. Joshi: It must be proved in Court. Whenever ten people act in concert, it is not necessarily intended at all as a strike. They want to do something in common; they want to attend a funeral; they may want even to attend a meeting held by some of their friends. Why should they not sometimes absent themselves for a day for attending a meeting held by the Congressmen, or by the Liberal Party, as my friend suggests. If ten people absent themselves in order to attend a meeting or to attend a funeral or to go for a seabath as they several times do on Hindu holidays, they must go to Court to recover wages deducted by the employer, to fight the case for four months and get money by instalments. Well, Sir, ten men will act in concert for various other objects without any intention to go on lightning strike. My Honourable friend, Sir Hormasji Mody, does not care if labourers absent themselves for attending a funeral of any other workman. What does an employer care for it? The maximum damage for absence is laid down as being equal to 13 days' wages. Well, for how many days' absence? Even one day's absence? If a man attends a funeral for one day, the employer can take the maximum amount of 13 days' wages. May I ask you, Sir, and may I ask those Honourable Members who are going to vote with Sir Hormasji Mody whether there is any reciprocity in that. Sir, in the City of Bombay, from which Sir Hormasji Mody comes and from which I also come, there is a practice amongst the millowners of imposing penalty on the workmen for absence, not for strike. If a workman remains one day absent, his wages are deducted for two days. This is what we call double '*khada*'. Mr. President, this Bill prohibits that double '*khada*' system, but in an indirect manner this double '*khada*' system is brought in by Sir Hormasji's amendment. Every day you will find ten men remaining absent. The employer may take it for granted that these ten men are absent in a concerted manner and he is empowered to cut down the wages.

Sir Cowasji Jehangir: For a reasonable cause.

Mr. N. M. Joshi: But the poor workman has to go to Court to prove that there has been a reasonable cause.

Sir Cowasji Jehangir: No, Sir.

Mr. F. E. James (Madras: European): Clause 15 of the Bill.

Mr. N. M. Joshi: You deduct the money first. The man has to go to Court and the Judge has to decide whether the absence was for a reasonable cause. The employer who is the judge says: "that ten men are absent in his mill on a particular day, but I will not be hard on these men, I will not take away 13 days' wages, but I will take only two days' wages for one day's absence". I quite realise that in this amendment there is a provision that all these things are subject to the regulations made by the Local Government. I shall deal with that subject a little later on. For the present I want to point out that I do not propose to

say that whatever I said now will necessarily be done. The Local Governments may make regulations prohibiting some of the things which are possible under this clause. But how does this question arise altogether? Sir Hormasji Mody says that under the present law he can make deductions. Well, Sir, if it is a question of mere interpretation of law, I have no desire to fight with him. But I know of cases where the Small Cause Court Judges have compelled.....

Sir Cowasji Jehangir: There is no Small Cause Court involved in this.

Mr. N. M. Joshi: If the Honourable Member will have the patience to listen to me, he will find the relevancy of my remarks. I know that my remarks are not palatable to him.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member ought not to be interrupted. He must be allowed to proceed with his speech.

Mr. N. M. Joshi: I may tell him that the case goes to the Small Cause Court in Bombay, the case need not go to the High Court.....

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must address the Chair.

Mr. N. M. Joshi: Mr. President, many Small Cause Court Judges have compelled the millowners to pay wages in spite of what the law may be. Sir Hormasji Mody says there are the present Standing Orders. Mr. President, I know that the Standing Orders are that each party must give notice for a fortnight. However the Standing Orders are not law. In spite of those Standing Orders, this measure was approved by the Select Committee. This measure has given certain rights to the employees. This measure prevents, as originally introduced, the deduction of wages by the employer. But I should like my lawyer friends in this House to remember that the employers' right to go to Court is not taken away by this Bill. If the employer wants damages from his employee for want of notice, the right is not taken away. The employer can certainly go to Court and recover damages for the absence. This Bill, therefore, did away with the mischief of the Standing Orders which were enacted by the millowners of Bombay. I quite realise that those Standing Orders had the sanction of the Fawcett Committee. But, Sir, committees sometimes make mistakes. The Fawcett Committee suggested that a fortnight's period for notice was quite good. The Royal Commission on Labour suggested that fortnight was too much. They recommended that contract should not be for more than seven days. So, after all, it is quite possible that the Fawcett Committee may have made a mistake and I think they did. This Bill corrected that wrong which was perhaps committed by the Fawcett Committee and by the millowners of Bombay. This Bill prevented deduction by the millowners from the wages of the employee on the ground that the employee did not give notice of the termination of his services. Let me again assure my lawyer friends that this Bill did not take away the right of the employer to go to law Courts and recover damages. This provision which Sir Hormasji Mody has proposed now by his amendment detracts from the usefulness of this Bill to a very great extent. It is not possible to estimate the loss and gains by means of this Bill if Sir Hormasji Mody's amendment is carried. I made it quite clear,

[Mr. N. M. Joshi.]

when I spoke on the Bill when it was first introduced, that this Bill did not deal with the most important question regarding wages, namely, the amount of wages. That is the most important thing. This Bill did not deal with that. This Bill deals with smaller matters regarding method of payment of wages and what amount should be deducted and what amount should not be deducted. I do not suggest that this Bill is not an important Bill. If I had felt that this Bill is not an important Bill I would not have spent my time over it. I feel it is an important Bill, but at the same time the importance of this Bill is to be compared with the loss which may be caused to the workers by the introduction of Sir Hormasji's amendment. This Bill by way of reduction of fines, by way of regular payment of wages, and by way of regularising the system of reductions may certainly put some money into the pockets of the working classes. But, I am quite sure, that if you take all the amounts of the fines and all the losses caused by the deductions, they will not come to more than one per cent. of the total wage bill of an industry. I am not sure what the percentage will be but it will not be a very large one. What will be the loss caused by the amendment of my friend, Sir Hormasji Mody? In the first place he wants to take the power to deprive the workman of 13 days' wages. But, Sir, although to an ordinary poor workman the loss of 13 days' wages is a very serious one, I am not thinking of the loss of these 13 days' wages so much as the loss of power which would be caused by the amendment of Sir Hormasji Mody. What Sir Hormasji is aiming at is that lightning strikes should be stopped. I am not in favour of lightning strikes; at the same time I should like the House to remember this. Under the present conditions in India do you really think that the working classes are organised and so much educated that they will be able first to give notice and then go on strike? It is not possible. In India, whenever the working classes get into a difficulty they go on a strike; it is not possible for them to give a notice. That fact has to be remembered in this connection, and for that reason, Sir, when this question of notice was discussed before the Fawcett Committee I suggested that there should not be a notice for the working classes for more than one day; but beyond that if you provide a longer notice your law of notice cannot be followed and will be broken. And what is the use of making a law which the working classes, we all know, cannot follow? I, therefore, feel, Sir, that to make a rule like this which we all know will be broken is a wrong thing. After all, what is the protection given to the working classes in order that they may be able to meet attacks on their standard of life? There is no minimum wage legislation in India. The Legislature has not provided for any protection against the attacks on the standards of life of the working classes of this country. There is no minimum wage legislation and they cannot go to Court for an increase in their wages. They are at the mercy of the employer; therefore, if the workers go on a strike and a lightning strike how can you blame them? If the Government provides legislation for a minimum wage and if it provides that whenever the workman has a complaint about the insufficiency of wages that complaint will be investigated and decided by an impartial body, I can understand your saying that you shall legislate against lightning strikes. But there is absolutely no legislation in this country giving protection to the working classes against attacks on their standards of life. The working classes,

therefore, have to depend upon a strike and absent themselves from the factories in order that their standards of life may be protected. I, therefore, feel that to pass any amendment which will reduce the power of the working classes to resist attacks on their standards of life is a wrong thing. The Legislature cannot do any greater harm to the working classes than to accept the amendment which Sir Hormasji Mody has proposed.

Sir, I should like to say a word about this law of notice which Sir Hormasji Mody has brought in into this amendment in a very indirect way. My Honourable friend, the Secretary of the Industries Department, yesterday said, very eloquently perhaps, that when I moved my amendment for the fortnightly payment of wages I was perverting the object of this Bill. May I now ask the Secretary of the Industries Department whether by supporting the amendment of Sir Hormasji Mody he is not perverting the original object of this Bill? What is this amendment doing? The amendment is providing for a statutory law in India for notice for terminating the services of an employee.

Sir H. P. Mody: No, it presumes so.

Mr. N. M. Joshi: That is what the amendment means. The regulations have to be made by the Local Government. Sir Hormasji says that the worker will be punished by the loss of 13 days' wages, and if a law of notice is not to be passed by the Local Governments, may I ask what is going to be the damage to be paid by the employer who is not mentioned in this? If Sir Hormasji had mentioned what the employer's damages should be. There are several details which he has not mentioned in his amendment which are absolutely necessary to make his amendment workable. Sir, statutory law will have to be made by regulations by the Local Governments. And I feel, Sir, that this bringing in of a statutory law of notice for terminating services is a perversion of the original object of this measure. I should like the Secretary of the Industries Department to lay his hand on his heart and tell me whether, if by introducing an amendment for fortnightly wages I was perverting the Bill, by supporting this amendment for the enactment of a law for notice he is not supporting the perversion of the original object of this Bill. Sir, this question of notice is not such a simple one as Sir Hormasji Mody has led the House to believe. After all, if you bring in the question of notice you must say what is going to happen about the period of notice. Sir Hormasji Mody's contract is for 14 days but that is not necessary for the law. There may be laws for one month's notice; there may be laws for a weekly notice. Somebody will have to say whether the contract will not contain more than a certain period for notice; the notice required for termination of a contract of service will not be more than one month or will not be more than one week. Somebody will have to say that the notice for terminating a contract of service must be of some period. Somebody will have to say also whether the period for both parties should be the same or may be different. You take it for granted that if an employer has to give notice to his employee it must be 14 days, and the same period must also be provided for the employee. Is that the law of the world, that an employer has to give 14 days' notice and, therefore, necessarily the employee also must give 14 days' notice? Sir, it is not the natural law. It is quite possible that in the case of the employer there may be justification for a longer notice and in the case of the employee a justification for a shorter notice.

Sir H. P. Mody: Sir, may I interrupt my Honourable friend? Is it or is it not a fact that the General Strike Committee, on which he was represented originally, put up a demand that there shall be one month's notice on the part of the employer and one month's notice on the part of the employee? If it was so very unfair for the employee to be tied down to the same period of notice, why was the demand put up by the General Strike Committee? Where were the labour unions in Bombay?

Mr. N. M. Joshi: Sir, I am not a man who has ever made a claim that I have never made a mistake in my life. But I shall tell you one thing. That Strike Committee did put that as a demand. But after the strike was over I had the privilege of appearing before the Fawcett Committee and placing the workers' point of view before that Committee. If Sir Hormasji Mody had been fair—I am quite sure he has read the Fawcett Committee's Report—he would have found that I did not agree to more than a day's notice.

Sir H. P. Mody: I said 'the original demand'.

Mr. N. M. Joshi: The Fawcett Report mentions quite clearly that we did not approve of the rules or regulations which were made. The period of notice need not be equal in both cases. Moreover, what about the damages? Of course the maximum to be paid by the employees is fixed—13 days' wages. What should be the damage to be paid by the employer? I see nothing in this amendment. There are many questions of this kind. How is the damage to be recovered? The damage to be paid by the employee is to be deducted by the employer from wages. How is the employee to recover his damage? That is not stated in this Bill.

Sir H. P. Mody: Of course, it is.

Mr. N. M. Joshi: It is not.

Sir H. P. Mody: What is Mr. Clow's amendment?

Mr. N. M. Joshi: He must go to the Court if the employer does not pay. The employer can take his amount of damage by his own hands, while the worker must go to the Court. That is exactly what I am telling you. This law regarding notice is not easy; it involves various considerations. I shall not deal with this question at great length, but I would like the Members here, especially the lawyer Members who feel sympathy for the amendment of Sir Hormasji Mody, to hear a few facts which I shall now place before you regarding the laws of notice in various countries. We are under the impression that the law of notice is one all over the world. It is not so. I shall give you a few notes which I have made regarding the laws in the whole world. Sir, the International Labour Office has rendered great service to those who want to study the question regarding labour legislation. They have printed volumes containing the legislation in various countries. I have spent some time looking over the pages of these volumes and I shall give you some information regarding the laws of notice:

Austria. Legislation in 1921. Employer to give six weeks to five months according to the length of service of the employee. Employee to give a month's notice unless agreed to otherwise.

Japan. 1926. Employee to be dismissed must be given 14 days' notice or 14 days' wages. Corresponding obligation of employees regarding notice is not referred to at all. The employee need not give any notice.

Italy. In undertakings working throughout the year, if a worker is dismissed for no fault, he has to be given compensation proportional to the length of service. If a man has worked for 25 years, the compensation must vary according to the length of service. No corresponding obligation on the employee when he elects to leave work.

Russia. The employer can terminate a contract after a notice of one week; the employee can terminate contract after 3 days' notice.

Sir Cowasji Jehangir: Where is the employer in Russia?

Mr. N. M. Joshi:

Peru. Compensation to dismissed salaried employees half month's salary for each year of service. Not 14 days' wages, but one half month's salary for each year of service.

China. If employer wants to terminate contract notice from 10 to 30 days proportionate to the length of service of the worker is required. The worker, when no particular period for a contract is stipulated, can terminate contract with 7 days' notice.

It is wrong to take it for granted that the period of notice should be equal or the damages to be paid by both parties should be equal. All over the world the right of the worker to be treated properly in this matter has been recognized. It is true that in India we have no law on the subject and, therefore, what is called the common law is generally applied and perhaps the regulations made by the employer are given effect to. My point is that this law regarding notice is not a simple law, it is a matter that requires consideration. Now, what does this Bill do? The Bill gives power to Local Governments to enact all these things, to lay down the period of notice to be given by the employer to the employee and by the employee to the employer. What is the damage to be paid by the employer to the workman? I want to know, Sir, whether a law of this kind regarding notice can be left to the executive authority of a Government. I feel that to approve of this amendment at this time without any discussion, and giving power to the Local Governments to make regulations regarding all conditions about notice, is a perversion of this measure. I feel that if this is passed you will in the first place be doing a wrong thing and setting a bad example in leaving to Local Governments an important matter of this kind. Secondly, you will be doing a great harm to the interests of the working classes of this country by depriving them of the only weapon by which they can defend the attacks against their standards of living. I hope that this Legislature will not approve of the amendment which Sir Hormasji Mody has moved.

The Honourable Sir Nripendra Sircar (Law Member): Sir, I intend to intervene in this debate for a very short time, because it strikes me that it is very likely that the difference between the parties or at any rate between some of the parties are not so great as it may at first sight appear from the discussions which have been going on. The interjection which was made by my Honourable friend, Pandit Govind Ballabh Pant, clearly indicates one of the issues between some of the parties. I hope

[Sir Nripendra Sircar.]

my friend will correct me if I am wrong. What he said was this. Regarding Sir Hormasji Mody's amendment 'if ten or more employed persons acting in concert absent themselves without due notice or reasonable cause . . .', I think Pandit Govind Ballabh Pant interrupted by asking whether after "notice" "or" or "and" was meant. The point is one of substance, for as it has been drafted it amounts to this, that there may be a reasonable cause for the servant leaving his master and yet he may be liable. To take an extreme case, supposing on the previous day he was chased, kicked or assaulted, he could leave the next day, but as it is drafted, it may be said that we do not mean a case irrespective of whether there is reasonable cause or no reasonable cause, but merely notice has not been given. I do not say that Sir Homasji Mody could have meant that. If he did, it is open to this obvious criticism. I do not know whether this will be acceptable to the parties here: so far as we on this side are concerned, we shall be quite agreeable to a proposition of something like this namely, to substitute the word "and" for the word "or" between "without due notice" and "reasonable cause". That will make it "absent themselves without due notice and without reasonable cause"

Mr. N. M. Joshi: I thought you were correcting a mistake, not making a concession.

The Honourable Sir Nripendra Sircar: I am not correcting a mistake. I am suggesting that if that is done, the amendment would run like this: "absent themselves without due notice and without reasonable cause". Then the only other ambiguity will be as to what is meant by "due notice"—who is going to decide and how are you going to define what due notice is. To that my suggestion is that after the words "due notice" we put in brackets "(notice due under the contract of service or otherwise by law required)", making it perfectly clear that the notice which is required will be the notice which is requisite under the contract of agreement, or when there is no contract of agreement, under the law applicable to him—I mean the law of British India, not of China or Peru or other countries. That is a matter which I would ask this House to consider—if it is possible I shall be quite prepared to move an amendment now in that form. But if my friend, Mr. Joshi, has any technical objection to my moving the amendment now in this form, then I have two suggestions to make: one is that this House and the President may agree to consider this matter the next day, so that all parties can think over it and, if necessary, we can give formal notice of the amendment. I indicate to the House that if given a chance the amendment will be in this form—I am not giving the exact words, but the purport of it—that in Sir Hormasji's amendment to clause 9 of the Bill for the words "without notice or reasonable cause" the words "without due notice (that is to say, notice due under the contract of service or otherwise by law required) and without reasonable cause" be substituted. I formally ask your permission to move the amendment in those terms, but if Mr. Joshi objects to that I will not press for moving the amendment:.....

Mr. N. M. Joshi: Mr. President, I myself do not object to this amendment, but let it not be understood that I am going to withdraw my opposition to the main amendment.

Mr. President (The Honourable Sir Abdur Rahim): As the amendment now proposed is of some importance the Chair thinks notice ought to be given so that it may be taken up the next day.

Sir H. P. Mody: Does this clause stand over, Sir?

Mr. President (The Honourable Sir Abdur Rahim): Unless any Honourable Member wishes to speak—the Chair is in the hands of the House—it will perhaps be desirable that the discussion on this should stand over till the next day.

Sir H. P. Mody: May I submit, Sir, that the amendment suggested by my Honourable friend, the Leader of the House, is not one of substance but of phraseology? As a matter of fact, I made it perfectly clear that we would have to establish that the workman left without reasonable cause; so there was no ambiguity about my meaning; unfortunately, the phraseology employed by me did not bring out my meaning, and my submission is that what is now suggested clearly bears out my meaning without altering the amendment in substance, and may be taken up now.

Mr. President (The Honourable Sir Abdur Rahim): The Chair is of the opinion that it is an important amendment. The Chair
 4 P. M. supposes what Sir Hormasji Mody suggests is that it is an amendment in favour of the workman. It seems to the Chair that it is quite possible to read the amendment as being more injurious to the workman. Therefore, the Chair will allow the amendment to stand over till the next day of this Bill.

Pandit Govind Ballabh Pant: Will the debate on this amendment continue on the next day or will it be finished today and the amendment alone taken up afterwards?

Mr. President (The Honourable Sir Abdur Rahim): This is the last amendment, the Chair believes, to clause 9, and it will perhaps be better that the discussion of this clause should stand over. The House will now take up clause 10.

The question is:

“That clause 10 stand part of the Bill.”

The motion was adopted.

Clause 10 was added to the Bill.

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

“That clause 11 stand part of the Bill.”

Mr. J. A. Milligan: Sir, I beg to move an amendment to clause 11 of the Bill and, before doing so, I request your permission to vary the wording of that amendment in such a way as not to alter the sense, but to bring the grammar of the amendment into conformity with the wishes of the Secretary in the Industries and Labour Department. The amendment, as I now move, reads as follows:

"That in clause 11 of the Bill, for the words 'or other' the words 'amenity or' be substituted, and for the words 'supplied or the service rendered' the words 'amenity or service supplied' be substituted."

The alteration which I have requested your permission to make is to avoid the expression of an amenity being rendered. This amendment is merely consequential on the amendment accepted by the House with regard to clause 7 (2)(e) of the Bill. I, therefore, do not think the House will wish to hear from me any argument in support of this amendment.

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

"That in clause 11 of the Bill, for the words 'or other' the words 'amenity or' be substituted and for the words 'supplied or the service rendered' the words 'amenity or service supplied' be substituted."

The Honourable Sir Frank Noyce: Sir, this is, as Mr. Milligan has explained, a consequential amendment following on a previous amendment accepted by the House, and I, therefore, accept it.

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

"That in clause 11 of the Bill, for the words 'or other' the words 'amenity or' be substituted, and for the words 'supplied or the service rendered' the words 'amenity or service supplied' be substituted."

The motion was adopted.

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

"That clause 11, as amended, stand part of the Bill."

The motion was adopted.

Clause 11, as amended, was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): Clause 12.

Mr. G. Morgan (Bengal: European): Sir, I am not moving my amendment on clause 12.

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

"That clause 12 stand part of the Bill."

The motion was adopted.

Clause 12 was added to the Bill.

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

"That clause 13 stand part of the Bill."

The motion was adopted.

Clause 13 was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That clause 14 stand part of the Bill."

Mr. L. C. Buss (Nominated Non-Official): Sir, I move:

"That in sub-clause (4) of clause 14 of the Bill, after the words 'any register or document' the words 'relating to the calculation or payment of wages' be inserted."

Sir, my submission is that the wording of this clause in the Bill is open to very serious objection. It is altogether too general and comprehensive, and while it is obvious that the intention is to give an Inspector access only to those registers and documents which have some bearing on the administration of the Bill, the actual phrase used bears no such construction, but is practically a perpetual search warrant in favour of all Inspectors. There is, Sir, in the opinion of many employers who have studied this clause, a very real risk that it might in exceptional cases be improperly used to secure information about matters which had no connection whatever with wage payments and which would be of value to competitive concerns.

There is of course no suggestion that such cases would arise with any frequency, but the risk is there, and I submit that if this risk can be guarded against by the few words necessary to explain the kind of registers and documents to which it is intended that an Inspector should have access, this should be done.

It may be said, that a restriction on the rights of Inspectors in the way proposed would interfere with their full performance of their duties. There is no such intention in the amendment, nor, in my opinion, is there any such risk. I draw attention to the precise words used—"relating to the calculation or payment of wages", and I think it can safely be said that this Bill will not exclude any document which has any bearing on the matter at issue. In fact, I am afraid that many employers might consider even the proposed wording as giving too much latitude to Inspectors, and authorising them to call for information on too broad a basis. On behalf of my constituents, Sir, I am prepared to take that risk, which I regard as so much less than the risks inherent in the original wording of the Bill as to be a reasonable compromise.

It may be felt, Sir, that this amendment casts some reflection on Government servants. That is of course so, but I do not think Government would go so far as to claim absolute immunity from temptation for all their servants. The whole of this Bill is a reflection on employers (including quite a large number of Government servants), and I suggest that there can be no possible objection on grounds of *izzat* to the very minor reflection cast by this amendment.

Speaking yesterday in this House, Sir, my Honourable friend, Sardar Sant Singh eloquently denounced the danger of allowing officials to inspect the books of industrial concerns. All of them, he said, have secrets, the exposure of which would be harmful to their interests. That, Sir, is strong evidence from an influential quarter, and I am very glad to feel that I have my Honourable friend's support to this amendment. Sir, I move.

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

"That in sub-clause (4) of clause 14 of the Bill, after the words 'any register or document' the words 'relating to the calculation or payment of wages' be inserted."

Mr. J. A. Milligan: Sir, I rise to support the amendment moved by my Honourable friend, Mr. Buss. Though I was a member of the Select Committee, and though I entirely agree with the general principle laid down by my Honourable friend, Sir Frank Noyce, with regard to adherence to the decisions of such Committees, I consider that, in view of the opinions which have been received from many quarters since last Session, this amendment is really called for by a large number of employers. There was one occasion, Sir, previously, when I was involved in a discussion on this very point. That was in 1932, when Act XXII of that year, the Tea Districts Emigrants Labour Act, was passed. By that Act a Controller with Deputy Controllers was set up for the purpose of supervising the various conditions of labour on tea estates in Assam. The Controller was vested with very wide powers. I may say, Sir, that the Controller is a senior officer of the Indian Civil Service, of whose personal *bona fides* and honesty there could be no possible suspicion and against whom it was not intended to cast any aspersions at all; and yet after a prolonged discussion his powers were limited in the Act as follows:

"To inspect in any office or depot mentioned in sub-clauses (3) and (4) of clause (a) any register or other document required to be kept under this Act."

If my memory is not at fault, the original Bill allowed him to inspect any register or document; but this was modified, not with a view to cast aspersions on any individual, but as a reasonable safeguard due to the employer.

The Honourable Sir Frank Noyce: Sir, my feeling in regard to this amendment is that there is a good deal of substance in what Mr. Milligan has said. It is true that this amendment was not accepted by the Select Committee, but I feel, considering all the circumstances, that the best plan will be to leave it to the judgment of the House. If there is no opposition to it, I am perfectly willing to accept it. In any case I am quite prepared to leave the matter to the free vote of the House.

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

"That in sub-clause (4) of clause 14 of the Bill, after the words 'any register or document' the words 'relating to the calculation or payment of wages' be inserted."

The Assembly divided.

AYES—30.

Ahmad Nawaz Khan, Major Nawab.
Allah Bakhsh Khan Tiwana, Khan
Bahadur Nawab Malik.
Bhagchand Soni, Rai Bahadur Seth.
Buss, Mr. L. C.
Chattopadhyaya, Mr. Amarendra
Nath.
Dalal, Dr. R. D.
DeSouza, Dr. F. X.
Gajapatiraj, Maharaj Kumar Vijaya
Ananda.
Gauba, Mr. K. L.
Grigson, Mr. W. V.
Hudson, Sir Leslie.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur
Sardar Sir.
Jehangir, Sir Cowasji.

Lal Chand, Captain Rao Bahadur
Chaudhri.
Lalchand Navalrai, Mr.
Leach, Mr. F. E.
Mangal Singh, Sardar.
Milligan, Mr. J. A.
Mody, Sir H. P.
Morgan, Mr. G.
Muhammad Nauman, Mr.
Mukherjee, Rai Bahadur Sir Satya
Charan.
Parma Nand, Bhai.
Rajah, Rao Bahadur M. C.
Sant Singh, Sardar.
Sarma, Mr. R. S.
Scott, Mr. J. Ramsay.
Vissanji, Mr. Mathuradas.
Witherington, Mr. C. H.

NOES—22.

Asaf Ali, Mr. M.
 Ayyangar, Mr. M. Ananthasayanam.
 Banerjee, Dr. P. N.
 Gadgil, Mr. N. V.
 Ghiasuddin, Mr. M.
 Giri, Mr. V. V.
 Hans Raj, Raizada.
 Jedhe, Mr. K. M.
 Joshi, Mr. N. M.
 Kailash Behari Lal, Babu.
 Khan Sahib, Dr.
 Mudaliar, Mr. C. N. Muthuranga.

Muhammad Ismail Khan, Hajji
 Chaudhury.
 Nageswara Rao, Mr. K.
 Raju, Mr. P. S. Kumaraswami.
 Satyamurti, Mr. S.
 Sham Lal, Mr.
 Shaikat Ali, Maulana.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Anugrah Narayan.
 Sinha, Mr. Satya Narayan.
 Varma, Mr. B. B.

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That clause 14, as amended, stand part of the Bill."

The motion was adopted.

Clause 14, as amended, was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That clause 15 stand part of the Bill."

Mr. A. G. Clow: Sir, I move:

"That in clause 15 of the Bill:

- (a) sub-clause (4) be omitted;
- (b) sub-clause (5) be re-numbered as sub-clause (4) and all the words occurring after the word "application" where it appears for the second time be omitted;
- (c) the following sub-clause be added, namely:
 - (5) Any amount directed to be paid under this section may be recovered
 - (a) if the authority is a Magistrate, by the authority as if it were a fine imposed by him as Magistrate, and
 - (b) if the authority is not a Magistrate, by any Magistrate to whom the authority makes application in this behalf, as if it were a fine imposed by such Magistrate."

This amendment is merely designed to secure the proper implementing of the provisions relating to the recovery of amounts awarded under the Bill. Clauses 4 and 5 at present provide that any amount may be recovered in the manner provided in the Code of Criminal Procedure but they do not indicate who is to effect the recovery. In a number of cases, the authority will be a magistrate. In other cases he will probably not have magisterial powers. This is merely to ensure that the recovery is effected in an orthodox and proper manner by a magistrate having powers under the Code of Criminal Procedure.

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

"That in clause 15 of the Bill:

- (a) sub-clause (4) be omitted;
- (b) sub-clause (5) be re-numbered as sub-clause (4) and all the words occurring after the word "application" where it appears for the second time be omitted;
- (c) the following sub-clause be added, namely:
 - (5) Any amount directed to be paid under this section may be recovered
 - (a) if the authority is a Magistrate, by the authority as if it were a fine imposed by him as Magistrate, and
 - (b) if the authority is not a Magistrate, by any Magistrate to whom the authority makes application in this behalf as if it were a fine imposed by such Magistrate."

The motion was adopted.

Mr. N. M. Joshi: Sir, I move:

"That in sub-clause (5) of clause 15 of the Bill, for the words 'either malicious or vexatious' the word 'malicious' be substituted."

Under sub-clause (5) of clause 15 of this Bill, the authority which hears applications is empowered to impose a penalty not exceeding Rs. 50, if the authority finds that the application is malicious or vexatious. I feel, in the first place, that this clause is unnecessary. It is not that people make applications to authorities for wages in order to create some trouble to the employer. Some times it is quite possible that the man misunderstanding the terms of the law may make an application and the authority may fine him simply because the employer was put to some trouble and the poor fellow who wanted his wages will get a penalty of Rs. 50. It is quite possible that people will say that after all the magistrate must be convinced that the application is malicious or vexatious. I do not know what the experience of the gentlemen here about magistrates is. I do not know what the Congressmen think of the magistrates. You may have magistrates who do justice in the case of people like yourself and myself but who think that a workman can never do the right thing. I have a case in mind. A few workmen belonging to a factory near Bombay were beaten by an Excise Inspector or some officer of police belonging to the Excise Department. The men took the case to the magistrate's Court. They thought that the manager, who is a European, would give evidence because the man was beaten in the presence of the manager. The manager said that he could not displease the Excise Department. The case was heard by the magistrate and witnesses from among the working classes were produced, as the manager refused to give evidence. The magistrate not only did not punish the Excise Department man who had actually beaten one of the workmen but made a case against these workmen for bringing a false case against the excise man and fined him less than Rs. 50, so that there should be no appeal. This is exactly what is happening in this case. We are imposing a penalty not exceeding Rs. 50. If the magistrate does anything wrong, there is no appeal. I am not suggesting that the fine should be higher. I, therefore, feel that we should not put in the words 'malicious or vexatious'; I am quite willing to keep the word 'malicious', because I cannot get rid of this clause. 'Malicious' means that the man has got some hostile feeling towards his employer, but 'vexatious' is a much wider term. Every application to a magistrate gives some trouble to the employer. In that case, unless the magistrate happens to be a good man, a penalty will be imposed. I, therefore, trust that the House will accept my amendment.

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

"That in sub-clause (5) of clause 15 of the Bill, for the words 'either malicious or vexatious' the word 'malicious' be substituted."

Mr. A. G. Clow: Sir, I oppose this amendment. The words "malicious or vexatious" are familiar to most lawyers in the House as occurring in the Criminal Procedure Code. I listened carefully to my Honourable friend's speech to see why a workman who brings a definitely vexatious case should not be liable to a penalty. The only argument that I think he used was that Magistrates make mistakes or that Magistrates are prejudiced. Well, Sir, it is an extraordinarily poor argument for making a bad law that it may be administered by an unworthy person. In making

any law, we have to proceed on the assumption—an assumption which I am sure is ordinarily, indeed almost, universally valid—that the law will be justly administered; and I see myself no reason why, if a workman brings a case for a definitely vexatious purpose, power should not rest with the authorities to discourage others who may have the same desire.

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

“That in sub-clause (5) of clause 15 of the Bill, for the words ‘either malicious or vexatious’ the word ‘malicious’ be substituted.”

The motion was negatived.

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

“That clause 15, as amended, stand part of the Bill.”

The motion was adopted.

Clause 15, as amended, was added to the Bill.

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

“That clause 16 stand part of the Bill.”

Mr. A. G. Clow: Sir, I beg to move:

“That in sub-clause (1) of clause 16 of the Bill, the words and brackets ‘(whether upon a railway or in a factory or other industrial establishment)’ be omitted.”

When we came to examine the Bill, after it left the Select Committee, we found an error in these words. A factory is not an industrial establishment and it is, therefore, incorrect to speak of “other industrial establishments”. But on going into the matter further, we found that the words were entirely superfluous and add nothing whatever to the force of the section.

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

“That in sub-clause (1) of clause 16 of the Bill, the words and brackets ‘(whether upon a railway or in a factory or other industrial establishment)’ be omitted.”

The motion was adopted.

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

“That clause 16, as amended, stand part of the Bill.”

The motion was adopted.

Clause 16, as amended, was added to the Bill.

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

“That clause 17 stand part of the Bill.”

Mr. F. B. Leach (Burma: European): Sir, I beg to move:

“That in sub-clause (1) of clause 17 of the Bill, after the words ‘a Presidency town’ occurring in the fifth line the words ‘or in Rangoon’ be inserted.”

[Mr. F. B. Leach.]

This is purely a formal amendment. Rangoon is not technically a Presidency Town, but, like a Presidency Town, it has a Small Cause Court and no District Court. Therefore, in all legislation of this nature it is specially mentioned in conjunction with the Presidency Towns. Sir, I move.

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

"That in sub-clause (1) of clause 17 of the Bill, after the words 'a Presidency town' occurring in the fifth line the words 'or in Rangoon' be inserted."

The motion was adopted.

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

"That clause 17, as amended, stand part of the Bill."

The motion was adopted.

Clause 17, as amended, was added to the Bill.

Clauses 18 and 19 were added to the Bill.

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

"That clause 20 stand part of the Bill."

Mr. A. G. Clow: Sir, I move:

"That in sub-clause (2) of clause 20 of the Bill, for the words and figures 'the provisions of section 4 or of section 6 * * * shall' the words and figures 'the provisions of section 4, section 6 or section 25 shall' be substituted."

This merely provides a penalty for a prescriptive clause for which in the Select Committee we failed to provide any penalty at all.

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

"That in sub-clause (2) of clause 20 of the Bill, for the words and figures 'the provisions of section 4 or of section 6 * * * shall' the words and figures 'the provisions of section 4, section 6 or section 25 shall' be substituted."

Mr. M. S. Aney: Sir, I am afraid before we pass on to clause 25, this amendment cannot be considered by the House.

Mr. President (The Honourable Sir Abdur Rahim): This amendment will stand over until we reach clause 25.

Clauses 21 to 24 were added to the Bill.

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

"That clause 25 stand part of the Bill."

Mr. A. G. Clow: Sir, I beg to move:

"That in clause 25 of the Bill, for the words 'there shall be displayed in every factory', the words 'the person responsible for the payment of wages to persons employed in a factory shall cause to be displayed in such factory' be substituted."

Sir, this amendment remedies another omission. We provided for the display of certain notices in the factory, but we unfortunately omitted to say who was to display the notice so that the section is entirely ineffective in the form in which it stands in the Bill.

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

"That in clause 25 of the Bill, for the words 'there shall be displayed in every factory', the words 'the person responsible for the payment of wages to persons employed in a factory shall cause to be displayed in such factory' be substituted."

The motion was adopted.

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

"That clause 25, as amended, stand part of the Bill."

The motion was adopted.

Clause 25, as amended, was added to the Bill.

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

"That in sub-clause (2) of clause 20 of the Bill, for the words and figures 'the provisions of section 4 or of section 6 * * * shall' the words and figures 'the provisions of section 4, section 6 or section 25 shall' be substituted."

The motion was adopted.

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

"That clause 20, as amended, stand part of the Bill."

The motion was adopted.

Clause 20, as amended, was added to the Bill.

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

"That clause 26 stand part of the Bill."

Mr. N. M. Joshi: Sir, I beg to move:

"That after sub-clause (3) (b) of clause 26 of the Bill, the following be added:

'(c) provide for the regular inspection of the weights, measures and weighing machines used by employers in checking or ascertaining the wages of persons employed by them'

and that the subsequent sub-clauses be re-lettered."

You will find, Sir, that I have made a slight change in the amendment printed on the Agenda for the sake of proper drafting. My amendment provides power to the Local Governments to make regulations providing for the regular inspection of the weights, measures and weighing machines used by employers in checking or ascertaining the wages of persons employed by them. There are some workmen who are paid by what is called the piece rate system and in order to decide what is the amount of work turned out by the employee, the employer uses weights and measures and I feel that in order that the workmen should not suffer any loss by defective instruments, regular inspection should be provided. I hope the House will accept my amendment.

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

"That after sub-clause (3) (b) of clause 26 of the Bill, the following be added :

'(c) provide for the regular inspection of the weights, measures and weighing machines used by employers in checking or ascertaining the wages of persons employed by them'

and that the subsequent sub-clauses be re-lettered."

The Honourable Sir Frank Noyce: Sir, I accept the amendment.

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

"That after sub-clause (3) (b) of clause 26 of the Bill, the following be added :

'(c) provide for the regular inspection of the weights, measures and weighing machines used by employers in checking or ascertaining the wages of persons employed by them'

and that the subsequent sub-clauses be re-lettered."

The motion was adopted.

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

"That clause 26, as amended, stand part of the Bill."

The motion was adopted.

Clause 26, as amended, was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): Further discussion on the Bill will stand over to the next day.

STATEMENT OF BUSINESS.

The Honourable Sir Nripendra Sircar (Leader of the House): As regards the business for next week, Sir, the list for Monday is already in Honourable Members' hands. For Wednesday and Friday there will be a joint list, the first item on which, assuming it not to have been disposed of on Monday, will be the Ottawa Resolution, after disposing of which the House will, if time permits, revert to any item of legislative business outstanding from Monday's list and thereafter to the items of legislative business outstanding from today's list. As regards the request made by the Honourable Member, Mr. Satyamurti, this morning, we have arranged to put down the consideration of the Report of the Public Accounts Committee for Monday, the 17th February, immediately after the presentation of the Railway Budget.

The Assembly then adjourned till Eleven of the Clock on Monday, the 10th February, 1936.