

Friday, 23rd September, 1932

THE

# LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume V, 1932

*(20th September to 30th September, 1932)*

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FOURTH SESSION

OF THE

FOURTH LEGISLATIVE ASSEMBLY, 1932



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1933

# Legislative Assembly.

## *President :*

THE HONOURABLE SIR IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E.

## *Deputy President :*

MR. R. K. SHANMUKHAM CHETTY, M.L.A.

## *Panel of Chairmen :*

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SIR ABDUR RAHIM, K.C.S.I., Kt., M.L.A.

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

MR. MUHAMMAD YAMIN KHAN, C.I.E., M.L.A.

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MR. S. C. GUPTA, C.I.E., BAR.-AT-LAW.

## *Assistants of the Secretary :*

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

RAI BAHADUR D. DUTT.

## *Marshal :*

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

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# LEGISLATIVE ASSEMBLY.

Friday, 23rd September, 1932.

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

## QUESTIONS AND ANSWERS.

### ACTION TAKEN ON REPRESENTATIONS ABOUT DEPRECIATION OF THE *yen*.

664. \***Mr. Gaya Prasad Singh** (on behalf of Lala Rameshwar Prasad Bagla) : (a) Will Government please state the date when they received the first representation from the public urging on them the immediate necessity for raising the tariffs on the goods imported from Japan in consequence of the situation created by the depreciation of the *yen* ?

(b) Will Government please state whether they decided to ask the Tariff Board to conduct an urgent enquiry in this connection ? If so, on what date did they so decide ?

(c) Are Government aware that the Indian Industrialists have suffered very heavy losses owing to Government's dilatory attitude towards this question ?

(d) Is it a fact that Government are empowered to take immediate action under section 3, sub-section V of the Indian Tariff Act, 1894 ?

(e) If so, will Government please state reasons why they did not make use of the above power conferred upon them by the said Act ?

(f) Will Government please state the date by which they hope to adopt the recommendations of the Tariff Board in this regard ?

(g) Have Government any separate proposals of their own to offer in respect of their future tariff policy ?

(h) If so, do Government propose to place them before the Assembly in its current Session ?

**The Honourable Sir C. P. Ramaswami Aiyar** : (a) The first representation on the subject was received by the Government of India on the 28th June, 1932.

(b) The attention of the Honourable Member is invited to the Press Communiqué on the subject issued by the Government of India in the Department of Commerce on the 25th July, 1932, copies of which are in the Library. The Tariff Board was directed on the same date to make the enquiry referred to in that Communiqué.

(c) As no avoidable delay on the part of the Government of India took place, this part of the question does not arise.

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(d) If the Honourable Member will refer to the Indian Tariff Act, he will see that the Governor General in Council is empowered to take action under section 3, sub-section (5) if he is satisfied, after such enquiry as he thinks necessary, of certain facts.

(e) and (f). As the Honourable Member is now doubtless aware, action has been taken in exercise of the power conferred by the section in question.

(g) No, Sir.

(h) Does not arise.

#### DELEGATES AND THEIR ADVISERS REPRESENTING GOVERNMENT OF INDIA AT THE INTERNATIONAL LABOUR CONFERENCES.

665. \*Mr. K. Ahmed (on behalf of Lala Rameshwar Prasad Bagla) :  
(a) Will Government please place on the table a statement showing the names of the Delegates and their Advisers who represented the Government of India at the various International Labour Conferences as also the subjects discussed at each of such conferences ?

(b) Will Government please state if they were represented at all such conferences ? If not, when and why not ?

(c) Will Government please state if they have so far nominated a woman-adviser for any of these conferences ? If so, when ?

(d) Will Government please state whether or not questions affecting women were discussed at any of these Conferences ?

(e) Is it a fact that under the constitution of the International Labour Organisation it is necessary that of all advisers "one at least should be a woman when questions specially affecting women are under discussion" ?

(f) If the reply to part (e) be in the affirmative, are Government prepared to assure the House that in future they would without fail nominate a woman as an adviser particularly in years when the International Labour Conference would take up matters affecting women ?

**The Honourable Sir Frank Noyce :** (a) The information asked for will be found in the Bulletins of Indian Industries and Labour and the Proceedings of the International Labour Conference, copies of which are available in the Library of the House.

(b) The Government of India were represented at all the Conferences.

(c) A woman adviser was nominated for the Third Conference held in 1921.

(d) Yes.

(e) Article 389 (2) of the Treaty of Versailles contains the provision quoted by the Honourable Member, but its terms are not mandatory.

(f) The answer is in the negative.

**Mr. N. M. Joshi :** May I know whether the Government of India propose to send delegates as well as advisers to the next conference ?

**The Honourable Sir Frank Noyce :** I am sorry, I did not catch the Honourable Member's question.

**Mr. N. M. Joshi :** My question was whether the Government of India propose to send a full delegation to the next Conference and not send delegates only as they did last time ?

**The Honourable Sir Frank Noyce :** Four delegates constitute the full delegation, and that was the number which, I think, was sent on the last occasion.

**Mr. N. M. Joshi :** May I know whether the Government of India will send advisers also as they generally do, except last year ?

**The Honourable Sir Frank Noyce :** That point will be considered, Sir.

**STRENGTH OF IRRIGATION EMPLOYEES IN BALUCHISTAN AND THE COMMUNITY TO WHICH THEY BELONG.**

666. \***Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Will Government kindly place on the table a statement regarding the strength of irrigation employees in Baluchistan classified under Hindus, Muhammadans and others ?

(b) How many of these have been employed during the last two years ?

(c) Were any of these new posts ever advertised ? If not, why not ?

**The Honourable Sir Frank Noyce :** With your permission, Sir, I propose to take questions Nos. 666-669 together.

Information is being collected and will be placed on the table of the House in due course.

**CONTRACTS FOR WORKS WITHOUT TENDERS IN BALUCHISTAN.**

†667. \***Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Is it a fact that contract works are given without tenders in Baluchistan ?

(b) Is it a fact that the local contractors are not given preference ? If so, why ?

**DEPRIVATION OF TWO PUNJABI SUB-DIVISIONAL OFFICERS OF THEIR SUB-DIVISIONS IN BALUCHISTAN.**

†668. \***Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : Is it a fact that two of the Punjabi Sub-Divisional Officers were deprived of their Sub-Divisions in Baluchistan and the same posts were, after a short time, given to Sindhis ?

**APPOINTMENTS OF RETRENCHED MUSLIMS IN THE IRRIGATION DEPARTMENT, BALUCHISTAN.**

†669 \***Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Is it a fact that a number of local young men are on the approved list of the Revenue Commissioner, Baluchistan ?

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†For answer to this question, see answer to question No. 666.

(b) Is it not a fact that whenever a vacancy occurs in the Baluchistan Irrigation Department, it is given to outsiders ?

(c) Why are these clerical posts not being offered to the retrenched and discharged Muhammadans of the other departments ? Are Government aware that they are available in large numbers ?

**HOME DEPARTMENT CIRCULAR re RETRENCHMENT OF MEMBERS OF MINORITY COMMUNITIES.**

670. \*Kunwar Hajee Ismail Ali Khan (on behalf of Shaikh Fazal Haq Piracha) : Will Government please state if it is a fact that a circular letter was issued last year by the Home Department to all Heads of Departments to the effect that at the time of retrenchment it should be seen that the percentage representation of a minority community in a particular Department does not decrease after the reduction of staff ?

**The Honourable Sir Alan Parsons** : Government issued orders in August, 1931, that in selecting individuals for discharge, there should be maintained to the nearest practicable figure in each category the ratio between the various communities represented by their present numbers in the category.

**Mr. N. M. Joshi** : May I know whether this ratio is taken for the whole Department or for each section of a Department ?

**The Honourable Sir Alan Parsons** : It certainly is not for the whole service. I cannot say, without looking up the papers, exactly to what categories the ratio is applied.

**RETRENCHMENT OF MUSLIMS IN THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI.**

671. \*Kunwar Hajee Ismail Ali Khan (on behalf of Shaikh Fazal Haq Piracha) : (a) Will Government please state what was the total number of men who were retrenched last year in the Railway Clearing Accounts Office, Delhi, and what was the number of Muslims among them ?

(b) Will Government please state what was the percentage of Muslims in the Railway Clearing Accounts Office before and after the reduction ?

**Mr. P. R. Rau** : (a) and (b). I have called for certain information and shall lay reply on the table of the House, in due course.

**RETRENCHMENT IN THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI.**

672. \*Kunwar Hajee Ismail Ali Khan (on behalf of Shaikh Fazal Haq Piracha) : (a) Is it a fact that in April, 1932, when reduction was made in the staff of the Railway Clearing Accounts Office, Delhi, no distinction was made between those who had passed and those who had not passed the Class I examination of that office ?

(b) Is it a fact that in the reduction in November, 1931, those who had passed Class I examination were retained as a special case ?



(c) Is it a fact that last year the result of Class I examination was declared after five months whereas usually it does not take more than two months ? If so, why ? Had it anything to do with the reduction of staff ?

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

(b) No.

(c) Yes. I understand that the delay was due to a rush of work in office and had nothing to do with the reduction of staff.

**APPOINTMENT OF TWO HINDUS IN THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI.**

673. \***Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Is it a fact that two men of his own community of the Southern Punjab Railway were appointed by R. B. Faqir Chand, Officer on Special Duty, Railway Clearing Accounts Office, Delhi, in the Rates Experiment on Rs. 100 each after the abolition of Southern Punjab Railway Office ?

(b) Is it a fact that the Railway Board had refused to take these men in their service and that they were paid all their dues, i.e., bonus, etc., from the Southern Punjab Railway ?

(c) Is it a fact that afterwards they were transferred to the Railway Clearing Accounts Office where they became senior to many, as their old services were counted ?

(d) Is it a fact that in the Railway Clearing Accounts Office two junior men were settled up ? If so, why ?

(e) Will Government please state why preference was given to outsiders over those who had been working in the Railway Clearing Accounts Office ?

**Mr. P. B. Rau :** (a) I understand that the two men referred to were appointed by the Director of Railway Clearing Accounts Office and not by the Officer on Special Duty.

(b) At the time the Southern Punjab Railway was taken over, the staff employed, numbering 21, asked to be provided with employment in the Railway Department. The Railway Board were unable to offer them any employment.

(c) I am informed that, for purposes of seniority, their services were counted from the date of their appointment in the Railway Clearing Accounts Office.

(d) The reply is in the negative.

(e) I have been informed that they were taken into the Railway Clearing Accounts Office, because their service in the Southern Punjab Railway Company had given them special experience in the work relating to the appointment of freight to worked lines.

**CORRESPONDENCE BETWEEN MAHATMA GANDHI AND LORD WILLINGDON ON THE CHANGE OF PROCEDURE TO WORK OUT CONSTITUTIONAL REFORMS.**

674. \*Rai Bahadur Sukhraj Roy : Will Government be pleased to state :

- (a) whether there has recently been any exchange of correspondence between Mahatma Gandhi and His Excellency Lord Willingdon after the change of procedure to work out constitutional reforms for this country as announced by the Secretary of State for India ;
- (b) if so, at whose initiative the correspondence was begun and whether it is still going on ;
- (c) whether Pandit Jawaharlal Nehru and other Congress leaders have also been communicated with ; and
- (d) what the exact text is of the correspondence that has so far passed ?

**The Honourable Mr. H. G. Haig :** (a), (b), and (d). The story to which the Honourable Member refers has already been contradicted in the Press. There has been no such correspondence.

(c) No.

**DELEGATES FROM INDIA TO THE IMPERIAL CONFERENCE AT OTTAWA.**

675. \*Rai Bahadur Sukhraj Roy : Will Government be pleased to state the names of the delegates from India who are attending the Imperial Conference at Ottawa and the procedure by which they were so selected ?

**The Honourable Sir C. P. Ramaswami Aiyar :** The attention of the Honourable Member is invited to the statement on the subject made by Sir George Rainy in this House on the 4th April, 1932. In addition to the gentlemen then named by Sir George Rainy, Sir George Schuster and Sir Henry Strakosch were subsequently appointed Members of the Indian Delegation.

**DELEGATES FROM DOMINIONS TO THE IMPERIAL CONFERENCE AT OTTAWA.**

676. \*Rai Bahadur Sukhraj Roy : Will Government be pleased to state the procedure adopted for the selection of delegates to the Imperial Conference at Ottawa by Australia, Canada and other Dominions ? How many delegates attended from each of these dominions and what are their names ?

**The Honourable Sir C. P. Ramaswami Aiyar :** The Government of India have no information as to the procedure adopted for the selection of delegates to the Imperial Economic Conference from countries other than India and will only have full information as to number and names on receipt of the copies of the proceedings of the Conference.

**Dr. Ziauddin Ahmad :** Have the Government of India received a copy of the proceedings of this Conference ?

**The Honourable Sir C. P. Ramaswami Aiyar :** No, not the full proceedings, Sir.

**Mr. N. M. Joshi :** May I know, whether the Government of India have noticed that with the British Delegation to the Ottawa Conference there were advisers belonging to the Trade Union Congress ?

**The Honourable Sir C. P. Ramaswami Aiyar :** That has been noticed.

**Mr. N. M. Joshi :** May I ask, why they did not include any advisers from the Trade Union movement in India ?

**The Honourable Sir C. P. Ramaswami Aiyar :** It was not considered necessary.

**Mr. N. M. Joshi :** May I ask, why it was not thought necessary ?

**The Honourable Sir C. P. Ramaswami Aiyar :** Because it was considered that the delegation would be able to deal with the problems that would arise from time to time for solution and the Trade Union advisers were not needed for their purposes.

**Dr. Ziauddin Ahmad :** Is it a fact that the Government of India have asked the Indian Delegates to prepare a Report from the point of view of India ?

**The Honourable Sir C. P. Ramaswami Aiyar :** Naturally, Sir.

EXPENDITURE ON THE JOURNEY OF INDIAN DELEGATES TO THE IMPERIAL CONFERENCE AT OTTAWA.

677. **\*Rai Bahadur Sukhraj Roy :** Will Government please state how much has been sanctioned by them for expenditure in connection with the journey of the delegates of this country to the Imperial Conference at Ottawa ?

**The Honourable Sir C. P. Ramaswami Aiyar :** Indian Delegates to the Imperial Economic Conference, Ottawa, have been granted first class return passages and railway fares for journeys performed in connection with the Conference. The actual amount involved is not yet known.

PROPOSALS AGREED TO BY DELEGATES TO THE IMPERIAL CONFERENCE AT OTTAWA ON BEHALF OF INDIA.

678. **\*Rai Bahadur Sukhraj Roy :** Will Government please state whether the proposals agreed to by the delegates on behalf of India at the Imperial Conference at Ottawa will be subject to the approval of the Secretary of State for India and the Indian Legislatures and, if so, has the Conference been informed accordingly ?

**The Honourable Sir C. P. Ramaswami Aiyar :** The attention of the Honourable Member is invited to the statement made on the subject in this House on the 4th April, 1932, by Sir George Rainy and to his answers to the supplementary questions that followed and also to the first sentence of the Press Communiqué issued by the Government of India in the Department of Commerce on the 20th August, 1932, copies of which are in the Library. An announcement on the same terms as the Press Communiqué referred to was made at the Conference.

**INSTRUCTIONS TO DELEGATES TO THE IMPERIAL CONFERENCE AT OTTAWA  
BY THE GOVERNMENT OF INDIA.**

679. \***Rai Bahadur Sukhraj Roy** : Have any instructions, special or general, been given by the Indian Government to the delegates from India attending the Imperial Conference at Ottawa or are they to act on their own free will and to the best of their judgment ?

**The Honourable Sir C. P. Ramaswami Aiyar** : As is usual in such cases, the Indian Delegation to the Imperial Economic Conference were supplied with briefs containing information and the instructions of the Government of India on the various items of the Agenda for the Conference. In the matter of the negotiation of Trade Agreements, the Delegation were given a free hand in the initiation of proposals which they communicated from time to time to the Government of India for approval.

**Mr. K. C. Neogy** : Will these papers and other connected papers be made available to this House before the discussion comes on in the next Session in Delhi ?

**The Honourable Sir C. P. Ramaswami Aiyar** : It is proposed to publish as many as possible of the papers pertinent to the subject in sufficient time to allow Honourable Members of this House to deal with the subject exhaustively and fully at the forthcoming Session of this Honourable House.

**Mr. B. Das** : Was the Delegation kept advised about the views of the non-officials and the public and also of the Indian Merchant Chambers about this matter ?

**The Honourable Sir C. P. Ramaswami Aiyar** : From time to time, Sir, there were communications exchanged between the Department of Commerce and the Member in charge of the Commerce Department and the Delegation. They were kept informed of the trend of opinion here on both sides of the question, and they were fully alive to the implications of what they were doing and the reactions of what they were doing upon India.

**Dr. Ziauddin Ahmad** : Will the instructions given by the Government of India to the Delegates on each item of business be also communicated to this House ?

**The Honourable Sir C. P. Ramaswami Aiyar** : On all important items on which their opinion was asked, the Government of India made up their minds and communicated their views.

**Mr. B. Das** : Has there been any trade agreement between India and Canada ?

**The Honourable Sir C. P. Ramaswami Aiyar** : At present the trade agreement that has been entered into is between Great Britain and India. Negotiations were initiated for the purpose of a trade agreement between certain Dominions and India, but those negotiations have not yet culminated in any agreement.

**Dr. Ziauddin Ahmad** : May I ask, if only some of the facts are supplied to the Members of the Assembly, they will not be in a position to form a correct judgment ?

**The Honourable Sir C. P. Ramaswami Aiyar** : I think the question does not accurately take into account the considerations I have already stated. No fact pertaining to this matter and which had a bearing on this matter will be kept back from the Honourable Members of this House, because Government are fully aware that on the decision of this Honourable House depends the ratification of the agreement.

**Mr. Gaya Prasad Singh** : Do I understand that any part of the papers supplied to the Government nominees on the Ottawa Conference will be withheld from this House.

**The Honourable Sir C. P. Ramaswami Aiyar** : I did not say so, Sir.

THIRD ROUND TABLE CONFERENCE.

680. \***Rai Bahadur Sukhraj Roy** : Will Government be pleased to state :

- (a) whether it is proposed to convene a Third Round Table Conference to discuss the question of constitutional changes in India ;
- (b) if so, whether the Conference will be held in England or India and what will be the number of delegates and the names of those who will compose the India Delegation ;
- (c) whether the Congress leaders will be invited to attend the Conference ; and
- (d) what country will bear the expenses of the Conference and by what time it is expected to meet ?

**The Honourable Sir C. P. Ramaswami Aiyar** : (a), (b), (c) and (d). The Honourable Member is referred to the speech delivered by His Excellency the Governor General in this House on the 5th September, 1932. I am not in a position at present to give any information regarding the number and the names of the Indian Delegation and the incidence of the expenditure which is likely to be involved.

**Mr. B. Das** : Will Government take any steps to approach Congress leaders and sound their views whether they will join the next Conference ?

**The Honourable Sir C. P. Ramaswami Aiyar** : It has not been, so far, proposed to approach the Congress leaders and sound their views as to their willingness to attend this Conference.

RE-DISTRIBUTION OF THE BOUNDARIES OF SOME PROVINCES.

681. \***Rai Bahadur Sukhraj Roy** : Will Government be pleased to state :

- (a) whether it is proposed to re-distribute the boundaries of some of the provinces in India on a linguistic basis in the new constitution ;
- (b) how many Boundary Commissions were appointed for the purpose and what has been their reports ;
- (c) whether it is intended to give effect *in toto* to the recommendations of these Commissions or whether there will be additions and alterations in the proposals made ; and
- (d) whether the Indian Legislatures will be consulted before giving final effect to these recommendations ?

**The Honourable Sir C. P. Ramaswami Aiyar** : (a) No decision has yet been reached regarding the distribution of the boundaries of certain provinces in the manner proposed by the Honourable Member.

(b) The Orissa Committee. Its report has been published.

(c) and (d). The report is under consideration, and I am not able to say what procedure will be followed.

PERMISSION TO REV. OTTAMA TO PROCEED TO LONDON.

682. \*Rai Bahadur Sukhraj Roy : Will Government be pleased to state :

- (a) whether the Secretary, Mahabodhi Society, Calcutta, has made a recommendation to His Excellency the Viceroy for permission to Rev. Ottama to proceed to London for recouping his health and also to devote the rest of his life to religious propaganda;
- (b) if so, what orders were passed on the said representation ;
- (c) whether it is a fact that the issue of a passport has been refused, if so, what the grounds are for such refusal ; and
- (d) whether the passport has been refused by the Indian Government or the Burma Government on instructions from the Indian Government ?

The Honourable Mr. H. G. Haig : (a) Yes.

(b), (c) and (d). Having regard to U. Ottama's previous activities, the Government of Burma, after consulting the Government of India, informed the Mahabodhi Society that they were unable to grant him a passport.

Mr. Gaya Prasad Singh : Will the Honourable Member kindly state the nature of the previous activities referred to in this reply ?

The Honourable Mr. H. G. Haig : It would be a very long task to state the previous activities of U. Ottama.

Mr. Gaya Prasad Singh : Is it not a fact that Rev. U. Ottama is prohibited from proceeding to England as he is the leader of the anti-separation party ?

The Honourable Mr. H. G. Haig : No, Sir. The withholding of the passport has nothing whatever to do with that matter.

Mr. Gaya Prasad Singh : Is it not a fact that the Government of Burma, headed by His Excellency the Governor, hold very strong views in the matter of the separation of Burma from India, and he is instrumental in trying to prohibit the Rev. U. Ottama from proceeding to Europe ?

The Honourable Mr. H. G. Haig : The point which the Honourable Member is raising does not arise in view of the perfectly definite assurance I have just given him that the refusal of the passport has nothing whatever to do with the question of the separation of Burma.

Mr. K. O. Neogy : Was it due to the fear that his presence in London would lead to a political revolution in England ?

The Honourable Mr. H. G. Haig : No, Sir. He was granted a passport in 1928 and his activities during that time were, in our opinion, dangerous.

Mr. Gaya Prasad Singh : Do I understand that the nature of those activities is before the Honourable Member at the present moment ?

**The Honourable Mr. H. G. Haig :** Yes, Sir. I am very well aware of those activities.

**Mr. Gaya Prasad Singh :** Will the Honourable Member kindly summarise the nature of those activities, so that we may have some idea of what he did in Europe last time ?

**The Honourable Mr. H. G. Haig :** No, Sir ; the information is confidential.

**Mr. Gaya Prasad Singh :** Then why did you not say so at the very beginning ? (Laughter.)

VISIT OF MR. V. J. PATEL TO THE UNITED STATES OF AMERICA.

683. \***Rai Bahadur Sukhraj Roy :** (a) Will Government be pleased to state whether they are aware that Mr. V. J. Patel, ex-President of the Assembly, is shortly leaving on a mission to the United States of America " to explain the truth of the Indian position to the American people and do other political work on behalf of India " ?

(b) Has he been granted a passport ? Is the India League also sending a delegation to India to obtain information on the Indian situation ? Has the necessary passport been granted ? Who will compose the delegation ?

**The Honourable Mr. H. G. Haig :** (a) and (b). I have seen in the Press that Mr. V. J. Patel proposes to visit the United States of America. He is in possession of a passport. The delegation of the India League consisting of Miss Wilkinson, Miss Whately, Mr. L. W. Matters and Mr. Krishna Menon arrived in India last month.

**Mr. Gaya Prasad Singh :** Is anybody going to do counter-propaganda on behalf of the Government of India in America ?

**The Honourable Mr. H. G. Haig :** I am not aware that anybody is going there, unless the Honourable Member himself volunteers for the post. (Laughter.)

APPOINTMENTS IN THE UPPER DIVISION OF THE FINANCE DEPARTMENT.

684. \***Mr. B. N. Misra :** (a) Will Government please state the names of persons appointed to the Upper Division of the Finance Department since 1923, otherwise than by direct recruitment ?

(b) How was the seniority of each person determined ? Was any special concession in the matter of seniority given to any individual ? Was any credit for past service given to these persons for purpose of determining their seniority ?

(c) Is it a fact that persons promoted to the Subordinate Accounts Service and Audit and Accounts Service are given credit for some of their past service for purpose of determining seniority ?

(d) Do Government contemplate reviewing the cases of all the persons appointed to the Finance Department Upper Division otherwise than by direct recruitment, with a view to fixing their seniority afresh by allowing them credit for part of past service ?

(e) How was the pay of the persons fixed ? Was any uniform principle observed ? Is it not a fact that in one case more than treble the

pay in the substantive appointment was given and that in two other cases special increases were sanctioned? Do Government propose to review all these cases?

(f) How many of the individuals were promoted within the Finance Department itself?

**The Honourable Sir Alan Parsons :** I am unable to put my depleted office to the labour of collecting all these details. If any individual has a grievance with regard to his seniority and pay, there is always a channel by which he can get his grievance investigated.

#### APPOINTMENTS IN THE UPPER DIVISION OF THE FINANCE DEPARTMENT.

685. \***Mr. B. N. Misra :** (a) Is it a fact that 50 per cent. of the vacancies in the First Division are to be filled by promotion from the Second Division? How long has the rule been in force? How many promotions have been made in the Finance Department?

(b) Do Government contemplate making up the deficiency in the number of Second Division men promoted to First Division by giving all appointments occurring in future to deserving Second Division clerks?

(c) Do Government propose to take similar action regarding promotions from Third to Second Division?

**The Honourable Sir Alan Parsons :** (a) The rule which issued on the 8th December, 1928, is as stated by the Honourable Member, provided suitably qualified persons are available for promotion. Since that date, no permanent promotions have been given, though there have been officiating promotions on three occasions.

(b) and (c). No.

#### DISTRIBUTION OF DUTIES AMONG THE MINISTERIAL STAFF OF THE FINANCE DEPARTMENT.

686. \***Mr. B. N. Misra :** (a) Is it a fact that some Superintendents in the Finance Department do not do any case work themselves?

(b) Is it also a fact that number of senior Second Division men are employed on Third Division duties in that Department?

(c) Is it a fact that Third Division men are employed on Second Division duties in the Issue and other Branches of the Finance Department?

**The Honourable Sir Alan Parsons (a) and (c).** No.

(b) The question whether the work now performed by some clerks in the second division is of a character which would permit of its being done by third division clerks is under consideration.

#### DUPLICATION OF WORK IN VARIOUS BRANCHES OF THE FINANCE DEPARTMENT.

687. \***Mr. B. N. Misra :** Are Government aware that there is duplication of work amongst the various Branches of the Finance Department? Do Government contemplate a detailed inquiry (on which members of the staff are represented) with a view to ensuring a scientific distribution of work?

**The Honourable Sir Alan Parsons :** The answer to both parts of the question is in the negative.



**QUALIFICATIONS FOR APPOINTMENT AS DISTRICT COMMERCIAL INSPECTORS  
ON THE GREAT INDIAN PENINSULA RAILWAY.**

688. \***Mr. N. M. Joshi** : Will Government be pleased to state :

- (a) whether a subordinate aspiring for the post of a District Commercial Inspector on the Great Indian Peninsula Railway is required to have any specific outdoor qualifications and, if so, what they are ;
- (b) whether it is a fact that a register is being maintained for such subordinates in the Chief Traffic Manager's Office with a view to facilitate the selection whenever any vacancies occur ;
- (c) whether it is a fact that an Anglo-Indian working in the staff section of the Chief Traffic Manager's Office of the Great Indian Peninsula Railway and having previous experience of the Claims working only has been recently appointed as a District Commercial Inspector superseding the claims of many other incumbents to the post who have actually been working as Assistant District Commercial Inspector and whose work has been appreciated by their immediate superiors ; and
- (d) whether this subordinate has ever worked on the line and has the requisite outdoor qualifications ?

**Mr. P. B. Rau** : I have called for the information required and will lay it on the table in due course.

**PROMOTION OF HIGHER GRADE POSTS IN THE CHIEF TRAFFIC MANAGER'S  
OFFICE, GREAT INDIAN PENINSULA RAILWAY.**

689. \***Mr. N. M. Joshi** : Will Government be pleased to state :

- (a) what are the principles on which subordinates are promoted to posts (excluding selected posts) in the higher grades in the Chief Traffic Manager's Office of the Great Indian Peninsula Railway ;
- (b) whether seniority forms a part of selection and, if so how seniority is calculated ;
- (c) whether seniority is based on service or on pay ;
- (d) whether there is one procedure in calculating seniority throughout or whether it differs according to the convenience of the Administration ;
- (e) whether it is a fact that an Anglo-Indian working in the staff section of the Chief Traffic Manager's Office of the Great Indian Peninsula Railway has recently been promoted to the grade of Rs. 80—8—120 ;
- (f) what service this subordinate has put in ;
- (g) what pay was he getting when he was promoted to the new grade ;
- (h) how many subordinates in the grade of Rs. 60—5—80 have reached their maximum in the Chief Traffic Manager's

Office and how many of them and for how many years are they waiting for a promotion ;

- (i) whether any of them have proved themselves incompetent for the new post after being given a trial and whether there is anything bad on the record of any one of them barring them for a promotion in the ordinary posts ; and

- (j) what special qualifications this Anglo-Indian possessed ?

**Mr. P. R. Rau :** I have called for the information and will lay it on the table in due course.

#### **PARTICIPATION OF THE GOVERNMENT OF INDIA IN THE OTTAWA CONFERENCE.**

690. \***Lala Rameshwar Prasad Bagla :** Will Government please state when they finally decided to participate in the deliberations of the Ottawa Conference as also the date when they made this decision public ?

**The Honourable Sir C. P. Ramaswami Aiyar :** The attention of the Honourable Member is drawn to the statement on the subject made by Sir George Rainy in this House on the 4th April, 1932.

#### **VIEWS OF INSTITUTIONS AND COMMERCIAL ASSOCIATIONS IN CONNECTION WITH THE OTTAWA CONFERENCE.**

691. \***Lala Rameshwar Prasad Bagla :** Will Government please state the names of the institutions including the commercial associations whose views were invited in connection with the Ottawa Conference ?

**The Honourable Sir C. P. Ramaswami Aiyar :** The Government of India invited the views of the Local Governments and Administrations and of certain Chambers of Commerce and Trades Associations recognised by them. I lay on the table a list of those Chambers and Associations.

#### *List of Chambers of Commerce and Trades Associations in India.*

##### **CHAMBERS.**

1. Bengal Chamber of Commerce, Calcutta.
2. Bombay Chamber of Commerce, Bombay.
3. Madras Chamber of Commerce, Madras.
4. Burma Chamber of Commerce, Rangoon.
5. Karachi Chamber of Commerce, Karachi.
6. Upper Indian Chamber of Commerce, Cawnpore.
7. Punjab Chamber of Commerce, Delhi.
8. Chittagong Chamber of Commerce, Chittagong.
9. Southern India Chamber of Commerce, Madras.
10. Indian Merchants' Chamber, Bombay.
11. Bengal National Chamber of Commerce, Calcutta.
12. Indian Chamber of Commerce, Lahore.
13. Mysore Chamber of Commerce, Bangalore.
14. Northern India Chamber of Commerce, Lahore.
15. Associated Chambers of Commerce of India and Ceylon, Royal Exchange, Calcutta.
16. Burma Indian Chamber of Commerce, Rangoon.
17. Indian Chamber of Commerce, Calcutta.
18. Federation of Indian Chambers of Commerce and Industry, Delhi.
19. Buyers and Shippers Chamber, Karachi.
20. Bihar and Orissa Chamber of Commerce, Patna.

ASSOCIATIONS.

1. The Calcutta Trades Association.
2. The Bombay Presidency Trades Association, Limited, Bombay.
3. The Madras Trades Association.
4. The Rangoon Trades Association.
5. The Indian Jute Mills Association, Calcutta.
6. The Indian Tea Association, Calcutta.
7. The Bombay Millowners' Association.
8. The Indian Mining and Geological Institute, Calcutta.
9. The Indian Mining Association, Calcutta.
10. The Indian Engineering Association, Calcutta.
11. The All-India Landholders' Association.
12. The Delhi Piecegoods Association, Delhi.
13. Karachi Indian Merchants' Association, Karachi.

**Mr. B. Das :** Does the list, laid on the table, contain the names of the Indian Chamber of Commerce and the Federation of the Indian Chambers of Commerce ? Did they express any views to the Government in the matter of Ottawa ?

**The Honourable Sir C. P. Ramaswami Aiyar :** Yes. They were on the list and they have expressed their views.

**Mr. B. Das :** Did the Federation expressed their views ?

**The Honourable Sir C. P. Ramaswami Aiyar :** They sent a telegram and also a letter expressing their emphatic views.

SUPPLY OF THE AGENDA OF THE OTTAWA CONFERENCE TO THE FEDERATION OF INDIAN CHAMBERS OF COMMERCE AND INDUSTRY.

692. **\*Lala Rameshwar Prasad Bagla :** (a) Is it a fact that the Federation of Indian Chambers of Commerce and Industry requested for a copy of the agenda to be discussed at the Ottawa Conference ?

(b) Did Government send a copy of the above agenda to the Federation ? If not, will Government please state reasons for the refusal ?

(c) Is it a fact that the Indian public opinion in the matter has been passed over by Government ?

**The Honourable Sir C. P. Ramaswami Aiyar :** (a) Yes.

(b) The Government did not refuse to supply a copy of the agenda list. The list was published simultaneously for general information by all Governments of the Empire as soon as it had been finally settled. Publication was made in India on the 12th July.

(c) Certainly not.

**Mr. B. Das :** Did the Government supply the agenda to the other Chambers of Commerce ? They did not supply to the Federation. Did they supply it to the Associated Chambers of Commerce ?

**The Honourable Sir C. P. Ramaswami Aiyar :** It was not necessary to supply that to any particular Chamber of Commerce, because it was given the widest publicity by all the Governments of Great Britain and of the Dominions.

#### IMPERIAL PREFERENCE.

693. \***Lala Rameshwar Prasad Bagla :** (a) Are Government aware that there is complete unanimity amongst the business community of the country on the point that imperial preference would be anything but advantageous to the country ?

(b) What attitude do Government propose to take in the matter of the imperial preference ?

**The Honourable Sir C. P. Ramaswami Aiyar :** (a) No, Sir. The information received by the Government of India does not support that conclusion.

(b) I presume the Honourable Member has in mind the trade agreement reached between India and the United Kingdom at the Imperial Economic Conference, Ottawa. His attention in this connection is invited to the statement made by Sir George Rainy in this House on the 4th April, 1932, regarding the participation of India in this Conference and to the Press Communique issued by the Government of India in the Department of Commerce on the 20th August, 1932, copies of which are in the Library.

#### LEGISLATION IN PORTUGUESE EAST AFRICA *re* ENTRANCE OF NEW IMMIGRANTS.

694. \***Lala Rameshwar Prasad Bagla :** (a) Are Government aware of any legislation recently enacted in Portuguese East Africa in connection with the entrance of new immigrants there ?

(b) If the reply to part (a) be in the affirmative, what action, if any, have Government taken or propose to take in regard to it ?

(c) Have Government considered whether the above legislation would give a serious blow to the flourishing Indian trade in that part of Africa ?

**Mr. H. A. F. Metcalfe :** (a) The Government of India were informed, about six months ago, that legislation was under contemplation in Portuguese East Africa which, if passed, was likely to affect adversely the interests of the British Indian Commercial community in that place. The latest information received is that a decree relating to unemployment dated July 23rd, was published on July 30th, providing *inter alia* that the staff of all firms must consist of at least seventy per cent. Portuguese nationals reduced in certain cases to fifty per cent. Firms failing to establish this percentage within ninety days from the date of publication of the decree are subject to a fine but existing contracts with foreign employees may be completed.

(b) and (c). As soon as these proposals were brought to the notice of the Government of India they requested that urgent representations should be made by His Majesty's Government through the usual diplomatic channels. It is understood that such representations have been made to the Portuguese Government.

**Mr. B. Das :** May I inquire, Sir, if this action taken by the Portuguese Government is only against Indians or against all parts of the British Empire ?

**Mr. H. A. F. Metcalfe :** So far as I am aware, it relates to all British subjects including Indians.

**Mr. B. Das :** Will the Honourable Member kindly convey to the proper channel our view that if the Portuguese Government do not listen to the representation of India and other parts of the British Empire, India is quite prepared to retaliate ?

**Mr. H. A. F. Metcalfe :** That appears to be a hypothetical question which I can hardly answer, Sir.

**Mr. N. M. Joshi :** May I ask, what has been the result of the representation made by the Government of India ?

**Mr. H. A. F. Metcalfe :** So far as I am aware, there has been no definite result at present.

**Dr. Ziauddin Ahmad :** Will you also communicate to the proper channel the strong resentment in India over this action of the Portuguese Government ?

**Mr. H. A. F. Metcalfe :** Representations have been made ; and, I think, that is all that I can say without trenching on matters concerning the relations of His Majesty's Government and a foreign Power.

**Mr. B. Das :** May I ask the Leader of the House, whether, when the Portuguese Government are banning Indian Commercial interests and Indian capital, the Government of India should not also take appropriate steps to ban Portuguese capital and Portuguese people in India ?

**The Honourable Sir C. P. Ramaswami Aiyar :** Sir, I confess I have been taken somewhat by surprise. But the question of banning Portuguese capital from India—whatever that might amount to—I do not know that there is much of Portuguese capital in India—is a matter for consideration by His Majesty's Government with advertence to the mutual relations between Great Britain and Portugal and is not a matter which can be dealt with either satisfactorily or fully on the floor of this House.

**Mr. B. Das :** Sir, if any State adopts a discriminatory attitude towards India, cannot India independently adopt a discriminatory attitude towards that foreign State ?

**The Honourable Sir C. P. Ramaswami Aiyar :** I take it, Sir, that in certain respects and in certain matters India—by which expression is meant the Government of India acting in conjunction with His Majesty's Government—can take action on these lines.

**Mr. H. P. Mody :** Will the result of the negotiations be made known to either the Assembly or the public ?

**Mr. H. A. F. Metcalfe :** I want notice of that question, Sir.

**Mr. N. M. Joshi :** May I ask, whether the Government of India represented to the Portuguese Government that a very large number of Portuguese subjects are employed in Bombay, but that the Indian Government are making no discrimination against them ?

**Mr. H. A. F. Metcalfe** : That matter, Sir, has been brought to the notice of the Portuguese Government in connection with the representation which I have already told the House about.

**Mr. Gaya Prasad Singh** : May I know the approximate number of the Portuguese in British India ?

**Mr. H. A. F. Metcalfe** : I am afraid, Sir, I am not in a position to state that exactly, but I think it is something in the neighbourhood of 7,000 ; but, if the Honourable Member will give notice of that question, I can procure the information.

**Mr. N. M. Joshi** : Will the information embrace Portuguese subjects or all Portuguese ?

**Mr. H. A. F. Metcalfe** : It is very difficult to say in all cases whether a person is a Portuguese subject or a Portuguese by origin who has been naturalised. A great many Portuguese Indians are resident in British India, and their exact nationality will be somewhat difficult to discover in any case.

**Mr. B. Das** : Will the Honourable the Foreign Secretary lay a statement as soon as the negotiations between the British Government and the Portuguese Government are settled ?

**Mr. H. A. F. Metcalfe** : Any information which can be made available to this House, certainly will be made available as soon as the negotiations are completed. I can say no more at present.

#### EXPIRY OF THE CONTRACT OF THE SHAHDRA-SAHARANPUR LIGHT RAILWAY.

695. **\*Dr. Ziauddin Ahmad** (on behalf of Lala Hari Raj Swarup) : (a) Will Government be pleased to state when the contract expires of the Shahdra-Saharanpur Light Railway ?

(b) Do Government propose to take over the management of this railway after the expiration of the contract ? If not, why not ?

**Mr. P. R. Rau** : The contract for the construction and working of the Shahdra-Saharanpur Light Railway is between the Light Railway Company and the Government of the United Provinces, and it can be terminated by that Government on the 18th April, 1934, or at the end of every seven years thereafter by giving 12 months' previous notice.

(b) The matter is one that is primarily the concern of the Government of the United Provinces.

**Dr. Ziauddin Ahmad** : May I ask, how the Government have interpreted the word " even " in this question ?

**Mr. P. R. Rau** : Which question ?

**Dr. Ziauddin Ahmad** : Question No. 699.

**Mr. P. R. Rau** : The question I have just answered is question No. 695. (Laughter.)

**Dr. Ziauddin Ahmad** : As regards the answer to question 695, I did not follow when this contract is to expire ?

**Mr. P. R. Rau** : On the 18th April, 1934.

**Dr. Ziauddin Ahmad:** Do the Government of India contemplate to purchase it ?

**Mr. P. B. Rau :** I have already informed the House that the contract is between the Government of the United Provinces and the Company and it is that Government which can terminate the contract.

**Dr. Ziauddin Ahmad :** I thought " Railways " were a Central subject and that the Government of the United Provinces had nothing to do with it ? The Government of India ought to purchase it and should not permit any Province to have its own Railway system.

**Mr. P. B. Rau :** The contract is between the Government of the United Provinces and the Company.

**ADVISORY COMMITTEE FOR THE SHAHDRA-SAHARANPUR LIGHT RAILWAY.**

696. \***Dr. Ziauddin Ahmad** (on behalf of Lala Hari Raj Swarup) : Will Government please state why there is no Railway Advisory Committee for the Shahdra-Saharanpur Light Railway ?

**Mr. P. B. Rau :** The question of constituting an Advisory Committee is one for the Managing Agents of the Railway to consider. So far as Government are aware, apart from the principal railways, only two of the smaller lines, have Advisory Committees.

**DERAILMENT ON THE SHAHDRA-SAHARANPUR LIGHT RAILWAY.**

697. \***Dr. Ziauddin Ahmad** (on behalf of Lala Hari Raj Swarup) : (a) Are Government aware that there was a derailment on the 14th July, 1932, due to tampering with rails on the Shahdra-Saharanpur Light Railway ?

(b) Will Government please state why no arrangement for Railway Police has been made on this line ? Are Government aware that there are many thefts on the night trains ?

**Mr. P. B. Rau :** (a) Government have received a report on the derailment of No. 2-Down mixed train on the 12th July, 1932, as a result of the rails having been tampered with.

(b) The Government of India have no information. I might add that the employment of railway police is a matter for the Local Government.

**USE OF OLD CARRIAGES AND BOGIES ON THE SHAHDRA-SAHARANPUR LIGHT RAILWAY.**

698. \***Dr. Ziauddin Ahmad** (on behalf of Lala Hari Raj Swarup) : Are Government aware that several old carriages and bogies are used on the Shahdra-Saharanpur Light Railway which do not contain any latrines ? If so, why ?

**Mr. P. B. Rau :** Government have no information. Railways are under no obligation to provide latrines in carriages other than those reserved for women.

**Dr. Ziauddin Ahmad :** As regards the latter part of question No. 698, the question has already been put in a form to the effect that there are no latrines in third class compartments and that the passengers were put to great inconvenience ?

**Mr. P. R. Rau :** Yes, Sir, I have already replied to that.

**Dr. Ziauddin Ahmad :** What was the reply ?

**Mr. P. R. Rau :** The reply was that the railways are under no obligation to provide latrines in carriages other than those reserved for women.

**Dr. Ziauddin Ahmad :** Do I understand that the reply was that the railways are not under any obligation to provide latrines in railway compartments ? If this is so, then it means that the railways are under no obligation to look after the comfort of passengers,—and that factor alone should be sufficient ground for terminating the contract with the Company at the earliest possible date ?

**Mr. P. R. Rau :** That matter is no doubt one which the Government of the United Provinces will take into consideration, but the Government of India have powers, under the Railways Act, only to this extent that they can compel the Railway Companies to provide latrines in compartments reserved for women only.

**Dr. Ziauddin Ahmad :** I admit that this matter concerns the Government of the United Provinces in the first instance, but the Government of India are the final authority in administrative matters, and their spokesmen cannot, I submit, remain silent on a very important matter where the comforts of passengers are involved ?

**Mr. P. R. Rau :** Having replied to so many questions by the Honourable Member, it can hardly be said to have remained silent !

**Dr. Ziauddin Ahmad :** Sir, the Honourable Member says that since he has replied to so many questions, he wishes to reply to no further questions. That attitude, I submit, opens up a very important issue.

**Mr. P. R. Rau :** My point, Sir, is that I have already answered this question of my Honourable friend.

**Dr. Ziauddin Ahmad :** Not this particular question ? I am asking this question for the first time.

**Mr. P. R. Rau :** I have already replied to that question.

#### ABSENCE OF WAITING ROOMS ON THE SHAHDRA-SAHARANPUR LIGHT RAILWAY.

699. \***Dr. Ziauddin Ahmad** (on behalf of Lala Hari Raj Swarup) : Will Government please state why there are no waiting rooms even for first and second class passengers throughout the whole of the Shashtra-Saharanpur Light Railway ?

**Mr. P. R. Rau :** The provision of waiting rooms at stations is not obligatory on Railways, and the question of providing them is a matter for consideration by each Railway according to the funds available and the requirements of the traffic offering. During 1931-32, the total number of first class passengers carried on the Shashtra-Saharanpur Light Railway averaged less than one in three days and second class passengers about four per day. These figures scarcely justify the provision of waiting rooms for first and second class passengers.



**Dr. Ziauddin Ahmad :** The Honourable gentleman said that the provision of waiting rooms is not really a function of Railways and that they are not bound to do it. Now, if we, on our part, begin to boycott this particular Railway, will Government then pass an Ordinance ?

(No reply.)

**Dr. Ziauddin Ahmad :** May I know, what is the reply ?

(No reply.)

#### FARES ON THE SHAHDRA-SAHARANPUR LIGHT RAILWAY.

700. **\*Dr. Ziauddin Ahmad** (on behalf of Lala Hari Raj Swarup) : Will Government please state whether the fares on the Shahdra-Saharanpur Light Railway are much higher than on other railways, e.g., 4½ pies per mile is charged for third class, on the former, whereas 3½ pies per mile is charged on other railways ? If so, why ?

**Mr. P. B. Rau :** Each Railway Company is empowered to charge fares within certain maxima and minima prescribed. On the Shahdra-Saharanpur Light Railway, as in most Railways in India, the maximum third class fare authorised is 4½ pies per mile. Financial and other considerations on Railways prevent absolute uniformity in such matters.

#### REMOVAL OF INDIAN TELEGRAPHISTS AND SUPERVISORS FROM THE SECTION IN WHICH THE VICEROY'S TELEGRAM TO MAHATMA GANDHI WAS RECEIVED AT THE CALCUTTA END.

701. **\*Mr. B. Das** (on behalf of Mr. Amar Nath Dutt) : (a) Has the attention of Government been drawn to the letter published at page 86 of the *Telegraph Review* for March, 1932 ?

(b) Is it a fact that Indian telegraphists and supervisors were removed from the section in which the Viceroy's telegram to Mahatma Gandhi was received at the Calcutta end ?

(c) Will Government please state whether any such order was issued by the authorities ?

(d) If the reply to the above be in the negative, will Government please state who was responsible for this state of affairs ?

(e) What action, if any, has been taken to prevent its recurrence in future ? If not, why not ?

**Mr. T. Ryan :** (a) to (e). Government have seen the letter in question and have satisfied themselves by inquiry that there is no truth in the statements contained in it.

#### APPOINTMENT OF MUSLIM ASSISTANT COMMISSIONERS OF INCOME-TAX IN THE PUNJAB.

702. **\*Khan Bahadur Makhdum Syed Rajan Bakhsh Shah :** (a) Is it a fact that since the creation of the Income-tax Department not a single

Muslim has been appointed an Assistant Commissioner of Income-tax permanently in the Punjab ?

(b) If so, are Government prepared to consider the question of giving the very next chance to a Muslim officer ?

(c) Are Government prepared to import a Muslim I. C. S. officer in the Income-tax Department of the Punjab for appointment as Assistant Commissioner ?

**The Honourable Sir Alan Parsons :** (a) Yes.

(b) Promotion to the post of Assistant Commissioner of Income-tax is made on the basis of seniority and merit and the claims of any suitable Muslim Income-tax Officers will be duly considered when the occasion next arises. Since 1926, however, no permanent vacancy in the post of Assistant Commissioner has occurred.

(c) No.

#### PAUCITY OF MUSLIM INCOME-TAX OFFICERS IN THE PUNJAB.

703. \*Khan Bahadur Makhdum Syed Rajan Bakhsh Shah : (a) What is the number and percentage of Muslims in the permanent cadre of income-tax officers (excluding Assistant Income-tax officers) in the various provinces of India ?

(b) Is it a fact that the number of the Muslim Income-tax officers is not even 33 per cent. of the total cadre of the Income-tax officers serving in the various provinces of India ?

(c) What steps have Government so far taken to make up this long-standing deficiency of the Muslims in this department ?

(d) What steps do Government propose to take in the matter ?

(e) Are Government prepared to raise the number of Muslim Income-tax officers to at least 50 per cent. of the total number in the Punjab and to reserve all future vacancies for the Muslims till this proportion is achieved ?

**The Honourable Sir Alan Parsons :** (a) A statement giving the figures required is laid on the table.

(b) The position is as stated, if the figures for India as a whole are taken into account.

(c), (d) and (e). Commissioners of Income-tax are required to follow the general orders laid down by Government. These orders prescribe that one-third of the vacancies should be filled from minority communities, but no percentage has been fixed for any particular minority community. They do not allow of an increase in the proportion of vacancies to be filled from minority communities on account of ill-balanced recruitment that may have occurred in the past. To adopt the suggestion implied in the Honourable Member's question, therefore, would be contrary to the policy of Government.

Statement showing the Communal composition of Income-tax Officers in the various provinces in India on 31st December, 1931.

	Total number of posts.	Number held by Muslims.	Percentage.
Madras .. .. .	51	5	10
Bombay .. .. .	48	4	8.3
Bengal .. .. .	59	15	25
United Provinces .. .. .	41	14	33
Punjab .. .. .	30	6	20
Burma .. .. .	42	1	2.3
Bihar and Orissa .. .. .	18	1	5.5
Central Provinces .. .. .	16	1	6.25
Assam .. .. .	6	1	16.7
North-West Frontier Province .. .. .	4	2	50
Delhi .. .. .	3	1	33.3
Total .. .. .	318	51	16

PAUCITY OF MUSLIM INSPECTORS AND CLERKS IN THE INCOME-TAX DEPARTMENT IN THE PUNJAB.

704. **Khan Bahadur Makhdum Syed Rajan Bakhsh Shah** : (a) What is the total number of the permanent Inspectors and permanent clerks in the Income-tax Department in the Punjab and how many of them are Muslims in each cadre ?

(b) Is it not a fact that the Muslims are inadequately represented in these cadres in the Punjab ?

(c) Are Government prepared to raise their number at least to 50 per cent. in the Punjab ?

**The Honourable Sir Alan Parsons** : (a) A statement giving the information required is laid on the table.

(b) No.

(c) I would invite the Honourable Member's attention to the answer which I have given to parts (c), (d), and (e) of his previous question relating to the number and percentage of Muhammadans in the permanent cadre of Income-tax Officers in the various provinces of India.

Communal composition of the Non-gazetted staff of the Income-tax Department, Punjab, on the 31st December, 1931.

	Total number.	Number of Muslims.
1. Inspectors .. .. .	34	10
2. Clerks .. .. .	161	46

**PAUCITY OF MUSLIM INSPECTORS AND CLERKS IN THE INCOME-TAX DEPARTMENT  
IN THE PUNJAB.**

705. \*Khan Bahadur Makhdum Syed Rajan Bakhsh Shah : (a) Is it a fact that with the lowering of the taxable limit for income-tax purposes, new staff was recruited in 1931 and this year ?

(b) What was the total number of the new recruits, both Inspectors and clerks in the Punjab, and how many of them were Muslims ?

(c) Did Government keep in view the deficiency of the Muslims in this department in filling the new temporary vacancies ?

**The Honourable Sir Alan Parsons :** (a) Yes.

(b) Twenty three new appointments of Income-tax Inspectors were made in the Punjab in 1931-32 of which eight were given to Muhammadans.

One hundred and twelve new appointments of Assistant Clerks were made in the Punjab in 1931-32, fifty seven of which were given to Muhammadans.

(c) Yes.

**MUSLIM EXECUTIVE AND MINISTERIAL STAFF IN THE OFFICE OF THE INCOME-TAX  
COMMISSIONER, PUNJAB.**

706. \*Khan Bahadur Makhdum Syed Rajan Bakhsh Shah : (a) What is the total strength of the executive and ministerial staff employed in the office of the Income-tax Commissioner, Punjab, and what is the number of Muslims in the two branches respectively ?

(b) Are Government prepared to instruct the Commissioner to maintain a fair communal proportion in his office so that there may not be any cause for grievance to any community ?

**The Honourable Sir Alan Parsons :** (a) The total strength of the executive and ministerial staff employed in the office of the Commissioner of Income-tax, Punjab, North-West Frontier and Delhi Provinces is two and nine, respectively. No Muslims are employed in the executive branch, but four are in the ministerial branch.

(b) The communal proportion is considered with reference to the Department as a whole and not with reference to individual offices.

**RELEASE OF AHRAR PRISONERS CONVICTED IN CONNECTION WITH THE KASHMIR  
TROUBLES.**

707. \*Khan Bahadur Makhdum Syed Rajan Bakhsh Shah : (a) Are Government aware that almost all the Ahrar prisoners who were confined in the Kashmir and Jammu State jails were let off long ago by His Highness the Maharaja of Kashmir ?

(b) If so, are Government prepared to follow the Maharaja's example and release all prisoners who were convicted in British India in connection with the Kashmir troubles ?

**The Honourable Mr. H. G. Haig :** (a) I have seen a communiqué on the subject issued by the Kashmir Darbar.

(b) The Punjab Government have considered the cases of Ahrar prisoners who apologised and promised to take no further part in the movement, and a very large number of prisoners has been so released.

**PAUCITY OF MUSLIMS IN VARIOUS DEPARTMENTS OF THE GOVERNMENT OF INDIA SECRETARIAT.**

708. \***Khan Bahadur Makhdum Syed Rajan Bakhsh Shah** : (a) Has the attention of Government been drawn to a letter published in the *Eastern Times*, Lahore, dated 7th August, 1932, on page 3, with regard to the paucity of Muslims in the various departments of the Government of India Secretariat ?

(b) What steps do Government propose to take to raise the number of Muslims to an equitable proportion ?

(c) Are Government prepared to issue definite orders to the various heads of departments and the members of the Public Service Commission to reserve all future vacancies for Muslims until their number is raised at least to 33 per cent. in the various services ?

**The Honourable Mr. H. G. Haig** : (a) Yes.

(b) and (c). I would refer the Honourable Member to the reply given on the 27th January last to parts (c) and (d) of Seth Haji Abdoola Haroon's starred question No. 76.

**RESOLUTIONS PASSED BY THE INDIAN POSTS AND TELEGRAPHS MUSLIM UNION, PUNJAB AND NORTH-WEST FRONTIER CIRCLE, LAHORE.**

709. \***Khan Bahadur Makhdum Syed Rajan Bakhsh Shah** : (a) Has the attention of Government been drawn to resolutions passed by the Indian Posts and Telegraphs Muslim Union, Punjab, and North-West Frontier Circle, Lahore, and published on page 5 (columns 4 and 5) of the *Eastern Times*, dated 13th August, 1932 ?

(b) What steps do Government propose to take to remedy the grievances of the Muslim community enumerated in those resolutions ?

**The Honourable Sir Frank Noyce** : (a) Government have seen the Resolutions.

(b) The Indian Posts and Telegraphs Muslim Union is a body which has not been officially recognised by Government. If Muslim employees in the Posts and Telegraphs Department have grievances, it is open to them to represent them in the usual manner.

+710. \*

+711. \*

**LANGUAGES RECOGNISED BY THE MILITARY ACADEMY, DEHRA DUN.**

712. \***Dr. Ziauddin Ahmad** : (a) Will Government be pleased to state the languages (European and Indian), which are recognised by the Military Academy, Dehra Dun ?

(b) Is it a fact that Arabic is omitted from the list ?

(c) What are the reasons for its omission ?

**Mr. G. E. F. Tottenham** : (a) English, French and German.

(b) Yes.

(c) The syllabus for the entrance examinations follows that proposed by the Indian Military College Committee. I understand that their reason for omitting Arabic was that there were so many Oriental languages that

+This question was withdrawn by the questioner.

it would be impossible to include them all and, therefore, that it would be fairer not to include any.

**Dr. Ziauddin Ahmad :** May I ask, Sir, what is the difficulty in including Arabic as an alternative subject ?

**Mr. G. E. F. Tottenham :** Arabic is not included at all.

**Dr. Ziauddin Ahmad :** Can the Honourable Member give me the reasons for excluding this very important language from the list ?

**Mr. Gaya Prasad Singh :** Also why have they excluded Sanskrit ?

**Dr. Ziauddin Ahmad :** In view of the fact that Sanskrit and Persian are both included and only Arabic is excluded, I want to know why this particular language is excluded ?

**Mr. G. E. F. Tottenham :** As I have said, all the Oriental languages are excluded.

#### NUMBER AND PERSONNEL OF COMMITTEES FORMED BY THE RAILWAY BOARD.

713. **\*Dr. Ziauddin Ahmad :** How many Committees were formed by the Railway Board since 1925 to enquire into any affair connected with Railways ? In how many of them was any non-official associated as a member of the Committee ?

**Mr. P. E. Rau :** I lay on the table a statement giving the required information.

*Statement showing the particulars of committees appointed since 1925.*

Description of Committees.	Members of Committee.		Year in which appointed.
	Officials.	Non-officials.	
1. <i>State Railway Workshops Committee.</i> —To investigate the problem of co-ordinating the repair facilities for locomotives and rolling stock on the State-managed Railways.	Mr. J. M. D. Wrench ..	Sir Vincent Raven.	1926
2. To frame detailed rules for fixing the seniority in the different grades of the subordinate establishment of the Railway Clearing Accounts Office.	Mr. M. K. Mitra .. Mr. H. W. Firth. Mr. R. G. Vernon. Mr. S. N. Ghose. Mr. H. O. Callaghan.	Nil	1928
3. To enquire into and report on the system of checking and collecting tickets on the East Indian Railway.	Mr. B. Moody .. Mr. H. G. Ward.	Nil	1930
4. To enquire into intermediate costs of transport.	Mr. A. Dale-Green .. K. B. Maulvi Fatah-ud-Din.	Nil	1931
5. The co-ordination of road and rail requirements.	Mr. K. G. Mitchell .. Mr. L. H. Kirkness.	Nil	1932

**NUMBER OF INDIANS RECRUITED FOR THE SASTRI COLLEGE IN SOUTH AFRICA.**

714. \***Dr. Ziauddin Ahmad** : How many Indians were recruited for the Sastri College in South Africa ? Is it a fact that all those Indians have now been sent away ? Is any Indian left in the Sastri College ?

**Mr. G. S. Bajpai** : Six Indian teachers, selected by the Government of India, were deputed to fill up appointments at the Sastri College. According to the terms of their appointment, their services do not terminate before the 31st December, 1932, and Government are not aware that any of them has been sent away. They are, however, making inquiries in the matter through their Agent in South Africa.

**Mr. B. Das** : Will the Honourable Member inform the Agent-General that public opinion in India wishes that there should be a continuity of Indian teachers in the Sastri College ?

**Mr. G. S. Bajpai** : I do not think it is necessary to bring that elementary fact to the notice of the educational authorities in Natal. They no doubt realise the value of continuity.

**Dr. Ziauddin Ahmad** : My information is that these Indians are being sent away. Will the Honourable Member kindly make an inquiry in the matter and communicate the result to the Members of the Assembly ?

**Mr. G. S. Bajpai** : I have already stated that I am making inquiries through the Agent and the result will be communicated to the House.

**Dr. Ziauddin Ahmad** : Thank you.

**INTRODUCTION OF DISTANCE TESTS FOR EYE SIGHT FOR THE TRAVELLING TICKET EXAMINERS OF THE EAST INDIAN RAILWAY.**

715. \***Dr. Ziauddin Ahmad** : Is it a fact that East Indian Railway administration has recently introduced for T. T. E.'s a distance test (A1, A2) for eye sight usually intended for guards ? If so, why ?

**Mr. P. R. Rau** : Travelling Ticket Examiners on the East Indian Railway have till now been placed in category A2 for purposes of the vision test, but the question of transferring them to category B1 is, at present, under consideration.

**PROPOSED ABOLITION OF THE ALLAHABAD DIVISION OF THE EAST INDIAN RAILWAY.**

716. \***Dr. Ziauddin Ahmad** : Are the Railway Board contemplating to abolish the Allahabad Division on the East Indian Railway ?

**Mr. P. R. Rau** : The question, whether a reduction is possible in the number of divisions on Railways on which the Divisional System exists, is under consideration in accordance with the recommendations of the Railway Retrenchment Sub-Committee.

**Dr. Ziauddin Ahmad** : May I ask, Sir, which was this Retrenchment Sub-Committee ? Is it the one of which I was a Member ?

**Mr. P. R. Rau** : Yes, Sir.

**Dr. Ziauddin Ahmad** : Is it not a fact that we discussed the question whether all these divisions should be abolished and probably the recommendation was to the effect that the fact that all the divisions should be

abolished, should be considered. I think the recommendation was that either the agencies should be abolished or the divisions should be abolished. To have agencies as well as divisions, as at present, is an expensive luxury.

**Mr. P. R. Rau :** My recollection is that the recommendations of the Sub-Committee are different.

#### RECRUITMENT OF STAFF OF INFERIOR CALIBRE FOR CLERICAL SERVICES IN THE POST OFFICES.

717. **\*Mr. B. Rajaram Pandian :** (a) Will Government be pleased to state whether it is a fact that graduates and undergraduates were not recruited as candidates for clerical service in the Post Office during the year 1931, as per Government order, while those who passed barely the S.S.L.C. examination were recruited ?

(b) If so, are Government prepared to advise the Director General of Posts and Telegraphs to restore such graduates and undergraduates as were adversely affected by the above order to the position in the gradation or waiting list, which they would have held but for that restriction ? If not, why not ?

(c) Are Government prepared to advise the Director General to issue instructions to all the Postmasters General that such candidates should be exempted from the age limit of 25 years for at least one year, i.e., the period during which the above order was in force ?

**The Honourable Sir Frank Noyce :** (a) Yes, for about seven months in the year 1931, under the Director-General's orders.

(b) No, the action suggested would be impracticable.

(c) No.

#### RECRUITMENT OF SONS AND NEAR RELATIVES OF POSTAL EMPLOYEES IN THE POST OFFICES.

718. **\*Mr. B. Rajaram Pandian :** (a) Will Government be pleased to state if they are aware that well qualified sons and near relatives of Postal employees in the clerical cadre on the verge of retirement do not get employment in the Department owing to various restrictions and the personal inclinations of appointing officers, while outsiders of inferior qualifications are more easily taken ? If so, for what reason ?

(b) Do Government propose to advise the Director General to relax the restrictions against the recruitment of such candidates and to issue instructions to appointing officers to see that every reasonable facility is afforded for the entertainment of sons and near relatives of employees in preference to outsiders ?

**Mr. T. Ryan :** (a) The reply to the first part is in the negative. The last part does not arise.

(b) There are no restrictions against the recruitment of such candidates. On the contrary, the Director-General has recently issued instructions which, in certain cases, give preferential treatment to their claims.



**RECRUITMENT OF SONS AND NEAR RELATIVES OF POSTAL EMPLOYEES IN THE POST OFFICES.**

719. \***Mr. B. Rajaram Pandian** : (a) Will Government be pleased to state if it is a fact that candidates have recently been removed from the waiting list of appointing officers in Post Offices owing to the fact that they have completed 25 years of age ?

(b) If so, are Government prepared to consider the advisability of instructing the Director General to keep such candidates in the waiting list up to the maximum limit permissible over and above 25 years of age, at least in the case of sons and near relatives of Postal employees ?

**Mr. T. Ryan** : (a) If the Honourable Member refers to approved candidates for appointment to the clerical cadre, Government understand that the fact is substantially as stated.

(b) I have recently instructed Heads of Circles to exercise a liberal discretion in the matter of waiving the age restriction in respect of such candidates.

**INTERCEPTION OF A PASSAGE FROM PANDIT MADAN MOHAN MALAVIYA'S MESSAGE.**

720. \***Mr. Gaya Prasad Singh** : Will Government kindly state whether the following passage from Pandit Madan Mohan Malaviya's message, dated the 28th February, 1932, was intercepted or not despatched ? If so, will Government please state the reasons for doing so ?

“ Reply Hoare circulated House Commons 15th instant on political situation India which indicated improvement from Government point of view several respects incorrect and misleading.

Hoare admitted boycott now chief activity Congress. This been so since commencement civil disobedience movement this time and it has shown no sign slackening contrary been deepening penetrating interior all parts country. In towns generally large number merchants not placing orders foreign cloth British goods. In number places they separated sealed up such goods in stock at others this work proceeding with help peaceful picketing quiet house to house persuasion as things going on may safely assumed unless great change public sentiment such as brought about by Irwin-Gandhi Pact, despite all Ordinances measures repression, sale British cloth other goods will continue running downward course—women playing most important part this phase movement.” ?

**Mr. T. Ryan** : With your permission, Sir, I propose to reply to questions Nos. 720 to 727 together.

The foreign message, extracts from which appear in these questions, was not transmitted for the reasons explained in my reply to question No. 922 asked on the 24th March, 1932, by the Honourable Member during the last Session of the Assembly.

**Mr. B. Das** : Is it not a fact that at the time the Government of India were writing Despatches to the Secretary of State to the effect that all was quiet on the Indian Front and that the Civil Disobedience Movement and the Congress movement had subsided, Pandit Malaviya despatched a telegram which, however, was not allowed to be sent, and is it not a fact that if that telegram had reached England, it would have revealed a different picture and that was the reason why that telegram was intercepted ?

**The Honourable Mr. H. G. Haig :** If the suggestion is that the telegram was withheld at the instance of the Home Department, I must assure my Honourable friend that the Home Department knew nothing about it.

**Mr. B. Das :** I meant, at the instance of the Government of India.

**Mr. T. Ryan :** The reason why the message was not transmitted was that it was not sufficiently paid for.

**Mr. S. C. Mitra :** Are not some of these Press messages sent to the Home Department for censorship as well as to the Postal Department for the same purpose ?

**Mr. T. Ryan :** The sole reason why this message was withheld was that it was not adequately paid for ; no other objection was taken to it and no question of censorship was involved.

**Mr. B. R. Puri :** Was the sender informed that it was inadequately paid for ?

**Mr. T. Ryan :** Yes, Sir. He declined to pay the full amount due and he also accepted a refund of the quite inadequate sum he had paid for it.

**Mr. Gaya Prasad Singh :** Did the Telegraph Master accept the telegram in the first instance, and then refer the question of its despatch to some other authority, and then, as a result of that consultation, withheld the telegram ?

**Mr. T. Ryan :** No, Sir. I have already explained the case in reply to a previous question on this subject. The telegram was first accepted by mistake. Very shortly afterwards, it was found, without enquiry from any other authority, that the Pandit was not an accredited correspondent of the foreign newspapers to which the telegram was addressed. The Pandit was thereupon asked, or his representative was asked, to pay the amount which would have been due for sending the message as a private one. He declined to do so and the message was, for that reason, stopped. For the Honourable Member's further satisfaction, I may state that we had actually made special arrangements to ensure rapid transmission of that message to Bombay and its transmission had just begun when this mistake of inadequate payment was found out. The withholding of the message had nothing to do with censorship. The mistake was discovered while the message was being despatched.

**Mr. Gaya Prasad Singh :** Do I understand that the message was duly accepted, that money was also accepted, and a receipt was given to the sender of the telegram ?

**Mr. T. Ryan :** I have no precise information as to whether a receipt was given. I presume so : the money was accepted by mistake and that mistake was subsequently rectified by refunding the money which was accepted by the sender.

**Sirdar Harbans Singh Brar :** Why should not the Government suffer for the mistakes of its subordinates rather than the public ?

**Mr. T. Ryan :** I do not understand how the public did suffer. The tax-payer would have suffered if that message had been transmitted, because we would have had to pay a large sum of money to the Cable Company against which we had practically no receipt.

**Sirdar Harbans Singh Brar**: You should have debited the amount to the salary of the clerk who first accepted the telegram ; when you give promotion for good work, you should punish for bad work also.

**INTERCEPTION OF A PASSAGE FROM PANDIT MADAN MOHAN MALAVIYA'S MESSAGE.**

†721. \***Mr. Gaya Prasad Singh** : Will Government kindly state whether the following passage from Pandit Madan Mohan Malaviya's message, dated the 28th February, 1932, was intercepted or not despatched ? If so, will Government please state the reasons for doing so ?

“ Other directions also movement going stronger spirit resistance unjust oppressive orders stiffening extending. Repression only fanning fire and though owing concerted police military action demonstrative side movement is this time much less in evidence actual strength far greater than before. Unauthorised manufacture salt revived places where police resisted. Magisterial and police orders being violated all over India. Meetings processions being attempted despite magisterial ban lathi charges and even firing. Government agencies been most active. According reports daily press published under Ordinance régime total number arrests all over India to date 46,531 which in nature circumstances cannot include large number arrests in far-off villages in interior. Congress estimates total arrests to date over sixty thousand. Hoare admitted generally there have been very few instances violence. Yet firing on crowds which been almost always peaceful has been resorted to more frequently during last thirty days than before. Lathi charges have continued several places given up at others as Government evidently begun realise these failed crush spirit people. But both lathi charges imprisonment have been substituted large measure by mean petty repression with a view torture humiliate, and by brutal action to demoralise people. Some instances given below.” †

**INTERCEPTION OF A PASSAGE FROM PANDIT MADAN MOHAN MALAVIYA'S MESSAGE.**

†722. \***Mr. Gaya Prasad Singh** : Will Government kindly state whether the following passage from Pandit Madan Mohan Malaviya's message, dated the 28th February, 1932, was intercepted or not despatched ? If so, will Government please state the reasons for doing so ?

“ In two places Gujarat villagers not allowed carry water to wash after attending calls nature which is life-long practice. Police tore off clothes left people naked. In Bombay Cawnpore on mere suspicion that they sympathised with Congress respectable merchants served with humiliating orders remain inside or go out certain limits on refusal comply been sentenced long terms imprisonment fines treated jails as ordinary felons. In Bihar volunteers stripped one man's moustaches pulled out. National flags removed several municipal buildings. Father sentenced six months' rigorous imprisonment for refusing payment son's fine. Public spirited institutions not connected Congress declared illegal. Arrests on suspicion going on. Shopkeepers, hotel-keepers arrested warned against providing Congresswallas food shelter.” †

**INTERCEPTION OF A PASSAGE FROM PANDIT MADAN MOHAN MALAVIYA'S MESSAGE.**

†723. \***Mr. Gaya Prasad Singh** : Will Government kindly state whether the following passage from Pandit Madan Mohan Malaviya's message, dated the 28th February, 1932, was intercepted or not despatched ? If so, will Government please state the reasons for doing so ?

“ In Calicut lady sentenced imprisonment deprived of Mangalsutram by Magistrate's order which never taken off life-time of husband. In Madras ambulance men caned while offering help to volunteer rendered senseless by police beating. General censorship established all over country complete censorship North-West Frontier public press guggod editors told not publish photographs or names of persons

†For answer to this question, see answer to question No. 720.

connected movement. Khudai Khidmatgars Frontier subjected inhuman tortures. Am informed volunteers Peshawar been subjected such brutal revolting repression that finding it absolutely unbearable, and yet determined keep their vow non-violence under gravest provocation many left Peshawar to carry on work elsewhere. This can hardly be called improvement situation. These reports and reported large number deaths caused by firing Frontier Province alone discloses situation grave enough to call for independent inquiry." †

#### INTERCEPTION OF A PASSAGE FROM PANDIT MADAN MOHAN MALAVIYA'S MESSAGE.

†724. \*Mr. Gaya Prasad Singh : Will Government kindly state whether the following passage from Pandit Madan Mohan Malaviya's message, dated the 28th February 1932, was intercepted or not despatched ? If so, will Government please state the reasons for doing so ?

" Hoare reported no-rent campaign abandoned United Provinces. If so, why repression not stopped ? In Allahabad district authorities have raided villages with police help practised much oppression. Many places properties worth several hundreds been attached for rent few annas leaving kisans utterly destitute, villagers been mercilessly beaten notwithstanding all this resistance growing stronger. Large numbers left homes lying under trees yet carrying on processions meetings all parts realisation rent small. Properties relations seized by police for fines of volunteers. Ladies taken in lorries several miles dropped out of way uninhabited places." †

#### INTERCEPTION OF A PASSAGE FROM PANDIT MADAN MOHAN MALAVIYA'S MESSAGE.

†725. \*Mr. Gaya Prasad Singh : Will Government kindly state whether the following passage from Pandit Madan Mohan Malaviya's message, dated the 28th February 1932, was intercepted or not despatched ? If so, will Government please state the reasons for doing so ?

" Volunteers beaten half-dead then left on road stripped of all clothes. Two persons tied behind a horse cart mercilessly dragged long distances and whipped on demanding water. Persons beaten even after their becoming senseless. Hospitals closed patients turned out. Educational institutions also declared illegal. Even small boys whipped. Some persons interned their own houses eighty years old lady jailed. Belongings, Swadeshi League Allahabad forcibly seized. Films featuring Gandhi Sardar Patel banned. Many Charkha Sangha Khaddar Bhandars seized. Manager of one arrested for selling flags. 12 years' boy asked furnish security on refusal awarded years imprisonment. President, Trade Union attacked by police in his own house received lathi blows. 60 girls Bethune College rusticated for absenting from College in sympathy fellow-student rusticated for participating Congress hartal. Headmasters of schools Allahabad ordered by District Magistrate spy on their boys who may attend Congress meetings or processions. Notwithstanding all this number students joined movement many more likely join in few weeks when schools colleges close for long vacations." †

#### INTERCEPTION OF A PASSAGE FROM PANDIT MADAN MOHAN MALAVIYA'S MESSAGE.

†726 \*Mr. Gaya Prasad Singh : Will Government kindly state whether the following passage from Pandit Madan Mohan Malaviya's message, dated the 28th February 1932, was intercepted or not despatched ? If so, will Government please state the reasons for doing so ?

" Merchants Cawnpore, Allahabad, Benares, Calcutta ordered by Magistrates not close down shops on Congress hartal days order disregarded hartal even more effective than before. Magistrates helpless in view united action shopkeepers. Reported convicted persons being treated callously inside several jails as ordinary

†For answer to this question, see answer to question No. 720.

felons. Many cases private funds belonging individuals and funds belonging public institutions confiscated or ordered not to be used on mere suspicion they may be used Congress purposes. Impossible convey complete ideas repression. But the very large number of persons arrested and imprisoned and reports in Press show far from having cowed down the people, severe and rigid measures adopted and sufferings inflicted upon people have only stiffened their backs and aroused spirit of resistance among them to join movement in unprecedented numbers country as a whole seething with bitter discontent. Even those who not Congressmen and who so far never concerned themselves with politics are sympathising with movement and helping it where they can trade and business being ruined." †

**INTERCEPTION OF A PASSAGE FROM PANDIT MADAN MOHAN MALAVIYA'S MESSAGE.**

†727. \*Mr. Gaya Prasad Singh : Will Government kindly state whether the following passage from Pandit Madan Mohan Malaviya's message, dated the 28th February 1932, was intercepted or not despatched ? If so, will Government please state the reasons for doing so ?

" Prestige of Government been lowered as never before. Financial bankruptcy overtaking Government. Present policy has now been sufficiently tried proved be utterly ineffective for suppressing determination people win freedom their country. Not only on grounds humanity justice but also lower selfish grounds trade relations Britain and Indian Parliament should insist immediate abandonment present policy and on undoing so far as possible the wrong than been done India in pursuit that policy and on resumption policy conciliation and co-operation on footing of real equality with India's accredited representatives to establish full swaraj at earliest possible date. Please circulate." †

**PROPOSED REMOVAL OF THE RAILWAY CLEARING ACCOUNTS OFFICE FROM DELHI TO LUCKNOW.**

728. \*Mr. N. M. Joshi (on behalf of Mr. S. G. Jog) : (a) Will Government please state whether there is any proposal or suggestion for removing the Railway Clearing Accounts Office from Delhi to Lucknow ?

(b) If there be any such proposal will Government state the reasons for taking this step ?

(c) Is it not a fact that the Railway Clearing Accounts Office has been recently brought to Delhi because it is a central place and the seat of the Government of India ?

Mr. P. B. Rau : (a) There is no such proposal or suggestion under the consideration of Government at present.

(b) Does not arise.

(c) The office was established at Delhi as central from the point of view of most of the railways who were parties to the Clearing House. The fact that Delhi was the seat of the Government of India was not one of the reasons that influenced the decision.

**INDO-BRITISH TRADE AGREEMENT PASSED AT OTTAWA.**

729. \*Mr. S. G. Jog : When do Government propose to place before the Assembly the full text of the Indo-British Trade Agreement passed at Ottawa ?

**The Honourable Sir C. P. Ramaswami Aiyar :** The Government of India expect to be in a position to publish before long the full text of the

†For answer to this question, see answer to question No. 720.

Agreement referred to and they intend to place their proposals in regard to the Agreement before the Legislature early in November next.

#### TRADE AGREEMENTS SIGNED AT OTTAWA.

730. \*Mr. S. G. Jog : Are Government aware of the agreements entered into between different other countries ? If so, do Government propose to place before the Assembly the texts of all such agreements with a view to examining the effects of those agreements on India ?

The Honourable Sir C. P. Ramaswami Aiyar : The full text of the Agreements between His Majesty's Governments in the United Kingdom and in the Dominions are not yet available to the Government of India, but they hope to be in a position to place these in the hands of the Members of the Legislature before the Legislature is asked to approve the Agreement made between His Majesty's Government in the United Kingdom and the Government of India.

#### GOVERNMENT POLICY *re* INDO-BRITISH TRADE AGREEMENT PASSED AT OTTAWA.

731. \*Mr. S. G. Jog : Are Government prepared to make a statement giving the general policy of Government with respect to the Indo-British Trade Agreement ?

The Honourable Sir C. P. Ramaswami Aiyar : With your permission, Sir, I will answer questions Nos. 731 and 732 together. The Government of India are not yet in a position to make a statement.

#### INDO-BRITISH TRADE AGREEMENT PASSED AT OTTAWA.

†732. \*Mr. S. G. Jog : Will Government make a statement as to the procedure Government intend to follow in respect of the Indo-British Trade Agreement ?

#### COMMITTEES FOR EXAMINATION OF THE INDO-BRITISH TRADE AGREEMENT PASSED AT OTTAWA.

733. \*Mr. S. G. Jog : Do Government propose to set up different committees for examining the details of the Indo-British Trade Agreement in regard to the several commodities and interests involved ?

The Honourable Sir C. P. Ramaswami Aiyar : The procedure which will be adopted in placing the Agreement before the Legislature has not yet been decided.

#### REFUSAL TO PAY COMPENSATION UNDER THE WORKMEN'S COMPENSATION ACT FOR LEAD-POISONING TO CERTAIN GOVERNMENT OF INDIA PRESS EMPLOYEES.

734. \*Mr. S. C. Mitra : (a) Is it a fact that the Managers of the Government of India Presses at Calcutta, Delhi, Simla and Aligarh refused to pay compensation under the Workmen's Compensation Act to some of the employees who were attacked with lead-poisoning ?

(b) If the answer to part (a) is in the affirmative, will Government state the reason in each case ?

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†For answer to this question, see answer to question No. 731.

**The Honourable Sir Frank Noyce :** (a) and (b). The Government of India are aware of only two cases in which men belonging to the Government of India Presses had difficulty in obtaining compensation for lead-poisoning. In one of these, there was some delay in granting compensation as the medical authorities expressed themselves unable to form any estimate of the degree of permanent loss of earning capacity caused to the man by the disease. A further medical report containing the required information was, however, called for and has since been obtained and orders sanctioning the payment of compensation have issued. In the second case, the report from the medical authority concerned contained no information that the man was suffering from lead-poisoning. A subsequent examination by a medical board has brought to light the existence of lead-poisoning. This case is under consideration by the Government of India and early orders will be passed.

**DEDUCTION FROM PAY OF PIECE-RATED EMPLOYEES OF THE GOVERNMENT OF INDIA PRESSES.**

735. **\*Mr. S. C. Mitra :** (a) Is it not a fact that in reply to question No. 198 (f), dated 18th March, 1932, the Honourable Sir Joseph Bhore stated that the wages of the daily or piece-rated employees do not come under the definition of "pay" unless classed as such by the Governor General in Council ?

(b) Is it not a fact that the earnings of the piece-rated employees have not been classed as "pay" by the Governor General in Council ?

(c) Is it not a fact that the piece-rated employees of Government Presses are subjected to the emergency cut in pay of ten per cent. like the salaried staff ?

(d) Is it not a fact that the Honourable Sir Joseph Bhore stated on 18th March, 1932, that the question of the emergency cut in pay of ten per cent. of the piece employees of the Government of India Presses is being considered by Government ?

(e) Is it not a fact that no decision has yet been arrived at by Government on the point mentioned in part (d) ?

(f) If so, will Government be pleased to state the reasons for this delay ? When is the decision expected to be arrived at ?

**The Honourable Sir Frank Noyce :** (a), (b), (c) and (d). Yes.

(e) and (f). In a letter dated the 21st June, 1932, the Government of India informed the Controller of Printing and Stationery *inter alia* of their decision that the emergency cut in pay should apply to the total earnings including overtime allowance of the piece-workers of the Government of India Presses.

**MEMORIALS BY PIECE-WORKERS OF THE GOVERNMENT OF INDIA PRESS, CALCUTTA, FOR EXEMPTION FROM THE TEN PER CENT. CUT.**

736. **\*Mr. S. C. Mitra :** Is it not a fact that all the piece-workers of the Government Press at Calcutta submitted individual memorials to the Honourable Member in charge of the Department of Industries and Labour, through the proper channel in March, 1932, praying for exemption

from the provision of ten per cent. cut on their earnings ? If so, will Government be pleased to state what action has been taken in the matter ? If not, why not ?

**The Honourable Sir Frank Noyce :** Individual petitions from a number of piece-workers of the Government of India Press, Calcutta, were received and given careful consideration. Government were, however, unable to accede to the request that they should be exempted from the cut.

**MEMORIALS BY THE TEMPORARY EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, CALCUTTA, FOR MAKING THEIR POSTS PERMANENT.**

737. \***Mr. S. C. Mitra :** (a) Is it not a fact that most of the binders and compositors of the Government Press at Calcutta with long standing services ranging from 15 to 22 years are still on the temporary staff ?

(b) Is it not a fact that these temporary hands are debarred from enjoying the advantages of Government service—such as medical leave, leave on average pay, etc. ?

(c) Is it not a fact that Mr. C. T. Letton, the then Manager, Government Press at Calcutta, informed the temporary hands in his note, dated 23rd July, 1930, that “ the Government are now considering the question of making nearly all the posts in the Press permanent. I am certain that all those who can claim a fair amount of service will have their posts converted to permanent posts before very long ” ?

(d) Is it not a fact that the temporary hands of the Government Press at Calcutta submitted individual memorials to the Honourable Member in charge of the Department through the proper channel in December, 1931, praying for making the posts permanent stating therein their grievances in detail ?

(e) If the answers to parts (a) to (d) are in the affirmative, will Government be pleased to state (i) whether these temporary hands are going to be made permanent before very long, and (ii) what action has been taken on the memorials ? If not, why not ?

**The Honourable Sir Frank Noyce :** (a) Yes.

(b) These temporary men, who are piece-workers, are entitled to 16 days' leave on full pay in a year to cover absences on account of holidays, sickness or leave.

(c) Government understand that Mr. Letton's note was recorded with reference to memorials submitted from employees in the book-binding department.

(d) Yes.

(e) The memorials are still under consideration.

**DELEGATION OF THE EUROPEAN ASSOCIATION TO THE HOME MEMBER OF THE BOMBAY GOVERNMENT.**

738. \***Sardar Sant Singh :** (a) Is it a fact that an address was presented to the Honourable Mr. G. A. Thomas, Home Member to the Government of Bombay at Poona on the 15th October, 1931, by the Europeans ?

(b) Is it a fact that the delegation of the Europeans produced evidence regarding picketing of shops at Sholapur which was specifically aimed at



certain European-managed Indian mills and regarding definite breaches of the Delhi Pact ?

(c) Is it a fact that the delegation requested the Home Member to obtain a definite ruling as to the exact meaning of clause 6 of the Irwin-Gandhi Pact from the Government of India ? If so, was any such enquiry made by the Home Member to the Government of Bombay from the Government of India ? If so, will Government kindly lay on the table the correspondence that took place between the Home Department of Bombay and the Government of India on the subject ?

(d) Is it a fact that in consequence of the representation of the European community some circular was sent by the Government of India to the Provincial Governments on the subject ? If so, will Government kindly lay the same on the table ?

**The Honourable Mr. H. G. Haig :** (a) and (b). Yes.

(c) I would refer the Honourable Member to the reply I gave on the 5th September to parts (a), (c) and (d) of Mr. Gaya Prasad Singh's question No. 19.

(d) No instructions of the nature referred to were issued by the Government of India.

**DELEGATION OF THE EUROPEAN ASSOCIATION TO THE HOME MEMBER OF THE BOMBAY GOVERNMENT.**

739. \***Sardar Sant Singh :** (a) Is it a fact that the Bombay Government conveyed to the Government of India the suggestion of the delegation in October last of the European Association to the Home Member of the Bombay Government to take firm and immediate action in the event of the recrudescence of the civil disobedience movement ?

(b) If the answer to part (a) is in the affirmative, will Government be pleased to state whether it is a fact that certain suggestions for meeting the contingency were embodied therein ?

(c) Is it a fact that when this delegation was making such suggestions to Government, the Round Table Conference was sitting in London with a view to conciliate the school of thought represented by the Congress in order to make them agree to accept the policy of His Majesty's Government in the matter of the amendment of the future Government of India Act ?

(d) Is it a fact that amongst the suggestions it was represented that the breaking out of the civil disobedience movement should be " regarded as a direct challenge to the Government and that prompt and decisive measures must be taken to suppress the Congress " and that " if the revolutionary movement (civil disobedience movement) again gets under way, their action must be prompt, vigorous and even ruthless. Congress must not be given time for the full mobilisation of its undoubtedly powerful forces " ?

**The Honourable Mr. H. G. Haig :** (a), (b) and (d). I would refer the Honourable Member to the reply I gave on the 5th September to parts (a), (c) and (d) of Mr. Gaya Prasad Singh's question No. 19.

(c) It is true that when this representation was made to the Bombay Government, the Round Table Conference was sitting in London. But certain events were also happening in India.

**Mr. Gaya Prasad Singh :** Are Government prepared to place a copy of the letter of the European Association, Bombay, on the table of the House or at least in the Library of the Assembly ? If not, why not ?

**The Honourable Mr. H. G. Haig :** The answer to that is very simple. The letter was a confidential one.

**Mr. Gaya Prasad Singh :** May I know, if any reply was sent to that letter by the Government of India ?

**The Honourable Mr. H. G. Haig :** No, Sir.

**Mr. Gaya Prasad Singh :** Was that very complimentary to the European Association, Bombay, that even the courtesy of a reply was not vouchsafed to them ?

**The Honourable Mr. H. G. Haig :** The letter was not addressed to the Government of India. It was addressed to the Government of Bombay who forwarded certain extracts from it for the information of the Government of India.

**Mr. Gaya Prasad Singh :** May I know, if any reply was sent to the Government of Bombay in connection with the letter of the European Association, Bombay ?

**The Honourable Mr. H. G. Haig :** I think, Sir, that should be addressed to the Government of Bombay.

**Mr. Gaya Prasad Singh :** My question was whether any reply was sent by the Government of India to the Government of Bombay ?

**The Honourable Mr. H. G. Haig :** The Government of India sent no reply to the Government of Bombay.

**Sardar Sant Singh :** May I know, if in that representation the European Association, Bombay, threatened to take the law in their own hands if the Government of India did not move in the matter ?

**The Honourable Mr. H. G. Haig :** I did not hear the Honourable Member's question.

**Sardar Sant Singh :** May I know, if the European Association held out a threat to the effect that if the Government of India did not move in the matter, they would themselves take the law in their own hands and picket the Congress and other places ?

**The Honourable Mr. H. G. Haig :** I am not aware of any such threats. As I have explained, the Government of Bombay merely sent certain extracts from the letter to the Government of India.

**Mr. Gaya Prasad Singh :** Will the Honourable Member have the whole letter brought to his notice to see whether or not this threat is contained therein ?

**The Honourable Mr. H. G. Haig :** The whole letter was not brought to my attention.

#### TOTAL NUMBER OF PASSENGERS OF DIFFERENT CLASSES ON THE PATNA-GAYA BRANCH OF THE EAST INDIAN RAILWAY.

740. \*Dr. Ziauddin Ahmad (on behalf of Mr. M. Maswood Ahmad) : Will Government please give in the form of the following schedule the

total number of first, second, intermediate and third class passengers, up and down, separately, who booked from and arrived at each of the stations by different trains on the Patna-Gaya Branch of the East Indian Railway for the period from April 1931 to March 1932, month by month ?

SCHEDULE.

*Patna-Gaya Branch, East Indian Railway.*

Name of Station.	1 up.				2 down.				3 up.				4 down.				5 up.				6 down.				7 up.				8 down.							
	1st.	2nd.	Inter.	3rd.	1st.	2nd.	Inter.	3rd.	1st.	2nd.	Inter.	3rd.	1st.	2nd.	Inter.	3rd.	1st.	2nd.	Inter.	3rd.	1st.	2nd.	Inter.	3rd.	1st.	2nd.	Inter.	3rd.	1st.	2nd.	Inter.	3rd.				

**Mr. P. R. Rau :** Government regret, they are unable to supply the information asked for. It is not readily available and will take too much time and labour to collect.

ACCEPTANCE OF COAL OF KHAS KENDA COLLIERIES.

741. **\*Dr. Ziauddin Ahmad** (on behalf of Mr. A. H. Ghuznavi) : (a) Will Government please refer to the Chief Inspector of Mines and state who is the recorded managing agent of the Khas Kenda Collieries, Limited, whose offer for 12,000 tons at Rs. 3-8-0 per ton was accepted in preference to offers for Kenda Coal at Rs. 3-2-0 per ton ?

(b) Is this Khas Kenda coal graded ?

(c) Was it ever purchased by Mr. Whitworth's predecessor ? Since when has it been purchased ?

(d) How does Khas Kenda differ from Balmer Lawrie & Co.'s Kenda ?

**Mr. P. R. Rau :** (a) I am informed by the Chief Inspector of Mines that this colliery has no Managing Agents.

(b) No.

(c) The information is not available.

(d) I understand it is a better quality.

ACCEPTANCE OF COAL OF MESSRS. SHAW WALLACE AND COMPANY.

†742. **\*Dr. Ziauddin Ahmad** (on behalf of Mr. A. H. Ghuznavi) : Will Government state the reasons why 18,000 tons of Messrs. Shaw Wallace & Co.'s Central Dhurmaband Coal 17 and 18 seams, offered at Rs. 4-8-0 per ton was accepted in preference to D. N. Barat's coal of the same seam from contiguous mines, offered at Rs. 4-4-0 per ton ? Is it a fact that the latter was being previously taken for Railways, and Tata's offer for Jamodoba coal (17 and 18 seam) offered at Rs. 3-6-0 was not accepted in full but was accepted in half ?

†For answer to this question, see answer to question No. 600.

**NON-ACCEPTANCE OF SEAM COAL OFFERED BY MESSRS. K. B. SEAL AND SONS.**

†743. \*Dr. Ziauddin Ahmad (on behalf of Mr. A. H. Ghuznavi) :

(a) Will Government state the reasons why K. B. Seal and Sons pure No. 17 seam coal offered at Rs. 3-8-0 per ton was not accepted while 17 and 18 seams coal offered at Rs. 4-4-0 and Rs. 4-8-0 by a certain section of colliery owners was accepted ?

(b) Is not 18 seams coal shaley and inferior in quality to pure 17 seam coal ?

(c) How will the Assistant Coal Superintendent determine the proportion in which 17 and 18 seam coals are mixed up ?

Mr. P. R. Rau : (a) I replied to this in connection with question No. 600 yesterday.

(b) Not always.

(c) By inspection as often as necessary.

**NON-ACCEPTANCE OF LADHA SINGH'S SATHGRAM COAL.**

†744. \*Dr. Ziauddin Ahmad (on behalf of Mr. A. H. Ghuznavi) : Will Government state the reason why Ladha Singh's Sathgram coal offered at Rs. 3-4-0 per ton was not accepted while Mr. L. T. Greets Khas Sathgram coal of the contiguous property with only the Grand Trunk Road separating the two mines was accepted at Rs. 3-8-0 per ton ?

**ACCEPTANCE OF COAL OF MESSRS. SHAW WALLACE AND COMPANY.**

745. \*Dr. Ziauddin Ahmad (on behalf of Mr. A. H. Ghuznavi) : (a) Will Government state the reasons why the offer of Messrs. Shaw Wallace and Company for 20,000 tons of Patmohona (Bharat Chuck) coal was accepted at Rs. 4-6-0 per ton in preference to Mr. B. N. Sanyal's offer for the same coal at Rs. 4 per ton ?

(b) Are Government aware that Mr. B. N. Sanyal is on the opposition bench in the Indian Mining Federation ?

Mr. P. R. Rau : (a) I replied to this in connection with question No. 600 yesterday.

(b) I am not aware what exactly is meant by the opposition.

**ACCEPTANCE OF COAL OF CERTAIN COLLIERY CONCERNS.**

746. \*Dr. Ziauddin Ahmad (on behalf of Mr. A. H. Ghuznavi) : (a) Will Government state the reason for accepting a mixture of 10, 11 and 12 Seam coals from Kusunda-Nyadi Collieries, Limited, at Rs. 2-12-0 in preference to offers from Linton's Suratant Coal, purely 12 Seam at Rs. 2-12-0 and 13 Seam at Rs. 2-8-0 and the Collector of 24-Perganas offer for S. B. Raha and Sons Godhar Colliery (now under the Court of Wards) purely 12 Seam coal at Rs. 2-10-0 per ton ? Will Government state why the mixture of 11 and 12 Seam Coals of Messrs. Khas Jheria Colliery Company, was accepted at Rs. 2-10-0 in preference to the Collector of 24-Perganas offer for S. B. Raha and Sons Godhar Coal of No. 11 Seam at Rs. 2-8-0 and of purely 12 Seam at Rs. 2-10-0 ?

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†For answer to this question, see answer to question No. 600.

(b) Is not purely 12 or 13 Seam coal superior to a mixture of 11 and 12 Seam coals ?

**Mr. P. B. Rau :** (a) I replied to this in connection with question No. 600 yesterday.

(b) It may be, but not always.

ACCEPTANCE OF COAL OF CERTAIN COLLIERY CONCERNS.

†747. **\*Dr. Ziauddin Ahmad** (on behalf of Mr. A. H. Ghuznavi) : Will Government state the reasons why a mixture of 12 and 13 Seam coals of Sethia's at Rs. 3-12-0, that of 12, 13 and 15 Seam of Kirkend Colliery Company (or of B. K. Roy) and that of Motiram Rathanlal and Company's 12 and 13 Seams at Rs. 3-10-0 were accepted in preference to the Central Bank of India's offer for Sircar's Kirkend Coal No. 13 Seam at Rs. 3-8-0 per ton and for the last 25 years in State Railways ?

ACCEPTANCE OF KASTA SEAM COAL.

†748. **\*Dr. Ziauddin Ahmad** (on behalf of Mr. A. H. Ghuznavi) : Is it a fact that 24,000 tons of Poriarpur Kasta Seam coal was accepted at Rs. 4 while similar coal of the same seam which had been offered at Rs. 3-4-0 was not accepted ?

ALLEGED MONOPOLY FOR THE SUPPLY OF COAL FOR THE BURMA RAILWAYS.

749. **\*Dr. Ziauddin Ahmad** (on behalf of Mr. A. H. Ghuznavi) : (a) Is it a fact that one firm has virtually secured the monopoly of the supply of coal for the Burma Railway ?

(b) Will Government state the reasons why other firms are denied any share in this supply ?

(c) Is it a fact that the coal purchased by Mr. Whitworth for the Burma Railway had 'bought coal' mixed up with it in contravention of the terms of the contract ?

(d) If so, how much 'bought coal' was shipped and how much of it was of inferior quality to what was contracted for ?

(e) Is it a fact that the freight engaged for Burma Railway coal was paid at Rs. 4-8-0, and are Government aware that it could have been secured at Rs. 3-8-0 ? Why was not tender called for C. I. F., so that the shipper could have arranged his freight at the lowest rate ?

**Mr. P. B. Rau :** (a) and (b). I understand the present suppliers' quotation was the lowest for the quality of coal required by the Burma Railways.

(c) and (d). No bought coal has been purchased or shipped.

(e) Tenders were invited for sea-freight for the carriage of coal for the Burma Railways and the only tender received was at Rs. 4-8-0 which was accepted.

Tenders were called for both *c. i. f.* Rangoon and *f. o. b.* Kidderpore Docks.

†For answer to this question, see answer to question No. 600.

## ACCEPTANCE OF KAJORA COAL.

†750. \*Dr. Ziauddin Ahmad (on behalf of Mr. A. H. Ghuznavi) : Is it a fact that Darbhanga's Kajora (Villiers) offered to supply 36,000 tons of coal at Rs. 3-2-0 a ton and Madhujore (Kajora Seam) offered 36,000 tons at Rs. 3-6-0 but they received order only for 15,000 tons each, while Messrs. A. C. Banerjee & Co.'s Kajora coal (12,000 tons) was accepted at Rs. 3-10-0, Mr. K. C. Pal Chowdhury (Kajora) was favoured with an order for 15,000 tons at Rs. 3-10-0 and Mr. Roy Dutt was given orders for 18,000 tons at Rs. 3-10-0 ?

## ACCEPTANCE OF COAL OF KATRAS COLLIERY.

†751. \*Dr. Ziauddin Ahmad (on behalf of Mr. A. H. Ghuznavi) : Is it a fact that 12,000 tons of Burrakur Coal Co.'s Katras Colliery's coal (11, 12, 13, 14 and 15 Seam) was taken at Rs. 4-3-0, of which only 11 Seam is of Selected Grade—the others being in Grade I ? What was the proportion of each seam in these 12,000 tons ? Is it a fact that quite a number of collieries had offered Grade I coal at Rs. 2-8-0 to Rs. 2-10-0, and if so, why were 12, 13, 14 and 15 Seams coals accepted at Rs. 4-3-0 ?

## ACCEPTANCE OF KENDUADI COAL.

†752. \*Dr. Ziauddin Ahmad (on behalf of Mr. A. H. Ghuznavi) : Is it a fact that 15,000 tons of Messrs. East India Coal Co.'s Kenduadi coal (13 Seam, Grade II) was accepted at Rs. 3-4-0 while many offers for Grade II coal were received at Rs. 2 a ton but were not accepted ?

## ACCEPTANCE OF BASUDEBPUR COAL.

†753. \*Dr. Ziauddin Ahmad (on behalf of Mr. A. H. Ghuznavi) : Is it a fact that 20,000 tons of the Basudebpur Coal Co.'s Basudebpur coal (12, 13 and 14 Seam, Grade I) was accepted at Rs. 4, and are Government aware that coal of Grade I was available at Rs. 2-8-0 a ton ?

## SIGNIFICANCE OF THE DIFFERENT GRADES OF COAL.

754. \*Dr. Ziauddin Ahmad (on behalf of Mr. A. H. Ghuznavi) : (a) Does superiority in Grade signify higher value and inferiority in Grade lower value ? And is Selected Grade superior to Grade I and Grade I superior to Grade II ?

(b) If so, will Government please state whether in many instances a higher rate has been paid for Grade I than that paid for the Selected Grade and higher rate paid for Grade II than that paid for Grade I ? If so, will Government please state the reasons ?

Mr. P. R. Rau : (a) Yes, so far as the Coal Grading Board's classification is concerned.

(b) The reason for Railways not purchasing coal on Coal Grading Board classification has been already explained in detail by the Honourable the Railway Member in reply to Mr. Das's question No. 134 on the 8th September.

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†For answer to this question, see answer to question No. 600.

**PURCHASE OF THE CENTRAL PROVINCES AND REWA-FIELD COAL.**

755. \***Dr. Ziauddin Ahmad** (on behalf of Mr. A. H. Ghuznavi) :  
 (a) Will Government state the reason why about 3,50,000 tons of coal were purchased from C. P. and Rewa-field at an average rate of Rs. 4-12-0 ? Are Government aware that similar or even better quality of coal was available in the Jharia-field at Rs. 2-8-0 per ton with a little extra cost in freight not exceeding five annas per ton if they utilised the idle wagons ?

(b) Could not a saving of several lakhs be effected if this coal was purchased from the Jharia-field ?

**Mr. P. R. Rau** : (a) For the Great Indian Peninsula and Bombay, Baroda and Central India Railways, the proximity of the collieries in the Central Provinces and Rewa State gives considerable advantages over coal from the Jharia coalfields.

(b) Not at all.

**RESULTS OF THE PARTICIPATION OF INDIAN DELEGATES IN THE OTTAWA CONFERENCE.**

756. \***Dr. Ziauddin Ahmad** (on behalf of Lala Hari Raj Swarup) :  
 (a) Will Government be pleased to make a detailed statement on the results of the participation of Indian delegates in the Empire Economic Conference at Ottawa ?

(b) When do Government propose to place the conclusions of the Ottawa Conference before this House ?

**The Honourable Sir C. P. Ramaswami Aiyar** : (a) The attention of the Honourable Member is invited to the Press Communiqué issued by the Government of India in the Department of Commerce on the 20th August, 1932, which summarises the results achieved at the Imperial Economic Conference, Ottawa, in so far as the question of Trade Agreements between India and the other parts of the Empire is concerned. Copies of this Communiqué are in the Library. The Government of India are not yet in a position to make any statement with regard to the other items on the agenda for the Conference.

(b) I presume the Honourable Member has in mind the Trade Agreement between India and the United Kingdom. The Government of India intend to place this Agreement before the Legislature for approval early in November next.

**CONTRACT GIVEN TO MR. A. L. OJHA FOR SUDI DISHERGARH COAL FOR THE ROYAL INDIAN MARINE.**

757. \***Dr. Ziauddin Ahmad** (on behalf of Mr. A. H. Ghuznavi) :  
 (a) Will Government be pleased to state if a contract for 18,000 tons of Sudi Dishergarh coal for the Royal Indian Marine was given to Mr. A. L. Ojha, who is neither the proprietor nor the managing agent of the colliery ?

(b) If so, will Government state what entitled Mr. Ojha to this favour ?

(c) Is it not a fact that in place of Sudi Dishergarh coal some percentage of an inferior coal from some other colliery or collieries is being supplied, though the contract enjoins—"Only coal actually raised by the contracting firm may be supplied—no 'bought' coal is allowed" ?

(d) Are Government prepared to make an inquiry with reference to railway receipts as to what other and inferior coal was supplied from other collieries at the high price of Dishergarh ?

(e) Will Government be pleased to state whether the Chief Engineer has any authority to go against the terms of the contract as given in the Government contract form ?

**Mr. P. R. Rau :** (α) and (b). The contract was given to Messrs. Anritlal Ojha and Company, who are acting as the selling agents of the colliery, their tender being the lowest suitable.

(c) No.

(d) No. Government have no reason to believe that inferior coal is supplied as stated.

(e) So far as I am aware, the Chief Mining Engineer has no authority to go against any terms of contract fixed by Government.

#### FREIGHT PAID FOR COAL FOR THE BURMA RAILWAYS.

758. \***Dr. Ziauddin Ahmad** (on behalf of Mr. A. H. Ghuznavi) : (a) Is it a fact that the steamer freight of 140,000 tons of coal for the Burma Railways which was fixed at Rs. 4-8-0 per ton by the Chief Mining Engineer was actually arranged for as follows ?—

	Rs. A. P.
Shipment in February 1932 (S.S. Clune Park)	3 6 0
Shipment in March 1932 (S.S. Shinshi Maru)	3 8 0
Shipment in June 1932 (S.S. Temple Moat) . .	.. 3 8 0
Shipment in August 1932 (S.S. Soiun Maru)	.. 3 2 0

(b) If so, will Government state whether the payment was made at Rs. 4-8-0 per ton or at the rates the work was actually done ? And if the former, who is responsible for this huge loss ?

**Mr. P. R. Rau :** (α) No. I understand that these steamers were not loaded for the Burma Railways, but by Messrs. Bhalgora Coal Company, Limited, for public shipment to Rangoon.

(b) Does not arise. I have already said that the rate of Rs. 4-8-0 was the only tender for sea-freight received in response to a public call for tenders published in the *Statesman*, *Amrita Bazar Patrika*, *Calcutta Evening News*, *Times of India*, *Bombay Chronicle*, *Capital*, *Commerce*, and the *Calcutta Commercial Gazette*.

#### PURCHASE OF COAL FROM CHASUALA COAL COMPANY.

†759. \***Dr. Ziauddin Ahmad** (on behalf of Mr. A. H. Ghuznavi) : Is it a fact that the Chief Mining Engineer, Railway Board, purchased 36,000 tons of coal (13 and 14 seams selected grade) from the Chasuala

†For answer to this question, see answer to question No. 600.



Coal Company at Rs. 4-6-0 per ton rejecting offers for similar coal at Rs. 3-2-0 per ton ?

**FAILURE OF CERTAIN COLLIERIES TO SUPPLY COAL CONTRACTED FOR.**

760. \***Dr. Ziauddin Ahmad** (on behalf of Mr. A. H. Ghuznavi) :  
(a) Will Government be pleased to state if instances have occurred during Mr. Whitworth's incumbency that collieries have failed to supply the coals contracted for, but that the said coals were purchased again by Mr. Whitworth subsequent to the contracted period ?

(b) If so, will Government please lay on the table the names of those defaulting collieries, the dates of the first purchase and the dates of the subsequent purchase ?

**Mr. P. B. Rau** : (a) Government have been unable to trace any such instance during recent years.

(b) Does not arise.

**RE-PURCHASE OF COAL ONCE REFUSED BY THE RAILWAYS.**

761. \***Dr. Ziauddin Ahmad** (on behalf of Mr. A. H. Ghuznavi) :  
(a) Will Government be pleased to state if instances have occurred during Mr. Whitworth's incumbency that coals were purchased by Mr. Whitworth but the Railways refused to take them, and the same coals were again purchased by him for Railways ?

(b) If so, will Government lay on the table the names of those collieries whose contracted coals were not accepted by the Railways, when they were refused and the dates of the subsequent purchase of these coals and the names of the Railways for which they were subsequently purchased ?

**Mr. P. B. Rau** : (a) Government have been unable to trace any such cases in recent years.

(b) Does not arise.

**"INSURANCE CAMPAIGN" BY THE POSTS AND TELEGRAPHS DEPARTMENT.**

762. \***Mr. P. G. Reddi** : (a) Will Government be pleased to state if it is a fact that under the orders of the Director-General of Posts and Telegraphs an "insurance campaign" was started with instructions to all supervising officers of the Department to get all subordinates to insure their lives in the Postal Insurance Fund ?

(b) What was the total number of policies in force prior to the commencement of this "campaign" and what is the total now for the year ending 1931-32 ?

(c) Did the Department pay any commission or bonus to those that secured proposals for life insurance and, if not, is the question under consideration by Government ?

(d) Is it a fact that canvassing for life insurance proposals on the part of the supervising officers is not a regular part of their duty and, if so, will Government please state why such orders should have been issued by the Director-General of Posts and Telegraphs ?

(e) Are Government aware that this action of Government would interfere with the business of private insurance companies ?

(f) Have any protests been received against the action of Government and was any action taken thereon ? Are Government prepared now to issue orders stopping this practice ?

**The Honourable Sir Frank Noyce :** (a) The Honourable Member presumably refers to Circulars and instructions which have been issued from time to time since 1926 by successive Directors-General of Posts and Telegraphs impressing on all their subordinates the necessity for life insurance as a means of making provision against old age or premature death and asking all supervising officers to induce members of the subordinate staff of the Department to insure their lives. In all the communications it was made perfectly clear that the main point was *to insure*, no matter whether it was in the Postal Life Insurance Fund or with private companies.

(b) The information asked for is not available.

(c) No. Government are not concerned with the question of payment of commission or bonus for securing proposals for insurance with a private company. No commission or bonus is paid by Government for securing proposals for insurance in the Postal Insurance Fund, which is intended for Government and quasi-Government servants, and Government are not considering the question of making any such payments.

(d) It is an obvious duty of supervising officers to promote the welfare of their subordinates, and this being so there was nothing in the least objectionable in the instructions issued to them by the Director-General to impress on their subordinates the need for insuring their lives as a means of making provision for their families and against old age. This is not 'canvassing' in the normal sense of the word.

(e) The reply is in the negative : the staff are free to insure either in the Postal Insurance Fund or with any private Insurance Company as they like.

(f) The reply to the first part is in the negative. As regards the second part, Government do not propose to stop the practice.

I would add that the efforts of the Director-General and his staff in this matter are prompted entirely by consideration for the interests of the staff and their dependents, and are not made in the interests of the Post Office or any other insurance business. Their desirability has been suggested by the number of pitiable cases of distress which come to notice from time to time and which it is unfortunately impossible to relieve adequately from the amount provided in the Posts and Telegraphs Compassionate Fund.

#### OFFICE-BEARERS FOR THE POSTS AND TELEGRAPHS UNIONS.

763. \*Mr. P. G. Reddi : (a) Will Government be pleased to state whether they authorised the Director General of Posts and Telegraphs to issue orders to the staff that in future they should elect either serving or retired officers only as office-bearers of their unions and not outsiders unconnected with the department ? If so, why ? Are Government aware

that officers are refusing to accept the positions offered to them and give no reason for such refusal ?

(b) Are Government aware that the Nellore Divisional Superintendent declined to accept the presidentship of the Nellore Union ?

(c) Do Government propose to consider the desirability of revising their orders allowing complete freedom to the unions to elect whomsoever they like ?

**The Honourable Sir Frank Noyce :** (a) No. The actual position is explained in the Director General's special General Circular No. 49, dated the 24th March, 1932, a copy of which is placed on the table. As regards the last part of this question, Government have no information.

(b) Government have no information.

(c) Does not arise in view of reply to part (a) above.

**INDIAN POSTS AND TELEGRAPHS DEPARTMENT.**

*Director-General's Special General Circular No. 49.*

THURSDAY, 24TH MARCH, 1932.

*Restoration of official recognition of the All-India (including Burma) Postal and R. M. S. Union and its branches.*

With reference to my Special General Circular No. 37, dated 28th December, 1931, and No. 40, dated 11th January, 1932, the subjoined letter is circulated for the information of all the officers and staff of the Posts and Telegraphs Department. [625-Est. B.]31.]

T. RYAN,

*Offg. Director-General of Posts and Telegraphs.*

LETTER No. 625-EST., B.]31, DATED THE 24TH MARCH, 1932, FROM THE DIRECTOR-GENERAL OF POSTS AND TELEGRAPHS, TO THE GENERAL SECRETARY, ALL-INDIA (INCLUDING BURMA) POSTAL AND R. M. S. UNION, DELHI.

Referring to your letter No. A. I. 13/2, dated the 14th March, 1932, addressed to the Hon'ble Member-in-Charge of the Department of Industries and Labour, on the subject of official recognition of the All-India (including Burma) Postal and R. M. S. Union, I have the honour to inform you that in view of the contents of that letter, and relying on the assurances contained in it, the Government of India have agreed to official recognition of the Union and of its branches being restored forthwith.

2. A reference is made, in your letter under reply to the possibility that the condition, prescribed in my earlier correspondence on the subject, regarding the elimination of non-official office bearers from their position in the Union, might be applied with some elasticity and that Government might not insist upon its rigid enforcement. From what has been stated above it will be seen that you have rightly understood the attitude of Government in this matter. They do not desire to insist upon a complete and unqualified observance of the requirement that no non-officials shall be employed as office bearers of the Union so long as they can feel satisfied with the general conduct of the Union, and in particular so long as they are satisfied as to the character of the influence exerted by non-officials. In the interests of the staff and of the Union itself I desire, however, formally to draw your attention to this matter and to remind you that the harmonious relations now being re-established will inevitably be seriously impaired if unfortunately occasion should again arise for exception to be taken to the conduct of the affairs of the Union under the influence of non-official persons or if those indulge in any form of misleading or inflammatory addresses or other objectionable activities of the type to which exception has already been taken in my previous letters. Should such an unfortunate development recur, Government would be obliged to reconsider their decision.

3. A copy of this letter is being reproduced in a General Circular for the information of the officers and staff of the Posts and Telegraphs Department.

REVERSION TO THE PRACTICE OF NOMINATION IN CERTAIN CADRES OF THE  
POSTS AND TELEGRAPHS DEPARTMENT.

764. \*Mr. P. G. Reddi : Is it a fact that Sir Hubert Sams, the late Director-General of Posts and Telegraphs, after mature consideration, put an end to the practice of nomination to the examination for appointment to the amalgamated cadre of Inspectors and Head Clerks on the ground that the practice breeds and savours of corruption and introduced the open door for everyone willing to appear for the test ? Why was this principle cancelled by the present Director-General ? Did the Director-General obtain the approval of the Government of India for cancelling his predecessor's orders ? Is it a fact that the Postal Unions all over the country have uniformly protested against this change ? Are Government prepared to consider the question of reverting to Sir Hubert Sams' arrangement ?

Mr. T. Ryan : The first part of the question overstates the fact, but it is the case that the possibility of favouritism was a consideration which weighed in favour of the orders referred to by the Honourable Member.

As regards the second part, the system was abandoned as it was found to be excessively expensive and administratively impracticable : for instance if a single examination had been held under the revised orders it would have entailed an expenditure of about Rs. 10,000 ; and the relief from their duties and examination of about 2,000 candidates at great inconvenience, in order to determine the promotion of about 30 clerks.

The reply to the third part is in the affirmative.

As regards the fourth part, Government have received no such general protests as suggested by the Honourable Member.

The reply to the last part is in the negative.

SPECIAL ALLOWANCE TO POSTAL SIGNALLERS RECOMMENDED BY THE  
RETRENCHMENT SUB-COMMITTEE.

765. \*Mr. P. G. Reddi : Is it a fact that the Retrenchment Sub-Committee of the Posts and Telegraphs Department recommended the grant of a special allowance of Rs. 5 to all signallers of the Post Offices doing duty as such ? When do Government propose to give effect to this recommendation ?

Mr. T. Ryan : Yes, but the special pay was recommended as an addition to the revised and reduced time-scales of pay suggested by the Committee. Government have not yet come to a decision as to how far the recommendations relating to revised scales of pay can be adopted.

ABSORPTION OF SURPLUS TELEGRAPHISTS IN THE POST OFFICES.

766. \*Mr. P. G. Reddi : (a) Will Government be pleased to state if they contemplate to absorb all the surplus telegraphists in the Post Offices ?

(b) Have Government received strong protests from the Postal Unions all over India against the proposal ?

(c) If so, what is the action proposed to be taken by Government on the protests, if any, sent to them by the Postal Unions ?

**Mr. T. Ryan :** (a) No.

(b) A protest was received from the All-India Postal and Railway Mail Service Union, against the employment of telegraphists in Post Offices.

(c) I have explained to the Union that the employment, as advocated by the Retrenchment Sub-Committee of surplus telegraphists in vacancies in the postal clerical cadre is only a temporary measure, and will be discontinued as soon as the existing surplus of telegraphists has disappeared.

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STATEMENT OF BUSINESS.

**The Honourable Sir C. P. Ramaswami Aiyar** (Leader of the House) :

12 NOON. Sir, with your permission, I desire to make a statement as to the probable course of Government business during the remainder of the Session. The discussion on the motion for reference to Select Committee of the Criminal Law Amendment Bill will be resumed on Monday, the 26th instant, and will be continued, subject to your direction, from day to day until the question is put. No other Government business will be taken up this Session.

**Mr. N. M. Joshi** (Nominated Non-Official) : What about the Child Labour Bill ?

**The Honourable Sir C. P. Ramaswami Aiyar :** No other Government business will be taken up.

**Mr. N. M. Joshi :** May I ask, if it is the policy of the Government that they attach greater importance to the amendment of the criminal law than to the welfare of the children ?

**The Honourable Sir C. P. Ramaswami Aiyar :** It is not so much a question of intrinsic importance, but of urgency.

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THE INDIAN INCOME-TAX (SECOND AMENDMENT) BILL.

**The Honourable Sir Alan Parsons** (Finance Member) : Sir, I move for leave to introduce a Bill further to amend the Indian Income-tax Act, 1922, for certain purposes (Second Amendment).

(Sir Hari Singh Gour rose to speak.)

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : Does the Honourable Member desire to oppose introduction ?

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions : Non-Muhammadan) : Yes, Sir. I regret I have to oppose this Bill, and I shall very briefly state my reasons for doing so. It was open to the Government to publish this Bill on their own responsibility and also to circulate it by executive order for the purpose of eliciting opinion thereon. Instead of taking that course, they want the leave of this House in the Legislative Department for the introduction of this Bill, and I understand that, thereafter, they will use their executive power for circulating it.

**Mr. Abdul Matin Chaudhury** (Assam : Muhammadan) : On a point of order, Sir : is it not against the established convention of the House to oppose any Bill in the introductory stage ?

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : The Chair can only follow the Rules and Standing Orders which apply to such cases. For the information of the Honourable Member, the Chair wishes to read the Standing Order which applies to this case :

“ If a motion for leave to introduce a Bill is opposed, the President, after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from the member who opposes the motion, may without further debate put the question.”

The Honourable Member knows that when Sir Hari Singh Gour stood up to address the House, the Chair asked him whether he proposed to oppose the introduction of the Bill, and the Honourable Member replied in the affirmative. The Chair has to allow him to make a brief statement.

**Sir Hari Singh Gour** : My Honourable friend could have found out the answer to his query himself if he had consulted the Standing Orders. As I say, the Honourable the Finance Member, instead of adopting this course, wants to commit this House in the Legislative Department to give him leave and, thereafter, he wishes....

**Sir Lancelot Graham** (Secretary, Legislative Department) : May I ask what the Honourable Member means by these references to the Legislative Department ? They are quite unintelligible.

**Sir Hari Singh Gour** : I of course mean the Legislative Assembly : and, thereafter, he wishes to circulate it by executive action. The adoption of such a course would lead to the collection of opinions from the public more or less *ex parte*, because, if his further motion for the purpose of circulating the Bill were before the House, the Members on this side would be in a position to state their reasons for and against its circulation ; and, as that opportunity has been denied to the Members, I venture very briefly to ask the Honourable Members of this House to concur with me in the following observations which I wish to make in connection with this Bill. Members on this side of the House have complained time and again against piecemeal legislation on income-tax. Honourable Members will find from the Income-tax Bill that no less than 48 amending Bills have been passed and the *corpus juris* of income-tax law has been thus piled up not by one single consolidating Act, but by a series of short Acts dealing with short subjects. That, I submit, does not give this House a fair opportunity of viewing the whole subject in its proper perspective which it is the right of this House to do ; and, further, it does not give the public an opportunity to comment upon the general policy of the income-tax law without passing in review the whole Act. I object to this Bill on two main grounds. This Bill is intended to place a halter round the neck of the assessee when alive and even after he is dead. I do not wish to go into particulars, because I have not got time, but Honourable Members, who read this Bill, will find my remarks are well justified. Secondly, it is intended to pillory the assessee in public. We have already seen that under the existing law the executive is the final judge of the assessment they make ; and,

under the present law, under section 54 of the Income-tax Act, the assessee has at any rate this satisfaction that whatever may be the assessment or the penalty or compounding fine, his name is kept out of the public view ; but now they wish to take the power of publishing his penalty and his compounding fine and thus bring him into public ridicule and contempt. Thirdly, the provisions of clause 14....

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : On a point of order, Sir : can the Honourable gentleman go into details in opposing introduction ? As a convention, we have always observed the practice of not opposing Bills in their introductory stage, and he did not even oppose the introduction of the Criminal Law Ordinance Bill.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : The point of order has already been raised and the Chair has explained that the Standing Order permits the Honourable Member to offer a brief explanation in opposing introduction.

**Mr. S. C. Mitra** : Is it brief ?

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : The Chair is watching the clock and will pull him up as soon as the Chair feels that he is exceeding the limit which the word 'brief' implies.

**Sir Hari Singh Gour** : Half of my time has been taken up by ignorant interruptions. I was going to say that the last clause, which I would like to draw the attention of the House to, is clause 14 under which the assessment is now to be recovered as if it were under a decree, and which might entail the imprisonment of the assessee and the seizure and sale of his property. On all these grounds, I submit, if it were open to us at this stage and if the Honourable Member had followed up his motion with a motion for circulation, we would have resisted that motion. As it is, we formally protest against the Honourable Member's motion for leave to introduce the Bill.

**The Honourable Sir Alan Parsons** : Sir, I will be more brief than my Honourable friend, Dr. Gour. I will deal perfectly simply with his two points. It is my intention, if the House gives me leave to introduce this Bill, to circulate it by executive order ; and, as far as I am aware, if that is done, it will in no way prevent any Member of this House, when I make a further motion with regard to this Bill, from moving as an amendment that it should be circulated again. I do not propose to go into any of the details of the Bill ; all I should like to say is that its provisions are mainly devoted to the relief of assesseees and in one case provide, what I understand my Honourable friend always wishes to have provided, for a reference to the High Court.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : The question is :

"That leave be granted to introduce a Bill further to amend the Indian Income-tax Act, 1922, for certain purposes (Second Amendment)."

The motion was adopted.

**The Honourable Sir Alan Parsons** : Sir, I introduce the Bill.

## THE MURSHIDABAD ESTATE ADMINISTRATION BILL.

**Mr. H. A. F. Metcalfe** (Foreign Secretary) : Sir, I move for leave to introduce a Bill to provide for the appointment of a Manager on behalf of the Secretary of State of the properties of the Nawab Bahadur of Murshidabad and to define the powers and duties of the Manager.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : Motion moved :

“ That leave be granted to introduce a Bill to provide for the appointment of a Manager on behalf of the Secretary of State of the properties of the Nawab Bahadur of Murshidabad and to define the powers and duties of the Manager.”

The motion was adopted.

**Mr. H. A. F. Metcalfe** : Sir, I introduce the Bill.

## THE WORKMEN'S COMPENSATION (AMENDMENT) BILL.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : Further consideration of the motion moved by the Honourable Sir Frank Noyce on the 16th September, 1932, to refer the Workmen's Compensation (Amendment) Bill to a Select Committee.

**Mr. Abdul Matin Chaudhury** (Assam : Muhammadan) : Sir, this Bill, as Honourable Members are aware, is based on the recommendation of the Royal Commission on Labour. My main grievance, with all respect to you, Sir, and your distinguished colleagues, is that the scope of the Bill, having been based on the recommendation of the Royal Commission, is unduly restricted. In their recommendation, the Royal Commission have not followed the spirit of modern legislation on workmen's compensation ; but have advocated methods which were considered suitable half a century ago. Towards the end of the 19th century, the trend of legislation on workmen's compensation was to make a distinction between hazardous and non-hazardous industries and to include only the former in the scope of the Bill. The German Act of 1885 and the French Act of 1898 are based on this method. The Indian Act of 1923 has followed a similar model. The present Bill also is drafted on the same lines except that the organised character of the industry is also taken as a criterion. Now, Sir, the trend of modern legislation on workmen's compensation is not to base their legislative measures on a distinction between hazardous and non-hazardous industries, but to base it on the principle of occupational risk. Let me explain what I mean. When an employer starts a mill or factory, he sets in motion certain activities ; he employs workers ; he sets up plant and machinery ; he creates an organization, the working of which may cause injury to the workers, and the compensation for that injury falls on the employer. This liability to pay compensation becomes one of the normal charges of the undertaking just like the repairing of plant and machinery,—it is something like repairing a damage to human machine,—quite irrespective of the fact whether the industry is hazardous or non-hazardous, big or small, or organised or disorganised. The English Act of 1923 is based on all this all-embracing principle, and that includes all the hazardous or non-hazardous, big or small, or organised or disorganised industries. Some of the States within the British Commonwealth of Nations like South Africa, Southern Australia, New Zealand



and Tasmania, have all based their Workmen's Compensation Act on the British model.

Then, again, Sir, in the post-war legislation in Europe, in countries like Denmark, Sweden, Bulgaria and Russia have also based their legislation on the British model, and with all these modern examples before them, it is very much to be regretted that the Labour Commission should have adopted this antiquated method for defining the scope of Indian legislation. My friend, Mr. James, seems to have objected to applying European precedent to Indian conditions. I was surprised that Mr. James, who had won well-deserved appreciation in Calcutta for his social service activities, should come forward before this House with reactionary suggestion. If Mr. James has not lost all touch with world movements, in the backwood of Madras plantation, I think, he must be aware that every year in Geneva, delegates from all parts of the world, both from the East and the West, congregate in order to adopt conventions to co-ordinate labour legislation all the world over. Post-war India is now in the main current of all contemporary social movements, and it is now too late for Mr. James to come forward and press his antediluvian views for the acceptance of the House

Sir, my grievance, as I have already said, is about the restricted character and scope of this Bill. In the Select Committee, we shall try to widen the categories of workers who should be benefited under this Act to the limited extent that it is possible for us to do and so I need not go very much into this question. There is, however, one point to which I want to make a reference, a point where it differs from the British Act, and goes against the majority recommendation of the Labour Commission. Under section 3 of the present Act, the employer is exempted from liability to pay compensation, if the accident is due either to drunkenness of the worker and his wilful disregard of the safety rules or the removal of the safety appliances. This Bill concedes the right of compensation in case of fatal accidents even if the accident is due to either of these causes. So far it is an improvement on the present Act, and I welcome this provision, but I should have liked the Government to extend this protection to permanent disablement also. The majority of the Royal Commission on Labour recommended that if the injury involves loss of fifty per cent. or more of the earning capacity, then protection should be extended to the workers, and I should like to have this provision incorporated in this Bill. I shall tell the House my reasons. In the case of death or permanent disability, the economic effect on the worker's family is practically the same. I would rather say it is worse in the case of permanent disablement than in the case of death, because in the case of permanent disablement not only the worker's family loses the services of one of its earning members, but they have also another member, the permanently disabled member, thrown on the family burden, which is not the case with the bereaved family. If a man loses his limb, hand or leg, he is to be fed and clothed like other members of the family. He may even requisition the services of another member of the family to carry him about; and, therefore, the justification for extending this protection to the case of the permanently disabled worker is not less strong as has been suggested in the Statement of Objects and Reasons; on the other hand it is much stronger on the ground of economic hardship on the worker's family.

[Mr. Abdul Matin Chaudhury.]

In some of the objections that I have seen in the opinions I have glanced through it is stated that if the worker wilfully disobeys the safety rules he must suffer the consequences. In reply to this callous argument I would say this much that it is absurd to suggest that a worker will wilfully commit self-mutilation or commit suicide merely to get the benefit under this Act. It cannot be suggested that in all the workshops or factories every safety rule is meticulously followed by all those illiterate workers employed there, and when this violation of the rule is almost a daily occurrence, it is unjust for the employer to be permitted to put forward the excuse that the injury was caused to the worker owing to his wilful neglect of safety rules, in order to evade payment of compensation. The British Act gives relief both to permanently disabled men as also in the case of a fatal accident and I think it is wise to follow the British precedent in this case also.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : I support the reference of this Bill to the Select Committee. In the draft of this Bill, I see the triumph of my Honourable friend, Mr. N. M. Joshi, who has managed to convert the Treasury Benches, including my old friend, Mr. Clow, to be socialists, in the matter of this particular Bill. I have known my Honourable friend, Mr. Clow, for many years. I accompanied him to the International Labour Conference at Geneva. There I used to find him to be the representative of an autocratic and bureaucratic Government. Since he came into the company of Speaker Whitley in the Labour Commission, he has become an admirable socialist and I congratulate Mr. Joshi on his conquest of Mr. Clow and, I hope, also of the Honourable Member for Industries and Labour. Sir, I support this Bill, because I want to give the workmen better conditions of living and also compensation if they are disabled but, in these days of economic depression, as my Honourable friend, Mr. James, pointed out, when the employers are voicing the view that the compensation fixed under the present Bill is over-estimated, it is possible that the rates may have to be reduced taking into account the fact that Indian industries do not pay much to the investor.

**Mr. H. P. Mody** (Bombay Millowners' Association : Indian Commerce) : Hear, hear.

**Mr. B. Das** : My friend, Mr. Abdul Matin Chaudhury, has already referred to Mr. James. I will only touch one point in his speech. He observed that landowners have not been included in this Bill. I was surprised to hear that from a planter, because I understand Mr. James is a planter.

**Mr. N. M. Joshi** (Nominated Non-Official) : Why ?

**Mr. B. Das** : I will tell you why. We, who manage our estates and our agricultural properties, treat farm labourers engaged in our estates as members of our family. We give them perquisites, we give them presents and we treat them as members of our family. Does Mr. James, when he observes Christmas, give a banquet to his plantation coolies and, when he observes the birthday of himself or his wife or children, does he treat the coolies with presents and feasts as if they were part of his own family ? In India, the feudal system still exists by which the farm hands are bound to the landowners by family ties and there is no analogy

between this and the position of Mr. James. I hope that whoever is selected to be the representative of the European Group in the Select Committee will not bring forward again this aspect of the question. While I approve the principle of the Bill, I think the compensation fixed is at a very high rate and that should be revised.

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

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The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

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**Mr. K. P. Thampan** (West Coast and Nilgiris : Non-Muhammadan Rural) : Sir, I had no idea of participating in the debate at this stage, but certain words that fell from my Honourable friend, Mr. James, and my Honourable friend, Mr. Das, tempt me to speak a few words. Mr. James protested on behalf of the planters that the plantation labourers ought not to be brought within the scope of this Bill. He even went to the extent of suggesting, if I may say so, in a vindictive spirit that agricultural labourers should also be brought within the scope of this Bill. Mr. Das, on the other hand, protested against that and said that under any circumstances, that ought not to be done. Sir, on behalf of the landholders,—though I do not represent the landholders here—I say this with a full sense of my responsibility that the agricultural labourer should also be brought within the scope of this Bill. Sir, in South India there are thousands of oil engines working in irrigating the fields. There are also many rice mills where thousands of labourers lead hazardous lives, and I do not see why they should not be brought within the scope of this Bill. I propose to press this in the Select Committee. I present this asseveration with my compliments to my Honourable friend, Mr. James. Sir, I wish to state here, if I may, that though the Royal Commission has recommended that labourers working in the reserved forests might be brought within the scope of this Bill, the Government have not thought it worth while to include them. I do not know much about the conditions under which labourers work in the reserved forests. In Malabar there are large tracts of private forests, several hundreds of square miles, where the timber merchants employ large numbers of labourers : and it often happens that some of them lose their lives through accidents, by a tree falling on their head or by falling from a precipice or by being gored by a wild elephant. Now these poor people do not get any kind of compensation, and I suggest that not only those working in such private forests but also people working in the Government reserved forests should be brought within the scope of this Bill. Now another proposal I have to make—though it might seem a queer one—is with regard to that class of people who are known as elephant keepers. In South India thousands of elephants are kept by private owners. The rich vie with one another in owning the biggest animals. There are some timber merchants I know who keep between fifty and sixty of them. These animals sometimes become wild and turr against their keepers. A year hardly passes without a dozen of such

[Mr. K. P. Thampan.]

men being killed this way. I insist that the keepers of these elephants should also be brought within the scope of this Bill. It may be said as a logical corollary that men employed in circus should also be brought within the scope of this Bill, but I leave it to the House to decide that.

Then, Sir, I come to another class of people. You will agree with me that people working and dealing in explosives should also be included in Schedule—those making rockets, crackers, etc.,—as very often accidents do happen and these people either lose their limbs or sometimes their lives. I am very anxious these people should be given the benefit of this Bill. Another point is that for purposes of this Act only factories working with a minimum of fifty people are brought within the scope of the Bill. There are a large number of small factories—subsidiary match factories for instance—where there are only between 10 and 20 people employed, but accidents do happen there too, and I should humbly suggest therefore that all factories and workshops which keep an engine, although they may not be as many as 50 people working, must be brought within the scope of the Bill. I know there is section 2, sub-section (3), which enables the Government to widen the scope of the Bill, but I humbly submit that it is better that these varying class of people are even now granted statutory protection instead of leaving it to Government to include them after some time by widening the scope of the Bill.

Sir, one point more, and I have done. The Bill contemplates to amend the definition of the word “dependent” with a view, I take it, to regulate the distribution of compensation. The Royal Commission on Labour as well as the Government erred in thinking that a uniform social law prevails in this country. Sir, in Malabar very recently a hard case came to my notice. A man living in a neighbouring village was working in the Kolar Gold Mines died through some accident. It so happened that the company gave the entire compensation to the wife of the deceased man ignoring the claims of the mother and sister. The Commissioner or the officer who was working under this Act could not go beyond its provisions. According to the law in Malabar marriage ties are not very strict and widows are at liberty to re-marry. Surely this Act.....

**The Honourable Sir Frank Noyce** (Member for Industries and Labour) : Sir, on a point of order. The Honourable Member is referring to an incident which happened in the Kolar gold fields which are outside British India.

**Mr. K. P. Thampan** : This is an instance which might nevertheless be instructive and warrant further amendment of the definition. If the Honourable Member will bear with me, he will understand what I mean. The mother and sister of the deceased man came to me soliciting advice. Strictly speaking under the Malabar law, it is the sister and sister's son who inherit one's property and it is they who are directly dependent upon him and unfortunately, in this instance the sister and her children, who ought to have been given some thing at least, had to go without anything. What I mean and suggest is that full discretion ought to be given to the Commissioner to distribute the compensation according to the laws and customs under which the deceased labourer lived. Different laws are prevalent in different parts of the country and the fact that we

have provided only for a particular class of dependents should not handicap the Commissioner in the discharge of his duties in this respect. Sir, I have great pleasure to support the motion.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Sir, along with all the previous speakers who have spoken on this Bill, I congratulate the Government for this piece of good legislation which was, I think, rather overdue. I have received some communications from the Labour Unions in Bengal and I would like to place those points before this House. But, before I do so, I express agreement with my Honourable friend, Mr. Abdul Matin Chaudhury, that the scope of this Bill has been unnecessarily restricted, but I am glad to find that this aspect of the question was not lost sight of by the framers of this Bill. In their notes on clause 20, they say :

“ The present Act aims at the inclusion of persons employed in branches of industry which are both organised and hazardous. The Commission have recommended that the Act should be extended to cover as completely as possible the workers in organised industry, whether their occupations are hazardous or not, and that there should be a gradual extension to workers in less organised industries, beginning with those who are subject to most risk.”

As a matter of fact, in this Bill itself there are items in clause 20 (xv) to (xviii) where new classes of workmen were introduced and items (i) to (viii) involve enlargements of the existing categories. On one point I very much differ from the Honourable Mr. B. Das who said that the scale of compensation that has been given was rather excessive. Personally I think that even the proposed scale does not do proper justice to the labourers. However, I agree with Government that in these matters we should proceed gradually and though the present scale may not compare favourably with the rates prevailing in other civilised countries, yet it is an advance in the right direction.

Then, as regards the clauses of the Bill, I find that some labour organisations would like to place before this House that in section 2 (1) (d), for the word “ dependent ” there should be inserted some such general clause as this :

“ Those persons who are found to be dependent on the workers and, in the opinion of the Commissioner, are dependent for the purpose of this Act.”

On this particular matter, I find the Royal Commission also considered these views. On page 304, they say :

“ Various modifications in the present system are possible and we have received a number of suggestions, but we agree with the view of the Commissioner for Workmen's Compensation, Bengal, that the choice lies between the maintenance of the present system and a complete change to a system such as that of the British Act, which makes compensation vary with the degree of dependence and the number of dependents and requires proof of dependence. Each system has obvious advantages.”

I do not find, Sir, why these two clauses should be mutually exclusive. If there are some specific dependents, they should be mentioned, but what objection is there to have a general clause like this :

“ Provided that the persons who are found to be dependent by the Commissioners for the purpose of the Act ”,

included in the clause. And particularly it is urged that ‘ paternal grandparents ’ should be considered as dependents without any reference to the fact of parents of the workman being alive or not. I think the last portion of the present clause may be omitted, making the paternal parents in all cases dependent. That is one of the suggestions.

[Mr. S. C. Mitra.]

Then, as regards section 2 (1) (e). In cases of application for compensation against Government, difficulties are felt as regards the party against whom the application is to be made—whether in such cases the “ Head of the Department ” or the Secretary of State is to be considered as the “ employer ” ? In such cases it is desirable that the Head of the Department who had the authority to appoint the worker should be considered as “ employer ” for the purpose of this Act. May I therefore suggest that the following words should be added after the end of the paragraph :

“ And also include the Head of the Department of the Government who has the authority to appoint the workers in question.”

It is really a practical question because in some of the cases the question has been raised whether the Secretary of State for India should be the party and not the Head of the Department who actually appoints the particular employee. So, I think this question also requires to be thoroughly inquired into whether some such clause is necessary.

Then there are difficulties that are sometimes felt in connection with computing the amount of loss of earning capacity caused by occupational diseases according to the existing system. I suggest that the following words should be added after the words “ accident resulting in such disablement ” :

“ Provided that the total disablement shall be deemed to result from the contracting of occupational diseases mentioned in section 3, sub-section (2) and Schedule III of the Act ; and that such total disablement shall be temporary or permanent according to the circumstances of each case ; provided further that if in any case the said disease is not cured within the period of three years the disablement in the said case shall be deemed to be permanent.”

And with regard to clause 4 of the Bill, occupational diseases should be separately treated from accidents for the purpose of sections 4 and 10 (1), that is to say, for ascertaining the nature of disablement resulting from such diseases and for fixing up the exact time of occurrence of such accidents. It is very difficult to fix the exact date of occurrence of the accident in the nature of an occupational disease such as lead and phosphorus poisoning, etc. These diseases are contracted gradually. The proviso to section 10 does not fully meet the case. The worker may be continuously absent from work for several days in consequence of the disablement caused by diseases such as lead poisoning without being aware that he had actually contracted an occupational disease. There are diseases such as lead poisoning which are very difficult to diagnose at their initial stage even by expert medical men. In a number of cases it has been found that a press employee contracted lead poisoning years ago and on several occasions had to absent himself from work continuously for a number of days before the disease was actually detected or diagnosed. In all such cases difficulties may be created under the present state of law with regard to the sufficiency and legality of the notice and claim under section 10 (1).

Then, again, in the case of occupational diseases, calculation of amount of loss of earning capacity according to Schedule I of the Act is difficult if not impossible. Government, not to speak of private employers, have refused to pay compensation on the ground that the amount of such loss could not be estimated even in a case where the Medical Board found the worker unfit owing to lead poisoning and recommended an early retirement. Even to-day, I put a question in this House and got the reply that

the question is being considered now, but the reply of the Press Manager was :

“ That as the Medical Board before which he was examined cannot give an estimate of loss of earning capacity permanently caused to him by lead poisoning, the question of grant to him of compensation under the Workmen's Compensation Act has been dropped.”

I am glad, Sir, the question is being reconsidered now.

So, Sir, in these cases of occupational diseases, there should be specific arrangements, otherwise, even in cases where the medical experts give definite opinion, their cases may not be considered under the Workmen's Compensation Act at all. It is therefore considered that the present rule applying the same principle for the purpose of estimating the loss of earning capacity both in cases of ordinary accident and accident of the nature of occupational diseases should be changed, and a simpler rule should be adopted.

Now, Sir, coming to clause 10, sub-clause (1) proviso, the words, “ unless the claim for compensation . . . . has been instituted within six months ”, have created a great deal of confusion in the administration of the Act. Some of the Commissioners think that the word ‘ instituted ’ means ‘ instituted before the Commissioner ’ as contemplated in sections 19 and 22. A reference to these sections 19 and 22 shows that these sections contemplate that a claim for compensation should be made to the employer by the worker prior to his making an application under the said sections. In the English Act, the corresponding words are, ‘ unless the claim for compensation . . . has been made within six months ’. The difference is that the word ‘ made ’ has been used for the word ‘ instituted ’. There are English cases reported in the Indian Appeals Cases, 1900, page 366, *M. Powell versus Main Colliery Co.*, where it has been held that the word ‘ made ’ means ‘ the claim made before the employer and not the initiation of a proceeding before the Commissioner ’. So under the English Act, the worker is saved from his claim being barred by limitation if he makes his claim to the employer in question within six months. There is no reason why an Indian worker should be placed in a more disadvantageous position than an English worker in this respect. It is therefore suggested that the word ‘ instituted ’ should be replaced by the word ‘ made ’, before the words, ‘ before the employer ’.

Now, Sir, coming to section 22, it is desirable to include in this section some such provisions by which the employees may be saved from their rightful claim being frustrated on account of some formal defects in their application, and for this, may I suggest the following proviso to be inserted after the end of sub-section (2) of the section :

“ Provided that no application shall be dismissed on account of any formal defects and the Commissioner shall have powers to make such orders as may be necessary for the ends of justice.”

I suggest some such general proviso should be put in so that these poor illiterate workers may be saved from formal or technical objections that may be raised before the Commissioners or before a Court of law.

With these words, which I hope Government will see their way to consider carefully in the Select Committee, I give my support to the motion for reference of this Bill to the Select Committee.

**Mr. H. P. Mody :** Sir, I did not think it was necessary for me to inflict myself upon the House at this stage of the proceedings, but certain

[Mr. H. P. Mody.]

view points have been urged by my Honourable friends, Mr. Abdul Matin Chaudhury and Mr. Mitra, and I think it is necessary for me to make a few general observations. I would like to make it clear at the outset that I have no objection whatsoever to urge against the principle of the Bill. The Workmen's Compensation Act was passed a few years ago, and the time has surely arrived for reviewing the position and ascertaining exactly how the Act has worked and in what directions it requires to be improved or liberalised. I, therefore, say that so far as the Bill itself is concerned, I welcome it. But what I object to is the fact that the recommendations made by the Whitley Commission seem to have been bodily taken and incorporated in the Bill. Sir, we all know the very critical faculty which the Government bring to bear upon the reports of the Tariff Board. I wish that the same critical faculty would be brought into play when Government are dealing with the recommendations of Labour Conventions, Conferences and Commissions. I do not want the attitude of the Association which I represent misunderstood. Those of my friends who have taken the trouble to read the literature on this somewhat dry subject must have seen the very fair and liberal attitude adopted by my Association towards most of the proposals on which their opinions were asked for. As a matter of fact, the views expressed by my Association, I can confidently claim, are in advance in a great many particulars of the opinions which have been expressed by employers of labour and by employers' Associations in other parts of the country. But, Sir, there is one point on which I feel it is necessary that I should record my protest, though I feel that the atmosphere is not exactly congenial, and that I am going to carry on a lone fight not only on the floor of the House but in the Select Committee. I do not mind that. All that I wish is that when Government in the Select Committee are confronted with views which are not exactly in agreement with those which have been embodied in the Bill, they will keep an open mind on the subject, and will be prepared to listen to reason.

The specific proposal against which I am objecting, Mr. President, is with regard to the scale of compensation. My Honourable friend Mr. Mitra was just now heard to say that he did not exactly object to the scale, but that he desired that it should be made more generous. I hope my Honourable friends on the Government Benches will not be taken in by what I regard as a pose on the part of my Honourable friend. After all it is the business of those who plead for labour always to express themselves very disgruntled and very dissatisfied with whatever labour legislation is placed before the House. This is a very useful device, and even though, in their heart of hearts, they may be pleased with all that is happening, it is prudent for the spokesmen of labour to express their dissatisfaction. I would do the same when it was a question of fighting for the interests I represent.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Japanese dumping !

**Mr. H. P. Mody** : My Honourable friends will not get away from "Japanese dumping" quite so easily as they imagine, so long as some representatives of industrial interests are in this House !

What I was going to say with regard to the scale proposed in this Bill was that it had been bodily taken from the Whitley Commission recommendations. I do not pretend to have read all those volumes in which the



evidence of the Whitley Commission has been recorded. My Honourable friend Mr. Clow would probably know them by heart. But whatever little study I have applied to these volumes has at least told me this, that barring a very few labour organisations, the overwhelming majority of all those who have given evidence have definitely said that the present scales of compensation are adequate, and should not be increased except in certain minor particulars. My grievance, therefore, against the recommendations of the Commission is that it has gone out of its way to make recommendations which are not warranted by the evidence which was laid before it.

**Mr. K. Ahmed** (Rajshahi Division : Muhammadan Rural) : Hear, hear.

**Mr. H. P. Mody** : My Honourable friend, Mr. K. Ahmed, with his usual relevance says, "hear, hear". Sometimes it may be regarded as an approval, and sometimes as a disapproval, according as people take my Honourable friend seriously or otherwise. I hope, at any rate, my Honourable friend, when he sat on the Commission, was listening to the evidence, and that he applied his mind to the recommendations before he appended his signature to them. (Hear, hear.) I was going on to say that the

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main objection which has got to be urged against the scales of compensation is that industries have been passing through a period of acute depression. I do not go the length of saying that because a wave of depression is passing over the land, therefore we should refrain from doing justice, from doing what is right and fair. But, Sir, the point I am making is that, in this period during which industries have been passing through abnormal conditions and I am not merely talking of the particular industry which I represent,—during this period the cost of living has come down very materially. What then is the result ? The result is that these scales of compensation provide for a 30 per cent. increase at a time when the cost of living has gone down by 30 per cent. I cannot say, with all the sympathy that I have for labour, that this is a just and fair way of treating the question. I hope my Honourable friend, Mr. Joshi, when he gets a chance will not get up and indulge in his usual rant about the hard-hearted capitalist and employer of labour. I say confidently that to-day at any rate, no matter what was the case in the past, the employer who treated his labour otherwise than fairly and even generously, would be regarded as not only wanting in humanity, but also wanting in sense. I repeat that to-day, the attitude of the employer of labour towards those whom he employs has undergone a very welcome change. I will admit that it has been a belated change, but none the less it is there, and must be welcomed.

Then, Sir, there was an important point made by my Honourable friend, Mr. Abdul Matin Chaudhury, to which I should like to refer, lest my friends on the Treasury Benches in a moment of weakness accord their approval to it. My Honourable friend inquires, why certain defences which in the case of fatal accidents are open to the employers to-day and which are sought to be done away with in the Bill, should not be done away with also in the case of disablement. Here, again, I would like to say that while many employers think it inequitable that where fatal accidents are caused by the drunkenness or utter disregard of safety devices on the part of workmen, employers should be debarred from pleading these as defences, my Association has approved of the amendment, even though it goes beyond what fairness requires. I find, however, my Honourable friend, Mr. Abdul

[Mr. H. P. Mody.]

Matin Chaudhury, actually pleading that it should be open to a workman who has disregarded safety devices or who has been drinking and has permanently disabled himself in consequence, to get the benefit of the particular provision which obtains in the case of fatal accidents. I ask, Sir, what would happen if a workman was passing along a road and was run over by a motor lorry or a passing car, and it was proved that it was his contributory negligence which brought about his disablement? In that case he would get nothing, because the ordinary law of the land, which is sought to be done away with in this Bill, would prevail, and contributory negligence would be a bar against the recovery of any damages. I say therefore that my Honourable friend ought to regard it as a great concession that the employer should be debarred from even pleading that the workman was drunk or that through his own utter neglect he met his death; and I hope that neither he nor any of his friends on the Select Committee will seek to extend the scope of the concession.

As I am on the Select Committee, though in a hopeless minority, I shall not deal with any other points at this stage. I accord the Bill a whole-hearted welcome, and I hope that in the Select Committee my Honourable friends on the Treasury Benches will bring to bear upon the various questions which are embodied in this measure a fair and open mind.

**Mr. N. M. Joshi** : Sir, as I have already spoken on the main principles of this Bill, I shall confine my speech on this occasion only to a few points. But before I deal with the speeches of the various Honourable Members I wish to enter my protest against the way in which the Government of India arrange their agenda. Sir, this Workmen's Compensation Bill and the Tea Districts Labour Recruitment Bill were introduced in the last Session; then the Bills were circulated and they are being discussed in this Session. As a matter of ordinary routine these Bills should have come before the other Bills which were introduced in this Session. But unfortunately the Government of India are more anxious to prevent a few adjournment motions being made before magistrates and some inconvenience being caused to them than to safeguard the interests of the masses and the working classes. It is nothing to them that a large number of workers should get compensation against accidents or a large number of workers in the tea districts should get repatriation, if they can prevent a little inconvenience being caused to their magistrates.

Now, Sir, the first criticism of this Bill came from my Honourable friend, Mr. James. While he was speaking I felt that my Honourable friend was speaking as an advocate who uses his eloquence knowing full well that he was using it for a case which was already lost. He made a few points, and although I cannot refer to all the points which he put forth in his speech I shall refer only to one or two. He said that if you pass this legislation for workmen's compensation and apply it to the plantations, the planters would give up whatever they are doing by their voluntary efforts. Sir, I feel that my Honourable friend who represents the planters has rather a bad opinion of his masters. He tells us that if you pass the Bill all the sources of mercy and charity will dry up. Sir, I have a little better opinion of the planters. I know that even if we pass this legislation the planters will not refuse to do what they propose to do in addition to what we are proposing in this Bill. The second point that arose

out of his speech and to which I want to refer was that we should wait till the Federation comes into existence. In the first place my Honourable friend has not yet given us an assurance that labour legislation will be made a Federal subject. Unless labour legislation is made a Federal subject we shall not be able to pass any legislation which will apply to the Indian States. And moreover, I am quite willing to assist him in urging upon the Government of India the necessity of putting some pressure or using their influence to induce the Indian States to apply labour legislation to their territories. Sir, I am very grateful to my Honourable friend for making certain suggestions for extending the scope of the Act and I am quite sure the Select Committee will give their favourable consideration to the points which he has suggested for the extension of this Act.

Then, Sir, my Honourable friend, Mr. Abdul Matin Chaudhury, has suggested some points for the improvement of the Bill. I am sure the Select Committee will give their favourable consideration to these points also. Then my Honourable friend, Mr. Das, who has always some sympathy for labour, but never forgets the class which he represents, namely, employers, pointed out as his opinion that the rates proposed by the Commission as well as in the Bill were too high, and my Honourable friend, Mr. Mody, also said the same thing. Mr. Mody said that these were times of depression. Mr. James said the same thing. The second point made was that the cost of living of workers has gone down. In the first place these gentlemen forget that the cost of living and times of depression have already affected the wages of the workers and the compensation is always paid in proportion to the wages. Therefore you cannot...

**Mr. H. P. Mody :** But the wages have remained the same : surely my honourable friend knows that.

**Mr. N. M. Joshi :** The wages are bound to be affected and they are affected and the rate of compensation has always some proportion to the wages. Consequently this argument has no force at all. If Mr. Mody, Mr. Das and Mr. James will realise what is the incidence of the expenditure required by the industry for paying workmen's compensation, they would not have used this argument. I shall only give a few figures ; the workmen's compensation report which has been recently published states that the total amount of workmen's compensation paid was only 12 lakhs of rupees, while the number of workers engaged in the industries for which the compensation was paid may be about 30 or 40 lakhs. So if we calculate, we find that per employee in an industry, the incidence of burden thrown is about one-third or one-fourth of a rupee per year ; so that if there is any burden thrown on the industry it is only less than half an anna per worker per month. Should that consideration weigh with this House ? Is it doing to alter the condition of the industry at all ? I, therefore, feel that this argument about the depression and the condition of the industry being bad has really no force at all, because the burden of workmen's compensation is so slight that even if it is increased in these days it is not going to affect the prosperity or adversity of the industry. Then there is only one point to which I wish to refer and that is the point to which Mr. Mody referred. He said he is quite willing to accept the recommendation of the Commission that the wilful misconduct of a labourer should not be a bar against his obtaining compensation in the case of fatal accidents. But he is not prepared to accept that suggestion for what we

[Mr. N. M. Joshi.]

call permanent injury. I do not understand why he should object to this being done. As my Honourable friend, Mr. Abdul Matin Chaudhury, has stated, the principle of workmen's compensation has no connection at all to the fact that accident was caused by the negligence of the employer or by the negligence of the worker. The compensation is paid because the employer by his action of starting the industry sets in motion a machinery which gives rise to accidents ; and it is a kind of humanitarian relief given to the workmen. The workman is not given what is his legal due under the ordinary law. The workman is given a very small amount of compensation ; and therefore the principle of workmen's compensation law is that no exception should be made. Unfortunately when we framed the original legislation we made a great mistake in introducing a clause, *viz.*, section 3 (b) which prevents a workman getting compensation if the employer pleads and the Court accepts the plea that the workman has contributed to the accident by his wilful misconduct. That clause itself really is irrelevant to the whole legislation. Unfortunately that clause has been introduced and what the Royal Commission has done is to make some improvement, to correct to some extent the mistake which has already been made by the legislature ; and if we accept the plea in the case of fatal accidents, there is no reason why we should not accept the plea for a permanent injury. When this question was discussed in the House of Commons, Mr. F. E. Smith, who afterwards became Lord Birkenhead, gave a very good reply to people like my friend, Mr. Mody, who raise this argument ; he said :

“ The point of view which appealed to me so strongly was this : a workman would not commit a breach of the rules for any improper motive, if the result of that breach was likely to inflict upon him permanent disablement or death.”

A workman is not likely to do a thing deliberately knowing that it would either cause his death or would cause permanent disablement. I do not wish to speak any more on this Bill. I hope this motion for Select Committee will be passed.

**Mr. G. Morgan** (Bengal : European) : I move that the question be now put.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : The question is that the question be now put.

The motion was adopted.

**The Honourable Sir Frank Noyce** : Sir, I am glad to find that the motion I have moved has met with such general support from all parts of the House. I have listened to the debate with much interest and I hope not without profit. Time does not permit me, nor even if it did should I consider it necessary, to follow the various speakers in their detailed criticisms of various parts of this Bill. All that I would point out to this House is that no less than five of those who have dealt with the Bill in considerable detail—Mr. Thampan, Mr. Mody, Mr. Mitra, Mr. Abdul Matin Chaudhury and Mr. Joshi—are members of the Select Committee and they will have an opportunity of presenting their point of view there. No great question of principle is involved now. The principle of the Bill was accepted when the Act which this Bill seeks to amend was passed. Details, such as the reduction in the waiting period, the enhancement or modification of the scale of compensation and the industries to which the Bill should be extended are all matters for discussion in Select Committee. As

regards the attitude of Government in the Select Committee, I can assure my Honourable friend, Mr. Mody, that the occupants of the Treasury Benches, contrary to the belief that is sometimes held, are open to reason from whatever part of the House it may come. There is one further point. Mr. Joshi has criticised the arrangement of the Government's agenda. The reasons for that arrangement are probably more obvious to other quarters of the House than they are to him ; but I venture to think that it would have been more appropriate if he had expressed his thanks to you, Sir, for summoning a Session of the Assembly to sit to-day to deal with the two measures in which he is so closely interested.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : The question is :

" That the Bill further to amend the Workmen's Compensation Act, 1923, be referred to a Select Committee consisting of Mr. G. Morgan, Mr. Satish Chandra Sen, Lala Rameshwar Prasad Bagla, Mr. S. C. Mitra, Mr. Abdul Matin Chaudhury, Mr. B. V. Jadhav, Mr. Muhammad Anwar-ul-Azim, Mr. R. T. H. Mackenzie, Kunwar Hajee Ismail Ali Khan, Mr. N. M. Joshi, Mr. K. Ahmed, Mr. K. P. Thampan, Mr. S. G. Jog, Dr. R. D. Dalal, Mr. H. P. Mody, Mr. A. G. Clow and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

**Mr. S. G. Jog** (Berar Representative) : I am thinking of withdrawing from the Committee : I am very much thankful..

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : What is the Honourable Member doing ?

**Mr. S. G. Jog** : I am suggesting another name.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : You cannot do it at this stage. The Honourable Member can withdraw from the Committee if he does not wish to serve, but he cannot suggest the addition of a name at this stage when the question is being put to the House. The question is :

" That the Bill be referred to the Select Committee."

The motion was adopted.

#### THE TEA DISTRICTS EMIGRANT LABOUR BILL.

**The Honourable Sir Frank Noyce** (Member for Industries and Labour) : Sir, I move :

" That the Bill to amend the law relating to emigrant labourers in the tea districts of Assam, as reported by the Select Committee, be taken into consideration." Honourable Members will doubtless have observed that this important and somewhat intricate measure has emerged after ten days' intensive work in the Select Committee in a very considerably modified form. Some surprise may, therefore, be felt that the Select Committee, at the end of its Report, has recorded its view that the Bill has not been so altered as to require re-publication and has recommended that it should be passed, as now amended. The reason for that view, I think, will be found in the nature of the modifications which have been made. The House will find, if it examines the Bill closely, that with comparatively few and unimportant exceptions, those modifications have been made in the interests of labour, and I am glad to have this opportunity of acknowledging on the floor of the House the manner in which the representatives of the tea industry on the Select Committee met the demands made on them, even though these involved in some cases an additional burden on the industry. The result

[Sir Frank Noyce.]

of their conviction that the prosperity of the industry is bound up with a contented labour force has been that I have the great satisfaction of presenting to this House an agreed measure, for I notice that my Honourable friends, Messrs. Phookan, Joshi and Thampan, have not pressed their small point of disagreement with the majority of the Select Committee to the extent of moving an amendment on the subject.

Now, Sir, I think it is due to the House that I should very briefly,—for the time at our disposal is short,—attempt to indicate the nature of the amendments which have been made by the Select Committee. Much the most important of these is the change in the definition of ‘ assisted emigrant ’, a definition which carries with it the most important right of repatriation. As the Bill originally stood, it excluded people who had been in Assam before and had been in the tea districts there as adults. The reason for that was, Sir, that the Royal Commission on Labour, although they did not state the fact as explicitly as they might have done, wished to draw a very definite distinction between labourers who were going to Assam for the first time and those who had been there before, and to confine the rights of repatriation to those who were going up for the first time. That that is so will be clear, I think, from the following two sentences in the Report :

“ Our main proposal is that every future—(and here I would draw the special attention of Honourable Members to the word ‘ future ’)—assisted emigrant to an Assam tea garden, whether coming from an area of free or controlled recruiting, should have the right, after the first three years, to be repatriated at his employer’s expense.”

And again, Sir, at the end of that Chapter of their Report which deals with recruitment for Assam, they say :

“ We would observe that, if work is adequate, the right of repatriation will be limited to new recruits.”

The Select Committee, however, thought it desirable that we should go further than the Royal Commission on Labour recommended, and that the right of repatriation should be given to all labourers who go to Assam, except those who at any time within the two preceding years have worked as labourers on tea estates. Their reasons for this view were that they thought that people who had been away from Assam for more than two years should be regarded as new recruits. They thought that conditions in Assam might change within two years, though I feel sure myself that if conditions now change in Assam they will change for the better, and that therefore the labourers might be going back to conditions which were different from those they had experienced before. It is for this reason, Sir, that the right of repatriation is being given to all labourers except to those who have been away from Assam for less than two years and have obviously therefore not lost the intention to return. Such labourers will ordinarily be on leave or will have come down to recruit others.

The next important change which has been made in the Bill is that the right of repatriation is now being given “ for any sufficient cause ”. That is in accordance with the recommendation of the Royal Commission on Labour, but it was felt when the Bill was drafted that the acceptance of the recommendation would give too wide a discretion and that considerable difficulties might occur in interpreting the word “ for any sufficient cause ”. In regard to this, Sir, the Select Committee felt that a recommendation

which had been made by the Royal Commission on Labour could not be lightly ignored, nor could a right which is conferred on emigrants to Ceylon and Malaya be denied to emigrant labourers going to Assam. The difficulty in regard to construction has been got over by the expedient of confining decisions in cases of this kind to the Controller of Labour, whereas power to decide other cases of repatriation can be delegated to other officers. But in this case the Select Committee thought it necessary that the final decision should rest with the Controller alone in order that "for a sufficient cause" may be interpreted in a uniform manner throughout all the districts to which this Act applies. If we had decided otherwise and left the decision to the various officers to whom the powers of the Controller may be delegated, we should have got interpretations differing widely according to the temperaments of the various officers and whether their sympathies lay with the employer or with the labourer. Those are the two most important changes which have been made in the Bill. There are a few others which I may mention. The repatriation of the husband and family of a married woman who dies, even when the husband is himself an assisted emigrant, is now permitted. We have also made provision that an emigrant labourer should be repatriated to his home and not to the place where he was recruited. Another alteration which is, I think, of sufficient importance to justify my mentioning it is the provision that an assisted emigrant shall not sign away his right of repatriation immediately on his arrival in Assam as he could have done under the Bill as it stood. He is now allowed to do so only within a month of the time when the right accrues to him and we have made provision to ensure that, when he does agree to postpone or waive his right of repatriation, he should know exactly what he is doing.

Then, again, Sir, we have further made provision that all emigrants who proceed to Assam with assistance, that is practically all emigrants should come under the provisions of clauses 34, 35 and 36, that is that they should be detained and, if necessary, returned if they fall sick or have been improperly recruited. The Bill as it originally stood only applied to emigrants who went as assisted emigrants.

In conclusion, I venture to make an appeal to the House to follow my example in the matter of brevity. The House has heard from the Leader of the House this morning that it will not be possible to take up any more Government business after to-day except the legislation to replace the Ordinances. That means that, unless this Bill proceeds through its next two stages this afternoon, it will have to be postponed to the next Session and possibly to the one after that. It is very important to note that Government, the Select Committee and the representatives of the industry and those who speak for Labour are all equally anxious that this measure should be placed on the Statute-book as soon as possible. It is the intention of Government that it should be brought into force from the 1st of April next but, even after it has been passed by this House and by the other House, there is still a great deal of work to be done in elaborating the necessary machinery and in framing rules and regulations. As I have already said, Sir, we spent 10 days in the Select Committee over this measure and worked very hard. I have very gratefully to acknowledge the help we received from all members of the Select Committee and I venture to think that it will be a poor recognition of their labours if the Bill does not reach its conclusion to-day.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : I should like to mention at the very outset that I feel very unhappy about this Bill. In the first place, this Bill applies, for reasons which I do not know, only to Assam. Assam is not the only tea producing country in India. There are other provinces as well which produce tea. There is Dehra Dun in the United Provinces, there are also two very important districts, Darjeeling and Jalpaiguri, in Bengal. Then we have got Bihar and Orissa and also Madras which produce tea just as much as Assam.

**The Honourable Sir Frank Noyce** : I should like to inform the Honourable Member that the only legislation that is already in force applies to Assam and that it is for this reason that we are now bringing forward fresh legislation to replace the old legislation. There was no legislation applicable to other parts of India.

**Dr. Ziauddin Ahmad** : The old legislation may be repealed. We have got other provinces which produce tea just as much as Assam. The conditions of labour may be slightly different. Labour in Assam may have been imported from 300 or 400 miles away, but labour is imported all the same everywhere, though the distance may be only 100 miles. There is no labour in any place which may be called a local labour. Therefore, I do not understand why should restriction be imposed only on Assam. My point is, Sir, that if you put this extra cost on the production of tea in Assam, then certainly it will suffer as compared with other provinces. The second point I should like to urge is that Assam tea is already at a disadvantage compared with tea from Java. If we put this extra burden on the production of tea from Assam, I am afraid India and especially Assam will not be able to compete with other countries. The only argument pointed out to-day is it was the recommendation of the Labour Commission. I agree with Sir Frank Noyce when he said that these recommendations could not lightly be ignored. At the same time I do submit that we should not slavishly follow their recommendations. (*Mr. N. M. Joshi* : " Why ? ") I will tell you why. The Labour Commission probably considered that their only concern was with labour and with nothing else. Therefore, the Commission put in as many recommendations as possible about the protection of labour and the other side which was equally important was ignored and that other side of the question is whether by increasing the cost of production India will be able to compete with the manufacturers of other countries. My friend, Mr. Joshi, always tries to increase the cost of production by giving the maximum amount of wages. I have a strong suspicion that my friend has got an unholy alliance with the manufacturers in foreign countries wisely or unwisely, knowingly or unknowingly, because the result is the same.

**Mr. A. G. Clow** (Government of India : Nominated Official) : Were the employers on the Labour Commission also in that conspiracy ?

**Dr. Ziauddin Ahmad** : I find that the Report of the Royal Commission is entirely one sided and the other side is not very much considered.

**Mr. Gaya Prasad Singh** (Muzaffarpur cum Champaran : Non-Muhammadan) : There were representatives of capitalists on the Labour Commission.

**Dr. Ziauddin Ahmad** : These were in hopeless minority.



**Sir Muhammad Yakub** (Rohilkund and Kumaon Divisions : Muhammadan Rural) : The Honourable the President was a member of that Commission.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : He has not signed the Report.

**Dr. Ziauddin Ahmad** : If you increase the cost of labour, you will certainly increase the cost of production and by increasing the cost of production it will be exceedingly difficult for this country to compete with foreign manufacturers. And this is a point of view which I think we should always keep in mind. Sir, in all these Bills before us arising out of the recommendations of the Royal Commission on Labour I am afraid we have been very slavishly following the recommendations of Labour Commission without carefully considering the other side of the question. I am entirely in favour of giving all legitimate comforts to the labourer, but at the same time there should be a limit, so that this factor may not raise up the cost of production unreasonably. Sir, I have pointed out I think in this House two or three times that the representatives of labour, including my Honourable friend Mr. Joshi, have always taken up the wrong end of the stick (Laughter) ; Mr. Joshi presses always the wrong button and instead of doing any good to labour, I think he is doing a definite harm to his clients. (*Mr. B. V. Jadhav* : " Not at all.") Well, I am quite sure of what I say. Now I said repeatedly that no doubt labour should be made partner in the profits of every manufacturing industry including tea. Whenever any tea garden is making good profit, then a part of it must also go to the labour in the shape of gratuities or in the shape of bonus. This is a thing which is very desirable ; and had he pressed the view that the profits must not go entirely into the pockets of the capitalists but should be divided in a certain proportion between capitalists and labour, I would certainly have sided with him and I would have given him the fullest support, but whenever he tries only to increase the cost of production by providing unnecessary additions to expenditure, I am afraid our country will not be able to compete with other foreign countries and our manufacturers will always go down. Sir, we have already got the example of weaving industries here and I pointed out the other day that according to the opinion of manufacturers in Japan there is a very great room for economy and better administration and higher efficiency of working in this country ; and if instead of laying stress on the economic working, we lay stress on the increasing cost of production, will it be possible for our weaving factories to compete with foreign countries ? Sir, if our factories and mills go down and if they cease to exist on account of foreign competition, what will be the result ? They will not be able to employ labour and ultimately the result will always recoil on the clients of my Honourable friend, Mr. Joshi. Instead of improving the condition of labour, the result of all his misguided efforts may be that the whole business may go down. Then in that case those persons who are getting reasonable comforts will afterwards get nothing, because the employers will not be able to compete with all the manufacturing concerns in the foreign countries. Therefore, Sir, in all matters like these, when we consider the recommendations of the Labour Commission—who naturally were concentrating only on all possible avenues for the benefit of labour—we should also consider the other side of the question, namely, whether you are not increasing the cost of production to an extent which that particular industry may not be able to bear,—and this is a side, Sir, which I am

[Dr. Ziauddin Ahmad.]

afraid we are not considering as carefully as we ought to. With these words, I repeat that I am very unhappy about the Bill, though I do not want to oppose it.

**Mr. Gaya Prasad Singh :** Sir, I have no intention of inflicting a speech at the fag end of the day, but I find that the placid atmosphere of the House has been somewhat disturbed by my Honourable friend, Dr. Ziauddin Ahmad, who, I am surprised to see, appears to have taken up an attitude of hostility to the welfare of labour. (*Dr. Ziauddin Ahmad :* "I have already said that I do not oppose the Bill.") My Honourable friend, in the first place, complained that this Bill is confined only to the tea districts of Assam and not elsewhere. The simple reason for that is, I understand, that there is no legislation in this country which controls the emigration of labour from one province to another except in the tea districts of Assam, because the conditions of labour in Assam are quite distinct from the conditions of labour obtaining in other parts of the country, and there was no necessity for enacting any legislation controlling or in any way affecting the movement of labour from one province to another except in the province of Assam. Sir, I shall not go into the past history of the conditions of labour in Assam. I want to draw a veil over what the planters in Assam did, or omitted to do in connection with the welfare or the treatment of their labourers in Assam. Suffice it for me to say that the Assam Labour and Emigration Act of 1901 was the Act which was in force, and we are going by means of this measure to substitute the present legislation for the one which was in force in the tea districts of Assam. That was the reason why it was not thought proper to include other provinces in this Bill. Then the second point which was taken up by my Honourable friend was that the Assam tea industry was at a disadvantage as compared with the Java tea industry. Sir, I am really surprised to see that my Honourable friend has taken up an attitude which is very much akin to the attitude of the capitalists, as distinct from the point of view which a labourite like my Honourable friend, Mr. Joshi, would like to put forward. Sir, the one thing in this connection which my friend said was—and he harped a great deal upon it—that if we increased the facilities given to labour in Assam or in any other place by way of amenities, that would increase the cost of production, and that might affect the manufacturers in this country. Sir, it is a recognised principle all over the country at the present time that labour must get proper and even generous treatment at the hands of capitalists and employers.

**Dr. Ziauddin Ahmad :** Yes, by our giving them a bonus—not by increasing the cost of production.

**Mr. Gaya Prasad Singh :** Sir, if my Honourable friend will look at the treatment which labour receives at the hands of Government and capitalists in other parts of the world, he would have been a little more cautious in the language which he used. However that may be, I am very glad to note that the principle of repatriation has been definitely recognized by this legislation. Sir, the Bill as it was introduced by Government in this House was open to certain serious objections; but, as a member of the Select Committee, I gladly acknowledge the assistance rendered to us by the Members of the Government, and I especially acknowledge, Sir, the very conciliatory attitude adopted by the Honourable

Member in charge, my Honourable friend, Sir Frank Noyce, and his colleague, Mr. Clow. (Loud Applause.) Almost all the suggestions and amendments put forward by us from this side of the House were very sympathetically taken up and discussed by the Members representing the Treasury Benches, and I observed a real solicitude on their part to accommodate us to whatever extent it was possible. (Loud Applause.) I also gladly acknowledge that the representatives of the tea planters of Assam were also very reasonable and conciliatory in their attitude on the whole. (Loud Applause.) Sir, the Bill has been framed on the lines recommended by the Royal Commission on Labour. The ideal which was put forward by that Commission was that as little restriction as possible should be placed on the movement and transport of labour from one part of the province to another.

On the whole, I find that this Bill is a very salutary piece of legislation which has been introduced and which we are about to place on the Statute-book. The last remark which I will add is this. The real purpose which the Royal Commission on Labour had in view cannot be fulfilled without the other recommendations of that Commission being given effect to, and this was the recommendation which the Select Committee also made. They have said at the end of their report :

“ We desire to record our emphatic view that the objects underlying this Bill cannot be fully achieved unless effect is given to other proposals and recommendations of the Royal Commission on Labour relating to the welfare of labour in Assam and that steps should be taken to give effect to them as early as possible.”

We brought forward this subject in the Select Committee, but we were given to understand that that was a provincial subject and so the Central Legislature was not the proper authority to legislate on it. I hope that the Government of Assam and the Assam Legislative Council will have a speedy opportunity of going into the other parts of the recommendations of the Royal Commission on Labour, and that legislation on the lines recommended by the Royal Commission will be enacted in the Assam Legislative Council. With these words, Sir, I heartily support the motion. (Applause.)

**Dr. R. D. Dalal** (Nominated Non-Official) : Mr. President, in any legislation on labour such as is proposed and incorporated in the Bill before this Honourable House—the Tea Districts Emigrant Labour Bill,—Government have to consider two interests : Government should do no injury to the tea planter and Government should not shirk their responsibility to the tea labourer. Removal of restrictions to the free movement of labour, power to exercise control over the recruitment and the forwarding of labour to Assam, and the right of the emigrant to Assam to repatriation at the end of three years—these principles, which have been accepted by this House and endorsed by the Select Committee, ought to meet with the frank and cordial acceptance of the tea planters, who reprobate not less than do the Government of India the practices and the results of a wicked system of professional recruiting falsely known under the designation “ free ”. Sir, the tea labourer is not a shrewd person ; and great injustice is apt to be done if this fact is not borne constantly in mind. Recruiting agents tempt this poor ignorant person to go to Assam by glowing promises, and expressly or by implication deceive him as regards the conditions of service, and the nature of the length of the journey to Assam, and also the climatic and health conditions in Assam. In this connection I would point out that the Bombay system

[Dr. R. D. Dalal.]

of taking recruits before a first class magistrate, who ascertains that the recruit has fully understood the terms and the conditions of his employment, has worked satisfactorily ; and I presume that under clause 21 of this Bill the Local Government would be empowered to make rules of this kind.

Sir, it has been urged that the questions of sanitation, medical relief, education, housing conditions, maternity benefits, welfare board, and wage fixing machinery—all these should find a place in this Bill or the Government of India should take requisite action about these matters. But I submit, Sir, that these are provincial transferred subjects and are matters of the primary concern of the Local Government ; so I consider that it would be an uncalled for and malevolent interference—nay an encroachment on the rights of the Local Government.

Now, Sir, with reference to paragraph 3 of the Select Committee's report, it is desirable that the House should have an idea as regards the health conditions in Assam in relation to labour. So, Sir, with your permission, I shall proceed to say just a few words as regards the health conditions in Assam in relation to labour, and in doing so I shall have to refer to a few vital statistics. These vital statistics, I fear, the House may find rather uninteresting, but as the matter is of great importance, I hope the House will extend to me indulgence and will bear with me. A humid and malarial atmosphere is the real enemy of Assam. Malaria is of wide-spread importance, and is the most troublesome and ubiquitous menace in the health of Assam. Malaria more than the toll of life it exacts saps the vitality and energy and economic powers of the people as a whole more than any other disease. Sir, while talking of malaria, may I be allowed to pay a tribute to the great scientist and conqueror of malaria—Sir Ronald Ross, who has just passed away. To resume my subject : Assam is also the chief seat of a disease, which is known as Kala Azar or black fever. So, Sir, the climatic conditions, and the chief prevailing diseases, namely, Malaria and Kala Azar, and a low wage are quite enough to staunch the flow of the stream of free labour into Assam. It is highly desirable to increase the wage of the labourer ; but owing to over-production and world-wide trade depression the tea industry is at present in so depressed and impoverished a condition that I think it would be unwise to make any increase in the wage of the labourer. During the last few years considerable improvements have taken place in the health conditions of Assam. A few years ago the death rate was always greatly in excess of the birth rate, but now the reverse is the case—as a result the population has increased. During the last 20 years the population of the province of Assam has increased by 29 per cent. Now, Sir, as there is very little time at my disposal I do not wish to refer to vital statistics ; and I will content myself by saying that during the last few years owing to anti-malarial measures there has been a considerable fall in malaria incidence, and there is a steady decline in the mortality from Kala Azar also. Formerly the name Kala Azar was mentioned with terror by the inhabitants—the case mortality rate was 95 per cent. But, Sir, the success in the treatment of Kala Azar marks one of the greatest therapeutic triumphs of recent times ; and it redounds to the credit of the British Raj in India that a disease, which has existed for centuries with the case mortality rate of 95 per cent., has been converted by dint of British Medical Science into one with

a recovery rate of 95 per cent. In all the circumstances that I have mentioned and from the medical and public health picture that I have painted it will be conceded that Assam can no longer be regarded as a specially unhealthy Province, and if the labourer could be convinced that Assam holds out better prospects, better advantages, better opportunities than are available in the home of the labourer, I see no reason why free labour should not flow into Assam.

Sir, there is one provision in clause 40 of the Bill which has been the subject of some controversy and about which opinions are sharply divided. Personally I am not in favour of the proposal to transfer the funds of Assam Labour Board to the Emigrant Labour Fund or to redistribute the funds to the subscribers. I would respectfully suggest that the accumulated balance should be left intact, and that the interest thereof should be utilised for welfare work on the tea estates. In

4 P.M.

Assam the maternal mortality rate is dreadfully high. The maternal mortality rate in 1930 was 19.44 per 1,000 live births as compared with 4 in England. I will explain this. In Assam in 1930 one woman died to every 50 live births, while in England one woman died to every 250 live births. In this connection I would respectfully beg to make a suggestion, and it is that wives of tea planters, who are the comrades of their husbands, should take a deep interest in this important matter; and they should spend time and energy to organise and to establish maternity and infant welfare centres as is done by wives of officers in the Army.

Sir, the tea planter is fully conscious that the labourer is the bone and the sinew of the tea industry, that by the sweat of his brow tea is produced, that from his labour enormous profits have accrued to the tea industry, and that therefore the labourer should be the first and the main object of the planter's regard. Now, Sir, let us see what the tea planters in Assam have done for their workers. In Assam the tea industry has an efficient medical and public health service. To meet the medical and sanitary needs of the Tea Estates the industry maintains 750 qualified medical officers and 61 highly qualified District Medical Officers. The vital statistics are collected by a qualified agency, so the registration of vital statistics is accurate; and the vital statistics of the Tea Estates are far more satisfactory as compared with those of the Province of Assam. The industry spends 52 lakhs of rupees on medical relief and sanitation annually; and the Indian Tea Association of Assam contributes Rs. 40,000 every year towards medical research. Here on the tea estates the labourer is not under the clutches of the *Shahukar*. The tea planter saves the labourer from the usury of the money lender and rescues him from bondage. In this connection I desire emphatically to express my opinion that the public should have no right of access to the Tea Estates. I say this for two reasons. The money lender will make the most of this opportunity, and he will play havoc with the labourer as was the case in his own home. Further, there would be a great risk of introducing infectious diseases into the residential lines of the Tea Estates.

**Mr. A. G. Clow** : On a point of order, Sir, is this relevant to the present Bill ?

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member argues why labour should be allowed to go to Assam without restrictions.

**Dr. R. D. Dalal** : Now, Sir, I shall bring my remarks to a close. I cheerfully support this Bill, as this measure is fraught with great and indisputable advantages to the labourer, and as it will also conduce to the benefit of the employer—the tea-planter.

**Mr. J. A. Milligan** (Bengal : European) : Sir, the Bill before the House is primarily designed to give effect to the recommendations contained in Chapter XX of the Whitley Commission's Report, but it does not take its origin from that Report. It also represents the last phase of a long series of negotiations and discussions between the Government of India and various Local Governments on the one hand, and the tea industry on the other. In the course of these negotiations every aspect of the subject of emigration to Assam has been thoroughly examined. A Bill was actually prepared in 1928, but its introduction was postponed in view of the appointment of the Whitley Commission. The Commission set the seal of its approval on the understanding which had been reached in 1928 on the subject of recruitment between the Government of India and the tea industry ; but it laid down that the grant of rights of repatriation to new emigrants should no longer be optional to employers but should be made obligatory by statute. This Bill therefore deals with repatriation as an integral part of emigration. When it is remembered that every kind of penal contract has been abolished and that emigrants now-a-days go to Assam as free men under no obligation to stay even a single day on a tea estate if they do not like it, it will be realised—at any rate by all employers of labour—what a big concession has been made by the Assam tea industry in voluntarily accepting this obligation. We are assured by the Whitley Commission that this boon to the labourers will go far towards the solution of our labour difficulties. The experiments made by the industry on a large scale in recent years in this direction justify that hope so long as freedom from restrictions in the process of actual recruiting is assured.

The Bill, in its final form, has been framed on a basis of agreement. The industry has readily acquiesced in a scheme of repatriation which goes far beyond anything that is offered to emigrants who go from India to Ceylon and Malaya and in some respects goes beyond the recommendations of the Whitley Commission itself. This industry is therefore justly entitled to expect the fulfilment of its recruiting aspirations about which the Commission wrote as follows :

“ We consider that this is a reasonable claim and in the proposals that follow we have done our best to meet it.”

The three cardinal points of the Commission's proposals are : free recruiting, control over forwarding as long as this may be deemed necessary and retention of power by Government to reimpose restrictions in the unlikely event of serious abuses becoming prevalent.

The Bill provides for free recruiting unless and until Chapter IV is introduced, which the industry maintains will never be so long as the principles enunciated in the Whitley Commission Report and in the Statement of Objects and Reasons are the sole criterion, and this the industry is entitled to expect. We are most emphatically of opinion that the one and only reason that can ever justify the reimposition of

restrictions on the methods of recruiting is 'the interests of the emigrant'. So long as the emigrant is not in any way victimised, no other consideration should be allowed to interfere with the free movement of free labourers to the tea estates of Assam.

Chapter III provides for control over forwarding and I wish to emphasise the fact that the industry itself is responsible for the inclusion of a measure of control under this Chapter which goes far beyond what the original draft of the Bill provided. They have taken this course to ensure that no evasion of the Act will be possible; their intention being to perfect a system of self-controlled recruitment which will in a few years time render the retention of statutory control and statutory safeguards unnecessary.

The provision in the Bill for retention of power by Government to reimpose restrictions are drastic. While we deplore this apparent lack of confidence in the *bona fides* of the industry, we make no protest as we feel certain that the powers provided will never need to be exercised; but it is most regrettable that there is no allusion in the Bill to the basic principle stated by the Royal Commission in these words:

"The main criterion which must be satisfied by any scheme of control is that it must give a reasonable prospect of eliminating itself."

There is nothing in the Bill to suggest that either it will automatically come to an end in certain eventualities, or that the situation will be reconsidered after a reasonable lapse of time, say five years as suggested by the Commission. As there is no question now of embodying in the Bill itself any such stipulation, the tea industry would strongly press for an assurance from the Government of India that the whole question will be reconsidered in five years time.

Reference has been made to conditions on tea estates and the speedy enforcement of the other recommendations of the Whitley Commission contained in Chapters XXI and XXII has been urged. In this connection, I should like to remind the House of what the Whitley Commission put on record and to that end I shall make three brief quotations from the Report. On page 376, we read:

"At one extreme are gardens",

—that is in Assam,—

"where health and welfare receive adequate attention and where sufficient land is available for private cultivation."

Again, on page 390, we read:

"As a matter of fact annual earnings in the Assam plantations are higher than those of agricultural workers in most parts of India, and in considerable areas of Assam they appear to be higher than in other plantations."

Again, on page 418, on the subject of Boards of Health and Welfare, we read:

"Most of what has been said in the preceding paragraphs is already accepted by the majority of those engaged in the planting industry, and some have given much time and thought to the problems associated with the health and welfare of their labour forces."

[Mr. J. A. Milligan.]

From these quotations it will be obvious that the more prosperous estates are already carrying out a programme which is at least up to the standard of the recommendations. It will, I submit, be a grave mistake to enforce too suddenly on the less prosperous estates all the recommendations of the Commission. In an economic crisis like the present one, many of these estates are on the brink of disaster. The imposition of further burdens may well mean their total extinction in the next depression with the result of widespread unemployment. A remarkable feature of the present crisis in tea is that there is no unemployment in Assam, except amongst the employing class. Estates that are literally on the verge of bankruptcy are still providing their labourers with a living wage.

There is also another aspect of the problem. The tea industry has not reached its final stage of development in Assam ; there is still a large field for Indian capital in tea.

India at present consumes only some 50 million pounds of tea and India is undoubtedly one of the big tea drinking countries of the future. It is no exaggerated estimate to say that within a measurable period India will consume 3 or 4 hundred million pounds of tea. The cultivation of tea either in India or elsewhere is bound to expand to cope with this increase of consumption. In view of this prospect it is not unreasonable to advocate caution in the imposition of fresh burdens on the industry, as it is desirable that the expansion of tea cultivation should be in India and not in other countries.

In spite of all its shortcomings the industry accepts this Bill as it stands in the hope that the recruiting disabilities which have added so seriously to its expenses of production in the past will be removed by this measure.

\*Mr. Nabakumar Sing Dudhoria (Calcutta Suburbs : Non-Muhamadan Urban) : Sir, in rising to accord my hearty support to the provisions of this Bill, I give pointed expression to my feelings of great delight at the measure as a legislation on such lines was long desired for. I cannot let go this opportunity to offer my sincere congratulations to the Honourable the Labour Member and his official and non-official colleagues for the great care and consideration that they have bestowed on this very important matter. Assam labour conditions and, along with these, recruitment conditions have hitherto been a matter of great public concern and severe public comment, as those conditions have always reflected a lot of foul play, such as undue influence, coercion, fraud and harassment. The life and existence of emigrants were hitherto considered a life of servitude, a mode of slavery that was only assisted and regulated by law. I only wish that the Assam tea interests and the Local Government would now make a holy combination to give due and full effect to the salutary provisions contained in the Bill. It is also expected that the Central Government, by reason of the distance, will not any longer relax their strict supervision in all matters affecting Assam labour.



The spirit and provisions of the Bill are all, I must say, to the ultimate benefit of labour primarily intended for tea plantations in Assam. But, Sir, as our labouring population is yet uninformed and uneducated, it is the duty of Government to get at least the main provisions of the Bill translated into the chief vernaculars of the provinces, and distribute them broadcast among the people from whom Assam labour recruitment is generally made; or, for the matter of that, every recruitment officer should be strictly instructed to acquaint thoroughly the would-be emigrants with the chief provisions of the Bill affecting their interests before they are actually recruited.

Again, Sir, in order to disarm all sorts of public criticisms, it will be advisable to appoint a few non-official visitors who, assisted by the Controller and his staff, should be allowed free access to the tea estates and emigrant habitations to examine periodically the health and housing conditions. I feel sure, Sir, that the tea interests will stand nothing to lose, but everything to gain by the acceptance of this proposal of mine. Next, Sir, I cannot but emphasise that when tea interests are required to undertake to look after the health and housing conditions of the emigrants, they are in duty bound as well to make some arrangements for the elementary education of their children during the period of their stay in the plantations, as has been so opportunely suggested by my Honourable friend, Mr. B. N. Misra, in his note appended to the Bill.

Next, Sir, clause 39 (1) of the Bill is so framed that it will go to prejudice the interests of persons other than tea planters who may have occasion to engage themselves in trades and pursuits involving labour in Assam, such as timber extraction and the like. The clause, as it has been worded, evidently intends that those people should engage their labour through the agency of the Tea Districts Labour Association. In that event, the persons who will have occasion to get their labour in that way will be put to a lot of extra expense and worry. I submit, Sir, that the labour which those people will require will be of a temporary nature generally for the winter season and thus they will seldom engage family groups. If, therefore, traders, other than tea planters, have to recruit their labour through the expensive agency of the Tea Districts Labour Association, they will think twice before they go to Assam for any kind of trade that requires labour. In that event, Government interests, particularly in the matter of working of forests, will be indirectly greatly handicapped. I would suggest, therefore, that the wording of clause 39 (1) of the Bill be so framed as to make the provisions applicable to tea plantations only, where labourers are required by the terms of their contract to make a stay of some years at a stretch. If the reasonableness appeals to the Honourable the Labour Member, I hope he will accept my suggestion forthwith.

Sir, all that I have suggested above for the consideration of Government may be easily given effect to by means of bye-laws which the Local Government, in consultation with tea interests, are yet to frame.

**Mr. N. M. Joshi** (Nominated Non-Official) : Sir, as I am anxious that this Bill should pass before the House adjourns this evening, I shall make only a few remarks on this Bill. In the first place, I should like to congratulate my Honourable friend, Mr. Milligan, who represents the Assam tea industry here, upon having secured a very important ally in the person of my friend, Dr. Ziauddin Ahmad. Sir, he has chosen not to be an ally only of the tea industry, nor of the benches and the persons sitting on those

[Mr. N. M. Joshi.]

benches in the European Group, but he has taken upon himself to be an ally of all the capitalists in this country. Sir, my friend, Dr. Ziauddin Ahmad, suggested that I am in a conspiracy with some foreign capitalists. Let me assure my friend, Dr. Ziauddin Ahmad, that he is not so very original in that suggestion. I have heard those suggestions not once but several times and not only here but elsewhere also. And let me tell him very frankly that if in the interest of Indian labour it becomes necessary for me to take the assistance of any one in this world, whether it be the foreign capitalist or the foreign labourer, I shall not hesitate to take it. Let me also tell my Honourable friend, Dr. Ziauddin Ahmad, that I am as anxious, perhaps I am more anxious than he is, for the development of industries in this country but let me also tell him very frankly that if an industry cannot give humane conditions of life and work for the labourers, that industry, in my humble judgment, does not deserve to come into existence, and does not deserve to continue. (Hear, hear.) Let me very respectfully and humbly tell my friend, Dr. Ziauddin Ahmad, that this Bill is not mainly framed in the interests of labour at all. This Bill is brought forward by the Government not mainly in the interests of labour, but in the interests represented by my friend, Mr. Milligan. We had legislation restricting the recruitment of labour to Assam. Now, this restriction of recruitment caused great expenditure to my Honourable friend, Mr. Milligan, and those interests which he represents; and this Bill is intended to remove those restrictions so that the expenditure to the planters may be reduced. I am therefore surprised—perhaps I am not surprised—considering the general attitude of my honourable friend in this House. He is anxious to express his views on all subjects; and whether a Bill is intended to reduce the cost of production or not my friend Dr. Ziauddin Ahmad as he has always got something interesting to tell must always speak. The main object of this Bill is to remove the restrictions which were so long imposed upon the recruitment of labour in Assam. This Bill seeks to remove those restrictions on certain conditions. I do not wish to go into the details of this question; but let me briefly state this: that this question of the supply of labour for Assam tea gardens has been bungled and has been attempted to be solved in a wrong way. The tea planters tried to recruit labour in a reckless manner and Government sought to put restrictions, with the result that even in fifty years' time the problem of the supply of labour has not been solved at all. If the problem of labour supply to Assam is to be solved it can be satisfactorily solved in a different way. I have absolutely no objection that labour should be allowed to go to Assam freely and without any restriction. It is true that labour will not ordinarily go to Assam and if labour is recruited in a reckless manner there will be difficulties both to the planters as well as to the Government and also for the labourers; but what is necessary to be done is this: let labour be free to go; let there be no restrictions in recruitment; but let labour be protected in Assam. Let labour be supplied with proper conditions of life and work in Assam. The Royal Commission on Indian Labour has made recommendations for that purpose. The Select Committee has also recommended that if the problem of the supply of labour to Assam is to be properly solved the other recommendations of the Royal Commission should be given effect to. I would also like that there should be a proper system of inspection of the gardens and inspection of the conditions given to the labourers on

tea estates. If this is done, the problem of the supply of labour will be solved. Let the planters also instead of depending upon elaborate and costly method of recruitment depend on the attractions of life and work in Assam in order to secure labour. Unfortunately they have been making a mistake. I hope the planters will see their mistake and follow a better way of securing labour.

**Mr. M. Maswood Ahmad** (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Do you support or oppose the Bill, I want to know ?

**Mr. N. M. Joshi** : My Honourable friend has not read the report of the Select Committee. (*Mr. M. Maswood Ahmad* : "I have read the report, but your speech is not clear.") I am not against the Bill. I am in favour of this Bill, but, at the same time, I do not think that this Bill is intended by Government in order to help labour. This Bill is mainly intended to remove the restrictions on the recruitment of labour in the interests of the planters. I support this motion.

**Some Honourable Members** : The question may now be put.

**Mr President** (The Honourable Sir Ibrahim Rahimtoola) : I accept the closure. The question is that the question be now put :

The motion was adopted.

**The Honourable Sir Frank Noyce** : Sir, I have only a very few remarks to make at this stage. I should, I think, refer to Mr. Milligan's dislike of the provisions of Chapter IV of the Bill and his desire that the Government should give an assurance that the position will be reviewed in five years' time. Mr. Milligan knows as well as I do that the occupants of the Treasury Benches at a time like the present are not in a position to give an assurance such as that. I have no doubt whatever that the Government, both now and after the constitutional changes which we are anticipating, will watch the working of this Act very carefully and will take steps if they consider it desirable to remove the restrictions imposed by Chapter IV. But as I have already said, I am not in a position to give an assurance on that point. There is only one other point to which I would refer. I am afraid I disagree with Mr. Joshi in his contention that this Bill is in the interests of the employers of labour only...

**Mr. N. M. Joshi** : What is the main object of the Bill—to remove the restrictions on recruitment, is it not ?

**The Honourable Sir Frank Noyce** : The main object of the Bill is to see that the conditions of the recruitment of labour for Assam are entirely satisfactory. It does seem to me that, as Mr. Milligan has said, it is a compromise and that it deals fairly with both employers and labour. I cannot see that Dr. Ziauddin Ahmad's fears are in any way justified when it is remembered that the Bill has received the cordial assent of the representatives of the industry. If they have no fears in regard to its effect on the industry, I do not think that any one else need entertain such fears. Finally I should like to thank those Members who have made generous references to the small part I have played in shaping a measure which I am sure will be of benefit, I would again repeat, both to the employers in Assam and to their labour.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : The question is :

“ That the Bill to amend the law relating to emigrant labourers in the tea districts of Assam, as reported by the Select Committee, be taken into consideration.”

The motion was adopted.

Clauses 2 to 11 were added to the Bill.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : The question is that clause 12 stand part of the Bill.

**Sir Lancelot Graham** (Secretary, Legislative Department) : Sir, I desire to move the amendment that stands in my name. That amendment reads as follows :

“ That in sub-clause (2) of clause 12, for the words ‘ to the Controller, whose decision shall be final ’ the words ‘ for decision to the Controller ’, be substituted.”

Sir, the purpose of my amendment is mainly clarificatory, and paradoxical though it may seem, the purpose of the amendment is to make it clear that all the decisions of the Controller are final. Under Chapter II, and again under Chapter V, of the Act, certain powers of making inquiries and reaching decisions are conferred upon the Controller. Thus, under section 8 of the Bill, in the Chapter dealing with repatriation with which we are now concerned, Honourable Members will find that it is stated :

“ After such inquiry as he may think fit and after giving the employer an opportunity to be heard, the Controller may declare that the labourer has the right of repatriation against such employer.”

Again, Sir, similar powers have been conferred on the Controller under clauses 9 and 10. It will probably be observed in regard to those powers that it is not declared that the decision of the Controller shall be final. That declaration is only made in respect to the power of the Controller under clause 12 in which it says :

“ In the event of any dispute regarding the cost of the return journey or subsistence allowances, the question shall be referred to the Controller, whose decision shall be final.”

Now, Sir, I imagine that any one trying to appreciate the various powers of the Controller will say that as it is only stated with reference to one clause that his decision should be final, his decision arrived at in exercise of the powers given to him under other clauses would not be final. It was, I understand, the intention of Government, and equally the intention of the Members of the Select Committee, that the decision on these matters and also the decision under clause 15 as a result of an inquiry conducted by the Controller should be final. Clause 15, Sir, runs as follows :

“ Where the Controller, on information obtained from any source and after such inquiry as he may think fit and after giving the employer concerned an opportunity to be heard, is of opinion that an emigrant labourer is entitled to repatriation under any of the provisions of this Chapter or is entitled to the payment of any sum of money under the provisions of sub-section (2) of section 13, the Controller may direct the employer concerned to despatch such labourer and his family or to pay him the sum of money within such period as the Controller may fix.”

Now, Sir, I think it is fairly obvious that that power was intended to be a final power. This is a matter, Sir, of dispute purely on questions of fact between the employer and the employee, and it is the opinion of

Government and I understand of the Select Committee that the Controller should be the final authority in all these matters and not only in the matter referred to in clause 12. Consequently, Sir, I have brought forward, with reference to clause 12, an amendment to take out those words which give finality to the decision. The result will be that all the decisions of the Controller will be on a par. Thereafter, Sir, in order to make the position quite clear, I shall move an amendment after clause 39-A stands part of the Bill to insert clause 39-B, and the purpose of that amendment is complementary to the present amendment. The purpose is to make it clear that these matters are to be decided by the Controller and the Controller only, and that a Civil Court.....

**Mr. S. G. Jog** (Berar Representative) : On a point of order, Sir, Can an Honourable Member move two amendments at the same time ?

**Sir Lancelot Graham** : As I have said, later on I shall move an amendment which is complementary to this amendment, and I will refer to it for the purpose of making clear the purpose of this amendment. The purpose of this amendment is to place on a par all the decisions of the Controller and the purpose of the amendment which I shall move in due course is to remove any doubt as to whether the Civil Courts have any jurisdiction or not. I now move, Sir, my first amendment :

“ That in sub-clause (2) of clause 12, for the words ‘ to the Controller, whose decision shall be final ’ the words ‘ for decision to the Controller ’, be substituted.”

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : Amendment proposed :

“ That in sub-clause (2) of clause 12, for the words ‘ to the Controller, whose decision shall be final ’ the words ‘ for decision to the Controller ’, be substituted.”

The question which I have to put is that that amendment be made.

The motion was adopted.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : The question is that clause 12, as amended, stand part of the Bill.

The motion was adopted.

Clause 12, as amended, was added to the Bill.

Clauses 13 to 25 were added to the Bill.

Clauses 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39 and 39-A were added to the Bill.

**Sir Lancelot Graham** : Sir, I move :

“ That after clause 39A of the Bill the following new clause be inserted :

Bar of jurisdiction of Civil Courts. 39B. No Civil Court shall have jurisdiction—

- (a) to deal with or decide any question which the Controller is, by or under this Act, empowered to deal with or to decide, or
- (b) to enforce any liability incurred under this Act.”

I have already said the greater part of what I have to say in support of this amendment while moving my amendment to clause 12. I have only to add that this clause gives final force not only to the decisions which the Controller will give under Chapter II of the Bill which confers various rights of repatriation on labourers, but also to the decisions which the Controller is empowered by this Bill to give in matters arising out of sections 34, 35 and 36. As I said before, all these matters are

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purely questions of fact arising between the employer and the employees and, without the slightest disrespect to the Civil Courts, I should like to say that I am sure it is the feeling of this House that these questions are best decided finally by the Controller. There is precedent for this proposal in section 19 of the Workmen's Compensation Act, which vests similar powers in a Commissioner. Sir, I move.

**\*Mr. S. G. Jog :** The amendment moved by my Honourable friend, Sir Lancelot Graham, comes to this. He said that he does not want to disrespect the rights of the Civil Courts, but I think he would have done better if he had not moved this amendment, because by not moving the amendment he would have respected the rights of the Civil Courts better than by moving his amendment. I find that this amendment is purely an afterthought and I cannot exactly point out at what moment this idea suggested itself to my learned friend, Sir Lancelot Graham. I think the whole House would give credit to Sir Lancelot Graham for not allowing anything to escape his notice, which is legally required to be done when framing all these legislative measures. If he had in his mind that the jurisdiction of the Civil Courts should be barred, he would have certainly made a provision when the Bill was originally framed and sent before the Select Committee. What he wants to do is this, that the Controller should have an uncontrolled power in all his decisions. It is a fundamental right that, in every case, whenever there is a cause of action, there is a remedy and every man has a right to pursue his remedy in a Civil Court. If the man is in no way satisfied with the decision or the finding of the executive authorities, he has got a right to bring a suit against the decision. My friend is probably aware that even suits are brought against the Secretary of State for actions in many other similar matters. I see no reason why, having appointed a Controller and having given him these wide powers which are more or less of an executive or administrative nature, the fundamental right of the people of bringing suits in regular Civil Courts should be taken away. I know, in many cases, if people are satisfied with the decision of the Controller, they will not have recourse to civil rights. That is an entirely different matter, but I for one see no reason why this right should be taken away by this amendment. I strongly oppose the amendment moved by my friend, Sir Lancelot Graham.

**Mr. A. G. Glow :** Sir, may I say just a word at this rather late hour? I must, along with the Honourable Member in charge of the Bill, accept some responsibility for this amendment. The fact is that the matter was brought to the notice of the Select Committee by the Government of Assam and there was some talk upon it there. If I am in order in saying so, the Select Committee devoted a good deal of attention to the question of whether there should be an appeal from the Controller's orders and from the orders of other officers exercising his powers and, looking to the interests of labour, they came to the conclusion that provisions of that kind would be dangerous. In the course of the discussions we lost sight of the fact that it might be possible, I do not know if it is, to prevent the Controller repatriating emigrants by obtaining injunctions or by using the Civil Courts to restrain him in other ways; and it was again in the interests of labour that this amendment was

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\*Speech not revised by the Honourable Member.

proposed. Mr. Jog has suggested that where there is a cause of action there should be a remedy. I maintain that there is a very effective remedy in the Bill in the Controller's powers; and as Sir Lancelot Graham has explained, this clause follows directly the precedent of the Workmen's Compensation Act.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : The question is :

“ That after clause 39A of the Bill the following new clause be inserted :

Bar of jurisdiction ‘ 39B. No Civil Court shall have jurisdiction—  
of Civil Courts.

(a) to deal with or decide any question which the Controller is, by or under  
this Act, empowered to deal with or to decide, or

(b) to enforce any liability incurred under this Act ’.”

The motion was adopted.

New clause 39B was added to the Bill.

Clause 40 was added to the Bill.

The Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir Frank Noyce** : Sir, I move :

“ That the Bill, as amended, be passed.”

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : Motion moved :

“ That the Bill, as amended, be passed.”

**Sir Lancelot Graham** : Sir, I should like to move a purely formal amendment which is necessitated by the dropping out in Committee, and also, by amendments made in this House, by the addition also, of certain clauses and sub-clauses. The amendment which I desire to move, Sir, is :

“ That in pursuance of the amendments made in the Bill, the clauses and sub-clauses of the Bill be re-numbered and re-lettered.”

The motion was adopted.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : The question is :

“ That the Bill, as amended, be passed.”

The motion was adopted. (Loud Applause.)

#### RESOLUTION *RE* RATIFICATION OF THE INTERNATIONAL CONVENTION *RE* NARCOTIC DRUGS.

**The Honourable Sir Alan Parsons** (Finance Member) : Sir, I move :

“ That this Assembly recommends to the Governor General in Council that he do ratify the International Convention for limiting the manufacture and regulating the distribution of Narcotic Drugs.”

Very few words of mine are needed, Mr. President, to commend this Resolution to the House, for India has always been to the fore in international action to prevent the misuse of narcotic drugs, often at considerable sacrifice to herself; and her representatives will, I am sure, welcome a further step in this direction which, I am glad to say, will involve no further sacrifice.

India is already a party to two International Conventions which aim at regulating the traffic in narcotic drugs—the International Opium Con-

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vention of 1912 and the Dangerous Drugs Convention entered into at Geneva in 1925. It is because certain lacunae have been found in the provisions of the latter Convention that the question of ratifying this new Convention is now before the House. The Convention of 1925 imposed definite restrictions upon the transportation and sale of particular drugs but established no control over the quantity of raw opium or crude cocaine that might be used by factories in manufacturing drugs of all kinds ; and it soon became clear that its provisions could be evaded by the ingenuity of scientists in discovering new drugs, not covered by the Convention but which lent themselves to the formation of dangerous habits just as much as the drugs covered by the Convention. It is true that there was machinery for adding to the list of dangerous drugs covered by the Convention ; but the addition was a long and tedious process, and it was found that even when it had been completed and control had been taken over the particular drugs which were flooding the market, new and equally dangerous habit-forming drugs were invented. And so the struggle between the efforts of civilised nations to stamp out the drug habit and those organisations or individuals who wished to enrich themselves by pandering to the weakness of unfortunate drug addicts went on.

The conclusion reached was that to stop this loophole it was necessary to control the manufacture of all products of opium and the coca leaf, and discussions in the Fifth Committee of the Assembly in Geneva resulted for the first time in the history of the League in an agreement amongst the manufacturing countries as to the desirability of a limitation of manufacture by means of an International Conference which would determine the total amount of narcotic drugs required to meet the legitimate medical and scientific needs of the world. That Conference at which India was ably represented by Dr. Paranjpye took place in July, 1931, and the Convention now before the House was signed by him on behalf of India, but does not become binding until it has been ratified by both Houses of the Indian Legislature. I understand that a Resolution similar to that which I am moving today has already been accepted by the Council of State.

Briefly, the principal provisions of this Convention are as follows. Control under the provisions of the Geneva Convention of 1925 is extended to solutions of morphine and cocaine in an inert substance, whatever their cocaine or morphine content may be, and also to some extent to codeine and ethylmorphine. Crude morphine is held to be a manufactured drug, and the production of narcotic drugs is limited to the estimated requirements of Governments in respect of morphine, heroin and cocaine and their various salts and preparations and also to certain other drugs, and their ethers or salts. Countries adhering to the Convention are required to send their estimates to the Permanent Central Opium Board, and the estimates will be scrutinised by a new Supervisory Board. Provision is made for countries maintaining such reserve stocks of narcotic drugs as they may desire and also stocks for Government purposes. Heroin under the Convention can only be exported direct to a Government department and must be distributed by and on the responsibility of the importing Government. All seizures of heroin must either be destroyed or converted into a non-narcotic drug.



Neither as a country producing raw opium nor as a country manufacturing opium alkaloids for internal consumption, or on a very limited scale for export, is there anything in the Convention which could conceivably be described as opposed to India's interests ; and as a country into which large quantities of manufactured drugs are known to be smuggled for the illicit traffic, anything which aims at killing that traffic by tightening up the control of manufacture in other countries can only be most advantageous to India. It is with full confidence that it will receive the most ready acceptance that I move this Resolution. (Loud Applause.)

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Sir, this House has no other alternative but to accept the ratification of this Convention regarding the limitation of manufacture and distribution of narcotic drugs, but my complaint is as to the way that these Conventions are manufactured at the Geneva League of Nations and the way in which these are thrust upon us. Sir, India is too cultured, too religious, too just, too human to manufacture those drugs that are mentioned here. I am supposed to be a cultured man,—well, I have never heard of some of the articles mentioned here. (Laughter.) I will just read one or two names for the edification of the House : “ morphine ”, “ diacetylmorphine ”, “ cocaine ”, “ dihydrohydroxycodeinone ”, etc. (Laughter.) Sir, our country, with a civilisation extending back to the hoary past, never manufactured such drugs.

5 P.M. My friend, the Honourable Sir Alan Parsons, made the observation that the efforts of the civilized nations is to limit the manufacture of the narcotic drugs. Sir, India is civilised, but India does not manufacture such drugs. To-day we are asked to wash the sins of the Western nations. It is the Western manufacturers, both Europeans and Americans, that manufacture these drugs, namely, morphine, cocaine, etc., and they smuggle them into India on account of which India is losing to-day thousands of valuable human lives. To-day we find that the habit of taking cocaine is prevalent in big towns like Calcutta, Madras and Bombay. We also find that this cocaine taking habit is mostly confined to the rich families, aristocratic families, and yet to-day India is asked to ratify the Convention, simply because of the sins of Americans and Europeans. Then, my Honourable friend, the Finance Member, said that we must limit the manufacture of these drugs. Sir, it is these so-called civilized European and American nations that manufacture these drugs meet at the League of Nations at Geneva. I am glad to find that the Indian Delegation which was headed last year by my Honourable friend the Honourable Sir Brojendra Mitter was not a party to this. I believe some tiny official of the India Office represented India at Geneva and signed this Convention on behalf of India.

**The Honourable Sir Alan Parsons** : May I correct the Honourable Member ? It was signed by Dr. Paranjpye.

**Mr. B. Das** : Yes, it was signed by some tiny official of the India Office. I have the highest regard for Dr. Paranjpye, but when he became a Member of the India Office he was reduced to a cypher. (Laughter.) Then, Sir, my Honourable friend, the Finance Member, referred to Dr. Paranjpye's great doings at this Conference in the League of Nations. Sir, I know what position India occupies there, and if my Honourable friend will ever make inquiries into this matter, he will find that the European nations simply laugh at Indians. They say, India comes as a henchman of England, India has no voice of independence in the League of Nations and

[Mr. B. Das.]

India ought not to occupy the sovereign position and yet India happens to be an original member body of the League of Nations. Sir, I want to point out to the House the great doings of Dr. Paranjpye by referring the House to Article 30 of this Convention, which says :

“ The present Convention shall come into force ninety days after the Secretary-General of the League of Nations has received the ratifications or accessions of twenty-five Members of the League of Nations or non-member States, including any four of the following :

France, Germany, United Kingdom of Great Britain and Northern Ireland, Japan, Netherlands, Switzerland, Turkey, and the United States of America.”

Sir, where is India in this ? India is nowhere. It is these “ sinner ” countries, the European countries, including Japan, who manufacture large quantities of these narcotic drugs to the detriment of civilization, culture and against all principles of humanity. If four of these major countries and 21 non-member States have signed the Convention, then it will become ratified. Sir, Dr. Paranjpye has signed it, but if I was there I would have been ashamed to sign it. I am ashamed at the way in which India is being treated at the League of Nations. Sir, I do not wish to speak at great length. I do not want it to be regarded by the League of Nations or the International Conferences that India is not humane. India is more humane, more cultured, more civilised and more religious-minded than all the European nations put together. They are thrusting upon us a Convention for which the European nations are responsible only for the purpose of looting us and taking our gold. Sir, we have no other alternative but to sign it and accept it. I have made these observations not for the ears of the Government of India, but for the ears of the British Government. I have also made them with the object that the Secretary-General should take note of the fact that either India should be restored to its proper place as an equal partner, as a sovereign member body or it is better for us to get out of the League of Nations altogether.

**The Honourable Sir Alan Parsons :** Sir, at this late hour I do not think I need reply at any length to my Honourable friend, Mr. B. Das. His criticisms are far more directed against some of the European Governments or against the League of Nations than against the purposes for which I am asking the House to pass this Resolution. As I am not responsible for the various Governments mentioned or, for the League of Nations, and as I have just received a chit saying that the omission of India's name from Article 30 is a compliment.....

**Mr. B. Das :** She is a minor State and not a major State.

**The Honourable Sir Alan Parsons :** I think the omission was because she was known to have taken sufficient steps already to control the manufacture of narcotic drugs.

**Mr. President (The Honourable Sir Ibrahim Rahimtoola) :** The question is :

“ That this Assembly recommends to the Governor General in Council that he do ratify the International Convention for limiting the manufacture and regulating the distribution of Narcotic Drugs.”

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Monday, the 26th September, 1932.