

30th March 1937

**THE
LEGISLATIVE ASSEMBLY DEBATES**

(Official Report)

Volume III, 1937

(15th March to 3rd April, 1937)

FIFTH SESSION

OF THE

FIFTH LEGISLATIVE ASSEMBLY

1937



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1937

Legislative Assembly.

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MR. MATHURADAS VISSANJI, M.L.A.

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LEGISLATIVE ASSEMBLY.

Tuesday, 30th March, 1937.

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

MEMBERS SWORN:

- U Ba Nyun, M.L.A. (Burma: Non-European);
Mr. John Bartley, C.I.E., M.L.A. (Government of India: Nominated Official); and
Mr. Satyendra Nath Roy, C.I.E., M.L.A. (Government of India: Nominated Official).

QUESTIONS AND ANSWERS.

ACCIDENT ON THE KALKA SIMLA RAILWAY.

715. *Mr. Amarendra Nath Ohattopadhyaya: (a) Are Government aware of the railway accident which occurred on the afternoon of the 8th March last, as reported in the *Hindustan Times* of the 11th March, page 4, on the Kalka-Simla Railway, when a trolley capsized and fell down a *khud*?

(b) Will the Honourable Member in charge be pleased to state if it is a fact that three coolies and a Way-Inspector, Mr. R. B. King, were injured as a result of that incident?

(c) Will the Honourable Member in charge state if it is a fact that a special rail motor was despatched from Kalka to the station of occurrence and that, while Mr. King was carried in that special rail motor, the coolies were left at the mercy of a ballast train which was expected to reach that station at some later time? Will the Honourable Member state the interval between the arrival of the two aforesaid trains at Kalka?

(d) Will the Honourable Member be pleased to state why the injured coolies were not despatched along with Mr. King in the same special rail motor?

(e) Will the Honourable Member in charge state who was responsible for this difference in treatment of the three coolies and Mr. King injured under the same circumstances?

(f) Will the Honourable Member please state if the injured are being given proper treatment, where and how they are kept and treated, how they have been keeping and whether they are improving?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). Yes: but the number of persons injured, including Mr. King, was five.

(c) A rail motor was arranged to bring Mr. King into Kalka and a ballast train following was utilised to bring the others. The interval between the arrival at Kalka of the rail motor and the ballast train was 19 minutes.

(d) Mr. King's injuries were serious, and his leg had subsequently to be amputated: the others had simple injuries.

(e) The Assistant Operating Officer of the North Western Railway at Simla, acting in consultation with the Assistant Surgeon at Kalka.

(f) Yes. They are progressing satisfactorily: Mr. King being in the British Military Hospital at Ambala, and the others in the Railway Hospital at Kalka.

Mr. Lalchand Navalrai: May I know how long these poor coolies were in that ditch lying—for how much time were they lying there?

The Honourable Sir Muhammad Zafrullah Khan: Which ditch?

Mr. Lalchand Navalrai: The "khud", which is called a ditch?

The Honourable Sir Muhammad Zafrullah Khan: I have no information.

Mr. Lalchand Navalrai: Can the Honourable Member say why these poor people were not taken in the same rail motor?

The Honourable Sir Muhammad Zafrullah Khan: I imagine, because there was not enough room for all; the gentleman whose injuries were serious was removed more quickly to hospital than the others whose injuries were simple.

Mr. Lalchand Navalrai: May I ask if the Honourable Member has got definite information that there was no room in the rail motor at all?

The Honourable Sir Muhammad Zafrullah Khan: No; I have said that I imagine that that was the reason.

Mr. Lalchand Navalrai: May I ask why another rail-motor was not sent there?

The Honourable Sir Muhammad Zafrullah Khan: Because a train was following; as I have said, "the interval between the arrival at Kalka of the rail-motor and the ballast train was 19 minutes".

Mr. Lalchand Navalrai: Was there any hospital assistance rendered there by any man on the spot?

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

RE-ORGANISATION OF THE GOVERNMENT OF INDIA SECRETARIAT.

716. ***Mr. O. N. Muthuranga Mudallar:** With reference to the answer to part (a) of my starred question No. 323, asked on the 26th January last, will Government be pleased to state:

(a) at what stage the question of the re-organisation of the Government of India Secretariat now is;

- (b) when it is proposed to effect the changes;
- (c) whether Provincial Governments have been consulted at any stage in regard to them, and if so, what their views are;
- (d) whether it is proposed to consult the new Provincial Governments which will come into existence after the 1st April in the matter, and if not, why not; and
- (e) whether they have under consideration the question of continuing the recruitment of Indian Civil Service officers from provinces for the needs of the centre, and if so, whether the wishes of the new Provincial Governments will be consulted, and if not, why not?

The Honourable Sir Henry Craik: The whole matter is still under consideration, and it is not possible to make any partial announcement at the present stage or to say exactly what further procedure will be found necessary.

Mr. Lalchand Navalrai: May I know if any progress has been made so far? May I know what approximately will be the scope of the re-organisation?

The Honourable Sir Henry Craik: The whole matter is under consideration.

REVISION OF SCALES OF PAY OF SUPERIOR OFFICERS IN THE GOVERNMENT OF INDIA SECRETARIAT.

717. ***Mr. C. N. Muthuranga Mudaliar:** With reference to the answer to part (b) of my starred question No. 323, asked on the 26th January last, will Government be pleased to state:

- (a) the reasons for deferring the question of the revision of scales of pay of superior officers, except Assistant Secretary;
- (b) the present scales of special pay attached to the different posts in the Secretariat filled by Indian Civil Service officers; and
- (c) whether it is proposed to consider the question of revising these scales of pay, and if not, why not?

The Honourable Sir Henry Craik: (a) The question of revising the pay of the superior posts under the Government of India is linked with the general question of revising the pay of the I.C.S. which has been deferred for the present.

(b) I would refer the Honourable Member to Table A of Schedule VIII of the Superior Civil Services Rules.

(c) The posts under the Government of India are some on fixed rates of pay and others on time-scale *plus* special pay, and it would be inequitable to reduce the special pay of the latter as long as the fixed rates of pay remain unchanged.

Mr. Lalchand Navalrai: May I know if the revision of the pay of these I.C.S. people will lie with the Governor General in Council or with the Secretary of State?

The Honourable Sir Henry Craik: The Secretary of State.

Mr. T. S. Avinashilingam Chettiar: May I know—in view of the fact that this question of the pay of the I.C.S. has been hanging fire for a long time—why it is deferred again?

The Honourable Sir Henry Craik: That is a separate question of which I must have notice.

REPORT ON THE ELECTION ACTIVITIES OF GOVERNMENT SERVANTS.

718. ***Mr. C. N. Muthuranga Mudaliar:** Will Government be pleased to state whether Local Governments have been asked to report to the Government of India action taken by them on their letter to them regarding the election activities of Government servants, and if so, whether the Local Governments replies will be placed on the table of the House, and if not, why not?

The Honourable Sir Henry Craik: No. The second part of the question does not, therefore, arise.

PUBLICATION OF LIST OF POST OFFICES.

719. ***Mr. Sri Prakasa:** (a) Is it a fact that besides the list of post offices printed in the alphabetical order in the *Postal Guide*, Government publish separately a list of post offices arranged division-wise?

(b) Is it a fact that this latter publication is treated as purely a private departmental publication?

(c) Are Government prepared to consider the desirability of putting this publication also for sale?

The Honourable Sir Frank Noyce: (a) and (b). Yes.

(c) No. The publication is intended for departmental use only. All the information the public are likely to require is available in the *Post and Telegraph Guide* which can be obtained on sale by the public.

Mr. Sri Prakasa: In view of the fact that the list of post offices given in the *Postal Guide* is arranged alphabetically and the list given in the other publication is given in accordance with the districts or divisions of the post office, will Government reconsider the desirability of putting the latter publication also for sale in order to enable such persons as so desire to find out the names of the various post offices in the different postal divisions?

The Honourable Sir Frank Noyce: I think that the publication of two lists would only cause confusion.

Mr. Lalchand Navalrai: May I know whether or not the reason for its non-publication is that this guide contains confidential information or instructions to the officials? Is that the reason for its not being allowed to be sold?

The Honourable Sir Frank Noyce: That is not the reason; it is for departmental use.

Mr. Lalchand Navalrai: Is not the departmental publication also useful for the public?

The Honourable Sir Frank Noyce: Not necessarily.

Mr. Sri Prakasa: What is the harm in making this publication also available for sale?

The Honourable Sir Frank Noyce: It would only cause confusion.

Mr. Sri Prakasa: Confusion to the public or to the post office?
(No answer.)

CONFERMENT OF TITLES IN THE CENTRALLY ADMINISTERED AREAS.

720. ***Mr. Sri Prakasa:** (a) Is it a fact that the district officers in the centrally administered areas are approached by individuals asking for titles?

(b) Do these officers ever write to Government recommending any titles to anyone?

(c) Do Government in their turn recommend to His Majesty, or the Governor General, the desirability of bestowing any titles on any individuals?

(d) If so, what are the conditions that lead the Government to make such recommendations?

Sir Aubrey Metcalfe: (a) Government have no information
(b) and (c). No.
(d) Does not arise.

Mr. Sri Prakasa: May I take it that the Honourable Member is serious when he says that the Government have no information?

Sir Aubrey Metcalfe: Quite serious.

Mr. S. Satyamurti: With reference to clause (b) of the question, may I know whether the answer is "yes" or "no"?

Sir Aubrey Metcalfe: No.

Mr. S. Satyamurti: They do not write?

Sir Aubrey Metcalfe: No.

Mr. S. Satyamurti: With reference to the answer to clause (c) of the question, may I know whether the answer is "yes" or "no"? Do the Government recommend to His Majesty, or the Governor General, the desirability of bestowing any titles on any individuals, or do they not so recommend?

Sir Aubrey Metcalfe: The answer is no.

Mr. Lalchand Navalrai: How then are these titles conferred upon them?

Sir Aubrey Metcalfe: No, the Honourable Member may not know.

Mr. Lalchand Navalrai: May I also know if these persons who apply for these titles, do they do it directly or through any channel?

Sir Aubrey Metcalfe: I have stated that no person applies for a title.

Mr. Lalchand Navalrai: How then do they get it? (Laughter.)

Mr. K. Santhanam: May I know if the conferment of titles is a secret process?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member says that it is not the concern of the Government.

Mr. Sri Prakasa: Are we to understand that His Majesty knows automatically on whom to bestow titles?

Mr. President (The Honourable Sir Abdur Rahim): The Chair cannot allow that sort of question. Next question.

OVERHAULING OF THE PATNA JUNCTION RAILWAY STATION.

721. ***Babu Kailash Behari Lal:** (a) Will Government be pleased to state if it is not a fact that in reply to a question of mine, the Honourable the Railway Member stated last year that the work of replacing the present premises of the Patna Junction Railway Station by an improved type of building is expected to be finished during 1936-37?

(b) Is it not a fact that the work has not even begun as yet, although the year 1936-37 has almost run out?

The Honourable Sir Muhammad Zafrullah Khan: An enquiry is being made from the Railway Administration, and a reply will be laid on the table in due course.

FACTORIES MANUFACTURING PALMYRA SUGAR.

722. ***Mr. B. B. Varma:** (a) Will Government be pleased to state the number of factories manufacturing sugar out of Palmyra jaggery in India?

(b) What is the quantity of Palmyra sugar turned out by these factories?

(c) Do these factories also manufacture sugar out of sugar-cane?

(d) If the answer to part (c) be in the affirmative, is it possible to know whether the sugar manufactured is out of Palmyra or sugar-cane?

(e) Is any excise duty imposed on Palmyra sugar? If not, why not?

(f) Are these factories Indian or European concerns?

Sir Girja Shankar Bajpai: (a) There were six such factories in 1936, five in British India and one in the Travancore State.

(b) According to the latest report, four factories in British India produced 10,721 tons of palmyra sugar in 1936.

(c) Two factories do.

(d) Palmyra sugar can be easily distinguished from cane sugar through taste and smell, unless it is highly refined.

(e) I would refer the Honourable Member to the reply given to Pandit Krishna Kant Malaviya's question No. 1 on the 4th February, 1936. Subsequent enquiry has not indicated any change in the position.

(f) Two of the six factories are managed by European concerns.

Mr. Lalchand Navalrai: May I ask the Honourable Member if this palmyra sugar is also charged an excise duty? If so, how much—less or more?

Sir Girja Shankar Bajpal: May I invite my Honourable friend to read the reply which I gave on the 4th February, 1936, to Pandit Krishna Kant Malaviya?

Mr. Lalchand Navalrai: That reply was given long ago, and I have not got it before me.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has been referred to the answer given.

CLASSIFICATION OF SURYAVANSHI RAJPUTS AS UNTOUCHABLES.

723. ***Mr. K. M. Jedhe:** (a) Are Government aware of the fact that a large number of people in the United Provinces and in the Punjab, calling themselves *Suryavanshi* Rajputs, are classed as *Khatiks* and therefore untouchables under the Census Report of 1931?

(b) Will Government be pleased to state whether this classification of *Suryavanshi* Rajputs as untouchables is done after investigating the history of the cast? If not, how?

(c) Have Government received any memorial from the All-India *Suryavanshi* Rajput Mahasabha, requesting them to call them Rajputs (*Kshatriyas*) and not *Khatiks*—untouchables?

(d) Are Government prepared to issue necessary orders to correct the mistake that has appeared in the Census Report for the year 1931?

The Honourable Sir Henry Crank: (a) Government are not aware that the facts are as stated by the Honourable Member.

(b) According to the instructions issued to the enumerators at the census of 1931, the caste recorded against each person was the caste to which that person claimed to belong.

(c) No such memorial has been received recently, but as the office of the Census Commissioner was closed some years ago, it has not been found possible to make a complete search among the records.

(d) Does not arise.

Mr. Sri Prakasa: Is it not a fact that in the Jhansi district a large number of persons applied to Government not to class them among the scheduled castes, because they did not belong to those castes, and that the Government did not listen to their request?

The Honourable Sir Henry Craik: I have no information.

Mr. Sri Prakasa: Will the Honourable Member kindly inquire in the matter?

The Honourable Sir Henry Craik: If the Honourable Member will put down a question, I will inquire.

ALLEGED INJUSTICE TO CERTAIN PUBLIC SERVICE COMMISSION EXAMINATION CANDIDATES.

724. ***Bhai Parma Nand:** Is it a fact that from among the candidates who qualified in the examination for Routine Division clerks of the Imperial Secretariat and Attached Offices, held by the Public Service Commission, in 1935, candidates of one community who secured lower marks than those of other communities, have been considered suitable for appointment to permanent vacancies occurring during the last few months of the financial year 1936-37, while similarly qualified candidates of the said other communities, obtaining higher marks, have been left out as unsuitable and vacancies have been reserved to be filled after the 1st April, 1937, from the 1936 examination list? If so, why have the candidates securing better marks been prejudicially treated?

The Honourable Sir Henry Craik: Vacancies are filled in order of merit and no departure is made from this order except when a vacancy is reserved for Muslims or the other minority communities, in which case candidates of the majority community have to be passed over even if they have obtained higher marks.

FACILITIES TO THE CENTRAL PUBLICATION BRANCH EMPLOYEES FOR TRANSFER TO CERTAIN OFFICES IN CALCUTTA.

725. ***Pandit Lakshmi Kanta Maitra:** (a) With reference to the replies to parts (a) and (d) of starred question No. 1774, dated the 20th April, 1936, will Government state whether it is a fact that the Controller of Stationery and Printing's order in respect of repatriation of the Central Publication Branch Staff concerned was actually issued in conformity with the decision of the Government of India that the permanent clerks of the Central Publication Branch who came up to Delhi from Calcutta and who belonged to the combined gradation list maintained by the Central Stationery Office, be excluded therefrom while affording *inter alia* to them facilities for transfer in their own grades as and when vacancies would occur in the different branches of the Stationery and Printing Department in Calcutta?

(b) Will Government lay on the table a copy of the relevant communication and a copy of the Controller's orders embodying the decision referred to above?

(c) Will Government state what the reasons were that actuated them to afford facilities to the staff for transfer to Calcutta offices?

The Honourable Sir Frank Noyce: (a) Yes.

(b) Government do not propose to lay copies of the orders on the table.

(c) The persons concerned generally indicated a preference for employment in Calcutta, and some had applied for retransfer to Calcutta for domestic reasons.

Pandi Lakshmi Kanta Maitra: Is it not a fact that the staff of the Central Publication Branch, when it was brought from Calcutta to Delhi was brought on the distinct understanding that at the earliest opportunity they should be repatriated back to Calcutta?

The Honourable Sir Frank Noyce: I do not think any such understanding was given.

Pandit Lakshmi Kanta Maitra: Is the Honourable Member aware that the Standing Finance Committee, while sanctioning the expenditure for the move of the staff of the Central Publication Branch, accepted that condition?

The Honourable Sir Frank Noyce: The Honourable Member evidently has more information on the subject than I have at the moment. It is possible that what I have said just now may not have been correct, because I have not refreshed my memory. But if that understanding was given, it is being fulfilled. These people are being repatriated to Calcutta as rapidly as possible.

FACILITIES TO THE CENTRAL PUBLICATION BRANCH EMPLOYEES FOR TRANSFER TO CERTAIN OFFICES IN CALCUTTA.

726. ***Pandit Lakshmi Kanta Maitra:** (a) Will Government state whether it is a fact that the Government of India's orders of exclusion of the Central Publication Branch staff from the combined gradation list maintained by the Deputy Controller of Stationery have had the effect of the staff concerned being deprived of opportunities for being transferred on promotion or being at all considered for purposes of promotion to the three sister offices in Calcutta when vacancies in the higher grades would occur?

(b) If so, will Government state whether the staff concerned were ever warned that the scope for promotion they had at the time of entry into service by reason of their occurrence on the combined gradation list maintained by the Central Stationery Office would be liable to mutilation or variation in a manner indicated above, which would be prejudicial to the interests of the staff concerned as a whole?

(c) Will Government state what compensatory benefits were given to the staff in lieu of withdrawal of opportunities for promotion to the three branches of the Printing and Stationery Department located in Calcutta?

(d) Are Government aware that recently an attempt is being made by the Controller to declare some higher posts of the Central Publication Branch as Selection Posts? If so, why?

The Honourable Sir Frank Noyce: (a) Yes.

(b) There was no occasion for a warning, nor does an examination of the position confirm the suggestion that the promotion of the staff as a whole has been adversely affected.

(c) None; there was no case for compensation.

(d) I understand that the Controller of Printing and Stationery is, at present, considering with reference to certain administrative instructions, what posts in the entire Stationery and Printing Department should be classified as "selection posts" and not particularly in the Central Publication Branch.

FACILITIES TO THE CENTRAL PUBLICATION BRANCH EMPLOYEES FOR TRANSFER TO CERTAIN OFFICES IN CALCUTTA.

727. *Pandit Lakshmi Kanta Maitra: (a) Will Government state whether it is a fact that the clerks of the Central Publication Branch who are being transferred in their own grades to any of the sister offices located in Calcutta, are being assigned the lowest position in the gradation list in those offices irrespective of length of service and pay?

(b) If so, will Government be pleased to state whether the employees of the Central Publication Branch who will go on transfer on their own grades will thereby lose their claims for promotion to higher grades on the plea of juniority in service?

The Honourable Sir Frank Noyce: (a) Yes.

(b) Those who accept transfer normally lose seniority, but promotion in the ministerial establishment of the Calcutta offices of the Stationery and Printing Department is intended to be regulated mainly by merit.

FACILITIES TO THE CENTRAL PUBLICATION BRANCH EMPLOYEES FOR TRANSFER TO CERTAIN OFFICES IN CALCUTTA.

728. *Pandit Lakshmi Kanta Maitra: (a) With reference to the reply to starred question No. 1774 of the 20th April, 1936, will the Honourable Member in charge of the Department of Industries and Labour be pleased to state the number of clerical vacancies that have occurred since May 1936 to date, in the Central Stationery Office, including the Stationery Store?

(b) How many of those vacancies have been filled up by repatriation of clerks of the Central Publication Branch who had to come up to Delhi in consequence of the permanent move of the office to Delhi?

(c) How many of those vacancies have been filled up by outside recruitments?

(d) Will Government please refer to the reply to parts (a) and (b) to starred question No. 1774 of the 20th April, 1936, and state whether it is a fact that the Controller of Printing and Stationery subsequently issued orders to the effect that all vacancies occurring in the three branches of the Stationery and Printing Department in Calcutta, shall be filled up by transfer of the employees of the Central Publication Branch?

(e) Will Government state how many clerical vacancies are due to occur, owing to retirement or promotion, in the Central Stationery Office in 1937-38 and 1938-39?

(f) Will Government state how many clerical vacancies are expected to occur in the Calcutta Press, either owing to retirement, or promotion, or sanction of increased staff, during 1937-38 and 1938-39?

(g) Will Government state how many clerical vacancies are expected to occur in the Forms Press either consequent on retirement or promotion or sanction of increased staff during 1937-38 and 1938-39?

(h) With reference to the replies to parts (a) and (b) of starred question No. 1774 of the 20th April, 1936, will Government indicate the exact ratio between the total number of clerks transferred so far since the date of the Controller's order of repatriation and the total number of employees who are eligible for transfer in their own grades on the strength of the repatriation order?

(i) With reference to the reply to part (a) of starred question No. 1774, dated the 20th April, 1936, will Government state whether the Controller, while issuing the repatriation order, calculated the probable period within which the staff governed by the repatriation order would be fully absorbed in the vacancies in the Calcutta offices?

(j) If so, will Government state how long it will take to repatriate the staff in full in the normal course?

(k) Are Government aware that the order of repatriation has afforded no immediate relief to all the staff at a time and that only those who have availed themselves of the order by being actually transferred have been benefited?

(l) Are Government aware that the repatriation of the staff is being regulated in order of seniority in service?

(m) Are Government inclined to consider the desirability of granting some sort of personal pay to the permanent employees eligible for transfer, to be withdrawn when the transfer actually takes place?

(n) Will Government state whether it is a fact that one Kalikrishna Mondal, the junior Addressograph Operator, died at Delhi after a brief illness and his family had to be repatriated to Bengal by raising subscription from the staff of the Central Publication Branch? If so, how much did this employee draw as salary per month?

(o) Are Government aware that the employees who had to come up to Delhi have become deeply involved in liabilities due to their endeavour to meet the barest necessities of life?

The Honourable Sir Frank Noyce: (a) Two permanent and one temporary.

(b) One.

(c) Two.

(d) Yes, only permanent vacancies, subject to the orders regarding the recruitment of minority communities and the suitability of the men for the vacancies to be filled.

(e) Eight including three in the Stationery Stores.

(f) and (g). Two, each in the Government of India Press and the Forms Store, Calcutta, excluding additions to the staff which cannot be forecasted.

(h) 7 to 30.

(i) No.

(j) It is not possible to say how long it will take to repatriate the entire staff concerned.

(k) It is evident that gradual transfers cannot confer an immediate benefit on the staff as a whole.

(l) Yes, subject to the restrictions mentioned in (d) above.

(m) No.

(n) Government have no information in regard to the first part. As regards the second part, Mr. Kalikrishna Mondal was drawing Rs. 92.

(o) No.

Pandit Lakshmi Kanta Maitra: With reference to part (c) of the question, I understood the Honourable Member to say that some vacancies have actually been filled by outside recruitment. May I know why the members of the Central Publication Branch were not repatriated when these vacancies arose?

The Honourable Sir Frank Noyce: I shall require notice of that question.

Pandit Lakshmi Kanta Maitra: Is it not also a fact that by the grant of extension after extension by the present Controller of Stationery, repatriation is not making any progress?

The Honourable Sir Frank Noyce: On that point also I shall require notice.

Pandit Lakshmi Kanta Maitra: Is it not also a fact that whenever vacancies occur, there has been a sort of abnormal establishment called the "fluctuating" establishment, and people are recruited from that establishment, to these vacancies instead of speeding up the repatriation in the terms of the Resolution to which I have just referred?

The Honourable Sir Frank Noyce: I am afraid I must ask for notice of these questions. I do not carry all these details in my head.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member had any more points on which he wanted information, he should have given notice of them.

INCREASE IN THE CENTRAL PUBLICATION BRANCH STAFF.

729. ***Pandit Lakshmi Kanta Maitra:** (a) Will the Honourable Member in charge of the Department of Industries and Labour be pleased to state whether it is a fact that it was assured by Government before the Standing Finance Committee that sanctioned the expenditure on account of move of the Central Publication Branch from Calcutta to Delhi that by the move of the office to Delhi, imperative necessity for increased staff would be obviated?

(b) Will Government state whether it is a fact that some time ago nearly 30 permanent clerks and one Assistant (Stock-keeper) were sanctioned and employed?

(c) Are Government aware that the numerical strength of clerical staff has become entirely disproportionate in relation to the strength of the Assistants who are to supervise their work?

The Honourable Sir Frank Noyce: (a) No.

(b) Yes, 28 permanent clerical posts were sanctioned in 1986. Of these eight already existed on a temporary basis.

(c) No.

Pandit Lakshmi Kanta Maitra: Is it not a fact that, as a result of the recruitment examinations, certain hands were actually taken, and when the Superintendent of the Central Publication Branch wanted their certificates in the original, a lot of them tendered resignation?

The Honourable Sir Frank Noyce: Will the Honourable Member kindly repeat his question?

Pandit Lakshmi Kanta Maitra: After the recruitment examinations, certain hands were taken in, and when the present Superintendent called for their certificates in the original, a number of them tendered their resignation without producing the original certificates?

The Honourable Sir Frank Noyce: I am sorry I have to repeat that I must ask for notice of these very detailed questions.

EXPENDITURE INCURRED ON THE CENTRAL PUBLICATION BRANCH.

730. ***Pandit Lakshmi Kanta Maitra:** Will Government be pleased to furnish comparative statistics of actual expenditure incurred in the Central Publication Branch under different heads during the last three years of its existence in Delhi and of the last three years of its existence in Calcutta before its removal to Delhi?

The Honourable Sir Frank Noyce: A statement is laid on the table.

Statement of actual Expenditure incurred in the Central Publication Branch, during the years 1930-31 to 1935-36.

	1930-31.	1931-32.	1932-33.	1933-34.	1934-35.	1935-36.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Pay of Officers	9,252	10,065	9,054	9,715	10,070	11,155
Pay of Establishments	90,440	84,113	78,223	86,201	91,117	94,569
Allowances, Honoraria, etc.	1,418	..	18,865	1,890	1,190	450
Postage and Packing Charges	1,01,151	85,998	73,758	80,451	82,207	96,559
Supplies and Services	4,51,388	10,726	9,526	9,176	9,526	10,493
Contingencies	84,872	28,851	77,930	54,296	87,904	42,665
Establishment Charges paid to Other Government Depart- ments, etc.	310
Total	7,38,831	2,19,753	2,67,356	2,41,729	2,32,014	2,55,891

NOTE I.—The branch moved from Calcutta to Delhi in 1933.

NOTE II.—Certain charges shown in the years 1932-33 and 1933-34 were incurred on this account.

NOTE III.—The large expenditure in 1930-31, as compared with other years is due mainly to the branch being then on a commercial basis.

**MEMORIAL BY THE WIVES OF THE CENTRAL PUBLICATION BRANCH EMPLOYEES
REGARDING THEIR FINANCIAL HARDSHIPS.**

731. ***Pandit Lakshmi Kanta Maitra:** (a) Will the Honourable Member in charge of the Department of Industries and Labour be pleased to state if it is a fact that a representation was made to him, recounting the financial hardships of the employees of the Central Publication Branch who came up to Delhi from Calcutta, by the wives of those employees?

(b) Is it a fact that those ladies also preferred an appeal to the former Viceroy and that the Memorial was returned by the Department of Industries and Labour to the memorialists with the direction that it should be submitted through proper channel?

(c) Is it a fact that the said memorial was again sent through proper channel, and the Controller of Printing and Stationery withheld it without assigning any reasons therefor?

The Honourable Sir Frank Noyce: (a) and (b). Yes.

(c) Yes. The memorial was withheld by the Controller of Printing and Stationery under instruction 7(19) of Instructions for the submission of petitions to the Governor General in Council, and this fact was intimated to the memorialists.

ADMINISTRATIVE CONTROL OF THE CENTRAL PUBLICATION BRANCH.

732. ***Pandit Lakshmi Kanta Maitra:** (a) Are Government prepared to consider the advisability of transferring the Central Publication Branch to the control of the Director of Public Information in the near future or simultaneously with the inauguration of the new Reforms at the Centre?

(b) Has the question of removing the Central Publication Branch from the present administrative control ever been considered before?

(c) If not, do Government propose to review this aspect of the question now in view of the impending introduction of new reforms and consequent reshuffling of portfolios?

The Honourable Sir Frank Noyce: (a), (b) and (c). No.

Pandit Lakshmi Kanta Maitra: In view of the fact that there is going to be a general re-shuffling of portfolios, does not the Honourable Member think it desirable that they should maintain this Branch as a part of the Publicity Department of the Government of India?

The Honourable Sir Frank Noyce: No, Sir. The Central Publication Branch is merely concerned with the sale of Government publications. It performs no publicity functions of any kind.

NORTH WESTERN RAILWAY SUBORDINATE ACCOUNTANTS' EXAMINATION.

733. ***Mr. Lalchand Navalrai:** (a) Is the Honourable the Railway and Commerce Member aware that an examination, called the North Western Railway Subordinate Accountants' Examination, was held a few months back at Lahore?

(b) Was the Examination open to Sindhis also? If so, how many Sindhis and non-Punjabis appeared at the Examination?

(c) Is it a fact that one of the papers set at the Examination was of general knowledge and that it contained questions relating to conditions, customs and rules peculiar to the Punjab only?

(d) Is it a fact that questions of the following nature were asked:

„ (1) How would you recognise a taxi (motor car) in the Punjab;

(2) What laws and acts were passed in the Punjab Legislative Council to enforce rural uplift and social improvement?

(e) Do Government propose to direct the same Examination to be re-held, or what steps do Government propose to remedy the defect and its prejudice?

(f) Do Government propose to direct that the said Examination be simultaneously taken both in the Punjab and Sind in future? If not, why not?

(g) Will Government be pleased to state if the result of the Examination has been declared and how many Sindhis have been successful? If none, when will the result be out?

Sir Raghavendra Rau: The information required is being collected, and a statement will be laid on the table in due course.

Mr. Lalchand Navalrai: Will it take long?

Sir Raghavendra Rau: I hope not. I have got most of the information, but not all.

DAMAGE DONE BY THE HAIL-STORM IN VILLAGES OF THE DELHI PROVINCE.

734. ***Mr. Sri Prakasa:** (a) Are Government aware that recently there has been a heavy hail-storm in various villages of the Delhi District and that the villagers have greatly suffered in consequence?

(b) What has been the extent of the damage done to crops, cattle and human beings?

(c) Is it a fact that the Chief Commissioner made a tour in the affected areas? If so, has he made any report to the Government, and what steps, if any, do Government propose to take on that report?

(d) Is it a fact that the tenants asked the Chief Commissioner for remissions? If so, has he recommended any remissions, and do Government propose to grant them?

(e) Is it a fact that when tenants told the Chief Commissioner about the hail-storm, he said he did not know what that meant, and that he would depend on the recommendations of the *patwaris* and *qanungos*?

(f) If so, do Government propose to ask the Chief Commissioner not to give them the impression that he was entirely led by *patwaris* and *qanungos*?

Sir Girja Shankar Bajpai: (a) and (b). Hail fell in several villages of the Delhi Province, as a result of which some damage was done to standing crops. No injury to cattle or human beings has been reported.

(c) Yes. It was not necessary for the Chief Commissioner to make any report to the Government of India, as he can himself pass the necessary orders.

(d) and (e). The zamindars asked for remissions in certain cases and were informed by the Chief Commissioner that, as usual, the question will be considered only after the *rabi girdawari*, which takes place when the crops mature.

(f) Government feel sure that the Chief Commissioner will himself consider all legitimate grievances of the zamindars sympathetically.

Prof. N. G. Ranga: Has any remission been granted to them by now?

Sir Girja Shankar Bajpai: In regard to this particular damage?

Prof. N. G. Ranga: Yes.

Sir Girja Shankar Bajpai: They have not been able to estimate the damage yet.

Mr. Sri Prakasa: How long will it take to come to a final decision on the subject?

Sir Girja Shankar Bajpai: I believe that the *rabi girdawari* takes place at the end of April or the beginning of May, and the Government will come to a final decision as soon after that as the proposals, if any, are submitted.

Mr. Lalchand Navalrai: Have any houses of these villagers been destroyed on account of the storm?

Sir Girja Shankar Bajpai: I do not know that houses are crops.
(Laughter.)

Mr. Lalchand Navalrai: The point is whether any compensation will be given for the damage?

Mr. Sri Prakasa: What is the answer to part (e) of the question?

Sir Girja Shankar Bajpai: My answer to (e) is joined with part (d). The answer is "the zamindars asked for remissions in certain cases and were informed by the Chief Commissioner that, as usual, the question could be considered only after the *rabi girdawari*, which takes place when the crops mature". The Chief Commissioner did not say that they should apply to *patwaris* and *qanungos*.

Mr. Lalchand Navalrai: What is the answer to part (b) of the question, namely, what has been the extent of the damage done to crops, cattle and human beings?

Sir Girja Shankar Bajpai: I am afraid my Honourable friend did not listen to the reply I gave to parts (a) and (b). The concluding portion of the answer was "no injury to cattle or human beings has been reported".

Mr. Sri Prakasa: In view of the fact that I have in my possession a statement to the effect that the Chief Commissioner did say to the villagers who assembled round him that he did not know what a hail storm was and that he would depend on the recommendations of *patwaris* and *ganungos*, will Government make sure once more that this is not a fact?

Sir Girja Shankar Bajpai: I do not think that is necessary.

OVERCROWDING IN 7-UP EXPRESS TRAIN.

735. ***Mr. Ram Narayan Singh:** (a) Is the number of carriages for all four classes of passengers attached to the train known as the "Delhi Express" (7 Up) always the same, or does the number ever differ and if it differs, under what circumstances?

(b) What is the respective number of third and intermediate class carriages attached to the train referred to in part (a), and what is their respective capacity?

(c) What was the respective number of third and intermediate class tickets issued for this train from Howrah on the 20th February, 1937?

(d) How many third and intermediate class seats in the train referred to in part (a) were reserved on the 20th February, 1937?

(e) What is the respective number of tickets issued for the train mentioned in part (a) from all intervening stations on the 20th and 21st February, 1937, before its arrival in Delhi in the afternoon of the 21st February, 1937?

(f) Is it a fact that the train referred to above generally remains overcrowded?

(g) What are the steps Government generally take to avoid and discourage overcrowding of trains?

The Honourable Sir Muhammad Zafrullah Khan: (a) The number does not normally differ.

(b) Two bogies third, luggage and brakevan, three bogies third class and one bogie intermediate class, providing accommodation for 478 third class passengers and 72 intermediate class passengers.

(c) and (e). As the Booking Offices at Howrah and at several other stations *en route* are open for the issue of tickets throughout the day, it is not possible to say what tickets issued from these and several other stations also were availed of by the train referred to.

(d) 258 third class and 24 intermediate class.

(f) No.

(g) To avoid overcrowding, Railways arrange as circumstances require:

(i) to run duplicate trains;

(ii) to reduce the accommodation normally provided in those classes in which the demand can be met by a lesser number of carriages and to increase correspondingly the accommodation for the other classes in which there is a demand for more accommodation.

- (iii) to impose restrictions on short distance traffic which can conveniently be carried by other trains, so as to conserve the accommodation available in through trains for the convenience of long distance traffic.

Mr. Ram Narayan Singh: With regard to part (g) of the question, may I know what are the particular steps taken by Government to avoid overcrowding in trains?

The Honourable Sir Muhammad Zafrullah Khan: I have given the reply.

Mr. Ram Narayan Singh: I know there is always overcrowding in some trains, and I say the Government are taking no steps to avoid that.

The Honourable Sir Muhammad Zafrullah Khan: I am afraid that is argument.

GRIEVANCES OF PASSENGERS ON THE BARAKAKHANA LOOP LINE OF THE EAST INDIAN RAILWAY.

736. ***Mr. Ram Narayan Singh:** Is it a fact that the residents of Daltongunj, the headquarter of the Palamau district, submitted in the month of February, 1937, to the General Traffic Manager of the East Indian Railway at Howrah, a long petition containing a catalogue of serious grievances arising from (i) inconvenient timings of trains on the Barakakhana Loop Line, (ii) insufficient number of trains on the line, (iii) want of overbridge and raised platform at the Daltongunj Railway station, (iv) want of proper passenger sheds at the Daltongunj and the Sone-East Bank stations, and so on and so forth, and if so, with what results?

The Honourable Sir Muhammad Zafrullah Khan: I have called for the information required by the Honourable Member and will place a reply on the table when it has been received.

CONTEMPLATED DIVERSION OF THE MAIL AND EXPRESS TRAINS FROM THE MAIN AND GRAND CHORD LINES TO THE BARAKAKHANA LOOP LINE.

737 ***Mr. Ram Narayan Singh:** Is it in the contemplation of Government to divert some of the mail and express trains from the main and Grand Chord Lines to the Barakakhana Loop and if so, from which date?

The Honourable Sir Muhammad Zafrullah Khan: No. This is a matter for the East Indian Railway Administration to deal with without a reference to Government.

PENSIONS EARNED BY THE CIVIL SERVANTS OF THE CROWN IN INDIA.

738. ***Bhai Parma Nand:** Will Government please inform this House if the Civil Servants of the Crown in India earn their pensions under section 96-B of the Government of India Act, 1919?

The Honourable Sir James Grigg: The authority for determining pensions of Civil Servants of the Crown is now contained in section 96-B of the Government of India Act. From April 1st, 1937, it will be derived from corresponding sections of the Government of India Act, 1935.

PROPOSED DECENTRALISATION OF THE RAILWAY CLEARING ACCOUNTS OFFICE AND ITS AUDIT OFFICE.

739. ***Mr. Mohan Lal Saksena:** (a) Will Government be pleased to state whether they contemplate decentralising the Railway Clearing Accounts Office, Delhi, and the Audit Office attached thereto? If so, what are the reasons for decentralisation?

(b) Will the proposed decentralisation result in any retrenchment of staff? If so, how is the retrenched staff proposed to be provided?

(c) Do Government propose to send the staff of the Railway Clearing Accounts Office and the Audit Office attached thereto to the various railways from which they had come on deputation?

Sir Raghavendra Rau: (a) Government are at present considering whether decentralisation of the Railway Clearing Accounts Office, Delhi, will result in any economies. The report of the officer who was placed on special duty for the purpose of ascertaining comparative costs is under their consideration.

(b) and (c). I am unable to give a definite reply to these questions at present.

OPENING OF A BRANCH OF THE TRAFFIC ACCOUNTS OFFICE AT LUCKNOW FOR THE EAST INDIAN RAILWAY.

740. ***Mr. Mohan Lal Saksena:** (a) Will Government state the total number of employees in the Railway Clearing Accounts Office who belong to the old Oudh and Rohilkund Railway and have their homes in the United Provinces?

(b) Is it a fact that the Bombay, Baroda and Central India Railway have got their Traffic Accounts Branch at Ajmer, while their Central Office is at Bombay?

(c) Will Government be pleased to lay on the table a copy of the Financial Commissioner's letter No. 3298-F., dated the 11th September, 1926, to the Chief Accounts Officer, East Indian Railway, Calcutta, issued on the eve of the amalgamation of the Oudh and Rohilkund Railway with the East Indian Railway?

(d) Are Government prepared to consider the feasibility of opening a branch of the Traffic Accounts Office at Lucknow for the East Indian Railway?

Sir Raghavendra Rau: (a) 129.

(b) Yes.

(c) A copy of the letter has been kept in the Library of the House.

(d) The question will arise only when, and if, it is decided to decentralise the Railway Clearing Accounts Office.

GAZETTED OFFICERS GRANTED EXTENSIONS AFTER THE COMPLETION OF SUPERANNUATION AGE.

741. ***Mr. Mohan Lal Saksena:** (a) Will Government be pleased to state the number of gazetted officers under their direct control, who have been granted extension during the last year after completion of superannuation age of 55?

(b) Do Government propose to consider the advisability of issuing instructions to all the departments under them not to grant extensions to the gazetted officers after the completion of the superannuation age?

The Honourable Sir Henry Craik: (a) I presume the Honourable Member refers to gazetted officers serving in the Departments of the Government of India and their attached offices. There are only six such officers, who were granted extensions of service during the calendar year 1936 after having reached the age of 55.

(b) I would invite the Honourable Member's attention to clauses (a) and (b) of Fundamental Rule 56, which lay down that extensions of service cannot be granted except on public grounds and that ministerial officers should normally be retained in service till they attain the age of 60 years. Government do not propose to issue any further instructions in the matter.

REPRESENTATION OF INDIA AT THE IMPERIAL CONFERENCE IN LONDON.

742. ***Mr. Mohan Lal Saksena:** (a) Will Government state whether India is going to be represented at the forthcoming Imperial Conference in London? If so, by whom?

(b) What expenses, if any, will India have to incur on account of His Majesty the King's Coronation and the Imperial Conference?

The Honourable Sir Henry Craik: (a) Yes: by the Secretary of State for India, His Highness the Maharaja Gaekwar of Baroda and the Honourable Sir Muhammad Zafrullah Khan.

(b) *Coronation.*—The only expenditure to be incurred by the Government of India in connection with the Coronation will be on account of the despatch of the military and police contingents to England; but it is not at present possible to say how much expenditure will be incurred on this account.

Imperial Conference.—The expenses will be on account of pay (in the case of officials only), allowances and passages of the representatives, advisers and staff to be sent from India. The cost involved cannot be calculated at present in the absence of information as to how long the Conference will last.

CORONATION EXPENSES OF THE LAST DURBAR AT DELHI.

743. ***Mr. Mohan Lal Saksena:** What was the total Coronation expenditure on the last Durbar at Delhi?

Sir Aubrey Metcalfe: The total amount which includes all expenditure in connection with the Royal visit was about Rs. 1 crore and 81½ lakhs.

INDIANS ABROAD NOT PERMITTED TO RETURN TO INDIA.

744. ***Mr. Mohan Lal Saksena:** Will Government lay on the table a list of Indians abroad who are not permitted to return to India?

The Honourable Sir Henry Craik: I would invite the attention of the Honourable Member to the reply given by me to part (a) of Mr. Chattopadhyaya's starred question No. 219 on the 25th January, 1937. There are no other persons of Indian nationality who have been refused permission to return to India.

PERSONS REFUSED PASSPORTS.

745. ***Mr. Mohan Lal Saksena:** Will Government be pleased to lay on the table a list of persons to whom passports were refused during last year?

The Honourable Sir Henry Craik: The information is being collected and will be laid on the table in due course.

APPOINTMENT OF WHIP IN THE LEGISLATIVE ASSEMBLY.

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

- (a) whether they have appointed a permanent paid Whip in the Assembly;
- (b) whether he has no other official work than that of acting as Whip; and
- (c) if so, what is his cadre and pay?

The Honourable Sir Frank Noyce: (a) Mr. J. A. Mackeown has been appointed Additional Deputy Secretary to the Government of India in the Legislative Department with a view to his becoming Chief Government Whip from the close of the current Session.

(b) Pending the replacement of Mr. Mackeown by the Department of Industries and Labour, in which he was until recently serving as Deputy Secretary, he will continue to assist that Department. Thereafter, he will be employed exclusively in duties germane to the office of Chief Government Whip.

(c) Mr. Mackeown is a member of the Indian Civil Service and will receive pay on the scale applicable to Deputy Secretaries who are members of that Service.

Mr. T. S. Avinashilingam Chettiar: May I know whether this is the first occasion that the Government are appointing a whole time Government Whip?

The Honourable Sir Frank Noyce: Yes.

Mr. T. S. Avinashilingam Chettiar: What is the necessity for a whole time man for the sole purpose of whipping?

The Honourable Sir Frank Noyce: Because Government desired that there should be more continuity in this office and thought that that would lead to greater efficiency.

Seth Govind Das: Why did they not desire it before?

The Honourable Sir Frank Noyce: It is often the case that many things are desirable, but they do not come about.

Seth Govind Das: Are Government aware that this House has been constituted for the past 17 years and that Government did not think it necessary all these years to have a whole time Whip?

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

Mr. N. M. Joshi: May I ask whether the Chief Whip will have any duties to do when the Legislature is not in Session?

The Honourable Sir Frank Noyce: He will devote himself to the business that is to be placed before the House during the following Session.

Mr. N. M. Joshi: May I ask whether the Government of India can give us some idea about the amount of work which the Whip will have to do when the Legislature is not sitting?

The Honourable Sir Frank Noyce: There is no reason to believe that he will not be fully employed.

Mr. S. Satyamurti: May I have a categorical answer to my question, as to what are the main duties of this Government Whip when the Legislature is in session and when it is not in session?

The Honourable Sir Frank Noyce: I think my Honourable friend has been a Whip himself and that he, therefore, knows what the duties attached to this post are?

Mr. S. Satyamurti: We have not got whole time Whips. We are hard working men earning our daily bread, and doing other arduous duties. I am asking the Government as to what are the duties of this Whip which justify his being made a whole time officer, especially in view of the fact that out of twelve months we are sitting only for about 3½ months or so.

The Honourable Sir Frank Noyce: I would suggest that my Honourable friend should put down a question on that subject.

Mr. S. Satyamurti: Is there any provision in this year's Budget for this whole time officer? If so, how was the money found?

The Honourable Sir Frank Noyce: I must ask for notice.

Mr. N. M. Joshi: May I ask whether this appointment was placed before the Standing Finance Committee for their sanction?

The Honourable Sir Frank Noyce: No, Sir. The pay of this officer is non-voted, and it was, therefore, not necessary to place the matter before the Standing Finance Committee.

Mr. T. S. Avinashilingam Chettiar: What will be his work during the holidays?

The Honourable Sir Frank Noyce: I do not think he will have any holidays.

SYSTEM OF AUCTIONING CONTRACTS WITH REGARD TO REFRESHMENT ROOMS ON CERTAIN RAILWAYS.

747. *Mr. Umar Aly Shah: Will Government please state:

- (a) the regulations made by the Eastern Bengal, East Indian, Great Indian Peninsula and North Western Railways for the system of auctioning contracts with regard to first and second class refreshment rooms and with regard to Indian refreshment rooms since the 8th October, 1936;
- (b) whether the Agents of the four State railways acted upon the suggestions of the Central Advisory Committee, viz., "the contracts should be given to men locally available";
- (c) whether any contract on the four State Railways is given to any person other than locally available since the 8th October, 1936: if so, the reasons therefor; and
- (d) what is the policy since the 8th October, 1936, laid down by Government for the observance of the Agents with regard to such contracts?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government are not aware of any regulations having been made by the Railways referred to.

(b) and (d). The views recorded at the meeting of the Central Advisory Committee for Railways in October, 1936, are under consideration, and meantime no instruction in regard to the policy to be followed has been issued.

(c) I would refer the Honourable Member to the reply I gave to Mr. Sham Lal's unstarred question No. 11 on the 25th January, 1937. Government have no information as regards any other contract.

STAFF ELIGIBLE FOR PROMOTION TO STATION MASTERSHIP ON THE NORTH WESTERN RAILWAY.

748. *Mr. Umar Aly Shah: Will the Honourable Member for Commerce and Railways please state whether the staff, who passed the examinations in Station Master's duties on the 20th December, 1926 and the 12th January, 1927, are eligible for promotion to station mastership on the North Western Railway? If not, how and why?

The Honourable Sir Muhammad Zafrullah Khan: Government are informed as follows:

On the North Western Railway, provision for the training of staff in the duties of station masters was made in the Walton Training School in the year 1927, when it was ruled that individuals, who had previously qualified locally as Station Masters at divisional or district examinations, but had not been promoted to Station Masters, should be required to re-qualify at the Walton Training School, before they could be considered as

fully qualified for promotion to Station Master, because experience then obtained from training of staff had shown the desirability of imparting a standard and uniform training to all, which divisions and districts could not supply as they did not possess the necessary facilities to do so. From this it will be noticed that staff who qualified locally in December, 1926, and January, 1927, are not eligible for promotion to station mastership until they have re-qualified at the school.

POLICY WITH REGARD TO DEMOTIONS ON THE NORTH WESTERN RAILWAY.

749. *Mr. Umar Aly Shah: Has the attention of the Honourable Member for Commerce and Railways been invited towards Circular No. 50-E/580, dated the 19th May, 1936 from the Agent, North Western Railway? If so, or otherwise, will he please state the correct interpretation of the word "demotion" as used in the terms of retrenchment of 1930-31 and their policy with regard to demotions?

The Honourable Sir Muhammad Zafrullah Khan: The reply to the first part of the question is in the affirmative. I would, however, point out to the Honourable Member that the document referred to by him was not a circular, but a letter from the Agent of the North Western Railway, addressed to the Divisional Superintendent, Delhi, only. As regards the second part, the word "demotion" used in the terms of retrenchment of 1930-31 referred to the offering of a lower post as an alternative to discharge to an employee whose post was found to be surplus to requirements.

FITTINGS AND FURNISHINGS OF REFRESHMENT ROOMS ON THE NORTH WESTERN RAILWAY.

750. *Mr. Umar Aly Shah: Will Government please state:

- (a) the arrangements in practice on the North Western Railway with regard to the fittings and furnishings of the first and second class refreshment rooms and of the Indian refreshment rooms;
- (b) whether the refreshment rooms, both first and second class and Indian, at Delhi were and are furnished with the material supplied by the North Western Railway;
- (c) whether the fittings and furnitures, if and when supplied by the contractors, are to be paid for by the North Western Railway or to be met by the contractors; and
- (d) whether the fittings and furnitures supplied by the North Western Railway are subject to selection by the contractors?

The Honourable Sir Muhammad Zafrullah Khan: I have called for the information required by the Honourable Member and will place a reply on the table when it has been received.

LOCATION OF REFRESHMENT ROOMS IN SPECIAL TYPE CARRIAGES ON THE NORTH WESTERN RAILWAY.

751. *Mr. Umar Aly Shah: Will Government please state:

- (a) the stations on the North Western Railway where refreshment rooms are located in special type carriages;

- (b) what is the cost of such special type carriages;
- (c) what rent such carriages fetch from occupation by the contractor; and
- (d) since when this practice is prevalent?

The Honourable Sir Muhammad Zafrullah Khan: (a) Refreshment rooms are not ordinarily located in carriages, but consequent on the refusal of a refreshment room contractor at Delhi to vacate the refreshment room at that station on the termination of his contract, a dining car was temporarily provided to serve as a refreshment room.

(b) The capital cost of the car is Rs. 62,760.

(c) No rent is being charged.

(d) 20th February, 1937.

Mr. Lalchand Navalrai: With regard to clause (c), may I know why nothing is being charged?

The Honourable Sir Muhammad Zafrullah Khan: Because the refreshment room which otherwise this contractor would have occupied has not been vacated by the previous contractor.

GRANT OF CARD PASSES TO GUARDS ON THE EAST INDIAN RAILWAY.

752. ***Babu Kallash Behari Lal:** (a) Is it a fact that travelling ticket examiners, travelling ticket inspectors and similar other staff on running duty on the East Indian Railway are allowed card passes for their journey, while on their regular duties and in the card passes which they are allowed there is also the provision of conveyance of their personal effects, including a bicycle?

(b) Is it a fact that guards are not allowed any such card passes and they cannot, therefore, convey their bicycles, etc., to enable them to enjoy while at rest at stations away from their headquarters, or even to return to their headquarters during their off duty hours while working in relieving arrangements?

(c) Do Government propose to examine the question and allow card passes to the guards also? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes: but there is no endorsement on a card pass permitting the conveyance of a bicycle. The Pass Rules, however, provide for a bicycle being conveyed as part of the luggage admissible on the pass, its weight being taken as equivalent to one maund, but it is not intended that all staff travelling on duty should carry bicycles.

(b) Yes.

(c) No. The Agent, East Indian Railway, states that there is no necessity for the issue of card passes to guards.

GRIEVANCES OF EMPLOYEES OF THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

753. ***Babu Kailash Behari Lal:** (a) Are Government aware that in the Moradabad Division of the East Indian Railway considerable dissatisfaction prevails, because the employees there do not receive proper consideration and response to their representations addressed to the officers concerned, including the Divisional Superintendent, even by name and sent under registered covers?

(b) Are Government aware that in the case of majority of staff, both literate and illiterate, particularly in the Loco Department, orders are usually conveyed verbally only and they are communicated in writing in very rare instances, with the result that the concerning employees have at times to suffer serious consequences specially when they are interpreted otherwise than actually communicated and meant?

(c) If Government have no information and the reply to parts (a) and (b) above be in the negative, do they propose to make necessary enquiries and issue definite instructions for representations and petitions being invariably attended to and replied and orders passed being always communicated in writing?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government have no reason to believe that the facts are as stated by the Honourable Member.

(b) Government are informed that except in unimportant matters the senior subordinate in charge is informed in writing of the orders with directions to convey the same to the staff concerned. It is not practicable to carry on individual correspondence with every employee. Any cases of individual complaints, if made to any officers or inspecting staff, who frequently visit sheds, etc., receive due attention.

(c) I would refer the Honourable Member to my reply to parts (a) to (c) of starred question No. 486 asked by Dr. N. B. Khare on the 14th February, 1936.

REPRESENTATION OF INDIA AT THE INTERNATIONAL ECONOMIC CONFERENCE AT GENEVA.

754. ***Mr. M. Ananthasayanam Ayyangar:** (a) Are Government aware that the International Economic Conference is proceeding with its deliberations at Geneva, regarding the supply of raw materials to the several countries?

(b) Is there any representative of India at the Conference?

(c) If so, what instructions have been given to him regarding the question at issue there?

(d) If no person has been sent to represent India, have Government taken care to see that no conclusions adverse to India are arrived at behind her back by His Majesty's Government?

(e) Have Government received any invitation from the conveners of the Conference to send in any representative on behalf of India?

The Honourable Sir Muhammad Zafrullah Khan: (a) to (e). The Honourable Member presumably has in mind the Committee of Enquiry on Raw Materials appointed by the Council of the League of Nations. If so, I may state for his information that this Committee is a Committee of Experts, who serve in their personal capacities and not as representatives of their Governments. India is not at present directly represented on this Committee but arrangements have been made to ensure that any special Indian point of view is not overlooked. If, at a later stage, some matter of particular interest to India arises, it might be possible to secure Indian representation.

Prof. N. G. Ranga: Has any of these experts, who are sitting today on that committee, any direct or indirect experience of Indian agricultural conditions?

The Honourable Sir Muhammad Zafrullah Khan: Yes, Sir.

Mr. M. Ananthasayanam Ayyangar: Have any instructions been given to any of these experts as regards conditions here and the view point to be placed there?

The Honourable Sir Muhammad Zafrullah Khan: I have already informed the Honourable Member that arrangements have been made that the Indian point of view should not be overlooked.

Prof. N. G. Ranga: Which of the experts is supposed to know anything about India in regard to the production of raw material?

The Honourable Sir Muhammad Zafrullah Khan: I have the name in mind, but I should require notice to make quite sure. I believe one of these experts has been in India for a large number of years.

Mr. M. Ananthasayanam Ayyangar: What is the nature of the arrangements with regard to the placing of the viewpoint of India?

The Honourable Sir Muhammad Zafrullah Khan: If any special matter arises which affects India, this particular expert would be given all the information necessary to see that the Indian point of view is not overlooked.

Prof. N. G. Ranga: Who is that expert?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already asked for notice.

Prof. N. G. Ranga: He has answered my question only to the extent whether there is any expert on that body with experience of Indian agricultural conditions. Later on, he said that, when the occasion arose, they would see that an additional expert was placed there to provide the necessary information to that expert committee. I want to know who that additional expert is.

The Honourable Sir Muhammad Zafrullah Khan: I have already replied that I have a recollection of the name and also that that gentleman has spent several years in India. But, in order to make quite sure, I would request the Honourable Member to put down a question to that effect, if he is anxious to obtain the information.

Mr. K. Sentharam: May I know whether the committee have sent any questionnaire to the Government of India?

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

Mr. S. Satyamurti: Have any instructions been given to any Indian representatives, with regard to questions that are likely to come up before the committee, or are the Government merely satisfied that if any reference comes to them they will send the required information?

The Honourable Sir Muhammad Zafrullah Khan: I have already explained that there is no representative of any particular Government on this committee and there is no Indian representative in that sense.

Pandit Lakshmi Kanta Maitra: I understood the Honourable Member to say that one of the members was in India for a large number of years. In what capacity was he here?

The Honourable Sir Muhammad Zafrullah Khan: I have already asked for notice of this question in order to make sure about the name of this member. Without being sure of the name, I cannot say in what capacity he was here.

Mr. M. Ghiasuddin: Will Government consider the question of giving some training to these experts?

(No reply.)

Mr. S. Satyamurti: May I know if any steps have been taken, and if so what they are, to see that, in the absence of any representation to India, no conclusions adverse to us are reached there?

The Honourable Sir Muhammad Zafrullah Khan: With regard to specific steps I have said that I would require notice. Government have taken steps to ensure that information should be supplied.

FISHING IN THE BAY OF BENGAL BY JAPANESE TRAWLERS.

755. ***Sir Abdul Halim Ghurnay:** (a) Has the attention of Government been drawn to the article headed "Japan in Fish Market", "Catch from Bay" published in the issue of the *Statesman*, dated the 5th March, 1937?

(b) If so, will Government be pleased to state whether the Japanese trawler, the *Shinkyō Maru*, which arrived at Kidderpore Docks a few days ago laden with fish, has obtained licence for fishing in the Bay of Bengal? If so, will Government be pleased to state the terms on which the licence has been granted?

(c) Has the attention of Government been drawn to the article headed "Calcutta's Fish Supply", "Japanese Plans". "40 Trawlers for new Enterprise", published in the issue of the *Statesman*, dated the 10th March, 1937?

(d) Is it a fact that investigations were carried out in the past by Government about the possibilities of deep sea fishing in the Bay of Bengal?

(e) Will Government be pleased to state what facilities are being offered to the Japanese trawlers for fishing in the Bay of Bengal?

(f) Have Government received any communications from prospective Indian concerns about the feasibility of starting fishing in the Bay of Bengal?

(g) Will Government be pleased to state whether the grant of licence for fishing in Indian territorial waters is a central subject? If so, will Government be pleased to state the reasons for granting facilities, if any, to foreign concerns and thereby enabling them to capture Indian fish markets?

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

(b), (d), (e) and (f). Information is being collected and will be laid on the table in due course.

(g) The reply to the first part is in the negative. The question asked in the second part does not, therefore, arise.

REGISTRATION OF NEWSPAPERS IN THE POSTAL DEPARTMENT.

756. ***Bhai Parma Nand:** (a) Is it a fact that the Postal Department has got, with regard to the registration of a newly started newspaper, some old condition that it should have at least 50 subscribers?

(b) Is it a fact that the Department now is making use of this condition by employing their officers to personally go and make enquiries into the *bonâ fides* of the subscribers?

(c) Is it not a fact that the Postal Department is a utility service department?

The Honourable Sir Frank Noyce: (a) Yes, at least 50 *bonâ fide* subscribers are required in accordance with Rule 30 (2) (ii) of the Indian Post Office Rules, 1933.

(b) The Department makes such enquiries as it considers necessary to verify the statements made by the applicant for the registration of a newspaper.

(c) The Posts and Telegraphs Department is treated as a public utility service.

Mr Lalchand Navalrai: Is not the statement or declaration made by these persons applying for registration quite sufficient?

The Honourable Sir Frank Noyce: I am not aware whether any declaration is made or required. But in any case I should think it was an elementary precaution to verify the accuracy of the statement made.

Mr. Lalchand Navalrai: Instead of an officer going up there and ransacking their office, will the Honourable Member consider the question of some declaration or statement to that effect to bind them?

The Honourable Sir Frank Noyce: No, Sir; I am not prepared to issue such orders.

Mr. Lalchand Navalrai: Why not?

The Honourable Sir Frank Noyce: For the reason I have already given that it is an elementary precaution to make enquiries.

Pandit Lakshmi Kanta Maitra: With regard to part (b), did the Honourable Member say that actually the officers go about to inquire about the *bona fides* of subscribers?

The Honourable Sir Frank Noyce: No, Sir; what I said was that the Department makes such inquiries as it considers necessary to verify the statements made by the applicant for the registration of a newspaper.

REDUCTION IN THE NUMBER OF STAFF OFFICERS IN THE ARMY DURING THE SEPARATION OF BURMA.

757. ***Mr. K. Santhanam:** Will Government state:

- (a) the reduction in the number of staff officers in the Indian Army during the separation of Burma;
- (b) the reduction from the same cause in the number of other categories of officers in the Defence forces, as per classification adopted on page 12 of the Defence estimates;
- (c) whether this reduction is permanent or temporary;
- (d) whether there is any agreement or understanding by which the Indian army shall be available for the defence of Burma in any contingency;
- (e) if the answer to part (d) be in the affirmative, the terms of such agreement or understanding?

Mr. G. R. F. Tottenham: (a) The present number of staff appointments in Burma is nine of whom about six belong to the Indian Army. For some time to come, Burma will probably continue to borrow about this number from the Indian Army.

(b) The units of the Indian Army which after separation will become units of the Burman Army are as follows:

Four battalions of the Burma Rifles.

Three units of the Indian Territorial Force.

Five units of the Auxiliary Force.

The number of officers in these units is given in the Quarterly Strength Return, a copy of which is in the Library.

(c) The reduction will be permanent.

(d) and (e). The matter is under consideration.

Pandit Lakshmi Kanta Maitra: Is it under the consideration of the Government of India, or of the Home Government?

Mr. G. R. F. Tottenham: It is under the consideration of all concerned.

CREATION OF A SPECIAL POST OF ASSISTANT IN THE GENERAL BRANCH OF THE RAILWAY BOARD OFFICE.

758. ***Dr. N. B. Khare:** (a) Is it a fact that a special post of Assistant was created in the General Branch of the Railway Board Office?

(b) How was the post mentioned in part (a) filled and what special qualifications does not incumbent possess?

(c) Was the man in question rejected by many branches as unfit for Assistant's post?

(d) What average time is taken by a case now, and how long did it take for the disposal of the case during the time of:

(i) the present Assistant Secretary, and

(ii) his predecessor?

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

(b) By transfer within the office. No special qualifications are required.

(c) No.

(d) No such records are kept.

RULES FOR DISCHARGE OF EMPLOYEES ON STATE RAILWAYS.

759. ***Dr. N. B. Khare:** Will Government please state the procedure prevailing at present on the State Railways (during 1936-37 campaign of economy and retrenchment or reduction of staff) for men discharged and whether the staff is given any chance of defence?

The Honourable Sir Muhammad Zafrullah Khan: I would refer the Honourable Member to the reply given to part (a) of starred question No. 371, asked by Mr. Mohan Lal Saksena in the Legislative Assembly on the 14th September, 1936.

INCONVENIENCE FELT BY CANDIDATES FOR ELECTIONS AND THEIR AGENTS.

760. ***Mr. Sri Prakasa:** (a) Is it a fact that in the centrally administered areas, district magistrates are appointed Returning Officers for elections and that they perform the duties of receiving nomination papers and scrutinising them in open courts and that candidates and their agents have to keep standing before them like litigants and others who have business in their courts?

(b) Are Government aware that this causes great inconvenience to candidates and their agents?

(c) Do Government propose to prescribe special procedure so that district magistrates acting as Returning Officers may be required to provide proper seating accommodation to candidates and their agents and permit only authorised persons to be present at the various stages of elections and not treat election matters as a part of their ordinary court routine?

Mr. G. H. Spence: The only relevant constituencies are the Ajmer-Merwara and Delhi constituencies of this Assembly. In respect of both these constituencies the answer to part (a) is in the negative, (b) and (c) do not arise.

GRANT OF HOLIDAYS ON INDIAN FESTIVALS IN GOODS AND PARCEL OFFICES OF RAILWAYS.

761. *Mr. Lalchand Navalrai: (a) With reference to their answer to my starred question No. 1661, asked on the 16th April last, will Government be pleased to state whether, since New Year's day is observed as a holiday as stated in part (a) at the Goods Sheds in Calcutta, they are prepared to extend this holiday to all other Railways as well? If not, why not?

(b) Is it a fact that the Posts and Telegraphs Department—also a public dealing concern—gives a limited number of holidays on Indian festivals to the staff employed in that Department and arrangements are made for urgent work?

(c) Are the Railway administrations prepared to observe the same practice in regard to the Goods and Parcel Offices? If not, why not?

(d) Have Government collected figures of booking on ordinary days and Indian festivals for certain stations, to come to the conclusion that the business would be dislocated? If so, will Government please lay a statement of the information so collected on the table of the House? If no such figures have been collected, are Government prepared to obtain such information for any few stations on the different State Railways?

(e) Are Government aware that the Goods and Parcel Offices are closed on Sundays? If so, has the business been dislocated?

(f) Do Government propose to experiment grant of holidays on Indian festival days to the Goods and Parcel Offices on some railways? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b), (c) and (f). I have nothing more to add to my reply to parts (b) and (c) of the question referred to by the Honourable Member.

(d) The information is not readily available, and Government do not propose to collect it as the amount of labour and expense involved will not be justified by results.

(e) Goods and Parcel Offices are closed on Sundays. Arrangements are, however, made for delivery of perishable goods, livestock, etc., on these days.

Mr. Lalchand Navalrai: Will the Honourable Member say if there is any difficulty in giving the same treatment and the same holidays to both the goods shed clerks and the parcel clerks?

The Honourable Sir Muhammad Zafrullah Khan: I would require notice of that. It must have some reference to the nature of their duties.

GROUP INSPECTORS OF SPECIAL TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

762. *Mr. Lalchand Navalrai: (a) What were the Moody-Ward Committee's recommendations in regard to the duties of Group Inspector of Special Ticket Examiners?

(b) Are these Inspectors required to check trains? If not, are Government aware that the Group Inspector on the Rawalpindi Division of the North Western Railway does checking duty? If so, why not other Inspectors?

(c) Will Government please lay on the table of the House a statement of the earnings of each Group Inspector separately on seven divisions of the North Western Railway, and his emoluments for the calendar year 1936?

(d) Are the Inspectors provided with uniforms and badges? If so, are the Group Inspectors of Rawalpindi and Karachi wearing the same?

(e) Do Government propose to direct the North Western Railway Administration to make it compulsory on the Group Inspectors to wear uniforms?

The Honourable Sir Muhammad Zafrullah Khan: (a) The Group Inspector is not referred to in the report of the Committee.

(b) and (d). I have called for the information required and will place a reply on the table when it has been received.

(c) The compilation of the statement required by the Honourable Member will involve considerable clerical labour incommensurate with any use to which the information could be put.

(e) I shall convey the suggestion to the Agent of the North Western Railway for consideration.

Mr. Lalchand Navalrai: May I know if the Honourable Member knows at present whether they do use those uniforms or not?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid I do not know.

GRANT OF SECOND CLASS PASSES TO LADY EMPLOYEES IN THE SUBORDINATE RAILWAY SERVICE.

763. ***Mr. Lalchand Navalrai:** (a) With reference to their reply to part (e) of my starred question No. 1398, asked on the 16th October last, that the Honourable the Commerce Member was getting examined the question of giving second class passes to all lady employees in subordinate service, will Government please state the result of such an examination?

(b) Are Government aware that under the Revised Pass Rules issued by the Railway Board in November last, this wrong about the lady employees serving as Ticket Collectors and Booking Clerks has not been righted?

(c) Do Government propose to issue early orders on the subject? If not, what is the delay due to?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (c). The matter has been referred to the Indian Railway Conference Association, whose views are awaited.

(b) In the Revised Pass Rules to which the Honourable Member refers, the position in regard to lady employees who are Ticket Collectors and Booking Clerks is as it was prior to the issue of these rules.

Mr. Lalchand Navalrai: Is that question also to be considered?

The Honourable Sir Muhammad Zafrullah Khan: Does the Honourable Member mean whether the Indian Railway Conference Association will consider that question or not? I am afraid I cannot say just now.

Mr. Lalchand Navalrai: Will the Honourable Member refer this to them or at least inform them of this?

The Honourable Sir Muhammad Zafrullah Khan: A copy of the question and answer will be sent to the Indian Railway Conference Association.

RIGHTS AND PRIVILEGES OF THOSE IN SERVICE AFTER THE SEPARATION OF RAILWAY ACCOUNTS AND AUDIT.

764. ***Mr. Lalchand Navalrai:** (a) With reference to their reply to my starred question No. 1168, asked on the 12th March, 1936, will Government be pleased to state in reference to part (a) whether it was made clear in paragraph 67 of the Financial Commissioner's memorandum presented to the Legislative Assembly on the separation of Accounts from Audit, that the assurance given therein applied only to persons who held substantive appointments? If not, how do Government say now that the assurance did not apply to others? What were the actual words used in that connection in the memorandum?

(b) With reference to reply to part (b) of the same question, will Government be pleased to state whether it is a fact that certain Inspectors of Accounts on the North Western Railway, who had been provisionally confirmed before the 1st April, 1929, declared supernumerary, on separation of Accounts from Audit, were allowed to retain old Audit scales of pay for Inspectors under Fundamental Rule 23?

(c) Is it a fact that Fundamental Rule 23 is equally applicable to *substantive* and *officiating* holders of appointments, according to Audit Instructions, paragraph 4, Chapter IV, Section I, of the Manual of Audit Instructions, 1926? If so, why were the so-called officiating Inspectors of Accounts not given option of selecting between the old and revised scales of pay?

(d) With reference to their answer to part (d) of my starred question referred to above, will Government be pleased to state the number of sanctioned and actual posts of Inspectors of Accounts in each grade on the North Western Railway, before and after separation of Accounts from Audit?

(e) How many Inspectors of Accounts, holding supernumerary posts, were given option of selecting old or the revised scales of pay on each State Railway separately?

(f) Do Government propose to direct that the Inspectors of Accounts officiating on the 1st April, 1929, be given the option under Fundamental Rule 23? If not, why not?

Sir Raghavendra Rau: The information required is being collected, and a statement will be laid on the table in due course.

Mr. Mohan Lal Saksena: With your permission, Sir, may I put the questions that have been passed over?

Mr. President (The Honourable Sir Abdur Rahim): No: unless the list is finished, and there is still time. But it cannot be allowed now.

FILLING UP OF THE POST OF SECRETARY FOR INDIAN AFFAIRS IN FIJI.

765. *Mr. Mohan Lal Saksena: (a) Is it a fact that as a result of negotiations between India Office and Colonial Office in 1927, the post of Secretary for Indian Affairs was created in Fiji instead of an Agent General of the Government of India?

(b) Is it also a fact that Mr. J. R. Pearson, C.I.E., I.C.S., was appointed to the post?

(c) Is it correct that since the retirement of Mr. Pearson in 1932, the post is being filled by local officers? If so, why?

(d) Are Government aware that during the tenure of the local officers as Secretary, Indians in Fiji and their interests have suffered?

(e) Do Government propose to take necessary steps to see that such persons are appointed to the post as are interested in the welfare of Indians?

Sir Girja Shankar Bajpai: (a) Yes, but the Government of India did not thereby abandon the possibility of re-opening the question of appointing an Agent.

(b) Mr. Pearson had retired from the Indian Civil Service a few years before he was appointed Secretary for Indian Affairs in Fiji.

(c) The answer to the first part is in the affirmative. The reason for appointing a local officer was partly the need for economy, and partly the fact that a suitably qualified officer was locally available.

(d) Government have no information to that effect.

(e) In view of the answer to part (d), this does not arise at present.

Mr. Mohan Lal Saksena: With reference to part (d) of the question, did Government make any inquiries?

Sir Girja Shankar Bajpai: There is no occasion to make inquiries, because Government have received no suggestion from any quarter in Fiji that the administration of the present Secretary for Indian Affairs is unsympathetic.

Mr. Mohan Lal Saksena: Will the Honourable Member just make inquiries, because, if there was no information, this question would not have been put?

Sir Girja Shankar Bajpai: If my Honourable friend will be so good as to communicate the information to me on which he bases that statement, I will certainly consider that.

APPOINTMENT OF AN AGENT GENERAL OF THE GOVERNMENT OF INDIA IN FIJI.

766. *Mr. Mohan Lal Saksena: Will Government state if they have considered the feasibility of moving for the appointment of an Agent General of the Government of India for Fiji? If not, are they prepared to take up the question now?

Sir Girja Shankar Bajpai: The question is under consideration.

APPOINTMENT OF AN ECONOMIC COMMISSION TO ENQUIRE INTO CONDITIONS OBTAINING IN FIJI.

767. ***Mr. Mohan Lal Saksena:** (a) Is it a fact that the Colonial Office had agreed to the appointment of an Economic Commission with a representative of the Government of India to enquire into conditions obtaining in Fiji?

(b) Will Government state why the proposed Economic Commission has not materialised so far?

(c) Do Government propose to take early steps to urge the Colonial Office for the appointment of an Economic Commission?

Sir Girja Shankar Bajpai: (a) The appointment of an Economic Enquiry Committee was contemplated by the Colonial Office in 1925.

(b) Government have no information.

(c) Government see no necessity for this at present.

DEBARRING OF INDIAN MEMBERS IN THE FIJI CIVIL SERVICE FROM PRIVILEGE ENJOYED BY EUROPEANS.

768. ***Mr. Mohan Lal Saksena:** Are Government aware of the fact that Indian members in the Fiji Civil Service are debarred from privileges enjoyed by the European members, and also that efforts are being made to segregate their grades entirely from those of Europeans? If so, what steps have Government taken to see that the Indians in Fiji Civil Service are put on an equal footing and no racial discrimination is made against them?

Sir Girja Shankar Bajpai: The Government of India have received no representations on the points referred to by the Honourable Member but are making enquiries and will, if necessary, take action in the direction suggested by him.

RESERVATION OF A SECTION OF HIGH GROUND FOR EUROPEAN RESIDENTIAL SITES IN THE TEVNA DISTRICT IN FIJI.

769. ***Mr. Mohan Lal Saksena:** (a) Has the attention of Government been drawn to the fact that in the Tevna district (Gold bearing area), the Tevna Development Committee has recommended that a section of high ground should be reserved for European residential sites?

(b) Are Government aware that there is a large number of Indian businessmen settled in the area and there is great resentment amongst them due to the aforesaid decision?

(c) What action, if any, have Government taken to see that such reservation is not made?

Sir Girja Shankar Bajpai: (a) Yes.

(b) and (c). Government have no information as to the number of Indians resident in Tevna. Representations were made to the Colonial Office in March, 1936, as a result of which an assurance has been received that no such reservation is intended.

GRIEVANCES OF INDIANS UNDER THE LIQUOR ORDINANCE IN FIJI.

770. ***Mr. Mohan Lal Saksena:** Are Government aware of the Liquor Ordinance in force in Fiji and its humiliating provision that no Indian can enter a hotel without possessing liquor permit? If not, are Government prepared to enquire into the matter and take early steps to redress the grievance of Indians under the Liquor Ordinance?

Sir Girja Shankar Bajpai: The Honourable Member presumably refers to the restriction against Fijians and Indians having in their possession or drinking any liquor unless they possess a special certificate of exemption. The Government of India drew the attention of the Secretary of State for the Colonies to this subject in 1927 and were informed that it was receiving the attention of the Governor of the Colony. They have left the matter since to be dealt with by the representatives of the Indian community in the local Legislative Council.

Mr. Mohan Lal Saksena: May I know when Government drew the attention of the Colonial Government to this?

Sir Girja Shankar Bajpai: I mentioned that it was in 1927—ten years ago.

Mr. Mohan Lal Saksena: Do not Government think that it is high time that they drew the attention of the Colonial Government again?

Sir Girja Shankar Bajpai: I also went on to add that the Government left the matter to be dealt with by the Indian members of the Fiji Legislative Council.

TRANSFER OF THE OFFICE OF THE SUPERINTENDENT OF POST OFFICES, LOWER SIND AND PERSIAN GULF DIVISION, FROM KARACHI TO HYDERABAD.

771. ***Mr. Lalchand Navalrai:** (a) Are Government aware that the question of the transfer of the office of the Superintendent of Post Offices, Lower Sind and Persian Gulf Division, from Karachi to Hyderabad (Sind) is still agitating the minds of the people of Sind?

(b) Is it a fact that Hyderabad (Sind) is a centre of the Post Offices, Lower Sind and Persian Gulf's Division?

(c) Is it a fact that recently thefts occurred in the Hyderabad Post Office?

(d) Do Government propose to make fresh enquiries into this problem and reconsider the question? If not, why not?

The Honourable Sir Frank Noyce: (a) to (d). Government have no information and do not propose to call for any. The matter is one within the competence of the head of the circle to whom a copy of this question is being sent for such action as he may consider suitable.

CONTRACT WITH THE ASIATIC STEAM NAVIGATION COMPANY, LIMITED, FOR CARRIAGE OF CARGO, PASSENGERS AND MAILS BETWEEN CALCUTTA AND PORT BLAIR.

772. ***Mr. Mohan Lal Saksena:** (a) Will Government be pleased to lay on the table a statement showing the terms and conditions on which they charter the S.S. "Maharaja" of the Asiatic Steam Navigation Company, Ltd., for carriage of cargo, passengers and mails between Calcutta and Port Blair in the Andaman Islands?

(b) Will Government be pleased to state since how many years they have been entering into a contract with the Asiatic Steam Navigation Company for this purpose and whether tenders are invited from shipping companies for this business?

(c) Will Government be pleased to state whether the contract with the Asiatic Steam Navigation Company is an annual contract?

(d) Will Government be pleased to state the total annual payment made to the Asiatic Steam Navigation Company as well as the total payment made to that Company since the inception of the arrangement with it?

(e) Will Government be pleased to state whether it is a fact that freights and fares received by the Asiatic Steam Navigation Company for cargo and passengers between Calcutta and Port Blair are credited to the Government of India and if so, the relative account in which the item is shown?

(f) Will Government be pleased to state whether any *ex-cadets* of the "Dufferin" are employed either on the S.S. "Maharaja" or on any other ship of the Asiatic Steam Navigation Company as (i) apprentices and (ii) officers? If so, what is the number of such apprentices and officers?

The Honourable Sir Henry Craik: (a) I lay on the table a copy of the Charter-Party executed with the Asiatic Steam Navigation Co., Ltd., dated the 18th October, 1935.

(b) The contract has been held by the Asiatic Steam Navigation Company, Limited, since 1888. It is the practice to invite tenders when the contract expires. On the last occasion, tenders were invited by advertisement in India and in the United Kingdom, but no offer was received from any other company.

(c) No. The present charter is for five years with effect from the 9th September, 1935.

(d) A sum of Rs. 4,34,199 is paid annually to the Company. Payment was made at the same rate for the previous five years contract. It is impossible, without a good deal of research and labour, to say how much has been paid from the inception of the arrangement.

(e) The amount received on account of freight and fares for the cargo and passengers carried by the Andamans Steamer is credited to Government and is shown as receipts in the accounts of the Andamans Shipping Department in the Commercial Appendix to the Appropriation Accounts (Civil) issued by the Accountant General, Central Revenues, annually.

(f) Yes. The company have so far taken 18 *ex-cadets* as apprentices, of whom six are at present serving their apprenticeship. The number of *ex-cadets* who have so far been employed as officers by the Company is four.

TURNER, MORRISON & CO., LD.

CALCUTTA,

Telegraphic Address :

"TURNERS," CALCUTTA.

CHARTER-PARTY.

STEAMER "MAHARAJA".

BE IT KNOWN that it is this day mutually agreed by and between Messrs. TURNER, MORRISON & Co., LTD., CALCUTTA, Managing Agents, Messrs. Asiatic Steam Navigation Co., Ltd., Owners of the good steamer called "MAHARAJA" under British colours of 1,715 tons net register or thereabouts and the Secretary of State for India in Council, Charterer as follows:—

1. Owners agree to let and the Charterer agrees to hire the said steamship (except as hereinafter provided) for the term of Sixty calendar months such term commencing 9th September 1935, she being then in hull boilers and machinery tight staunch and strong and in every way seaworthy properly fitted and equipped for the service and with full complement of Officers Seamen Engineers Firemen and Domestics for a vessel of her tonnage.

2. To be employed as required by the Charterer or other persons authorised by him in lawful trade between Port Blair, Burma, and British India, and for visiting and trading to ports roadsteads and anchorages in the Andaman, Nicobar Coco and other outlying Islands within the jurisdiction of the Chief Commissioner of the Andaman and Nicobar Islands. The master of the said ship (for and on behalf of and as the servant of the owners) shall obey all lawful orders and instructions, which he may receive from the said charterer or any officer authorised by him. Provided that such instructions are not at any time of such a nature as to imperil the safety of the said steamship, decisions regarding which, after consultation where possible with the Charterers, to be left to the discretion of the Master.

3. Owners shall provide any pay for all the messing provisions (including drinking water) and wages of the Captain Officers Engineers and Crew, for the insurance of the vessel also for all engine room stores and other stores and shall maintain her under British Colours and the said ship shall at all times during the continuance of this charter be strong, firm, tight, staunch and substantial both above water and beneath and in every respect seaworthy in hull boilers and machinery, be properly manned, fitted stored, furnished equipped and found at the proper cost and charge of the Owners.

Owners shall not be liable for any further additions or alterations found necessary to suit the requirements of the charterer but the owners shall provide additional equipment and carry out any alterations which may be necessary to comply with any regulations passed by the Board of Trade after 9th September 1935. Owners shall also provide for messing for 1st and 2nd class passengers of the standard obtaining in Government Hired Transports and at the rates laid down in Transport Regulations, India. The charterer shall provide and pay for all the coal fuel, description at charterer's option, mats dunnages port charges pilotages, stavedorages agencies commissions and all other charges whatsoever except those before stated to be borne by the Owners.

4. No port holes or side ports are to be cut in the steamer without Owners' consent.

5. On re-delivery Owners will take over any small surplus of bunker coal that may be on board at the market rate then prevailing.

6. Charterer shall pay for the use and hire of the said vessel at the rate of Rs. 12/8/- (Rupees twelve and annas eight) per ton on the steamer's gross register tonnage of 2834.66 tons per calendar month the same hire to continue to be paid (unless steamer lost or unless as hereinafter provided) until re-delivery of the said vessel back to the owners at Calcutta. Payment to be made in cash monthly in advance to Messrs. Turner, Morrison & Co., Ltd., at Calcutta.

7. Owners shall have a lien upon all cargoes and all sub-freight for freight or charter money due under this Charter and the Charterer to have a lien on the steamer for all money paid in advance and not earned.

8. Should the steamer be at sea on the expiration of sixty months the Charterer shall only pay pro-rata for excess time so occupied until re-delivery at Calcutta. A refund will be made for any broken part of a month in excess of sixty months not made use of by the Charterer.

9. Charterer to be at liberty to sub-let part or the whole of the steamer but to remain responsible for due fulfilment of this contract.

10. In the event of loss of time for docking, deficiency of men or stores, breakdown of machinery or damage preventing the working of the vessel for more than 24 consecutive hours, the payment of hire shall cease from the date of her docking or damage or breakdown, etc., until the date when she shall be again in an efficient state to resume her service but should vessel be driven into port or to anchorage by stress of weather or from accident to the Cargo or be detained under any trade regulations or quarantine, such detention, or loss of time shall be at the Charterer's risk and expense. Should the vessel at any time be broken down and remain incapable of working for 30 consecutive days, Owners to have the option of substituting another steamer at the same rate of hire on the understanding that, the monthly amount of hire is not to exceed that paid under this charter by more than 10 per cent. In the event of the Owners not exercising this option Charterers to have the liberty of cancelling this charter such option to be declared on the thirty-first day. Should the vessel be lost any hire paid in advance and not earned (reckoning from the date on which the vessel was lost or last reported) shall be returned to Charterer. All derelicts and Salvages for Owners' and Charterer's mutual benefit expenses including the hire of the steamer being shared equally.

11. No additional hire is due under this Charter-Party for towage of Government craft which shall be undertaken when required by the Charterer subject to clause 17 and proviso to clause 2 hereof. Towage other than of Government Craft to be for Owners' and Charterers' benefit in equal shares.

12. The loading and discharging of the steamer to be done by the Charterer who will supply sufficient men for the purpose and pay all stevedorage and any other charges in connection therewith but the steamer not to be responsible for any claims that may arise on account of improper stowage or shortage of cargo.

13. The Cargo shall be laden and discharged in any dock or at any wharf or place that the Charterer may direct where she can always safely lie afloat. The whole reach and burthen of the ship both on and below deck (not being more than she can reasonably stow) shall be at the charterer's disposal reserving only proper and sufficient space for ship's Officers crew tackle apparel furniture provisions and stores. The vessel shall at all times receive on board and carefully and properly mat and dunnage (mats and dunnage being supplied by Charterer) such cargo and shall therewith proceed to such ports or places as above as the said Charterer or any person acting under his authority shall direct and there immediately on her arrival make right and true delivery of her cargo agreeably to receipts or Bills of Lading.

14. The Captain shall prosecute his voyages with the utmost despatch; he and the Engineers shall use their best endeavours to economise coal. The Captain shall use sails (if any) whenever practicable and shall assist to the utmost of his power with ships' crew and steam winches and tackle in loading and discharging. The Captain shall be solely responsible on behalf of the Owners for the Management Handling and Navigation of the ship. If the Charterer shall have reason to be dissatisfied with the conduct of the Captain Officers or Engineers the Owners shall on receiving particulars of the complaint investigate the same and if necessary make a change in the appointments. The Captain shall duly account to Charterer for the money and things received by him for Charterer's account. The Captain shall be furnished from time to time with all requisite instructions and sailing directions and he shall keep a full and correct log of the voyage or voyages also a correct account of coals received on board and of the daily consumption of the same all of which are to be open to the inspection of Charterer or his Agents.

15. The steamer shall be consigned at all ports to Charterer's Agents free of commission from the Owners. Sufficient cash for steamer's ordinary disbursements at the various ports to be advanced to the Master by Charterer's Agents not exceeding amount of Charter-money next due and for the due appropriation whereof the person advancing the money shall not be held responsible such advance to be on account of charter-hire and to be deducted therefrom from time to time.

16. Average, if any, according to York Antwerp Rules, 1924.

17. The Act of God perils of the sea fire barratry of the Master and crew enemies pirates and robbers arrests and restraints of Princes Rulers and people loss or damage from machinery boilers or steam or from explosion heat or fire on board in hull or craft or on shore jettisons and accidents of Navigation excepted strandings and collisions and all losses and damages caused thereby are also excepted even when occasioned by negligence default or error in judgment of Pilots Masters Mariners or other servants of the ship-owners.

18. Should any dispute arise between the Owners and the Charterer the matter in dispute shall be referred to three persons at Calcutta one to be appointed by each of the parties hereto and the third by the two so chosen their decision or the decision of any two of them shall be final and for the purpose of enforcing any award this agreement may be made a rule of Court.

19. Penalty for non-performance of this Contract the estimated damages.

Charter Party, dated Calcutta, the 18th day of October, 1935.

Witness to the Signature of

Messrs. TURNER, MORRISON & CO., LD.
(Sd.) J. MORSEHEAD.

In the presence of

(Sd.) V. A. DIGHE.
Witness.

For and on behalf of
TURNER, MORRISON & CO., LTD.
(Sd.) M. A. HUGHES,
Director,

Managing Agents,
Messrs. ASIATIC STEAM NAVIGATION CO., LTD.

Signed by
(Sd.) J. A. THORNE,

Addl. Joint Secretary to the Government of India.

CREATION OF A NEW POSTAL DIVISION IN BIHAR.

773. *Mr. Ram Narayan Singh: (a) Will Government be pleased to make a full statement with regard to the circumstances which led or compelled Government to create a new postal division in the Province of Bihar?

(b) Is it a fact that the postal employees of the Palamau district have been repeatedly protesting against the transfer of their district from the Gaya Postal Division to the Hazaribagh Division?

(c) Is it a fact that the President, All-India (including Burma) Postal and R. M. S. Union, Daltonganj Branch, has submitted a memorial to the Postmaster-General, Bihar and Orissa, protesting against the change referred to in part (b) on several grounds and if so, what is the fate of this memorial?

(d) Have Government considered or are they considering the several suggestions given in the memorial?

(e) Will this new creation or the change entail any additional expenditure and financial loss to the Department and, if not, how?

(f) Will the expenditure involved in this change interfere with the extension of postal facilities to the rural areas by means of opening new village post offices there and if not, why not?

(g) Are Government prepared to send for the memorial referred to above and also to give a sympathetic consideration to all the suggestions contained therein to save the employees, so far as possible from the difficulties and inconveniences apprehended?

The Honourable Sir Frank Noyce: (a) The creation of a new Postal Division in the Bihar and Orissa Circle was necessitated by the transfer of a large number of Post Offices from the Madras and Central Circles to the Bihar and Orissa Postal Circle on the formation of the separate and enlarged province of Orissa.

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

(d) Does not arise.

(e) The creation of the new Division has entailed some additional expenditure which was unavoidable. No question of financial loss to the Department arises.

(f) No. The additional expenditure involved is small.

(g) No. The matter is one within the competence of the Head of the Circle to whom copy of the question and of this reply will be sent for such action as he may consider suitable.

AMOUNT SPENT ON SUGAR RESEARCH.

774. { *Seth Govind Das: } Will Government be pleased to state:
 { *Dr. N. B. Khare: }

(a) the amount that has been spent on sugar research in each of the years 1934-35, 1935-36 and 1936-37;

(b) the various directions in which these sums have been spent; and

(c) the progress that has so far been made in promoting sugar research, both on the agricultural and on the manufacturing side?

Sir Girja Shankar Bajpai: (a) The amounts spent from Central Revenues were as follows:

	Rs.
1934-35	4,81,802 Actuals.
1935-36	5,63,862 „
1936-37	5,96,300 Estimate.

These sums are in addition to a sum of 18½ lakhs which has been made available to Provincial Governments from the Sugar Excise Fund during these three years.

(b) Apart from the work done at the Sugar-cane Station, Coimbatore, and the Imperial Institute of Sugar Technology, Cawnpore, a list of the research schemes financed by the Imperial Council of Agricultural Research is laid on the table.

(c) A brief account of the work in progress on these schemes is given in the annual reports of the Imperial Council of Agricultural Research, copies of which are available in the Library of this House.

List of Research Schemes.

1. Deputation of a chemist to Bhopal to test Khan Bahadur Hadi's process of manufacturing sugar by open pan method.†
2. Hadi's Commercial Test at Bilari under L. Har Sahai Gupta.†
3. Bengal scheme for sugar-cane crushing and gur boiling.†
4. Deputation of Sugar Technologist to Europe and America.†

† Completed schemes.

5. Lump sum grants to United Provinces, Bihar and Orissa and Punjab Governments for experiments in designing a satisfactory small power sugar-cane crushing mill.*
6. Grant to Shahjahanpur Research Station for examination and study of sugar-cane seedlings.
7. Bombay-Deccan Sugar-cane Research Scheme.
8. Grant to Harcourt Butler Technological Institute, Cawnpore.
9. Scheme for the establishment of a Sugar-cane Research Station in Bihar and Orissa and for the appointment of a Sugar-cane Specialist.
10. Scheme for the establishment of a Sub-station of the Coimbatore Imperial Sugar-cane Station at Karnal.
11. Research on 'Mosaic' and other cane diseases at Imperial Agricultural Research Institute.
12. Sugar-cane Seedling Testing Station, Dacca.
13. Grant to the Mysore Durbar for breeding of thick canes.
14. Research on the Genetics of Sugar-cane at the Imperial Cane breeding Station, Coimbatore.
15. Research on Sugar-cane in the Madras Presidency.
16. Establishment of a Sugar-cane Research Station in the Punjab.
17. Investigation into various problems of Sugar Industry in the United Provinces.
18. Establishment of a Research and Testing Station for the indigenous system of gur and sugar manufacture by the Sugar Technologist to the Council.
19. Extension of sugar-cane work at the Jorhat Experimental Station, Assam.
20. Investigation into the production of Khandsari Sugar in the United Provinces and Bihar and Orissa.
21. Sugar Technologist—
 - † (a) Main Office.
 - † (b) Sugar Cable Service.
 - (c) Construction and testing of improved juice boiling bel.*
 - † (d) Indian Sugar Trade Information Service.
 - (e) Bureau of Sugar Standards.
22. Economic Enquiry into the cost of production of crops in the principal sugar-cane and cotton tracts in India.
23. Chief Economist and his staff.
24. Research on insect pests of sugar-cane.
25. Research on morphology and anatomy of sugar-cane-Sorghum hybrids and of the Indian Sugarcane.
26. Sugar-cane Research in North-West Frontier Province.
27. Sugar Committee.
28. Research on the Chemistry of Sugar-cane.
29. Investigation of suitable types of canes for Gujrat.
30. Utilisation of bagasse for the paper and board industry.

*Completed Schemes.

†Merged into the Imperial Institute of Sugar Technology.

AMOUNT ALLOCATED TO THE PROVINCES OUT OF THE SUGAR EXCISE DUTY.

775. { *Seth Govind Das: }
 { *Dr. N. B. Khare: } Will Government be pleased to state:

(a) the amount that has been allocated to the various provinces out of the sugar excise duty, in each of the years, 1934-35.

1935-36 and 1936-37, for improvement in conditions of the cultivation and marketing of cane;

(b) whether any reports have been received from the various Local Governments as to the nature of the work that is being done by them; if so, whether Government will place copies of them on the table; and

(c) whether any progress has been made in the improvement of cultivation and marketing of cane in the respective provinces?

Sir Ganga Shankar Bajpai: (a) It is presumed that the Honourable Member is referring to the allocation of the Sugar Excise Fund. A statement giving the information asked for is placed on the table.

(b) and (c). No reports of the progress made have been received from the provinces, but the nature of the work being done will be evident from the approved schemes mentioned in column 4 of the statement which has been laid on the table in answer to part (a) of this question.

Statement of amounts which have been allotted to or earmarked for Local Governments out of the Sugar Excise Fund as also general titles of schemes which may be financed from these sums.

Province.	Amount allotted in 1934-35 and 1935-36.	Amount allotted in 1936-37.	Approved Schemes.
	Rs.	Rs.	
United Provinces.	5,40,000	4,76,000	1. Administration of the Sugar-cane Act, 1934 and the Rules framed thereunder. 2. Co-operative marketing of sugar-cane. 3. Renewal of seed in areas affected by frost. 4. Development of cane cultivation in Tubewell area.
Bihar	2,90,000	2,46,500	1. Working of the Sugar-cane Act, 1934 and the Rules framed thereunder. 2. Improvement of Sugar-cane cultivation. 3. Organisation and operation of Cane-growers' Co-operative Societies.
Madras	57,500	31,500	} No suitable schemes have yet been formulated by the Governments of Madras and Bengal. 1. Establishment of Cane-growers' Co-operative Unions for improvement of Cane cultivation and Co-operative marketing.
Bengal	20,000	25,500	
Punjab	30,000	25,000	
Burma	30,000	17,000	1. Free supply of improved Java cane varieties to selected cultivators. 2. Free supply of fertilisers. 3. Propaganda on improving methods of cultivation.
Bombay	30,000	25,500	1. Organisation of Co-operative Societies for the supply of sugar-cane to factories. 2. Grant to these Societies of subsidies for the entertainment of expert staff and purchase of improved types of seed.
Orissa	5,000	5,000	Improving the standard and quality of cane by introducing improved methods of cultivation.

Mr. President (The Honourable Sir Abdur Rahim): Seth Govind Das.

Prof. N. G. Ranga: Will Government be pleased to call for the reports

Sir Girja Shankar Bajpai: The next question has been called.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is too late. The next question has been called.

COST OF PRODUCTION OF SUGAR-CANE.

776. { *Seth Govind Das: }
 { *Dr. N. B. Khare: } Will Government be pleased to state the actual cost of production of cane in India by Provinces and the steps taken by them to bring down the cost of cultivation of sugar-cane, which is considerably higher than in other countries like Java, Hawaii, etc.?

Sir Girja Shankar Bajpai: Accurate figures of the cost of production are not at present available, but data have been collected which are being compiled and analysed. Various problems connected with the cultivation of sugar-cane have been engaging the careful attention of Government over a series of years and they have spent a sum of Rs. 80 lakhs on these enquiries. As regards details of the work now in progress, I would refer the Honourable Member to the answers to questions Nos. 774 and 775 which have been given just now.

Seth Govind Das: What has been the result of spending these 80 lakhs?

Sir Girja Shankar Bajpai: I think the fact that there are improved varieties of cane grown in the country shows the result of the work that is being done.

Seth Govind Das: Is the result achieved in proportion to the money which has been spent?

Sir Girja Shankar Bajpai: It depends on what my friend means by proportion, but seeing that the income of the cultivator by growing the improved varieties of cane has been approximately doubled, I think my friend will agree that the expenditure has been commensurate with the results achieved.

Seth Govind Das: Are Government aware that the improvement in cultivation of sugar-cane is due to the increase in the number of factories, and not due to the expenditure made by the Government?

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

Pandit Lakshmi Kanta Maitra: May I know what my Honourable friend's Department has so far done, if anything, to give publicity to the various aspects of the research work that is being done?

Sir Girja Shankar Bajpai: My friend will find the publicity in the Report of the Imperial Council of Agricultural Research to which I have referred. Apart from that, in so far as the practical application of these results is concerned, publicity is done by the Agricultural Department.

Mr. Kuladhar Chalhha: May I know what is the total acreage on the improved varieties of cane?

Sir Girja Shankar Bajpai: I am speaking from memory,—I think it is over two million acres.

ACQUISITION OF LAND BY SUGAR FACTORIES AT REASONABLE MARKET RATES.

777. { ***Seth Govind Das:** }
 { ***Dr. N. B. Khare:** } Will Government be pleased to state whether they have taken any steps to pass the necessary legislation, enabling the sugar factories to acquire land in the vicinity of factories at reasonable market rates, in order to carry out improvement in the cultivation of cane and to help the grower by the supply of sound and improved seeds on the most suitable terms and to educate him by practical demonstration? If not, why not?

Sir Girja Shankar Bajpai: Government have not felt the need for such legislation for the whole of India. Conditions vary from province to province, and it is for Local Governments to consider the matter, should circumstances necessitate this.

AMOUNT OF FREIGHT PAID BY SUGAR FACTORIES TO RAILWAYS.

778. { ***Seth Govind Das:** }
 { ***Dr. N. B. Khare:** } Will Government be pleased to state the figures of the amount of freight paid by the sugar mills annually to the various railways in India during the years 1932-33, 1933-34, 1934-35, 1935-36 and 1936-37 for transport of (1) sugar, and (2) of sugar-cane?

The Honourable Sir Muhammad Zafrullah Khan: Such statistics as are available in regard to the freight paid to Railways for the carriage of sugar, refined and unrefined, for each Class I Railway are published in statement No. 29 in Volume II of the Railway Board's Reports for the years referred to. Similar information in regard to sugar-cane is not recorded.

Seth Govind Das: Are Government aware that this rate differs from province to province?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid I would require notice.

PRODUCTION OF POWER ALCOHOL FOR USE IN INTERNAL COMBUSTION ENGINES.

779. { ***Seth Govind Das:** }
 { ***Dr. N. B. Khare:** } Have Government carried out any research to find whether the production of power alcohol for use in internal combustion engines is possible on a commercial scale in this country? If so, with what results?

Sir Girja Shankar Bajpai: Government have made inquiries into the cost of production and distribution and are not satisfied that power alcohol could be commercially produced on a basis to compete economically with petrol.

MANUFACTURE OF POWER ALCOHOL.

780. { *Seth Govind Das: }
 { *Dr. N. B. Khare: } Are Government now prepared to consider the feasibility of undertaking suitable legislation for promotion of manufacture of power alcohol in the country by making the admixture of power alcohol with petrol in certain proportions a compulsory condition for motor fuel, as is being done in other sugar producing countries?

Sir Girja Shankar Bajpai: Government are not prepared to make the use of power alcohol compulsory.

PRODUCTION OF POWER ALCOHOL IN BRITISH INDIA.

781. { *Seth Govind Das: }
 { *Dr. N. B. Khare: } What is the obstacle in the way of Government allowing the production of power alcohol in British India with a view to helping the Indian sugar industry?

Sir Girja Shankar Bajpai: I would refer the Honourable Member to the answer given to question No. 779.

Prof. N. G. Ranga: In view of the fact that the production of power alcohol will certainly help the agriculturist to get a better price for his sugar-cane as a whole, will Government consider the advisability of allowing the production of power alcohol?

Sir Girja Shankar Bajpai: I think my friend is making a very large assumption when he says that if the production of power alcohol were subsidised, the benefits of it would accrue to the agriculturist.

STEPS TAKEN BY THE INDIAN SUGAR MILLS ASSOCIATION FOR THE PROMOTION OF A JOINT SUGAR SELLING ORGANISATION.

782. { *Seth Govind Das: }
 { *Dr. N. B. Khare: } Has the attention of Government been drawn to the steps taken by the Indian Sugar Mills Association for the promotion of a joint Sugar Selling Organisation? If so, do Government propose to take any steps to help the Association in the establishment of such an organisation?

Sir Girja Shankar Bajpai: Government are aware that the Indian Sugar Mills Association have discussed the question, but are not aware that any steps have been taken to set up a joint Sugar Selling Organisation. No proposals have been received from the Association.

Pandit Lakshmi Kanta Maitra: Apart from receiving any proposals from these Sugar Associations, don't Government think it desirable that some such organisation should be brought into existence?

Sir Girja Shankar Bajpai: Government may hold any opinion on the subject, but obviously it is a matter for the industry itself to take action on.

Prof. N. G. Ranga: Is anything being done by the Central Marketing Officer to persuade the sugar-cane mills to develop this sugar selling organisation?

Sir Girja Shankar Bajpai: The Marketing Officer has not applied himself to that subject yet, because it is understood that the industry is considering the matter.

**EXPORT OF SUGAR FROM INDIA TO THE UNITED KINGDOM UNDER A
PREFERENTIAL TARIFF SCHEME.**

783. { *Seth Govind Das: }
 { *Dr. N. B. Khare: } (a) Are Government aware of the produc-

tion of sugar in India having outstripped consumption, and do Government propose to consider the question of helping the industry to export sugar from India to the United Kingdom under a preferential tariff scheme, in order to enable it to utilise its surplus production towards making the Empire self-sufficient?

(b) Are Government also prepared to consider the question of giving a rebate of the excise duty on exports of sugar, and of quoting specially reduced rates of freight to enable the Indian sugar to capture this new market?

The Honourable Sir Muhammad Zafrullah Khan: (a) There being no direct statistics of consumption, it is not possible to say that production exceeds consumption. But in India the cost of production is considerably higher than in other great sugar producing countries of the world and no great reduction in such cost is possible until the quality of Indian sugar-cane has been further improved and the cost of its production reduced—a process that must take several years. In the meantime Government do not think it would be feasible for Indian sugar to compete on the export market.

(b) Under clause 9 of the Sugar (Excise Duty) Order, 1934, a refund of excise duty is admissible on Indian sugar exported outside India. The point raised in the latter portion of this part does not arise in view of my answer to part (a).

Prof. N. G. Ranga: Have Government tried to estimate the total consumption of sugar in this country and also the capacity of the Indian people to consume sugar in this country?

The Honourable Sir Muhammad Zafrullah Khan: I have no such information.

Pandit Lakshmi Kanta Maitra: Did the Honourable Member say that he was not aware that the production of sugar in this country exceeded consumption? Did he say like that?

The Honourable Sir Muhammad Zafrullah Khan: There are no direct statistics.

Pandit Lakshmi Kanta Maitra: Is it not a fact that his colleague, the Finance Member, told us the other day that the sugar industry has been suffering from over-production?

The Honourable Sir James Grigg: Yes, I can give quotations from the Indian Sugar Mills Association itself, if the Honourable Member wants them.

Pandit Lakshmi Kanta Maitra: My friend can pass them on to his colleague, Sir Muhammad Zafrullah Khan.

RESTRICTIONS ON THE ERECTION OF NEW SUGAR MILLS.

784. { *Seth Govind Das: }
 { *Dr. N. B. Khare: } Have Government considered the desirability of putting restrictions on the erection of new sugar mills in the country, as also on the expansion of the existing mills, in order to establish the Indian sugar industry on a firm and sound basis? If not, why not?

Sir Girja Shankar Bajpai: The Tariff Board, which is to enquire into the question of the continuance of protection to the Indian sugar industry, will no doubt consider whether any restrictions on the further expansion of the industry are necessary.

Prof. N. G. Ranga: Is this also one of the terms of reference to that Tariff Board whether any restriction in the multiplication of sugar-cane mills is needed or not?

Sir Girja Shankar Bajpai: As far as I know, the terms of reference to the Tariff Board are fairly wide, and if the industry itself feels that some sort of restriction ought to be imposed upon further expansion, I have no doubt they will consider the point if it is brought to the notice of the Board.

Mr. Lalchand Navalrai: May I know when this Report will be published?

Sir Girja Shankar Bajpai: It is impossible to say, because they have not started their work.

Mr. Lalchand Navalrai: Will it take a year or two for them to finish the work?

Sir Girja Shankar Bajpai: I am afraid that even the Tariff Board will not be able to say, until they have had the evidence, when they will be able to finish their task.

Mr. Latchand Navalrai: When will they commence their task?

Sir Girja Shankar Bajpai: In the near future, I hope.

POSSIBILITY OF ECONOMIC TRANSPORT OF SUGAR FROM THE PRODUCING CENTRES TO CONSUMING MARKETS.

786. { *Seth Govind Das: }
 { *Dr. N. B. Khare: } Have Government made investigations in regard to the consumption of sugar in the various provinces in relation to their respective production with a view to considering the possibility of economic transport of sugar from the producing centres to the distant consuming markets within the country? If so, will they be pleased to give a comparative table for each province?

Sir Girja Shankar Bajpai: Statistics of consumption of sugar in the separate provinces are not available.

Prof. N. G. Ranga: Do Government propose to collect that information?

Sir Girja Shankar Bajpai: It is going to be a very difficult business to collect statistics of consumption.

CONSUMPTION OF SUGAR IN INDIA.

786. { *Seth Govind Das: }
 { *Dr. N. B. Khare: } (a) Have Government prepared any statistics showing the consumption of sugar in India for the various years beginning from 1931-32?

(b) If so, will Government be pleased to state whether consumption of sugar in India has been increasing since 1932-33, and at what rate?

Sir Girja Shankar Bajpai: (a) and (b). No direct statistics of consumption are available. A rough estimate has been made of the probable consumption by deducting from the total of estimated production and imports, exports, including re-exports by land and sea and closing stocks in respect of each year. A statement based on these calculations is laid on the table.

Statement showing the quantity of Sugar available for Consumption in India.

	1932-33.	1933-34.	1934-35.	1935-36.
Quantity tone	925,710	931,877	1,014,898	1,010,203

Seth Govind Das: Is it a fact that on account of the fall in the price of sugar, the consumption has been increasing regularly?

Sir Girja Shankar Bajpai: The figures do not bear that out one way or the other.

Pandit Lalchand Kanta Mastra: Does my friend say that actually there has been no increase in consumption?

Sir Girja Shankar Bajpai: All I say is that I have no data in my possession either to corroborate or to contradict that impression. It is a matter of individual opinion.

UNSTARRED QUESTIONS AND ANSWERS.

SUPERVISION OF CERTAIN POST OFFICES IN CALCUTTA.

109. **Mr. V. V. Giri:** (a) Is it a fact that the Deputy Sub-Postmasters of the following post offices are to look into the work of all the branches of the office during the absence of the Sub-Postmasters:

- (1) Barabazar, (2) Beadon Street, (3) Bowbazar, (4) Dharamtalla, (5) Amherst Street, and (6) Park Street?

(b) If the reply to part (a) be in the negative, will Government please state whether there are any other supervisors in these offices to look after the work during the Sub-Postmaster's absence? If so, what is their designation and what is their pay?

(c) Will Government please also state how many clerks remain under the control of Deputy Sub-Postmasters in these offices?

The Honourable Sir Frank Noyce: Questions Nos. 109, 110 and 112 are replied together.

Government have no information. The matter is within the competence of the Postmaster-General, Bengal and Assam, to whom copies of the questions have been sent for such action as he may consider necessary.

HOURS OF ATTENDANCE OF THE MONEY ORDER ISSUE CLERK OF THE CIRCUS POST OFFICE.

110. **Mr. V. V. Giri:** (a) Will Government be pleased to state the hours of attendance of the money order issue clerk of the Circus Post Office?

(b) Is it a fact that there is no fixed clerk to receive ordinary and telegraphic money orders from 9-0 A.M. to 6-0 P.M.?

(c) If the reply to part (b) be in the negative, will Government be pleased to state who receives money orders between these hours?

AMOUNT ALLOTTED TO THE CALCUTTA GENERAL POST OFFICE FOR PURCHASES OF FURNITURE.

111. **Mr. V. V. Giri:** (a) Will Government be pleased to lay on the table a statement showing the amount allotted to the Calcutta General Post Office during the years 1933-34, 1934-35 and 1935-36 for the purchase of furniture and what amount was actually spent during these years?

(b) Will Government please also state what amount was spent for the purchase or repair of furniture for the Calcutta General Post Office and for the town Sub-Offices separately?

†For answer to this question, see answer to question No. 109.

The Honourable Sir Frank Noyce: (a) and (b). Government have no information and do not propose to call for it as they do not consider that any useful purpose would be served by doing so. The allotment for the purchase of furniture for different post offices and its utilisation is a matter entirely within the competence of the Postmaster-General, Bengal and Assam Circle.

VOLUME OF WORK IN CERTAIN POST OFFICES IN CALCUTTA.

+112. **Mr. V. V. Giri:** (a) Will Government be pleased to lay on the table a statement showing average number of (i) money orders booked and paid, (ii) savings bank deposit and withdrawal, (iii) registered letters, packets and V. P. letters packets booked and delivered, and (iv) registered and V. P. parcels booked and delivered from the following offices in Calcutta:

(1) Kalighat, (2) Kidderpore, (3) Circus, (4) Belegkata and (5) Shyam-bazar?

(b) Are Government aware that a certain area served by the Tollygunj Post Office has been added to the delivery jurisdiction of the Kalighat Post Office, as a result of which the work of that office has increased to a great extent?

(c) Will Government please state how many clerks are justified in the offices mentioned at part (a) according to the volume of work of all branches of the Post Office?

(d) Are Government aware that the clerks of all these offices are over-worked and they are compelled to work for more than eight hours a day?

TRAINING CLASSES FOR RECRUITS TO THE RAILWAY MAIL SERVICE.

113. **Mr. V. V. Giri:** Will Government be pleased to state:

(a) whether it is a fact that there existed in the past training classes for training recruits of the Postal and Railway Mail Service in the departmental work;

(b) whether they have since been abolished; if so, for what reasons;

(c) whether it is a fact that the Postal Enquiry Committee of 1934-35, after taking evidence of various witnesses with mature experience of the Railway Mail Service, expressed their considered opinion that the work in the Railway Mail Service being of an intensely technical nature, the training classes be re-established;

(d) whether it is a fact that the Director-General also agreed with that view and was for some time contemplating arranging for three months' previous training of the Railway Mail Service recruits;

- (e) whether they are aware that the necessity for Railway Mail Service training classes is generally and keenly felt by Railway Mail Service officers and staff; and
- (f) if the reply to the above be in the affirmative, whether they propose to open the training classes for the Railway Mail Service; if not, why not?

The Honourable Sir Frank Noyce: (a) Classes formerly existed for training recruits to the Railway Mail Service work, but no such regular classes existed generally for Post Office clerks.

(b) Yes: because they were found unnecessary and expensive.

(c) The fact is not exactly as stated. The recommendation of the Postal Enquiry Committee was conditional. They recommended the re-opening of training classes if it was held that the existing system of giving training for three months without allowance to the Railway Mail Service candidates conflicted with the orders of Government that the employment of unpaid probationers should be discontinued.

(d) No.

(e) Government are not aware of any such feeling.

(f) In view of the fact that the existing system already provides for a training of three months in Railway Mail Service work, it is not considered that there is any need for re-opening training classes for Railway Mail Service sorters.

APPOINTMENTS MADE ON RAILWAYS OWNED BY GOVERNMENT.

114. **Mr. V. V. Giri:** Will Government be pleased to state the number of appointments made in the subordinate and inferior service posts on each Class I Railway owned by the Government of India during 1935-36 and classified according to each community?

The Honourable Sir Muhammad Zafrullah Khan: For information regarding subordinate staff, the Honourable Member is referred to paragraph 76, Chapter VI, of the Report by the Railway Board on Indian Railways for 1935-36, Volume I, a copy of which is in the Library of the House. Government have no information in respect of inferior staff.

RETRENCHED STAFF ON THE WAITING LIST AND STAFF RE-EMPLOYED ON RAILWAYS.

115. **Mr. V. V. Giri:** Will Government be pleased to state the number of the retrenched staff on the waiting lists and the number of the retrenched re-employed during 1935-36 in the subordinate and inferior service posts on each Class I Railway?

The Honourable Sir Muhammad Zafrullah Khan: I would refer the Honourable Member to the information laid on the table of the House on the 27th February, 1936, in reply to unstarred question No. 87, asked by

him on the 4th February, 1936. Information asked for by the Honourable Member in regard to all Class I Railways for the year 1936 is not readily available. The only information available is contained in the statements showing the progress made in the re-employment of retrenched staff borne on the waiting list on State-managed Railways for the six months ending the 30th June and the 31st December, 1936, respectively, copies of which I lay on the table of the House.

Statement showing the progress made in the re-employment of retrenched staff on State-managed Railways during the half year ending 30th June, 1936.

Railways.	No. of retrenched staff borne on the waiting list on 1st January, 1936.			No. of retrenched staff re-employed during six months ended 30th June, 1936.		
	Subordinate staff.	Labourers and workshop employees.	Inferior staff.	Subordinate staff.	Labourers and workshop employees.	Inferior staff.
Burma	48	770	295	2	15	31
G. I. P.	404	538	1,033	12	55	218
E. B.	6	98	16	1	8	..
N. W.	36	1,979	21	16	55	3
E. I.	11	2,406	312	..	108	110

Statement showing the progress made in the re-employment of retrenched staff on State-managed Railways during the half year ending 31st December, 1936.

Railways.	No. of retrenched staff borne on the waiting list on the 1st July, 1936.			No. of retrenched staff re-employed during the 6 months ended 31st December, 1936.		
	Subordinate staff.	Labourers and workshop employees.	Inferior staff.	Subordinate staff.	Labourers and workshop employees.	Inferior staff.
1	2	3	4	5	6	7
E. B.	4	83	13	..	4	..
G. I. P.	301	528	1,109	9	16	20
N. W.	28	914	7	8	35	8
Burma	30	645	66	1	14	1
E. I.	11	2,258	173	..	70	25

STAFF RETRENCHED ON RAILWAYS.

116. **Mr. V. V. Giri:** Will Government be pleased to state the number of staff retrenched in subordinate and inferior service, respectively, on each Class I Railway during 1935-36 and after?

The Honourable Sir Muhammad Zafrullah Khan: The information asked for is not readily available. The only information available is that

relating to the number of staff retrenched on the State-managed Railways between the 12th June, 1936, and the 30th September, 1936. I lay on the table of the House a statement containing these figures.

Statement showing the number of surplus staff discharged on State-managed Railways during the period 12th June, 1936 to 30th September, 1936.

Railways.	Subordinate staff.	Workshop staff and Labours.	Inferior staff.
E. B.
G. I. P.	1	32	36
Burma	..	18	63
N. W.	5	314	2
E. I.	5	7	169
Total	11	371	290

SUPERANNUATED STAFF ON RAILWAYS.

117. **Mr. V. V. Giri:** Will Government be pleased to state the number of staff on each Class I Railway, who have already reached their superannuation age, or will reach superannuation age within the next three years?

The Honourable Sir Muhammad Zafrullah Khan: Government do not propose to collect the information as it will involve an amount of labour and expense not likely to be justified by results.

INCOME DERIVED THROUGH ENTRANCE FEES PAID BY APPLICANTS FOR POSTS ON THE RAILWAYS.

118. **Mr. V. V. Giri:** Will Government be pleased to state the amount of income derived by each Class I Railway during 1935-36 through entrance fees paid by applicants for posts on the Railways?

The Honourable Sir Muhammad Zafrullah Khan: Government have no information and do not consider that the amount of labour and expense involved in its collection would be justified by results.

CENTRALIZATION OF THE OFFICE OF THE DIRECTOR OF ORDNANCE AT SIMLA.

119. **Mr. C. N. Muthuranga Mudaliar:** (a) Is it a fact that the office of the Director of Ordnance, which was originally located at Calcutta, was transferred and centralized at Simla in 1924? If so, will Government please state the policy in furtherance of which this office was dislodged from Calcutta?

(b) Is it a fact that this centralization has benefited the non-Indian element of Army Headquarters establishment in that the strength of this element was increased by 25 per cent. calculated on the strength of Indian personnel of the office of the Director of Ordnance Factories which contained no non-Indian personnel while at Calcutta?

(c) Is it a fact that His Excellency the Commander in Chief does not consider it necessary to have this office with him in Delhi for six months of the year, and as a result thereof the office of the Director of Ordnance Factories is permanently fixed up at Simla? If so, why?

(d) Will Government please state the expenditure incurred in bringing this office from Calcutta to Simla in 1924?

(e) Are Government prepared to decentralize this and other offices whose heads of departments can run their administration by being cut away from these offices for six months? If not, why not?

Mr. G. B. F. Tottenham: I would refer the Honourable Member to my reply to Mr. M. Asaf Ali's starred question No. 29 asked on the 25th January, 1937.

GRIEVANCES OF ARMY HEADQUARTERS STAFF COMPELLED TO WINTER AT SIMLA.

120. **Mr. C. N. Muthuranga Mudaliar:** Are Government aware that the clerical staff of Army Headquarters who are compelled to winter up at Simla suffer from various grievances including lack of amenities for six months, and that Government have declined to take any steps to ameliorate them? If so, why?

Mr. G. B. F. Tottenham: I would refer the Honourable Member to my reply to Mr. M. Asaf Ali's starred question No. 29 asked on the 25th January, 1937.

MEDICAL LEAVE WITH FULL PAY IN THE EAST INDIAN RAILWAY HIGH SCHOOLS.

121. **Mr. B. B. Varma:** (a) Is it a fact that there is no medical leave with full pay admissible in the East Indian Railway high schools?

(b) Are Government aware that there is such leave allowed in Government high schools and even in aided high schools, as for example, in Bihar?

(c) Do Government propose to remove the anomaly and introduce the leave rules in force in Government high schools or, at least, aided high schools, in the East Indian Railway high schools?

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

(b) Government have no information.

(c) Government do not consider it necessary to make any change in respect of the leave rules applicable to the teaching staff in Railway Schools (including the East Indian Railway High Schools) which were framed after careful consideration.

OPENING OF A MILITARY BASE IN THE DISTRICT OF CHAMPARAN IN BIHAR.

122. **Mr. B. B. Varma:** (a) Is it a fact that correspondence is going on between the Government of India and the Nepal Government for opening a military base in the district of Champaran, Bihar?

(b) If so, will Government be pleased to state the place selected for the purpose and the strength of the force which is to be maintained, and for what specific purpose?

Mr. G. B. F. Tottenham: (a) There has been no such correspondence.

(b) Does not arise.

OVERBRIDGE OVER THE LEVEL CROSSING NORTH TO THE JAMALPUR RAILWAY STATION.

123. **Mr. B. B. Varma:** (a) Will Government be pleased to state the total expenditure incurred on the construction of the new overbridge over the level crossing north to Jamalpur railway station?

(b) Is it a fact that the same overbridge is being dismantled and shifted further north? If so, what is the estimated expenditure for dismantling and re-erecting the same? Why was this not foreseen?

The Honourable Sir Muhammad Zafrullah Khan: Enquiries are being made from the Railway Administration, and a reply will be laid on the table in due course.

WORKING HOURS FOR MINISTERIAL STAFF ATTACHED TO CERTAIN OFFICES IN THE JAMALPUR RAILWAY WORKSHOPS.

124. **Mr. B. B. Varma:** (i) Which are the large railway workshops under State management, and what are the working hours in the different workshops?

(ii) What are the working hours for the ministerial staff attached to the different offices of the Mechanical Engineers, the Officers in charge of the workshops?

(iii) Is it a fact that the working hours for the ministerial staff attached to the offices of the Deputy Chief Mechanical Engineer, Jamalpur, the District Controller of Stores, Jamalpur, the District Electrical Engineer, Jamalpur and the Workshop Accounts Officer, Jamalpur, is from 8 A.M. to 11 A.M., and again from 12 to 4 P.M., as is nowhere on the line?

(iv) Is it a fact that the staff attached to the offices in question have applied for alteration of office hours, which is very inconvenient to them; if so, what is the result?

The Honourable Sir Muhammad Zafrullah Khan: (i) As regards the first part, the following are the large workshops under State management:

Burma Railways.	Insein. Myitnge.
E. B. Railway	Kanchrapara (Loco.). Kanchrapara (Carriage). Saidpur.
E. I. Railway.	Lillooah. Tatanagar workshops. Jamalpur. Lucknow (Loco.). Lucknow (Carriage).
G. I. P. Railway	Parel. Mutunga. Jhansi.
N. W. Railway	Moghalpura.

As regards the second part, Government have no information.

(ii), (iii) and (iv). Presumably the Honourable Member is referring to the East Indian Railway. The matters referred to in these parts relate to detailed administration, which are entirely within the competence of the Agent, East Indian Railway. I am, however, sending a copy of the question and my reply to the Agent for such action as he may consider necessary.

DISTANCE BETWEEN THE WORKSHOP GATE AND THE NEW COLONY CONSTRUCTED IN RAMPUR FOR THE CLERICAL STAFF AT JAMALPUR.

125. Mr. B. B. Varma: (i) What is the distance between the Workshop Gate and the new Colony constructed in Rampur for the habitation of the clerical staff at Jamalpur?

(ii) Is it a fact that two responsible Railway Officers had examined the distance and time taken in coming and going back to and from the office who reported that 50 minutes was the minimum time required?

(iii) Was this matter discussed at an Officers' meeting at Jamalpur? If so, what was the result?

(iv) Have Government considered whether it is practicable that staff residing at Rampur Colony can go to their quarters, take their baths and meals and then come back to the works within one hour (between 11 and 12 the meal hour)?

The Honourable Sir Muhammad Zafrullah Khan: Governments are informed as follows:

- (i) The distance from the Mechanical Workshop Gate to the centre of the Rampur Colony is approximately 1½ miles.
- (ii) The reply to the first part is in the affirmative, and the second part in the negative.
- (iii) The reply to the first part is in the affirmative. As regards the latter part the officers were of the opinion that there was no justification for increasing the tiffin hour period.
- (iv) Yes, provided they have bicycles as most of them have. I would, however, mention for the information of the Honourable Member that a tiffin shed for Hindu and Muhammadan clerks has been provided at Jamalpur, and any clerks who have not got bicycles can make use of this.

INTRODUCTION OF THE CLOCKING SYSTEM FOR THE ATTENDANCE OF THE CLERICAL STAFF AT JAMALPUR.

126. Mr. B. B. Varma: (i) What necessitated the introduction of the Clocking System for the attendance of the clerical staff at Jamalpur?

(ii) What is the additional expenditure incurred on the installation and maintenance of these clocks in comparison with the previous system?

(iii) Was this system experimented in any other Railway? If so, what was the result?

The Honourable Sir Muhammad Zafrullah Khan: Government have no information. These are matters of detailed administration and are entirely within the competence of the Agent of the Railway.

SCALES OF PAY FOR THE SUBORDINATE STAFF OF THE EAST INDIAN RAILWAY ACCOUNTS DEPARTMENT.

127. Mr. B. B. Varma: (i) Is it a fact that after taking over the East Indian Railway Company by the State, a revised State Railway scale of pay was introduced for the subordinate staff of the Accounts Department?

(ii) Is it a fact that the employees belonging to the Accounts Department of the East Indian Railway were given the option to elect the revised scale of pay?

(iii) Is it a fact that at that time each office under the Chief Accounts Officer was treated as a separate entity and promotions were made against vacancies arising in that office?

(iv) Is it a fact that the old East Indian Railway Accounts Clerks in higher grades were allowed to rise up to Rs. 200 (same as old scale) instead of Rs. 170 (new scale) if they elected new scale of pay?

(v) Is it a fact that at that time clerks remaining in the old scales of pay could not be promoted against a vacancy caused by a clerk in the new scale and *vice-versa*?

(vi) Is it a fact that the letter containing the particulars of the revised scales of pay were not circulated among the clerical staff of the Accounts Offices at Jamalpur?

(vii) Is it a fact that the conditions enumerated in parts (iii) and (v) have since been withdrawn?

(viii) Is it a fact that the old Great Indian Peninsula and Burma Railway Companies' Accounts staff who elected the revised scales of pay, have been allowed the option to revert to the old company's scales of pay? If so, why?

(ix) Is it a fact that they were allowed this concession because they elected the revised scales of pay through a misunderstanding?

(x) Is it a fact that the East Indian Railway employees were also similarly placed?

(xi) What expenditure will be incurred if the East Indian Railway employees also are allowed to revert to the old scales of pay?

(xii) Is it a fact that the old East Indian Railway staff (affected) submitted a memorial to the Financial Commissioner, Railways, with the prayer to allow them to revert to the old scales of pay? If so, what was the result?

Sir Raghavendra Rau: The information required is being collected, and a statement will be laid on the table in due course.

FREE DISTRIBUTION OF SEEDS OF SOYA BEANS TO CULTIVATORS.

128. Mr. S. K. Hosmani: (a) Are Government aware that Soya bean is an article of food of great nutritive value and could easily be grown in India?

(b) Are Government prepared to consider the question of distributing free seeds of Soya beans to cultivators of some most suitable districts to encourage this cultivation?

Sir Girja Shankar Bajpai: (a) The question of the value of the Soya bean as an addition to average Indian diets is being actively studied by the nutrition workers of the Indian Research Fund Association. The answer to the second part of the question is in the affirmative.

(b) This is a matter for the Departments of Agriculture in the provinces.

DISCONTENT AMONGST THE SCRAP IRON DEALERS IN LAHORE.

129. **Mr. Sham Lal:** (a) Are Government aware that there is a great uneasiness amongst the scrap iron dealers in Lahore?

(b) Is it a fact that several scrap iron dealers have reported to the Railway Board about these affairs, and asked for permission for their deputation to wait on the Chief Commissioner and the Financial Commissioner of Railways?

(c) Is it a fact that these merchants have urged for an independent enquiry committee to look into the irregularities made by the stores officials of the North Western Railway, which resulted in a loss of a huge sum of money to the Railway and the tax-payers?

(d) Is it a fact that the Railway Board have given these merchants no reply?

(e) Will Government let this House know why no reply has been given to the merchants?

(f) Are Government prepared to appoint an independent enquiry commission to look into the misdeeds of the stores official to avoid recurrence of such irregularities? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) to (f). Government are appointing a Committee of enquiry into the whole question of the disposal of scrap on the North Western Railway.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred questions Nos. 1268 and 1269 asked by Sardar Sant Singh on the 15th October, 1936.

REPLACEMENT OF UNQUALIFIED CLERKS BY QUALIFIED ONES IN THE GOVERNMENT OF INDIA OFFICES.

Question No. 1268.—(a), (b) and (d). The decision of the Government of India is contained in the Home Department Office Memorandum No. F-411/33-Ests., dated the 14th March, 1935, a copy of which is laid on the table. The replacement of unqualified persons in temporary vacancies by candidates from the Public Service Commission's list was delayed by a shortage of such candidates, but a supply of them is now available and they are being posted to temporary vacancies in all Departments in accordance with this Office Memorandum.

(c) Yes.

(e) Yes.

(f) No.

(g) In view of the reply to part (f) this does not arise.

(h) and (i). Long temporary vacancies are reported to the Home Department and are filled by candidates nominated by that Department.

(j) Exemptions are granted only in the public interest in accordance with paragraph 2 (VIII) of the Home Department Office Memorandum, No. F-94/30-Ests., dated the 18th February, 1931, a copy of which will be found in the Library of the House.

COPY OF HOME DEPARTMENT, OFFICE MEMORANDUM, No. F-411/33-ESTS., DATED THE 14TH MARCH, 1935.

SUBJECT:—*Filling of temporary posts and vacancies in the ministerial establishment of the Government of India, Secretariat and Attached Offices.*

With reference to the correspondence resting with the Foreign and Political Department-2797-F. O./33, dated the 28th March, 1934,

D-479-Cash/33, dated the 19th January, 1934,

F-428/33-C. & G., dated the 20th December 1933,

5564/A. D.-3, dated the 8th December, 1933.

411-C., dated the 28th December, 1933,

ment/etc., Office Memorandum No. 10-E.(26)/33, dated the 8th January, 1934,

1347-E., dated the 7th December, 1933,

F-58-42/33-G1., dated the 11th January, 1934,

G-201, dated the 14th March, 1934.

3269-G., dated the 22nd February, 1934,

4214/G./33, dated the 20th February, 1934.

on the subject mentioned above, that Department is informed that it has been decided, after a careful consideration of the relevant circumstances, to accept the suggestions of the Public Service Commission to the extent indicated below:—

- (i) *Temporary posts or vacancies likely to become permanent.*—In the First and Second Divisions these posts or vacancies should be treated as permanent ones, and filled by direct recruitment or promotion in accordance with the orders for the filling of permanent vacancies laid down in the Home Department Office Memoranda Nos. F-452/27, dated 8th December, 1928, F-94/30-Ests., dated 18th February 1931 and F-537/31-Ests., dated the 27th February 1934. In the Third Division such posts or vacancies should be filled by external recruitment unless it is decided to fill them by transfer *vide* Home Department Office Memorandum No. F-498/33-Ests., dated 1st February 1934. Where there are two or more such vacancies in the same office held by external candidates, the candidate with the prior claim according to the orders should be confirmed first provided he is suitable, even though the post or vacancy against which he was recruited may not be the first to be made permanent.
- (ii) *Purely temporary posts or vacancies.*—Purely temporary posts or vacancies in the First Division should always be filled by (a) promotion or (b) transfer. Those in the Second Division should be filled by either of these methods or (c) by external recruitment from the lists of candidates declared qualified by the Public Service Commission. Recruitment by transfer should of course be made in accordance with the provisions of the Home Department Office Memorandum, No. F-498/33-Ests., dated the 1st February, 1934, and promotion should also be made in accordance with the rules relating thereto. In the Third Division temporary posts or vacancies of three months duration or more should be filled from the Public Service Commission's lists unless transfers are resorted to under the Home Department Office Memorandum, No. F-498/33-Ests., dated the 1st February, 1934.

Vacancies of less than three months duration in the Second or Third Division may be filled at the discretion of the Head of the office; but if external recruitment is resorted to, candidates from the Public Service Commission lists should be taken as far as practicable. If a candidate not on the Public Service Commission's list is appointed to a post or vacancy

of less than 3 months' duration in the first instance and the post or vacancy is subsequently prolonged for a single period of 3 months or more, a candidate from the Public Service Commission's lists should be recruited for the extended period.

(iii) *Leave vacancies*.—These should be dealt with according to duration in accordance with clauses (i) and (ii) above.

2. *Candidates* should in all cases be warned that on the termination of the particular vacancy to which they have been appointed, they will have no claim either to retention in the Department in which they were originally entertained or to be provided elsewhere by transfer.

3. *Existing incumbents of temporary posts or vacancies*.—As regards the unqualified candidates who are at present holding temporary posts or vacancies in the various Departments and offices, it has been decided that unless the posts or vacancies in which they are employed are expected to continue for three months or more from the date on which these orders come into force; they need not be replaced by candidates on the Public Service Commission's list.

4. Some Departments still have a temporary unqualified staff of long standing, no member of which is appointed specifically against any particular vacancy, individuals being shown against different vacancies from time to time, with a recognised seniority *inter se*, the junior most man being thrown out of employment when a vacancy comes to an end. This arrangement which creates a class of unqualified men who on the ground of their long service eventually claim to be retained permanently, a claim which is usually supported by the Heads of their offices, is unsatisfactory. It has therefore been decided that each new vacancy must be treated as a separate entity and filled in accordance with the orders contained in the preceding paragraphs.

5. These orders supersede those contained in sub-clauses 2 to 4 of clause IX of paragraph 1 of the Home Department Office Memorandum No. F.-452/27-Ests., dated the 8th December 1928 and will come into force with effect from the May 1st 1935.

6. *The Foreign and Political Department*/etc., is requested to communicate a copy of this Office Memorandum to such of its attached and subordinate offices as recruit through the Home Department.

G. McELHINNY,

Addl. Deputy Secretary to the Govt. of India.

To

All Departments of the Government of India

(excluding the Reforms Office).

No. F.-411/33-Ests

Copy forwarded to the Public Service Commission and the Director of Public Information, for information and guidance (with reference to their letter No. F.-68/33.M., dated the 12th August, 1933).

By order,

G. McELHINNY,

Addl. Deputy Secretary to the Govt. of India

() To P. S. C. only.

MEN QUALIFIED FOR FIRST AND SECOND DIVISIONS AWAITING APPOINTMENT IN THE GOVERNMENT OF INDIA OFFICES AND RECRUITMENTS MADE IN THE FOREIGN AND POLITICAL DEPARTMENT.

Question No. 1269.—(a) All direct recruits to the First and Second Divisions are on probation at first for at least a year and are confirmed on completing their probation as permanent vacancies occur.

(b) If the Honourable Member refers to men who had qualified before the present system of competitive examinations came into force, the information asked for will be found in the reply given to Pandit Sri Krishna Dutta Paliwal's question No. 1361, which has been included in the proceedings of the Assembly for the 11th September, 1936.

(c) During the period 2nd January, 1936, to the end of September, 1936, the Foreign and Political Department filled temporarily one vacancy in the First Division by promotion and three vacancies by transfer from other offices. In the Second Division, seven permanent and two temporary vacancies have been filled by external candidates and one temporary vacancy by transfer. Of the four men appointed to the First Division one is from Bengal, one from Madras and two from the Punjab. Of the ten men appointed to the Second Division, five are from Madras, two from the Punjab and one each from Bengal, the United Provinces and Delhi.

(d) In the Third Division 17 men were recruited for temporary vacancies. The provincial composition is as follows:

Punjab	12
Madras	2
Bengal	2
United Provinces	1
Total	17

(e) *First Division.*

Hindus	2
Muslims	2

Second Division.

Hindus	8
Muslims	2

Third Division.

Hindus	11
Muslims	6

(f) Two in the First Division from the Military Accountant General's office.

(g) Owing to a misunderstanding the special sanction of the Home Department for the appointment of the men from the Military Accountant General's office in the First Division was not obtained.

(h) They were employed in the grade of Rs. 115—10—225. There are no divisions in that office.

(i) I am informed that this is so.

Information promised in reply to starred question No. 234, asked by Dr. Ziauddin Ahmad on the 25th January, 1937.

EXPENDITURE ON THE EXPERTS BROUGHT OUT TO INDIA.

Statement showing the number of experts brought out to this Country by the Government of India during the calendar year 1936 and the expenditure incurred on that account.

Number of experts.	Expenditure involved.	How the expenditure was met.	Remarks.
	Rs.		
One expert in connection with the special enquiry for the allocation of certain sources of revenue between the Central Government and the Provincial Governments.	12,000	For the expenditure during the financial year 1935-36 a supplementary grant was obtained from the Legislative Assembly. The provision during 1936-37 was made in the budget for that year.	Does not include expenditure in England about which no information is available.
Two educational experts .	39,600	The expenditure was not provided in the budget for 1936-37 or the previous year but is being met from the "Fund for the Economic Development and Improvement of Rural Areas".	
Three experts of the Railway enquiry Committee.	2½ lakhs	No provision was made in the original budget estimate for 1936-37 as the decision to appoint the Committee was reached after the presentation of the budget. Provision has now been made in the revised estimate for 1936-37.	
One Broadcasting expert	£533-13-11	The payment was made by re-appropriation from the Secretary of State's grant for 1936-37.	The expert was paid only his actual expenses (including a subsistence allowance).
Two experts invited by the Governing Body of the Imperial Council of Agricultural Research to review the scientific activities of the Imperial Council of Agricultural Research and to report thereon.	About Rs. 80,000	The cost will be met from the Research funds of the Imperial Council of Agricultural Research to which with the approval of the Legislative Assembly a special grant was made in April, 1936.	

Information promised in reply to starred question No. 359, asked by Qazi Muhammad Ahmad Kazmi on the 3rd February, 1937.

BROADENING OF THIRD CLASS SEATS ON THE SHAHDARA SAHARANPUR LIGHT RAILWAY.

(a) Government are not aware that the public have still any grievances in regard to the seats of intermediate and second class compartments on the Shahdara (Delhi) Saharanpur Light Railway.

(b) and (c). The feasibility of increasing the depth of seats in third class compartments is under investigation.

Information promised in reply to starred question No. 389, asked by Mr. N. M. Joshi on the 9th February, 1937.

EXPLOSION AT SUTARALI NEAR THE BASSEIN TOWN IN THE THANA DISTRICT.

(a) An accident occurred on that date at Papdi in the Bassein Taluk of the Thana District.

(b) The accident occurred in a building which had been used illegally as a fireworks factory and is reported to have been locked and sealed by the police. The accident was investigated by an officer of the Explosives Department and the explosion appears to have been due either to the fall of a tile from the roof or to the spontaneous ignition of the prohibited mixture used for making fireworks in the building and not to any extraneous cause.

(c) The loss including the damage to the neighbouring houses is estimated at Rs. 3,250.

(d) The matter is one for the Local Government, but the inquiries made indicate that the presence of a police guard at the spot would not have prevented the explosion.

(e) The Government of India do not propose to pay any compensation, and as indicated in my reply to parts (b) and (d) of the question the accident was not due to any negligence on the part of the police.

Information promised in reply to starred question No. 411, asked by Mr. Lalchand Navalrai on the 16th February, 1937.

PAYMENT OF ACTUARIAL VALUE IN LIEU OF PENSIONS TO THE STAFF OF THE CURRENCY OFFICES TRANSFERRED TO THE RESERVE BANK OF INDIA.

Government are paying to the Reserve Bank the actuarial value of Government's liabilities for the pensions and gratuities of the pensionable staff transferred to the Bank. The Bank will be wholly responsible for paying the pensions in due course of those persons who elect to remain on a pensionary basis. But in the case of the persons who accept as an alternative provident fund terms, it is open to each individual either to take the amount in cash or to have it credited as the initial opening balance of his provident fund.

The calculations have been made by the Government Actuary on ordinary actuarial principles. The individual figures have been communicated to the Bank which will no doubt lose no time in informing the individuals concerned.

Information promised in reply to starred question No. 474, asked by Mr. Amarendra Nath Chattopadhyaya on the 2nd March, 1937.

PERMISSION TO MR. HARI KUMAR CHACKRAVARTY, A DETENU, TO ARRANGE FOR HIS DAUGHTER'S MARRIAGE.

(a) No.

(b) Yes. One petition was rejected by the Government of Bengal as the detenu's presence in Bengal was considered undesirable. Another petition is now under the consideration of the Local Government. The Government of Bengal do not consider themselves under an obligation to pay marriage expenses on behalf of detenus. Life Insurance premia are paid by the Bengal Government in certain circumstances.

Information promised in reply to starred question No. 579, asked by Mr. Sri Prakasa on the 8th March, 1937.

PERFORATED PIPES PROVIDED IN THE LATRINES OF THE INTERMEDIATE CLASS COMPARTMENTS OF THE EAST INDIAN RAILWAY.

(a) Yes in so far as the older type of vehicles are concerned.

(b) Yes.

(c) Government are aware that some inconvenience may be caused by a simultaneous flow of water from three sides.

(d) Yes. Some of the later type vehicles have the main spout operated by a cock independent of the one controlling the flow through the perforated pipes. This system will be adopted in the older type vehicles when they go through Shops for periodic overhaul.

Information promised in reply to starred questions Nos. 624 to 628, asked by Bhai Parma Nand on the 13th March, 1937.

INSPECTING OFFICERS IN AJMER-MERWARA.

Question No. 624.—The reply is in the affirmative.

WANT OF KNOWLEDGE IN HINDI OF THE INSPECTOR OF SCHOOLS, AJMER.

Question No. 625.—(a) No. The second part of the question does not arise.

(b) No; but ordinarily members of the Inspectorate are familiar with both Hindi and Urdu.

GRANT PAID TO HIGH SCHOOLS IN AJMER-MERWARA AND PUPILS IN THESE SCHOOLS.

Question No. 626.—A statement furnishing the required information for 1935-36 and 1936-37 is attached.

Statement showing number of Scholars and Amount of Government Grant in A. V. High Schools for boys and Girls in Ajmer-Merwara.

Name of schools.	1935-36.		1936-37.	
	No. of pupils.	Amount of Government grant.	No. of pupils.	Amount of Government grant.
		Rs.		Rs.
BOYS.				
1. S. D. P. Inter College, Beawar	405	10,000	417	10,000
2. D. A. A. V. High School, Ajmer	546	6,000	559	6,000
3. Husband Memorial High School, Ajmer	464	5,550	469	5,550
4. Mohd. Ali Memorial High School, Beawar	260	5,500	247	5,500
5. Mission High School, Nasirabad	253	4,900	295	4,900
6. Oswal Jain High School, Ajmer	351	3,250	367	3,250
7. Betham High School, Kekri	158	2,500	145	2,500
8. Narain High School, Bijainagar	194	1,500	189	1,500
9. Rly. A. V. High School, Abu Road	293	4,000	300	4,000
GIRLS.				
10. Sophia Girls' High School, Ajmer	90	3,100	184	3,100
11. Mission Girls' High School, Nasirabad	96	3,750	125	3,750
12. Savitri Girls' High School, Ajmer	101	3,525	121	3,580

COMMUNAL PERCENTAGE FIXED FOR ADMISSION TO THE VERNACULAR TRAINING CLASSES IN AJMER-MERWARA.

Question No. 627.—The reply to both parts of the question is in the negative.

OCCUPATION FOR THE PURPOSES OF RESIDENCE OF A PART OF OFFICE, BY THE EMPLOYEES OF THE EDUCATION DEPARTMENT, AJMER-MERWARA.

Question No. 628.—No. There are no residential quarters for clerks in the office premises, but one clerk, in view of the nature of work allotted to him, has been allowed by the Local Administration to occupy one of the out houses in the office premises on a nominal rent of Rs. 1 per mensem.

MOTION FOR ADJOURNMENT.

BANNING BY THE POLICE COMMISSIONER, CALCUTTA, OF PROCESSIONS, MEETINGS AND OTHER DEMONSTRATIONS.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. I have received a number of notices for moving an adjournment of the 12 Noon business of the House. The first is in the name of Mr. Ghiasuddin. I think he has given notice of two motions relating to the same subject. Which one does the Honourable Member wish to move?

Mr. M. Ghiasuddin (Punjab: Landholders): The second one, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The next motion then is in the name of Mr. Mohan Lal Saksena and runs as follows:

"This is to notify to you that I propose to move the adjournment of the business of the Assembly tomorrow (*that is today*) to consider a definite matter of urgent public importance, namely, the banning by the Police Commissioner, Calcutta, of processions, meetings and other demonstrations for a period of seven days from the 29th March, to the 4th April, within the City and suburbs of Calcutta with a view to prevent the observance of *hartal* on the 1st April, in pursuance of the resolution of the Indian National Congress.

The order was promulgated last week."

Is there any objection to this motion?

The Honourable Sir Henry Craik (Home Member): I take objection to this on the ground that the order was presumably issued under the ordinary statutory authority of the Commissioner of Police, and it has been held by the Chair

Mr. President (The Honourable Sir Abdur Rahim): Was it issued under the Criminal Procedure Code?

The Honourable Sir Henry Craik: It must have been either under the Criminal Procedure Code or under one of the special Acts which are in force in Calcutta. I have no information about the order at all. But the Commissioner of Police cannot issue merely an executive order to this effect; it has to be under some statutory and legal authority. My point is that it has been held by the Chair that the exercise of a statutory power cannot be made the subject of a motion for an adjournment of the business of the House.

Mr. President (The Honourable Sir Abdur Rahim): The Police Commissioner of Calcutta is also a Magistrate?

The Honourable Sir Henry Craik: He has got magisterial power.

Mr. President (The Honourable Sir Abdur Rahim): What does the Honourable the Mover, Mr. Saksena, say?

Mr. Mohan Lal Saksena (Lucknow Division: Non-Muhammadan Rural): I have not been able to hear anything of what the Honourable the Home Member said.

Mr. President (The Honourable Sir Abdur Rahim): The objection taken is that it is an order that has been issued in the ordinary course of administration of law by the Police Commissioner. It was issued under the Criminal Procedure Code or under one of the Acts that are in force in Bengal. And the Police Commissioner, the Chair believes, is also a Magistrate. There has been a ruling that an order like that cannot form the subject matter of an adjournment motion here.

Mr. Mohan Lal Saksena: Orders under section 144 or under the Police Acts are all issued under executive authority, but still they are for the administration of law and order, and, as such, they are under the supervision of the Government of India.

Mr. President (The Honourable Sir Abdur Rahim): The Chair thinks there was a similar case under section 144, and it was held that an adjournment motion would not be allowed.

Mr. Mohan Lal Saksena: May I know under what law this order has been issued?

The Honourable Sir Henry Craik: If the Honourable the Mover cannot give the information, I cannot be expected to give it.

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member (Mr. Saksena) himself got any information?

Mr. Mohan Lal Saksena: Papers give out that this order has been issued under the Police Acts and other Acts . . . (An Honourable Member: "Public Security Act") . . . Public Security Act.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): There are Legislative Rules here, on this matter. You will notice that rule 12 *inter alia* states that an adjournment motion must not deal with a matter on which a resolution could not be moved. Under rule 23, one of the matters which are prohibited as being outside the scope of resolutions is "any matter which is under adjudication by a Court of Law having jurisdiction in any part of His Majesty's dominions".

Mr. President (The Honourable Sir Abdur Rahim): The Honourable the Home Member is not referring to that. He is referring to the rulings.

Mr. S. Satyamurti: There is no such ruling that I know of.

Mr. President (The Honourable Sir Abdur Rahim): What is the ruling?

The Honourable Sir Henry Craik: I received this notice only a few minutes ago. I have not had time to look the point up, but there certainly is a ruling in which you held that an order under section 144 issued by a Magistrate at Lucknow . . .

Mr. S. Satyamurti: That is a different matter.

The Honourable Sir Henry Craik: No. There was a similar motion for an adjournment of the House by the Honourable Member who has given notice of this motion, and you held in regard to that—the Lucknow order—that that could not be made the subject of a motion for adjournment.

Mr. President (The Honourable Sir Abdur Rahim): There was another ruling by a predecessor of the present occupant of the Chair.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): It must be remembered that orders of this kind fall under two heads, and unless that distinction is borne in mind, the matter cannot be properly or correctly appreciated. Otherwise, in the broadest sense of the term, every single act of the Government of India, whether executive or judicial, through their officials would be in the exercise of some statutory authority, so that, let us see how far the objection taken, which has not yet been clearly defined, has any substance in it.

Mr. President (The Honourable Sir Abdur Rahim): The ruling that the Chair gave—and it thinks it followed a ruling on a previous occasion—was that an order passed in the ordinary administration of law cannot form the subject matter of an adjournment motion here. The Chair thinks it followed a previous ruling.

Mr. Bhulabhai J. Desai: I know, but it must be remembered what is the nature of the order, in the exercise of what authority it was issued. If the actual facts of the case were produced we would be able to point out that it is erroneous to interpret it as covering every order, for if you take the literal meaning of those orders, there is no order, however atrocious, passed in the exercise of the mere executive function of the Government, which could be the subject of discussion on an adjournment motion.

Mr. President (The Honourable Sir Abdur Rahim): The ordinary administration of law is quite different. Suppose a Judge or a Magistrate administers the law . . .

Mr. Bhulabhai J. Desai: That is not disputed, but at present the Honourable the Home Member has not stated to the House as to the ground of his objection. He must make it clear whether this order was made in the exercise of any powers under the Criminal Procedure Code by a Magistrate. It is not enough to say—a man may be a Magistrate in addition to his being an executive police officer. At present two things are entirely mixed up and confused, whether deliberately or otherwise I

[Mr. Bhulabhai J. Desai.]

do not know. Because he has pointed out that they do not know how this order came to be passed. If they do not know, how can they raise an objection? It is really treating this House not seriously to get up and raise objection without knowing in exercise of what powers this order was issued. From what we see in the papers, it was certainly not issued in the exercise of any judicial authority vested in him as a Magistrate. Let us know from the Government which we are entitled to do, in the exercise of what particular power this order was issued.

The Honourable Sir Henry Craik: My Honourable friend suggests that I am not treating this House seriously. On the contrary, the boot is on the other leg. I received this notice five minutes ago. I have had no report on this matter.

Mr. Mohan Lal Saksena: I gave notice yesterday.

Mr. Bhulabhai J. Desai: If the Honourable Member wants time to ascertain, let the matter stand over.

The Honourable Sir Henry Craik: It is obviously for the Honourable Member who moves the motion to ascertain the facts. It is not for me.

Mr. President (The Honourable Sir Abdur Rahim): Is the Honourable Member in a position to throw any light on the facts? The Chair knows as a matter of fact that the Police Commissioner has got very wide powers both under the Police Act and other Acts.

Mr. Bhulabhai J. Desai: May I suggest that the Government should put themselves in communication with the authorities in Calcutta and get the information.

Mr. President (The Honourable Sir Abdur Rahim): The Chair will let the matter stand over unless the Honourable Member in charge can give information now.

The Honourable Sir Henry Craik: The Government of India are not concerned in this matter but that is a different objection. I have had no report from the Local Government at all. I would not get one in the ordinary course. It seems to me that it is for the Honourable Member who has moved this motion to produce the ground for treating this as an urgent matter.

Mr. President (The Honourable Sir Abdur Rahim): It is undoubtedly for the Honourable Member who moves a motion like this to give all the facts which would support his motion, but sometimes it may not be possible for an Honourable Member to get access to all the facts in a case of this nature. There are two aspects of this matter. One is that it is a matter of provincial concern, and that it has nothing to do with the Government of India, but the Chair cannot, on that ground, rule the motion out of order, but if it is shown that this order of the Police Commissioner of Calcutta was passed in the course of administration of the ordinary law,

then it has been repeatedly held that it would be out of order. The Chair will, therefore, let this matter stand over till after adjournment, so that the Honourable Members, if possible, can give the Chair further information. Otherwise the Chair will decide it on the facts as they stand.

The next motion which stands in the name of Mr. Ghiasuddin will stand over till tomorrow and the question of urgency will be waived, as the Chair cannot pass any order on the previous motion until after the adjournment.

DECLARATION BY H. E. THE GOVERNOR GENERAL.

The Honourable Sir James Grigg (Finance Member): Sir, I lay on the table a declaration by the Governor General in Council under section 67-A (7) of the Government of India Act relating to the Railway Demands which have been refused by the Legislative Assembly.

DECLARATION.

In pursuance of section 67-A(7) of the Government of India Act, the Governor General in Council is pleased to declare that the following Railway demands which have been refused by the Legislative Assembly are essential to the discharge of his responsibilities :

Demand.	Amount.
	Rs.
6-B. Working expenses—maintenance and supply of locomotive power	16,24,59,900
6-C. Working expenses—maintenance of carriage and wagon stock	77,50,000
6-D. Working expenses—maintenance of ferry steamers and harbours	27,85,000

NEW DELHI :

The 17th March 1937.

(Sd.) J. C. NIXON,

Secretary to the Government of India.

ELECTION OF THE STANDING FINANCE COMMITTEE.

The Honourable Sir James Grigg (Finance Member): I do not propose to move the motion* which stands in my name, and I shall, with your permission, explain my reasons.

There has been, on several occasions, recently a certain dissatisfaction expressed with the constitution of the Standing Finance Committee. I think Mr. Joshi expressed such dissatisfaction and from the amendment which he has put down, Mr. Satyamurti evidently is dissatisfied with the constitution of this Standing Finance Committee. I am extremely dissatisfied with the constitution of the Standing Finance Committee, and I think that the dissatisfaction of these three Members of this Honourable Assembly constitutes evidence of a widespread dissatisfaction. ("Hear, hear" from Opposition Benches.) That being so, I think the best thing is to not to move this motion today, but for the Government to undertake, as I do undertake, to consider between now and the Simla Session whether

*"That this Assembly do proceed to the election, for the financial year 1937-38, in such method as may be approved by the Honourable the President, of a Standing Finance Committee of the Assembly not exceeding fourteen in number, to which shall be added a member of the Assembly to be nominated by the Governor General. The member so nominated shall be the Chairman of the Committee."

[The Honourable Sir James Grigg.]

it is possible to devise some form of constitution and functions of the Standing Finance Committee which will meet this widespread public dissatisfaction.

THE PAYMENT OF WAGES (AMENDMENT) BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I move for leave to introduce a Bill to amend the Payment of Wages Act, 1936, for a certain purpose.

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

"That leave be granted to introduce a Bill to amend the Payment of Wages Act, 1936, for a certain purpose."

The motion was adopted.

The Honourable Sir Frank Noyce: Sir, I introduce the Bill.

THE INDIAN TARIFF (AMENDMENT) BILL.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways): Sir, I move for leave to introduce a Bill further to amend the Indian Tariff Act, 1934, for a certain purpose.

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

"That leave be granted to introduce a Bill further to amend the Indian Tariff Act, 1934, for a certain purpose."

The motion was adopted.

The Honourable Sir Muhammad Zafrullah Khan: Sir, I introduce the Bill.

THE INDIAN OATHS (AMENDMENT) BILL.

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

"That the Bill further to amend the Indian Oaths Act, 1873, for a certain purpose, be taken into consideration."

It will assist the House to understand the purpose of this Bill if I mention the circumstances in which the need for it was brought to our notice. A man committed an offence against a small boy aged 6½ years and the boy was naturally an important witness in the case. When he was examined as a witness, the trying judge, an Assistant Sessions Judge,

did not administer an oath to him. He gave as his reason the fact that the boy was of such tender age that he was unable to understand the significance of an oath. The boy gave his evidence without the oath being administered and he gave his evidence clearly and intelligently. He was, therefore, fully competent to testify, for section 118 of the Indian Evidence Act says that all persons shall be competent to testify unless for any reason, including tender years, they are prevented from understanding the questions put to them or from giving rational answers. I now invite the attention of the House to section 6 of the Indian Oaths Act, which I will read. That section says:

"Where the witness, interpreter or juror is a Hindu or Muhammadan, or has an objection to making an oath, he shall, instead of making an oath, make an affirmation. In every other case the witness, interpreter or juror shall make an oath."

The effect of this is that every witness in a Court has to make an oath or an affirmation and no exception is made in the case of a person, such as a child, who cannot understand the meaning of an oath or affirmation. In the particular case which gave rise to this Bill, the Court considered that the boy was a competent witness, that is, that he could understand the questions put to him and give rational answers; but the Court considered he was too young to understand the significance of an oath. Our law does not at present provide for such circumstances, and, in that respect, the law of Great Britain is more complete. The law there is contained in section 38 of the Children and Young Persons Act of 1938. It provides that:

"Where, in any proceedings against any person for any offence, any child of ten years called as a witness does not in the opinion of the court understand the nature of an oath, his evidence may be received, though not given upon oath, if, in the opinion of the court, he is possessed of sufficient intelligence to justify the reception of the evidence, and understands the duty of speaking the truth; and his evidence, though not given on oath but otherwise taken and reduced into writing in accordance with the provisions of section 17 of the Indictable Offences Act, 1848, or of this part of this Act, shall be deemed to be a deposition within the meaning of that section and that part respectively."

Now, the Bill which I am asking the House to take into consideration has been framed on the same principle as is contained in that section of the English Bill. The only difference of substance is this that, instead of using the expression "a child of tender years" which is used in the English Act, we have preferred to be more precise and speak of "a child under twelve years of age". I need only add that we have consulted Local Governments on this piece of legislation. They have sent us their opinions as well as the opinions of the High Courts, District and Sessions Judges, District Magistrates and their law officers and there is an overwhelming majority in favour of this legislation. Sir, I move that the Bill be taken into consideration.

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

"That the Bill further to amend the Indian Oaths Act, 1873, for a certain purpose, be taken into consideration."

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st August 1937."

[Mr. M. Ananthasayanam Ayyangar.]

Sir, the object of introducing this Bill, as has been stated by the Mover, is that a child under the age of twelve may not be able to understand the significance of an oath, and, therefore, wherever a magistrate or other authority, who has to administer oaths, finds that a child is not in a position to understand the significance of an oath, he may dispense with the oath-taking so far as that child is concerned. Sir, this introduces, according to me, a very dangerous element and takes away the very serious sanctions which are attached to evidence taken on oath. The one sanction is moral and the other is the legal sanction; any liability to prosecution is not stated where a false statement is made. Firstly, the moral sanction is taken away if this amendment is adopted. The Honourable Member wants to copy the English Act but from a reading of that section I find that the provision for making statements on affirmation is not made in the English Act. It does not appear from section 38 of the English Act that in the absence of an oath, if any person has any objection to taking an oath, he may be allowed to make an affirmation that he will speak the truth, the whole truth and nothing but the truth. Inasmuch as that is wanting in the English Act, I say that the analogy does not apply and there is absolutely no reason for incorporating that amendment in the present Act. Sir, it may not be possible for a child to understand the significance of an oath, but if a child does not understand and is not able to discriminate between truth and untruth, unless a child is of such an age as to understand the difference between truth and falsehood, such a child cannot be said to be a competent witness, and the child should be dismissed as being incompetent to give evidence. That much is to be established, and to that extent the magistrate has to be satisfied. Now if the child is in a position to make out a difference between truth and falsehood, he can equally well understand the significance of an affirmation. Affirmation is, after all, in these terms,—to state the truth, the whole truth and nothing but the truth. If, in the giving of evidence, in accepting evidence, the magistrate or other authority is to be satisfied that the child can understand the difference between right and wrong, truth and falsehood, then he can equally well make the affirmation. Therefore, this is not on all fours with the English Act, where the oath alone is provided and no provision is made for affirmation. Then the assumption that a child is not able to understand the significance of an affirmation is wrong. A child certainly knows the difference between truth and falsehood. Very often a child is asked not to do a particular thing. Now if in spite of that injunction he wants to do a particular thing, he tries to avoid being seen to do it and he utters a falsehood. Often, when a question is put by a parent asking a child to speak the truth, he immediately comes out and says, "I did it"; or as a matter of fact, if some other child discovers the fact, then immediately this child feels shy. Every parent knows that sort of thing, so that a child certainly knows the difference between truth and falsehood, but unless that is established, the child is not competent to be called as a witness under section 118 of the Evidence Act. I say that the assumption that a child is not able to understand the significance of an affirmation is not borne out by the facts. An instance was quoted by the Honourable Member where from a child of tender years, six and a half years, an affirmation was sought to be taken

The Honourable Sir Henry Craik: No, it was not. The Honourable Member has not appreciated the facts. In this particular case, no oath or affirmation was administered to the child. His evidence was taken without an oath or affirmation, and that is the difficulty. The discussion then arose in the appellate court as to whether this evidence was to be treated as evidence at all, although there was no suggestion that the child was not telling the truth.

Mr. M. Ananthasayanam Ayyangar: An affirmation was sought to be given; I believe; the child was not asked to make an oath but to make an affirmation.

The Honourable Sir Henry Craik: No, Sir, that was not the case. The case was this, that the boy was produced as a witness. The judge held that he was of such tender age that he was unable to understand the significance of an oath, or it may have been of an affirmation either. It makes no difference, as between an oath and affirmation; so the Sessions Judge did not put the oath to him or put the affirmation to him; he merely recorded his evidence. The legal difficulty then arose whether this boy's evidence could be admitted as evidence against an accused person. That is the circumstance which gave rise to this Bill. There was no question of any difference between an oath and an affirmation. For the purposes of this Bill an oath and an affirmation are exactly identical.

Mr. M. Ananthasayanam Ayyangar: That makes all the difference. As a matter of fact the Sessions Judge in that instance does not appear to have tried to take an affirmation from the boy. He comes to the conclusion that the boy is of too tender an age to understand the significance of an oath. But it is possible for him to say, "I speak the truth"

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural). The boy was not given either the oath or affirmation.

Mr. M. Ananthasayanam Ayyangar: I say, Sir, if he is not able to understand the significance of an affirmation, he won't be a competent witness. Notwithstanding that a young person is not liable to take the oath or make an affirmation by this amending Bill, notwithstanding that a child of tender age below twelve is exempted from making an oath or affirmation, that does not absolve him from stating the truth. Section 14 of the Oaths Act, 1873, says:

"Every person giving evidence on any subject before any Court or person hereby authorized to administer oaths and affirmations shall be bound to state the truth on such subject."

It is not necessary under section 14 that it must be only after making an oath or affirmation that he should speak the truth. There is a liability upon anyone who gives evidence before the proper authorities to speak the truth and he is bound to speak the truth, the whole truth and nothing but the truth. Therefore, in spite of this amending Bill, the child is bound to speak the truth. In fact, that is clear from the provision of the amending Bill itself where at the end it is said: "nor affect the obligation of the witness to state the truth". That is to say, if the witness here is a child of tender age, who is below 12 years, then this provision contemplates the need for the child to speak the truth and nothing but the truth. That,

[Mr. M. Ananthasayanam Ayyangar.]

I maintain, is an affirmation. The affirmation is nothing but to ask the child to speak the truth and nothing but the truth. If he is not competent to understand the difference between falsehood and truth and if he is not competent to affirm that he will speak truth and nothing but the truth then the provision is inconsistent. In the latter provision, in spite of the exemption, you want to bring the child within the four corners of the Indian Penal Code. The assumption is that, although he is a competent witness, he is not in a position to understand the significance of the position due to his intelligence. Here the English analogy does not apply. The English analogy refers only to the question of oath. That is my first point. My second point is that the assumption that a child is not able to understand the difference between truth and falsehood is erroneous. Thirdly, my contention is that the two provisions of the same proviso are inconsistent with each other. If you want to make a child of tender years liable to prosecution for not speaking the truth and at the same time exempt him from making an affirmation, then I say that the two portions are inconsistent. You can leave the child alone: let him speak the truth or not. If the Magistrate finds that the child is able to understand questions and is able to give intelligent answers and if they are deemed to be sufficient for making the child a competent witness, then I do not proceed further. But do not try to bring in the child within the consequences of speaking falsehood by the further proviso. The last sentence of the proviso clearly proves that the child is competent to understand the difference between truth and falsehood. The very premises, therefore, are wrong. The instance given by the Honourable Member does not throw sufficient light and it is not clear whether the Sessions Judge wanted to administer the affirmation to the child but the child was not able to understand it. I therefore say that this Bill is absolutely unnecessary.

Mr. President (the Honourable Sir Abdur Rahim): Is the Honourable Member moving his motion or not?

Mr. M. Ananthasayanam Ayyangar: I have moved my motion already, and I am now developing my arguments.

Then, my Honourable friend said that he has already sent round this Bill for eliciting opinion and the High Court Judges and the District and Sessions Judges have also given their opinion and the majority of the opinions is in favour of the Bill. In reply to this I would say that persons who ought to be consulted on this Bill are those who deal more directly with this question such as the members of various Bar Associations. They will certainly be able to throw more light on this subject. I therefore move that this Bill be circulated for eliciting public opinion lest a very valuable sanction, that is, the moral sanction, might be taken away and the value of the evidence be taken away for want of such affirmation. Those are the grounds on which I move for the circulation of this Bill.

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

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st August, 1937."

Mr. Lalchand Navarai: Sir, I wish to make some observations mostly in order to clear the question and refer to the significance which this Bill will have. In the first place, the question is whether a child of tender years, if he is not given an oath or an affirmation, but is able to understand what truth or falsehood is or is in a position to give answers which are rational and reasonable, then his evidence, if taken without an oath, or without an affirmation, will be valid or not? Now, in order to understand this difference, we have, first of all, section 118 of the Indian Evidence Act. That section prescribes which persons are competent to give evidence in a Court of law. Now, under that section we find:

"All persons shall be competent to testify unless the Court considers that they are prevented from understanding the questions put to them or from giving rational answers to those questions by tender years, extreme old age, disease, whether of body or mind or any other cause of the same kind."

Now, according to this, if the Court were of opinion that a child of tender years is able to understand questions and give rational answers, that is, he is able to give a connected and understandable story, then, according to this section, he will be a competent witness. From that point of view the test has to be applied and, after that test has been applied, the Court comes to the conclusion that, though of tender years, the boy can understand the whole thing, then it is no use throwing away his evidence and his evidence will be valid. After this, there is another Act, the Oaths Act. Section 5 of this says:

"Oaths or affirmations shall be made by the following persons :

(a) all witnesses, that is to say, all persons who may lawfully be examined, (this includes those of tender years also) or give, or be required to give, evidence by or before any Court or person having by law or consent of parties authority to examine such persons or to receive evidence."

That means that whoever is to be examined has to be given an oath. With regard to those persons who are competent to understand the whole thing, the question arises whether they should be given an oath or not. But if they are not able to understand the oath or affirmation but at the same time they are competent to understand the whole thing and they are capable of giving rational answers, then what the Bill says is this that if the Judge were to come to the conclusion that the boy gives rational answers and understands the story, then the usual formality which we lawyers know is to be gone into. What happens is this. When a boy comes into the box, many a time the defence takes the objection that he is not able to understand, and, therefore, he need not be given an oath and he should not be examined as his evidence will be invalid. Well, that is the objection that the defence takes. Then it is for the Judge to find out according to the section. First of all the Judge will apply his attention to section 118 of the Evidence Act. Under that, he will put some questions to the witness to find out whether he is able to understand and whether he is able to give rational answers. Then, after that, he will decide whether he will examine him in the case or not. The question is whether that witness could be given the oath. Another formality is then followed. Certain questions are put to the witness whether he is able to understand what truth is, what responsibility is and whether he understands that there is an ultimate highest Being to whom he is responsible, and so on.

Mr. M. Ananthasayanam Ayyangar: There is a world of difference between oath and affirmation.

Mr. Lalchand Navalrai: I am coming to that. What I say is that the Judge after putting those preliminary questions comes to the conclusion whether the witness has proper understanding to be able to answer further questions put in regard to the case. I know that many persons now a days, even grown up men, cannot understand what God is and what responsibility they have to God. What I submit is that the Judge has to find out on that whether he is a person to whom oath should be administered or affirmation should be given. It will be left to the Judge to decide on merits whether the person who is giving evidence is giving it rationally and whether his evidence is such as to be believed or not, because after examining him on oath or affirmation or not, it still lies with the Judge to accept his evidence or not.

Mr. M. Ananthasayanam Ayyangar: Under section 13 of the Indian Oaths Act

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already made his speech and he cannot interrupt now.

Mr. M. Ananthasayanam Ayyangar: I am trying to correct the mistake of the Honourable Member.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot make a second speech by way of correcting the speaker.

Mr. M. Ananthasayanam Ayyangar: But the Honourable Member has given way to me.

Mr. President (The Honourable Sir Abdur Rahim): The Chair has given its ruling.

Mr. Lalchand Navalrai: What I am submitting is well known to members of the legal profession. There remains only one question which has been raised by the Honourable Member who spoke last and who moved his amendment for circulation. He says that if a boy is not able to understand affirmation, then he cannot be said to understand rationally anything. That is what I understood my Honourable friend to say. I will tell him what actually happens in practice. What is oath and what is an affirmation? Affirmation is generally given in this sense: "Say by the name of *Wa guru*, that you will say the truth, nothing but the truth."

It means: "Feeling the presence of God, I will say the truth, the whole truth and nothing but the truth". This is affirmation.

Several Honourable Members: That is oath.

Mr. Lalchand Navalrai: No, that is not an oath. An oath is taken with the Koran or with some such sacred book in hand. What I mean to say is that if a man simply says that he will speak the truth and nothing but the truth, that is neither affirmation nor an oath. I have had practice in the Courts extending over 40 years, and I know how oath is administered and how affirmation is made. I submit, whether you give

him the oath or an affirmation, the effect is that he is being asked to bear the responsibility to God. According to this Bill, the law is intended to be made clear. Whether giving an oath or affirmation to a child of tender years is necessary if he does not know what an oath or affirmation is. The present practice in such a case is that his evidence is considered if he gives rational answers. It is in consonance with the present practice that this Bill seeks to make that practice valid. I cannot understand why this amendment for circulation has been moved, unless it be to delay the passage of the Bill. Do I understand that the lawyer Members of this House have objection to the principles of this Bill? That is the question. After all, the point is so clear. If you are objecting to a boy of tender years being examined at all, or that his evidence should be considered invalid at all events, that is a different question altogether. I cannot understand why this Bill should be delayed for the purpose of circulation. Personally I do not see any good in circulating this Bill. So far as the principles underlying the Bill are concerned, the practice has already been going on and this Bill only seeks to legalise the present practice, because there arises some misunderstanding on that point when matters go before High Courts. I know some Courts have held that the evidence of persons of tender age is valid without an oath or affirmation. I do not know what particular case is kept in view when the Government have brought forward this Bill. Was it a question of the evidence of a terrorist or an innocent person? All the same, there is a variance in the practice in Courts, and, if, on that ground, this Bill is passed, I do not think it will do any harm.

Mr. N. C. Ghunder (Calcutta: Non-Muhammadan Urban): Sir, my friend, **Mr. Lalchand Navarai**, has laid down propositions of law which are not borne out by the provisions of British Indian Statutes. In the first place, I will read out to you section 18 of the Oaths Act which says:

"No omission to take any oath or make any affirmation, no substitution of any one for any other of them, and no irregularity whatever, in the form in which any one of them is administered, shall invalidate any proceeding or render inadmissible any evidence whatsoever, in or in respect of which such omission, substitution or irregularity takes place, or shall affect the obligation of a witness to state the truth."

So that, after all, what this Bill seeks to do is merely adding superfluous legislation. It is merely adding to complications. I do not know the English law on the point, but so far as the Indian law is concerned, the people who legislated for us before had made ample provisions to meet this class of cases.

Then, Sir, section 118 of the Evidence Act enumerates the persons who may testify:

"All persons shall be competent to testify, unless the Court considers that they are prevented from understanding the questions put to them, or from giving rational answers to those questions, by tender years, extreme old age, disease, whether of body or mind, or any other cause of the same kind."

So all that is required is to find out whether he understands the questions put to him and whether he can give rational answers. If the judge thinks that the boy does not understand the affirmation or the sanctity of the affirmation, he is at liberty not to give him the affirmation, and section 18 of the Oaths Act would still preserve his evidence.

[Mr. N. C. Chunder.]

Then, Sir, look at the form of the affirmation. Mr. Lalchand Navalrai gave a form which I do not think can be a form of affirmation. It may be one of the varieties of oath; it may be one of the forms of oath current in his part of the province. On the other hand, the affirmation which we take here, the affirmation which is administered in the Courts of law,—all begin with the words, "I solemnly affirm", etc. The words "God", "Guru", etc., are absolutely excluded. Is it suggested by Mr. Lalchand Navalrai that no atheist ever comes to give evidence in a Court of law? And how is he going to make an affirmation then in the form which Mr. Lalchand Navalrai mentioned here? So far as Bengal is concerned, the form is, speaking from memory, something like this:

"I solemnly affirm that the evidence I shall give in this case shall be true and I shall conceal nothing."

That is all that you have got to say. The vernacular form merely says: "I promise that I shall speak the truth, and I shall conceal nothing". If a boy cannot understand that he is promising to speak the truth, he is incapable of giving rational answers and is incompetent as a witness. In any case the reason for bringing forward this circulation motion is that people may have time to find out why all of a sudden this superfluous legislation is sprung upon us. Does Mr. Lalchand Navalrai think that the House will be any the worse for having this matter considered not only here, but by independent Bar Associations all over the country and also by judicial officers other than High Courts?

Sir, I commend this amendment, with all the emphasis at my command, to the acceptance of the House.

Sardar Sant Singh (West Punjab: Sikh): Sir, when I read this Bill, I never thought it would raise any legal controversies at all. I am unable to follow my Honourable friend, Mr. Chunder, when he quoted section 13 of the Indian Oaths Act as meeting the requirements which this Bill is intended to meet. What I understood the Honourable the Mover to say in connection with this Bill was that a certain Judge did not administer the oath deliberately because the boy was unable to understand it; and the High Court held that this non-administration of oath was fatal to the admissibility of his evidence in the case.

Mr. M. Ananthasayanam Ayyangar: Is the case reported?

Sardar Sant Singh: He referred to it. May I know from the Honourable the Mover whether I am right when I say that the High Court held the evidence of that boy to be inadmissible on account of the note given by the magistrate or the judge that the boy did not understand the oath and so no oath was given?

The Honourable Sir Henry Craik: They did hold his evidence to be admissible.

Sardar Sant Singh: So only a doubt is to be cleared now?

The Honourable Sir Henry Craik: Yes.

Sardar Sant Singh: So what section 13 is intended to enact is that if there is an omission to give the oath either to a boy of tender years or even to an elderly man or woman, the irregularity is curable. That section does not deal with those cases where the omission is deliberate. Supposing a magistrate is of opinion that the boy in the witness box does not understand the solemnity of the oath and on that account the magistrate declines to administer him the oath, section 13 of the Oaths Act would not cure such an irregularity. This Bill is intended

The Honourable Sir Henry Craik: The point is that the High Court of Allahabad held that in this particular case section 13 did cure the irregularity; but there were considerable doubts about it and there were divergent rulings, and the High Court itself recommended that legislation should be undertaken to make the position clear.

Sardar Sant Singh: That is exactly what I was submitting, that this Bill is intended to remove such a doubt only. Although the evidence was held admissible by the High Court in that case, the Honourable Judges recommended that section 13 may not cure such an irregularity, and, in order to remove that doubt, this Bill has been brought forward. So this Bill should be a non-controversial measure. It would not add complications, as said by Mr. Chunder, to legislation or be a superfluous legislation. Section 13 has practically nothing to do with the case in which a magistrate notes that the boy of tender years in the witness box is not able to understand the solemnity of the oath, and, therefore, the magistrate declines to administer the oath or solemn affirmation. As regards the merits on which the objection is taken that section 118 of the Indian Evidence Act provides for those contingencies where a person is not able to give rational answers to questions put to him, my submission is that that has nothing to do with the question of admissibility of the evidence of a boy of tender age on account of his inability to understand the solemnity of the oath. Section 118 applies to all cases, whether boys or men of adult age. Before I conclude, I should like to commend to the Honourable the Mover to add these words that "when the Court is of that opinion that such a witness is not able to understand the nature of the oath or affirmation, he should record his reasons in writing" before the evidence of such witness is recorded. They will provide a safeguard for the purpose of the higher Court to understand whether the discretion has been rightly exercised or not. With these remarks, I will support this Bill.

Mr. M. S. Aney (Berar Representative): Sir, I am not going to make any long speech, but I have read the Statement of Objects and Reasons and I have also listened to the speech of the Honourable the Mover. I find the justification in the Statement of Objects and Reasons given in the following words:

"The English law—section 38 of the Children and Young Persons Act, 1933—provides for the contingency, not recognised by the Indian law, of a child being possessed of sufficient intelligence to justify the reception of his evidence, and understanding the duty of speaking the truth but not understanding the nature of an oath."

The point is this. to understand the duty of speaking the truth implies a certain intellectual evolution or development which is very little short of understanding the nature of an oath. A man may be in a position to say what he knows: but to say that he is in a position to understand the duty of telling the truth is different. If a man understands the duty of

[Mr. M. S. Aney.]

telling the truth, it means he is in a position to distinguish between truth and falsehood. It also means that there is some sanctity attached to telling the truth and there is something wrong in not telling the truth: that means a considerable development of his mind. If a mental evolution has gone to this stage the mere affirmation as detached from the kind of oath, where God's name is introduced, is clearly indistinguishable from the state of understanding to which reference is made in justification of a Bill of this nature. If a man can understand the duty of speaking the truth, he can also understand the meaning of the oath or affirmation. If he understands the duty of speaking the truth and if he does not understand the nature of an oath, and that disqualifies a boy from making any statement under English law, then I believe some disqualification remains in the Indian law also. On the other hand, the case put forward by the Honourable the Mover does not favour him at all. In fact it does not give him any opportunity of coming before this House for an amending Bill like that because in that particular case section 18 has been held to cure the particular difficulty; and not only that; but I am told the High Court has held that the evidence of that boy, although no oath was administered, was admissible. Therefore, that particular instance does not give him any cause for coming to this House. We are not unfortunately told of any decisions in which the High Courts have expressed their doubts as to the admissibility of evidence given in such circumstances. Had any such cases been brought to our notice, it would have probably enabled us to find out the exact state of circumstances in which a magistrate can admit evidence like that without making any affirmation at all. So the matter is rather one of a psychological nature than of a legal nature at all. The judge is called upon to find out whether this particular boy has attained that mental development in which he can understand the sanctity or the duty of speaking the truth. He can test his power of understanding; but where is the standard of finding out that a boy has attained that state of understanding in which he can distinguish between the duty of speaking the truth or the evil of not speaking it?

An Honourable Member: Boy or girl?

Mr. M. S. Aney: Boy means girl in law: just as man means a woman—the law does not make any discrimination. The point is this: it is rather a difficult distinction which is drawn here. But merely on the basis of this I do not say that there is really no need for amending the present law. But I am not prepared to say that there is no case to think over this matter at all. If some time is given to people who are interested in administering the law of the country, nothing will be lost! there are persons who are competent and who have experience on the bar and on the bench and they will be able to throw some light and suggest a Bill which might be more intelligible. Therefore, in spite of the opinion of my honourable friend behind me, I am inclined to support the amendment of my friend. Mr. Ayyangar.

The Honourable Sir Henry Craik: Sir, I have no objection to circulation.

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

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st August, 1937."

The motion was adopted.

THE CODE OF CIVIL PROCEDURE (THIRD AMENDMENT) BILL.

Mr. J. A. Thorne (Government of India: Nominated Official): Sir, I beg to move:

"That the Bill further to amend the Code of Civil Procedure, 1908, for a certain purpose, (Third Amendment) be taken into consideration."

Sir, Order XXXII in the First Schedule to the Code of Civil Procedure deals with suits by or against minors and persons of unsound mind. We are today concerned only with Rule 3 in that Order which relates to minor defendants. I will read the first clause of that rule:

"Where the defendant is a minor, the court on being satisfied of the fact of his minority shall appoint a proper person to be guardian for the suit for such minor."

The later clauses go into details with which we are not now concerned, but I invite the attention of the House to the words "guardian for the suit for such minor". The question has arisen in the Courts as to what is covered by the expression "suit". Does it cover not only the conduct of the suit, but also the execution proceedings arising out of the suit? The answer to this question is doubtful, because the Courts have taken different views. Some Courts have taken the view that the guardians appointed in suits can continue to act in that capacity until the termination of the execution proceedings, and other Courts have taken the other view—that there must be a fresh appointment of such guardians at the execution stage. I am not discussing, nor am I competent to discuss, which view is correct. The first view, that is, that guardians appointed in suits can continue to act in that capacity until the termination of the execution proceedings, is obviously the more convenient one. But there is a doubt in the matter, and therefore we wish to remove it by making it clear that no fresh appointment is necessary at the execution stage, that the guardian once appointed shall ordinarily continue as such throughout all the proceedings arising out of the suit. The Bill is thus a very simple and non-contentious measure. As is invariably done before any alteration is made in the civil law, we have consulted the Local Governments, and they have consulted High Courts and their Law Officers, Bar Councils and Advocates' Associations. All are unanimously in favour of removing the doubt that exists. I, therefore, Sir, have the greatest confidence in commending this measure to the House. I move that this Bill be taken into consideration.

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

"That the Bill further to amend the Code of Civil Procedure, 1908, for a certain purpose, (Third Amendment), be taken into consideration."

There is an amendment in the name of Mr. M. Ananthasayanam Ayyangar.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, before I move my amendment, may I ask a question? May I know which High Court has recently ruled that a guardian appointed for a suit ceased to be a guardian for the suit for the purpose of the execution proceedings?

Mr. J. A. Thorne: Well, Sir, it would be simpler if I informed the Honourable Member how we came to take up this matter. We took it up on a reference from the Government of Bengal who had gone into the point in consultation with the Calcutta High Court. It would perhaps assist the House if I read the letter from the Calcutta High Court, which is a very brief one. This letter from the Registrar, High Court, Calcutta, to the Local Governments says:

"I am directed to refer to your letter No. 3106-J., dated the 5th April, 1935, wherein it is pointed out that in the absence of any specific provision in the Code of Civil Procedure, in certain courts guardians *ad litem*, appointed in suits, continued to act in that capacity until the termination of the execution proceedings which arose out of them, but that in other courts it is the rule to insist upon a fresh appointment of such guardians at the execution stage. Government desire to know whether in order to avoid uncertainty in the matter the Court will take action by amending Order XXXII of the Code."

Now, this is the view of the High Court.

"I am to say that in the opinion of the Honourable Judges, the question is one of all-India importance and is therefore a matter in which the legislature ought to move rather than leave it to each High Court to have a practice of its own, either by interpreting the law or by amending the Order and Rules in the exercise of its rule-making power."

That letter was referred to all Local Governments, and as I have just said, all High Courts were consulted; we have the opinions of the Law Officers of Local Governments, we have the opinions of Bar Associations and Advocates' Associations, and they are all in favour of this measure. My friend asked, I think, whether any particular High Court had ever found that a guardian appointed for a suit ceased to be a guardian for the suit for the purpose of the execution proceedings. A ruling to the effect that the guardians appointed for suits cease to be such in the execution proceedings is to be found in a Calcutta ruling, 28 *Calcutta Weekly Notes*, 963, but the reference to other High Courts shows that it is a point on which there is a genuine doubt and in which the practice does vary from Court to Court.

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

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

MOTION FOR ADJOURNMENT.

BANNING BY THE POLICE COMMISSIONER, CALCUTTA, OF PROCESSIONS, MEETINGS AND OTHER DEMONSTRATIONS.

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable the Home Member any further facts to give now?

The Honourable Sir Henry Craik (Home Member): Sir, I have been able to obtain a copy of the order of the Commissioner of Police, dated the 25th March, 1937. This was apparently published in some newspapers as an advertisement. It states—it is a long thing

Mr. President (The Honourable Sir Abdur Rahim): Under what Act, that is all the Chair wants to know.

The Honourable Sir Henry Craik:

“ In exercise of the powers conferred by sub-section (4) of section 62A of the Calcutta Police Act, 1866 (Bengal Act IV of 1866), and section 39A of the Calcutta Suburban Police Act, 1866 (Bengal Act II of 1866). It is passed by the Commissioner of Police prohibiting for a period of 7 days. ”

Mr. President (The Honourable Sir Abdur Rahim): This is the order under consideration?

The Honourable Sir Henry Craik: Yes. I alluded this morning to a ruling and I have since been able to trace it. It is your own ruling, and it is at page 1562 of the Legislative Assembly Debates of the 21st September, 1936, in connection with the promulgation of an order under section 144 in Cawnpore, not in Lucknow as I said this morning.

Mr. Mohan Lal Saksena (Lucknow Division: Non-Muhammadan Rural): The order was passed under the Acts referred to by the Honourable the Home Member, but as regards the order passed under section 144 to which he referred, I may draw your attention to the fact that there was a motion of adjournment moved regarding the Madhe Sabha agitation at Lucknow.

Mr. President (The Honourable Sir Abdur Rahim): Was any objection taken? Was any ruling given by the Chair?

Mr. Mohan Lal Saksena: A ruling was given.

Mr. President (The Honourable Sir Abdur Rahim): What is the ruling?

Mr. Mohan Lal Saksena: Objection was taken by the Leader of the House. He said that the notice as worded did not relate to the Government of India. But you were pleased to hold that that was in order, but it was subsequently disallowed by the Governor General.

Mr. President (The Honourable Sir Abdur Rahim): But was the objection taken that this was passed under the ordinary administration of law?

Mr. Mohan Lal Saksena: Not on that particular ground. That particular objection was not taken.

The Honourable Sir Henry Craik: What is the page of the book?

Mr. Mohan Lal Saksena: Page 2847.

“ If the motion had been put in the form that there was failure on the part of the Government of India, I would not have taken objection. But my Honourable

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friend seeks to adjourn the House on a definite matter of urgent public importance, namely, the failure of the United Provinces Government in doing something. I submit that a general motion has been moved and it can be the concern of the Local Government only and not that of the Governor General in Council."

There is one more thing to which I wish to draw attention, and it is this. So far as this *hartal* is concerned, it is an all-India affair and not a local affair.

Mr. President (The Honourable Sir Abdur Rahim) It is not on that ground. On the ground that it is a provincial matter the Chair cannot interfere; it may be the business of the Governor General to deal with it as he likes. But now the objection taken is that the order was passed in the ordinary administration of law, and, therefore, it cannot be a proper subject for an adjournment motion. It must be dealt with under that law or by the Court if there is any such power.

Mr. Mohan Lal Saksena: I submit that orders that are passed, whether judicial or executive, are passed most certainly under some law, but still orders are made the subject of adjournment motions.

Mr. President (The Honourable Sir Abdur Rahim): It is a well-established parliamentary rule that an order passed in the ordinary administration of law, whether by a judicial authority or a Magistrate or by any other lawfully constituted authority, cannot be the subject of an adjournment motion. As regards facts, the Chair has been furnished with information by the Honourable the Home Member that the order in question was passed by the Police Commissioner of Calcutta under section 99A of the Calcutta Suburban Police Act, 1866, read with section 62(A)(4) of the Calcutta Police Act, 1866 (Bengal Act IV of 1866). If there is any grievance with respect to an order like that, the remedy must be sought under the law under which the order is passed or in a Court of justice

Mr. Mohan Lal Saksena: But there is no remedy provided for this.

Mr. President (The Honourable Sir Abdur Rahim): if there is any such remedy. Even if there is no such remedy, that cannot be a ground for moving a motion for an adjournment of the business of the Assembly. The Chair, therefore, rules the motion out of order.

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

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume discussion of the Code of Civil Procedure (Third Amendment) Bill. Motion moved.

"That the Bill further to amend the Code of Civil Procedure, 1908, for a certain purpose, (Third Amendment) be taken into consideration."

There is an amendment by Mr. Ananthasayanam Ayyangar.

Mr. M. Ananthasayanam Ayyangar: I do not move my motion, Sir, but I would like to say a few words. This is another piece of legislation for which there is no need. But in order to satisfy the conscience of the

Honourable the Mover and others that might have raised difficulties and doubts, I have no objection to allowing this to be passed and I desist from making the motion for circulation. As regards the question whether any doubt was raised by the Calcutta High Court, I have picked out the latest judgments of the various High Courts, but it is unnecessary for me to refer to them at length. All the High Courts are unanimously of opinion that for the purposes of guardianship the guardian that is appointed in the original Court continues in appeal and in execution proceedings also. I do not know how a doubt has arisen in this respect. Reference may be made to the case of the appointment of a next friend. A next friend files a suit on behalf of a minor in the original Court. Even if it goes in appeal there is no fresh appointment but the next friend continues. The same analogy holds good. A vakalat is filed in one Court and it continues in all Courts. If an appeal can be brought under the category of a suit, if a suit includes an appeal also, there is greater force in the contention that a suit includes execution proceedings because in the execution proceedings we are only trying to execute the decree which was passed in the suit. For these reasons it would seem unnecessary to bring in this Bill, but inasmuch as it is said that a doubt has been sought to be raised, I have no objection to allowing it to be passed.

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

"That the Bill further to amend the Code of Civil Procedure, 1908, for a certain purpose, (Third Amendment) be taken into consideration."

The motion was adopted.

Clauses 2 and 1 were added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. J. A. Thorne: Sir, I move:

"That the Bill be passed."

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

"That the Bill be passed."

The motion was adopted.

THE INDIAN RED CROSS SOCIETY (AMENDMENT) BILL.

Mr. G. E. F. Tottenham (Defence Secretary): Sir, I move:

"That the Bill to amend the Indian Red Cross Society Act, 1920, for certain purposes, be taken into consideration."

The other day, I moved for the consideration of a small Bill and described it as an innocent measure. The result was a debate that took nearly the whole of the day. Today I am terribly afraid to describe this measure in the same terms, for fear that a similar result might ensue—I am therefore tempted to describe it as an extremely contentious measure in the hope that I shall not be believed. I am afraid, however, that, with the best will in the world, I cannot bring myself to adopt that course. In the last Simla Session, I explained that the funds of the Indian Red Cross Society were not public funds but that their distribution and the objects on which they might be used were regulated by an Act known as

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the Red Cross Society Act of 1920. Owing to the separation of Burma, it became necessary to exclude Burma and Burma's share of the funds from the operation of this Act and the House agreed to that course by passing the Bill I then put before them. Unfortunately, and I apologize to the House for the mistake, we omitted to notice that the schedule to the Act, which sets forth the shares of the different branches of the Society in the total corpus of the fund, expresses those shares not only in rupees but also as a percentage of the total. Having therefore cut out Burma, these percentages require mathematical recalculation and the schedule to the Act requires amendment, but only a purely mathematical amendment. In other words, the share of each branch of the Society remains exactly the same in the number of rupees, but that share represents a different percentage of the total. Now, Sir, the main object of this Bill is merely to make these mathematical corrections in the schedule to the Act and I do not see how any one can possibly object to that. It is a purely consequential amendment. At the same time, however, it did occur to us that it was really rather absurd to have to come to this House whenever a small alteration was made in the distribution of these private funds. Sometimes a new branch of the Society may be brought into existence. Sometimes an existing branch may be split up into two parts; and it seems unnecessary that this House should be troubled to give sanction to an arrangement of that kind when the arrangement itself has been reached by unanimous agreement between all the constituent parts of the Indian Red Cross Society. As I have explained before, the funds are not in any way public funds or Government funds. They are private funds and if the Society, with the full agreement of all its members, wishes to redistribute its funds in a particular way, it does seem to me that there is no reason why it should be necessary to come to this House for permission to do so.

Pandit Lakshmi Kantra Maitra (Presidency Division: Non-Muhammadan Rural): What is the basis on which you make this distribution?

Mr. G. R. F. Tottenham: When the funds belonging to Burma were taken out and given to Burma, the remaining funds were distributed as before to the subsidiary societies in India. It is for this reason that we have included clause 2 in this Bill. It will enable changes of this kind to be carried out by agreement between all the constituent parts of the Indian Red Cross Society instead of having to trouble the Legislature. I do hope that the House will agree with me that this is a plain common-sense arrangement and that it does not call for any lengthy discussion or justification and that, therefore, they will accept my motion for consideration.

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

"That the Bill to amend the Indian Red Cross Society Act, 1920, for certain purposes, be taken into consideration."

Mr. M. Ananthasayanam Ayyengar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st August, 1937."

If the amendment made to the Act is a purely consequential amendment, there is absolutely no objection, but there is a provision in clause 2 of the Bill which seeks to empower the Governor General to include various other Provinces or States and apportion the funds amongst them or to exclude from the operation of the schedule and parts of the Act certain provinces and States as and when it is found necessary to do so. I think it is unnecessary to clothe the Governor General with this power simply because the funds of Burma are going to be separated. There is absolutely no need why the Governor General should be given that power. Also, I think it is not right to say that this is not public fund. It is certainly a public fund because the public are interested in it and it is this House which passed the Act of 1920. The present constitution of the Red Cross Society is working under that Act. After the separation of Burma, a new Red Cross Society has been constituted there. I think that whenever a particular State or Province wants to get away and take away its share of the funds and function separately, without any further aid from the mother organisation, it is well for that society to come forward and to make good its claim and then get out or separate. We are always ready and willing to co-operate, in so far as particular institutions want that, if they really do command a large amount of income and can make both ends meet and function separately and make out a good case, and certainly it may not take much time of the Assembly to come to their rescue and to pass suitable legislation. But what is the need now for introducing a consequential amendment? What is the need for passing this kind of legislation empowering the Governor General to dismember the several societies? Sir, the Honourable Member has not laid a sufficient basis for such provision being made. Then I want to know, when new States are being brought into existence, whether they also will get a share of the interest that accrued from the funds that were already collected though they were not contributories to the fund. It appears that whenever any new society becomes a member of this organization, it has to make an initial deposit or an initial payment and in addition a recurring subscription. I gather that from the notes in the Indian Year Book of this year. Perhaps that may not be completely correct but I take it that that is so, and if it is so, if Gwalior and other States are sought to be introduced, I ask on what basis they will get a portion of the interest that accrues to the society. Sir, it was open to this House to consider from time to time if it was feasible to take new States into the society or to elect some of the States and institutions that are already functioning and which are members of this institution. Therefore, I am opposed to this Bill in so far as it empowers the Governor General to exercise this power of splitting this parent society into a number of subordinate bodies one cutting the throat of another and not being able to organize itself in times of need. In any case it has not been said that the several organizations which are branches of this one organization functioning under this Act have been consulted. Those opinions are not before us. The least, therefore, in the circumstances that ought to be done with safety is to circulate it for eliciting public opinion not only from the branches but from others. Then, Sir, to say that these are not public funds is not right. If the general public feels any interest in this fund, then it is certainly a public fund and we have an absolute control over that. I, therefore, make the very modest motion that it may be circulated for eliciting public opinion, especially as the Mover does not state that there

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is any hurry or haste and this ought to be rushed through. For these reasons, Sir, I move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st August, 1937."

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

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st August, 1937."

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): Sir, I want to know how far the Honourable the Mover of the Bill was correct in saying that the funds of this society are more or less private and the Government of India come in only in so far as the distribution of these funds between the various provincial associations and the central association is concerned. I have a dim idea that the Government of India also make some grants in various ways to the Red Cross Societies, but I am perfectly sure the Provincial Governments as well as the Local Boards do go on making from time to time various grants,—either annual, recurring or non-recurring,—to the maintenance of the Red Cross Society. I want to know, if my information is quite correct, how the Government of India propose to regulate the distribution and administration of the funds placed at the disposal of the Red Cross Society. Unless we know how the Red Cross Society is being managed in its financial aspect also, it is certainly not fair to ask for our co-operation from time to time to legislate for the distribution of the funds of this particular society between its central and the various provincial organizations.

Mr. N. M. Joshi (Nominated Non-Official): Have you read the Red Cross Act?

Prof. N. G. Ranga: I have. Last time I asked for some information, and I was told that the funds are more or less private, but on the other hand I am informed that these funds are not so completely private as they are supposed to be. Public funds are contributing in various ways, from various directions, to the swelling of the revenues of the Red Cross Society, and naturally it is but legitimate that we should inquire into the manner in which the Government of India propose to control the distribution and administration of these funds placed at the disposal of the Red Cross Societies.

Then, what are the purposes of these societies? It may seem as if it is a very simple question, but it is not so simple if we look at the operations of this society. The Red Cross Society is expected to render succour to all those who are hurt, who are maimed, and who are beaten and who are wounded in any particular skirmish or warfare as between any two countries or as between any two groups of people or parties or factions. Sir, I do not know what exactly our Indian Red Cross Society had been doing whenever there was any war between this Government and other Governments, between this country and other countries. I have yet to learn whether the Indian Red Cross Society has played its part either adequately or satisfactorily or nobly whenever there were any skirmishes between the armies of the Indian Government on this side and

the tribes on the North-West Frontier, but I do know that, as far as the various Satyagraha campaigns in this country were concerned, the Satyagraha campaigns that were carried on by the Great Institution to which I have the honour to belong, and as far as the fight that necessarily had to take place and did take place between the Government and the Indian National Congress was concerned, the Red Cross Society was significant by its absence. It did not try to make any provision, to provide any help or succour to any one of the thousands and thousands of men, women and children who were *lathi*-charged, beaten and treated in the most inhuman fashion. (Hear, hear.) What happened to the Red Cross Society then? Where were their ambulance cars, where were their nurses, where were their appurtenances that they boast of so much whenever they go about canvassing for money either from District Boards or the Provincial Governments? Is the Red Cross Society expected to exist here only as one of the unofficial wings of the defence forces of the Government of India? Is it to masquerade here as a real Red Cross Society while all the time acting as an invisible ally of the repressive policy of the Government of India? Sir, I for my part cannot co-operate with this Government in helping this Bill to be passed. Sir, on both these points and also on the points that were raised by my Honourable friend, Mr. Aanthasayanam Ayyangar, we want information to be elicited all over India, not only from the various branches of the Red Cross Societies in the various provinces, but also from the various organizations which appear to afford information and use in regard to the activities of the Red Cross Societies and in regard to the point as to how the societies have been working and how they should work. Therefore, I support the amendment of my Honourable friend, Mr. Ayyangar, for sending this Bill into circulation for eliciting public opinion, and I hope Government also will see reason to accept our proposal.

An Honourable Member: I move that the question be now put.

Mr. G. R. F. Tottenham: Sir, I will attempt to reply, first of all to the points raised by the Mover of this amendment. I am sorry
 3 P.M. if I did not make myself sufficiently clear—I thought I had done so—as to the reasons why we were giving this power to the Governor General in Council to make alterations in the distribution of the funds, instead of doing it by an amendment of the Act. The only reason why we are giving the power to the Governor General in Council is that we must give it to some authority and the Governor General in Council seems to be the best authority to give it to. The only object is to avoid having to come to the Legislature on each separate occasion and taking up a certain amount of time in passing amendments which are really the concern of the Society itself and not the concern of the general public in India. Perhaps I went a little bit too far when I described the funds of the Red Cross Society as not being public funds. In one sense they are public funds inasmuch as the public benefit from the distribution of the funds and the way they are applied. What I meant to convey was that they are not Government funds. They are not part of the Government revenues or anything of that kind. The whole income and the capital of the Society is made up of purely voluntary subscriptions. There is no question, so far as I am aware, of the Red Cross Society

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receiving grants from Government. Any how, if they do receive grants—and I am not sure about that—they form a very small part of the total income of the Society which is, as explained in the Schedule to the Act, the result of the contributions and subscriptions which were made to the 'Our Day' fund during the war. Those contributions and subscriptions add up to the figures which are shown in the Schedule to the Act and form the capital of the fund which enables the Society to carry on the activities which it now carries on.

Prof. N. G. Ranga: Did the Government of India or the Provincial Governments contribute anything to "Our Day" fund?

Mr. G. R. F. Tottenham: I don't think so, Sir. Those contributions and subscriptions were entirely voluntary from members of the public.

Mr. M. Ananthasayanam Ayyangar: Is it not a fact that a portion of the Silver Jubilee Fund was credited to the funds of the Red Cross Society?

Mr. G. R. F. Tottenham: As far as I know, all these subscriptions were voluntary subscriptions raised from the public. I have no further information on the subject.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): May I just ask the Honourable Member whether appeals were made for this fund by local officials?

Mr. G. R. F. Tottenham: I am afraid I cannot say how the thing originated, but there was a movement during the war called "Our Day" movement in which public subscriptions were invited for the purposes of the Red Cross Society. A number of entertainments were held and a number of bazaars were organized and other means were adopted of raising funds and large funds were raised entirely by voluntary efforts.

Mr. Sri Prakasa: My question is: Who invited these subscriptions?

Mr. G. R. F. Tottenham: I am afraid I could not hear what the Honourable Member said.

Mr. Sri Prakasa: I was just asking as to who invited the public to contribute to these funds? From whom did the initiative come in this matter?

Mr. G. R. F. Tottenham: The movement was presumably organised by the Red Cross Society. They started this movement all over India and invited subscriptions. I cannot remember the details; it was done many years ago. But I think the initiative came from the Red Cross Society all over the world. India did the same as many other countries.

Mr. Sri Prakasa: Had District Magistrates any hand in this matter?

Mr. G. R. F. Tottenham: Really I cannot say whether the District Magistrates had or had not any hand in it. If they were generous people and wanted to help the fund, they no doubt helped it by putting their hands into their pockets. I do not think that really affects the question that we are considering today, which is merely the question whether, whenever a subsidiary society of the Indian Red Cross Society splits up into two parts, it is really necessary for them to come to this House to get an amendment solemnly passed to the Indian Red Cross Society Act in order to enable the share of Bihar, for example, to be separated from the share of Orissa, or the share of Sind to be separated from that of Bombay, or the share of Gwalior to be separated from that of Central India. There is no alteration in the total amount of the fund. It is only splitting it up into more convenient parts as new branch societies come into existence. When the Honourable the Mover referred to the possibility of a branch or subsidiary society withdrawing of its own accord in the same way as Burma did, he was really speaking without reference to the wording of the clause, which makes it perfectly clear that no alteration of any kind can be made in the distribution of the funds without the unanimous consent of all the constituent parts of the Red Cross Society. There is no possibility of unilateral action on the part of a single branch society.

Now, Sir, to return to what my Honourable friend, Professor Ranga, said. He wanted to know what the objects of the Society were and how the money was spent. He said that he had read the Act, but if he had read the Act, he would not have required any explanation from me on the subject. The first Schedule to the Act puts down in black and white what the objects of the Society are. It is perfectly true that the primary object of the Red Cross Society is to provide assistance to the sick and wounded and to prisoners in time of war, but, as I explained, when the matter came up before in Simla, the activities of the Red Cross Society have been extended in peace time to a number of other humane objects which are in no way connected with war or with the army. For instance, if the Honourable Member will read Schedule I, he will find that amongst the other objects of the Society is the care of those suffering from tuberculosis, child welfare, working parties to provide necessary garments for hospitals and things of that kind which take place in peace. If he wishes to know more about the activities of the Red Cross Society, they are fully published and are open to him to read. Meetings are held periodically and reports are issued and there is nothing secret about them. I think that the general opinion of the House is that the work of the Society is altogether admirable and should command universal support. However, that is possibly by the way. The Honourable Member seemed to think that public opinion must be consulted before a change of this kind could take place. I submit that that is not so. Indeed, I do not know what particular public societies or bodies we should consult in the matter.

Prof. N. G. Ranga: The Congress, for instance.

Mr. G. R. F. Tottenham: The matter is the concern of the Red Cross Society themselves and the membership of that society is made up in such a way that every local branch is represented on the Central Managing Body and they are fully entitled to express their own views as to how they wish their own funds to be distributed amongst their subsidiary

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branches. That is all that we propose to do by this Bill and I submit that it is really unnecessary to delay the matter in order to get the opinion of the public. The Society themselves have brought to my notice that the grants to the various provincial branches are due to be made very shortly and that unless this Bill is passed they will not be able to make the grants in the form in which they wish to make them. Therefore, there is some urgency in the matter and I do think that the House will be committing a mistake if they do not agree to pass this Bill today.

Mr. M. Ananthasayanam Ayyangar: May I ask the Honourable Member what the occasion will be for excluding any particular province or State? In sub-clause (2) of clause 2, it is said:

"That Governor General in Council may, by notification in the Gazette of India, direct that any Province, State or other part of India specified in the first column of the Second Schedule shall be excluded therefrom."

What is the occasion when any such province or State will be excluded from the operation of the Schedule?

Mr. G. R. F. Tottenham: The Honourable Member wishes to know why it is necessary to take power to exclude any Province? Well, if a particular Provincial society wishes to be wound up—supposing the Orissa Branch wishes to be wound up and does not want to continue as a separate subsidiary branch, its funds will be amalgamated with the funds of Orissa and it would disappear as a separate subsidiary society. In that case the schedule would require alteration because the funds of the Orissa Branch would be transferred to the Branch which took them over and its name would disappear from the schedule. That is the only possibility of exclusion, so far as I can see.

Mr. M. Ananthasayanam Ayyangar: Is not the society to be excluded a Province or a State? Why not lease the power of allocating funds to the. . . .

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

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st August, 1937."

The motion was negatived.

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

"That the Bill to amend the Indian Red Cross Society Act, 1920, for certain purposes, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 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.

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

"That the Bill be passed."

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

"That the Bill be passed."

Mr. M. Ananthasayanam Ayyangar: Sir, at this stage, I want to make some submissions. Unfortunately the House does not seem to appreciate the full significance of the import of this Bill to which we are asked to put our seal. I find that the Honourable the Mover of the Bill has not been able to explain to us why power is given to the Governor General to exclude any Province or State. When I put that question before, the Honourable the Mover said that that might be that particular societies may like to be wound up in which case a further allocation or apportionment was to be made in the schedule. But it is not the exclusion of a society that is contemplated in the Bill, but of a Province or a State. If any one of the Orissa Society goes, another Society comes into existence. A Society in Orissa might go out of existence, but Orissa as a Province ought to continue in the Schedule. Therefore, there is no justification for empowering the Governor General in Council to exclude a particular Province or State. The case of Burma is different, because, under the Government of India Act, 1935, Burma was separated from India, and, therefore, there was a necessity to separate the funds of Burma and constitute a separate Red Cross Society for Burma. The funds of the Red Cross Society are enormous. They might come from various sources, all the same unless the Honourable the Mover says that it is the private property of one individual and it is not for the benefit of the State as a whole, there is no reason why the funds should be separated. We have already discussed the propriety of this question. I find that not only during times of war but in times of peace also, there are a large number of activities which these societies are undertaking and they are doing them in various parts of the world. I find this Red Cross Society is made a convenient dumping ground for all sorts of people from outside. This is how it has been working, and, therefore, I have very grave apprehensions as to how this provision empowering the Governor General in Council to exclude Provinces or State from the operations of this Act would work in future. No reasons are given either in the Statement of Objects and Reasons or in the opening speech of the Honourable the Mover as to why this power ought not to be given to the governing body of the Red Cross Society. After all it is merely an arithmetical calculation. If Burma goes out, the question is merely the allocation of funds to other Provinces and this involves nothing but arithmetical calculation and for this purpose you do not require such a high potentate as the Governor General to modify the allocation. The governing body of the Red Cross Society can easily do this. The Honourable the Mover has already said it is only the public funds that have been collected and the Government do not contribute anything. This governing body of Red Cross Society is an autonomous body and it is unfair that there should be interference from the Government at every stage. I submit we ought not to pass this Bill in a light hearted manner. We should appreciate the consequences of this measure. It is full of promises in the future as we grow and we should not allow this Red Cross Society to rest merely

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as a dumping ground for individuals who may be put in by the Governor General here and there. I oppose this measure and I request every Member of the House to fully appreciate the importance of the Red Cross Society during times of peace and war and oppose the passing of this Bill.

Mr. G. R. F. Tottenham: Sir, I think I might perhaps remove one misunderstanding about the exclusion of a Province. The Honourable Member, I think, meant the exclusion of that Province from operation of the Act. What the Bill provides is merely the exclusion of the name of a province from the schedule to the Act. It does not refer to the exclusion of Orissa, for example, from the Red Cross Society's organisation. It merely provides for the exclusion of the word 'Orissa' from the schedule of the Act. Supposing Orissa does not wish to remain any longer a separate subsidiary society under the Red Cross Society, that does not mean that the Province of Orissa itself would be excluded from the operation of the Act in any way. That was the first point which the Honourable Member raised.

The second point was why it was necessary for power to be given to the Governor General in Council and not to the managing body of the Red Cross Society itself. I admit that that would be an alternative possibility. But I do think that in a matter of this kind, when the affairs of the Society are regulated by an Act of the Legislature, the power in question should be given to some official authority rather than to the body which is itself managing the funds of the Society. I cannot see that there is any objection to an order being passed by Government. It is a very simple matter and the fact that Government have issued an order may possibly inspire more confidence than if the order were passed by the managing body itself. That is all I have to say.

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

"That the Bill be passed."

The motion was adopted.

THE INDIAN SOFT COKE CESS (RECONSTITUTION OF COMMITTEE) BILL.

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

"That the Bill to reconstitute the Committee constituted under the Indian Soft Coke Cess Act, 1929, be taken into consideration."

Under the present Act of 1929, eight non-official Members of this Committee are nominated by the Indian Mining Federation and the Indian Mining Association—seven by the Indian Mining Federation and one by the Indian Mining Association. As is explained in the Statement of Objects and Reasons, this allocation was originally adopted because practically all the producers of soft coke were members of the Indian Mining Federation. The position has since been altered and for some time we have been pressed to redistribute the representation among the various associations and bodies whose members produce soft coke. One of these bodies is the Indian Colliery Owners Association. It is proposed

in the Bill to redistribute these eight seats on the committee and to allocate three to the Indian Mining Federation, three to the Indian Colliery Owners Association and two to the Indian Mining Association. It is also proposed to amend the Act so as to provide that the nomination hitherto made by the Government of Bihar and Orissa of one member should in future be made by the Government of Bihar in whose territory the coal-fields are mainly situated. I understand, Sir, that there is some objection felt to the proposed redistribution of these eight seats and that some Honourable Members are anxious that the Bill should be circulated for public opinion. As a matter of fact, two amendments have been put down to that effect. I have already conveyed to those Honourable Members who are interested in this matter that the same object would be served if another amendment, that has been put down, namely, to refer the Bill to a Select Committee, were accepted. And I made it clear that the Select Committee would sit between now and the next Session of the House, and that the Bill therefore would not come up again before this House till the Simla Session. In the meantime any such opinion as might be relevant which has not already been obtained could be obtained. For, after all, this is a matter that affects only those who are interested in the produce of soft coke. General public opinion would have nothing whatsoever to do with this measure, as the measure does not deal with any matter of general public importance. Therefore, I hope, Sir, that it will be possible for those Honourable Members who are interested in this matter to accept this suggestion so that time should not be unnecessarily spent over a measure of this kind.

Sir, I move.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): May I know who are the present nominated members?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid I will have to burrow through the papers to get the names. But, as I have said, seven are nominated by the Indian Mining Federation and one by the Indian Mining Association.

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

"That the Bill to reconstitute the committee constituted under the Indian Soft Coke Cess Act, 1929, be taken into consideration."

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1937."

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

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1937."

There is another motion for a Select Committee. That will be moved now and both these motions will be open to discussion.

Mr. M. Ananthasayanam Ayyangar: Sir, I have a motion for circulation, where the date is different,—31st August.

Mr. President (The Honourable Sir Abdur Rahim): That does not appear to be a substantial amendment. It may be moved later on, if necessary.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammādan Rural): Sir, I beg to move:

"That the Bill be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable the Commerce Member, Mr. T. Chapman-Mortimer, Dr. P. N. Banerjea, Sir Abdul Halim Ghuznavi, Pandit Nilakantha Das, Mr. Ram Narayan Singh, Pandit Lakshmi Kanta Maitra, Mr. B. Das, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

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

"That the Bill be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable the Commerce Member, Mr. T. Chapman-Mortimer, Dr. P. N. Banerjea, Sir Abdul Halim Ghuznavi, Pandit Nilakantha Das, Mr. Ram Narayan Singh, Pandit Lakshmi Kanta Maitra, Mr. B. Das, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Dr. P. N. Banerjea: Sir, after the conciliatory speech made by the Honourable the Commerce Member, I do not wish to enter into the details of this matter. But I should like to point out to this House that the necessity for the introduction of this measure has not been sufficiently proved. Has there been any grievance regarding the work of this Committee? It is pointed out by the Chief Inspector of Mines that this Committee has so far done very good work and has succeeded in popularising the use of soft coke for cooking purposes. And this is also admitted by Mr. A. L. Ojha, who happens to be the ex-President of the Colliery Owners' Association. In view of this fact it cannot be said that there is any great necessity; no grievance has been felt by anybody. But then there is the question of representation. The Honourable the Commerce Member has pointed out that there has been some change in the composition of the Indian Mining Federation; but it should be remembered that it was this Federation itself which moved Government for passing a law imposing a cess on soft coke in order that soft coke might be popularised for cooking purposes. Besides, the method of proceeding with this Bill has not been what it should have been. The Soft Coke Committee itself has not been consulted in the matter, and the result is that this Committee has passed a very strongly worded resolution protesting against the method adopted by Government in regard to this matter. The Indian Mining Federation has not been consulted: the Indian Mining Association has not been consulted.

Mr. N. M. Joshi (Nominated Non-Official): What is the difference between the two.

Dr. P. N. Banerjea: I will tell you.

It is stated that the representation will now be given on the basis of output, but output is a matter which is not very easy to find out. Each

colliery owner wants to keep it as a secret and it is not so very easy for Government to know exactly what the output of each single colliery is and what the total output of the members of an Association is. If that be so, the question of representation does not seem to be of very great importance. It seems to me that the new body which has come into existence really does not represent a different or separate interest. To me it appears that there have been some differences of opinion between the parent body and the newly established body, but those differences may be made up at any moment. In any case it is not our policy,—it ought not to be the policy of Government,—to encourage a multiplication of Associations of a similar character. If the new body takes our advice, we would advise them to amalgamate with the parent body. They should accept as their motto the old adage "united we stand, divided we fall". They should never forget that in unity lies strength, and for this purpose they may take a leaf out of the book of our European friends who can never think of dividing their Association into smaller bodies.

Mr. N. M. Joshi: It may be the fault of the parent body.

Dr. P. N. Banerjee: It may be the fault of the parent body. I am not going to discuss the fault either of the parent body or of the new body, but what I want to say is this: these differences of opinion may be only of a temporary character and the differences may be made up soon. If we pass a legislative measure now and if after a few months the differences are made up between these two bodies, what will this House do? This House will have to enact another law shortly afterwards to deal with the new situation that will be created. Further, there are now two bodies with the same interests; if another body crops up later on, then another piece of legislation will have to be introduced. This will be a very unsatisfactory state of things.

But there is another aspect of the question which should also be considered. The present Act was passed originally in 1929. It was passed for five years, and it was extended for another period of five years. The Act will expire in 1939; now, if the Soft Coke Cess Committee has already done good work, why dismiss that committee altogether before their term of office expires? This new body came into office only nine months ago, in June, 1936. If it be desirable to dismiss this committee, Government should have considered the matter a few months earlier and should have come to a decision. But as the Government did not come to a decision last year, no harm will ensue if the present committee is allowed to function till 1939, when the Act itself will expire. Then, it will be time for the Government and for the Legislature to consider whether it is necessary for the continuance of the Act and whether it is desirable to reconstitute the committee and, if desirable, on what basis.

I have spoken about the procedure that has so far been adopted. The Honourable the Commerce Member is willing to accept a Select Committee but what will a Select Committee do? We do not wish to waste our time if the proposal is not accepted by the different shades of public opinion in this country. It will be better therefore to put it before the interested parties and get their opinions first. We should get the opinion of the Soft Coke Cess Committee and of the Indian Mining Federation and of the Indian Mining Association. If any other bodies are in existence and wish

[Dr. P. N. Banerjea.]

to express any opinion, they will be welcome to do so; and if any colliery owners individually are willing to express their opinion, they will also be entitled to do so. Therefore, I suggest that at present we should not go into a Select Committee but defer consideration of the Bill and obtain the opinions of persons and bodies interested in the subject and that if necessary we can appoint a Select Committee afterwards. Sir, I move.

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): Sir, I support my Honourable friend, Dr. Banerjea's amendment for the circulation of this Bill. It has been the misfortune of Bengal that Bengal should be for the benefit of every other person except Bengalis. What is the position? There is the Mining Association which is purely European, with a few Indian members thrown in. Then comes the Indian Mining Federation which is purely Indian. Lately, about two or three years ago, another body has been started under the name of the Indian Colliery Owners Association. Most of their members are non-Bengalis

The Honourable Sir Muhammad Zafrullah Khan: I suppose that is the trouble!

Sir Abdul Halim Ghuznavi: As my Honourable friend, Dr. Banerjea, pointed out, the Act will cease to exist in 1939—we are now in 1937. I will read one paragraph from a leaflet

The Honourable Sir Muhammad Zafrullah Khan: All of us have got it.

Sir Abdul Halim Ghuznavi: Yes, but the House will be able to judge whether it will support the circulation motion or the motion of my Honourable friend, Mr. Akhil Chandra Datta:

"The Indian Soft Coke Cess Committee which also includes representatives of the Government of Bengal, the Government of Bihar, the Indian Mining Association, as well as of the Government of India, the Chief Mining Engineer to the Railway Board who is the President, passed unanimously the following resolution on the 19th March last."

Mr. N. M. Joshi: You did not have much confidence in that railway official!

Sir Abdul Halim Ghuznavi: That was before, not at present:

"The Indian Soft Coke Cess Committee regrets that no opportunity has been given to them for consideration of the proposed Indian Soft Coke Cess Act (Amendment) Bill, introduced in the Legislative Assembly by the Honourable the Commerce Member on the 12th March 1937. The committee is further of opinion that before taking up the consideration of the Bill an opportunity be given to this committee to express its opinion on the subject."

Dr. Banerjea has very well said that we want public opinion to be elicited, in particular the opinions of those concerned in the coal trade. It is no use our going to the Select Committee and deciding the matter after hearing privately A or B or C. We want to give the Committee the benefit of public opinion including the views of those who are colliery owners and who have the coal trade in their hands. It is, therefore, necessary that the Bill be circulated

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadian Rural): I am prepared to surrender to you.

Sir Abdul Halim Ghuznavi: Thank you very much. The Honourable the Commerce Member has kindly said that he is not going to rush this through Select Committee and that he will provide ample opportunity for eliciting opinion by referring the Bill to Select Committee, and then asking the Railway Board or the colliery owners or individuals privately for their opinion. But we want that public opinion should be elicited by circulation. There will be no loss of time as Dr. Banerjee's motion provides that opinions are to be elicited by the 31st July. At the next Session of the Assembly in Simla, we can have a Select Committee and we can then discuss this matter and get the Bill through if necessary, but from the opinions that will be obtained it will, I am sure, be clear that there is no necessity of changing this Bill, because, Sir, what is the use of disturbing the Committee which as well as the Act, under which it has been constituted, will come to an end in 1939. With these words, I support the motion of my Honourable friend, Dr. Banerjee.

Mr. B. Das (Orissa Division: Non-Muhammadian): Sir, I support the motion for circulation. In 1929, when Sir George Rainy introduced this Bill and the House passed it without any discussion, we did not expect that the Government would take extraordinary powers and extend the operation of the Bill by five years more, and, as the section stands at present, Government can continue to extend the operation of the Bill for another five or ten years depending upon their sweet will and pleasure. That is one of the main reasons why I want that the Bill should be circulated to ascertain whether the Soft Coke Cess Committee is at all necessary, whether its present activities are satisfactory or what they should be, and whether the operation of the Bill should be extended. Sir George Rainy in making his statement said:

"I think it must be fully two years ago that the members of the Committee of the Indian Mining Federation brought the matter to my notice. They pointed out that, owing to the state of the coal market, there was a very small demand for any class of coal except first class coal."

The Honourable Sir Muhammad Zafrullah Khan: That is also given in this pamphlet.

Mr. B. Das: I am quoting from his speech, and I shall adduce my own argument. I should be very glad if the Honourable Member can give me his views on that:

"They pointed out that, in so far as soft coke could be substituted for cow dung, for instance, it would be a valuable thing in the interests of India as a whole, because the land would not be deprived of the manure which it so badly needed."

I would like the Honourable the Commerce Member to enlighten the House if the sale of soft coke has saved cow dung from being used as fuel and more cow dung is used as manure, and whether the present Soft Coke Cess Committee has done sufficient research work whereby soft coke is available cheaply to the masses. If that is not so, then the activities of the present Soft Coke Cess Committee are confined to a few industrialists who want to sell their soft coke in towns. Further, Sir, the Soft Coke Cess Committee consists of representatives of the Mining Federation,

[Mr. B. Das.]

the Indian Mining Association and Governments; and other associations now demand representation on the Committee. But I would like to know on whose behalf the Soft Coke Cess Committee was formed. It wanted to help the consumer, but it did not. I would suggest that when opinions are asked, the Government and the public ought to say whether the type of soft coke that is available to the public for domestic consumption is the right type, and whether the wishes expressed by Sir George Rainy on the floor of the House is to be materialised or it is to be given the go-by. Sir, I do feel that if the Government thought of any re-arrangement of the members of the Committee and wanted to have a new committee giving three representatives of the Indian Colliery Owners Association, they ought to have thought of bringing in the poor consumer as well who in the end pays

Mr. M. S. Aney (Berar Representative): At present the representatives of the Government of Bihar and of the Government of India are on the Committee.

Mr. B. Das: The Government of India representative happens to be the Chief Mining Engineer who has nothing to do with the masses and the consumer, and the representative of the Government of Bihar is, I believe, a District Magistrate or a Deputy Commissioner

Mr. N. M. Joshi: What about the labour representative?

Mr. B. Das: My friend can demand that if he likes. Those who deal in Calcutta and Bombay markets in soft coke ought to be represented, and so I feel that Government should somehow see their way to bring in the consumer's interests also so that the Committee may be properly balanced. With these observations, I support the motion for circulation.

Mr. T. Chapman-Mortimer (Bengal: European): Sir, on behalf of the European Group, I support the motion for the circulation of this Bill ("Hear, hear" from Congress Party Benches), to elicit public opinion. Sir, the Group I represent are not at all satisfied, as to the need for this Bill, and they are still less satisfied as to its merits. We see from the Statement of Objects and Reasons that the Bill has been introduced, because, apparently, an organization, that was not in being when the Soft Coke Cess Committee was set up, has since come into being. Well, Sir, I do not think that that is an argument which can fairly be put forward in support of a Bill of this kind.

Mr. M. S. Aney: Why not?

Mr. T. Chapman-Mortimer: One reason is this, that as far as my information goes, most of the members of the Indian Colliery Owners' Association have been—and some of them still are—members of the Indian Mining Federation. They had some kind of private disagreement and they formed a separate Association. I submit, Sir, that it is very undesirable that Government should encourage such trade quarrels, as this Bill, if passed, would tacitly do. Sir, I support the motion.

Mr. Ram Narayan Singh (Chota Nagpur Division: Non-Muhammadan): Sir, I am a man who never likes to support any Government measures, but in this particular case, the people whom I represent here have asked me to support the Government measure. Sir, the area which is most concerned with this question is the Jharia Coal fields. At first there was only one Association which consisted both of Europeans and Indians. That Association did not look to the Indian interests, and, therefore, another body, called the Indian Mining Federation, was established. After that, there were some differences of opinion among some of the members, and, therefore, a third Association was formed, called the Indian Colliery Owners' Association. That organization consists of 97 members, whereas the Indian Mining Federation consists of only 47 members. Sir Abdul Halim Ghuznavi has said that there are members who belong to both Associations. But their number is only five. Leaving this five out, we have got a large number of people who are in the new Association, I mean, the Colliery Owners' Association. As regards output, as has been said by Prof. Banerjea, it is very difficult to get the output of the different organisations. I have been supplied with papers which indicate that the Colliery Owners' Association's output is four lakhs of tons, whereas that of the Mining Federation is only one lakh fifty thousand tons.

Dr. P. N. Banerjea: But that information will have to be tested.

Sir Abdul Halim Ghuznavi: But what about those who are not members of the Colliery Owners' Association and the Indian Mining Federation? They do not belong to any Association. What about them?

Mr. Ram Narayan Singh: Let them join any of the Associations. Whereas the Mining Association's output is one lakh and twenty-seven thousand tons. I, therefore, say that the Colliery Owners' Association has got greater claims. They wanted separate representation on the Soft Coke Cess Committee and I think in this matter the Honourable the Commerce Member has done the right thing in bringing forward a measure giving representation to the Colliery Owners' Association. I, therefore, support the Bill and very reluctantly oppose

An Honourable Member: Your own Party motion!

Mr. Ram Narayan Singh: No. I very reluctantly oppose the motion of Prof. Dr. Banerjea.

Mr. Akhil Chandra Datta: Although I had moved a motion for reference to a Select Committee, my real inclination is not for reference to a Select Committee; I am inclined to support the motion of my Honourable friend Dr. Banerjea for circulation. In fact, I am not, really inclined even for circulation; I do feel that this Bill should be thrown out at this stage. I can make out an overwhelming strong case for rejection of the Bill now. But, proceeding on the line of least resistance and partly as a matter of compromise we have induced ourselves to move these two motions, one for circulation and another for reference to Select Committee. May I make an appeal to the Honourable the Commerce Member, in view of the opinion of the vast bulk of Members on this side of the House, that he may be pleased to accept the motion for circulation instead of the motion for Select Committee? That will make hardly any difference. In any case this Bill cannot be disposed of in this Session; in either case

[Mr. Akhil Chandra Datta.]

the Bill can be passed in the Simla Session. Therefore, I do appeal to him to accept the motion for circulation. This is a simple measure and there should be no time wasted over the discussion of the Bill. May I point out one thing to the Honourable the Commerce Member? The cause of action for this Bill as described in the Statement of Objects and Reasons is:

"The position has, however, since been altered owing to the interest which other bodies engaged in this industry have acquired in the manufacture of soft coke."

It is, therefore, admitted that there are other organisations, other bodies, than the Indian Colliery Owners' Association, which have come into being. Is it fair, then, in the adjustment or re-shuffling of seats, that you should consider the claim of only one Association, namely, the Indian Colliery Owners' Association, without taking any notice of the other bodies which have also come into being since 1929? It is only fair and proper that the opinion of the Mining Federation should be consulted, the opinion of the Mining Association should be consulted, the opinion of the Cess Committee should be consulted; lastly, the opinion of all the other bodies, which you find from the Statement of Objects and Reasons have come into being since the constitution of the last Committee, should be consulted. So that, in any view of the case this is pre-eminently a case for obtaining opinion of—I am not speaking of the public, I quite appreciate the observation of the Honourable the Commerce Member that the public at large may not be interested. But when we speak of circulation for opinion, we mean circulation for opinion of those bodies who are interested in the manufacture of soft coke. Therefore, I think that is a matter which should be taken into consideration. May I refer to one other sentence in the Statement of Objects and Reasons? It is stated:

"An examination on this basis (*that is, on the basis of the output of soft coke*) of the relative importance of the various interested bodies shows that the claim. . . ."

We have not got the figures of any of all those "interested bodies"; in fact, we have not been supplied with figures about the output even of the Colliery Owners' Association. My Honourable friend Mr. Ram Narayan Singh, gave us some figures. Well, I am not in a position to contradict them, but it must be admitted that the Honourable Members of this House are not in a position to accept those figures. Those are figures which have not been furnished by the Honourable Member in charge. We have not been supplied with any figures at all. That is why we must get figures, and to achieve that purpose, it is necessary to obtain the opinion of the various bodies. I submit that in the Statement of Objects and Reasons no case has been made, nor even attempted, in support of giving three seats to the Colliery Owners' Association. All that has been said here in the Statement of Objects and Reasons is:

"An examination on this basis of the relative importance of the various interested bodies shows that the claim of this Association is justified. . . ."

The utmost that is said is that they have some claim for representation, but no case has been made out as to why as many as three seats should be given to them. In fact, this is not merely a case of giving representation to one body, but this is a case of taking away representation from some other body. That should not be done without calling for their opinion, without calling for figures of output and other material

facts. I therefore hope that the Honourable the Commerce Member will be pleased to accept the motion for circulation.

Mr. N. M. Joshi: The question may now be put.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): There is one point which I do not understand from the speeches delivered this afternoon. I could not visualise in my mind what kind of opinions you will get by circulating this Bill. Of course, the members of the Mining Federation, who now hold seven seats and whose representation will now be reduced from 7 to 3, will certainly say, "No. This is a very bad Bill." They will say that the *status quo* should remain. As regards the Indian Mining Association, where the number is increased from 1 to 2, they will be quite indifferent. The people who represent the Colliery Owners Association will certainly welcome it, because where they had no representation as owners, the representation is now increased from *nil* to three. I really fail to understand what sort of opinions are wanted on this Bill. Then there is one other point. The persons who are not represented in any of the present categories would like to have their representation. In that case Government should keep one or two seats available for nominating persons of this type. As soon as particular seats are filled up then there will be opposition from these three groups. It is extremely difficult to have unanimity on this point. Therefore, we will have to decide one way or the other as to how the seats should be distributed. This is all I have got to say.

The Honourable Sir Muhammad Zafrullah Khan: I have no desire to take sides in this controversy and therefore will not pronounce any opinion on the respective merits of the various associations and bodies concerned but would again like to put before Honourable Members the fact that the public at large is not really concerned with this matter in any way and all the opinions that might be relevant could easily be obtained and placed before the Select Committee when the Select Committee meets. As a matter of fact, some of these opinions have been obtained already. Honourable Members have quoted from this pamphlet which contains the views of the Indian Mining Federation. I have read through it carefully myself. I am in the hands of the House. In this matter Government do not feel so keenly one way or the other that they should resist any course which appeals to the House. I shall not therefore put the case any higher than that; I shall accept the decision of the House on this matter and act accordingly.

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

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1937."

The motion was adopted.

THE REPEALING AND AMENDING BILL.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the following motion moved by Mr. J. Bartley on Thursday, the 4th March, 1937, namely:

"That the Bill to amend certain enactments and to repeal certain other enactments be taken into consideration."

President.]

Ayyangar, who moved a motion for referring the Bill to a Select Committee, was in the midst of his speech.

(The Honourable Member was absent from the House.)

The amendment was to the effect that the Select Committee should report before the 20th March, 1937. It has now become out of order. The Chair will, therefore, put the original motion.

The question is:

"That the Bill to amend certain enactments and to repeal certain other enactments be taken into consideration."

The motion was adopted.

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

Leslie Hudson (Bombay: European): I have got an amendment to the First Schedule.

M. S. Aney (Berar Representative): On a point of order. We have already passed clause 2 which says:

"The enactments specified in the First Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof."

The First Schedule which is now sought to be amended has already been taken into consideration along with the clause which we have already passed, and I submit that it is not open to any Member to move an amendment to the Schedule. The Schedule should have been put first to the House, and I submit that no amendment can be moved now.

President (The Honourable Sir Abdur Rahim): The Chair quite sees the force of the objection taken, but the practice does not appear to have been uniform in that respect. The Chair remembers that sometimes a clause is put first and the Schedule is put after that. But the proper procedure in this case would perhaps have been to put the Schedule first. The Chair will, however, allow the amendment to be moved in this case as the practice has not been uniform in that respect in the past. The question is:

"That the First Schedule stand part of the Bill."

Mr Leslie Hudson: Sir, I move:

"That in the First Schedule to the Bill, in the proposed amendment to section 155 of the Indian Merchant Shipping Act, 1923, after the words 'unberthed passenger' the words 'unless she is exempted from the provisions of sub-section (1) of section 184' be inserted."

Now, Sir, there is some apprehension in the minds of our constituents that the small amendment which the Government are making to section 155 of the Indian Merchant Shipping Act may invalidate the exemption which was granted by the Government in 1935. This exemption relates to steamers employed on short voyages of less than 72 hours on the coast of India, and these vessels are seldom out of port for more than a few hours at a time. I do not think there was any intention on the part of Government to take away this exemption that was given in 1935, and I hope the Government will accept my amendment now; it will keep that previous exemption alive.

Mr. N. M. Joshi (Nominated Non-Official): What is this exemption about?

Sir Leslie Hudson: The exemption is from the provisions of sub-section (J) of section 184, under which a ship carrying more than one hundred unberthed passengers must have on board a medical officer licensed in the prescribed manner. There was an exemption made by notification in 1935 that "it shall not relate to ships employed on short voyages of less than 72 hours where they are in and out of port every few hours".

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

"That in the First Schedule to the Bill, in the proposed amendment to section 155 of the Indian Merchant Shipping Act, 1923, after the words 'unberthed passengers' the words 'unless she is exempted from the provisions of sub-section (J) of section 184' be inserted."

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I oppose this amendment. I do not know in whose interest a very great latitude has been given. I would request Honourable Members to turn to page 3 of the Second Schedule where the existing provision under section 155 is sought to be repealed,—that is, that "in clause (e) of section 155 the words 'and, if she is to carry more than one hundred passengers to any such port, that she has on board a medical officer licensed in the prescribed manner'." That is a very wholesome provision; if the total number of passengers exceeds one hundred, then it is incumbent under this clause that the ship should carry a medical officer who is licensed in the prescribed manner. Now that is sought to be repealed, for what reason it is not known, but, evidently, at the request of some shipping companies . . .

Sir Leslie Hudson: I have just explained the matter,—that in 1935 this exemption was made by the Government of India by a notification.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): By whom? We were not consulted? The House was not consulted?

Mr. M. Ananthasayanam Ayyangar: Thus it was at the instance of the ship-owners, it was certainly not in the interests of the passengers. Therefore, that very wholesome provision is now sought to be repealed, irrespective of the kind of passengers a ship takes, whether berthed passengers or unberthed. Sir, this provision is sought to be repealed by a side-track. In its place an amendment is suggested at page 2 in the First Schedule to this Bill; the amendment runs thus:

"In section 155, after clause (c) the following clause shall be inserted, namely:

"(ee) in the case of a ship which is to carry more than one hundred unberthed passengers, that she has on board a medical officer licensed in the prescribed manner."

It is only in the case of more than one hundred unberthed passengers being carried that a medical officer is necessary. My Honourable friend the Member of the European Group wants to make a further innovation and wants to make it absolutely ineffective and useless. He wants that the powers vested in the Governor-General ought to be used for the purpose

[Mr. M. Ananthasayanam Ayyangar.]

of exempting certain ships from having on board a medical officer irrespective of whether there were one hundred passengers, berthed or unberthed. This makes an innovation which is not in the best interests of the passengers whose health and comfort has to be provided for and in the case of an emergency a medical officer is certainly necessary. It ought not to be left to the sweet will of the Governor General, even much against his will, to grant this exemption. Very often shipping companies will catch his ear and will have access to him and induce him to exempt particular shipping companies from carrying medical officers. That is certainly in the sole interests of a shipping company which is anxious to save expenses. The existing wholesome provision for the attendance of a medical officer is in the best interests not of the shipping company but more in the interests of the passengers. Sir, already an innovation is sought to be made in an indirect manner by the Government. I wanted this Bill to be referred to a Select Committee. Unfortunately the Government in any case having then opposed that motion or at all events having been silent or lukewarm in the matter of reference of the Bill to a Select Committee, it is not right now that the Honourable Member from the European Group should try to circumvent the existing provision by introducing an amendment of this kind. Sir, I appeal to the House to throw out this amendment.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, the other day, when my friend, Mr. Ayyangar, wanted the Bill to go to a Select Committee, my Honourable friend, Mr. Bartley, from that side stoutly opposed it. Sir, in the explanations that we were given on this Bill, we were told that the changes were of a very minor character. Now, Sir, my Honourable friend, Sir Leslie Hudson, introduces an amendment to the Indian Merchant Shipping Act which is of a very momentous character, and I regret to find that neither my Honourable friend, the Commerce Member, nor any representative of the Commerce Department is even present here at this moment. Sir, the commercial community ought not to be treated so lightly, and, under the guise of repealing certain sections, the Legislative Department should not bring in important substantive amendments, and then here the Leader of the European Group asks us to tacitly agree to proposals which might have disastrous effects on the merchant shipping traffic and also disastrous effects on the amenities, which my Honourable friend, Mr. Joshi, has been trying for the last fifteen or twenty years to improve, of passenger traffic on Indian ships. Sir, that is a thing which this House should not treat lightly. I would request you, Sir, to ask the Government to agree to reference of the Bill to a Select Committee even now. Sir, the Government have no business to promote, under the guise of repealing certain Acts, the introduction of matters of a most momentous character to the commercial community.

Then, Sir, if my Honourable friend, Mr. Bartley, replies today, he is not entitled to speak on a matter of commercial issue for which only the Commerce Department is entitled to speak. The other day, my Honourable friend pointed out that the Bill affected Acts affecting all the six Departments of the Government of India, and it is very difficult and very hard for the Legislative Secretary to take charge of all these Bills especially when the Honourable Members on the Front Treasury Benches are sitting there and some of them are absent. Sir, I respectfully ask you to give a ruling, or, if not a ruling, to ask the Government that it is

not fair to this side of the House that, in the guise of a repealing Bill, they should seek to introduce amending legislation that will have great repercussions in the country.

Mr. President (The Honourable Sir Abdur Rahim): This thing is not in the Bill; it is in the amendment. The Chair cannot say that the amendment is out of order.

Mr. B. Das: I am an old Member of this House, and I would request you to guide us in the matter of the procedure on these Bills. I am not a lawyer, and I cannot argue in the proper way, but under the disguise of repealing so many Acts an amendment is introduced into the Indian Merchant Shipping Act.

Mr. President (The Honourable Sir Abdur Rahim): That may be a very good objection to the amendment, but it is for the House to judge.

Mr. B. Das: In that case, you will permit us again to raise the issue that the Bill be referred to a Select Committee. How can we decide on the Indian Merchant Shipping Act without having the Bill and the effect of the amendment on the Bill?

Mr. S. Satyamurti: Sir, I beg to move:

"That the further consideration of this Bill be adjourned till the Simla Session."

I think I am in order in moving this. After listening to the discussion on this particular clause

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member means this amendment.

Mr. S. Satyamurti: No, Sir, the further consideration of this Bill which is the subject before the House.

Mr. President (The Honourable Sir Abdur Rahim): The amendment is now before the House.

Mr. S. Satyamurti: It is part of the Bill.

Mr. President (The Honourable Sir Abdur Rahim): But the Honourable Member cannot move at this stage that the further consideration of the Bill be postponed.

Mr. S. Satyamurti: I think I am right, with due respect to the Chair, in moving at this stage that the further consideration of the Bill be adjourned to Simla Session.

Mr. President (The Honourable Sir Abdur Rahim): But the further consideration has been passed.

Mr. S. Satyamurti: I mean to say the amendment, third reading, and so on.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member means to say that the debate be adjourned.

Mr. S. Satyamurti: I accept that suggestion.

Mr. President (The Honourable Sir Abdur Rahim): What are his grounds for suggesting that the debate be adjourned?

Mr. S. Satyamurti: I will state my grounds. I move:

"That the further debate on this Bill be adjourned to the Simla Session of the Assembly."

One example is enough. Section 155 of the Indian Merchant Shipping Act is sought to be amended, by way of putting a new clause to the effect:

"(ee) in the case of a ship which is to carry more than one hundred unberthed passengers, that she has on board a medical officer licensed in the prescribed manner;"

That will be a new clause to section 155 of the Indian Merchant Shipping Act, which provides for the second of the certificates (hereinafter called "certificate B"), to which my Honourable friend the Leader of the European Group has moved an amendment to the following effect:

"That in the First Schedule to the Bill, in the proposed amendment to section 155 of the Indian Merchant Shipping Act, 1923, after the words 'unberthed passengers' the words 'unless she is exempted from the provisions of sub-section (1) of section 184' be inserted."

That is the amendment. Section 184 reads like this:

"A ship carrying more than one hundred unberthed passengers shall have on board a medical officer licensed in the prescribed manner

If this section is not complied with, the master shall be liable to a fine which may extend to five hundred rupees, or to imprisonment for a term which may extend to three months, or to both."

I do not know what the provision of the Indian Merchant Shipping Act is which confers the power of exemption and on whom?

Sir Leslie Hudson: Section 148.

Mr. S. Satyamurti: I am much obliged. Section 148 reads thus:

"The Governor General in Council may, subject to such condition as he thinks fit, exempt any ship or class of ships from any provision of this Part relating to unberthed passenger ships."

It comes to this, therefore, that this Legislature is asked to confer upon the executive, the unrestricted power of exempting any ship from the provision which the repealing Bill puts forward, namely, that there should be a medical officer licensed in the prescribed manner for every ship which carries more than 100 unberthed passengers.

Mr. F. E. James (Madras: European): The power to exempt is already there.

Mr. S. Satyamurti: When the Government seek to put a new clause, you want to give them this power to exempt also. So, either this amendment is unnecessary or it is mischievous. If the contention is that the Bill, as it stands, meets the needs of the case, I can understand it; but to the extent to which the amendment has any purpose at all, I submit it is mischievous. But I am not on this point just now. I am on the bigger

point. We have now come across one instance. It is a huge Bill, and it deals with a large number of Acts and, as Mr. B. Das pointed out, the Member in charge of the Department is not here.

Mr. N. M. Joshi: It is just like your repealing Bill.

Mr. S. Satyamurti: My Bill referred to a dozen Acts, but this Bill refers to more than two or three dozen Acts.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had ample notice of the Bill.

Mr. S. Satyamurti: I am not complaining of want of notice. I am saying that the matter is so complicated.

Mr. President (The Honourable Sir Abdur Rahim): The Chair quite sees the force of the complaint of Honourable Members that such an amendment should not be introduced in a Bill of this character. The Bill is proposed to be a non-controversial one as it seeks to make certain formal amendments and to repeal certain spent or useless matter in the Statute-book. To introduce a substantive amendment in a Bill like that seems to be objectionable.

Mr. J. Bartley (Government of India: Nominated Official): I should like to have an opportunity of explaining. It is a fact that it is not a substantive amendment.

Mr. S. Satyamurti: I consider that this Bill is big enough and comprehensive enough to claim some more time from this Honourable House, and when I say this I hope I am voicing the view of every Member of this House.

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not think the Honourable Member has given any valid ground for the adjournment of the debate.

Mr. S. Satyamurti: There may be other things also. I am merely putting to the House that this Bill is so large and so comprehensive, that it is right that the House should consult the interests of careful legislation on a matter of this kind and not allow itself to be hurried. I, therefore, move that the further debate on this Bill do stand adjourned till Simla Session.

Mr. F. E. James: I oppose this motion and I would point out to my Honourable friend, Mr. Satyamurti, that there was a motion on the order paper to refer this Bill to a Select Committee in the name of one of the Members of his own Party. That Member did not take the opportunity to move it on the floor of the House when this particular motion was moved. Therefore, if he was really anxious that further consideration should have been given to this Bill, this was his opportunity which, if I may say so, he allowed to slip by.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable member is debating the motion. The Chair cannot allow the debate on his motion, because objection is taken to an amendment. As regards the rest of the Bill, it has been sufficiently long before the House to consider it. The debate will now go on on the amendment.

Mr. S. Satyamurti: So, you have ruled my motion out of order.

Mr. President (The Honourable Sir Abdur Rahim): Yes, because the Chair does not think there are substantial grounds for adjourning the debate.

Mr. J. Bartley: I believe that it is not necessary for me to discuss the motion moved by Mr. Satyamurti with regard to the adjournment. All that I am concerned with now is the amendment moved by Sir Leslie Hudson to an item in the First Schedule of this Bill. Now, a complete misunderstanding has been exhibited of the effect of these two small amendments to the Indian Merchant Shipping Act by Mr. Ananthasayanam Ayyangar and also by Mr. Satyamurti, and I can only conceive that neither of them has taken the trouble to collate the two references to section 155 of the Indian Merchant Shipping Act found in the first and second Schedules. The position with regard to section 155 of the Indian Merchant Shipping Act is this that the Act underwent an extensive amendment in 1933, and amongst the sections amended was section 184. Section 184, until it was amended in 1933, ran as follows:

"A ship carrying more than 100 native passengers from or to any port in British India to or from any port in the Red Sea shall have on board a medical officer licensed in the prescribed manner."

By the Amending Act of 1933, that section was amended to read as follows:

"A ship carrying more than 100 unberthed passengers shall have on board a medical officer, etc., etc.,"

that is to say, the law as then amended and as now existing requires ships carrying more than 100 unberthed passengers to carry a doctor in all cases and not merely when they are on a voyage to the Red Sea. At that time the consequential amendment which should have been made to section 155 was overlooked. Section 155 says that the Certificate B which a ship is required to carry shall indicate certain matters, and to quote sub-clause (e) of section 155 as it stands in the Act at the present moment, Certificate B shall contain:

"in the case of an unberthed passenger ship if she is to carry passengers to any port in the Red Sea, that she is propelled principally by machinery and if she is to carry more than 100 passengers to any such port, that she has on board a medical officer licensed in the prescribed manner."

Now, the words "to any such port" are wrong because they are inconsistent with section 184 as it was amended in 1933. A ship if she is to carry more than 100 unberthed passengers must unless she is exempted have on board a medical officer licensed in the prescribed manner. There exists the power under section 148 for the Governor General to exempt certain ships. The Governor General has exercised that power to exempt certain ships that do journeys slightly less long than the journeys to and from Red Sea, that is, certain ships engaged in minor coastal voyages. The objection which Mr. Ayyangar has put forward is apparently an objection to the exercise of that power by the Governor General. That

is nothing to do with the present Bill at all. That is based on section 18 of the Merchant Shipping Act. The power of exemption existed before the present Bill was brought forward and will continue to exist unaffected after the present Bill is passed, but owing to the fact that the Governor General has actually exercised this power in favour of certain ships, a fact of which I was not aware, it becomes necessary to insert a reference to these ships. What we have done in the present Bill is this. Clause (e) of section 155 was slightly inaccurate because it contained a reference to journeys to the Red Sea. We split up clause (e) into two parts; the first part of the clause was correct and is correct and we have left it as it is. We took out the second part of the clause which is incorrect owing to its containing a reference to the Red Sea in the words 'to any such port'. We repeal that by the entry in the second Schedule and we re-enact it in correct form, that is to say with the omission only of the words 'to any such port' by the entry in the first Schedule. The effect of the change as we make it in the Bill is that section 155 will require that the Certificate B carried by a ship should contain a statement in the case of a ship which is to carry more than 100 unberthed passengers that she has on board a medical officer licensed in the prescribed manner. But there are certain ships which though they carry more than 100 unberthed passengers are not required to carry medical officers. Why, because the Governor General has exempted them. That power of exemption is already there. It has nothing to do with this Bill. All that Sir Leslie Hudson's amendment has the effect of doing is to introduce words here to show that the certificate B carried by a ship which is not required to carry a medical officer need not contain a statement that she is carrying a medical officer. That is the effect of Sir Leslie Hudson's amendment. It gives no power to exempt. It has nothing to do with the exercise of powers of exemption. It merely corrects the text of the parent Act so that the Merchant Shipping Act when now textually corrected by this little amendment will not be so foolish as to require that the certificate B, carried by a ship which owing to the benefit of an exemption is not required to carry a doctor, shall state that the ship actually does carry a doctor. That is the explanation. There is no change whatever in the state of affairs that obtains under the existing law as at present in force. The accusations which were levelled in the opening part of Mr. Ayyangar's speech against five of these seven items in the first schedule were all equally unfounded, were all equally based on a complete misconception of the object and the meaning of the little alterations made by this Bill. When I moved the other day for the consideration of this Bill, I said that so far as it is not concerned with the removal of merely useless matter from the Statute-book, it is confined to a correction of mistakes and that no changes of substance in the law or in the state of affairs which exists under the law at present in force are made. That statement represents my genuine belief. We have for the last 45 years been putting forward these Repealing and Amending Bills year after year and the Legislative Assembly has by experience been convinced that they represent very careful work in the Legislative Department, that every item is examined and that any item which might have the effect of substantive changes in the law is rigidly excluded. They realise it is a tedious task and consequently Members as a rule do not take the trouble of meticulously examining the items. That trouble if taken would enable them to see that a great deal of the difficulty which has arisen today is unfounded.

Mr. President (The Honourable Sir Abdur Rahim): The Chair wants to know as regards the point of order raised. Is the exemption made by the Governor General permanent? Has that statutory effect?

Mr. J. Bartley: He can withdraw the exemption at any time under section 148. But so long as there are ships which although they carry more than 100 unberthed passengers are not required to carry a doctor, it is necessary to secure that the law should not read as saying that ships which are not required to carry a doctor shall contain in their certificate B a statement that they are required to carry a doctor.

Mr. President (The Honourable Sir Abdur Rahim): Could he withdraw that exemption after this amendment?

Mr. J. Bartley: This amendment has no effect whatever on the operation of section 148. The Governor General comes in under section 148 and he may exempt certain ships, he may recall that exemption tomorrow, he may exempt other ships tomorrow.

Mr. President (The Honourable Sir Abdur Rahim): Even after this amendment is passed.

Mr. J. Bartley: It has no effect whatever on the operation of section 148. It merely recognises that under section 148 there are at present ships which are exempted.

I was saying that in the past the Legislature has credited us with good intentions, reasonable competence and reasonable honesty, and we can claim successfully that the history of the almost countless Repealing and Amending Acts of the last 30 or 40 years has shown that the Legislature, in taking us on trust, has been consistently justified in so doing, and I hope that on the present occasion similar conduct would prevail. Otherwise, I should have taken up a good deal of the time of the House in explaining in detail the formal nature of each of these amendments. I might possibly have saved certain amount of subsequent trouble, had I done so. But even the one amendment on which I did make a detailed explanation, the amendment of the Tariff Act, did not escape suspicion. The suspicion could only have been indulged in because defective eye-sight prevented the member from finding in the Act the incorrect word which we were attempting to correct. So, Sir, I do assure the House that there is nothing sinister about any of these amendments. The seven amendments to the First Schedule are purely formal. I will not go into detail because I am dealing at present with matters only arising out of this problem, which Sir Leslie Hudson's amendment has given rise to. And I can assure the Members also that the repeals in the Second Schedule are equally innocent. They are all of matter which is of no use whatever. They remove from the Statute-book things which have no effect in law and they enable us to abbreviate the form of our Statute-book and to avoid reprinting a large mass of matter which serves absolutely no purpose now. I myself welcome Sir Leslie Hudson's amendment because it corrects a small error into which we drifted. We did not know that these exemptions existed, otherwise we would have put in a reference to them.

Mr. M. S. Aney: Sir, I want to make a few remarks in order to make my position clear. If I understood my Honourable friend aright, it means that there is a power of exemption given to His Excellency the Governor General under section 148. That power has been exercised by the Governor General in case of certain ships; and the amendment which my Honourable friend, Sir Leslie Hudson, is moving is only recognising that fact and introducing it in this section itself. Now my point is this. Supposing it is not introduced here, does the effect of the exemption given by the Governor General under section 148 disappear? That is an independent power given to the Governor General to give exemption to ships according to his discretion, and the exemption will hold good whether it is recognised in the form of an amendment to any section or not. Suppose this amendment is not made. I am taking it from my Honourable friend who has just given the explanation that the original section is not materially changed by the amendment proposed in the official Bill. Splitting it into two parts a little inaccuracy has been corrected. That is all that he said. It means that the old law is substantially kept intact in the form in which it was; and the present amendment suggested in the Schedule does not alter it. If that is so, I do not think that there is any necessity made out for amending this section itself by incorporating the fact of the exemption in the section now. Even if this law is not amended and the old law stands, the ships that have got the exemption will be enjoying that exemption. If this amending Bill is not brought here at all and the old law continues, what is your position? You have got the exemption; it remains there. I am told that by this Bill the old law is not at all materially changed. That is what I have gathered from the statement of my Honourable friend. If that statement be correct that by this Bill the old law is not substantially changed at all and the state of things remains as it is, then I think by allowing the section to be passed in the form in which this Bill keeps it, there should be no change whatever in the status of those ships which have got the exemption. It is not necessary, that in order to secure that exemption, this section must be amended in the form in which my Honourable friend, Sir Leslie Hudson, is putting it. If that is not so, I think the changes which are sought to be introduced are more substantial than what my Honourable friend is making out. If they are more substantial, then the plea which my Honourable friend, Mr. Satyamurti, has made out that the matter requires to be more seriously considered and that it should be considered at some other date has got a good deal of justification about it. Therefore, I think that either the thing is that this law is making certain changes which makes it necessary for my Honourable friend to secure an amendment of this clause, or the effect is that the old law stands as it is, and if that is so there is no need of any amendment of the kind that my Honourable friend, Sir Leslie Hudson, is trying to make. In either case I do not see any reason why this House should be hurried into considering an amendment like that at a stage when it is rather late for the House to seriously examine all the implications of the various clauses of that Act. I therefore feel it necessary to ask this House to postpone consideration of this matter till the next Session or, in the alternative, we will be compelled to oppose the amendment.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): Sir there is a great deal of substance, when we consider

[Mr. Bhulabhai J. Desai.]

sections 148, 155 and 184, in the matter that is now raised before the House. At all events, if there is any description on which, being a layman, I am mistaken, I do hope that my friend, Sir Leslie Hudson, will correct me. The position rests this way. Under section 148:

"The Governor General in Council may, subject to such condition as he thinks fit, exempt any ship or class of ships from any provision of this Part relating to unberthed passenger ships."

I understand that to mean, if the ordinary English is to prevail, that in such a ship there are no berths at all and that all the passengers carried are carried without any berth. Then, we come to section 155 which runs:

"The second of the certificates (hereinafter called "certificate B") shall state—

- (e) in the case of an unberthed passenger ship, if she is to carry passengers to any port in the Red Sea, that she is propelled principally by machinery and, if she is to carry more than one hundred passengers to any such port, that she has on board a medical officer licensed in the prescribed manner;"

That also refers to unberthed passenger ships carrying more than one hundred passengers to any port. When you come to section 184, you find that it refers to a very different class of ships which may include ships having berths but carrying one hundred or more unberthed passengers, as well as ships without any berths at all. Section 184 reads:

"A ship carrying more than one hundred unberthed passengers shall have on board a medical officer licensed in the prescribed manner."

So that, it is not at all correct to say, with great respect, that by adding the words which are sought to be added in section 184 (1) you are carrying out merely what would be otherwise left as an apparent contradiction because of the simple reason that so far as section 148 is concerned the Governor General's power extends to the exemption of ships which are unberthed passenger ships; whereas, so far as the requirements of section 184 are concerned, they refer to the requirement of a medical officer to be had on board, whether berthed or unberthed, so long as it carries one hundred unberthed passengers. In the one case the reference is to all classes of ships carrying one class of more than one hundred passengers; in the other case it is merely the carriage of one hundred unberthed passengers irrespective of the class. So far as the House is concerned, I want the meaning to be clear. The point I wish to urge is this. On the one hand I accept the assurance of the Mover of this Bill that, if he was satisfied that there was no substance in the matter, he would not press it, and that it was with the object of having an apparent inconsistency between sections 148 and 184 removed. If that is the whole object, I submit, the House would and should have no objection. But if you carefully examine 155(e) and 148, the power extends to unberthed passenger ships. So far as 148 is concerned, it has no reference to how many unberthed passengers it may carry. For all I know, a ship may have 50 berthed passengers and more than 100 unberthed passengers

Sir Leslie Hudson: Quite possible.

Mr. Bhulabhai J. Desai: Then, it is apparent that there is no such exemption in a case where 184 is concerned, because 184 emphasises the unberthed passenger fact—"more than 100 unberthed passengers",—whether the ship is a berthed ship or not a berthed ship—whereas 148 refers to unberthed passenger ships. It is perfectly obvious. For instance, I put the question in this form: the Governor General's power would not extend to the case of a ship where there are 50 berths and a carrying capacity of 200 unberthed passengers. To such class of ships the Governor General's power does not and cannot extend

Mr. F. E. James: May I ask my Honourable friend one question? If he would examine the definition of unberthed ship—Does not that cover the distinction he is now trying to make?

Mr. Bhulabhai J. Desai: That is precisely what I am asking to be done

Mr. President (The Honourable Sir Abdur Rahim): Is that defined?

Mr. F. E. James: Yes, in section 149 (2).

Mr. Bhulabhai J. Desai: I am obliged to you, Sir. I will read that, though I have an answer to that which I shall presently give. Mr. James drew my attention to what I submit with respect is an entirely unconnected matter. The point on which I am is unberthed passenger ship: I shall read the definition:

"unberthed passenger" means a passenger of the age of twelve years or upwards for whom no separate accommodation in any cabin, state-room or saloon is reserved."

That only emphasises what I am trying to point out . . .

Mr. F. E. James: Next one—sub-section (2).

Mr. Bhulabhai J. Desai:

"'unberthed passenger ship' means a ship carrying more than thirty unberthed passengers."

Mr. President (The Honourable Sir Abdur Rahim): Is it not possible for the Leaders on both sides to have a talk and settle this question?

Mr. Bhulabhai J. Desai: If we have an opportunity to really understand it, and it is a correction of an apparent inconsistency, I have no desire to press the matter.

Mr. President (The Honourable Sir Abdur Rahim): It will perhaps meet the convenience of the House if the House is adjourned now. The Chair understands it will come up tomorrow. In the meantime, the Honourable Members can get together and consider the matter.

Mr. Bhulabhai J. Desai: Yes. I shall be glad to have proper information being given if it is really to remedy an inconsistency.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 31st March, 1937.