

19th February 1937

**THE  
LEGISLATIVE ASSEMBLY DEBATES**

**(Official Report)**

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**Volume I, 1937**

*(25th January to 19th February, 1937)*

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**FIFTH SESSION**

**OF THE**

**FIFTH LEGISLATIVE ASSEMBLY,**

**1937**



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1937**

**M89LAD**

# Legislative Assembly.

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*Deputy President :*

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SARDAR SANT SINGH, M.L.A.

MR. M. GHIASUDDIN, M.L.A.

MR. MATHURADAS VISSANJI, M.L.A.

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# LEGISLATIVE ASSEMBLY.

*Friday, 19th February, 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.

## QUESTIONS AND ANSWERS.

### CONSTRUCTION OF THE OFFICE BUILDING FOR THE RAILWAY CLEARING ACCOUNTS OFFICE.

421. \***Mr. N. M. Joshi:** With reference to the answer given on the 27th February, 1935, to starred question No. 630, part (b), will Government be pleased to state when the construction of the office building for the Railway Clearing Accounts Office will be taken in hand?

**The Honourable Sir Muhammad Zafrullah Khan:** With your permission, Sir, I propose to reply to questions Nos. 421 and 422 together. Negotiations are in progress for acquiring a site for the office and quarters in exchange for a plot of railway land.

It is not possible to say when the work of construction will begin as the provision of funds has also to be considered.

Government are aware that there is some difficulty in obtaining suitable cheap housing accommodation in Delhi.

### CONSTRUCTION OF QUARTERS FOR THE STAFF OF THE RAILWAY CLEARING ACCOUNTS OFFICE.

†422. \***Mr. N. M. Joshi:** Are Government aware that suitable housing accommodation is not available in Delhi, and will they be pleased to state when the construction of the staff quarters for the staff of the Railway Clearing Accounts Office, Delhi, will begin?

### REJECTION OF THE NOMINATION PAPER OF MR. HARIHARNATH SHASTRI FOR THE UNITED PROVINCES LEGISLATIVE ASSEMBLY.

423. \***Mr. N. M. Joshi:** (a) Is it a fact that the nomination paper of Mr. Hariharnath Shastri for the United Provinces Legislative Assembly from the United Provinces Trade Union constituency has been rejected by Mr. H. K. Mathur, the Returning Officer of the said constituency?

(b) Has the nomination paper been rejected under section 69 (e) of the Government of India Act, 1935, on the ground that Mr. Shastri has been sentenced to imprisonment for a period exceeding two years on an aggregate of three offences?

(c) Does section 69 (e) of the Government of India Act, 1935, cover an aggregate of more offences than one?

(d) Is it a fact that the Government of India have issued a circular on the subject giving an interpretation of section 69 (e) of the Act, and if so, what is the purport of that interpretation?

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†For answer to this question, see answer to question No. 421.

(e) Is it a fact that in other constituencies, in similar instances, objections against persons convicted on an aggregate of various offences have been set aside and nominations accepted?

(f) What steps do Government propose to take to set right the mistake made in the case of Mr. Shastri?

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

(b) Yes.

(c) and (d). The interpretation of section 69 (1) (e) is a matter of opinion. No general circular on the subject has been issued by the Government of India.

(e) Government have no information; but they have seen a statement in the Press to the effect that the Government of Madras interpret the clause as imposing a disqualification only if a sentence of not less than two years' imprisonment had been passed at a single conviction.

(f) Returning Officers interpret the law in good faith and to the best of their ability. Under the rules framed by the Governor in Council in regard to Elections and Election Petitions, their decisions are final, subject only to reversal by an Election Petition. It is open to Mr. Shastri to contest the correctness of the rejection of his nomination paper by an Election Petition. Government cannot take any steps in the matter for the reason mentioned above.

**Mr. N. M. Joshi:** May I ask whether the Government of India secured the interpretation of this clause from their law officers?

**The Honourable Sir Henry Craik:** No authoritative opinion from the law officers has been secured.

**Mr. N. M. Joshi:** May I ask whether the Government of India will secure the interpretation of section 69 (1) (e) from their own legal officers?

**The Honourable Sir Henry Craik:** I cannot give such an undertaking. It is not for the Government of India to interpret the clause. An authoritative interpretation of the clause can only be done by the Courts.

#### SEARCH OF THE MAHABIR JAIN LIBRARY OF DELHI.

424. **\*Mr. M. Asaf Ali:** (a) Is it a fact that the Mahabir Jain Library of Delhi was searched on the 11th August, 1936?

(b) If so, was anything objectionable found in the search?

(c) Did the police take away from the said Library the photo enlargement of Jatindranath Das, a widely known political figure? If so, has the said photo enlargement ever been declared forfeited to the Crown in the Delhi Province? If so, when?

**The Honourable Sir Henry Craik:** (a) and (b). Yes.

(c) A large photograph of Jatindranath Das was seized and confiscated under the provisions of the Indian Press (Emergency Powers) Act. 1931.



**REDUCTION IN THE HOUSE RENT ALLOWANCE OF THE INFERIOR SERVANTS OF THE POSTAL DEPARTMENT IN THE BOMBAY CITY.**

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

- (a) whether it is a fact that the inferior servants of the Postal Department and postmen employed in the city of Bombay were paid a house rent allowance of Rs. 8-8-0 per mensem up to December, 1936;
- (b) whether they have issued orders reducing that allowance by Rs. 2 per mensem with effect from January, 1937;
- (c) the reasons for the reduction ordered;
- (d) whether they have made any enquiries and obtained any statistics of the house rents in respect of these classes of workers in the city of Bombay;
- (e) whether they have given publicity to the investigations made into this question and if so, when and where;
- (f) whether due notice about the proposed reduction was given to the workers and whether any opportunity was given to them to express their viewpoint; and if not, the reasons for the same;
- (g) whether they are aware that the house rents have gone up since the repeal of the Rent Act in the city of Bombay; and
- (h) whether they propose now to give an opportunity to the workers to explain their case, and to conduct fresh investigation into the question and in the meanwhile hold the orders in abeyance pending the conclusion of the investigation?

**The Honourable Sir Frank Noyce:** (a) and (b).<sup>2</sup> Yes.

(c) Because enquiry established that the allowances were in excess of the average rentals paid by workmen whose position corresponds with that of postmen and lower grade staff.

(d) Yes.

(e) No.

(f) Yes. Besides, the staff are fully aware that house rent allowances are liable to revision from time to time as circumstances demand. Government do not recognise the right of the staff to be consulted when such revisions are effected.

(g) No. Their information is that the rents of working class tenements have not increased.

(h) It is open to the staff to represent their grievances in the usual manner, and such representations as may be submitted by them will be duly considered. Government are not prepared to hold in abeyance the orders already issued by them after careful examination of the matter.

**PROMOTION OF QUALIFIED POSTMEN TO THE CLERICAL CADRE.**

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

- (a) whether the assurance of removing compulsory long service in lower cadre, given by the Director General of Posts and Telegraphs during the last Budget Session in the matter of

promotion of qualified postmen to clerical cadre, has been given effect to in framing the rules for recruitment to Postal Services and their promotions;

- (b) if so, whether a copy of the orders in the matter will be placed on the table of this House; and
- (c) if the orders have not yet been issued, the probable date when they may be expected to be published and brought into force?

**The Honourable Sir Frank Noyce:** (a) No such assurance was given by the Director-General. In his speech of the 13th March, 1936, he merely explained that there was no disability in this matter, as the limit of five years was not one of five years' service as postman, but was merely of five years' service in the Department.

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

**PAYMENT FOR SERVICES RENDERED BY TREASURY OFFICERS AS BANKERS AND SUPPLIERS OF POSTAGE STAMP AND STATIONERY TO THE POST OFFICES IN THE BOMBAY PRESIDENCY.**

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

- (a) whether the services rendered by the Treasury and Sub-Treasury Officers of the Provincial Government as bankers and suppliers of postage stamps and stationery to the post offices in the Bombay Presidency are paid for, or whether they are reciprocal in respect of other services; and
- (b) if these services are paid for, the amount paid to the Bombay Government for such services?

**The Honourable Sir James Grigg:** (a) and (b). The Posts and Telegraphs Department is not charged for services rendered by the treasury staff.

**PRICE OF TATA'S SHARES.**

428. \***Sir Muhammad Yamin Khan:** (a) Will Government please state what was the price of Tatas' shares before protection was given in 1934, and what is the price now?

(b) Do Government intend to continue the protection?

(c) If so, will Government kindly state the reason and necessity for the same?

**The Honourable Sir Muhammad Zafrullah Khan:** (a), (b) and (c). I would refer the Honourable Member to the replies given by me to questions Nos. 273 and 330 by Dr. Ziauddin Ahmad during the current Session.

**Sir Muhammad Yamin Khan:** Are Government aware that there is no supply of iron in the market at present from the Tatas?

**The Honourable Sir Muhammad Zafrullah Khan:** I am not so aware.

**Sir Muhammad Yamin Khan:** Will Government enquire whether the Tatas have stopped booking future orders? If so, what is the reason for the same?

**The Honourable Sir Muhammad Zafrullah Khan:** This does not arise out of this question. If, however, the Honourable Member will give me data which would indicate that this is so, then I shall make enquiries.

**Sir Muhammad Yamin Khan:** Government probably know that the price of iron has gone up by 33 per cent. over the prices which were prevalent about a month ago. As far as it can be ascertained from the Delhi market, it is due to the fact that the Tatas stopped booking orders. Will Government make enquiries about this?

**The Honourable Sir Muhammad Zafrullah Khan:** Government are aware that the price of steel has risen considerably lately. Government are also aware that there are several factors which have contributed to that, into the explanation of which I need not enter at present. As I have said, I was not aware that Tatas had refused supplies.

**Sir Muhammad Yamin Khan:** Will Government make enquiry whether the Tatas have refused to book orders for the future, and, if so, what are the reasons for their refusal?

**The Honourable Sir Muhammad Zafrullah Khan:** That is rather hypothetical. I shall have first to make enquiries whether they have refused booking orders and then make another enquiry why they have refused.

**Sir Muhammad Yamin Khan:** My information is that the Tatas have not been booking orders.

**The Honourable Sir Muhammad Zafrullah Khan:** If the Honourable Member will send that information to me, I will look into it.

**Sir Muhammad Yamin Khan:** This is the information I am now giving to the Honourable Member on the floor of this House. I have ascertained from the iron merchants in Delhi that the Tatas have stopped booking orders for future, that they are not booking any orders for iron girders or anything like that made of iron, and, therefore, the prices have gone up because the present stock is not sufficient to meet the needs of the market, and, therefore, the people are out profiteering.

**The Honourable Sir Muhammad Zafrullah Khan:** I am afraid the Honourable Member cannot possibly be correct that the rise in prices is due to the fact that Tatas are unable to book advance orders. I am afraid it must be the reverse.

**Sir Muhammad Yamin Khan:** I am not suggesting . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member cannot argue in putting supplementary questions.

**Sir Muhammad Yamin Khan:** I want to draw the attention of the Government to the fact that I never made any suggestion that they are unable to book orders. What I am saying is that the Tatas are not willing to book orders in spite of their capability to do so, because they simply want to make profits out of the stock which they hold at present. If that is the reason, may I ask why any protection should be given to them? If the facts are as I have stated—because it has been represented to me by the iron merchants in Delhi that the facts as I have stated are true—will Government consider the advisability of withdrawing the protection that is given to the Tatas?

**The Honourable Sir Muhammad Zafrullah Khan:** The Honourable Member has not put forward anything concrete to show what the facts are. He has got some apprehension in his mind, that is all. The Honourable Member must specify facts.

**Lieut.-Colonel Sir Henry Gidney:** In the shape of a supplementary question, I can give the Honourable Member a positive statement that the Tatas refused my request in the same matter?

**The Honourable Sir Muhammad Zafrullah Khan:** I was not aware that my Honourable friend, Sir Henry Gidney, was dealing in manufacture of steel.

**Lieut.-Colonel Sir Henry Gidney:** There was a positive refusal.

**The Honourable Sir Muhammad Zafrullah Khan:** Refusal of what?

**Lieut.-Colonel Sir Henry Gidney:** Refusal to supply iron materials.

#### MUSSAFERKHANA FOR THE RESIDENCE OF INDIAN PILGRIMS IN DAMASCUS.

429. \***Dr. Ziauddin Ahmad:** (a) Is it a fact that a *Mussaferkhana* was endowed by Sultan Mahmud for the residence of Indian pilgrims in Damascus?

(b) Is it a fact that a representative of the British Government sold the *Mussaferkhana* at nominal price?

(c) Are Government aware that any person drawing the attention of the Damascus Government is expelled from Damascus?

(d) Are Government prepared to draw the attention of the Damascus Government to the misappropriation of the building endowed for the benefit of Indians?

**Sir Aubrey Metcalfe:** (a) No.

(b) No.

(c) No.

(d) The attention of the Honourable Member is invited to the reply given to part (b) of Mr. M. Asaf Ali's question No. 399 on the 16th February, 1937.

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

430. \***Maulvi Syed Murtuza Sahib Bahadur:** (a) Is it a fact that additional quarters for the employees of the Government of India Press, New Delhi, will be built at a distance from the Press for want of a plot near the Press building? If so, are Government prepared to consider the inconvenience which will be felt by such employees, who are required to attend office at 8 A.M. and allowed to go to their quarters during half an hour's interval to have their meals?

(b) In case the proposed arrangement is indispensable, are Government prepared to arrange to allot the existing Press quarters to the members of the staff who attend office from 8 A.M., and accommodate those who attend office from 10 A.M., in the additional quarters?

**The Honourable Sir Frank Noyce:** (a) No site has yet been selected for the new quarters, but the intention is to build them as near the Press as possible.

(b) Does not arise.

**LOCAL HOLIDAYS GRANTED TO THE EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.**

**431. \*Maulvi Syed Murtuza Sahib Bahadur:** (a) Is it a fact that an amendment to the rules regulating local holidays to be granted to the employees of the Government of India Press, New Delhi, has been received from the Government of India, Department of Industries and Labour?

(b) Is it also a fact that according to that rule, the employees of the Government of India Press, New Delhi, will observe local holidays from 16th April to 15th October instead of from 1st April to 31st October?

(c) Is it also a fact that the employees of the Government of India Press, New Delhi, unlike those employees in other local, central and subordinate offices of the Government of India located in New Delhi, do not enjoy all the local holidays?

(d) Is it also a fact that the offices of the Government of India start moving after 15th October and all the offices reach New Delhi by 31st October or later?

(e) If the replies to parts (a), (b), (c) and (d) be in the affirmative, do Government propose to reconsider their orders and restore the employees of the New Delhi Press the privilege of local holidays from 1st April to 31st October, to enable them to enjoy the most important festivals of Dusehra, Diwali, Moharram and Easter, falling during the period?

**The Honourable Sir Frank Noyce:** (a) Yes, the rule regulating the grant of holidays to employees of the New Delhi Press, as well as of the other Presses of the Government of India, has recently been revised.

(b) Yes.

(c) Yes. Under the revised rule the employees of the Government of India Press, New Delhi, will enjoy the holidays announced by the Chief Commissioner, Delhi, including local holidays, during the period 16th April to 15th October. For the rest of the year, they will be granted Government of India closed holidays plus three communal holidays, the latter being allowed if the state of work permits.

(d) No. The actual date of the move of the Government of India from Simla depends upon circumstances each year, but recently the offices have usually started moving from the 2nd week of October, and are completely open in New Delhi before the end of that month.

(e) No. The work of the Press is closely connected with the Government of India, and it is not convenient to close it on days when the Secretariat and other offices in Delhi are working.

**BAN ON THE CONGRESS MESSAGE OF INDEPENDENCE.**

**432. \*Mr. Amarendra Nath Chattopadhyaya:** Will Government be pleased to state if the Central Government had to be approached by the Provincial Governments for their opinion and sanction for banning the

message of independence which was to be read in different Provinces by Congress Leaders, on the 26th January last, generally known as the Independence Day?

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

### UNSTARRED QUESTIONS AND ANSWERS.

#### PAYMENT OF ELECTRIC CHARGES OF THE SACHAPIR STREET POST OFFICE PREMISES IN POONA.

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

- (a) whether it is a fact that the Sachapir Street Post Office premises in Poona are fitted with electric lights;
- (b) whether the electric charges are paid by the Postal Department, or the landlord, or the Sub-Postmaster in charge; and
- (c) if they are being paid by the Sub-Postmaster in charge, the reasons for making him pay for the electricity consumed for office purposes?

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

- (b) Electric charges are paid by the landlord.
- (c) Does not arise.

#### SENDING OF UNREGISTERED LETTER MAIL BAG TO DABHOL IN CHARGE OF THE CAPTAIN OF FERRY STEAMER.

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

- (a) whether the Postal Department has made arrangements to send bags of unregistered letter mail in charge of the railway guards under the Weighment System;
- (b) whether similar arrangements could not be made to send the unregistered letter mail bag to Dabhol (Ratnagiri) containing correspondence for Dabhol, Guhagar and their subordinate post offices under such Weighment System in charge of the Captains of Bombay-Dabhol special ferry of any Konkan Ferry Steamer Companies, by calling for competitive rates; and
- (c) whether the Postal Department propose to introduce the measure as early as possible?

**The Honourable Sir Frank Noyce:** (a) Yes, in some cases.

(b) and (c). An enquiry is being made and a reply will be placed on the table of the House in due course.

#### PERMISSIBILITY OF INCREASING THE RATES OF ROAD MILEAGE AND DAILY ALLOWANCE IN THE KONKAN DISTRICTS.

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

- (a) whether in the five Konkan districts, increase in the rates of road mileage and daily allowance is permissible to Officers of Grades III and IV during the months of June to September by 100 and 33½ per cent. respectively;

- (b) whether a similar increase has not been made permissible for the conveyance of personal effects by road and if so, why;
- (c) whether it is a fact that the Sub-Divisional Postal Inspectors are not permitted to exchange daily allowance with road mileage;
- (d) whether the increase in the road mileage, daily allowance and the conveyance of personal effects is not permissible to officers of the second grade and if so, why; and
- (e) whether they propose to permit the increase to second grade officers, particularly to the Postal Inspectors, who are not permitted to exchange daily allowance with road mileage?

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

(b) The rates for the conveyance of personal effects by road of officers of the Central Government are the same as those fixed by the Local Government concerned as they are the best judges of the necessities of these cases.

(c) Yes.

(d) The increase in road mileage and daily allowance is restricted to officers of the 3rd and 4th grades, as the Government of India follow the practice of the Bombay Government who have limited the grant of the increased rates to these two grades. The rates, prescribed by Local Governments for the conveyance of personal effects, are also followed.

(e) No.

#### LOCATION OF THE MANGAON (ALIBAG) POST OFFICE.

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

- (a) whether it is a fact that the Mangaon (Alibag) Post Office building is situated away from the main locality of the town and if so, at what distance;
- (b) whether all the offices of the Local Government were formerly near or in the present Post Office building and that those have recently been shifted to a healthier locality in a newly constructed building;
- (c) whether the present Post Office building and its compound are infested with scorpions and reptiles and that there are no residences close by the Post Office; and
- (d) whether enquiries are proposed to be made into the matter and the said Post Office shifted to the main locality near the present Local Government buildings by disposing of the present property either by sale or lease?

**The Honourable Sir Frank Noyce:** (a) to (d). Government have no information. The matter is within the competence of the Postmaster-General, Bombay, to whom a copy of the question is being sent for such action as he may consider suitable.

#### PROVISION OF REST HOUSES FOR THE RAILWAY MAIL SERVICE OFFICIALS NEAR TERMINAL STATIONS.

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

- (a) whether it is a fact that the rules require that the rest houses provided for the use of the Railway Mail Service officials should be near the terminal stations;

- (b) whether all the rest houses in use of the Railway Mail Service officials in the Bombay Circle are situated in close proximity of the terminal stations;
- (c) the number of rest houses that are (i) within one furlong, (ii) between one and two furlongs, (iii) between two furlongs and half a mile, (iv) beyond half a mile and within a mile, and (v) beyond one mile from the terminal stations;
- (d) whether there were facilities for the conveyance of the officially permitted kit of the officials from the rest houses to the terminal stations and *vice versa*;
- (e) whether those facilities have since been ordered to be stopped;
- (f) whether the duty of the conveyance was an authorised one and scheduled in the duty list; and
- (g) whether they propose to consider the advisability of making some arrangements for conveying the kit of the Railway Mail Service officials from the terminal stations to the rest houses?

**The Honourable Sir Frank Noyce:** (a) As near as practicable.

(b) No.

(c) The numbers of rest houses within the following distances from the Railway Station are—

(i) Within one furlong	6
(ii) Between 1 and 2 furlongs	9
(iii) Between 2 furlongs and half a mile	5
(iv) Beyond $\frac{1}{2}$ a mile and within 1 mile	8
(v) Beyond 1 mile	1

(d) There was an unauthorised practice of employing rest house attendants as porters.

(e) Yes.

(f) and (g). No.

#### INCLUSION OF THE TIME SPENT AT TERMINAL STATIONS IN THE DUTY HOURS OF THE RAILWAY MAIL SERVICE SORTERS.

26. **Mr. N. M. Joshi:** With reference to the reply given by Government on the 26th February, 1936, to my unstarred question No. 218, will they be pleased to state:

- (a) which Railway Mail Service Sections in the Bombay Circle require more than 45 minutes to deliver the mails at the end of their beats, either on the 'Out' or on the 'In' trips; and the average number of bags delivered by them; and
- (b) whether they propose to consider the necessity of including in the working hours the time in excess of 45 minutes required by the Sections at terminal stations; if not, why not?

**The Honourable Sir Frank Noyce:**

(a) B 7 out: (Sholapur-Victoria Terminus)	165 bags.
W 3 out: Baroda-Bombay	228 bags.
W 4 in: Bombay-Ahmedabad	331 bags.
FM 25 in: Manikpur-Howrah	450 bags.



(b) In regard to the first part, the reply is in the negative. As regards the second part, the standards laid down for the weekly working hours of sorters in running sections are so liberal that Government do not consider it necessary to make any separate allowance for the duties referred to by the Honourable Member.

#### VAN PEONS FOR W-13 SECTION OF THE RAILWAY MAIL SERVICE.

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

- (a) whether it is a fact that the W-13 Section is not equipped with van peons;
- (b) whether the question of the grant of van peons to that Section was represented to the Director General of Posts and Telegraphs by a deputation of the All-India Postal & R. M. S. Union that waited upon him on the 25th October, 1935;
- (c) whether it is feasible and practicable for the sorters to take the help of the mail peons in lifting and sealing bags at important stations;
- (d) whether it is not irregular and unsafe to ask the mail peons to leave the bags accepted by them on the platform while they are asked to help the sorters in the vans;
- (e) whether they do not attach any importance to the lying and sealing of bags at those stations where the stoppages are short and where the work has to be done by the sorters themselves;
- (f) what duties are assigned to a van peon in other sections;
- (g) whether they consider the work of (i) clearing van letter boxes and stamping the letters cleared therefrom, (ii) stamping the registered, parcel and mail lists received *en route*, (iii) closing and sealing insured parcel bags and registered bags which have to be included in the mail bags and parcel bags before the latter are closed, (iv) facing the newspapers and packets, (v) tying the labelled bundles made up, and (vi) sweeping the mail van, as reasonably falling within the sorters' schedule of duties; and
- (h) whether they propose to re-examine the question and grant the van peons to the Section?

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

(b) The Director-General interviewed members of the Provincial Union on the date mentioned.

(c) to (f). Government have no information and do not propose to call for it. The matter is within the competence of the Director-General to whom a copy of this question has been sent for such action as he may consider suitable.

(g) The reply to parts (i) to (v) is in the affirmative, and that to part (vi) is in the negative.

(h) No.

**JOINING TIME ALLOWED TO CERTAIN TEMPORARY POSTAL CLERKS IN THE  
KONKAN DIVISION.**

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

- (a) whether under their orders, the postal clerical officials were not confirmed from the 16th July, 1931, although they continued to be recruited and officiated in clear vacancies;
- (b) whether under Fundamental Rule 105 (a), joining time was permissible to such officials referred to in part (a) above and whether the appointing officers had by exception under Supplementary Rule 294 the power only to reduce the period of joining time but they could not probably refuse the same *in toto*;
- (c) whether any representations from the clerical staff to permit even a couple of days transit, particularly during monsoon in Konkan Division and the like, have either been rejected or held up by the Postmaster General, Bombay; and
- (d) whether in view of the assurance given by the Director General of the Posts and Telegraphs to the Union, all such cases will be obtained and reconsidered by him, even ignoring the time limit; if not, why not?

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

(b) The reply to the first part of the question is in the affirmative. As regards the second part, the sanctioning authority can at his discretion refuse to grant any time for preparation.

(c) Government have no information.

(d) It is not understood to what assurance the Honourable Member refers. It is open to the officials concerned to represent their case to the proper authority if they consider that they have a grievance.

**BAN ON CONFIRMATION OF POSTAL CLERKS IN THE BOMBAY CIRCLE.**

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

- (a) whether it is a fact that there was a ban on confirmation of the clerical staff till April, 1935, in the Postal Department;
- (b) whether even after the removal of the ban by Government, the Postmaster General, Bombay, has again imposed the same;
- (c) if so, whether the hardship of the staff, owing to non-confirmation in the Bombay Circle on account of this re-imposition of the ban, is proposed to be removed; and
- (d) whether an assurance was given that any future reduction in the staff will be carried out in the ordinary course as vacancies occur?

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

(b) and (c). Information is being called for and a statement will be laid on the table of the House in due course.

(d) The Honourable Member's attention is invited to the reply given by me to part (d) of his starred question No. 1118 in this House on the 11th March, 1936.

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NOTIFICATION REFERRED TO IN RESOLUTION RE EMIGRATION TO BURMA.

**Sir Girja Shankar Bajpai** (Secretary, Department of Education, Health and Lands): Sir, I lay on the table a copy of the notification referred to in my Resolution regarding emigration to Burma, which is to come on later.

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*Draft Notification.*

In exercise of the powers conferred by section 10 of the Indian Emigration Act (VII of 1922), the Governor General in Council is pleased to issue the following notification in the form in which it has been approved by both Chambers of the Indian Legislature :—

Emigration to Burma for the purpose of unskilled work shall be lawful, subject only to the restrictions in force immediately before the commencement of the Government of Burma Act, 1935.

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STATEMENT OF BUSINESS.

**The Honourable Sir Frank Noyce** (Member for Industries and Labour): Sir, in the absence of the Leader of the House, may I state the business for the next week? The House will not sit on Monday, the 22nd, on account of Id-ul-Zuha, and Honourable Members are aware that, from Tuesday to Friday next week, the House will be engaged in voting Demands for Grants under the Railway Budget. As the General Budget will be presented on Saturday, the 27th, at 5 p.m., Government have decided not to ask for an ordinary meeting of the House on that day.

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THE INDIAN LIMITATION (AMENDMENT) BILL.

**The Honourable Sir Henry Craik** (Home Member): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Limitation Act, 1908, 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 Limitation Act, 1908, for a certain purpose."

The motion was adopted.

**The Honourable Sir Henry Craik**: Sir, I introduce the Bill.

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THE INDIAN TEA CESS (AMENDMENT) BILL.

**The Honourable Sir Muhammad Zafrullah Khan** (Member for Commerce and Railways): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Tea Cess Act, 1908, 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 Tea Cess Act, 1903, for a certain purpose."

The motion was adopted.

**The Honourable Sir Muhammed Zafrullah Khan:** Sir, I introduce the Bill.

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### THE INDIAN ARMY (AMENDMENT) BILL.

**Mr. G. R. F. Tottenham** (Defence Secretary): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Army Act, 1911, 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 Army Act, 1911, for a certain purpose."

The motion was adopted.

**Mr. G. R. F. Tottenham:** Sir, I introduce the Bill.

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### THE AGRICULTURAL PRODUCE (GRADING AND MARKING) BILL.

**Sir Girja Shankar Bajpai** (Secretary, Department of Education, Health and Lands): Sir, I beg to move:

"That the Bill to provide for the grading and marking of agricultural produce be taken into consideration."

The origin and purpose of this measure have been fully set out in the Statement of Objects and Reasons, but as the Bill breaks entirely new ground and is also somewhat technical, I venture to crave the indulgence of the House for a few minutes in order to supplement what has been stated in the Statement of Objects and Reasons by a few verbal observations. I might begin by explaining the terms "grading" and "marking". Grading signifies a classification according to quality of different kinds of a commodity and marking means the application to these grades of distinctive marks for purposes of ready identification. The practice has been followed with great success in other countries, such as, the United States of America, Canada, New Zealand, Australia and Great Britain, in regard to different commodities: and the success has been attained for this reason that both the producer and the consumer stand to gain by it. To the consumer it is a warranty of quality, and the producer because of the contentment of his clientele gains a stable market; indeed, it has happened that in certain commodities he secures a progressive market. Of course, in order to ensure both uniformity of grading and marking, and impartiality for it, these functions are assumed by the State. When we inaugurated our marking surveys in 1935, we gave instructions to the survey staff to begin experiments with selected commodities in order to try out the practical possibility of grading and marking certain commodities; and we also expected that thereby the commercial possibility of the practice will be demonstrated. A beginning was made, therefore, with hides and skins in selected stations,—one at Agra and the other at

Delhi; and also with eggs at Tarujaba in the North-West Frontier Province. The experiment has attained so much success that the traders and producers concerned have come forward now with requests for systematisation of the practice. Hence the Bill which we have submitted to the House and which I have asked to be taken into consideration now.

There are three features of the Bill which I think I ought to comment upon. The first is that the voluntary principle is entirely upheld. We make no attempt to compel or coerce anybody to join the experiment. Whoever wishes to take advantage of the benefits that this practice holds out is at liberty to do so; and, if he does join, he is under an obligation to accept both inspection and to observe the conditions that we may prescribe for the purposes of grading and marking. On the other hand, a person who does not join the experiment but nevertheless makes unauthorised use of the grades that may be prescribed is liable to a penalty but, as I shall explain later, a very modest penalty. And the reason why we make the experiment purely voluntary is that we do not think that at this stage it would be desirable to follow the example of certain more advanced countries where, once a commodity is selected for this particular practice, everybody who deals in that commodity has to accept grading and also to apply the prescribed marks.

The second feature of the Bill is that we have in the Schedule mentioned only a limited number of commodities. That again, Sir, is because of the experimental character of all that is being done at the moment. We do not wish to frighten anybody; we want to try out the experiment in regard to certain specified commodities. And, then, if the experiment succeeds, the intention is by notification to add to the list of commodities which are in the Schedule already. But there is one thing which I should like to emphasise at this stage. There is no intention of making any addition to the list without consulting the trade interests concerned. And, inasmuch as the consumer is also interested, it is proposed to move an amendment to clause 8 to ensure that any regulations which the Governor General in Council may make shall be made only after prior publication; so that all interests will have an opportunity of presenting their points of view to Government.

The third feature of the Bill is the extremely modest character of the penalties prescribed. If a person who is authorised to make use of these marks goes and breaks any of the conditions, all that happens to him is that his authority to use the mark is cancelled. On the other hand, a person who uses the mark without authority is liable to a fine which may extend to Rs. 500. I am sure that quite a number of experts will be dissatisfied with the very modest character of the proposals which we have put before the House. In fact, I know that our own Marketing Officers would wish us to go very much further. But we feel that, considering the state of opinion in this country, and the lack of education in marketing methods of the class of people with whom we are dealing, it would be undesirable to indulge in precipitate action because that may defeat its own end. *Festina lente* is our motto, and that is why we are putting forward a modest measure in the manner that we have done. I hope that the House, considering the importance of marketing practice in the future to the primary producer in this country, will give this measure its ready and cordial approval.

Sir, I move

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

"That the Bill to provide for the grading and marking of agricultural produce be taken into consideration."

**Sir Muhammad Yakub** (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, I rise to support this Bill. Any measure which is calculated to bring more profit to the people of the country, whether agriculturists or tradesmen, ought to be welcomed. In fact, very little encouragement in this direction has yet been given by Government to the tradesmen and the agriculturists of this country. Up to this time, what Government have done is that they have filled the pockets of the people who already had a lot of money in their iron chests, namely, firms like Tata's, and others, who get crores of rupees from the Government of India in the shape of bounty and then harass the people of this country by refusing to book orders in order to raise prices of their commodities. I am glad that the Government of India have, for the first time, come out with this measure of modernising the trade in the country, and I welcome the measure. The only note of warning which I wish to sound at this moment is that measures which are calculated for the benefit of the country are spoiled and become a menace if they are left in the hands of inefficient and incompetent persons. What happens is this: that a big officer, who is appointed in charge of a department, never looks himself into the thing. The actual working is left in the hands of very subordinate officers. For instance, in this case, I am afraid that the grading of grains will be left in the hands of the patwari. The result will be that the agriculturists or tenants, who will be in a position to grease the palms of the patwari, will be in a better position to have their inferior products graded as superior ones, while, in the case of others, who are not in a position to do so, their superior products will be graded as inferior ones: and the same will be the case with other commodities also. The real trouble is that the superior officer, the *burra sahib*, who sits at the table, never comes to the spot and never does his duty himself, and things are left altogether in the hands of the subordinates. Only recently, we have seen in the matter of the preparation of the electoral rolls in the whole country—if you make an inquiry from one end of the country to the other, you will find that the electoral rolls were hopelessly incorrect and wrong. The persons who ought to have been on the electoral rolls were omitted and those who ought not to have been there were included. Why? Because the real man, who was called the Reforms Officer, never himself looked into things, never himself investigated, and the thing was left to a small clerk getting 10 or 15 rupees a month—a patwari who did not know anything but sat on his *charpoy*—and the people came and got their names entered in the rolls while others were omitted. Therefore, what I suggest is that Government should take care that the duty of grading should be in the hands of really sympathetic officers who will do their job and bring some credit to the country and to the tradesmen: otherwise, these measures, which are really measures for the benefit of the country, become a menace to the country. With these remarks, I support the Bill.

**Sir Leslie Hudson** (Bombay: European): Sir, I should also like to congratulate my Honourable friend, Sir Girja Shankar Bajpai, on bringing this Bill before the House. It is satisfactory that a move has been made in this direction, which should go a great deal to help the producers—the

agricultural producers in this instance—in the country. It is also satisfactory to note that the scheme is entirely voluntary that nobody will be obliged to come in. The points made by my Honourable friend, Sir Muhammad Yakub, certainly require a good deal of consideration. There is no doubt that there is a possibility of harm being done to the scheme by wrongful handling by grading officers. I understand that the present marketing board has funds at its disposal to start the scheme, and perhaps the Honourable the Mover will tell us, when he replies, that it is expected that the scheme shall eventually be a self-supporting one. We also welcome the amendment which Government are moving to clause 3, under which the rules to be published in connection with this Bill will first be published in the Gazette for comments by those particularly interested. We have on more than one occasion stated our objection to legislation by rules, and this indication, that the Government are in agreement with us to this extent, is also welcome. Sir, I support the Bill.

**Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, a very optimistic view has been taken about this Bill by my friend, Sir Muhammad Yakub, and by Sir Leslie Hudson; and although I do not rise to oppose this motion or this Bill, I have certain submissions to make which are extremely necessary for the working of this Bill. There is no procedure in this Bill regarding the way in which it will be enforced or worked. If the procedure is to be left to Local Governments and their Departments, I am not sure whether I can say much about the procedure which will be followed there. The Bill is silent on these points. If the things were to be done through co-operative societies, I think it might be useful to some extent. But if it were to be done through tahsildars and thanadars and sub-inspectors, and such like people, I have the same remarks to make as my Honourable friend, Sir Muhammad Yakub, made. If grading and marking is to be introduced, I apprehend that tenants and zamindars, who can afford the money, will do a great deal of palming the hands of officers as against the poor people who have not got sufficient money. We have the experience in this country of how canals have been managed, how water in these canals is being provided to tenants who are harassed . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): We have nothing to do with canals in this Bill.

**Mr. Muhammad Azhar Ali**: I say that if the same procedure, as is followed in the case of water supply from canals, is followed in this matter also, I doubt very much if the scheme will work as efficiently as it would otherwise do. I may say here that canals have not proved to be such a blessing as they ought to have been if a different procedure had been adopted. We know how different grades are given to tongas and carriages here and in other places: they show one horse to the authorities and use a different horse in actual practice. Similarly, if some kind of grain is shown and a different grain is brought for grinding, then it will be a very serious affair for the poor people. I do not say that the Bill will, in any way, do any harm, but I only give a warning to Government that they ought to see that this Department also is not made to fleece and become an instrument for robbing the poor people. With these remarks, I support the Bill.

**Sir Gija Shankar Bajpai**: Sir, I should like, in the first place, to extend my thanks and the thanks of the Government to those Honourable Members who have supported this measure. Sir Muhammad Yakub, Sir

[Sir Girja Shankar Bajpai.]

Leslie Hudson and Mr. Muhammad Azhar Ali drew attention to the possibility of corruption regarding any experiment that may be launched by us. I can assure them that we quite realise the need for care in such matters, at any rate, the need for entrusting the business of grading to officers who would be absolutely incorruptible, apart from being good at their job and being aware of its importance and its responsibility. I do not think it is necessary for me to say more than this that we shall give that need practical expression when the time for appointing the staff comes. Sir Leslie Hudson also raised a question as to how the expenditure on the experiment is going to be met. In the rule-making power here there is a provision for the authority empowered to do the grading and marking to recover the expenses of the operation from the interests concerned. When the occasion for that arises, then the power will be used. Then, Sir, a reference was made to the evils of legislation by regulation. I can assure the House that in this particular instance there is no intention whatsoever of playing the new or the old despot. The reason why we ask for the power to make regulations is that it is inherent in the very nature of the problem that the practice should differ from commodity to commodity and, unless we were prepared to trouble the House every time as to whether a fresh vegetable or a fresh fruit should be brought under the regulation, there is no alternative but the alternative which we have adopted in the Bill. But, as I have already explained to my Honourable friends, in order to ensure that every interest concerned is heard before regulations are made, my Honourable friend, Mr. Anderson, is going to make the requisite amendment to clause 3 of the Bill. Then, Sir, Mr. Muhammad Azhar Ali said something about the absence of any indication in the Bill itself of the procedure that is going to be followed. I have already answered that question. It is not possible to indicate in the Bill the procedure which is to be followed in regard to a hundred or a thousand different commodities. Sir, that is all I have to say at this stage.

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

"That the Bill to provide for the grading and marking of agricultural produce be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

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

"That clause 3 stand part of the Bill."

**Mr. J. D. Anderson** (Secretary, Legislative Department): Sir, I beg to move:

"That in clause 3 of the Bill, after the words 'Governor General in Council may' the words 'after previous publication' be inserted."

After the exposition of the principles underlying the Bill which has been given by the Honourable the Mover, I do not think it is necessary for me to say much in support of this amendment. The intention of the insertion of these three words, which I propose, is to attract to the Bill the provisions of section 23 of the Indian General Clauses Act, 1897. The effect of this will be that, before Government can bring into operation any rules made under this Bill, it would be necessary for them to have its previous publication made, so that any interested person may have an opportunity of making proper representation to Government.



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

"That in clause 3 of the Bill, after the words 'Governor General in Council may' the words 'after previous publication' be inserted."

The motion was adopted.

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

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

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

"That clause 4 stand part of the Bill."

**Mr. J. D. Anderson:** Sir, I beg to move:

"That in clause 4 of the Bill, the words 'or otherwise than in accordance with any conditions prescribed thereunder' be omitted."

Here, too, Sir, I do not think it is necessary for me to say much in support of this amendment. There are already very many offences in the Indian Statute-book, and it is wise, I suggest, to be cautious in creating more. It is a serious matter for an unauthorised person to mark a scheduled article wrongly, and I hope that there can be no objection to such marking being made an offence, but if a person, who is duly authorised to make a mark, makes a mistake in marking, then to expose such a person to the dangers of prosecution and fine, is, I think, going rather far in a measure which at present is experimental. I, therefore, move the omission of these words.

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

"That in clause 4 of the Bill, the words 'or otherwise than in accordance with any conditions prescribed thereunder' be omitted."

The motion was adopted.

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

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clauses 5 and 6 were 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.

**Sir Girja Shankar Bajpai:** Sir, I beg to move:

"That the Bill, as amended, be passed."

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

"That the Bill, as amended, be passed."

The motion was adopted.

## THE INDIAN BOILERS (AMENDMENT) BILL.

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

"That the Bill further to amend the Indian Boilers Act, 1923, for certain purposes, as reported by the Select Committee, be taken into consideration."

I explained the object of this Bill in some detail when I moved for its reference to a Select Committee on the 1st of February, and I do not think it is necessary for me to go over the same ground again. I am glad to say that the Bill met with the unanimous support of the Select Committee except in regard to one minor matter to which I shall refer presently. I would mention for the information of the House that the Select Committee met in full strength. The only Member of it who has not signed the Report, Pandit Nilakantha Das, was present throughout its deliberations, but left Delhi before it was possible for him to sign the Report. The only change that has been made by the Select Committee was made at the instance of my Honourable friend, Rai Bahadur Seth Bhagechand Soni, and was the outcome of that championship of the interests of his constituency of which he has given such frequent evidence in this House. He pressed for the inclusion of a representative of Ajmer-Merwara on the Central Boilers Board. It was felt by the Select Committee that it was desirable to keep the membership of the Board as small as possible and the device adopted to enable his request to be met was to give alternate representation to Delhi and to Ajmer-Merwara. The drafting of the amendments necessary to give effect to that decision has been found on scrutiny to be defective in two minor respects, and my Honourable friend, Mr. Roy, will move two small amendments to enable that to be put right. Sir, I move.

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

"That the Bill further to amend the Indian Boilers Act, 1923, for certain purposes, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

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

"That clause 4 stand part of the Bill."

**Mr. S. N. Roy** (Government of India: Nominated Official): Sir, I beg to move:

"That in clause 4 of the Bill, in clause (c) of sub-section (2) of the proposed section 27A, for the words 'Ajmer and Merwara' the word 'Ajmer-Merwara' be substituted."

This is purely a drafting amendment. The Province of the Chief Commissioner of Ajmer and Merwara has been known as the Province of Ajmer-Merwara for a long time and has been so referred to in the Government of India Act, 1919, and in that of 1935. The amendment is designed to bring the title of the province into line with the existing legislation.

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

"That in clause 4 of the Bill, in clause (c) of sub-section (2) of the proposed section 27A, for the words 'Ajmer and Merwara' the word 'Ajmer-Merwara' be substituted."

The motion was adopted.

**Mr. S. N. Roy:** Sir, I beg to move:

"That in clause 4 of the Bill, in sub-section (3) of the proposed section 27A, after the words 'the Board' the words ', otherwise than by the expiry of the term of office of the member referred to in clause (c) of sub-section (2),' be inserted."

It will be observed that in clause (c) of sub-section (2) of the proposed section 27-A, it is laid down that there should be one member from Delhi and Ajmer-Merwara alternately. The intention is that Delhi should nominate a member and should, during the period of three years, nominate to any vacancy that might occur, and, after that three-year period, Ajmer-Merwara should do the same. This intention is not carried out by sub-section (3) of the proposed section, and the object of this amendment is merely to make the position clear.

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

"That in clause 4 of the Bill, in sub-section (3) of the proposed section 27A, after the words 'the Board' the words ', otherwise than by the expiry of the term of office of the member referred to in clause (c) of sub-section (2),' be inserted."

The motion was adopted.

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

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clause 5 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir Frank Noyce:** Sir, I move:

"That the Bill, as amended, be passed."

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

"That the Bill, as amended, be passed."

The motion was adopted.

## THE INDIAN ELECTRICITY (AMENDMENT) BILL.

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

"That the Bill further to amend the Indian Electricity Act, 1910, for certain purposes, as reported by the Select Committee, be taken into consideration."

All I need say about this motion is that the position in regard to the Bill with which it deals is exactly the same as that in regard to the Bill which has just been passed by the House. This Bill went to the same Select Committee as that Bill; the Select Committee amended it in the same fashion, and the amendments which my Honourable friend, Mr. Roy, will move are designed to the same end. Sir, I move.

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

"That the Bill further to amend the Indian Electricity Act, 1910, for certain purposes, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

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

"That clause 3 stand part of the Bill."

**Mr. S. N. Roy** (Government of India: Nominated Official): Sir, I beg to move:

"That in clause 3 of the Bill, in clause (c) of sub-section (2) of the proposed section 36A, for the words 'Ajmer and Merwara' the word 'Ajmer-Merwara' be substituted."

The reason for this amendment has already been explained by me in connection with the Indian Boilers (Amendment) Bill.

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

"That in clause 3 of the Bill, in clause (c) of sub-section (2) of the proposed section 36A, for the words 'Ajmer and Merwara' the word 'Ajmer-Merwara' be substituted."

The motion was adopted.

**Mr. S. N. Roy**: Sir, I beg to move:

"That in clause 3 of the Bill, in sub-section (3) of the proposed section 36A, after the words 'the Board' the words ', otherwise than by the expiry of the term of office of the member referred to in clause (c) of sub-section (2),' be inserted."

This amendment is designed to secure the same object as the similar one moved by me in connection with the Indian Boilers (Amendment) Bill.

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

"That in clause 3 of the Bill, in sub-section (3) of the proposed section 36A, after the words 'the Board' the words ', otherwise than by the expiry of the term of office of the member referred to in clause (c) of sub-section (2),' be inserted."

The motion was adopted.

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

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clauses 4 and 5 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir Frank Noyce**: Sir, I move:

"That the Bill, as amended, be passed."

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

"That the Bill, as amended, be passed."

The motion was adopted.

## THE INDIAN NAVAL ARMAMENT (AMENDMENT) BILL

**Mr. G. E. F. Tottenham** (Defence Secretary): Sir, I move:

"That the Bill further to amend the Indian Naval Armament Act, 1923, for a certain purpose, be taken into consideration."

Sir, this Bill, I hope, will not detain the House for very long. I must admit that it is somewhat in the nature of a gesture for us to subscribe to a treaty limiting the size of battleships and their guns and imposing restrictions on their construction and on the conversion of merchant ships into war ships. We have, however, made a similar gesture on two previous occasions, first of all after the Washington Treaty of 1922 and then after the London Naval Treaty of 1930, and we now have on the Statute-book an Act called the Indian Naval Armament Act which gave effect to those treaties so far as India was concerned. The object of the present Bill is merely to keep that Act alive by making the necessary changes in the title of the Treaty which has replaced the London Naval Treaty of 1930, and also to show to the world that we do support the principles on which the treaties were based. The principles themselves are stated in the Statement of Objects and Reasons as follows:

"It also keeps alive the principle which has prevailed for the last fifteen years that the naval armaments of the principal Maritime Powers are to be restricted by agreement and makes it possible for the reduction of naval armaments to be further extended when international conditions are more settled than they were when the treaty was contracted."

I may explain that India herself is not directly affected by the limitation provisions of any of the treaties, for the ships that we maintain in the Royal Indian Navy come under the definition of minor war vessels to the number of which there is and never has been, any limit. We are, however, under an obligation, in accordance with the provisions of the last treaty, to give information regarding the number and size of the ships in the Royal Indian Navy and this obligation we are now carrying out. The provisions for the exchange of information are, indeed, a new and important feature of the London Naval Treaty of 1936 and clause 4 of this Bill is necessary, at any rate in theory, in order to enable us to carry out that obligation. There may be some who would wish that a larger number of the great powers had subscribed to the London Naval Treaty of 1936. There are others who may deplore the fact that India does not possess a larger and more important navy of her own. It is obvious, however, that those are large questions into which it would be inappropriate to go at the present moment, and I hope that the House will agree with me that, even if the passing of this measure is a gesture, it is a gesture that is worth making. Sir, I move.

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

"That the Bill further to amend the Indian Naval Armament Act, 1923, for a certain purpose, be taken into consideration."

**Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions: Muhammadan Rural): I am glad that Mr. Tottenham has made a gesture to the Indian public for the restriction of armaments and for the limitation of armaments, but in the face of these statements which are appearing in the Press in Europe that the biggest item in the Budget of the British Government is the increase of armaments . . . . .

**Sir Leslie Hudson** (Bombay: European): Where?

**Mr. Muhammad Azhar Ali**: I have seen the discussions in the British Parliament. Their budget is swollen like anything. I am sure, Sir Leslie Hudson must have seen it in the papers, but if a situation arises such as arose when the "Emden" visited India, and if armaments are restricted, I am sure, it will be very difficult and a serious situation would arise. I

[Mr. Muhammad Azhar Ali.]

do not in any way oppose this Bill, but what I say is that this gesture is not appropriate at the present moment. I am anxious to know for whom this gesture of Mr. Tottenham is meant. I do not want to say anything about the treaties which are to be ratified or amended, but I would ask the Government to take care that if anything untoward happens, Indians expect that their interests should in every way be protected.

**Mr. G. R. F. Tottenham:** Sir, I do not think I need make any further counter-gesture to my Honourable friend's gesture. I may, however, inform him that the London Naval Treaty to which we are now giving effect does not impose any restriction on any of the great powers as regards the number of their ships. All it does impose is a limitation on the maximum size or displacement of ships of different categories and on the maximum calibre of their guns. Further, there are provisions in the Treaty under which, if any of the various High Contracting Parties are threatened by war or chances of war, they may by giving notice to the other High Contracting Parties depart from certain of the provisions of the Treaty. Finally, I may inform the Honourable Member that, as far as I know, the Dominions concerned are also giving effect to this Treaty, and that India is not alone in taking that course.

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

"That the Bill further to amend the Indian Naval Armament Act, 1923, for a certain purpose, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clauses 3 to 6 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

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

"That the Bill be passed."

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

"That the Bill be passed."

The motion was adopted.

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

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

"That the Bill further to amend the Workmen's Compensation Act, 1923, for a certain purpose, be taken into consideration."

Sir, this Bill, which is brief and I hope entirely non-controversial, is one of that rather numerous class of Bills coming before the House just now, of which one has been introduced this morning, which arises from the fact that Burma will cease to be a part of India from the 1st of April next. Its objects and reasons have, I hope, been clearly set forth in the Statement appended to it. The position at

12 Noon.

present is that section 35 of the Workmen's Compensation Act, 1923, enables rules to be made for the transfer of sums of money paid to Commissioners in India as compensation for the benefit of persons abroad, or paid to authorities abroad as compensation for persons in India. Those rules have been framed and are in operation. But the section does not provide for the transfer of distribution proceedings even when the employer does not object and when the dependants are in another country than the one in which compensation is deposited. It not infrequently happens that the dependants of a man who has been killed in an accident in Burma were not with him when he died, but live in Madras. Under the Act, as it stands at present, distribution proceedings, the object of which is to enable compensation to be equitably distributed amongst the dependants of the deceased, can be transferred from Burma to Madras or any other province in India and *vice versa* under section 21 (2) because Burma is at present a part of India. When Burma becomes separated, that will no longer be possible. Distribution proceedings, unless this Bill were passed, would have to take place in Burma or in India, which is obviously not a convenient procedure. The object of the Bill, therefore, is to provide for transfers of such proceedings between Burma and India after Burma is separated. I would only add that the Government of Burma have agreed to the Bill, and I commend it for the consideration of the House.

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

"That the Bill further to amend the Workmen's Compensation Act, 1923, for a certain purpose, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir Frank Noyce**: Sir, I move:

"That the Bill be passed."

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

"That the Bill be passed."

The motion was adopted.

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### RESOLUTION RE EMIGRATION TO BURMA.

**Sir Girja Shankar Bajpai** (Secretary, Department of Education, Health and Lands): Sir, I move:

"That this Assembly approves the draft notification which has been laid in draft before the Chamber specifying the terms and conditions on which emigration for the purpose of unskilled work shall be lawful to Burma and recommends to the Governor General in Council that the notification be published in the Gazette of India."

Sir, the operative part of the notification is as follows:

"Emigration to Burma for the purpose of unskilled work shall be lawful, subject only to the restrictions in force immediately before the commencement of the Government of Burma Act, 1935."

[Sir Girja Shankar Bajpai.]

Sir, as was explained by the Honourable Sir Frank Noyce in connection with the Bill further to amend the Workmen's Compensation Act, 1923, this Resolution is necessitated by the impending separation of Burma from India. At the present moment, Burma being a part of India all emigration to that Province, whether it be for the purpose of skilled labour or unskilled work, is free from any restriction whatsoever. The only restriction is at the other end in the shape of a liability to be vaccinated, and that is a restriction applicable to all immigrants into Burma. But after separation, Burma will be in exactly the same category as Ceylon or an outside country, and section 10, sub-section (1) of the Emigration Act, 1922, provides that no such emigration may take place except on conditions approved by both Houses of the Indian Legislature. Hence the Resolution. As Honourable Members will have observed from what I read out from the operative part of the Notification, there is no intention at the moment to impose any restriction on emigration from this country for unskilled work to Burma. Sir, I move.

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

“That this Assembly approves the draft notification which has been laid in draft before the Chamber specifying the terms and conditions on which emigration for the purpose of unskilled work shall be lawful to Burma and recommends to the Governor General in Council that the notification be published in the Gazette of India.”

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 23rd February, 1937.