

Monday, 13th August, 1934

THE  
COUNCIL OF STATE DEBATES

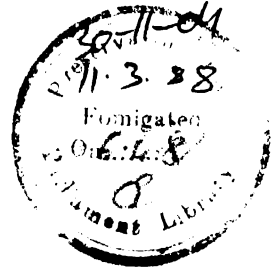
VOLUME II, 1934

*(8th August to 6th September, 1934)*

EIGHTH SESSION

OF THE

THIRD COUNCIL OF STATE, 1934



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1935.

# Council of State

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THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD.

} *Members.*

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COUNCIL OF STATE.

Monday, 13th August, 1934.

The Council met in the Council Chamber at Viceregal Lodge at Eleven of the Clock, the Honourable the President in the Chair.

MEMBER SWORN :

The Honourable Mr. Chettur Govindan Nair (Government of India : Nominated Official).

QUESTIONS AND ANSWERS.

OPENING BALANCES OF THE SECRETARY OF STATE FOR INDIA AND AVERAGE RATES AT WHICH INVESTED.

45. THE HONOURABLE MR. HOSSAIN IMAM : Will Government lay on the table a statement of the balances of the Secretary of State for India on the first day of the five months of 1934-35 and the average rates at which they were invested ?

THE HONOURABLE SIR ALAN PARSONS : The opening balances of the Secretary of State for India at the beginning of each month of the current financial year were as follows, in millions of pounds :

April, 1934 .. .. .	15.5
May, 1934 .. .. .	16.2
June, 1934 .. .. .	13.9
July, 1934 .. .. .	11.6
August, 1934 .. .. .	8.8

Government do not consider that it would be in the public interest to disclose the average rates at which the balances were invested.

TREASURY BILLS OUTSTANDING WITH THE PUBLIC AND IN THE PAPER CURRENCY RESERVE.

46. THE HONOURABLE MR. HOSSAIN IMAM : What was the amount of treasury bills outstanding with the public and in the Paper Currency Reserve on the last date of each of the four months of the year 1934-35 ?

THE HONOURABLE SIR ALAN PARSONS : The following are the approximate amounts of treasury bills outstanding with the public :

30th April, 1934 .. .. .	35,29 lakhs.
31st May, 1934 .. .. .	33,27 ..
30th June, 1934 .. .. .	15,70 ..
31st July, 1934 .. .. .	9,54 ..

As regards treasury bills held in the Paper Currency Reserve Government do not consider that it would be in the public interest to give more detailed information than is available from the published statistics and communiqués.

**WAYS AND MEANS ADVANCES OUTSTANDING AND RATES OF INTEREST PAID ON THEM.**

47. **THE HONOURABLE MR. HOSSAIN IMAM :** Will Government kindly state the rate at which Government took ways and means advances last year and on the current year and the amount outstanding on the last day of every month in each of the two years ?

**THE HONOURABLE SIR ALAN PARSONS :** As regards the ways and means advances outstanding during 1933-34, I would invite the attention of the Honourable Member to Statement XV on page 70 of the Controller of the Currency's Report for that year. The amounts outstanding at the end of each month of the current year were :

April	..	..	..	..	..	Nil.
May	..	..	..	..	..	Nil.
June	..	..	..	..	..	9½ crores.
July	..	..	..	..	..	11½ crores.

I regret that I am unable to disclose the rates of interest paid on these advances. They are settled by confidential agreement with the Imperial Bank and vary from time to time in accordance with market conditions.

**THE HONOURABLE MR. HOSSAIN IMAM :** Was the rate of interest paid on ways and means advances during the current year more than on the treasury bills of July, 1934 ?

**THE HONOURABLE SIR ALAN PARSONS :** I am afraid I am unable indirectly to disclose the rates of interest paid on these advances.

**AMOUNT OF LOAN GIVEN TO THE BIHAR AND ORISSA GOVERNMENT FOR EARTHQUAKE RELIEF AND RATE OF INTEREST CHARGED.**

48. **THE HONOURABLE MR. HOSSAIN IMAM :** Will Government state the amount of money given to the Bihar and Orissa Government as loan for earthquake relief and the rate of interest charged ? Did the Local Government submit any estimate of the amount that would be required to give loans to the sufferers ? If so, what was the amount ?

**THE HONOURABLE SIR ALAN PARSONS :** The latest estimate of the amount which the Government of Bihar and Orissa will require to borrow is about Rs. 1½ crores. I cannot say how much has actually been taken by them up to date since we have informed them that they can draw the money as required and come up to us for formal sanction later. Included in this figure are sums of Rs. 27 lakhs for house building loans to individuals and Rs. 30 lakhs for takavi advance for sand clearance.

The advance for house building loans to small borrowers will be interest-free for one year and thereafter will bear interest at the rate at which the Government of India can borrow subject to a maximum of 4½ per cent. The



other advances bear interest in accordance with the rules of the Provincial Loans Fund ; in the current year the rate of interest is likely to be between 4 and 4½ per cent.

**METRE GAUGE ENGINES ON THE EASTERN BENGAL RAILWAY.**

49. **THE HONOURABLE MR. HOSSAIN IMAM :** Will Government lay on the table the reply to my question No. 195 of 16th September, 1933, regarding the metre gauge engines on the Eastern Bengal Railway, and state the reason for this delay of more than 10 months in furnishing the reply?

**THE HONOURABLE SIR GUTHRIE RUSSELL :** I lay a statement on the table. I am unable to understand the second part of the question, as in accordance with the promise given by the Honourable Sir Maurice Brayshay in this House on 16th September, 1933, the information was supplied to the Honourable Member in October, 1933.

*Statement containing the information furnished to the Honourable Mr. Hossain Imam in reply to his question No. 195 put in the Council of State on the 16th September, 1933.*

**METRE GAUGE ENGINES ON THE EASTERN BENGAL RAILWAY.**

(a) The heaviest metre gauge engines on the Eastern Bengal Railway are the Y. B. class 4-6-2 type I. R. S. design.

(b) There are 33 of them.

(c) Their worked mileage in the year 1931-32 was .. .. . 978,190  
or an average annual mileage per engine of .. .. . 29,642

(N.B.—Of the 33, two were put on in April, three in May and one in September, 1931.)

(d) Their worked mileage in the year 1932-33 was .. .. . 1,023,382  
or an average annual mileage per engine of .. .. . 31,012

(e) The worked mileage of all metre gauge engines on line in 1931-32 was .. .. . 4,521,031  
or an average annual mileage per engine of .. .. . 20,183

(f) The worked mileage of all metre gauge engines on line in 1932-33 was 4,243,098  
or an average annual mileage per engine of .. .. . 13,858

**LANDED PRICE, WITHOUT DUTY, AT CALCUTTA, OF PROTECTED STEEL GOODS.**

50. **THE HONOURABLE MR. HOSSAIN IMAM :** (a) Will Government lay on the table a statement showing the landed price without duty at Calcutta on the 31st July, 1934, of all the protected steel goods?

(b) Will Government also state the value and weight of these articles imported during the first quarter of this and last two years?

**THE HONOURABLE MR. T. A. STEWART :** (a) I lay on the table a statement containing the information asked for.

(b) The required information will be found in the issues of the *Indian Trade Journal* of the 15th March, 12th April and 10th May, 1934, respectively copies of which are in the Library of the Legislature.

Statement showing the landed price without duty at Calcutta on the 31st July, 1934, of protected steel goods.

Serial No. in Tariff Schedule.	Serial No. in the statements published in the Indian Trade Journal.	Name of articles.	Price per ton.
			Rs.
102-b	151-b	<i>Joints—</i>	
		British .. .. .	118
		Continent .. .. .	75
		<i>Tees—</i>	
		British .. .. .	125
		Continent .. .. .	88
102-d	152	<i>Bars—</i>	
		British .. .. .	107
		Continental .. .. .	84
102-i	154	<i>Tinned sheets</i> .. .. .	213 to 360 according to quality and thickness of steel.
103-b	145	<i>Bolts and nuts (ordinary)</i> .. .. .	216
		<i>Fishbolts</i> .. .. .	293
103-e	145	<i>Rivets</i> .. .. .	183
103-i	147 (b)	<i>Plates—</i>	
		British—	
		Common quality .. .. .	117
		Chequered .. .. .	144
		Continental—	
		Common quality .. .. .	85
103-l	148 (b)	<i>Black sheets—</i>	
		British .. .. .	140
		Continental .. .. .	Prices not available.
103-m	148 (a)	<i>Galvanised sheets—</i>	
		Made from Indian bars .. .. .	195
		From non-Indian sheet bars .. .. .	170
		From Japanese .. .. .	210
		From Continental .. .. .	147
103-n	150	<i>Rails (over 30 lbs.)</i> .. .. .	127
		<i>Fishplates</i> .. .. .	180
		<i>Spikes</i> .. .. .	151
103-r	149	<i>Wire</i> .. .. .	133 to 200 according to gauge.
		<i>Wire-rope—</i>	
		British .. .. .	251
		Belgian .. .. .	137
		<i>Fabricated steel</i> .. .. .	This varies according to the amount of fabrication. (Imports are rare.)

Prices of other items are not available.

OLD OBSERVATORY SITUATED ON THE JANTARMANTAR ROAD AT NEW DELHI.

51. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD : Is the old Observatory situated on the Jantarmantar Road at New Delhi a protected monument under the Ancient Monuments Preservation Act ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : No.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD : Have the Government of India ever considered the advisability of bringing this Observatory within the scope of the Ancient Monuments Preservation Act ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : No.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD : Will the Government be pleased to consider the advisability of taking such action now ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : If the Honourable Member assures me that he has the authority of the owner of the estate to say that Government should take action, Government will have no objection to consider it.

GUARDS OF THE ALLAHABAD DIVISION, EAST INDIAN RAILWAY.

52. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD : (a) Is it a fact that the East Indian Railway guards of the second grade of the Allahabad division were called for selection to the first grade at the divisional headquarters some time ago ?

(b) Is it a fact that many guards were rejected there on the ground that they have not passed the St. John's Ambulance test ?

(c) Is it a fact that there are a number of guards in the first grade who have not passed the aforesaid test and that this qualification was not insisted upon when the direct appointment of a large number of non-Indian guards was made to this grade ? Why has this rule been made now ?

(d) Do Government contemplate a revision of their decision in this matter ?

THE HONOURABLE SIR GUTHRIE RUSSELL : I have called for certain information and will lay a reply on the table of the House in due course.

ACTIVITIES OF *Goondas* IN SIMLA.

53. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD : Is it a fact that the Imperial Secretariat Association at a meeting held at Simla on the 12th July, 1934 resolved that a deputation should wait on the Home Member to draw attention to the increasing activities of the *goondas* in Simla ? If so, did such a deputation wait upon the Home Member and, if so, with what result ?

THE HONOURABLE MR. M. G. HALLETT : A request for the reception of a deputation by the Honourable the Home Member was received from the Imperial Secretariat Association on the 13th July last. As the Honourable Member was very busy at the time, I received the deputation and having heard its representations, addressed the Government of the Punjab.

## SEAT FOR INDIA AT THE COUNCIL OF THE LEAGUE OF NATIONS.

54. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD : (a) Is Government aware that Indian public opinion has been demanding a seat on the Council of the League of Nations ?

(b) Is it a fact that this year China's term on the League Council will be over and a vacancy will occur ?

(c) Will Government be pleased to state what is the amount of India's and China's respective contributions to the funds of the League ?

(d) Is it a fact that China has defaulted in making her annual payments to the League, whereas India has been paying her contribution regularly and punctually ?

(e) Is it the intention of the Government of India to press for India's claim for securing at least one of the non-permanent seats on the League Council ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN :

(a) Government are aware that some sections of Indian public opinion have voiced the demand to which the Honourable Member refers.

(b) Yes.

(c) India, one million seven hundred and four thousand, two hundred and two Swiss francs ; China, one million three hundred and ninety-nine thousand eight hundred and eighty Swiss francs.

(d) Yes.

(e) The Honourable Member is referred to Sir Brojendra Mitter's reply to the Resolution moved by the Honourable Sir Phiroze Sethna in this Council on the 14th July, 1930. For any further indication of Government's attitude in the matter it will be as well for the Honourable Member to await the debate on the Resolution on this subject which will be moved by the Honourable Mr. Sapru during the course of the present session.

## ACCIDENTAL SHOOTING OF A MUHAMMADAN VILLAGER BY A MILITARY PATROL.

55. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :

(a) Has the attention of Government been drawn to the news item published in *Advance* of Calcutta, dated the 5th May, 1934 (dak edition) under the captions " Shooting tragedy in forest ", " Moslem accidentally killed ", " Military picket's challenge to two men and sequel ", in which it is reported that a Muhammadan villager in Chittagong district was accidentally shot dead by military pickets in the reserve forests near Sitakundo ? If so, will Government be pleased to make a detailed statement about the tragedy and what steps have Government taken to see that such tragedies do not occur again ?

(b) What is the name of the Muhammadan villager ? Was he a Government servant ? If so, what was his business there at the time when the tragedy took place ?

(c) Have Government made any enquiry into the matter ? If so, what are their findings ?

(d) Have Government made any provision for the family of the dead man? If so, what is the amount?

(e) Was there any such tragedy in Chittagong in 1933 in which a Muhammadan lost his life, being accidentally shot down by the military pickets?

(f) If so, did Government after that tragedy, issue instructions to the chief of the military pickets at Chittagong to ask his men to be very careful in future in the matter of opening fire on the village people whenever they were to be found running in panic on seeing the military pickets? How far the instruction is being carried out?

**THE HONOURABLE MR. M. G. HALLETT:** (a) to (c). The report received from the Government of Bengal regarding this very unfortunate incident shows that a villager named Abdul Jabar was accidentally shot and fatally wounded by a military outpost in the Ramgarh-Sitakund Reserve Forest on the night of the 28/29th April, 1934, in the following circumstances.

Information was received that an important terrorist who invariably carried firearms, had planned to escape to Calcutta. His route was a lonely path through the forest with no human habitation for 10 miles. An armed picket was posted at a point on the path which is mainly used by the forest staff on duty and by Muhammadan villagers who hold permits to cut timber and bamboos in the Reserve. At about 7-30 p. m. the armed picket, lying in ambush, observed two Hindus who upon being challenged rushed into the jungle. The picket thereupon fired on them. Simultaneously a party of Muhammadan villagers was coming along the path out of view of the picket and unfortunately the deceased, who was in advance and apparently became confused on hearing the sudden firing, ran into the line of fire. He was shot through the chest and died shortly after. The rest of the party ran back and away from the zone of fire. The Government of Bengal, with whom the Government of India agree, consider that the firing on the two Hindus, one of whom was almost certainly a dangerous absconder was fully justified under section 3 (2) of the Bengal Suppression of Terrorist Outrages Act, 1932, and that no blame attaches to any one for the death of the Muhammadan villager.

(d) The Government of Bengal have sanctioned the following pensions and gratuities for the dependents of the deceased with effect from the date of his death:

(1) *Widow*—pension of Rs. 5 a month till re-marriage or death plus Rs. 3-8-0 a month on birth of expected child, payable till age of 16, if male and till marriage, if female, within that event lump sum of Rs. 100 to be invested for payment with interest accrued, on marriage.

(2) <i>Sister, aged 13</i>	} pension of Rs. 3-8-0 a month each till death or marriage, with lump sum of Rs. 100 each to be invested and paid, with accrued interest on marriage.
and	
(3) <i>Step daughter, aged 7</i>	

(4) *Brother*—Rs. 100 as compensation and

(5) Rs. 100 for funeral expenses.

(e) and (f). The Honourable Member presumably refers to the incident on the 7th March, 1933 when two men were shot by a military patrol. Following that incident instructions were issued impressing on officers in command of

troops the necessity of taking precautions to ensure that orders to fire on unknown persons should not be given except in special circumstances. The circumstances of the two cases were dissimilar and in the present case the death of the villager was accidental.

**THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE:** In spite of the order that was passed, why did such a tragedy occur?

**THE HONOURABLE MR. M. G. HALLETT:** They had information, as I have said, that an important terrorist was trying to escape by this route. They challenged this man as he came along and as he did not reply they fired on him. Accidentally the Muhammadan villager came in the line of fire and was shot.

**THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE:** How did they know a terrorist was trying to escape?

**THE HONOURABLE MR. M. G. HALLETT:** The police had certain information and were acting on information they had received.

#### NUMBER OF INDIANS IN THE POLITICAL DEPARTMENT.

56. **THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU:** Will Government be pleased to state:

(a) The number of Indians at present employed in the Indian Political Service and the ratio which their strength bears to the full strength of the service?

(b) The annual rate of recruitment for Indians to the Indian Political Service?

**THE HONOURABLE MR. R. E. L. WINGATE:** (a) There are at present 15 Indians in the Political Department representing roughly 1/13th of its total strength.

(b) Normally 25 per cent. of the total annual vacancies in the Department are filled by Indians. This is the rate that was recommended by the Lee Commission.

- (1) CONFERENCE OF EAST INDIAN RAILWAY EMPLOYEES AT LUCKNOW, AND  
(2) DISCHARGE OF BABU B. K. MUKERJI.

57. **THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU:** (a) Is it a fact that a conference of the East Indian Railway men for the whole line was held on the 14th and 15th of April, 1934, at Lucknow?

(b) Will Government be pleased to state whether one B. K. Mukerji, working in Loco. Workshop, Charbagh, Lucknow, was one of the chief organizers of this conference?

(c) Will Government be pleased to state whether he was discharged within a fortnight after the conference without any reason being assigned for the dismissal?

(d) Will Government be further pleased to state whether the said B. K. Mukerji has up to this time been given any reasons for discharge or made aware of the charges against him?

**THE HONOURABLE SIR GUTHRIE RUSSELL:** I have called for certain information and will lay a reply on the table of the House in due course.

EAST INDIAN RAILWAY UNION.

58. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU (a) Is the East Indian Railway Union registered under the Trade Union Act and is recognized by the East Indian Railway Administration ?

(b) Do Government propose to re-consider the case of B. K. Mukerji ?

THE HONOURABLE SIR GUTHRIE RUSSELL: I have called for certain information and will lay a reply on the table of the House in due course.

EXPRESS OR PASSENGER TRAIN FROM ALLAHABAD TO DELHI AFTER 7 P.M.

59. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: (a) Is there no express or passenger train leaving from or passing through Allahabad to Delhi after 7 P.M.?

(b) Has the discontinuance of an express train proceeding westwards from Allahabad at about 10 P.M. caused a great deal of inconvenience to the travelling public in the eastern and central districts of the United Provinces ?

THE HONOURABLE SIR GUTHRIE RUSSELL: (a) The latest time table shows that the last train carrying passengers leaving Allahabad for Delhi is the Parcels Express which leaves at 19.5 hours.

(b) Government have no information. I have sent a copy of the question to the Agent, East Indian Railway, to consider whether any action is necessary.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: Is the Honourable Member aware that in the Parcels Express ordinary passengers are not allowed ?

THE HONOURABLE SIR GUTHRIE RUSSELL: Only third class passengers are allowed.

• INTER CLASS WAITING ROOM AT ALLAHABAD, EAST INDIAN RAILWAY.

60. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: (a) Is the waiting room for the intermediate class passengers at Allahabad situated at some distance from the main platform and also outside the main platform ? Does this arrangement cause inconvenience to intermediate class passengers ?

(b) Do Government propose to construct a new waiting room for intermediate class passengers on the main platforms on both sides of the Allahabad railway station ?

INTER CLASS WAITING ROOM AT PRAYAG, EAST INDIAN RAILWAY.

61. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: (a) Is there no waiting room for intermediate class passengers at Prayag railway station ?

(b) Is Prayag railway station a very important station with large passenger traffic ?

(c) Do Government propose to undertake the construction of intermediate class waiting rooms for gentlemen and ladies at Prayag railway station ?

THIRD CLASS WAITING HALL AT ALLAHABAD, EAST INDIAN RAILWAY.

62. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: (a) Is Government aware that the waiting hall at Allahabad railway junction is unfinished and causes very great inconvenience to third class passengers, particularly during the hot and rainy weathers?

(b) Do Government propose to improve it for the purpose of protecting the passengers from rain and hot winds?

THE HONOURABLE SIR GUTHRIE RUSSELL: With your permission, Sir, I propose to reply to question Nos. 60, 61, and 62 together. Government have no definite information on these points but they have forwarded the Honourable Member's suggestions to the Agent, East Indian Railway, for his information.

THE HONOURABLE MR. HOSSAIN IMAM: Will the Honourable Member lay on the table the reply he receives from the Agent so that we may know what has happened?

THE HONOURABLE SIR GUTHRIE RUSSELL: I have no objection to doing so, Sir.

LACK OF REPRESENTATION OF THE MUNICIPAL BOARD, ALLAHABAD, ON THE UNITED PROVINCES ADVISORY COMMITTEE, EAST INDIAN RAILWAY.

63. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: (a) Is there no representative of the Allahabad Municipal Board on the United Provinces Advisory Committee of the East Indian Railway?

(b) Has the Allahabad Municipal Board sent any communication to the Railway Board on the subject referred to in (a)?

(c) If so, what action has Government taken on that communication?

THE HONOURABLE SIR GUTHRIE RUSSELL: (a) There is no representative.

(b) and (c). No communication on the subject has been received by Government from the Allahabad Municipal Board.

CONSTRUCTION OF A RAILWAY STATION AT THE CITY-SIDE OF THE JUMNA BRIDGE, ALLAHABAD.

64. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: (a) Is Allahabad a big religious centre?

(b) Is it a fact that there is no railway station on the city-side of Jumna bridge at Allahabad?

(c) Does this cause inconvenience to poor pilgrims?

(d) Do Government propose to construct a small railway station at the city-side of the Jumna bridge?

THE HONOURABLE SIR GUTHRIE RUSSELL: (a) and (b). Yes.

(c) Government have no information.

(d) The suggestion will be considered.



INCONVENIENCE CAUSED TO PASSENGERS AT ALLAHABAD DUE TO THE BENGAL AND NORTH-WESTERN RAILWAY STATION BEING TWO MILES AWAY FROM THE EAST INDIAN RAILWAY STATION.

65. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: (a) Is Government aware that the passengers who have to travel on the Bengal and North Western Railway are put to great inconvenience in as much as the Bengal and North-Western railway station is some two miles from the East Indian railway station at Allahabad?

(b) Do Government propose to connect these two railway stations?

THE HONOURABLE SIR GUTHRIE RUSSELL: (a) Government recognise that some inconvenience is entailed by the distance between the two stations.

(b) The suggestion will be considered, but I can hold out no promise that any steps to remedy the inconvenience can be undertaken in the near future. The question is one primarily of expense and of how far it will be remunerative.

LACK OF PROTECTION ON THE PLATFORM OF THE BENGAL AND NORTH-WESTERN RAILWAY, ALLAHABAD.

66. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: (a) Is there no protection on the platform at Allahabad, Bengal and North-Western railway station?

(b) Do Government propose to cover the platform?

THE HONOURABLE SIR GUTHRIE RUSSELL: (a) and (b). Government have no definite information, but the Honourable Member's suggestion has been forwarded to the Agent, Bengal and North-Western Railway, for consideration.

REASONS FOR DIFFERENCE IN RATES OF FARES ON STATE RAILWAYS.

67. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: (a) Will Government be pleased to state the reason for the different rates of fares prevailing on different State Railways?

(b) Do Government propose to introduce a uniform flat rate of fares on all State Railways?

THE HONOURABLE SIR GUTHRIE RUSSELL: (a) The scale of fares now in force on each railway has been determined generally by each Administration after consideration of the financial and other considerations.

(b) Uniformity has not been considered necessarily as an ideal to be aimed at. Apart from the varying conditions on different railways, it can only be attained by reducing the fares on all railways to the minimum on any railway, which would involve a considerable sacrifice of revenue, or by altering the fares on all railways to correspond to the present average, which would necessarily mean an increase on some railways.

INCONVENIENCE CAUSED TO INDIAN CINEMA CONCERNS BY THE REFUSAL OF RAILWAYS TO GRANT TRAVELLING CONCESSIONS.

68. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: (a) Is Government aware of the inconvenience caused to Indian cinema concerns by the refusal of Indian Railways to grant travelling concessions to them on the same terms as theatres, cinemas, etc.?

(b) If so, do Government propose to take any action in the matter ?

**THE HONOURABLE SIR GUTHRIE RUSSELL :** (a) and (b). Professional entertaining companies travelling to give public performances are allowed certain concessions subject to a minimum of four concession fares being paid. Similar concessions are allowed on the State-managed Railways, viz., the Burma, Eastern Bengal, East Indian, Great Indian Peninsula and North Western Railways, to film-producing companies, subject, however, to not less than 20 persons travelling by the same train when the journey is being undertaken for the production of films. Government have received representations for the minimum of 20 persons in a party to be reduced to four, but have been unable to accede to this request.

The question of concessions over railways other than the State-managed lines is one for consideration by the Railway Administrations concerned, who have been advised of the concessions allowed on State-managed lines.

#### EFFECT ON THE SUGAR INDUSTRY OF THE EXCISE DUTY ON SUGAR.

**69. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU :** Is Government aware that the levy of the excise duty on sugar has proved very detrimental to the industry in this country ?

**THE HONOURABLE SIR ALAN PARSONS :** No.

#### ACTION TAKEN ON THE REPRESENTATIONS OF THE MOTION PICTURE SOCIETY OF INDIA IN REGARD TO THE INDIAN FILM INDUSTRY.

**70. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU :** Will Government be pleased to state whether it has taken any steps and, if so, what, on the representations made by the deputation of the Motion Picture Society of India in regard to the Indian film industry ?

**THE HONOURABLE MR. D. G. MITCHELL :** The various requests made by the Society are under consideration.

#### VALUE OF GOLD EXPORTED.

**71. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU :** Will Government be pleased to state the total amount of gold exported from India within the last six months ?

**THE HONOURABLE SIR ALAN PARSONS :** Approximately 37 crores between the 1st of February and the 28th of July, 1934.

#### ANTI-INDIAN LEGISLATION IN ZANZIBAR.

**72. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU :** (a) Will Government be pleased to lay on the table of the House the representations, if any, which it has made on the Zanzibar situation to His Majesty's Government ?

(b) Has Government received any communication, so far, in regard to the Zanzibar situation from His Majesty's Government ? If so, what is its nature ?

**THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN :** (a) The Government of India regret that they are unable to comply with the Honourable Member's request.

(b) The substance of the correspondence has been given in the answer to parts (b) and (c) of the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra's question No. 17.

**REPRESENTATION OF ASSAM IN THE POSTS AND TELEGRAPHS DEPARTMENT.**

73. THE HONOURABLE SRIJUT HERAMBA PROSAD BARUA : Has the province of Assam meagre representation in the clerical cadre of the subordinate Posts and Telegraphs service ?

THE HONOURABLE MR. D. G. MITCHELL : Government are not aware that the facts are as stated by the Honourable Member. I may, however, inform the Honourable Member that since 1926 orders have been in force, in the Posts and Telegraphs Department, to the effect that candidates joining the subordinate Postal Service must belong to the revenue division in which they enlist. In 1933 these orders were made applicable to recruitment for subordinate services in all branches of the Posts and Telegraphs Department. Government consider that these orders are adequate to ensure the proper representation of local candidates in the Posts and Telegraphs subordinate services.

**RETRENCHMENT IN THE POSTS AND TELEGRAPHS DEPARTMENT.**

74. THE HONOURABLE SRIJUT HERAMBA PROSAD BARUA : Will Government be pleased to state whether there is a proposal for retrenchment in the clerical cadre of the subordinate Posts and Telegraphs service ?

THE HONOURABLE MR. D. G. MITCHELL : Retrenchment in the clerical cadres of the Posts and Telegraphs Department has been going on for some time and is still in progress.

THE HONOURABLE SRIJUT HERAMBA PROSAD BARUA : Will the Government be pleased to state if they are going to do this retrenchment without disturbing the proportion of the meagrely represented Assamese and other under represented communities ?

THE HONOURABLE MR. D. G. MITCHELL : I must ask for notice of that question.

**TOTAL VALUE OF GOLD EXPORTED SINCE GREAT BRITAIN WENT OFF THE GOLD STANDARD.**

75. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : (a) Will Government be pleased to state the total amount of gold exported from India since Great Britain went off the gold standard ?

(b) Do Government propose to levy an export duty on gold in the interest of the country and unanimous demand of the public ?

THE HONOURABLE SIR ALAN PARSONS : (a) Approximately 206 crores up to the 28th of July, 1934.

(b) I would refer the Honourable Member to the reply given by Sir George Schuster to question No. 340 asked by Mr. Badri Lal Rastogi on the 1st of September, 1933.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : May I know the gist of that reply ?

THE HONOURABLE SIR ALAN PARSONS : Yes, Sir. The gist of that reply is that Government do not give advance information of their intentions on questions of taxation.

THE HONOURABLE MR. HOSSAIN IMAM : May I ask, Sir, if the Government are reconsidering the question ?

**THE HONOURABLE SIR ALAN PARSONS:** The Honourable Member is again trying to get from me indirectly a statement which would certainly lead to considerable speculation in this country.

**EVASION OF THE IMPORT DUTY ON UNDERVESTS BY JAPAN.**

**76. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA:** (a) Is it a fact that the All-India Hosiery Manufacturers' Association, Cawnpore, has made a representation to the Member in charge of Commerce and Railways on the new devices adopted by Japan to escape 12 annas per pound duty on undervests?

(b) Will Government be pleased to make a full statement on the points raised in the said representation and state what steps have been taken to meet the situation?

**THE HONOURABLE MR. T. A. STEWART:** (a) Yes, Sir.

(b) The representation referred to deals with:

- (1) the evasion of the specific duty on undervests;
- (2) the import duty on knitted cotton pullovers, sweaters, coats, etc., and
- (3) the possibility of a reduction of duty on fleecy vests to 35 per cent. *ad valorem*.

The first two points are now under the consideration of the Government of India, while with regard to the third, Government have decided that there is no good reason for a modification of the existing duties on fleecy undervests.

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA:** Am I to understand that the Government will take early steps in considering these points as they are losing a lot of money in the business?

**THE HONOURABLE MR. T. A. STEWART:** I have said, Sir, that the matter is receiving the consideration of the Government of India. The Honourable Member must not assume that a decision has been taken either one way or another.

**THE HONOURABLE MR. HOSSAIN IMAM:** May I ask a question about fleecy undervests? On what grounds did Government come to the conclusion that there was no scope for change?

**THE HONOURABLE MR. T. A. STEWART:** The grounds on which Government came to that decision, Sir, were in the first place that they were of opinion that this article imported from abroad was in effective competition with goods produced in India and in the second place they were not of opinion that the incidence of the duty on fleecy undervests was unduly burdensome.

**FREIGHT WAR ON THE WEST COAST BY FOREIGN SHIPPING COMPANIES AGAINST SMALL INDIAN STEAMSHIP COMPANIES.**

**77. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA:** (a) Is it a fact that the members of the Committee of the Indian Merchants' Chamber have brought to the notice of Government the freight war waging on the west coast by foreign shipping companies against small Indian companies plying on the coast?

(b) What steps does Government propose to take against them for safeguarding this Indian enterprise ?

• THE HONOURABLE MR. T. A. STEWART: (a) A letter on the subject of the shipping position on the west coast has been received from the Indian Merchants' Chamber.

• (b) The representations made by the small steamship companies in this connexion are receiving the consideration of the Government of India.

ESTABLISHMENT OF A PUBLIC SCHOOL IN INDIA.

78. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (a) Is Government aware of the scheme of a Public School, drawn up by the Honourable Sir Joseph Bhore ?

(b) How far has progress been made with this scheme and when is it expected to mature ?

(c) Where is this school going to be located and how far is Government committed financially ?

(d) Is it a fact that the scheme seeks to develop in the school an atmosphere distinctly Indian in moral and spiritual outlook and at the same time does not provide for instruction in the vernaculars ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: (a), (b) and (d). Government have no information beyond what has appeared in the Press.

(c) The Government of India have offered to give perpetual lease of the Chandbagh Estate at Dehra Dun for the proposed school on certain conditions and to sell the buildings on that site at a cost of Rs. 3.5 lakhs. The offer has not yet been accepted by the society.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Has the Government made this offer without examining the scheme ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Without examining the detailed scheme.

REPRESENTATION OF ASSAM IN THE POSTS AND TELEGRAPHS DEPARTMENT.

79. THE HONOURABLE SRIJUT HERAMBA PROSAD BARUA: (a) Will Government be pleased to state and lay on the table the number of posts in the following different grades of Posts and Telegraphs service in the province of Assam and how many of them are held by the natives of the province :

Superintendents of Post Offices.

Head Postmasters..... :.....Gazetted.

Head Postmasters.....Non-gazetted.

Sub-Postmasters.....Selection grade,

Inspectors of Post Offices.

Head Clerks to the Superintendents of Post Offices.

Divisional Engineer, Telegraphs.

Sub-Divisional Officer, Telegraphs.

Telegraph Masters.

Engineering Supervisor, Telegraphs:

Telegraphists.

(b) Will Government be pleased to state why the province of Assam has no representation up till now in the various grades of Posts and Telegraphs service referred to in (a) above?

(c) Will Government be pleased to state whether any Assamese in the subordinate Posts and Telegraphs service has passed the different departmental examinations for appointment in the various grades of aforesaid service? If so, how many of them have been provided with their due appointments up till now and, if not, why not?

THE HONOURABLE MR. D. G. MITCHELL: (a) A statement giving the information asked for by the Honourable Member is laid on the table. Government have no information as to how many of these posts are held by "the natives of the province" and do not propose to obtain it as its collection would involve an undue expenditure of time and labour.

(b) In view of the reply to part (a) Government do not admit the statement made in this part of the question.

(c) Government have no information.

*Statement referred to in reply to part (a) of the Question No. 79 by the Honourable Srijut Heramba Prosad Barua.*

Superintendents of Post Offices .. .. .	3
Head Postmasters (Gazetted) .. .. .	Nil.
Head Postmasters (Non-gazetted) .. .. .	9
Sub-Postmasters (Selection grade) .. .. .	4
Inspectors of Post Offices .. .. .	9
Head Clerks to Superintendents of Post Offices .. .. .	3
Divisional Engineer, Telegraphs .. .. .	1
Sub-Divisional Officers, Telegraphs .. .. .	3
Telegraph Masters .. .. .	2
Engineering Supervisors, Telegraphs .. .. .	5
Telegraphists .. .. .	38

#### ACCORDANCE OF PREFERENTIAL TREATMENT TO SUCCESSFUL DEPARTMENTAL CANDIDATES FROM ASSAM IN THE POSTS AND TELEGRAPHS DEPARTMENT.

80. THE HONOURABLE SRIJUT HERAMBA PROSAD BARUA: Will Government be pleased to give preferential treatment over others to the successful Assamese departmental candidates from Assam in filling vacancies in the various grades of the Posts and Telegraphs service?

THE HONOURABLE MR. D. G. MITCHELL: In filling up vacancies in higher grades in the Posts and Telegraphs Department the promotion of departmental candidates is regulated solely by considerations of merit and seniority and Government therefore regret that they are unable to accept the Honourable Member's suggestion.

#### NUMBER OF BENGALIS, ETC., OF THE ASSAM VALLEY SPEAKING ASSAMESE APPOINTED TO THE POSTS AND TELEGRAPHS DEPARTMENT.

81. THE HONOURABLE SRIJUT HERAMBA PROSAD BARUA: Will Government be pleased to lay on the table a statement showing separately the total number of Bengalis, domiciled Bengalis and natives of the Assam Valley

speaking the Assamese language appointed to the clerical posts in the Posts and Telegraphs Department in the Upper Assam, Lower Assam and the Surma Valley Division during the last ten years ?

THE HONOURABLE MR. D. G. MITCHELL : Government regret that they are unable to furnish the information as its collection would involve an undue expenditure of time and labour.

ASSAMESE CLAIMS IN THE POSTAL DEPARTMENT.

82. THE HONOURABLE SRIJUT HERAMBA PRASAD BARUA : Are Government aware of an article under head " Assamese claims in the Postal Department " that appeared in the *The Times of Assam* during the month of July last and, if so, what action do Government propose to take in the matter ?

THE HONOURABLE MR. D. G. MITCHELL : Government have seen the article in question and have called for a report.

TRANSFER OF THE IMPERIAL INSTITUTE OF AGRICULTURAL RESEARCH FROM PUSA TO DELHI.

83. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD : With reference to the proposed transfer of the Imperial Institute of Agricultural Research from Pusa to Delhi have Government ascertained whether the soil and climate of Delhi are more suitable than those of Pusa for carrying on research activities of an all-India character ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Yes.

THE HONOURABLE MR. HOSSAIN IMAM : Will the Honourable Member say what is the rainfall in Delhi and Pusa ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Notice.

LEGISLATION IN CONNECTION WITH RURAL INDEBTEDNESS.

84. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD :  
(a) Have the Government of India received any memorial on behalf of the All-India Vaish Mahasabha and Vaish Conference protesting against the rural debt legislation pending before the United Provinces Legislative Council including the Encumbered Estates Bill as being unduly favourable to the debtors and highly prejudicial to the interests of the money-lenders and calculated to affect the general credit of the province ?

(b) Is it a fact that enactments of a similar nature are being taken up by the Provincial Governments and Provincial Legislatures of some other provinces also and that everywhere there is some resentment against such legislation, as alleged in the said memorial ?

(c) Have the memorialists prayed in the memorial to Government (i) that no sanction should be granted to enable the United Provinces Legislative Council to carry through the Encumbered Estates Bill in its present form and (ii) that the rural debt Bills should be withheld from being brought before any of the local Councils, and that legislation on the subject should be brought, if necessary, before the Central Legislature ?

(d) If so, what action have the Government of India taken in the matter ?

THE HONOURABLE MR. C. GOVINDAN NAIR : (a) Yes.

(b) Certain other Provincial Governments have undertaken legislation with a view to the relief of rural indebtedness. The Government of India have no information regarding the strength of the opposition to those measures.

(c) Yes.

(d) The matter is under consideration.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: Will the Government consider the question of all-India legislation in the matter?

THE HONOURABLE MR. C. GOVINDAN NAIR: I must ask for notice.

**SHOOTING OF WILD CATTLE BY MR. WAUGH, PRESIDENT, NOTIFIED AREA COMMITTEE, SHAHDARA.**

**85. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD:**

(a) Has the attention of Government been drawn to the recent press report alleging that Mr. Waugh, Honorary Magistrate and Chairman of the Shahdara (near Delhi) Notified Area Committee, shot down 72 cows and bullocks?

(b) Is it a fact that a public meeting held under the auspices of the Hindu Young Men's Association protested against the alleged action and resolved to invite the attention of the Chief Commissioner and the Deputy Commissioner of Delhi to the matter and to send copies of the resolution to the Government of India and the Punjab Government?

(c) Is it a fact that a black-flag procession carrying the skins of the cows alleged to have been killed by the President of the Notified Area Committee, Shahdara, paraded through the city of Delhi and culminated in a public meeting being held at Azad Park at which resolutions were passed condemning the alleged act of Mr. Waugh and asking Government to acquire the land on which the alleged shooting took place and turn it into a pasture land?

(d) Will Government please state the details of the alleged incident? What action do Government propose to take in the matter?

THE HONOURABLE MR. M. G. HALLETT: (a) and (d). Government have seen several press reports of the incident but none so exaggerated as that to which the question refers. The facts are that a herd of wild and ownerless cattle had for a long time been doing damage to the fields round Shahdara. Mr. Waugh engaged men to catch them and when they failed, shot dead 11 of the herd. At the suggestion of the Chief Commissioner Mr. Waugh has resigned the posts of Honorary Magistrate and President of the Shahdara Notified Area. Government do not think that any further action is necessary. I may add that the New Delhi Hindu Sabha have expressed themselves fully satisfied by the action taken by the Chief Commissioner.

(b) and (c). Yes.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: May I know, Sir, if these wild cattle belonged to somebody or whether they were ownerless?

THE HONOURABLE MR. M. G. HALLETT: No, Sir. I said they were ownerless, which means they had no owner.

**FREIGHT WAR ON THE WEST COAST BY FOREIGN SHIPPING COMPANIES AGAINST SMALL INDIAN STEAMSHIP COMPANIES.**

**86. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD:**

(a) Is it a fact that early in July last the Commerce Secretary of the Government of India paid a visit to Bombay?



(b) Is it a fact that on this occasion the members of the Committee of the Indian Merchants' Chamber drew his attention to the freight war being waged on the west coast which endangered the very existence of the small Indian shipping companies plying on that coast ?

(c) Is it a fact that the spokesman of the Committee stated to the Commerce Secretary as follows :

“ These small Indian steamship companies are operated by Indian agencies through the instrumentality of Indian capital, and as they are likely to be wiped out of existence owing to the freight war started by foreign vested interests, my Committee would request you to see that immediate and effective action is taken to safeguard the interests of Indian shipping ” ?

(d) Is it a fact that the Commerce Secretary promised that he would bring the position of the small steamship companies to the notice of the Commerce Member ?

(e) If so, what action do Government propose to take to safeguard the interests of Indian shipping ?

THE HONOURABLE MR. T. A. STEWART : (a), (c) and (d). The reply is in the affirmative.

(b) The Committee of the Indian Merchants' Chamber drew my attention to the present shipping position on the west coast.

(e) The matter is receiving the consideration of the Government of India.

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**BALLOT FOR THE ELECTION OF NINE MEMBERS TO SERVE ON THE COMMITTEE TO EXAMINE THE WORKING OF THE OTTAWA TRADE AGREEMENT.**

THE HONOURABLE THE PRESIDENT : With reference to the appointment of nine Members to serve on the Committee to be appointed by this Council to examine the working of the Ottawa Trade Agreement, I have to announce that there are fourteen candidates for nine vacancies. I need not read out the names of the fourteen Members who have been nominated because the ballot papers will now be placed in Members' hands. I think most Honourable Members are well aware of the procedure now with regard to the holding of an election according to the principle of proportional representation by means of the single transferable vote, but perhaps it would be as well if they read the instructions at the foot of the ballot paper.

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY : Sir, I beg your permission to withdraw from the election.

THE HONOURABLE THE PRESIDENT : The Council will note the Honourable Member's intention.

The election will now take place.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR : If you will permit me I will withdraw my candidature for this election in favour of Mr. Suhrawardy.

**THE HONOURABLE THE PRESIDENT :** You cannot withdraw in favour of any particular individual. You can withdraw if you like.

**THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR :** I withdraw unconditionally.

**THE HONOURABLE RAJA CHARANJIT SINGH :** Sir, I also beg to withdraw.

(The election was then held.)

**THE HONOURABLE THE PRESIDENT :** The result of the election will be announced at a later date.

### INDIAN DOCK LABOURERS BILL.

**THE HONOURABLE MR. T. A. STEWART** (Commerce Secretary) : Sir, I move :

“That the Bill to give effect in British India to the Convention concerning the protection against accidents of workers employed in loading and unloading ships, as passed by the Legislative Assembly, be taken into consideration.”

The origin of this Bill is as follows. At the Twelfth Session of the International Labour Conference, which was held at Geneva in the summer of 1929, there was adopted a draft Convention concerning the protection against accidents of workers employed in loading or unloading ships. That draft Convention was placed before this Honourable House for its consideration on the 15th July, 1930. This House adopted a Resolution recommending to the Governor General in Council that he should examine the possibility of giving effect to the draft Convention and recommending that the results of this examination should be placed before the Council within 18 months. Steps were at once taken to give effect to this recommendation, but in the meantime certain other countries had discovered practical difficulties in giving effect to the Convention and the Government of India decided that as these countries had already approached the International Labour Office with a view to securing a modification of the Convention, that no further action should be taken pending a final decision on these representations. This Honourable House was informed of that decision in the month of March, 1932. In the Sixteenth Session of the International Labour Conference, which was held in 1932, the draft Convention was revised in some particulars and a revised draft Convention was adopted. It is this revised draft Convention that the present Bill seeks to give effect to and it has been drafted in its present form after consultation with Local Governments and important commercial and administrative interests mainly concerned. I believe that this Honourable House will agree with me that the objects of this Bill are in the highest degree praiseworthy. The occupation of a dock worker is a hazardous one and any measure which is designed to secure his greater safety in the course of his daily employment is one which must commend itself to all who have any claim to humanitarian feeling.

Turning to the Bill itself, the main points of the Convention are to be found in clause 5. Clause 5 gives power to the Governor General in Council to make

regulations to safeguard the dock labourer from practically every danger to which he may be exposed in his calling. It also provides that in the unfortunate event of an accident occurring, due provision should be made for the after treatment of the injured man. These regulations are in my opinion thoroughly exhaustive as they have been drawn up on the model of the British Dockers' Convention. They have also been considered by a very representative Committee at Geneva.

The regulations will be administered by Inspectors appointed under clause 3 of the Bill. It is proposed in this connection to utilise existing machinery and to appoint inspectors under the Bill officers of the Mercantile Marine Department and, if need be, factory inspectors. The other provisions of the Bill follow to a very large extent the model of the Factories Act. I need only refer to one clause, that is, clause 11. Whereas it is thoroughly appropriate that the Bill should apply to large ports like Bombay and Calcutta, it must be remembered that there are lesser ports in India where the amount of traffic is considerably less and the size of the ships' visiting the port is also very small.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: What about Karachi?

THE HONOURABLE MR. T. A. STEWART: Perhaps a representative from Sind will give you his appreciation of the size of Karachi. Perhaps the Honourable Member has understood that I intended that this Bill should apply only to the ports of Bombay and Calcutta. That was not my intention. I was merely quoting those as examples of large ports. I am sorry if I omitted Karachi from that category. It might well be that the application of this Bill to the lesser ports would be unduly burdensome and section 11 gives the power of exemption in the circumstances set forth in that section. This Bill, Sir, is only one more example of India's desire to conform to the highest possible standards in the treatment of her labour, and I am sure that it will receive the whole-hearted acceptance of this House.

Sir, I move.

THE HONOURABLE MR. P. C. D. CHARI (Burma: General): Sir, I rise to congratulate the Government in giving effect to the International Convention in the form of a Bill. I have one or two observations to make. I found from the questions put to the Honourable Member moving the Bill that Honourable Members wanted to know whether the Bill would apply to certain ports. The reason is not far to seek. The short title of the Bill is not happy. It is "The Indian Dock Labourers Act". I believe there are docks only in Bombay and Calcutta and the other ports have got only wharfs. The Bill is intended to apply not only to Calcutta and Bombay but to all the more important ports of India and the Bill would have been more happily worded if it is made clear and we had instead of the words "The Indian Dock Labourers Act" the words "The Indian Port Labourers Act." I am only making a suggestion; I have no amendment.

One other observation I have to make in regard to the principle of the Bill. Most of the provisions are left to the rule-making power of the Governor General. I have no objection to the power being given to the Governor

[Mr. P. C. D. Chari.]

General, but I would request Government to keep in mind in making regulations the welfare of labour and to see that proper protection is ensured to the labourers against accidents and in making rules they should generally follow on the lines adopted by more advanced countries for the purpose of safeguarding the labour employed in those countries.

I have got one other observation to make as regards the general provisions of the Bill. No doubt a provision is made for—

**THE HONOURABLE THE PRESIDENT :** We are discussing at this stage the general principles of the Bill only.

**THE HONOURABLE MR. P. C. D. CHARI :** I am only making general observations, Sir. As regards the inspection provided, I am not sure whether it would not be necessary to have a central inspecting authority which will be more effective in making inspections of the working at the various ports.

With these words, Sir, I support the Motion for the consideration of the Bill.

**THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU (United Provinces Southern : Non-Muhammadan) :** Sir, the Bill is intended to protect workers employed in loading and unloading ships. It seeks to ratify the revised Convention of that very useful body the International Labour Conference. Sir, it is a useful measure on which the Department of Industries may well be congratulated by this House.

**THE HONOURABLE MR. T. A. STEWART :** The Commerce Department.

**THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU :** I am sorry. It is the Commerce Department that may well be congratulated. Loading and unloading ships is a dangerous occupation and it is the duty of the State to see that the workers are properly protected, that proper precautions are taken in this occupation by the authorities responsible for those occupations. The Bill is good so far as it goes, but there is just one observation that I should like to make and it is this. We have certain maritime Indian States. Now, Sir, I would request the Government to use their diplomatic influence with these States and ask them to come into line with us. I do not want the Government to interfere with the autonomy of these States. That is not my object. But surely the Political Department can use its diplomatic influence—and we know what that diplomatic influence means—with these States and it is just and right and proper that the Indian States should come into line with us in this matter.

With these observations, Sir, I give my hearty approval to a measure of far-reaching importance to the workers in this country.

**THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) :** Sir, it is my misfortune that I always find some fault with things. I am in entire agreement with the Department of Commerce that this measure is a very beneficial measure and should be passed. The fault about this measure is that I do not find that the draft Convention on which the whole measure is based was placed in the hands of the Members of this House. If this had been placed in our hands, we would have been in a position to judge whether this portrays those conventions properly or not. In the second place,

Sir, I find that the intricacies of the allocation of labour between the different departments of the Government have placed this Convention, which is for the welfare of labour not in the charge of the Department of Labour and Industries, but in charge of the Department of Commerce. That, Sir, gave me an idea whether it does provide for all the things which the dock labourers require or not. I wanted to find out whether the factory rules and the hours of work apply to them or not, and came to know that they did not apply. I am not satisfied about the present state of affairs regarding the hours of work of the dock labourers.

Sir, I always object to giving extensive power to the executive. My reason for that is that if we look into history we find that the Government of India has gradually developed from an autocratic body into a slightly democratic body; but we find, Sir, that there is slight difference between an actual law and the rules made thereunder and so they are apt to usurp the functions of the Legislature. One cannot deny the fact that the rule-making power is essential for every Act to be effective but when we find that in section 5 we have provided from A to X for all sorts of rules to be made by the executive it seems that we are simply asking the Legislature not to lay down the actual safeguards which we wish to be provided but we are simply giving directions to the executive. That direction, Sir, too would have sufficed if we had the privilege which the English House of Commons enjoys whereby rules made under the law are laid on the table of the House and if anyone wants to raise up a debate he can do so within a specified period.

THE HONOURABLE THE PRESIDENT : They are published in the Gazette of India.

THE HONOURABLE MR. HOSSAIN IMAM : With due deference, Sir, they may be published in the Gazette of India but we do not get an opportunity of discussing them unless we put in a Resolution on a non-official day. On an official day, we cannot do it. If we had that convention whereby all the rules passed by the Governor General, on all these Bills were to be laid on the table of the House and be subject to debate in advance within a specified period, all the objections that we have to the power of framing rules would be met. I make this suggestion not only for this Bill but for the consideration of the Government whether it will not be possible to make some sort of convention.

Sir, I also take great objection to the power vested in the Governor General to exempt in clause 1 certain ports from the provisions of the Act. If by exemption is meant that the rigours will be reduced one can very well appreciate it and can have no objection to the fact that the same amount of care is not required in a small port like Vizagapatam as is required for Calcutta but if, as I find from provision (d) of clause 5 and provision (b) of clause 11 the whole class may be exempted, well that would mean taking away with the left hand what we are giving with the right.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, I welcome this measure but I am sorry to find that this important legislation was delayed—however, better late than never. Sir, the Honourable the Commerce Secretary demands that the Government should have the option of exempting certain ports. I wish he would kindly define

[Rai Bahadur Lala Ram Saran Das.]

what he means by the small ports. After all, at the big ports there are all sorts of facilities for loading and unloading ships. There are docks, there are cranes and trains and there is machinery to facilitate the process, but in the small ports where there are no docks or other facilities, the dangers there are greater than in more up-to-date ports. Therefore, Sir, I wish that the big ports should be clearly mentioned in the Bill and that the smaller ports should be clearly defined.

The Honourable Pandit Prakash Narain Sapru has remarked that we ought to seek the co-operation of the States in this matter. I am sorry the Political Secretary is not in his place at present, otherwise I would have asked him whether the States were circularized in this connection and supplied with copies of this Convention and asked for their views. In the present times, of course, nothing much can be done by dictation, but all the same I hope that in future when the co-operation of the States is sought they will be consulted and taken into confidence so that they may be ready to respond.

With these remarks, Sir, I support the Bill.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTY (Madras : Non-Muhammadan) : Sir, I rise to support the Motion before the House. As a matter of fact, it is a beneficial measure which will help the labour interests in various parts of India and I am glad to find that the ports of various provinces, Madras, Bombay and Calcutta, have also agreed that this Convention should be confirmed.

Sir, there is only one suggestion in which I agree with many of my colleagues, and that is to bring the Indian States into line in regard to this beneficial measure. I hope the Government of India will try to see that Indian States also adopt this beneficial measure so that labourers working in the ports under the Indian rulers will also come in for the benefits of the provisions of this Act.

With these few words, Sir, I have great pleasure in supporting the measure.

THE HONOURABLE MR. T. A. STEWART : From the expressions of opinion, Sir, which I have heard I take it that it is the general sense of this Honourable House that the measure is a desirable one. I may however refer briefly to one or two points that have been raised. The Honourable Mr. Chari took objection to the short title. He was probably unaware that an amendment on that subject is to be moved and I shall withhold my remarks on that subject until the amendment is moved. The Honourable Mr. Chari was also of opinion that it would be advisable to constitute a central inspecting authority. The fact that it is proposed to employ existing machinery, I think, has much to be said for it on the ground of economy. If the Honourable Mr. Chari will refer to clause 6 of the Bill he will see that the inspection and the manner in which it is carried out will be under the supervision of a central authority.

The Honourable Mr. Sapru referred to the desirability of securing the co-operation of the Indian States in this matter. I do not know exactly what is the significance that he attaches to "diplomatic influence" but I can assure him that all proper steps will be taken to bring the desirability of this measure to the notice of maritime States.

The Honourable Mr. Hossain Imam has complained that this Honourable House was not given the opportunity of studying the draft Convention. It was on the 15th of July, 1930 that the following Resolution was adopted by this House :

“ That this Council having considered :

- (1) the draft Convention concerning the protection against accidents of workers employed in loading or unloading ships ;
- (2) the Recommendation concerning reciprocity as regards the protection against accidents of workers employed in loading or unloading ships ;
- (3) the Recommendation concerning the consultation of workers' and employers' organisations in the drawing up of regulations dealing with the safety of workers employed in loading or unloading ships ;

adopted by the International Labour Conference at its Twelfth Session recommends to the Governor General in Council that he should examine the possibility of giving effect to the above Convention and the Recommendations and that the result of this examination should be placed before the Council within eighteen months from this date ”.

I find it very hard to understand Mr. Hossain Imam's point. He complains bitterly also that Commerce Department has usurped the functions of the Department of Industries and Labour. The particular subject with which we are dealing in this Bill is pre-eminently a matter referring to ports which still are the concern of Commerce Department. The measure is not a comprehensive labour measure. It deals specifically with certain dangers which may arise and within the precincts of a port. Mr. Hossain Imam also complained of the vicious habit of legislating by rule. I do not think that he would have complained nearly so loudly had we not nearly exhausted the alphabet in going from A to X. Whatever may be the merits of his arguments in general, it would have been impossible to do anything else in the present Bill than what we have done.

Exception has also been taken to clause 11. It was held in some quarters that no exemption should be given. If Honourable Members will conceive the infinite variety of ports from the large ports like Karachi, Bombay and Calcutta to one of the minor ports on the Madras Coast, I think Honourable Members will agree that some latitude should be given as to requirements to be exacted from the bodies governing the ports.

I think, Sir, that I have covered most of the points that have been raised and that I have nothing more to say.

THE HONOURABLE THE PRESIDENT : The Question is :

“ That the Bill to give effect in British India to the Convention concerning the protection against accidents of workers employed in loading and unloading ships, as passed by the Legislative Assembly, be taken into consideration.”

The Motion was adopted.

Clause 2 was added to the Bill.

THE HONOURABLE THE PRESIDENT : The Question is :

“ That clause 3 stand part of the Bill.”

THE HONOURABLE MR. S. D. GLADSTONE (Bengal Chamber of Commerce) : Sir, I desire to move the following amendment :

“ That in sub-clause (1) of clause 3, after the word ‘ persons ’ the words ‘ or authorities ’ be inserted.”

[Mr. S. D. Gladstone.]

Sir, with all the objects of this Bill I strongly sympathise, and all Honourable Members who have travelled over the sea in ships and who have watched the handling of a ship's cargo from some safe point of vantage, must have been forcibly struck with the dangers which are inseparable from the work of loading and unloading cargo. It was therefore a matter of much satisfaction that the Government of India decided to ratify the revised draft Convention of the International Labour Conference which was held at Geneva in April, 1932 and to introduce this year legislation to give effect to it.

The objects of the Bill now before the House are to make safer for the port labourers the hazardous work which they are daily called upon to do and a study of the Bill, particularly of the list of regulations in clause 5, illustrates the comprehensive nature of the proposals and the great scope for useful work which exists. But the success or otherwise of any measure of legislation depends upon the manner in which its provisions are carried out. In the case of this particular Bill, all will hang upon the efficiency of the system of inspection. To secure this efficient and smooth working it is essential first of all that the inspectors appointed shall be men with an intimate knowledge of the work which they will be called upon to perform. Principal Officers of the Mercantile Marine Department are to be appointed *ex-officio* inspectors and my opinion is that if the work involved proves to be more than these officers can cope with—as I understand will be the case—and it is necessary to provide some reinforcement—then the most effective as well as the most economical arrangement will be to appoint the various Port Trusts to look after the working of the Act, in conjunction with the Principal Officers of the Mercantile Marine Department. In some quarters there may be doubts about the wisdom of encharging Port Trusts to supervise themselves but their supervision will be exercised in conjunction with the Marine Department who will be an entirely outside and neutral party. The alternative would seem to be either the appointment of special officers for each port or the employment of factory inspectors. In my view neither of these alternatives is likely to be very successful. It would be difficult to define the authority of a special officer and so this method of dealing with the matter would not only be expensive but it is probable that it would also lead to friction and unsatisfactory results. With this method too there would seem to be a greater danger of confusion arising due to different regulations being made applicable to different ports.

The appointment of factory inspectors would be even less satisfactory because they have no knowledge of the work involved which will be so essential if any benefit is to accrue to the port labourers. It is also well known that factory inspectors, at any rate in Calcutta and Bombay are already over-worked, and is it possible to expect them largely to add to their duties?

Sir, the amendment under consideration in no way commits the Government of India to any special procedure. All that it is intended to do is to leave the door open to the utilisation of the services of Port Trusts as inspectors acting with Principal Officers of the Mercantile Marine Department should such an arrangement be deemed advisable in the future. I may mention that the



words "persons and authorities" are used elsewhere in the Bill and it is therefore only consistent that the same words should appear in clause 3.

• Sir, I move.

THE HONOURABLE MR. T. A. STEWART: Sir, I regret that I must oppose this amendment, and for two reasons. The first reason—to which the Honourable Mr. Gladstone has made reference but I rather think that he has underestimated its importance—is that the Port Trusts who he suggests would be suitable inspectors will almost inevitably come within the scope of the Act themselves. Let me cite for example sub-head (h) of clause 5. Regulations under that clause will be directed against the Port Trusts in so far as they themselves are owners of cranes and hoisting gear for the purpose of loading ships and it is considered that it is highly undesirable that they themselves should be inspectors of their own work. There is, however, another reason why I oppose the amendment. If the Honourable Member had referred to subsection (39) in the general definitions clause of the General Clauses Act he would have found that "person" includes any company or association of a body of individuals whether incorporated or not. Therefore, Sir, apart from the merits altogether of having a Port Trust as an inspector under the Act, it is entirely unnecessary as the Act is now drafted to make the amendment which has been proposed.

THE HONOURABLE THE PRESIDENT: Amendment moved:

"That in sub-clause (1) of clause 3, after the word 'persons' the words 'or authorities' be inserted."

The Question is:

"That that amendment be made."

The Motion was negatived.

Clause 3 was added to the Bill.

• Clauses 4, 5, 6, 7, 8, 9, 10, 11 and 12 were added to the Bill.

THE HONOURABLE THE PRESIDENT: The Question is:

"That clause 1 stand part of the Bill."

THE HONOURABLE MR. S. D. GLADSTONE: Sir, I desire to move the following amendment:

"That in sub-clause (1) of clause 1, for the word 'Dock' the word 'Port' be substituted."•

I need not take up much of the time of this Honourable House in making my reasons for this amendment clear. In my opinion the present title of the Bill is highly unsuitable because there are only two cases in India, Calcutta and Bombay, where docks can properly be said to exist. There are, however, a number of other major ports to which the Act will undoubtedly be made to apply, and to my mind the question of correct naming is one of considerable importance when we are engaged in placing on the Statute-book an Act which will stand for an indefinite period, possibly for all time. At the ports of Madras, Karachi, Rangoon and Chittagong there are to the best of my knowledge no "docks" in the generally accepted sense of the term. By that I mean to say that the usual method of berthing ships at these ports is at wharves, not

[Mr. S. D. Gladstone.]

through dock gates, and even where docks do exist the workmen at such places for whose benefit this legislation is being enacted are employed not only in docks but within the limits of the port, which include the docks, and the majority cannot accurately be described as "dock labourers."

I understand that it was suggested during the proceedings of the Select Committee of the Legislative Assembly which was appointed to consider this Bill that the change of title, I am now suggesting, should be made, but that Government stated that the majority of the opinions of Local Governments to whom the question had been referred were in favour of the wording as it at present stands in the Bill. It is true that a specific reference on this point was made, but it is doubtful whether it really received the consideration it deserves, and I am able to state definitely that important shipping and other interests feel strongly that the word "Port" is more appropriate in this country than the word "Dock."

It may be observed that when this matter was referred to Local Governments and others for opinion special attention was drawn to the difficulty which the Government of India was experiencing, of finding a suitable short title for the proposed Bill. It was pointed out that such titles as "The Indian Dockers Act", "The Indian Docks Act", "The Indian Stevedores Protection Act" and "The Indian Port Transport Act" had been considered by Government but that they had decided that in all the circumstances the title "The Indian Dock Labourers Act" was the best. I venture to suggest that if "The Indian Port Labourers Act" had been brought to their attention as a possible alternative, this title would have been preferred by the majority of those consulted. It is without a doubt the better of the two.

Sir, I can find nothing in the draft Convention which in any way ties a country which decides to ratify it to any particular title for the legislation necessary to achieve this object, and I submit that as far as India is concerned the title "The Indian Port Labourers Act" is infinitely preferable to the title "The Indian Dock Labourers Act" which the Bill carries in its present form.

Sir, I move.

THE HONOURABLE MR. T. A. STEWART: I am sorry, Sir, again to find myself in opposition to the Honourable Mr. Gladstone, but I think that he has been in error in separating the word "dock" from "labourer." This is not a Dock Act, but a Dock Labourers Act. If he will think somewhat beyond the limits of India, if he will draw on his past experience, I think he will admit that the generally accepted term for a person carrying out the occupation of loading and unloading ships is "dock labourer." The operations of a dock labourer are not necessarily confined to docks. In London, as he may be aware, ships may be loaded at docks or they may not; but the fact that a dock labourer leaves the docks in order to go to a ship in the stream does not convert him from being a dock labourer into something else. For this reason I would hold that "dock labourer" is the preferable term. It conveys a notion with which we are all familiar. If we were to accept his amendment to make this The Port Labourers Act, it might easily be held that this should apply to all labourers in the port, including the employees of a Port Trust who are employed in maintenance

works, dredging, and so on. For these reasons, Sir, Government feel that they cannot accept this amendment.

• **THE HONOURABLE MR. BIJAY KUMAR BASU** (Bengal: Nominated Non-Official): Sir, I do not understand why the Government can not accept this really harmless amendment. When we find that between two Englishmen, Mr. Gladstone and Mr. Stewart, there is a difference of opinion—

**THE HONOURABLE MR. T. A. STEWART**: I am Scotch, Sir!

**THE HONOURABLE MR. BIJAY KUMAR BASU**: To us Indians, a Scotchman is as good, or as bad, as an Englishman! But when there is a difference between two of these gentlemen who claim English as their mother tongue, I think the Indian stands in a very difficult position. If "dock labourer" has got that technical meaning which the Honourable Mr. Stewart suggests it has, I think that Mr. Gladstone who is occupied in commerce in Calcutta and is the President of Bengal Chamber of Commerce and is a member of the Port Trust should have known that technical significance of the term. But Mr. Gladstone says that it has no such technical meaning. I think if this amendment is accepted it will be better for laymen. The objection that Mr. Stewart raised was, that if we call this The Port Labourers Act it would include those labourers who are employed by the Port Trust in doing other things than loading and unloading ships. If my friend's attention is drawn to clause 2 of the Bill, he will find that the processes and worker are defined. Worker means any person employed in the processes. Therefore the Act will be applied I suppose to the workers. The name Port or Dock Labourers Act would not matter.

**THE HONOURABLE MR. D. G. MITCHELL** (Industries and Labour Secretary): Why change it?

**THE HONOURABLE MR. BIJAY KUMAR BASU**: I want to support the change for the benefit of Indians because there is this difference of opinion between these two gentlemen who claim English to be their mother tongue.

**THE HONOURABLE THE PRESIDENT**: Amendment moved:

"That in sub-clause (1) of clause 1, for the word 'Dock' the word 'Port' be substituted."

**THE HONOURABLE MR. MAHMOOD SUHRAWARDY** (West Bengal: Mahammadan): Before voting, may I ask, on a point of information, Sir, that this is a modest request—

**THE HONOURABLE THE PRESIDENT**: This is not the stage at which the Honourable Member can speak.

The Question is:

"That that amendment be made."

The Motion was negatived.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

**THE HONOURABLE MR. T. A. STEWART**: Sir, I move:

"That the Bill, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

## INDIAN CARRIAGE BY AIR BILL.

THE HONOURABLE MR. D. G. MITCHELL (Industries and Labour Secretary) : Sir, I move :

“ That the Bill to give effect in British India to a Convention for the unification of certain rules relating to International carriage by air, as passed by the Legislative Assembly, be taken into consideration.”

Sir, civil aviation is a bustling, noisy, ultra modern form of activity ; but in some of its implications at least its history goes far back into the past. The law of the carriage of goods is a special form of the law of bailment, which was developed in great detail about 2,000 years ago by the Roman jurists. In England the lawyers proceeded to develop it in their own peculiar way and at a very early stage they found it necessary to frame special rules for the carriage of goods by common carriers, that is, persons who carried goods in horse-drawn vehicles. Special rules were accordingly framed defining with great accuracy the liabilities of common carriers and limiting those liabilities. As time went on, further developments were required to meet the growth of railways, which used steam-propelled locomotives to carry goods along iron rails. At the same time further developments were taking place on the sea and more special rules were devised for the carriage of goods by sea in ships. In India there was a very similar development. The law relating to common carriers was made in 1865 and it is one of the very oldest Acts on the Statute-book. Very shortly afterwards as soon as the railways were started in India special rules were framed for the carriage of goods by railways ; several Honourable Members may have some unhappy acquaintance with the mysteries of the various forms of risk notes. In the latter half of the last century a further complication began to appear in the carriage of goods by sea. With the greater speed and tonnage of vessels, international voyages became more frequent and the maritime nations came to the conclusion that something should be done regarding the unification of the law relating to the carriage of goods by sea among the different maritime nations. Accordingly by 1925 a Convention was entered into at Brussels, whereby certain rules relating to the law of carriage of goods by sea were made uniform for all maritime nations signing the Convention. This Convention was adopted by India and was expressed in the Indian Carriage of Goods by Sea Act of 1925. I now come to the last development, that of civil aviation, whereby goods are carried under still another set of circumstances. The speed of aircraft is such that the territories of several Powers may be crossed in one day in the course of one flight ; and very soon after the first development of civil aviation at the close of the Great War, it was realised that the nations should waste no time in getting together and framing rules for the unification of the law relating to the carriage of goods by air. Accordingly a conference was convened at Warsaw in 1929. It was attended by expert jurists from all countries in Europe, who drew up a Convention which forms the basis of this Bill. The Convention is limited in scope to international carriage, that is carriage where there are two or more recognised or agreed-upon stopping places on any one flight, lying in the territories of different Powers. The Convention gives the forms and conditions of passenger tickets, luggage tickets, and air consignment notes, and it limits in various ways the liabilities of the air carrier. I may mention that the liability of a passenger is restricted to 125,000 francs, which is equivalent at the

present rate of exchange to Rs. 22,000, and the liability for goods to 250 francs per kilogramme, which is under Rs. 20 per pound. The Convention has been signed and ratified by most of the powers with which we have dealings through the air, that is, the United Kingdom, France, Holland and Italy. The Convention has been examined in great detail in England, and also by the legal experts attached to the Government of India who consider that it is suitable to Indian conditions. The Bill itself consists only of a few formal clauses giving effect to the schedules, and the schedules contain the whole of the substance, almost word for word, of the international Convention. Besides that, sub-clause (4) of clause 2 gives the Governor General power to extend the scope of the schedules from international carriage to purely internal carriage. These rules are suitable to govern internal carriage by air, and it is deemed desirable to have the law clearly defined in this respect. Take a case when our own Indian Trans Continental Airways books two passengers from Delhi, one to Singapore and the other to Calcutta. One passenger would be on an international flight and the other would not, but it is clearly desirable that they should both be subject to the same law. Hence the Bill gives the Governor General power to apply the schedules to internal transport with such modifications as may be desirable.

Sir, I move.

**THE HONOURABLE MR. BIJAY KUMAR BASU** (Bengal: Nominated Non-Official): Sir, on a point of information? May I ask the Honourable Mr. Mitchell why India was not a signatory to that Convention?

**THE HONOURABLE MR. D. G. MITCHELL**: I am afraid I could not tell the Honourable Member off-hand but he must remember that there are many of these Conventions going on now, in some of which India has a distinct interest, while in others, of the nature of the Convention under discussion where it was a pure matter of a law, India has no particular point to represent.

\* **THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS** (Punjab: Non-Muhammadan): Sir, this measure is a very useful and a necessary one as we are framing the control of carriage by air similar to what we have in carriage by land and sea. I understand almost every country has agreed to this Convention and so India ought to do the same.

**THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK** (West Bengal: Non-Muhammadan): Sir, may I ask the Honourable Mr. Mitchell if these papers were placed before the Advisory Committee of the Department of Industries and Labour?

**THE HONOURABLE MR. D. G. MITCHELL**: Yes, it was. I have nothing more to add, Sir.

**THE HONOURABLE THE PRESIDENT**: The Question is:

"That the Bill to give effect in British India to a Convention for the unification of certain rules relating to International carriage by air, as passed by the Legislative Assembly, be taken into consideration."

The Motion was adopted.

The First Schedule (Chapters I to V), was added to the Bill.

The Second Schedule was added to the Bill.

Cl'auses 2, 3 and 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. D. G. MITCHELL : Sir, I move :

"That the Bill, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

### SEA CUSTOMS (AMENDMENT) BILL.

THE HONOURABLE SIR ALAN PARSONS (Finance Secretary) : Sir, I move :

"That the Bill further to amend the Sea Customs Act 1878, for a certain purpose, as passed by the Legislative Assembly, be taken into consideration."

This small measure, Sir, has been before the country since last January and I think I can say that it has evoked no criticism and in fact very little comment. I find it difficult myself to say much about it beyond what is shown in the statement of objects and reasons. The object of drawback provisions in our own Sea Customs Act and in the Sea Customs Acts, I think, of all countries is to provide that persons who import goods for sale and find no market in this country should be able to re-export them to another market without the heavy penalty which the payment of full customs duty would involve. Under our present law, however, those drawback provisions are also applicable to goods which have passed into this country, have been sold in this country and used in this country ; and they can in certain circumstances be re-exported under drawback and the amount of customs duty they will have paid, even though they may have lost almost the whole of their value, will be negligible.

I do not propose to weary the Council with many instances of the type of transaction which this Bill is meant to prevent. Government took up the matter chiefly because of the effect of the re-exportation of cinematograph films. I am not myself a cinema fan, but I understand that films become stale after about two years. They have been shown up and down the country, they have been seen by everybody who wants to see them and have lost most of their value ; but in present circumstances, they can be re-exported and seven-eighths of the duty which they had paid on coming into the country will be refundable to their owners. The effect of this has been of course to compel the nascent industry of film production in this country to meet a much more stern competition from outside films ; and it is really because of the effect on the cinematograph industry that Government took up this matter. There is really very little more that I can say with regard to this Bill. We do not propose in the Bill that no drawbacks should ever be allowed. We merely take powers to make rules with regard to any particular article, and particularly, after an amendment which has been moved and accepted by Government in the Legislative Assembly, we have made it clear that we do not propose to issue these rules without full, and prior consultation with the industries concerned.

Sir, I move.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Sir, I am in entire agreement with this Bill, but I wish to ask certain questions on which I hope the Honourable Member will enlighten us. In the Sea Customs Act, section 43, we find that when any goods having been charged with the import duty at one customs port are then re-exported, then they can ask for a rebate. I want to know this. There are certain ports in India the income from which does not accrue to the Government of India alone. For instance, the port of Cochin. The income from this port is divided between the Government of India and the Cochin and Travancore States, will a thing imported through that port and re-exported through a British Indian port be entitled to get a return of duty from the British Indian port or not? That is the first question.

Secondly, I want to know what goods Government contemplate taking away from the original state of things. The instances which the Honourable Member has given are of motor cars and cinema films—

THE HONOURABLE SIR ALAN PARSONS : I did not mention cars.

THE HONOURABLE MR. HOSSAIN IMAM : It was mentioned in the other House. We want to know, Sir, whether such goods which are really not in use and are re-exported—if they will be subject to these restrictions or whether they can be returned outside India with only payment of one-eighth duty? For instance, Sir, there were many articles mentioned in the debate in the other House which I need not repeat here and of which the Honourable Member will know.

Thirdly, Sir, I wish to find out from the Honourable Member what this power of—

“prohibiting the re-payment of duty as drawback on any such goods or class of such goods”

means. This is rather a stringent power and when action is taken, I hope that at least the Honourable Member will lay those rules on the table of this House.

THE HONOURABLE SIR ALAN PARSONS : Sir, I wish my Honourable friend had given me notice with regard to the position of ports which are not British Indian ports. Of course, certain ports are entirely in the States. With regard to Cochin which he mentioned, I am sure that the position will be exactly the same as in regard to ports in British India and I should not anticipate any trouble as far as Cochin is concerned.

THE HONOURABLE MR. HOSSAIN IMAM : What about Kathiawar ports?

THE HONOURABLE SIR ALAN PARSONS : I am afraid I am not in a position to say categorically what the position is with regard to other ports in Indian States. But my recollection is that they are under an obligation to follow exactly the same rules as we do in our own ports. That is a question of which I should have liked to have had previous notice. I will, however, have the position looked into and inform my Honourable friend what it is later on in the course of this session.

With regard to the second question, we certainly intend to apply this Act to articles other than those which have been mentioned as instances, films and motor cars.

[Sir Alan Parsons.]

With regard to the third question, we do not propose to do anything without a careful examination of the circumstances relating to each article and without giving the interests and trades concerned on each occasion an opportunity of expressing their views to Government. That is in reply to the question whether we propose to prohibit under clause 2 (b) the repayment of duty as drawback or whether we propose to allow merely a repayment of a smaller sum.

I am afraid I cannot undertake to lay on the table of the House as suggested by my Honourable friend the rules which we propose to issue.

THE HONOURABLE MR. HOSSAIN IMAM : No, Sir ; I was only referring to clause 2 (2) (b).

THE HONOURABLE SIR ALAN PARSONS : I am afraid I cannot agree even with regard to clause 2 (2) (b) to lay on the table of the House the rules which we may issue with regard to the prohibition of the repayment of duty. There will be full opportunity given for representations by previous publication in the Gazette.

THE HONOURABLE MR. HOSSAIN IMAM : May I know one point ? I want to know whether Indian ports are for the purposes of this Act regarded as British Indian ports as they are internationally done now. Internationally they are regarded as British Indian ports.

THE HONOURABLE SIR ALAN PARSONS : I think not, Sir. Mr. Stewart, who is much better acquainted with this subject than I am is under this impression.

THE HONOURABLE THE PRESIDENT : The Question is :

“That the Bill further to amend the Sea Customs Act, 1878, for a certain purpose, as passed by the Legislative Assembly, 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 Preamble were added to the Bill.

THE HONOURABLE SIR ALAN PARSONS : Sir, I move :

“That the Bill, as passed by the Legislative Assembly, be passed.”

The Motion was adopted.

### INDIAN AIRCRAFT BILL.

THE HONOURABLE MR. D. G. MITCHELL (Industries and Labour Secretary) : Sir, I move :

“That the Bill to make better provision for the control of the manufacture, possession, use, operation, sale, import and export of aircraft, as passed by the Legislative Assembly, be taken into consideration.”

Sir, the present Act is dated 1911. At that time aviation was a new development. If we look at the contents of the Act of 1911, we will see that the first reaction of Government to civil aviation seems to have been one of fright. The contents of the Act, apart from two preliminary and three formal sections



at the end, consist of one very exiguous rule-making power, four sections giving powers to prohibit most things done by airmen, powers to seize, detain and search aircraft and powers to cancel licenses. Then follow four sections of penalties, and that is the whole of the present Act. I do not know of any other Act on the Statute-book which has so quickly become so completely antiquated and inadequate, except perhaps, Sir, in the opinion of the interests concerned, some of the Acts to protect the cotton textile industry. As a few examples of the inadequacy of the Act I may mention that though it gives power to control aircraft, it gives no power to control aerodromes. To take a marine analogy, a similar position would arise if the law gave power to control ships but did not give power to control or regulate ports. Again we have no power to make investigations into accidents. As a matter of fact we do investigate these accidents but we have no statutory power to do so. In numerous other respects the Act is lacking and inadequate. We are carrying on, however. We have made many rules, some of which are of somewhat doubtful legality, and we have issued many orders and instructions, and we are getting on fairly well, due very largely to the fact that airmen, though they do make a confounded noise, are in other ways very decent and law-abiding citizens. Twenty-three years have passed since the present Act came into force and the outlook towards aviation both on the part of Government and of everybody else has very considerably changed. There has been an enormous development of civil aviation in India. We have now three international lines crossing India between Karachi and Rangoon. There are three internal air services and several more are under negotiation. Government still wish to control civil aviation as it unquestionably has its potential dangers, but they also wish to encourage it, and the present Act is inadequate for both purposes.

In recent years a new factor has entered into the situation, that is the International Convention for the Regulation of Aerial Navigation, which was signed at Paris in the year 1919. Immediately after the war there was a sudden development of civil aviation activities and the countries of Europe and of America realised that it would be a very excellent thing indeed if some international agreement could be come to whereby the airworthiness of aircraft and the competence of the personnel operating aircraft could be secured, and whereby also a unified system of what may be called the "rule of the air" could be agreed to by all countries. To this Convention India was a party and the Bill is now intended among other things to arm the Governor General with the necessary powers to give effect to the Convention. The Convention, if I may give a brief description of its purpose and contents, opens with a very important declaration that :

"The high contracting parties recognise that every power has complete and exclusive sovereignty over the air space above its territories".

Having admitted the sovereignty of the air, however, the Convention immediately proceeds to avoid the undesirable consequences of the doctrine by declaring that :

"Each contracting State undertakes in time of peace to accord freedom of innocent passage above its territory to aircraft of other contracting States, provided that the conditions laid down in the present Convention are observed".

The Convention then proceeds to require that aircraft, with certain exceptions, should have certificates of airworthiness and that personnel operating

[Mr. D. G. Mitchell.]

aircraft should have certificates of competency. It also gives in its annexures a mass of regulations designed to secure the safety of the air, the standards required for pilots, the marking of aircraft, the lighting of international routes and a multiplicity of other details. At the same time it establishes what is known as the International Commission for Aerial Navigation whose duties are to overhaul and amend these regulations from time to time.

I think, Sir, it will be fairly obvious to Honourable Members that our present Act which contains, apart from prohibitions and penalties, only one very small rule-making clause, is insufficient to meet modern developments and the needs of this very important International Convention. As regards our international obligations, to give two examples only, the present Act gives us no power to reciprocate in the matter of certificates of airworthiness and certificates of competency ; and it gives us no power to control lighting in and about international airways.

As regards the contents of the Bill, I have already indicated several of the points which required to be covered. These have all been covered by the Bill. Apart from these, the chief feature is a very comprehensive and elastic rule-making power which is designed to enable the Governor General in Council to meet further developments as they occur. Another small but very important feature is the declaration of freedom of the air for the purposes of internal law. Clause 17 lays down that no airman shall be liable to be sued merely because he flies over another man's property, if he flies at a reasonable height and in a reasonable manner.

Sir, I move.

THE HONOURABLE MR. E. MILLER (Bombay Chamber of Commerce) : Sir, this new Bill in connection with the control of aircraft is a very welcome piece of legislation and I think in the form in which it comes before this House, it may be said, speaking generally, that it is quite satisfactory.

It must be admitted that the powers conferred under the Bill are very wide, but as aviation may be said to be still in its infancy, this is unavoidable as it is impossible to frame rules to fully cover all instances that may arise from time to time and which cannot be foreseen at this stage. There are, however, two points I should like to raise, and in doing so I wish to make it clear that I am raising them personally on my own responsibility and not after consulting the Bombay Chamber of Commerce.

The first is in connection with clause 3. The powers of exemption given in this clause are very wide and although in the notes on clauses appearing at the back of the Bill an explanation is given and instances quoted where relaxation of certain rules might be necessary, the powers are not confined to such instances and full discretion is given to grant exemptions wherever it may be considered expedient to do so.

I should like the assurance of Government, however, that only in very special and exceptional circumstances would relaxation of the rules be permitted, where prompt action was essential, such as quoted in the explanatory note or in the case, say, of world flights,

aero circuses and similar occasions. Also that such exemption when granted would only apply to the particular instance for which it was given and that if another similar occasion arose, application would again have to be made and exemption only granted if it was expedient to do so.

In the event of it being found desirable to retain such an exemption more or less permanently, will Government undertake to provide for this in the rules and in such case to take steps under clause 14 which provides for previous publication for a period of not less than three months, thus making it possible for objections to be submitted to Government to which consideration would first be given before making the proposed addition or alteration to the rules ?

My next point is in connection with clause 6 (2) which originally left compensation to be determined by an officer of Government appointed by the Governor General in Council. This was changed by the Select Committee appointed by the Legislative Assembly to consider the Bill, from "officer" to "authority" in which form the clause comes before this House. This is an improvement, I think, but still leaves the "authority" somewhat uncertain. I understand, however, that the intention is that the authority would be a court of law, but if this is so I would submit that, generally speaking, this would lead to delay and considerable expense. I suggest that arbitration would be a more expeditious and satisfactory method in most instances, one arbitrator to be appointed by Government and the other by, say, a chamber of commerce or perhaps a recognised flying club. It should be stipulated also that these arbitrators should appoint an umpire to make an award in case they were not able to arrive at a unanimous decision. It would of course be understood that both the arbitrators and umpire must have the necessary qualifications. Will Government agree that this method of settlement should be adopted whenever possible and that otherwise such matters will be referred to a court of law ?

• I trust in replying, my Honourable friend Mr. Mitchell will deal specifically with these two points raised by me as I consider they are important and unless I am satisfied as to the intention of these clauses I shall not feel in a position to give my support to the passing of the Bill in its present form.

May I in conclusion express my great satisfaction at the statement made a few days ago by the Honourable Sir Frank Noyce in another place in regard to Government's proposed programme of capital expenditure in connection with the development of civil aviation. This is long overdue but at any rate I am sure all Honourable Members of this House will support me in thanking Government and Sir Frank Noyce in particular for taking this active and practical interest in this important step to improve communications in this vast continent. I hope Government will shortly adopt similar active measures in regard to developing road communications, a most vital and urgent matter requiring the adoption of a broad and generous policy.

THE HONOURABLE MR. D. G. MITCHELL : Sir, of the two points raised by the Honourable Mr. Miller, the first relates to the exercise of the power to grant exemptions. I may assure him straightaway that neither Government nor the Civil Aviation Directorate have the slightest intention of giving exemptions except in cases where they are really needed. An exemption will be

[Mr. D. G. Mitchell.]

given in the most restricted manner possible. There is no question of making a general exemption merely in order to meet a special case. Further, I may also assure the Honourable Mr. Miller that if any particular form of exemption should become permanent and general, and if it is at all possible to bring that exemption within the limits of a formal rule, then most unquestionably that step will be taken and the exemption will be changed into a rule. This will be in the interests of the Civil Aviation Directorate as well as of the general public. The second point he raised related to the method of determining compensation under clause 6 (2). The Honourable Mr. Miller would like an assurance that Government will refer to arbitration whenever possible. I think, Sir, the clause as it reads will cover that particular method of the determination of compensation. I think it will be possible for Government to appoint an Arbitration Tribunal and for that Tribunal to be regarded as the "authority" under the sub-clause. If that is so—and I think it is so—then I may assure the Honourable Mr. Miller that in cases where arbitration will be a suitable method of determining the dispute, Government will be only too glad to refer these cases to arbitration. I would, however, point out to him that arbitration will not be suitable in all cases. There may be many instances in which the compensation is only fifty or a hundred rupees, and a short inquiry by an officer of Government will obviously be the most suitable means.

**THE HONOURABLE SIR PHIROZE SETHNA** (Bombay: Non-Muhamadan): Sir, I only wanted to emphasise what fell from the Honourable Mr. Miller, but I find that the Honourable Mr. Mitchell has answered all the points raised by the Honourable Mr. Miller in his speech—and I think—satisfactorily. We certainly do not want exemptions to be general, but if they are to be made general, we would like before Government do so to give the public a chance of criticising their action and to say whether they would appreciate such an exemption being made permanent. I am also glad that the Honourable Mr. Mitchell has accepted the suggestion in regard to arbitration; that is very necessary. Then, Sir, I too would like to repeat what the Honourable Mr. Miller said, namely, that we welcome this Bill. Aviation is, comparatively speaking, a very modern science. It has existed now for not more than 25 or 30 years, but it has made very wonderful strides indeed, so much so that in another generation we will not be surprised if it becomes a serious rival to the railway companies, steamships and motor vessels. Another point to which I would like to draw the attention of the House is that Indian youths are taking very kindly to aviation and that is a very happy sign. Unfortunately at the present moment there is not enough scope for them for employment but we do hope that because of the reference made by the Honourable Mr. Mitchell to international air lines passing through India as well as of internal services which have been set up in the countries such opportunities will arise and many Indians will be engaged as pilots, ground engineers, etc.

I welcome the Bill, Sir.

**THE HONOURABLE THE PRESIDENT:** The Question is:

"That the Bill to make better provision for the control of the manufacture, possession, use, operation, sale, import and export of aircraft, as passed by the Legislative Assembly, be taken into consideration."

The Motion was adopted.

Clauses 2 to 10 were added to the Bill.

• Clauses 11 to 20 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

• THE HONOURABLE MR. D. G. MITCHELL: Sir, I move:

“That the Bill, as passed by the Legislative Assembly, be passed.”

The Motion was adopted.

### MECHANICAL LIGHTERS (EXCISE DUTY) BILL.

THE HONOURABLE SIR ALAN PARSONS (Finance Secretary): Sir, I move:

“That the Bill to provide for the imposition and collection of an excise duty on mechanical lighters, as passed by the Legislative Assembly, be taken into consideration.”

This Bill, Sir, is a corollary of the Matches (Excise Duty) Bill, which was accepted by this Council last session. As a result of that duty, there is a danger both to the manufacturers of matches in this country, to whom protection has been given, and also to the revenues which we hope to derive from the match excise duty, either from the importation of a large number of cheap mechanical lighters or from the possible creation of a mechanical lighter industry in this country. On my information there is no such industry now. To meet these dangers, both from the point of view of the Government revenue and from the point of view of the important match industry, this Bill proposes to impose an excise duty on each mechanical lighter of Rs. 1-8-0 with, of course, an equivalent addition to the customs revenue. I do not think there is anything more I need say in justification of this measure.

• Sir, I move.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal: Non-Muhammadan): Sir, on the very principle of the levy of an excise duty on mechanical lighters I oppose the Bill. It is the accepted principle of all economists of all countries that excise duty is levied on an industry in very abnormal circumstances. Further the excise duty is only levied on such articles the industries of which have attained perfection and can bear a duty without endangering their existence and development. But unfortunately, Sir, here in this Bill we are asked to give our consent to the levy of a very heavy excise duty on an article which is not manufactured in the country at all. This Bill was brought before the other House during the last budget session and was being rushed through when my friend Mr. Bhupat Sing brought in a motion for the circulation of the Bill raising the objection on the levy of an excise on an article which is not manufactured in the country.

Sir, from the opinions received from different bodies and officers of the Government a substantial and an influential portion amongst them are against the very principle of excise duty. Sir, I have no difference of opinion with the Honourable the Finance Member when he stated in the other House that the Bill is required for checking the development of the use of mechanical lighters.

[Mr. Jagadish Chandra Banerjee.]

I also join issue with him and say that take all steps possible to stop the increase in the use of mechanical lighters and that can very well be effectively done simply by the levy of a heavy import duty as envisaged in clause 16 of the Bill. I can even go further and say that if necessary levy a higher rate of import duty than what you have proposed. Because in that case indirectly it will produce a double effect; firstly, it will work as a protection to the development of an industry which is yet unknown in the country, and secondly, it will save the match excise revenue by checking the use of the development of the use of mechanical lighters, and thirdly, the heavy import duty will stop the draining out of Indian resources which goes out of India as the price paid for the importation of such lighters. But what I strongly object to is the principle of excise on an industry which is not yet born and by means of which Government desires to shut the door of the development of such an industry in the country for all time to come. Sir, that is not all. This House is being asked to give their consent to a principle which would be creating a very undesirable precedent. The only cogent argument of Government in favour of the Bill is to see that the match excise revenue may not be affected. I also wish to see as much because on the very yield of match excise revenue depends the refund of jute excise duty to my province as promised by the then Honourable Finance Member during the last budget discussion. In this particular case Government themselves have admitted in the statement of objects and reasons of the Bill that there is not a single concern in the country at the present moment which produces in India mechanical lighters. Government's only apprehension appears to be that the match excise might give incentive to the industrial magnates of the country to establish such an industry. Here also I join issue with the Government and boldly say that let the industry be established first and let the Government watch carefully whether match revenue is being affected appreciably by the development of such an industry. If it does, well the Government can always bring in legislation before the House and get it passed by the Legislature which during these last fifteen years have given ample proofs of their support to reasonable legislation. But, Sir, the present or the future Legislatures can never agree to such a legislation by which the door of establishing such an industry is closed for ever in the country. Here, at this stage, with your permission, Sir, I will read some of the extracts from the opinions received from some of the important officials of the Government and the trade associations and the chambers of commerce who also are strongly opposed to the principle of excise duty. With your permission, Sir, from Paper No. I, I will read the opinion of the Excise Commissioner, Burma. It reads as follows :

"In January, 1934, enquiries were made from Deputy Commissioners whether the match revenue was likely to be affected by the extension of the use of lighters. Almost all Deputy Commissioners were of the opinion that the match revenue would not be appreciably affected".

Then he went on giving statistics and the whole trend of his argument and the statistics produced by him show that only heavy import duty is required. I also agree wholeheartedly with that view. It further shows that the use of mechanical lighters cannot increase in an illiterate country like India to such an extent that it may affect the match excise revenue appreciably.

But as we agree about the heavy import duty on mechanical lighters the question of the increase in the use of mechanical lighters does not arise.

Then, Sir, I come to the opinion from the Government of the United Provinces. It stated as follows :

"As regards the principle underlying the Bill, I am to point out that though it is essential to safeguard the interests of the match industry, the excise duty levied on mechanical lighters should not be so high as to prevent altogether the development of this new industry".

Next I quote the opinion received from the Merchants' Chamber of the United Provinces, Cawnpore. It reads as follows :

"The Council of this Chamber, while approving and appreciating the objects underlying the Bill, wish only to point out that the licenses contemplated under section 7 to be granted to manufacturers of mechanical lighters within India should not be too strictly doled out, if the manufacturers of such mechanical lighters are really Indians and are sincerely at the task with a view to further the interests of Indian industries".

It appears from the above that there is nothing to show in the Bill which proves that Government will not put further obstacles in the grant of licenses required under section 7 for the establishment of such an industry.

I now come to the opinion of the Government of the Punjab which reads as follows :

"The Governor in Council is inclined to question the view in the statement of objects and reasons that there is serious danger that, with the imposition of a considerable duty on matches, there will be an abnormal development of the use of mechanical lighters. Of the 300 millions in India who use matches only a very small proportion are likely to buy a mechanical lighter and maintain the necessary supply of petrol with which to replenish it, and it is probable that these lighters will always be articles of luxury possessed by a class whose consumption of matches is not materially reduced. The question really is whether it is desirable to pass the measure by way of warning to prevent an industry being established, which if it succeeded in establishing itself might require Government to impose taxation which would have the effect of killing it".

The above opinion supports my view that the Bill is more or less designed not to check the development of the use of mechanical lighters but is really designed to shut the door of the future development of the industry in India. No Indian can ever agree to this dubious method of slamming the door against the development of new industries.

In support of my contention I further quote the opinion of the Simla Trades' Association, Simla, which read as follows :

"The Simla Trades' Association is of the opinion that the Bill is uncalled for, in that the industry has not yet developed in India and a verdict of the kind proposed should not be passed. In the course of industrial development many new factors arise and if at any time the development of this new industry can be profitable to the country there is no reason why a prohibitive excise duty should prevent people from thinking in terms of its development. We fear that the Bill amounts to putting the cart before the horse and we suggest that the measure be dropped for the present. We do not suspect that there will be any danger to the excise revenue from matches and are of the opinion that if and when such a danger arises the Legislature can be approached for necessary powers".

It clearly shows that my apprehensions are also shared by many trades associations and chambers of commerce. In support of my argument I quote further the following opinion received from the Indian Chamber of Commerce.

[Mr. Jagadish Chandra Banerjee.]

Lahore, of which the Honourable the Leader of my Party is also a member, and which reads as follows :—

“ This Committee have considered the various clauses of the Bill and they strongly protest against the imposition of a very high excise duty of Rs. 2 per each lighter as provided in clause 3 of the Bill. No doubt no industry of this type is in existence yet in India but to impose a high duty in anticipation is most objectionable. From this my Committee conclude that the Government of India are not in favour of starting this industry by Indians when the mechanical lighters are being manufactured side by side with match industry in foreign countries. The speech of the Honourable Finance Member has not made out any case for killing the industry before it is started ”.

Then, Sir, when I come to Paper No. II I cannot help quoting the opinion of the Marwari Association, Calcutta. It reads as follows :

“ My Committee fear a drastic measure like this will only make the starting of this industry impossible in India without serving any useful purpose and they therefore regret their inability to support the Bill ”.

Close on their heels follows the opinion of the United Provinces Chamber of Commerce, Cawnpore. It reads as follows :

“ The apprehension of the Government that there will be an abnormal development of mechanical lighters, and it would mean loss of duty and interference with the business of the Indian match industry, is groundless, there being at present no industry for manufacture of mechanical lighters in India.

“ My Committee are of opinion that the time is quite inopportune for the enactment of such a Bill, and strongly oppose the whole Bill, and urge upon the Government to withdraw it ’.

In coming to Paper No. III which contains mostly the opinions of district officials I do not like to tire the House by quoting them but I cannot help quoting the important opinions of one or two officials as well. I read the opinion of the Assistant Collector, Southern Division, Satara. It reads as follows :

“ The statement of objects and reasons shows that at present there is no established industry of this nature in India. It seems, therefore, not advisable, in my opinion to discourage establishment of an industry of this nature. In order to safeguard the receipts from the excise duty on matches, I think that if a heavy import duty only is levied it will be sufficient and this will still leave some scope for an enterprise in India of a mechanical lighter manufacturing concern ”.

Then, Sir, to my mind the most sensible view has been adopted by Mr. Holt, the Personal Assistant to the Collector of Ahmednagar. This is what he says :

“ I am not sure that I understand what is meant by ‘ an abnormal development of the use of mechanical lighters ’. Any ‘ abnormality ’ that may be discerned in that development will be, it is suggested in the statement, the result of the abnormal duty on matches, and the most efficacious method of restoring normal developments would apparently be the removal of that duty ”.

In his opinion if there be development in the use of mechanical lighters which may affect the match excise revenue then the best course is to do away with the match excise.



Last but not the least important is the opinion of the Indian Merchants' Chamber. It reads as follows :

“ They feel that there is no justification for the imposition of an excise duty on the manufacture of such lighters. Even on Government's own admission, there is not as yet in the country any established industry for the manufacture of these lighters. There is therefore no justification for presuming that Government revenue will be affected by the development of such an industry and for forestalling the same by the imposition of any excise duty. My Committee are also opposed to excise duty on principle, as they consider it detrimental to industries. The proposed legislation, if accepted, will prevent the initiation and development of this industry. My Committee are, therefore, strongly opposed to the proposal for the excise duty ”.

Now, Sir, the Government agreed to circulate the Bill for opinion but unfortunately for them as I have already proved by quotations almost all important trade associations and chambers of commerce and a large number of officials are against the principle of the levy of an excise duty on an industry not yet in existence in India.

Before I conclude, Sir, I may warn the House that close on the heels of this Bill it would not be surprising if Government bring in a Bill for the 'evy of an excise duty on the manufacture of *gur* on the same plea that the heavy excise duty on sugar is increasing the development of the use of *gur* in the country in place of sugar. If we are asked to agree to the excise on *gur* on the same analogy of excise on mechanical lighters what will be the position of the House ? I am pretty certain they would not and dare not agree. But if we today agree to the levy of an excise duty on mechanical lighters to save the match excise then what would be our justification to refuse an excise duty on *gur* for saving excise revenue from sugar ? If any of my friends in this House consider the suggestion of the excise on *gur* is only a hypothetical proposition and need not be seriously considered then I would request them to refuse the Government's hypothetical proposition of the establishment of mechanical lighter industries in the country in future which may in the future affect match excise.

For all these considerations, Sir, I oppose the Bill.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central : Non-Muhammadan) : Sir, I join with my friend in opposing the Bill before the House. So far as the question of safeguarding the match industry is concerned, we are entirely at one with the Government. But they have adopted the unique principle in the history of legislation in introducing this Bill in which under clauses 3, 4 and 5 they want to levy a heavy excise duty on mechanical lighters manufactured in India. I am glad my Honourable friend Sir Alan Parsons had just stated that no such factory exists at present. So the view of Government is that a factory might come into existence in future and hence they have brought forward this legislation.

THE HONOURABLE MR. BIJAY KUMAR BASU (Bengal : Nominated Non-Official) : Story of Ramayana before Rama was born !

THE HONOURABLE THE PRESIDENT : Order, order.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : I hope you will explain the same when you speak.

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

Sir, we have seen that Government only recently brought two pieces of legislation to kill the infant industries of India. I refer to the Sugar Excise Bill and the Matches Excise Bill. Not being satisfied with them, they have now introduced this legislation to kill this still-born industry in India which may not make India self-contained. After this Bill, no capitalist will venture to invest his capital in setting up any industry here for manufacturing mechanical lighters. What does this show? It shows that Government are against the policy of developing the indigenous industries of India. We could have supported this Bill if they had levied a still heavier duty on mechanical lighters imported into India. As long as no factory exists in India there was hardly any ground for Government to levy this duty over manufacture in British India. If Government are prepared to delete clauses 3, 4 and 5, I would give my hearty support to the Bill. But as long as these clauses exist, I regret that I cannot support it.

I hope that some of the Honourable Members would have gone through the opinions that have been circulated to us. They number about 16, and in the majority of these opinions, from both officials and non-officials, we find that they have expressly stated that the Bill will prevent the establishment of such industries in India. Sir, I would not take up much of the time of the House in quoting from these opinions, but with your permission I will certainly quote two or three opinions to strengthen my point.

**THE HONOURABLE THE PRESIDENT :** You are not following the advice which you gave the Honourable Mr. Banerjee.

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** I never gave the advice and am afraid, Sir, that the opinions have not been read by all the Members. There are many Members who have not read them at all and if any one stands up and says that he has read all the opinions, I will just ask him to give some of the important conclusions and see whether he has read the opinions or not. Therefore, to strengthen my argument it is, I think, necessary for me to draw the attention of the House to the opinions as they will have to decide whether the measure is to be supported or opposed. Sir, I would draw the attention of Honourable Members to the opinion of the Commissioner of the Assam Valley Division. This is an opinion not from any individual of this country, but an officer of the Government. He says :

"My personal opinion is that the danger of a flood of mechanical lighters has been greatly exaggerated, and that there is no necessity for such a Bill. I regard the rate of duty proposed as exorbitant".

Sir, I will read only one or two sentences and not the whole of the opinions which I quote. The Deputy Commissioner, Bhandara, another official of Government, says :

"The Bill is obviously inexpedient and unfair".

He goes further on to say :

"I consider the Bill should be abandoned".

The Nagpur Chamber of Commerce says :

"The idea seems to be to crush any such industry if started in this country. \* \* \*  
On the whole the Bill should not be made law".

The Upper India Chamber of Commerce, which is a body composed of European merchants in our province, say :

" My Committee have now had an opportunity of considering this Bill and they feel that, as it is at present worded, the Bill would definitely preclude the starting of any industry in India for the manufacture of mechanical lighters and they deprecate any legislation which would have such an effect on any industry "

Sir, the opinion of the Upper India Chamber of Commerce deserves all the attention of the Government and I think that Government ought to have given up the Bill after receiving such opinions. Now, Sir, I will quote a sentence from the opinion of the Punjab Government from where the Honourable the Leader of the House as well as the Leader of the Opposition come. They say :

" The question really is whether it is desirable to pass the measure by way of warning to prevent an industry being established, which if it succeeded in establishing itself might require Government to impose taxation which would have the effect of killing it "

The Financial Commissioner, Mr. J. A. Ferguson, whose opinion, I hope, will be given due credit, says :

" *Prima facie*, practically to prevent the establishment of this industry is going too far in the support of the match trade. In any case I consider that the Bill is at least premature "

Sir, the same thing has been said by the President, Simla Trades' Association, the Honorary Secretary, Indian Chamber of Commerce, Lahore, and many other institutions. Lastly, I would like to quote one or two opinions from Bombay so as to make out the case that the opposition is not limited to any particular province but extends all over the country. The Bombay Government say :

" Some of the officers are also of opinion that the proposed duty is too high and requires reduction. I am to observe that the question involved is purely one of financial policy of the Government of India and since the duty is proposed to be imposed on an industry which is non-existent at present, the Governor in Council does not feel called upon to give an opinion on this point "

The Commissioner in Sind says that the measure is premature, and the Collector of Broach says the Bill seems premature and therefore unnecessary at this moment. So, Sir, I have quoted a few selected opinions of both officials and non-officials and of Indian and European commercial bodies, and they are all practically unanimous that this Bill ought to be abandoned. I would therefore urge the Government that either they should not proceed with the Bill, or if they do they should delete sections 3, 4 and 5, by which they propose to prevent the manufacture of mechanical lighters in India.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU (United Provinces Southern : Non-Muhammadan) : I have certain difficulties in regard to this measure and if I state them I do so in an enquiring spirit. The object of the Bill we have been told is to check the abnormal development of mechanical lighters. It is apprehended that the abnormal development of mechanical lighters will affect the match industry adversely. Now, Sir, the Honourable the Finance Secretary stated that there was no indigenous mechanical lighter industry in this country. Then why hamper the growth of a new industry by an excise duty. If there is no industry existing at

[Pandit Prakash Narain Sapru.]

present, then where is the necessity for an excise duty on mechanical lighters? Mechanical lighters are not generally used by the common people. The cultivator does not use them. They are used only by fashionable people. (*An Honourable Member*: "That is why they are being specially taxed!") I am all for heavy taxation of the rich. That is not my grievance. But my difficulty is that if India is to grow industrially it is necessary that we should have all industries. Why prevent the growth of this particular industry? I am asking this question in the hope that the Honourable Finance Secretary will be able to tell us why it is necessary to prevent the growth of a new industry? It will not yield you any revenue, as there is no indigenous industry in existence. I am not objecting to the import duty. That may continue. I do not say that I am necessarily opposed to this Bill. I cannot make up my mind until I hear the Honourable Finance Secretary.

THE HONOURABLE SIR PHIROZE SETHNA (Bombay: Non-Muhammadan): Sir, I rise to support this Bill in spite of the arguments which have been advanced by my friends on this side. If you drop clauses 3, 4 and 5, as my friend the Honourable Mr. Mehrotra suggests, then there is no necessity for the Bill. My friend the Honourable Pandit Prakash Narain Sapru says he does not mind "fashionable people" paying duty but he thinks that because there are no factories today which produce mechanical lighters the Government ought not to put forward this Bill. But it is just because there is no tax and because these mechanical lighters could be used for the purpose of depriving Government of its excise duty on matches, that these factories will soon crop up in the country. There are mechanical lighters which come from Europe on which duty has to be paid; whether that duty is to be kept at its present level, or to be increased, I do not know. But if mechanical lighters are made in India, in answer to the Honourable Pandit Prakash Narain Sapru I would say that for every Rs. 1-8-0 which Government will charge on such lighter they will ensure themselves perhaps Rs. 10 or more on the excise duty on matches which they would otherwise lose by the larger use of these lighters. That is the reason why this Bill ought to pass.

THE HONOURABLE SIR ALAN PARSONS: I am very grateful to my Honourable friend Sir Phiroze Sethna for putting more clearly than I could do myself the need for this Bill. I do not propose to weary the House by a recitation of those opinions which are in favour of the Bill. I think they will take it from me that I could produce at least as many as my Honourable friend Rai Bahadur Lala Mathura Prasad Mehrotra has on the other side. I understand that the opposition is not to the heavy extra duty which we propose to impose on imported mechanical lighters, but merely to the proposal to put on an excise duty. I think it was the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra who suggested that we were out-heroding Herod in not only slaughtering existing industries in the shape of sugar, matches, and perhaps he may be able to add shortly steel, but also in attempting to slaughter an infant yet unborn. My Honourable friend the Leader of the House has suggested to me that this measure is much more a measure of birth control than a murder Bill. I would put it to my Honourable friend, Pandit Prakash Narain Sapru, which is fairer to people in this country—

to say straightaway that if mechanical lighters are produced in this country we shall have to impose an excise duty on them, or to wait until manufacture has been started and then, in order to protect our revenue and to protect the much more important match industry, to impose a duty after people have sunk money in starting the industry. I put this to the House, that the only fair and honest thing for Government to do is to make an immediate announcement of their intention in this matter by laying down that, should this industry start, it will have to start under the penalty of an excise duty. That is the only way to prevent the industry starting under a completely unreal and unsafe stimulus. (Applause.)

THE HONOURABLE THE PRESIDENT : The Question is :

“ That the Bill to provide for the imposition and collection of an excise duty on mechanical lighters, as passed by the Legislative Assembly, be taken into consideration.”

The Motion was adopted.

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The Council then adjourned till Eleven of the Clock on Tuesday, the 14th August, 1934.