

13th February 1939

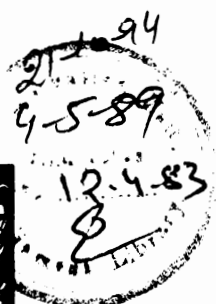
THE LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume I, 1939

(3rd February to 15th February, 1939)

NINTH SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY, 1939



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1939

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A

Legislative Assembly.

President :

THE HONOURABLE SIR ABDUR RAHIM, K.C.S.I.

Deputy President :

MR. AKHIL CHANDRA DATTA, M.L.A.

Panel of Chairmen :

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KHAN SAHIB S. G. HASNAIN, B.A. (*From 10th April, 1939*).

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

SYED GHULAM BHIK NAIRANG, M.L.A.

MR. N. M. JOSHI, M.L.A.

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LEGISLATIVE ASSEMBLY.

Monday, 13th February, 1939.

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

MEMBERS SWORN.

Lieut.-Colonel Sir Henry Gidney, M.L.A. (Nominated Non-Official);
and

Mr. Frank D'Souza, C.I.E., M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

IMPOSITION OF AN IMPORT DUTY ON COCOANUTS.

310. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Commerce Member state:

- (a) at what stage is Government's consideration of the imposition of an import duty on cocoanuts;
- (b) whether the information asked for by the Central Government has been received from the Provincial Governments; and
- (c) when they expect to come to a conclusion in the matter?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b) and (c). The required information has not yet been received. The position is, therefore, as stated in reply to the Honourable Member's question No. 1378 dated the 22nd November, 1938.

Mr. T. S. Avinashilingam Chettiar: What is the information that they have called for from the Provincial Government that is responsible for so much delay?

The Honourable Sir Muhammad Zafrullah Khan: I have answered that many times in reply to supplementary questions.

Mr. S. Satyamurti: May I know whether Government have heard from the Travancore and Cochin Governments who are also keenly interested in this question?

The Honourable Sir Muhammad Zafrullah Khan: I cannot say without notice.

Mr. S. Satyamurti: Has the Honourable Member's attention been drawn to a recent statement by the Diwan of Cochin, Sir R. K. Shanmukhan Chetty, in which he said that he pressed on the Government of India a system of control or quota with regard to copra to be embodied in our agreement to be entered into between the Government of India and the Governments of Ceylon and of the Indian States, Travancore and Cochin?

The Honourable Sir Muhammad Zafrullah Khan: I have not specifically noticed it, but I have had so many representations on this matter that it is difficult to say.

Mr. S. Satyamurti: In view of the great distress among the cocoanut growers, will Government expedite their decision on this matter, so that they may get some relief?

The Honourable Sir Muhammad Zafrullah Khan: I agree.

Mr. T. S. Avinashilingam Chettiar: Do the Government of Madras give any reasons for the delay?

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

REPORTS OF THE SHIPPING MASTERS IN INDIAN PORTS.

311. *Mr. N. M. Joshi: Will the Honourable the Commerce Member be pleased to state :

- (a) whether the Shipping Masters in Indian ports make an annual report of their work to the Government of India;
- (b) whether these reports are published;
- (c) if the reports are not published whether Government propose to publish them; and
- (d) if not, why not?

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

(b) No.

(c) and (d). The question of publishing these Reports is under consideration.

SICKNESS INSURANCE SCHEME FOR INDIAN SEAMEN.

312. *Mr. N. M. Joshi: With reference to his reply given on the 6th September, 1938, to my starred question No. 761, will the Honourable the Commerce Member be pleased to state whether the examination of inaugurating a scheme for sickness insurance for Indian seamen is complete, and, if so, what is the result?

The Honourable Sir Muhammad Zafrullah Khan: No. The matter is still under consideration.

UTILISATION OF CERTAIN CONTRIBUTIONS FOR THE BENEFIT OF INDIAN SEAMEN.

313. *Mr. N. M. Joshi: With reference to his reply to my starred question No. 765, given on 6th September, 1938, will the Honourable the Commerce Member be pleased to state whether their consideration of the question that contributions made by British shipowners in connection with National Health Insurance for seamen who are neither domiciled nor resident in Great Britain, be spent for the benefit of the non-resident and non-domiciled seamen instead of for the benefit of the British seamen, is complete, and, if so, what is the result?

The Honourable Sir Muhammad Zafrullah Khan: No. The question is still under consideration.

RATE WAR BETWEEN SHIPPING COMPANIES CARRYING HAJ PILGRIMS.

314. *Mr. Abdul Qaiyum: Will the Honourable Member for Commerce please state :

- (a) whether the Port Haj Committees of Calcutta, Bombay and Karachi have protested against any rate-war aimed against an Indian company;
- (b) whether they have asked Government to take effective action in the matter;
- (c) the manner in which Government propose to eradicate this evil; and
- (d) whether Government are still unwilling to resort to legislation to curb this evil; if so, the reasons therefor?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). Representations in regard to the present position in the pilgrim trade have been received from the Port Haj Committees at Calcutta and Karachi, but not from the Bombay Committee.

(c) and (d). I would invite the Honourable Member's attention to the answers given by me to question No. 213 and its supplementaries on the 8th February.

Maulvi Abdur Rasheed Chaudhury: May I know whether Government are taking any practical steps to stop this rate war?

The Honourable Sir Muhammad Zafrullah Khan: I don't know how many times I have answered this question in reply to supplementaries.

Mr. Abdul Qaiyum: May I know what are the suggested remedies by the Port Haj Committees?

The Honourable Sir Muhammad Zafrullah Khan: Generally it comes to this—that they desire some action to be taken which will result in uniform rates.

Mr. Abdul Qaiyum: How do they propose to effect this object?

The Honourable Sir Muhammad Zafrullah Khan: I cannot go on answering with regard to the contents of their representations.

Mr. S. Satyamurti: With regard to legislation, may I know whether Government have got under active consideration proposals for introducing uniform rates.

The Honourable Sir Muhammad Zafrullah Khan: For the moment the question itself has ceased to be active.

DISCRIMINATION IN THE PAYMENT OF COMPENSATIONS TO INDIAN *LASCARS* AND EUROPEAN SEAMEN.

315. *Mr. N. M. Joshi: Will the Honourable the Commerce Member be pleased to state :

- (a) whether he is aware of the fact that section 86(1) of the Indian Merchant Shipping Act, 1923, contains racial discrimination, inasmuch as it prescribes lower sums to be paid to Indian *lascars* as compared with those to European seamen by way of compensation for a reduction in the provision for food or for bad quality of food provided on board ship;
- (b) if so, whether Government propose to consider necessary amendments to the section, so as to raise the amounts of compensation to be paid to Indian *lascars* and equalising them with those given to European seamen; and
- (c) if not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) The difference in the rates of compensation is due to the fact that the ordinary dietary of European seamen costs more than that of Indian seamen.

(b) and (c). The matter is under consideration.

REPORTS OF THE TARIFF BOARD ON CERTAIN INDUSTRIES.

316. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Commerce Member state :

- (a) which of the reports of the Tariff Board are still under the consideration of the Government;
- (b) when the consideration of the reports will be over; and
- (c) whether Government have considered the advisability of passing their orders on the report after ascertaining the views of the Assembly on important matters?

The Honourable Sir Muhammad Zafrullah Khan: (a) Reports relating to the following industries are under the consideration of Government:

Sugar, Paper, Magnesium Chloride, Sericulture and manufacture of Silk handkerchiefs.

(b) As early as possible.

(c) The attention of the Honourable Member is invited to the answers given by me on the 14th November, 1938. to the supplementaries to his question No. 1289.

Mr. S. Satyamurti: May I know whether Government have considered or will consider the desirability of giving effect to the recommendations of the Tariff Boards in time for the Finance Bill of each year and not introduce legislation in the middle of the year, affecting the tariffs?

The Honourable Sir Muhammad Zafrullah Khan: I cannot give any undertaking to that effect. It all depends on how soon conclusions can be reached after consideration of the reports.

Mr. T. S. Avinashilingam Chettiar: Is there a time limit within which consideration of the reports of these committees have to be finished?

The Honourable Sir Muhammad Zafrullah Khan: There is a time limit with regard to the period of protection which these industries enjoy and some decision one way or the other will have to be taken before the period of protection expires.

Mr. Manu Subedar: May I know the consideration of which of these reports has been completed with a view to give effect in the next Budget?

The Honourable Sir Muhammad Zafrullah Khan: I cannot go beyond what I have already said.

Mr. S. Satyamurti: Are there any Tariff Board reports which have been long enough with the Government for them to say that they have been in a position to come to conclusions on their recommendations and incorporate them in the financial proposals for next year?

The Honourable Sir Muhammad Zafrullah Khan: It is expected that with regard to some of these reports conclusions will soon be arrived at and legislative proposals placed before the House.

Mr. T. S. Avinashilingam Chettiar: What are those proposals?

The Honourable Sir Muhammad Zafrullah Khan: I cannot specify them.

Mr. Manu Subedar: What has become of the sugar report which was submitted some time at the time of the last Budget, which could not be considered last year?

The Honourable Sir Muhammad Zafrullah Khan: It has not been lost sight of. It is under consideration.

Mr. S. Satyamurti: May I know the reasons for the delay of fifteen months?

The Honourable Sir Muhammad Zafrullah Khan: I have explained the reasons before.

Mr. S. Satyamurti: May I know why the delay continues?

The Honourable Sir Muhammad Zafrullah Khan: For the same reasons.

REFERENCE OF THE PROTECTION OF COTTON INDUSTRY TO THE TARIFF BOARD.

317. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Commerce Member state :

- (a) whether Government have under contemplation the reference of any matter to the Tariff Board in the near future;
- (b) whether the protection of the cotton industry will be referred to the Tariff Board; and
- (c) who will be the members of the Tariff Board and what will be the terms of reference?

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

(b) The action to be taken in this matter depends on the outcome of the negotiations with His Majesty's Government in the United Kingdom for a revised trade agreement.

(c) Does not arise.

Mr. T. S. Avinashilingam Chettiar: In view of the fact that the outcome of the trade agreement is expected to be known before the end of the session, may I know whether Government contemplate appointing a Tariff Enquiry Committee quite soon over this matter?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid we will have to wait to see the outcome of the negotiations.

Mr. S. Satyamurti: May I know whether the Government of India have any idea of the date by which they will be able to arrive at their tentative conclusions on the Indo-British trade negotiations?

The Honourable Sir Muhammad Zafrullah Khan: It is very difficult to specify any particular date. I have assured Honourable Members that it will be placed before the Assembly as early as possible.

Mr. S. Satyamurti: Will it be on the 24th of February?

The Honourable Sir Muhammad Zafrullah Khan: It now looks as if it will have to be later on.

Mr. S. Satyamurti: Later on, I know. But when?

(No answer.)

REPRESENTATIONS FOR THE AMENDMENT OF THE COMPANIES ACT.

318. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Law Member state :

- (a) whether Government have received any representations from the public asking for amendments to the Companies Act as recently amended by the Legislature;
- (b) if so, with regard to what matters; and

- (c) whether Government have considered the representations and, if so, with what results?

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

(b) The proposals for amendment are numerous and relate to various sections of the Act.

(c) I would refer the Honourable Member to the reply given to part (c) of his question No. 788 on the 10th March last. The time is not yet opportune for undertaking any general revision of the Indian Companies Act.

Mr. S. Satyamurti: May I know whether any representations have been received relating to the amendments to the Act relating to banking and have any representations been made to the Government of India for undertaking comprehensive banking legislation?

The Honourable Sir Muhammad Zafrullah Khan: I should like to have notice. I have not got the details here.

Mr. T. S. Avinashilingam Chettiar: The Honourable Member has said that the time is inopportune for a general revision. May I take it that Government are addressing themselves to any few points which are urgent, by way of amendment of the Act?

The Honourable Sir Muhammad Zafrullah Khan: I said that the proposals for amendment are numerous and relate to various sections.

WESTERN AND EASTERN COURTS IN NEW DELHI.

1319. ***Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Labour be pleased to state if the original idea of building the Western and Eastern Courts in New Delhi was to accommodate exclusively the members of the Central Legislatures?

(b) Is it a fact that Eastern Court has been given away to the Postal and Telegraph Department? If so, on what conditions and by whom are all the quarters occupied, and what rent is realised therefrom?

(c) Are the rooms in the Western Court, marked for officials, given to them permanently, or will preference be given to the members of Legislatures, if they want them, or there is need for their occupation?

(d) Are there no rooms available in the Eastern Court to accommodate some of the officials occupying rooms in the Western Court?

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

(b) The Eastern Court was transferred to the Posts and Telegraphs Department at its market value in 1923, and is used for various Posts and Telegraph offices and quarters for staff. With the exception of one member of the staff, who is paying a rent of Rs. 31 per mensem, all the occupants of quarters are entitled to rent-free accommodation as a condition of their service.

†Answer to this question laid on the table, the questioner being absent.

(c) The accommodation earmarked for Government officials is meant for them. The accommodation reserved for Members of the Legislature is adequate to meet the present demand and the question of increasing such accommodation will be considered if and when the demand increases.

(b) No.

REPRESENTATIONS FOR THE GRANT OF OLD AGE PENSIONS TO INDIAN WORKERS IN NATAL.

320. *Mr. S. Satyamurti (on behalf of Seth Govind Das): Will the Secretary for Education, Health and Lands please state:

(a) whether representations were made to the Government of the Union by the Natal Indian Congress to grant old age pensions to Indian workers there; and

(b) whether the representations were favourably considered by the authorities concerned?

Sir Girja Shankar Bajpai: (a) Yes.

(b) Towards the end of 1935, a grant of £5,000 per annum to be distributed as relief to aged, indigent, or blind Indians at the rate of 10/- per month, was sanctioned by the Union Government. As a result of representations made by the Agent General, the amount was raised to £10,000 last year and the age-limit for Indian women reduced from 65 to 60 years in 1937. The age limit for both males and females is now the same as under the European Old Age Pensions' Scheme. The Agent General is making further efforts to have the annual grant increased and to secure an increased rate of pension.

REPRESENTATIONS FOR FACILITIES AND GRANTS TO INDIAN WIDOWS ENTITLED TO EDUCATIONAL GRANTS IN MARITZBURG.

321. *Mr. S. Satyamurti (on behalf of Seth Govind Das): Will the Secretary for Education, Health and Lands please state:

(a) whether the Natal Indian Congress made representations to the authorities there to afford facilities and grants to the Indian widows entitled to educational grants in Maritzburg; and

(b) whether the authorities considered the representations favourably?

Sir Girja Shankar Bajpai: (a) and (b). Government have no information. If the Honourable Member communicates to me the information on which his question is based, Government will consider whether any action on their part is called for.

BOARD ESTABLISHED TO ADVISE ON MATTERS RELATING TO IMMIGRATION IN KENYA.

322. *Mr. Govind V. Deshmukh: Will the Secretary for Education, Health and Lands please state:

(a) whether the Government of Kenya have established any Board under the Chairmanship of the Commissioner of Lands and Settlement for advising the Commissioner of Police in matters relating to immigration in Kenya;

- (b) whether any Indian has been appointed on this Board to safeguard the interests of Indians; and
- (c) what steps the Government of India have taken to protect the interests of Indians?

Sir Girja Shankar Bajpai: (a), (b) and (c). The attention of the Honourable Member is invited to the reply given by me on the 4th of this month to Seth Govind Das's starred question No. 56.

Mr. Govind V. Deshmukh: Sir, on a former occasion there was no answer to part (c) of the question. All that was stated, I think, was that there was some sort of understanding arrived at and the question of Indian immigration was not to be referred to?

Sir Girja Shankar Bajpai: No, Sir. What I stated on this occasion was that the Government of India had been informed that this Immigration Board was not going to concern itself with the question of Indian immigration. The Indians in Kenya nevertheless wished to have representation on the Board and that matter has been taken up with the Secretary of State.

Mr. Govind V. Deshmukh: Having regard to the fact that the Colonies seldom observe the understanding arrived at, may I know what are the definite proposals of the Government of India?

Sir Girja Shankar Bajpai: In this particular case there has not been time for the Government of India to determine whether the understanding is being observed or not.

Mr. Govind V. Deshmukh: May I know whether in the meantime there will be precautionary measures taken?

Sir Girja Shankar Bajpai: Unless the Indians in Kenya represent that the understanding is not being observed, there is no question of taking precautionary measures.

CONSTITUTION OF A PERMANENT TARIFF BOARD.

323. *Mr. S. Satyamurti (on behalf of Seth Govind Das): Will the Honourable Member for Commerce please state:

- (a) whether it is a fact that the entire establishment of the Tariff Board has been disbanded, with the exception of a single junior official;
- (b) whether Government propose the abolition of the Tariff Board once for all;
- (c) whether Government have any agency for the purpose of valuing goods in the country for tariff purposes in the absence of the Tariff Board;
- (d) whether Government contemplate replacing the present Tariff Board by a permanent quasi-judicial body like the Inter-State Commerce Commission of the United States of America;

(e) whether Government had suggestions made to them for a permanent Board of a *quasi-judicial* constitution, by the commercial bodies of the country; and

(f) what Government propose doing in the matter?

The Honourable Sir Muhammad Zafrullah Khan: (a) No, Sir. The office staff of the Tariff Board at present consists of an Assistant Secretary, one routine clerk and a small inferior establishment.

(b), (d), (e) and (f). The attention of the Honourable Member is invited to the statement I made in this House during the course of the debate on the adjournment motion moved and withdrawn by the Honourable Member who has just now put the question on the 1st September, 1936, in regard to the abolition of the Tariff Board.

(c) The valuation of goods for tariff purposes is not a function of the Tariff Board.

Mr. S. Satyamurti: With regard to the answer to clause (a) of the question, may I know what are the duties which are discharged by the small establishment which is now being kept on?

The Honourable Sir Muhammad Zafrullah Khan: Routine duties relating to the various reports and the representations received from different industries and so forth.

Mr. S. Satyamurti: With reference to the answer to clause (c), may I know what is the agency employed by Government for the purpose of valuing goods for tariff purposes?

The Honourable Sir Muhammad Zafrullah Khan: Proposals for valuation are put up by the Director General of Commercial Intelligence and Statistics and a decision is arrived at by the Department.

Mr. S. Satyamurti: With reference to the other clauses of the question, may I know if the position of Government still remains the same, that is to say, they have no intention of even considering the setting up of a permanent *quasi-judicial* Tariff Board and that they are content with having *ad hoc* Tariff Boards from time to time?

The Honourable Sir Muhammad Zafrullah Khan: I would rather not discuss the intention of Government in this matter. It is not quite so rigid as the Honourable Member assumes.

Mr. S. Satyamurti: In view of that answer, are Government actively considering the question of instituting a *quasi-judicial* permanent Tariff Board likely to command universal public confidence in this country?

The Honourable Sir Muhammad Zafrullah Khan: I wish the Honourable Member would be satisfied by the answer I have just given.

Sardar Mangal Singh: May I know whether in the constitution of a Tariff Board, whether that be permanent or temporary, Government will give due representation to the agriculturist?

The Honourable Sir Muhammad Zafrullah Khan: Government will keep that consideration in mind.

INFLUX OF NON-INDIAN DOCTORS INTO INDIA.

324. *Mr. S. Satyamurti (on behalf of Seth Govind Das): Will the Secretary for Education, Health and Lands please state:

- (a) whether his attention has been drawn to a resolution passed by the All-India Medical Conference, in December last, regarding the influx of non-Indian doctors into India;
- (b) whether he is aware that on account of unemployment in the medical profession in India, the appointment of, or the permission to practise in the medical profession by, non-Indians seriously affects Indians; and
- (c) whether Government propose controlling the entry of such doctors into this country to set up practice or take up appointment, by suitable emigration legislation, who are not Indians, and specially those in whose country Indians have no reciprocal treatment?

Sir Girdja Shankar Bajpai: (a) and (c). Government have seen the resolution referred to. The attention of the Honourable Member is invited to the reply I gave to part (c) of Mr. Lalchand Navalrai's starred question No. 52 on the 4th of this month.

(b) Government are aware that there is some unemployment in the medical profession in urban areas. Permission to practise medicine in India or the appointment of non-Indian doctors is primarily a concern of the Provincial Governments.

Mr. S. Satyamurti: With reference to the answer to clause (c) of the question, may I know whether the Government of India are actively considering the question of taking legislative or administrative steps for the control of the immigration of non-Indians into the country on the basis of reciprocity?

Sir Girdja Shankar Bajpai: I submit, Sir, that that is rather a large question. I was limiting my answer to the question to the entry of doctors into this country.

Mr. S. Satyamurti: May I know if Government are ever considering the question of taking steps, legislative, administrative or other, with a view to controlling the immigration of non-Indian doctors into this country on the basis of reciprocity?

Sir Girdja Shankar Bajpai: Sir, the position with regard to that is this. What the Government considered was not so much the question of the entry of these doctors into India as the question of the right to practise and to be registered, because they would not come to this country, if they were not allowed to be registered or to practise. As my Honourable friend is probably aware, the problem in Bombay appeared to the Government of Bombay to be acute and they very recently passed a Bill which has the effect of denying the right to practise to persons who do not conform to certain conditions, and in view of that we came to the conclusion that this matter had better be left to be dealt with by Provincial Governments, who are doubtless in a better position to appreciate local exigencies than we are.

Mr. S. Satyamurti: In view of the fact that uniformity is necessary in this matter in the whole of India governed by the British Government here, may I know whether Government have not considered or will not consider the desirability of taking some uniform steps which will govern the right to practise as doctors of non-Indians all over India? I am not referring to the question of their being registered or not being registered in each province.

Sir Girja Shankar Bajpai: It might become necessary at some stage to consider the thing from the all-India point of view but at the moment the problem appears to be a local one.

Mr. Badri Dutt Pande: Is not the Honourable Member aware that a few Jewish doctors have come over here and settled down here and are practising here?

Sir Girja Shankar Bajpai: I have not taken a census of Jewish doctors in Delhi.

Mr. T. S. Avinashilingam Chettiar: May I know whether any other Government have taken any steps in this direction?

Sir Girja Shankar Bajpai: I have information only so far as the Government of Bombay is considered.

Dr. Sir Ziauddin Ahmad: Do not the Jewish doctors have to apply for registration to the Government of India?

Sir Girja Shankar Bajpai: No, Sir, because we have no power to register anybody. As my Honourable friend is aware, the registration Acts are all provincial.

Dr. Sir Ziauddin Ahmad: But in Delhi they have to apply to the Government of India for registration? Surely Delhi is under the Government of India?

Sir Girja Shankar Bajpai: That is true, but as far as I know—I am speaking from memory—the registration in Delhi is done in conformity with the provisions of the Punjab Act. There is no separate Act for Delhi.

INDIAN TRADE COMMISSIONERS IN FOREIGN COUNTRIES.

325. *Mr. S. Satyamurti (on behalf of Seth Govind Das): Will the Honourable Member for Commerce please state:

- (a) the number of Trade Commissioners stationed in various foreign countries on behalf of India and their jurisdictions;
- (b) the number of Trade Commissioners appointed in the Far East countries on behalf of this country;
- (c) whether he has taken steps to extend India's piecegoods trade in countries like Syria, Turkey and Egypt;
- (d) the percentage of India's trade in Syria, Turkey and Egypt in piecegoods out of the total trade in those countries; and
- (e) the steps taken by him lately to capture some of those markets?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). I lay on the table a statement showing the Indian Government Trade Commissioners stationed abroad and their jurisdictions.

(c) and (e). The Government of India have recently appointed an Indian Government Trade Commissioner at Alexandria whose jurisdiction includes Syria, Turkey and Egypt. One of the principal duties of the Trade Commissioner is to develop the market for Indian goods in the countries within this jurisdiction.

(d) The information is not available.

Statement showing the jurisdiction of the Indian Government Trade Commissioners abroad.

1. *Indian Trade Commissioner, London.*
United Kingdom.
 2. *Indian Government Trade Commissioner, Hamburg.*
Belgium, Czechoslovakia, Denmark, Northern France, Germany, Holland, Norway, Poland, Sweden, Switzerland, Finland, Latvia, Lithuania and Estonia.
 3. *Indian Government Trade Commissioner, Milan.*
Italy, Southern France, Spain, Portugal, Hungary, Greece, Roumania, Yugoslavia, Albania and Bulgaria
 4. *Indian Government Trade Commissioner, New York.*
North America.
 5. *Indian Government Trade Commissioner, Mombasa.*
Kenya, Uganda Protectorate and Tanganyika Territory.
 6. *Indian Government Trade Commissioner, Alexandria.*
Turkey, Syria, Palestine. Egypt, Trans-jordon, Saudi Arabia, Iraq, Iran, Arab shore of the Persian Gulf (including Bahrain and Kuwait) and Muscat.
 7. *Indian Government Trade Commissioner, Osaka.*
Japan.
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Mr. S. Satyamurti: When was this gentleman appointed at Alexandria whose duties and jurisdiction extend to these countries mentioned?

The Honourable Sir Muhammad Zafrullah Khan: A very short time ago, I think in December last.

Mr. S. Satyamurti: May I take it, therefore, that Government have not had any time to receive any report on any activities for the extension of trade with this country?

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member's assumption is correct.

Mr. S. Satyamurti: May I ask whether Government have charged him especially with the duty of increasing the percentage of India's trade with these countries?

The Honourable Sir Muhammad Zafrullah Khan: That is part of his duties.

Mr. K. Santhanam: May I know whether these State Trade Commissioners have been authorised to explore the possibilities of bilateral agreements with these countries?

The Honourable Sir Muhammad Zafrullah Khan: No, Sir.

Mr. S. Satyamurti: Do their functions include a report to the Government of India on the desirability of concluding such bilateral agreements with these countries?

The Honourable Sir Muhammad Zafrullah Khan: Not specifically; but, of course, their reports contain a good deal of the material which would be necessary for enabling the Government of India to come to a decision.

Mr. K. Santhanam: Will Government consider the desirability of giving specific instructions in this matter?

The Honourable Sir Muhammad Zafrullah Khan: No, Sir.

INDIA'S TRADE IN IRAN.

326. *Mr. S. Satyamurti (on behalf of Seth Govind Das): Will the Honourable Member for Commerce please state:

- (a) the total quantity of trade and its value India had in the markets of Iran in the last two years;
- (b) whether he is aware that Iran offers great opportunities for extending India's trade in cotton yarn and piecegoods;
- (c) whether he is aware that special activities were necessary, if India's markets were to be retained; and
- (d) the actions taken by him to improve the trade balance of this country with Iran?

The Honourable Sir Muhammad Zafrullah Khan: (a) The Honourable Member is referred to the Review of the Trade of India for 1937-38, the Monthly Accounts relating to the Sea-borne Trade and Navigation of British India for March, 1938, and the *Indian Trade Journal*, dated the 5th January, 1939, copies of which are in the Library.

(b) and (c). No.

(d) Government are not aware of any action possible in this connection.

GIVING UP OF THE SIMLA SESSION OF THE LEGISLATIVE ASSEMBLY.

327. *Mr. K. Santhanam: Will the Honourable the Leader of the House please state:

- (a) whether it is proposed to give up the Simla Session of the Assembly;
- (b) what will be the difference in expenditure if the Session were held in Delhi in September instead of at Simla; and

- (c) whether the Leaders of the Parties in the Assembly will be consulted before a decision is taken?

The Honourable Sir Nripendra Sircar: (a) No.

(b) The calculations embodied in the statement annexed to the reply to starred question No. 59 asked on the 28rd January, 1925, indicates that the holding of an autumn Session of normal length in Delhi would be likely to cost approximately Rs. 50,000 more than the holding of the Session in Simla.

(c) Does not arise.

Mr. S. Satyamurti: May I ask if this extra expenditure is based on the anticipation that all the Government Members will go to Simla and will have to come back and will be paid so much travelling allowance?

The Honourable Sir Nripendra Sircar: No, Sir. The Members' allowances and the terrible charges for the haulage of motor cars account for this extra expenditure.

Mr. S. Satyamurti: Is all the excess due to that? Is no allowance made in this excess for Government Members travelling from Simla to Delhi?

The Honourable Sir Nripendra Sircar: There is no difference so far as the Government Members are concerned.

Mr. Manu Subedar: Do Government propose to take a referendum of the Members of this House on the question of abandoning the Simla Session?

The Honourable Sir Nripendra Sircar: No, Sir.

Mr. Manu Subedar: May I know what are the serious reasons of policy

Mr. President (The Honourable Sir Abdur Rahim): The Chair cannot allow a discussion on this point.

COMPENSATION TO INDIAN MUSLIMS WHO LOST LIFE AND PROPERTY IN THE BURMA RIOTS.

328. *Mr. Akhil Chandra Datta: (a) Will the Secretary for Education, Health and Lands please state what step, if any, Government have taken for obtaining compensation for the Indian Musalmans in Burma who lost life and property during the recent riots in Burma?

(b) What has been the result of such action?

Sir Girja Shankar Bajpai: (a) and (b). Representations regarding payment of compensation have been made to His Majesty's Secretary of State for India who is also the Secretary of State for Burma.

Mr. S. Satyamurti: In view of this answer and in view of the statement. I believe, by the Honourable Member for the Department of Education, Health and Lands, on the recent adjournment motion, may I know from my Honourable friend whether one of the terms of reference to the Braund Committee is the question of the assessment of the damage sustained by Indians during the recent riots and the assessing of the amount of compensation payable to them?

Sir Girja Shankar Bajpai: Sir, according to my reading of the terms of reference of the Committee, the Committee is required to assess the amount of damage done to property. I do not think it is called upon or is empowered to allot any damages. The question of damages will be for the executive Government. I presume, in the light of the findings at which these people arrive.

Mr. S. Satyamurti: May I ask whether the Government of India will draw the attention of His Excellency the Governor of Burma and request him to extend the terms of reference of this Committee so as to assess the compensation to be paid to the Indian victims or other victims of the recent riots and thus save time?

Sir Girja Shankar Bajpai: The question of the payment of compensation was gone into fairly carefully by us at the time when we made the recommendation. We consulted the Governments of the Punjab, the United Provinces, Madras and, in particular, Bombay, where unfortunately such clashes had occurred in the past, in order to ascertain what would be the best procedure for adjudicating or allotting compensation and we came to the conclusion that the best thing would be really to have an *ad hoc* machinery for the purpose of allotting compensation and that is the recommendation that we have made. Besides, in so far as the Braund Committee is concerned, I gather that their deliberations will be soon concluded, either at the end of this month or the beginning of the next.

Mr. S. Satyamurti: Has this *ad hoc* machinery been suggested to the Government of Burma and have they agreed to appoint an *ad hoc* Committee or officer to assess the compensation payable to Indians?

Sir Girja Shankar Bajpai: The *ad hoc* machinery that we have suggested is the one which has been in use in Bombay and other places, namely, a local authority consisting of a District Magistrate or a District Judge as the case may be, but we have not had any answer yet from the Government of Burma as to whether they have accepted this proposal or not.

Maulvi Abdur Rasheed Chaudhury: May I ask what are the total losses that the people have suffered in these Burma riots?

Sir Girja Shankar Bajpai: I have answered that question before, namely, that the losses will presumably be given in the report of the Braund Committee.

Mr. Abdul Qayyum: Will the Government of India be represented on this Committee?

Sir Girja Shankar Bajpai: We cannot be represented on a multiple number of tribunals. It may be that there will be tribunals in different areas where the damage was inflicted.

Dr. Sir Ziauddin Ahmad: May I ask if any Indian will be associated with these tribunals?

Sir Girja Shankar Bajpai: If you leave the adjudication to tribunals, such as, the District Magistrate or the District Judge, I do not see how an Indian or for the matter of that a Burman can be associated with them. They will be associated as claimants.

Mr. T. S. Avinashilingam Chettiar: Will Government lay on the table of the House a statement giving the information which the Government of Burma may forward after such an authority has been appointed and submitted its report?

Sir Girja Shankar Bajpai: I can assure my Honourable friend that as soon as we have a definite answer from the Secretary of State for Burma, we shall take the House into our confidence.

Mr. Akhil Chandra Datta: What is the total number of Indian Mussalmans who have lost their lives in the riots?

Sir Girja Shankar Bajpai: I have already informed the House that the details of losses of life by communities are not available yet.

RESTRICTIONS ON THE ENTRY OF INDIANS INTO CANADA.

329. *Sardar Mangal Singh: Will the Secretary for Education, Health and Lands please state:

- (a) what restrictions are now being imposed on the entry of Indians into Canada; and
- (b) what steps are being taken to remove them?

Sir Girja Shankar Bajpai: (a) and (b). The attention of the Honourable Member is invited to the reply given by me on the 21st March, 1938, to his starred question No. 879.

Mr. K. Santhanam: May I ask whether any reciprocal restrictions are placed on the Canadians on their entry into India?

Sir Girja Shankar Bajpai: I have answered that question on a previous occasion, namely, that the restrictions on the entry of Indians in Canada are limited to their permanent settlement in that country.

Mr. K. Santhanam: Are Canadians restricted from making permanent settlement in India?

Sir Girja Shankar Bajpai: My Honourable friend knows they are not.

Mr. K. Santhanam: Will the Government of India consider the desirability of imposing such conditions on those Canadians who want to settle down in this country?

Sir Girja Shankar Bajpai: The Government of India have considered the question and have come to the conclusion that so far the number of Canadians entering this country for purposes of settlement is practically nil.

Mr. K. Santhanam: May I know whether the Government of India have considered that the self-respect of India is a matter of any consequence?

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

Sardar Mangal Singh: May I ask if the Government of India will take up this question with the Colonial Government?

Sir Girja Shankar Bajpai: If my Honourable friend will bring to my notice any hardships that may have arisen with regard to entry into Canada for purposes either of study or trade or tourism, I shall certainly take up the matter with the Government of Canada.

SETTING UP OF AN INDUSTRIAL COUNCIL TO ADVISE ON THE CO-ORDINATION OF LABOUR LEGISLATION, ETC.

330. *Mr. Manu Subedar: (a) Will the Honourable Member for Commerce and Labour please state whether Government have read the discussion on the following resolution at the meeting held in Calcutta last December, of the Employers' Federation of India:

— "That having regard to the powers conferred upon the Central and Provincial Governments under the provisions of the Government of India Act, 1935, in respect of legislative measures affecting the regulation of the conditions of labour in industrial undertakings, the Employers' Federation of India recommends to the Government of India that immediate steps be taken, in collaboration with Provincial Governments, to consider the setting up of an Industrial Council, consisting of representatives of employers and of labour and of the Central and Provincial Governments, whose duty it shall be to advise upon the co-ordination of labour legislation and administration throughout British India."

(b) Has this subject engaged the attention of Government?

(c) Have Government received any representation from any other quarter regarding the desirability of co-ordination of labour, legislation and administration throughout British India?

(d) Are Government taking any steps to set up an organization, which would advise Government on the manner and method of such co-ordination?

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

(d) The whole question of the co-ordination of labour policy is under active consideration.

Mr. Manu Subedar: May I know whether there is any Advisory Committee attached to the Department of the Honourable Member? If so, whether this question will be discussed with the members of this Advisory Committee?

The Honourable Sir Muhammad Zafrullah Khan: I shall take the matter into consideration.

Mr. Manu Subedar: May I know whether it is proposed to invite a small Committee of the House also to assist the Honourable Member in arriving at a satisfactory decision on the subject?

The Honourable Sir Muhammad Zafrullah Khan: I cannot go further than what I have said.

INDIA'S EXPORT TRADE WITH CERTAIN COUNTRIES, ETC.

331. *Mr. S. Satyamurti: Will the Honourable Member for Commerce be pleased to state:

- (a) whether he has examined the figures regarding India's export trade in the report of the Government of India Trade Commissioner at Hamburg for the period July-September, 1938;
- (b) whether it is a fact that India's export trade with several countries mentioned therein has not increased, at least proportionately;
- (c) whether Government have examined, or propose to examine, the trade relations between India and, especially, the countries mentioned in the report; and
- (d) whether Government propose to take up the question of bilateral agreements with these countries; and, if so, when?

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

(b) I regret that I am unable to understand this part of the question.

(c) and (d). The Honourable Member's attention is invited to parts (f) to (i) of the reply given to Seth Govind Das's starred question No. 336 on the 17th February, 1938, and also to the reply given on the 9th August, 1938, to the earlier of his two supplementary questions arising from Mr. T. S. Avinashilingam Chettiar's starred question No. 46.

Mr. S. Satyamurti: With reference to clause (b) of my question, my question simply means this that, while their trade with our country has increased, our export trade with them has not proportionately increased. May I know if my Honourable friend has examined the figures contained in the report of the Government of India Trade Commissioner in Hamburg and come to any conclusion, confirmatory or contradictory, on this allocation?

The Honourable Sir Muhammad Zafrullah Khan: If I had understood the question, I would have made that examination.

Mr. S. Satyamurti: With reference to the answers to clauses (c) and (d) of the question, may I know whether Government have examined the present trade relations between the countries mentioned in the report and India, and do the Government propose to take any steps to increase the volume of our trade with these countries?

The Honourable Sir Muhammad Zafrullah Khan: As I have assured the Honourable Member on so many occasions when he has put these questions, these matters are under constant review.

Mr. S. Satyamurti: Are any of these countries being considered as suitable countries with which we can conclude bilateral trade agreements for the purpose of mutual trade?

The Honourable Sir Muhammad Zafrullah Khan: It is a little too early to answer categorically.

Dr. Sir Ziauddin Ahmad: May I know whether Government have got figures of our export to Germany passing through the port of Hamburg and also through the ports of Belgium and Holland, for trade to Germany does not pass through Hamburg alone?

The Honourable Sir Muhammad Zafrullah Khan: It is very difficult to say. As the Honourable Member has himself pointed out one aspect of the question I may draw his attention to another aspect of that, viz., that the export to Hamburg is not intended for Germany only but a good deal of it is also for Poland and Czechoslovakia.

DISCRIMINATION AGAINST INDIANS IN SOUTH AFRICA.

332. *Mr. S. Satyamurti: Will the Secretary for Education, Health and Lands be pleased to state:

(a) whether the attention of Government has been drawn to the following complaints in the article entitled "Colour Bar in South Africa" published in the *Hindustan Times* of the 4th January, 1939;

- (i) that in industry, trade, labour conditions, housing, slum clearance, etc., the position of Indians has deteriorated substantially;
- (ii) that the Cape Town Agreement recognised the justice of the Indian claim for full citizenship when Indians satisfied the Government that their standard of life, etc., accorded with those of the European whites, and whether to any extent this agreement has been implemented;
- (iii) that the Indians in the Union paid Union and provincial taxes on the same basis as Europeans but got very little in return in the shape of public services;
- (iv) that the Provincial Council made a profit out of Indian children, a profit which was used to further European education in the province; and

(o) whether Government propose to examine these complaints and take any steps to have them redressed as early as possible?

Sir Girja Shankar Bajpai: (a) Yes.

(a) (i). This must largely be a matter of opinion. Apart from the knowledge that notwithstanding an improvement in the conditions of service and the wages of Indian employees, the number of Indians employed in industry has decreased, Government have no definite evidence of substantial deterioration in the other spheres mentioned by the Honourable Member.

(ii) No.

(iii) Indians pay taxes on the same basis as Europeans. The Government of India are aware of complaints that as regards the public amenities they do not get an adequate return.

(iv) For many years, the Provincial Government of Natal did not spend the entire amount of the subsidy received from the Union Government on Indian education in the province; but the situation in this respect has greatly improved in recent years.

(b) Government and their Agent General in the Union are constantly engaged in the task of securing an improvement in the condition of Indians resident in the Union of South Africa.

Mr. S. Satyamurti: With reference to part (a) (i) of the question, may I know whether the Government of India are or are not aware that in respect of housing and slum clearance the position of Indians has substantially deteriorated as the authorities who are responsible for this expenditure do not spend at any rate even a proportionate amount on improving housing and slum clearance in which Indians live?

Sir Girja Shankar Bajpai: Actually, I believe in recent years the question of slum clearance has been receiving more attention than was the case in the past.

Mr. S. Satyamurti: With reference to part (a) (ii) of the question, may I know what the answer "no" means? Does it mean that the "Cape Town Agreement recognised the justice of the Indian claim for full citizenship when Indians satisfied the Government that their standard of life, etc., accorded with those of the European whites" or does that "no" mean that the agreement has not been implemented?

Sir Girja Shankar Bajpai: What I wished to convey was that in the agreement there is no reference to equality of citizenship.

Mr. S. Satyamurti: May I know whether the report does not recognise that the standard of life of Indians should be raised to the standard of living of other inhabitants of that territory?

Sir Girja Shankar Bajpai: Yes, Sir. The agreement did recognise that the Indians who wished to conform to western standards of living should be enabled to do so; but I read the question as relating to political rights.

Mr. S. Satyamurti: May I know whether anything has been done by Government to implement to any satisfactory extent the recommendations or the clause of the agreement which at least wanted that Indians who wanted to conform to European standards must be helped to do so by sufficient public expenditure?

Sir Girja Shankar Bajpai: In regard to education, I have already stated the position. As regards other matters, it is not easy to say what happened in the course of the last eleven years. But let me concede at once that progress has not been at the rate at which we should like it to be.

Mr. S. Satyamurti: In the case of education in which my Honourable friend stated that the Provincial Governments did not spend all the grants given by the Government of South Africa for the education of Indian children, may I know whether the entire amount is being spent now or only a larger amount than before, and even now the Provincial Councils continue to make profit on the money set apart for the education of Indian children?

Sir Girja Shankar Bajpai: I do not think that is the position. I am speaking from memory, but I should be disposed to say that in the last three or four years, the grants have been of the order of nearly £70,000. They vary from year to year, but they have been of the order of £70,000 per annum and practically the whole of this amount has been spent.

Mr. Manu Subedar: May I know whether Government have considered the desirability of conveying to the South African Government through the Agent General for India that the necessity may arise for India to take retaliatory measures if the grievances of Indians are not redressed?

Sir Girja Shankar Bajpai: I can assure my Honourable friend that the Agent General in South Africa uses every influence that he can to bring to bear upon the Union Government to secure amelioration in the position of Indians there.

Mr. Manu Subedar: Will the Honourable Member convey this to the Agent General, that just as the Honourable Sir Jagdish Prasad said in the case of Burma, that necessity may become inevitable for the Government of India to take retaliatory measures if something suitable is not done for the amelioration of the position of Indians in South Africa?

Sir Girja Shankar Bajpai: I cannot say what the Agent General tells the Ministers of the Union at every interview

Mr. T. S. Avinashilingam Chettiar: With reference to part (a) (iii) may I know what steps have been taken?

Sir Girja Shankar Bajpai: It is rather difficult to review what has been done in the course of the last eleven years. I wish that my Honourable friend pays some attention to the report of the Agent General which is published every year and which seeks to set out what action has been taken in different directions.

Mr. S. Satyamurti: May I know whether the Government of India will suggest to the Agent General the issue of quarterly reports on these specific points which are mentioned in this question, and may I know if copies of such reports will be placed on the table of the House while the House is in session or circulated to Honourable Members when the House is not in session, as the House and the country are very deeply interested in this question?

Sir Girja Shankar Bajpai: I fully recognise and realise the fact that the House is deeply interested in this question. The report of the Agent General is a fairly bulky document and I think my Honourable friend would

agree that it is not desirable to encumber the proceedings of the House with the republication of that report. If my Honourable friend likes, I will send him a copy and he will see for himself that practically every question, political or economic, that affects the Indian community there is dealt with in fair fullness in these reports.

JUTE EXPORT TRADE OF INDIA.

333. *Mr. S. Satyamurti: Will the Honourable the Commerce Member be pleased to state:

- (a) whether Government have examined the future of the jute export trade of India; and
- (b) what are the latest figures and the latest information available with regard to the substitution of other products for jute?

The Honourable Sir Muhammad Zafrullah Khan: (a) It is a matter to which Government pay constant attention.

(b) The Honourable Member is referred to Bulletins Nos. 1 and 6 to 10 issued by the Indian Central Jute Committee, copies of which are in the Library of the Legislature.

Mr. S. Satyamurti: May I know if the Government of India are aware of the fact that His Majesty's Government have recently placed a very large order for the export of jute bags from this country?

The Honourable Sir Muhammad Zafrullah Khan: Yes, Sir.

Mr. S. Satyamurti: May I know whether the contract has been concluded and if so for what quantity?

The Honourable Sir Muhammad Zafrullah Khan: I understand the quantity is 200 million bags.

Mr. S. Satyamurti: Has the jute industry agreed to accept the contract?

The Honourable Sir Muhammad Zafrullah Khan: I believe so, Sir.

Mr. K. Santhanam: May I know whether the German Government have also placed similar orders?

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

PROTECTION TO THE COCOANUT INDUSTRY OF MALABAR AND TRAVANCORE.

334. *Mr. S. Satyamurti: Will the Honourable the Commerce Member be pleased to state:

- (a) whether his attention has been drawn to an article entitled "A Minister's Appeal" in *The Madras Mail* of the 5th January, 1939;
- (b) whether Government have considered the question of providing adequate protection for the cocoanut of Malabar and of Travancore; and

- (c) whether Government propose to appoint a Tariff Board to inquire into this matter and make suitable recommendations; if so, when, and, if not, why not?

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

(b) I would refer the Honourable Member to the answer given by me today to Mr. Avinashilingam Chettiar's question No. 810.

(c) Does not arise.

Mr. S. Satyamurti: Are the Government considering the question of appointing a Tariff Board, apart from other means of giving protection specifically to agricultural industry?

The Honourable Sir Muhammad Zafrullah Khan: There are all sorts of suggestions and I am not excluding that altogether.

CONSTITUTION OF A PERMANENT TARIFF BOARD.

335. *Mr. S. Satyamurti: Will the Honourable the Commerce Member be pleased to state:

- (a) the present status of the Tariff Board office and of the Tariff Board itself;
- (b) whether the Board has been "abolished" in any sense;
- (c) whether Government have decided not to appoint Tariff Boards for some time, and, if so, why;
- (d) what is the establishment kept up now in connexion with the Tariff Board inquiries; and
- (e) whether Government have finally decided against the question of having a permanent Tariff Board, likely to command the confidence of the public in the country and, if so, for what reasons?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b), (d) and (e). I would refer the Honourable Member to the answers given today to parts (a), (b) and (d) of Seth Govind Das's question No. 323 which was put by the Honourable Member himself today.

(c) The Tariff Board will be reconstituted when the need arises.

POSITION REGARDING FEDERATION.

336. *Mr. Mohan Lal Saksena: (a) Will the Honourable the Leader of the House be pleased to state if Government have conveyed to the Secretary of State for India the strength of feeling against the proposed Federation?

(b) Have Government received the views of the various Provincial Governments in the matter and, if so, how many of them are in favour of the proposed Federation?

(c) What is the latest position of the Indian States regarding the Federation? How many of them have executed the Instrument of Accession?

(d) Will Government state their future intentions as well as plans in this matter?

The Honourable Sir Nripendra Sircar: (a) The Secretary of State is aware of the attitude of the Political parties in India towards Federation.

(b) The Honourable Member's attention is invited to the reply given to parts (a) and (b) of Sardar Mangal Singh's starred question No. 41 on the 9th August, 1938.

(c) and (d). I refer the Honourable Member to the reply I gave to Mr. T. S. Avinashilingam Chettiar's question No. 34 on the 4th February, 1939.

Mr. Manu Subedar: Is it a fact that some leading Indian States are pressing the Government of India by telegram to expedite the Federation?

The Honourable Sir Nripendra Sircar: The answer which I gave to parts (c) and (d) covers this question.

Mr. S. Satyamurti: With reference to part (b), may I know if any Provincial Government has expressed itself in favour of this Federation, and, if so, which is that Government?

The Honourable Sir Nripendra Sircar: That question, with all particulars, was answered at full length when Sardar Mangal Singh asked starred question No. 41 on the 9th August, 1938.

Mr. S. Satyamurti: In that answer, there was no reference to some Provincial Governments. I am asking whether since that answer was given, any Provincial Government in India has expressed itself in favour of the Federation and, if so, which?

The Honourable Sir Nripendra Sircar: Whatever answer was given last time stands, and there was no change after that.

Mr. Badri Dutt Pande: Is it a fact that because of the agitation for responsible government in the States the princes are backing out of the Federation?

The Honourable Sir Nripendra Sircar: That is a fable, and not a fact.

Mr. Badri Dutt Pande: Is it a fact that being tired of this business of Federation, the Honourable Member is going away to Calcutta?

Mr. S. Satyamurti: May I know if any Provincial Government has written to the Government of India expressing its opinion in favour of Federation?

The Honourable Sir Nripendra Sircar: I have nothing to add to the answer I gave to question No. 41.

Mr. S. Satyamurti: That answer was not comprehensive.

The Honourable Sir Nripendra Sircar: It was quite comprehensive.

Mr. S. Satyamurti: May I take it that no Government is in favour of Federation?

The Honourable Sir Nripendra Sircar: My friend may draw any conclusion he likes from the answer I have referred to.

Mr. S. Satyamurti: The inference I draw is that no Government is in favour.

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

EXTENSION OF THE LIFE OF THE LEGISLATIVE ASSEMBLY.

337. *Mr. Mohan Lal Saksena: (a) Will the Honourable the Leader of the House be pleased to state if their advice is taken by the Governor General before extending the life of the Assembly? If so, what advice did they give last time?

(b) Do they propose to advise the Governor General to grant further extension to the life of the present Assembly?

The Honourable Sir Nripendra Sircar: (a) and (b). I regret that I have to decline to furnish any information in reply to this question.

Mr. Mohan Lal Saksena: Why, Sir? Is it not in the public interest?

The Honourable Sir Nripendra Sircar: Because I submit the House is not entitled to know what the confidential communications, if any, between different Members of Government or between different Members of Government and other people are.

Mr. Mohan Lal Saksena: Are we not even entitled to know whether Government are consulted before the life of the Assembly is extended?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has asked as to what advice has been given, and the Leader of the House is perfectly justified in refusing to disclose it.

Mr. Abdul Qaiyum: Is it intended to hold a surprise election?

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

Mr. Abdul Qaiyum: Sir, we are interested in the matter of this election, and we do not want the Government to spring a surprise on us.

Mr. President (The Honourable Sir Abdur Rahim): There is no question of a surprise. Next question.

MEASURES TO PREVENT THE FALL IN PRICE OF RICE AND PADDY.

338. *Mr. Brojendra Narayan Chaudhury: Will the Honourable Member for Commerce please state:

- (a) whether the Government of Bengal are in correspondence with the Central Government regarding measures to prevent the fall in price of rice and paddy; if so, what assistance they have asked for from the Central Government;
- (b) whether protective duty on imported rice and paddy is under contemplation or discussion; and

- (c) whether Government know if the Government of Bengal have taken any steps towards preventing a fall in price of paddy and rice; if so, what?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b) and (c). No, Sir.

DELAY IN HOLDING ELECTIONS TO THE TEA LICENSING BOARD.

339. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Commerce Member please state:

- (a) whether the results of election to the Tea Licensing Board have been announced, and whether the elected members have taken their seats on the Committee;
- (b) if not, the reasons for the delay in spite of the Honourable Member's assurances, repeated in this House on the occasion of admission of an adjournment motion against failure of the election as also in reply to several questions in the last Simla Session of the Assembly, that the elections will be completed in a month or so; and
- (c) whether the Licensing Committee has finished; or propose shortly to finish, in the absence of the elected members, the determination of crop basis and whether this determination will be final for the five years, i.e., during the whole period of pendency of the Tea Control Act?

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

(b) Several representations were received by Government alleging certain irregularities in connection with the election. These allegations required careful investigation before the results of the election could be announced.

(c) The allotment has been made, but the decision of the Committee is not necessarily final. I would invite the Honourable Member's attention to sub-section (2) of section 7 of the Indian Tea Control Act, 1938, which gives owners of tea estates a right of appeal to the Central Government or to a High Court.

Mr. Brojendra Narayan Chaudhury: May I know how long ago the complaints about the election were received by the Government of India?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid I have not got the dates here.

Maulvi Abdur Rasheed Chaudhury: May I know what time Government will take to decide the objections?

The Honourable Sir Muhammad Zafrullah Khan: They will be decided as soon as possible.

Mr. Brojendra Narayan Chaudhury: Is it a fact that the elections were finished as late ago as November?

The Honourable Sir Muhammad Zafrullah Khan: I have not got the month here.

Mr. Brojendra Narayan Chaudhury: What is the cause of this inordinate delay in deciding the election and the Honourable Member's ignorance of even the date of the election and the date when complaints were received?

The Honourable Sir Muhammad Zafrullah Khan: There is no inordinate delay. As I have said, these objections require careful investigation before the result can be announced.

Mr. Brojendra Narayan Chaudhury: Is it not a fact that the Honourable Member gave an assurance in the Simla Session in August last that the elections were expected to be finished within a month?

The Honourable Sir Muhammad Zafrullah Khan: The elections have been finished.

Mr. Brojendra Narayan Chaudhury: But they were finished in November and not within a month.

The Honourable Sir Muhammad Zafrullah Khan: If the Honourable Member is objecting to the delay of a few days I am not quite sure that they were finished in November.

Mr. Brojendra Narayan Chaudhury: Will the Honourable Member please tell us what reliance we can place on guarantees given in this House by Honourable Members on the Treasury Benches?

The Honourable Sir Muhammad Zafrullah Khan : I do not think the Honourable Member has any justification for making any insinuation of that kind.

THEFT IN THE DELHI FORT MUSEUM.

340. *Sardar Mangal Singh: Will the Secretary for Education, Health and Lands please state:

- (a) whether it is a fact that burglars broke into the Delhi Fort Museum and stole away cloth and ornaments of Zinnat Nissa Begam;
- (b) whether the offenders have been arrested; and
- (c) whether the stolen articles have been recovered?

Sir Girja Shankar Bajpai: (a) Yes.

(b) and (c). No.

Mr. K. Santhanam: May I know who are the persons who are bound to guard these articles in the museum and whether they have been surcharged the cost of these articles?

Sir Girja Shankar Bajpai: They are ordinary chowkidars. They were not surcharged but one of them has been suspended.

Sardar Mangal Singh: May I know whether these articles have been replaced?

Sir Girja Shankar Bajpai: How can you replace the irreplaceable?

CONTRIBUTIONS FOR THE REPAIRS OF THE SHAHI MOSQUE, LAHORE.

341. *Sardar Mangal Singh: Will the Secretary for Education, Health and Lands please state.

- (a) what amount the Government of India have contributed towards the repairs of the Shahi Mosque, Lahore;
- (b) to whom the amount has been made over; and
- (c) whether Government have satisfied themselves that the amount in question will be properly spent?

Sir Girja Shankar Bajpai: (a) and (b). The Government of India propose to contribute a sum not exceeding Rs. 3 lakhs. The amount will be paid to the Badshahi Mosque Building and Estates Authority which will be constituted in terms of an agreement to be executed by the Anjuman-i-Islamia, Punjab, with the Government of India.

(c) Yes.

REPORT OF THE TENTH INDUSTRIAL CONFERENCE AND HOLDING OF THE ALL-INDIA INDUSTRIAL FAIR.

342. *Sardar Mangal Singh: Will the Honourable the Commerce Member please state:

- (a) when the report of the Tenth Industrial Conference will be published;
- (b) where the All-India Industrial Fair would be held this year or whether it would be at all anywhere; and
- (c) what is the estimate of expenses on this Fair?

The Honourable Sir Muhammad Zafrullah Khan: (a) I am unable to specify a date but the report will be published as early as possible.

(b) and (c). Presumably the Honourable Member is referring to the question of holding an annual All-India Industrial Fair which was discussed at the Tenth Industries Conference. If so, I would invite his attention to the Press Note issued on the 24th January, 1939, copies of which are available in the Library of the House.

ANTI-INDIAN DISTURBANCES IN BURMA.

343. *Mr. Abdul Qaiyum: Will the Secretary for Education, Health and Lands please state:

- (a) whether any anti-Indian disturbances took place in Burma from the 1st November, 1938, till the 31st January, 1939;
- (b) if so, how many Indians were killed and wounded; and
- (c) the estimated loss of the property suffered by Indians?

Sir Girja Shankar Bajpai: (a) and (b). The attention of the Honourable Member is invited to the reply given by me on the 8th instant to Mr. T. S. Avinashilingam Chettiar's starred question No. 191.

(c) I informed the House on the 4th of this month of the disturbances affecting Indians that had occurred during the period mentioned by the Honourable Member, as also of available figures of casualties. Estimates

of the loss to property are not available but the Agent has been requested to enquire into the matter personally and submit a report as soon as possible.

LOSS OF PROPERTY SUSTAINED BY INDIANS IN BURMA.

344. *Mr. Abdul Qayum: Will the Secretary for Education, Health and Lands please state:

- (a) whether any estimate has been made of the loss of property sustained by Indians in Burma in 1938;
- (b) whether any compensation has been paid by the Government of Burma to such Indians; if so, how much; and
- (c) whether representations were made by the Government of India in this connection and, if so, with what effect?

Sir Girja Shankar Bajpai: (a) No official estimate of the loss of Indian property in Burma is yet available. The question, as I have stated, is to be dealt with in the Braund Committee's final report.

(b) and (c). The attention of the Honourable Member is invited to the reply given by me today to Mr. Akhil Chandra Datta's starred question No. 328.

Mr. M. Thirumala Rao: With regard to part (a) of the question, have Government any idea as to the non-official estimate of the loss involved?

Sir Girja Shankar Bajpai: I understand that in the memorandum which was presented to the Braund Committee the figure was mentioned at something like 60 lakhs.

Mr. M. Thirumala Rao: Have Government tried to verify its correctness or otherwise?

Sir Girja Shankar Bajpai: We cannot be expected to do over again the work of the Braund Committee.

MILITARY SENT TO CUTTACK FOR MAINTENANCE OF LAW AND ORDER IN ORISSA STATES.

345. *Mr. Badri Dutt Pande: (a) Will the Honourable the Leader of the House be pleased to state as to how much military has been sent to Cuttack for the maintenance of law and order in Orissa States, and under whose orders?

(b) Who will meet the bill, the Government of India or the States?

(c) Under whose orders will the military act, the Governor of Orissa or the Government of India?

The Honourable Sir Nripendra Sircar: (a) One battalion with the normal auxiliary services under the orders of the General Officer Commanding-in-Chief, Eastern Command.

(b) The question of the allocation of cost is under consideration.

(c) The troops will act under the orders of their own officers who will keep in the closest touch with the Political and Provincial officers concerned.

Mr. M. Thirumala Rao: With regard to part (b) of the question, are Government legally bound to pay the cost of these troops?

The Honourable Sir Nripendra Sircar: That is a question of law on which I am not called upon to give any opinion.

Mr. S. Satyamurti: With reference to part (a) of the question, may I know who decides the question of sending or not sending of these troops, the extent and the number of troops to be sent, and whether the Government of India consider this question from all relevant points of view, or whether they send them the moment any ruler of a State asks for these troops?

The Honourable Sir Nripendra Sircar: The authority responsible is the Government of India and they take into consideration whatever relevant factors have any bearing on either the number or even the necessity of sending these troops.

Mr. S. Satyamurti: May I take it, therefore, that the ultimate decision is that of the Government of India, and if so, whether the Government of India do consider the non-violent nature of the movement in the various States and the autocracy of the princes, before they decide to send or not to send these troops?

The Honourable Sir Nripendra Sircar: I do not admit either of the two propositions, that autocracy exists in all the States or that the people are non-violent.

Mr. S. Satyamurti: I am not asking my Honourable friend to assume that with regard to all the States. With regard to the States for the help of whose rulers these troops are sent, may I know whether Government have considered these two relevant considerations, first that the rulers are autocratic, and secondly that the movements are non-violent?

The Honourable Sir Nripendra Sircar: Both the alleged autocracy of the rulers and the violence of the people are taken into consideration.

Mr. S. Satyamurti: May I take it then that the ultimate consideration on which Government decided to send troops was when they are satisfied that the rulers are responsive and the movements are violent?

The Honourable Sir Nripendra Sircar: I am afraid it cannot be analysed and dissected like that. All considerations have to be taken into account and then a decision arrived at.

Mr. S. Satyamurti: May I know whether this obligation is an obligation cast on the Paramount Power by any treaty or by any convention?

The Honourable Sir Nripendra Sircar: Convention with whom?

Mr. S. Satyamurti: Between the States and the Government of India.

The Honourable Sir Nripendra Sircar: That means that I have got to look up three hundred odd treaties and find out whether there are any conventions.

Mr. S. Satyamurti: I am asking only with regard to the sending of troops to the Orissa States: I am not asking with regard to all the States.

The Honourable Sir Nripendra Sircar: I cannot answer that without looking up the treaties and without notice.

Mr. S. Satyamurti: How are these troops sent? Under what obligation were these troops sent?

The Honourable Sir Nripendra Sircar: Surely the treaty must have been looked into; but I do not carry them in my head.

Mr. S. Satyamurti: That is the question.

PRODUCTION OF ACETONE IN INDIA.

346. *Mr. Manu Subedar: (a) Will the Honourable the Commerce Member please state whether it is a fact that acetone was produced at the Nasik Distillery when it was in charge of the Government of India? If so, during what period was it produced? What was the quantity produced and was any of it at any time exported?

(b) Is any acetone now produced in India anywhere in a plant in charge of the Government of India?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes. From the information available it appears that acetone was produced at the factory from September, 1919, to January, 1922, and that the total quantity produced was 142 tons of which nothing was exported.

(b) Yes.

Mr. Manu Subedar: At which place is it produced now by the Government of India?

The Honourable Sir Muhammad Zafrullah Khan: It is produced in the Government of India's cordite factory.

Mr. Manu Subedar: Located where?

The Honourable Sir Muhammad Zafrullah Khan: At Aravankadu.

RECRUITMENT OF A PROFESSOR FOR THE IMPERIAL INSTITUTE OF SUGAR TECHNOLOGY, CAWNPORE.

347. *Pandit Sri Krishna Dutta Paliwal: (a) Will the Education Secretary be pleased to state if his attention has been drawn to a communication issued by the Federal Public Service Commission, under the caption "Information for candidates," dealing with recruitment of Professor of Sugar Technology, Imperial Institute of Sugar Technology, Cawnpore, General Central Service, Class I?

(b) Will the Education Secretary be pleased to state if it is a fact that:

- (i) Indian experience is discounted in the recruitment of a Professor referred to above; and
- (ii) the name of India is entirely omitted in the list of countries given in Appendix I of the above mentioned communication?

- (c) Will the Education Secretary be pleased to state if it is a fact that:
- (i) in Java and other sugar producing countries Indians are not allowed to enter sugar factories; and
 - (ii) Dutch technicians are freely employed in India?

(d) If the answer to part (c) be in the affirmative, do Government propose to take steps to remedy these defects and introduce reciprocity?

Sir Girja Shankar Bajpai: (a) Yes.

(b) (i). No. It is specifically stated that preference will be given to a candidate with teaching experience in a University or Technical Institution in India or abroad.

(ii) Yes. For this professorship foreign experience is essential since the whole object is to train Indians in the most modern methods of sugar manufacture used in any part of the world.

(c) (i). This is generally correct—though exceptions have been made.

(ii) Yes, by Indian factories which desire to introduce Java methods.

(d) No. No question of reciprocity arises since the employment of Dutch technicians in Indian sugar factories is in no way an advantage to Java.

ELECTION OF A NON-OFFICIAL CHAIRMAN TO THE BEAWAR MUNICIPAL COMMITTEE.

†348. ***Prof. N. G. Ranga:** (a) Will the Secretary for Education, Health and Lands be pleased to state if Government are aware that the Chief Commissioner of Ajmer-Merwara issued a notification No. 147-C. 1/CC/30, dated the 17th October, 1930, depriving the Beawar Municipality of its right to elect a non-official Chairman, and if so, who is the Chairman now?

(b) Is it not a fact that the Beawar Municipal Committee, *vide* its resolution No. II, dated the 28th October, 1937, requested the Chief Commissioner, Ajmer-Merwara, to cancel the notification No. 147-C. 1/CC., dated the 17th October, 1930, and to restore to that Committee its statutory right under section 13(I) of the Ajmer-Merwara Municipalities Regulation No. VI of 1925, and if so, why?

(c) Was the cancellation of the notification No. 147-C. 1/CC., dated the 17th October, 1930, of the Chief Commissioner, Ajmer-Merwara, demanded by the public of Beawar, and a resolution to that effect was passed and forwarded to the Chief Commissioner, Ajmer-Merwara, early in 1937?

(d) Do Government now propose to consider the advisability of restoring to the Beawar Municipal Committee its right to elect its own Chairman?

Sir Girja Shankar Bajpai: (a) Yes. The Chairman at present is the Extra Assistant Commissioner.

(b) As regards the first part the answer is in the affirmative; as regards the second part Government have no information as to the reasons which led the Municipal Committee to pass the resolution.

(c) Information has been called for and will be laid on the table of the House in due course.

(d) The right of the Municipal Committee to elect their own Chairman will be restored when the local authorities are satisfied that the circumstances would justify such a step.

†Answer to this question laid on the table, the questioner being absent.

RESEARCHES ON INDUSTRIAL HEALTH ENTRUSTED TO THE INDIAN RESEARCH FUND ASSOCIATION.

†349. ***Prof. N. G. Ranga:** (a) Will the Honourable Member for Labour be pleased to state whether any specific problem relating to research work in connection with the health of industrial labour has been entrusted to the Indian Research Fund Association?

(b) If not, will Government state whether they propose to urge upon the authorities of the Indian Research Fund Association to undertake research on the subject of industrial health as early as possible?

Sir Girja Shankar Bajpai: (a) and (b). Although the Indian Research Fund Association has not considered any specific problem solely affecting industrial labour, various research schemes for the investigation of diseases prevalent in certain industrial centres have been financed by the Association. Two such schemes at present in progress are an enquiry into tuberculosis as affecting the workers in a jute mill and an enquiry into anaemia among female labourers in Assam tea gardens.

DIFFICULTIES EXPERIENCED BY INDIAN SUGAR-CANE GROWERS OF FIJI REGARDING RENEWALS OF LEASES OF LANDS.

350. ***Mr. K. Santhanam:** Will the Secretary for Education, Health and Lands, please state:

- (a) whether Indian sugarcane growers of Fiji are experiencing difficulties in regard to the renewals of the leases of their lands;
- (b) whether any representations have been received by the Government of India in this behalf; and
- (c) whether the Government of India made any representations to the Government of Fiji in regard to this matter and, if so, with what results?

Sir Girja Shankar Bajpai: (a) and (c). On the assumption that the Honourable Member's question relates to the anxiety of Indian lessees in Fiji regarding the security of tenure of their lands, I would say that such anxiety has existed for some time and the matter has been receiving attention.

(b) Yes.

IMPOSITION OF AN IMPORT DUTY ON RICE AND PADDY.

351. ***Mr. K. Santhanam:** Will the Honourable Member for Commerce please state:

- (a) whether there has been a sudden rush of imports of rice and paddy into the Madras Presidency during the last three months;
- (b) whether any representations have been received from the Government of Madras to impose an import duty on such rice and paddy; and
- (c) whether the Government of India have decided to take any steps in the matter?

The Honourable Sir Muhammad Zafrullah Khan: (a) No. Import figures for January, 1939, are not yet available, but imports for November

†Answer to this question laid on the table, the questioner being absent.

and December, 1938, show a decline as compared with those of the corresponding period of the previous year.

(b) and (c). A communication was received from the Provincial Government on the subject of imports of rice into Madras and is under consideration.

Mr. K. Santhanam: May I know whether Government are aware that a large number of forward contracts have been entered into for the imports of rice into the Madras Presidency?

The Honourable Sir Muhammad Zafrullah Khan: No.

Mr. K. Santhanam: May I know if Government will make inquiries about this and take steps to prevent any rush of imports?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid that is too large an order.

Mr. T. S. Avinashilingam Chettiar: May I take it that Government will come to a conclusion in this matter before the Budget Session is out, so that they can bring in a Bill to that effect if necessary?

The Honourable Sir Muhammad Zafrullah Khan: I have answered that question in answer to a previous question this morning.

Mr. S. Satyamurti: May I know whether, in the communication of the Government of Madras which my Honourable friend mentioned, there is any recommendation or recommendations for taking definite steps by the Government of India in respect of this matter?

The Honourable Sir Muhammad Zafrullah Khan: I believe there are recommendations.

Mr. S. Satyamurti: Do they recommend the levying of any import duty or any other step to prevent this rush of imports into the Madras Presidency?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid I could not tell the Honourable Member that.

Mr. S. Satyamurti: Are the Government of India examining the recommendations of the Madras Government?

The Honourable Sir Muhammad Zafrullah Khan: I have said that already.

SCHOLARSHIPS GRANTED TO CADETS FOR MARINE TRAINING.

352. ***Mr. Brojendra Narayan Chaudhury:** Will the Honourable the Commerce Member please state:

- (a) the number of scholarships granted this year to cadets for marine training, the names of the scholarship holders, the Province they come from and the amounts;

(b) the number admitted this year from each of the various Provinces; and

(c) whether candidates from the States are also admitted; if so, whether the States contribute anything towards the cost of the training?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b), I lay on the table a statement giving the desired information.

(c) The answer to the first part is in the affirmative and to the second in the negative.

Statement.

(i) Number and value of scholarships awarded in 1939....6 each of the value of Rs. 25 per mensem.

(ii) Names and Province of origin of scholars :—

Names.	Province of origin.
W. S. Nagarkar	Bombay.
P. D. Padhye	Central Provinces.
A. A. Bootwalla	Bombay.
P. A. Zaveri	Bombay.
A. T. Joseph	Cochin.
B. M. Deshpande	Central Provinces.

(iii) Number of cadets admitted from each Province or Indian State :—

Number of cadets admitted.	Province or Indian State.
3	Madras.
9	Bombay.
4	Bengal.
7	United Provinces.
5	Punjab.
3	Central Provinces.
1	Assam.
3	Sind.
1	Baroda.
1	Hyderabad (Deccan).
1	Travancore.
2	Cochin.

Total 40

Mr. S. Satyamurti: May I know why States are not called upon to contribute something towards this training?

The Honourable Sir Muhammad Zafrullah Khan: The training ship was started for the benefit of the whole of India: and really it is too small a matter to agitate about.

Maulvi Abdur Rasheed Chaudhury: May I know whether any scholarship was given to any cadet from Assam this year?

The Honourable Sir Muhammad Zafrullah Khan: The list I have laid on the table contains the desired information on this subject—the provinces to which the cadets belong who have been awarded scholarships.

Maulvi Abdur Rasheed Chaudhury: Is it not a fact that no scholarship has been yet given to any cadet from Assam?

The Honourable Sir Muhammad Zafrullah Khan: Scholarships are not given according to provinces, except those awarded by any particular Government—e.g., the Bengal Government has two or three scholarships for Bengali cadets.

SIR THOMAS AINSCOUGH'S REMARKS REGARDING INDIA'S FINANCIAL AND ECONOMIC FABRIC.

353. *Mr. M. Thirumala Rao: (a) Has the attention of the Honourable the Commerce Member been drawn to Reuter's summary of the Report of Sir Thomas Ainscough, Senior Trade Commissioner in India published in the *Hindu*, dated the 13th January, 1939?

(b) If so, has the Honourable Member given due consideration to the remarks that India's rapid industrial development leads to a 'collapse of the financial and economic fabric of the Government of India, which is dependent upon the excess balance of exports in order to meet India's financial commitments in London and maintain the Exchange'?

(c) What are the conclusions of the Honourable Member on such consideration of those remarks?

(d) Do Government accept the principles laid down in the report for maintenance of their economic fabric and the rate of exchange?

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

(b) This question is based on a complete misapprehension of the remarks of His Majesty's Senior Trade Commissioner in India.

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

Mr. S. Satyamurti: Is it not a fact that the Senior Trade Commissioner in India did say that there will be a collapse of the financial and economic fabric of the Government of India, if there is too rapid an industrial development in this country?

The Honourable Sir Muhammad Zafrullah Khan: I do not know that those were the exact words. The exact words had some reference to policies being advocated in certain quarters—not to a rapid industrial development merely.

Mr. S. Satyamurti: May I know whether these policies did not include, in the words of the Trade Commissioner himself the very rapid industrial development of this country advocated by the several Provincial Governments and by the various other bodies in this country?

The Honourable Sir Muhammad Zafrullah Khan: The question is really academic. As the Honourable Member is aware, we had a large number of questions on this before and I said the Government of India did not accept the remarks of the Senior Trade Commissioner.

Mr. S. Satyamurti: I accept that; but I am only asking this question because my Honourable friend said in answer to clause (b) that this is based on a misapprehension of the Trade Commissioner's remarks. May I know what is the *apprehension* of the Government of India with regard to those remarks about the financial and economic collapse of the future of India if certain policies advocated by our own Governments are given effect to?

The Honourable Sir Muhammad Zafrullah Khan: The misapprehension is illustrated by the Honourable Member himself in putting these supplementary questions, he said "too rapid a development", while the question says "rapid development".

APPLICATIONS INVITED FOR THE POST OF A VETERINARY INVESTIGATING
OFFICER, ASSAM.

353A. *Mr. Brojendra Narayan Chaudhury: Will the Secretary for Education, Health and Lands please state:

- (a) whether applications for the post of a Veterinary Investigating Officer for Assam have been called for;
- (b) the emoluments attached to the post, terms of tenure and other terms if any, of the post;
- (c) who pays for the same;
- (d) who makes the final appointment; if it is the Government of India, the hand, if any, of the Provincial Government in the matter of appointment;
- (e) the minimum qualifications required;
- (f) whether any domiciles in or natives of the Province have applied; and
- (g) whether a qualified domicile in or native of the Province will be given preference in view of the fact that he is familiar with the country, its people and its language?

Sir Girja Shankar Bajpai: (a) Yes.

(b), (c) and (e). The scale of pay of the post is Rs. 350—25—500. It is a non-pensionable temporary appointment under the Government of Assam on the scheme of investigation of animal diseases in the province financed by the Imperial Council of Agricultural Research and sanctioned, in the first instance, up to the 31st March, 1940. It is open to British subjects of Indian domicile and subjects of Indian States who have

secured the necessary declaration. The qualifications required for the post are (i) M. R. C. V. S. or the Diploma of a recognised Indian Veterinary College; (ii) a first class degree in science preferably M.Sc., and (iii) experience in laboratory work. The condition mentioned in (ii) will be relaxed in the case of candidates who are particularly well qualified in regard to (i) and (iii).

(d) The Provincial Government on the recommendation of the Federal Public Service Commission. It is an ordinary condition attached to the Council's grant that the Provincial Government should offer the appointment in the order of merit prescribed by the Federal Public Service Commission.

(f) This information cannot be supplied, as the matter is now in the hands of the Federal Public Service Commission. The last date for submitting applications is February 14, 1939.

(g) No. Under the conditions of the grant, the appointment will have to be offered strictly in the order of merit determined by the Federal Public Service Commission.

UNSTARRED QUESTIONS AND ANSWERS.

ELECTRICAL POWER AND METAL CONSUMED AND PAPER AND RADIO SETS USED IN INDIA AND IN THE UNITED KINGDOM.

5. Mr. Akhil Chandra Datta: Will the Honourable the Commerce Member please state the following figures:

- (a) units of electrical power consumed per head in India and in the United Kingdom;
- (b) quantity of paper used per head in India and in the United Kingdom;
- (c) quantity of metal consumed per head in India and in the United Kingdom; and
- (d) the number of radio sets used in India and in the United Kingdom?

The Honourable Sir Muhammad Zafrullah Khan: (a) The information asked for is not available.

(b) The quantity of paper used per head in India during 1937 was 1·27 lbs. Similar information regarding the United Kingdom is not available.

(c) A statement showing figures of Indian consumption so far as available is appended. Information in regard to the United Kingdom is not available.

(d) No accurate figures of the numbers of radio sets used in India and in the United Kingdom are available. The number of licences in British

India at the end of 1938 was 64,480 and in Great Britain approaching nine million.

Statement showing the quantity of metals available for consumption in India during 1937.

Metals.	Kinds and Grades.	Unit.	Production.	Retained import into India.	Export of domestic production.	Quantity available for consumption (Col. 4 + 5—6).	Consumption per capita (b)
1	2	3	4	5	6	7	8
Aluminium	Aluminium, unwrought (ingots, blocks, etc.)	Cwts.		80		80	Lb. ..
Brass	..	Tons	10,019	10,157	1,152	19,024	0.12
Copper	Metal unwrought.	..	6,830	2,345	..	9,175	0.06
Iron	Pig	..	1,821,260	1,439	597,402	1,025,297	6.39
	Steel	..	665,309	92,837	6,803	751,343	4.69
	Manufactures of iron or steel other than those included under steel.	..	(a)	221,069*	98,604*	..	
Quick Silver	..	Lbs.	..	231,079	..	231,079	..

NOTE.—Figures of production of metals shown in column 4 are as published in the Records of the Geological Survey of India, Volume 73, part 3, 1938 (pages 312-313).

(a) Not available.

(b) Population figures estimated on the assumption of a constant geometric rate of increase.

*Includes old, for remanufacture.

DEBARRING OF THE SONS OF DOMICILED INDIANS FROM COMPETING FOR THE CEYLON CIVIL SERVICE.

6. Mr. Manu Subedar: Will the Secretary for Education, Health and Lands please state:

- (a) whether it is a fact that sons of domiciled Indians and of Indian Civil Servants in Ceylon, in spite of their having been born and bred up in Ceylon, are debarred from competing for the Ceylon Civil Service; and
- (b) if the answer to part (a) be in the affirmative, what steps the Government of India have taken in the matter to safeguard the position of Indians?

Sir Girja Shankar Bajpai: (a) and (b). On receiving reports that, in some cases, sons of Indian Civil Servants in Ceylon had not been allowed to compete for the Ceylon Civil Service, the Government of India made enquiries and found that each case was considered on its merits and the final decision rested with His Excellency the Governor of Ceylon. Government understand that generally speaking Indians domiciled in Ceylon are considered as Ceylonese for purposes of public service.

DENIAL OF REPRESENTATION TO INDIANS ON THE CEYLON COCOANUT BOARD.

7. Mr. Manu Subedar: Will the Honourable the Commerce Member please state :

- (a) whether it is a fact that the Indian community in Ceylon has a large stake there in the production of copra and cocoanut oil and the export thereof;
- (b) whether it is a fact that on the semi-Government Ceylon Coconut Board, the Indian community has now been denied representation, which they used to have by the nomination of at least one Indian; and
- (c) whether Government propose to consider the desirability of reviewing this matter when trade negotiations between India and Ceylon are opened?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). An enquiry has been made from the Agent of the Government of India in Ceylon and a reply will be laid on the table in due course.

(c) The Honourable Member's attention is invited to the answers given to Mr. Satyamurti's starred questions Nos. 874 and 1298 and the supplementaries thereto, on the 9th September and 17th November, 1938, respectively.

REPORT OF SIR EDWARD JACKSON ON THE QUESTION OF INDIAN IMMIGRATION INTO CEYLON.

8. Mr. Manu Subedar: Will the Secretary for Education, Health and Lands please state :

- (a) whether it is a fact that the Ceylon Board of Ministers have decided not to accept the report of Sir Edward Jackson on the question of Indian immigration into Ceylon; and
- (b) whether Government are prepared to lay on the table of the House the report which they have received from the Ceylon Government on this matter?

Sir Girja Shankar Bajpai: (a) Government have no definite information but the Agent in Ceylon is watching developments.

(b) No report has been received from the Ceylon Government on this point.

ELECTIONS HELD UNDER THE INDIAN TEA CONTROL ACT.

9. Maulvi Abdur Rasheed Chaudhury: (a) Will the Honourable the Commerce Member please state whether any election was held under section (8) (b) of the Indian Tea Control Act, 1938, in the Surma Valley-cum Tripura-Chittagong?

- (b) When was the election held?
 (c) When has the result been announced?
 (d) If it has not been announced, what is the reason for the delay in announcing the result?

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

(b) From 18th October to 4th November, 1938.

(c) and (d). The Honourable Member's attention is invited to the reply given today to parts (a) and (b) of Mr. Brojendra Narayan Chaudhury's starred question No. 339.

RAILWAY BUDGET FOR 1939-40.

The Honourable Sir Thomas Stewart (Member for Railways and Communications): Sir, I rise to present to the House the Railway Budget for 1939-40. Last year, on this occasion, I indicated that we were fortunate in that a series of lean years appeared to have come to an end, and I am happy to be able to say that the results of the year now coming to a close show no great deterioration in our position. I only wish that I had the confidence to claim that the tide had turned and that we could now look forward to an era of prosperity; but, in present world conditions, I am sure this House will agree that such confidence would be unjustified and we must therefore continue to take the less imaginative, but undoubtedly safer, short view of our future.

Financial results of 1937-38.

2. When I presented the current year's budget, I expected that the surplus for the year 1937-38 would be 2·83 crores. This estimate of the net position proved almost exactly correct, the actual surplus being 2·76 crores. But the estimates we made then of receipts and working expenses were both exceeded almost to an equal extent (about $\frac{1}{2}$ crore). Goods earnings mainly accounted for the improvement in receipts, the principal commodities contributing to it being coal, metallic ores, wheat, manufactured cotton goods and grains. The increase in working expenses is attributable mainly to two causes (1) freight charges on coal, delays in the supply of which from the market earlier in the year tended to augment the transport of this commodity in the closing months of the year beyond our estimates, and (2) the heavier expenditure on repairs consequent on the increased volume of traffic and the general rise in the price of materials.

Revised Estimate for 1938-39.

3. Let us turn now to our revised estimates for the current year. When the original budget was framed, it was expected that the total traffic receipts in respect of state-owned lines would be 94½ crores, the same as we then expected for 1937-38, and the total working expenses, including depreciation, 62½ crores. Taking into account miscellaneous receipts and expenditure, the net railway revenue was estimated to be over 31½ crores. Interest charges were placed at less than 29½ crores, leaving a surplus of a little over 2½ crores. Our present expectations are that our total receipts will be 94½ crores, and the total expenditure, including depreciation, a little over 68½ crores. Miscellaneous receipts will exceed miscellaneous expenditure by a quarter of a crore, and the net railway revenue is now expected to be 31½ crores. After meeting interest charges estimated at 29½ crores, our surplus is placed at a little over 2 crores.

4. As indicated above, our receipts are expected to go beyond our original anticipations by less than half a crore, while our working expenses are likely to go up by a crore. In regard to receipts, when we framed the revised estimate for 1937-38 and the budget for 1938-39, we did not expect 1937-38 to be as prosperous as the event disclosed but, in spite of the uncertainty regarding general trade and international conditions and the apprehension that conditions might grow worse, we expected the same receipts for 1938-39 as for 1937-38. In our estimate of the comparative receipts of the two years, we are not likely to be far wrong, though the figures for both are now higher than the original estimates. We now anticipate that our total traffic receipts will be 94½ crores against 95 crores in 1937-38 and against our original estimate of 94¼ crores. Though, up to the 20th January 1939, approximate receipts were level with last year's, we have two reasons for taking the lower figure for 1938-39. In the next two months, we apprehend a slight deterioration owing to the fact that railway coal has moved earlier than usual this year in the effort to relieve traffic congestion in the busy months. Further, towards the end of the last year, we had the additional earnings accruing from the abnormal Kumbh Mela passenger traffic. The trend in passenger and goods traffic, considered separately, has been hitherto somewhat unusual. While the former showed a betterment of about 27 lakhs and the latter a worsening of 41 lakhs up to the 10th July, the relative position was completely reversed by the 10th January. Goods earnings have gone up by 40 lakhs, while passenger receipts are down by about the same amount. Oil seeds, cotton and sugar are the principal commodities which have contributed to the additional earnings under goods. Metallic ore and coal traffic receipts have fallen continuously, the latter owing to shorter leads.

5. As regards expenditure, we now anticipate that working expenses, including depreciation, will be 63½ crores against actual expenditure of a little less than 63 crores in 1937-38 and against our original estimate of 62½ crores. It should not be concluded that this increase signifies any relaxation of our efforts for economy in operation. These continue unabated. But for several causes the increase is, we fear, inevitable. This year, as is well known, the price of our coal has been higher and in the effort, on the lines suggested by the Railway Enquiry Committee, to increase earnings by affording improved facilities to the public and to retain traffic in the face of competition with other forms of transport, the mileage we are running is on the increase, with a consequent increase in coal consumption and repairs to rolling stock. We are feeling, too, in some measure, the effects of our economies during recent years. The diminished scale of our purchases of rolling stock in that period has resulted in a rise in the average age of our stock, with a consequential increase in the cost of maintaining it. Nor can the fact of the rise in the price of materials necessary for repairs be ignored.

Budget Estimate for 1939-40.

6. Turning now to the estimate for 1939-40, Honourable Members are aware that the general trade conditions and the international situation are still full of uncertainty and preclude our making a forecast with any degree of confidence. In the hope that, if any changes occur in general conditions next year, as compared with the current one, their effect on our revenues will not be severe and taking into account the incidental fact that, next year being a leap year, we shall have an additional day's earnings we have placed our estimate of receipts a little higher than our present expectations for the current year at 94½ crores. As between passenger and goods traffic, we have provided for a slight fall in the former and a slight increase in the

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latter. Our net miscellaneous receipts are expected to show a betterment of over $\frac{1}{2}$ crore. There will be, however, it is expected, an increase of $\frac{1}{2}$ crore in ordinary working expenses, bringing down the net revenue to about $\frac{1}{2}$ crore less than in the current year, the contribution to the depreciation fund standing practically at the same figure as in 1938-39. The interest charges being, however, about $\frac{1}{2}$ crore less owing to the fall in rate, we expect a surplus over the current year's (213 lakhs against 205).

7. Our capital programme for the construction of new railway lines is a modest one. It relates mainly to the three Sind projects to which I referred in my last budget speech and which are intended to serve the new fertile areas recently developed by the Lloyd Barrage. Of these projects, the Sind Right Bank Feeders Railway, for which 73½ lakhs has been provided, is expected to be completed next year. The Khadro-Nawabshah line also will make very substantial progress. I regret to inform the House that the Pithoro-Tando Mithakhan Railway, which has been included in our programme for the last two years, is still under discussion with the Sind Government. A small sum has also been provided, in case it should be ultimately decided to proceed with the construction of the Kashipur-Kalagarh line, a project which we are now considering in consultation with the Government of the United Provinces.

8. Our next year's programme for open line works is on a somewhat larger scale than the current year's. The gross figures are 14 crores against 12½. The largest single item in this programme is the provision of about one crore for the purchase of the South Bihar Railway, for which the rental paid by Government under the existing contract works out to about 4½ per cent. on the purchase price. It will be readily appreciated that, at the present rate of interest, the purchase now is a paying proposition, and it has received the concurrence of the Standing Finance Committee for Railways. Five crores have been provided for rolling stock. I can assure the House that this expenditure is kept down to the absolute minimum compatible with traffic requirements. The figure has, however, been affected by the rise in the price of iron and steel caused by the rearmament programme in other parts of the world, to which I drew attention last year. Last year I referred to the contracts which, as a measure of prudence and economy, we decided to enter into in 1937-38 with the Indian wagon building firms for the supply of 6,095 broad gauge general service wagons to be spread over three years. The last instalment of this supply will be of 2,500 wagons in 1939-40, and for this a sum of about 1½ crores has been provided. For expenditure on track renewals we have provided 4½ crores and for bridges and other structural works 3½ crores. Our gross expenditure under open line works, after allowing for various credits, is expected to be 12½ crores. In accordance, however, with the practice for some years now based on our experience that railways have been unable to spend the gross amount arrived at in our estimate, we have reduced the total demand to 10½ crores. Of this, we expect, 6½ crores will be met from the depreciation fund. These, Sir, are the broad outlines of the financial picture. I shall now turn to a few of the other aspects of our stewardship for the year.

9. Last year I gave to Honourable Members an indication of the action which was being taken on the various recommendations contained in the Report of the Wedgwood Committee. The Railway Board and its associated administrations have not ceased from the search for increased efficiency and a second statement has been made available to the House giving complete information as to the further action taken. Honourable

Members will observe for themselves that much progress has been made in implementing the recommendations of the Committee. I would, however, make special mention of a few of our more striking advances.

The Committee emphasized the need for strengthening the commercial side of railway administration and, bearing this in view, we have sanctioned the creation of ten posts in order to expand our activities in regard to publicity, commercial research and direct commercial working. We have also sanctioned the creation of a separate commercial department, as a temporary measure for two years in the first instance, on the Assam Bengal Railway. Special efforts are being made to utilize the publicity value of the Indian press—by this I mean newspapers published in Indian languages—and a campaign of continuous advertising in respect of lower class travel has been inaugurated experimentally on two railways.

10. The Committee drew attention to the very high incidence of locomotive repairs as a result of overheated axle bearings. It is obvious, of course, that a reduction in the hours for which a locomotive is in the repair shops, must automatically release more engines for service. Last year I mentioned that the Railway Board had placed a Senior Mechanical Engineer on special duty to investigate the possibilities of eliminating this all too common defect in our rolling stock, and I am glad to say now that considerable progress has been made in solving this long-standing and vexatious problem. We believe that the causes of the trouble have been determined, and large scale trials are now in progress to test the remedial measures which have been evolved. To justify our optimism, I may mention that the East Indian Railway has succeeded in reducing the number of repairs due to heated bearings by some 50 per cent. during the last six months for which we have statistics.

11. So far as wagons are concerned—and Honourable Members will realize that in point of numbers alone this is probably a much more important item than locomotives—a Standing Committee of the Indian Railway Conference Association has now put forward recommendations for large scale trials on the broad gauge railways. These trials will be undertaken, but Honourable Members must understand that this is more than a laboratory experiment and it will be some considerable time before we have the data on which we may frame a definite course of action for the future.

12 Our research activities have also extended, in collaboration with the Indian Stores Department, towards the production of white metals for use in bearings and we have every hope that these researches are approaching a successful conclusion. Of special interest to those Honourable Members who are interested in the use of the agricultural products of this country must be the researches which have resulted in the discovery of a treatment of indigenous rape oil which shows promise of making it eminently suitable as a constituent of locomotive axle oil.

13. I would now refer to the efforts which are being made to improve the relations of railways with the public, the need for which has been so often emphasized in this House. To use the language of modern business, the Railways are out to sell transport and, if you want to sell your goods, particularly in competitive conditions, you must satisfy your customer. The public is our customer. The criticism against railways in this regard falls into two classes. In the first place, it is said that the railways, relying on an ancient monopoly which, however, does not now exist, are indifferent to the interests and needs of their clients. And secondly, and perhaps for similar reasons, there has arisen a tradition of incivility and

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dishonesty on the part of the railway staff in their dealings with the public. In regard to both these matters, there has been on the part of railway administrations sustained effort to meet their critics. It is no longer true to say that our railways are indifferent to the needs of the third class passenger. So far as finance will permit, efforts are being made in every direction to increase his amenities. In another direction, on the commercial side, we are endeavouring to meet our clients and to establish closer contacts with the business community. To take up again the idiom of modern commerce "If you want business, you must go and fetch it", and our commercial staff, some of them specially appointed for canvassing purposes, are now making personal calls on the traders who may be expected to use the railways. Personal contacts between the heads of the railway administrations in the larger cities and the commercial interests are more frequent, and I personally regard these personal contacts as more valuable than the more formal meetings of Advisory Committees.

14. As regard incivility and dishonesty, I can add little to what I said last year. The problem is bilateral and not unilateral, but I would repeat what I had occasion to say some few weeks ago to a gathering of Railway officers, namely, that none of us should be too complacent by reason of the fact that we were not the sole contributors to the existence of an evil, and I feel certain that my view is shared by every responsible officer on our railway systems throughout India. In the meantime I do not venture to hope that in this regard there can be any spectacular improvement from year to year, but from our side we are doing what we can. There have been set up special courses of lectures at our training schools, we have issued personal appeals to our staff, and suggestion books in which the aggrieved passenger may record his complaint are an obvious feature of every station. These complaints are examined and analysed, and we have made it clear to our staff that incivility—it is unnecessary to add dishonesty—will be regarded as a sufficient reason for summary dismissal.

15. As an example of the readiness of the railways to meet the needs of their customers, let me mention what was done in connection with the last Kumbh Mela at Hardwar. We had to deal with something like 12 lakhs of passengers inwards and outwards and on the peak day we handled 68,000 passengers as against a maximum figure of 41,000 in the previous Kumbh. 44 inward special trains arrived carrying on an average 1,500 passengers apiece. Each was cleared through the exit gate in a period of 10 to 15 minutes. The outward rush, as can be imagined, was more concentrated than the inflow. 70,000 to 80,000 passengers departed daily, and on one day 43 loaded special trains were despatched over a single line section—a record never before achieved on Indian railways. At such an important pilgrim gathering, overcrowding may be inevitable, but we did our best to mitigate discomfort, and profiting by our experience in 1927, ran considerably more than double the number of special trains that were operated in that year.

16. To deal with these special traffic conditions the whole of the Hardwar station and its passenger enclosures were remodelled and additional facilities were given at other stations. Four temporary crossing stations were constructed to allow of the easier movement of traffic, and 88 miles of line were doubled for the same purpose. For the benefit of the pilgrims we set up a broadcasting station near Hardwar town which gave the latest information regarding railway arrangements. For the first time in the history of this Mela return tickets were issued for all classes at concession

rates, and I am glad to say that this concession proved most popular. Over four lakhs of rupees were spent on these arrangements apart from the cost of permanent alterations to the Hardwar station, but I cannot regard this as an extravagant outlay in view of the fact that our gross earnings from the Mela are estimated at Rs. 28 lakhs.

17. Closely related to the foregoing question of the relations between the railways and the public is the rate policy of our railway administrations. The Railway publicist presses upon us that a general reduction in railway rates is the only sure means of meeting road competition. This is a plea that has been so persistently urged that I think it desirable that I should take this opportunity of stating the railway point of view. I suspect that the authors of the suggestion have not considered the problem as a whole. They have in their mind the comparatively high-rated commodities in which road transport is interested and they forget the low-rated commodities which the railways carry at charges considerably lower than could be quoted by any other form of transport. I would remind Honourable Members that the railway rate structure is based largely on the principle of "value of service" or, in more familiar terms, on the principle of "what the traffic can bear". On this basis the charges for different commodities are graded in accordance with the value of these commodities. This was not an unsatisfactory scheme until alternative means of transport arrived. The position of the railways was roughly this, that what we lost on the roundabouts we made up upon the swings. To give a concrete case, we were prepared to bring to a centre of manufacturing activity at very low rates the relatively cheap raw materials of the industry. We looked forward to making up for our generosity—let us call it—by transporting to the appropriate markets the much more valuable manufactured article. This policy was designed, and has in fact operated, as a stimulus to manufacturing activities in India. But since the time when the rate structure of the Indian railways was built up, an external and important factor has come into being. The rate structure was designed on the theory that the railways were monopoly carriers. But now we have competitors and these competitors own swings but contract no losses on the roundabouts. The intrusion of road motor transport with its charges based only on the bare cost of transport without overheads for track construction and with the ability to select the traffic which it carries has disturbed the harmony and balance of the railway rate system, especially in respect of high grade traffic. To meet road competition which, having none of the general obligations laid upon the railways, has concentrated on the cream of the traffic, the railway administrations have not been slow to quote special rates in particular areas, but it is obviously not a proposition which can be justified on any grounds, practical or theoretical, that road competition can be met by a universal reduction in rates. Railway rates in India are low, the average rate per ton being amongst the lowest in the world. It can hardly be urged that we have been making excessive profits at the expense of the general public. We have our financial obligations which we must meet and if over and above that obligation we make a profit, it goes not to the individual capitalist but into central revenues to the relief of the general taxpayer, or as at present arranged, to the assistance of provincial administrations whose financial necessities are only too well known to all of us.

18. From time to time there arises on the floor of this House the question as to what is the policy of the Government of India in regard to taking over company-managed lines as and when their contracts determine. I have endeavoured to indicate that there can be no hard and

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fast policy in these matters and that on each occasion it is for consideration whether the taking over of the railway is, from the point of view of the general ratepayer, a good financial proposition. We have recently been called upon to make a decision in respect of two such railways. The South Bihar Railway, operating over some 76 miles, is owned by the South Bihar Railway Company and is leased to Government at an annual rental of £30,000. By the terms of the contract the purchase price is fixed at £664,580 on which the rental works out at £4½ per cent. per annum. At the present low rate of borrowing the purchase of this railway is obviously a good proposition. Again, another small railway, the Hardwar-Dehra Railway, will be taken over in the course of the next year. The purchase price, approximately Rs. 43½ lakhs, will however not be paid until 1940-41 and for this reason no budget provision has been made in the present year. This, as in the case of the South Bihar Railway, is an attractive proposition from the point of view of the tax-payer.

19. In my budget speech of last year I made mention of the efforts which were being made to win back, or to participate in, passenger traffic which had been lost to motor transport, and in particular I referred to a proposal to take an active part in road operations between Lyallpur and Jhang in the Punjab. A private limited company has been promoted in which the North Western Railway has a 60 per cent. share. This company is operating on a newly opened road on which the number of licences issued is limited by the orders of the Punjab Government. The company in which the North Western Railway is a substantial shareholder has been allotted 50 per cent. of those licences, and now after six months' operation our results are most encouraging. The Madras and Southern Mahratta Railway propose to embark on a similar investment by acquiring a 55 per cent. interest in a private limited company which will take over a considerable number of existing motor services and will develop new services. These are admittedly experimental operations on which the railways have invested about Rs. 1 lakh.

20. Honourable Members are also aware that we have had under contemplation the inauguration of rail-car services which by reason of their easy and economical operation appear to offer an effective method of competition with road services. Eleven rail-cars were ordered for the North Western Railway and have just been received. I am unable, therefore, to report whether or not their operation has proved a success but they will shortly be placed in service in the Southern Punjab areas catering for lower class passengers only. We had hoped to extend our experiment to the Bombay, Baroda and Central India Railway also; the recent rise in the cost of manufactured commodities has suggested that it might be better to wait a little longer before taking up this part of our programme.

21. I should not like it to be thought from what I have just said that the railways are die-hard opponents of road transport. We ask to be allowed to meet competition by fair means and in regard to the needs for genuine road development I claim that we are adopting a most reasonable and liberal attitude. I would give one notable example in which the spirit of co-operation and mutual accommodation between a Provincial Government and ourselves has resulted in a very remarkable step forward. For many years there has been an insistent demand for the building of a trunk road between Bombay City and Ahmedabad. Such a road must inevitably be in very direct competition with the main line of the Bombay, Baroda and

Central India Railway. The Government of India were, therefore, reluctant to make any unconditional grants from the Central Road Fund for the purposes of this competitive highway. The Government of Bombay, however, very reasonably recognised our dilemma and have agreed so to control the traffic on the new road that it will not prove a menace to the old-established railway system. To this gesture of the Bombay Government we have given ready response, and an early result, I hope, will be an enormous improvement in land communications throughout the districts of Gujarat.

22. Another example of a co-ordinated road and rail programme is to be found in Sind. There we had what was practically a virgin field, and an officer on special duty was appointed to draw up a scheme for transport facilities by road and rail in that province. We for our part are constructing new railways which will serve as the main arteries of trade serving the newly developed areas in Sind. Complementary to these main arteries are proposed some 10,000 miles of road, half of which will be direct feeders to the railway, the other half, for the most part, making for the development of local areas.

23. An issue which is very much in the public mind at the present moment—and I need hardly say occupies the attention of the Government of India and of the Railway Administrations—is that of public safety on the railways. I regret to have to record the occurrence of two major disasters in the year under review, and however much we may be convinced that these disasters arose from circumstances not within our control, this in no way lessens our sense of horror, or detracts from our sympathy with those who suffered. I do not wish today to enter upon any controversial topics, but I would ask our critics, both inside this House and elsewhere, not to forget our past record in respect of the safety of our railways. It is a psychological phenomenon not confined to India that a large scale disaster may in a moment destroy the public confidence built up over a long period of less eventful years. That confidence once destroyed is most difficult to restore, and I would ask that no unfair obstacle—I do not refer to legitimate criticism—be offered to that most difficult process. I venture to think that there is no cause for panic. For the quinquennium ending 31st March 1938—a period which included one of the most disastrous accidents in Indian railway history—the deaths resulting from railway accidents can be expressed in the ratio of one for every 17 million passengers carried, a figure which compares not unfavourably with that for any other country in the world. Can any other form of transport claim as much? Comparisons are odious, but I would refer our critics to the very illuminating, but at the same time very distressing statistics set out in the Roughton Report on Motor Insurance.

24. It is, of course, impossible in the course of a speech like this to cover the whole field of railway activity in India. One can but touch on a few of the more important matters which are engaging our attention. But to those who seek for further information I recommend the interesting and comprehensive report of the Railway Board, the latest volume of which has just been published. There remains only for me now to express my thanks to those who here at headquarters and elsewhere throughout India have lent me their co-operation in the administration of this important department for which I am responsible.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): No cut in salaries?

(No answer.)

THE INDIAN NAVAL RESERVE FORCES (DISCIPLINE) BILL.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The Chair will read out a Message which has been received from His Excellency the Governor General. The Message runs as follows :

"Whereas by its vote of the 7th February, 1939, the Legislative Assembly has refused to take into consideration a Bill entitled a Bill to provide for the discipline of members of the Indian Naval Reserve Forces raised in British India on behalf of His Majesty;

Now, therefore, I, Victor Alexander John, Marquess of Linlithgow, in pursuance of the provisions of sub-section (1) of section 67B of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, do recommend to the Legislative Assembly that it do pass the Bill in the form hereto annexed.

NEW DELHI;
The 13th February, 1939.

LINLITHGOW,
Viceroy and Governor General."

The Chair will now call upon Mr. Ogilvie to move for leave to introduce the Bill.

The Chair wants to know whether the House is willing to proceed to the consideration of the Bill as recommended. (Voices of "No, no"). If that is the desire of the House, the Chair will now call upon Mr. Ogilvie to move for leave to introduce the Bill.

Mr. C. M. G. Ogilvie (Defence Secretary): Sir, I move for leave to introduce a Bill to provide for the discipline of members of the Indian Naval Reserve Forces raised in British India on behalf of His Majesty, in the form recommended by the Governor General.

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

"That leave be granted to introduce a Bill to provide for the discipline of members of the Indian Naval Reserve Forces raised in British India on behalf of His Majesty, in the form recommended by the Governor General."

The Assembly divided :

AYES—46.

Abdul Hamid. Khan Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab Sir.
Aikman, Mr. A.
Ayyar, Mr. N. M.
Bajpai, Sir Girja Shankar.
Bewoor, Mr. G. V.
Boyle, Mr. J. D.
Buss, Mr. L. C.
Chanda, Mr. A. K.
Chapman-Mortimer, Mr. T.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
DeSouza, Dr. F. X.
D'Souza, Mr. F.
Gidnev, Lieut.-Colonel Sir Henry.
Gorwala Mr. A. D.
Greer, Mr. B. R. T.
Griffiths, Mr. P. J.
Grigg, The Honourable Sir James.
Hardman, Mr. J. S.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Kamaluddin Ahmed, Shams-ul-Ulema.
Kushalpal Singh, Raja Bahadur.

Lillie, Mr. C. J. W.
Mackeown, Mr. J. A.
Maxwell, The Honourable Mr. R. M.
Menou, Mr. P. A.
Menon, Mr. P. M.
Metcalf, Sir Aubrey.
Miller, Mr. C. C.
Mukerji, Mr. Basanta Kumar.
Nur Muhammad, Khan Bahadur Shaikh.
Ogilvie, Mr. C. M. G.
Row, Mr. K. Sanjiva.
Scott, Mr. J. Ramsay.
Sher Muhammad Khan, Captain Sardar Sir.
Sircar, The Honourable Sir Nripendra.
Sivaram, Rao Sahib N.
Snence, Mr. G. H.
Stair, Mr. B. M.
Stewart, The Honourable Sir Thomas.
Sukthankar, Mr. Y. N.
Sundaram, Mr. V. S.
Thomas, Mr. J. H.
Zafarullah Khan, The Honourable Sir Muhammad.

NOES—60.

Abdul Ghani, Maulvi Muhammad.
 Abdul Qaiyum, Mr.
 Abdul Wajid, Maulvi.
 Abdullah, Mr. H. M.
 Abdur Rasheed Chaudhury, Maulvi.
 Aney, Mr. M. S.
 Asaf Ali, Mr. M.
 Ayyangar, Mr. M. Ananthasayanam.
 Azhar Ali, Mr. Muhammad.
 Bajoria, Babu Baijnath.
 Banerjee, Dr. P. N.
 Basu, Mr. R. N.
 Bhutto, Mr. Nabi Baksh Illahi Baksh.
 Chaudhury, Mr. Brojendra Narayan.
 Chettiar, Mr. T. S. Avinashilingam.
 Chetty, Mr. Sami Vencatachelam.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Datta, Mr. Akhil Chandra.
 Desai, Mr. Bhulabhai J.
 Deshmukh, Mr. Govind V.
 Essak Sait, Mr. H. A. Sathar H.
 Fazl-i-Haq Piracha, Khan Bahadur Shaikh.
 Gadgil, Mr. N. V.
 Gupta, Mr. K. S.
 Hans Rai, Paizada.
 Hegde, Sri K. B. Jinaraaja.
 Jedhe, Mr. K. M.
 Jinnah, Mr. M. A.
 Jogendra Singh, Sirdar.

Joshi, Mr. N. M.
 Kailash Behari Lal, Babu.
 Lalchand Navalrai, Mr.
 Maitra, Pandit Lakshmi Kanta.
 Malaviya, Pandit Krishna Kant.
 Mangal Singh, Sardar.
 Manu Subedar, Mr.
 Mudaliar, Mr. C. N. Muthuranga.
 Muhammad Ahmad Kazmi, Qazi.
 Murtuza Sahib Bahadur, Maulvi Syed.
 Paliwal, Pandit Sri Krishna Dutta.
 Pande, Mr. Badri Dutt.
 Parma Nand, Bhai.
 Raghubir Narayan Singh, Choudhri.
 Rao, Mr. M. Thirumala.
 Raza Ali, Sir Syed.
 Saksena, Mr. Mohan Lal.
 Sant Singh, Sardar.
 Santhanam, Mr. K.
 Satyamurti, Mr. S.
 Siddique Ali Khan, Khan Bahadur Nawab.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Satya Narayan.
 Som, Mr. Suryya Kumar.
 Sri Prakasa, Mr.
 Subbarayan, Shrimati K. Radha Bai.
 Umar Aly Shah, Mr.
 Varma, Mr. B. B.
 Vamin Khan, Sir Muhammad.
 Ziauddin Ahmad, Dr. Sir.

The motion was negatived.

THE INDIAN MERCHANT SHIPPING (SECOND AMENDMENT) BILL.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): Sir, I move for leave to introduce a Bill further to amend the Indian Merchant Shipping Act, 1923, for a certain purpose.

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

"That leave be given to introduce a Bill further to amend the Indian Merchant Shipping Act, 1923, for a certain purpose."

The motion was adopted.

Sir Girja Shankar Bajpai: Sir, I introduce the Bill.

THE INDIAN COTTON CESS (AMENDMENT) BILL.

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

"That the amendment made by the Council of State in the Bill further to amend the Indian Cotton Cess Act, 1923, be taken into consideration."

It will be within the recollection of Honourable Members that the House agreed last Session to increase the representation of the cotton-growing industry in Bombay from one to two. Consequentially, that

[Sir Girja Shankar Bajpai.]

involved the increase of the total of such numbers from 10 to 11. Unfortunately, we did not put right the arithmetic which has been done by the Council of State and I hope the House will agree to it.

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

"That the amendment made by the Council of State in the Bill further to amend the Indian Cotton Cess Act, 1923, be taken into consideration."

The motion was adopted.

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

"That the following amendment made by the Council of State be concurred in :
"In clause 3, after the words 'the said Act', the following was inserted, namely :

'for the word "ten" the word "eleven" and'."

The motion was adopted.

THE EMPLOYMENT OF CHILDREN (AMENDMENT) BILL.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): Sir, I beg to move:

"That the Bill to amend the Employment of Children Act, 1938, be taken into consideration."

Sir, this Bill is being introduced very shortly after the Act which it seeks to amend was passed. But the reason for wishing to amend this Act so soon as that is that at the time when the original Act was under the consideration of the House, the replies of Provincial Governments with regard to the proposals to restrict the employment of children in certain occupations had not yet been received and the matter being in the concurrent list, we could not proceed with legislation till after their replies had been received. I may state that the proposals in this Bill have now the general concurrence of the provinces. But I may make reference to just two matters in the provisions of the Bill. First, though the Royal Commission on Labour had recommended proceeding with regard to this matter on the basis of numbers employed in workshops, the Government of India have decided that on the whole it would be better to proceed on the basis of the occupations themselves and the work carried on in these workshops. The other matter is the question of the age limit. The age limit proposed in the Bill, for exclusion of employment of children in these occupations, is twelve years. The Royal Commission on Labour suggested the age limit of ten years. Now, twelve has been accepted by the provinces. No province has asked for the age limit to be raised. As a matter of fact one of the considerations stressed is that if the age limit were raised it might interfere with the vocational training of young persons. Under the Factories Act the age of absolute exclusion is also twelve, so that the combined result of these two provisions will be that there will be absolute exclusion of children under the Factories Act up to the age of twelve and the exclusion of children up to the same age from these occupations carried on in workshops to which the Factories Act does not apply. Sir, I move.

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

"That the Bill to amend the Employment of Children Act, 1938, be taken into consideration."

Mr. K. Santhanam (Tanjor *cum* Trichinopoly: Non-Muhammadan Rural): Sir, while I support this Bill I cannot help wishing that it had been brought in quite a different form. I think the Government of India should prohibit the employment of children for labour below twelve in any occupation, except family occupations. There is no reason why they should limit it only to these processes. For instance the employment of children in big hotels in big cities is as objectionable as say, for instance, in carpet weaving. Carpet weaving is a rural industry in which it may be much more legitimate than in other urban occupations. If the Bill had been brought as a sort of general protection for children below twelve in any occupation except a family occupation, then it would protect agriculture, it would protect the normal functions and occupations in which they may be legitimately used and would also prohibit exploitation of children as such. I am sorry that the Government of India have not thought it fit to introduce such a general measure and I hope that they will soon bring a measure which will consolidate as it were the provisions relating to children.

Now, in this Bill there is a big lacuna which we have sought to fill up by an amendment. For instance the Factories Act relates to the employment of power and the use of more than 20 persons and in some cases of ten persons where the Provincial Governments might have extended the Factories Act. This Bill says that whenever there is a workshop which does not use power and carries these processes then children below twelve will be prohibited. But between the two there may be workshops which use power and which do not use persons above the number of 20 or 10 to bring them within the Factories Act. Therefore, we get to the absurd result that, for instance, in carpet weaving if it is carried on with the aid of power but with only eight or ten persons, then children below twelve can be employed in these workshops, while if it is carried on without the aid of power, children cannot be employed. I do not think it was intended by the Government that such an absurd result should ensue and, therefore, we have sought to provide that any workshop in which these processes are carried on and which is not a factory under the Factories Act must come under the provision.

Mr. N. M. Joshi (Nominated Non-Official): Sir, the Bill which has been placed before the House for consideration is a useful measure but at the same time I cannot help saying that it is not only a measure of restricted scope as has been pointed out by my Honourable friend, Mr. Santhanam, but it is a measure of comparatively speaking smaller importance. There are many measures useful for the welfare of labour and of major importance which the Government of India have not yet taken in hand. The Royal Commission on Indian Labour has suggested several such measures which are not yet taken up by the Government of India. Recently they have been placing before the Legislature measures of smaller importance. They passed an Act for revising the Workmen's Compensation Act in a very small way. Last year, they passed a measure regarding employment of children.

Now, they have brought forward a measure regarding the employment of children. I do not suggest that these are measures of no usefulness. They are useful measures, but compared with the bigger problem of social insurance which must be taken in hand very soon and also compared with the problem of the reduction of hours of work, the revision of the

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Workmen's Compensation law in order that the rates should be increased these are smaller measures. There are measures of major importance which the Government of India have not yet taken in hand. I, therefore, feel that the Government of India should take up measures of larger importance. It may be that the Government of India, on account of the introduction of Provincial Autonomy, think that their function as regards the major problems is now over. I think they are mistaken. The constitution gives them power to deal with all labour questions and not only that but they still maintain a costly Department of Labour and once I had remarked that the Government of India not having much serious work to do are merely playing with smaller labour legislation. I hope the Government of India will take up bigger problems in hand and not content themselves with these small measures.

I will make one remark about the way in which this measure is placed before the Legislature. I do not know whether the
I F.M. Government of India had circulated their proposals to the general public. The Honourable Member said that he had consulted the Provincial Governments. I do not know whether the Provincial Governments had consulted the labour organisations which would have made some useful suggestions. I think the Government of India should take steps to see that such proposals are circulated to those people who are generally interested and also to the general public.

Secondly, I would also like to say that when placing these measures the Government of India should give the House a little more time to consider these Bills. When Members come to Delhi they have many things to attend to and the time given for consideration is, in my judgment, a little less than what is absolutely necessary. The Royal Commission on Indian Labour has dealt with this problem of providing for some regulation for those factories and workshops which were unregulated when they considered this problem. There were two classes of unregulated factories and workshops. The first was the factories which work with power and the second class was of factories or workshops which work without power. In this Bill the Government of India do not deal with smaller factories which work with power. The Honourable Member in charge of the department knows very well that under the Factories Act a factory is defined as a place where something is manufactured and where 20 persons and more are employed and where some power is used. Now, there are in the first place a large number of factories which employ less than 20 persons and use power. The Government of India do not deal with that problem at all in this Bill. The Royal Commission had made some suggestions on that point. They had suggested that another Act should be passed to regulate the smaller factories working with power. It is true that the Provincial Governments have power to apply the Factories Act to factories either working with power or without power and employing ten persons and more. Unfortunately, these Governments have not made use of that power very widely. Till very recently not more than 200 factories out of perhaps 2,000 factories were brought within the scope of the Factories Act by the Provincial Governments under the power given to them. I, therefore, felt that the Government of India, when they introduced this measure, though it is of a very restricted

scope, would bring in smaller factories working with power also. This point was well put by my Honourable friend, Mr. Santhanam, that it looks absurd that you should regulate workshops without using power and not regulate the industries which work with power. Then, as regards workshops working without power, the Government of India have not brought within the scope of this Bill all the measures that are necessary in order that the working of those industries should be healthy and there should be no exploitation of the labourers working in those industries. The Royal Commission on Indian Labour had gone into the conditions of industries which work without power and they have pointed out that there is greater regulation necessary in those industries than perhaps in large factories working with power. The buildings are not properly built, the sanitation is not properly looked after and the hours of work are long; and the Government of India do not deal with those problems in this Bill at all. Sir, I do not wish to tire the patience of the House by reading what the Royal Commission says on some of those industries, but I should like to read only a few sentences regarding several industries which are dealt with in this Bill. The Royal Commission deals with the necessity of dealing with sanitation and other problems. On page 94 they say:

"Here again the main difficulties, not all being necessarily present in any one industry, are the unsuitability or the dilapidated nature of the type of building used, the absence of adequate sanitation, poor lighting, defective ventilation, overcrowding, long hours and—above all—a preponderance in certain cases of the labour of under-age children."

The only problem dealt with in this Bill is the last problem. Then the Bill includes in its schedule the mica factories. As regards that the Royal Commission says as follows:

"Taking the time of leaving home and of returning to it in the case of those living in villages several miles distant, they "(i.e., *the hours*)" are too long for the smaller children."

Then, they deal with wool cleaning and this is what they say about it:

"Here also as the wool is continuously torn apart with the bare hands, the atmosphere becomes thickly impregnated with dust, and no attempt is made to ensure the workers a less vitiated atmosphere in which to work for what are often very long hours. In many cases no proper latrine accommodation is provided."

The Bill also deals with shellac manufacture. I shall read a small quotation as regards shellac manufacture from the report of the Royal Commission.

"As a result of a recent investigation of these places undertaken by the Director of Public Health in the Central Provinces, it was reported that 'Washing pits, reservoirs and drains are not properly cleaned at regular intervals. The same water is used for washing over and over again for a week or more and is allowed to stagnate for a period before it is drained off. Due to putrefaction of all the animal refuse from the stick lac, along with myriads of crushed insects in this water, the stinking effluvia from washing basins and drains are disgusting. But the persons employed on washing have to stand knee-deep in this water in the pits and carry on the work for hours together.'"

Then, as regards "*bidi*" making, this is what the Royal Commission says:

"Small workshops preponderate and it is here that the graver problems mainly arise Sanitary conveniences and adequate arrangements for removal of refuse are generally absent Nevertheless in the case of full-time workers,

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i.e., those not using *bidi* making as a supplementary source of income, the hours are too frequently unduly long, the length of the working day being determined by the worker's own poverty and the comparatively low yield of the piece-rates paid."

Sir, I do not wish to go on reading any more quotations. It is evident that the Royal Commission has pointed out very clearly the great need of regulating sanitation, hours of work and other conditions in those industries which are dealt with in this Bill. This Bill, unfortunately, is restricted to only one aspect, namely, the employment of children and that too as regards their age. I hope, Sir, the Government of India will deal with the other problems very soon.

As regards the sections of the Bill, I would only say this: that the Government of India, when they dealt with the age of employment of children, fixed the age in some industries at 15 as the proper age. In this Bill they fix that age at 12. The Honourable Member in charge said that the Royal Commission itself had recommended the age of ten. It is true that the Royal Commission did recommend the age of ten, but they intended to deal with the whole problem and not merely the age of children: they also wanted regulation regarding sanitation, hours of working and other matters; and they laid down rather a smaller age than they should have. As the Government of India is dealing with only one question they should have dealt with the question in a more thorough manner and that was to keep the age of employment at 15 as they themselves had done in the case of transport. In India children do not fully mature at the age of 12. In Europe the permitted age of employment is generally 14 and they are making an attempt to raise that age to 15. Indian children do not become full adults or full men at the age of 12; and the Government of India should have kept the age at 15. Even if the age were kept at 15, the industry will not suffer at all because in India there is a surplus of labour: there are many grown up people who do not find employment. Under these circumstances it is wrong to permit children to work under conditions which are not certainly conducive to their health or congenial to their growth and make them compete with men who do not get sufficient employment themselves. I, therefore, hope that the Government of India will accept my amendment. They should remember that the Royal Commission made its report ten years ago. If the Government of India had introduced legislation at that time, perhaps we would have got two more revisions between that time and now and the age would certainly have been 15. It is not right to introduce legislation ten years after the report was made and make use of that report for the moderation of the proposal of the Government of India. Therefore, I hope that the Government of India would accept my amendment raising the age to 15.

I would also make another suggestion. They have left power to the Provincial Governments to add to the schedule and also to omit from the schedule. Adding to the schedule is not objectionable, but to give power to a Local Government to omit items from the schedule is certainly objectionable. There are some Local Governments which care for labour and may introduce some reforms and may add to the schedule even. But there are some Provincial Governments which are not progressive sufficiently—they are in my judgment reactionary and to give power to those Local Governments to omit items from the schedule is a dangerous thing. I would not, therefore, like that power should be given to the Provincial

Governments to omit from the list: they can add to the list. I do hope my suggestion will be accepted.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

Mr. M. S. Aney (Berar: Non-Muhammadan): Sir, I only want to make one or two observations on the motion before the House. Let me state at the very outset that I support the motion. I know this is a measure of a salutary nature, and in a way it is a belated measure also in my opinion to introduce only a fraction of the reforms suggested by the Commission. Anyway, it is welcome now that it has been introduced.

Sir, the point to which I want to invite the attention of the Honourable Member in charge is one which relates to the provisions contained in clause 4 of this Bill. That clause empowers the Provincial Government to add to or omit from the Schedule anyone of the processes mentioned there, and thereupon the Schedule as amended by the Provincial Government shall have force in the province as if it has been enacted accordingly. That is the position. Now, from a constitutional point of view, it may be a very desirable thing to give a power like that under this law to Provincial Governments, but I want to look at it from a practical point of view. Supposing for the purpose of the same kind of occupation in one province the Provincial Government want to retain an occupation like *Bidi* making in the list, and another Provincial Government want to take it out of the list, then the result will be we shall be allowing a kind of unfair competition for the same profession and for the same kind of work between different provinces. That is a point which, I believe, the Government of India ought to consider. In my opinion, in labour legislation, there should be a policy of laying down certain uniform rules and uniform instructions all over the country. It may be somewhat difficult for the Government of India to get the consent of the Provincial Governments to a set of uniform rules, but if we want to avoid undue competition between one province and another over certain kinds of things, then it is necessary that all provinces should be asked to agree to a uniform set of restrictions, but apart from the question of giving discretion to Provincial Governments to add to or omit from the list certain things, we shall be creating a situation which may not be desirable from the point of view of the particular industry which will be affected thereby. That is one point which the Honourable Member in charge may take into consideration. If I am asked what my solution to the problem is, I cannot say, but I think as the thing stands, it is open to the difficulty of the kind to which I have just referred, and it is really a serious difficulty so far as the progress of industrial development of the country is concerned.

Then, Sir, there is also another point to which I should like to refer incidentally. In clause 6 of this Bill, a rule has been laid down as regards presumption, and it is this, that every certificate as to the age of a child which has been granted by a prescribed medical authority shall, for the purpose of this Act, be conclusive evidence. I have no objection

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to the principle laid down there, but my point is this, that in the absence of any direct evidence about the age of the boy coming forth a certificate given by a medical officer ought to be conclusive. Suppose if directly it can be proved that the age of a particular boy is such and such apart from other source of evidence which was not available at the time but which was available later on, why should the medical certificate be conclusive in this case? So my point is, the presumption should be of a rebuttable nature, and not conclusive as has been laid down; it should be open to the party to prove if they have any documentary evidence that the boy is not of the age shown by the prosecution on the strength of a certain medical certificate. You should not debar any other evidence from being put in at all once the medical certificate is produced simply because the authorities have taken action on the strength of it. You will find, Sir, this clause 6 has reference to section 5 of the original Act to which this Bill is an amending measure. Sub-clause (2) of section 5 says this: "No prosecution under this Act shall be instituted in any case where at the time of employment a certificate had been obtained from an authority empowered under this Act to grant such certificate that the child has completed his fifteenth year". Supposing a court takes cognisance of the matter and proceeds with the case on the ground that a boy had not completed his 15th year, and if it is found that the boy could substantiate by his evidence that he has completed his 15th year or some one interested in the boy proves by some other piece of evidence, direct or documentary, that the boy's age is above 15 or above 12 on that day, why should he be debarred from proving it, and if that can be permitted what is the meaning of saying 'It shall be conclusive'. The words 'conclusive evidence' mean in my opinion shutting out any other evidence. I don't see the propriety of a provision like that, although I recognise in the absence of any other evidence a medical certificate ought to be considered as the most reliable evidence for the court to act upon and it should be of very great value. These are the points on which I wanted to make suggestions, and subject to these observations I give my support to the motion before the House.

Mr. Muhammad Ashtar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, I whole-heartedly support this Bill. The previous speaker has made certain observations regarding the medical certificate, and he is quite right in saying that medical certificate in such cases should not be regarded as conclusive evidence, and it should be open to the accused to bring forward his own evidence to prove that he has not completed his 15th year. I would ask the Honourable Member in charge to consider this point seriously. Sir, we who have practised at the bar know that medical certificates, in matters of age, cannot always be regarded as conclusive evidence. Sometimes when the medical examination is conducted, some doctors count the teeth, while some others take other factors into account, and, I think, if two or three different doctors undertake the medical examination of a boy to ascertain his age, it is quite possible that the doctors may differ among themselves, and they may either add to the age of the boy or lessen it. There are certain cases where you find that boys are precocious, and in those cases it will be very difficult to find out the age. So, to say that the medical evidence shall be conclusive would be a great hardship to those who may be charged with offences under this Bill.

As regards the point which my Honourable friend has made about Provincial Governments, I beg to differ from him. When occasions arise, we leave matters to Provincial Governments, and not to leave discretion to the Provincial Governments in the matter of schedule to this Bill is, I think, going too far. I will leave it to the Provincial Governments, and I am sure that Provincial Governments can amongst themselves arrange things in such a way as to meet any difficulty which might be encountered. My Honourable friend gave the instance of *bidi* making. If one province wants to allow it and another objects, they will be able to find a solution between themselves. So, to curtail the power of the Provincial Governments is rather not consistent with the principles which we have been adopting in this very House about giving powers to Provincial Governments. I would also state that the limit mentioned by the Royal Commission was 10. My Honourable friend has been able to evolve age 12, and I think it is a mean between 10 and 15. Looking at the conditions in India and comparing them with the conditions in Europe where they have put ten, I think it will be perfectly right if we put the age limit at 12. I do not think we should differ from this age when we know that Indian boys and Indian girls generally grow sooner than European boys and European girls, and I think that the age fixed by Government, namely, 12, is a proper age and I would ask my Honourable friend not to differ from the Government on that minor point.

As regards the schedule I have objection to two items. One is cloth printing, dyeing and weaving. I do not see how unhygienic cloth printing, dyeing and weaving will be. In my own city, in Lucknow, I have seen boys of very minor age taking to dyeing and cloth printing very easily. It is not a sort of thing in which there can in any way be danger to life or any unhygienic character attached to it. Same is the case with carpet weaving. Wool clearing may be said to be unhygienic, but so far as carpet weaving is concerned, I have seen in my own town boys doing carpet weaving, and I do not see much point in the suggestion that boys should not be allowed to do that.

Mr. M. S. Aney: What about soap manufacture?

Mr. Muhammad Ashar Ali: I have not seen soap manufacture myself, so I cannot say much about it. In my own town, I have seen carpet weaving and cloth printing and dyeing, and I cannot say that they will in any way affect boys of 12 years of age. Only a difference of three years in the age suggested by my Honourable friends here and that suggested by Government is not going to make the thing more unhygienic or unsuitable. So far as the question of age is concerned, I will add that in our poor country people allow their children to do work to earn their bread, and if we are going to start more industries, if we are going to have cottage industries, as we find encouragement for it in our provinces, I think boys of the age of 12 should not be discouraged from working in a small cottage industry for the sake of their parents. If we raise the age, I am sure, several mothers and fathers and others will lose the means of adding to their livelihood. In these days, when there is unemployment in the country, when conditions are getting worse and worse, I would submit that my Honourable friends should not be opposed to this age limit of 12 years. With these remarks, I support the motion.

Shrimati K. Radha Bai Subbarayan (Madura and Ramnad *cum* Tinnevely: Non-Muhammadan Rural): Mr. Deputy President, I have much pleasure in supporting this measure. As a woman, I am always glad when a measure dealing with the welfare of children is brought forward, but on this occasion my pleasure is tempered by the regret, as it has been in the case of my Honourable colleagues who preceded me, that it does not go far enough, that it is not sufficiently comprehensive. I am one of those who believe and strongly believe that legislation of this kind is absolutely necessary not only from the humane point of view, to help the helpless, but also in the interests of the country itself. If we are to have a strong and healthy nation, the State must give due attention to the welfare of its children. The tendency to exploit the labour of children is a common failing all over the world, but perhaps it prevails more widely in our country largely due to the existence of appalling poverty and ignorance among the working classes. The question of securing sufficient bread for the family which is a very difficult one, and the ignorance of the injurious effects of hard labour and long hours on young children, make the parents seek employment for their children even before they enter on their teens. Propaganda by welfare workers has to a certain extent helped to educate the working classes in this matter, but it is not sufficient, and it does not have any appreciable results without the help of legislation. It is for that reason that I feel that legislation regarding the employment of children is urgently necessary.

As I said before, I am sorry that the subject is not dealt with fully in this Bill. There are many things which need urgent attention; for instance, the question of prescribing hours of work and rest, intervals during the day, holidays, prevention of double employment,—all the questions which have already been dealt with by the Factories Act. They are not new and I feel that with regard to other occupations also, they should receive the attention that they have received in the Factories Act and as my Honourable friend, Mr. Santhanam, has pointed out I think the Bill should deal with all kinds of occupation and not only with regard to the industries mentioned in the schedule. I do feel that it is not a subject for piecemeal legislation. Hard facts are facing us and proclaim as loudly as they can, that it is urgently necessary in the best interests of the country itself, to deal with this subject as soon as possible. I would appeal to the Honourable Member for Labour to give his immediate attention to the urgent need for introducing a comprehensive measure. Above all, Sir, I would draw his attention to the fact that the Act to prohibit the pledging of labour of children seems to be a mere paper document for the shelf. I will confess, Sir, that I was myself ignorant of the existence of such legislation till my Honourable friend, Mr. Joshi, pointed it out to me. Only last year a few cases were brought to my notice where the parents had pledged the labour of their children who were under ten, for three or four years for very small amounts. I was not aware of the existence of this Act and I tried to do the only thing that was possible for me to do. I offered to refund the money that had been received by the parents but the employers wanted their full pound of flesh and they would not agree to release these children from the cruel contract that their poor parents had made for them. I do hope that this Act which is very brief will be incorporated in a general Bill regarding the employment of children.

Sir, I do not want to speak at length on the different clauses of the Bill. When they are taken up for consideration, perhaps I may have

to say a few words on them but I should like to mention that I share my Honourable friend, Mr. Joshi's regret, that the age limit is only 12, but, I do not think that his amendment will be accepted. If careful investigation is made with regard to the causes of deaths among the children of the working classes, it will be found that they are largely due to the strain on their tender and undeveloped constitution, of their hard work for very long hours in insanitary and unhealthy conditions. It is often said that life is held very cheap in India and as evidence it is pointed out that disasters on railways, in mines and factories do not perturb the State in the same way as they do in other countries. Personally, Sir, I am of opinion that one of the main causes for it is that sufficient importance is not given to the welfare of women and children in this country.

Sir, only recently, this House passed a Bill for the prevention of cruelty to our dumb and helpless friends. I conclude my remarks now with the hope that in the near future we shall be able to place on the Statute-book a Bill for the prevention of cruelty to young, innocent, voiceless and helpless members of our society whose welfare, I repeat, is of vital importance in the building up of a strong and healthy nation in our country. With these few words, Sir, I have great pleasure in supporting this motion.

Mr. Manu Subedar (Indian Merchants' Chamber and Bureau: Indian Commerce): Sir, I welcome this measure on two grounds. The first ground is this. Only this morning the House will remember I put a question about the need of co-ordinating labour legislation throughout the country. I regard this Bill as an earnest of the effort which the Government is going to make in future and about which I had an assurance from the Honourable Member for Labour this morning that we shall have a co-ordination of law relating to all labour topics in this country. There is something to be said for the employer of labour who comes in for a lot of castigation, sometimes deservedly and sometimes undeservedly, in this sense. Voluntary improvements in the treatment of labour are not possible because such improvements penalise a good employer, whereas it is the bad employer who goes on abusing his privilege as an employer and exploiting labour. Therefore, a certain degree of compulsion is necessary and legislation whenever it is introduced ought to be such that it will apply uniformly to all employers. Unfortunately, it is not uniform, owing to provincial geographical boundaries and the evil results of this have attracted the attention both of the Indian and of the other commercial communities and they have been pressing on Government for this co-ordination and, as I said before, I regard this as a symptom and a beginning of a strenuous effort in that direction.

The second ground for welcoming this measure is that there is no section of the population for whose welfare this Honourable House has to make laws which deserves greater attention, closer scrutiny and greater protection than children. It is not the children of the class of people who occupy the seats in this House that we are considering but of the poor people who have got to get employment and who are often forced by economic circumstances to get employment. Sometimes these children are destitute and they have got to take whatever wages are offered and to accept whatever conditions of work are given. Sometimes they are pressed into work on account of the dire need of the family. In all such circumstances it is necessary to lay down a minimum limit above which alone industrial employment should be possible. Such limit has existed

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applied only to factory labour and it is now being introduced into certain other types such as cottage industry. I am very sorry that the scope of this Bill is restricted by the use of the words "industrial process is carried on". That is all very good but there are places like what my Honourable friend, Mr. Santhanam, pointed out in urban areas where little children are made to work in tea shops from six in the morning till twelve at night. This is a scandal. There is no law at present restricting this. I am sorry that unless the Honourable Member for Labour chooses to give some interpretation of the industrial process which would also include making of tea, *chivda* and other delicacies in which middle class people revel in urban life, that desirable result will not be achieved. There is a certain section of children, who, to my certain knowledge, are exploited at present and over-worked and they will continue to be so exploited and over-worked.

As I have got one or two amendments which appear to restrict the scope of the Bill, I am bound to explain that there are directions in which I should very much like the scope of this Bill extended. I shall not detain the House by dealing with the amendments now but I shall only deal with certain aspects of the cottage industry and certain aspects of vocational education. I take it that it is not the intention of Government, in introducing this Bill, to discourage cottage industry in any shape or form. Lest such discouragement should come where there is a *bona fide* cottage industry carried on by a family with small children also working, I have suggested that it should not be confined to children but also dependants. In Indian life there are cases where the children of a widowed sister or a brother who is dead are all brought up in the same surroundings, and treated in the same manner and they are made to work in the family craft whatever it is. Now, Sir, the general principle which I regard as regulating this affair is that no family would like to over-work its own children beyond their capacity. But where children are hired for wages, there the problem of exploitation arises and a more serious one, and I am very glad that the provisions of this Bill will eliminate that. Sir, there is no sanctity about the age of twelve. I do not think anybody will think that the moment a boy finishes the age of twelve he is very much different from what he was the day before yesterday, but yet it is necessary to have some arbitrary limit, and as the age of twelve has been put down, it may be accepted. My Honourable friend, Mr. Joshi, will find that there are no retrograde Governments here because all of them have accepted the age of twelve. Sir, I support the motion.

The Honourable Sir Muhammad Zafrullah Khan: Sir, the greater part

3 P.M. of the criticism to which Honourable Members have given expression relates not to the shortcomings of the particular measure before the House but to the failure of the Government in not incorporating in this measure or in not bringing before the House some other aspects of labour legislation on which Honourable Members are keen. It is not my purpose at this stage of the Bill to discuss those aspects of the matter. Some of them are already under the consideration of Government, and as time goes on, Honourable Members will find that Government are not unmindful of or indifferent to the aspects that they have stressed. Most of the matters raised with regard to the provisions of this Bill are covered by amendments which Honourable Members have given notice of and, I think, it would be better if I dealt with each of those

matters as it is raised when the amendments are moved. Mr. Joshi raised the point whether Provincial Governments did or did not consult labour organizations and employers' associations in this connection when their opinions were invited by the Central Government. I am unable to say to what extent this consultation took place but I would draw Mr. Joshi's attention and the attention of the House to the fact that in the letter addressed to Provincial Governments inviting their opinions upon this matter a request was made to them that copies of the letter may be forwarded to associations of employers and employed and to such other organizations or individuals as are likely to be interested in the matter, so that if the ordinary presumption is made, this matter must have been brought to the notice of associations of employers and associations of employed and other people who were interested in this matter.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That the Bill to amend the Employment of Children Act, 1938, be taken into consideration."

The motion was adopted.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That clause 2 stand part of the Bill."

Mr. Santhanam.

Mr. K. Santhanam: Sir, I move:

"That in clause 2 of the Bill, in the proposed clause (d), for the words 'without the aid of power' the following be substituted:

'not being a factory to which the Factories Act, 1934, applies'."

Sir, the purport of this amendment is that it takes away the words "without the aid of power" and, therefore, the clause will read "'workshop' means any premises (including the precincts thereof) wherein any industrial process is carried on, not being a factory to which the Factories Act, 1934, applies". That is, in order to avoid its application to factories, I have substituted the words 'to which the Factories Act applies'. Therefore, it will bring all institutions carrying on the processes mentioned in the Schedule within the scope of the Bill except factories to which the Factories Act applies and this Bill as amended by my amendment would cover the entire range of occupations which are considered for the moment harmful. So I move.

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved:

"That in clause 2 of the Bill, in the proposed clause (d), for the words 'without the aid of power' the following be substituted:

'not being a factory to which the Factories Act, 1934, applies'."

The Honourable Sir Muhammad Zafrullah Khan: Sir, I have not much objection to the object of the amendment, but I want to suggest to the Honourable the Mover of the amendment that the proper way of doing it would be to add "or to which the provisions of section 5 of the Factories Act are not for the time being applicable" inasmuch as his object is not only to exclude those factories as defined in the Act but also to exclude

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factories to which the Factories Act might have been extended by Provincial Governments under section 5; and his object will be achieved if the amendment is put in that form.

Mr. K. Santhanam: I want to raise only one point for explanation. If it had been extended to factories, they would also have been automatically excluded?

The Honourable Sir Muhammad Zafrullah Khan: It is only a question of drafting. I suggest the addition of "or to which the provisions of section 5 of the Factories Act are not for the time being applicable."

Mr. K. Santhanam: Sir, with your permission and the permission of the House, I should like to withdraw my amendment.

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

Mr. N. M. Joshi: May I ask the Honourable Member to read to us section 5 of the Factories Act which I have not unfortunately got here?

The Honourable Sir Muhammad Zafrullah Khan: Section 5 of the Factories Act, 1934, says:

"Notwithstanding anything contained in clause (j) of section 2"—and clause (j) of the section defines factories—"the Provincial Government may, by notification in the Official Gazette, declare any place wherein a manufacturing process is carried on whether with or without the aid of power and wherein on any one day of the twelve months preceding the notification, ten or more workers were employed, to be a factory for all or any of the purposes of this Act.

(2) A notification under sub-section (1) may be made in respect of any specified place or class of places.

(3) A notification under sub-section (1) shall cease to have effect in respect of any place after the lapse of twelve months during which not more than nine workers were employed therein on any day."

And section 50, read along with this, prohibits the employment of children in any factory. I think it will have to be, to which section 5 has not been extended.

Mr. K. Santhanam: That would mean that the other factories are not covered by section 5. It should be applicable to them also.

The Honourable Sir Muhammad Zafrullah Khan: Within the meaning of the Factories Act to which the provisions of section 5 of the Act have not been extended.

Mr. K. Santhanam: I want not only to include the factories which are not covered by section 5 but also the factories which are covered by section 5.

The Honourable Sir Muhammad Zafrullah Khan: That is what I am saying. I want to enlarge the Honourable Member's own amendment by adding any factory to which the provision of section 5 has not been extended. I want to bring in both. It is in addition to your amendment.

Mr. K. Santhanam: In that case, I shall move this amendment. Sir, I move:

"That in clause 2 of the Bill, in the proposed clause (d), for the words 'without the aid of power' the following be substituted:

'not being a factory to which the Factories Act, 1934, applies or to which the provisions of section 5 of that Act are for the time being applicable'."

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That in clause 2 of the Bill, in the proposed clause (d), for the words 'without the aid of power' the following be substituted:

'not being a factory to which the Factories Act, 1934, applies or to which the provisions of section 5 of that Act are for the time being applicable'."

The motion was adopted.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

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

The motion was adopted.

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

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That clause 3 stand part of the Bill."

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

"That in clause 3 of the Bill, in the proposed sub-section (3), for the word 'twelfth' the word 'fifteenth' be substituted."

I am known among the people with whom I work for being a moderate and because I am a moderate I am only proposing that the word 'fifteenth' should be substituted for the word 'twelfth'. As I said, I believe in hastening very slowly. The recommendation was made in 1930 by the Royal Commission and, as I said in my first speech, by this time there would have been two revisions even if we had hastened slowly. I will now point out why we should substitute 15 for 12. In India the children do not attain very full growth when they become 12. I think from the point of view of growth 15 years is a much better age. My point of view was very strongly supported by the Honourable Lady Member of our House and more authoritatively too. My Honourable friend, Mr. Azhar Ali, said that the children's age should not be 15 as I have proposed and he pointed out the instance of carpet industry. He said that we should encourage cottage industry and not discourage it by keeping the age very high. If the Honourable Member had read what the Royal Commission has said about the carpet industry, he would not have made that suggestion. I shall read only one sentence from the report of the Royal Commission regarding the carpet industry. This is what they have said:

"They (*that is, the children*) were subjected in some cases to corporal punishment."

The carpet industry is well-known for its ill-treatment of the children, especially the carpet industry in Amritsar. The Honourable Member may know that carpet industry himself personally. So, from the point of view of the treatment of children, the carpet industry is really the worst. Moreover, there is no likelihood of any discouragement to the industry by regulating the age because in our country there is so much unemployment that, if you allow the children to work, you only create difficulties

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for men in supporting their families. Sir M. Visveswarayya had made calculations about unemployment in India and he puts the figure at more than 25 millions. From that point of view there will be absolutely no discouragement to the industry by keeping the higher age of 15. On the other hand, it will do some good to the children because there is no use making the children work hard especially in factories which are unregulated. We are not proposing by this measure to regulate the hours of work or anything else. The hours will be unregulated and, therefore, to allow the children of 12 or 13 or even 14 to work is, in my judgment, not only a hardship but, if I may use the word, cruelty.

Mr. Muhammad Azhar Ali: On a point of personal explanation, Sir. The Honourable Member said 'from that point of view'. This means that there are other points of view as well. My point of view, therefore, is correct and his point of view may also be correct.

Mr. N. M. Joshi: Not only from that point of view but it will not be bad from the point of view of the discouragement of the industry. The Honourable Member was wrong in feeling that there will be discouragement because there is so much surplus labour in India that allowing children to work means only competition with men and creating difficulties for men. I, therefore, think that my amendment is a very moderate one and it will be accepted by the House.

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved:

"That in clause 3 of the Bill, in the proposed sub-section (3), for the word 'twelfth' the word 'fifteenth' be substituted."

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadian Rural): Sir, I should like to bring a practical consideration in this connection before the House. Looking at the schedule, we find, for instance, that the weaving industry is also included. Now, I claim to know something of this because there are 60,000 weavers in my city of Benares and their difficulty, with regard to child labour, came to my knowledge in this way. When I happened to be a member of the Municipal Board of Benares, some of us sponsored a resolution that there should be compulsory primary education; and some of our Muslim friends on the Board objected to it very strongly. We did not know what the trouble was because there was no communal question involved when suddenly it was given out that in the weaving industry a large number of children are employed. There are some processes which can be done only by children. One process is this. I do not know whether I can describe it vividly. A little child is put at the top and from that place it regulates the knots that have been made as the weaving progresses. Now, though my Honourable friend, Mr. Joshi, might himself be agile enough, persons of his age may not be able to get on the top of a weaving loom and work in that way from the top. Therefore, it seems to me that some sort of provision is to be made for this sort of work if child labour is to go. I, personally, have every sympathy with the proposal that there should be prohibition of child labour and that some other means should be devised so that the work can be done without the employment of children. But this is the difficulty which I should like to point out to the House. I do not know whether this particular industry has been consulted or not.

My Honourable friend, Mr. Joshi, always brings out big volumes of recommendations from Geneva which may or may not be suitable to the actual conditions in which we have to live. I do not want my Honourable friend, Shrimati Radhabai Subbarayan, to run away with the impression that it is only mothers who are interested in children, for fathers also are equally interested. I do not believe that women are more interested in the welfare of children than men are because the child belongs to both. Still, conditions being what they are, I should like this problem also to be tackled. I see there is a provision in the Bill under which Provincial Governments can exempt particular industries, and it may be that the Government of the United Provinces may exempt this industry of weaving from the operation of this law, but as it is, it would be best if we stuck, at least for the present, to the age of 12 and not go on to the age of 15. If Mr. Joshi and others can find out other ways by which industries can prosper and also could make arrangements for the proper utilisation of the time and energy of the children between the ages of 12 and 15, I should support him. If it is said that they should be educated up to that age, I do not know whether the country has yet made sufficient progress. . .

Mr. N. M. Joshi: There are Congress Governments in eight Provinces.

Mr. Sri Prakasa: The Congress may govern heaven, but that does not mean there will be no devils anywhere. The mere existence of congressmen anywhere does not guarantee that all evils could be abolished. Mr. Joshi seems to have an idea that congressmen are super-men. Being a congressman myself, I can say, they are only human and some of us may be even sub-human! I hope Mr. Joshi will not press his amendment, because, though he has our sympathy, yet, conditions being what they are, it will be impossible to support him.

Shrimati K. Radhabai Subbarayan: Mr. Deputy President, I should like to say just a few words by way of personal explanation. When I expressed sympathy with Mr. Joshi's amendment, I was speaking from the point of view of women. Women, through their organisations and during their conferences, have repeatedly referred to this subject and expressed the view that the minimum age should be raised. During the course of their discussions, they pointed out that in industries like that of wool-cleaning, carpet-weaving and also *beedi*-making, the air on the premises where children work is injurious to the health of young children because of the dust and fluff and it is liable to give them pulmonary diseases. That was, as far as I remember, one of the main reasons for their suggesting that the minimum age should be raised. I was not speaking as a Member of my Party on this Legislature, but I was just voicing the views that women had expressed through their organisations and their conferences.

I entirely agree with Mr. Sri Prakasa that parental affection is not the monopoly of women and that it is not women alone who are concerned with the duty of looking after children. That duty is shared equally by both, the father and the mother. I am sure that fathers are as keenly interested in the welfare of children, in the healthy growth of children as mothers are, but the trouble is that they are both often ignorant and helpless, and the State should, therefore, come to their aid.

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadian Rural):

Sir, although I am in sympathy with the amendment moved by my Honourable friend, Mr. Joshi, I think it is rather premature and, therefore, it has got to be opposed. Mr. Joshi is perfectly well aware that there is no educational provision made for children. Especially in provinces where more recently attempts are being made, such a limitation would be disastrous for the poor family. If the children are not to be employed in these workshops, unless they have attained the age of 15, there being no educational provision, they will have to wander on the streets. Secondly, Mr. Joshi is not possibly aware of the very bad economic position of several families who, although they are not covered by the proviso, have yet to send their children to small workshops which are covered by the schedule.

Mr. N. M. Joshi: Take away the employment of adult population.

Mr. N. V. Gadgil: The fact is that there are many families and I should say thousands of families who have to depend, in order to make both their ends meet to have some sort of labour from their children and the position in their cases will be simply disastrous. Therefore, I think from a very practical point of view, Mr. Joshi will realise that his amendment although very good, although documented by quotations from his Bible, namely, the report of the Royal Commission on Labour, yet it is premature and I am sure he will not press his amendment.

Mr. Badri Dutt Pande (Rohilkund and Kumaon Divisions: Non-Muhammadian Rural): Sir, it is my misfortune to differ from my Honourable friend, Mr. Joshi. Because he has been to Geneva where there is plenty, where there are good amenities of life, where there are first class saloons, dinners, etc., he thinks that there are not poor families in India. I am a representative of very poor persons here. All those that have preceded me were capitalists with big bank balances and their children do not do any work. The comrades say, 'they will not work'. They say: 'no work, no taxation, nothing at all but enjoyment of fine things'. But in India there are many families where poverty is visible on the very face of the members. There are all sorts of Bills introduced in this Assembly but there is no Bill abolishing poverty or banishing poverty. We want a Bill to abolish poverty not a Bill to punish the employment of children. We want some employment for the children. There is so much of unemployment in the country. What I am most interested in is the woollen industry. My own Government in the United Provinces have sunk lakhs of rupees in the Kumaon division because Kumaon produces wool and it comes from Tibet on goats. The *Achkan* I am wearing is made of wool by boys of twelve years of age. (A voice: "Shame".) Why is it a shame? I am proud of these boys. They are doing some useful work instead of idling away their time in fighting, gossiping or stealing, etc. What does the term "boy" mean? We do not know what "boy" means when in the hotels even a man with a big beard is called a "boy". So you cannot define what a boy is or a child is. Of course, what we want is that they must not be over-worked. They must be educated, well-fed and cared for

and they must be healthy. All over my part of the country there are dotted the woollen industries. If they do not employ children of 12 where are they to go and who will support them? Will Government send doles to them or distribute money? In England, the unemployed get good sums of money and still they clamour for more. In India there is so much of unemployment that these restrictions will be very galling to them. When we talk here we are thinking of cities where the people are nicely fed, nicely clothed and nicely housed; but we must go to the villages where poverty is visible and where in very difficult conditions men, women and children are working the whole day and night in the fields and in these woollen factories. It is very difficult for them to make both ends meet. So, unless we have showers of gold and silver all over India,—this year of course there has been no rain and there will be more poverty visible,—there should not be these unnecessary restrictions, specially when in my part of the country the wool industry is progressing and schoolboys are learning weaving and wool carding, etc., and earning some money. They earn two annas or four annas which is quite a lot for poor men although for us Rs. 50 or Rs. 200 may not be much and for the Finance Member even a crore of rupees is not sufficient. Therefore, I say that we must not put any unnecessary restrictions and I oppose the amendment. \

Mr. M. S. Aney: Sir, there is one point to which I wish to refer. If the amendment of my friend is accepted it is likely to create difficulties in the starting of our Wardha Scheme of education altogether.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): There is an amendment to exempt the schools.

Mr. M. S. Aney: That is another matter. But in addition to all these objections it will be difficult to put that useful scheme into effect.

The Honourable Sir Muhammad Zafrullah Khan: Sir, I have only two words to say with regard to this amendment which I am afraid I must oppose. The first is, as I pointed out, that this is a concurrent subject and a great deal of weight must be attached to the opinion of the Provincial Governments; and there is not one single Provincial Government which has suggested that the age limit should be raised beyond twelve. Secondly, apart altogether from the point stressed by Mr. Gadgil with regard to the time that these children will be wasting between twelve and 15, there is this difficulty that their vocational training will have to be postponed, because, it is within everybody's knowledge that there are very few institutions in the country which provide vocational training for children between those ages. And, if their employment in these occupations is prohibited, the natural consequence will be that the Factories Act will also have to be amended to prohibit it in those occupations where work is carried on in factories as defined by the Factories Act. Then, these children will be out on the streets, as it were, and will not be able to learn any kind of occupation till after the age of 15. I submit, Sir, that this is a serious objection to the amendment moved by Mr. Joshi.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is: \

"That in clause 3 of the Bill, in the proposed sub-section (3), for the word 'twelfth' the word 'fifteenth' be substituted."

The motion was negatived.

Mr. Manu Subedar: Sir, I move :

"That in clause 3 of the Bill, to the proposed sub-section (3), the following further proviso be added :

'Provided further that nothing in this sub-section shall apply to any vocational school established by, or receiving assistance from, or recognition from, a Provincial Government'."

Sir, in order to convince the House of the necessity of this amendment, I shall have to point out that it is not desired by this amendment to make children under twelve eligible for work while the general principle of the Bill is that they should not be made to work as hired labourers. There is a system of education now devised by which it is intended that little children shall receive their education not in the sort of schools that any of us would call to mind when the word "school" is mentioned, i.e., in schools where there are benches and blackboard and a chalk and a teacher, but the schools where the children will open their eyes, and train their sense of colour and touch, etc. They will know how to produce small articles under disciplined conditions without waste. It is in order to train children to some vocation right from the beginning and by that method also train their mind and train their eyes and sense of touch and colour that a scheme has been adumbrated and is being now put into effect in many provinces. The need for that scheme is established for two reasons. One is that the old scheme of education, as we, who have been to school understand it, is not financially possible. It is to the discredit of Government opposite that after 150 years they have not been able to provide elementary education to the largest bulk of the school going population of this country. In any case they have so impoverished this country that it is no longer financially possible to provide schools of the type which you and I, Sir, attended. We, therefore, want to provide schools of the other type and in these schools we want little children, may be from the age of four and five, to begin to learn, to recognise different materials and different articles and different processes and to be able to help, and by their so helping to be able to learn the actual process of making certain simple articles of domestic use.

Sir, the greatest misfortune of this country has been that we have a large mass of untrained and unskilled labour and that skilled labour has gradually been destroyed. The largest number of artisan class in home crafts were Mussalmans in this country and if there is any survival in places you will find that the Mussalmans are still carrying on a few handicrafts, though under very serious and difficult conditions of competition. Sir, it is in order to strengthen the existing handicrafts and in order to create new crafts that these new schools are being started. Instead of having men crowding in the cities in search of work, we want work to go out to the men in the rural areas and such work to be created. In connection with the creation of such work we simultaneously desire that little children shall be associated with the establishment of these handicrafts so that they will learn these handicrafts under the expert guidance of artisans who will be established. I do not reckon that prosperity arises from mere interchange of commodities, and I certainly deprecate the idea that commodities should come from abroad or should be produced in factories in large cities and should go on penetrating into the interior even when the rural community has nothing wherewith to buy. The development which I desire to see is a movement of rural work towards urban areas.

I will say one word with regard to the Wardha scheme of education in respect of which this provision is being made. It is questioned by various people as to whether the scheme will pay for itself. In the rural areas people working full time are unable to find work to do—they are willing to do the work but are unable to find the work. There are several areas in India where they cannot find work even for an anna and a half per day. But it has been established by actual experiment that a child, if he is given definite periods of work which will not tire him out but which will keep his interest up—if there are intervals for play and work and education—can work for $3\frac{1}{2}$ to 4 hours a day in organised periods, and can produce enough, that is, can add enough value to raw material which would be the equivalent of one or two pice a day; and one or two pice has been calculated to cover the cost of education. One or two annas per day would cover the cost of the maintenance in the rural community. This is a vast subject and I do not desire to take up the time of the House by further details on this point. but I trust that the object with which this amendment is being moved will be accepted by the Government.

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved:

"That in clause 3 of the Bill, to the proposed sub-section (3), the following further proviso be added:

'Provided further that nothing in this sub-section shall apply to any vocational school established by, or receiving assistance from, or recognition from, a Provincial Government'."

The Honourable Sir Muhammad Zafrullah Khan: Sir. I accept the amendment.

Mr. N. M. Joshi: May I say a word?

The Honourable Sir Muhammad Zafrullah Khan: Do you oppose the amendment?

Mr. N. M. Joshi: I shall tell you what I am going to do in my speech. I am not sure, Sir, whether the Honourable Member who moved this amendment has considered whether this amendment is at all necessary for his object. If his object is that *bona fide* schools should be omitted from the scope of this Bill, then this amendment is not necessary because this Bill will apply only where hired labour is engaged. I do not think in the schools contemplated by this amendment any hired labour is engaged, and therefore, the Bill will not apply to schools. But he went a little further and propounded the idea of self-supporting schools. He himself admitted that that problem is a very big one and I would not, therefore, like that problem of self-supporting schools being discussed on this amendment. If schools are to be permitted to treat the school boys as hired labourers, then, certainly, that problem will have to be considered very seriously. I am not one of those people who would like school children to be treated as hired labourers. I would not like schools to be self-supporting even, because there is that danger. I can see very well that while we are teaching children some arts and crafts they may produce some things which will have value. I do not deny that fact at all. As a matter of fact there are industrial schools in our country which sometimes sell the goods made by them—chairs, carpets and so on. But if schools are started with the idea that they must be made self-supporting then certainly there is a great

[Mr. N. M. Joshi.]

danger of children being exploited by the managers of schools. I do not, therefore, want to raise that question except to say that there is that danger; and I would suggest to the Honourable Member that if his object is simply to omit ordinary schools from the provisions of this Bill, that object is already secured because the Bill will not apply to any school where children will not be hired. Let me look at the proviso. It says:

"Provided that nothing in this sub-section shall apply to any workshop wherein any process is carried on by the occupier with the aid of his family only and without employing hired labour."

Mr. K. Santhanam: There are two conditions.

Mr. N. M. Joshi: Exactly.

Mr. K. Santhanam: I may point out that this clause applies only when the workshop is a family affair only, and where hired labour is not employed. A school will be included in the term workshop.

Mr. N. M. Joshi: Yes; but if you are not using hired labour then certainly it will not apply to these schools. If you like you can have the word 'or' put in place of 'and'. But there is a positive danger in the explanation which he gave. I do not know whether that explanation will cover these self-supporting schools. The problem of self-supporting schools should not be brought in here: it will have to be considered separately. I, therefore, feel that I am not sure whether this amendment should be made. Unfortunately, Government have accepted it and, therefore, the Congress Party and Government will carry it: there is no doubt about it; but it was my duty to express my doubt about the utility of this amendment and the danger. . . .

Mr. M. S. Aney: Where is the word 'hired' used?

Mr. N. M. Joshi: Towards the end of the proviso to clause 3—"without employing hired labour." Therefore, it will not apply to ordinary schools at all.

Mr. K. Santhanam: Sir, before you put this amendment to vote, I want to point out that Mr. Joshi's argument is not valid. If he reads the clause carefully, he will find that there are two conditions: it should be done by the family and it should not employ hired labour. If a family employs hired labour it will come under the term workshop. The school is not a family; and even if it employs unhired labour it will come under the term workshop. Therefore, this is necessary. But in Mr. Manu Subedar's amendment, the word "vocational" is used. As I understand it, the idea of the Wardha Scheme is to have craft schools and not strictly vocational schools: it is intended that every school should teach some craft, and, therefore, I suggest that the word "vocational" be deleted. I hope the Mover will accept my suggestion, as also the Government.

Mr. Manu Subedar: I have no objection to accept it.

The Honourable Sir Muhammad Zafarullah Khan: I am afraid I may not be able to accept it.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, if I may explain. The Honourable the Mover of the amendment does not refer to vocational schools at all, as such schools are generally for boys above 12 or even 15: the schools he referred to in his speech and which are in his mind, are these basic schools which have been accepted, if I remember aright, even by the Central Advisory Board of Education. There education is through a craft—not that it teaches the craft, but the craft is used for the purpose of education; so that it shall not be a mere sitting and hearing school, but there will be activity on the part of the boys and there will be greater interest created in their study through the craft. . . .

The Honourable Sir Muhammad Zafrullah Khan: Then, it will not be a workshop.

Mr. T. S. Avinashilingam Chettiar: I am coming to that point. It will be a workshop under this section. Some of the processes specified in the Schedule may be practised there. According to the definition, a workshop means any premises (including the premises thereof) wherein any industrial process is carried on without the aid of power. An industrial process will be carried on in that school, and hired labour may also be employed in the school, for instance, an artisan may be employed to teach or assist the school, and that will be hired labour. Even with the proviso to clause 3 such a school will come under the mischief of this section; and we want that any ordinary school which wants to exploit any craft for the purpose of education, which is the real ideal of the Wardha scheme of education,—and not to exploit the children,—such a school should be exempted.

Mr. N. M. Joshi: The children will be exploited.

Mr. T. S. Avinashilingam Chettiar: Not at all.

Mr. N. M. Joshi: There are good men and bad men.

Mr. T. S. Avinashilingam Chettiar: You are giving power to Provincial Governments to administer the whole of the Act, and you are giving them power also to make exemptions, and if you cannot exempt a school which is recognised by the Provincial Government, it is something which I don't understand. I am afraid, Sir, there is a confusion in the mind of my Honourable friend, Mr. Joshi, and also in the mind of the Honourable the Commerce Member, if I may respectfully say so. I do think that if this exception is not specifically provided for it will be covered by the definition of the word "workshop" and will come under the mischief of this section. Therefore, Sir, I support the amendment.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): Mr. President, I must say a few words on this matter in order that the object of omitting the word "vocational" may be correctly understood

The Honourable Sir Muhammad Zafrullah Khan: What is the amendment before the House? The amendment as it stands on the paper?

Mr. Bhulabhai J. Desai: That is perfectly true, but it has not been unknown to this House, nor to my Honourable friend, that if we, during the course of the discussion, discover that a word has crept in, which is incorrect, and which would defeat the purpose of the amendment and of the Act itself, surely we are entitled to point that out, and we can appeal to the House to omit that particular word, and surely if it came to that, may I ask my friend himself,—and I am doing it in all humility,—that in order that we may not legislate foolishly,—to postpone the discussion of this matter till tomorrow morning

The Honourable Sir Muhammad Zafrullah Khan: I am not objecting to any formality, but what exactly are we discussing? I have already said that I am prepared to accept the amendment as it stands, but I may not be able to accept the amendment to the amendment as it is proposed to be put.

Mr. Bhulabhai J. Desai: But for my friend's statement I would not have intervened in this debate. I quite agree that it is our duty to examine the amendments before they are put in, but sometimes through either lack of proper understanding or due to some other cause you find that the description covers something different to what was intended.

Now, the words are:

“Provided further that nothing in this sub-section shall apply to any vocational school established by, or receiving assistance from, or recognition from, a Provincial Government.”

The words used here are “any vocational school”,—and you will find those words at the bottom of the page. It is true in one sense that in any scheme of education—I am not trying to emphasise too much on the Wardha Scheme or any other scheme,—all these words have also an unfortunate reaction. I am not, therefore, putting that on that ground at all.

Now, Sir, there is in this country a movement for education on lines which are supposed to be more useful to pursue. We begin to feel that a farmer's son coming to a school and getting a certificate becomes superior for either moving the plough or going deeper into the mud; instead of becoming a better farmer, he wants to become a clerk. It is now a matter that is beginning to be recognised, and we now begin to see that the whole cause of unemployment has been due to the fact that the education of our boys has been too literary. It does not mean that the present literary education makes a man a better farmer or a better clerk, but it has made him much worse, and that is why we have had some 400 applications for a job on Rs. 50, and, therefore, Sir, I am speaking with great earnestness. Let there be no misunderstanding on this question about the purpose of omitting the word “vocational” from this amendment. The object really is this, that a technical school which will be established in the future, and conveying the ordinary knowledge through or by means of a craft will not be the same thing as what is understood in England at all events as a vocational school. There, after a certain amount of primary education, a boy may be sent to a special vocational school with the specified object of learning a particular vocation. Now, that is not going to be the purpose of the primary schools which are intended to be established and for which experiments are being undertaken by certain Provincial Governments. Their object is this. On the one hand, it won't be a vocational school in

the proper sense,—it may be exercising what you may call an industrial process within the meaning of section 2 (d), and it is only that I wish to guard against lest, later on, the Provincial Governments' attention having been drawn they should come to the House again and say: "Here are our children and many of them are below 12 who are marked out for some form, however small, of an industrial process, and, therefore, caught by the word "workshop". That is all that I am trying to prevent happening. Now, Sir, look at the definition of "workshop", and see whether, if you teach even the most rudimentary things like carpentry or small things like that, such schools shall or shall not be covered by the definition of workshop as made here. The definition of a workshop as given here is "wherein any industrial process is carried on without the aid of power" including the precincts wherein any industrial process is carried on. Now, of course that has been altered. Then, the proviso, which is there, is not enough to take it out of it. The proviso says:

"Provided that nothing in this sub-section shall apply to any workshop wherein any process is carried on by the occupier with the aid of his family only and without employing hired labour."

The only point, therefore, before the House is this. When my Honourable friend accepted this amendment, I am sure he intended that if any industrial process is carried on in a school, then that industrial process should be allowed to be carried on without the prohibitions contained in this Act. If that is the intention, then when the description of "vocational schools" is examined, it is found not to be correct, because the words "vocational schools" would exclude from its operation all schools which are really intended to be schools where proper education would be given to boys, that is to say, training of the mind, as my friend says, training of the boy's faculties, colours, and all the rest of it, and all these would be taught through some form of rudimentary industrial process. Therefore, I do assure my friend that we have no desire to do anything which we did not intend by moving this small amendment for the omission of the word "vocational". It only escaped our attention. The words "vocational schools", technically stated, are not correct, but if the word "vocational" is omitted, it will still be a school which is established by or receiving assistance from, or recognition from, a Provincial Government, and those would be the primary schools established for the benefit of the children themselves. Therefore, Sir, I do appeal to my Honourable friend to assist us by accepting the amendment with the omission of the word "vocational". The very purpose of the proviso would have no value whatever if the word "vocational" is not omitted. In fact, there are hardly any vocational schools in this country as such except a few technical schools,—there is one perhaps in Ahmedabad, but the boys who attend those schools are older boys,—there are no boys there below twelve.

The Honourable Sir Muhammad Zafrullah Khan: Sir, it is not that I

am not in complete sympathy with the object that the amended amendment would have, but my difficulty is this. We are familiar with vocational schools, and, therefore, when we are making an exception in their favour, we know what we are doing. We are not yet familiar with the kind of school that the Honourable Member has been describing so that we are not quite sure what the character of those schools would be, and whether, actually, in those schools there would be any danger of the exploitation of the children in the manner that has been pointed out by

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[Sir Muhammad Zafrullah Khan.]

at least one Honourable Member. When a number of these schools have been established and it is shown that these schools have this particular object in view and that there is no kind of apprehension with regard to any exploitation and so on, it would be the easiest thing in the world to omit this word "vocational" from the Act. I would, therefore, submit that, having made their point, Honourable Members may be satisfied for the moment with the amendment as it is put down and wait till these schools have been established.

Mr. T. S. Avinashilingam Chettiar: The school should be approved by the Local Government according to the amendment.

Mr. Bhulabhai J. Desai: There is no chance of the Provincial Government likely to allow children to be exploited by a school. It is too much of a special pleading.

The Honourable Sir Muhammad Zafrullah Khan: I say that *prima facie* I have every sympathy with the object in view, but I do not think that any hardship will be involved if we wait till a number of these schools have been established.

Mr. Bhulabhai J. Desai: But they cannot possibly commence. I do appeal to my Honourable friend to see that there is protection. So far as it is established by the Provincial Government, we certainly have enough confidence in them notwithstanding the criticism of the Geneva member here who always talks of exploitation except of himself—that he should start this kind of hare when criticising things of which I wish he would make a study a little more carefully.

Mr. N. M. Joshi: How do you know I have not studied?

Mr. M. S. Aney: If we do not omit the word "vocational" the great difficulty is that the scheme that we want to try will not begin at all. It has been stated that a number of schools would be opened actually on the 8th April, in C. P. and Berar. But if there is a legislation of this kind which is likely to come in the way of those schools, and there is no power conferred on the Local Government to make any modifications in that respect the experiment could not be started. I, therefore, think that nothing should be done in this Bill to create a difficulty in the way of starting that experiment which will begin on the 8th April. I, therefore, submit that the little change that has been suggested will suit the purpose without in any way creating any difficulty.

The Honourable Sir Muhammad Zafrullah Khan: I agree.

Mr. President (The Honourable Sir Abdur Rahim): If it is the general desire of the House, the Chair is prepared to put the amendment to the House without the word "vocational".

Honourable Members: Yes.

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

"That in clause 3 of the Bill, to the proposed sub-section (3), the following further proviso be added:

'Provided further that nothing in this sub-section shall apply to any school established by, or receiving assistance from, or recognition from, a Provincial Government'."

The motion was adopted.

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

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

The motion was adopted.

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

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

"That clause 4 stand part of the Bill."

Mr. K. Santhanam: Sir, I beg to move:

"That in clause 4 of the Bill, in the proposed section 3A, for the word 'notification', where it occurs for the first time, the words 'previous publication' be substituted."

My object is that the Provincial Government should publish a draft of the changes which they want to make and they must consult the organisations concerned and take their opinion. Of course, I think this is also the intention of those who drafted this Bill, but as it stands, the clause says:

"The Provincial Government after giving, by notification in the official Gazette, not less than three months' notice of its intention so to do, may, by like notification, add any description of process to the Schedule . . ."

I want to make it explicit that the intended changes should be published and then opinions invited. The words "previous publication" have got a definite meaning under the General Clauses Act. I think all those processes should apply to the changes intended; otherwise, they may simply publish and put the changes into operation at once without asking for the organisations concerned. I may also point out that if my amendment is adopted, I would like that the word "like" in line 4 should be deleted as a consequential change. That I shall do, with your permission, after this present amendment of mine is carried.

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

"That in clause 4 of the Bill, in the proposed section 3A, for the word 'notification', where it occurs for the first time, the words 'previous publication' be substituted."

The Honourable Sir Muhammad Zafrullah Khan: I am afraid that I cannot appreciate the object of this amendment. The clause, as it stands, says:

"The Provincial Government, after giving, by notification in the official Gazette, not less than three months' notice of its intention so to do, may, by like notification, add any . . ."

It is quite clear that the change that they intend has got to be published in the official Gazette three months previously.

Mr. K. Santhanam: I beg leave of the House to withdraw my amendment.

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

Mr. N. M. Joshi: I move:

"That in clause 4 of the Bill, in the proposed section 3A, the words 'or omit any of the processes therefrom, or otherwise amend the Schedule in such manner as it thinks fit' be omitted."

This is rather a strange provision. This is giving power to the Local Government to practically destroy this measure. I have seen legislation where the Government of India have given power to Provincial Governments to make further provision or add something to the provisions which they have made. But I have not yet seen a legislation passed by the Government of India where the Government of India have given power to Provincial Governments to completely destroy the measure which they have passed. Some Provincial Governments may take it into their heads to remove all the industries from the schedule and what will remain in the Bill? My Honourable friend, Mr. Azhar Ali, said that there were no reactionary Governments in India. I do not wish to name any names, but at the same time there are some progressive Governments and there are some reactionary Governments. It is according to the ordinary human law. I know a Provincial Government where a small measure like a maternity benefit Bill was introduced. It was supported by a prominent lady belonging to the Government Party, but the Bill was not given even the first reading.

Mr. Muhammad Azhar Ali: Those days are gone.

Mr. N. M. Joshi: They are not gone. That was done only perhaps in the course of last year. I won't name the Government. It is not my desire to say which Government is reactionary, but sometimes some Governments act in such a way that we have to call them reactionary. Moreover, there is another reason. There are some doubting Thomases like my Honourable friend, Mr. Sri Prakasa, in the Congress Party. That Party is an influential party. I am not suggesting that the Congress Party consists of reactionaries but there are people like my friend, Mr. Sri Prakasa. They have got influence with that party. Whenever there is labour legislation they do not know what will happen to the industry. He said that there are certain processes which only children can perform. Everywhere, even in Europe, weaving is done by adult people. If they have got to go up on a roof, why should they not use the ladder or use some steps. Surely some device can be found by which adult people can do the work of young children.

Mr. Sri Prakasa: There is no space between the roof and the mechanism where an adult can sit.

Mr. N. M. Joshi: Then that requires further legislation. That factory is dangerous and unhealthy. Therefore, that kind of arrangement should not be permitted at all. Then my Honourable friend said that I often bring forward proposals from Geneva and the Honourable the Leader of the Opposition also talked about my being a member from Geneva or for Geneva. I have not got the inferiority complex of my Honourable friends. I do not see why proposals coming from Geneva should not be applicable

to India. I have firm confidence in the working classes of this country. They are as good as the workmen of any other country in the world. Therefore, proposals which are good for Great Britain and good for France are good for India. Let my friends give up this wrong complex. Then I have been asked by my Honourable friends as to how children will be able to utilize their time if they are not employed. I have made it quite clear that it is better that they play till the age of 15 than to be made to take the place of adults. What will happen if the children take the place of the adult population. Why don't they ask themselves this question. If the children get work and ruin their health, the adult population does not get work. They become demoralized. It is better that the adult population work and the children play. It is not certainly the right way of maintaining a family by making the children work while the adults have nothing to do. Let the adult men and women work and not make the children work. No wrong will be done by allowing the children to play. They will grow strong, if they play in the open or go about looking after cattle. I, therefore, think that it is not proper to give power to the Local Government to stultify the Bill. I can understand power being given to the Local Government to add but no power should be given to omit. My friend, Mr. Subedar, said that there must be co-ordination. Co-ordination will come about if Government insist on a certain minimum. The Government of India have mentioned in the schedule certain minimum industries to which the Provincial Government may add but if you give power to the Provincial Government take away from that schedule, then there will be no co-ordination. It is with that object that I have moved my amendment and I hope that the House will support it.

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

"That in clause 4 of the Bill, in the proposed section 3A, the words 'or omit any of the processes therefrom. or otherwise amend the Schedule in such manner as it thinks fit' be omitted."

Mr. Sri Prakasa: My Honourable friend, Mr. Joshi, has done me the honour of mentioning me more than once in his speech, and I should like to explain exactly what I mean when I say that I cannot support his amendment. If I may say so with all respect, Mr. Joshi spends all his time between Geneva, Bombay, Delhi and Simla and the result is that he does not come face to face with the problems with which he is dealing. I referred earlier in the course of the discussion of this Bill to the conditions in which the weaving industry is carried on in Benares, for instance. My Honourable friend said that it was wrong to allow a factory to exist in a place where the roof is so low that an adult cannot sit between the upper part of the weaving machine and the roof. Well, there is another problem attached to this, namely, that the mechanism itself is attached to the roof, so that the roof cannot be very high. In the Benares Municipality, we wanted to make a bye-law that the roof of the houses on the ground floor should not be less than so many feet high. There was lot of objection, because if the roof were made as high as we think sanitation requires, then these factories or workshops could not exist and the whole of the weaving industry will have to go. Whether the industry should remain or not is a question on which I am not prepared to give a definite answer but the fact is that 60,000 people in Benares make their living by weaving and it is a cottage industry in the sense that the weaving is done in the home of the weavers.

[Mr. Sri Prakasa.]

My friend says that adults should be employed. As things are, children of the family and the children of the neighbours work in these factories and there is no definite payment to be made to workers employed from outside. If these weavers employ labour from outside, they will have to pay wages. They will have to feed their children and pay wages to outside labour, with the result that there would be nothing left for themselves. Now, there must be such industries elsewhere also. As I said, I am very much in favour of the principle for which Mr. Joshi stands. In fact, I should go further and I should be happy if there should be no necessity for any work at all for any one at any age; but that is not practical politics and, therefore, we have to draw the line somewhere. So I think that when the Bill proposes to give power to the Provincial Governments in this behalf, we should not take away that power. Our legislation should seek to do good and to give better conditions and not make matters worse.

Therefore I feel that this provision is a healthy one and the elimination thereof would entail hardship and instead of doing good it would do evil. My Honourable friend, Mrs. Subbarayan, mentioned the pledged labour of children, which is a very bad thing, and I am sorry to say it does exist in Benares. People pledge their children's labour for so many years owing to poverty; and many take advantage of it. All that must go. But how is that to go? There is the problem of poverty, there is the problem of peculiar social conditions, there are so many other problems in India, India is a museum of problems, and how to tackle all these problems passes my understanding. If only social workers will face the problem from a practical standpoint, they will be able to do much good and will help in bettering conditions. But if they come forward with proposals which cannot be implemented, then we would be nowhere. What I fear is that when we sit here and legislate, we think of the problem only from the standpoint of high principles. But if we do not take practical matters into consideration, the result is that most of these laws become dead laws.

It is impossible to enforce a law which is not commensurate with the moral and material conditions of the people. Not only a law like this but there are plenty of laws in our country which are really dead letters because they are impracticable and impossible and the people simply would not follow them. The State helplessly acquiesces and they remain only on the statute-book. Unless you have the means to enforce a law after you pass it, you are leading the country nowhere. I, therefore, think that the Provincial Government should be armed with the power that the Bill gives and we should not take away this power.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I agree with Mr. Joshi in his major premise when he said that the workers in India are as good as the workers in other countries, but he entirely omitted another premise in his conclusion and consequently he was compelled to come to a wrong conclusion. In other countries, there are schools where boys are sent in a compulsory manner up to the age of fourteen, in some countries at the age of twelve and thirteen, but in nearly every country, from the age of twelve boys and girls are compulsorily sent to schools. Such schools do not exist in India. Later on, there are continuation classes where boys are

kept up to the age of fifteen, and the Governments use every method to induce the parents to send their children to continuation schools after the compulsory period is over. Such being the case in other countries, it is reasonable that children should not be given any work till the age of fifteen, so that parents may be induced to send these children to continuation schools. They are not expected to wander about. In our country, however, we have got no continuation schools, and if we debar boys from being employed before fifteen and blindly follow the conditions in European countries, the result will be disastrous. No doubt I would prefer boys playing, but they would be apt to wander about, and if a boy has spent over three years in bad society, he will not be a very good worker later on. It is all right for my Honourable friend to introduce the same conditions in India as exist in other countries for which such legislation has been recommended,—that is, provision for healthy recreation, provision for some kind of education, some kind of healthy pastime, and when we can secure these things here, then and then alone can we come forward and say that the conditions in India are now the same as in other countries and you ought now to enforce the Geneva Convention. Sir, my friend rightly said that Mr. Joshi spends all his life either in Geneva or in New Delhi and Simla, and the one thing for which he has no time is to see the actual conditions of labour.

Mr. S. Satyamurti: Sir, I think it is time that the House came back to the amendment as it actually stands on the order paper. The clause as it is provided in the Bill says :

"The Provincial Government, after giving, by notification in the official Gazette, not less than three months' notice of its intention so to do may, by like notification, add any description of process to the Schedule, or omit any of the processes therefrom, or otherwise amend the Schedule in such manner as it thinks fit, and thereupon the Schedule shall have force in the Province as if it has been enacted accordingly."

The words Mr. Joshi wants to omit are :

"or omit any of the processes therefrom, or otherwise amend the Schedule in such manner as it thinks fit."

It comes to this, that this amendment, if it is accepted by the House, will leave the Schedule as it stands and it will be open to a Provincial Government only to add fresh processes to the Schedule. Sir, the Congress Party has no complex, either inferiority or superiority, it has the supreme intellectual complex to see the thing that is right and to support it even if it comes from Mr. Joshi. Further, the Congress Party realizes, when this House is asked to legislate on a first-class matter like this, that we ought to see that the processes are carefully selected, but as the House will see, we have carpet-weaving, cement manufacture, cloth printing, dyeing and weaving, manufacture of matches, explosives and fireworks, etc. I think the House would be ill-advised, if I may respectfully say so, not to vote for the amendment because all these are processes in which we do not want children below twelve to be employed. I want the House to note that there are two exceptions which the House has already accepted, *viz.*, where the family itself is carrying on any of these processes without employing hired labour, that is to say, if parents carry on with the work of their children or their relations and it is all one family, then this Act will not apply; and secondly, the House has accepted the amendment to exempt all schools from the operation of this Act, which means that wherever such processes are carried on for the purpose of education in our schools, the

[Mr. S. Satyamurti.]

Act will not apply. Under those circumstances, it seems to me that we have got all necessary exemptions, and it is not right or wise to give Provincial Governments the power to practically wipe out this Act.

In all these matters of legislation, I think the Government and the House must have a mind of their own. It is all right to give Provincial Governments powers in directions where they are more in touch with provincial conditions, or can know about future contingencies in the provinces and ask them to legislate either by passing Bills or by executive order, but in a matter of this kind where as the result of these inquiries Government have on receipt of expert advice put in these things in the schedules, it seems to me it is a tall order to give Provincial Governments the power to practically repeal the whole Schedule, or amend it in any manner it thinks fit. It is not a question of not trusting Local Governments, but of trusting ourselves. If the Government and the House feel that, except in the case of families working without hired labour and schools where these processes are taught as part of education, children below twelve ought not to be employed, let us say so, and let us not allow Provincial Governments to tamper with it, whatever the pressure of vested interests may be. Therefore, it seems to me that the Government and the House would be wise to support the amendment and forgive and forget Mr. Joshi's sins, whenever he talks of Geneva; and I want to conclude on that note. Sir, I do want labour in this country to be treated humanly and humanely, but I know that I am industrially backward and if I cannot compete with other countries who are dumping their goods into my country, well, I am not going to imitate whatever Mr. Joshi brings from Geneva without carefully considering the good of this country. We want to become industrially prosperous, economically self-sufficient and to be enabled to export our goods. We must, therefore, take steps in that direction. Please do not tell us that whatever suits France or Germany or England, which have become highly industrialised and which dump their goods on us, must be copied by us immediately. I must apply my own mind to it and, applying my own mind to it, I commend to the House this amendment.

Mr. M. S. Aney: Sir, I can quite see the object of the amendment which my Honourable friend, Mr. Joshi, has moved, but the difficulty is that he wants to retain the powers of the Provincial Governments to add and the power of omission is taken away. As a matter of fact, I made a few observations in the general discussion over this point and I then categorically drew the attention of the Honourable Member to clause 4 stating that I should not like to entrust the Provincial Governments with any power at all to tamper with the list either by way of addition or by way of omission. That was the view I took. Mr. Joshi wants to retain the power to add but he wants to take away the power to omit. My objection to this kind of amendment is that we are not really giving this Act a proper form. If there was an amendment to the effect that the whole of the clause 3-A be omitted, his purpose would have been very well served. If we can once concede to the principle that we can trust the Provincial Government to make an addition to this list, there is no meaning in saying that we cannot trust that Government from seeing whether in the conditions prevailing in that province a particular industry should be there or not. It is rather from that point of view that the amendment seems to be a very unartistic and arbitrary one and the legislation also with that sort of mutilated clause

would not read well. That is the only difficulty. If the amendment was that sub-clause 3A be omitted, I would have gladly supported it. In the absence of that, half a loaf is better than nothing and for that reason I support his amendment.

The Honourable Sir Muhammad Zafrullah Khan: Sir, having regard to the views expressed from different parts of the House, I will not oppose the amendment.

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

"That in clause 4 of the Bill, in the proposed section 3A, the words 'or omit any of the processes therefrom, or otherwise amend the Schedule in such manner as it thinks fit' be omitted."

The motion was adopted.

Mr. T. S. Avinashilingam Chettiar: Sir, I move:

"That in clause 4 of the Bill, after clause (a) of the proposed section 3(B), the following be inserted:

'(d) the name of the person in actual management of the workshop'."

The Honourable Sir Muhammad Zafrullah Khan: Why not place this clause immediately after clause (a) and re-letter the subsequent clauses.

Mr. T. S. Avinashilingam Chettiar: The Honourable Member can do as he thinks best. Sir, the occupier has been defined as one who has the ultimate control over the work of a workshop; the person in actual management is also necessary, if we are to give effect to the Act. I do not think any further speech is necessary.

The Honourable Sir Muhammad Zafrullah Khan: I think it would be better to insert this clause after clause (a) and call it (b) and re-letter the subsequent clauses.

Mr. President (The Honourable Sir Abdur Rahim): Very well. Then, the amendment will read thus:

"That in clause 4 of the Bill, after clause (a) of the proposed section 3(B), the following new clause be inserted and the subsequent clauses be re-lettered accordingly:

'(b) the name of the person in actual management of the workshop'."

The question is:

"That in clause 4 of the Bill, after clause (a) of the proposed section 3(B), the following new clause be inserted and the subsequent clauses be re-lettered accordingly

'(b) the name of the person in actual management of the workshop'."

The motion was adopted.

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

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

The motion was adopted.

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

Clauses 5, 6, 7 and 8 (including the Schedule) were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Muhammad Zafrullah Khan: Sir, I move:

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

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

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

The motion was adopted.

The Honourable Sir Muhammad Zafrullah Khan: Sir, the House will see that there are two further motions in my name, one relating to the Bill to establish standards of weight throughout British India and the other to the Bill to make further provision for safety in coal mines. The position with regard to the last Bill is that it is the general desire that it should be sent to a Select Committee. I am afraid we have now arrived at a late hour in the day, but if the House would agree to, I would leave out for the present motions Nos. 6 and 7 and proceed with motion No. 8 and put the matter very briefly before the House, for, the difficulty is this. If we do not agree to send this Bill to a Select Committee today the matter will not be reached again till the 24th February, and if a Select Committee is then set up having regard to the business before the House—the Budget, the Finance Bill and other measures—I am afraid it will be almost impossible to pass this Bill during the current Session. As I understand that it is the desire of Honourable Members that the Bill should go through during the current Session, I am suggesting the course I have mentioned. If there is no objection, I shall proceed to move the motion standing in my name as item No. 8 on the order paper.

Mr. President (The Honourable Sir Abdur Rahim): The Chair takes it that there is no objection.

Honourable Members: No objection.

THE COAL MINES (STOWING) BILL.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): Sir, I beg to move:

"That the Bill to make further provision for safety in coal mines be taken into consideration."

Sir, this Bill results from the recommendations of the Coal Mining Committee which was set up two years ago. There are two main provisions in the Bill, the one seeks to confer power on the Mining Inspectorate to enforce stowing and the construction of protective works where such measures are necessary in the interest and safety of workers and the other is that relating to the creation of a fund by levying an excise duty for assistance towards stowing. The remaining provisions of the Bill are merely subsidiary and concern matters of detail. Now, this Bill has become necessary because in the Jharia and Ranigunj coalfields, from which 70 per cent of the supply of coal comes, the working has been carried on to an extent where the main extraction of coal now is from the pillars that were left standing in the first workings. There is grave danger that if provision is not made for sand stowing, the working may be carried on in a manner which may be extremely dangerous to those who have to carry on work underground in these mines. There is another aspect of the matter

also that working without sand stowing or some substitute for sand stowing is likely to lead to a good deal of wastage or uneconomic extracting of coal so that though the main object of this Bill is to ensure greater safety of people working in the mines, an important feature of the Bill is also to secure conservation. Having regard to what I have already said with regard to the state of business before the House and the necessity that the Bill shall be referred to a Select Committee this afternoon, I shall say no more on the provisions of the Bill. It is a measure of a technical character and any improvement that may be desired can be more easily carried out when it is scrutinised in the Select Committee. But I may be permitted to mention this. The idea is that if the House agrees to send this Bill to a Select Committee then those Members who are nominated to serve on the Select Committee should be prepared to sit in Select Committee on the afternoon of the 16th February, that is to say next Thursday when the House will be engaged in general discussion on the Railway Budget. I hope, Sir, that it will be possible for Members who agree to serve on the Select Committee to so arrange that they would be free to sit on the Select Committee during the course of the afternoon on 16th February. Sir, I move.

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

"That the Bill to make further provision for safety in coal mines be taken into consideration."

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I beg to move:

"That the Bill be referred to a Select Committee consisting of the Honourable Sir Muhammad Zafrullah Khan, Mr. N. Mahadeva Ayyar, Mr. A. Aikman, Sir Abdul Halim Ghuznavi, Mr. B. Das, Mr. Ram Narayan Singh and the Mover"

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadan Rural): May I suggest the inclusion of the name of Mr. N. M. Joshi? After all, it is a matter concerning labour.

Mr. Akhil Chandra Datta: I have no objection.

" Mr. N. M. Joshi and the Mover with instructions to report on or before the 28th February, 1939, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, as it is the general desire of the House that this Bill should go to the Select Committee, and having regard also to the fact that we must finish this motion today, and having only 15 minutes more left for the day for adjournment, I propose not to make any lengthy speech. This is a matter on which there are many things to be said. But in view of the circumstances I have just mentioned, I shall make a few observations.

My grounds for making a motion for referring the Bill to a Select Committee are these. Firstly, the subject is one of very great complexity. Admittedly, it is a matter not only of great complexity, but also it is a matter of great importance, some of the provisions are very controversial. For instance, the provision relating to cess is highly controversial. So far as the main principles of the Bill are concerned, namely, the safety of workers and conservation of the resources, so far as these two principles are concerned, there can be no exception taken. We accept those principles, but questions involved in this Bill, the problems sought to be solved in this Bill are not merely questions of principles, but are matters of great detail. Specially this compulsory sand stowing in a

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mine is an innovation in this country. Besides there are no materials, there are no statistical data before us either given by the coal mining committee or by the Government up to now. Therefore, these are matters of detail which cannot be very suitably discussed in the open House. These are my grounds for moving the motion for referring the Bill to a Select Committee.

I shall just briefly indicate a few points on which it is necessary to have clear views in the Select Committee. As regards safety and conservation, I am afraid there is some confusion of ideas about the provisions of the Bill as applicable to these two objectives. So far as safety is concerned, I should think that it is a matter for individual collieries. It is not a matter for which the State should provide any fund or subsidise or finance. So far as conservation is concerned, that is certainly a matter of national importance, and that is a matter for which provision should be made by the State. On the question of safety, the general position is that if any provisions are now necessary for the safety of these workers, that is because in some cases the working has been on very unsound and unscientific methods. The result is that any further operation has become impossible without some such protective measures as stowing. My point is that if any particular colliery or particular groups of collieries are responsible for this state of things, other people should not be made to pay for their sins—sins of commission and omission. There are coals and coals in our country, coals of a superior quality and coals of an inferior quality. So far as the superior grade collieries are concerned, I am assured,—though I cannot speak with confidence, having no practical knowledge and experience of these matters,—that stowing is necessary only in the big collieries of superior quality coal. So far as the inferior grade collieries are concerned, I am told,—I speak subject to correction,—they will require no stowing operations for a very long period. If that is so, the question arises what should be the arrangements of the finances. On this question of cess, there are different opinions. Some people think that the cess should be paid only by individual collieries for whose benefit any stowing operation is necessary. Others think that the sources of coal are a national asset, and, therefore, it is for the benefit of the entire nation and therefore the State should pay for the stowing operations. A third opinion which has been accepted in the Bill before us is that there should be a general cess for the entire coal industry.

Now, Sir, I have no time to dilate on these points, but I will only say that these are questions which will have to be discussed in Select Committee, i.e., who should pay the cess and whether the cess should be paid at the same rate for all the coal-fields. Another question is whether the cess should be applied universally to all the coal-fields or only to those coal-fields which will be benefited by these stowing operations. Another vexed question is, whether the assistance that is proposed to be given to the collieries for stowing operations should be in the shape of money or in the shape of free supply of sand at the site of the colliery. There is another very important question about cess, and that is the customs duty. We find that in the Bill it is provided that the customs duty should be levied only from the Indian States exempting foreign imports. There are these matters of details to be considered, and, therefore, it is necessary that the Bill should be discussed in the Select Committee before it is taken up here. Sir, I move.

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

"That the Bill be referred to a Select Committee, consisting of the Honourable Sir Muhammad Zafrullah Khan, Mr. N. Mahadeva Ayyar, Mr. A. Aikman, Sir Abdul Halim Ghuznavi, Mr. B. Das, Mr. Ram Narayan Singh, Mr. N. M. Joshi and the Mover, with instructions to report on or before the 28th February, 1939, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The Honourable Sir Nripendra Sircar (Law Member): Sir, I shall take up one minute of the time of the House, not for the safety of coal mines, but for the safety of myself. The motion is for making a report by the 28th February, as unless it is discussed on the 28th February, there is no chance of the Bill getting through this Session, and I am told that the Bill is really very urgent. That means that I have got to finish it by the 17th, because it must lie on the table for seven days. I am quite prepared to do whatever is humanly possible, but I see no prospect of our finishing it by the 17th unless Honourable Members of the Select Committee will agree to sit on Thursday at half past two. I am not using a threat, but that is my position. If they agree, we can carry it out on Thursday and, if necessary, sit a little late or carry it on to the next day. But it depends on the members of the Select Committee to agree to sit on the 17th, so as to enable me to carry out the orders of the House.

Mr. Akhil Chandra Datta: Sir, I have no objection.

Mr. A. Aikman (Bengal: European): Sir, I have no objection.

Mr. Sami Vencatachellam Chetty (Madras: Indian Commerce): Sir, I am aware that this motion has got to be put through before we rise for the day and I shall, therefore, be very brief with regard to this motion. I shall only mention the major heads in which it would be possible to raise a big discussion in connection with this Bill. I am told that the report of the Coal Mining Committee of 1937 and a prior committee of 1920 are the origins of this Bill. In both these reports I find that the difficulties raised for the purpose of sand-stowing are so great that it is practically considered to be a task beyond human powers. But it is one thing to leave it as hopeless and it is quite a different thing to attempt to do something. In any case I must say that this Bill is not brought forward for the safety of coal miners at all; that is an illusion which many of us are led into. On the other hand it is for the purpose of the so-called conservation. Conservation in the dictionary of coal mining is extracting as much as possible and using it for fuel. In the ordinary sense of the word it means the reserving of resources. Conservation is merely extracting from the pillars which are left as props on which there is loose surface. So we need not be beguiled by the fact that the word "conservation" is used in this connection. There are very many large principles that are raised in this Bill. In the first place Government is going to be allowed to levy a cess of six annas to twelve annas on various grades of coal on all coal mining production for the next 30 years, because 30 years seems to be a modest estimate by which sand stowing would be completed for those places in which there has been a danger both for life and property. If only it was the intention of Government to save the lives of the miners I am sure they have already got powers in order to stop the further exploration of these mines or create sufficient barrages so that the question of the safety of miners

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does not at all arise. It is with a view to take as much as possible from the coal mines that this Bill is devised. Now, it is thought that this cost of stowing should be undertaken by the whole trade. That is again a false impression that the trade is bearing the cost of this. When you levy a cess of eight annas or twelve annas on every ton of coal that is extracted, you are actually increasing the price of coal. I do not know whether there is enough margin between the cost of the coal that is taken out of these mines and the coal that may be imported as to enable the coal mining industry to bear this additional cost of eight annas.

There is a very subtle provision made that the amount of cess shall be paid along with the freight. That means that you are merely shoving it on to the consumer. The question is whether our industry is in such a prosperous condition as to bear the additional cost of eight annas that may be levied as cess; and again granting that all these things do materialise, there is the question, where are your supplies? There is yet no estimate formed that you are able to supply either sand or earth in order to fill up all these gaps. According to one estimate there are experts who say that there is enough of sand in the beds of the Damodar and some other rivers. There are again other experts who say that this sand cannot be touched, that it will be required for purposes of stopping floods and such things and that there is no source of replenishment of sand once it is removed. Moreover, I am told that the lease of the rights of the Damodar river has already been purchased by a very big company. Therefore it devolves upon this board to acquire from that company all these rights in order to supply sand or earth to these mines. In any case it is also stated that while it is the Jharia and Raneegunj collieries that suffer from this defect, the other coalfields such as those in Berar and other places have also to pay for this

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member is not going to finish today

Mr. Sami Venkatachalam Chetty: I am finishing now, Sir. I shall only point out to the Select Committee, as has been done by the Honourable the Mover, the Deputy President, that these are all very complex problems and I am surprised that in face of these we are being stampeded after a discussion of fifteen minutes. However, I hope that the Select Committee will bring out a better Bill in order to give protection not only to those persons who have actually grabbed this coal but also to those who are the consumers for industrial purposes.

Honourable Members: The question may now be put.

(Two Honourable Members rose to speak.)

Mr. President (The Honourable Sir Abdur Rahim): The difficulty is that closure is apparently wanted from all sides; but the Chair understood that it was agreed among the Parties that this motion will be concluded today.

Honourable Members: Yes.

Mr. President (The Honourable Sir Abdur Rahim): If that is so, the Chair accepts the closure. The Chair finds that two Honourable Members from the Congress Benches are trying to speak.

Mr. S. Satyamurti (Madras City: Non-Muhammadian Urban): I can assure you, Sir, that the Party wants the motion to be put.

Mr. N. M. Joshi (Nominated Non-Official): I have no desire to make a speech, Sir

Mr. President (The Honourable Sir Abdur Rahim): The Chair will not allow anything more to be said now. The closure is now before the House. But if that has not been arrived at by arrangement, then the Chair will let the debate go on another day.

Honourable Members: The question may now be put.

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

"That the question be now put."

The motion was adopted.

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

"That the Bill be referred to a Select Committee, consisting of the Honourable Sir Muhammad Zafrullah Khan, Mr. N. Mahadeva Ayyar, Mr. A. Aikman, Sir Abdul Halim Ghuznavi, Mr. B. Das, Mr. Ram Narayan Singh, Mr. N. M. Joshi and the Mover, with instructions to report on or before the 28th February, 1939, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 14th February, 1939.