

25th March 1942

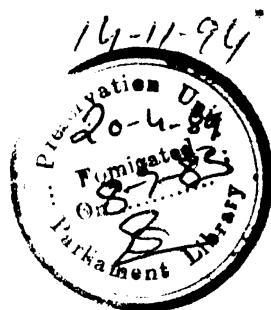
**THE  
LEGISLATIVE ASSEMBLY DEBATES**

**Official Report**

**Volume II, 1942**

*(11th March to 2nd April, 1942)*

**FIFTEENTH SESSION  
OF THE  
FIFTH LEGISLATIVE ASSEMBLY,  
1942**



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# LEGISLATIVE ASSEMBLY.

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# LEGISLATIVE ASSEMBLY

*Wednesday, 25th March, 1942.*

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.

## MEMBER SWORN.

Mr. Waman Gopal Joshi, M.L.A. (Berar: Non-Muhammadan).

## STARRED QUESTIONS AND ANSWERS.

### (a) ORAL ANSWERS.

#### COMPARTMENTAL OR SUPPLEMENTARY SYSTEM OF EXAMINATIONS IN UNIVERSITIES.

†260. \*Maulvi Muhammad Abdul Ghani: (a) Will the Honourable Member for Education, Health and Lands be pleased to state whether there is compartmental or supplementary system of examination in the Aligarh, Delhi and the Benares Universities? If so, in what form?

(b) Will he also please state if such system of examinations exists in other Universities of India? If so, in which of them, and how does it work?

The Honourable Mr. N. R. Sarker: (a) and (b). Compartmental or Supplementary examinations in some courses are in vogue in all Indian Universities including the Aligarh Muslim, Benares Hindu and Delhi Universities. The details are available in the calendars of the respective Universities.

#### REPAIRS OF ANCIENT MONUMENTS IN DELHI.

†261. \*Maulana Zafar Ali Khan: (a) Will the Honourable Member for Education, Health and Lands be pleased to state if the repairs to the ancient monuments in Delhi previously done by the Central Public Works Department have now been transferred to the Director General of Archæology?

(b) Is it a fact that a portion of the Khairul Manazil mosque at Delhi has recently fallen down, and that the Moth-ki-Masjid requires immediate attention to save it from collapse? If so, will the Honourable Member kindly state the amount spent annually on repairs to each of these mosques during the last three years?

(c) Is he also aware that the ancient monuments in Delhi represent the Muslim art and culture of more than seven centuries, and does he know that Muslims are extremely anxious for their safety?

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

(d) Will he kindly state if any qualified engineering staff is attached to the Director General of Archæology to prepare estimates and supervise repairs to the ancient monuments at Delhi? If not, why has he been allowed to do that work himself by getting it transferred from the Central Public Works Department?

(e) Will he kindly state if any list of approved contractors is maintained by the Central Public Works Department and whether any building work is entrusted to any contractor who has not previous experience of such work and whose financial condition is not sound?

(f) Will he kindly state if the principles adopted by the Central Public Works Department in giving contracts are followed by the Director General of Archæology? If not, why not?

**The Honourable Mr. N. B. Sarker:** (a) Yes. The Archaeological Survey took over the execution of repairs to protected monuments in Delhi from the Public Works Department in 1938.

(b) A part of the main entrance to the Khairul Manzil mosque fell down in January, 1942. It is reported that the condition of the Moth-ki-Masjid is not such as to require immediate attention to save it from collapse. No repairs to these monuments were carried out during the last three years.

(c) Yes.

(d) There is no qualified engineer on the staff of the Director General of Archæology, but estimates are prepared and repairs supervised by a conservation assistant who is experienced in such work, under the direction of a qualified architect. The execution of repairs was transferred to the Director General of Archæology because when it was decided that his office should not move to Simla but should be permanently located in Delhi, it was considered that the work could be supervised by the Director General with the assistance of the staff referred to above.

(e) The reply to the first part is in the affirmative and to the second in the negative.

(f) Yes. The second part of the question does not arise.

#### UNSAFETY OF SHOPS IN NEW DELHI.

†262. \***Mr. Umar Aly Shah:** (a) Will the Honourable the Education Member kindly state whether Government have directed that landlords should make structures safe so as to protect lives of citizens?

(b) Are Government aware that shops in New Delhi are left unsafe in case disorder prevails?

(c) Is it a fact that the New Delhi Municipal Committee do not allow persons to sleep in the shops and these are therefore in danger of being burgled, etc.?

(d) Are Government aware that the windows, doors and show cases are of glass and are quite unguarded?

(e) Is it a fact that insurance companies are refusing to insure such shops, even against burglary, theft or larceny risk?

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

(f) Will Government kindly state how they intend to relieve the shopkeepers?

**The Honourable Mr. N. R. Sarker:** The information has been called for and a reply will be furnished to the House when it is received.

#### OPENING OF A LANE IN KAROL BAGH, DELHI.

**263. \*Mr. Muhammad Ashar Ali:** (a) Is the Honourable Member for Education, Health and Lands aware that as far back as 1936 a representation signed by the residents of NN Block Naiwala, Karol Bagh, Delhi requesting the Chairman, Delhi Improvement Trust, to open a lane was made but no action has so far been taken nor the residents have so far been informed of the fate of that representation?

(b) Is he aware that reminder, dated the 14th April, 1939, wherein the old subject matter was repeated, did not result in any favourable consideration nor any reply was received by the signatories?

(c) Is he aware that another representation made again did not have any response?

(d) Is he further aware that there have been representations in the year 1941 but no reply has so far been given to the signatories?

(e) Will he be pleased to consider the desirability of ordering the improvement to be carried out by the Trust at an early date by acquiring the land from the lessee who is prepared to give up the land for the purpose?

**The Honourable Mr. N. R. Sarker:** (a) A representation was made to the Delhi Improvement Trust on the 12th November, 1938, to which a reply was sent on the 14th January, 1939.

(b) Yes; a further representation dated the 14th April, 1939, was received by the Trust, but it did not disclose any new facts.

(c) and (d). Between the 14th April, 1939, and 13th January, 1942, no representation appears to have been received. Another representation dated the 13th January, 1942, was, however, received and an enquiry was held at the site in question on the 9th March, 1942.

(e) I will consider whether any action in the matter should be taken by Government.

**Mr. Muhammad Ashar Ali:** In view of the fact that no reply has been received, what action does the Honourable Member propose to take?

**The Honourable Mr. N. R. Sarker:** No action is necessary, because there were no new facts elicited. The first letter was replied to, but to the second letter on the same subject no reply was needed.

#### LAND ACQUIRED AND BUILDINGS PURCHASED BY THE DELHI IMPROVEMENT TRUST.

**264. \*Mr. Muhammad Ashar Ali:** Will the Honourable Member for Education, Health and Lands state the particulars of lands and buildings

acquired and purchased by the Delhi Improvement Trust and the purposes for which each one was purchased or acquired since the Trust came into existence?

**The Honourable Mr. N. E. Sarker:** The time and labour involved in the collection of the information asked for by the Honourable Member will not be commensurate with the results.

#### CLERKS' QUARTERS TO BE BUILT IN DELHI.

**265. \*Mr. Muhammad Ashar Ali:** (a) Will the Labour Secretary please state the total number of clerks quarters which are proposed to be built in Delhi during the next financial year and how many of them will be (i) unorthodox and (ii) orthodox?

(b) Is it proposed to build any 'C' type orthodox quarters this year as well? If not, why not?

(c) Is it a fact that it is proposed to build all these quarters in Karol Bagh on a site for which Government will be required to pay a heavy sum to the Delhi Improvement Trust? If so, why cannot this expenditure be avoided by confining the construction within the limits of New Delhi Municipal Committee?

(d) Was any proposal to build officers' bungalows in Karol Bagh area ever considered and is it proposed to build officers' bungalows there also? If not, what are the reasons for this attempted isolation of the clerical staff to an area which is situated outside the limits of New Delhi Municipal Committee?

(e) Do Government propose to consider the desirability of confining the construction of all the quarters of clerks and others within the area of New Delhi Municipal Committee? If not, why not?

**Mr. H. C. Prior:** (a) and (b). It has been decided to construct about 100 clerks' quarters during the next financial year. These quarters will correspond roughly to 'D' type unorthodox clerks quarters but will be allotted, by priority of arrival seniority to all classes of clerks who cannot get the allotment of the existing quarters, whether orthodox or unorthodox.

(c) Yes; developed sites are not available in New Delhi and owing to difficulties in securing material required for development of sites, a developed plot of land belonging to the Delhi Improvement Trust near Karol Bagh has been purchased from the Trust at the actual development cost. The possibility of constructing the additional quarters on vacant spaces between the existing quarters in New Delhi was also examined but the only area that could be utilised was sufficient only for 80 quarters.

(d) No. I have stated above the reasons for building the quarters outside the limits of the New Delhi Municipal Committee: these considerations did not apply to the recent construction of officers bungalows.

(e) Where suitable sites within the area of New Delhi Municipal Committee are available for the number of quarters proposed they will certainly be used.

**Pandit Lakshmi Kanta Maitra:** Will the Honourable Member kindly tell us what is the cost involved in the construction of these 100 "D" type quarters?

**Mr. H. C. Prior:** I think it is about Rs. 18 lakhs, but I should like to verify it.

**Pandit Lakshmi Kanta Maitra:** Was the sanction of the Standing Finance Committee obtained for the purpose of that construction?

**Mr. H. C. Prior:** I think so, but there again I should like to verify it.

**OFFICIATING ALLOWANCES TO JUNIOR READERS ACTING AS SENIOR READERS  
IN THE GOVERNMENT OF INDIA PRESSES.**

**266. \*Mr. Ananga Mohan Dam:** (a) With reference to his answer to unstarred question No. 60, asked by Bhai Parma Nand on the 26th February, 1941, that the matter was under consideration, will the Labour Secretary please state what has been done in respect of granting officiating allowance to Junior Readers required to do Senior Readers work without any remuneration when deputation or leave vacancies occur in that cadre in the Government of India Presses?

(b) Is it a fact that in the case of temporary posts of Senior Readers created last year in the New Delhi Press, officiating allowance was allowed to lower grade Readers officiating in higher grades of Senior Readers? If so, will the Labour Secretary please state if he is prepared to remove the anomaly by making the same provision in the case of leave vacancies and deputation posts of the permanent establishment?

(c) Is he further aware of the fact that in the case of a recent transfer of a Senior Reader to the Calcutta Press on probation a deputation post in the Senior Reader's cadre fell vacant which could not be filled by promotion of a Junior Reader on account of this deficiency in the rules?

(d) In view of the hardships of the Junior Readers and also in view of his answer to starred question No. 274, asked by Mr. Satyendra Chandra Mitra, on the 30th January, 1929, that the responsibilities of a Reader vary according to the grade in which he is employed, will the Labour Secretary please state if he proposes to make the necessary provision for the grant of officiating allowances to Junior Readers acting as Senior Readers in the permanent establishment as well in accordance with Fundamental Rule 30?

**Mr. H. C. Prior:** (a) and (d). Orders are about to issue under which a reader in the lower scale while officiating in a higher scale for a period exceeding one month will be eligible to officiating pay under Fundamental Rule 30.

(b) No. The facts are that certain temporary posts of readers were sanctioned for the New Delhi Press on higher rates of pay to cope with increase of work due to war and junior readers were appointed to hold those posts substantively. No officiation was, therefore, involved. The latter part of the question does not arise.

(c) The vacancy occurred by the transfer of an upper grade reader who retained a lien on his substantive post in the New Delhi Press. The vacancy was, therefore, an officiating one and the promotion of a lower grade reader to it was not permissible under the existing orders, which as stated in reply to part (a) above are being revised.

**CENTRALISED PRIMARY AND MIDDLE SCHOOL EXAMINATIONS IN BALUCHISTAN.**

267. \***Mr. H. A. Sathar H. Essak Sait** (on behalf of Maulvi Syed Murtuza Sahib Bahadur): (a) Will the Honourable the Education Member please state whether it is a fact that there exist in Baluchistan Centralised primary and middle school examinations?

(b) Do such examinations exist in the Punjab to which Baluchistan schools are affiliated?

(c) If the answer to part (b) above be in the negative, will the Honourable Member please state why this distinction exists in Baluchistan which is indeed very backward in education?

**The Honourable Mr. N. B. Sarker:** (a) Yes.

(b) There is a centralised examination at the end of the Middle Stage in the Punjab but I am not aware whether the test at the end of the primary stage is centralised or not. Incidentally, I may mention that schools in Baluchistan are not under the Punjab Education Department.

(c) Does not arise.

**ORDER REQUIRING STUDENTS TO DISCONTINUE STUDIES AFTER TWO CONSECUTIVE YEARS' FAILURE IN BALUCHISTAN.**

268. \***Mr. H. A. Sathar H. Essak Sait** (on behalf of Maulvi Syed Murtuza Sahib Bahadur): Will the Honourable the Education Member please state:

(a) whether it is a fact that an order has been issued by the Education Department in Baluchistan to the effect that those students who remain for two consecutive years in the same class should not be allowed to continue their studies;

(b) whether such an order exists anywhere in India; and

(c) whether it is not a fact that under this order a pupil who for some reason or the other fails in his examinations consecutively for two years even in very early stages of his education would be prevented from acquiring any education at all and be forced to remain uneducated and even illiterate for the rest of his life?

**The Honourable Mr. N. B. Sarker:** (a) Yes. The order was issued by the Central Government on the unanimous recommendation of a Provincial Conference of Headmasters and Headmistresses of Secondary Schools in Baluchistan.

(b) Similar orders are also in force in certain other provinces, e.g., Bihar, the United Provinces and the Central Provinces and Berar.

(c) Not necessarily. The Superintendent of Education, Baluchistan, has discretion to permit a pupil to be retained for a third year in the same class if the boy's education has been retarded in the two previous years owing to illness or other sufficient cause.

**Mr. H. A. Sathar H. Essak Sait:** Is it a fact that in Bihar and other provinces mentioned by the Honourable Member this order prevails from



the beginning of the educational career or after some particular examination? In Madras I know that it is in the S. S. L. C. stage that this order comes into force. In the provinces mentioned by the Honourable Member is it just like in Baluchistan?

**The Honourable Mr. N. B. Sarker:** Yes, it is as in Baluchistan.

**Mr. H. A. Sathar H. Essak Sait:** With reference to his reply to part (c), it is evident that the Honourable Member himself realises that this does work rather adversely. Will he look into this question personally and see that some relief is given to all these boys, because, as stated in part (c), the education of the boys is being retarded from the very beginning of their school career and something ought to be done?

**The Honourable Mr. N. B. Sarker:** The provision for relief is already there. The Superintendent of Education always hears what the difficulties are, and if he is satisfied, he allows the boy to go on for a third year.

**Mr. H. A. Sathar H. Essak Sait:** Is he one officer for the whole province?

**The Honourable Mr. N. B. Sarker:** Yes

#### COLLEGES AND GIRLS' HIGH SCHOOLS IN BALUCHISTAN.

269. **\*Mr. H. A. Sathar H. Essak Sait:** Will the Honourable the Education Member please state:

- (a) whether there is a single college of any grade in Baluchistan; and
- (b) whether there is a single Government Girls' High School in Baluchistan?

**The Honourable Mr. N. B. Sarker:** (a) No; but the new Government Higher Secondary School, which is due to be opened this summer, will contain Intermediate classes.

(b) No; but the present programme of educational expansion in Baluchistan provides for the construction of a new Government High School for girls in Quetta, which it is hoped will be opened in 1943.

#### GIRLS' HIGH SCHOOLS IN BALUCHISTAN.

270. **\*Mr. H. A. Sathar H. Essak Sait:** (a) Will the Honourable the Education Member please state how many Girls' High Schools exist in Baluchistan which are run by different communities?

- (b) How many Muslim girls are educated in these Girls' High Schools?
- (c) Is it a fact that last year an order was issued by the Education Department in Baluchistan prohibiting the use of Urdu as the medium of instruction in these denominational Girls' High School? If so, why?

**The Honourable Mr. N. B. Sarker:** (a) Two.

(b) 178.

(c) The reply to the first part is in the negative. The second part does not arise.

**GOVERNMENT PRIMARY SCHOOL OPPOSITE ISLAMIA HIGH SCHOOL IN QUETTA.**

**271. \*Mr. H. A. Sathar H. Essak Sait:** (a) Will the Honourable the Education Member please state whether it is a fact that Government have constructed a Primary School in Quetta at a cost of a lakh and half of rupees just opposite the Islamia High School in Quetta?

(b) Are Government aware that to avoid this unhealthy competition the Islamia High School decided to shift their Primary Department from its present location in the High School building and started building a new Primary School somewhere else?

(c) Is it a fact that Government later announced that they would locate their Pishin High School in the Primary School building at Quetta?

(d) Are Government aware that the Islamia High School is the only High School managed by Muslims in Baluchistan?

**The Honourable Mr. N. R. Sarker:** (a) Yes.

(b) The Islamia High School have commenced building a new Primary Department on a different site. Their motives for doing so are not known.

(c) Yes; but the High School classes have been housed in the Primary School building as a purely temporary measure, because the Higher Secondary School building is not yet quite ready for occupation. They will, it is hoped, be moved to the new building within the next three months. I may add that the School was in Quetta before the earthquake of 1935 and was transferred to Pishin as a temporary expedient.

(d) Yes.

**Mr. H. A. Sathar H. Essak Sait:** Why should it not continue at Pishin, until the new building is ready?

**The Honourable Mr. N. R. Sarker:** There was a primary school building at Quetta. When the Government have got their own school building, which could house the high classes temporarily, it was transferred.

**Mr. H. A. Sathar H. Essak Sait:** The Honourable Member has not understood me. This Pishin school was there already. It was suddenly transferred to the Quetta Primary School building. I ask why. It could have continued there.

**The Honourable Mr. N. R. Sarker:** Because the Primary school building is there. So, it was transferred as a temporary expedient to the Primary school. It will have to be transferred to the new building this year.

**Mr. H. A. Sathar H. Essak Sait:** What I stated was that the school did continue there in Pishin. It has now been transferred to Quetta. Why this temporary transfer for a few days?

**The Honourable Mr. N. R. Sarker:** For administrative convenience.

**Mr. H. A. Sathar H. Essak Sait:** That leads to unhealthy competition between the two schools. Was that taken into consideration?

**The Honourable Mr. N. E. Sarker:** There was no competition because there was an enrolment of 65 out of which two came from the Islamia High School.

**ORDER REQUIRING CLOSING DOWN OF HIGH SCHOOL CLASSES OF PRIVATE HIGH SCHOOLS IN QUETTA.**

**272. \*Mr. H. A. Sathar H. Essak Salt:** Will the Honourable the Education Member please state:

- (a) whether it is a fact that an order was served on all the privately managed High Schools in Quetta to close down their High School classes;
- (b) whether this order has been temporarily set aside for one year due to very strong protest from all communities; and
- (c) if the answer to part (a) above be in the affirmative, will the Honourable Member be pleased to state the policy underlying this order?

**The Honourable Mr. N. E. Sarker:** (a) Government recognition and grant-in-aid for High Classes, which had been extended to denominational High Schools as a temporary measure after the earthquake of 1935, were ordered to be discontinued with effect from April, 1942, when the Government Higher Secondary School was expected to be opened in the new building at Quetta.

(b) The application of this order has been postponed for one year because the Government High School building is not yet ready for occupation.

(c) There are not enough students in Quetta who proceed to higher education, to justify five high schools in that town. The proposal to concentrate high school classes in the Government Higher Secondary School at Quetta has for its object the avoidance of unnecessary duplication of higher classes and consequent waste of public money. It is also considered that the adoption of this proposal would make it possible to provide in the Government School a better type of education with varied courses of study, which it would not be possible to do if the limited number of students reading in the higher classes were distributed among a number of schools.

**Mr. H. A. Sathar H. Essak Salt:** With reference to clause (c), would not the waste of money have been saved by the Government by not undertaking this school building, rather than closing five other schools?

**The Honourable Mr. N. E. Sarker:** There are not sufficient students for five different schools.

**Mr. H. A. Sathar H. Essak Salt:** Then why have it? That money could have been utilised for furthering primary education.

**The Honourable Mr. N. E. Sarker:** The proposal is to give a good education in a central High School which it is not possible for private schools.

## RECRUITMENT OF CERTAIN STAFF FOR WAR TECHNICAL TRAINING SCHEME.

**75. Maulvi Syed Murtaza Sahib Bahadur:** (a) Will the Labour Secretary please state what is the method of recruitment of the following categories of staff in the War Technical Training Scheme;—(i) Chief Instructors, (ii) Assistant Chief Instructors, (iii) Instructors, and (iv) Learner-instructors?

(b) What are the minimum educational and technical qualifications required of the candidates referred to in part (a) above?

(c) What is the ratio of communal representation observed in the recruitment to the categories of staff referred to in part (a) above? Will the Labour Secretary please lay on the table a statement containing the following information regarding the War Technical Training Scheme of the Government of India:—(i) the name of the Head of the Technical Training Scheme, (ii) the centres of the Scheme all over India, (iii) the number of Chief Instructors and other staff employed in each centre, (iv) the number of trainees being sent out from each centre, and (v) the technical and educational qualification of the staff employed at the various centres and the rates of pay given?

(d) Is it a fact that there are three Sikh Assistant Chief Instructors, two Hindu Assistant Chief Instructors and only one Muslim who has recently been promoted thereto? If so, why? If not, what are the facts and the reasons thereof?

(e) What steps have Government taken to ensure a sufficient number of Muslims getting their share of these posts? If none, why? What do they propose to do now to redress these communal inequalities?

**Mr. H. C. Prior:** (a) There are only three classes of Instructor—Specialist Instructors, Supervisor Instructors and Mistry Instructors. There are also training classes at certain centres for candidates for the second and third classes. The Specialist Instructors are British and were recruited from the United Kingdom through the Ministry of Labour from among Instructors at English Training Centres. At one centre the Specialist Instructors have been given the designation of Chief Instructors and the Supervisor Instructors the title of Assistant Chief Instructors. Supervisor and Mistry Instructors are recruited by the Heads of Training Centres usually by advertisement in the press. Where difficulty is experienced in obtaining suitable men, the Regional Inspector is consulted and if he cannot help, men are conscripted from industry under section 10 of the National Service (Technical Personnel) Ordinance, 1940, through the agency of National Service Labour Tribunals.

(b) The qualifications required of Supervisor and Mistry Instructors are shown in the statement laid on the table. Persons who are accepted

for training as Instructors are also expected to have these qualifications, but owing to the shortage of skilled personnel it has not been found possible to insist on them in the case either of persons appointed as Instructors or of those accepted as Instructor trainees.

(c) No ratio of communal representation is observed in the recruitment of Instructors. The replies to the second part of this question are as follows:—

(i) There is no "Head of the Technical Training Scheme". The Scheme is run directly by the Labour Department of the Government of India.

(ii) A booklet\* containing particulars of the 311 Technical Training Centres is laid on the table.

(iii). (iv) and (v). The collection of this information would involve an expenditure of time and labour which in present circumstances could not be justified. The total number of trainees who have so far passed out from Training Centres is 4,872.

(d) In the absence of the name of the Centre, it is not possible to reply to this question.

(e) It has not been necessary to take any steps. There is an acute shortage of Instructors and if any orders were issued regarding communal representation, it would interfere seriously with the progress of the Scheme and the war effort. If Honourable Member is aware of any suitable persons, will he pass their names to this Department.

## GOVERNMENT OF INDIA.

### DEPARTMENT OF LABOUR.

#### *Technical Training Scheme.*

#### I. Superior Instructors.

(a) Pay Rs. 75—200 per month according to qualifications and experience.

(b) Candidates must—

- (1) have passed the matriculation or an equivalent examination;
- (2) have completed a course of instruction at an engineering college or technical institution;
- (3) have served an apprenticeship in the trade and have had subsequent practical experience;
- (4) be able to read and work accurately to drawings; and
- (5) be not less than 25 years of age.

Experience in teaching will be an additional qualification.

\* Not printed in these debates, but the copy has been placed in the Library of the House.—*Ed. of D.*

## II. Mistry Instructors.

(a) Pay Rs. 40—100 according to qualifications and experience..

(b) Candidates must have served an apprenticeship in the trade and have had 5 years subsequent practical experience. They must also be able—

- (1) to read and write;
- (2) to read and work to drawings; and
- (3) to use measuring instruments.

A knowledge of English will be an additional qualification.

III. All candidates will be required to undergo a practical test before appointment.

## FUNCTIONS OF NATIONAL LABOUR TRIBUNALS.

**76. Maulvi Syed Murtuza Sahib Bahadur:** (a) Will the Labour Secretary please state what are the functions of the National Labour Tribunals?

(b) Will he please throw light on the activities of the Punjab and North-West Frontier Labour Tribunal in respect of the Muslim and non-Muslim Technical Staff who left the employment of Moghulpura Railway Workshop, Lahore? Was any differential treatment meted out to Muslims and non-Muslims? If so, why and with what result? If not, what are the facts?

**Mr. H. C. Prior:** (a) The function of National Service Labour Tribunals is to control the employment and distribution of skilled and semi-skilled labour and ensure that it is used as effectively as possible in the prosecution of the war.

(b) Government have no reason to suppose that the Muslim labour referred to is being treated in any way differently from other communities.

## RECRUITMENT OF TECHNICAL STAFF OF THE DELHI POLYTECHNIC HIGH SCHOOL.

**77. Maulvi Syed Murtuza Sahib Bahadur:** (a) Will the Honourable the Education Member please state what is the method of recruitment to the technical staff of the Delhi Polytechnic High School and what are the minimum educational and technical qualifications prescribed for the candidates in respect of the following categories of the staff:—(i) Instructors in Wood Work and Assistants to the Instructor, (ii) Instructor in General Engineering and Workshop Practice and Assistant to the Instructor, (iii) Teacher-in-charge of the Technical High School, (iv) Heads of the four Technical Departments of the Technical High School, and (v) Head Clerk and other clerks?

(b) What is the communal ratio observed in recruitment to the categories of staff referred to in part (a) above? Is it the Punjab ratio of 50 per cent. or the all-India ratio of 25 per cent. in regard to Muslims? What are the reasons for observing either of the ratios? Have they been reached in all cases? If not, why not?

(c) Will the Honourable Member please lay on the table a statement in respect of both temporary and permanent personnel containing the names, posts held, date of appointment to that post, previous employment, if any, date of promotion, and the technical and educational qualifications possessed by the incumbents of the posts referred to in part (a) above?

**The Honourable Mr. N. B. Sarker:** (a) The Delhi Polytechnic consists of a Technical High School and four senior Vocational Departments. The Principal and Vice-Principal have been appointed by the Government of India in consultation with the Federal Public Service Commission and the staff of the Commerce Department has been taken over from the Government Commercial Institute, Delhi, which has been absorbed into the Polytechnic. All other appointments have been made by the Principal after advertising the vacancies in leading papers. The minimum qualifications prescribed for the categories of staff referred to by the Honourable Member are given below:

<i>Designation.</i>	<i>Minimum qualifications.</i>
(i) Instructors in Wood Work .	Specialist in wood work possessing diploma of recognised institution.
(ii) Assistant to (i) above .	Practical experience in wood work.
(iii) Instructor in General Engineering and Workshop Practice.	Specialist in General Engineering and Workshop Practice possessing diploma of recognised institution.
(iv) Assistant to (iii) above .	Engineering and Workshop Practice.
(v) Teacher-in-Charge of the Technical High School.	This is not a separate appointment. One of the senior teachers of the Technical High School has been appointed to hold immediate charge of the High School for administrative convenience.
(vi) Heads of Technical Departments .	Of the four Senior Vocational Departments of the Polytechnic, two are managed by the Principal and the Vice-Principal; a third is in the charge of a senior teacher of the Technical High School and no separate Heads of Departments have been appointed for these three Departments. The fourth is the Commerce Department and its Head was transferred from the old Government Commercial Institute, Delhi.
(vii) Head Clerk and other clerks .	Passing the Matriculation Examination and experience of office work.

(b) The percentage laid down for the recruitment of Muslims is the all-India ratio of 25 per cent., as the Delhi Polytechnic is an all-India Institution directly under the control of the Government of India. The percentage is calculated for the staff as a whole and not for each Department. The proportion of Muslims is actually in excess of the prescribed minimum

(c) A statement is attached.

## Statement.

No.	Name.	Community.	Post held.	Date of appointment.	Previous employment.	Academic and/or Technical qualifications.
1	2	3	4	5	6	7
1	Mr. W. W. Wood	European	Principal	29-12-1940	Principal, Mich-Essex Tech. College of Arts, Chelmsford.	F. R. I. B. A., M. I. Struct. E.
2	Mr. S. C. Sen	Hindu	Vice-Principal	30-6-1941	Chief Engineer, Dhakeewari Cotton Mills, Dacca.	B.Sc. (Glas.)
3	Mr. Misbahul Haq	Muslim	Teacher in Maths. (Grade I).	15-7-1941	Teacher, Government High School, Delhi.	B.A., B.T.
4	Mr. Qutubuddin	Do.	Teacher in Maths. (Grade II).	15-7-1941	Do.	M.A. (English) and B.A. with A and B Courses of Maths. S.A.V.
5	Mr. B. R. Saini	Hindu	Teacher in Maths. (Grade III).	15-7-1941	Private tutor	B.A., S.A.V.
6	Mr. Ram Rakhs Mal	Do.	Teacher in English (Grade II).	15-7-1941	Teacher, Government High School, Delhi.	B.A., B.T.
7	Mr. Krishan Dass	Do.	Do.	15-7-1941	Do.	M.A.
8	Mr. Vishwa Mitter (Resigned from the forenoon of the 2nd of March, 1942 and Mr. Vas Dev, B.A., appointed temporarily in his place).	Do.	Teacher in English (Grade III).	15-7-1941	Supervisor, Deptt. of Central Excises and Salt, North-West India, Delhi.	M.A. (English); M.A. (Persian).
9	Mr. Duni Chand	Do.	Teacher in History and Geography (Grade II).	15-7-1941	Teacher, Government High School, Delhi.	M.A. (History) S.A.V. (1st Class with History and Geography as special subjects).



- |    |                          |        |   |       |           |  |   |
|----|--------------------------|--------|---|-------|-----------|--|---|
| 10 | Mr. Rashid Ahmad         | Muslim | Teacher in Urdu (Grade II).                     | Urdu  | 15-7-1941 | Manager, Anjuman Taraqqes Urdu, Delhi.                               | M.A., M.O.L. (Persian) and Adib Fasil.  |
| 11 | Mr. Viqar Azim           | Do.    | Do.   | Do.   | 15-7-1941 | Teacher, Jamia Millia, Delhi.  | M.A. (Urdu), Munahi (Persian), B.T.   |
| 12 | Mr. Om Dutta             | Hindu  | Teacher in Hindi (Grade II).                    | Hindi | 15-7-1941 | Teacher, Government High School, Delhi.                              | M.A. (Skt.), M.O.L., O.T. (T.).   |
| 13 | Mr. Mool Raj             | Do.    | Teacher in Phy. and Hygiene (Grade II).         | Do.   | 15-7-1941 | Do.  | B.A., B.T., S.A.V.  |
| 14 | Mr. R. R. Seth           | Do.    | Teacher in General Science (Grade II).          | Do.   | 15-7-1941 | Chief Chemist, Allahabad Glass Works, Naini, Allahabad.              | B.Sc., Ph.D., A.I.C.  |
| 15 | Mr. Imdad Ali            | Muslim | Instructor, Woodwork Shop Practice (Grade II).  | Do.   | 15-7-1941 | Teacher, Government Industrial School, Delhi.                        | Diploma in wood work from Mayo School of Arts.  |
| 16 | Mr. Chandras Kishore     | Hindu  | Physical Training Instructor (Grade II).        | Do.   | 15-7-1941 | P. T. Supervisor, Government Normal School, Ghakhar.                 | B.A., S.A.V., A.P.T.C.  |
| 17 | Mr. Maha Narain          | Do.    | Teacher in Commerce (Grade II).                 | Do.   | 15-7-1941 | Teacher, Government High School, Delhi.                              | Higher Examination in Commerce.   |
| 18 | Mr. Mohd. Ahmed          | Muslim | Teacher in Indian History and Urdu (Grade III). | Do.   | 15-7-1941 | Clerk, Reserve Bank of India, Delhi.                                 | B.A.  |
| 19 | Mr. Jagat Parkash Bhimat | Hindu  | Workshop Assistant in Engg.                     | Do.   | 15-7-1941 | Meter Checker, Delhi Electric Supply and Traction, Co., Ltd., Delhi. | Matric. Licensed Electrical Foreman, Delhi Province; Part I of Final Grade Examination, C. & G. London in Elec. Engg. |

No.	Name.	Community.	Post held.	Date of appointment.	Previous employment.	Academic and/or Technical qualifications.
1	2	3	4	5	6	7
20	Mr. Mohan Singh Chopra .	Sikh .	Workshop Assistant in Woodwork.	15-7-1941	Head Draughtsman, Oriental Building and Furnishing Company, Delhi.	Mayo School of Arts Diplomas in Woodwork. Sansad of Government Industrial School, Ferozepore.
21	Mr. Shafiq-ul-Hasan (Mr. Riaz Ahmed, Diploma in Metal Work, Mayo School of Arts, appointed in place of Mr. Shafiqul Hasan from the 18th February, 1942).	Muslim	Instructor in Engineering Workshop Practise. (Grade II).	15-7-1941	Assistant Chief Instructor, War Technical Training Centre, Delhi Polytechnic, Delhi.	Diploma in Engineering (Punjab College of Engineering) and other examinations of City and Guilds, London, and Institute of Mechanical Engineers.
22	Mr. K. M. Chakravarty .	Hindu .	Instructor in Music (Grade III).	15-7-1941	Music Teacher, M. K. P. Intermediate College, Dehra Dun.	Diploma in Music.
23	Mr. N. R. Chowdhury	Do.	Instructor in Art (Grade II).	1-9-1941	Artist, Hindustan Talimi Sangh.	Diploma in Art. (Visva-Bharati).
24	Mr. B. D. Bhatia .	Do.	Teacher in Physics, Chemistry and Maths (Grade II).	9-2-1942	Technical Chemist to the Oriental Science Apparatus Works, Limited, Ambala Cantt.	B.Sc. (Hons.) (Chemistry) and M. Sc. (Hons.) (Tech.).
25	Mr. Lakshmi Datt Dikshit	Do.	Librarian . . . . .	15-7-1941	Teacher, D. A. V. High School, B.A. Daultapur.	

26	Mr. Beshohar Nath	Do.	Laboratory Assistant	16-7-1941	Laboratory Assistant, Government High School, Delhi.
27	Mr. H. R. Kawira	Do.	Head of the Commerce Department.	1-4-1941	Head Master, Government Commercial Institute, Delhi.
28	Mr. D. N. Handa	Do.	Teacher in Commerce. (Grade II).	1-4-1941	Lecturer, Government Commercial Institute, Delhi.
29	Mr. Shiv Chand	Do.	Do.	1-4-1941	Do. . . . B. Com., L.C.C.
30	Mr. B. L. Bhargava	Do.	Do.	1-4-1941	Do. . . . M.A., B.Com.
<i>Clerical Establishments.</i>					
31	Mr. Kishori Lal	Do.	Head Clerk	1-4-1941	Clerk, Government High School Matric, Delhi.
32	Mr. Jai Narain Gupta	Do.	Personal Assistant to Principal.	16-7-1941	Stenographer, Buildings and Roads, Department of P.W.D., Bikaner (Rajputana)
33	Mr. Abdul Masjid Khan	Muslim	Cashier	1-3-1941	Clerk, Anglo-Arabic College, Delhi. Studied upto F.A. Qualified Stenographer.
34	Mr. Azis Ullah Khan Ghori	Do.	Clerk	13-10-1941	Clerk, Reserve Bank of India, Delhi. Matric and Commercial Diploma (Delhi).

**PAUCITY OF MUSLIMS IN THE DELHI POLYTECHNIC HIGH SCHOOL.**

**78. Maulvi Syed Murtuza Sahib Bahadur:** (a) Will the Honourable the Education Member please state if it is a fact that the Heads of three out of the four Departments of the Delhi Polytechnic High School are non-Muslims? If so, why?

(b) Is it a fact that of the four members of the Commerce Department of the Technical High School none is a Muslim?

(c) Is it a fact that the staff comprising of twelve teachers in the Applied Science Department of the Technical High School contains not a single Muslim?

(d) If the replies to parts (a), (b) and (c) above be in the affirmative, what are the reasons for this apparent absence of Muslims from the most important posts in this premier industrial Government institution?

(e) Have any steps been taken to secure Muslims with adequate technical qualifications to fill the posts? If not, why not?

**The Honourable Mr. N. E. Sarker:** (a) No. Only one separate post of Head of Department has so far been filled. He is a non-Muslim. The attention of the Honourable Member is invited to item (vi) of the reply given to part (a) of his unstarred question No. 77.

(b) Yes.

(c) Yes. The staff of this Department consists of part-time workers who work in an honorary capacity or receive a nominal remuneration.

(d) and (e). The attention of the Honourable Member is invited to the reply given to part (b) of his unstarred question No. 77.

**MEDIUM OF INSTRUCTION, ETC., IN THE DELHI POLYTECHNIC HIGH SCHOOL.**

**79. Maulvi Syed Murtuza Sahib Bahadur:** (a) Will the Honourable the Education Member please state what is the medium of instruction in technical subjects at the early stage, the middle stage and the advanced stage in the Delhi Polytechnic High School?

(b) What are the educational and technical qualifications of those responsible for imparting instructions to the students at each stage in Wood Work and General Engineering?

(c) Does the Vice-Principal of the Delhi Polytechnic do any teaching work in technical subjects? If so, what? If not, why not?

(d) Is it a fact that the Vice-Principal has delegated his teaching work to a non-Muslim official who was not selected at the interview and selection made on the 2nd May, 1941?

(e) What other candidates were selected as a result of that interview? Will the Education Member give their names, community, posts to which appointed, and present posts held by each, with technical qualifications possessed by them?

**The Honourable Mr. N. E. Sarker:** (a) The Technical High School is divided into lower and upper stages. The medium of instruction is Hindustani in the lower and English, with elucidation in Hindustani where necessary, in the upper.

(b) The attention of the Honourable Member is invited to the statement furnished in reply to part (a) of his unstarred question No. 77.

(c) Yes. The Vice-Principal teaches Engineering Drawing in the Technical High School and General Engineering in the Senior Engineering Department. He supervises the teaching of all other Engineering subjects and is also responsible for the conduct of evening classes.

(d) No. With the establishment of the Senior Vocational Departments, the Vice-Principal had to take up teaching work for the evening classes. He had also to undertake more administrative work. The Principal therefore relieved him of part of his teaching work during the day by appointing a part-time worker on a temporary basis. Other teaching duties have since been added to this post and a full-time teacher has been appointed after duly advertising the vacancy.

(e) The attention of the Honourable Member is invited to entries 3 to 23, 25, 26, 31 and 32 of the statement referred to in the reply to part (c) of his unstarred question No. 77.

#### SUPERVISION OF TECHNICAL INSTRUCTION IN THE DELHI TECHNICAL HIGH SCHOOL.

**80. Maulvi Syed Murtaza Sahib Bahadur:** (a) Will the Honourable the Education Member please state who supervises the technical instruction in the Technical High School?

(b) What are the technical qualifications of the head teacher of the Technical High School? If he has no technical qualifications, why has he been put in charge of the Technical High School?

**The Honourable Mr. N. R. Sarker:** (a) The Principal himself supervises the technical instruction.

(b) One of the senior teachers of the Technical High School has been placed in immediate charge of the School for the sake of administrative convenience. He works under the general supervision of the Principal and this part of his work does not call for any special technical qualifications.

#### COMPETENCY OF THE INDIAN LEGISLATIVE ASSEMBLY TO ENTERTAIN A BILL RELATING TO A CERTAIN CLASS OF MULTI-UNIT CO-OPERATIVE SOCIETIES.

**Mr. President** (The Honourable Sir Abdur Rahim): On the 17th February, 1942, I ruled that the question raised by Mr. K. C. Neogy, whether the Indian Legislative Assembly was competent to entertain a legislative proposal in the form of a Bill relating to a certain class of multi-unit co-operative societies, was not one which could be properly dealt with by the Chair on a point of order under Rule 15. I think, however, that I ought to state my reasons more fully in support of this conclusion, as it is contrary to the practice which has hitherto prevailed in this Assembly, though it is difficult to say how it originated, as I am not aware of any considered ruling on the subject. Its origin could not be imputed to anything in British Parliamentary practice, for no question of the legislative competence of the British Parliament in any matter can arise, as it virtually enjoys unrestricted law-making authority acquired through assertion over a long period of years supported by the will of the

[Mr. President.]

people. However the practice arose, it has now become incumbent on the Chair to reconsider the entire position, having in regard the scheme of the Act of 1935 purporting to create autonomous provinces with the legislative spheres of the Central and the Provincial Legislatures, definitely demarcated in Lists I, II and III and the establishment of the Federal Court for obtaining authoritative decisions on questions relating to the proper interpretation of the Act, as affecting the extent of the authority of the Central and Provincial Legislatures.

Any one, who has the least conception of the difficulties and complexities involved in determining the exact scope and limitations of the various subjects entered in these Lists, will realise that such a function can be best discharged by learned judges sitting in a court of law after hearing the arguments of learned lawyers and taking into consideration previous decisions in analogous cases. If the President of the Assembly were to attempt to discharge such duties himself, he would find that the Assembly could not be turned into a court of law for such time as would be necessary for the purpose, without serious detriment to the progress of public business. Such a state of things, it may be presumed, could not have been contemplated by those responsible for the framing of the Rules and Standing Orders for regulating the conduct of the business of the Legislature.

Rule 15, which lays down that a President shall decide all *points of order* as they arise and that his decision shall be final, also says that while a Member may, at any time, submit a point of order, he shall confine himself to stating the point. This limitation might well be taken to suggest that the questions that may be raised on a point of order could not have been intended to include important questions of law of a far-reaching character relating to the interpretation of the Government of India Act. The President's responsibility, in fact, is to see that the business of the House is conducted in an orderly manner and in accordance with the Rules and Standing Orders and that if any Member thinks that the proceedings are not being so conducted in any respect, he is given the right to draw the attention of the Chair to the matter on a point of order and obtain his ruling as promptly as possible so that the proceedings may go on without further difficulty.

But it is the sole privilege and duty of the House to decide every "question" that arises on a motion moved by a Member. In the case of a Bill all motions, including amendments relating thereto, from the stage of introduction until it is ultimately adopted or rejected have to be decided upon by the House on questions put by the Chair, the duty of the Chair, generally speaking, being to exclude from the consideration of the House all matters which are irrelevant or beyond the scope of the motion under consideration or which should not be introduced or admitted because the requirements of any especial procedure prescribed in the Government of India Act or the Rules and Standing Orders of the Assembly have not been complied with. Rule 17A indeed emphasises that the President shall not refuse to put or delay the putting of the question on such a motion, that is, a motion relating to a Bill, unless the putting of such question is expressly prohibited or directly precluded by any provision of the Government of India Act, the Rules or the Standing Orders.

The questions that have to be put by the Chair at the different stages of a Bill for its disposal are familiar to every Member and all those questions are decided by the Members voting "Aye" or "No". The Chair has no voice in the matter except that when there is an equality of votes he is to give his casting vote. The Members vote one way or the other for any reasons that appeal to them best and have not to assign any reason for their votes.

Section 100 of the Government of India Act, 1935, lays down that the Legislative Assembly has not the power to make laws with reference to certain subjects. There can be no doubt that this warning is addressed to the Assembly which has the power to make laws under the Government of India Act, and not to the President who has no such power. If it were otherwise, it would mean that the occupant of the Chair for the time being, whether he be the President or the Deputy President or a Chairman, has the authority to lay down finally that the Assembly may make certain laws and may not make certain other laws which *prima facie* is an untenable proposition. Supposing the Chair's decision be against a particular legislative proposal, not only will the Assembly be debarred altogether from considering it but even the Federal Court would not be in a position to interfere. On the other hand, if the Assembly itself rejects a Bill on whatever ground, it will be open to the Government or a non-official Member, as the case may be, to approach the Assembly again in the matter subject to fulfilment of the conditions laid down in that behalf by the Rules and Standing Orders.

Now let us look at the position from a practical point of view. So far as Government measures, which form the bulk and the most important part of the legislative business which the Assembly has to deal with, are concerned, the Assembly would naturally rely upon the Government not to put forward a Bill or an amendment unless their Law Officers were satisfied that the Assembly was competent to make such a law. In the case of a non-official Bill or amendment, though there may be no such guarantee, there will always be the Law Officers of the Government and other lawyers to advise the House whether a certain legislative proposal is or is not within the competence of the Legislative Assembly. The President, if he thinks fit, may also under Standing Order 32, address the Assembly on the subject in order to help the House in its deliberations but whatever views he may so choose to express will not be binding on the House not being a decision on a point of order under Rule 15

I may mention that on inquiry made from Canada and Australia (*vide* Legislative Assembly Debates, 25th February, 1938, pages 1157—59) it appeared that the Speakers of those Legislatures do entertain questions of competence on a point of order and give their rulings but it is competent for the House to dissent from the Speaker's ruling. Our rules, however, do not admit of dissent by the House from a ruling of the Chair and the practice in this connection as prevalent in the Canadian and Australian Legislatures is, therefore, unsuited to the Indian Legislative Assembly.

**Mr. N. M. Joshi** (Nominated Non-Official): May I suggest, Sir, that this ruling may be circulated because it will be printed in the proceedings very late, and it will not be available for our guidance immediately?

**Mr. President** (The Honourable Sir Abdur Rahim): It will be printed in the proceedings of the House in the ordinary course.

### MESSAGES FROM THE COUNCIL OF STATE.

**Secretary of the Assembly:** Sir, the following two Messages have been received from the Council of State. The first is as follows:

"Sir, I am directed to inform you that the Council of State at its meeting held on the 24th March, 1942, agreed without any amendment to the following Bills, which were passed by the Legislative Assembly at its meeting held on the 20th March, 1942, namely:

1. A Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to vary the rate of the excise duty on motor spirit leviable under the Motor Spirit (Duties) Act, 1917, to vary the rate of the excise duty on kerosene leviable under section 5 of the Indian Finance Act, 1922, to vary the rate of the excise duty on silver leviable under the Silver (Excise Duty) Act, 1930, to levy customs duties in addition to the duties of customs leviable under the Indian Tariff Act, 1934, to fix maximum rates of postage under the Indian Post Office Act, 1898, to fix rates of income-tax and super-tax and to continue the charge and levy of excess profits tax and fix the rate at which excess profits tax shall be charged;
2. A Bill to amend the Agricultural Produce (Grading and Marking) Act, 1937;
3. A Bill further to amend the Indian Tolls (Army) Act, 1901."

The second Message runs as follows:

"Sir, I am directed to inform you that the Message from the Legislative Assembly to the Council of State desiring their concurrence in the Resolution recommending that the Bill to provide for the better administration of Muslim Wakfs in the Province of Delhi be referred to a Joint Committee of the Council of State and of the Legislative Assembly and that the Joint Committee do consist of 18 members, was considered by the Council of State at their meeting held on the 25th March, 1942, and that the Resolution was concurred in by the Council.

2. I am also to inform you that the following Members of the Council of State have been nominated to serve on that Committee, namely:

- (1) The Honourable Malik Sir Feroz Khan Noon,
- (2) The Honourable Mr. E. Conran-Smith,
- (3) The Honourable Saiyad Mohamed Padshah Sahib Bahadur,
- (4) The Honourable Mr. Abdool Razak Hajee Abdool Suttar,
- (5) The Honourable Sirdar Sahib Sir Suleman Cassum Haji Mitha,
- (6) The Honourable Khan Bahadur Alli Buksh Mohamed Husain,
- (7) The Honourable Haji Syed Mohamed Husain,
- (8) The Honourable Sir Mohammad Yakub,
- (9) The Honourable Mr. Hossain Imam."

### THE WEEKLY HOLIDAYS BILL.

**Mr. H. C. Prior** (Labour Secretary): Sir, I move:

"That the Bill to provide for the grant of weekly holidays to persons employed in shops, commercial establishments, restaurants and theatres, as reported by the Select Committee, be taken into consideration."

It is not necessary for me to speak at any great length regarding the report of the Select Committee. The main amendment proposed by the Select Committee is the omission of commercial establishments from the



scope of the Bill. I foreshadowed, when I moved that this Bill be referred to the Select Committee, that we would recommend to the Select Committee that commercial establishments should be excluded from the scope of the Bill. The reason why we did so was that our intention had been that commercial establishments should be closed on one day in the week. That would have been possible to enforce, but, at the same time, we were quite satisfied that in the present war conditions it was not possible to require commercial establishments to be closed on one day in the week and that all that it would be possible to do would be to require that clerical persons employed in such commercial establishments should have a weekly holiday. That is what is provided in the Bengal and Bombay Acts. But in Bombay it is necessary now for the Bombay Government to grant very large number of exemptions from that clause. I have a large number of them here with me and I can refer Honourable Members to them. We do not think it is advisable, at this stage, to introduce a provision giving power to the Provincial Governments to provide by notification, that there should be weekly holidays for people in commercial establishments, if they have to issue at once by notification exemptions from that order. At the same time, we are quite prepared to accept the view put forward by the Select Committee that immediately on the conclusion of the war we should take steps to extend the Act to commercial establishments.

The further amendment proposed is non-specification of the day on which the shops are to be closed. This, I think, needs very little explanation at this stage. Further, we have made a rather simple provision to ensure that even if a shop is closed and a person is employed in the shop, he shall be entitled to get his holiday on another day. One may just close the shop and yet keep some man employed doing something, and thus the law is complied with, but the man has not got his holiday. If a shop-keeper does that, then he shall have to give him a holiday on another day. We have also changed the time for the weekly half-holiday. We thought that 1 o'clock was too early and we have fixed a later time. That is all I need say at this stage. Sir, I move.

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

"That the Bill to provide for the grant of weekly holidays to persons employed in shops, commercial establishments, restaurants and theatres, as reported by the Select Committee, be taken into consideration."

I find that Mr. Essak Sait has given notice of an amendment—the very first one—by which he seeks to . . .

**Mr. H. A. Sather H. Essak** (West Coast and Nilgiris: Muhammadan): Sir, I want to move only amendment No. 2.

**Mr. N. M. Joshi** (Nominated Non-Official): Sir, when the motion for sending this Bill to the Select Committee was considered by the House, I had said that the Bill moved by the Government of India was a very halting measure and very inadequate to protect the interests of the employees of the commercial establishments, shops, theatres and other occupations. Unfortunately, the Select Committee, instead of widening the scope of the Bill, has curtailed its scope by taking out from the scope of the Bill commercial establishments. Sir, the Honourable the Mover of this Bill said that, on account of war, some of the commercial establishments may have to remain open on those days which may be fixed

[Mr. N. M. Joshi.]

as weekly holidays. Sir, I quite realise that some of the commercial establishments may have to be kept open, but surely not all the commercial establishments in the country. I, therefore, feel that the Select Committee should not have taken the commercial establishments out of the scope of the Bill, inasmuch as the Provincial Governments have power to give exemptions to commercial establishments whenever such exemptions were necessary. The Honourable the Mover of the Bill just now said that these exemptions are larger in number. I do not think the exemptions will be larger in number than the shop assistants who would have got the benefit of the Bill if the commercial establishments had been kept within the scope of the Bill and exemptions were given.

The Select Committee has made another change which in my judgment is also undesirable, and that change is that the Provincial Governments have been given power to fix weekly holidays on different days for different shops, different classes of shops or for large areas. Sir, I do not object to the Provincial Governments being given power to fix different days for different classes of shops or even for different areas. But I object to the Provincial Governments being given power to give different dates for different individual shops. I feel that if different holidays are kept for different individual shops, it will be very difficult for Inspectors who may be appointed to see that the provisions of this Bill are carried into effect to do their duty. If every shop has a different holiday, then the inspection will be very difficult, and although we may pass this Bill, and although the Provincial Governments may apply the provisions of this Bill to their Provinces, still, on account of the difficulty of inspection, the Bill will remain a dead letter in practice. An employer may not carry into effect or may avoid the provisions of this Bill, and he may not be found out. I feel that these two changes made by the Select Committee are not desirable changes and should not have been made.

**Maulvi Muhammad Abdul Ghani** (Tirhut Division: Muhammadan): Sir, I simply wish to draw the attention of the House to paragraph 4 of the Select Committee's report. There it is said that Provincial Governments may determine what the closing day shall be for any particular shop. This provision is really intended to accommodate particular communities if they prefer a closing day other than Sunday. For this purpose clause 3 was amended. Originally it stood as . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): I understand there are amendments to that effect. The Honourable Member need not deal with that question now. He can do so when the amendments are reached.

**Maulvi Muhammad Abdul Ghani**: I will content myself by saying that there are amendments to make the provision more clear, so that persons belonging to any particular community may not have any grievance against the Provincial Governments in fixing a particular day of the week as a holiday.

**Lieut.-Colonel Sir Henry Gidney** (Nominated Non-Official): Sir, taking the Bill as a whole, I should like to state that to my mind its only value is that "something is better than nothing". I am fortified in this belief

in the fact that most firms already give a day's holiday every week as a holiday. I know that Sunday is generally given as a holiday in most firms, who also give a half holiday on Saturday. So, Sir, this Act will mainly apply to those small shops and small holdings who, I agree with the Honourable the Mover, do make their servants work very hard indeed, for long and weary hours. I would rather this Act were called the "Holiday Act" and not the "Weekly Holiday Act", but, Sir, what is there in a name? The Select Committee has emphasised the fact that at the end of the war, commercial firms would be included in the operation of this Act. I would like this point to be more mandatory than as it is now—permissive, that is, not 'may' but 'shall' be included. After all, we are asking in this Act, amended and otherwise, to exclude commercial firms.

In my opinion the greatest slave drivers of their employees are the Banks, and this Act should be applied with the greatest severity to such money making institutions and commercial firms. These are private firms working for the benefit of their shareholders and I am convinced that many of them employ their staffs for long hours ranging from ten to twelve hours a day. May I suggest to the Honourable Member that in all commercial firms and Banks who are exempted from the operation of this Act, they should be compelled to give some over-time wages to their over-worked staff as is done in all Railways and workshops. I submit, it is not right to make anyone, be it in the interest of the war or anything else, to risk his health simply to conform to the principles of this Act. I suggest to the Honourable Member, that it would be only fair if firms and banks are permitted to work their employees for long hours and, if they are excluded from the provisions of this Act, they must pay these men over-time wages. This is all the more justifiable because this over-work of the staff results in a large financial gain to these firms and banks. Surely, the Honourable Member must realise that the value of the output of work of any employee is in the inverse ratio to the length of occupation of the labourer, because, after a certain time (human nature has a certain limit) his work deteriorates. As long as he can work efficiently, the firm gets its benefits in rupees, annas and pies. The bank does the same. Therefore, who should employees be made to perform over-time of work to enrich his employers unless the employees are paid adequate overtime wages?

Then, Sir, take for instance those of a religious persuasion like the Seventh Day Adventist who do not work on Saturday, with them the need of a holiday on a different day is necessary. There is another institution which I understand has been excluded from this Act. I refer to those slave-driving institutions, I mean our hospitals. The nurses in many of our hospitals have two shifts a day of work for nurses of 12 hours each; others have three shifts of eight hours each. May I ask the Honourable Member whether he excludes firms or banks or anything else, he must include hospitals in the operation of this Act. These young women, slave-driven, working under the most unhealthy circumstances, working face to face with risks and danger to their health and, yet they are made to work 12 hours a day at a stretch. I think all hospitals be included in the benefits of this measure.

Now, Sir, the next point to which I wish to refer, before I conclude, is this. There is the question of Inspectors. I do hope the Honourable

[Lieut.-Colonel Sir Henry Gidney.]

Member realises and I am sure he does, how necessary it is to select these Inspectors from a proper and reliable class. They can abuse their powers as has been done by Inspectors of all kinds. I think the punishments for those who offend against the Act are too light and should be made severer.

Sir, had it not been war time I would have moved an amendment to throw out this Bill lock, stock and barrel; but I can realise the concern of the Honourable Member and his genuine, though limited, desire to relieve the employee. I can also realise that, being war time, exceptional circumstances need special treatment; and in giving my support to the Bill I appeal to him to take notice of the few points I have suggested.

**Dr. Sir Ziauddin Ahmad** (United Provinces Southern Divisions—Muhammadan Rural): Sir, I take it as a fundamental principle that our labourers should be made to work and not kept idle, but at the same time they should be given the full benefit of their work. If during war conditions you want to exempt certain commercial concerns, this, I think, is not the right way of doing it. I think that if, on account of war conditions, people do extra work on a day which would have been a holiday, they should get some overtime allowance. It would, therefore, have been better if we had stuck to the original Bill and provided for extra allowance for these labourers if the commercial concerns kept their places open, because they are getting extra money for it.

Then, Sir, I find that this law will apply to people on monthly or weekly wages, but what about people on daily wages? If such a man does not work on that day, he will get no wages, and no safeguard has been provided for that. Therefore, the tendency among employers will be to keep men not on monthly or weekly wages, but on daily wages, so that they may pay for only six days in the week and not for seven days. I think it is desirable to insert a safeguard against that.

I also do not see why we should be particularly harsh on these restaurants and so on. I do not know if the intention is that for one day in the week we should give a holiday to our stomachs, which will follow if these restaurants and theatres are kept closed for one day every week. If that is not the intention, I do not see why these should be closed and every other shop kept open. We should adopt a uniform principle, and if these restaurants and shops want to keep open for seven days, they should give extra overtime allowance for one day to their workers. That is the right solution; I think Government are catching the wrong end of the stick and proceeding in a way which will please neither the labourers nor the public. The labourers should get the full value of their work, and if, on account of special conditions, they are forced to work, they should get overtime or extra for that particular day. I lay very great stress on this, that we should teach our labourers to work, but also pay them well.

**Mr. O. C. Miller** (Bengal: European): Sir, there is one assurance which I should like to hear from the Honourable Member in charge of the Bill,—I have asked for it before and received it in a qualified form and I should like, if possible, to have it in an unqualified form,—the assurance

being that the introduction of this piece of legislation in no way affects the existing legislation on the same lines which is now in force in no less than four provinces. That, Sir, is the only point I have to make.

**Mr. H. C. Prior:** Sir, I will first take the point raised by Mr. Miller and the request for an assurance that this Bill will not interfere with the Acts already in force in various provinces. The provision of this Bill in clause 1 (3) is, that it shall come into force in a province only if the Provincial Government by notification in the official Gazette so directs. Until the Provincial Government so directs the Bill has no force in any province and cannot interfere with any legislation already in force in that province. If a Provincial Government does introduce this Bill there may be a conflict between this Bill and the legislation already in force; but we do not see any possibility of a Provincial Government, which has already passed legislation dealing with this particular matter, introducing this Bill by notification in their own province. The reason we have brought forward this Bill is that we want those provinces who have not already introduced legislation to adopt the terms of this Bill, and that is possibly one of the reasons why the Bill can be described by Mr. Joshi as a halting measure. We want the Bill to be such that a Provincial Government will be prepared to introduce it. We have discussed with Provincial Governments the terms of the Bill and the Bill is one which we hope Provincial Governments will be prepared to introduce by notification. If we had included provisions such as those which Sir Henry Gidney asks us to provide, *viz.*, over-time and such like, we should be widening the scope of the Bill and it would be more than likely that Provincial Governments would not find it possible to introduce it. We have to keep the Bill a simple one so that Provincial Governments may be likely to use their powers of introducing the Bill by notification.

That, again, is the answer that I think I must give to Sir Henry Gidney on the matter of Inspectors. The Inspectors will not be appointed by the Government of India but by the Provincial Governments, after they have adopted this Bill by notification. But we will certainly bring to the notice of Provincial Governments the point made by Sir Henry Gidney.

With regard to the point raised by Mr. Joshi regarding closure on different days, I think there are specific amendments dealing with that and I could deal with it more suitably then.

As regards hospitals which Sir Henry Gidney touched on, I think that is going outside the scope of the Bill; and I am inclined to think that his remarks regarding hospitals should be addressed more to the Honourable Member for Education, Health and Lands than to the Honourable Member for Labour.

Sir Henry Gidney asked that the Bill should be mandatory. That again is not what we consider necessary in this case. Had it been mandatory, the difficulties visualised by Mr. Miller might have occurred. We want the Bill to be such that Provincial Governments can introduce it; we do not want it to conflict with existing legislation. We have, therefore, given the power to Provincial Governments.

[Mr. H. C. Prior.]

Sir Ziauddin also raised the question of over-time. But that also falls outside the scope of the Bill as it has been introduced. We recognize that men should be paid for the work they do, but a number of us are working over-time and are not getting paid for that and I do not think, at this stage, we could possibly widen the scope of the Bill to include a provision for that, and I hope that the halting nature of the measure, referred to by Mr. Joshi, will not be put down to the fact that we while working over-time one hour become inefficient as Sir Henry Gidney has suggested is likely to happen in case of prolonged over-time.

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

"That the Bill to provide for the grant of weekly holidays to persons employed in shops, commercial establishments, restaurants and theatres, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

**Mr. President** (The Honourable Sir Abdur Rahim): The House will now proceed to consider the Bill clause by clause.

Clause 2 was added to the Bill.

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

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

**Mr. H. A. Sathar Essak Salt**: Sir, I move:

"That for clause 3 of the Bill the following be substituted:

- 3 (1) Every shop shall remain entirely closed on one day of the week, which day shall be specified by the shop-keeper in a notice permanently exhibited in a conspicuous place in the shop.
- (2) The day so specified shall not be altered by the shop-keeper more often than once in three months."

This amendment of mine brings this Bill in conformity with the other existing measures of allied character in the provinces. We have altogether four provincial measures dealing with this subject. The Punjab, Bombay, Bengal and Sind have already passed legislative measures providing for regulating the working hours and such like matters connected with shops and business houses. Out of these only two provinces have provided for the entire closing of shops on a particular day in the week, namely, Punjab and Bengal. Section 6 sub-section (3) of the Bengal Act provides that the day on which the shop shall remain entirely closed will be specified by the shop-keeper in a notice which shall be displayed in a conspicuous place in the shop. The Punjab Act also provides the same; in Section 7 sub-section 2(i), the Act lays down "that the choice of a closed day shall rest with the owner or occupier of a shop or commercial establishment and shall be intimated to the prescribed authority within two months of the date on which this Act comes into force." So both these enactments leave it to the shop-keeper to choose the day on which he will close his shop. With regard to the remaining two enactments, they do not provide for a weekly holiday in the sense that the shop has to be entirely closed. What they provide for is that the employees in shops and restaurants and other places should have a weekly holiday and it is not necessary that the shops should be entirely closed. Therefore, we are not concerned with those two enactments at all.

My amendment, if accepted, will bring this measure in conformity with the enactments that now exist. The Select Committee in paragraph 4 of their Report have also indicated that they were unanimously of the opinion that shops whose proprietors belong to communities which prefer a closing day other than Sunday, should have a provision to give effect to their wishes. It is difficult to provide in a measure like this separate days for the different communities because it will be, first of all, very difficult to find out which community prefers which day and the machinery for eliciting the opinion of different communities will be a difficult matter itself. Therefore my amendment provides a very simple measure for meeting the wishes of the people. It seeks to leave it to the owner of the shop to decide which day will suit him. I can quite realize that this will not be as easy as having one single uniform day for the whole province, but this being a new measure which has been introduced in this legislature we cannot be too sure as to the disturbance that such a measure may create. Therefore, Sir, I think, that the remedy which I have suggested by my amendment is one that will be acceptable to the whole House, in that it provides for the requirements of every class and community and at the same time sees to it that the main objects of this Bill are carried, namely, that every shop is compelled to close on one day in the week. Sir, I commend this amendment to the acceptance of the House and I hope they will pass it.

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

"That for clause 3 of the Bill the following be substituted:

3. (1) Every shop shall remain entirely closed on one day of the week, which day shall be specified by the shop-keeper in a notice permanently exhibited in a conspicuous place in the shop.
- (2) The day so specified shall not be altered by the shop-keeper more often than once in three months."

**Mr. N. M. Joshi:** Sir, I rise to oppose this amendment. Sir, when I spoke a few words on the motion for the consideration of the Report of the Select Committee. I had found fault with the change made by the Select Committee, namely, enabling the Local Governments to have different holidays for different shops. Now, Sir, this amendment goes much further than that. It does not give power to the Local Government to fix the days on which shops should be closed, but this gives power to the shop-keeper himself to decide on what day the shop will be closed. I feel that this will further increase the difficulties of the Inspector in seeing that the provisions of this Act are carried out in practice. If every shop-keeper fixes a different day and changes that day every three months. . . .

**Mr. C. C. Miller:** He need not change it every three months.

**Mr. N. M. Joshi:** He may; the law provides. If every shop-keeper fixes a different day and changes that day every three months, the poor Inspector most probably will have to spend his whole time in maintaining a register and changing it every three months. I, therefore, feel, Sir, that these amendments are intended, no doubt, to make the work of the shopkeeper easy. and, if accepted, the object of the Bill will be seriously affected.

[Mr. N. M. Joshi.]

Sir, I was told that this will enable the different communities to have different days. Well, suppose the Muslims want to keep their shops closed on Friday, they need not ask for a change every three months. I can understand the Muslims saying that the Muslim shops should be closed on Fridays; that is understandable, although I do not approve of it. You may keep Friday or Sunday or any day as the day off, and that is the right thing to do. But now to say, instead of saying that the shops will be closed on Friday, that it may be closed on Friday or any other day—every three months different days—is, I think, creating confusion and making the work of the Inspector very difficult. I, therefore, feel that an amendment of this kind will not be of much use.

Only one word more; we are by this amendment thinking of the interests of the shop-keepers. This Bill is introduced to protect the interests of the employees. I could have understood my Honourable friend to introduce an amendment saying that the closing of the shop should depend upon the common vote of the employees of a shop, but he does not do that. He wants to leave the choice of the day to the shop-keeper and not to the employee. He forgets the fact that the Bill is intended for the protection of the interests of the employee and not of the shop-keeper. I, therefore, feel that the amendment should not be supported by the House; and although the original clause itself was bad enough, the amendment is worse still, and, therefore, should be opposed by the House.

**Mr. C. C. Miller:** Sir, I am sorry to differ from the Honourable Member who spoke last and to rise in support of this amendment. Indeed it has always been our view that the principle of the Bengal Act was a just principle and if we had received support for that view a little earlier we might even have prevailed on an obdurate government, in which case the amendment would not have been necessary; but I would point out in regard to Mr. Joshi's remarks that the man under this Bill who pays the piper, is the employer. The employer now has to pay the employee one day's wages for work which he does not perform, and that being the case it seems only fair to temper the wind to the shorn lamb and to give the employer the choice of the day on which he must pay that day's wages.

**Mr. N. M. Joshi:** Who is to enjoy the holiday, the employer or the employee?

**Mr. C. C. Miller:** The employee enjoys the holiday, but the employer pays for his enjoyment.

**Mr. N. M. Joshi:** That is according to the law.

**Mr. C. C. Miller:** I also think that the three months' notice is a perfectly wise one. It will probably not be utilised in many cases and my Honourable friend should also remember that in every shop there must be a large notice stating the day, and, if necessary, the half day of closure; and if a shop is open on a day on which the notice says it should be closed, it is sufficiently obvious to every one that the shop-keeper is transgressing the law. I, therefore, have pleasure in supporting this amendment.



**Mr. Huseinbhai Abdullahai Laljee** (Bombay Central Division: Muhammadan Rural): 'Sir, I have every sympathy with what my friend, Mr. Joshi, has said, but I am afraid this time he has overstretched himself when he says that all this is being done by my friend, Mr. Essak Sait, in the interests of the employers. How can an employer carry on his business if employees are absent? The reason why the employer is given this right is that he has to consult his employees before he can decide. Employees cannot meet together—half a dozen, or a dozen or two dozen employees may have each different points of view. The whole objective is one day and that one day has to be given. Nobody here, I think, grudges that one day must be given.

A great point has been made about this three months' notice. I find that the Punjab Legislature has provided for three months:

"Provided that no shop-keeper shall, not more than once in every three months, alter the day or half day so specified."

This three months period is very very reasonable. If my friend, Mr. Joshi, will kindly hear me he will agree. In fact the Muslim calendar depends upon the moon; and the *Amavas* or new months which the Hindus have got also has a lot to do with the moon.

**Mr. N. M. Joshi:** What about Fridays?

**Mr. Huseinbhai Abdullahai Laljee:** It may be Fridays, it may be Ramzan, Mohorum, or anything else—he does not know and I am sorry, although he has so much to do with labour he ought not to have understood that many times it has happened that under the Negotiable Instruments Act a day has been fixed for the Id, but the Id falls on a subsequent day or the previous day, and, invariably, those who observe the Id or the *Amavas* know this; but the Local Government and the Negotiable Instruments Act have to fix the day a year before; that is the main reason why three months has been provided. The Punjab Government, surely, might be given all credit for having the fullest sympathy with employees.

I do not agree with another thing that my friend, Mr. Joshi, said and it is this, that the Inspectors will have a lot of work. We know very well that in one locality it may mostly be a Muslim or Hindu locality but once a board has been put up, the great Inspector has to go once in three months and I do not know why my friend has so much sympathy with the Inspector rather than with the convenience of the employees. Would he like the Muslim employees thousands in numbers to work on an Id day, because that holiday has not been established, rather than that the great Inspector should take the trouble to go round and take a note once in three months. I hope it is not so. The Inspector, after all, is an employee himself and not a great master who is provided by his great master a lot of time and money and even Provident Fund, which the ordinary employer cannot do; and my friend ought to have more sympathy with the employer who is an ordinary man and his ordinary employees than with the great Inspector. With these words I support the amendment which is really necessary because of the conditions prevailing in this country, and let it be understood that Inspector's duty is to help the employees as well as employers as a public servant.

**Mr. H. G. Prior:** Sir, the subject matter of this amendment was put before us in the Select Committee by Members of the European Group, and at that stage possibly I deserved the epithet of obdurate, because, at that time, I felt that there were very strong objections to this amendment. Mr. Joshi has given us some of those objections, as he sees them, of administrative difficulty. Possibly, I exaggerated those objections, possibly Mr. Joshi has exaggerated those objections now. There seems to be some force in the view that if a notice is posted in the shop, it will be possible for an Inspector, without keeping a multitude of registers, to know what date that shop is going to be closed. If the shop-keeper is going to be so very clever that on Thursday he will put up Wednesday and on Wednesday he will put up Thursday, I think the public may notice it and may bring it to the notice of the Inspector, and I think the employees also. And I think the employee can also bring it to the notice of the Inspector. I do not think the substitution of notices is likely to be very often resorted to in order to save closing of the shop. There are considerable advantages in this amendment. The proposal which we accepted in the Select Committee suffered to a certain extent from vagueness. This proposal does not so suffer from those disadvantages. It lets the shop-keeper know exactly where he stands, and that, I think, is a considerable advantage. Therefore, Sir, I have to say that I have changed my mind, that Government have changed their mind, and we are prepared to accept the amendment.

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

"That for clause 3 of the Bill the following be substituted:

3. (1) Every shop shall remain entirely closed on one day of the week, which day shall be specified by the shop-keeper in a notice permanently exhibited in a conspicuous place in the shop.
- (2) The day so specified shall not be altered by the shop-keeper more often than once in three months."

The motion was adopted.

**Mr. H. A. Sathar H. Essak Sait:** I wish to move No. 8 on the Revised Consolidated List, Sir.

**Mr. President** (The Honourable Sir Abdur Rahim): What about Nos. 4, 5, 6 and 7?

**Mr. H. A. Sathar H. Essak Sait:** I am not moving them.

**Dr. Sir Klauddin Ahmad:** On a point of order. We have just moved that for clause 3 of the Bill the following be substituted. Can there be an amendment to that?

**Mr. President** (The Honourable Sir Abdur Rahim): No. 8 is an amendment to the original clause of the Bill. All the rest of the amendments fall.

**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."

**Dr. Sir Ziauddin Ahmad**: Sir, I have an amendment to clause 4. It reads thus:

"That in clause 4 of the Bill, after the word 'theatre', occurring in the third line, the words 'on daily, weekly or monthly wages' be inserted."

The object of my amendment is to prevent persons being employed on daily wages. If this amendment is not accepted, then I fear that most of the employees will be employed on daily wages only for six days in the week, and not for seven days. I know there has been a tendency in some of the educational institutions to employ the staff immediately after the long vacation and dismiss them soon after in order to save the salary of the vacation period, so much so, they had to make a rule that any person who has served for nine academic months has earned the pay even if he was not employed by the employer. Similarly, there ought to be a rule that any person, who has worked for six days a week even on daily wages, has earned his wage for the seventh day also. I think you should have a rule of that kind. The amendment I propose will cover all kinds of cases, whether you employ a man on daily wages; weekly wages or on monthly salary, because he will have one day's holiday. If this amendment is not accepted, the result will be chaos, and most of the employers will take advantage of the position and employ their employees on daily wages, and not on weekly wages. Therefore, I move this amendment.

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

"That in clause 4 of the Bill, after the word 'theatre', occurring in the third line, the words 'on daily, weekly or monthly wages' be inserted."

**Mr. H. C. Prior**: Sir, in spite of the lucid explanation which the Honourable Member has given in regard to the intention of his motion, I cannot see that it really would have the effect which he suggests it would have; in fact, it seems to me that the amendment would limit the scope of the Bill. We have provided that every person employed—that is every person, whether he is employed on daily, weekly or monthly wages; but if you insert the words "daily, weekly or monthly" it may result in taking out somebody. I see no point in the amendment. I must oppose it.

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

"That in clause 4, of the Bill, after the word 'theatre', occurring in the third line, the words 'on daily, weekly or monthly wages' be inserted."

The motion was negatived.

**Sir George Spence** (Secretary, Legislative Department): Sir, I move:

"That to the proviso to clause 4 of the Bill the following be added at the end: 'or entitle to an additional holiday a person employed in a shop who has been allowed a whole holiday on the day on which the shop has remained closed in pursuance of section 3.'"

[Sir George Spence.]

Sir, in the Bill, as introduced, clause 4 did not apply at all to persons employed in shops. Persons employed in shops were included in the clause in the Select Committee, and this amendment is designed to clarify the precise effect in their case. The intended effect, as explained by Mr. Prior in moving the consideration motion, is not that if he has had a holiday on the day on which the shop was closed, he shall have another day, but only he shall get a holiday if on the day when the shop was closed, he was none the less employed in, for instance, checking the stock or keeping accounts. Sir, I move.

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

"That to the proviso to clause 4 of the Bill the following be added at the end:

'or entitle to an additional holiday a person employed in a shop who has been allowed a whole holiday on the day on which the shop has remained closed in pursuance of section 3.'

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.

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

"That clause 5 stand part of the Bill."

**Sir George Spence**: Sir, I move:

"That in sub-clause (1) of clause 5 of the Bill, for the word and figure 'section 4' the word and figure 'section 3' be substituted."

This amendment, Sir, merely corrects a slip.

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

"That in sub-clause (1) of clause 5 of the Bill, for the word and figure 'section 4' the word and figure 'section 3' be substituted."

The motion was adopted.

**Mr. H. A. Sathar H. Essak Sait**: Sir, I move:

"That after sub-clause (2) of clause 5 of the Bill the following new sub-clause be added:

'(3) The weekly day on which the shop is closed 'in pursuance of'—I am correcting the article—a requirement under sub-section (1) shall be specified by the shopkeeper in a notice permanently exhibited in a conspicuous place in the shop and shall not be altered by the shopkeeper more often than once in three months.'

I do not think I need make a long speech to commend this amendment to the House. The first amendment that was accepted by the House

makes it necessary that this clause also should have the same effect, and that is why I have proposed this amendment. This is really a consequential amendment, and I hope the House will accept it.

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

"That after sub-clause (2) of clause 5 of the Bill the following new sub-clause be added:

(3) The weekly day on which the shop is closed in pursuance of a requirement under sub-section (1) shall be specified by the shopkeeper in a notice permanently exhibited in a conspicuous place in the shop and shall not be altered by the shopkeeper more often than once in three months."

The motion was adopted.

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

"That clause 5, as amended, stand part of the Bill."

The motion was adopted.

Clause 5, as amended, was added to the Bill.

Clauses 6 and 7 were added to the Bill.

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

"That clause 8 stand part of the Bill."

**Mr. H. A. Sathar H. Essak Saif**: I move:

"That in part (b) of sub-clause (1) of clause 8 of the Bill, after the word 'therein' the words 'in pursuance of rules made under clause (c) of sub-section (2) of section 10' be inserted."

This clause deals with the powers that are granted to the Inspector to examine the premises and also papers, documents, books, etc., in the shop. Here, clause (b) gives unlimited power to the inspector and it runs thus:

"... make such examination of any such establishment and of any record, register or notice maintained therein..."

To give such wide powers to the Inspector is not desirable. If the clause is allowed to remain as it is, the Inspector can ask for domestic accounts, or any other paper or papers that may be in the shop without any limit whatever. Therefore, my amendment seeks to limit the power in such a way that only such papers, documents, etc., shall be inspected by the Inspector as are necessary for the purposes of this Act. I say that the powers of the Inspector to examine these records, registers, or notices shall be limited to the examination of such records which the establishment is compelled to maintain in pursuance of rules made under the relevant clauses of this Bill. Only such papers, records, etc., should be examined by him. That is the idea underlying my amendment, and I commend it to the House. Sir, I move.

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

"That in part (b) of sub-clause (1) of clause 8 of the Bill, after the word 'therein' the words 'in pursuance of rules made under clause (c) of sub-section (2) of section 10' be inserted."

**Mr. H. C. Prior**: I accept it.

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

"That in part (b) of sub-clause (1) of clause 8 of the Bill, after the word 'therein' the words 'in pursuance of rules made under clause (c) of sub-section (2) of section 10' be inserted."

The motion was adopted.

**Mr. H. A. Sathar H. Essak Salt:** I move:

"That in sub-clause (2) of clause 8 of the Bill, after the word 'notice' the words 'maintained in pursuance of rules made under clause (c) of sub-section (2) of section 10' be inserted."

The object of this amendment is the same as that of the one which has just been accepted by the House. I need not, therefore, make a long speech explaining it. I commend the amendment to the House. Sir, I move.

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

"That in sub-clause (2) of clause 8 of the Bill, after the word 'notice' the words 'maintained in pursuance of rules made under clause (c) of sub-section (2) of section 10' be inserted."

**Mr. H. C. Prior:** I support it.

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

"That in sub-clause (2) of clause 8 of the Bill, after the word 'notice' the words 'maintained in pursuance of rules made under clause (c) of sub-section (2) of section 10' be inserted."

The motion was adopted.

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

"That clause 8, as amended, stand part of the Bill."

The motion was adopted.

Clause 8, as amended, was added to the Bill.

Clauses 9, 10 and 11 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**Mr. H. C. Prior:** Sir, I move:

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

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

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

**Mr. N. M. Joshi:** At this stage I should like to ask one question of the Honourable Member in charge of the Bill. This Bill may be applied to the territories of the Government of India by the Commissioners of those territories, but in the adjoining province of the Punjab there is already a measure of wider scope to regulate hours and other things which this Bill does not regulate. I would, therefore, suggest to the Government of India to apply to Delhi the measure which prevails in the Punjab and not this halting measure. I would like the Government of India to tell me whether they will agree to my suggestion. I know that the employees of

the shops in Delhi are very anxious that they should have proper regulations for working conditions in the shops, and they are anxious that the Punjab Regulations should apply to them and not this small measure.

**Lieut.-Colonel Sir Henry Gidney:** Sir, I support it.

**Mr. H. G. Prior:** I have rather been taken by surprise. I understand that there are legal powers by which we can introduce the Punjab Act in the Delhi Province, but it would be necessary for us to consult the Chief Commissioner and to consider all the implications involved. We would certainly give the matter our consideration.

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

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

The motion was adopted.

### THE INDUSTRIAL STATISTICS BILL.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** (Commerce Member): Sir, I move:

"That the Bill to facilitate the collection of statistics of certain kinds relating to industries, as reported by the Select Committee, be taken into consideration."

Sir, the Select Committee has not made any serious changes in the Bill as it was presented to the House on the first reading. Such changes as have been made in clause 3 are merely to elucidate further the points on which statistical information may be required by the Government. The only change of any substance that has been made is in clauses 9 and 10 where provision for a sentence of imprisonment or fine or both is made to be imposed on those officials who divulge secrets collected by way of statistical information. Sir, I move.

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

"That the Bill to facilitate the collection of statistics of certain kinds relating to industries, as reported by the Select Committee, be taken into consideration."

**Mr. N. M. Joshi (Nominated Non-Official):** Sir, I have no desire to oppose this motion, but, at the same time, I desire to say that the Bill, as it was placed before the Select Committee, was a Bill of a very restricted scope, and I thought that the Select Committee would widen the scope of the provisions of this Bill. The Bill is restricted to the collection of statistics in industries. I thought that the Select Committee would provide that the Government of India and the Provincial Governments may have power to collect statistics regarding any occupation. We need statistics and knowledge and more light regarding all occupations and not only of industries. Then, Sir, the Government of India, although they have provided that the Bill should give power for the collection of statistics regarding industries, in the actual Bill itself they provide that statistics regarding the matters which relate to labour welfare should be collected only as regards factory industries. That is, if you want to collect figures regarding cost of production and other matters regarding mining, then this Bill does not empower the Provincial Governments and the Government of India to do that. They can collect statistics relating to labour

[Mr. N. M. Joshi.]

welfare in mining but not relating to production and other matters in mining and I thought that this is unnecessary restriction. When we are passing a measure for getting more information regarding each industry, we should get knowledge regarding all industries and not only factory industries. There is the mining industry in India; there is the plantation industry in India and we do not propose to give power to the Local Government and to the Government of India for the collection of statistics regarding these important occupations. I feel that this is a great defect of the measure as it has come out of the Select Committee.

Then, Sir, there is another defect. As regards factory industries, we can collect statistics regarding cost of production but as regards other industries we do not empower the Government of India and the Provincial Governments to collect statistics relating to cost of production. Sir, one of the objects of this Bill is to get knowledge regarding conditions and welfare of labour and this information is intended to be used for the settlement of industrial disputes. In settling an industrial dispute, as I have said several times, the financial position of the industry or the economic position of the industry should have nothing to do with the wages to be paid to the employees, according to their proper standard of life, whether the industry can afford to pay it or not. I can take up that stand but several times the employers do not accept that stand. They sometimes claim that the industry cannot afford to pay certain wages, which are necessary for keeping the labourers in comfort. If an employer makes that statement that industry cannot afford to pay certain rates of wages there is no means of finding out whether the industry is run in an economical manner or not and therefore the figures regarding the cost of production are absolutely necessary to settle industrial disputes and that cannot be done as regards mining and the plantation industries. We can get those figures under this Bill regarding factory industries but if we have to settle any disputes regarding mining, then the cost of production figures will not be available. I feel that this is a great defect of this measure and the Government of India should remove these defects. Unfortunately in this House we cannot get anything passed against the wishes of the Government, and therefore, I have not taken the trouble of moving any amendments to this measure, and, moreover, we must economise time in these days and we must practise economy in other matters also, but I hope that the Government of India will take steps to remove the defects which I have pointed out.

**Dr. T. E. Gregory** (Government of India: Nominated Official): I should like to clarify the position with regard to the mining statistics and the agricultural statistics which Mr. Joshi asked for. There is nothing in this Bill which prevents the collection of agricultural statistics, including the collection of statistics relating to the cost of production. In fact, I should like to remind the Honourable Member that the Imperial Council of Agricultural Research has issued something like 20 volumes on the question of the cost of production.

**Mr. N. M. Joshi:** But you have not got the power to compel an employer if he refuses to give you the statistics.



**Dr. T. E. Gregory:** That raises a difficult question of interpretation whether an employer can be compelled or not but there is nothing in this Bill which, in fact, prevents investigation into the cost of production in agriculture and such investigations have been in fact held in the past. Similarly, there is nothing in this Bill to prevent the scope of the statistical activities of the Chief Inspectors of Mines from being expanded and I think there is some danger that the House will overlook how very wide the scope of the present Bill is. I do not want to dilate at length upon the importance of a measure of this kind at a time when plans for reconstruction are being so universally discussed. This Bill certainly does enable us to achieve two important objects. In the first place, it enables us to arrive at a much greater degree of uniformity in the collection of statistics than has hitherto been possible and a much more important matter is that this Bill enables us to apply compulsion. In the opinion of many competent authorities we have now reached the limit of voluntary co-operation of persons engaged in business and in industry and we believe that the time has now come when various recalcitrant elements which have impeded our efforts in the past should be compelled to furnish information if the information is wanted. There is nothing in this Bill, I would say, which prevents, if it is thought necessary, investigations into the cost of production. Item (a) of sub-clause (1) of clause 3 makes it perfectly possible to conduct investigations into costings. I would, however, like to remind the House that investigations into costings are exceedingly difficult undertakings, as they may involve investigation of some very private matters relating to the position of individual firms, and I think it would be agreed from the very beginning that such inquiries must be conducted with very great discretion. Nevertheless, I do insist on the fact that the Bill covers an enormous field of economic activity and that the mere fact that it is confined to industries does not preclude, under this legislation investigations into agricultural and mining matters and I think we have quite enough to do in organising a proper statistical service in terms of the present Bill.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That the Bill to facilitate the collection of statistics of certain kinds relating to industries, as reported by the Select Committee, be taken into consideration." The motion was adopted.

**Mr. President** (The Honourable Sir Abdur Rahim): The House will now proceed to consider the Bill clause by clause. Clause 2 was added to the Bill.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That clause 3 stand part of the Bill."

**Sir F. E. James** (Madras: European): Sir, I move: "That in sub-clause (1) of clause 3 of the Bill, after the word 'matters', the following be inserted: 'and in respect of such industries as the Central Government may prescribe from time to time'."

The effect of this amendment, if accepted, would be that the Provincial Governments would only collect statistics in regard to those industries which have been prescribed from time to time by the Central Government.

{Sir F. E. James.}

The reason for this suggestion is two-fold. First of all, it is admitted, by the very form of the Bill, that in collecting statistics co-ordination is essential if those statistics are to be of any value whatsoever. Therefore, the provinces should be enjoined only to collect those statistics which refer to particular industries detailed by the Central Government itself. In other words, the Central Government lays down the industries in respect of which the Provincial Governments are to collect the statistics. In the second place, I think it is very likely that the admirable intentions of Government in this respect may be wholly thwarted, if Provincial Governments are left completely free to collect statistics from all classes of industries, ranging from the large organised industries to the small cottage industries. In that regard, I would draw the attention of the Honourable Member in charge of the Bill to the note of the Central Government itself dated the 2nd November, 1939, conveyed by Dr. Mathai, who then, I believe, was the Director-General of Commercial Intelligence and Statistics. In paragraph 6 of that note he points out that in the present circumstances of India it would be almost impossible to attempt a complete census of industrial production. He, therefore, suggests that in the initial stages the Statistics Act may be confined to the collection of information regarding the leading organised industries of the country.

Again, in paragraph 7 he suggests that the industries to be taken up for investigations in the early stages should not be too large and that about 25 should be specified in addition to those included in the present monthly statements as the most suitable beginning. My Honourable friend, the Commerce Member, himself, when this matter was discussed on the floor of the House on the previous occasion, seemed to recognise the difficulty of allowing these statistics to be collected from all and every type of industry. He said, when this Bill was before this House, that it "refers to factories and industries and it is not possible to bring in agricultural plantations and other things into the orbit of this measure." Therefore, he himself realised the difficulty of applying a compulsory measure of this description on too wide a basis. The only possible effect, therefore, of our amendment is, not that the scope of the Bill should in any way be restricted, but that the statistics to be collected should be those concerning industries which from time to time would be prescribed by the Central Government. I would like to make it perfectly clear that in moving this amendment we are not endeavouring to limit the ultimate scope of the Bill. We are endeavouring, however, to ensure that before the whole range of the industry is brought within its scope, the statistics which are collected are made as accurate as possible and are duly co-ordinated at the Centre. That is why we suggest that we should proceed by stages and that the Government of India should prescribe from time to time those industries in connection with which the collection of statistics by the Provincial Governments should be permitted. Sir, I move:

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

"That in sub-clause (1) of clause 3 of the Bill, after the word 'matters' the following be inserted:

'and in respect of such industries as the Central Government may prescribe from time to time.'

**Mr. N. M. Joshi**: Sir, I rise to oppose this amendment. The object of the amendment clearly is to take away the power of the Provincial

Governments to collect statistics if they want to collect statistics regarding their own province without being asked by the Central Government. I have no doubt that in many cases collection of statistics all over the country is necessary, but sometimes it is necessary to collect statistics for the province also. Those statistics may not be necessary to be collected in every province, but one province may require certain statistics. I do not know why the Provincial Government should be made to go to the Central Government to get power to collect statistics for that particular industry. I feel that the effect of the amendment will be to deprive the Provincial Government of the power given under this Bill to collect statistics regarding certain industries. I, therefore, hope the Government of India will not accept this amendment.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** Sir, it is the desire of the Government of India to make this Act workable as far as possible and practicable. They realise the difficulties of collecting statistics over a very wide range particularly in the initial stages. Their own proposal would be, in the initial stages at any rate, to direct their attention and focus the energies of the provincial staff in the collection of statistics of particular industries. With reference to this, all Provincial Governments will, it is expected, collect the statistics in the form prescribed by the Provincial Governments under, if necessary, the instructions or directions of the Central Government issued under section 11. Uniformity of statistics to the extent that it is desired by the Central Government is, therefore, ensured for the industries which the Central Government desires to collect statistics about. But having said that, it is not constitutionally possible for the Central Government to prevent a Provincial Government from collecting statistics either of a different nature or with reference to those industries with which the Central Government does not concern itself at present. No doubt, the value of those statistics may not be so great as the value of those statistics collected at the instance of the Central Government on a uniform basis by all the provinces. But that is a factor which must be taken into consideration by the Provincial Governments if they are so enthusiastic as to go about and collect all statistics about various industries. I do not see how we can put an embargo on their efforts. Constitutionally and legally, it is impossible to do so. Besides there is nothing to prevent the Provincial Governments from having other legislation of their own and they have expressed a desire not to have their powers limited in this matter. In one or two provinces there is already a Statistics Act. As I have already suggested in my opening remarks, the Central Provinces have an Act of this kind. Therefore, I do not think it will be right nor will it be constitutionally proper on our part to say that any statistics of industries which the Central Government do not prescribe cannot be collected by any Provincial Governments. For these reasons, I am unable to accept the amendment.

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

"That in sub clause (1) of clause 3 of the Bill, after the word 'matters' the following be inserted :

'and in respect of such industries as the Central Government may prescribe from time to time'."

The motion was negatived.

**Mr. E. L. O. Gwilt** (Bombay: European): Sir, with your permission, I should like to take up amendments Nos. 2, 3, 4, 5, 6 and 7 together.

**Mr. President** (The Honourable Sir Abdur Rahim): Are they all identical?

**Mr. E. L. O. Gwilt**: They are amendments merely of a drafting nature.

**Mr. President** (The Honourable Sir Abdur Rahim): They cannot all be moved together. The Honourable Member must move them one by one.

**Mr. E. L. O. Gwilt**: Sir, I move:

"That in part (b) (ii) of sub-clause (1) of clause 3 of the Bill, the words 'of labour' be omitted."

Sir, this, and the other amendments up to No. 7 are merely drafting amendments and they are intended to do away with redundancy and frequent references to 'labour' and 'workers', about which there can be no misunderstanding because in part (b) itself it is said:

"any of the following matters so far as they relate to welfare of labour and conditions of labour."

Sir, I move:

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

"That in part (b) (ii) of sub-clause (1) of clause 3 of the Bill, the words 'of labour' be omitted."

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar**: I personally do not think that there is anything wrong in the drafting, but if my Honourable friend feels that the elegance of the wording in the Bill will improve, I bow to his superior wisdom and accept it.

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

"That in part (b) (ii) of sub-clause (1) of clause 3 of the Bill, the words 'of labour' be omitted."

The motion was adopted.

**Mr. E. L. O. Gwilt**: Sir, I move:

"That in part (b) (iii) of sub-clause (1) of clause 3 of the Bill, the words 'of labour' be omitted."

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

"That in part (b) (iii) of sub-clause (1) of clause 3 of the Bill, the words 'of labour' be omitted."

The motion was adopted.

**Mr. E. L. O. Gwilt**: Sir, I move:

"That in part (b) (iv) of sub-clause (1) of clause 3 of the Bill, the words 'of workers' be omitted."

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

"That in part (b) (iv) of sub-clause (1) of clause 3 of the Bill, the words 'of workers' be omitted."

The motion was adopted.

**Mr. E. L. O. Gwilt:** Sir, I move:

"That in part (b) (v) of sub-clause (1) of clause 3 of the Bill, the words 'of workers' be omitted."

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

"That in part (b) (v) of sub-clause (1) of clause 3 of the Bill, the words 'of workers' be omitted."

The motion was adopted.

**Mr. E. L. O. Gwilt:** Sir, I move:

"That in part (b) (vii) of sub-clause (1) of clause 3 of the Bill, the words 'provided for labour' be omitted."

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

"That in part (b) (vii) of sub-clause (1) of clause 3 of the Bill, the words 'provided for labour' be omitted."

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** Sir I must resist this amendment. This is a very specific thing provident and other funds 'provided for labour'. The amendment does not make any sense.

**Sir F. E. James:** Sir, I ought to defend my Honourable colleague against the suggestion that he has moved an amendment which makes non-sense. If my Honourable friend will look at the governing part of clause 3(1)(b), he will find that all those items refer to "welfare of labour" and "conditions of labour". If that is the case, what else could the provident and other funds refer to but those which are "provided for labour". However, we will not dispute the matter. I think my Honourable friend feels strongly about it and, therefore, I do not think we shall press the amendment.

**Mr. E. L. O. Gwilt:** I beg leave of the House to withdraw the amendment.

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

**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."

**Sir F. E. James:** Sir, I wish to make a few observations on this clause. We tabled an amendment with respect to this clause, but it is not being moved. The purpose of that amendment was to ensure that there should be a specified authority at the Centre upon whom is enjoined the task of co-ordinating the statistics which are supplied by the Provincial Governments. The whole of this Bill is based on the assumption that there is to be some co-ordinating machinery at the Centre, which can make

[Sir F. E. James.]

the best use of the statistics which are collected in the provinces. I should like to ask my Honourable friend, Dr. Gregory, who is now in the House, whether he can tell the House anything as to the progress which has been made in that respect after the recommendations of the Bowley-Robertson Report, which recommendations specifically refer to the machinery at the Centre for collecting statistics.

**Dr. T. E. Gregory:** Sir, I am afraid I cannot report any progress with regard to the co-ordination of provincial statistics. The general position is that the Office of the Director General of Commercial Intelligence and Statistics has been put under the Economic Adviser to the Government of India, and when the Provincial Governments are considering such matters as cost of living indices, and matters of that kind, they invariably refer to the Economic Adviser. But I am afraid that the question of what kind of machinery will be imposed appropriate to work under this particular Bill, we have not yet taken into consideration awaiting the passing of this Bill first.

**Sir F. E. James:** I take it, it will be taken up in due course.

**Dr. T. E. Gregory:** Undoubtedly.

**Sir F. E. James:** Otherwise, there is no reason in having this Bill.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** Since the question of sense was so freely referred to in the House, I may say that while the task of collecting statistics and the cost of that collection so far as provincial statistics are concerned will fall on the Provincial Governments, certainly the task of co-ordinating these statistics, being a task of the Central Government, the cost of that staff will fall on the Central Government. It is agreed that staff will be necessary for the purpose of co-ordinating statistics collected by Provincial Governments. Otherwise, there would be no justification in putting the Provincial Governments to the task of collecting these statistics if these statistics were to remain un-co-ordinated in the Central Government archives.

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

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

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

"That clause 5 stand part of the Bill."

**Mr. E. L. C. Gwilt:** Sir, I move:

"That to sub-clause (1) of clause 5 of the Bill the following proviso be added:

Provided that if such information or returns have already been furnished in such forms and with such particulars to another authority duly appointed by the Provincial Government such persons shall not be required to furnish such information or returns to the Statistics Authority, but shall inform him as to the authority to whom he has already furnished such information or returns."

Sir, by this amendment, we seek to avoid the duplication of what may well be weeks of work. For instance, information may be sought by the authority appointed under this Bill when it is put on the Statute-book identical to that which has already been rendered by the industry concerned under the Workmen's Compensation Act or the Factories Act or the Payment of Wages Act. The collection of precisely the same information will throw unnecessary burden on the shoulders of the industry. If, therefore, the information constituting statistics sought for under this Bill when it is passed into law is identical with the information already given by the industry under another Act, it need not be duplicated; but the authority appointed under the Act shall be informed as to the authority to whom the industry has already on a previous occasion furnished the information or returns that are required. Sir, I move:

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

That to sub-clause (1) of clause 5 of the Bill the following proviso be added:

Provided that if such information or returns have already been furnished in such forms and with such particulars to another authority duly appointed by the Provincial Government such persons shall not be required to furnish such information or returns to the Statistics Authority, but shall inform him as to the authority to whom he has already furnished such information or returns."

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar**: Sir,

I may at once say that I am in sympathy with the underlying purpose of this amendment but I am unable to accept it, for a simple reason. My Honourable friend said that if the precise information is conveyed already in some other return, the same information need not be asked for under this Statistics Act. The difficulty is to judge what that precise information is and whether the information already conveyed by some other return is precisely the same as that which is required under this Act. But I am prepared to go as far as this. The Central Government propose to send instructions and directions to Provincial Governments as to the nature of the statistics that will be required. We hope to prescribe certain forms in consultation with various authorities and those forms will be the forms which have to be filled up. We propose also to suggest that in those forms if the precise kind of information that we require has already been submitted by any of those factories under any other Act, permission may be given to the factory owner to say that this information has been submitted in such and such return. But to have a precise clause like this which will lead to endless disputes between factory owners and the Provincial Governments, as to whether the information required has already been submitted or not and in the precise form that is required under this Act, would lead to administrative difficulties and complications. For that reason and for that reason alone I am not in a position to accept this amendment, but I undertake to give those directions and to see that our forms provide for returns stating that the precise information has already been given under some other Act.

**Mr. E. L. O. Gwillt**: Sir, in view of the assurance given by the Honourable the Commerce Member, I beg leave of the House to withdraw the amendment.

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

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clauses 6 to 8 were added to the Bill.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That clause 9 stand part of the Bill."

**Maulvi Muhammad Abdul Ghani** (Tirhut Division: Muhammadan): Sir, I move:

"That in clause 9 of the Bill, the words 'with imprisonment for a term which may extend to six months, or' be omitted."

When this Bill was first introduced, there was no provision for the punishment of imprisonment, and the Select Committee have added it. In these days, I fail to see why imprisonment should be insisted on. We are not going to gain anything by imprisoning people. Ample punishment has been provided for offences under clause 9 of the Bill; provision has been made for a fine of one thousand rupees, which is too much, and it is in excess of what is provided in clause 8. I think, therefore, this amendment is necessary, and I hope the House will accept it.

Sir, I move.

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

"That in clause 9 of the Bill, the words 'with imprisonment for a term which may extend to six months, or' be omitted."

**Mr. N. M. Joshi**: Sir, I should like to support this amendment. This change proposed by the Select Committee prescribing imprisonment for the disclosure of certain information is not in accordance with the scheme of penalties on this Bill or several other measures of this kind. It is the business of the Government of India to speak on behalf of the employees; it is not for me. But as a student of this kind of legislation I see that the Government of India have not done justice in accepting the amendment. I have gone through the scheme of penalties in the factory legislation where the effect of the failure of an employer to comply with the provisions of the Factory Act, e.g., fencing his machinery, may cause death to several of his employees. But for a breach of a rule of that kind he is only given fine. The Government of India, however, seem to be anxious to protect the interests of the employers here to such an extent that they go out of their way to accept a punishment of six months' imprisonment, which is quite out of place in legislation of this kind. Sir, if the Government of India do not do justice to their employees, the House should do it.

**Mr. E. L. C. Gwillt**: Sir, while I appreciate the soft-heartedness of the two Honourable Members who have spoken on this amendment I consider that the penalties provided in the Bill are by no means too heavy. Incalculable harm may be done to an industry if information which comes into the hands of the authorities concerned is divulged.

**Mr. N. M. Joshi**: Why can't you change the Factories Act?



**Mr. E. L. C. Gwilt:** An industry may well be a national asset and, while I do not wish to exaggerate the issue, very great damage can be done by divulging information to interested parties which may well result in workers being thrown out of work and the loss of national income. Possibilities I would ask Mr. Joshi not to overlook. I maintain, therefore, that if any amendment is justified it would be in the direction of increasing the punishment and not lessening it. Sir, I oppose.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** Sir, this amendment was suggested by the Select Committee and I felt, in view of the fact that Government said that the costs of production in factories should be available to Government or the officers of the Statistical Department of the Provincial and Central Governments, that a revision of the punishment to be imposed on any official who divulges statistics was justified. I was not prepared to accept the amendment that the costs of production should be excluded from the collection of statistics, and consequently I felt that the interests concerned should be absolutely assured that that information which is very valuable from the point of view of rival industries should not be disclosed. And, therefore, it is that Government were prepared to accept the amendment that imprisonment also should form one of the kinds of punishment that may be imposed on an officer who divulges this particular information. I am not prepared to state now whether the punishments under the Factories Act are all justified or not, whether they should be increased or decreased. That will be taken into consideration when the Factories Act is revised. I do not know when the Factories Act was passed and the circumstances at that time. My Honourable friend, Mr. Joshi, may be justified in his suggestion that more serious punishment—a term of imprisonment or other kinds of punishment should be imposed; but that would hardly form a justification for not accepting an amendment which we feel is right and proper in this case.

**Mr. Lalchand Navalrai:** (Sind: Non-Muhammadian Rural): Sir, I must say that this punishment is too hard, and I see no reason why it should be so severe. In clause 8, no imprisonment is provided for, and the Select Committee have not given any tangible reasons to induce this House.

**The Honourable Mr. M. S. Aney:** Has the Honourable Member listened to the speech of the Commerce Member? He gave the reasons.

**Mr. Lalchand Navalrai:** That is no reason. They may be nervous and have provided for imprisonment without showing that the law will be used prejudicially to the industry. To provide for a sentence of six months' imprisonment is very hard and the House should not be a party to this.

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

"That in clause 9 of the Bill, the words 'with imprisonment for a term which may extend to six months, or' be omitted."

The motion was negatived.

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

"That clause 9 stand part of the Bill."

The motion was adopted.

Clause 9 was added to the Bill.

Clause 10 was added to the Bill.

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

"That clause 11 stand part of the Bill."

**Sir F. E. James**: Sir, I move:

"That in clause 11 of the Bill, after the words 'The Central Government may' the following be inserted:

'subject to the condition of previous publication by notification in the official gazette'."

Sir, this clause really is the meat of the Bill, because it must be admitted that unless this clause was here,—power of the Central Government to give directions to the Provincial Governments,—the Bill would have to be very much more detailed than it is at present. My Honourable friend, the Commerce Member, has already spoken of giving directions regarding forms which are to be filled in in connection with these statistics. Well, we non-officials have some experience of the forms which are devised by Government Departments dealing with industrial matters, and they are not always intelligible.

**Sir Henry Richardson** (Nominated Non-Official): Never.

**Sir F. E. James**: I will not say "never". Some of them are, but when they are intelligible, they have generally been devised on the advice of non-officials. Therefore, we thought that if the Central Government were obliged to publish those directions to the Provincial Governments—namely, the various items with detailed descriptions of the heads under which statistics are to be collected—if those were required to be published under the 'previous publication procedure' that would be safer. I am told by my Honourable friend, the Secretary of the Legislative Department, that this is highly inappropriate. Well, I accept the advice coming, as it does, from so competent a quarter. At the same time we should like to hear from the Honourable Member in charge of the Bill as to the procedure that he is likely to adopt in drawing up the directions which are to be sent to the Provincial Governments, and as to whether any opportunity will occur, at any time, for advice to be tendered to him by those who are likely to be the persons enjoined to fill in these forms and otherwise provide the statistics. Sir, I move.

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

"That in clause 11 of the Bill, after the words 'The Central Government may' the following be inserted:

'subject to the condition of previous publication by notification in the official gazette'."

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar**: Sir, my Honourable friend, Sir Frederick James, has already quoted the authority of one to whose knowledge and experience and advice I must bow in matters of this kind, that it will be highly inappropriate to provide for previous publication of the directions which the Central Government can give to Provincial Governments. My Honourable friend's experience must itself have shown to him that it would be grossly inappropriate on the part of the

Central Government to publish those directions for previous consultation. But in my opening speech I said that in prescribing these forms, or in suggesting what forms should be prescribed, the Central Government is anxious to take into consultation various persons and authorities. I referred in particular to those who are well-versed in the collection or the preparation of statistics and to the Indian Statistical Institute in particular. I may say that at the last meeting of the Consultative Committee of Economists. I said that their advice may be invaluable with reference to the kind of statistics that may have to be collected in this matter. I am equally anxious to get the advice of commercial bodies on this matter before the forms are prescribed finally. It is with reference to the forms that I understand my Honourable friends are most anxious and that advice I am prepared to take before the forms are finally settled by the Central Government, but with reference to the various kinds of directions which may have to be given, and those directions my Honourable friend will realize will not be merely in regard to forms, to the Provincial Governments I do not think that it will be proper for the Central Government to publish them beforehand.

**Sir F. E. James:** Sir, I beg leave of the House to withdraw the amendment.

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

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

"That clause 11 stand part of the Bill."

The motion was adopted.

Clause 11 was added to the Bill.

Clause 12 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** 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 Mr. M. S. Aney** (Leader of the House): Sir, as there is no work for Friday, the 27th of March, 1942, I request that the meeting for that day be cancelled.

**Mr. President** (The Honourable Sir Abdur Rahim): The meeting put down for Friday, the 27th of March, 1942, is cancelled and the House will adjourn till Tuesday, the 31st of March.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 31st of March, 1942.