

10th March 1939

THE
LEGISLATIVE ASSEMBLY DEBATES
(Official Report)

Volume II, 1939

(16th February to 13th March, 1939)

NINTH SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY,
1939



PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI.
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, SIMLA.

1939

9—10

Legislative Assembly.

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LEGISLATIVE ASSEMBLY.

Friday, 10th March, 1939.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

GRANT OF POLITICAL AND MUNICIPAL FRANCHISE TO INDIANS IN SOUTH AFRICA.

949. *Mr. Abdul Qaiyum (on behalf of Mr. S. Satyamurti): Will the Secretary for Education, Health and Lands be pleased to state whether the Government of India have taken up, or propose to take up early, with the Government of the Union of South Africa the grant of political and municipal franchise to the Indian residents in South Africa? If so, when, and, if not, why not?

Sir Girja Shankar Bajpai: The attention of the Honourable Member is invited to the reply given by me on the 15th August, 1938, to part (c) of his starred question No. 210 and to the supplementaries arising from Mr. Govind V. Deshmukh's starred question No. 882 on the 9th September, 1938. I have nothing to add to the information given by me then.

Mr. Abdul Qaiyum: What is the present position of Indian settlers as regards political and municipal franchise in the Union of South Africa?

Sir Girja Shankar Bajpai: So far as I know, both the political and the municipal franchise are exercised by Indians in the Cape Province, but in no other province.

Mr. Abdul Qaiyum: Has the Honourable Member any idea as to what percentage of the Indian population resides in the Cape Province?

Sir Girja Shankar Bajpai: I think it should be somewhere between 10 and 12 per cent.

PROPOSAL TO SETTLE THE JEWS IN KENYA HIGHLANDS.

950. *Mr. Abdul Qaiyum (on behalf of Mr. S. Satyamurti): Will the Secretary for Education, Health and Lands be pleased to state:

- (a) at what stage the proposal to settle the Jews in Kenya Highlands stands;
- (b) whether Government have heard anything further about the proposed Order-in-Council which will permanently and legally debar Indians from holding land in the Kenya Highlands; and

- (c) whether Government have pressed, or propose to press, on His Majesty's Government the need for respecting Indian opinion in this matter?

Sir Girja Shankar Bajpai: (a) The attention of the Honourable Member is invited to the reply given by me on the 8th February, 1939, to Mr. T. S. Avinashilingam Chettiar's starred question No. 188 (b) and (c). I have nothing to add to what I have stated in the course of the debate on the adjournment motion in this House on this subject on the 7th March, 1939.

Mr. Abdul Qaiyum: With reference to part (a) of the question, may I know if the Honourable Member can give us the figure of Jews who have recently settled down in that country?

Sir Girja Shankar Bajpai: I have given the information before. The arrangement is in an experimental stage at the moment. The idea is to settle 25 to begin with, and the maximum contemplated is 150.

RESOLUTION PASSED BY THE INDIAN LIBERAL FEDERATION ON THE POSITION OF INDIANS OVERSEAS.

951. ***Mr. Abdul Qaiyum** (on behalf of Mr. S. Satyamurti): Will the Secretary for Education, Health and Lands be pleased to state whether his attention has been drawn to the resolution passed at the Indian Liberal Federation, moved by Kunwar Sir Maharaj Singh, *ex-Agent-General* to the Government of India in South Africa on the position of Indians overseas and whether Government have taken any action thereon?

Sir Girja Shankar Bajpai: Government have seen a press report of the resolution referred to by the Honourable Member. I have nothing to add to what I have already stated in this House in reply to questions on the various subjects covered by this resolution.

COMPENSATION TO INDIANS FOR LOSSES IN THE BURMA RIOTS.

952. ***Mr. Abdul Qaiyum** (on behalf of Mr. S. Satyamurti): Will the Secretary for Education, Health and Lands be pleased to state:

- (a) whether the question of compensation to Indian victims of the recent riots in Burma has been settled, and, if not, when it is hoped to settle it; and
- (b) whether Government have taken steps to see that Indian interests in Burma are adequately protected?

Sir Girja Shankar Bajpai: (a) The attention of the Honourable Member is invited to the reply given by me on the 7th March, 1939, to supplementaries arising out of Mr. Abdul Qaiyum's starred question No. 800.

(b) The attention of the Honourable Member is invited to the reply given by me on the 8th February, 1939, to Mr. T. S. Avinashilingam Chettiar's starred question No. 191.

Mr. Abdul Qaiyum: May I know whether the Government of India have heard anything from the Government of Burma on this point, since the replies were given last?

Sir Girja Shankar Bajpai: I answered the question on the 9th March, and there has been no reply since.

Mr. Abdul Qaiyum: Have the Government of Burma accepted the principle of compensation for Indians who have suffered?

Sir Girja Shankar Bajpai: The Government of Burma have not yet given a definite reply to that.

DEVELOPMENT OF NEW DELHI.

953. *Mr. Abdul Qaiyum (on behalf of Mr. S. Satyamurti): Will the Honourable the Labour Member be pleased to state:

- (a) whether it is a fact that the New Delhi development committee appointed by the Government of India has issued a questionnaire to help in the stocktaking of New Delhi's development;
- (b) whether Government will place the questionnaire on the table of the House;
- (c) whether it is intended to provide housing accommodation for the employees of mercantile firms;
- (d) whether there is any proposal to make these employees contribute towards the provision of such accommodation;
- (e) whether there is any proposal to reserve the area within a mile of Connaught Place for the occupation of such people; and
- (f) whether in considering this problem Government are also considering the question of making Delhi a residential place for the twelve months of the year?

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

(b) A copy is laid on the table of the House.

(c) to (f). The Committee is not concerned with the provision or financing of housing accommodation but with the question of the reservation of blocks of land for various purposes. It will, no doubt, take into account, in that connection, all relevant considerations and possible future requirements, including those of the employees of mercantile firms and other non-official elements in the population of New Delhi. Proposals for the reservation of areas have not yet been formulated.

Questionnaire issued by the New Delhi Development Committee to the Chamber of Commerce, Companies, and members of the public.

Sir, the New Delhi Development Committee appointed by the resolution of the Government of India in the Department of Labour No. B-3, dated 25th July, 1938, (copy enclosed) would value your opinion on the following points:—
the opinion of your Chamber

- (1) The control of building in New Delhi has hitherto been maintained (a) by Government acting under agreements for lease and perpetual leases and (b) by the New Delhi Municipal Committee acting under by-laws. Is it considered that the control exercised has on the whole been satisfactory? Has it, for example, resulted in the maintenance of reasonably good aesthetic standards, and of conditions conducive to the health and comfort of residents? Are evasions frequent, and if so is it considered that they are likely to lead to deterioration of conditions? Have you
Have your Chamber
any general observations to make on this subject?

- (2) Is it considered that the areas at present allotted to offices, shops, and non-Government residences is adequate? If not what further area should be allotted to each category? In the event of planned extensions of New Delhi, is it considered that special provision should be made for (a) industry, (b) offices and (c) non-Government residences? If so details should kindly be given.

2. I am to request you kindly to send a reply to this letter by the 31st December, 1938.

I have, etc.

New Delhi Development Committee.

Mr. M. Asaf Ali: When was this questionnaire issued, and to whom?

The Honourable Sir Muhammad Zafrullah Khan: To whom it was issued I have answered on previous occasions. I do not know the date. I find that the replies were to be sent before the 31st December. It must have been issued before that.

REPORT OF MR. J. D. TYSON ON THE ECONOMIC CONDITION OF INDIANS IN THE BRITISH WEST INDIES.

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

- (a) whether Mr. J. D. Tyson has submitted any interim report regarding the condition of Indians in the West Indies generally and in Jamaica in particular;
- (b) whether the demands of the Indians in Jamaica for grant of land and money, has met with any success; if so, to what extent; and
- (c) whether Mr. Tyson's report will be published, and the probable date on which it is likely to be submitted?

Sir Girja Shankar Bajpai: (a) and (c). I would invite the attention of the Honourable Member to the reply given by me on the 7th March, 1939, to Mr. S. Satyamurti's starred question No. 795.

(b) So far as Government are aware, no decision has been taken by the Colonial Government in this matter.

Mr. Abdul Qaiyum: May I know if Government are in possession of the figure as to the number of Indians employed in the plantations?

Sir Girja Shankar Bajpai: I do not think that we have information about that.

RESULT OF THE DISCUSSION WITH THE OFFICIAL DELEGATION FROM MALAYA.

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

- (a) the result of the discussions with the official Malaya delegation;

- (b) whether the negotiations have broken down; if so, on what matters; and
- (c) whether he is prepared to supply full information regarding these talks?

Sir Girja Shankar Bajpai: (a) to (c). The attention of the Honourable Member is invited to the statement made by me in this House on the 16th February, 1939, in reply to his starred question No. 465.

PERSONS APPLYING FOR COMPENSATION FOR LOSSES IN THE BURMA RIOTS.

†956. ***Mr. T. S. Avinashilingam Chettiar:** Will the Secretary for Education, Health and Lands state:

- (a) how many persons have applied for compensation for losses suffered in the recent anti-Indian riots in Burma;
- (b) how many of them had secured compensation; and
- (c) what is the latest situation in Burma?

Sir Girja Shankar Bajpai: (a) and (b). Attention of the Honourable Member is invited to the reply given by me on the 13th February, 1939, to Mr. Akhil Chandra Datta's starred question No. 328 and the supplementaries thereto.

(c) The attention of the Honourable Member is invited to the replies given by me to supplementary questions to Mr. Abdul Qaiyum's starred question No. 801 on the 7th March, 1939.

MR. M. P. GANDHI'S SUGGESTION *re* COMPULSORY MIXING OF POWER ALCOHOL WITH PETROL, ETC., AND LICENSING OF SUGAR FACTORIES.

†957. ***Seth Haji Sir Abdoola Haroon:** Will the Secretary for Education, Health and Lands be pleased to state:

- (a) whether the attention of Government has been drawn to the Indian Sugar Industry 1938 Annual, by Mr. M. P. Gandhi, where he has pointed out the possibility of the United Provinces and Bihar supplying power alcohol as fuel to other areas in the interior of the country like the Punjab, North-West Frontier Province, Rajputana, Central India, Northern Central Provinces, portions in Bengal and adjacent parts of Bihar, at competitive rates under the present conditions without any difficulty, if the requisite legislation for compulsory admixture of power alcohol with petrol is passed (*vide* page 117 of the Annual);
- (b) whether attention of Government has also been drawn to the fact, as is observed in Mr. M. P. Gandhi's Indian Sugar Industry 1938 Annual, that after the separation of Burma from India, it is desirable for India to develop an alternative source of motor fuel inside the country to ensure supplies of petroleum in the event of there being difficulties about the sea blockade or other reasons in bringing petrol from Burma or other countries from where imports have been steadily increasing; if so, what action Government propose to take in this respect;

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

- (c) whether the attention of Government has been drawn to the necessity of setting up an All-India Licensing Authority for granting licences to sugar factories, before they undertake manufacture of sugar in order to regulate the production and to eliminate the possibility of over production of sugar; and
- (d) whether the Governments of the United Provinces and Bihar which have introduced licencing of sugar factories approached the Government of India for taking such action on an All-India basis in the interests of the preservation of the industry?

Sir Girja Shankar Bajpai: (a) Yes.

(b) Yes; the attention of the Honourable Member is invited to the reply given by the Honourable the Finance Member to Sardar Mangal Singh's starred question No. 140 on the 6th February, 1939.

(c) There is no such proposal before the Government of India at present.

(d) No.

PROPOSAL TO SET UP A CENTRAL SUGAR CONTROL BOARD FOR THE SUGAR INDUSTRY.

†958. ***Seth Haji Sir Abdoola Haroon:** Will the Secretary for Education, Health and Lands be pleased to state when the Government of India propose to set up a Central Sugar Control Board for the sugar industry, and whether this Board will attempt to regulate the production, to consider the question of issuing licences to sugar factories, and fix quotas for the various sugar factories all over India?

Sir Girja Shankar Bajpai: There is no such proposal before the Government of India.

PERSONNEL AND ACTIVITIES, ETC., OF THE BOTANICAL SURVEY OF INDIA.

†959. ***Mr. C. N. Muthuranga Mudaliar:** Will the Secretary for Education, Health and Lands be pleased to state:

- (a) when the Botanical Survey of India was brought into existence and for what purpose;
- (b) what the strength of the Botanical Survey of India was to start with, both in men and in money and what was the scope of its work;
- (c) whether any change was effected in the personnel of the Survey and, if so, why, when and how;
- (d) where are the collections supposed to have been collected by the Botanical Survey of India deposited;
- (e) whether these collections were ever utilised by the staff of the Survey and any publications issued upon these collections after 1904 up to date, and
- (f) how the Board of Science and Agriculture formed in 1902 has influenced the activities of the Survey?

Sir Girja Shankar Bajpai: (a) and (b). The Botanical Survey of India was constituted in 1890 for the purpose of exploring the vegetable resources of the Indian Empire and for co-ordinating the botanical work that was

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

being carried out by certain Provincial Governments and scientific associations in India. The superior staff consisted of the Director, Botanical Survey of India, who was also Superintendent, Royal Botanic Gardens, Sibpur, and the Director, Botanical Department of Northern India. The expenditure from central revenues amounted to about Rs. 20,000 per annum. In addition, certain Provincial Governments made grants aggregating Rs. 1,600 for the exploration of their respective regions.

(c) In 1903 the post of Director, Botanical Department of Northern India, was abolished in consequence of the transfer to the Government of the United Provinces of the herbarium at Saharanpur and the appointment of an Economic Botanist in that province. In 1910, two Assistants for systematic botanical work were appointed mainly to assist in the work of the herbarium of the Royal Botanic Gardens, Sibpur. In 1912, the Department of Economic Products was amalgamated with the Botanical Survey of India in order to provide direct connection between the economic and scientific sides of the Survey. In 1932, one of the two posts of Systematic Assistant was abolished as a measure of retrenchment.

(d) The collections are housed partly in the herbarium of the Royal Botanic Gardens, Sibpur, and partly in the Industrial Section of the Indian Museum, Calcutta.

(e) Yes.

(f) I am not aware of the proceedings of any Board of Science and Agriculture in 1902.

**PREPARATION OF A MANUAL OF CULTIVATED PLANTS OF INDIA BY THE
BOTANICAL SURVEY OF INDIA.**

†960. ***Mr. C. N. Muthuranga Mudaliar:** Will the Secretary for Education, Health and Lands please state:

(a) whether it was a fact that the Board of Science and Agriculture, on the advice of the Royal Asiatic Society, London, advised the preparation of a manual of cultivated plants of India by the Botanical Survey of India and, if so, whether any action was taken by the Director of the Botanical Survey of India;

(b) whether and if so, to what extent, the activities of the Survey were affected by the increase of the staff and by the stabilization of the finances for its working in 1910; and

(c) what is the total period that the trained science staff has spent in the field for the last 26 years?

Sir Girja Shankar Bajpai: (a) Such advice was given by the Board of Scientific Advice, but the preparation of the Manual could not be undertaken owing to paucity of staff.

(b) The Assistants have been employed mainly on the classification and identification of specimens and in answering enquiries.

(c) About a year in the aggregate.

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

DUTIES AND QUALIFICATIONS, ETC., OF THE DIRECTOR OF THE BOTANICAL SURVEY OF INDIA.

†961. *Mr. C. N. Muthuranga Mudaliar: Will the Secretary for Education, Health and Lands be pleased to state:

- (a) when and why the Department of the Reporter on Economic Products was merged with that of the Botanical Survey of India and how the amalgamation affected the activities of the Survey;
- (b) whether it is a fact that the Director of the Botanical Survey of India has several duties to attend to, but that he was at one time only a part-time officer of the Survey;
- (c) what are his duties and to whom all he is subordinate;
- (d) what are the qualifications of the present Director of the Botanical Survey of India and for how long he has been in charge of this post;
- (e) what are his duties as Director of the Botanical Survey of India, and how many departments he has under his charge; and
- (f) what are his scientific publications?

Sir Girja Shankar Bajpai: (a) The attention of the Honourable Member is invited to the reply just given to part (c) of his question No. 959.

(b), (c) and (e). The post of Director, Botanical Survey of India, has always been held *ex-officio* by the Superintendent of the Royal Botanic Gardens, Sibpur. He is subordinate in the former capacity to the Government of India and in the latter to the Government of Bengal. A statement showing the duties performed by him on behalf of the Government of India is placed on the table.

(d) There is no Director at present.

(f) A list of the publications of the last Director is placed on the table.

Statement showing the duties performed by the Director, Botanical Survey of India on behalf of the Government of India.

The main duty of the Director of Botanical Survey of India has been to hold charge of the quinine stocks of the Government of India and to advise them in regard to quinine supplies in India; in addition he has been responsible for—

- (a) The care and improvement of the Public Gallery of the Industrial Section of the Indian Museum, Calcutta, which is mainly an exhibition of economic plants and their products.
- (b) The collection, record and supply of information regarding all such economic plants and their products as do not specially belong to Agriculture and Forestry.
- (c) Purely scientific work mostly concerned with systematic botany and the supply of information in connection therewith.

Statement showing the scientific publications of Mr. C. C. Calder, Director, Botanical Survey of India.

1. Records of the Botanical Survey of India, Volume VI, No. 8.

“The species of *Oxalis* now wild in India”.

A New Indian *Vernonia* by C. C. Calder (1918).

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

2. Records of the Botanical Survey of India, Volume XI, No. I (i) List of Species and Genera of Indian Phanerogams not included in Sir J. D. Hooker's Flora of British India by C. C. Calder, V. Narayanaswami and M. S. Ramaswami (1926).

3. "Sketch of Vegetation of India" by C. C. Calder in Silver Jubilee Volume of the Indian Science Congress, 1938.

4. Hand-Book of Common Water Marsh Plants of India and Burma, 1936, by K. Biswas and C. C. Calder, published in Health Bulletin No. 24, Malaria Bureau No. 11.

AMOUNT SPENT ON CINCHONA PLANTATION.

†962. ***Mr. C. N. Muthuranga Mudaliar:** Will the Secretary for Education, Health and Lands please state the total amount spent on the cinchona plantation, Burma, from its inception in 1919 up to date?

(b) What is the outturn of bark fit for manufacture of quinine?

Sir Girja Shankar Bajpai: (a) Approximately Rs. 21 lakhs till the 31st March, 1937, when the plantation was transferred to the Government of Burma on the separation of that country.

(b) Approximately 996,000 lbs. of cinchona bark were harvested up to the 31st March, 1937.

AMALGAMATION OF THE ECONOMIC PRODUCTS DEPARTMENT WITH THE BOTANICAL SURVEY OF INDIA.

†963. ***Mr. C. N. Muthuranga Mudaliar:** Will the Secretary for Education, Health and Lands please state:

- (a) when the Department of the Reporter on Economic Products to the Government of India was amalgamated with that of the Botanical Survey of India and for what purpose;
- (b) whether the object of amalgamation has been fulfilled and, if so, to what extent;
- (c) what were the sections comprising this Department prior to transfer, and what are the sections after its transfer;
- (d) whether the collections of botanical specimens made by the Survey from the date of its creation to the date of amalgamation were transferred to the Economic Herbarium to be useful in economic enquiries and in finding newer economic plants;
- (e) whether the activities of the Survey have ever been directed to the improvement of the economic Survey of India; and
- (f) whether Government will be pleased to place on the table of this House a copy of the 'British Museum Committee's Report' on their findings regarding the Industrial Section of the Indian Museum?

Sir Girja Shankar Bajpai: (a) The attention of the Honourable Member is invited to the reply I just now gave to part (c) of his question No. 959.

(b) Yes.

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

(c) The Department of Economic Products originally comprised Economic, Art and Ethnology Sections. Only the Economic Section was amalgamated with the Botanical Survey of India and that Section is still in existence.

(d) The attention of the Honourable Member is invited to the reply just now given by me to part (d) of his question No. 959.

(e) Yes.

(f) I know of no British Museum Committee's Report.

RATE WAR BETWEEN SHIPPING COMPANIES CARRYING HAJ PILGRIMS.

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

- (a) whether during the last Haj season the rate was brought down by the Moghul line from Rs. 172 to Rs. 70, inclusive of food;
- (b) whether this lowering of rate was only operative so long as there was a ship of the Scindia Company in port;
- (c) whether soon after its departure the rate was again raised to Rs. 150;
- (d) whether the above took place after the termination of the minimum rate agreement on the 1st December, 1938; and
- (e) the steps proposed by Government to deal with this situation?

The Honourable Sir Muhammad Zafrullah Khan: (a) to (e). The attention of the Honourable Member is invited to the answers given by me to question No. 213 and its supplementaries on the 8th February.

†965*.

NON-APPOINTMENT OF MEDICAL OFFICERS OF HEALTH IN AJMER-MERWARA.

‡966. *Raj Bahadur Seth Bhagchand Soni: (a) Will the Secretary for Education, Health and Lands be pleased to state whether it is a fact that as recommended by the Central Advisory Board of Health, Provincial Governments have a cadre of Government Medical Officers of Health in their respective Provinces?

(b) Will the Honourable Member state if the Central Government have appointed any Government Medical Officers of Health for Delhi, New Delhi and Ajmer Municipality and Delhi and Ajmer Provinces?

(c) Will Government state the reasons for not appointing Government Medical Officers of Health in the district of Ajmer-Merwara?

Sir Girja Shankar Bajpal: (a) There are Provincial Public Health Services in some Provinces.

(b) The Chief Health Officer for Delhi Province acts as Medical Officer of Health for the New Delhi Municipality. The Delhi and Ajmer Municipalities have their own Health Officers. There is no Health Officer for the rural areas of Ajmer-Merwara.

†This question was postponed to be answered on the 21st March, 1939.

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

(c) The normal practice is that Government contribute half the cost of the pay of the Health Officers employed by local bodies. Enquiry has been made to ascertain whether the District Board, Ajmer-Merwara, is prepared to bear its share of the expense involved.

IMPORT AND PRODUCTION OF ELECTRIC BULBS.

†967. *Mr. Mohan Lal Saksena: Will the Honourable Member for Commerce be pleased to state:

- (a) the total value of electric lamps (bulbs) annually imported into India during the last three years;
- (b) the total value of electric bulbs produced in India;
- (c) the names of electric lamp factories in India, with their respective capacity;
- (d) the amount of customs duty received during the last three years from electric lamps;
- (e) the names of countries and the total value of electric lamps imported from these countries, respectively, during the last three years;
- (f) whether Government have considered the question of giving encouragement to the bulb industry in India, if so, what steps, if any, have been taken in that direction; and
- (g) whether Government have considered the advisability of increasing the customs duty to help the local industry as well as abolishing customs duty on raw materials like tung-stone and molybdenum glass bulbs and other materials required for the manufacture of electric bulbs?

The Honourable Sir Muhammad Zafrullah Khan: (a), (d) and (e). I would refer the Honourable Member to the Sea-borne Trade Returns, copies of which are in the Library.

(b) and (c). I lay on the table a statement giving the names of electric lamp factories in India. Information regarding their capacity and the value of electric bulbs produced by them is being collected and will be placed on the table of the House when available.

(f) and (g). Imported electric lighting bulbs are already subject to high revenue duties, namely, 50 per cent. (standard) and 40 per cent. (preferential). The question of the abolition of import duties leviable on materials required by the industry will be considered along with similar requests from other industries as and when financial conditions permit.

Statement giving the names of electric lamp factories in India.

1. Messrs. Bengal Electric Lamp Works, Limited, Calcutta.
2. Messrs. Philips Electrical Company (India), Limited. Calcutta.
3. Messrs. Bharat Electric Bulb Works, Limited, Calcutta.
4. Messrs. Mandalassa Glass Institute, Howrah. (Not functioning at present).
5. Messrs. Bijlee Products (India) Limited, Bombay.
6. Messrs. Hindustan Electric Lamp Works, Limited, Agra.
7. Messrs. Mysore Lamp Works Limited, Bangalore.
8. Messrs. Indian Electric Lamp Manufacturing Company Limited, Calcutta.

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

REPRESENTATION re INEQUITABLE TREATMENT OF MUSLIMS IN THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

†**968. *Mr. M. Ghiasuddin:** (a) Will the Secretary for Education, Health and Lands please state if it is a fact that the All-India Muslim Rights Protection Board, Lahore, submitted a representation to Government regarding inequitable treatment to Muslim employees in the Department of Education, Health and Lands?

(b) Did Government send any reply to the representation? If so, will they please place a copy of it on the table of the House?

Sir Girja Shankar Bajpai: (a) and (b). A representation was submitted to His Excellency the Viceroy and Governor General. A copy of the reply sent to the Board is placed on the table of the House.

D. O. No. 902-G. G. (C.).

(*Bhikna Thoree*), 8th/9th December, 1938.

Dear Sir,

I am desired to refer to your letter No. 293, dated the 3rd November, 1938, on the subject of communal representation in the Department of Education, Health and Lands.

2. Both the general allegations in the letter itself and the particular cases referred to in its enclosures have now been examined in detail and His Excellency is satisfied that they are based upon inaccurate or inadequate information. In certain cases both facts and figures are incorrect. In others they are either incomplete or have been misinterpreted. His Excellency, therefore, regrets that he is unable to accept the Board's suggestion that the position warrants an enquiry by a Special Officer.

3. I am to add that His Excellency has no reason to suppose that the rules regarding the communal composition of Government services are not being observed in the Department of Education, Health and Lands.

Yours faithfully,

(Sd.) J. G. LAITHWAITE.

Khan Bahadur Haji Rahim Bakhsh,

President,
Muslim Rights Protection Board, Punjab,
Lahore.

SUPERINTENDENT OF ARCHÆOLOGY, LAHORE CIRCLE.

†**969. *Mr. Muhammad Nauman:** (a) Will the Secretary for Education, Health and Lands please state who the permanent Superintendent of Archæology in charge of the Lahore circle is?

(b) When was he appointed in this circle?

(c) Increments of how many employees in the Archæological Circle did he stop? How many of them were Muslims and how many Hindus?

(d) How many employees including menials did he dismiss or discharge and how many of them were Muslims?

(e) How many temporary and permanent appointments were made by him, and how many of them were Muslims and how many Hindus?

Sir Girja Shankar Bajpai: (a) Mr. H. L. Shrivastava.

(b) On the 7th January, 1937.

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

(c) Two; one was a Muslim and the other a Hindu.

(d) None were dismissed. Eleven were discharged, of whom four were Muslims.

(e) One Muslim, two Hindus and two Sikhs were appointed to permanent posts and six Muslims and seventeen Hindus to temporary posts.

SUPERSESIONS OF MUSLIMS IN THE ARCHÆOLOGICAL DEPARTMENT.

970. *Mr. H. A. Sathar H. Essak Sait (on behalf of Mr. H. M. Abdullah): Will the Education Secretary please state how many supersessions of Muslim employees occurred during the office tenure of the present Director General of Archæology, and how many of them occurred prior to his appointment during the corresponding period?

Sir Girja Shankar Bajpai: Complete information regarding supersessions during the office tenure of the present Director General of Archæology is not available, but is being obtained and will be communicated to the House in due course. Particulars of supersessions during the period prior to his appointment will be obtained if the particular period for which information is required is stated by the Honourable Member.

Dr. Sir Ziauddin Ahmad: The Honourable Member said that he would lay on the table all the cases of supersessions and the reasons for them. May I know whether all these cases were examined by him or the Member in charge?

Sir Girja Shankar Bajpai: That would depend on the nature of the case. If a supersession has been brought to the notice of the Governor General in Council, then I would have an opportunity of examining it, but this question covers the Archæological Department throughout India. It may be that in many cases no representation has been made to the Governor General at all.

Dr. Sir Ziauddin Ahmad: I wanted to know whether in all cases of supersession some higher authority would examine the cases, besides the Director General.

Sir Girja Shankar Bajpai: I have already said that complete information regarding supersessions is not available, and I cannot answer my friend's question until I have the information.

STOPPAGE OF INCREMENTS OF MUSLIMS IN THE ARCHÆOLOGICAL DEPARTMENT.

971. *Mr. H. A. Sathar H. Essak Sait (on behalf of Mr. H. M. Abdullah): (a) Will the Education Secretary please state how many cases of stoppage of increments of Muslim employees in the Archæological Department have occurred during the office tenure of the present Director General, and how many of them occurred prior to his appointment during the corresponding period?

(b) Have increments of any Hindu members of the staff in the Archæological Department been stopped during the tenure of the present Director General? If so, of how many?

(c) Have any supersessions of Hindus by Muslims been sanctioned in that Department during this time? If so, of how many?

Sir Girja Shankar Bajpai: (a), (b) and (c). Complete information regarding the stoppage of increments of and supersessions of members of the staff of the Archæological Department during the office tenure of the present Director General of Archæology in India is not available but will be communicated to the House when it has been obtained. Particulars of stoppage of increments during the period prior to his appointment will be obtained if the particular period for which information is required is stated.

Dr. Sir Ziauddin Ahmad: I should like to have information for ten years from 1925.

Sir Girja Shankar Bajpai: I will endeavour to obtain it.

PROPOSAL TO ACQUIRE LAND NEAR OKHLA IN DELHI.

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

- (a) whether the acquisition of land near Okhla on an extensive scale is contemplated; if so, where, the quantity, and the purpose thereof;
- (b) whether Government have received any representation regarding the same from the villagers who would be affected;
- (c) whether the people of fifty villages met recently and protested against the intended acquisition;
- (d) whether the intention is to acquire 600 feet land along the roadside for convenience of traffic; if so, what those conveniences are;
- (e) the maximum width of the ribbon for roads in Delhi Province and where; and the average in the Provinces;
- (f) whether the attention of Government has been drawn to the proceedings of the Fifth Indian Road Congress in Calcutta in February, 1939, and particularly to the advice of Mr. Trollip in the paper read by him on "Ribbon Development" wherein he does not advise acquisition but only legislation to control ribbon area, the maximum of which is put at 220 feet; and
- (g) the final decision of Government in this matter?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (d). No. The question of controlling ribbon development is, however, under consideration by the New Delhi Development Committee.

(b) No; but the Chief Commissioner has received a representation.

(c) I understand that the matter was discussed at a meeting of villagers.

(e) If by the expression "width of the ribbon" the Honourable Member refers to road widths, I may say that these vary considerably. The standard width of new roads in the Delhi Province is 80 feet; arterial roads are considerably wider. I have no information regarding the average width of roads in other provinces.

(f) Government have not yet received the proceedings of the 5th Indian Roads Congress, but have seen the paper read by Mr. Trollip on "Ribbon Development".

(g) The matter has not yet come before Government for a decision.

Mr. Brojendra Narayan Chaudhury: Have Government inquired how is it that, in spite of there being no proposal to acquire the land, the villagers got frightened and sent a memorial?

The Honourable Sir Muhammad Zafrullah Khan: Government have not so inquired.

Mr. Manu Subedar: May I know whether there is adequate provision for giving adequate compensation to the villagers in the event of their lands being acquired?

The Honourable Sir Muhammad Zafrullah Khan: Surely, the Honourable Member cannot be ignorant of the provisions of the Land Acquisition Act.

Mr. Manu Subedar: I am well aware of that. In view of the fact that compensation on an adequate scale would be paid, may I know what other reasons there were, if any, which induced the villagers to get frightened?

The Honourable Sir Muhammad Zafrullah Khan: But I am not aware that any villager has been frightened. I have not admitted that any villager has been frightened. All these questions are purely hypothetical.

MANIPURI MUSLIMS KILLED AND WOUNDED, ETC., IN THE BURMA RIOTS.

973. ***Mr. Brojendra Narayan Chaudhury:** Will the Secretary for Education, Health and Lands please state the number of "Manipuri Muhammadans", who (i) have been killed, (ii) seriously wounded or (iii) whose property has been destroyed in the recent anti-Indian riots in Burma and in how many cases compensation has been claimed?

Sir Girja Shankar Bajpai: I regret that separate figures in respect of "Manipuri Muhammadans" are not available. The general question of compensation has already been explained by me in answers to previous questions asked during this Session.

COST BORNE BY THE STATE FOR DESPATCH OF TROOPS TO INDIAN STATES.

974. ***Mr. Mohan Lal Saksena:** Will the Honourable the Leader of the House be pleased to state what portion of the cost, if any, is borne by the State for the despatch to and maintenance of troops in States?

The Honourable Sir Nripendra Sircar: Under section 286 (1) of the Government of India Act, 1935, only the net additional expenses, if any, incurred in connection with the employment of forces in Indian States shall be deemed to be expenses of His Majesty incurred in discharging the functions of the Crown in its relations with Indian States and charged to the Crown Representative's budget. The further question whether all or any portion of such expenditure should be recovered from States is a matter entirely between the Crown Representative and the States.

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

SETTING UP OF A CO-ORDINATING BOARD FOR UNIFORM LABOUR LEGISLATION IN PROVINCES.

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

- (a) whether it is intended, or any steps have been taken, to set up a Co-ordinating Board for uniform labour legislation in all Provinces;
- (b) whether the effects on industries of different labour laws for different areas have been considered by Government; and
- (c) whether Government have received any representation from Provincial Governments or any other parts; if so, which, and whether for or against the Co-ordinating Board?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). I would invite the attention of the Honourable Member to the replies given to Mr. Manu Subedar's starred question No. 330 on the 13th February, 1939.

(c) Yes, from the Government of the Central Provinces and Berar, and the Associated Chambers of Commerce of India, both of whom are in favour of the establishment of some machinery for ensuring uniformity in labour legislation throughout India.

Mr. Manu Subedar: May I inquire whether Government have already examined the question and find some difficulties,—or is the question under examination?

The Honourable Sir Muhammad Zafrullah Khan: May I invite the Honourable Member's attention to the supplementaries put on the last occasion and the reply that the whole matter was under consideration?

ESCORT FOR CARRIAGE OF GOVERNMENT MONEY IN DEPARTMENTS UNDER THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

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

- (a) whether there is any rule or general instruction requiring armed escort for the carriage or custody of Government money of a specified limit or not, and whether the rule is observed in departments under his charge; and
- (b) the specified limit of the amount, if any?

Sir Girja Shankar Bajpai: (a) I am not aware of any such rules.

(b) Does not arise.

PREVENTION OF PLEDGING OF LABOUR OF CHILDREN ACT.

†977. ***Shrimati K. Radha Bai Subbarayan:** Will the Honourable Member for Labour be pleased to state:

- (a) how long the Act for the Prevention of Pledging of Labour of Children has been in force in the Provinces, and if any of the Provincial Governments have taken action under the provisions of this Act during the last three years ending 31st March, 1938;

- (b) whether the Government of India have issued any reports on the working of this Act since it was passed, and if not, why not; and
- (c) whether the pledging of labour of children exists in the centrally administered areas, and what steps Government take to prevent it?

The Honourable Sir Muhammad Zafrullah Khan: (a) Over five years. Government have no information.

(b) No. I would refer the Honourable Member to the answers given to Mr. N. M. Joshi's question No. 641 on the 24th September, 1935, and the supplementary questions in that connection.

(c) Possibly, but Government are taking steps which they trust will result in greater enforcement of the Act.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 1580 asked by Shaikh Rafiuddin Ahmad Siddique on the 29th November, 1938.

DISCHARGE AND HARASSMENT OF MUSLIMS BY THE SUPERINTENDENT, WATCH AND WARD, EASTERN BENGAL RAILWAY.

(a) Allegations of this nature have been made.

(b) From enquiries made, it would appear that the Superintendent, Watch and Ward, Eastern Bengal Railway, had reason to believe that certain Muslim employees were identifying themselves with agitation subversive of discipline and provocative of communal discord. He, therefore, warned them, but this was in no way connected with the question of these employees having either joined or contemplated joining any society or other Association, as is alleged in the memorandum referred to.

Information promised in reply to starred question No. 1872 asked by Mr. Brojendra Narayan Chaudhury on the 7th December, 1938.

OUTLETS FOR DRAINAGE OF FLOOD WATER BETWEEN DADASHI AND PACHOORIA STATIONS ON THE EASTERN BENGAL RAILWAY.

(a) There are five outlets through the railway embankment in question, of which three are of the type mentioned by the Honourable Member, and two are pipe drains.

(b) Changes occur periodically in the course of the river and are usual and expected, but these changes do not affect the efficiency of the openings which drain water from the other side of the line.

(c) Observation has shown that, whereas in flood times, as much as 5 ft. depth of water may accumulate on one side of the embankment, the corresponding level on the other side is only a few inches less.

(d) and (e). No.

(f) The evidence of the Railway records shows that the existing waterways are adequate and further expenditure is not justified.

Information promised in reply to a supplementary question to starred question No. 2044 asked by Mr. T. S. Avinashilingam Chettiar on the 12th December, 1938.

ABOLITION OF FIRST CLASS COMPARTMENTS ON RAILWAYS.

Railway.	Sections on which first class accommodation has been abolished.
Assam Bengal	On the Chittagong-Dohazari Branch 4 Up and 4 Down trains run daily without 1st class accommodation.
Bengal and North-Western	Nil.
Bengal Nagpur	Nil.
Bombay, Baroda and Central India.	<p>(i) On the Broad Gauge system first class accommodation has been abolished on Tapti Valley Railway on trains Nos. 23 Down and 24 Up, running between Surat and Amalner (through to and from Bhusaval).</p> <p>(ii) On the Metre Gauge system first class accommodation has been abolished on the following trains :—</p> <p>1. Farukhnagar Branch . 136 Down, 135 Up. 110 Down, 109 Up.</p> <p>2. Fazilka Branch between Kotkapura and Muktesar . 161 Up, 162 Down. 113 Up, 114 Down.</p>
Eastern Bengal	Nil.
East Indian	<p>1. Sections where rakes with no first class are running :—</p> <p>1. Tinpahar-Rajmahal Branch. 2. Bhagalpur-Mandar Hill Branch. 3. Ondal-Gourangdi Branch. 4. Dhanbad-Katrasgarh-Phularitand Section. 5. Dhanbad-Jherria-Lodna-Pathardihi Branch. 6. Dildarnagar-Tarighat Branch. 7. Akbarpur-Tanda Branch. 8. Barabanki-Bahramghat Branch. 9. Ahmedpur-Madhoganj-Balmainu Section of Cawnpore Balamau Branch. 10. Balamau-Sitapur Branch. 11. Shahjahanpur-Sitapur Branch. 12. Najibabad-Kotdwara Branch. 13. Hardwar-Rikhikesh Branch.</p> <p>2. Sections where rakes with lower class carriages only are running :—</p> <p>1. 1 and 2 KG Kiul-Gaya Branch. 2. 1 and 2 BK Khurja-Bulandshahr Section of Khurja Bulandshahr-Hapur Meerut Branch. 3. Dhanbad-Burmo. 4. Dhanbad-Pathardihi.</p>
Great Indian Peninsula	First class accommodation has been abolished on Bhusaval-Amalner-Surat through service trains Nos. 302/301 and 304/303 (with effect from 1st January 1939).

Railway.	Sections on which first class accommodation has been abolished.																																		
Madras and Southern Mah-ratta.	<p>First class accommodation has been abolished in trains running on the following Branch lines :—</p> <p><i>Broad Gauge</i>— Guntur-Tenali-Repalli. Samalkot-Cocanada. Nidadavolu-Narsapur. Wallajah Road-Renipet. Bowringpet-Marikuppam.</p> <p><i>Metre Gauge</i>— Gudivada-Bhimavaram. Hospet-Kottur. Sangli-Miraj-Kolhapur (excluding Trains Nos. 15 and 16). Gadag-Sholapur (excluding Trains Nos. 61, 62, 63, 64 and 32). Dharmavaram-Pakala. Katpadi-Pakala-Renigunta Gudur (excepting Trains Nos. 81 and 82).</p>																																		
North Western	<p>Branch lines on which Upper class accommodation is not provided (i.e., 1st and 2nd).</p> <table border="0"> <thead> <tr> <th data-bbox="525 661 612 683">Sections.</th> <th data-bbox="798 661 896 683">Train Nos.</th> </tr> </thead> <tbody> <tr> <td>Sialkot-Wazirabad</td> <td>294 Down and 293 Up.</td> </tr> <tr> <td>Chakamru-Lahore</td> <td>314 Down and 313 Up.</td> </tr> <tr> <td>Narowal-Sialkot</td> <td>298 Down and 297 Up.</td> </tr> <tr> <td>Amritsar-Narowal</td> <td>302 Down and 301 Up.</td> </tr> <tr> <td>Batala-Qadian</td> <td>328 Down and 327 Up.</td> </tr> <tr> <td>Baijnath Paprola and Pathankot</td> <td>332 Down and 331 Up.</td> </tr> <tr> <td>Amritsar-Taran Taran</td> <td>30 Down and 29 Up. 32 Down and 31 Up.</td> </tr> <tr> <td>Jullundur City-Jajion Doaba</td> <td>460 Down and 459 Up. 396 Down and 395 Up.</td> </tr> <tr> <td>Jullundur City-Nawan Shahr Doaba</td> <td>270 Down and 269 Up.</td> </tr> <tr> <td>Jullundur City-Hoshiarpur</td> <td>390 Down and 389 Up.</td> </tr> <tr> <td>Jullundur City-Lohian Khas</td> <td>354 Down and 353 Up. 276 Down and 275 Up.</td> </tr> <tr> <td>Jullundur City-Mukarian</td> <td>204 Down and 203 Up. 406 Down and 405 Up. 430 Down and 429 Up.</td> </tr> <tr> <td>Ludhiana-Dhuri</td> <td>308 Down and 307 Up.</td> </tr> <tr> <td>Ludhiana-Lohian Khas</td> <td>416 Down and 415 Up.</td> </tr> <tr> <td>Quetta-Harnai</td> <td>470 Down and 469 Up. 468 Down and 467 Up.</td> </tr> <tr> <td>Samasatta-Multan Cantt.</td> <td>286 Down and 285 Up.</td> </tr> </tbody> </table>	Sections.	Train Nos.	Sialkot-Wazirabad	294 Down and 293 Up.	Chakamru-Lahore	314 Down and 313 Up.	Narowal-Sialkot	298 Down and 297 Up.	Amritsar-Narowal	302 Down and 301 Up.	Batala-Qadian	328 Down and 327 Up.	Baijnath Paprola and Pathankot	332 Down and 331 Up.	Amritsar-Taran Taran	30 Down and 29 Up. 32 Down and 31 Up.	Jullundur City-Jajion Doaba	460 Down and 459 Up. 396 Down and 395 Up.	Jullundur City-Nawan Shahr Doaba	270 Down and 269 Up.	Jullundur City-Hoshiarpur	390 Down and 389 Up.	Jullundur City-Lohian Khas	354 Down and 353 Up. 276 Down and 275 Up.	Jullundur City-Mukarian	204 Down and 203 Up. 406 Down and 405 Up. 430 Down and 429 Up.	Ludhiana-Dhuri	308 Down and 307 Up.	Ludhiana-Lohian Khas	416 Down and 415 Up.	Quetta-Harnai	470 Down and 469 Up. 468 Down and 467 Up.	Samasatta-Multan Cantt.	286 Down and 285 Up.
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Amritsar-Taran Taran	30 Down and 29 Up. 32 Down and 31 Up.																																		
Jullundur City-Jajion Doaba	460 Down and 459 Up. 396 Down and 395 Up.																																		
Jullundur City-Nawan Shahr Doaba	270 Down and 269 Up.																																		
Jullundur City-Hoshiarpur	390 Down and 389 Up.																																		
Jullundur City-Lohian Khas	354 Down and 353 Up. 276 Down and 275 Up.																																		
Jullundur City-Mukarian	204 Down and 203 Up. 406 Down and 405 Up. 430 Down and 429 Up.																																		
Ludhiana-Dhuri	308 Down and 307 Up.																																		
Ludhiana-Lohian Khas	416 Down and 415 Up.																																		
Quetta-Harnai	470 Down and 469 Up. 468 Down and 467 Up.																																		
Samasatta-Multan Cantt.	286 Down and 285 Up.																																		
Rohilkhand and Kumaon South Indian	<p><i>Nil.</i></p> <p>(1) First class accommodation has been abolished on the following branch lines :— Madura Junction-Bodinaickanur. Chinglepet Junction-Arkonam Junction. Salem Junction-Vridhachalan Junction. Madras Beach-Chingleput Junction (on other than through main line trains). Tinnevely-Tiruchendur Railway.</p> <p>(2) Upper class accommodation has been abolished in the following trains also :—</p> <table border="0"> <thead> <tr> <th data-bbox="508 1447 585 1470">Section.</th> <th data-bbox="794 1447 907 1470">Trains Nos.</th> </tr> </thead> <tbody> <tr> <td>Cuddalore Junction-Vridhachalan Junction</td> <td>421 to 424.</td> </tr> <tr> <td>Madura Junction-Koilpatti</td> <td>109, 131, 132 and 136.</td> </tr> </tbody> </table>	Section.	Trains Nos.	Cuddalore Junction-Vridhachalan Junction	421 to 424.	Madura Junction-Koilpatti	109, 131, 132 and 136.																												
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Information promised in reply to starred question No. 220 asked by Mr. M. Asaf Ali on the 8th February, 1939.

REPRESENTATION OF NON-OFFICIAL INTERESTS IN THE NEW DELHI MUNICIPALITY AND THE NOTIFIED AREA COMMITTEE OF CIVIL LINES, DELHI.

(a) The composition of the New Delhi Municipal Committee and the Notified Area Committee, Civil Station, is as follows :—

	New Delhi Municipal Committee.	Notified Area Committee, Civil Station.
Nominated officials (including <i>ex-officio</i> members)	9	3
Nominated non-officials	7	5
	16	8

Information on the other points cannot be obtained except by a special enquiry the results of which would not, in the opinion of the Government, justify the time and expense involved.

(b) Government do not contemplate any change at present.

Information promised in reply to parts (a) and (b) of unstarred question No. 7 asked by Mr. Manu Subedar on the 13th February, 1939.

DENIAL OF REPRESENTATION TO INDIANS ON THE CEYLON COCOANUT BOARD.

Indians in Ceylon have a large stake in the export of copra and cocoanut oil and an appreciable stake in the cocoanut oil crushing industry but comparatively little in the production of copra. They export about 65 per cent. of Ceylon's copra and 15 per cent. of the cocoanut oil but it is estimated that they own only 6 per cent. of the land producing copra. It is true that they are now denied representation on the Cocoanut Board on which one Indian used to be nominated. The reason for not including an Indian is stated to be that the Board is meant principally to serve the interests of the producers and Indian stake in production is small.

Information promised in reply to parts (a), (b), (c) and (e) of starred question No. 507 asked by Maulvi Abdur Rasheed Chaudhury on the 18th February, 1939.

LEASING OUT OF THE CALCUTTA MAIDAN.

(a) Rs. 41,360.

(b) Different portions of the Calcutta Maidan have been leased out to the following Clubs :

- (1) The Royal Calcutta Turf Club.
- (2) The Calcutta Swimming Bath Club.
- (3) The Calcutta Rowing Club.
- (4) The Royal Calcutta Golf Club.
- (5) The Ladies Golf Club.

(c) The Muhammadan Sporting Club and Mohan Bagan Club and several other clubs are given seasonal permits for playing football, by the Commissioner of Police, Calcutta.

(e) Year.	Income.	Expenditure.
	Rs.	Rs.
1932-33	25,005	2,54,711
1933-34	69,583	2,64,145
1934-35	41,781	2,76,699
1935-36	42,123	2,55,589
1936-37	46,286	2,53,843
1937-38	48,167	2,40,195

Information promised in reply to starred question No. 754 asked by Babu Kailash Behari Lal on the 27th February, 1939.

BIHARIS IN THE ACCOUNTANT GENERAL'S OFFICE AND LOCAL AUDIT DEPARTMENT IN BIHAR.

(a) and (b). There are 217 superior non-gazetted posts in the office of the Accountant-General Bihar, including the Local Audit Department. Out of these 90 are held by men of the Province or men domiciled therein.

(c) No.

THE GENERAL BUDGET—LIST OF DEMANDS.

SECOND STAGE.

Mr. President (The Honourable Sir Abdur Rahim): With reference to the General Budget which has now reached the second stage, the Chair understands that the Leaders of Parties have agreed amongst themselves on the following arrangement, which the Chair would be glad to give effect to if approved by the House, namely, that today the European Group will move their cut motions up to 3 P.M., and, in the afternoon, after 3 P.M., the unattached Members will move their motions. On Monday next, the whole day will be devoted to cut motions given notice of by members of the Muslim League Party, that is to say, next Monday, the whole day, and on Tuesday, the 14th March, up to 3 P.M. On Tuesday, the 14th March, from 3 P.M. to 5 P.M., the Congress Nationalists will move their cut motions. Wednesday, the 15th March, and Thursday, the 16th March will be devoted to cut motions to be moved by members of the Congress Party. It has also been agreed, the Chair understands, that the Movers of these motions will be allowed twenty minutes and the other speakers fifteen minutes, and the Government Member replying will have twenty minutes or more if necessary. Does that meet with the wishes of the House? (*Cries of "Yes, yes"*.) Very well. The Honourable Sir James Grigg.

DEMAND No. 12—EXECUTIVE COUNCIL.

The Honourable Sir James Grigg (Finance Member): Sir, I move:

"That a sum not exceeding Rs. 1,19,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1940, in respect of the 'Executive Council'."

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

"That a sum not exceeding Rs. 1,19,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1940, in respect of the 'Executive Council'."

Relation between Provincial and Central Finances.

Mr. L. C. Buss (Nominated Non-Official): Sir, I move:

"That the demand under the head 'Executive Council' be reduced by Rs. 100" (To discuss the relationship between Provincial and Central finances).

Mr. President, I need not apologise to the House for raising a discussion on the vitally important issue of Central and Provincial finances since all parties are keenly interested in this matter, though we do not all look at it from quite the same angle.

It is an axiom that good government can only exist on the foundation of sound public finance and it is, of course, this principle which has, at all times, been in the Finance Member's mind throughout his term of office, firstly, with a view to the inauguration of Provincial Autonomy and secondly, to prepare the way for Federation at the Centre. It would not be in human nature for all to agree with all the provisions of the last five budgets but Sir James Grigg's keenest critics could hardly deny that he has been outstandingly successful in achieving his object of providing funds for Provincial needs while, at the same time, securing a position of stability in his own budgets and placing India's credit high.

Well, Sir, that is a notable achievement but, while admitting that, one cannot avoid the reflection that it would have been rendered infinitely more difficult if not impossible but for the careful provisions of the Government of India Act which sought to demarcate the sources of revenue available to the Centre and to the Provinces respectively.

The most important task undertaken by the Federal Finance Committee was the subjection to the test of figures of the classification of revenues suggested by the Peel Committee and the estimation of the probable financial position of the Federal and the Provincial Governments under the new constitution. The Prime Minister, in a letter to the Chairman, pointed out that every precaution must be taken to ensure the financial equilibrium of the new Governments in India. It can, therefore, be assumed that His Majesty's Government did intend that the division of the sources of taxation as between the Centre and the Provinces should be complete. This division was embodied in the 7th Schedule to the Government of India Act, 1935, and it is necessary that one should remember the warning that was given by the Federal Finance Committee in their review of the general financial position of the Provinces. The Committee expressed the hope that Provinces would be provided with a substantial addition to their revenues when the proceeds of income-tax began to be distributed and they pointed out that it was of the utmost importance that the Provinces should make the sacrifices necessary to enable them to take full advantage of the prospective improvement in their position. Provinces have already received substantial advances due to the sound budgeting arrangements of the Finance Member, and, indeed, these advances have been larger than the Provinces had reasonable grounds for expecting. It should not be forgotten, either, that the Provinces have also received additional sums such as the crore and a half that has been distributed by the Centre for rural development. From this, the conclusion can be drawn that Provinces

have, in fact, already received from the Centre rather more than was suggested by the Federal Finance Committee, and that, therefore, despite the acknowledged fact that sources of additional taxation to the Provinces are not many, there is no excuse for Provinces, at any rate at this stage, undertaking legislation designed to bring in revenue which in any way impinges on those that were designed to be open to the Centre alone.

It is necessary at this moment to take a broad view of the matter and not a strictly juridical one and I can do no better than to quote the words of the Chief Justice when giving his opinion in the Federal Court on the recently imposed sales-tax on motor spirit in the United Provinces:

"The Judicial Committee has observed that a constitution is not to be construed in any narrow or pedantic sense. The rules which apply to the interpretation of other statutes apply, it is true, equally to the interpretation of a constitutional enactment. But their application is of necessity conditioned by the subject matter of the enactment itself, and I respectfully adopt the words of a learned Australian Judge. Although we are to interpret the words of the constitution on the same principles of interpretation as we apply to any ordinary law, these very principles of interpretation compel us to take into account the nature and scope of the Act that we are interpreting—to remember that it is a constitution, a mechanism under which laws are to be made, and not a mere Act which declares what the law is to be."

The Chief Justice of India went on to say:

"Especially is this true of a Federal constitution, with its nice balance of jurisdictions. I conceive that a broad and liberal spirit should inspire those whose duty it is to interpret it."

It is not my intention, Mr. President, to attempt any legal definition of the Government of India Act, but it should not be overlooked that it was always intended that Excise duties should form a necessary reinforcement of Federal revenues, and that, therefore, any encroachment in this sphere on the part of the Provinces, whether supported by legal interpretation of the Act or not, is bound adversely to affect the finances of the country as a whole. It is clearly not the intention of the Act that the Provinces should be empowered to levy a sales-tax on a scale that would directly affect the right of the Centre to impose a new Excise duty or to increase an existing Excise duty and thus actively diminish the revenues of the Centre. We feel that it is not a legal interpretation of the fields of taxation open to the Centre and to the Provinces which is necessary so much as a reasonable and commonsense interpretation, and we would urge an even closer co-operation, between the Finance Members of the Provinces and the Centre in order to overcome difficulties which at present threaten the financial structure of the whole country. In the case of the Sales-taxes which have either been introduced in the Provinces or are on the point of being introduced I would draw the particular attention of the House to the question of Excise duties since it is the largely in the field of Excise that sales-taxes clearly threaten to encroach. In the opinion both of the Peel Committee and of the Federal Finance Committee it is highly desirable to reserve such taxes to the Federal Government whose finances would otherwise be unduly dependent on external customs duties. It was pointed out that such duties would be very largely imposed as a set-off against the decline of customs revenue, resulting from a successful protectionist policy. We have seen this happening in the case of the sugar industry, and it is the inevitable result of the policy of discriminating protection to which India is committed. When I said just now that the Government of India Act "sought" to demarcate the sources of revenue available to the Centre and to the Provinces, I did so advisedly, because signs are not lacking that the language of the Act was not sufficiently precise

[Mr. L. C. Buss.]

to avoid ambiguity and the risk of encroachment by the Provinces on the preserves of the Centre. This would not matter very much and could probably be mutually adjusted without difficulty provided the field of taxation available to the Centre was sufficiently elastic to be more than ample for all reasonable needs. We know well, however, and my Honourable friend, the Finance Member, has once more reminded us of this fact in his introductory speech—that, so far from this being the case, it was only by dint of strict economy and the elimination of expenditure which would otherwise have been regarded as very desirable, that it has been possible to make ends meet at all. My Leader, in speaking at the time of the General Discussion, drew attention once more to the continued existence of the emergency surcharges on import duties. I need not labour this point because I know that the Finance Member has, throughout his term of office, been as anxious as any other Member of this House to find an occasion for removing or, at least, for scaling down these surcharges, because he realised, and has told us, that they are tending towards diminishing returns. That he has not found it possible to do anything about it even in this last year of office is, I am sure, the strongest proof we could have that the Central finances are in no condition to withstand encroachment from the Provinces.

In speaking of encroachment I have, of course, in mind not only the question of Sales-taxes introduced by a number of Provincial Governments. There is also the Employment-tax now before the Legislature of one of the Provinces. As regards Sales-taxes, I am well aware of the Federal Court's opinion that those imposed by the Central Provinces are within the purview of the Provincial Legislative list, and, naturally, I shall not argue that issue.

As regards the underlying idea of the proposed Employment-tax, I hope I shall not be accused of drawing a bow at a venture if I suggest that it is devised to introduce in another form the salary cut on the Imperial Services which is not within the competence of a Provincial Government. I will not presume to anticipate the judgment of those to whom the question must, I imagine, be referred, but I will say this, that both these forms of taxation, the Sales-tax and the Employment-tax, appear to me to be issues about which there is a very good case for discussion of a reasonable interpretation of the Government of India Act. It would be a sorry state of affairs if the intransigence of the Provinces over such matters as these should compel the Centre, through sheer necessity owing to contracting sources of revenue, to withhold their contributions to the Provincial exchequers from such funds as they would normally share with the Provinces and here, let me remind Honourable Members that some of them may themselves shortly be sitting on the Treasury Bench and, unless the situation is put right, it is quite conceivable that it might be their own unhappy lot to have to curtail or withhold their contribution to the Provincial Exchequers. That is a state of affairs which I sincerely hope will not come to pass but it seems to me the logical outcome of the tendency to which I have drawn attention.

Another less direct impingement on Central revenues comes from the introduction of prohibition in certain districts. The brunt of the burden resulting from the loss of liquor revenue does, of course, fall on the Provinces themselves, but the import duties accruing from this source are by no means

inconsiderable, amounting as they do to about two crores in all, and we have heard from the Finance Member that the potential loss of Central revenue in the case of one small but densely populated area where prohibition is to be enforced is about Rs. 30 lakhs. With Central revenues as inelastic as they are, any serious and rapid loss under this head would be very difficult to make good in any way which would be generally acceptable to this House. But it is not merely a question of the direct loss of import duties. The revenue losses incurred and to be incurred by the Provinces in putting into effect their prohibition programme are the immediate source of their own difficulties and the incentive which leads them to look for supplementary revenue in directions which are likely to clash with the interests of the Central fisc. For example, one Province has already indicated its intention to ask for an advance against its expected share of income-tax over a period of years in order to finance the completion of its prohibition programme. This is not the occasion on which to embark on a discussion of the prohibition question, but I do not think it is out of place to observe that temperance is one thing and prohibition quite another. Some of my Honourable friends would, I believe, feel some satisfaction if they were able to embarrass the financial stability of the Centre, but I ask them to reflect whether such action would really do them or India any good, either immediately or in the future. The commonsense answer must surely be "No", since a country cannot prosper, as I am sure all Honourable Members wish India to prosper, if the finances of its Central authority are insecure. Any such lack of security would of necessity cast its shadow on the prosperity of the Provinces, and would have adverse repercussions far beyond the immediate present.

My plea, Sir, is for a reasonable interpretation of the fields of taxation open to the Centre and to the Provinces respectively, and my suggestion is that this can be best achieved by frank and intimate discussion between the financial authorities at the Centre and in the Provinces. My Party do not overlook or ignore the great difficulties inherent in such a suggestion but, we believe, they are difficulties which should be capable of solution if the indispensable factor of goodwill is present in the minds of all who would participate in these discussions. Without that, there is little doubt that no progress would be possible, but we feel that, if all concerned came to a conference ready to give and take and not with the intention of taking as much as possible and giving nothing, there should be tangible results, small perhaps at first but increasing in value with the growth of mutual understanding. What we have in mind is an annual, or if necessary more frequent, conference of the Financial authorities from the Provinces and the Centre. There is an analogy for this in the Federal Finance Council which operates in Australia, and we think that something on these lines should be set up without delay. My Honourable friend ended his introductory speech on a very welcome note of appeal for a spirit of reconciliation. I cordially endorse that appeal and hope most sincerely that it will bear fruit.

It need hardly be said that such discussions and conferences as we have in mind would be facilitated with the coming into being of a responsible Federal Government. Let us hope that that day is not far distant, but the issue is of such importance that there is no time to be lost and we feel most strongly that an immediate move should be made regardless of the probable or improbable date of Federation.

[Mr. L. C. Buss.]

There is one final point which I wish to bring to the attention of the House. If there is any reasonable doubt about the powers of the Provinces and the Centre in the field of taxation, which is strongly indicated by the Federal Court's opinion in the matter of Sales taxes, surely, now is the time for the Government of India Act to be amended so as to place the issue beyond doubt. I commend this suggestion to the careful consideration of the Finance Member. Sir, I move.

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

"That the demand under the head 'Executive Council' be reduced by Rs. 100."

Mr. M. Asaf Ali (Delhi: General): Sir, if I am not mistaken, the usual procedure which the European Group has followed for the last 4½ years, namely, raising a discussion without any definite purpose, is being repeated today. They certainly have made a certain amount of contribution to the consideration of some vital questions of the times but it does not go far enough. I am not quite certain what exactly the Honourable Member, Mr. Buss, has really suggested today beyond saying that there should be a closer co-operation and closer co-ordination of policies between the Centre and the Provinces. Every one desires that, but does that go far enough. They proceed on the assumption that the present structure of Central Government will last. I do not know how long it is going to last. In any case, I am not aware of any considerable body of opinion in this country which favours the continuance of the present structure of the Central Government. If it is going to be changed, would it not be better for those who suggest that there should be a harmonious development of relationship between the Centre and the Provinces that not merely conferences of this nature or discussions of this nature of a temporary character should be undertaken now, but that a much larger move may be made in the direction of so amending the Central structure, the fundamental structure, that the desired result may be achieved. This to my mind seems to raise a much larger issue than the proposal which has been put forward which, I hope, my Honourable friend, Mr. Buss, will excuse me, I must characterise as nothing better than tinkering. I am not in favour of tinkering. If you want to bring about something really solid and substantial in the life of this country, which may tend to bring about a harmonious growth of political and general relationship between the Centre and the Provinces, please do not think along lines of these stop-gap suggestions, but think of something better than that. I should certainly favour the idea of calling a conference of the accredited representatives of the provinces, namely, the Ministers of the provinces, not merely to consider this question which is troubling now but to consider the larger issues also. If I am not mistaken, a similar conference was once called in Australia, and if my memory serves me right, it was really occasioned by similar considerations because there was a certain conflict between the interests of the various units of the Australian Commonwealth. That conference was called to consider matters relating to taxation. If I remember aright, that conference finally constituted itself into a Constituent Assembly of that Dominion and, eventually, presented the Parliament with a federal constitution under which Australia is functioning. If some such idea is at the back of the mind of my Honourable friend, I shall be only too glad to support it on the ground that such a conference might become the nucleus of the Constituent Assembly for which we have been agitating all these years. If you desire that the

Central and Provincial policies should be co-ordinated in a proper manner then the appeal which the Honourable the Finance Member had made towards the end of his budget speech should really bear fruit in a bigger move. He wanted appeasement. I should say it is not a question of appeasement, but one of readjustment of relationships between, not merely the Centre and the Provinces, but, something bigger between the Government of the United Kingdom and this country and then alone can we really envisage a quick growth of relationship in India in its proper perspective.

Mr. Buss has made several points, in themselves very valuable, but, unfortunately, they still remain on a lower level, that is to say they still proceed on the assumption that this state of affairs is going to last. They cannot last as you very well know. India's constitutional fate is in the crucible, all problems are in the melting pot today and, therefore, these small steps will not help. On the other hand I see in the warning which has been sounded, both by the Chief Justice of India and by the Honourable the Finance Member and by others, that perhaps the loophole which has been pointed out may open out vistas of greater difference of opinion later on. In fact it may become a possible weapon in the hands of the Provinces to compel the Finance Member,—not particularly, the Finance Member who is dealing with the situation today, but his successor if the present situation lasts,—to reconsider the whole situation afresh because here is a weapon in their hands. After all, there is what I may call the canker-worm in the whole situation and that canker-worm is the huge expenditure which the Government of India are incurring, year after year, on defence. The Provinces realise that and they understand that from 20 to 25 crores of rupees are being wasted. And, therefore, they are perfectly justified in bringing pressure to bear on the Central Government to reconsider their whole financial policy. These are questions which may be carefully and seriously considered. I am perfectly aware of the fact that according to Mr. Buss there are serious pieces of legislation now under consideration in the various provinces. He has referred to prohibition from his own point of view; from our point of view it is a moral issue which we cannot overlook and a moral issue which is perhaps linked up with some of the fundamental ideas of this country. It is very easy for people to say, "Why are you giving up your revenues?" One might easily turn round and say, "Why are you fighting for just ordinary issues, fighting the world's battle?" It is a question of ideas, and, after all, it is an idea which is fundamental to our way of thinking today. And although we are proceeding in a gradual manner, testing each step, we want to proceed in that direction. But I am not going to lay any great stress on that point.

As for the other questions which have been referred to, take the question of cuts in salaries. What are the Provinces to do? They are today charged with the tremendous task of nation-building, and you have gone and created, what I may call, a rigid structure within which they have got to live. Will you allow them some little flexibility in the matter of raising revenues and trying to build the life of the people with whose interests they are charged, or will you not? If that is so, the Centre has got to reconsider its policies so that the provinces may be helped in the future. Sir, in so far as the question of discussion and conference is concerned it is a very valuable method, but I only plead for the acceptance and adoption of this method in respect of larger issues rather than in respect of issues which may be of a temporary and transient character.

[Mr. M. Asaf Ali.]

A discussion may take place tomorrow; you may send for the Chief Ministers and you may send for the Finance Ministers of the various Provinces and hold a conference. They will be able to point out their difficulties and you may be able to point out your difficulties. But what about the larger difficulties that still loom large on the horizon? They have got to be solved before anything substantial can be achieved. Sir, with these words while I welcome the opportunity which Mr. Buss has given us of expressing our views I must say that his suggestion, to my mind, is more or less inconsequential from our point of view.

The Honourable Sir James Grigg: Sir, the European Group have raised a most important subject but on the ground which this subject covers there are, as the last speech has reminded us, a large number of notice boards, "Trespassers will be prosecuted", "Keep off the Grass" and that sort of thing; and I have to speak with rather more sense of responsibility than either of the two last speakers in this matter. Sir, with all Federations there must be a period during which the respective taxation spheres of the Federation and the units have to be delimited by the Federal Court; and we, in India, cannot expect to escape from this process which, however much it may be represented as a fight between the Centre and the units, is a necessary one. The recent case which has been referred to about the Central Provinces petrol-tax was the first step in this process. I have, on two or three occasions in this House, answered questions to the effect that Government were carefully studying the full implications of the judgment in this case and that, in the meantime, the path of wisdom lay in saying as little as possible; and this, in the main, must be my attitude today, though perhaps I might remind the House again of one or two of the points which I made in my budget speech in this connection. If the judgment of the Federal Court stands, it is established that there is a wide field where there is concurrent taxing power though the exact extent of the field is left in some doubt by the varying *obiter dicta* of the three Judges. But given this concurrent taxing power it is clear, as the Chief Justice points out, that there must be mutual accommodation and forbearance, as between the conflicting jurisdictions. Mr. Buss also stressed this point and I can wholeheartedly agree with him. Perhaps the House will forgive me if I read what I said in my budget speech about that, and from a repetition of that the House will be able to see how complete is my agreement:

"So far as Excises are concerned, a delicate situation has been created by the judgment of the Federal Court which amounts to saying that there is concurrent power in the realm of internal indirect taxation. The full implications of this judgment are not yet apparent to me but one of the most important of them has been pointed out by the Chief Justice himself *viz.*, the need for mutual forbearance in this sphere lest the taxing authorities should by the simultaneous exercise of their powers raise the price of the article taxed to a height at which consumption is seriously curtailed. There is also the reminder of the Chief Justice that, in the absence of this mutual forbearance, the ability of the Centre to continue to make or to make new devolutions under Section 140 of the Government of India Act will be jeopardised. The first subject chosen for the exercise of the concurrent taxing power is of course Motor Spirit and, if I may say so, the *obiter dicta* of the Chief Justice apply with great force in this instance. Certainly for my part I do not propose to meet our own deficit by an increase in the taxation on Motor Spirit."

Sir, as a means of getting this mutual forbearance and accommodation Mr. Buss made a plea for regular conferences of Finance Ministers. On that too I have already explained my attitude in this House. The first

of such conferences was held in January, 1938, at my instance. We then discussed the very problem which has since arisen in a more acute form over the Central Provinces petrol tax,—this very problem of the overlapping of excises and sales-taxes. At that conference in January, 1938, I made certain suggestions which, believing as I then did that the whole of this field belonging to the Centre—or rather let me put it in another way—that it was not open to provinces to impose sales-taxes on individual commodities, the offer which I then made was, in my view, not only fair, but generous. Those proposals were not acceptable to the provincial representatives at that conference, though, to this day, I am not clear whether their reasons for rejecting the proposals I put forward were primarily political or primarily financial. Anyhow, even now when the Federal Court has given a judgment adverse to the view which I then held, I believe that the proposals which I put forward then are the only possible solution of the problem and are completely appropriate even to the changed circumstances. I cannot be more specific than that because the proceedings of that conference were confidential. But I do not want Honourable Members to think that the difficulties which have arisen were not foreseen and that a serious attempt at solving them was not made in advance.

Mr. Buss referred to the employment-tax in the United Provinces. This raises two issues of course. The first is the one of concurrent jurisdiction, whether there is here as in the case of the sales-tax an overlapping field open to both the Centre and the provinces. There is another question also, namely, the special responsibilities for the protection of the rights of the Services; and as there are two questions in this particular instance, it behoves me to be doubly discreet. As regards the sales-taxes and the employment-tax, that is about as far as it is possible for me to go at present, but I would like to remind the House that I have said that the reason for not holding a second conference of Finance Ministers, at about the due time, was not one of principle at all, but merely that with my own pre-occupation with the income-tax legislation it was not physically possible to hold one. But there is no reason why these conferences should not be resumed. I should further like to say that it is no good—and I am confirmed in this by what Mr. Buss said—holding these conferences if they are to be used as a means of a concerted attack by the provinces on the Centre. They must arise from and try to result in a genuine effort at co-operation, and I would like to say that from my own point of view the most important single element in the financial situation of India at the moment and the cardinal need is the financial solvency and stability of the Centre which must be preserved at all costs. We can, at any rate, for a long time have financial stability at the Centre without having it in the provinces; but you cannot even for a short time have financial stability in the provinces without having it at the Centre; and subject to this prime consideration, to which as Mr. Buss said I have devoted the main part of my attention during my five years in India, it is the duty of the Centre to do what it can for the provinces, and I claim that the Government of India have in the last five years done this and are doing it. First of all, there was the extremely careful preparation for the inception of Provincial Autonomy. At the start of Provincial Autonomy, all the provinces were, as a consequence of the Niemeyer Award, placed on a solvent basis. I think in this present budget, there are, either by way of remissions of duty or of actual devolutions of taxation or by specific grants, ten or twelve

[Sir James Grigg.]

crores by way of assistance to the various provinces. As I say, a necessary stage in this inception of Provincial Autonomy on a basis of solvency was the Niemeyer Award. When the Niemeyer Award appeared, nobody supposed that there would be any devolution of income-tax under it for at least five years. In point of fact the devolution of income-tax started straightaway, and not only was there an automatic devolution of income-tax under the Niemeyer Award but I have spent a large part of last year, or the House has spent a large part of last year passing income-tax legislation which is designed so to improve the machinery and structure of the income-tax that it will be possible to devolve further sums on to the provinces and to devolve them more quickly than Sir Otto Niemeyer had contemplated when he drew up his Award. The Niemeyer process is a continuous one and the Government of India are doing and I have no doubt will continue to do everything in their power to ensure the timely fulfilment of the process. But, if I may say so, I do not think it is going to help much to issue a series of *quasi-ultimata* that the full income-tax must be devolved at once, that double income-tax relief must be abolished, and the proceeds handed over to the provinces, that military expenditure must be reduced and as a result further grants made to the provinces, that pay must be cut and the proceeds handed over to the provinces and so on. By this means we shall only arrive at friction and non-co-operation, and what is wanted above all is co-operation to a common end and the common end is the welfare and the amelioration of the condition of the masses of the people. But, of course, if the object is, as Mr. Asaf Ali, I think, suggested—I hope I am not doing him an injustice—not only to destroy the present transitional constitution but the future federal constitution and force something quite different, then everything that I have said will be regarded as completely irrelevant and I have nothing more to say, except that I do not think it is a very good outlook for India.

Mr. Manu Subedar (Indian Merchants' Chamber and Bureau: Indian Commerce): Sir, when I heard Mr. Buss, I had an expectation that he would sound the same note—both of us being merchants and taxpayers—that as between the provinces and the Centre the poor taxpayer is now being called upon to bear the burden on a scale which he can no longer bear and against which he must protest and towards the alleviation of that there should be a proper inquiry into the taxable capacity of the people. I am, however, surprised. I do not know whether Mr. Buss was saying anything against the Finance Department and the Government of India or whether he was merely holding an apologia for them and accusing the provinces and various other people who are concerned with the administration of the provinces, first, of the intention to destroy the Central Finances and then, to make attacks on the field reserved for the Centre, or at any rate what the finance authorities of the Government of India thought was reserved, but what under the interpretation of the Federal Court stands clearly disclosed today as a concurrent field. The authors of the Government of India Act, in their anxiety to make certain things very clear, have used words which are not capable of an interpretation different from what the Federal Court has put on them. I do not wish to take this House into the history of the consideration of the Government of India Act, how the unitary government of this country was, by various processes, cut up into what are now called Autonomous Provinces.

This was done, as the House will remember, in order to accommodate the legalistic ideas bearing on the Indian States which were assumed to be sovereign authorities which were entering the Federation, while the provinces were formed into autonomous authorities in order to be placed on a par with them. The authors of the Act, in order to make clear a division in the financial field, have gone further than in most of the Federal Constitutions in the world and have used definite words which, as the Chief Justice said, are incapable of any other meaning except what has been put upon them. Now, Sir, we find a demand in Mr. Buss's speech, an undertone, which was put even in a stronger form by the Honourable the Finance Member,—Mr. Buss suggested that if necessary the Act may be amended. Sir, there are two aspects of this question,—one is the purely technical financial issue as between the provinces and the Centre, no matter who the Centre may be and no matter who the provincial authorities may be,—and the second is a question which I find the Honourable the Finance Member hopelessly mixed up in his concluding remark,—the second is the issue as to who is who. May I, Sir, without meaning any offence, make it clear that the provinces, taking all the provinces,—I am not referring only to the Congress provinces,—are the real India, that the Centre, an irresponsible Centre, are the usurpers . . .

An Honourable Member: Exploiters.

Mr. Manu Subedar: . . . and with usurpers it is impossible to excite the sympathy and the commiseration for which the Finance Member pleaded; but does he seriously expect us to come forward and fall in with his idea of what he called co-operation when he has turned down every one of the reasonable requests made from every quarter of this House, from every nook and corner of this country with regard to several items of Central expenditure? Take, for example, the question of defence. After all, the resources available. . . .

The Honourable Sir James Grigg: I am sorry to interrupt the Honourable Member. I am very anxious to elicit from himself and the Party for whom he presumably speaks what is the degree of co-operation that we can expect.

Mr. Manu Subedar: I will do my best to enunciate the idea of co-operation if my friend will bear with me for a few minutes. The resources which should be open to one or the other authority must depend on their needs, on their legitimate needs, not on the needs which may be emphasised, however strong the language the Finance Member might use, whereas the needs of the provinces are, in our opinion, supreme from the point of view of nation building and of improving the standard of living of the masses. . . .

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Have they succeeded in any province?

Mr. Manu Subedar: If you have some patience with me and with them, you will know more about it.

Mr. Muhammad Nauman: We have waited for three years.

Mr. Manu Subedar: Take the question of defence and the political charges. We have urged over and over again that there should be a reasonable financial settlement which will do justice to India. We have asked, for example, that the whole cost of the British Army in this country should be taken over by the British Treasury and the money realised in this manner should be used for the re-organization of the Defence Department on a scale of expenditure more suitable to the needs and resources of this country. We have pointed out, over and over again, that it is a scandal,—I am sorry to have to say it but I am saying it in all earnestness and seriousness,—that civil and military officials in India are amongst the highest paid officials anywhere in the world. We have made repeated requests that this position should be altered. But, Sir, the reply from the other side is that this position not only cannot be altered but it has been tied up in a statutory form so that it cannot be altered until His Majesty's Parliament sits down and passes an Order in Council or a new law is made by which this could be altered. What we feel is, Sir, that the Finance Member's notion of co-operation and mine are different, because, Sir, here are issues on which we have very strong feelings which we have expressed repeatedly, sometimes in stronger language than my friend opposite likes, and sometimes in language of the kind which I am using today. We have repeatedly made this request. Take other issues. This is no time to go over in a full review of the financial extravagance and the wastefulness of the administration sitting over there,—take other issues; take, for instance, the buildings in Delhi. In the United Kingdom itself there is no palace belonging to His Majesty which has cost more than the palace of the Viceroy in this country. Even the House of Parliament in the rich United Kingdom has cost less than the cost of the House in which we are sitting here. I do not want to go over the whole long list, we have many grievances of this kind, and what we feel is that you have mismanaged and maladministered the finances of this country. We want you to administer them properly and on a scale which is justified by the capacity and the resources of the people. In this field we have not received the co-operation of the Central Government, irresponsible as it is. Now, the question is, whether we should have a re-orientation of the different heads or we should go on as we are.

Sir, the Honourable the Finance Member spoke both now and on a previous occasion of his willingness to extend his hand of co-operation, and he claimed that during the last five years he had been doing nothing but that, but there is a little difference, if I may point out. He loves to play the Pater-familias, the Grandfather round whose knee all the children would crowd asking for little chocolates. The Honourable the Finance Member has expected the Provincial Finance Ministers to come to him for help, hat in hand; he expected them to beg of him for small mercies, here, and he the great Hitler would then dole out a little money now and then,—he spoke of generous assistance,—he would dole out to the provinces as he liked, but the boot is now on the other leg. He finds his hands have been forced by the judgment of the Federal Court. Not only in the fields which have been so far disclosed, but in other fields also there is a possibility that both customs and excises and income-tax, which are the principal sources of revenue to the Central Government, of concurrent activity in the provinces by which the provinces could get the finances which they require; of course, the Centre would correspondingly not receive the same volume though they continue to charge the same rate. Of course,

the poor taxpayer, between them, would be ruined. It is ultimately, Sir, from the plight of the taxpayer which I am once more urging on this House that the solutions will come. If the solutions were asked for on political grounds, then our opposition to the irresponsible Government sitting over there is bound to be continuous and strenuous as in the past, but the solution must come, because, as practical men, we recognise that while our efforts to change the form of Government might go on during the interval, we must have a certain amount of give and take.

Now, Sir, on the plea which the Finance Member made of give and take, he will find us all ready to support him. Our method is the non-violent method, not the one which he has used. Take, for example, the shabby treatment which he gave to this country in the matter of the Stamp Duties Bill. Here was a question, Sir, if I may take one minute more,—here was a question. . . .

The Honourable Sir James Grigg: Does the Honourable Member know the real history of the Stamp Duties Bill?

Mr. Manu Subedar: I will tell the story as I know it.

The Honourable Sir James Grigg: All right.

Mr. President (The Honourable Sir Abdur Rahim): Within the time allowed to him.

Mr. Manu Subedar: Then, I will reserve it for another occasion.

The Finance Member has made a plea for goodwill, but while the word goodwill is in his mouth, there is suspicion and hatred in his heart towards the Provincial Governments. He has no sympathy,—indeed Mr. Buss expressed it in more clear terms.—for the policies which the Provincial Governments have undertaken. Take, for example, the policy of prohibition. Sir, in order to save the Chinaman from the evil effects of opium,—and all the harm, this country was made to sacrifice no less than 4½ crores of rupees revenue at the instance of highly placed persons in the United Kingdom who were not then worried about the financial loss to this country. But when we propose, in order to save our own people, in order to save them from the great harm which drink is doing,—when we propose that India should sacrifice in the provincial sphere a revenue of between ten to eleven crores, there is an immediate howl and the Finance Member is urging that he will lose Rs. 45 lakhs in the city of Bombay.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has two minutes more.

Mr. Manu Subedar: I will finish within that time. You want us to sacrifice finance from the Provinces and you have to justify to us the purposes for which you spend money in the Centre, and you have to give sympathy and encouragement to the objects which the Prime Ministers have put before themselves,—objects which you yourself acknowledge in general terms, namely, the task of nation building and raising the standard of living of the masses, but which you attack promptly and on every occasion, in detail, as soon as you get a chance. The plea for goodwill and the appeal will not fall on deaf ears if the Finance Minister, I mean the

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Finance Member,—he is not Finance Minister—if the Finance Member were to abandon some of the political flair on which the *London Times* complimented him. He said that the Provincial Ministers rejected the solution which he gave at the first conference of Finance Ministers, and they did so on political grounds. I say this is a most unworthy suggestion. They are men with a difficult task before them, with pledges which they gave to their electorates, in all provinces,—I am talking of not merely the Congress provinces but of all provinces. They are men with a difficult task. Much is expected of them, and in their search for resources, if they were unable to accept what the Finance Member called a compromise, and if they appealed for more or looked out for some more, you cannot accuse them of having rejected your compromise for political reasons.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Mr. Manu Subedar: I say that goodwill is a matter of both sides, and goodwill involves, above all, the abandonment of all suspicion and of ascribing of bad motives to either side, and then, in that spirit if they came together, I have no doubt that the imbroglio in which the Centre finds itself would surely clear up.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I quite realise the importance of the subject under discussion and the fact that we should try to have some kind of amicable settlement between the taxation theories of the provinces and of the Central Government. The people who suffer are the poor taxpayers who reside in this country and they will be victims of the differences of opinion between the Centre and the provinces. There is no doubt that the Central Government is helping the provinces to some extent. According to the Niemeyer report, all the revenues which we collect from income-tax excluding corporation tax and all the revenue that we collect from the railways *minus* 12 crores are paid to the provinces, and that report has also given the proportion in which this income is to be distributed among the various provinces. In addition to this, they give a sum of 305 lakhs every year as subsidies to the various provinces, and this does not include the subsidy that we pay to Bengal out of the revenue from jute. So, we have been paying this amount according to our means, and if the revenue of the Central Government increases, we may pay more. But I have two main difficulties to point out. The first is that, though we are paying a good deal to the provinces, the provinces themselves are taking action to reduce their revenue. They cannot depend entirely upon the income from the Central Government. They should do something for themselves. They have deliberately reduced their land revenue; they are definitely reducing their revenue from excise and from irrigation. I have got before me the budgets of the provinces here I have just gone through them. I find that the revenue from these three heads alone comes to about 60 to 70 per cent. of the total income. The provinces are diminishing that revenue in order to please their voters, and not in the interests of the provinces; they do nothing else. They deliberately diminish their income from excise, income from land revenue, and so on, and afterwards they say, "All right.

We are now doing away with all these revenues, but we should be compensated." Only in two ways this can be done, either by an indirect encroachment upon the revenues of the Central Government, or by begging, please give us a little more. Let me take up the question of the remissions they have given. I think the policy which they have initiated may be good, but there is no doubt of the fact that it has resulted in the diminution of the revenue of the provinces. I am convinced, though other people may not be convinced, that they are not doing this for the benefit of the agriculturists, because, had that been their policy, they would have first attacked the moneylenders as it is these moneylenders who are sucking the agriculturists, and not so much the zamindars. But they are leaving the moneylenders alone and they are adopting this as a policy to destroy their political opponents.

Sardar Sant Singh (West Punjab: Sikh): What about the Indebtedness Bills? Are they not attacking the moneylenders?

Dr. Sir Ziauddin Ahmad: It is in your province.

Sardar Sant Singh: Why? In Madras, in Bombay, in U. P., in Bengal.

Dr. Sir Ziauddin Ahmad: I am speaking of my own province, and there you will find this. (Interruption.) I am speaking of my province. Don't waste my time. The policy which they have adopted is not so much for the benefit of the agriculturists—I can say about this definitely about my own province. Other gentlemen will get up and speak about their own province. If their policy had been in favour of the poor agriculturists, the first people whom they should have attacked ought to have been the moneylenders, but they are the Government.

Mr. M. Asaf Ali: On a point of order, Sir. Is the Honourable Member in order in referring to the policies which the provinces are adopting? He is criticising the policy of the provinces.

Mr. President (The Honourable Sir Abdur Rahim): As a matter of fact, the question that has been raised by the cut motion is the financial relations between the provinces and the Centre. The Chair thinks allusion has already been made by all the speakers, including the speakers from the Congress Benches, to the policy of prohibition by which some revenue is being lost to some provinces.

Dr. Sir Ziauddin Ahmad: Not a word has been said by my Honourable friends on the right to justify how far the provinces are right in not touching the moneylenders. They are only bent on destroying the zamindars. They diminish the land revenue and afterwards they try to encroach on the preserves of the Central Government. I will leave this topic now and come to the next one. That relates to joint and concurrent jurisdiction of the provinces and the Centre. If this is not defined, I am afraid that it may lead to enormous troubles. Take the case of sale duty on petrol. If they begin to levy a sale duty on every article, it really amounts, in other words, to establishing a customs duty of their own. This sale duty on petrol cannot be called an excise duty, because petrol is not produced in the U. P.; therefore, it is a kind of customs duty. Then, we have to pay double customs.

An Honourable Member: What about the Punjab?

Dr. Sir Ziauddin Ahmad: You had better speak about the Punjab.

Mr. President (The Honourable Sir Abdur Rahim): Honourable Members must remember that each speaker has only 15 minutes.

Dr. Sir Ziauddin Ahmad: If they have a duty on sales, it means that they have a customs duty in their own province. That means one duty at the ports, and one at the provinces. This will lead to great confusion. An income-tax is proposed to be levied in the United Provinces, and if that duty is levied, I would suggest that the amount should be deducted from the contribution made to the province. Every man in the United Provinces who pays $2\frac{1}{2}$ annas or $1\frac{1}{2}$ annas should get a kind of reduction in the income-tax which he pays to the provinces. We have already got some kind of relief from income-tax. If the relief is given when the tax is paid to a foreign Government, why should it not be allowed when it is paid to our own provinces. If the United Provinces levy this duty, I will certainly come forward and propose that we should be given a corresponding relief at the Centre in the income-tax duty, so that the total amount which we have to pay is the same. This will also lead to a good deal of confusion and also to differences in the duties imposed by different forms of government. This matter requires consideration. Then, the other thing is that they are spending large sums of money, larger than their budgetary position warrants, in the name of rural uplift. It is really Congress propaganda in the villages. I do not mind if the Congress carries on propaganda in the villages if they can afford it, but they cannot afford it. This adds to their expenditure while income is being diminished and they are doing this in the false name of helping the agriculturist, which, really speaking, they are not doing. Therefore, it is very desirable that we should have adjustment of their policy because, unless there is a kind of uniformity of policy between the Central Government and the Provincial Governments, it is absolutely impossible to have any kind of financial adjustment between the provinces and the Centre. We ought to tell them what they should do and what they should not do. In these Provincial Governments minorities have no room. High Courts are openly criticised and their decisions are upset. Unless we have a right to criticise them and their policy and the financial effects of such policies, it is impossible to have any kind of agreement between the Centre and the Provinces.

Mr. President (The Honourable Sir Abdur Rahim): Honourable Members must remember that there must be a limitation on the criticisms of the administration of the provinces which are autonomous under the Act. All that Honourable Members are entitled to do is to deal with the question of financial relation between the provinces and the Centre, and they may touch on anything directly relevant to that.

Dr. Sir Ziauddin Ahmad: I am dealing only with such policies of the provinces as are likely to destroy the financial equilibrium in the provinces and that between the provinces and the Centre.

Mr. President (The Honourable Sir Abdur Rahim): The Chair would point out to the Honourable Member that if he thinks he is at liberty to dilate on the general administration of the provinces, because that might have an indirect effect on the finances of the provinces, and, therefore, remotely on the finances of the Centre, then it will really come to this that any Honourable Member can criticise without any limitation the administration of the provinces. That the Honourable Member is not entitled to do.

Dr. Sir Ziauddin Ahmad: I am not criticising the general administration of the provinces. I am criticising only such action of the Provincial Governments which is practically destroying their revenue and that, I think, I am entitled to do. We are only telling them "Why are you destroying a revenue which is open to you and coming to beg of the Centre, directly or indirectly, by putting a taxation on articles on which you are not legitimately entitled to put a tax." We will tell them "Why are you giving up your revenue in order to seek popularity? You must first look to the administration of the province, and, everything else afterwards." This is what I am trying to do. At least I am now speaking with reference to my own province. They are spending large sums of money on hydro-electric schemes and for other purposes. I say, they should not be extravagant in their expenditure and destroy their own financial position.

An Honourable Member: Why not raise this point in the U. P. Legislature?

Dr. Sir Ziauddin Ahmad: My friend asks me to raise this point in the U. P. Legislature. If my friend will write to Pandit Pant and convey to him the views of this Legislature, that will be more effective than my minority vote at the Lucknow Assembly where I have absolutely no voice. Mr. Pant is suffering from the intoxication of the majority, and he is not prepared to listen to any kind of argument. Therefore, it is very desirable that we should take immediate steps to settle the mutual financial arrangement between the provinces and the Centre. We should also go into matters of policy. They should not give up sources of revenue in order to gain popularity. They should not levy taxes to which they have no right. Otherwise, it will end in their financial bankruptcy and general ruin.

Mr. F. E. James (Madras: European): I think it will be better to bring the debate back to its original starting point and to remind the House that the purpose of my Honourable friend Mr. Buss's remarks was to plead for a reasonable interpretation of the fields of taxation open to the Centre and to the provinces respectively. I maintain that there is an urgent necessity for a more reasonable view to be taken in regard to the respective provinces of the Provincial Governments and the Centre in regard to taxation. I need only mention two matters which particularly affect the Madras Government and the Madras Province and which cannot fail to affect both directly and indirectly the Central revenues of the Government of India. The House is aware that even today there is in Madras an Act which empowers local bodies to impose what is erroneously called a profession tax, which has nothing whatever to do with the exercise of a profession, which is solely related to income, which is based solely on the amount of income which a person receives, and which is directly related to the income-tax returns which even a panchayat President may call for

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from the assessee. That is a tax which the local bodies were empowered to impose many years ago, and we agitated for years with the Finance Department and with the Honourable the Finance Member's predecessors that when the time came for the description of the different legislative functions, between the Centre and the Provinces under the Government of India Act, there should be no doubt, whatsoever, as to the field of taxation on incomes being reserved solely for the Centre. Unfortunately, there were legal difficulties in the way of making invalid a tax which had been valid for so long and, I understand, that the position is that that tax will continue until the Federal Legislature of the future legislates otherwise. But not only have we a profession tax; we are now threatened with a general sales-tax, which is to be based mainly on turnover. This tax is to be levied not merely on the retail sale but also on the intermediate sales! In fact as the Bill is now drawn up, it will mean that the tax system envisaged will be a cumulative one and will be levied upon the producer and the manufacturer and the retailer. Now, Sir, it is no wonder that we plead for a more reasonable interpretation of these two fields of taxation. And we do so not merely because of the burden which threatens to fall upon the limited number of taxpayers in this country but also because of the danger which the cumulative effect of this taxation will bring not only to Provincial Revenues but also to the financial stability of the Centre. My Honourable friend, Mr. Asaf Ali, suggested that this was really a very small matter. I know he is much more interested in politics than in economics; but we do not think it is a small matter. We think that the whole financial structure of the country is involved in this and we regard this as one of the most important subjects which could possibly have been taken up in connection with the Budget demands.

Now, Sir, the Honourable the Finance Member, I am sorry that he intervened quite so early in the debate, but if he can speak again, I hope he will

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has no reply. He cannot have a second speech. Since the Mover has no reply, the Honourable the Finance Member has no reply.

Mr. F. E. James: I am very sorry that he intervened quite so early, but he, in his speech, did make a definite appeal to the Honourable Members on the other side of the House for co-operation. I claim that he has very good justification for making that appeal. I have said, elsewhere, on more than one occasion that the Finance Member, Sir James Grigg, has actually done more for the provinces than any previous Finance Member. He has financed them, he has so arranged the finances at the Centre that every province started its new course on a fairly even keel; and, even before that time, he inaugurated a fund for rural development the benefit of which went to the provinces. Now, what is the response which has been given in the House today, presumably on behalf of the Congress Party, to that appeal, which I feel is a thoroughly justified appeal? What is the answer? The answer from Mr. Asaf Ali was that "we cannot co-operate on a small matter like this unless and until there is a thorough-going reconstruction of the present structure of the Government of India". Mr. Asaf Ali went on to make a reference to the policies of the Provincial Governments and suggested that owing to the vast duties which were laid upon them in regard to nation-building, they had to take every available

opportunity of using all the powers which were placed upon them, by the Government of India Act, to tax the people of their provinces. I should like to ask him whether they have, in fact, taken all available opportunities. Have they yet agreed to the imposition of death duties? Can he tell me of any single Congress Ministry which has said that they would be prepared to agree to Central Legislation imposing a death duty the benefit of which would go to their own provinces?

Reference was made by my Honourable friend, Mr. Manu Subedar—I shall come to his speech in more detail later—to the matter of stamp duties, and there again he is possibly unaware of the exact history of that business. I would like to remind him of what actually happened. There was a proposal for the reduction and rectification of duties on certain bills which would have involved certain provinces in a loss of revenue. The provinces naturally said, "we cannot afford to bear this loss of revenue but we would like the Central Government to impose a stamp duty upon cheques." That was the suggestion that came mainly from the Congress Governments in order that the loss of revenue from the other proposal should be made up. What happened in this House? The Government of India, in full faith that the Congress Party would support the wishes of their own ministries, brought in a proposal in regard to the imposition of some duty upon cheques. The proposal had to be withdrawn because it was rejected by the Party which the Honourable Mr. Asaf Ali today represents, at the dictation not of the Congress ministries but of the High Command, which is now in such disfavour. Therefore, it ill lies in the mouth of my Honourable friend, Mr. Manu Subedar, to suggest that there was lack of co-operation on that score here. It is his Party which non-co-operated, and he knows it perfectly well.

The Honourable Sir James Grigg: Of course, he does.

Mr. F. E. James: Now, let me come to Mr. Manu Subedar's speech in a little more detail. I am aware he is in a difficulty. Really he is facing both ways! When he comes to this House, he tries to represent the great national party which is struggling for freedom and which is determined to break down this bureaucratic system of Government. When he goes back to his province, he is facing a "national" Government and instead of threatening them, he goes to them in tears and with whines. The institution which he represents here do me the honour of sending me copies of their representations to the Bombay Government; and they have never said anything so whining to the Central Government as the representations sent to the Bombay Government! Therefore, I can understand my Honourable friend's difficulty. He knows that Mr. Buss is perfectly right, but he does not like to admit it. In fact, he dare not do it, and I feel sorry for him. After all, having financed the Party which is now in power in his own province, he finds that Party turning upon those who financed them! What is he to do? He can only come here—and criticize an irresponsible Government! What will happen when that power, which is captured in Bombay by his Party, is captured by that party here? Then he will be engulfed in his own ruin! Now, Sir, he has suggested all kinds of reasons why the provinces and the Congress Party, which he represents, should not co-operate with the Finance Member. What was the basis of the co-operation which the Finance Member sought? The basis was a reasonable measure of taxation for the purpose of the amelioration of the masses of this country, and that is the kind of co-operation which my Honourable friend, representing not only

[Mr. F. E. James.]

the Congress Party but also the big millowners of Bombay, spurns with a heavy hand. No wonder he makes these speeches when his Leaders are absent. As the proverb goes, 'when the cat is away the mice will play'. So, in the absence of the big cats of the Congress, all the mice come popping out of their holes shaking their little paws in anger at the Central Government. We are not taken in by that kind of attitude. I would ask my Honourable friend, who represents the Congress Party here now, if there is any one who can speak for that Party either here or at Tripuri, seriously to consider the tone of the Finance Member's speech when he asked them for this co-operation.

This motion of ours is not a political motion. Even the reference to the necessity, if need be, of amending the Government of India Act is not made with any political intention behind it. But we genuinely feel that the country is facing a very difficult situation in regard to the cumulative effect of taxes both in the Centre and in the provinces and, we believe, that there is a real danger of a serious impasse unless it is faced and unless there is some method of clarification. What are the means open to us? There is, first of all, what has been suggested by my Honourable colleague, Mr. Buss, namely, that there should be a frank and intimate discussion between the financial authorities at the Centre and in the provinces. The Honourable the Finance Member indicated that such discussions were held last year, but that his preoccupations made it impossible for him to suggest similar discussions this year. I very much regret that those preoccupations should have stood in the way, and I might perhaps suggest that if it had not been made obligatory for him to sit in this House so often, when it must be wearisome to his spirit, he might have found more time to deal with what, after all, is a crucial, important and vital matter. If that frank and intimate discussion is not possible, either by reason of the preoccupation of the Finance Member or by reason of lack of co-operation on the part of the Ministries concerned, then what else is there? Either to test the validity of these acts before the highest Court of Justice in this land, an expensive, difficult and intricate procedure, or to suggest that if there is any room for doubt, as has even been suggested by the Chief Justice of India, then the proper, the honest and the square thing to do is to remove it as far as the Statute-book is concerned and move Parliament. Where there are anomalies possible under the present conditions of legislation, there should be a clearing up of the matter and a more precise definition found that would leave no room for shadow of doubt.

Mr. President (The Honourable Sir Abdur Rahim): Today being Friday, the Assembly will adjourn now till a quarter past two.

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

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

DEATH OF MR. KABEER-UD-DIN AHMED.

The Honourable Sir Nripendra Sircar (Leader of the House): Sir, I have got to announce the sad news of the death of a Member of this House, Mr. K. Ahmed. The news has shocked everybody, because he was here

this morning and I remember passing him in the lobby at about 12-15 P.M. I understand he went to the hospital and he suddenly expired there. He was one of the oldest Members of this Assembly. He was in the first Assembly, and barring a temporary absence of about a couple of months, he had always been a Member of this House. He was very popular in this House, and many a time when the heat of the debate was getting very uncomfortable, he would relieve the tension by one of his inimitable remarks. Sir, this House has lost, I do not know how many Members, possibly ten or twelve Members by death. I believe Mr. K. Ahmed belonged to no Party. He was an unattached Member, at any rate he used to exercise his independent judgment, not being controlled by any Whip of any Party. I request you to kindly convey to the members of the bereaved family our sense of regret at his untimely and sudden death.

Mr. M. Asaf Ali (Congress Party): Sir, speaking on behalf of my Party, I associate myself with all that has been said by the Honourable the Leader of the House. The news of Mr. K. Ahmed's death has come to us as a great shock. As has been pointed out by the Honourable the Leader of the House, he was a very popular figure and he was always full of good will and amiability and he had friends in every section of the House. He was a Member of this House from its inception, and I have no doubt that his absence from our midst will be very keenly felt by all of us. As the Honourable the Leader of the House has said, at times when the tension was the greatest, it was relieved by his apt and witty remarks. I request you to convey the sympathies of my Party to the bereaved family of the departed.

Syed Ghulam Bhik Nairang (Deputy Leader of the Muslim League Party): On behalf of my Party, I associate myself with the remarks expressing sympathy and sense of loss at the sudden demise of Mr. K. Ahmed. There is no doubt that not only as one of the oldest Members of this Assembly, but as a figure unique by himself, Mr. K. Ahmed's death has come to us as a very sudden and regrettable occurrence, the news being quite so sudden and his death itself being so sudden and tragic. The fact that he was in this House this morning and now, in the afternoon, before we meet, we hear of his death enhances the tragedy of his death so far away from his home and from his near and dear ones, and the sympathy which all of us feel for him is rendered all the keener by the circumstances of his having died here. On behalf of my Party, I request you to convey the sense of loss and the expression of our sympathy to the bereaved family. You will allow me to say, Sir, that the news of his death was sent by telegram to his relatives and their arrival—though it is very difficult—is being awaited. So it has been decided that the funeral of Mr. K. Ahmed will take place tomorrow, the exact time will be notified later on. The dead body of the deceased will be removed from the Irwin Hospital to his residence, 5, Windsor Place, immediately today.

Sardar Sant Singh (Congress Nationalist Party): On behalf of the Congress Nationalist Party and myself, I associate myself with all the sad sentiments that have fallen from the Leaders of various Parties. I have had the privilege of friendship of Mr. K. Ahmed for the last nine years. He was one of those who was sincere in his convictions, and he was a very genuine friend. During his Membership in the House, so far as I know, we have always felt very much relieved from the heat of the debate

[Sardar Sant Singh.]

and sometimes by his witty and apt remarks he turned the debate from passion to laughter. I am sure, he will be remembered for a long time as one of those who endeared himself to all the various parties without distinction of school of thought. I request you on behalf of the Congress Nationalist Party to convey the sentiments of our sympathy to the bereaved family.

Mr. A. Aikman (Leader of the European Group): Sir, the sudden and tragic death of Mr. Kabeer-ud-din Ahmed has come to the Members of my Party as a great shock. He was a Member of the House, I understand, almost continually since 1921. His kindly humour, probably his chief characteristic, did not conceal his sincerity of purpose or his ability. I would associate myself and my Party with the tributes that have been paid to him by the Leader of the House and by the representatives of other Parties and ask you to associate the name of the European Group with the message of sympathy which I trust you will send to his relatives.

Mr. N. M. Joshi (Nominated Non-Official): Sir, I may be permitted to say a word to pay my last tribute to the memory of an old friend. I had the privilege of being associated with Mr. Kabeer-ud-din Ahmed as a Member of the Assembly since 1921. I had also the privilege of working with him as a member of the Royal Commission on Indian Labour. He was very much interested in the welfare of Indian seamen. Throughout my association with him, I have found him always a cheerful soul, and it was truly said by two of my colleagues that his ready-witted interventions softened many times the acerbities of political discussions in this House and restored good humour all round. He was a very affectionate friend and by his death we shall all miss a genial colleague. Sir, I associate myself with the sentiments expressed by the other Members of this House.

Mr. President (The Honourable Sir Abdur Rahim): The sudden death of Mr. Kabeer-ud-din Ahmed has shocked us all. He was, as has been mentioned, one of the oldest Members of the Assembly, and he was associated with the Assembly as a Member from its very inception. Latterly, he was unable, owing to ill-health, to attend regularly the sittings of the House; but I am in a position, having known him for a very long time as a friend, to endorse the remarks that have been made by the several speakers that he was always a very cheerful person and a very kind friend. And whenever he intervened in the debates in the House, he managed to enliven the proceedings by his keen sense of humour. I feel very grieved by the sudden death of Mr. Kabeer-ud-din Ahmed and it will be my sad duty to communicate the sympathies and condolence of the Assembly to the bereaved family. As a mark of respect, I adjourn the House now for the rest of the day to meet again on Monday next at 11 o'clock. ✓

The Assembly then adjourned till Eleven of the Clock on Monday, the 13th March, 1939.