

# LEGISLATIVE ASSEMBLY DEBATES

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THURSDAY, 19th JULY, 1934.

Vol. VI—No. 4

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## OFFICIAL REPORT



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# LEGISLATIVE ASSEMBLY.

Thursday, 19th July, 1934.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

## QUESTIONS AND ANSWERS.

### IMPORTANT GOVERNMENT BILLS PENDING BEFORE THE LEGISLATIVE ASSEMBLY.

83. \***Mr. Lalchand Navalrai** : Is it a fact that Government want to pass all their pending important Bills through the present Legislative Assembly in order to avoid the same coming up before the next Assembly ?

**The Honourable Sir Joseph Bhoré** : The anxiety of Government to complete, as much as possible, of their pending legislative programme, during the course of the present Session, is inspired, not as the Honourable Member appears to suggest, by any apprehension that the attitude of the next Assembly would be less favourable to that programme than the attitude of the present Assembly, but in part by the fact that many of the items in the pending programme are in themselves urgent and in part by the fact that the postponement of any considerable proportion of the Bills, now pending, would inevitably lead to an undue congestion of the business requiring to be transacted during the opening Sessions of the new Assembly.

**Mr. Lalchand Navalrai** : I did not follow even one word of what my Honourable friend said. I would request the Honourable Member to repeat the answer.

**The Honourable Sir Joseph Bhoré** : This is the first time that I have been charged in this House with incoherence.

**Mr. Lalchand Navalrai** : I have not charged the Honourable Member with anything at all. There was noise on this side of the House and I could not hear.

**Some Honourable Members** : No, no. It was on account of the rains.

**The Honourable Sir Joseph Bhoré** : I have no objection to reading it out again. (Reads out the answer again.)

**Dr. Ziauddin Ahmad** : Will Government kindly give us a list of all the Bills which they intend to lay before the Assembly for being disposed of in this Session ?

**The Honourable Sir Joseph Bhoré** : I am afraid I could not give him the information straight off, but if it will be of any assistance to the House, I shall endeavour to do so at the earliest possible opportunity.

**Dr. Ziauddin Ahmad** : It will be of very great assistance to us, because we would like to co-operate with Government and with the President to finish them in time so that we may go back as early as possible.

**The Honourable Sir Joseph Bhoré :** I gratefully accept my Honourable friend's offer of co-operation.

**Mr. Lalchand Navalrai :** May I ask the Honourable Member if some of the contemplated work cannot be postponed till the next Assembly ?

**The Honourable Sir Joseph Bhoré :** If they could have been postponed we would not have made an attempt to get them through the present Assembly.

**Mr. Lalchand Navalrai :** May I know if the Government Benches will be ready to sit on Friday and Saturday.

**Several Honourable Members :** No, no.

**Mr. B. V. Jadhav :** May I know whether any more new Bills are to be introduced ?

**The Honourable Sir Joseph Bhoré :** As I said just now, I am not in a position to give complete information at the present moment, but I shall endeavour to supply that information to the House at the earliest possible opportunity.

#### COMPULSORY RETIREMENT OF POSTAL EMPLOYEES HAVING OVER 25 YEARS' SERVICE.

84. **\*Dr. Ziauddin Ahmad :** (a) Have Government issued any circular for compulsory retirement of all servants in the Postal Department who have put in 25 years service, irrespective of age ?

(b) If the orders issued are not to the effect stated in part (a), will Government be pleased to state the exact terms of such orders ?

(c) Are those orders applicable to all grades of services gazetted, ministerial and menial ?

(d) Do these orders apply to persons serving in the offices of the Director General and the Postmasters General ?

(e) Are these rules framed only for the Postal Department, or for all departments under the Government of India ? If these rules have been framed for the Postal Department only, what is the reason for this differentiation ?

(f) Are Government aware that the Superintendent of the Postal Department, Fatehgarh (U. P.) Circle, issued orders stating that voluntary retirement of certain persons were accepted, and that he changed those orders into compulsory retirement in consequence of a protest from the servants concerned ?

(g) If Government have accepted the principle of compulsory retirement of persons who have put in 25 years' service, will they please state whether the rule also applies to high officials, e.g., Postmasters General, Director General and others ? If not, why not ?

**The Honourable Sir Frank Noyce :** (a) No.

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

(c) and (d). Yes.

(e) The orders referred to are applicable to all Departments under the Government of India.

The second part does not arise.

(f) It is a fact that some confusion arose owing to the issue of wrong forms by the Superintendent of Post Offices, Fatehgarh Division, but the mistake was subsequently rectified by the cancellation of the original orders and by the strict application of Government orders on the subject.

(g) Does not arise in view of the reply to part (a).

*Order referred to in part (b) of reply to starred question No. 84.*

*Selection of Individuals for Discharge.*

A. Retrenchment of permanent personnel should be effected in the following order, subject to the maintenance to the nearest practicable figure in each category of the ratio between the various communities represented by their present numbers in the category :

- (i) by the acceptance of voluntary resignations or retirements ;
- (ii) by the discharge of officers whose work is considered to be so consistently unsatisfactory that to retain them on the cadre, while others are discharged from it, would be unjustifiable ;
- (iii) by the discharge of selected men from among the following :
  - (a) those who have attained 55 years of age,
  - (b) others with 30 years' service or over,
- (iv) by the discharge of selected officers of 25 years' but less than 30 years' service ;
- (v) by the discharge of selected officers with less than 10 years' service ;
- (vi) by the discharge of selected officers with 10 years' but less than 25 years' service.

B. Temporary staff should be treated entirely separately from permanent staff, and, if less than the whole temporary staff is to be reduced, the same principles should be followed as in reducing permanent staff.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member if any officers' posts in the Director General's Office, such as, Directors of Post Offices and Deputy Directors and Assistant Directors, have been retrenched ?

**The Honourable Sir Frank Noyce :** I must ask for notice of that question.

**Dr. Ziauddin Ahmad :** May I ask whether the rules framed for compulsory retirement are applicable only to the subordinate staff or both to the subordinate staff and the officers ?

**The Honourable Sir Frank Noyce :** No, Sir. They are applicable to all staff, but if the Honourable Member wants definite information on the point, I would ask him to put down a question on the order paper.

**Dr. Ziauddin Ahmad :** Then they are applicable to the Director General, Postmasters General and everybody else ?

**The Honourable Sir Frank Noyce :** The question of retrenchment ?

**Dr. Ziauddin Ahmad :** Compulsory retirement after 25 years' service—that is what I am asking about.

**The Honourable Sir Frank Noyce :** No, Sir.

**Mr. Vidya Sagar Pandya :** In theory no doubt the rules are applicable alike, but are they in practice applied so ?

**The Honourable Sir Frank Noyce :** Presumably orders on the subject are being carried out.

**Mr. Lalchand Navalrai :** I think the Honourable Member might kindly reply to part (d) of the question.

**The Honourable Sir Frank Noyce :** The answer to part (d) is, yes.

**Mr. Lalchand Navalrai :** Then may I know who those persons are ?

**The Honourable Sir Frank Noyce :** I cannot give the information offhand. I do not carry all these details in my head. If the Honourable Member will put down a question, I will endeavour to answer it.

**Dr. Ziauddin Ahmad :** Will Government be pleased to make enquiries on this point, because my information is that this rule is applied only to peons and not to other officers ?

**The Honourable Sir Frank Noyce :** I have already said that if he will put down a question, I will answer it.

#### REFUND OF CUSTOMS DUTIES CHARGED AT INDIAN PORTS ON GOODS ENTERING KASHMIR.

85. \***Lala Hari Raj Swarup :** (a) Is it a fact that for purposes of customs Kashmir State is regarded as a foreign province like Afghanistan and is allowed a complete refund of customs duties charged at Indian ports on goods entering Kashmir ?

(b) If the answer to part (a) be in the affirmative, will Government please state if Kashmir also will be regarded as a foreign power for purposes of Indian excise duty on sugar and a refund of excise duty allowed to the manufacturers of sugar as on other exports of sugar out of British India ?

**The Honourable Sir James Grigg :** (a) As the result of a treaty concluded with Kashmir in 1870, the customs duty collected on goods imported at British Indian ports and transmitted through British India to Kashmir is made over to the Kashmir Durbar.

(b) The treaty does not cover excise duties levied on goods produced in British India, and the Government of India at present see no sufficient reason to grant a concession in respect of the excise duty on sugar.

#### TRANSFER OF THE RESEARCH INSTITUTE FROM PUSA TO DELHI.

86. \***Lala Hari Raj Swarup :** (a) Is it a fact that the Pusa Research Institute is proposed to be transferred from Pusa to some central place near Delhi ?

(b) If the answer to part (a) be in the affirmative, what are the reasons that have impelled the Government to make this change ?

(c) What will be the cost of the new institute and what will happen to the old institute at Pusa ?

(d) What are the places that have been considered for the location of the new institute, and which place has been finally selected ?

(e) By what date is it expected to start the new institute ?

**Mr. G. S. Bajpai :** I would refer the Honourable Member to the answer given to Mr. Gaya Prasad Singh's question No. 69 yesterday.

REDUCTION OF THE RATES OF JAVA SUGAR AT THE INDIAN PORTS.

87. **\*Lala Hari Baj Swarup :** (a) Has the attention of Government been drawn to the fact that Java is continuously reducing its rates for sugar at the Indian ports in order to undersell Indian sugar and to dump its own old stocks ?

(b) Is it a fact that the price of Java sugar has now been reduced to about three rupees per maund *ex-Indian Port* without duty ?

(c) Is it not a fact that in the Sugar Protection Act the Legislature gave power to the Governor General in Council to increase import duty on foreign sugar whenever it was found that Java was selling below four rupees a maund at the Indian ports ? If so, why have Government not taken any action under those provisions as yet in order to protect Indian industry ?

**The Honourable Sir Joseph Bhore :** (a) No. The prices of Java White sugar at the ports have remained practically steady during the last six months.

(b) The present price of Java sugar at the ports corresponds to Rs. 3-3-6 per maund *ex-duty*.

(c) Under section 4 of the Sugar Industry (Protection) Act, 1932, the Governor General in Council is competent to increase the duties imposed by the Act, if he is satisfied that sugar is imported into British India at such a price as is likely to render insufficient the benefits intended to be conferred upon the sugar industry by such duties. The Act imposes no obligation on the Governor General in Council to increase the duty whenever the price of imported sugar at the ports should fall below Rs. 4 per maund *ex-duty*, though one of the recommendations of the Tariff Board was that an off-setting duty of 8 annas per cwt. should be imposed on the occurrence of such a contingency. The existing margin between the import and excise duties, however, already includes the off-setting duty recommended by the Board.

COST OF MAINTAINING REGULAR OFFICERS OF THE ARMY BORNE BY THE TERRITORIAL BUDGET.

88. **\*Mr. Gaya Prasad Singh :** (a) Is it a fact that three regular King's commissioned officers and two regular Indian officers during the period of their secondment for duty with each Provincial Unit draw the pay from the Territorial Budget of that unit for more than nine months in a year even when they are not required for duty with that unit ?

(b) If the reply to part (a) be in the affirmative, why is the Territorial Budget made to bear the cost of maintaining regular officers of the

Army during the period when they are not needed for duty with the Territorial Force ?

(c) Why are not the Territorial officers of suitable qualification employed in place of these regular officers throughout the non-training periods when generally these regular officers are not needed for duty with Indian Territorial Force ?

(d) In view of the liabilities of the officers of the Provincial Units of the Indian Territorial Force to perform military service at any time during the year, are these officers regarded as officers of the Indian Army for the purposes of paragraph 58 of the R. A. I. and are they considered as belonging to a branch of Government service whenever such a term is used for the rest of the officers of the other departments of Government ?

(e) Are not the officers of the Indian Territorial Force considered eligible for appointment to the Regular Units under the new Indianisation scheme ?

**Lieut.-Colonel A. F. B. Lumby :** (a) Yes.

(b) The Territorial Force Budget is not separate from, but is part of, the Defence Services Budget. Regular King's Commissioned Officers and Indian Officers are seconded from the regular Army, for duty with the Indian Territorial Force, for periods of three years. During this time the Indian Territorial Force has first call on their services. When their Indian Territorial Force units do not require them, they return for duty to their regular units.

(c) During the non-training period Indian Territorial Force units are not embodied. During this period the work of these units is carried out by the Administrative Commandant who is a Regular King's Commissioned Officer employed with the Indian Territorial Force throughout the whole year, and there are no duties upon which Indian Territorial Force officers could be employed. Opportunities are, however, provided annually for the attachment of a certain number of officers of the Indian Territorial Force to regular units for training in the non-training period.

(d) Regulations for the Army in India, paragraph 58, applies to officers of the regular Army. Officers of the Indian Territorial Force are, however, under certain conditions eligible for appointment to the Cantonment Department. Personnel of the Force, not being members of the regular Army, cannot be regarded as being in Government Service in the sense in which that term is ordinarily used.

(e) Officers of the Indian Territorial Force are not eligible for direct appointment to regular units, but members of the Force are eligible for Indian Army Cadetships at the Indian Military Academy under the same conditions as apply to personnel of the regular Indian Army.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member if Indian officers are being allowed in the Indian Territorial Force and if there are any such officers now ?

**Lieut.-Colonel A. F. B. Lumby :** Certainly. There are senior grade officers and junior grade officers. I cannot give the exact number offhand.

**Mr. Lalchand Navalrai :** I mean Indians.

**Lieut.-Colonel A. F. B. Lumby :** They are all Indians.

INSTALLATION OF A SEISMOGRAPH IN NORTH BIHAR.

89. **Mr. Gaya Prasad Singh** : Do Government propose to instal a seismograph in North Bihar in view of frequent earthquakes in that part of the country ?

**The Honourable Sir Frank Noyce** : The attention of the Honourable Member is invited to the information laid on the table of the House on the 7th April, 1934, in reply to part (h) of Mr. Nabakumar Sing Dudhoria's starred question No. 435.

**Mr. B. Das** : Might I suggest to Government that they should instal a seismograph in Muzaffarpur so that my Honourable friend may get out his bed at night in case there is an earthquake.

CONCESSION IN RAILWAY FREIGHT FOR THE CARRIAGE OF GOODS AND PACKAGES TO EARTHQUAKE AREA.

90. **Mr. Gaya Prasad Singh** : (a) Is it proposed to terminate the Railway freight concession for the carriage of goods and packages to earthquake area in the near future ? If so, is it not a fact that during and after the rains, it will be necessary to convey food-grains, building materials, etc., for relief in those areas ?

(b) Do Government propose to continue the Railway concession facilities for some months more ?

**Mr. P. B. Rau** : (a) The freight concessions originally granted terminated on the 30th June, 1934. Government understand that there is no longer any necessity for importing materials for the immediate relief of distress, and that operations have now reached a stage at which they are directed entirely towards the permanent reconstruction of damaged buildings and public works.

(b) The question of allowing certain other freight concessions for the carriage of materials has been raised by the Government of Bihar and Orissa and is now under examination.

**Maulvi Muhammad Shafee Daoodi** : Are Government aware that the relief committees in the Tirhut Division have all applied for the continuance of the concession of the railway freight ?

**Mr. P. B. Rau** : The Government of India understood from the Government of Bihar and Orissa that there was no longer any necessity for importing materials for the immediate relief of distress, but the Government of Bihar and Orissa have put forward certain other proposals for the carriage of materials. They are under consideration.

**Maulvi Muhammad Shafee Daoodi** : May we know the gist or the substance of that proposal ?

**Mr. P. B. Rau** : I am afraid I do not remember the exact proposals, but if my memory is correct, they are contingent on certain firms making reductions in the prices of materials.

**Maulvi Muhammad Shafee Daoodi** : I would like to inform the Honourable Member that there is a strong feeling against the discontinuance of the concession which was granted at the time of the earthquake and all the Relief Committees in North Bihar have unanimously resolved that the Railway Department should be pressed on that point.



**Mr. Gaya Prasad Singh** : Do I understand the Government to say that Mr. Brett, the Relief Commissioner in charge, has agreed to the discontinuance of this railway concession ?

**Mr. P. E. Rau** : To the best of my recollection, the Government of Bihar and Orissa have agreed to it.

**Mr. Bhuput Sing** : Will Government consider the question of giving concession to food grains if they are required for relief work ?

**Mr. P. E. Rau** : That is a hypothetical question.

**Mr. Gaya Prasad Singh** : Are Government aware of the alarming reports in the Press today and yesterday that very serious floods have overtaken Motihari and other parts of North Bihar and that urgent measures of relief are very essential ?

**Mr. P. E. Rau** : I have seen those statements in the papers.

**Mr. Gaya Prasad Singh** : Do they produce any effect on the Railway Board of the Government of India ?

**Mr. P. E. Rau** : The Local Government will certainly draw our attention to the subject, if they consider that there are any special steps that we should take in this matter.

#### ATTEMPT TO REACH MOUNT KAILASH BY THE INDIAN HIMALAYAN EXPEDITION CLUB, DELHI.

91. **\*Mr. Gaya Prasad Singh** : (a) Have Government refused permission to the Indian Himalayan Expedition Club, Delhi, to attempt to reach Mount Kailash on the ground that the Tibetan Government might raise objection ? If so, were the Tibetan authorities consulted in the matter ?

(b) Were the Tibetan Government, or the Nepal Government consulted, and their previous permission obtained, when the British Expedition visited India last time on a similar mission ?

**Mr. H. A. F. Metcalfe** : (a) The Government of Tibet have the strongest objection to visits by foreigners to their territory without their previous permission, and no mountaineering or scientific expedition has ever been allowed by the Government of India to visit Tibet until the express permission of the Tibetan Government had been obtained. It came to the notice of the Government of India that an expedition describing itself in the terms stated in the Honourable Member's question, had advertised its intention to proceed on a mountaineering expedition to the neighbourhood of Mount Kailas and Lake Mansarowar. The equipment of the expedition was stated to include rifles, cinematograph and other scientific apparatus, together with large quantities of tentage, baggage, and transport. As is well known, a number of Hindu pilgrims visit these places annually, and no protest has been made by the Tibetan Government in the case of such *bona fide* pilgrims. As, however, the advertisements of the proposed Kailas expedition, which were widely published in the Press, were likely to come to the notice of the Tibetan Government, who would conclude that the expedition did not consist of pilgrims, the organiser was asked not to proceed with his plans without first obtaining the Tibetan Government's permission. No applica-

tion has been received from the organisers for obtaining such permission and no reference has therefore been made to the Tibetan Government.

(b) The Honourable Member is no doubt referring to the British expedition which attempted to climb Mount Everest in 1933. The previous permission of the Tibetan Government was obtained. The Nepal Government were not concerned.

**Mr. Gaya Prasad Singh :** Was the previous sanction of the Tibetan Government obtained with regard to the British expedition which visited these places last year ?

**Mr. H. A. F. Metcalfe :** The permission was obtained through the Government of India who applied through the Political Officer, Sikkim.

**Mr. Gaya Prasad Singh :** Why was not the same procedure followed in the case of the Indian expedition which wanted to go on the same errand ?

**Mr. H. A. F. Metcalfe :** Exactly the same procedure would have been followed had the organisers of the expedition taken the trouble to ask us to obtain the permission for it ?

**Mr. Gaya Prasad Singh :** Is it not a fact that even before this foreign expedition applied to the Government of India, it was widely advertised in the Press, both here and in England, that such an expedition was coming out from England.

**Mr. H. A. F. Metcalfe :** That, Sir, is not the case.

**Mr. B. Das :** Is it not a fact that the Tibetan Government is apprehensive of disasters....

**Mr. President (The Honourable Sir Shanmukham Chetty) :** The Honourable Member cannot go into the reasons which actuated the Tibetan Government.

**Mr. Gaya Prasad Singh :** Is it not a fact that the British expedition came out with the same sort of equipment—rifles and other things—for self-protection ?

**Mr. H. A. F. Metcalfe :** I am not aware that any rifles were taken, but I do not see how that affects the matter. In the case of the British expedition, it was definitely a mountaineering expedition and it was acknowledged as such. The permission of the Tibetan Government was obtained for it, but in the case of the expedition, to which the Honourable Member refers, no permission was asked for whatsoever.

**Mr. Gaya Prasad Singh :** How does the constitution of this Indian expedition differ materially from the constitution of the British expedition for which the Government asked the permission of the Tibetan Government ?

**Mr. H. A. F. Metcalfe :** I am afraid I have not made myself quite clear. As I explained, the advertisement of this expedition clearly differentiated it from the ordinary pilgrimage, which could have proceeded without any objection whatsoever.

**Mr. Gaya Prasad Singh :** Is it not a fact that the equipments were widely advertised for months together and even an aeroplane was also

being built, before the Government of India applied to the Tibetan Government for permission ?

**Mr. H. A. F. Metcalfe** : I have already stated that this is not the case. The permission of the Tibetan Government was obtained before, so far as I know, any advertisements appeared in the Press.

#### RESTORATION BY GOVERNMENT OF CONGRESS MONEY AND PROPERTIES.

92. \***Mr. Gaya Prasad Singh** : (a) Will Government kindly make a statement showing separately the amount of money, and the properties, of the Congress forfeited, or taken possession of by them in different provinces, and restored to the Congress after the recent withdrawal of notifications ?

(b) How much money, and what properties, are still held by Government, and what action is contemplated in respect of them ?

**The Honourable Sir Harry Haig** : (a) I regret that I have not the information for which the Honourable Member asks.

(b) No action is contemplated in respect of funds and movable property forfeited to Government. Immovable property which has been taken possession of under the provisions of section 17A of the Indian Criminal Law Amendment Act, 1908, as amended by Act XXIII of 1932, will be returned when the notification under that section ceases to be in force.

**Mr. Gaya Prasad Singh** : With regard to part (a), do I understand the Government to say that they are engaged in collecting the information and will lay it on the table ?

**The Honourable Sir Harry Haig** : I think my Honourable friend is under a misapprehension.

**Mr. Lalchand Navalrai** : May I know from the Honourable Member who is to decide in these matters—the Local Governments or the Government of India ?

**The Honourable Sir Harry Haig** : The return is made automatically under the law when the notification is cancelled.

**Mr. Lalchand Navalrai** : Have any press been returned ?

**The Honourable Sir Harry Haig** : I do not think that presses would come under the description of immovable property.

#### CONSTRUCTION OF THE NEW HOWRAH BRIDGE.

93. \***Mr. Gaya Prasad Singh** : Are Government in possession of any information to show when the new Howrah Bridge is going to be built, and what steps, if any, are going to be taken to give preference to Indian steel and other materials in its construction ?

**The Honourable Sir Joseph Bhow** : The subject matter of the Honourable Member's question is primarily the concern of the Government of Bengal and the Government of India have no official information on the points raised by the Honourable Member.

**Mr. Gaya Prasad Singh** : May I know how the materials are to be obtained with regard to the construction of the Howrah Bridge—through

the High Commissioner in England or the Indian Stores Department ; or how ?

**The Honourable Sir Joseph Bore :** My Honourable friend has overlooked the fact that even tenders have not been called for. The question of obtaining materials has not yet arisen.

RELEASE OF SARDAR VALLABHBHAI PATEL.

94. **\*Mr. Gaya Prasad Singh :** Has there been any correspondence between the Government of India and the Government of Bombay relating to the release of Sardar Vallabhbhai Patel ?

**The Honourable Sir Harry Haig :** Yes.

GARHWALI SOLDIERS IMPRISONED FOR DISOBEYING MILITARY ORDERS IN PESHAWAR.

95. **\*Mr. Gaya Prasad Singh :** (a) How many Garhwali soldiers were convicted and imprisoned in 1930 for disobeying military orders to fire on a peaceful crowd in Peshawar ?

(b) How many of them have been released before their term, and why have not the rest of them been released yet ?

**Lieut. Colonel A. F. R. Lumby :** (a) and (b). No Garhwali soldiers were convicted and imprisoned for disobeying orders to fire on a peaceful crowd in Peshawar. The Honourable Member presumably has in mind the seventeen Garhwali soldiers who were sentenced to various terms of imprisonment for mutiny and who formed the subject of Mr. C. S. Ranga Iyer's starred question No. 1653, dated the 12th December, 1932. In reply to that question it was stated that eight of those soldiers had been released. Five more have since been released under the orders of His Excellency the Commander-in-Chief. The cases of the four men still remaining in jail have been considered by His Excellency the Commander-in-Chief, but in view of the gravity of their offences he has not seen fit to grant any remission.

REFUSAL OF PASSPORT TO REVEREND B. OTTAMA TO ATTEND THE SECOND PAN PACIFIC BUDDHIST CONFERENCE IN TOKIO.

96. **\*Mr. Gaya Prasad Singh :** (a) Have Government received any communication on the subject of the refusal of passport to Reverend Ottama, who has been invited to attend the Second Pan Pacific Buddhist Conference in Tokio ?

(b) Why has a passport been refused ?

(c) Was he refused a passport in 1932 when he intended to proceed to London ?

**The Honourable Sir Harry Haig :** (a) and (b). I would refer the Honourable Member to the reply given by me to parts (a) and (b) of Mr. Mitra's question No. 48, dated the 16th July, 1934.

(c) Yes.

## AGE LIMIT FOR COMPETITIVE EXAMINATIONS FOR GOVERNMENT SERVICES.

97. \*Sir Cowasji Jehangir : (a) Will Government be pleased to state for which services Government have competitive examinations ?

(b) Is it a fact that some of these examinations have not been held annually due to retrenchment ?

(c) Is it a fact that an age limit is prescribed for candidates for these services ?

(d) Are Government aware of the fact that a number of candidates who would have been within the age-limit had the examinations been held annually will now be debarred from appearing ?

(e) Are Government prepared to amend the rules for all services for which examinations are held, so as to enable such candidates to get a chance of appearing at the next examinations ?

(f) Are Government prepared to make the age-limit rules the same for all services with regard to subordinates in Government service appearing for these examinations ?

The Honourable Sir Harry Haig : (a) A statement is laid on the table.

(b) and (c). Yes.

(d) and (e). I would refer the Honourable Member to my reply to Mr. Maswood Ahmad's starred question No. 16, on the 1st February, 1933. Government see no sufficient reason for amending the rules.

(f) The answer is in the negative. The age limits for each examination are fixed with reference to the requirements of the particular service to which recruitment is to be made.

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*List of Services for which Recruitment is made by Competitive Examination.*

1. Indian Civil Service.
2. Indian Audit and Accounts Service.
3. Imperial Customs Service.
4. Military Accounts Department.
5. Indian Railway Accounts Service.
6. Indian Forest Service.
7. Indian Police.
8. Transportation (Traffic) and Commercial Departments of the Superior Revenue Establishment of State Railways.
9. Indian Railway Service of Engineers.
10. Indian Service of Engineers.
11. Superior Telegraph and Wireless Engineering Branches of the Posts and Telegraphs Department.
12. Signal and Electrical Engineering Departments of the Superior Revenue Establishment of State Railways.
13. Imperial Secretariat Service, Class II.
14. Imperial Secretariat Subordinate Service.
15. Clerical staff of offices attached to the Imperial Secretariat.

**PILGRIMS TO HEDJAZ BY OVERLAND ROUTE BY MOTOR LORRIES.**

98. \***Khan Bahadur Haji Wajihuddin** : (a) Is it a fact that a number of Hedjaz pilgrims left India during the last Haj season by motor lorries, and if so, were they given pilgrim passports by the Government of India after satisfying themselves that the new route was quite safe and comfortable for the intending pilgrims ?

(b) Is it a fact that pilgrims were refused passports by lorry route in the previous year on the plea that the road was not suitable for lorry traffic, and if so, on what ground were passports issued last season ?

(c) How many pilgrims proceeded to Arabia by lorry traffic during the last season ?

(d) Did they reach their destination in time to perform the duty of pilgrimage fixed for 9th of Zilhij every year ? If not, who is responsible for the loss of expenses and trouble sustained by the Indian pilgrims ?

**Mr. H. A. F. Metcalfe** : (a) The Government of India are aware that certain pilgrims went from Delhi to Mecca, by the overland route, during the last Haj season. Pilgrim passports are issued by Local Governments, all of whom were requested to warn intending pilgrims against using the overland route. This warning was conveyed by the local authorities at Delhi to all pilgrims who applied for passports or passes.

(b) So far as the Government of India are aware, no pilgrims were refused passports either last year or this year, merely because they wished to use the overland route. All pilgrims were, however, warned on both occasions of the difficulties which they were likely to encounter and a similar warning was conveyed by the Deputy Commissioner of Delhi to the Muslim Trading Corporation, Limited, who were undertaking the venture and providing the transport.

(c) Thirty-five.

(d) The responsibility appears to rest upon those who insisted on disregarding the plain warnings given to them by the Government.

**ARRANGEMENTS MADE BY THE SHIPPING COMPANY FOR FOOD OF HAJ PILGRIMS.**

†99. \***Khan Bahadur Haji Wajihuddin** : Are Government of India aware that the deck pilgrims generally who proceeded by various steamers to Arabia, are dissatisfied with the arrangements made by the Shipping Company for their food on the voyage to Jeddah and back, and if so, how do Government propose to solve the problem ?

**INDIAN PILGRIMS TO HEDJAZ.**

100. \***Khan Bahadur Haji Wajihuddin** : Will Government be pleased to state the figures of Indian pilgrims who proceeded to Hedjaz in each year during the last five years from each of the Indian ports, respectively ?

**Mr. G. S. Bajpai** : A statement giving the figures for the five years ending 1932-33 is laid on the table. Figures for the Haj season 1933-34 are not yet available.

†For answer to this question, see answer to question No. 61.

Statement showing the number of Indian pilgrims who proceeded to the Hedjaz from Indian ports during the five years ending 1932-33.

Pilgrim Season.	No. of pilgrims who proceeded to the Hedjaz.			
	From Bombay.	From Karachi.	From Calcutta.	Total.
1928-29 .. ..	10,611	3,368	1,009	14,988
1929-30 .. ..	7,528	2,957	557	11,042
1930-31 .. ..	4,341	2,566	370	7,277
1931-32 .. ..	5,328	3,780	371	9,479
1932-33 .. ..	3,634	2,778	278	6,690

**SANCTION GIVEN BY GOVERNMENT TO PILGRIMS TO PROCEED TO HEDJAZ BY MOTOR LORRIES.**

101. \***Khan Bahadur Haji Wajihuddin** : Has the attention of Government been drawn to a note published in the *Daily Hamdam*, dated the 20th June, 1934, page 3 with regard to the sanction given by Government to Indian pilgrims for proceeding by lorry traffic ? If so, will Government be pleased to lay on the table all the correspondence which passed between them, the Hedjaz and other Governments in this connection upon which sanction was given by the Government of India ?

**Mr. H. A. F. Metcalfe** : Yes. As explained in my answer to the Honourable Member's question No. 98, Government gave no sanction to any Indian pilgrims to proceed to the Hedjaz by the overland route ; but, on the other hand, did all they could to dissuade them from doing so. The sanction of the Government of India was neither given nor was necessary for the expedition and the last part of the question does not therefore arise.

**BLOCKING OF TRAFFIC ON THE CART ROAD IN SIMLA BY THE POLICE.**

102. \***Mr. Bhuput Sing** : (a) Has the attention of Government been drawn to an article headed "*Simla Road Scandal*", "Colonel's passage blocked by policemen", published in the *Hindustan Times*, dated the 22nd May, 1934 ?

(b) Are Government aware that such things frequently happen on the Cart Road when Their Excellencies are expected to motor down to Kalka ? If so, are Government aware that the blocking of the only road between Kalka and Simla puts the public to a great inconvenience ?

(c) Do Government propose to devise means by which the traffic should not be held up at any one spot on the road more than 20 minutes ? If not, why not ?

(d) Will Government be pleased to state whether the allegations of the writer that this sort of blocking traffic on the road is never allowed by any other Government in the world excepting the Indian Government, is true? If not, do Government propose to prosecute the writer of the article for making false allegations? If not, why not?

**The Honourable Sir Harry Haig :** (a) Yes.

(b) Government are aware that some inconvenience is occasionally caused.

(c) It is impossible for the Government to undertake to observe a definite time-limit, but as little inconvenience will be caused as is compatible with effective measures for His Excellency's safety.

(d) Government have no information. The second and third parts of the question do not arise.

**Mr. Lalchand Navalrai :** Will the Honourable Member kindly say if he has read the paper which made the allegation referred to in sub-clause (d), namely, that in no other Governments does any such system prevail? I want to know whether the Honourable Member has actually read that statement in the papers.

**The Honourable Sir Harry Haig :** I did read an extract from the paper which is referred to in this question, but, as I have said in sub-clause (d) of my answer, Government have no information whether this particular allegation is correct or not.

**Mr. Lalchand Navalrai :** And the Government have remained indifferent and is not going to make any inquiries about that?

**The Honourable Sir Harry Haig :** Government are content to deal with affairs in India. (Laughter.)

#### AFFAIRS IN THE OFFICE OF THE DIRECTOR OF CONTRACTS, ARMY HEADQUARTERS.

103. **\*Mr. Bhuput Sing :** (a) Will Government be pleased to state the number of cases during the last three years in which clerks in the office of the Director of Contracts, Army Headquarters, have at first been condemned in their confidential reports and then in the following year or thereafter, eulogised and promoted or in the first instance praised and subsequently condemned, their promotion and annual increments being all stopped?

(b) Is it a fact that at the present moment some permanent clerks are under charge sheet with a view to dismissal? If so, what are the exact charges against them?

(c) Will Government be pleased to state whether the office of the Director of Contracts is the only office in the Government of India where such practices as described in parts (a) and (b) are permitted? If so, will they be pleased to state the action, if any, they propose to take to ensure the prospects of the Indian clerks?

**Lieut.-Colonel A. F. R. Lumby :** (a) Government are not prepared to give information in regard to entries in the confidential reports of their employees.

As each report is based on work performed during a specific period, it is only natural that, if an individual's efficiency varies from year to



year, this fact should be reflected by a corresponding variation in his reports.

(b) No, Sir.

(c) Does not, therefore, arise.

**DUTIES OF THE ASSISTANT MASTER GENERAL OF ORDNANCE WHILE ACCOMPANYING THE MASTER GENERAL OF ORDNANCE ON TOUR.**

104. \***Mr. Bhuput Singh** : Will Government please state the duties of the Assistant Master General of Ordnance when the latter accompanies the Master General of Ordnance on tour ?

**Lieut.-Colonel A. F. R. Lumby** : The duties of the Assistant Master General of the Ordnance when on tour with the Master General of the Ordnance are such as the latter officer may assign to him.

**Mr. Bhuput Singh** : If there are no particular duties to be performed, why does this high officer accompany the Master General of the Ordnance ?

**Lieut.-Colonel A. F. R. Lumby** : He is not always accompanied by him.

**Mr. Bhuput Singh** : Is it a fact that other M. G. O's. in previous years did not have any Assistant M. G. O. ?

**Lieut.-Colonel A. F. R. Lumby** : The appointment of A. M. G. O. is a quite recent one. At the same time, previous M. G. O.'s did tour often by themselves ; the other officers of the M. G. O.'s Branch toured separately.

**Mr. Bhuput Singh** : Is it a fact that the A. M. G. O.'s function is that of an A.-D.-C. to the M. G. O. ?

**Lieut.-Colonel A. F. R. Lumby** : No, Sir.

**Mr. Bhuput Singh** : Then those duties can be done by a small petty officer ?

**Lieut.-Colonel A. F. R. Lumby** : That is quite incorrect, Sir.

**TRAVELLING OF POLICE CONSTABLES IN AN INTERMEDIATE CLASS COMPARTMENT BETWEEN KALKA AND SIMLA.**

105. \***Mr. Bhuput Singh** : (a) Will Government please state whether on the 20th April, 1934, three police constables in uniform, with their rifles, were permitted to share, with the general public, inter class accommodation between Kalka and Simla by the train which arrives at Simla at 1-16 P.M. ?

(b) If the answer to part (a) above be in the affirmative, will Government please state whether police constables on duty are entitled to inter class travelling ? If so, why was no reserved accommodation provided for the three constables referred to in part (a) above, and why were the public made to sacrifice comfort on their account ?

(c) Do Government propose to take action against the Kalka Railway staff for such illegal actions of theirs ? If not, why not ?

**Mr. P. R. Rau** : (a) Government have no information.

(b) The question of the class in which police constables are entitled to travel is one for Provincial Governments to decide. It is understood that ordinarily police constables on duty are not entitled to accommodation in intermediate class, but, so far as the railway is concerned, if they hold intermediate class tickets they can travel in that class. Reserved accommodation is not provided for constables unless charges for reserved accommodation, as prescribed in the railway's tariff, are paid.

(c) Government cannot see, from the facts in the Honourable Member's question, that there was any illegal action on the part of the railway staff.

**Mr. Bhuput Sing :** May I inquire from the Honourable Member whether soldiers or police in uniform are generally allowed to accompany ordinary passengers in the train ?

**Mr. P. R. Rau :** If they hold tickets, they are certainly entitled to travel in that train.

**Mr. Bhuput Sing :** Having their uniforms and their rifles with them ?

**Mr. P. R. Rau :** I am not aware of any rule forbidding intermediate class tickets to be sold to people in uniform.

**TRAINING SCHOOL AT CHANDAUSI FOR REFRESHER COURSE OF INDIAN ASSISTANT STATION MASTERS AND COMMERCIAL CLERKS ON THE EAST INDIAN RAILWAY.**

106. \***Pandit Satyendra Nath Sen :** (a) Has the attention of Government been drawn to the articles published in the *Mazdoor*, dated the 13th September, 4th October, and 28th October, 1933, 8th January, 20th April, and 28th May, 1934, regarding the Training School at Chandausi for Refresher Course of Indian Assistant Station Masters and Commercial clerks of the East Indian Railway ?

(b) Have Government received any representation from the Indian Assistant Station Masters of the East Indian Railway, protesting against the system of training given in that school ? If so, what action has been taken by Government ?

(c) Are Government aware that there is grave discontent among the Indian Assistant Station Masters of the East Indian Railway over the Refresher Course training which is given by the lower subordinate staff possessing no academical qualifications ?

(d) Is it a fact that previously gazetted officers were appointed as instructors in the same school ? If so, why have they been replaced by lower subordinate staff to teach people of their own rank ?

(e) Is it a fact that on no other State Railway such a school for Refresher Course exists ? If so, what is the necessity for maintaining such a school on the East Indian Railway only ?

(f) What is the annual cost of maintaining the School ?

**Mr. P. R. Rau :** (a) Government have seen some of the articles referred to in the question.

(b) An appeal from the Indian Assistant Station Masters of the Dinapur Division was forwarded to the Railway Board by the President

of the East Indian Railway Union, Dinapur (Khagoul), but as this is not a recognised union, and as the matter is one that lies within the competence of the Agent, East Indian Railway, no action was taken on the appeal.

(c) As stated in the reply to part (b) above, a copy of an appeal from certain Assistant Station Masters has been received, which indicates that there is discontent to some extent.

(d) Government understand that gazetted officers were not appointed previously to all the Instructors' posts. If more of these posts are now held by non-gazetted staff than was formerly the case it is no doubt due to the fact that the Administration consider it a more suitable and economical arrangement.

(e) The reply to the first part of the question is in the negative ; the latter part does not arise.

(f) About Rs. 73,000 per annum.

**Mr. Lalchand Navalrai :** In view of the complaints of this nature which have already been made and are now being made, has the Honourable Member thought fit to inquire from the Agent and make some arrangements to give them such conveniences and to see whether the school is going on very well ?

**Mr. P. B. Rau :** Government have no reason to believe that the school is not going on very well.

**Mr. Lalchand Navalrai :** I am asking the Honourable Member's Department to inquire from the Agent and then give a reply, after the Government have got the information from the Agent. We will then accept the answer, as I think the House will require to know whether anything is really being done, or the mere assertion is being repeated by Government that they have got no information. May I inquire from the Honourable Member if he is now really going to make some inquiries ?

**Mr. P. B. Rau :** Sir, the main complaint in this question seems to be that gazetted officers were appointed instructors in the school before, and now they have been replaced by lower subordinate staff to teach people of their own rank. Government do not consider that the mere fact that gazetted officers have been replaced by officers of subordinate rank is any justification for their making an inquiry in the matter.

**Pandit Satyendra Nath Sen :** If the present system of training is to be continued, will Government see their way to employ better teaching staff ?

**Mr. P. B. Rau :** Government have no reason to believe that the present staff are not equal to their duties.

**Mr. Lalchand Navalrai :** Have the Government got any information with regard to the staff ?

**Mr. P. B. Rau :** No, Sir ; Government see no reason to call for any information.

**Mr. Lalchand Navalrai :** I would like the Honourable Member to explain why the Government think so ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Next question. **Mr. Maswood Ahmad**.

**JUDGES OF HIGH COURTS AND CHIEF COURTS IN INDIA.**

107. **\*Mr. M. Maswood Ahmad** : (a) Will Government be pleased to state the number of the permanent and temporary judges of the different high courts and chief courts ?

(b) Will Government be pleased to state how many judges in different high courts and chief courts are Muslims ?

**The Honourable Sir Harry Haig** : (a) and (b). I lay on the table a statement giving the information

*Statement showing the present strength of the High Courts and the Chief Court, Oudh, and the number of Muslim Judges.*

Name.	HIGH COURTS.		
	Strength.		Muslim Judges.
	Permanent.	Additional.	
Madras ..	14	..	..
Bombay ..	10	1	1
Calcutta ..	15	2	2
Allahabad ..	9	2	3
Lahore ..	9	4	3
Patna ..	9	1	2
Rangoon ..	11		
<b>CHIEF COURT.</b>			
Oudh ..	5		1*
Total ..	82	10	12

\*The vacancy will be filled from the 29th July 1934.

**JUDGES IN THE BOMBAY HIGH COURT.**

108. **\*Mr. M. Maswood Ahmad** : (a) Will Government be pleased to state the number of the judges in the Bombay High Court ? How many of them are Muslims ?

(b) Are Government aware of the feelings of Muslims of Bombay, including Sindh, against the exclusion of the Muslims from the Bench ?

**The Honourable Sir Harry Haig :** Sir, with your permission, I propose to answer questions Nos. 108 and 109 together. There are ten Judges and one Additional Judge in the Bombay High Court of whom the Additional Judge is a Muslim.

Government are aware that the Muslim community would welcome the appointment of more Muslim Judges. As stated before in this House the main criterion in filling up vacancies is necessarily that of legal qualifications subject to which the claims of Muslims receive careful consideration.

#### APPOINTMENT OF MUSLIMS AS JUDGES OF HIGH COURTS AND CHIEF COURTS.

†109. **\*Mr. M. Maswood Ahmad :** (a) Are Government aware that many matters affecting the Muslim community come up before Honourable Judges of the High Courts and the Chief Courts ?

(b) Are Government aware that the Muslim community is an important community in India ?

(c) Do Government propose to make an effort so that in the Bench of any of the High Court or Chief Court Muslim community should not be unrepresented ?

#### WINNER OF THE PRIZE FOR THE DESIGN OF AN IMPROVED BONE-CRUSHER.

110. **\*Mr. S. C. Mitra :** Will Government please state when they will declare the winner of the prize of Rs. 3,500 offered by the Imperial Council of Agricultural Research for the design of an improved bone-crusher for which designs were submitted to the Secretary, Imperial Council of Agricultural Research, before the 1st November, 1931 ?

**Mr. G. S. Bajpai :** A design has been selected and will shortly be put to the actual test of construction and working. The result of the competition will be announced thereafter.

#### BOOKING OF ACCOMMODATION ON RAILWAYS.

111. **\*Mr. Gaya Prasad Singh :** (a) Has the attention of Government been drawn to the following paragraph in the *Roy's Weekly*, dated the 18th June, 1934 (page 8) :

“ Recently a very high Indian official of the Railway booked accommodation for his people, and discovered it had been allotted to some one else—perhaps for a consideration. But for the fact that the official disclosed his identity he would have had no relief : the Railway official concerned would find explanation easy.” ?

(b) What are the facts of the case, and are Government aware that non-official Indian passengers are frequently treated in a similar, or worse manner by Railway administrations generally ?

**Mr. P. B. Rau :** (a) Yes.

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†For answer to this question, see answer to question No. 108.

(b) Government have no information regarding the case referred to. They have received no complaints. As regards the second part of the Honourable Member's question, Government have no reason to believe that such incidents are common.

**RED SHIRT ORGANISATION IN THE NORTH-WEST FRONTIER PROVINCE.**

**112. \*Mr. Gaya Prasad Singh :** What is the evidence in possession of Government to show that the Red Shirt organisation in the North-West Frontier Province is engaged in unlawful and subversive activities ?

**The Honourable Sir Harry Haig :** I would invite the Honourable Member's attention to the statements issued by the North-West Frontier Province Government on the 24th and 28th December, 1931 (copies of which were laid on the table in reply to Kunwar Hajee Ismail Khan's question No. 417 on the 22nd February, 1932), which set forth the activities which led to the declaration of these organisations as unlawful.

**Maulvi Muhammad Shafee Daoodi :** Will Government say whether the events that took place in 1931 or 1932 will now in 1934 be construed as unlawful for the purpose of declaring this organisation as an unlawful one ?

**The Honourable Sir Harry Haig :** There is no question of a new declaration. The declaration has been in force ever since 1931 when the facts detailed in these statements very abundantly justified the action.

**Dr. Ziauddin Ahmad :** Have not the circumstances changed in 1934 in view of the decision of the Congress ?

**The Honourable Sir Harry Haig :** The circumstances may have changed, but the intentions of that organisation were, as I have said already in this House, of a definitely revolutionary character and cannot be permitted.

**Maulvi Muhammad Shafee Daoodi :** May I take it, then, that there has been no allegation against this organisation of an unlawful character recently, say, since the beginning of this year ?

**The Honourable Sir Harry Haig :** It may be said not to have been in existence since 1931. At any rate, it has not had any lawful existence.

**Sir Abdur Rahim :** Is there any written declaration of the policy of this organisation ?

**The Honourable Sir Harry Haig :** I am not sure what written declarations there may or may not be, but for a considerable period of time its activities were clearly directed to violent revolution.

**Mr. Gaya Prasad Singh :** Are Government in a position to place all their evidence on the table of the House which would go to substantiate their allegation that this particular organisation is connected with revolutionary activities ?

**The Honourable Sir Harry Haig :** As I have already said, the evidence is contained very fully in these two statements, one of which consisted of three printed pages and the other of 28.

**Mr. Gaya Prasad Singh :** Have these statements been laid on the table of the House ?

**The Honourable Sir Harry Haig :** They were laid on the table of the House in 1932.

**Maulvi Muhammad Shafee Daoodi :** What evidence is there to connect this organisation, of which the Honourable Member has just now spoken, with the one which is a branch of the Congress organisation ? What evidence is there to connect the two ?

**The Honourable Sir Harry Haig :** It was at the time that it was proclaimed on account of its revolutionary activities described as a branch of the Congress organisation.

#### MISERIES OF INDIANS REPATRIATED FROM BRITISH GUIANA.

113. **\*Mr. Gaya Prasad Singh :** (a) Has the attention of Government been drawn to the following public statement of Dr. Lanka Sundaram, regarding the miseries of the 500 Indians repatriated from British Guiana, Fiji, South Africa, and other places, and now living at Matia Burz Camp (Calcutta) :

“ I have examined their cooking establishments, and it is terribly distressing to confess that they are subsisting on a few handfuls of rice which they succeed in collecting from the neighbouring people.” †

(b) Have Government made any enquiry into this and will they please make a statement on the subject and state the action taken in the matter ?

**Mr. G. S. Bajpai :** (a) Yes.

(b) A report has been called for from the Local Government. On receipt of it the Government of India will consider whether any action is called for.

**Mr. Gaya Prasad Singh :** Will that report be placed on the table of the House ?

**Mr. G. S. Bajpai :** I shall consider that suggestion.

**Mr. Gaya Prasad Singh :** Thank you.

#### APPOINTMENT OF INDIAN EX-CADETS OF THE INDIAN MERCANTILE MARINE TRAINING SHIP “ DUFFERIN ” AS LEADSMAN APPRENTICES IN THE BENGAL PILOT SERVICE.

114. **\*Mr. Gaya Prasad Singh :** (a) Is it a fact that Government received a representation from the Bengal Chamber of Commerce, protesting against the appointment of seven Indian ex-cadets of the Indian Mercantile Marine Training Ship “ Dufferin ”, as leadsmen apprentices in the Bengal Pilot Service, and urging the continuance of the policy of appointing Europeans on the ground of efficiency ?

(b) What is the result of the representation ?

**The Honourable Sir Joseph Bhowe :** (a) The Government of India have received a representation from the Bengal Chamber of Commerce, suggesting that the present method of recruitment to the Bengal Pilot Service should be so changed as to permit of the appointment of a certain percentage of Europeans, until such time as Government and the various interests concerned are assured, that Indianization of the Service is not likely to impair its efficiency.

(b) After careful consideration of the representation, the Government of India have come to the conclusion that there is no sufficient justification at present for making a change in the method of recruitment on the lines suggested by the Chamber.

PLACE OF ORIGIN ON IMPORTED GOODS.

115. \*Mr. Gaya Prasad Singh : (a) Has the attention of Government been drawn to the following Resolution adopted by the Federation of the Indian Chambers of Commerce and Industry, held in Delhi, on the 31st March, 1934 :

“ The Federation draws the attention of the Government of India to the imports of foreign goods without any marks of origin, similar in form and design to corresponding swadeshi products, and urges that the lacuna in the Merchandise Marks Act be removed by a provision imposing an obligation for the country of origin being distinctly shown on all imported goods ” ?

(b) Are Government aware that a great deal of confusion arises owing to the place of origin not being indicated on imported goods, and do Government propose to take any steps in the matter ?

The Honourable Sir Joseph Bhoré : (a) Yes, Sir.

(b) Government have received representations to that effect and propose taking steps in the near future to review the existing body of commercial legislation in India. The question of the amendment of the Indian Merchandise Marks Act will be a subject of examination in that connection.

ABSENCE OF AN ENCLOSED BATHROOM FOR THIRD CLASS WOMEN PASSENGERS AT PHULERA RAILWAY STATION.

116. \*Mr. Gaya Prasad Singh : With reference to my question No. 234 of the 25th February, 1931, regarding the absence of any enclosed bathroom for third class women passengers at Phulera Junction Station (Bombay, Baroda and Central India Railway), and the subsequent statement of Government (*vide* Railway Board's letter to me, No. 903-W., dated the 2nd April, 1931) that “ the Bombay, Baroda and Central India Railway administration agree that the provision of bathing facilities at Phulera Station for third class passengers is necessary. An estimate of cost of erecting two enclosed bathrooms on the platform is, therefore, under preparation ”, are Government aware that nothing has yet been done in the matter, and the grievance continues as before ? What is the estimated cost, and when is the work likely to be taken in hand ?

Mr. P. E. Rau : Enquiries are being made from the Railway Administration, and a reply will be laid on the table in due course.

DIVERSION OF TRADE FROM BOMBAY PORT TO KATHIAWAR PORTS.

117. \*Mr. Gaya Prasad Singh : What steps have Government taken, or propose to take, in the matter of the diversion of trade from Bombay Port to Kathiawar Ports, and with what result ?

The Honourable Sir James Grigg : I would refer my Honourable friend to the reply which I gave to question No. 56.



**Mr. Lalchand Navalrai :** May I ask whether within the time, when the Honourable Member answers the former question and today, has he come to know that there is any diversion of trade from Karachi to Kathiawar ?

**The Honourable Sir James Grigg :** No, Sir ; I have not had time to get answers from Karachi yet.

#### LOW PLATFORMS ON CERTAIN IMPORTANT STATIONS ON THE EAST INDIAN RAILWAY.

118. **\*Mr. A. H. Ghuznavi :** (a) Are Government aware of the considerable inconvenience of the travelling public on account of the very low platforms at such an important junction station as Kiul on the East Indian Railway ?

(b) Do Government propose to take steps to remedy this grievance ? If not, why not ?

**Mr. P. B. Rau :** (a) and (b). This suggestion has been brought to the notice of the Agent, East Indian Railway, for consideration when preparing his programme of works.

#### PROVISION OF A SHED OVER THE PLATFORM AT KALKA.

119. **\*Mr. A. H. Ghuznavi :** (a) Are Government aware of the considerable hardship caused (particularly during the summer months and the rains) to the travelling public owing to the absence of a shed over the platform at such an important station as Kalka on the North Western Railway ?

(b) Do Government propose to take steps to remedy this ? If not, why not ?

**Mr. P. B. Rau :** (a) and (b). This suggestion has similarly been brought to the notice of the Agent, North Western Railway.

#### INSTALLATION OF FANS IN INTERMEDIATE AND THIRD CLASS CARRIAGES.

120. **\*Mr. A. H. Ghuznavi :** (a) Are Government aware of the sufferings of the Intermediate and Third Class Railway passengers, especially during the summer, for want of electric fans ?

(b) If the reply to part (a) be in the affirmative, do Government propose to take early steps to instal them in such carriages ? If not, why not ?

**Mr. P. B. Rau :** The Honourable Member's attention is invited to the reply given by me to Mr. Thampan's question No. 752 on the 7th September, 1933. I may add that the question has been put down for discussion at the next meeting of the Central Advisory Council for Railways.

#### NON-CARRIAGE OF MAILS BY THE HOWRAH-DELHI-KALKA MAIL.

121. **\*Mr. A. H. Ghuznavi :** (a) Is it a fact that the train described in the Railway Time Tables as the Howrah-Delhi-Kalka Mail carries no mails ? If so, are Government aware that the word " Mail " misleads the public in posting letters ?

(b) Do Government propose to change the name of the train from " Mail " into " Express " ? If not, why not ?

**Mr. P. R. Rau :** (a) I understand a mail van is run on the up train from Moghal Sarai to Kalka and on the down train from Kalka to Delhi. Government understand that there have been cases where the public has been misled by the nomenclature.

(b) The suggestion is being considered.

**PRECLUDING THE RAISING OF A QUESTION DISCUSSED AT THE MEETING OF THE INDIAN MEDICAL COUNCIL FROM BEING RAISED WITHIN A YEAR AFTER SUCH DISCUSSION.**

122. **\*Mr. Bhuput Sing** (on behalf of Mr. S. C. Mitra) : (a) Has the attention of Government been drawn to the fact that one of the members of the Indian Medical Council, recently formed, raised a point of order at the meeting of the Indian Medical Council held on the 12th of June last with regard to Regulation 4 (1) (b) framed by the Governor General in Council and issued by notification on the 27th January, 1934, precluding the raising of a question which had been discussed at the meeting of the Council from being raised within a year after such discussion ?

(b) Is it a fact that the President of the Indian Medical Council ruled that the Regulation 4 (1) (b), mentioned above, does not preclude such discussion ?

(c) Are Government prepared to take any action on this matter ?

(d) Have Government consulted their legal advisers as to the legality of the steps taken by the President at the meeting of the Indian Medical Council held on the 12th of June, 1934 ?

**Mr. G. S. Bajpai :** (a) Yes.

(b), (c) and (d). The President ruled that the motion in respect of which the point of order was raised was admissible, and, under Regulation 22 of the Regulations referred to by the Honourable Member, he was competent to do so and his decision is final.

**FORMATION OF THE EXECUTIVE COMMITTEE OF THE INDIAN MEDICAL COUNCIL.**

123. **\*Mr. Bhuput Sing** (on behalf of Mr. S. C. Mitra) : (a) Are Government aware that the Indian Medical Council Act (Act XXVII of 1933) has a provision under section 18 of the Act that " the Council may with the previous sanction of the Governor General in Council make regulations for the *mode of appointment* of the Executive Committee " ?

(b) Is it a fact that an executive committee was appointed by the Council at its meeting held on the 9th and 10th of March, 1934 ?

(c) Is it a fact that at the time of such appointment no regulation indicating the mode of appointment of the executive committee as contemplated under section 18 of the Act was framed either by the Indian Medical Council or by the Governor General in Council ?

(d) Have Government taken the opinion of their legal advisers on the point whether the formation of the executive committee

before the regulations for its mode of formation had been framed, is in order ?

(e) Have Government taken the opinion of their legal advisers as to whether any action taken by such an executive committee regarding the appointment of Inspectors, etc., could be challenged by any person affected by such order ?

**Mr. G. S. Bajpai :** (a) Yes.

(b) The Committee was appointed by the Council at its meeting held on the 9th March, 1934.

(c) Yes.

(d) Under sub-section (2) of section 18 of the Act, a regulation in this behalf might have been made by the Governor General in Council but, in fact, was not made. When the Council proceeded to appoint the Executive Committee no regulation on the subject of the making of appointments to the Executive Committee was in force. The Council, in deciding to proceed in a particular manner, was not framing a regulation under section 18, which is subject to the previous sanction prescribed by the law, but were taking an *ad hoc* decision as to their mode of procedure in the absence of a regulation. It was open to the Council, in the exercise of its power, to constitute an Executive Committee and, in the absence of a regulation, to take the action which it took in appointing the Committee in a particular manner.

(e) Does not arise.

**PROPOSAL TO EXCLUDE THE SECRETARY OF THE INDIAN MEDICAL COUNCIL FROM ACTING AS AN INSPECTOR.**

124. \***Mr. Bhuput Sing** (on behalf of Mr. S. C. Mitra) : Will Government be pleased to state whether it is a fact :

(a) that a member of the Indian Medical Council had proposed the exclusion of the Secretary, appointed by the Governor General in Council, from acting as an Inspector in March last at the meeting held on the 12th June, 1934 ; and

(b) that the members of the Medical Council in the service of Government had been approached, before the meeting held on June 12, by officials to delete their former resolutions passed at the meeting of the 10th March on the same subject ?

**Mr. G. S. Bajpai :** (a) Yes.

(b) The regulation framed by the Council on the subject referred to in (a) was subject to the previous sanction of the Governor General in Council under sub-section (1) of section 18 of the Indian Medical Council Act, 1933. The Council met on the 12th June to consider the request of Government that this particular regulation be reconsidered. The Government have no reason to assume that, in deciding this matter, members of the Council, whether officials or non-officials, did not give their verdict in favour of what they considered to be the right course.

**Mr. Lalchand Navulrai :** May I know from the Honourable Member what were the reasons for the member who recommended the exclusion of the Secretary as is mentioned in part (a) ?

**Mr. G. S. Bajpai :** I suggest that it be addressed to the member who suggested the exclusion of the Secretary.

**Mr. Lalchand Navalrai :** Were no reasons given which have come to the notice of the Government ?

**Mr. G. S. Bajpai :** What came to the notice of the Government was that the Council by a majority had framed a regulation to the effect that the Secretary should be excluded from the inspectorate. The reasons were not there.

**Mr. B. Das :** Is it not a fact that all the non-official members of the Executive Committee of the Medical Council say that they were against the appointment of the Secretary as Inspector ?

**Mr. G. S. Bajpai :** That is not so.

**Mr. D. K. Lahiri Chaudhury :** What is the general custom in the British Medical Council ?

**Mr. G. S. Bajpai :** I want notice. I cannot say what the custom is in England.

**Dr. Ziauddin Ahmad :** Is it not a fact that, while discussing the Medical Council Bill, it was emphasized that none of the members of the Inspection Committee should be a person engaged in teaching in any University and there was no mention about the Secretary there at all ?

**Mr. G. S. Bajpai :** If my Honourable friend wishes to suggest that at no stage in the course of the discussion it was said that the Secretary shall not be an Inspector, then I agree with him.

**Dr. Ziauddin Ahmad :** What I meant was that a person engaged in teaching should not be a member of the inspectorate.

**Mr. G. S. Bajpai :** The position according to my recollection is that any one actually engaged in teaching shall not be an Inspector for the purpose of inspecting the college where he teaches.

**Mr. Vidya Sagar Pandya :** What was the proportion of those who were for and against the appointment of the Secretary as an Inspector ?

**Mr. G. S. Bajpai :** The position is that in March there was a majority in favour of exclusion, and in June there was a majority in favour of inclusion, and I cannot exactly state the mathematical proportion between those for and against.

**Mr. Vidya Sagar Pandya :** What was the reason for revising the opinion later on ?

**Mr. G. S. Bajpai :** I have already stated that the Governor General in Council, to whose approval the regulation is subject, asked the Council to reconsider the decision.

**Mr. D. K. Lahiri Chaudhury :** Can they alter a decision taken in the same year ?

**Mr. G. S. Bajpai :** I have already answered the question. Not in regard to this particular matter, but in regard to another matter that was raised, the President of the Council, whose decision in regard to questions of interpretation of the regulation is final, decided that the point could be taken into consideration by the Council.

**Mr. D. K. Lahiri Chaudhury :** Did the Government consult their legal authority on the matter ?

**Mr. G. S. Bajpai :** My Honourable friend may rest assured that Government do not authorise anybody to give an answer without taking all the advice that is necessary.

**Mr. Lalchand Navalrai :** Was there any rule or regulation allowing the Secretary to be included instead of being excluded ?

**Mr. G. S. Bajpai :** I do not follow what the Honourable Member means by " rule ".

**Mr. Lalchand Navalrai :** Rule is a rule, and any dictionary will give the meaning. What I mean to say is, if there was any provision to allow the Secretary to be included instead of being excluded from the Council ?

**Mr. G. S. Bajpai :** I shall gladly follow my Honourable friend's advice to study the dictionary. In this particular case, the point is that there is no rule made in regard to the Secretary by the Government. A regulation was made by the Council itself excluding the Secretary. That regulation was subject to the previous approval of the Governor General in Council and previous approval of the Governor General in Council to the original regulation excluding the Secretary was not forthcoming.

**Mr. B. Das :** May I enquire if in the Select Committee the Government representatives did not give an assurance that the Secretary should not be an Inspector ?

**Mr. G. S. Bajpai :** No, Sir.

**Mr. B. Das :** Has not a statement been made in the Press and have Government contradicted it ?

**Mr. G. S. Bajpai :** I do not remember to have seen any statement in the Press to the effect that Government had given an assurance that the Secretary shall not be an Inspector. Any how, if such a statement has been made and has escaped my notice, I hope that the contradiction which I have now given will receive due publicity.

**Mr. Vidya Sagar Pandya :** Was due notice given, for the subsequent change, in the agenda ? Was the subject sprung upon the Council subsequently and the alteration made ?

**Mr. G. S. Bajpai :** No, Sir. The subject was not sprung upon the Council. The items of the agenda were circulated to the Council in due time.

FORMAL COMPROMISE AGREED TO AT AN INFORMAL MEETING OF THE MEMBERS OF THE INDIAN MEDICAL COUNCIL.

125. \***Mr. Bhuput Sing** (on behalf of Mr. S. C. Mitra) : (a) Will Government be pleased to state whether they are aware that at an informal meeting of the members of the Medical Council with the House a compromise was agreed to but was subsequently rejected ?

(b) Will Government be pleased to state the reason why such a compromise was not given effect to ?

**Mr. G. S. Bajpai :** (a) No.

(b) Does not arise.

**APPOINTMENT OF THE SECRETARY OF THE INDIAN MEDICAL COUNCIL.**

126. \*Mr. Bhuput Sing (on behalf of Mr. S. C. Mitra) : (a) Is it a fact that Mr. Macrae, the Secretary of the Indian Medical Council, was appointed on the recommendation of Sir Norman Walker, the President of the British General Medical Council in England ?

(b) Is it a fact that the provisions of the Indian Medical Council Act contemplate the appointment of a Secretary who could also act as the Treasurer ?

(c) Is it a fact that there is no provision in the Act for the appointment of the Secretary as one of the Inspectors ?

Mr. G. S. Bajpai : (a) No. The initiative in Mr. Macrae's appointment was taken by the Government of India who acted in the usual way through the High Commissioner for India. The High Commissioner reported that Mr. Macrae was exceptionally qualified for the post of Secretary.

(b) Section 9 (1) (c) of the Act empowers the Council to appoint a Secretary who may also, if deemed expedient, act as Treasurer.

(c) There is no provision in the Act prohibiting the appointment of the Secretary as one of the Inspectors.

Mr. Gaya Prasad Singh : Was this gentleman formerly connected with the British Medical Council ?

Mr. G. S. Bajpai : He was, I understand, one of the Inspectors on behalf of the General Medical Council of Great Britain.

Dr. Ziauddin Ahmad : Is it not a qualification ?

Mr. G. S. Bajpai : Government certainly think so.

**RETRENCHMENT IN THE ARMY HEADQUARTERS.**

127. \*Mr. Bhuput Sing (on behalf of Mr. S. C. Mitra) : (a) With reference to the following clause at page 39 of the pamphlet entitled *Some Facts and Figures about Indian Defence, 1933-34*, issued by the Army Department :

“ On the one hand, without any relaxation of financial control—and the Retrenchment Committee were satisfied after full enquiry that the contract system involved no such relaxation—the financial authorities have found it possible on this account to make considerable reductions in their own staff ; and the decrease of work thereby secured has contributed towards such reductions in the Staff of Army Headquarters as have been found possible in the last few years..... ”,

will Government please state (i) the number of King's commissioned officers employed in each of the following Branches of Army Headquarters before the inquiry of the late retrenchment committee, and (ii) the number of such officers in employment there on the 1st of June, 1934 :

General Staff Branch,

Adjutant General's Branch,

Q. M. G.'s Branch, and

M. G. O.'s Branch ?

(b) Will Government please state whether before writing the pamphlet mentioned at part (a) above, steps were taken to ensure that all unnecessary officers' posts were abolished at Army Headquarters?

(c) Will Government please state which posts of officers in Army Headquarters were abolished as a retrenchment measure, and have since been revived?

**Lieut.-Colonel A. F. B. Lumby :** (a)—

(i) General Staff Branch ..	..	44
Adjutant General's Branch ..	..	32
Quartermaster General's Branch ..	..	31
Master General of the Ordnance Branch ..	..	30
(ii) General Staff Branch ..	..	40
Adjutant General's Branch ..	..	28
Quartermaster General's Branch ..	..	27
Master General of Ordnance Branch ..	..	27

The total reduction is 15 officers.

(b) Unnecessary appointments did not, and do not, exist. The decrease of work referred to in the extract quoted by the Honourable Member enabled some appointments to be dispensed with, while others were reduced owing to the urgent need for economy and their duties distributed between the holders of other appointments.

(c) One first grade staff appointment, in the Adjutant General's Branch, has been revived and another simultaneously abolished.

One third grade staff appointment, in the General Staff Branch, has been revived, but without causing any extra expense owing to economies effected elsewhere.

In addition, the Signal Officer in Chief, whose headquarters were moved from Army Headquarters to Jubbulpore, has been brought back for administrative reasons to Army Headquarters without replacement in the latter place.

**Mr. Lalchand Navalrai :** May I know how many of these 15 officers, who have been reduced, are Indians and how many Europeans?

**Lieut.-Colonel A. F. B. Lumby :** I think they all must have been British.

#### SANCTION OF THE POSTS OF AN OFFICER SUPERVISOR AND FIVE TECHNICAL MILITARY CLERKS FOR THE MASTER GENERAL OF THE ORDNANCE BRANCH.

128. **\*Mr. Bhuput Sing** (on behalf of Mr. S. C. Mitra) : (a) Is it a fact that an extra post of officer supervisor and five technical military clerks have been recently sanctioned for the M. G. O. Branch? If so, for what work and for what period has this additional staff been allowed?

(b) Will Government please state the cost of this extra staff?

**Lieut.-Colonel A. F. B. Lumby :** (a) One temporary appointment of Officer Supervisor has been sanctioned, for a period of six months, in

the first instance, and three, *not* five appointments of Technical Military Clerks have been sanctioned, two for four years and one for two years. This staff is for the revision of Equipment Regulations, India, and the preparation of a combined indent and ledger form for annual allowances of units. The Honourable Member, in whose name this question is down on the paper, will remember that the Military Accounts Committee recently enquired about this revision the necessity for which was brought to notice by the Military Accountant General in his audit certificate.

(b) The cost of the Officer Supervisor will be Rs. 3,250 and that of the three Technical Clerks approximately Rs. 14,040 per annum.

**HOLDING OF A COLONEL'S COMMAND BY A MAJOR-GENERAL.**

129. \*Mr. Bhuput Sing (on behalf of Mr. S. C. Mitra) : (a) Will Government please state the number of posts which are tenable by general officers of the Indian Army, and the number of general officers (other than Medical) who are maintained on the Active List ?

(b) Is it a fact that two Major-Generals of the Indian Army are in command of Brigades which are Colonel's appointments ? If so, is there any precedent for this in the British Army, *i.e.*, a Major-General holding a Colonel's command ?

(c) Is it a fact that the state of affairs stated at part (b) above is due to an overflow in the cadre of general officers of the Indian Army ?

Lieut.-Colonel A. F. B. Lumby ; (a) The number of appointments tenable by General Officers of the Indian Army varies between 22 and 23. The sanctioned establishment is 25.

(b) Two Major-Generals of the Indian Army are commanding Brigades at present. One of them has only recently been promoted to that rank and will vacate his command on the 4th August, 1934, in accordance with the rule under which an officer is only permitted to continue for three months in the appointment he is holding at the time of notification of his promotion to the rank of Major-General. A similar rule prevails in the British Army. The other is holding one of the three appointments of Brigade Commander in which His Excellency the Commander-in-Chief is authorised, for administrative reasons special to India, to employ a Major-General.

(c) No. The small surplus of the authorised establishment of General Officers of the Indian Army over the actual appointments available for them is designed to provide a margin for selection and to make available officers of appropriate rank to officiate in long leave vacancies in the higher Command and Staff appointments.

**DUTIES OF THE ASSISTANT MASTER GENERAL OF ORDNANCE.**

130. \*Mr. Uppi Saheb Bahadur : (a) Is it a fact that in the M. G. O. Branch at Army Headquarters, the incumbent of the post called Assistant Master General of Ordnance, costing about 25,000 rupees per annum, which is classed as a first grade staff appointment, has no regular duties to discharge ?

(b) Is it a fact that some duties which had hitherto been performed by the officer supervisor of the Branch, have been transferred to the



Assistant Master-General of Ordnance ? If so, will Government please state the duties so transferred ?

(c) Is it a fact that the Assistant Master General of Ordnance is also responsible for the following duties :

Writing office orders ; reading files released by the M. G. O. ; arranging clerical and menial personnel for the Branch Camp Office at Delhi ; visiting the Imperial Bank for cashing office cheques ; dealing with papers of the Simla Gymkhana Club while in office ?

(d) Will Government please state the names of the posts in the G. S., A. G. and Q. M. G. Branches to which identical duties pertaining to those branches are assigned ?

(e) Are Government aware of the prevailing feeling that the duties enumerated above could be easily performed by a clerk drawing pay not more than Rs. 100 per mensem ? If so, are Government prepared to abolish the expensive post of Assistant Master General of Ordnance at the earliest possible moment and relieve the tax-payer of this unnecessary burden ? If not, why not ?

**Lieut.-Colonel A. F. R. Lumby :** (a) No.

(b), (c) and (d). The duties of the Assistant Master General of Ordnance are concerned primarily with co-ordination of matters affecting policy, including those relating to mobilisation and preparation for war, in so far as they relate to the Master General of the Ordnance Branch. For reasons of administrative convenience, certain duties formerly performed by an Officer Supervisor have been transferred to the Assistant Master General of Ordnance, but these comprise an insignificant part of his work. In the course of his duties he naturally has, like officers of all Branches at Army Headquarters, to read the files which come to him, but otherwise it is ordinarily no part of his duties to concern himself with any of the matters included in the Honourable Member's list.

(e) No. The other questions consequently do not arise.

#### APPOINTMENT OF ASSISTANT MASTER GENERAL OF ORDNANCE.

131. **\*Mr. Uppi Sahab Bahadur :** Will Government please state whether the appointment of Assistant Master General of Ordnance exists on the staff of the War Office ?

**Lieut.-Colonel A. F. R. Lumby :** No ; the first grade appointment held by the officer of the Master General of Ordnance Department of the War Office who is responsible for the duties corresponding to those performed at Army Headquarters by the Assistant Master General of Ordnance carries a different designation.

#### COMMUNAL COMPOSITION OF THE STAFF IN THE INCOME-TAX DEPARTMENT, BIHAR AND ORISSA.

132. **\*Mr. M. Maswood Ahmad :** (a) Will Government be pleased to furnish a statement showing (i) the number of Bihari Hindus, domiciled Bengalis, Muslims and others in the various gazetted and non-gazetted posts of the Bihar and Orissa Income-tax Department as it

stood on the 1st April, 1931, and (ii) the number of Bihari Hindus, domiciled Bengalis, Muslims and others recruited for appointment after 1st April, 1931, up-to-date ?

(b) Will Government please further state whether it is a fact that two new appointments of clerks have just been made in the Income-tax Department, Bihar and Orissa, and whether one vacancy was filled by a Hindu and the other by a Bengalee and none by a Muslim ?

(c) If the answer to part (b) be in the affirmative, will Government please state why the claims of the Muslims have been ignored ?

**The Honourable Sir James Grigg :** With your permission, Sir, I propose to answer questions Nos. 132, 133, 135, 138 and 139 together. The information is being obtained and will be laid on the table in due course.

OVER-REPRESENTATION OF DOMICILED BENGALIS IN THE INCOME-TAX DEPARTMENT, BIHAR AND ORISSA.

†133. **\*Mr. M. Maswood Ahmad :** Is it a fact that the domiciled Bengalis are over-represented in all grades of Bihar and Orissa Income-tax Service ? If not, what is their exact proportion ?

APPOINTMENT OF OFFICERS IN THE INCOME-TAX DEPARTMENT.

134. **\*Mr. M. Maswood Ahmad :** Is it not a fact that the appointments of all officers below the rank of Commissioner of Income-tax are made on a provincial basis ?

**The Honourable Sir James Grigg :** The answer is in the affirmative as regards officers appointed by Commissioners of Income-tax under section 5 (4) of the Income-tax Act.

PREPONDERANCE OF ONE COMMUNITY IN THE INCOME-TAX DEPARTMENT, BIHAR AND ORISSA.

†135. **\*Mr. M. Maswood Ahmad :** Is it not a fact that the Government of India attach importance to the observance of their instructions regarding the necessity of securing that members of no community should have undue preponderance in the public services ? If so, will Government please state why no steps have been taken to avoid the preponderance of one community in the Income-tax Service, Bihar and Orissa ?

APPOINTMENTS, PROMOTIONS, TRANSFERS, ETC., IN THE INCOME-TAX DEPARTMENT.

136. **\*Mr. M. Maswood Ahmad :** Have Government any control in the matters of appointments, departmental promotions, transfers, etc., in the Income-tax Department, and do Government periodically review the orders of Commissioners in these matters ?

**The Honourable Sir James Grigg :** Under section 5 (4) of the Income-tax Act, Assistant Commissioners and Income-tax Officers are appointed by Commissioners of Income-tax subject to the control of Government, and to this extent, appointments and promotions to these posts are

†For answer to this question, see answer to question No. 132.

under their control. As regards transfers, they are ordered by the Commissioner of Income-tax concerned and Government do not exercise any control over them. The answer to the last part of the question is in the negative.

**APPOINTMENT OF A MUSLIM AS AN ASSISTANT COMMISSIONER OF INCOME-TAX IN BIHAR AND ORISSA.**

137. \*Mr. M. Maswood Ahmad : (a) Has the attention of Government been drawn to the glaring fact that there is not a single Muslim Assistant Income-tax Commissioner in Bihar and Orissa, and that there is no likelihood of any Muslim becoming one for at least another 25 years, in view of the cadre of the Income-tax Officers being composed of young men recruited during the course of a few years ?

(b) If the answer to part (a) be in the affirmative, what steps do Government propose to take in order to remove the grievance of the Muslims ?

(c) Are Government, with a view to adjusting the communal inequality, prepared to transfer one of the two Assistant Income-tax Commissioners to other Provinces and secure in his place the services of a Muslim officer ? If not, why not ?

The Honourable Sir James Grigg : (a) It is the case that neither of the two Assistant Commissioners of Income-tax in Bihar and Orissa is a Muslim and that the prospects of a Muslim being promoted to one of these posts, in the near future, are not bright.

(b) But I am afraid that there are no steps that the Government could usefully take in the matter.

(c) Assistant Commissioners are not liable to transfer from one Province to another and it would be in the interests neither of the Department nor of the Muslims of British India as a whole that they should be made so.

**TRANSFERS OF ASSISTANT COMMISSIONERS OF INCOME-TAX.**

†138. \*Mr. M. Maswood Ahmad : Is it a fact that the Income-tax Assistant Commissioners are not transferred from one circle to another and are left in charge of one Circle for almost the whole of their lives unless they get a lift or otherwise quit the service of Government ? If so, why ?

**GRIEVANCES OF THE STAFF IN THE INCOME-TAX DEPARTMENT, BIHAR AND ORISSA.**

†139. \*Mr. M. Maswood Ahmad : (a) Has the attention of Government been drawn to the series of articles published in the *Searchlight*, Patna, about the Income-tax Department of Bihar and Orissa ?

(b) Have Government, or the Commissioner of Income-tax, or his Assistants, or any other officer of Government, ever examined the reasons which are creating dissatisfaction and discontent among the staff and among the inhabitants of Bihar and Orissa about the Income-tax Department and about the appointments made in that department ?

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†For answer to this question, see answer to question No. 132.

(c) Do Government propose to ask the Commissioner of Income-tax Department to receive suggestions from the representatives of the people to examine the grievances mentioned by them and to try to remove their legitimate grievances ?

INSANITARY CONDITION OF THE LAND SITUATED OUTSIDE TURKMAN GATE, DELHI.

140. \*Kunwar Hajee Ismail Ali Khan : With reference to my starred question No. 1245, dated the 1st December, 1933, will Government kindly state :

- (i) when the land situated outside Turkman Gate, Delhi, was transferred to New Delhi Municipal Committee and on what terms ; and
- (ii) how long it will take to remove dumping rubbish from outside the Turkman Gate and improve the vicinity in general ?

Mr. G. S. Bajpai : (i) The boundaries of the Municipalities of Delhi and New Delhi have not yet been revised so as to include this area within the jurisdiction of the New Delhi Municipal Committee.

(ii) The land is Government nazul land, and work has already commenced on clearing and levelling the area with a view to converting it into a park. It is hoped to complete the process of levelling in about two months' time, and steps to complete the lay out, and plant the area with grass, will be taken in due course.

FARMANS, ETC., OF THE MOGHAL EMPERORS RELATING TO THE GRANT OF LANDS TAKEN BY THE BRITISH GOVERNMENT.

141. \*Sir Muhammad Yakub : Will Government be pleased to state where the records of the Moghal Emperors, including the Farmans relating to the grant of lands, were taken by the British after the deposition of the last Moghal Emperor ? Are these documents open to public and can copies of the same be obtained ? If not, why not ?

Mr. G. S. Bajpai : With your permission, Sir, I shall reply to questions Nos. 141 and 142 together. Enquiries are being made and the information will be laid on the table of the House in due course.

RECORDS OF GRANTS OF VILLAGES MADE BY THE MOGHAL EMPERORS TO THE SYEDS OF AMROHA IN THE MORADABAD DISTRICT.

†142. \*Sir Muhammad Yakub : Will Government be pleased to state if they have got any record of the *Moafi* (Revenue free) grants of villages made by the Moghal Emperors to the Syeds of Amroha in Moradabad District ? If so, will copies of these documents be available to the Syeds of Amroha ?

CONTROL OF MONEY-LENDING AND RATES OF INTEREST.

143. \*Sir Muhammad Yakub : (a) Are Government aware that I moved a resolution in this House on the 17th September, 1931, regarding

†For answer to this question, see answer to question No. 141.

the control of money-lending and rates of interest, and that replying on behalf of Government, Sir James Crerar, the then Home Member, said :

“ I should like to assure the Honourable Member that, we shall press this upon the attention of the Local Governments as a matter requiring very prompt consideration ” ?

(b) Will Government be pleased to state what action was then taken by the Local Governments in this connection ?

(c) Has any law on the subject been passed by any Local Government in India ? If not, are Government prepared to press upon the Local Governments the necessity of taking prompt action in the matter ?

**The Honourable Sir Harry Haig :** (a) Yes.

(b) and (c). Acts have been passed in Bengal, Central Provinces and Assam, limiting the rates of interest. In Madras, Bombay, the United Provinces and the Punjab, Bills dealing with the subject have been introduced either by Government or non-officials. The matter was also discussed at the Provincial Economic Conference held at Delhi in April last, and I would invite the Honourable Member's attention to paragraph 5 of the Finance Department Resolution No. F-16 (1)-F.34, dated the 5th May, 1934 (published in the Gazette of India of the same date), from which it will be seen that the general view of the Conference was that the diversity of the conditions of the agricultural classes in India was so great, both in respect of land tenures and general economic status, that any legislative measures to afford relief must be primarily provincial. It will also be seen from the Resolution referred to that Local Governments are fully alive to the necessity of taking steps to meet the situation. I shall, however, forward a copy of the question and this answer to them.

**Maulvi Muhammad Shafee Daoodi :** Have the Government of Bihar and Orissa done anything in that direction ?

**The Honourable Sir Harry Haig :** I do not think any action has been taken so far in Bihar and Orissa, as far as I remember.

**Maulvi Muhammad Shafee Daoodi :** May I know whether they said anything in the last Economic Conference as to whether they were going to take any steps in that direction ?

**The Honourable Sir Harry Haig :** I am afraid I shall have to ask for notice of that question.

**Mr. Gaya Prasad Singh :** Should not this question be left to the Local Governments and their local Legislative Councils ?

**The Honourable Sir Harry Haig :** That, Sir, undoubtedly was the feeling in the Provincial Economic Conference.

**Dr. Ziauddin Ahmad :** Will Government be pleased to circulate the proceedings of the Economic Conference among the Members of the Legislature ?

**The Honourable Sir Harry Haig :** I think, Sir, it is a document of which the Finance Department is in charge, and perhaps my Honourable colleague would consider the suggestion.

**PROVISION OF A BATH ROOM IN THE FIRST AND SECOND CLASS WAITING ROOM AT BAREILLY JUNCTION, ROHILKUND AND KUMAON RAILWAY.**

144. \***Kunwar Hajee Ismail Ali Khan** : (a) Are Government aware that there is no bathing place in the First and Second Class Waiting Room at the Bareilly Junction Station of the Rohilkund-Kumaon Railway?

(b) If the answer to part (a) be in the affirmative, do Government propose to remove the inconvenience of the First and Second Class passengers by providing a separate bath-room for bathing purposes?

**Mr. P. B. Rau** : Government have no information, but I have sent a copy of the question to the Agent of the Rohilkund and Kumaon Railway for such action as he may consider necessary.

**EXPIRY OF THE TERM OF AGREEMENT OF THE DEHRA DUN HARDWAR RAILWAY.**

145. \***Kunwar Hajee Ismail Ali Khan** : (a) Will Government please state when the term of the agreement of Dehra-Dun Hardwar Company-managed Railway will expire?

(b) Was there any condition made with the Company to construct a Rope Aerial Railway for carrying the goods to Mussoorie Hills?

(c) If the answer to part (b) be in the affirmative, will Government kindly inform this House what action so far has been taken by the Company to construct the Rope Aerial Railway for Mussoorie?

**Mr. P. B. Rau** : (a) 31st December, 1939, or, if not terminated then, at intervals of 10 years thereafter.

(b) There is no such provision in the contract entered into with the Company.

(c) Does not arise.

**PILGRIMS TO HEDJAZ FROM EACH PROVINCE OF INDIA.**

146. \***Kunwar Hajee Ismail Ali Khan** : (a) What was the total number of pilgrims to Hedjaz from each Province of India during the last Haj season?

(b) How many of them died abroad and how many returned to India?

**Mr. G. S. Bajpai** : (a) and (b). The information is not at present available. It will be laid on the table of the House, when received.

**PILGRIMS TO HEDJAZ BY OVERLAND ROUTE BY MOTOR LORRIES.**

147. \***Kunwar Hajee Ismail Ali Khan** : (a) Is it a fact that a large number of pilgrims to Hedjaz went from India by overland route by motor lorries?

(b) Have they performed the Haj safely and have they returned to India without any trouble?

(c) What was the number of those pilgrims who went by motor lorries?

(d) Who conducted the tour for them, and at what cost?

**Mr. H. A. F. Metcalfe :** (a) and (c). The number of pilgrims who went by this route is reported to be thirty-five.

(b) The pilgrims arrived in Mecca two or three days too late for the pilgrimage having lost their way at least once. Out of 35 pilgrims who went by this route, 18 returned by lorry, 6 remained in the Hedjaz and 11 arranged to return to India by sea.

(d) The Muslim Trading Corporation, Limited, Daryaganj, Delhi. It is reported that the charge for the journey from Delhi to Mecca and back was fixed at Rs. 500 per head.

#### SAFEGUARDING OF THE INTERESTS OF INDIANS IN ZANZIBAR.

148. **\*Mr. Gaya Prasad Singh :** (a) Is it a fact that the Government of Zanzibar have passed, or are about to pass, two Bills which are calculated to prevent Indians from acquiring land, and which deprive them of their ancestral rights of dealing in the only important local industry there, viz., cloves ?

(b) Are Government aware that there are about fifteen thousand Indians in that territory, and that they have invested about eight million rupees as capital in business ?

(c) What steps have Government taken in the matter to safeguard the rights of Indians ?

**Mr. G. S. Bajpai :** (a), (b) and (c). The Honourable Member is presumably referring to recent legislation in Zanzibar regarding which telegraphic representations have been received by the Government of India from the Indian National Association of Zanzibar and also from certain public bodies in this country. The Government of India had no previous notice that such legislation was before the Zanzibar Legislative Council, nor were the texts of the various decrees before them when the first representations were received. Government could, therefore, only suggest postponement of legislation. This request was not successful. The text of five of these decrees, as published in the Zanzibar Gazette, has recently become available, and certain representations have already been made to the Secretary of State. On receipt of the detailed comments of the Indian community in Zanzibar on the measures, further representations will be made, if necessary. I can give the Honourable Member the assurance that the Government of India will do whatever lies in their power to safeguard legitimate Indian interests in Zanzibar.

**Mr. Lalchand Navalrai :** May I know if up to this time Indians in Zanzibar have acquired land or was there any restriction in acquiring it ?

**Mr. G. S. Bajpai :** Until these decrees were passed, transfers of land between the Arabs and the natives on the one hand and Indians on the other were not subject to any restriction or regulation. The recent decree on the subject makes such transfers subject to the previous approval of the Resident of Zanzibar.

**Mr. Lalchand Navalrai :** May I take it that in fact they do possess land ?

**Mr. G. S. Bajpai :** Certainly, Sir.

**Mr. B. Das :** Had Government appointed a Trade Commissioner at Mombassa, would it not have been easy for Government to get information in right time and take adequate steps ?

**Mr. G. S. Bajpai :** That, Sir, is a hypothetical question as to what would have happened if something else had happened.

**Mr. B. Das :** May I ask the Leader of the House what are the causes of the delay in the appointment of the Trade Commissioner at Mombassa which was settled four or five years ago ?

**The Honourable Sir Joseph Bore :** Does that arise out of this question, Sir ?

**FORCIBLE ABDUCTION OF ONE SRIMATI GORI FROM DHAN JOLANGRA IN MALKAND AGENCY.**

**149. \*Mr. Gaya Prasad Singh :** Is it a fact that a lady, named Srimati Gori, wife of Lala Dina Nath of Mardan, was forcibly abducted from Dhan Jolangra, in Malkand Agency ? Will Government kindly make a statement of the case, and state the steps taken to prevent recurrence of such outrages ?

**Mr. H. A. F. Metcalfe :** Information is being obtained from the Local Government and will be given to the House as soon as it is received.

**Pandit Satyendra Nath Sen :** Are Government aware that cases of abduction have become very frequent during the last few years ?

**Mr. H. A. F. Metcalfe :** I gather from the Press that there have been a certain number of cases of abduction in British India, but I do not think that arises out of this question which refers to tribal area.

**Mr. Lalchand Navalrai :** Have Government ever inquired into the causes of these abductions now-a-days ?

**TURKISH SOLDIERS IMPRISONED IN INDIA.**

**150. \*Mr. Gaya Prasad Singh :** Is it a fact that about 1,000 Turkish soldiers and others are still imprisoned in India ever since the repatriation of Turkish prisoners on the cessation of hostilities in 1919 ? If so, under what circumstances have such Turkish prisoners continued to be kept in India, and what is being done to repatriate them ?

**Lieut.-Colonel A. F. R. Lumby :** The answer to the first question is in the negative and therefore the other questions do not arise.

**FRESH EXPEDITIONARY PARTY FROM ENGLAND FOR THE "CONQUEST" OF MOUNT EVEREST.**

**151. \*Mr. Gaya Prasad Singh :** (a) Is it intended to bring out a fresh expeditionary party from England for the "conquest" of Mount Everest ? If so, have the Governments of Tibet and Nepal been consulted, or will their agreement be obtained ?

(b) Have Government given their sanction ?

(c) Is it a fact that an Indian party, with the same object, was refused permission by Government ? If so, why ?

**Mr. H. A. F. Metcalfe :** (a) There is no such proposal at present.

(b) Does not arise.



(c) If the Honourable Member is referring to the proposed expedition by an Indian Club to the neighbourhood of Mount Kailas in Tibet, he is referred to the answer given to his starred question No. 91.

RELEASE OF KHAN ABDUL GHAFFAR KHAN.

152. \*Mr. Gaya Prasad Singh : (a) Is it a fact that Khan Abdul Ghaffar Khan, has lost weight in Hazaribagh Jail on account of his being provided with an unsuitable cook ?

(b) How much has he lost in weight ?

(c) Do Government propose to release him ?

The Honourable Sir Harry Haig : (a) and (b). Khan Abdul Ghaffar Khan has lost 21 pounds in weight since his incarceration in December, 1931 ; but this is not attributed to any unsuitable cooking of his food. The medical reports show that he has kept and is keeping good health.

(c) I would refer the Honourable Member to the answer given by me to Mr. M. Maswood Ahmad's question No. 701 on the 6th September, 1933.

Mr. Gaya Prasad Singh : Do I understand Government to say that there has been no change in the policy of Government with regard to the release of Khan Abdul Ghaffar Khan since that answer was given last year ?

The Honourable Sir Harry Haig : Yes, Sir ; the answer given was that he will be released when Government are satisfied that his detention is no longer essential in the public interest.

Mr. Gaya Prasad Singh : How long will it take Government to be satisfied on this point ?

The Honourable Sir Harry Haig : That depends on conditions generally. But I must make it clear that the Government of the North-West Frontier Province, in view of the activities of Khan Abdul Ghaffar Khan when he was at liberty, cannot at present foresee the time when it will be safe to allow him to return to the Province.

Mr. Gaya Prasad Singh : Then do I understand Government to say that the Local Government of the North-West Frontier Province are at present opposed to the release of this gentleman ?

The Honourable Sir Harry Haig : Yes, Sir, the Honourable Member may certainly assume that.

Maulvi Muhammad Shafee Daoodi : Is it a fact that Khan Abdul Ghaffar Khan was convicted of an offence committed in prosecution of the Civil Disobedience Movement and not on account of any crime involving violence ?

The Honourable Sir Harry Haig : He is held at present not as a result of any conviction, but under Regulation III, and he is so held in respect of activities which very definitely included incitements to violence.

Mr. Lalchand Navalrai : Will the Honourable Member please say if Government are prepared, until he is released, to take care that he does not lose weight ?

**The Honourable Sir Harry Haig :** Weight, Sir, is not the only consideration in keeping good health. (Laughter.)

**Maulvi Sayyid Murtuza Saheb Bahadur :** Is it not a fact that, under the leadership of Khan Abdul Ghaffar Khan, the Pathan people proved true to the creed of non-violence, and, if that is a fact, does it not follow that he richly deserves release ?

**The Honourable Sir Harry Haig :** No, Sir ; I must differ entirely from my Honourable friend. They were not at all true to the creed of non-violence, and various very violent acts were committed.

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STATEMENTS LAID ON THE TABLE.

*Information promised in reply to starred question No. 819 asked by Mr. S. C. Mitra on the 21st April, 1934.*

CORRESPONDENCE WITH HIS RELATIONS OF MR. SATIN SEN, A STATE PRISONER IN THE CAMPBELLPUR JAIL.

(a) and (b). Mr. Satin Sen is allowed correspondence according to the ordinary rules in force, but he himself appears to be reluctant to correspond with his relatives.

(c) No application for an interview has been received by the Jail Superintendent from his brother.

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*Information promised in reply to part (b) of starred question No. 297 asked by Mr. Muhammad Anwar-ul-Azim on the 26th February, 1934.*

DESPATCH OF BOOKS TO OVERSEAS STATIONS BY THE CENTRAL PUBLICATION BRANCH.

The expenditure incurred during the eight months from the 1st June, 1933, to the 31st January, 1934, on account of the freight and other incidental charges in sending consignments of books from the Delhi office of the Central Publication Branch to the office of the Deputy Controller, Stationery, Calcutta, was Rs. 1,384.

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*Information promised in reply to Mr. S. G. Jog's unstarred question No. 308 asked on the 4th April, 1934.*

PROMOTION TO THE POST OF INSPECTOR IN THE DELHI HEAD POST OFFICE.

(a) Yes.

(b) No.

(c) The posts of Town Inspectors on conversion from the selection-grade rate of pay to the time-scale rate of pay are filled by selection from amongst the ordinary time-scale clerks belonging to the respective first-class head post office group. The passing of the Lower Selection Grade or Accountants Examination or the possession of degrees in Science or Law are not prescribed qualifications

for appointment to the post of Town Inspectors. No question of supersession arises as Town Inspectors continue to retain their position in the seniority list of time-scale clerks.

(d) No. I may add that in making appointments of the kind no question of communal representation arises.

(e) Some officials appealed to the Postmaster-General, Punjab, who rejected the appeals for the reason mentioned by the Honourable Member. All such appellants were senior to the clerks against whose appointment as Town Inspectors they appealed. Even though such appellants were senior in the graduation list, it does not follow that they were necessarily better experienced or better qualified for the appointments in question. The first-class postmaster is the proper judge of the suitability of any official for the appointment.

(f) Government have no information nor do they propose to collect it, as they understand that the posts of Town Inspectors in the ordinary time-scale of pay are being filled in accordance with the orders issued by them in 1933.

(g) Does not arise in view of the replies to parts (e), (d) and (f) above.

*Information promised in reply to unstarred question No. 291, asked by Mr. Sitakanta Mahapatra on the 3rd April, 1934.*

#### REALISATION OF INCOME-TAX DEMANDS BY CERTIFICATES OR DISTRESS WARRANTS IN ORISSA.

Figures pertaining to years prior to 1930-31 are not available. Those for the years 1930-31, 1931-32 and 1932-33 are embodied in the following two statements (A) and (B) :

#### A

*Statement showing the number of cases in which Income-tax Demands were realised by certificates or distress warrants in each district in Orissa and in the Ganjam District during the period 1930-31 to 1932-33 and the amount of income-tax revenue realised by such processes each year :—*

District.	No. of cases in which demand was realised by certificates or distress warrants.			Amount of tax realized.		
	1930-31.	1931-32.	1932-33.	1930-31.	1931-32.	1932-33.
				Rs. A. P.	Rs. A. P.	Rs. A. P.
Sambalpur ..	22	32	11	6,400 11 0	3,962 0 0	1,966 2 0
Cuttack ..	7	11	15	2,467 0 0	2,104 0 0	3,023 0 0
Puri ..	6	8	14	242 0 0	3,754 0 0	2,331 0 0
Balasore ..	11	13	7	1,800 0 0	2,153 0 0	2,782 0 0
Ganjam ..	49	42	27	7,761 7 0	7,439 8 0	1,213 0 0

## B

Statement showing the total number of persons against whom warrants of arrests were issued and who were put in civil jail in Orissa, district by district, and in the Ganjam District during the years 1930-31 to 1932-33 and the amount of revenue involved in such cases and the cost incurred on such arrests :—

District.	No. of persons against whom arrest warrants were issued and who were put in civil jail.			Amount of revenue involved in such cases.			Cost incurred for such cases.		
	1930-31.	1931-32.	1932-33.	1930-31.	1931-32.	1932-33.	1930-31.	1931-32.	1932-33.
				Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
Puri .. ..	..	1	..	..	624 0 0	..	..	(b) 15 12 0	..
Sambalpur .. ..	..	1	2	..	99 3 0	212 14 0	..	(a)	(a)
Cuttack .. ..	..	..	..	..	..	..	..	..	..
Balasore .. ..	..	..	..	..	..	..	..	..	..
Ganjam .. ..	5	..	..	2,197 12 0	..	..	58 10 4	..	..

(a) No cost was incurred by the Income-tax Department; the cost of civil jails met by the Certificate Officer, Sambalpur.

(b) Recovered from the defaulter.

Information promised in reply to starred question No. 786, asked by Mr. Sitakanta Mahapatra on the 20th April, 1934.

#### DEVELOPMENT OF THE SOURCES OF SALT SUPPLY IN ORISSA.

The Government of Bihar and Orissa have undertaken to consider carefully every application for permission to manufacture salt in Orissa. One of the applications received is for permission to manufacture Karkatch salt at Gurubai in the Puri District, and the Local Government have undertaken to provide temporary buildings at their own cost for the preventive staff and to bear the cost of that staff for the first three years. Another application for permission to manufacture salt for the Bengal market on the South Orissa coast has not been followed up by the applicants. Arrangements for taking brine readings, as recommended in Mr. Pitt's report, have been made by the Local Government.

Information promised in reply to unstarred question No. 270 asked by Mr. M. Maswood Ahmad on the 3rd April, 1934.

**COMMUNAL COMPOSITION OF THE STAFF OF THE NEW DELHI MUNICIPAL COMMITTEE.**

(a) The information is as follows:—

	Hindus.	Muslims.	Sikhs.	Total.
Secretary's Office .. .. .	26	12	4	42
Office of the Electric and Water Works Engineer.	13	3	2	18
Health Office .. .. .	2	1	..	3
<b>Total .. .. .</b>	<b>41</b>	<b>16</b>	<b>6</b>	<b>63</b>

(b) Hindus .. .. .	40
Muslims .. .. .	16
Sikhs .. .. .	5

Since the 1st April, 1933, two appointments (one Hindu and one Sikh) have been made.

(c) (i) .. .. .	7
(ii) .. .. .	9
(iii) .. .. .	2
(iv) .. .. .	2
(v) .. .. .	2
(vi) .. .. .	4

Of these 17 are Hindus, 8 are Muslims and one is a Sikh.

(d) The four persons referred to in part (c) (iv) and (v) are qualified as follows. The Sanitary Inspector is a qualified Sanitary Surveyor of the Royal Sanitary Institute of London, and the Sanitary Sub-Inspector has 20 years' practical experience of sanitary and conservancy work. One Vaccinator has recognised Sanitary Inspector's qualifications from Lahore, and the other is a qualified compounder. The answer to the second part of the question is in the negative, and the remaining portions do not arise.

(e) In the Electrical and Water Works Section Muslim representation is inadequate. It is proposed to rectify the deficiency as vacancies occur.

(f) The superior staff to which the Honourable Member presumably refers consists of the Secretary, the Electrical Engineer, and the Assistant Electrical Engineer. The Secretary is an Indian Christian whose services have been secured for the Committee by the local administration from the Punjab Government. He was specially selected for his responsible post in view of his qualifications and past experience. The Electrical Engineer and the Assistant Electrical Engineer are Hindus, and were formerly Government servants. In common with the rest of the staff of the Electrical Department, they were transferred as a unit to the Municipality when the responsibility for electric supply was handed over to the Municipal Committee. The Honourable Member will appreciate that the question of recruiting successors to these three officers will not arise until they relinquish their present posts. When this happens it is hoped that the Municipality will

make fresh recruitment. They will pay due regard to the claims of qualified Muslims.

*Information promised in reply to part (c) of starred question No. 72 asked by Mr. Latchand Navalrai on the 5th February, 1934.*

#### ALLEGATIONS AGAINST BRITISH OFFICERS AND SOLDIERS.

(c) Government are not prepared to admit that there is any long standing nuisance as suggested by the Honourable Member. It has been ascertained that in recent years only two cases have occurred on the larger railways in which conduct of the nature indicated in the question has been alleged. For these reasons and because Garrison Military Police are posted for platform duty at important cantonment stations, Government see no need for any special action.

I may mention that I enquired personally into one of the two incidents referred to at the Honourable Member's request and found that the officer who was involved had behaved correctly and that the matter had been amicably settled.

*Information promised in reply to unstarred question No. 69, asked by Khan Bahadur Haji Wajihuddin on the 19th February, 1934.*

#### APPEALS DETAINED BY THE EXECUTIVE OFFICER, AMBALA CANTONMENT BOARD.

(a) The answer is in the negative. The exact position is that the original appeal, which was submitted on the 19th January, 1934, was kept till the Board meeting on the 31st January, 1934. It was forwarded to the Northern Command, on the 5th February, 1934, with the replies of the Cantonment Board to the points raised therein. It is understood that in order to avoid delay provisional replies approved by the President, Ambala Cantonment Board, together with a copy of the appeal were forwarded to the Northern Command in advance.

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

*Information promised in reply to unstarred question No. 70, asked by Khan Bahadur Haji Wajihuddin on the 19th February, 1934.*

#### ALLEGED INFLUENCE OF THE NORTHERN COMMAND ON THE EXECUTIVE OFFICER OF THE AMBALA CANTONMENT BOARD.

(a) The following is the exact statement which was made in the replies sent to the Northern Command :

“ The Executive Officer is doing his duty. He is under the influence of General Officer Commanding-in-Chief, Northern Command, whose orders he is endeavouring to carry out under difficult conditions.”

(b) Under section 24 of the Cantonments Act, 1924, the Executive Officer is responsible for carrying out all the duties imposed upon him by or under the Act, and consequently he is bound to carry out the orders of the General Officer Com-

manding-in-Chief the Command, under the Act, without unnecessary delay. Such orders do not always require to be confirmed by the Board before they are carried out.

(c) to (e). In part (c) the Honourable Member is apparently referring to the fact that the Executive Officer was desired by the Officer Commanding-in-Chief the Command to inform, and did inform, the persons directly concerned, first that, if the building applications submitted by them were sanctioned by the Cantonment Authority, the Officer Commanding-in-Chief the Command would use his powers under clause (b) of sub-section (1) of section 52 of the Cantonments Act to suspend the sanction, and secondly, on the building applications being sanctioned by the Cantonment Authority, that the Officer Commanding-in-Chief the Command had so used those powers. The Government of India consider that the action taken was properly taken and that the Executive officer would have failed in his duty if he had acted otherwise. They therefore see no justification for the suggestions conveyed in part (d) and the first part of part (e), and they do not consider that occasion for the issue of any instructions by them has arisen.

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*Information promised in reply to starred questions Nos. 642 to 645, asked by Mr. S. C. Mitra on the 7th April, 1934.*

**SELECTION OF SENIOR GRADE OFFICERS FROM THE BOMBAY GRENADIERS,  
AJMER.**

642. (a) Yes.

(b) Yes. Although three of the eight candidates were considered suitable for Senior Grade Commissions, it was decided not to select more than one on this occasion in order to avoid having several officers in the same battalion of exactly the same seniority.

(c), (d), (f) and (g). Government are not prepared to make public the proceedings of the Unit Advisory Committee which are of a confidential nature. They are, however, satisfied that the Committee exercised its discretion as regards selection correctly and in accordance with paragraph 5 of Appendix VII to the Regulations for the Indian Territorial Force, 1930.

(e) No.

(h) No. The second question consequently does not arise.

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**SELECTION OF SENIOR GRADE OFFICERS FROM THE BOMBAY GRENADIERS,  
AJMER.**

643. (a) Two. Both were Rathore Rajputs.

(b) A list of unsuccessful candidates who appeared before the Unit Advisory Committee in August, 1931, 1932 and 1933, is attached. The qualifications are shown in each case.

## List of unsuccessful Candidates.

Names.	Qualifications.	Status in life.	Class.
Lieut. Kunwar Dalpat Singh.	Passed F.A.	<i>Appeared before Unit Advisory Committee on the 17th August, 1931.</i> An officer of the A. I. R. O. . . . .	Rajput.
Abd-el-Alim, Syed . .	Matriculate	The son of Khan Sahib Syed Abdul Haq, Civil Veterinary Officer, Ajmer. Candidate was an Apprentice in the B. B. and C. I. Railway Workshops.	Syed, Muhammed-an.
B. L. Rawat . .	M. Sc. No Military training . . . . .	Professor of Physics and Chemistry in Government College, Ajmer.	Hindu.
A. C. Johari . . . . .	<i>Appeared before Unit Advisory Committee on the 3rd August, 1932.</i> Passed F. Sc., 4 years' training in U. T. C., Benares	A student at Benares Engineering College.	Hindu.
Ram Singh Rethore . .	B.A.	Was about to become an Udaipur State Cadet.	Rajput.
Abd-el-Alim, Syed . . (2nd appearance).	<i>Appeared before Unit Advisory Committee on the 24th August, 1933.</i> Matriculate. Six months' training with 10/6th Rajputana Rifles.	Apprentice in the B. B. and C. I. Railway Workshops.	Syed, Muhammed-an.



Names.	Qualifications.	Status in life.	Caste.
A. C. Johari .. (2nd appearance).	F.Sc. Obtained certificate of proficiency from 3rd Battalion, U. T. C., Benares University.	Student, Engineering College, Benares Hindu University.	Hindu.
Indar Bhan Bhargava	School Leaving Certificate .. 6 months' Military training with 10th Battalion, 8th Rajputana Rifles.	Landlord ..	Hindu (Brahmin).
Harbant Singh	B.A., LL.B. 3 years' training in 9th Delhi U. T. C.	Munsif, Bikaner State	Sikh.
Satwant Singh	Matriculate. 6 months' training with Jaipur State Infantry.	Son of Captain Piyars Singh of Jaipur State Infantry.	Sikh.
K. Himmat Singh	M.A., LL.B. Obtained certificate of proficiency from 3rd Battalion, U. T. C., Lucknow.	Candidate has no fixed occupation. Medically unfit. No fixed profession	Kshtriya.
V. N. Misra	B.A. Studying for LL.B.	No fixed profession	Hindu (Brahmin).

*Appeared before U.P. Advisory Committee on the 24th August, 1933.*

**MEMBERSHIP OF MR. GANPATI SINGH OF THE UNIT ADVISORY COMMITTEE OF THE BOMBAY GRENADIERS, AJMER.**

644. Kunwar Ganpati Singh of Kharwa has been nominated annually by the Honourable the Agent to the Governor General in Rajputana and Chief Commissioner, Ajmer-Merwara.

**UNIT ADVISORY COMMITTEE OF THE BOMBAY GRENADIERS, AJMER.**

645. The Administrative Commandant and a Junior Grade officer have represented the unit on the Committee. The selection of Senior Grade officers is not its only duty, and the existing arrangement was considered the most suitable, having regard to the composition of the Committee as a whole.

*Information promised in reply to starred questions Nos. 1326, 1327 and 1328 asked by Mr. E. H. M. Bower on the 11th December, 1933.*

**RULES FOR THE RECRUITMENT AND TRAINING OF SUBORDINATE STAFF ON THE EAST INDIAN RAILWAY.**

1326. (a) and (b). The Agent, East Indian Railway, reports that the rules have not been published in the East Indian Railway Weekly Gazette as this was not considered necessary and that the rules have not been withheld from the staff, a sufficient number of copies of these rules having been supplied to all offices for reference purposes.

(c) These rules govern the promotion of subordinates to officiating appointments.

(d) Does not arise.

(e) Yes.

(f) Assistant Train Examiners and Train Examiners are normally appointed from among the technically trained apprentices who are recruited and trained in accordance with the rules for the recruitment and training of Apprentice Mechanics and Trade Apprentices in the Mechanical workshops of State-managed Railways. A separate circular on the subject was issued by the Agent in April, 1933, and circulated to the departments concerned.

(g) Yes.

(h) Yes.

(i) The scales of pay of the posts in question are as follows :

*Gunner Guards.—*

Rs. 85—10—125 (East Indian Railway Company).

Rs. 85—10—115 (State Railway).

*Pilot Guards.—*

Rs. 130—10—210 (East Indian Railway Company).

Rs. 120—10—180 (State Railway).

*Guards, Grade I.—*

Rs. 105—5—110—10—210 (East Indian Railway Company).

Rs. 90—10—180 (State Railway).

*Guards, Grade II.—*

Rs. 45—5—100 (East Indian Railway Company).

Rs. 30—5—70 (State Railway).

(j) (i). Direct recruitment of guards is made in accordance with rule 17 of the rules for the recruitment and training of subordinate staff.

(ii) Gunner Guards are in a different category, their channel of promotion being to the post of Pilot Guards whose maximum pay equals that of ordinary guards and both Pilot Guards and ordinary guards are eligible for promotion to Assistant Yard Master and Assistant Station Master.

(k) Does not arise.

#### RULES FOR THE RECRUITMENT AND TRAINING OF SUBORDINATE STAFF ON THE EAST INDIAN RAILWAY.

1327. (a) and (b). Yes.

(c) The posts of Relieving Guards are filled by qualified men from the ordinary grade I Guards' and Pilot Guards' lists.

(d) It is not the practice to promote Grade II guards or gunner guards to the post of relieving guards. Their normal channels of promotion are from Grade II to Grade I and pilot guards respectively.

(e) Yes.

(f) No. No other subordinates below the grades specified in part (c) of the reply are normally considered suitable for direct promotion to Relieving Guard.

#### RULES FOR THE RECRUITMENT AND TRAINING OF SUBORDINATE STAFF ON THE EAST INDIAN RAILWAY.

1328. (a) Yes.

(b) The Agent reports that the normal avenue of promotions of the Ticket Checking Branch staff is as follows :

T. C. Grade III.

T. C. Grade II.

T. T. E. Grade II.

T. C. Grade I.

T. T. E. Grade I.

Assistant H. T. C.

Head T. C. Grade II.

Inspector Grade II.

Head T. C. Grade I.

Inspector Grade I.

Chief Inspector.

(c) Promotions to higher appointments in the ticket checking branch except that of Chief Inspector are confined to Divisions.

(d) Such promotions are governed by rules set forth in Note (E) to rule 61 of the Rules for the recruitment and training of subordinate staff.

*Information promised in reply to the latter part of starred question No. 312, asked by Mr. S. G. Jog on the 2nd March, 1934.*

#### PERSONS DISCHARGED BY THE DIVISIONAL SUPERINTENDENT, EAST INDIAN RAILWAY, MORADABAD.

The Agent, East Indian Railway, reports that the number of persons discharged with or without one month's notice as per term of their agreements, during the year 1933, by the Divisional Superintendent, Moradabad, is 28.

*Information promised in reply to starred question No. 452, asked by Bhai Parmo Nand on the 13th March, 1934.*

**EXAMINATIONS FOR REFRESHER COURSES IN THE MORADABAD DIVISION OF THE EAST INDIAN RAILWAY.**

The Agent, East Indian Railway, reports as follows :

The ticket checking staff are required to pass triennial tests prescribed by the Chief Operating Superintendent. This test was approved by the Agent in terms of rule 64 of the rules for the recruitment and training of subordinate staff on State-managed Railways.

*Information promised in reply to starred question No. 459 asked by Mr. S. G. Jog on the 13th March, 1934.*

**POSTS OF TICKET COLLECTORS AND TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.**

The Agent, East Indian Railway, reports as follows :

(a), (b) and (c). Yes.

(c) It was first introduced as an experimental measure for six months.

(d) The sanction for the crew system was extended from time to time but the periods of extensions varied.

(f) No. Some of the grades in the crew system were higher than some of the grades in the old ticket collecting and (travelling) examining system and vice-versa.

(g) and (h). On the abolition of the crew system on the 1st June, 1931, most of the crew staff were absorbed in the new system and only those who were considered unsuitable were discharged.

(i) On the introduction of the new system, all the men were brought on a common seniority list irrespective of the source of recruitment. Relative seniority was determined by the pay drawn and where pay was equal, by the length of service.

*Information promised in reply to parts (b) and (c) of starred question No. 462 asked by Mr. M. Maswood Ahmad on the 13th March, 1934.*

**ALLEGATIONS AGAINST AN OFFICIAL OF THE MORADABAD DIVISION, EAST INDIAN RAILWAY.**

(b) (i). Enquiries were made by the Divisional Superintendent, Moradabad, East Indian Railway, who reported that the account appearing in the newspaper was inaccurate and exaggerated.

(\*) The official in charge of the Mela was Mr. A. N. Logawney, Traffic Inspector.

(iii) and (iv). Yes.

(v) No.

(vi) Both cases were enquired into by the Superintendent, Transportation, and the Railway Administration considered that Mr. Logawney had not been guilty of intentional incivility.

(c) (i). Mr. A. N. Logawney has been serving in the Moradabad Division since 1921.

(ii) No.

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*Information promised in reply to starred questions Nos. 627 and 628 asked by Lieut.-Colonel Sir Henry Gidney, on the 4th April, 1934.*

**SURPLUS POSTS IN THE OFFICE OF THE DEPUTY COMMERCIAL MANAGER,  
CLAIMS, EAST INDIAN RAILWAY.**

Question No. 627.

The Agent, East Indian Railway, reports as follows :

- (a) Yes.
- (b) (i) and (ii). No.
- (c) (i) and (ii). Both the posts referred to were sanctioned in place of higher grade appointments.
- (d) These posts were sanctioned after the Job Analysis of the Commercial Department, East Indian Railway, had been completed, in place of one post in grade of Rs. 280—20—500 and another in grade of Rs. 150—10—250.

**POSTS DECLARED SURPLUS BY THE CHIEF COMMERCIAL MANAGER, CLAIMS,  
EAST INDIAN RAILWAY.**

Question No. 628.

The Agent, East Indian Railway, reports as follows :

- (a) Yes.
- (b) The saving effected was Rs. 16,704 per annum.
- (c) No.
- (d) The number of staff found surplus were discharged.
- (e) Yes.

*Information promised in reply to starred question No. 629 asked by Lieut.-Colonel Sir Henry Gidney on the 4th April, 1934.*

**SENIORITY OF SUBORDINATES OFFICIATING IN THE TRANSPORTATION  
INSPECTOR'S GRADE ON THE EAST INDIAN RAILWAY.**

The Agent, East Indian Railway, reports that if a question arises as to which of the officiating Transportation Inspectors is the senior it would be decided on the basis of the relative seniority of the individuals in their substantive grades.

*Information promised in reply to starred question No. 630 asked by Lieut.-Colonel Sir Henry Gidney on the 4th April, 1934.*

**RATES AND CLAIMS OFFICES OF THE COMMERCIAL DEPARTMENT ON THE EAST  
INDIAN RAILWAY.**

The Agent, East Indian Railway, reports as follows :

- (a) Yes.
- (b) Yes, provided that staff are suitable to fill places in either branch.
- (c) Yes, a man's services can be so utilised if required in the interest of the administration.

*Information promised in reply to unstarred question No. 340 asked by Khan Bahadur Haji Wajihuddin on the 10th April, 1934.*

**DIFFERENT RULES GOVERNING PAY AND ALLOWANCES FOR THE STAFF IN DIFFERENT DIVISIONS OF THE NORTH WESTERN RAILWAY.**

The Agent, North Western Railway, reports that the rules regulating pay and allowances other than local allowances of staff are the same throughout the Railway.

*Information promised in reply to starred question No. 725 asked by Mr. Lalchand Navalrai on the 16th April, 1934.*

**PROMOTION OF RAILWAY EMPLOYEES SUBJECT TO THE PASSING OF THE WALTON TRAINING SCHOOL EXAMINATION.**

(a), (b), (c) and (d). The Agent reports that failure to pass a refresher course does not debar an employee automatically from promotion and that the existing orders provide for the results of examinations, qualified by reports from the Superintendent of the School giving estimates of each man's real worth, being given due weight when considering the question of promotion.

(e) The Agent does not propose to take any action in the matter.

*Information promised in reply to starred question No. 746 asked by Rai Bahadur Lala Brij Kishore on the 17th April, 1934.*

**PAY, ETC., GRANTED TO THE OLD OUDH AND ROHILKUND RAILWAY STAFF ON PROMOTION.**

The Agent, East Indian Railway, reports as follows :

(a) and (b). It is not a fact that old Oudh and Rohilkund Railway employees who are serving on the old East Indian Railway section, are forced to accept the East Indian Railway grades on promotion. In 1928, the revised co-ordinated scales of pay were introduced for subordinate staff and old Oudh and Rohilkund Railway and East Indian Railway staff were given the option to elect these scales. With the exception of such of the old staff who elected the revised scales of pay and who are therefore governed by them the position in respect of old Oudh and Rohilkund or East Indian Railway staff is briefly stated below :

If an Oudh and Rohilkund Railway employee is transferred to the old East Indian Railway area, the old Oudh and Rohilkund or the equivalent East Indian Railway scale whichever is better automatically becomes his scale of pay.

The same principle applies to men of the old East Indian Railway when transferred to any station on the original Oudh and Rohilkund Railway area.

*Information promised in reply to unstarred question No. 178 asked by Mr. S. G. Jog on the 10th March, 1934.*

**CLAIMS RECEIVED IN THE PENSION CONTROLLER'S OFFICE UNDER DIFFERENT RECOMMENDATIONS OF THE WAR PENSIONS COMMITTEE.**

The figures below state the position on the 1st July, 1934 :

(i) 171.

(ii) 2.

(iii) 77.

- (iv) 36. Out of this seven were admitted, fifteen were rejected and fourteen were under consideration.
- (v) 70 [including fourteen mentioned in (iv)].
- (vi) One reference was made to the Secretary of State to obtain his confirmation of the orders of the Government of India on Recommendation IX of the War Pensions Committee.

*Information promised in reply to parts (b) to (f) of starred question No. 441 asked by Pandit Satyendra Nath Sen on the 13th March, 1934.*

#### AMALGAMATION OF THE OUDH AND ROHILKUND RAILWAY WITH THE EAST INDIAN RAILWAY.

(b) and (c). Government are informed that except in respect of educational assistance, the staff appointed between the 1st January and 30th June, 1925, have been treated in the same way as staff appointed earlier, but in so far as educational assistance is concerned, staff appointed prior to the 1st January, 1925, are governed by the old Oudh and Rohilkund Railway rules as notified in Gazette, No. 4 of 1921 and staff appointed to the old Oudh and Rohilkund Railway between the 1st January and 30th June, 1925, have been governed by the East Indian Railway rules.

(d) Staff appointed on and after the 1st February, 1929, and also those appointed prior to that date who have elected to come under the new rules for educational assistance published in paragraph 1134 of East Indian Railway Gazette No. 41 of 1930, are governed by the said rules.

(e) and (f). It was recently brought to the notice of the Railway Board that the East Indian Railway rules regarding educational assistance had been applied to staff appointed on the old Oudh and Rohilkund Railway between the 1st January and the 30th June, 1925, and that this had caused hardship. It has been decided that such staff should be allowed to remain under the old Oudh and Rohilkund Railway rules.

*Information promised in reply to parts (a), (c), (d), (e), (f), (g) and (h) of starred question No. 362 asked by Mr. M. Maswood Ahmad on the 6th March, 1934.*

#### MUSLIM HEAD CLERKS IN THE OFFICE OF THE DIVISIONAL SUPERINTENDENT, NORTH WESTERN RAILWAY, DELHI.

(a) Yes.

(c) Yes.

(d) Yes.

(e) Yes. The previous clerk in charge of the Copying Branch was a Grade IV stenographer.

(f) and (h). The Agent, North Western Railway, reports that it was decided in December, 1931, to hold in abeyance the post of Grade IV stenographer in charge of the Copying Branch as a measure of retrenchment. The Stenographer, Grade III, who was subhead of the Copying Branch and happened to be a Muslim, was ordered to look after that Branch in addition to his duties as a stenographer to the Divisional Transportation Officer.

(g) Yes, but it has since been found to be incorrect.

*Information promised in reply to starred question No. 458 asked by Mr. S. B. Jey on the 13th March, 1934.*

#### NON-RECOGNITION OF SERVICES RENDERED DURING THE GREAT WAR BY THE EAST INDIAN RAILWAY EMPLOYEES.

The reply is in the negative. The East Indian Railway was not a State-managed Railway when the Home Department Resolutions Nos. 1099 and 2165, dated the 8th

August, 1919, and the 15th September, 1921, respectively, were issued and forwarded to the State-managed Railways for information and guidance. The Agent, East Indian Railway, reports that employees who proceeded on war service with the approval of the Railway Administration have been allowed to count their war service for the purposes of retiring gratuity, seniority and increments on the East Indian Railway. Cases of non-railway employees, who had rendered war service were dealt with on their merits by the late East Indian Railway Company.

*Information promised in reply to unstarred question No. 303 asked by Mr. M. Maswood Ahmad on the 4th April, 1934.*

#### THEFT OF RAILWAY PROPERTY AT THE NEW DELHI RAILWAY STATION.

Government have since been informed that as a result of further enquiries into the matter, the North Western Railway Administration are satisfied that there was no theft committed.

*Information promised in reply to starred question No. 759, asked by Mr. M. Maswood Ahmad on the 17th April, 1934.*

#### RECRUITMENTS IN THE CENTRAL PUBLICATION BRANCH.

(d) Total number of candidates	..	..	..	..	..	133
Muslims	..	..	..	..	..	105
(id) Number of candidates selected for recruitment	..	..	..	..	..	96
Muslims	..	..	..	..	..	39

*Information promised in reply to unstarred question No. 276 asked by Mr. S. C. Mitra on the 11th December, 1933.*

#### INTRODUCTION OF NEW CONDITIONS OF SERVICE IN THE EASTERN BENGAL RAILWAY PRESS.

(a) to (d). Yes.

(e) The staff of the press were divided into five categories.

(f) No. In accordance with the instructions in Railway Board's telegram No. 229 E.G., dated the 29th December, 1930, industrial press employees of the Eastern Bengal Railway were given 20 paid holidays to conform to the number of holidays given to corresponding employees in that Railway's workshops.

(g) Yes.

(h) and (i). The conditions of service remained intact except that the number of holidays for Press Industrial Staff was made to conform to the number allowed to the East Indian Railway staff. The conditions on which the staff were to be transferred, including the above mentioned exception, were intimated to them by a notice issued by the Agent, Eastern Bengal Railway, in July, 1933, before the transfer actually took place.

(j) No. Readers, copy-holders, time-keepers, etc., were in category II prior to the amalgamation whereas industrial superior establishment were in category IV (a).

(k) Readers, copy-holders and time-keepers are allowed shop paid holidays on the East Indian Railway and such other holidays as may be declared as closed holidays by the Agent, East Indian Railway.

(l) The reply to parts (h) and (i) above furnishes replies to items (i) and (ii) in part (l).



Information promised in reply to starred question No. 563 asked by Pandit Satyendra Nath Sen and Mr. S. G. Jaj on the 27th March, 1934.

### DISCHARGE AND RE-INSTATEMENT OF EMPLOYEES ON THE EAST INDIAN RAILWAY.

(a) to (c). The Agent, East Indian Railway, reports that the number of non-gazetted employees discharged, dismissed, re-instated and re-appointed in the Dinapur, Allahabad, Asansol and Lucknow Divisions of the East Indian Railway during the year 1932 and 1933, excluding staff discharged on medical grounds or on account of retrenchment, is shown in the enclosed statement.

The figures of staff discharged on the Asansol Division are high as compared to similar figures in other divisions owing to a large number of staff absconding and overstaying leave, which is peculiar to the coal-fields area.

#### Statement.

Division.	1932.				1933.			
	No. of employees discharged.	No. of employees dismissed.	No. of employees re-appointed.	No. of employees re-instated.	No. of employees discharged.	No. of employees dismissed.	No. of employees re-appointed.	No. of employees re-instated.
Dinapur ..	18	1	..	..	22	7	..	2
Allahabad ..	2	..	1	..	5	1	3	..
Asansol ..	108	4	4	1	68	8	..	3
Lucknow ..	2	4	..	..	3	1	..	..

Information promised in reply to unstarred question No. 76 asked by Sardar Sant Singh on the 21st February, 1934.

### DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

(a) Recommendation No. XII of the War Pensions Committee deals with cases of discharge on medical grounds for disabilities contracted on field service or attributable to such service. A discharge certificate of the kind referred to in the question cannot be regarded as sufficient proof of invalidation from the service by a medical board for a disability (wound, injury or illness) of the nature mentioned above.

(b) The fact that a man has been declared medically unfit for active service does not mean that he must have been invalided from the service on account of a physical disability contracted on, or attributable to, military service in a field, foreign or ordinary peace service area. Yet he must satisfy the latter condition to be eligible for a disability pension.

(c) No.

(d) The nature of proof required is that usually contained in invaliding rolls, hospital records, medical history sheets and documents, and other service documents showing details of field or foreign service and of periods of leave during such service due to illness, etc.

(e) I am not clear as to the object of this part of the question, but if the Honourable Member wishes to know whether the mere fact that the case was disposed of before the War Pensions Committee sat precludes its being reconsidered, the answer is in the negative. Before it can be reconsidered, however, the fresh facts referred to in the note to Recommendation No. XXI must be proved by the claimant.

(f) The medical history sheets and original Medical Board proceedings are not now available. It is, however, definitely established that the reservist was invalided in 1915 with a service gratuity at a time when a great many other reservists were also discharged on medical grounds as too old for further service, and in addition a medical board held in 1930 certified that he was not then suffering from a disability attributable to military service. In face of these facts Government are unable to grant him a disability pension.

*Information promised in reply to unstarred questions Nos. 78 and 80 asked by Mr. S. G. Jog on the 21st February, 1934.*

#### RECOMMENDATIONS OF THE WAR PENSIONS COMMITTEE.

78. (a) and (c). The 20th April, 1932, was the date of the Indian Officer's application for the revision of his pension. It was fixed as the date from which the revised rate of pension should be granted after full consideration of the merits of the case.

(b) No.

#### RELATED CLAIMS FOR FAMILY WAR PENSIONS.

80. (a) and (c). Each case is considered on its merits under paragraph 96, Financial Regulations for the Army in India, Part I.

(b) Family pension claims are not time-barred.

*Information promised in reply to parts (c) and (e) of starred question No. 319 asked by Mr. S. G. Jog on the 2nd March, 1934.*

#### DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

(c) The reference quoted deals with a case which was carefully investigated in 1932. The man concerned was invalided in 1915 with a gratuity at a time when a great many other reservists were also discharged on medical grounds merely because they were too old for further service. A medical board held in 1930 certified that he was not then suffering from a disability attributable to military service. In such circumstances Government would not be justified in granting a disability pension.

(e) Pension Controller's memorandum of the 6th December, 1933, related to a case in which the extent to which arrears of pension should be granted had already been settled by the Government of India. Instructions have been issued that appeals against such decisions should be forwarded to the Government of India for re-consideration, provided they comply with the provisions of the Note to Recommendation No. XXI of the War Pensions Committee.

The memorandum of the 23rd October, 1933, from the Officer Commanding, 2/6th Rajputana Rifles, merely covered the transit to the Pension Controller of an appeal in a case in which the Government of India have since issued orders.

*Information promised in reply to starred questions Nos. 412 and 413 asked by Mr. Gaya Prasad Singh on the 7th March, 1934.*

#### DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

412. (a) Government are prepared to act up to their order to the fullest extent possible. The second question is not clear. If the Honourable Member will give details of any cases which he has in mind, they will be examined.

(b) The attention of the Honourable Member is invited to the answer given on the 11th December, 1933, to part (a) of starred question No. 1386. The Secretary of State has since confirmed the decision of the Government of India.

(c) No.

### DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

413. (a) To the fullest extent possible.

(b) No.

*Information promised in reply to starred question No. 481 asked by Lieut.-Colonel Sir Henry Gidney on the 14th March, 1934.*

### RETRENCHMENT ON STATE RAILWAYS.

(a) During the second block retrenchment after June, 1932, the selection for discharges was based on length of service, but the Agent reports that all temporary staff were not discharged. Temporary staff having over one year's service were, under the rules regarding retrenchment, treated on the same footing as permanent employees for this purpose.

(b) There was no block retrenchment of officers and no special instructions were laid down by Government for discharge of officers on railways, but a large number of temporary engineers were actually discharged.

(c) A statement showing the number of temporary engineers and other temporary officers discharged from the State-managed Railways as a measure of retrenchment is placed on the table of the House.

(d) Only one of the officers in the statement referred to above has been re-appointed temporarily. He is a temporary engineer on the Great Indian Peninsula Railway.

*Statement showing the number of temporary engineers and other temporary officers discharged as surplus to requirements on State-managed railways.*

Railway.	Number of temporary engineers.	Number of other temporary officers.
Burma .. .. .	Nil	2
Eastern Bengal .. .. .	6	Nil
East Indian .. .. .	13	..
Great Indian Peninsula .. .. .	9	5
North Western .. .. .	15	..

*Information promised in reply to starred question No. 1331 asked by Mr. S. G. Jog on the 11th December, 1933.*

### PERCENTAGE OF FAILURE OF STUDENTS IN THE RAILWAY SCHOOL OF TRANSPORTATION.

(a) 1931-32 .. .. .	18 per cent.
.. 1932-33 .. .. .	23 per cent.
.. 1933-34 .. .. .	36 per cent.

(First half).

(b) One, who is a Cabin Signaller. Although he had passed the School Examination he was subsequently found unsuitable for the higher post of Assistant Station Master.

(c) Government regret that they cannot place on the table information regarding the marks obtained by individual students. Government are informed that marks are given in all cases except when a student has definitely failed in any branch of a subject in which case he is generally not further examined in that subject.

(d) The Agent reports that in most cases this is not so but it is not always possible to provide an examiner who has not also lectured in the same subject. In the case of written examinations papers are set by the Superintendent and examined by him.

(e) Three additional instructors have been added to the School Staff as it has been necessary to duplicate the probationary Assistant Station Masters' course. The provision previously made to train probationers was not sufficient to meet the requirements of this railway and in consequence the course had to be duplicated.

(f), (i) and (j). The men were discharged by the School Superintendent. With a month's pay in lieu of notice on and from the 1st April, 1933. This order was subsequently cancelled as there were no orders for retrenchment of staff on special terms at the time. The men were recalled to duty and their absence from the 1st to the 30th April, 1933, was treated as leave without pay. (The Agent.) It has since been decided that as these men were considered to have been incorrectly discharged and were re-instated in their former posts the period of one month should be treated as leave with pay so that they will not be put to any financial loss.

*Information promised in reply to parts (b) (ii) and (b) (iii) of starred question No. 485 asked by Lieut.-Colonel Sir Henry Gidney on the 16th March, 1934.*

#### LOWER GAZETTED SERVICE APPOINTMENTS SANCTIONED FOR THE ENGINEERING DEPARTMENT OF THE GREAT INDIAN PENINSULA RAILWAY.

(b) (ii) Nil.

(iii) The balance of posts in the Lower Gazetted Service has not been filled. There are ten officers of the superior service in excess of the sanctioned cadre for superior officers of the Engineering Department and there are five temporary engineers who have been retained in service or re-appointed as a special case.

*Information promised in reply to Lala Rameshwar Prasad Bagla's unstarred question No. 18 on the 5th February, 1934.*

#### REVERSION OF CERTAIN CLERKS IN THE UNITED PROVINCES POSTAL CIRCLE.

(a) The fact is not as stated. Ten officials of the ordinary clerical time-scale who had been holding in an officiating capacity posts in the cadre of Sub-Divisional Inspectors of Post Offices and Head Clerks to Superintendents of Post Offices in the selection grade of Rs. 160—10—250 against available permanent vacancies in that cadre were reverted to ordinary time-scale posts.

(b) For reasons explained in the reply to part (d) of Mr. N. M. Joshi's starred question No. 398 in the Legislative Assembly on the 19th September, 1932, none of these officials had been given permanent promotion to the Rs. 160—10—250 grade, but were appointed only in an officiating capacity.

(c) The Honourable Member apparently refers to the orders issued in June, 1933, according to which selection grade posts of Town Inspectors were to be replaced by ordinary time-scale posts by the transfer on their own pay of the existing substantive holders of those selection grade posts to the existing and future permanent vacancies in the cadre of sub-divisional Inspectors and head clerks to Superintendents of Post Offices.

(d) The reply to the first part of the question is in the affirmative. The reply to the second part is in the negative. The last part does not therefore arise. In this connection, the Honourable Member is referred to the reply to part (b) above.

(e) The fact is not as stated. While the officials in question were officiating in the selection grade posts on Ra. 160—10—250, their permanent posts in the ordinary clerical cadre were kept unfilled. On reversion from their officiating posts, they were at first posted to work as Town Inspectors in the ordinary time-scale of pay without liens on their substantive posts in the clerical cadre. The position has since been regularised by the Postmaster-General, United Provinces.

(f) It is a fact that in some of the other circles, there are still some Town Inspectors in the Ra. 160—10—250 grade whose posts have not been converted to the time-scale for want of vacancies in the cadre of Sub-Divisional Inspectors and Head Clerks to Superintendents to which they could be transferred. In the United Provinces, all the posts of Town Inspectors have been converted to the time-scale as there was a sufficient number of vacancies in the cadre of Sub-Divisional Inspectors and Head Clerks to Superintendents to which they could be transferred.

(g) The permanent vacancies on Ra. 160—10—250 in the cadre of Sub-Divisional Inspectors and Head Clerks to Superintendents of Post Offices mentioned in part (a) above were correctly treated as 'existing vacancies' for purposes of the orders referred to in part (e) above. Government do not therefore propose to take the action suggested by the Honourable Member.

*Information promised in reply to parts (a), (b) and (c) of the starred question No. 226 asked by Bhai Parma Nand on the 24th February, 1934.*

#### FIXATION OF HOLIDAYS FOR DUSSEHRA AND DIWALI ON PROPER DAYS IN THE UNITED PROVINCES POSTAL CIRCLE.

(a) The Local Government of the United Provinces of Agra and Oudh declared, under section 25 of the Negotiable Instruments Act, September 26th to September 29th, 1933, as the Dussehra holidays, and October 18th, 1933, as Diwali holiday. The last day of the Dussehra being the most important day of the festival the 29th September, 1933, was declared as a Post Office holiday on account of Dussehra and the 18th October, 1933, was declared as a Post Office holiday on account of Diwali in the United Provinces Circle. Government are satisfied that postal holidays for Dussehra and Diwali were fixed on proper dates in the United Provinces.

(b) Representations were received by the Postmaster-General, United Provinces, from the members of the staff of some Post Offices in the United Provinces Circle requesting a change in the date fixed for the Post Office holiday on account of Dussehra from the 29th September to the 28th September, and on account of Diwali from the 18th October to the 19th October. The dates were not changed in view of the notification already made by the Local Government fixing the dates for the observance of these two holidays no change in which was made by the Local Government.

(c) Government do not propose to take any action as they consider that the holidays were fixed on the correct dates.

*Information promised in reply to supplementary questions to starred question No. 654 asked by Mr. M. Masood Ahmad, on the 7th April, 1934.*

#### TENDERS FOR TREASURY CONTRACTS FOR THE BOMBAY AND POONA POST OFFICES.

The Assistant Postmaster-General who was present at the time of the opening of the tenders was Mr. Muhammad Siddique Hasan.

Information promised in reply to part (b) of unstarred question No. 324 asked by Mr. M. Maswood Ahmad on the 7th April, 1934.

**LOWER AND UPPER SELECTION GRADE POSTS HELD BY EACH COMMUNITY IN THE PUNJAB POSTAL CIRCLE BEFORE AND AFTER RETRENCHMENT.**

(b) On the assumption that by 'Punjab Postal Circle' the Honourable Member refers to the entire Punjab and North-West Frontier Posts and Telegraphs Circle, the numbers are as follows :

	On 1st July, 1931.	On 1st November, 1933.
Hindus	200	118
Muslims	77	39
Sikhs	23	11
Christians	8	6
Total	308	174

Information promised in reply to parts (i) and (iii) of unstarred question No. 326 asked by Mr. M. Maswood Ahmad on the 7th April, 1934.

**MUSLIMS RECRUITED IN THE LEH AND GILGIT POSTAL SUB-DIVISIONS IN THE KASHMIR STATE.**

(i) and (iii). In pursuance of the existing orders that no posts are to be filled, except in an officiating capacity, no one has been confirmed in the Gilgit and Leh Sub-Divisions during the last three years. Nine vacancies in the Gilgit Sub-Division and seven vacancies in the Leh Sub-Division occurred in the postmen's cadre and four vacancies in the Gilgit Sub-Division and five in the Leh Sub-Division occurred in the line of packers during the said period. All the above mentioned posts were filled in an officiating capacity as detailed below :

**Postmen's Cadre.**

*Gilgit Sub-Division.*

1 by a Muslim who had been reverted from postmanship in consequence of revision of establishment.

2 by Muslims  
5 by Hindus  
1 by a Sikh } filled by promotion from qualified inferior servants.

*Leh Sub-Division.*

2 by Muslims  
1 by a Hindu } filled by qualified inferior servants.

1 by a Muslim who had been reverted from postmanship in consequence of revision of establishment.

1 by a Hindu by merit.  
1 by a Muslim by merit.  
1 by a Muslim by reservation.

9

7

**Packers.**

*Gilgit Sub-Division.*

4 by Muslim approved candidates by merit

*Leh Sub-Division.*

2 by Hindus by merit.  
1 by a Muslim by reservation.  
1 by a Hindu by merit.  
1 by a Muslim by merit.

4

5

*Information promised in reply to parts (a) and (b) of starred question No. 739 asked by Mr. D. K. Lahiri Chauthury on the 17th April, 1934.*

**CETRAIN POSTAL OFFICIALS IN THE BENGAL AND ASSAM CIRCLE, INCLUDING CALCUTTA.**

- (a) The total number of the officials referred to is 201.  
 (b) In Calcutta—66.  
 In the Mofussil—135.

*Information promised in reply to starred question No. 310 asked by Mr. S. G. Jog on the 2nd March, 1934.*

**STAFF EMPLOYED AT THE RAILWAY SCHOOL OF TRANSPORTATION, CHANDAUSI.**

- (a) and (d). These rules do not apply to persons retrenched on reduction of establishment and offered lower posts as an alternative to discharge.  
 (b) Yes. The surplus staff of the Railway School of Transportation, Chandausi, was included.  
 (c) and (e). Do not arise.

*Information promised in reply to part (c) of starred question No. 632 asked by Lieut.-Colonel Sir Henry Gidney on the 4th April, 1934.*

**DEPUTATION TO THE RAILWAY BOARD REGARDING THE RATIO OF POSTS TO BE HELD BY THE EAST INDIAN RAILWAY AND OLD OUDH AND ROHILKUND RAILWAY OFFICERS.**

- (c) The Agent, East Indian Railway, reports that this ratio could not be worked to satisfactorily in practice in case of officers and in fact its abolition was pressed for by the officers themselves. It was never observed in respect of promotions of subordinates to officers grades; such promotions were based on merit and seniority. There would in these circumstances be no point in now introducing for the promotion of subordinates to officer's grade a ratio already found unsuitable for officers.

*Information promised in reply to parts (b) to (e) of unstarred question No. 38 asked by Seth Haji Abdoola Haroon on the 11th September, 1933.*

**COMMUNAL COMPOSITION OF THE STAFF IN THE OFFICE OF THE CHIEF MEDICAL AND HEALTH OFFICER, NORTH WESTERN RAILWAY.**

- (b) to (e). Government have made enquiries and consider that so far as recruitment to the categories of the Medical Department mentioned in part (a) of the question is concerned, the North Western Railway Administration have carried out orders subject to slight adjustments from time to time.

*Information promised in reply to starred questions Nos. 180 to 183 asked by Maulvi Sayyid Murtuza Saheb Bahadur on the 21st February, 1934.*

**DIRECT RECRUITMENT OF SOME OF THE EX-CREW INSPECTORS ON THE EAST INDIAN RAILWAY.**

Question No. 180.

The Agent, East Indian Railway, reports as follows :

- (a) On the introduction of the crew system, it was found necessary to increase the strength of the ticket checking staff and consequently direct recruitment was made.

- (b) When the crew system was introduced a few of the travelling ticket inspectors were taken over from the Accounts Department against appointments for which they were most suited. A travelling ticket inspector was selected as an inspector, Crew Training School, Fyzabad, as he was fully qualified in the duties required under the crew system.
- (c) No.
- (d) Yes.
- (e) Yes.
- (f) Yes.
- (g) No. The crew scale was fixed independently in accordance with the conditions prevailing in 1926.
- (h) The maximum pay of a crew inspector was Rs. 460 and that of a travelling ticket inspector was Rs. 300.

### SENIORITY OF THE TICKET CHECKING STAFF ON THE EAST INDIAN RAILWAY.

#### Question No. 181.

The Agent, East Indian Railway, reports :

“ Yes. The term ‘ service ’ used in connection with seniority invariably means permanent service.”

### SENIORITY OF THE TICKET CHECKING STAFF ON THE EAST INDIAN RAILWAY.

#### Question No. 182.

(a) The letter referred to in this part of the question was specifically intended to regulate the policy of retrenchment.

(b) No. Except, in so far as the selection of men for discharge was concerned. Certain recommendations of the Court of Enquiry were accepted by the Government of India and announced in Government of India Communiqué of the 6th June, 1932, a copy of which is already in the Library of the House.

(c) The Agent's circular No. 464 of the 26th January, 1927, only dealt with the question of co-ordination of the rates of pay of subordinates on the old East Indian and Oudh and Rohilkund Railways and is not superseded by the Railway Board's letter of the 3rd March, 1931, which referred to the retrenchment of staff made subsequent to March, 1931. The former had no connection with the latter.

(d) The Agent, East Indian Railway, reports that as neither the Railway Board's letter nor the Agent's circular were in his opinion applicable to the crew staff who are all temporary, the fixation of seniority by pay and length of service was resorted to as being the fairest method.

(e) As stated in part (c) above Railway Board's letter No. 6839-E.G. of the 3rd March, 1931, applied to retrenchment of staff and had no reference to fixation of seniority of staff.

### INAUGURATION OF THE CREW SYSTEM OVER THE DINAPUR DIVISION.

#### Question No. 183.

The Agent, East Indian Railway, reports :

(a) Yes. Out of the 36 posts of crew inspectors and assistant crew inspectors sanctioned for the Dinapur Division, 21 were filled by direct recruitment and 15 by promotion of suitable travelling ticket inspectors and head ticket collectors.

(b) The old travelling ticket inspectors who were not selected to fill vacancies of crew and assistant crew inspectors were absorbed as crews-in-charge.



- (c) After training the newly recruited crew and assistant crew, inspectors were examined, 13 passed and the remaining eight men who failed were reduced to lower ranks and replaced by suitable old travelling ticket inspectors.

*Information promised in reply to unstarred question No. 287 asked by Mr. S. C. Mitra on the 11th December, 1933.*

#### INCREASE OF THE PAY OF THE EASTERN BENGAL RAILWAY TICKET PRINTING STAFF.

(a) There was an increase in the hours of work and a corresponding increase in pay.

(b) Yes.

(c) Yes, except that the number of holidays was altered to conform to the practice on the East Indian Railway.

(d) Yes.

(e) The hours of work of the staff of the Eastern Bengal Railway Ticket Printing Section transferred to the amalgamated press were increased to correspond to those worked by the similar staff of the East Indian Railway on the 1st November, 1933, under the orders of the Agent, East Indian Railway.

(f) Yes.

(g) In conformity with the statement made by the Honourable Sir Joseph Bore on the 24th February, 1934, in reply to a cut motion moved by Mr. S. C. Mitra, certain grievances of the State Railway Press Employees are to be examined by the Railway Board. A Committee has been appointed by the Agent, East Indian Railway, to enquire into the matter and as this is one of the alleged grievances, the matter will be further considered by Government on receipt of the report of the above-mentioned Committee.

*Information promised in reply to unstarred questions Nos. 359, 360 and 361 asked by Sardar Sant Singh on the 16th April, 1934.*

#### NON-ADOPTION OF THE MOODY-WARD SCHEME OF TICKET CHECKING ON THE NORTH WESTERN RAILWAY.

859. The Agent, North Western Railway, reports as follows :

(a) Yes. Orders were issued in 1932 and 1933 that a group may at times be further subdivided into sub-groups of two men each and at times Special Ticket Examiners may even be allowed to work singly though they always form part of the group to which attached.

(b) The orders referred to in part (a) above were issued in 1932 and 1933 whereas the instructions alluded to in reply to part (d) of question No. 475 were issued on the introduction of the present system on the North Western Railway in 1931.

(c) (4) Yes.

(ii) There are two instances where the Divisional Superintendent, Ferozepur, has, due to the unimportance of certain sections, not provided a grade III post for the groups-in-charge; he has since been instructed to provide grade III posts for all groups-in-charge.

### NON-ADOPTION OF THE MOODY-WARD SCHEME OF TICKET CHECKING ON THE NORTH WESTERN RAILWAY.

360. The Agent, North Western Railway, reports :

- (a) The group-in-charge, in the course of his programme, supervises and checks the work of the Special Ticket Examiners who are working to a similar programme.
- (b) The amount of correspondence which a group-in-charge is called upon to undertake, is not such as to preclude him from working to the programme of a Special Ticket Examiner and supervising the work of this group. As already stated in reply to part (c) (ii) of question No. 359, the Divisional Superintendent, Berozpur, has since been instructed to provide Grade III posts for all groups-in-charge.

### NON-ADOPTION OF MOODY-WARD SYSTEM OF TICKET CHECKING ON THE NORTH WESTERN RAILWAY.

361. Government are informed that (a) checking group is required to be detailed to a Section for three months and then changed over to another Section. A change of headquarters is not essential in order to permit of this, and the Rawalpindi and Lahore Divisions are the only ones in which the headquarters of the checking groups are changed, but this is done very infrequently and when it becomes necessary three days' joining time is allowed to affect such a transfer.

The attention of the Agent, North Western Railway, has been drawn to the inconveniences referred to by the Honourable Member as attendant on frequent transfers of headquarters and he has been requested to reduce such transfers as far as possible.

*Information promised in reply to unstarred question No. 140 asked by Khan Bahadur Haji Wajihuddin on the 6th March, 1934.*

### RULES IN CONNECTION WITH APPEALS REGARDING PAY AND ALLOWANCES ON THE EAST INDIAN RAILWAY.

(a) to (c). Orders also exist on the East Indian Railway about the submission of appeals regarding pay and allowances. These orders were issued by the Agent, East Indian Railway, in Notification No. 1815, of Weekly Gazette No. 42 of 9th December, 1925. The orders are still operative, except that submission of appeals in cases of discharge and dismissal is now governed by Rules regulating the discharge and dismissal of State Railway, non-gazetted Government servants, a copy of which is already in the Library of the House. I place a copy of the Agent's Notification referred to above on the table of the House.

(d) Agents of State-managed Railways have full powers to deal with non-Gazetted Staff with certain exceptions. Memorials regarding pay and allowances do not fall under the exceptions and as such they lie within the competence of the Agent.

*Weekly Gazette No. 49 of 9th December, 1925.*

1815. Notice to subordinate staff :

The staff are aware that under the new organisation Divisional Superintendents have powers very largely in excess of the powers formerly given to District Officers.

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In fact their powers are very much greater than those formerly exercised by Heads of Departments. On a very large system such as the East Indian Railway has now become, without such a decentralisation of authority and work the administrative organisation in the head office tends to become over-burdened.

As a further step in this decentralisation the staff are advised that, while I am fully prepared to give the most careful personal consideration to all appeals regarding dismissals, discharges and loss of gratuity, if received through the proper channel, appeals against all other orders passed on their cases can in future only be to the officers immediately above the officer passing the orders. For example, if a Divisional Superintendent has reduced a member of the staff, or has superseded him by another man, the member of the staff may appeal to the Chief Operating Superintendent, or, if he be one of the Engineering staff, to the Chief Engineer. In such cases appeals should not be addressed to me.

G. L. COLVIN,

Agent.

*Information promised in reply to starred question No. 820 asked by Rao Bahadur S. R. Pandit on the 21st April, 1934.*

#### FUND CREATED FROM THE PERSONAL PROPERTY OF RAJA RAGHUJI III.

The amount of the fund in question, as it stood at the time of its creation, was about 19½ lakhs. Since the annual charges of the Palace stipends *khazgee* lists and religious endowments which were to be defrayed from the fund considerably exceeded the interest that would have accrued from its investment, the fund was credited to Government who undertook to bear these charges in future. Pensions to the Bhonsla family are paid from general revenues. The Nagpur District Gasetteer is not an authoritative publication and the statement made therein is incorrect.

*Information promised in reply to starred questions Nos. 667 and 686 asked by Mr. S. C. Mitra on the 10th and 14th April, 1934, respectively.*

#### TENDERS FOR BODY VARNISH HARD DRYING INSIDE.

Question No. 667.

(a) The Honourable Member has not stated the particular year or period for which the information is required. The Indian Stores Department calls for tenders annually for paints, pigments and varnishes including Body Varnish Hard Drying Inside. No Indian Stores Department specification has been framed for this particular class of varnish, but samples are tested to see if they satisfy the Indian Stores Department specification for Copal Varnish. The tender of Messrs. Jenson and Nicholson for Body Varnish Hard Drying was accepted for the annual contract for 1931-32.

(b) No.

(c) No.

(d) No.

(e) The answer is in the negative in so far as it concerns contract referred to in part (b) of the question.

The circumstances connected with the transaction which appear to be referred to by the Honourable Member are as follows :

The East Indian Railway placed two requisitions No. I.S.D.-22425, 4[Gb5]CST.-53, dated 7th November, 1930, for 200 gallons and No. I.S.D.-22445|4[Gb5]CST|58, dated

the 12th November, 1930, for 1,300 gallons of varnish Body Hard Drying Inside with Jenson and Nicholson (India), Ltd., Calcutta. The varnish so ordered was to conform to a special sample approved by the East Indian Railway. Through a misunderstanding the Indian Stores Department Inspectorate tested this varnish against an Indian Stores Department standard sample and as the varnish offered for supply did not conform to this Indian Stores Department standard sample it was rejected. When the East Indian Railway pointed out that the varnish ordered was to comply with an East Indian Railway sample which had been found satisfactory in service, it was re-tested by the Inspecting Authorities and found to conform to the East Indian Railway sample and was, therefore, accepted.

(f) The reply to the first part of this question is in the affirmative. As regards the second part, no case existed for an application of the rule.

(g) No reasons exist for Government enquiring into the matter.

(h) No, but if specific cases are given, the Government will enquire into these cases.

### CONTRACT FOR THE SUPPLY OF READY MIXED BLACK PAINT TO THE EAST INDIAN RAILWAY.

Question No. 686.

(a) The answer to the first part is in the affirmative. With regard to the second part, three years' working test in service was carried out by the Eastern Bengal Railway and found satisfactory.

(b) Yea.

(c) It is understood that the paint manufactured by Messrs. Jenson and Nicholson, called special black paint ready mixed for wagon bodies and underframes, and supplied to the East Indian Railway, was of the same quality as that supplied to the Eastern Bengal Railway. It is not possible to ascertain from analysis whether the black pigment contains 3 per cent. carbon black or not, but paint of the quality has been found to give satisfactory results in service although exposure tests of paint of similar composition made on panels tested under non-service conditions were not satisfactory.

(d) Does not arise.

(e) Jenson and Nicholson (India), Ltd., are a Company registered in India with Rupee capital. No information about shareholders is available.

(f) I invite the Honourable Member's attention to the " Rules for the supply of articles required to be purchased for the Public Service " in which the policy of Government in regard to the preference to be shown to articles produced by indigenous industries is clearly laid down.

(g) It is not a fact that against the tender in question contracts were given to three firms for supply of black paint to Indian Stores Department Specification No. G.O.P.211 with 3 per cent. carbon black.

Against tender No. 04/M., for 1932-33 contracts for black paint were awarded as follows :

- (1) Messrs. Napier Paint Works for Indian-made Paint Black Stiff to Indian Stores Department Specification No. G.O.P.121, which lays down that the paint should contain 20 per cent. lamp black.
- (2) Messrs. Jenson and Nicholson for Indian-made Paint Black Stiff for underframes and wagon bodies. No Indian Stores Department specification was stipulated for this supply but paint was to be supplied exactly as previously supplied to the Railway.

(3) Messrs. Murarka Paint and Varnish Works for Paint Black Stiff for underframes and wagon bodies to Indian Stores Department Specification No. G.O.P. 121, which lays down that the paint should contain 3 per cent. carbon black.

(4) Messrs. Murarka Paint and Varnish Works for "Muraco" special Black ready mixed paint for underframes and wagons.

Messrs. Jenson and Nicholson quoted Rs. 9-7-0. per cwt. for their particular paint and Messrs. Murarka Paint and Varnish Works quoted Rs. 8-10-0 per cwt. for their black paint stiff. The paint of Messrs. The Murarka Paint and Varnish Company was tested by the Alipore Test House.

(A) The East Indian Railway did not place orders with Messrs. Murarka Paint and Varnish Company, for the black paints stiff tendered by them at Rs. 8-10-0 per cwt., but did place orders for 23,000 gallons of "Muraco" special black ready mixed paint manufactured by that firm.

(4) The difference in price between the two tenders referred to is As. 13 per cwt. and not As. 14 as stated by the Honourable Member.

With regard to the second part of the question, Government do not consider there has been any loss in revenue, as the price of paint is not the sole index of relative value nor do Government consider that undue patronage has been shown to any particular firm.

(j) Does not arise.

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*Information promised in reply to part (b) of starred question No. 674, asked by Mr. S. C. Mitra on the 10th April, 1934.*

#### SOLDIER AND LADY CLERKS IN THE ARMY HEADQUARTERS.

The total pay during 1933-34 of the 172 soldier, ex-soldier and lady clerks was Rs. 4,92,141 and that of the 558 civilian clerks Rs. 13,57,173.

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*Information promised in reply to a supplementary question arising out of starred question No. 653 asked by Mr. M. Muzwood Ahmad on the 7th April, 1934.*

#### LEAVE FACILITIES TO CLERKS IN THE RAILWAY AUDIT DEPARTMENT TO PREPARE FOR THE RAILWAY SUBORDINATE AUDIT SERVICE EXAMINATION.

A statement showing for the last two years the names of clerks in the office of the Chief Auditor, Railway Clearing Accounts, who applied for leave to prepare for the Subordinate Railway Accounts Service Examination, the leave granted to them and the reasons for refusal or postponement of the leave is laid on the table of the House. In eight cases out of nine occurring in the last two years it was possible to grant the leave. In the ninth case (i.e., of Mr. Meharban Ali) the applicant was asked to wait as no leave reserve was then available. He did not, however, renew his application for the leave when a leave reserve was available, nor did he send in his name as a candidate for the Subordinate Railway Accounts Service Examination held that year.

Statement showing the names of clerks of the Office of the Chief Auditor, Railway Clearing Accounts, Delhi, who applied for leave to prepare for the S. B. A. S. Examination and the leave granted to them or reasons for refusal or postponement of leave.

	Leave applied for.		Leave granted.		Remarks.
	Date of application.	Leave applied for.	Date from which granted.	Leave granted.	
1933.					
1. Mr. Mehaban Ali	19-9-33	3 ms. on A. P. and 1 m. 7 d. on H. A. P. from 1st July 1933.			
2. Mr. Ram Lal	20-6-33	2½ ms. from 2nd July 1933.			
3. Mr. R. R. Khan	16-9-33	2 ms. from 1st September 1933.	3-10-33	1 m. 17 ds. . .	Were asked to await better opportunities as no Leave Reserves were available at that time. * See entry No. 4. Postponed to 3rd October 1933 due to no leave reserve being available then.
4. Mr. Ram Lal	15-9-33	1½ ms. from 1st October 1933.	3-10-33	1 m. 15 days	Leave was applied on account of ill-health and for S. B. A. S. Examination preparation.
5. Mr. A. J. Mukherjee	30-9-33	1 m. whenever convenient.	21-10-33	1 month	
1. Mr. Durga Das	26-10-32	12 days from 8th November 1932.	8-11-32	12 days	
2. Mr. A. J. Mukherjee†	14-10-32	1 m. 10 days from 1st November 1932.	1-11-32	1 month	
3. Mr. H. N. Sen	26-10-32	12 days from 8th November 1932.	8-11-32	12 days	
4. Mr. S. V. Ramchandraji	7-11-32	10 days from 10th November 1932.	10-11-32	10 days	
5. Mr. R. R. Khan	26-10-32	15 days from 7th November 1932.	10-11-32	10 days	† Leave was applied on account of ill-health, examination and other causes.

Sd. H. K. BOSE,  
Chief Auditor.

*Information promised in reply to starred question No. 386 asked by Mr. M. Maswood Ahmad on the 6th March, 1934.*

**MEDICAL ARRANGEMENTS FOR THE MENIAL AND SUBORDINATE STAFF ON STATE RAILWAYS.**

On the State-managed Railways detailed instructions have been issued by Railway Administrations for medical attendance on menial and subordinate staff. No specific penalties have been laid down for neglect or carelessness, but obviously staff concerned are liable to be punished for not carrying out their duties properly.

*Information promised in reply to unstarred question No. 129 asked by Mr. D. K. Lahiri Chaudhury on the 3rd March, 1934.*

**SAVINGS BANKS WORK IN CERTAIN POST OFFICES.**

(a)(i)(1)	.. .. .	1,48,552
(a)(i)(2)	.. .. .	7,04,035
(a)(i)(3)	.. .. .	5,68,012
(a)(ii)	Number of clerks employed for the performance of savings bank duties—	
	in Calcutta G. P. O. .. .. .	Wholetime —36 Part time —64
	in Bengal and Assam and Bihar and Orissa Circles excluding Calcutta G. P. O. .. .. .	Wholetime —124 Part time —1,060
	in Madras and Burma Circles .. .. .	Wholetime —82 Part time —227
(a)(iii)	Number of officials employed in savings bank audit section of Calcutta Audit Office .. .. .	161
	Do. of Madras Audit Office .. .. .	108
(b)	None.	

*Information promised in reply to starred question No. 665, asked by Mr. N. M. Joshi on the 10th April, 1934.*

**RECRUITMENT OF OUTSIDERS ON THE GREAT INDIAN PENINSULA RAILWAY.**

(a), (b) and (c). The Agent, Great Indian Peninsula Railway, reports that so far as can be ascertained outsiders have only been engaged when there have been no suitable retrenched staff or ex-strikers available.

*Information promised in reply to starred questions Nos. 471 and 474 asked by Maulvi Sayyid Murtuza Saheb Bahadur on the 14th March and to unstarred question No. 218 asked by him on the 19th March, 1934.*

**STENOGRAPHERS IN THE JUDICIAL DEPARTMENT IN DELHI.**

No. 471.

- (a) A statement giving the information required is attached.  
(b) The Government of India have no information.

*Statement.*

(a) Number.	Muhammadan.	Non-Muham madan.	Grade of pay.	Class of Court to which attached.
			Rs.	
1		1	100—5—150	Senior Sub-Judge.
1		1	100—5—150	Judge Small Cause Court.
3	..	3	75—5—125	3 Sub-Judges, first Class.

## PROMOTIONS IN THE JUDICIAL DEPARTMENT IN DELHI.

No. 474.

(a) Both seniority and efficiency are considered when promotions are made.

(b) No posts are graded as selection appointments.

## STRENGTH OF STAFF IN THE JUDICIAL DEPARTMENT OF DELHI.

No. 218.

(a) A statement giving the information is attached.

(b) and (c). Since the orders of 1926 were issued nine appointments out of 23 were filled by Muhammadans. There is no necessity therefore to take any action such as is suggested by the Honourable Member.

Grades.		<i>Statement.</i>				
Rs.		No. of posts.	Muham- madans.	Christians.	Hindus.	Sikh.
150—5—225	.. ..	1	..	..	1	..
100—5—175	.. ..	2	..	1	1	..
100—5—150	.. ..	3	..	..	2	..
75—5—150	.. ..	1	..	..	1	..
75—5—125	.. ..	13	..	..	10	1
45—2—95	.. ..	8	4	..	4	..
35—1½—75	.. ..	10	6	..	4	..
35—1—55	.. ..	15	4	..	11	..
		<b>53</b>	<b>14</b>	<b>1</b>	<b>34</b>	<b>1</b>
				<b>Percentage.</b>		
Muhammadan	.. ..	..	..	..	28%	
Christian	} each	..	..	..	2%	
Sikh		..	..	..	70%	(Includes 3 Jains).
Hindus	.. ..	..	..	..		



*Information promised in reply to starred question No. 631 asked by Lieut.-Colonel Sir Henry Gidney on the 4th April, 1934.*

**FILLING UP OF VACANCIES IN ONE DIVISION ON THE EAST INDIAN RAILWAY FROM OTHER DIVISIONS.**

The Agent, East Indian Railway, reports :

(a) Yes, but only to posts of lesser responsibility.

(b) The attached list shows the higher posts in the Operating Department to which staff are not promoted locally from the division in which the vacancy occurs but appointments are made by selection from amongst all eligible staff.

*List.*

Station Superintendent.  
 Transportation Inspector.  
 Coal T. I.  
 Station Master, Grade I.  
 Chief Controller.  
 Yard Master, Grade I.  
 Deputy Station Superintendent.  
 Dy. Gr. Controller.  
 Yard Master, Grade II.  
 Station Master, Grade II.  
 Office Superintendent.  
 B. S. F., Grade I.  
 B. S. F., Grade II.  
 B. S. F., Grade III.  
 B. S. F., Grade IV.  
 A. R. S. F.  
 P. T. I.  
 P. T. I.  
 P. T. I.  
 Trial Engine Inspector.  
 Senior Fuel Inspector.  
 Junior Fuel Inspector.  
 Foreman T. X. R.  
 Foreman T. X. R.  
 S. T. I.  
 S. T. I.  
 S. T. I.  
 Section Boiler Maker.  
 Inspecting Fitter.  
 Mechanics, Grade I.  
 Mechanics, Grade II.  
 Mechanics, Grade II.  
 Mechanics, Grade III.

Drivers on the old East Indian Railway Grade:

Grade I (Mail).

Grade II (Passenger).

Grade V (Passenger).

Drivers on the O.M.O. and R. Scales:

Scale IV .. (Senior Drivers on the Mail and Passenger Services).

Scale II .. Senior Drivers on the Passenger Service.

Scale I

Drivers on the Revised Scales of pay:

Grade I .. (Senior Drivers on the Mail and Passenger Services).

Grade III .. (Senior Drivers on the Passenger Service).

*Information promised in reply to unstarred question No. 366 asked by Mr. Bhuput Singh on the 10th April, 1934]*

#### PROMOTION OF THIRD DIVISION CLERKS IN THE ARMY HEADQUARTERS.

(a) Permanent Third Division clerks in Army Headquarters may if they wish, sit for the Public Service Commission examination for the Second or the First Division, provided they satisfy the ordinary rules for the examination. They are not required, however, to qualify for the Second Division before being promoted into one of the vacancies set apart for departmental promotion. A man so qualified would naturally receive preference.

Seven clerks who qualified for the Third Division have been confirmed in the Second Division. This occurred in a single branch of Army Headquarters before the introduction of a Third Division in that Branch. The men concerned had proved their fitness for the Second Division.

(b) and (c). The reply to the first portion of (b) is in the negative. The remaining portion of (b) and part (c) do not therefore arise.

(d) No Third Division clerk has so far been promoted to the Second Division under the concession referred to. The reply to the last portion is in the negative.

(e) The orders referred to were waived, as a special case, to provide for the absorption in the Second Division of 18 supernumerary Second Division clerks and eight Third Division clerks, who were qualified for the Second Division, but whose promotion to that Division was retarded on account of the absorption of the 18 supernumerary Second Division clerks.

*Information promised in reply to unstarred question No. 271 asked by Mr. M. Maswood Ahmad on the 3rd April, 1934.*

#### RETRENCHMENT IN THE METEOROLOGICAL DEPARTMENT.

(a) to (d). The required information is given in the statement enclosed.

## Statement.

Name of Office.	Number of permanent gazetted and non-gazetted men retrenched.		Number of men absorbed.		Proportion of Muslims.			Remarks.
	Hindus.	Muslims.	Hindus.	Muslims.	Before retrenchment.	After retrenchment.	At present.	
Pooné	11	4	8	..	22.6	19.3	20.8	The 3 Hindus who were not absorbed retired on full pension. Of the 4 Muslims 3 retired on full pension and 1 was not considered fit for re-employment.
Agra	3	..	3	..	27.6	26.03	28.0	
Delhi	..	..	..	..	9.1	Office was abolished.	..	
Calcutta	9	..	6	..	4.1	4.3	4.7	

Of the 4 Hindus who were not absorbed, 1 retired on full pension and 3 retired voluntarily.

*Information promised in reply to supplementary question asked by Mr. S. C. Mitra in connection with starred question No. 641 (d) asked by Mr. K. P. Thampan on the 7th April, 1934.*

**SERVICES OF RAILWAY EMPLOYEES PROSECUTED FOR CRIMINAL OFFENCES  
BUT FOUND NOT GUILTY.**

The Agent, Madras and Southern Mahratta Railway, reports as follows :

No. The Chief Transportation Superintendent and Traffic Manager did not write that there had been " miscarriage of justice ".

*Information promised in reply to unstarred questions Nos. 392 and 393 asked by Mr. S. G. Jog on the 21st April, 1934.*

**DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE  
GREAT WAR.**

392. (a) Yes.

(b) Yes.

(c) Yes.

(d) The administrative instructions referred to were issued in 1922. As they are confidential, they cannot be laid on the table. At the same time I shall, however, be glad to show them to the Honourable Member if he will call at my office at any time convenient to himself.

(e) The answer to both the questions is in the negative.

(f) No further definition of the term has ever been laid down, nor is it necessary.

**DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE  
GREAT WAR.**

393. (a) The subsequent medical board was held to consider the eligibility of the person concerned for a disability pension under the 1922 rules. It had been decided that he was ineligible for a pension under the 1915 rules.

(b) As strict evidence is not required in the case of field and foreign service disabilities the question does not arise.

(c) No.

(d) (i) as a matter of fact ; (ii) as a matter of opinion based on facts.

(e) No medical certificate or any other evidence is ignored.

*Information promised in reply to starred questions Nos. 658, 659, 663 and 664 asked by Mr. N. M. Joshi on the 10th April, 1934.*

**TREATMENT OF THE *ex*-STRIKERS IN THE ENGINEERING DEPARTMENT ON THE  
GREAT INDIAN PENINSULA RAILWAY AT NAGPUR AS A NEW ENTRANT ON  
RE-INSTATEMENT.**

658. (a) Yes, if re-appointed in a vacancy after the 16th July, 1931.

(b) Yes. The Agent, Great Indian Peninsula Railway, reports that this was at variance with the standing orders and happened through a misunderstanding of the

orders in the Transportation Department. The orders are being correctly observed now.

(c) The men were correctly dealt with in accordance with the orders in force.

(d) The difference arose owing to a misunderstanding, as referred to in part (b) above. No difference now exists in the different Departments.

### RE-INSTATED *ex*-STRIKERS IN THE ENGINEERING DEPARTMENT OF THE GREAT INDIAN PENINSULA RAILWAY AT NAGPUR

659. (a) and (b). The Agent, Great Indian Peninsula Railway, reports :

(i) *Ex*-strikers were taken back as vacancies occurred, and hence some were re-engaged within two months.

(ii) No such rule is in existence on the Railway.

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

### RE-INSTATEMENT OF CERTAIN *ex*-STRIKERS OF BHUSAVAL AND NAGPUR ON THE GREAT INDIAN PENINSULA RAILWAY.

660. The Agent, Great Indian Peninsula Railway, reports :

(a) Yes.

(b) Individual cases differed, but mostly they did not offer to resume duty by the date specified in the communiqué.

(c) An enquiry was held in November, 1930, by the Deputy Agent, Staff, Great Indian Peninsula Railway, in accordance with the announcement made by the Railway Board at the first half-yearly meeting with the All-India Railwaymen's Federation, and as a result it was decided to place on the waiting list the names of certain *ex*-strikers who were found to have complied with the terms of the Government of India Communiqué, dated the 1st March, 1930. Government do not consider any further enquiry necessary.

### REDUCTION OF MEN ON THE GREAT INDIAN PENINSULA RAILWAY.

664. The Honourable Member's attention is invited to the reply given to his starred question No. 660 on the 9th April, 1934. It is not possible to forecast the number of staff likely to be reduced on the Great Indian Peninsula Railway.

*Information promised in reply to unstarred question No. 6 asked Mr. M. Masood Ahmad on the 24th January, 1934:*

### EDUCATIONAL FACILITIES GIVEN TO THE CHILDREN OF THE SUBORDINATE EMPLOYEES ON THE GREAT INDIAN RAILWAY.

(a) I lay on the table a statement giving information regarding the cost and number of students in Schools on the State-managed Railways.

(b) Agents of State-managed Railways have been addressed on this question.

## Statement.

Railway European Schools.			Railway Indian Schools.				
Name and place of school.	Annual Expenditure 1932-33.	No. of students who are children of		Name and place of school.	Annual Expenditure 1932-33.	No. of students who are children of	
		Railway Employees.	Others.			Railway Employees.	Others.
	Rs.				Rs.		
<i>East Indian Railway.</i>							
Lillooah ..	1,353	23		Bareilly, Victoria M. E. ..	5,396	88	87
Bandel ..	1,296	18		Pathardih, L. P. ..	640	52	19
Burdwan ..	1,720	14		Ordal, H. E. ..	2,688	106	67
Ordal ..	1,512	32	3	Assensol, M. E. ..	9,150	287	224
Assensol ..	2,460	73	3	Gomoh, L. P. ..	702	86	3
Dhanbad ..	1,512	89	7	Jhaja, M. E. ..	1,080	54	34
Gomoh ..	1,286	17		Sahibganj, H. E. ..	6,518	139	134
Madhupur ..	2,240	210	6	Jamalpur, Islamia M. E. ..	1,080	200	23
Jhaja ..	1,812	15		Dinapur, H. E. ..	4,962	232	138
Rampur Haut ..	1,396	11		Moghalsarai, M. E. ..	3,032	165	151
Sahibganj ..	1,323	12		Tundla, A. V. High ..	8,367	183	116
Jamalpur ..	2,160	89	..	Jamalpur, Keshavnagar Bahari, M. E. ..	1,084	91	49

Railway European Schools.			Railway Indian Schools.				
Name and place of school.	Annual Expenditure 1932-33.	No. of students who are children of		Name and place of school.	Annual Expenditure 1932-33.	No. of students who are children of	
		Railway Employees.	Others.			Railway Employees.	Others.
		<i>Rs.</i>			<i>Rs.</i>		
Guys ..	1,188	14	..	Giridih, Miners' Elementary	6,000	654	2
Dinspore ..	1,720	46	..	Jamshpur, H. E. . . . .	3,774	238	80
Buxar* ..	1,920	9	..				
Moghalbarai	1,496	34	3				
Mirzapur	1,272	20	1				
Cawnpore	2,236	18	4				
Tundla ..	1,728	72	3				
Allaha bad†	1,215	58	7				
Morada bad	2,970	36	9				
Oakgrove School ..	1,61,380	370	73				
				<i>East Indian Railway—contd.</i>			
Parel ..	1,070	50	24				
Kalyan ..	2,719	78	..				
Lonsayla ..	3,332	35	2				
Igatpuri ..	2,325	35	1				
				<i>Great Indian Peninsula Railway.</i>			

No Indian Schools are run by the Great Indian Peninsula Railway. A certain number of non-Europeans are admitted to the European Schools.

Mannad .. .. .	1,552	47	6
Bhussawal .. .. .	3,896	130	1
Dhond .. .. .	1,536	26	..
Sholapur .. .. .	3,278	32	3
Bina .. .. .	2,555	42	..
Jhansi .. .. .	7,169	59	2
Itarsi .. .. .	1,473	27	..
Ajni .. .. .	2,337	26	..

*North-Western Railway.*

St. Andrew's School, Lahore	7,814	108	Railway Punjabi School, Sukkur ..	7,495-12	289	234
N. W. R. School, Saharsapur	5,236-8	25	Railway A. V. Middle School, Samasatta .. .. .	6,061	209	24
Joint Railways School, Ghaziabad		5	N. W. R. Hadow Sindi School, Lahore	2,281	36	333
Railway European School, Kotri ..	2,280	10				

*Eastern Bengal Railway.*

European Day School, Kanchrapara ..	3,600	17	Not known	No Indian Schools are maintained by the E. B. Railway.
European Day School, Chitpur ..	1,271	16	Do.	
European Day School, Katihar ..	1,080	12	Do.	
European Day School, Saidpur ..	1,353	8	Do.	

*Burma Railways.*

Insein .. .. .	900	12	Insein .. .. .	4,110	138	72
			Myitnge .. .. .	4,896	183	1

\* Closed from 3rd May, 1933.

† Closed from 1st January, 1933.



*Information promised in reply to supplementary questions to starred question No. 498 asked by Mr. M. Marwood Ahmad on the 16th March, 1934.*

### FREIGHT ON RICE FROM PATNA TO DELHI.

The Agent, East Indian Railway, reports as follows :

1. With reference to the Railway Board's letter No. 4910-T., dated the 26th March, 1934, I beg to observe that from enquiries made in the matter it is ascertained that :

- (i) There have been no despatches of rice from Patna to Delhi during the last 12 months. On the contrary Patna usually imports rice from stations on the East Indian Railway's loop line section and the Bengal Nagpur Railway.
- (ii) The rice merchants of Patna do not appear to be interested in the Delhi market as they consider there is small prospect of any movement of rice from Patna to Delhi.
- (iii) The rice merchants in Delhi also appear disinterested in the proposal to obtain supplies of rice from Patna.
- (iv) Delhi usually consumes a better quality rice than that obtainable at Patna.
- (v) Rice was received at Delhi during 1933-34, as follows :

	Mds.
From the Province of Bengal .. .. .	1,20,638
From the Province of Behar and Orissa .. .. .	2,461
From the Province of United Provinces .. .. .	2,499
From the Province of Central Provinces .. .. .	4,879
	<hr/>
Total	1,37,181

2. So far as the Province of Behar and Orissa is concerned rice moved to Delhi from Sultanganj, Karmatar Sarak, *via* Bukhtiarpur, and *via* Futwah, and it is significant that the freight charges from these points to Delhi are higher than the rate from Patna.

3. Indeed, it is of even greater significance that of the total despatches from Bengal 65,963 maunds of rice were drawn from Howrah at a rate of Re. 0-11-2 per maund as compared with a rate of Re. 0-0-0 per maund from Patna.

4. In these circumstances it is obvious that there can be no justification for introducing a reduced rate for rice from Patna to Delhi.

*Information promised in reply to part (b) of starred question No. 191 asked by Mr. Goswami M. R. Puri on the 21st February, 1934.*

### LOW SALARIES OF ASSISTANT STATION MASTERS ON THE NORTH WESTERN RAILWAY.

The Agent, North Western Railway, reports that steps are being taken to give the same scales of pay to Assistant Station Masters performing similar duties at big stations like Ghaziabad.

*Information promised in reply to unstarred questions Nos. 304, 305, 306 and 307 asked by Kunwar Hajee Ismail Ali Khan on the 4th April, 1934.*

**MANAGING COMMITTEE OF THE EAST INDIAN RAILWAY HIGH SCHOOL AT TUNDLA.**

304. The Agent, East Indian Railway, reports as follows :

- (a) Ten including the three *Ex-Officio* members.
- (b) Europeans two,  
Muslims two and  
Hindus six.

*Europeans.*

- (1) R. E. Rutherford, Esq., Divisional Superintendent, President.
- (2) Reverend G. F. Buchanan, Secretary.

*Muslims.*

- (1) Mr. Ishtiaq Ali Khan.
- (2) Mr. Bashir Khan.

*Hindus.*

- (1) Capt. B. G. Kane.
  - (2) Mr. A. N. Puri, Assistant Superintendent Way and Works.
  - (3) Dr. S. C. Chowdhury.
  - (4) Mr. B. Pershad.
  - (5) Mr. Jewala Singh.
  - (6) The Head Master.
- (c) (i) Seven.
  - (ii) Three.
  - (d) The District Medical Officer is the Vice-President and the Senior Sub-Assistant Surgeon is a Member.
- It is not correct to say that the latter has not an independent vote.
- (e) So far no resignations have been tendered.

**HEADMASTER OF THE EAST INDIAN RAILWAY HIGH SCHOOL AT TUNDLA .**

305. (a) Mr. H. C. Bansal.

(b) and (c). A reference is invited to the reply to question No. 176 laid on the table of the House on the 3rd December, 1932. Government are not prepared to lay on the table the findings of the Enquiry Committee.

(d) 33 boys were sent up for the High School Examination of which 12 passed.

**MUSLIM STUDENTS IN THE EAST INDIAN RAILWAY HIGH SCHOOL AT TUNDLA.**

306. (a) A statement showing the number of boys in the East Indian Railway High School, Tundla, during the years 1922 to 1933, and the number of Muslim boys in that School is placed on the table.

(b) Government understand that the allegations are unfounded. The Agent reports that promotions from class to class are made on merits and not on communal grounds.

(c) A statement showing the number of boys in the East Indian Railway High School, Tundla, who passed the High School Examinations during the last ten years and the number of Muslims amongst them is placed on the table.

*Statement showing the number of boys in the East Indian Railway High School, Tundla, during the years 1922-1933 and the number of Muslim boys in that School.*

				Hindus.	Muslims.	Total.
1922-23	..	..	..	189	16	205
1923-24	..	..	..	179	27	206
1924-25	..	..	..	156	26	182
1925-26	..	..	..	193	31	224
1926-27	..	..	..	209	33	242
1927-28	..	..	..	208	33	241
1928-29	..	..	..	209	40	249
1929-30	..	..	..	213	40	253
1930-31	..	..	..	236	43	279
1931-32	..	..	..	253	41	294
1932-33	..	..	..	248	51	299
1933-34	..	..	..	243	58	301

*Statement showing the number of boys in the East Indian Railway High School, Tundla, who passed the High School Examinations during the last ten years and how many of them are Muslims.*

				Total No. sent.	Hindus.	Muslims.	Passed Hindus.	Passed Muslims.
1924	..	..	..	19	17	2	12	..
1925	..	..	..	15	14	1	8	1
1926	..	..	..	14	14	..	7	..
1927	..	..	..	14	14	..	8	..
1928	..	..	..	11	11	..	9	..
1929	..	..	..	17	17	..	16	..
1930	..	..	..	21	21	..	13	..
1931	..	..	..	22	20	2	15	2 (2 absent).
1932	..	..	..	21	19	2	17	..
1933	..	..	..	33	27	6	12	..

**TEACHERS IN THE EAST INDIAN RAILWAY HIGH SCHOOL AT TUNDLA.**

307. Total number of teachers is 17 of which 12 are Hindus and five Muslims.

*Information promised in reply to part (c) of starred question No. 526 asked by Sardar G. N. Majumdar on the 19th March, 1934.*

**VACANCIES IN THE GRADE OF MANAGERS AND SUPERVISORS OF FARMS.**

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

*Information promised in reply to starred questions Nos. 328, 329 and 330 asked by Mr. S. C. Mitra on the 2nd March, 1934.*

**DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.**

328. (a) No, the rate was 6s. 6d.

(b) Yes. This rate has been in force since 1921.

**DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.**

329 and 330. The attention of the Honourable Member is invited to the answer I gave on the 11th December, 1933, to part (a) of starred question No. 1386. The Secretary of State has since confirmed the decision of the Government of India on Recommendation No. IX. This is the only recommendation of the War Pensions Committee on which his orders were required.

*Information promised in reply to starred question No. 333 asked by Mr. S. G. Jog on the 2nd March, 1934.*

**DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.**

(a) and (e). Government have the reason to believe that the Deputy Controller of Military Pensions, Lahore, is not acting in accordance with their intention. If the Honourable Member will furnish particulars of any case he has in mind, enquiries will be made.

(b) No. Soldiers' Boards are non-official organisations, and for purposes of pension claims, are only investigating and forwarding authorities.

(c) Yes.

(d) and (e). The channels of submission are different in the case of *Jangi Inams*. While claims to family pensions are submitted through the deceased soldiers' Commanding Officer, *Jangi Inams* are transferred from the 1st to the 2nd holder without the intervention of the Commanding Officer of the deceased soldier on account of whom the *Jangi Inam* was originally granted. I do not understand the difficulty which the Honourable Member fears may arise through this difference of system, but if he will furnish details of any case he may have in mind, enquiries will be made.

Information promised in reply to unstarred question No. 59 asked by Mr. N. M. Joshi on the 16th February, 1934.

### HOLIDAYS IN THE MECHANICAL WORKSHOPS OF STATE RAILWAYS.

The information as furnished by the Railway Administrations is given in the statement below.

Railway.	Workshops.	No. of holidays on which shops are closed in a year.	No. of paid holidays allowed to daily rated staff.	Remarks.
1	2	3	4	5
Burma	Insein Loco. shops ..	17	Nil.	
	Mytinge C. & W. shops.	20	Nil.	
	Rangoon Signal Engineering shop.	23	1	
E. B.	..	41	20	
E. I.	Jamalpur shops ..	43	15	
	Lillooah ..	34	15	
	Lucknow (Loco. & Car. & Wagon shops.	38	16	
G. I. P.	Parel Shops ..	17	<i>Staff under new leave rules.</i>	
	Matunga shops ..	17	15 holidays with pay in lieu of casual leave.	In addition all employees irrespective of leave rules by which they are governed, are given holidays on Empire Day and His Majesty the King Emperor's Birthday without deduction of pay.
	Jhansi shops ..	17	<i>Staff governed by the leave rules of the late G. I. P. Railway Company.</i>	Occasionally, in response to a written request by a majority of the workmen, the shops are closed on other than the holidays specified in column 3. In such cases Staff governed by the State Railway Leave Rules may have such holidays with pay if any leave is due to them while staff governed by the G. I. P. and Fundamental Rules must have such holidays without pay.
			15 days leave without deduction of pay which may be replaced by an equivalent number of holidays.	
N. W.	Moghalpura shops ..	23	17	
	Sakkur shops ..	18	17	
	Kalka shops ..	18	17	
A. B.	..	36	6	
B. N.	Mechanical Work-shops.	24	14	
B. B. & C. I.	Metre Gauge system	25	17	
	Broad Gauge system	17	17	
M. & S. M.	Peramber ..	23	14	
	Hubli ..	26	14	
	Bangalore ..	25	14	Empire Day and His Majesty the King Emperor's Birthday are treated as paid holidays for all staff. The remaining 12 paid holidays are earned by staff for regular attendance at the rate of one per month.
S. I.	Mechanical Workshop	12	12	

*Information promised in reply to starred question No. 626 asked by Lieut.-Colonel Sir Henry Gidney on the 4th April, 1934.*

### RULES FOR THE PROMOTION OF PASSENGER DRIVERS TO MAIL DRIVERS ON STATE RAILWAYS.

(a) The rules governing the promotion of passenger drivers to mail drivers on the State-managed Railways are as follows :

*North Western Railway.*

Mail Drivers and passenger drivers are not separate classes. Mail drivers are drawn from the most senior men with a good record as driver.

*Burma Railways.*

Whenever a vacancy occurs in the links of main line fast-passenger and ghat services, the best and fittest engine-man irrespective of district, salary or length of service is selected for promotion.

*East Indian Railway.*

Promotions to mail drivers from passenger drivers are made by election, seniority being observed if the driver is considered suitable, has a good record and is reported on satisfactorily. Promotion is subject to a driver passing a satisfactory examination in a knowledge of the rules and in enginemanship.

*Eastern Bengal Railway.*

The most efficient men are selected to work on the Mail Link.

*Great Indian Peninsula Railway.*

Mail and passenger drivers are on the same rate of pay, viz., Rs. 310 for A grade and Rs. 235 for B grade and the mail and passenger services are worked on a combined link. Promotions to this grade or pay are made from goods drivers.

(b) In the past there was a system of selecting covenanted and non-covenanted drivers on the East Indian Railway alternately for promotion irrespective of the order of seniority. This was discontinued from the 1st November, 1926.

(c) The alternate system of promotions was due to the fact that covenanted drivers were formerly recruited on the original East Indian Railway with superior British railway training and experience on account of which they were given a certain degree of preference.

(d) The practice, referred to, has been discontinued on the East Indian Railway. It was never in existence on other State-managed Railways.

*Information promised in reply to part (vi) of starred question No. 694 (b) by Mr. S. G. Jog on the 14th April, 1934.*

### EXPENDITURE ON THE MOVE OF THE MILITARY ACCOUNTANT GENERAL'S OFFICE.

Expenditure incurred for carriage of records, etc.						Rs.	a.	p.
1930-31	..	..	..	..	..	1,698	4	0
1931-32	..	..	..	..	..	1,080	2	0
1932-33	..	..	..	..	..	1,271	8	0

*Information promised in reply to unstarred question No. 286 asked by Mr. S. G. Joy on the 3rd April, 1934.*

#### DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

(a) No. The memorandum quoted by the Honourable Member relates to a follower who was no longer fit for his peace time duties on account of old age. There was no question of war-unfitness.

(b) Government are aware of this publication.

(c) There is no such difference. The Ministry of Pensions have not adhered strictly to the official Nomenclature of Diseases in the table in question, but have for the sake of convenience grouped various conditions under the heading "debility".

Medical Boards in India are required by the regulations to adhere to the diagnosis given in the Nomenclature of Diseases and in consequence patients in whom debility is a marked symptom are invalided, not for debility, but for the disease from which the debility originated.

(d) No. I would refer the Honourable Member to the answer given on the 10th March, 1934, to parts (a) and (b) of his question No. 182.

(e) and (f). Do not arise.

*Information promised in reply to Mr. S. C. Mitra's starred question No. 678 on the 10th April, 1934.*

#### LADY CLERKS IN THE CENTRAL MILITARY OFFICES AND IN THE GOVERNMENT OF INDIA OFFICES.

(a) Military Offices	56
(b) Other Government of India Offices	29

*Information promised in reply to part (a) of starred question No. 1267 asked by Mr. K. C. Neogy on the 1st December, 1933.*

#### QUOTATIONS FROM THE INDIAN SHIPPING COMPANIES FOR THE CARRIAGE OF GOVERNMENT MATERIALS.

Consequent on the acceptance by Government of Sir Lalubhai Samaldas's Resolution in the Council of State on the 15th March, 1922, particulars of Government stores purchased by the High Commissioner for India and ready for shipment, were given regularly to Messrs. Devitt and Moore, Limited, the London Agents of the Scindia Steam Navigation Company, Limited, of Bombay, which is believed to be the only Indian Company operating in European waters. Messrs. Devitt and Moore, Limited, did not, however, submit any freight tenders, nor were any applications for cargo ever made by them. It is understood that the Company have no regular sailings from Europe to India. The High Commissioner had ascertained some time ago from them that in the event of any of their steamers returning from the United Kingdom after repairs or of new steamers proceeding to India after construction in the United Kingdom, they would be interested only in whole cargoes or in very large consignments; but in consequence of the altered arrangement for shipment of stores under Rupee Tender Rules such large consignments are not now shipped by the High Commissioner's Store Department.

The High Commissioner is prepared to consider any proposals which might be placed before him by any Indian Shipping Company.

*Information promised in reply to parts (b) to (f) of unstarred question No. 339 asked by Khan Bahadur Haji Wajihuddin on the 10th April, 1934.*

**CONSOLIDATED ALLOWANCE TO SPECIAL TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.**

(b) to (e). The Agent, North Western Railway, reports as follows :

(b) Yes.

(c) and (d). Mr. Labhu Ram Teji was not a temporary Travelling Ticket Examiner but on 12 months probation from the 15th November, 1930. Had the old Travelling Ticket Examiners' posts not been abolished with effect from the 1st June, 1931, he would have been confirmed as Travelling Ticket Examiner from the 15th November, 1930. On representing this point of view to the Chief Accounts Officer of this Railway he agreed that the spirit of the Railway Board's orders covered such cases and he was accordingly admitted by this office to the concession alluded to in part (a) above and not by the Divisional Superintendent, Delhi, as stated in the question.

(e) Messrs. Mathews, Labhu Ram and M. Abdulla of the Lahore Division were placed on probation as Travelling Ticket Examiners on the 30th June, 1930, 9th June, 1930, and 8th June, 1930, respectively. Due to a reduction in the number of Travelling Ticket Examiners' posts on the Lahore Division, they reverted to their substantive posts of Ticket Collectors on the 20th March, 1931, 3rd September, 1930, and 20th March, 1931, respectively, prior to the abolition of Travelling Ticket Examiners' posts and were not utilised as Special Ticket Examiners until the 25th February, 1932, 29th November, 1932, and 13th February, 1932, respectively, whereas Mr. Labhu Ram Teji who was still working as a Travelling Ticket Examiner on the 1st June, 1931, was given the option of selecting a post of Special Ticket Examiner when Travelling Ticket Examiners' cadre was abolished. It will thus be seen that these are not parallel cases.

(f) Does not arise.

*Information promised in reply to starred question No. 1472 asked by Sardar Sant Singh on the 20th December, 1933.*

**REPORT OF THE MISRA COMMITTEE APPOINTED TO CONSIDER THE APPEALS OF THE TICKET CHECKING STAFF ON THE EAST INDIAN RAILWAY.**

The Agent, East Indian Railway, reports that the practice on the Allahabad Division was different from that followed in other divisions, but from the 1st February, 1934, a uniform procedure has been adopted on all the divisions.

*Information promised in reply to starred question No. 818 asked by Rai Bahadur Lala Brij Kishore on the 12th September, 1933.*

**SENIORITY OF EAST INDIAN RAILWAY AND OLD OUDH AND ROHILKUND RAILWAY STAFF.**

(a) Thirty-three old East Indian Railway subordinates are working in the senior post on the Oudh and Rohilkund Railway area and 12 subordinates of the old Oudh and Rohilkund Railway are working on the old East Indian Railway area.

(b) Yes. In this connection, I would refer the Honourable Member to the information laid by me on the table of the House on 12th December, 1933, in reply to starred question No. 1017 asked by Mr. E. H. M. Bower on 18th September, 1933. The Agent, East Indian Railway, reports that separate seniority lists are maintained for the Engineering staff of the old Oudh and Rohilkund Railway and the old East Indian Railway for administrative purposes and to avoid hardship to old Oudh and Rohilkund Railway Engineering staff who would suffer if they were brought on the revised scales of pay for the purposes of a common seniority list.



(c) All departments, except the Operating Department, are governed by the same set of rules. The question of rules for staff in the Operating Department is under consideration.

(d) No. The only change which has been made is that the period of absence from headquarters by which daily allowance can now be earned is more than four hours between 9 P.M. and 5 A.M., instead of more than eight hours on each day, beginning and ending at midnight.

(e) There is no separate allotment of posts in grades I and II for the Oudh and Rohilkund Railway Inspectors; promotions to these grades being made by selection. So far one Oudh and Rohilkund Railway Inspector of Works has been promoted to grade II.

(f) The revised scales of pay of 1928 were promulgated with effect from the 1st August, 1928, and have been applied generally to new entrants appointed since that date. There have been exceptions in certain cases where it was considered necessary.

(g) There is no such restriction imposed on the staff of the Operating Department. As regards the staff of the Engineering Department the amount of allowance has been limited to the number of nights out which the Divisional Superintendent considers it sufficient for the proper maintenance of the line. It has not been considered necessary to impose a restriction on officers.

(h) The staff whose vision requires testing in the interest of public safety are periodically examined.

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*Information promised in reply to starred question No. 414 asked by Mr. Gaya Prasad Singh on the 7th March, 1934.*

#### DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

(a) To the fullest possible extent.

(b) In accordance with the instruction in clause (viii) of the Note to the Government officers on recommendation No. XXI of the War Pensions Committee, it is necessary for an applicant claiming the benefit of recommendation No. XIII to show that the rejection of his original claim was based on the absence of records which under rule should be permanently retained. In other words, it is necessary for a claimant to produce some evidence to indicate that his discharge from the Army was due to a disability incurred on or attributable to military services during the war and that some particular document or documents should be in existence to confirm his claim. In neither of the two cases mentioned has any such evidence been produced and it is obviously impossible for the Government to accept the unsupported statement of a claimant that his discharge from the Army was due to a disability of the kind mentioned above. All that is on record in the two cases mentioned is that the men concerned were discharged on medical grounds; many men were discharged during the war for disabilities other than those contracted on or attributable to military service; and there is no evidence in these two particular cases to show that the disabilities were so contracted or attributable. It was not, however, merely on the absence of such evidence that the claims were rejected. One of the two men was found in 1931 to be suffering from no disability whatever, while the disability of the other in the same year was limited to the minimum degree of 20 per cent. The disease from which he was suffering, namely, defective vision, was not of a kind that improves by lapse of time, and it is therefore most improbable that he was suffering from a pensionable degree of disability at the time when he was discharged. As a special case, however, in view of his long service, this man has already been granted a special pension of Rs. 4 and has therefore already been treated more generously than would have been strictly justifiable under the regulations.

*Information promised in reply to part (b) of starred question No. 76 asked by Mr. G. Morgan on the 6th February, 1934.*

**PURCHASE OF COAL BY STATE RAILWAYS.**

The names of the collieries whose tenders for the supply of coal to the State Railways were accepted for the year 1933-34 and who failed to supply the quantities contracted for are given below :

	Tons.
Messrs. H. V. Low's Sultanpur Colliery .. .. .	804
Messrs. Siduli Colliery Company .. .. .	2,020

*Information promised in reply to starred question No. 762 asked by Mr. M. Maswood Ahmad on the 17th April, 1934.*

**VENDORS' CONTRACTS IN THE DINAPUR DIVISION OF THE EAST INDIAN RAILWAY.**

- (a) Yes. A copy of the report is annexed.  
 (b) Yes. The new agreements provide for termination on six months' notice.

**ANNEXURE.**

*Letter No. A. A.-109/Cal/4, dated 2nd June 1934 from the Agent, East Indian Railway, to the Secretary, Railway Board.*

**Vending in Dinapur Division.**

I beg to say that on consideration of the results of granting on the Howrah Division, as an experimental measure, the contract for the Hindu and Muhammadan Refreshment Rooms at Burdwan, the Hindu and Muhammadan Tea Stalls at various stations, and the vending of Indian sweetmeats, food stuffs and miscellaneous articles at certain stations to one firm of caterers, it was decided to continue the system of extended contracts for the sale of such articles but to a more limited extent. This proposal had the general approval of the Calcutta Advisory Committee. It was also decided that there should be separate Hindu and Muhammadan contractors and that the contract should be for all sales at a large station, and would include an area of say 25 to 30 miles from that station.

In settling the contracts on the Dinapur Division, it was found impracticable to adhere to the limited distances contemplated, for the reason that on such small areas there was no possibility of doing any appreciable vendor's business. Consequently areas were enlarged in order to make them sufficiently remunerative for the contractors to give good service to the public.

The Dinapur Division was split up into four areas as shewn under :

- (a) Moghalseraï area .. From Moghalsoraï to Tarighat and Sasaram (inclusive) 110 miles.  
 (b) Gaya area .. .. Manpur (inclusive) to Sasaram (exclusive) and Daltonganj branch—141 miles.  
 (c) Patna area .. .. Athmal Gola (inclusive) to Bhadaura (inclusive) and Patna Junction to Chakand (inclusive 175 miles.)  
 (d) Kiul area .. .. Jhajha (inclusive) to Barh (inclusive) Luckeeseraï to Paimar (inclusive) and Kiul to Dharara—164 miles.

The old contractors were petty tradesmen and none of them had the necessary professional experience, knowledge or capital to run area contracts and institute proper supervision which is essential to improve the service to passengers. Consequently their services

had to be terminated and new contractors were appointed. Owing to the inability of the Divisional Superintendent to obtain suitable contractors for the above four areas, it was necessary to give two areas to one man, i.e., one Hindu and one Muhammadan respectively for the vending of Hindu and Muhammadan food.

I would, however, point out that the contractors appointed were most reluctant to take over the small intermediate stations, but that the Divisional Superintendent, Dinapur, insisted on them doing so as it is at these stations that most improvement is necessary which can only be brought about by proper inspection and organisation.

The placing of these contracts is fully within the competence of the Divisional Superintendent, and I am fully satisfied that his action was undoubtedly in the interests of the travelling public.

The Calcutta Advisory Committee have, in view of the circumstances, agreed that these revised arrangements should be given a fair trial.

*Information promised in reply to starred question No. 729 asked by Pandit Satyendra Nath Sen on the 16th April, 1934, and starred questions Nos. 763 and 764 asked by Mr. M. Maswood Ahmad on the 17th April, 1934.*

#### VENDORS' CONTRACTS IN THE DINAPUR DIVISION OF THE EAST INDIAN RAILWAY.

*Starred question No. 729.*—The Agent, East Indian Railway, reports as follows :

- (a) Out of a total number of 138 contractors only 11 were ex-Railway employes.
- (b) There is no record of any policy laid down in 1919. It is within the Divisional Superintendent's powers to make catering contracts on their Divisions. The present policy is the outcome of a suggestion of the Calcutta Advisory Committee, the object being to raise the standard of catering which was low.
- (c) Complaints were frequent against contractors under the old system and their standard was acknowledged to be low.
- (d) No. It is not the policy of the Railway to call for tenders, but applications are called for.
- (e) The new contractors are paying the same rate of fees, and rents as the old ones were paying. No premium for the contracts was paid by the old contractors and none is paid by the new ones.
- (f) No record is maintained of the province of origin of the contractors as it is not the policy of the Railway necessarily to confine themselves in any area to the inhabitants of that area. Of the four new contractors employed, three were already employed in Bihar.
- (g) Passes in accordance with the duties required of them have been issued.
- (h) No definite information is available. It is understood that Messrs. Ballavhdas Eshwardas were for years contractors on the Bengal Nagpur Railway and resigned the contract with the concurrence of the authorities. They received excellent certificates from that Railway.
- (i) The same firm held Refreshment Room contracts on the Howrah Division and had been given the contract for the new Refreshment Room at Gaya on its completion on the 15th February, 1934.
- (j) With the object of employing as many as possible of the petty vendors, and their servants in order to continue their livelihood, the new contractors were asked to take them on as their employes, if suitable. Where this has been done, service agreements have been executed. The contracts have not been sublet.
- (k) Subletting is not permitted under the terms of the agreement and is always punished when discovered.

- (l) Yes. These were duly received on March 5th and 12th.
- (m) (i) The various portions of the contracts were taken over on various dates between March 25th and April 10th. The details of the contracts were completed on various dates between 21st February and 10th March.
- (ii) A copy of the agreement form is annexed.
- (iii) Because the matter was within the Divisional Superintendent's powers.
- (n) The Divisional Superintendent has no cognisance of the recommendations of the Local Advisory Committee, except recommendations which are accepted by the Agent and are forwarded by him to Divisional Superintendents with instructions to implement them.

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VENDORS' CONTRACTS IN THE DINAPUR DIVISION OF THE EAST INDIAN RAILWAY.

*Question No. 763.*—(a) No. The selection of individual contractors is an executive matter not requiring previous consultation with the Local Advisory Committee.

(b) The reply to the first part of the question is in the affirmative. The system now in force was discussed at a Local Advisory Committee meeting and it was agreed to give the present scheme a trial.

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VENDORS' CONTRACTS IN THE DINAPUR DIVISION OF THE EAST INDIAN RAILWAY.

*Question No. 764.*—It is too early to say yet. The Railway Administration expect to gain by the approbation of passengers of the much improved arrangements. They will also gain by a great decrease in clerical work. In actual fees for rents, vending and hawking they have not gained, and do not look to gaining anything.

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*Information promised in reply to starred question No. 972 asked by Mr. Lalchand Navalrai on the 16th September, 1933.*

RE-EMPLOYMENT OF RETRENCHED STAFF ON THE NORTH WESTERN RAILWAY.

(a) to (e) The Agent, North Western Railway, reports that the instructions issued by the Railway Board to regulate the retrenchment of staff, their registration on a waiting list and re-employment have been applied by his Administration to the retrenchment that took place in 1931-32.

(f) The Agent, North Western Railway, who has examined the individual case referred to, reports that Mr. Chughani was discharged in 1934.

(g) Does not arise.

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*Information promised in reply to parts (a), (b), (e), (f) and (g) of starred question No. 391 asked by Rai Bahadur Lala Brij Kishore on the 6th March, 1934.*

POSTS OF YARD SUPERVISORS, YARD FOREMEN ASSISTANT YARD MASTERS AND YARD INSPECTORS ON THE EAST INDIAN RAILWAY.

(a) The Agent, East Indian Railway, reports that there are no Yard Supervisors or Yard Inspectors on the East Indian Railway. Yards are controlled by Yard Masters, who frequently have Assistant Yard Masters or Yard Foremen working under them in

eight-hour shifts. The Yard Foreman works under the supervision of an Assistant Yard Master. Some yards do not have any Yard Foremen.

(b) The Agent, East Indian Railway, reports that Yard Masters and Assistant Yard Masters must have the same qualifications as Station Masters and Assistant Station Masters and in addition must have special aptitude for yard work. Yard Foremen are generally promoted from literate gunners but are not responsible for train passing.

(e) and (g). The East Indian Railway Administration do not consider it necessary to provide special facilities for guards, Indian Assistant Station Masters and Head Number-takers for their promotion to the posts of Yard Masters, Assistant Yard Masters and Yard Foremen. Before staff can be considered eligible for promotion to higher posts, it is necessary for them to qualify by passing such examinations or tests as may be necessary and must possess the qualifications required for such promotions.

(f) The Agent, East Indian Railway, reports that Head Number-takers have little or no knowledge of the duties of a gunner or of yard work and in consequence cannot ordinarily assume the duties of Yard Foremen.

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*Information promised in reply to starred question No. 756 asked by Mr. M. Maswood Ahmad on the 17th April, 1934.*

#### PROMOTIONS IN THE OFFICE OF THE AGENT, NORTH WESTERN RAILWAY.

The Agent, North Western Railway, reports :

“(a) Hindu members of the staff, as well as those of other communities, once declared unfit for promotion from a lower to a higher grade are given further chances to prove their fitness.

(b) and (c). No such case is traceable. A Grade I Hindu clerk who officiated in Grade II in leave vacancies in 1930, however, was reverted while again officiating in the same grade in 1931 on account of reduction in establishment, because he was found to be less efficient than another clerk junior to him in the same Grade. This individual did not, however, officiate in Grade II in 1925 and he is not being given a trial now in Grade II. He has, however, been recently transferred to another Section in his substantive grade, Grade I, to see whether he can earn a recommendation of fitness for promotion to Grade II.

(d) and (e). An employee once declared unfit is not debarred from subsequently earning a recommendation of fitness for promotion. This applies to all classes of staff irrespective of community.

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*Information promised in reply to parts (b) to (e) of starred question No. 554 asked by Pandit Satyendra Nath Sen on the 27th March, 1934.*

#### ABSENCE OF A SHED ON THE PLATFORM OF THE HARDWAR RAILWAY STATION.

The Agent, East Indian Railway reports as follows :

(b) A portion measuring 12' x 140' or 1,680 square ft. of the station is covered. The shedding is sufficient to meet normal requirements. Special arrangements are made for mela traffic. There is a shelter for the third class passenger outside the platform covering an area of 6,875 square ft.

(c) The platform and station buildings at Hardwar are 9 feet higher than the public road level which is 320 feet away and therefore the several exit gates leading to the platform have a gradual slope.

(d) The reply to the first part of the question is in the affirmative. The reply given by the Divisional Superintendent, Moradabad, was that it was impossible to consider the amenities suggested at present.

(e) Figures of gross and net earnings of the station are not available. Passenger earnings at the station were as follows :

Year ending—	Period.	Local.		Foreign.	
		Rs.	Rs.	Rs.	Rs.
31st March, 1933	.. ..	253,545	611,415		
31st March, 1934	.. ..	265,378	751,416		

*Information promised in reply to starred question No. 634, asked by Mr. N. M. Joshi on the 4th April, 1934.*

**DENIAL OF THE BENEFIT OF SUNDAY REST TO WORKERS IN THE RUNNING SHEDS AT CERTAIN PLACES ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.**

(a) Yes.

(b) Because Rutlam and Godhra are not in British India, and the provisions of the Factories Act therefore do not apply. The same is probably the case with the other places to which the Honourable Member refers.

(c) No, because (i) the staff concerned do not favour any change and (ii) the application of the Hours of Work Regulations to the Bombay, Baroda and Central India Railway is under consideration.

*Information promised in reply to unstarred questions Nos. 375 and 376 asked by Pandit Satyendra Nath Sen on the 16th April, 1934.*

**APPOINTMENT OF LILLOOAH APPRENTICES AS ELECTRICIANS AND TRAIN EXAMINERS.**

375. It is assumed in the replies to this and the next question that Mr. C. Keys is the Anglo-Indian apprentice referred to :

(a) The Agent, East Indian Railway, reports that Mr. Keys holds a certificate of having passed the Jamalpur Technical School in the Second Division. When he left the St. Xavier's College, Calcutta, he was in the 8th standard, which is above Junior Cambridge and Matriculation standards.

(b) (i) Mr. Keys received his training in the Machine, Fitting and Mill-wright shops and the Drawing Office of the Carriage and Wagon Workshops at Lillooah.

(ii) Yes.

(c) The European in question was trained in the Machine, Fitting and Under-Frame Production Sections and Drawing Office of the Carriage and Wagon Workshops, Lillooah, and was selected by the Selection Committee convened to make the selection. The Committee besides taking into consideration the results of the examination also considered other qualifications such as initiative, general intelligence and ability to command labour before making the appointment.

Government understand that the selection was not based on racial considerations.

(e) and (f) Government are informed that the cases of all time expired apprentices will be taken into consideration by a special selection committee when suitable vacancies occur.

**SELECTION OF LILLOOAH *ex*-APPRENTICES FOR THE POSTS OF TRAIN EXAMINERS.**

376. (a) The Agent, East Indian Railway, reports as follows :

- (a) (i) The candidates appeared before a Selection Committee, who considered the qualifications of each candidate carefully before making their choice.
- (ii) The Selection Committee was composed of three Senior Scale Officers of the Operating Department.
- (b) No. The Selection Committee selected candidates who appeared to them most suited for employment at the time they appeared before the Committee.
- (c) Government are informed that the appointment was made in 1930 and the information asked for is not now available.
- (d) There were only five apprentices.
- (i) Train Examiners in the 1933 batch, who passed out of the Technical School and of these only one was an Indian, who obtained 54% marks in the final examination. The *ex*-apprentice who was appointed obtained 84% marks.
- (d) (ii) and (f) The men referred to were considered by the Selection Committee to be the best all round men for the posts. If seniority is to be taken as the determining factor in making selections of time-expired apprentices, there would be no necessity for appointing selection committees to select the best men offering.
- (e) Government do not consider their intervention is called for.

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*Information promised in reply to part (c) of starred question No. 185 asked by Sardar Sant Singh on the 21st February, 1934.*

**CONSOLIDATED ALLOWANCE OF THE TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.**

(c) Government are informed that the cut was not applied on the North Western Railway through a misunderstanding. The recovery of the amount overdrawn by the staff in good faith has been waived.

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**THE FACTORIES BILL.**

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The House will now resume the third reading of the Factories Bill.

**Mr. N. N. Anklesaria** (Bombay Northern Division : Non-Muhammadan Rural) : Sir, the amount of agreement and approval which this measure has commanded in this House ought to be a matter of congratulation for my Honourable friend, the Mover. Some of that agreement and approval may be due to the popularity which my Honourable friend, Sir Frank Noyce, enjoys in this House, but while some of the agreement in this House to the present measure may be due to the personality of the Honourable the Mover, I think a great part of that agreement should be ascribed to the intrinsic merits of the measure. From the point of view of the workman, from the point of view of the employer and from the point of view of the country at large, there is abundant material in the measure itself which should command approval in and outside this House. This very welcome phenomenon of agreement of the non-official Benches with an official measure like the present is all the more remarkable when one considers that the initiation of the very first measure

on factory legislation in India in the early seventies was due almost entirely to the jealousy which the nascent cotton textile industry of India had aroused in Lancashire. It is remarkable that during the whole of the debate I have heard not a single Honourable Member mention the very name of Lancashire. It is possible that it is a happy augury of the movement to which my Honourable friend, Mr. James, alluded at the last Session. The representative of the employers, Mr. Mody, blessed the measure with his complete approval, Mr. Mody—the enemy of labour and the avowed friend of labour leaders. My Honourable friend, the Deputy President, no doubt had some criticism to offer and he said that many “vital” matters concerning labour were omitted in this Bill and he instanced the non-provision of restricting the hours of labour to 48 hours per week. My Honourable friend, the Deputy President, ought to realise that there is a distinction between the ideal and the practical, that there is a distinction between conditions obtaining in Europe and conditions obtaining in India. The principle of the Bill is the protection of the country from the evils which are inherent in the factory system based on the institution of capital. But that principle so far as India is concerned has to be viewed in the light of more than one consideration. It must be remembered that India is industrially a backward country. It has got to compete with foreign countries which have developed their industrial system unshackled by restrictive legislation like the present. We must also remember that the industrial areas of British India are surrounded and interlaced with native States territory where restrictive legislation like the present does not obtain or if it obtains at all not to such a degree as it does in British India. When the Honourable the Finance Member, last year or in 1932, brought forward his Bill for taxing foreign income, my Honourable friend, Mr. Mody, and I warned the Government against the danger of British Indian capital, on account of restrictive industrial legislation to which this country was subjected, taking flight to the neighbouring native States.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Say Indian States.

**Mr. N. N. Anklesaria** : I am a native of India, and I do not see why I should not call them native States.

There is a second consideration which should affect the framing of a measure like the present, and that is the fact that the Indian industrial labourer is first and last an agriculturist. Industrial labourer as a whole-time worker, as a class, has not yet developed in India and, as you are aware, Sir, human effort in India is more extensive than intensive as it is in Europe. That is to say, the Indian labourer having his traditions in agriculture produces much less in a given period of time than the European labourer, and if you restrict his hours of labour unduly, you restrict unduly his means of earning his livelihood. Protection, Sir, should not be a protection which protects the Indian labourer out of his means of livelihood. If you look through the Bill, you will find that these various conflicting considerations have been given effect to in a well balanced manner.

Lastly, Sir, I would point out that, however beneficent a law may be as regards its provisions, the beneficent effect which it produces in the country depends very much upon the men who administer it and the way in which it is administered. I was very glad to hear the name of Mr. Johnstone, the Chief Factory Inspector in the Bombay Presidency, and I have got personal experience of the way in which Mr. Johnstone administers the



[Mr. N. N. Anklesaria.]

factory law in the Bombay Presidency. Unfortunately, all the Factory Inspectors in India cannot be Mr. Johnstones.....

**Mr. B. Das :** How do you know it ?

**Mr. N. N. Anklesaria :** It is impossible, I say ; just as everybody cannot be Mr. B. Das, so every Factory Inspector in India cannot be Mr. Johnstone. And, Sir, I would respectfully suggest to the Government that as regards the provisions regarding prosecutions, some latitude may be allowed for withdrawal of prosecutions in cases where there is no contumacy, and the offence appears to be merely a technical one. Sir, with these few words I support the Third Reading of this Bill.

**Mr. G. Morgan (Bengal : European) :** Sir, whatever disappointment I may have felt in that Government could not see their way to accept the majority of my amendments, it is nothing to the shock I got when my Honourable friend, Sir Frank Noyce, said he had come to the conclusion that it was evident I neither represented capital nor labour. I hope, however, my Honourable friend will change his opinion in the near future.....

**The Honourable Sir Frank Noyce (Member for Industries and Labour) :** I am not sure if I heard my friend correctly, but I never said at any time that he represented neither capital nor labour. I know perfectly well what interests he represents, and those interests, to the best of my knowledge, might not unfairly be described as the interests of capital.

**Mr. G. Morgan :** I am sorry if I have misunderstood the Honourable Member, anyhow I do not take any offence at all, but I think my Honourable friend said something to that effect in his reply to one of my amendments.

With regard to the Bill, I wish again to emphasise the opinion I have already put forward, namely that the Bill is of too general application and that the revision of the present Act should have been such as to give special attention to each major industry. The different industries such as the cotton mills, jute mills, engineering companies and shipbuilding works, saw mills, rice mills and jute presses are all combined and brought under the purview of this measure. Therefore, as the Bill is of general application, I would now ask the Government to give us an assurance that under clause 80 there will be careful scrutiny of all rules and regulations made by the Local Government so that the power under this clause may be effective. It is a co-ordinating clause, and we do feel that there may be great difficulty between province and province, and I would ask the Government of India to scrutinise carefully all those regulations and rules so that they can exercise the powers under clause 80 properly and equitably to prevent differences and difficulties arising out of the Provincial rules and regulations. Sir, I support the Third Reading of this Bill.

**Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) :** Sir, I offer my sincere congratulations to the Honourable Sir Frank Noyce for successfully introducing and piloting this Bill. This Bill is conceived in the right spirit and is intended to ameliorate the conditions of Indian labour. India was in former times a country of cottage industries and the factory system was almost unknown. After the advent of steam power, big factories began to rise and the capitalists came forward

to take advantage of the factory system. It is a well-known fact, Sir, that the capitalists in India had only one point of view, and that was to get as much profit as possible. They looked upon the Indian labourer in the same way as they looked upon the machinery they had purchased. They wanted to take as much work from them as they could, but, Sir, foreign philanthropists began to raise a voice against the exploitation of Indian labour, and Government were obliged to give up their attitude of *laissez faire* and they started inquiries. I am reminded of the Factory Commission that was appointed in the good old days, in which the late Dr. Nair of Madras took a prominent part, and he was assisted by another philanthropist Rao Bahadur Narayan Meghajee Lokhande of Bombay who had himself risen from the position of a worker in a mill. As a result of that inquiry certain legislative provisions were made, and at that time the hours of work were regulated. Before that they used to work for very long hours and contrary to the advice of my friend Dr. Dalal, Mr. Anklesaria comes forward to justify long hours in the case of Indian labour . . . .

**Mr. N. N. Anklesaria :** In their own interest.

**Mr. B. V. Jadhav :** When you say in their own interest, perhaps you mean in the interest of the capitalists and not in the interests of labour. I might state here, Sir, that a human being is a human being. Whether he is born in the West or in the East, I think he has to obey certain laws. Fatigue is common to both. If a labourer in England or in Europe is fatigued after constant work for a certain number of hours, it does not follow that a brother labourer in India will be able to maintain his vigour and strength for longer hours on account of the heat of this country. They say heat expands. I do not think it expands the staying power of a man ; on the contrary, heat is injurious to it. Although I do not accept the theory of Mr. Anklesaria I leave him to the enjoyment of the credit of having expounded a new theory in this House.

**Mr. N. N. Anklesaria :** Not a new theory at all.

**Mr. B. V. Jadhav :** Is it as old as you ?

**Mr. N. N. Anklesaria :** As old as yourself or anybody else.

**Mr. B. V. Jadhav :** Another point I may allude to here is the organisation of labour. As soon as the factory system came into India, poor indigent persons began to go there for labour and earn their livelihood. They found that the conditions there were not suitable to healthy living, and philanthropists came forward to teach them how to get their grievances redressed by combining. The instances of labour unions in England and other western countries were followed and the labour movement in India began. At present it is not very well organised, but there are the seeds of organisation. It is a pity that the Indian labourer is generally misled by political propagandists. One reason for his being misled is his ignorance. He is wholly illiterate, he has got a very narrow outlook on life. He is priest-ridden, superstitious, and therefore very easily gullible. Political propagandists have found that the Indian labourer is a very convenient material to handle. The conditions of Indian labour favour these propagandists. The labourer is ill-fed, ill-clothed, and ill-housed. Nobody looks after his comforts. There are certain organisations which do some welfare work, but it is very perfunctorily done and leaves the labourer a discontented man. The political worker or agitator who has borrowed his ideas from books, and not from any experience . . . .

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member is covering a very much wider ground than is warranted in the Third Reading. The whole field of labour legislation and labour problems is not open for discussion. The Third Reading must be confined to the principles arising from the clauses of the Bill.

**Mr. B. V. Jadhav** : I shall curtail my remarks. In short, socialistic doctrines are making a steady progress among the Indian labourers and the apathy of the capitalists is responsible for it. The capitalists have done very little for them, and, therefore, they fall an easy prey to the preachings of the agitator. The capitalists in general ought to recognise that more and more clamour will be raised in favour of the labourer. Government have now awakened to the necessity of dealing evenly with the labourers and therefore they appointed the Whitley Commission and they are legislating according to the recommendations of that Commission. More and more Bills of this nature will, I hope, come forward and help the Indian labourer to get what is due to him. With these few words I again congratulate the Honourable Member in charge of the Bill.

**Sir Abdur Rahim** (Calcutta and Suburbs : Muhammadan Urban) : I welcome this measure despite its obvious limitations and defects. I admit it is some improvement on the present law, and, as such, we ought to be thankful to the Government for having effected this improvement. The improvement is to be found especially in the reduction of the hours of labour from 60 to 54 hours a week for perennial factories. I have already said that my own personal opinion is that it should be further reduced to 48 hours, but in deference to the report of the Royal Commission, throughout which I find strong evidence of sympathy for labour and a desire to improve their conditions of life,—in deference to their opinion, especially as they had had the advantage of consulting the various parties interested and of anticipating the difficulties that might arise if proposals of a somewhat radical character were made, I am content for the time being with the reduction that has been proposed in this Bill. In the second reading I pointed out to the Government and made suggestions with a view that certain defects that were apparent in the Bill should be removed by them. In the present state of attendance of Honourable Members in this House, it was impossible for me to expect that any amendment that we put forward would be carried to a division. I therefore appealed to my Honourable friend, Sir Frank Noyce, if he would see his way to accept the suggestions that I made. I was aware that there were no amendments to that effect, but that would not stand in the way of the Government themselves, if they thought my suggestions were reasonable, to accept them and to amend their Bill accordingly. I am alluding to two defects which appear in the Bill.

One is the extremely wide powers that are left to the Local Governments, so much so that I feel apprehensive that the uniformity which is desirable in a legislation of this character and which is desired by the Government, by the employers and by the representatives of labour, may not be secured. I am also apprehensive that some of the provinces which are industrially developed may be loath to advance as far as my Honourable friend opposite would like to, and certainly they may not be eager to advance as far as the Royal Commission had in contemplation. But, Sir, there is a much more serious objection still left, and that is the discretion, almost uncontrolled discretion that is given to the

inspecting staff. I pointed out in my last speech that when the Inspector has found that certain things are necessary according to the provisions of the Act and those things can be done and suitable measures can be adopted by the owners of factories without any undue cost, even then he is at liberty to enforce or not, the provisions of the law. He has a discretion in the matter. Even when for instance he finds that there is not sufficient ventilation in a factory, that there is not sufficient sanitary arrangement and things of that character, still, the Bill, which will soon be passed into law, gives him a discretion whether to apply the provisions of the Bill or not. The only answer that I got from my Honourable friend was that the word 'may' occurs in the old Act itself. If the old Act was satisfactory, why did the Labour Commission find that the state of things was such that legislation on a very wide scale and in different aspects has to be undertaken if the condition of labour was to be improved. I do not think that my Honourable friend is in a position to state that the old Factory Act has been so successful that we ought to repeat the provisions of that Act. That is not the case, but I hope that, even in spite of these defects, the Local Governments under whom the inspecting staff will have to work will see to it that the provisions of the Act are fully carried out. I hope that, in the near future, labour and all that concerns labour and industries will be entirely in charge of ministers responsible to the legislature and no doubt my Honourable friend opposite will say that it will depend on the responsible ministers to see that the inspectors do their duties properly and carry out to the fullest extent the provisions of the Act. Sir, I also hope that the future Government will realise their full responsibility in this respect. My only doubt was that having regard to the fact that labour is so thoroughly unorganised and capital is so well organised in this country, that even responsible Ministers may find it difficult sometimes to resist pressure proceeding from influential quarters. When I was speaking at the Second Reading of the Bill, I asked for information from the Government on various other matters which are dealt with in the Royal Commission's report. My Honourable friend, Sir Frank Noyce, has been good enough to send me a copy of the report of the action taken or contemplated by the Central Government and the Local Governments on the various recommendations of the Commission. I have gone through them, I don't say with great care. I have looked into them and I find that that book gives almost all the information that I wanted. I wish we were in a position at this stage to deal with that report and make such suggestions with respect to it as might occur to us for the consideration of the Government, because there are many cases in which decisions have not been arrived at by the Central Government or the Local Governments and some Local Governments have expressed opinions on certain matters on which it might have been helpful to my Honourable friend opposite to hear what we have got to say. May I suggest to the Government and to the Leader of the House that, whenever a Bill or any measure is placed before us based on the report of an important commission like the Labour Commission, when the matters are of a complicated and diverse nature and the Central Government after consulting the Local Governments and other bodies have either arrived at certain tentative conclusions or consider that certain steps have to be deferred for some reason or other, I submit it will be a source of great convenience to us, on this side of the House, if we had a report of that kind placed in our

[Sir Abdur Rahim.]

hands before the discussion on the measure in question began. I do not think it would prejudice the Government in any way. I know the report was laid on the table of the library but a report like that, I do submit, ought to be in the hands of every member of the House, so that they will know exactly what action the Government has taken and what action they are not inclined to take or do not find it feasible to take. At any rate if I had a report like that, my speech might have been shorter than it was on the last occasion and that would have been some gain to the House. The benefit that will be derived from an Act of this nature will not be anything up to the expectations of those who are interested in the welfare and efficiency of labour in this country, unless other measures of a connected nature are also passed in order to supplement the object of this Bill. Some other Acts have already been passed on the report of the Commission. I am also aware that Government have under consideration and have also prepared certain other measures which will be placed before us. It is only on the cumulative effect of all these measures that we shall be able to judge how far really the position of the workers in this country is going to be improved. The Whitley Commission repeatedly pointed out that the question of raising the standard of living of the workers is one of crucial importance and it is upon that really that the efficiency of the workers and their well-being depends. That is a matter upon which I do not think the present Government would be inclined to think of legislating. I do not know what the future Government will do. I know in many civilized countries Governments are taking steps to raise the standard of living of their people. Our Government, on the contrary, is very far from any such idea, and it will depend, as the Royal Commission pointed out, mainly if not entirely, in the present circumstances, on the efforts of the workers themselves and their leaders if they are to improve their position in respect of wages and the general conditions in which they have got to live and work.

There is another matter of very great importance, of fundamental importance, upon which the future development of industries in this country as well as the well-being of the workers themselves depends, and that is the education of the workers. So far as the education of the masses generally is concerned, we know that India occupies the very lowest place among the important countries of the world. I do not think there is any other country in which illiteracy and ignorance is so overwhelming and universal among the people as in India. The Commission made suggestions by which a beginning could be made in the factories at least in all concerns which employ labour on a large scale, for educating if not the adult workers at least, the juvenile workers employed there. Sir, I do hope the Government will not take up the attitude that the question of education ought to be dealt with by the Local Governments and that they here at the Centre have no concern with the question of education. This is one of those matters which depends largely upon the initiative of the Central Government. Time after time it has been pressed on the Government of India, not only by Indian public opinion, but by men holding responsible positions who are not Indians, that until the Central Government comes to the aid of Local Governments definitely in this matter, no progress, at any rate no substantial progress, is possible. It is possible that some of the provinces have done their best to promote primary education, but I know at least in my province of Bengal primary

education has not advanced to any appreciable extent. Now, Sir, when we are dealing with the Report of the Royal Commission, I should like to impress upon the Government of India that so far as the recommendations of this Commission regarding education are concerned those should be accepted by them and carried out in the spirit in which the proposals are made. Sir, my Honourable friend, Sir Frank Noyce, said in reply to my speech on the second reading that he was shocked that I did not appreciate what the Government had done with respect to.....

**The Honourable Sir Frank Noyce :** I do not think I said that, "I can well understand that the Leader of the Opposition might be shocked by what Government have done or have failed to do". What I said was that I was shocked that he did not know what we did or failed to do. That is not quite the same thing.

**Sir Abdur Rahim :** Of course I could not have anything like all the information which that report gives because that report was not available to us. It might have been in the Library but there are heaps of books and pamphlets in the Library and we are not expected to read everyone of them before coming here and discussing the Bills that are placed before the House. That is not a possibility which I think the Government ought to contemplate. Some Honourable Members opposite tell us that we ought to consult dictionaries when we ask them certain questions. Also we are often referred, in answer to our questions, to some paper that was laid on the table two years back. I do submit, Sir, with all respect to you, that the Government are not helping this side at all if they refer us to some papers that were laid on the table of the House two or three years back. Sir, I do say I was perfectly justified in asking for information from my Honourable friend as to what action the Government had taken with regard to the various recommendations of the Royal Commission : and because I was ignorant on that point, as regards the action or steps taken by them, because they did not supply us with that information, I am not prepared to plead guilty to any charge that the Government might bring of not having taken care to know the facts. However that may be, I do not want to prolong this debate. Speaking from this side of the House I have been feeling for the last few days very great difficulties in criticising the action of the Government because our own men do not take any interest in important matters of this character. If my Honourable friend complained on that ground, that any criticism which emanated from me, speaking from the empty Benches on this side of the House, was shocking, I would plead guilty to that charge. Sir, I have come to realise that it depends more and more upon the Government themselves whether they do the right thing by the people or not. We do not seem to be in a position to force them to do it. We can only appeal to them to do the right thing. If they do it, well and good. If they discharge the responsibility which they have assumed towards the people, they would be clearing their own conscience. Sir, I am not in the habit of indulging in compliments but I must admit, having read the report, that my Honourable friend and his Department have not been sleeping over the matter. I admit that fully. They have been examining every single recommendation of the report and calling for reports from the Local Governments as to what they think about those recommendations and what action they are prepared to take. They are doing their duty, but still I must say that my Honourable friend, Sir Frank Noyce, Mr. Clow and the rest of the Department deserve every credit for the interest

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they have shown in this matter and the earnestness with which they are taking steps to see that the recommendations of the Royal Commission are carried out and given effect to as fully as possible.

One appeal, that I would like to make to my Honourable friend, is this. Now that the Act will be passed, rules will have to be framed. I take it that the Government of India will see that proper rules are framed. After the rules have been framed, as I pointed out, the administration of the Act will be entirely in the hands of the Local Governments, especially the Chief Inspector and the inspecting staff. I believe that the present law, at any rate, does not debar this Central Government from exercising full supervision and control over the administration of this Act and other Acts relating to labour. Even under the future Constitution, I believe, labour legislation is going to be a Central subject or at least a concurrent subject. Even then, I take it, the Central Government will have the power to see that these Acts are fully enforced by the Local Governments through the local officials.

Sir, I have nothing more to say. I do hope that this Act and other similar Acts that have been passed will be of real help to the workers. If the workers benefit, if they are made happy, if they are made more efficient, then the industries of the country will prosper and every body will be benefited by the prosperity which the development of our industries will necessarily bring about. I therefore earnestly hope and pray that this Act along with the other labour Acts will bring about the beneficial results that are anticipated by us and the Government.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural) : Sir, I appreciate the honest attempts of the Honourable Member and his Department to carry out the recommendations of the Royal Commission on Labour and I congratulate my Honourable friend, Sir Frank Noyce, for the able manner in which he has piloted the Bill in the Assembly, although I must say that, as he was quite immune to all the arguments brought forward from this side of the House, he is also suffering like his other colleagues on the Treasury Benches from what I called the intoxication of the fourth type. Sir, in discussing these questions, as was pointed out by my Leader, Honourable Members on the Treasury Benches entirely forget that the position in India in this House is different from the position in the British Parliament. In the British Parliament, the Opposition had been the Government at some time or other, but in our case the Government is a permanent Government and we on the Opposition Benches have never been in the place of Government and therefore are not in a position to know all the facts and documents which are at the disposal of the members on the Government Benches. Talking of the Library, it reminds me of a story that in a college library, a member of the governing body, before sanctioning the money for the purchase of a new library, demanded that a certificate must be produced by the librarian to the effect that the students have finished all the books now in the library before fresh books could be purchased. I suppose a similar certificate perhaps might be demanded from the Secretary of the Legislative Assembly to the effect that the Members of the Legislative Assembly have read all the statements, documents and reports that were placed in the Library in order that they may be sure that we come here well prepared ; Sir, I feel very unhappy regarding this particular Bill

about certain points and if this measure is passed then I shall feel still more unhappy about the whole thing. The first thing that I wish to say is, as was pointed out by my Leader and also by Mr. Morgan, that we are giving too large powers to the Local Governments, and when these Local Governments have used these powers and have made their regulations, and if you then read this Bill with all divergent regulations, you will find that the Bill that we passed was entirely a different thing. The second point, about which I am very unhappy, is the large powers that we have provided for factory Inspectors who are like :

“ Khud kuza o, khud kuza garo, khud glai kuza.”

Their position will be very similar to the position of the Income-tax officers against whose orders practically there is no appeal and the only thing that you can do in that case is to abide by their decisions without question. Similarly the factory owners will do well to abide by his decision, good or bad, if they want really to carry on their business. The third thing, about which I feel very unhappy, is the provision that is in the Bill about medical inspection. My friend, Dr. Dalal, has pointed out that so few men are really versed in the science of anthropometry. It is certainly a new science and I am sure that it has not yet been included in the medical course of our medical schools and colleges.

Then the inspection, according to his ideals, will practically be only in theory, and it will be cursory, because those men who will give certificates are ignorant of this very important new science which has now got a great future on account of the new legislation that we have introduced. It will be exceedingly hard for the labourers to secure a certificate as the expense, legitimate and illegitimate, may be enormous. My Honourable friend has pointed out that he would look into the matter. I suggest that he should have adopted a different course, instead of demanding a medical certificate, before beginning the service, he should have introduced the system of medical inspection to those labourers in factories on the same lines as we have got medical inspection to school children.

**The Honourable Sir Frank Noyce :** Does my Honourable friend also suggest medical inspection for Members of this House ?

**Dr. Ziauddin Ahmad :** I would very much welcome medical inspection, for in that case the seats of those members who are medically unfit would be declared vacant and the opposition will be strengthened. I suggest that instead of demanding a medical certificate at the outset we should introduce a system of medical inspection to these labourers on the same lines and in the same manner as the medical inspection to school children. In that case the burden on the labourers will be minimised. Any person who is found unfit for a particular kind of work, may be shifted to another kind of work and if he is quite unfit he may be removed to a hospital or a sanitarium and a thing of this kind will exceedingly be beneficial to them.

Another thing, on which I am exceedingly unhappy, is the entire discussion on the hours of work. Everybody will admit that our labour is inferior in quality to the labour in the West and this deficiency in quality can only be made up by quantity and so we cannot apply the same principle to Indian conditions as exist in the West. Otherwise, if the labour is inferior in quality and we insist on the same quantity as in other



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countries because production will increase then in the competition of the world, we will be very much handicapped. This is an important factor which you cannot ignore. We have really to compete in the production with the rest of the world and we cannot increase the cost of production because the whole industry would fail. In this connection, in order to improve the quality, my Leader has pointed out two important factors which we ought to carry out. The one is education. Unless we have compulsory education it is impossible to get an intelligent class of labourers. This is a thing which we ought to press in season and out of season, relevantly or irrelevantly. The Government must take up this question of compulsory education in order to train efficient labourers. The second thing is about the housing problem, because a person who is accustomed to live comfortably will also be able to do more efficient work than a person who is practically keeping awake all night for want of a proper house and who may be suffering on account of unhealthy surroundings. He cannot be expected to do any efficient work in the morning. The next point on which I am unhappy is clause 5, in which Local Governments have got power to extend the definition of a factory. Of course my amendment was rejected by the House but I think the Government ought to have accepted at least one thing that in this particular case, before a Local Government may extend the definition, the permission of the Government of India ought to have been obtained. At least in this case they ought to have kept this in their own hands in order to see that this extension of the definition, which is a very important item, should be used very sparingly and with great discretion and not used with enormous diversity in different provinces.

After giving certain arguments as to why I am very unhappy, I now come to another class of arguments and I appeal to the House that we should reject the whole Bill. My first argument for the rejection of the Bill is that India is an agricultural country pure and simple. The factory labourers are comparatively very few. I have not got a copy of the census report, and when I asked the librarian, I was told that the book was out. This is really the condition of the Assembly Library.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : That shows that our Library is being very well used by Members.

**Dr. Ziauddin Ahmad** : I quite admit that the Library is so much used by the Members that some other Members have not got the chance to use the Library because, in the race for getting books first, others get preference. I was saying that I have not got the figures before me, but I may say that the factory labour is a very small part and the bulk of the labour in this country is agricultural labour and they form something over 90 per cent. It is well known that the Commerce Department is doing everything for a small minority and they are overlooking a large section of labourers, that is agricultural labourers who are practically starving and living from hand to mouth. We have passed several Bills, and we had several Commissions and we have carried out all the instructions of the Labour Commission, but we have not carried out the recommendations of the Agricultural Commission and no Bills have been brought forward to safeguard agricultural labourers in this country. It is still an unsettled question whether agricultural labour is in the Department of Industries or in the Department of my Honourable friend, Mr. Bajpai.

**The Honourable Sir Frank Noyce** : I can answer that at once. It is under the Department of Education, Health and Lands.

**Dr. Ziauddin Ahmad** : I see this Department is not so strongly represented in the House and therefore we are not having as many Bills to safeguard agricultural labour as we have for factory labour. Whenever we talk of the poverty of India, we always keep in mind the labourers in the villages who are practically starving and who depend for their livelihood on the cultivators in the villages who occasionally employ them to help them in their fields. We are producing Bills after Bills to ameliorate the conditions of factory labour and nothing has been done to improve the conditions of agricultural labour and, I hope, my Honourable friend, Mr. Bajpai, whom I now see in the House, will be able to help the agricultural labour, and, though he may not be able to produce 12 Bills, I hope he will produce at least half a dozen Bills to improve the conditions of agricultural labour. That is one reason why I oppose this Bill, because you are doing everything for a microscopic minority and doing nothing for the labourers who form a majority. The second argument why this Bill should be rejected is, that the kind of action that we have been taking to settle this question between capital and labour is not the proper one by which we can solve this problem. We ought to attack this problem from an entirely different point of view. I believe that by these measures we do not compose the differences between employers and the employee, the capital and labour and the solution of the problem will become more remote. We ought to handle this problem in a different manner and by that method alone we hope to solve the problem. Before I come to that argument I would like to make passing reference to strike. The origin of the strike of labourers lies in the fact they have got the idea that the capitalists are using the whole of their labour for their personal benefits. This belief is impressed in their minds that the capitalists are making huge profits of 20 or 30 per cent. and they are giving insufficient wages and making fat dividends at the sacrifice of the labourers. I was in Bombay in May last and some of the leaders of the labourers told me this definitely. I know they were wrong in their statement, but they actually believed it and that was the cause of the strike. But they said that all the millowners of Bombay were making fat profits and giving fat dividends at the sacrifice of the labourers who are given very poor wages. When this idea is present in their minds it is impossible to find a solution; and I thought that, instead of having a Bill of this kind, we should tackle this problem in a different manner and no legislation will in future be necessary. That remedy is that you ought to create a feeling by means of which the interests of the workers and the interests of the capitalists ought to be identical. The workers should be made to believe that their interests are the interests of the employers and the employers should be made to believe that their interests are the interests of the labourers. They should be unified together, and, unless this ideal condition is achieved, it is impossible to avoid strikes and to create good feelings between the employers and the labourers. You try to create legislation but the effect of the legislation will be the creation of greater and greater discontent among these two classes of people.

Now, Sir, I will tell you how you can have these two things combined together and how you can have uniformity of interests between the labourers and the employers. In the first place the labourers should be

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made to believe that the employers do not make a profit entirely for their own good. If there is any profit in the factory it will go proportionately to the labourers as well, and if there is a loss to the factory this loss will be borne to a greater extent by the employers and to a smaller extent by the labourers. If there is a profit it will be shared equally. The moment you make the labourers believe that the profits are used for their advantage as well, then I am sure they will never go on strikes and the diversity of interests between the labourers and the employers which exists at present will practically disappear. And this can be done in this way. First you legislate that every factory will be allowed to have so much profit and the profit which is supposed to be reasonable is that you allow so much for depreciation, and so much for the reserve fund, and so much for interest charges and so much for profit. After allowing for all these four things, whatever additional profit is left must be divided proportionately between the labourers and the employers. If it goes entirely to the employers, and no share is given to the labourers, then you produce discontent among them and they will demand a direct share in the way of increased wages and if you do not agree to that they will go on strike. But if you make the labourers believe that they are entitled to get their share from these additional profits that accrue in that particular factory, then the question of strikes will practically disappear, and therefore to achieve this object the ideal way is that you should have your union of these labour employees and that union should be represented in the directorate. They should have access to the accounts and they should know definitely what are the profits that accrued to this particular company.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member can resume his speech after Lunch.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock. Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

**Dr. Ziauddin Ahmad** : Sir, just before the lunch interval, I was developing my point in order that I might convince my colleagues to vote with me and reject the entire Bill. The first argument that I advanced before lunch was that India is primarily an agricultural country.....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Chair has allowed very considerable latitude to the Honourable Member in his speech. The condition of agricultural workers and any scheme of profit sharing in factories are subjects entirely outside the scope of this Bill, and, if he continues his remarks on these subjects, the Chair will have to say that he is irrelevant.

**Dr. Ziauddin Ahmad** : I have said quite enough on this topic before lunch (Laughter), and I need not recapitulate them for the benefit of

Members, because I hope that they will remember what I said. I will take up the topic from the place I left, without further recapitulation.

The fundamental object of this particular Bill, which I am going to oppose, is that it seeks to provide better understanding between capitalists and labourers. The object is that industries may flourish under better conditions and everybody may live a contented life and strikes may be a thing of the past. Strikes are a modern institution : they were unknown to ancient India ; and it is really one of the achievements of modern civilisation and we should try to meet strikes by modern methods and not by the old system. We should create an atmosphere in which capitalists and labourers may live contented lives with mutual understanding. If mutual understanding is achieved by the methods I described, then it will be quite unnecessary to have this kind of legislation and we can achieve our object by more direct methods. When there are two parties fighting, as is the case with capital and labour, then there are two ways of settling the fight. One is to fix by rules and regulations the jurisdictions, limitations and the other restrictions that we can lay upon them so that they may all work within their particular spheres. The other method is to make them both come together on friendly terms so that all these limitations and rules and regulations may be unnecessary. My friend, the Member in charge of Industries and Labour, tries to settle the question by the first method ; he wants to regulate the jurisdiction of labour and capital by a series of enactments. I want to solve it by the second method, by having friendly relations between labour and capital, so that all these enactments may be quite unnecessary. There are these two different points of view, and if I can convince my Honourable colleagues on this side that the second method is the more practical method and will achieve the end desired, then this Bill and similar Bills which might follow would become absolutely unnecessary, and this is what I wish to emphasise. In order to have amicable relations and good understanding between labour and capital they should realise that their interests are identical. So long as they feel that there is divergence of interest, it will be impossible to talk of any kind of union between them. But if we can secure by some method that the parties realise that their interests are identical, that they can work in harmony, then legislation of this type is quite unnecessary. The managers should enter into the feelings of their labourers and realise what they desire : they must understand that the workers are ignorant people, without the benefit of education which the managers have got ; that the workers do not know the methods of recreation and how to use their time and live comfortably ; the managers ought to enter into their society and establish clubs at their own expense and teach the workers how to live cheerfully and nicely. The labourers also should be contented as their minimum wages are ensured ; they should realise that while factories work at a loss they will get only the ensured minimum wage, while if factories work at a profit, they will get additional bonus and this is quite possible to be achieved. The capitalists should realise that they are entitled to some kind of minimum out of the profits, and, if they make over and above that minimum, they should not take the whole of it but should share it with the labourers and others who helped to produce the profit.....

**Mr. B. Das :** And also the Finance Member of the Government of India.

**Dr. Ziauddin Ahmad :** As regards the Finance Member, I am afraid, I tried my best to convince this House that this Legislative Assembly should be considered as a factory, but unfortunately my view was not shared by all ; otherwise the Finance Member and ourselves would have derived some benefit out of the revenues of the Government of India.....

**The Honourable Sir Nripendra Sircar (Law Member) :** If this is a factory, it is a gas factory.

**Dr. Ziauddin Ahmad :** But my view, which I expressed the other day, in connection with clause 5 of the Bill, was unfortunately not accepted by this House, and, therefore, the view that my Honourable friend has accepted has been ruled out of order by his own votes.....

**Mr. B. Das :** What I implied was that the surplus profit of the employers must be shared by the parties which my Honourable friend mentioned, and also by the Honourable the Finance Member who draws it in the shape of income and super-taxes.

**Dr. Ziauddin Ahmad :** I quite understand that the income-tax that has to be levied is really a legitimate expenditure and I am thinking of the profit after paying all these legitimate dues. In this case if the labourers realise that they have a legitimate share in the earnings.....

**Mr. President (The Honourable Sir Shanmukham Chetty) :** The Honourable Member is continuing his irrelevancy.

**Dr. Ziauddin Ahmad :** I am just coming to the practical side.....

**Mr. President (The Honourable Sir Shanmukham Chetty) :** The Honourable Member's suggestion may be very practical, but it will not be relevant to this Bill, and I would ask him to come to relevant suggestions.

**Dr. Ziauddin Ahmad :** I am coming to them. If we follow the methods I suggest, this Bill is unnecessary, and that is the point which I say is relevant ; as I am opposed to this Bill and I want to convince the House that the method I suggest is more practical for achieving the results sought in this Bill, and unless I advance my argument it is impossible for my friends to vote with me. As I said, Sir, we must have uniformity of interests in these cases ; the employers should take part in the recreations of the employees ; while on the other hand, the employees should have one of their representatives on the directorate of the company, and that person should take part in all discussions that may take place concerning not only the welfare of the employees but also the general progress of the company, but he should have no votes, because the labourers will then know what is the real income of the company, and if the labourers are convinced of the true position of the company, if they are taken into confidence by the company, if they are shown the balance sheets and all the relevant papers which are placed before the directors, then they will realise that it is not right for them to demand higher wages. They will then realise that if there is a loss made by the company, it is not right to demand higher wages ; they will also feel sure that if there is a loss made by the company their wages will not be cut down, that they will be paid out of the reserves which they are going to build and the capitalist alone will suffer ; but if on the other hand there is any profit, they will get a proportionate share. But they

should be told always what is the total amount of profit earned by the company so that they may get their legitimate share of it. Sir, I consider that the legitimate share of a capitalist may be classified under four heads. In the first place, there must be some fund reserved.....

**The Honourable Sir Frank Noyce :** Sir, I rise to a point of order. My friend is endeavouring to persuade the House to reject this Bill in favour of some solution which he is putting forward. I would ask you whether it is relevant to discuss that solution in view of the fact that there must be some legislation to control factories in the interval until a happy utopia which he is advocating is reached ?

**Dr. Ziauddin Ahmad :** My intention is simply this. If I want to convince my colleagues on this side to vote for me and reject this Bill, I can only do so by persuading them to accept a better method of achieving the object than the method which is suggested in this Bill.....

**Mr. President (The Honourable Sir Shanmukham Chetty) :** The Chair would point out to the Honourable Member that a detailed discussion with regard to profit sharing, or, what ought to be the legitimate charges on the profits of a company, is irrelevant to this Bill, and the Chair would again point out that what he has been talking after lunch is absolutely irrelevant. If he continues in his irrelevancy the Chair will have to ask him to resume his seat.

**Dr. Ziauddin Ahmad :** If you consider, Sir, that any discussion on this Bill in favour of my suggestion with a view to throwing out the Bill altogether and take up a better view of the solution of the problem of capital and labour is out of order, then I have no alternative.....

**Mr. President (The Honourable Sir Shanmukham Chetty) :** Quite so. Now, the Honourable Member has come to the point of his irrelevancy. If the object of this Bill were to find a solution for the conflict between capital and labour, then all his remarks would be relevant, but the object of the Bill is not so wide as all that. It is very much restricted ; it is only to regulate the conditions of workers in factories, and for that purpose all the remarks that the Honourable Member is making are absolutely irrelevant.

**Dr. Ziauddin Ahmad :** My point was that there are two ways of solving this particular problem either by means of regulation or.....

**Mr. President (The Honourable Sir Shanmukham Chetty) :** But the problem is to regulate labour in factories.

**Dr. Ziauddin Ahmad :** With which I do not agree. I do not agree for a moment that the methods suggested in the Bill to regulate labour are correct methods, and, therefore, I oppose the whole Bill, and I say that the methods which I suggest are the correct methods.....

**Mr. President (The Honourable Sir Shanmukham Chetty) :** The Chair can only tell the Honourable Member that he is absolutely irrelevant.

**Dr. Ziauddin Ahmad :** If you do not want me to speak, I shall not continue.

**Mr. President (The Honourable Sir Shanmukham Chetty) :** The Honourable Member can certainly speak anything relevant.

**Dr. Ziauddin Ahmad** : I consider what I say to be quite relevant, but if you consider it to be irrelevant, I shall not say anything.

**Mr. G. S. Ranga Iyer** (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, I hope I am not standing up to prolong the agony of irrelevancies on this occasion, but merely to convey to the Honourable Member in charge the cordial approbation of this side of the very useful measure which he has almost passed in this House.

Sir, under this measure, there will be less difficulties for the people whom the Bill is intended to benefit.

As many of us are anxious to get away from this Session to the plains to face new difficulties,—I believe I am echoing the sentiments of many a Member of the Opposition when I say that we want to conclude discussion, not only on this Bill, but on other Bills as well, so that the Government may be able to release us from an inevitable bondage—staying up here.

Sir, I congratulate the Honourable Member in charge for bringing forward such a useful measure.

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural) : Sir, I do not propose to be lengthy, nor do I propose to take up the time of the House with any irrelevant matter, but I shall confine myself strictly to the Bill itself. I support it, I am not for its rejection. I have taken part in this Bill at its former stages. The first time that I took part in the discussion of this measure was at the time of its consideration, and I said then that this Bill was in the interests of the workers, and that with certain improvements, which were absolutely necessary, it would be a very sound enactment. Sir, I then thought that it would be much better to present certain difficulties and improvements which I thought were necessary by way of amendments. I put forward several amendments, and though almost all the amendments that have been put forward, not by me alone, but by several other Honourable Members, have been rejected, yet as an optimist I must say that I am not disappointed. I take it that this Bill, as it is going to be passed, is the first instalment of the attempt in the direction of improving the welfare of workers, and I hope that the Honourable Member in charge of this Bill will consider seriously all the suggestions that have been made and see that they are carried out in the spirit in which they were made. The improvements which we have suggested are not such as not to be considered to have no substance in them at all. Sir, there are very strong grounds for making those improvements, and I hope that the Honourable Member in charge will watch carefully the working of this measure and devise means to make the improvements we have suggested.

With regard to the Bill, the first thing that I want to draw the attention of the House to is the attitude of the Government Bench in connection with Bills that emerge from Select Committees. This is a typical instance to show what their mentality is. Certain provisions there were in the original Bill and some of them have been eliminated by the Select Committee. It cannot be said that those provisions have no substance in them or that they were really such as to be rightly eliminated. I was not on the Select Committee, reasons might have been given, but I do not know how the Select Committee were persuaded to eliminate at least one clause about which I had put in an amendment. I, therefore,

submit that the attitude of the Government Benches should not be that they are infallible. The Government's attitude should be an open one, and when there are any amendments the duty of the Whips or of the speakers on their side should not be that everything that has been passed by the Select Committee should be carried through at all costs. No doubt, our representatives are there on the Select Committee, but all the same when the Bill comes to us, does it come to us only to be passed as a matter of course by us? Then where is the necessity of giving time to the House for consideration stage, then discussion clause by clause and then the Third Reading? I therefore hope, that the attitude of the Government will not be that every amendment, however good and sound it may be, should be thrown out. The first omission is about the surgeons or doctors who, though they are interested directly or indirectly, may be appointed for the purpose. I hope, the Honourable Member in charge will, at no distant date, bring in an amendment to the effect that the certifying doctor should be a man who is not interested. Instances were given to us of difficulties that would arise if this were done. Mr. Sen, who was a member of the Select Committee, thought that he could not budge an inch from the reasons that were given in the Select Committee for taking away this clause. I have always a liking and regard for him, he knows it, but when he says that Bengal has not got registered medical practitioners in the mufassil, it is discreditable if it is true. But nowadays in the mufassil there are places where there are medical practitioners, and if they are not actually in a village, they are within a stone's throw; there are tahsils where there are such men. I wonder how that could be advanced as a reason why honest, impartial doctors could not be put for the purpose of the functions under this Bill. If my Honourable friend will come to my part of the country, I will show him registered practitioners in the villages, and then he will go to Bengal and say that they also require medical practitioners in the villages. But I suggest that Bengal is certainly more advanced than our place. (Interruption.) I do not doubt it, though I doubt about Bihar and Orissa. Another reason,—and this was put forward by the Honourable the Mover—was that the doctor might have very insignificant interest, and in that case how could he be refused? My reply to that is that even if there be such little interest, he could leave it so as to enlist the confidence of the people that the certificate that he was giving was a right one.

**The Honourable Sir Frank Noyce:** If the certifying surgeon is interested in a factory situated in Tuticorin, is he to be prevented from performing any duties in regard to a factory in Assam?

**Mr. Lalchand Navalrai:** If he has got some shares and if he does not come under the definition of directly or indirectly interested, then I shall have no objection. I would be even willing if a man has an indirect interest in such a thing, that it should not stand in the way of the medical practitioner being appointed for the purposes under the Act, but in that case the word "indirectly" should be taken away. The fundamental principle is that a man who is interested cannot be the judge in his own case. It is plain even to a layman. I have said that I am an optimist, and I hope that the Honourable Member in charge will at least issue instructions to the Local Governments that, when these surgeons are appointed, they should avoid as far as possible any doctor being appointed who is an interested person. Let me come to the next point with



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regard to the hours of work. From the very beginning I have taken the view that we should not run too fast, nor should we walk too slow, and, therefore, I have not put in my objections to the 54 hours prescribed by this Bill. I was told that the principle in other countries, now is that it should not be more than 40 hours.

**An Honourable Member :** Where is that ?

**Mr. B. Das :** Are you thinking of the civil service trade union ?

**Mr. Lalchand Navalrai :** I got it in the papers and I have got a copy of it, though not here. But I believe I am supported in this by the Deputy President. You know the International Labour Conference in Geneva and they have held now that it should be 40 hours a week.

**The Honourable Sir Frank Noyce :** I am sorry I did not quite catch my Honourable friend. Did he say that the International Labour Conference at Geneva had approved a 40-hour week ?

**Mr. Lalchand Navalrai :** Yes.

**The Honourable Sir Frank Noyce :** That is not so.

**Mr. Lalchand Navalrai :** Excuse me. I have sent for that paper, and I hope my Honourable friend, the Deputy President, would enlighten us on that point a little more.

**Mr. Abdul Matin Chaudhury (Assam : Muhammadan) :** What I told my Honourable friend, Mr. Lalchand Navalrai, was that last year in the Tripartite Conference held at Geneva to discuss the hours of work and to reduce the hours of work having regard to unemployment in all the countries, they passed a resolution recommending 40 hours a week.

**The Honourable Sir Frank Noyce :** But the International Labour Conference has not done so.

**Mr. Abdul Matin Chaudhury :** No. I said the Tripartite Conference which was held in January last year.

**The Honourable Sir Frank Noyce :** I am not disputing the correctness of what the Deputy President says. He is perfectly right, I am disputing the correctness of what my Honourable friend, Mr. Lalchand Navalrai, said. He said, if I understood him correctly, that the International Labour Conference at Geneva had approved a 40-hour week. That is not so. They have postponed further discussion of the subject till next year.

**Mr. Lalchand Navalrai :** I am in possession of some papers which  
3 P.M. I have promised to send to the Honourable Member.

**The Honourable Sir Frank Noyce :** I can claim to know a little more about the International Labour Conference at Geneva than my Honourable friend. I am very closely connected with it, as Member in charge of the Industries and Labour Department. My Honourable friend is mixing up two things. He is mixing up the views of a preparatory conference with the views of the International Labour Conference itself. The preparatory conference prepares the work to be discussed at the Sessions of the International Labour Conference. The two things are quite different and the fact that a preparatory conference passes any resolution does not mean that that is accepted by the International

Labour Conference. The position in regard to the International Labour Conference is as I have just stated. The question of the 40-hour week has been postponed for further discussion until next year.

**Mr. Lalchand Navalrai :** I do not feel myself more competent than the Honourable Member himself. I do accept that, but what I mean to say is I have read both and.....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member need not pursue that point. The Chair can tell the Honourable Member that the International Labour Conference has not yet passed that Resolution.

**Mr. Lalchand Navalrai :** I accept the statement of the Honourable Member in charge, and I do not think there is any need for the Chair to support the Honourable Member. So, what I mean to say is, that there is a great difference over this. 54 hours is not a standard which is a permanent standard or a standard which is accepted by all. At least that much will be accepted. The expert member for the labourers, Mr. Joshi, has put in a dissentient note the figure of 48 and there is the Deputy President also joining him. I do not mean that the Bill should have necessarily put it at 48 or 40. I am saying this only as a warning to the Member in charge. He should really watch the situation and see if this 54 hours is objected to, whether it is too much and so on and then the amendments may be made. This is only the first instalment.

Then I come to this point, that the Factories Act is being worked through certain Inspectors and these Inspectors have not given satisfaction. I think the Boiler Inspectors enjoy a much higher position than the Factory Inspectors. I do not know whether I am correct. That at any rate is my opinion. I hope that when Inspectors will be appointed, care will be taken to see that very responsible persons are appointed and that their work will be so watched that there may be no complaint of the nature that has been brought to the notice of this House. The Inspectors are the pivot of the whole system and it is they who have to carry out the functions under this Bill. Especially when an amendment I placed before the House with regard to the supervision in prosecutions has not been accepted, I request that in the working of this Bill care should be taken to see that things are done straight.

Coming to the question of punishment, I was told that the magistrates consider the question from the bottom, that is the minimum punishment. I accept the statement that came from the Honourable Member. This is going to be a new improved Act and I hope that magistrates will give careful consideration and pass sentences very leniently.

Lastly, I would say that prosecutions should not be launched after a very long time. There should be no delay. Six months and twelve months are going to be given and the Inspector should hurry up things and they ought to see that the cases are disposed of as quickly as possible. The Honourable Member should also keep in mind the question of the schooling of the children. Conveniences should be given to the family living in the premises, and, as the children are also going to work, the question of education is very important. We have been saying that there should be compulsory education. I say the railways have been

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generous enough to give them schools and I hope these factories will give better facilities to these labourers and I would appeal to the Honourable Member in charge to give attention to this question of schooling also.

Mr. Sitakanta Mahapatra (Orissa Division : Non-Muhammadan) : Sir, I congratulate the Honourable Member in charge of Industries and Labour on his honest attempt to ameliorate the grievances of factory labour in India, however haphazard the attempt may be, and although most of the recommendations of the Whitley Commission have not been given effect to in the Bill. I wish Government had taken as much interest in the improvement of the wages of factory labour as they have taken in cutting short their working hours. Sir, I cannot say anything about labour conditions in other parts of India, but I know that about one lakh able-bodied men from my parts migrate to the Calcutta side every year, for about three or four months a year during slack agricultural seasons, in order to supplement their earnings. I believe, Sir, that labour in cities is mostly rural labour. The Whitley Commission also found this in urban areas. The rural mass in India find it difficult to make their both ends meet out of their agricultural earnings and so a large number of able-bodied poor people go out to industrial cities to earn some extras in order to pay their rents, interest and other obligations. So they would have been much more grateful to the Honourable Member in charge if he could have found some means to improve their wages. Sir, they are not so much keen about other factors as they are for their earnings. My information is that in Japan the highest salary in a factory never exceeds five times the lowest salary. But in India, while the ordinary labourer gets ten annas a day, the man at the top draws Rs. 10,000 a month. A very large percentage of the people of India is agricultural labour and I believe the Honourable Member for Industries and Labour, who has so much interested himself in labour conditions in India, will soon interest himself in improving their lot. A splendid beginning may be made by making laws for abolishing forced labour and cheap labour in both British India and Indian India. Besides Indian landlords who indulge in forced labour and in cheap labour, the Government of India themselves, Sir, indulge in such contemptible methods and it is a standing reproach on the Government of India, I shall quote only a few sentences from a book—“Condition of India”—by Mr. Bertrand Russell being the Report of the Delegation sent to India by the India League in 1932. This Delegation included three Members of Parliament. On page 447, it says :

“In Orissa, another plague spot of labour, the ordinary labourer receives four annas a day, while the Government extracts forced labour at about half that wage rate.”

Then, Sir, on page 452 it says :

“The Government in India employs forced labour and, as we have already pointed out, remunerates at scales lower than the miserable ones that prevail in the area.

We came across this problem acutely in Orissa. Time did not permit us to investigate it as well as we should have liked to do, for we felt certain that the practice obtains legally and illegally on a large scale.

In the Angul District, which is governed under the Angul Laws Regulation (Act III of 1913), Government officials exact forced labour. Orders are sent to local officials for supplies of goods and services, which are enforced by penalties.

We have in our possession copies of orders issued under the authority of the Deputy Commissioner of Angul, and stated to be under the seal of his office, which calls on the local official to supply coolies for serving officials, beaters for shooting parties for the Political Agent and for providing cows, vegetables and other provisions for Government officials. (Hear, hear.) These orders threaten penalties and are very peremptory in their character.

The practice of Forced Labour is not confined to Angul. In other parts of British India also it obtains. *Begar* is enforced in the villages and much resented."

**Mr. B. Das :** Has not this book, Sir, been proscribed ?

**The Honourable Sir Frank Noyce :** To the best of my recollection, my Honourable friend is correct. I think the book is proscribed. I have just sent to ask the Honourable the Home Member if this is so or not.

**Dr. Ziauddin Ahmad :** It has already been ruled, Sir, that a proscribed book can be read in the House.

**An Honourable Member :** Mr. Mahapatra has got the book in fact from the Library. (Laughter.)

**Mr. Sitakanta Mahapatra :** I, therefore, ask the Government to show practical sympathy for the labourers and set their own house in order and, before attempting to reform labour conditions in factories and mills, to follow the adage, "physician, heal thyself". There is, Sir, another side of the question. By this enactment we have curtailed the hours of work of workers in British India. But in Indian States, forced labour and cheap labour is the rule rather than the exception. If the suzerain power cannot put a stop to this system in Indian States, it will hit hard the Indian industrialists and it is quite possible that British Indian capital will fly to Indian States. Sir, coming as I do from Orissa, I may say that three-fourths of that country is Indian State. I personally know to what extent the system of forced labour is in existence in most of the States. Very recently the *begar* system has gone to such a high pitch in a neighbouring State that the town of Cuttack has been simply flooded with refugees from that State. It is a shame, Sir, on the part of a power that boasts of suzerainty, not to be interested in such things and allow a sort of slavery to be continued in this the twentieth century. Now, if a factory is established in such a State, will any factory in British India be able to compete with it ? It is time, Sir, that the Political Department should make a searching inquiry into labour conditions in Indian India and particularly in the Orissa Feudatory States. Sir, conditions, particularly labour conditions in India, are quite different from labour conditions in England. Will it not be better to treat Indian conditions in a different way than English conditions ? I trust, Sir, that the Government of India have in their possession information about forced labour in both British India and Indian India and they will be able to put a stop to such barbarous system before long. With these words, Sir, I resume my seat.

**Mr. Abdul Matin Chandhury :** Sir, I only want to say a very few words, referring to the observations of the Honourable Sir Frank Noyce. Sir, we have not been able to achieve a good deal of what we wanted, but still I consider that this is a very considerable improvement on the present position. Sir, my friend, Sir Frank Noyce, has told us that this is

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only an instalment, and that other instalments will come in in due course. We hope that the efforts of the Department of my Honourable friend to implement the recommendations of the Royal Commission on Labour will continue unabated. I still entertain the hope, Sir, that at no distant date the workers' demand for a 48-hour week will be acceded to. Sir, my friend, Sir Frank Noyce, has described this measure as one of the three measures of major importance which have been produced by his Department in implementing the recommendations of the Royal Commission on Labour. If, Sir, I am able to look back at all with satisfaction on any work that I have been able to do in this Assembly in co-operation with the Government, it has been in connection with these progressive measures that have been introduced in this House by my friend, Sir Frank Noyce. Our legislative records during the past few years have not been a very happy one. But, Sir, if I may say so, I have always regarded that the only silver lining in that cloud of reaction through which we have passed have been the measures that have emanated from the Department of Industries and Labour. I only want to express my appreciation to the enormous amount of work that has been done by that Department in connection with the measure that is about to be passed.

**The Honourable Sir Frank Noyce :** Sir, we have spent three days on this measure which cannot, I think, be considered a disproportionate amount of time considering its complexity and importance. I do not wish to prolong the discussion more than I can help, and I shall, therefore, confine myself strictly to the measure before the House and not attempt to follow my Honourable friend, the Leader of the Opposition, or, my Honourable friend, Dr. Ziauddin Ahmad, into an excursus on the economic and educational policy of the Government of India.

I should like, at the outset, to say that I fully appreciate the position in which my Honourable friend, the Leader of the Opposition, was placed by lack of information, and I realise that his view of what the Government of India have done in the direction of implementing the recommendations of the Whitley Commission's report would have been expressed differently yesterday if he had had the report I sent him subsequently then before him. I would mention for his information that we are now in process of collecting the material for a third report on the action taken by ourselves and the Local Governments on the recommendations of the Commission,—the one I gave him yesterday was the second. Those reports are beginning to come in. A consolidated report will be compiled as rapidly as possible and, before the next Session of the Assembly, the third report will be ready. I shall be very glad to have copies of it placed at the disposal of all the Members of the House. (*Sir Abdur Rakim :* "Hear, hear".) I might perhaps mention, in this connection, though it is hardly as relevant today as it would have been yesterday but it may interest the House, what the Chairman of the Royal Commission himself thinks about the progress we have made. He said at the end of a series of four important articles which appeared in the *English Times* about a year ago :

"My colleagues on the Commission will, I think, join in my appreciation of the progress made in the first legislative periods since the issue of the Report, and in my hope that the advance made in the second may be equally good. When political questions occupy the centre of the stage, industrial and social reforms risk being side-tracked. It is to the credit of the present Administration in India, (*I could wish that he had added that it is also to the credit of the present Legislature*), that this has not happened so far as official action is concerned."

Now, Sir, before I come to deal at comparatively brief length with the main criticisms which have been brought against this Bill, I should like to get one or two small points out of the way. My Honourable friend, Mr. Anklesaria, suggested that provision should be made in the Act for the withdrawal of prosecutions when the offence is merely technical. It was rather late, at this stage of the discussion on the Bill, to bring forward a suggestion of that kind, but there is no reason to believe that, where an offence is merely technical, Inspectors indulge in prosecutions merely for the sake of doing so or that the Court is not prepared to deal with the matter leniently and let off the offender lightly.

My Honourable friend, Dr. Ziauddin Ahmad, made an assertion yesterday about medical inspection in the United Provinces. He definitely said that fees were being charged for such inspection. I promised to find out whether that was so or not. I thought I should have to inquire from the United Provinces Government, but I found that we have, as indeed we ought to have, the information here and that there is a definite rule that no fees should be charged for such examination or for the grant of a certificate in pursuance thereof. That, I think, deals sufficiently with that point.

**Dr. Ziauddin Ahmad :** May I know what is the rule which the Honourable Member has just quoted? Is that the order of the Government of the United Provinces?

**The Honourable Sir Frank Noyce :** It is a rule of the Government of the United Provinces under the Factories Act. I do not propose to deal with the points raised by my Honourable friend, Mr. Lalchand Navalrai. Apart from the fact that he is not here, all the points that he raised were very thoroughly gone into in the discussion on the amendments. I now come to the main criticisms which have been brought against this Bill, both of which were raised by the Leader of the Opposition, and one or other of which was also taken up by other speakers. The first criticism which has been brought against the Bill is that it confers too wide powers on Local Governments and a suggestion was made that the Government of India should utilise very freely the powers which have been conferred upon them by clause 80 of the Bill, which makes the rules promulgated by Local Governments subject to the control of the Government of India. Now, Sir, I do not want the House to be under any misapprehension on this point. "Control" is quite a different matter from "previous sanction". When a Local Government has to obtain the previous sanction of the Government of India to the promulgation of any rules under an Act, it means that those rules are subjected to meticulous scrutiny by the Department concerned. But when rules are subject only to control, they are only subjected to *post-facto* examination.

**Sir Abdur Rahim :** Are not the Local Governments bound to inform the Government of India beforehand that they are going to frame such rules?

**The Honourable Sir Frank Noyce :** I am not sure. I do not think so. I think they send us the rules after they have been framed. The control which is exercised is a *ex-post-facto* examination to the best of my knowledge.

**Sir Abdur Rahim :** Even then may I suggest that the Government of India can give directions to Local Governments.

**The Honourable Sir Frank Noyce :** I am coming to that, Sir. What I wish to emphasise is the reason why this should be so in the case of the rules under this Bill. My Honourable friend, Mr. Morgan, complained that the Bill covered a vast number of factories, cotton, jute, tea, rubber and the like, and that it was a disadvantage that there should be a general Act, and not a special Act, dealing with different industries. It would be very difficult and would take an immense amount of time to deal with industries in that way. I would submit to the House that the purpose Mr. Morgan has in view is served by giving Local Governments wide discretion in regard to the framing of rules. They know all the local circumstances and they can frame their rules to meet the varying conditions of different industries. There is no reason why they should impose meticulous uniformity on different industries and, similarly, there is no reason why the Government of India should impose meticulous uniformity on all provinces in which climatic and other conditions differ so widely that a uniform code would probably be unworkable. If there is any serious divergence between the rules in force in different provinces and it is found that they work to the disadvantage of one province or another, that could always be set right if it were brought to the notice of the Government of India or if they discovered it themselves by an examination of the rules. The point really is that the control of the Government of India exists under clause 80 and can be exercised if necessary. I may mention a case, for example, which lately occurred in which a certain province, there is no necessity to say which, issued a Notification under the Workmen's Compensation Act, which we found would not bear examination. We suggested that it should be amended and it was amended. We could do the same here. If we were to examine these rules meticulously, if we were to decide that they should be subject to the previous sanction of the Government of India, it would mean a tremendous increase in our staff and there is also the great disadvantage in that we have no expert advisers in these matters. We should certainly have to add one to our Department if we were to insist that Local Governments could not make or amend the factory rules without our prior sanction.

My Honourable friend, the Leader of the Opposition, if I heard him correctly, suggested that provinces which were industrially developed might not be willing to advance as far and as rapidly as others. I do not think that is our experience. I think our experience of the two most advanced industrial provinces, Bombay and Bengal, is that the Local Governments of both provinces are even more anxious to insist on the proper regulation of labour in their factories than are some of the others and that they naturally have Inspectors with more experience and use them accordingly. The second main criticism of the Bill has been that the powers conferred on the Chief Inspectors are too wide and my Honourable friend, the Leader of the Opposition, has specially drawn the attention of the House to the use of the word "may" instead of "shall" in regard to those powers. The criticism under this head seems to fall under two classes. The first criticism is that Inspectors have powers which they may abuse and the second is that they have powers which they may not use. The second criticism is the one which my Honourable friend, Sir Abdur Rahim, has advanced. I, Sir, am not a lawyer and I do not know what was in the minds of the framers of the original Bill when they used the word "may" instead of "shall". It is difficult to say how far "shall" is of a more mandatory character than "may". But I imagine that what

was in the minds of the framers of the original Bill was something like this. It was that, after all, it is a mistake to use a Nasmyth hammer to crack a walnut. There may be cases in which, in order to bring about some small but desirable improvement, it would be necessary to incur an amount of expenditure out of all proportion to the value obtained by that improvement. I think their idea must have been that it was necessary to leave the Inspectors a certain amount of discretion in this matter. For instance take clause 14 (3) of this Bill :

“ If it appears to the Inspector that, in any factory, gas, dust or other impurity generated in the course of work is being inhaled by the workers to an injurious extent, . . . he may serve on the manager of the factory an order in writing, etc.”

It might be possible that the injurious extent is very small indeed but that the installation of proper ventilation would cost the manager of the factory several lakhs and might indeed lead to the closing down of the factory completely and to what would really be far more serious injury to the workmen employed in it. That, Sir, is, I think, the reason why the existing Act was drafted as it is and we have seen no reason to depart from it. My Honourable friend, the Leader of the Opposition, said that, if the Factory Act is working properly, why was it necessary to appoint a Royal Commission to make recommendations regarding it. I think the answer to that is that the Royal Commission did not criticise the actual working of the Factory Act in any way. There is not to the best of my recollection any criticism in their Report of the actual working of the Act, or of its administration of the Act. I do not say it is perfect. No one claims that it is perfect. But, at any rate, there is nothing in the report of the Royal Commission to suggest that the actual working of the Act requires rectification. The point of their Report was that the Act was working so well that they wanted to extend it to other factories and in other ways to existing factories. We, Sir, have no reason to believe that Inspectors or Chief Inspectors abuse their powers either by omitting to do what they ought to do or by doing what they ought not to do. As regards doing what they ought not to do, the point was raised by my Honourable friend, Mr. Morgan. As regards his criticisms Inspectors have far too extensive powers to require the factory owner to do certain things ; the answers to that is that there is a provision for appeal, in the case of the factory owner, to the appellate authority appointed by the Local Government and that, in the case of prosecution, the alleged defaulter has the protection of the Court. I think, Sir, that is all I need say on these two points except that I would add that the point raised by Sir Abdur Rahim in regard to the use of the word “ may ” instead of “ shall ” in the Bill is a point that is well worth noting and discussing with Local Governments if and when we propose to amend the Act further.

I do not propose to walk into the trap set for me by my Honourable friend, Mr. B. Das, and to discuss the condition of labour in the Indian States. I have really nothing to add to what I said in replying to Mr. Mody which was that the point raised in his minute of dissent is under the consideration of the Government of India. Mr. Das knows the constitutional position as well as I do, though he chose to ignore some of its aspects in the remarks he made on the subject. But lest the House should think that his picture of labour condition in the Indian States was entirely correct, I should like to remind it that there are quite a large number of States which have followed the Government of India in regard to the introduction of



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labour legislation and which have Acts more or less on the lines of the Indian Factories Act. I cannot give the House a complete list nor can I say how far their legislation differs from that which we have passed. But amongst the States that have labour legislation are such important States as Hyderabad, Mysore, Baroda, Gwalior, Travancore, Indore, Jodhpur, Cochin, Jhind, Porbandar and Rajkote,—amongst them the States which are most advanced industrially and otherwise.

**Mr. B. Das :** I am very glad to hear it.

**The Honourable Sir Frank Noyce :** How far they will again be prepared to follow the example of the Government of India in regard to introducing a further instalment of legislation remains to be seen, but I think their record is such that it is at any rate permissible to hope that they will be able to do something in that direction.

That, Sir, I think concludes all that I have to say except to thank the House most gratefully for the very great assistance it has given me in placing this important piece of legislation on the Statute-book. It represents a very marked advance in the amelioration of labour conditions in this country ; it represents an important step in establishing that contented labour force on which alone the industrial development of India can be securely based. To those gentlemen on the Opposite Benches who have criticised us for not going further and faster, I would venture to read the following extract from the report of the Whitley Commission. They say :

“ This brief outline of the history of certain features of factory legislation in India shows that from the beginning the principle of factory regulation, here as in other countries, has been gradually to extend the area of protection afforded to the industrially employed worker. This principle has been effected in three ways—by regulation affecting specific classes of workers, by regulation affecting specific classes of establishments and by powers given to Local Governments to include under such regulation smaller places of a similar kind. The value of a policy of gradualness has been clearly demonstrated in the history of factory legislation in India in the past and the dictates of common sense and practicability confirm us in the belief that the same policy should continue to actuate future developments in factory legislation.”

That, Sir, is the policy which we have followed in this Bill and that is the policy which we shall continue to follow. We recognise that the Bill has defects : we recognise that it will need to be supplemented in various directions as time goes on, but we feel that caution is necessary and that we cannot adopt the policy that some of my Honourable friends opposite have advocated and to take leaps in the dark. (Loud and Prolonged Applause.)

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill, as amended, be passed.”

The motion was adopted.

### THE MECHANICAL LIGHTERS (EXCISE DUTY) BILL.

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

“ That the Bill to provide for the imposition and collection of an excise duty on mechanical lighters be referred to a Select Committee, consisting of the Honourable the Law Member, Mr. B. Sitaramaraju, Mr. D. K. Lahiri Chaudhury, Mr. Uppi Sahab

Bahadur, Mr. Lalchand Navalrai, Rai Bahadur Sukhraj Roy, Mr. N. N. Anjlesaria, Rao Bahadur S. R. Pandit, Bhai Parma Nand, Sirdar Harbans Singh Brar, Khan Bahadur Haji Wajihuddin, Mr. E. Studd, Mr. A. H. Ghuznavi, Mr. A. J. Raiman, Mr. S. G. Grantham and the Mover, with instructions to report on or before the 25th July, 1934, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, the Bill to which this motion relates is a comparatively simple measure, the nature and purpose of which are clearly shown in the Statement of Objects and Reasons. When my predecessor introduced this Bill into the House on April 20, he hoped that it would be possible to take it into consideration at once; but objection was taken, and he, therefore, agreed to a motion for circulation for the purpose of eliciting opinions by the 30th June. The House is now in possession of the opinions which have been elicited, and this motion is in accordance with the procedure laid down by the Standing Orders for the subsequent stages of a Bill which has been circulated.

The object of the Bill, Sir, is twofold. It is to protect the revenue from the excise on matches, and it is also to protect the indigenous match manufacturing industry from the abnormal development of the use of mechanical lighters which would otherwise result from the imposition of an excise duty on matches. It is a matter of practically universal experience in other countries that the imposition of an excise duty on matches does give an abnormal stimulus to the import and production of mechanical lighters, with the result that other countries have found it absolutely indispensable to take measures of this kind in order to protect their revenue. Honourable Members will no doubt have discerned from a perusal of the opinions which have been received a certain tendency to believe that this measure, *i.e.*, this imposition of an excise duty on mechanical lighters, is unnecessary and that the fears for the match revenue on which it is based are, to say the least of it, exaggerated. Against this we have, apart from the experience of the other countries to which I have alluded, the testimony of the Excise Commissioner of Burma. This is given on pages 2-3 of the printed collection of opinions. The significance of this is that for some time there has been in existence in Burma an excise duty on matches, and therefore in Burma we can see a concrete example of what happens as a result of the imposition of an excise duty, and,—I may say,—an excise duty much lower than the one which has just been imposed on matches in India as a whole. The figures of imports of mechanical lighters into Burma are conclusive evidence that the apprehensions on which the Bill is founded are not at all unjustified. In the six months pending the introduction of this measure into the Assembly the number of lighters imported into Burma was over 150,000, and a very simple calculation will show that that is at the rate of 300,000 a year. The majority of persons who have been consulted on this Bill are either in favour of it or have made no comments at all. A few of them, however, think that a duty of Rs. 2 per lighter is excessive; but I would like to point out that the proper criterion in looking at a measure of this kind is not the *ad valorem* incidence of the duty, but the number of matches the consumption of which will be supplanted by the use of an individual lighter. The duty of Rs. 2 is equivalent to the excise duty on one gross box of matches each containing 80 sticks. I do not think it can be contended that this is an unfair measure of the efficiency of the ordinary mechanical lighter, and from this point of view the duty proposed is

[Sir James Grigg.]

certainly not excessive, particularly if we have regard to the vital importance of safeguarding revenue and the Indian match industry as well.

A few critics have observed that the scope of the definition of mechanical lighters is too wide and that it would include toys which amuse children by emitting a spark. On this, I may say at once that I shall be quite prepared to modify the definition so as to avoid this undesirable and unintended effect. That certainly is a point which can be much more conveniently dealt with in Committee. Detailed drafting is more suitably done there than on the floor of the House. I do not think I need add anything more. I am of course not the father of this Bill, merely the step-father. Step-mothers are generally supposed to be extremely hard on their step-children.....

**An Honourable Member :** What is the position of the step-father ?

**The Honourable Sir James Grigg :** But the same is not necessarily true of step-fathers. At any rate, I adopt this child with a due amount of cordiality. Certainly, the House having passed the legislation for an excise duty on matches, I think it is only fair to ask the House, in order to safeguard the collection of the duty on matches and to safeguard the indigenous match manufacturing industry from the abnormal effects which are incidental to such legislation, that it should complete its work and pass this measure.

Sir, I move.

**Mr. President (The Honourable Sir Shanmukham Chetty) :** Motion moved :

“ That the Bill to provide for the imposition and collection of an excise duty on mechanical lighters be referred to a Select Committee, consisting of the Honourable the Law Member, Mr. B. Sitaramaraju, Mr. D. K. Lahiri Chaudhury, Mr. Uppi Saheb Bahadur, Mr. Lalchand Navalrai, Rai Bahadur Sukhraj Roy, Mr. N. N. Anklesaria, Rao Bahadur S. R. Pandit, Bhai Parma Nand, Sirdar Harbans Singh Brar, Khan Bahadur Haji Wajihuddin, Mr. E. Studd, Mr. A. H. Ghuznavi, Mr. A. J. Raisman, Mr. S. G. Grantham and the Mover, with instructions to report on or before the 25th July, 1934, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

**Mr. B. Das (Orissa Division : Non-Muhammadan) :** Sir, I rise to oppose the reference of this Bill to Select Committee. It is in fulfilment of an announcement I made on the floor of this House when it was introduced, and now that this new baby, which I find is an unwanted baby, comes to be considered on the floor of the House, I will oppose it tooth and nail. One is surprised to see that different Finance Members leave unwanted children to be adopted by their successors. The frenzied financial policy of Sir Malcolm Hailey gave lots of trouble to Sir Basil Blackett, and the latter's ratio baby gave so much trouble to Sir George Schuster that he had to raid the Indian homes and was instrumental in the outflow and export of gold to the extent of 200 crores, fifty per cent. of which is distress gold. Even with that Sir George Schuster was not satisfied. He could not balance his Budget and so he stole a march upon the future Federal Assembly and the future federal financial resources,—the matches and sugar excise duties that were reserved to the future federal finance and for autonomous provinces to work out their provincial autonomy in their full measure.—Sir George Schuster stole a march and drew on the future credit of the Governments, federal and provincial.

He was not satisfied with the Match Bill alone. This Bill is not a gigantic baby,—it is a tiny little thing,—it is an unborn babe, but Government have already found a step-father for it. One cannot understand why the Finance Member should have conceived of this Bill or whether the Members of the Select Committee were parties to it, whether they understood that 20 years hence somebody might set up a mechanical lighter manufacturing plant and that Sir George Schuster was not only safeguarding the interests of his successor, the present Finance Member, but of the future batches of Finance Members and Finance Ministers that will succeed him. I will just quote a line from my own speech while I was speaking on the former Bill. (Laughter.) There is no need to laugh. I foreshadowed other babies too, but I think, when the present Finance Member will have time, he may, as a necessary corollary to this Mechanical Lighters (Excise Duty) Bill, if it is not thrown out, introduce other Bills, because his predecessor has foreshadowed that he may introduce a Flint Bill and a Coir Bill, because flint and steel and tinder are used to produce mechanical light in the interior of India, and so when the Finance Member is hard up and wants a little more money, and finds that people are not buying more matches than is absolutely necessary, he will put a tax on flints, and introduce a Flint Bill or a Coir Bill and he and the Central Board of Revenue or the Customs Department will send batches of people to go round the villages and when they see in the grocer's shop or the *biriwala's* shop a rope or straw coir hanging, which is always burning for people to smoke from, the myrmidons of the Finance Member will snatch that piece of rope or straw bundle and say "Why should people do like this? They must buy matches: the revenue under the head matches is going down".

**An Honourable Member:** The Bill refers to mechanical lighters, mechanical in the sense that it produces a spark.

**Mr. B. Das:** That rope burns and there is the spark and light. I will discuss about flint later. I said at the time:

"I am surprised that my Honourable friends in the Select Committee did not bring out another baby called the Flint Bill."

Whereupon Sir George Schuster said:

"There is plenty of time; we might get it ready before the Session is out if my Honourable friend wants it."

I do not myself want it; but, as a necessary corollary, I would advise the Honourable the Finance Member to have a Flint Bill and also a Coir Bill.

4 P. M.

Now, Sir, I call it a panicky legislation. What is the necessity for this Bill? Do you think that people will buy these four-anna mechanical lighters all over the country? Of course, the Finance Member quoted from the statistics supplied by the Burma Government; the other Provincial Governments completely ignored the Bill. They thought it was a huge joke played by the Government of India. When we visit provincial metropolitan towns we see that they always laugh at Simla and Delhi; they say that the Government of India have little work to do and sometimes they perpetrate jokes, and this Mechanical Lighters Bill is one of the huge jokes that comes out from Simla and Delhi. Sir, I had little respect for Punjab, but I find that even the Punjab Government have taken a very sensible view in this matter; so also the United Provinces

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Government. This is what the Finance Commissioner to the Punjab Government, Mr. J. F. Fergusson, says :

“The danger, in my opinion, of such an industry being established in the near future, appears to be very slight. As remarked by Mr. Bhupnt Sing, there is not, as yet, any established industry in the manufacture of mechanical lighters in India ; it cannot be established in a day as the necessary machinery will have to be obtained from abroad in the first instance. With such a high duty of Rs. 2 per lighter, there is no chance of this industry being ever established in India.”

I do not know if any secret order has gone from the Government of India to the Punjab Government over this impertinence on the part of a subordinate official of a Provincial Government passing such remarks on a Bill drafted by the all-highest Finance Member of the Government of India. Sir, the Finance Member said that this is a very simple Bill ; yet they have devoted three pages. There are 16 clauses to this simple Bill as it is called, and I do not know how many hours the Draftsmen spent in drafting this Bill, with which none of them were satisfied at heart, but for which, thank God, a step-father has been found. Sir, the United Provinces Government said this :

“The excise duty levied on mechanical lighters should not be so high as to prevent altogether the development of this new industry.”

The United Provinces Merchants Chamber of Commerce, the Upper India Chamber of Commerce and the Indian Chamber of Commerce, Lahore, all oppose this excise duty on mechanical lighters. I can understand how Sir George Schuster, and his advisers and the Draftsmen of the Government of India as well as the Law Member, who was advising him at the time, jumped to the conclusion that if they must have an excise duty on match they have to apply the similarity of conditions to mechanical lighters. Sir, one of the officers has remarked that the mechanical lighters, that could be bought for four annas, just light for a few minutes and then they get out of order because people light them too often with the result that they soon get out of order. Knowing that, I do not understand why, not only this revenue duty of Rs. 2-4-0, but also an excise duty is proposed to be imposed. I could buy in England one of these mechanical lighters for a shilling.....

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : For six pence.

**Mr. B. Das** : Somebody told me that there is an excise duty of a shilling, am I correct ?

**The Honourable Sir James Grigg** : There is certainly an excise duty on mechanical lighters in England ; I am not sure how much it is, but I think it is six pence.

**Mr. B. Das** : It might be a shilling ; but still these lighters are sold for six pence at certain places in England, and for the Government to conceive the idea of putting an excise duty of Rs. 2-4-0 on each lighter, if it can be manufactured in India, is, to say the least, simply absurd and ludicrous.....

**Dr. Ziauddin Ahmad** : Particularly when these are not manufactured in India.

**Mr. B. Das** : Yes, when they are not manufactured in this country. Of course, if the Government's policy is anti-industrial, if they desire

that nobody should manufacture these lighters in this country, then I can understand the object of introducing this measure.

Now, Sir, regarding flint, it is no use saying that flint, steel and tinder, are not mechanical lighters. The Commissioner, Nagpur Division, has made some very pertinent remarks on this which I hope the Finance Member has read and cogitated upon. I should like to quote a little *in extenso*, because it forms very good reading, and since there is more sense today among the provincial satraps and provincial officers than in the Government of India. This is what he says :

“ I would suggest, however, that, in order to obviate any possible misinterpretation of the definition of ‘ mechanical lighter ’, it should be specifically provided that the Bill does not apply to the ordinary flint and steel carried by members of the aboriginal tribes. In this province practically all adult male Gonds and Korkus carry a flint, steel and tinder with which to make fire. The actual mechanism in a lighter is, as a rule, of the simplest possible kind and is designed to bring a flint in contact with a steel so as to produce a spark which shall ignite a wick soaked in petrol or kerosene. It seems to me somewhat doubtful whether the production of a spark to ignite tinder by bringing a flint in contact with steel by hand differs essentially from performing the same operation by rotating a wheel with the finger as in many mechanical lighters. It will not be desirable, in my opinion, to subject the ordinary apparatus for producing fire which is used by the poorest class of the population and which, in the broadest sense of the term, must be described as a mechanical device, to any duty.”

Sir, it is a very sensible view that has been expressed. It is not that the Finance Member is contemplating the eventuality of making these lighters in this country, but as we are going down and down in the downhill grade of our financial bankruptcy, a time will come, at least five years hence, when the Honourable Sir James Grigg will be contemplating to bid good-bye to India, when he will be thinking to leave some little surplus money to his successor, then he might think of manufacturing this new baby called the flint baby. That is an eventuality to be considered only when a man is in despair, because a drowning man catches any straw, and when the Government of India are bankrupt of any financial brains, when they are bankrupt of any scientific financial or fiscal policy,—by linking the rupee to the sterling, by having the 18*l.* ratio, they have not only made the Government of India bankrupt, but they have made the people of India poor, so poor that today the people of India cannot pay their taxes, nor can the Finance Member, including his ally the Commerce Member, find new sources of tariff and taxation by which they can fill the coffers so that the Government Budget can be balanced. That is the whole trouble and that is why these unwanted children, these unwanted Bills are manufactured. The Honourable the Finance Member himself has noted the difficulty about the definition of mechanical lighters. It is best to drop the Bill. Why go and worry our heads over an explanation and ask the Law Member to devise a proper wording without leaving a loophole, as to what a mechanical lighter is ? As the Commissioner of Nagpur has pointed out, it is best to drop the Bill. It is very difficult for ordinary human mind to define a mechanical lighter, and knowing as I do the ingenuity of my legal friends, both inside this House and outside, if they are in a mood for mischief they can turn the definition to any interpretation they like, and if the Government also are in a mischievous, litigious mood, they could prosecute anybody who produced a fire or light. Even if I fail in my opposition to the Bill and this House does not throw out the Bill, I do hope that the Select Committee will not be as foolish as the other Select Committee was. They should

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not think of legislating for an excise duty on mechanical lighters which may be produced 20 years hence. So I would suggest that clauses 5 and 6 should be dropped. Clause 6 deals with the bringing in of mechanical lighters into British India from the territory of any specified Prince or Chief in India. I do not know if the Princes or Chiefs could produce mechanical lighters, but most of us pass through these Indian States. Everywhere the customs department or the excise department which will go on increasing in numbers—as soon as we come to the railway station, our pockets will be searched if there are any mechanical lighters, and knowing as we do that in Kathiawar Ports, the French Ports and Portuguese Ports, the Japanese mechanical lighters will be sold at four annas a piece, the Government of India cannot prevent the Ports of Kathiawar, Jamnagar, Bhavnagar and other places from selling mechanical lighters at four annas a piece, and if accidentally we pass through such territories and come into Viramgam line or elsewhere in British India, at once the policeman or excise man will come and search our pockets and then we have to be troubled to produce a certificate that the particular mechanical lighter was purchased in London and not at Porbander or Jamnagar. So the whole idea of an excise duty on manufactured mechanical lighter should be dropped, and, if Government are so anxious to make a little money out of the mechanical lighters that are dumped by Japan, they can have it. Supposing my Honourable friends in the Select Committee with their inner knowledge of the facts that would be placed before them,—but from the opinions that have been collected I do not think the Government of India have more facts because the Finance Member has not put forward any new argument on the floor of the House,—supposing they think that they should have to legislate for an excise, I would suggest that they should legislate for the control and licensing of manufacture of mechanical lighters, but no excise duty should be levied. Such a duty can be collected but it must be returned to the manufacturers if Government want to have certain control as they have even now a method of collecting taxes at ports and then refunding them to those who import these articles. Sir, with these few observations, I oppose the reference to the Select Committee.

**Mr. A. H. Ghuznavi** (Dacca cum Mymensingh : Muhammadan Rural) : I support this motion for reference to a Select Committee. My Honourable friend, Mr. B. Das, has perhaps forgotten under what circumstances this Bill was introduced in the last Session of the Assembly. When we were discussing the excise duty Bill on matches, it was pointed out to us by the manufacturers in India that unless a duty on the lighters also was put on, it would hit them very hard. It was not included in the first Bill that had already been passed. Therefore, it was, firstly, for the benefit of those manufacturers in India, and, secondly, for protecting the revenue that would be derived by the sale of the matches that this Bill was introduced in the last Session.

**Mr. B. Das** : But the capital is foreign, either Swedish or Japanese.

**Mr. A. H. Ghuznavi** : As I said in the last Session, when my Honourable friend, Mr. Joshi, was giving us a lot of trouble, the best way of silencing Mr. Das would have been for the new Finance Member to have included Mr. Das in the Select Committee.

**Mr. B. Das** : I am opposing the Bill, and I do not want to serve on the Select Committee.

**Mr. A. H. Ghuznavi** : Sir, it is stated in the Statement of Objects and Reasons :

“ There is a serious danger that, with the imposition of a considerable duty on matches, there will be an abnormal development of the use of mechanical lighters. This would mean a loss of duty and interference with the business of the Indian match manufacturing industry.”

It was solely in the interests of the match manufacturing industry in India that this Bill was introduced. As regards the various other objections which my Honourable friend.....

**Mr. D. K. Lahiri Chaudhury**, (Bengal : Landholders) : I do not want to interrupt the Honourable Member, but will he give us any information as to whether the manufacturers themselves have asked for this measure ?

**Mr. A. H. Ghuznavi** : I will say to this House that those manufacturers, who were present before us in the Select Committee, asked us, the Members of the Select Committee, to introduce a Bill of this kind to protect them from this.

**Mr. D. K. Lahiri Chaudhury** : May I know from the Honourable Member who are the manufacturers of matches who came before the Committee ?

**Mr. A. H. Ghuznavi** : Manufacturers came from Bengal, Bombay, and other places. They came on our invitation to tell us how the industry would be affected by that Bill. We had to go into the whole question with them and then we fixed the duty which has now been passed into an Act.

**Mr. B. Das** : Was it not trade jealousy and trade rivalry of match manufacturers ?

**Mr. D. K. Lahiri Chaudhury** : It may not be, but how could the manufacturers of matches know at that time that there were manufacturers in India of mechanical lighters when there was not a single factory doing it ?

**Mr. A. H. Ghuznavi** : They did not say about the manufacture of lighters in India. Their apprehension was that the importation of foreign lighters.....

**Mr. D. K. Lahiri Chaudhury** : That is true, but this is an excise duty.

**Some Honourable Members** : Both.

**Mr. A. H. Ghuznavi** : This is for lighters, both imported and manufactured here. It is not merely an excise on lighters made here. It is also for the lighters that are imported into this country. As regards the other objections that my Honourable friend, Mr. Das, has raised, he may wait till the Members of the Select Committee make their report. Perhaps we will meet all the objections that he has raised on this question. With these words, Sir, I support this motion for Select Committee.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadian) : Sir, I regret I cannot subscribe fully to the ideas to



[Mr. Gays Prasad Singh.]

which expression has been given by my friend, Mr. Das, on this side of the House. This Bill seeks to achieve two objects. One is to impose an import duty on mechanical lighters which are imported into this country from foreign countries, and another is to levy an excise duty of the same amount, namely, Rs. 2 per mechanical lighter, which may be manufactured in this country. Now, with regard to the first object, namely, the imposition of an import duty on foreign mechanical lighters, I am quite at one with the object of this Bill. My Honourable friend, Mr. D. K. Lahiri Chaudhury, is evidently under some misapprehension when he says that there is no such provision in the Bill.

**Mr. D. K. Lahiri Chaudhury :** There may be a provision, but it is not in the Preamble.

**Mr. Gays Prasad Singh :** When he reads the last clause, he will find it is stated :

“ Provided that, mechanical lighters as defined in the Mechanical Lighters (Excise Duty) Act, 1934, shall be liable in addition to a duty equal to the amount of the excise duty imposed by that Act on mechanical lighters manufactured in British India.”

Now, Sir, on principle I am opposed to the importation of foreign goods into this country, so far as practicable, and to that extent I am heartily in sympathy with the proposed import duty on mechanical lighters. When we passed the Match Excise Duty Bill, the manufacturers of matches in India were naturally apprehensive that if steps are not taken to discourage the importation of mechanical lighters in this country their industry would suffer, and they were quite justified if I am to take the word of my Honourable friend, Mr. Ghuznavi, who was a Member of the Select Committee. They were naturally apprehensive that unless steps are taken to supplement the provisions of that Act by means of a fresh legislation discouraging the importation of mechanical lighters from foreign countries, their trade would naturally suffer. I am in hearty agreement with that part of the Bill which seeks to impose an import duty on foreign mechanical lighters ; but I find some difficulty in accepting the other part of this Bill in which it seeks to impose an excise duty on mechanical lighters which may be manufactured in this country. As a matter of fact, it is stated in the Statement of Objects and Reasons :

“ There is not, as yet, any established industry in the manufacture of mechanical lighters in India.”

To that extent the imposition of an excise duty seems at best to be premature. It will adversely affect those persons in this country who may think of starting an indigenous industry in this particular line. My friend, Mr. Das, has already quoted certain opinions which are opposed to the imposition of an excise duty on mechanical lighters and I need not trouble the House by reading out those extracts. I may merely refer in passing to the opinion of the Commissioner of the Assam Valley Division who says :

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

This also is the opinion of the General Manager of the Assam Railways and Trading Company, Ltd. The opinion of the Government of United Provinces has, I think, been referred to by my friend who

spoke, as well as the opinion of the Upper India Chamber of Commerce, Cawnpore.

Now, with regard to that part of the proposal, I have got one submission to make. In the first place, I am not very sure whether it is advisable to impose an excise duty on mechanical lighters which may be manufactured at some future date in this country. In the second place, I am opposed, even if it be assumed that an excise duty on mechanical lighters is advisable to safeguard either the revenue of India or from any other considerations, to a duty of Rs. 2 per lighter. I quite agree to the duty of Rs. 2 on mechanical lighters which may be imported into this country from other countries, but if an excise duty is to be imposed at all, I should think that the duty should be considerably less. Some opinions favour the imposition of eight annas or at most one rupee per mechanical lighter as excise duty. I am therefore of opinion that if an excise duty is to be levied at all it should be of a small amount, so that it may not seriously interfere with the establishment of an indigenous industry in the future. I have no doubt these points will be carefully considered by the Members of the Select Committee, and I hope that when the Bill emerges out of the Select Committee it will be a more acceptable measure than the one before the House.

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : After the speech of Mr. B. Das answered fully by Mr. Ghuznavi and partly by his own friend and neighbour from Bihar, I think I should not at this late hour of the day take up the time of the House, but I am compelled to intervene on account of an unique observation by the previous speaker who said ' on principle we object to the importation of foreign articles into this country '. It is an amazing principle, and if I were to support this Bill, I rise to make assurance doubly sure that Members seated on this side of the House do not subscribe to that principle.

**Mr. Gaya Prasad Singh** : Buy Indian goods.

**Mr. D. K. Lahiri Chaudhury** : Are you speaking on your own behalf ?

**Mr. C. S. Ranga Iyer** : I am speaking on behalf of every sensible man in this House.

**Mr. D. K. Lahiri Chaudhury** : I think you are taking the hat to your own head.

**Mr. C. S. Ranga Iyer** : I always put my hat upon my head.

**Mr. D. K. Lahiri Chaudhury** : That is right.

**Mr. C. S. Ranga Iyer** : In this House I do not talk through the hat as the Honourable gentleman does, nor do I leave my head outside and bring only the hat inside. (Laughter.) Leaving the latter portion of the argument, any man who does not talk through his hat will say that if we do not buy foreign goods, foreigners will not buy our goods. (Laughter by Mr. Gaya Prasad Singh.) That is an economic principle which the loud laugh that speaks the vacant mind does not seem to appreciate. Here is a very useful institution, a mechanical lighter. Mr. Gaya Prasad Singh does not smoke.

**Mr. D. K. Lahiri Chaudhury** : Sir, on a point of order. You have ruled on a previous occasion that no demonstration of any article will be allowed on the floor of the House.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Chair did not see that lighter.

**Mr. C. S. Ranga Iyer** : Here is the mechanical lighter (showing it) which seems to have caused some disorder on the Opposition Benches. (Laughter.) It is good to derive some customs revenue by paying a duty on a thing like this, and even my friend, Mr. Studd, who possesses this valuable thing will not object to it. But if you were to prohibit the importation of foreign articles, I suppose even the cause of the earthquake in the Province of Bihar will not find much money because one part of our revenue will be cut off. So much for the spokesman of the Democratic Party.

Sir, I think we have had more light than lightning on these mechanical lighters today and I hope that, without much ado, this House will place this Bill on the Statute-book. It is a very old Bill, as this House is aware. Sir George Schuster did not have the time to pass it through this House and therefore his successor has taken it up and I think the Select Committee can pass it without very much discussion. I do not see why we should waste the time of this House by talking such interesting things as the Honourable Member from Bihar was able to talk just now. Sir, all I need say is this, that in simple matters like this, I hope the House will not follow the example of the previous speaker and waste the time of this House.

**Mr. Muhammad Muazzam Sahib Bahadur** (North Madras : Muhammadan) : Sir, I give my wholehearted support to this measure. Once the Bill, which has now become law, imposing an excise duty on matches has been passed, and when it is remembered that the amount recovered in the shape of a revenue duty on matches has been found necessary to meet the deficit in the Budget, and when we remember that that excise duty cannot be fully realized if there is a loophole such as the one which this Bill is meant to counteract, then I think the measure before us is more or less a consequential measure upon the one which we have already passed.

Sir, this Bill aims at levying a customs duty on imported mechanical lighters, and at the same time it is meant to levy an excise duty on indigenous manufactured mechanical lighters. So far as imported mechanical lighters are concerned, I do not think there is any one in the House who has got to say anything against it, at least so far as the customs duty is concerned. The whole trouble seems to arise with regard to the mechanical lighters manufactured in this country. With regard to that, Sir, I feel it is absolutely essential that such a duty must be levied because it is admitted that these manufactories are not in existence at the present moment and they want to spring into existence because of the increased duty on matches. Otherwise they would not come into existence. Now they want to take advantage of the fact that the excise duty is being levied on matches to an abnormal extent, and advantage is sought to be taken of that fact. If that duty had not been levied, the proposed factories probably would not have come into existence. I say this, arguing in the way in which my Honourable friend, Mr. Gaya Prasad Singh, has done, we have necessarily to come

to the conclusion that, if an impetus is given to the starting of indigeneous manufactories, the result, after the lapse of a certain number of years when this excise duty on matches is done away with, will be that all these manufactories will come down with a crash. They may make some profit for the time being, to the detriment of the revenue which the country would otherwise derive, but the moment the excise duty on matches is taken away, the result, will be that all these manufactories which may be set up will have to close down their business, so that both from the point of view of the customs duty which is to be levied on mechanical lighters as well as from the point of view of the excise duty that is sought to be levied on the Indian manufactured article, I think the Bill is rightly framed and I heartily support this motion.

**Mr. B. V. Jadhav** (Bombay Central Division : Non-Muhammadan Rural) : Sir, this Bill, I think, is intended to prohibit the importation as well as the manufacture of lighters. It is not a revenue Bill. I do not think the Finance Department can expect any substantial revenue in consequence of the passing of this Bill. There is not a single factory at present in India which is manufacturing mechanical lighters and, with this heavy excise duty, I do not think there is any capitalist who will invest any money in the starting of a new factory. So this Bill does not expect any revenue from the excise side of it. Now we shall see what revenue is expected from the articles imported into India. In addition to the present duty on lighters, clause 16 of the Bill levies an additional two rupees per lighter. The price of each lighter will therefore, I think, be nearly Rs. 2-8-0.

The Honourable the Finance Member has told us that the amount of Rs. 2 was calculated as the price of a gross of matchboxes each containing eighty splints. If one were to calculate how many matches a man uses in a year, it would fall considerably short of a gross of matches, and a mechanical lighter, I think, is not a very permanent thing—it goes to pieces or goes out of order in a very few months; and therefore it will not at all be advantageous for any gentleman to purchase a mechanical lighter, with this heavy duty put upon it. So I think that as the sale of mechanical lighters will be stopped on account of the heavy duty put upon it, the customs revenue from the imports of mechanical lighters will almost be nil. So this Bill is not intended to bring revenue into the coffers of the Government of India but is plainly intended to prohibit the use of mechanical lighters altogether, and the Finance Member has told us that this Bill is intended to encourage the indigeneous match industry. I do not know why the Finance Member should be so very harsh upon the future manufacturers of mechanical lighters and in favour of the manufacturers of matches. Manufactures of all sorts ought to be encouraged in a country, and to discourage imports. But the present policy appears to be to completely prohibit the one and to foster the other. I submit, therefore, to the House that the excise and import duty of Rs. 2 per mechanical lighter is an excessively heavy one and ought to be reduced when this Bill is considered by the Select Committee. This excessive amount is not at all warranted by the exigencies of the case unless the Government is determined to prohibit the import as well as the manufacture of mechanical lighters. Now, Sir, clause 6 refers to the importation of mechanical lighters into British India from a territory of any specified Prince or Chief in India. If a factory is started in an Indian State, the mechanical lighters manufactured there

[Mr. B. V. Jadhav.]

will not be allowed to be brought into India even after paying the excise or import duty, while the manufactures of foreign countries are allowed under clause 16. I think this is discrimination which ought not to be tolerated. The manufacturers in an Indian State ought not to be treated worse than the manufacturers in any foreign country.

Sir, I have got to say something about the definition of a mechanical lighter. Under the present definition, a mechanical lighter means any mechanical or chemical contrivance which is portable and is intended for producing a spark or flame whether by itself or when brought into contact with gas and includes a mechanical lighter issued from a manufactory in an incomplete state or requiring for its completion the addition of a flint. It has been stated here by my Honourable friend, Mr. B. Das, that from time immemorial the people of this country have been using a piece of flint with a piece of steel and some pieces of tinder to get fire. This contrivance is in use all over the country and from very ancient times and for the poor and indigent people it is the only way of producing fire. Under the present definition, I am afraid that that contrivance may be called a mechanical lighter because any mechanical contrivance which is portable is so called. It is called *chakmak* in my part of the country and I think the name appears with certain changes all over the country. So, *chakmak* is a mechanical contrivance which is portable and intended to produce the spark. What I am afraid of is that the *chakmak* may be brought under the definition as at present drafted, and zealous excise officers may harass poor people. It is therefore necessary that care should be taken to state clearly that a *chakmak* does not fall into the category of mechanical lighters. Sir, I have shown what I consider to be the object of this Bill. I do not know what feelings the step-father has towards the Bill. He has brought it forward and placed it before the House. It has been received with mixed feelings. Some are very fond of this child, others are condemning it as ugly. As it is sponsored by Government and is helped by Members who love more foreigners than their own countrymen, I think it has got every chance to pass. But for myself, I must raise a voice of protest that this Bill is intended solely in the interests not of Government revenue but in the interests of the match manufacturers. Government is deriving a good deal of revenue from the manufacture of matches and therefore in gratitude to those who provide a large amount as excise duty on matches, this Bill is intended in their benefit. I do not see any reason why I should oppose the reference to the Select Committee. But if the Bill is not satisfactorily modified, I shall have to oppose it at a later stage.

**The Honourable Sir Nripendra Sircar (Law Member)** : Sir, I would not have risen at this late hour, but I desire to satisfy a curiosity of my Honourable friend opposite, Mr. B. Das. He asked,—I have taken down his words,—how could the Honourable the Finance Member, helped by the Law Member, jump into the framing of this Bill? I can assure my Honourable friend that so far as the Government Members are concerned, jumping is not their method of locomotion. (Laughter.)

**Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural)** : The Oriyas are expert in that.

**The Honourable Sir Nripendra Sircar :** Once the excise duty was imposed, the framing of this Bill was reached by very easy and very short steps and the reasoning has been clearly explained by the Honourable the Finance Member. Then, my Honourable friend, Mr. B. Das, described the bankruptcy of India and his heart was melting when he did so. I hope that will induce him to protest against the creation of bankrupt Provinces like Orissa. (Applause.) Then, I heard also from one of the Honourable Members who, while opposing the calculation of the Honourable the Finance Member, said that matches are lost. That is so. I have very often lost matches, but what I have lost has been the corresponding gain of someone else. So, let us not complicate calculation by any consideration of lost and gained matches. The calculation of the Honourable the Finance Member may safely be accepted.

With regard to clause 6, I might just remind the House that the provision contained therein is exactly the same as in the case of the excise duty. No new method has been followed so far as this Bill is concerned.

The only other matter with which I will just speak for a moment is the fear of my Honourable friend, Mr. Jadhav, that the *chakmak* might be hit by this definition. If there is any danger of the *chakmak* being hit, of course that can be corrected by drafting in the Select Committee, but I do not see how the *chakmak* can be hit. It is not a mechanical or chemical contrivance. Striking a piece of iron or steel is not a mechanical contrivance, as much as striking a person down with a *lathi* is not a mechanical contrivance. Then, again, he laid stress on these words "in an incomplete state or requiring for its completion the addition of a flint". But, there, I am sure, the Honourable Member will notice that that is controlled by the words which precede and includes a mechanical lighter issued from a manufactory in an incomplete state. That cannot possibly hit the *chakmak* with which the aborigines are supposed to be moving about.

**The Honourable Sir James Grigg :** After the speech of my Honourable colleague, I think there is very little left for me to say. He has dealt with the question of the too all inclusive character of the definition and he has dealt with the question of clause 6 which relates to the power to prohibit importation from the States. Perhaps I can give the assurance to the House generally that there is in my adoption of this Bill no ulterior motive and it has no relevance whatever to the rival views which are held about the question of whether India can live in a self-contained way or whether it cannot. It has nothing whatever to do with that. The sole purpose is that, this House having passed the excise duty on matches, in the absence of some such measure as this, the excise duty will be extremely ineffective and the finances of India will be correspondingly damaged. That is the primary purpose of the Bill. The secondary purpose is that you have got in India a considerable industry, the match industry. Not only in the absence of this measure will the revenue be damaged seriously but an already existing and prosperous industry will be damaged severely for the sake of an industry which does not yet exist and even if it could ever exist could only exist as a very small and puny infant. Sir, I have nothing more to say.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill to provide for the imposition and collection of an excise duty on mechanical lighters be referred to a Select Committee consisting of the Honourable

[Mr. President.]

the Law Member, Mr. B. Sitaramaraju, Mr. D. K. Lahiri Chaudhury, Mr. Uppi Sahob Bahadur, Mr. Lalchand Navalrai, Rai Bahadur Sukhraj Roy, Mr. N. N. Anklesaria, Rao Bahadur S. R. Pandit, Bhai Parma Nand, Sirdar Harbans Singh Brar, Khan Bahadur Haji Wajihuddin, Mr. E. Studd, Mr. A. H. Ghuznavi, Mr. A. J. Raisaman, Mr. S. G. Grantham and the Mover, with instructions to report on or before the 25th July, 1934, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five.''

The motion was adopted.

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#### STATEMENT OF BUSINESS.

The Honourable Sir Joseph Bore (Leader of the House) : Sir, next week, apart from motions for leave to introduce any new Bills which may be ready, we propose to proceed in the first place with the unfinished business on today's list in order in which it stands in that list. Thereafter, the House would be asked to consider and pass the Indian Dock Labourers Bill on which the report of the Select Committee was presented on Monday last and the Indian Trusts (Amendment) Bill which was passed by the Council of State and laid on the table during the course of the last Session.

The Assembly then adjourned till Eleven of the Clock on Monday, the 23rd July, 1934.