

LEGISLATIVE ASSEMBLY DEBATES

TUESDAY, 7th AUGUST, 1934

Vol. VII—No. 2

OFFICIAL REPORT



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LEGISLATIVE ASSEMBLY.

Tuesday, 7th August, 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.

PROPOSAL FOR THE REMOVAL OF THE PUSA AGRICULTURAL INSTITUTE.

410. *Mr. Gaya Prasad Singh : (a) Has the attention of Government been drawn to the following remarks published in the editorial columns of the *Times of India*, dated the 20th July, 1934, regarding the proposed transfer of the Pusa Agricultural Institute :

“ The proper way to judge the plan is solely in relation to the great financial stringency of the moment, and the inability of Government to finance many a measure of social importance, let alone reduce the crushing burden of taxation—their first duty. It would be interesting to have more details as to how the Rs. 36 lakhs estimate of the cost of the transfer has been compiled, and whether it has been proved that the capital outlay will be recouped in a reasonable time by savings effected through removal from Pusa. There would be a case for the transfer if that were demonstrated beyond a doubt, but unless and until it can be, the Assembly should turn down the plan ” ?

(b) What amount of saving is expected to be effected every year through the removal of the Institute from Pusa, and how, and what time is it likely to take for the capital outlay to be recouped ?

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

(b) As explained in the Memorandum submitted to the Standing Finance Committee, no saving in recurring cost is expected.

COMPILATION OF A BOOK CONTAINING LIFE NOTES OF THE POLITICAL LEADERS AND SUSPECTS IN INDIA.

411. *Mr. Gaya Prasad Singh : (a) Is it a fact that Government have ordered the compilation of what may be described as “ Who is Who ”, containing life notes of the political leaders, and “ suspects ” in India, and that the Provincial Criminal Investigation Departments have been directed to compile such accounts of persons residing in their jurisdiction ? If so, will Government be pleased to state the cost of such a compilation, and the time when it is likely to be in print ?

(b) Can a copy of the correspondence or the instructions issued in connection with it be laid on the table ?

The Honourable Sir Henry Craik : (a) No.

(b) Does not arise.

(1097)

SECURITY MEASURES FOR LADIES TRAVELLING OVER-NIGHT ON THE BENGAL AND NORTH WESTERN RAILWAY.

412. *Mr. Gaya Prasad Singh : Is it a fact that the authorities of the Bengal and North Western Railway have issued an instruction to their Guards, reminding them of their responsibilities towards ladies travelling at night, to examine all doors and window fasteners of upper class carriages, in order to obtain security for such ladies travelling over-night? If so, will Government be pleased to lay a copy of such instructions on the table, and state whether they propose to have similar instructions issued on other Railways for the security of ladies travelling during night?

Mr. P. R. Rau : The reply to the first part of the question is in the affirmative. A copy of the instructions issued by the Bengal and North Western Railway is laid on the table. As a result of a recent incident on the North Western Railway, the subject of adequate protection of lady passengers, travelling alone by night, was taken up by the Railway Board; and at their instance, the Agent of the North Western Railway has issued the following instructions :

(a) Conductor guards are to run regularly on 7 Up and 8 Down mails between Karachi and Lahore, and on 3 Up and 4 Down mails between Lahore and Delhi.

(b) Divisional Superintendents will arrange, for Conductor Guards, wherever it is considered that special circumstances make such provision desirable.

(c) Instructions have been issued to ensure that all door and window fastenings on carriages are kept in efficient working conditions.

(d) Special steps have been taken to rectify any defects to all door and window fastenings as carriages pass through shops.

(e) Instructions relating to the use of door and window fastenings by passengers is to be exhibited in a conspicuous place in all compartments.

(f) Orders have been issued to the effect that, by those trains which have no Conductor Guard, the primary duty of the Guard in charge is to look to the safety of lady passengers."

2. Other Railways have been informed of the steps taken by the North Western Railway, and the matter has been referred to the Indian Railway Conference Association to consider if they can suggest any further measures in this respect.

Statement.

The Bengal and North Western Railway Company Limited.

(Incorporated in England.)

Traffic Manual.

Addition and alteration Memo. No.....

Page 34, Chapter II.

Add the following as para. 3-XIV.

XIV. Care of Lady Passengers travelling in upper class compartments alone during night.

Attention of Guards and Assistant Guards, is drawn to the instructions at page 2 paras. 8 and 9 of the Appendix to Working Time Table reproduced below :—

(a) 8. Ladies' Compartments :—

- (1) The doors of 1st and 2nd class ladies' compartments must be locked by Guards of trains at night, if so desired by the occupants. Guards should also show passengers how to use the window and door fasteners, and be

prepared to unlock the doors when required. This matter must receive special attention.

- (2) Ladies with 1st or 2nd class tickets travelling alone at night may be permitted to take into the compartment with them one servant holding a third class ticket.

9. Care of passengers :—

- (1) Attention is drawn to General Rules 138, 183, 194 and 195 of Part I, and 4 of Part II and Subsidiary Rules thereto. The staff are directed to carry out the orders laid down therein most carefully, station masters and others in authority instructing the staff under them. The greatest care must be taken to see that these orders are carried out and that the safety and welfare of passengers are considered and attended to.

- (2) All cases of criminal assault on passengers in trains or on station premises, whether committed by fellow passengers or by the Company's staff, should be reported at once by telegram to Government Railway Police, Traffic Inspector, District Traffic Superintendent, Traffic Manager and Agent. The District Traffic Superintendent must at once take up the matter, have it enquired into and report to the Traffic Manager.

- (3) In conducting the enquiry, special attention must be directed to see :

(a) that all rules of the Railway for the protection of passengers have been duly observed.

(b) That every effort has been made to bring the offender to justice, and

(c) that every point brought to light in the enquiry has been duly communicated to the Police.

(b) When taking over charge of night trains, Guards must examine all door and window fasteners of upper class carriages and should any of them be found defective the carriage examining staff should be requested to put them right before starting.

(c) If it is not possible to put them right in the time available, a special report should be made in the Guard's Journal giving number of the carriage and particulars of the defects, and a wire sent to the carriage Examiner at destination giving a copy to the District Loco. Superintendent concerned.

(d) Should any ladies be travelling in upper class carriages at night they should be directed to a compartment in which the fasteners are in good order but should this not be possible owing to lack of accommodation the Guard must exercise particular vigilance at every station at which the train stops.

J. D. WESTWOOD,
Traffic Manager.

TRAFFIC MANAGER'S OFFICE,
Gorakhpur, 25th July, 1934.

Mr. Gaya Prasad Singh : Sir, the Honourable Member has been reading out his answer with the rapidity of a mail train. Do I understand him to say that instructions have been issued to other Railways to take similar precautions ?

Mr. P. R. Rau : Instructions have been issued on the North Western Railway, and copies have been sent to other Railways to take similar action.

IMPORT OF CUT-PIECES FROM JAPAN.

413. *Mr. B. Das : (a) Have Government received a representation from the Ahmedabad Millowners' Association on the excessive import of standard cut-pieces (so-called fents) from Japan ?

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(b) Is it a fact that Japan is sending to India cut-pieces of standard sizes of three yards and six yards to avoid higher tariff thereon ?

(c) What is the total yardage of such standard cut-pieces imported so far from Japan and what is the total loss of revenue thereon ?

(d) What steps are Government taking to stop the import of such cut-pieces under the guise of fents ?

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

(b) Statements to this effect have been made in the representations received by Government on the subject.

(c) and (d). Figures relating to the imports of fents of three yards and six yards are not available. I would, however, state that fents over four yards in length are liable to the same rate of duty as cotton piece-goods and are included in the quota fixed for Japanese cotton-piece-goods under the Indo-Japanese Commercial Convention. Government have already issued instructions to the Collectors of Customs to the effect that the lower rate of duty on fents should be applied only to job lots of varying lengths and sizes, not exceeding four yards, rejected by mills on account of their defective weaving or dyeing or other substantial damage. Such fents would invariably be bundled (as distinct from the packing adopted for piece-goods) and invoiced by weight. There is therefore no reasonable scope for any evasion of customs duties.

Mr. K. C. Neogy : Has the Honourable Member received representations that there are similar cases of evasion of customs duty on the part of Japan in respect of some other items of cotton textiles, particularly hosiery ?

The Honourable Sir Joseph Bhoré : I should like to have notice of that question, Sir. My only recollection is that a representation was made that evasion was taking place by shipment to Indian State ports. That matter is receiving the attention of the Government of India.

Mr. K. C. Neogy : Have no complaints been received with regard to hosiery ?

The Honourable Sir Joseph Bhoré : I shall look into that matter.

Mr. B. Das : Do I understand the Honourable Member to say that instructions have been issued to Collectors of Customs to the effect that when piece-goods come in sizes of three yards but are packed like ordinary piece-goods, they should be assessed a heavier duty ?

The Honourable Sir Joseph Bhoré : The point really, Sir, is this, that the mere fact that a piece of cloth is four yards in length, does not bring it under the definition of fent. Collectors of Customs have been given full instructions to see that despite the fact that a piece of cloth may be four yards in length, if it does not fulfil the description which I have just read out, they should treat it as ordinary piece-goods which will be included in the quota which has been allotted for Japanese piece-goods.

Mr. B. Das : What steps will Government take to safeguard the problem of three yard cut-pieces coming into the market by paying a lesser duty ?

The Honourable Sir Joseph Shore : I made that point perfectly clear.

Mr. President (The Honourable Sir Shanmukham Chetty) : Instructions applicable to four yard lengths will be applicable to three yard pieces also.

**CHANGE IN THE TIMINGS OF THE ARMY HEADQUARTERS SPECIAL TRAIN
RUNNING BETWEEN SUMMER HILL AND SIMLA.**

414. *Sardar G. N. Mujumdar : (a) Will Government please state whether it is a fact that the Army Headquarters special train which used to leave Summer Hill at 9-27 A.M. is now timed to leave that station at 9-5 A.M. from the 24th July, 1934 ?

(b) Will Government kindly state whether the change in the timings was notified to their Secretariat staff ?

(c) Will Government also please state the reason for this sudden change in the timings ?

(d) Are Government aware that the men living in Summer Hill quarters have to leave home before 8-45 A.M. to be in time to catch the train and so have hardly any time to take their meals, bath, etc. ?

(e) Are Government aware that the bulk of the residents in the Summer Hill quarters are the Government of India Secretariat staff and Members of the Assembly and the Council of State, and do Government propose to run the train to its original timings or re-arrange the arrival time of the 8-30 up to 9-30 or 9-45 ? If not, why not ?

Lieut.-Colonel A. F. R. Lumby : (a) The Honourable Member's information is correct, except that the change took effect from July 23rd, 1934.

(b) and (c). The Honourable Member does not perhaps realise that this train has been arranged for some years past by the Army Department, to bring members of the staff of Army and Royal Air Force Headquarters resident in Summer Hill, to their work in Simla and is paid for by that Department. The reason for the recent change in timings was that, when the train left Summer Hill at 9-27 A.M., it was delayed by an earlier train, with the result that the clerks referred to arrived late in office. The change was certainly notified to the staffs concerned, and Government have no reason to believe that other persons affected were not aware of it in good time.

(d) So far as the Army and Royal Air Force Headquarters establishments are concerned, the changed timings entail no hardship.

(e) For the reasons just given Government regret that they cannot agree to take the action suggested.

Mr. Lalchand Navalrai : What about their taking meals in time ?

Lieut.-Colonel A. F. R. Lumby : They seem to manage it, according to my information.

APPOINTMENTS OF SUPERINTENDENT AND DEPUTY SUPERINTENDENT, WATCH AND WARD DEPARTMENT, EAST INDIAN RAILWAY.

415. *Sardar G. N. Mujumdar : (a) Is it the policy of the Railway Board that the appointment of Superintendent and Deputy Superintendent, Watch and Ward Department, East Indian Railway should be held only by Imperial Police Officers ?

(b) If the answer to part (a) be in the negative, why was it considered necessary to obtain the services of an Imperial Police Officer to act as Deputy Superintendent, Watch and Ward Department, East Indian Railway, when the permanent incumbent of the post was on leave in 1933 ?

(c) Has this Department been in existence for ten years ? If so, are there no officers or senior subordinate officers fit to act or to be promoted to a higher grade ?

(d) Is it more economical to obtain the services of Imperial Police Officers to act in such vacancies, or are there surplus Imperial Police Officers ?

(e) Is it a fact that the Imperial Police Officer brought in to act in a leave vacancy in 1933, when relieved, proceeded on leave on average pay which was higher than his pay in the Police Department ?

(f) Is the average pay in such cases debitable to Railways ?

Mr. P. B. Rau : (a) No.

(b) In the interests of the public service.

(c) The answer to the first part of the question is in the affirmative. The number of officers in the department being small, selection from a wider range was considered desirable.

(d) No question of economy is involved.

(e) Possibly, his leave salary would be calculated according to the ordinary rules.

(f) The distribution of leave salary in such cases will be according to the ordinary rule governing loans of an officer from one Government to another, which is contained in Article 183 (2) of the Audit Code, Volume I.

FUNCTIONS AND DUTIES OF YARD SUPERVISORS AND YARD INSPECTORS.

416. *Mr. Gaya Prasad Singh (on behalf of Rai Bahadur Lala Brij Kishore) : (a) With reference to the answer given to starred question No. 391, dated the 6th March, 1934, will Government be pleased to state what the function and duties of the Yard Supervisor and Yard Inspectors are and in what material respects they differ from those of Assistant Yard Masters ?

(b) Is it a fact that Indian Yard Supervisors, in big yards like Khanalampur, Ghaziabad, Delhi and Lahore, etc., perform the same duties as European and Anglo-Indian Assistant Yard Masters on the East Indian Railway and on a lower scale of pay ?

(c) Is it a fact that Number-Takers, after the necessary training, have been and are promoted as Yard Foremen and Yard Supervisors on the

North Western Railway and are found capable of coping with the work of the Yard, and a similar practice obtains on the Oudh and Rohilkhand Railway Section of the East Indian Railway as well ?

(d) Is it a fact that the request of Head Number-Takers to be tested for Assistant Station Masters' examination and to permit them to pick up the work of the post of Assistant Yard Masters, has been turned down on the plea that they cannot aspire to these posts in the East Indian Railway Sections ?

(e) Is it a fact that, in contrast to this, the Divisional Superintendent, Lucknow (old Oudh and Rohilkhand Railway section) has held that the natural avenue of promotion of a Head Number-Taker lies to the post of Assistant Yard Master and, in pursuance of this policy for the second time in the Lucknow Division, has permitted a Head Number-Taker to learn the work of an Assistant Yard Master and given him an officiating chance ?

(f) What answer did the Divisional Superintendent, Lucknow, give on this point to the Agent, East Indian Railway ?

(g) Are Government aware whether, at the time of permitting the Head Number-Taker at Lucknow to pick up the work of an Assistant Yard Master's post and subsequently giving him an officiating chance, the claims of other Senior Head-Number Takers, who were refused these facilities, were considered ?

(h) In view of the Railway Board's letter No. 5153-E., dated the 20th May, 1934, stating that the normal channel of promotion for a Head Number-Taker was provided to the post of a Yard Supervisor, and Government's reply to question No. 391, referred to in part (a) above, stating that the Agent, East Indian Railway, is unwilling to provide facilities to them for their promotion to the posts of Yard Masters and Assistant Yard Masters, will Government please now state to what higher posts must the staff in the Number-Takers' category look for their promotions, and what is their normal avenue of promotion ? Is it a fact that the post of Yard Supervisor is non-existent on the East Indian Railway ?

Mr. P. R. Rau : With your permission, Sir, I propose to reply to this and the following question together. I have called for information and will lay a reply on the table of the House in due course.

Mr. Gaya Prasad Singh : Will the Honourable Member also inquire whether, on the East Indian Railway, Number-Takers are not promoted as Yard Foremen and Assistant Yard Masters ?

Mr. P. R. Rau : I shall be pleased to do so.

PROMOTION OF NUMBER-TAKERS ON THE EAST INDIAN RAILWAY.

†417. ***Mr. Gaya Prasad Singh** (on behalf of Rai Bahadur Lala Brij Kishore) : (a) Is it a fact that the Number-Takers on the East Indian Railway have submitted a joint appeal on the subject of their promotion to the posts of Yard Masters and Assistant Yard Masters through their Divisional Superintendents, and if so what answer has been given to this appeal ?

†For answer to this question, see answer to question No. 416.

(b) What objection has the Agent, East Indian Railway, to get suitable and deserving Head Number-Takers to go through a course of training at the Railway School at Chandausi to make them eligible for promotion to higher posts? What is the use of maintaining this School, if it is not to qualify staff for higher posts and make them more efficient in their work?

(c) Is it not the recognised policy of Government to keep an avenue of promotion to higher posts in the upper subordinate cadre open for staff in each category? If so, why is staff in the category of Number-Takers deprived of this opportunity for promotion when the same is open to clerical staff in other categories?

(d) Is it a fact that A class Guards are permitted to pick up the work of the post of Assistant Yard Master, prior to their promotion to these posts? Is this facility refused to Head Number-Takers?

(e) Is it a fact that as a result of this policy Anglo-Indian and European guards with only a few years service have been promoted as relieving Assistant Station Masters' and to Assistant Yard Masters' posts, and that senior Indian Head Number-Takers and Indian Assistant Station Masters have remained blocked on their maximum of Rs. 110 and retired from that post?

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

418. ***Raj Bahadur Lal Brij Kishore** : With reference to the answer given to starred question No. 746, dated 17th April, 1934, will Government be pleased to state definitely whether the old Oudh and Rohilkhand Railway staff in the old Oudh and Rohilkhand Railway grades of Rs. 78—3—90 and 75—5—100, after their transfer to the East Indian Railway Section, will on promotion get the East Indian Railway grade of Rs. 105—5—120 or old Oudh and Rohilkhand Railway grade of Rs. 104—6—140 and whether similarly the old Oudh and Rohilkhand Railway staff in the old Oudh and Rohilkhand Railway grade of Rs. 104—6—140, after their transfer to the East Indian Railway Sections will get their promotion to old Oudh and Rohilkhand Railway grade of Rs. 220 or the East Indian Railway grade of Rs. 200?

Mr. P. E. Ran : I have called for information and will lay a reply on the table of the House in due course.

ALLOTMENT OF ORTHODOX AND UNORTHODOX CLERKS' QUARTERS IN SIMLA.

419. ***Mr. Bhuput Sing** : (a) Is it a fact that A type orthodox clerks' quarters in Simla are four-roomed blocks, and is it a fact that such four roomed blocks are allotted to persons getting a salary of Rs. 300 and above?

(b) Is it a fact that there are A type unorthodox quarters which are styled as four-roomed blocks, and is it a fact that such four-roomed blocks are allotted to persons getting a pay of Rs. 450 and above?

(c) Is it a fact that B type orthodox clerks' quarters in Simla are three-roomed blocks, and is it a fact that such three-roomed quarters are allotted to persons getting a salary of Rs. 150 and above?

(d) Is it a fact that there are B type unorthodox quarters which are also in some cases styled as three-roomed quarters, and is it a fact that such three-roomed quarters are allotted to persons getting a pay of Rs. 300 and above ?

(e) Is it a fact that C type orthodox clerks' quarters in Simla are two-roomed, and is it a fact that such two roomed quarters are allotted to persons getting a pay upto Rs. 150 ?

(f) Is it a fact that there are C type unorthodox clerks' quarters in Simla which are also in some cases styled as two-roomed quarters and is it a fact that such two-roomed quarters are allotted to unorthodox men getting pay upto Rs. 300 ?

(g) If the reply to the preceding parts be in the affirmative, will Government be pleased to state the reasons, why unorthodox people getting higher pay, are allotted quarters with smaller accommodation than those allotted to their orthodox colleagues ? Do Government propose to do away with this distinction—in the fixation of a minimum pay for the purposes of allotment of different classes of accommodation ? If not, why not ?

The Honourable Sir Frank Noyce : (a) to (f). Married clerks' quarters in Simla, both orthodox and unorthodox, are divided into A B and C classes according to the accommodation provided. The three classes of unorthodox clerks' quarters at Summer Hill are sometimes referred to as 4 roomed, 3 roomed and 2 roomed quarters, but this is not an official designation and is not applied to quarters elsewhere than at Summer Hill.

The quarters are allotted as follows :

Orthodox.

- A class to officers drawing over Rs. 300 but less than Rs. 600 a month.
- B class to officers drawing Rs. 150 and over but not more than Rs. 300 a month.
- C class to officers drawing less than Rs. 150 a month.

Unorthodox.

- A class to officers drawing over Rs. 450 but less than Rs. 600 a month.
- B class to officers drawing Rs. 300 and over but not more than Rs. 450 a month.
- C class to officers drawing less than Rs. 300 a month.

(g) The pay limits were settled in consultation with the Imperial Secretariat Association, and Government do not propose to make any change. The limits for unorthodox quarters are considerably lower than those which were in force prior to 1925, and were designed to ensure a fair distribution of the accommodation available. Moreover, the unorthodox accommodation is on the whole better than the orthodox accommodation, and this in itself is a justification for the distinction to which the Honourable Member refers.

UNORTHODOX QUARTERS IN SIMLA.

420. *Mr. Bhuput Sing : Will Government be pleased to state separately the number of each of the A, B and C types of unorthodox quarters at Kaithu, Summer Hill and Tuti Kandi ?

The Honourable Sir Frank Noyce : I lay on the table of the House a statement giving the information asked for by the Honourable Member.

Statement showing the number of different classes of unorthodox clerks' quarters at Kaithu, Summer Hill and Tuti Kandi, Simla.

| | A Class. | B Class. | C Class. |
|-------------|----------|----------|----------|
| Kaithu | 2 | 4 | 38 |
| Summer Hill | 45 | 30 | 10 |
| Tuti Kandi | 1 | | 2 |

UNORTHODOX QUARTERS IN SIMLA.

421. *Mr. Bhuput Sing : Is it a fact that there are only four B type quarters and two A type quarters as against 38 C type quarters in Kaithu ? If so, do Government propose to convert some of the C type quarters into B type by some additions and alterations ? If not, why not ?

The Honourable Sir Frank Noyce : The reply to the first part of the question is in the affirmative. As regards the second part, Government do not consider it desirable to make any change, as the proportion of quarters, available at Summer Hill, Kaithu and Tuti Kandi to total demand, is greater for B than for C class, and the C class demand for quarters at Kaithu and Tuti Kandi is more than adequate.

UNORTHODOX QUARTERS IN SIMLA.

422. *Mr. Bhuput Sing : (a) Are Government aware that practically all the men, entitled to A and B types unorthodox quarters under the present scales of pay, fixed for the different types of quarters, will have no chance of being allotted Kaithu quarters ? If so, do Government propose to amend the rules in such a way that all will have a fair chance of being allotted quarters in Kaithu ? If not, why not ?

(b) Are Government aware that under the existing scales of pay fixed for B types, once a man in the second division of the Secretariat or a man in the first division of the Railway Board gets one such quarter in Kaithu, he blocks the claims of others to these quarters and no one would be able to obtain such quarters till such a man retires from service ?

(c) Do Government propose to amend the allotment rules in such a way by which either the maximum pay limit or a maximum number of years' stay in a particular type of quarter, whichever is earlier, should debar the men to Government quarters until they are entitled to a higher type of quarter by virtue of their increase in pay ? If not, why not ?

(d) Is it a fact that in the matter of exchange of one unorthodox quarter to another in Simla the longer stay in the unorthodox quarter

has been made the criterion in the allotment rules? Is it also a fact that men have been compelled under the rules to adopt the same type, either orthodox or unorthodox, both in Delhi and Simla?

(e) Is it also a fact that the European quarters in Delhi were declared unorthodox on the 16th January, 1924, whereas the European quarters in Simla were declared unorthodox only in December, 1931?

(f) Are Government aware that men who were really unorthodox occupied such quarters in Delhi before 1926 when the men had to pay minimum fixed rent for such unorthodox quarters in Delhi, irrespective of pay?

(g) Is it a fact that since that minimum fixed rent has been substituted by the 10 per cent. rent on the basis of pay, many people who were not keen before have styled themselves as unorthodox for the purposes of better accommodation? If so, do Government propose to amend the rules for exchange of unorthodox quarters in Simla in such a way that the continuous longer stay in the unorthodox quarters since 1924 in Delhi should be made the criterion of getting preference for such exchanges either in Simla or Delhi?

(h) Are Government aware that those men who occupied unorthodox quarters in Delhi before the introduction of the rent on the 10 per cent. of pay basis, suffered heavily by way of rent? If so, will Government be pleased to state the reasons why the men who have suffered financially and gave Government better revenues for all those years before 1926, should not be given some preference in the matter of allotment of quarters in Kaithu?

The Honourable Sir Frank Noyce : (a), (b) and (c). Government are aware that as there are only two A class and four B class unorthodox quarters at Kaithu, and as persons to whom the quarters are allotted remain in occupation until they become "out of class", the chances of any individual applicant obtaining quarters at Kaithu are comparatively small. Government are not, however, prepared to change the rules relating to lien which have worked satisfactorily.

(d) The reply to the first part is in the affirmative. The Honourable Member will find a copy of the rules in the Library. With regard to the second part, no Government servants have been compelled to adopt any particular style of living either in Delhi or in Simla. Applicants for Government accommodation are, however, expected to be consistent, and those who are consistent are, under the orders of Government, given preference over those who wish to change their style of living.

(e) I am prepared to take it from my Honourable friend that the European quarters in Delhi were declared to be unorthodox in 1924. The decision was probably one of the New Capital Committee, which no longer exists. The change was made in Simla in October 1931.

(f) I cannot say whether the men who occupied unorthodox quarters in Delhi before 1926 were really unorthodox or not. The percentage rates for the rent of all quarters, (which were very favourable), were uniform, except during the years 1920-21 and 1922-23, when slightly higher rates were charged for unorthodox quarters.

(g) Government have no information as to the first part of the question, and do not think that any useful purpose would be served by the amendment of the rules in the manner proposed.

(h) The fact that certain persons may in the past have paid higher rent for unorthodox quarters in Delhi than they would have paid for orthodox quarters, does not justify the grant to those persons of any special concessions in Simla or elsewhere.

CONGESTION IN THE ROOMS OCCUPIED BY THE CLERICAL STAFF IN THE OFFICE OF THE DIRECTOR GENERAL, POSTS AND TELEGRAPHS.

423. ***Mr. Sitakanta Mahapatra :** (a) Is it a fact that the office of the Accountant General of Posts and Telegraphs has been located in some rooms allotted to the office of the Director General of Posts and Telegraphs? Is it a fact that separate accommodation was provided for the former?

(b) If the reply to part (a) be in the affirmative, will Government please state under whose order this was done?

(c) Is it a fact that in consequence of this arrangement the staff of the office of the Director General of Posts and Telegraphs has been greatly inconvenienced?

(d) Do Government propose to look into the matter and see that the congestion in the rooms occupied by the clerical staff in the office of Director General, Posts and Telegraphs is removed?

The Honourable Sir Frank Noyce : (a) The fact is not exactly as stated; a portion of the accommodation occupied by the office of the Director General of Posts and Telegraphs was found to be in excess of the standards prescribed by the Government of India. This excess was utilised for the accommodation of some of the Branches of the office of the Accountant General, Posts and Telegraphs, in the interest of efficiency and economy.

(b) The arrangement was made by the Director General, Posts and Telegraphs, and the Accountant General, Posts and Telegraphs, in consultation.

(c) No.

(d) Does not arise.

OFFICE ACCOMMODATION ALLOTTED FOR THE OFFICE OF THE ACCOUNTANT GENERAL OF POSTS AND TELEGRAPHS IN THE NEW DELHI SECRETARIAT.

424. ***Mr. Sitakanta Mahapatra :** (a) Is it a fact that the office of the Accountant General of Posts and Telegraphs has been shifted in the summer months of this year from Old Delhi to New Delhi?

(b) If so, will Government please state (i) what office accommodation was allotted for that office in the New Delhi Secretariat and (ii) whether the accommodation provided is being used by that office? If not, why not?

The Honourable Sir Frank Noyce : (a) Yes.

(b) (i) 3,231 square feet of floor area and a record room.

(ii) Yes, except that it has been possible to surrender a room with a floor area of 1,089 square feet, originally provided for that office, by accommodating certain sections of the Office of the Accountant General, Posts and Telegraphs, in surplus space available in the office of the Director General, Posts and Telegraphs.

**CHANGE IN THE TIMINGS OF THE ARMY HEADQUARTERS SPECIAL TRAIN
RUNNING BETWEEN SUMMER HILL AND SIMLA.**

425. *Mr. Sitakanta Mahapatra : (a) Are Government aware that the timing of the Army Special Train, which used to start from Summer Hill at 9-35 A.M. before, has been changed to 9-5 A.M. ?

(b) Are Government aware that this change in the timing is causing great inconvenience to the small school-going children of the employees of all the Civil Offices of the Government of India who have been provided quarters at Summer Hill ?

(c) Will Government be pleased to state the number of gentlemen and lady clerks and assistants taken together who are employed in the Army Headquarters and have been officially allotted Summer Hill Government quarters for the year 1934-35 ?

(d) Do Government propose to place on the table of this House a statement showing the names of the clerks and the numbers of the respective quarters allotted to those employed in the Army Headquarters who are required to attend office at 10 A.M. ? If not, why not ?

(e) Will Government be pleased to state the total number of clerks and assistants taken together, who are employed in the Civil Departments of the Secretariat and other offices of the Government of India and who have been officially allotted Government quarters at Summer Hill ?

(f) Do Government propose to place on the table of this House a statement showing the names of the clerks and assistants and the numbers of the respective quarters allotted to those employed in the Civil Departments and offices of the Government of India whose office hours are 10-30 A.M. ? If not, why not ?

(g) Will Government be pleased to state the total number of free railway passes which have been issued by the Army Headquarters to the clerks and assistants of the Army Headquarters and the number of free railway passes issued to their children residing in Summer Hill quarters, for their conveyance between Summer Hill and Simla ?

(h) Will Government be pleased to state the total number of monthly season tickets which have been issued by the North Western Railway between Summer Hill and Simla during the current month ?

(i) Will Government be pleased to state the total number of free railway passes issued by the Railway Board and the North Western Railway administration between Summer Hill and Simla during the same period as in part (h) ?

(j) Is it a fact that the total number of passengers holding monthly tickets on payment and railway free pass-holders, whose office and school hours are 10-30 A.M., is greater than the number of passengers holding Army Headquarter passes, whose office and school

hours are 10 A.M. or earlier? If so, will Government be pleased to state the reasons for ignoring the conveniences and inconveniences of a larger number of the travelling public by changing the timing of the Summer Hill Special?

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

(b) to (j). The attention of the Honourable Member is invited to the reply I have just given to Sardar G. N. Mujumdar's question No. 414. Having regard to the explanation given in that reply, Government do not consider that any useful purpose would be served by collecting the information asked for by him.

FREE CONVEYANCE TO ONE CLASS OF GOVERNMENT SERVANTS.

426. ***Mr. Sitakanta Mahapatra :** Will Government be pleased to state the reasons why they should allow free conveyance to a class of Government servants and refuse the same to the Secretariat and other civil offices staff?

The Honourable Sir Henry Craik : The Honourable Member's reference to free conveyance to a class of Government servants is presumably to the free railway train service between Summer Hill and Simla for the employees of Army Headquarters, a concession which is not at present allowed to the members of the Civil Secretariat and their Attached Offices. The question of granting this concession to the staff of the latter has been considered more than once on representations from the Imperial Secretariat Association, but in view of the differences between the pay and leave terms of the staff of Army Headquarters and that of the other offices, Government see no justification for extending the concession to the civil offices.

DISPOSAL OF INCOME-TAX OBJECTIONS IN THE INCOME-TAX DEPARTMENT, BIHAR AND ORISSA.

427. ***Mr. Sitakanta Mahapatra :** (a) Is it a fact that the proviso to section 45 of the Income-tax Act is considered a dead letter by the Income-tax authorities in Bihar and Orissa, and the discretion vested therein is refused as a rule? Are Government aware that the Income-tax officers in Bihar and Orissa make a demand within the year in all cases in their charge, summarily under section 23 (4)?

(b) Are Government aware of the huge amount of interest that the tax-payers lose on account of the actions of the Income-tax officials in Bihar and Orissa? If so, do Government propose to issue necessary instructions to expedite disposal of objections in all cases in which big amounts of tax are involved or collected?

The Honourable Sir James Grigg : (a) As regards the first part of the question, the answer is in the negative. As regards the latter part, it is not understood what is meant, as under the Income-tax Act, all assessments including those under section 23 (4) are expected to be made during the year concerned and demands in respect thereof are to be made as soon as they are completed.

(b) All the evidence at my disposal goes to show that the Honourable Member's allegations are unfounded and the question of issuing instructions does not, therefore, arise.

CASES REMANDED OR RE-OPENED UNDER CERTAIN SECTIONS OF THE INDIAN INCOME-TAX ACT.

428. *Mr. Sitakanta Mahapatra : Will Government please lay on the table a statement showing the number of cases remanded under section 31 or 33, or re-opened under section 27 of the Indian Income-tax Act, in the years 1931-32, 1932-33 and 1933-34, the total amount of tax found refundable thereon, and the number of them in which more than six months elapsed between the date of actual collection of the tax and the date of actual refund ?

The Honourable Sir James Grigg : The required information is not available.

JUDGMENT OF THE PATNA HIGH COURT IN THE CASE OF RAGHUNATH MAHADEO.

429. *Mr. Sitakanta Mahapatra : (a) Has the attention of Government been drawn to a judgment of the Patna High Court in the case of Raghunath Mahadeo, reported in All-India Reporter 1925-Patna, page 694, and the remarks made therein by the then Chief Justice in the following words ?

“ The facts as set out in the petition and as stated by Mr. Jayaswal on behalf of the assessee are that the accounts produced in support of the cloth, gold, silver and jute businesses, although not balanced or not closed in the sense I have already referred to, undoubtedly show by taking very slight trouble and carrying out a very simple sum in arithmetic what the actual profits made for the year in question were. If that is so it seems to me quite clear that *the Income-tax Officer was negligent in his duty* in failing to carry out that simple matter himself and so ascertain what was the effect of the books. *He cannot shirk his duty by merely stating that the account is not balanced if the result of that balance can be ascertained by taking small amount of trouble.* The books were there but he apparently refused to accept them merely upon that ground. *In my opinion he was not entitled to act in that way.*” * * * *

What steps, if any, were taken against the officer concerned to stop repetition of such cases in future ?

(b) Are Government aware that such abuse of powers against all rules of fairness, justice and consideration of the established principles of law, are only too common among the Income-tax authorities in Bihar and Orissa ? If so, will Government please state if and how they propose to redress these every day grievances of the tax-payers in Bihar and Orissa ?

The Honourable Sir James Grigg : (a) The case referred to was decided nine years ago, and as Government do not preserve records pertaining to matters of this kind for so long a period, the required information is not available.

(b) The answer to the first part of the question is in the negative and in consequence the latter part does not arise.

Mr. Lalchand Navalrai : May I know from the Honourable Member whether he is aware that this practice is going on all over India where the Income-tax Officers on small grounds throw away the account books that are produced before them, because they are not closed. If they only go into them, they will know what the account really is. That is the complaint throughout India, and this instance having been cited, will the Honourable Member kindly issue a circular to the effect that the Income-tax Officers must take the account books as they are produced

before them and find out for themselves by a little bit of calculation what the result of the accounts is ?

The Honourable Sir James Grigg : I would certainly consider issuing a circular if the Honourable Member would produce to me some verification of his statement that there have been complaints of this practice all over India. If there had been such complaints, it is very surprising that the Central Board of Revenue have no information as to that.

Mr. Lalchand Navalrai : May I inform the Honourable Member that I myself have raised such questions, but unfortunately the Honourable Member was not here in those days. In those days complaints have been made and these are in the office and could be found out by the Central Board of Revenue.

The Honourable Sir James Grigg : If that is so, I shall look into it.

PETITIONS UNDER SECTION 66 (2) OF THE INDIAN INCOME-TAX ACT IN
BIHAR AND ORISSA.

430. ***Mr. Sitakanta Mahapatra :** (a) Will Government please lay on the table a statement showing the number of petitions under section 66 (2) of the Indian Income-tax Act filed and the number of them actually referred to the High Court, the number rejected by the Commissioner, and the number withdrawn or decided under section 33 thereof in Bihar and Orissa in each of the years 1931-32, 1932-33, 1933-34 and 1934-35 (up to date) ?

(b) Are Government aware of the inordinate delay made by the Commissioner in dealing with petitions under section 66 (2) of the Act and the loss of interest caused to the assesseees thereby ?

The Honourable Sir James Grigg : (a) A statement giving the required information is laid on the table.

(b) No. As regards loss of interest, for the information of the Honourable Member, I would add that in the case of references to a High Court under section 66 (2) of the Income-tax Act, when an assessee is successful, the amount of tax paid is refunded with interest as per section 66 (7) of the above Act.

Statement showing the number of petitions filed under section 66 (2) and the number actually referred to High Court, the number rejected by the Commissioner and the number withdrawn or decided under Section 33 in Bihar and Orissa in the years 1931-32 to 1934-35 (up-to-date).

| Year. | Number of petitions filed under Section 66 (2). | Number actually referred to High Court. | Number decided and rejected by the Commissioner. | Number withdrawn by the assessee. |
|-------------------------|---|---|--|-----------------------------------|
| 1931-32 | 71 | 4 | 47 | 20 |
| 1932-33 | 51 | 8 | 30 | 13 |
| 1933-34 | 51 | 6 | 34 | 11 |
| 1934-35 (up-to-date) .. | 29 | Nil | Nil | Nil |

JUDGMENT OF THE PATNA HIGH COURT IN THE CASE OF SETH BANSHIDHAR PADDAR.

431. *Mr. Sitakanta Mahapatra : (a) Has the attention of Government been drawn to a recent judgment of the Honourable the Patna High Court in the case of Seth Banshidhar Paddar, published in All-India Reporter, 1931, Patna 46 and the remarks of the Honourable the Chief Justice therein, deprecating the procedure adopted by the Commissioner of Income-tax in Bihar and Orissa, in starting an inquiry after the order of the High Court directing him to state a case, in the following words ?

“ The procedure adopted by the Commissioner in starting an inquiry after the order of the High Court directing him to state a case is to my mind to be deprecated in this particular case, because it is clearly a hurried inquiry undertaken in order to bring the case within the law as stated by the Privy Council, *The assessee was all along under the impression, as was indeed the Court, that the matter to be dealt with was the state of facts which led up to the appellate order and materials upon which the appellate order founded the decision. At the last minute to conduct a sudden inquiry even if that were a legal inquiry is hardly a procedure in accordance with the principle of fairness to the assessee nor has the inquiry, itself, such as it is, resulted in any further finding of fact which is of assistance in determining the point before us.* ”

(b) If the reply to part (a) be in the affirmative, do Government propose to stop such misuse of powers by the head of the Income-tax Department in Bihar and Orissa, and insure justice and fairness to the common tax-payer ?

The Honourable Sir James Grigg : (a) The answer is in the affirmative.

(b) Government do not admit that there was any “ misuse of power ”, as the Commissioner of Income-tax thought it advisable to make further enquiries in the case, simply because in his opinion, all the facts required to state the case properly before the High Court were not available.

REPORTS OR REMARKS WHEN CALLING FOR INCOME-TAX CASES UNDER APPEAL IN BIHAR AND ORISSA.

432. *Mr. Sitakanta Mahapatra : (a) Are Government aware that instead of refraining from asking for reports or remarks when calling for the records of cases under appeal, as directed in the instructions issued by the Central Board of Revenue in 1927, the appellate officers in Bihar and Orissa as a rule not only call for such reports in all cases without exception but also insist invariably on the presence of either the Income-tax Officer or the dealing Inspector Accountant at the time of the actual hearing of appeals ?

(b) If the reply to part (a) be in the affirmative, do Government propose to stop this malpractice ? If not, why not ?

(c) If the reply to part (a) be in the negative, do Government propose to make an enquiry into the matter ?

(d) Is there a printed form for calling for such reports in appeals and if so, what was the total number of such forms used by the different Assistant Commissioners in Bihar and Orissa in 1932-33 and 1933-34 ?

The Honourable Sir James Grigg : (a), (b) and (c). Reports are called for by appellate officers, to give the assessing officer an opportunity of commenting on the various allegations made in the appeal lodged, which seems to me quite fair and reasonable. The assessing officer is present during the hearing of an appeal, only when the appellate officer considers it necessary to have an explanation as regards any statement in the Assessment Order the meaning of which may be doubtful. As the explanation is given in the presence of the appellant, there can be nothing unfair in this procedure.

(d) Yes. The number of forms used was 3,371 for 1932-33 and 3,140 for 1933-34.

QUOTATION OF FOREIGN OUTWARD STATION TO STATION GOODS RATE ON THE NORTH WESTERN RAILWAY.

433. ***Mr. D. K. Lahiri Chaudhury :** (a) Is it a fact that an experiment to facilitate the quotation of foreign outward station to station goods rate was started on the North Western Railway in 1929 and is still in the experimental stage ?

(b) Is there anything in the nature of the work of the experiment on account of which it has continued as an experiment for such a long period ?

(c) Is the Railway over which it is working now in a position to say whether the experiment is a success or not ?

(d) How much has been spent upon this experiment so far since the beginning of it ? What are the recurring expenses of the experiment ?

(e) Is it a fact that the Agent, North Western Railway, had submitted his final report on the working of the experiment, recommending that the scheme may be placed on a permanent basis ? If so, on what grounds has the Railway Board decided to continue it as an experiment for two years more ?

***Mr. P. E. Rau :** (a) Yes, except that the registers were not issued to stations till the close of year 1930.

(b), (c) and (e). The Agent, North Western Railway, has reported favourably on the experiment but his report was based only on six months experience during which period changes in rates have been comparatively few. The Railway Board have decided to continue it as an experimental measure for two years in order to obtain further data to arrive at a decision whether the cost incurred is justified.

(d) The total cost, including cost of compilation and maintenance up to the end of 1933-34, was Rs. 2,90,261. The recurring expenditure is estimated at about Rs. 39,000 per annum.

FUNCTIONS, DUTIES AND SCALES OF PAY OF JOURNEYMEN EMPLOYED IN THE VARIOUS DEPARTMENTS OF THE NORTH WESTERN RAILWAY.

434. ***Bhai Parma Nand :** (a) Are the functions, duties and scales of pay of all journeymen, employed in the various Departments of the North Western Railway similar ?

(b) Is it a fact that the new Leave Rules issued in the Railway Board's letter No. 8373/E., dated the 20th February, 1930, and enforced on the North Western Railway, with retrospective effect from the 1st April, 1927, have deprived the journeymen of the Mechanical Workshops of the North Western Railway of the privileges of leave that the said journeymen were entitled to enjoy previous to that date ?

(c) Is it a fact that whenever Government have had the occasion to revise schemes, overhaul systems and frame new rules, it has never been the object to deprive any one of the privileges enjoyed by him under the old set of rules ?

(d) Is it a fact that the journeymen employed in the sheds and the journeymen chemists and monthly rated mechanical staff other than journeymen employed in the shops, having their scales of pay much lower than that of journeymen, e.g., Train Examiners, Block Maintainers, etc., are all allowed to enjoy the privilege of leave admissible to the supervisory staff ?

(e) Is it a fact that those of the apprentices of the Mechanical Workshops of Moghulpura and Sukkur who, after the completion of a five years' course of practical and theoretical training, are retained as journeymen in the scale of Rs. 100—10—170, are treated as "inferiors" and "labourers" for the purposes of the new Leave Rules ? Is it a fact that the illiterate mistries knowing only thumb rule methods are promoted as "junior chargemen" in the same scale of pay as that of journeymen, but are treated as supervisors and thus given the benefit of privilege leave ?

(f) Is it a fact that the practice in the Electrical Branch of the North Western Railway is *vice versa* to that mentioned in question (e) ?

(g) Is it a fact that the duties actually performed by the journeymen in all the shops are either of supervisory or of clerical nature or of both, but the North Western Railway Administration are always trying to maintain that the journeymen are mere labourers ?

(h) If the answers to parts (a) to (g) be in the affirmative, do Government propose to abolish the distinction between the "journeymen" and other staff employed on the same scale of pay in the various departments of the North Western Railway in the matter of the application of Leave Rules ?

(i) Has any representation to the above effect been made to the Railway Board by the Railwaymen's Federation ?

(j) Have Government taken any action in this behalf ? If not, do Government propose to take any action in this connection, and if so, when ?

Mr. P. R. Rau : I have called for certain information necessary to enable me to reply fully to the question and will lay a reply on the table of the House in due course.

Mr. Lalchand Navalrai : I believe they will be presented in the next Assembly !

(No answer.)

RECRUITMENT OF PROVINCIAL CIVIL SERVICE MEN AS ASSISTANT SECRETARY, UNDER SECRETARY, ETC., IN THE GOVERNMENT OF INDIA OFFICES.

435. ***Khan Bahadur H. M. Wilayatullah :** (a) Will Government be pleased to state if Provincial Civil Service men are recruited from the Provinces for appointment as Assistant Secretary, Under Secretary, etc., in the offices of the Government of India ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state how many such officers were recruited and appointed during the last ten years, and from what Provinces?

(c) Was a member of the Provincial Civil Service from the Central Provinces ever recruited for these appointments? If not, are Government prepared to consider the desirability of making a selection in future from the Central Provinces also?

The Honourable Sir Henry Craik : (a) I would refer the Honourable Member to the answer to part (a) of Mr. Lalchand Navalrai's starred question No. 90, on the 20th January, 1930. The position briefly is, that in some Departments the posts of Secretary, Joint Secretary, Deputy Secretary, and Under Secretary are reserved for Indian Civil Service officers. Posts of Assistant Secretary are ordinarily filled from the Imperial Secretariat Service.

(b) I lay on the table a statement giving the information desired.

(c) The reply to the first part is in the negative. As to the second part, I would point out that posts of this nature must be filled on the basis of merit and suitability, not on provincial considerations.

Statement showing the number of Provincial Civil Service officers recruited during the last ten years to the posts of Assistant Secretary, Under Secretary, Deputy Secretary, Joint Secretary and Secretary in the Government of India offices.

| Department. | Assistant Secretary. | Under Secretary. | Deputy Secretary. | Joint Secretary. | Secretary. | Province and year. |
|--|--|------------------|-------------------|------------------|------------------|--------------------|
| Finance | .. | 1 | .. | .. | .. | Punjab, 1932-33. |
| Education, Health and Lands. | .. | .. | 1 | .. | .. | Punjab, 1931-32. |
| Legislative | .. | .. | 1 | .. | .. | Madras, 1925-26. |
| | .. | .. | 1 | .. | .. | Bombay, 1928. |
| | .. | .. | 1 | .. | .. | Madras, 1934. |
| Imperial Council of Agricultural Research. | .. | .. | .. | .. | 1 (Chairman). | Madras, 1929. |
| Home (Dy. D. P. I.) .. | Deputy Director of Public Information. | | | | | U. P., 1932. |
| Foreign and Political .. | None. | | | | | |
| Commerce | Do. | | | | | |
| Railway | Do. | | | | | |
| Industries and Labour .. | Do. | | | | | |
| Legislative Assembly .. | Do. | | | | | |
| Army | Do. | | | | | |
| Financial Adviser, Military Finance. | Do. | | | | | |
| Reforms | Do. | | | | | |

ALLEGED COERCION IN THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

436. *Maulvi Sayyid Murtuza Saheb Bahadur : Is it a fact that coercion is the order of the day in the Moradabad Division, East Indian Railway ?

Mr. P. R. Rau : So far as Government are aware, the answer is in the negative.

STAFF FORCED TO ACCEPT POSTS ON LESS EMOLUMENTS IN THE TICKET CHECKING BRANCH, MORADABAD DIVISION.

437. *Maulvi Sayyid Murtuza Saheb Bahadur : Is it a fact that the staff are forced to accept posts carrying less emoluments than they are drawing in the Ticket Checking Branch of the East Indian Railway, Moradabad Division ?

Mr. P. R. Rau : With your permission, Sir, I propose to reply to questions Nos. 437, 438 and 440 to 447 together.

I have called for certain information and will furnish replies in due course.

WITHDRAWAL OF MILEAGE ALLOWANCE FROM CERTAIN TRAVELLING TICKET INSPECTORS POSTED AS TICKET COLLECTORS ON THE EAST INDIAN RAILWAY.

†438. *Maulvi Sayyid Murtuza Saheb Bahadur : Is it a fact that the staff are told that the *ex-gratia* Consolidated Allowance sanctioned by His Excellency the Viceroy to compensate the loss by the withdrawal of Mileage Allowance from the old Travelling Ticket Inspectors will not be paid to them, if and when, they are posted to stations as Ticket Collectors on the East Indian Railway, Moradabad Division ?

MILEAGE ALLOWANCE OF THE TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.

439. *Maulvi Sayyid Murtuza Saheb Bahadur : Is it a fact that the question of mileage allowance of the Travelling Ticket Inspectors, East Indian Railway, is under disposal ?

Mr. P. R. Rau : Certain memorials, from the Travelling Ticket Examiners of the East Indian Railway, are at present under consideration.

POST OF ASSISTANT HEAD TICKET COLLECTOR, MORADABAD DIVISION, EAST INDIAN RAILWAY.

†440 *Maulvi Sayyid Murtuza Saheb Bahadur : Is it a fact that the post of Assistant Head Ticket Collector, Moradabad Division, East Indian Railway, is scaled Rs. 120—10—140 ?

(b) Is it a fact that to the post of Assistant Head Ticket Collector, Moradabad (Rs. 120—10—140) Travelling Ticket Examiners on Rs. 160 plus Rs. 50 Consolidated Allowance are posted ? If so, will Government state where the economy lies and whether avenge is not taken ?

†For answer to this question, see answer to question No. 437.

(c) Will Government please state whether Travelling Ticket Examiners of the Accounts Departments will get the same emoluments under Operating Department, if and when, posted as Assistant Head Ticket Collectors ? If not, why not ?

CADRE OF TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

†441. *Maulvi Sayyid Murtuza Saheb Bahadur : Is it a fact that the cadre of Travelling Ticket Examiners, Grades I and II, on the East Indian Railway is one independent unit under class " Ticket Checking of Commercial Group " as provided in the rules for the recruitment and training of subordinate staff ?

TICKET CHECKING STAFF ON THE EAST INDIAN RAILWAY.

†442. *Maulvi Sayyid Murtuza Saheb Bahadur : Is it a fact that the cadre of Ticket Collectors, Grades I, II and III, Assistant Head Ticket Collectors and Head Ticket Collectors, Grades I and II, is as a whole one unit on the East Indian Railway under class " Ticket Checking of Commercial Group " as provided in the rules for the recruitment and training of subordinate staff ?

TRAVELLING TICKET INSPECTORS OF THE ACCOUNTS DEPARTMENT ON THE EAST INDIAN RAILWAY.

†443. *Maulvi Sayyid Murtuza Saheb Bahadur : Is it a fact that the cadre of the Travelling Ticket Inspectors of the Accounts Department (now under Operating Department) is one independent unit on the East Indian Railway ?

ALLEGED HARASSMENT OF THE TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

†444. *Maulvi Sayyid Murtuza Saheb Bahadur : Is it a fact that under the Operating Department the Travelling Ticket Examiners on the East Indian Railway in general and Moradabad Division in particular work under threat and harassment by the Transportation (Traffic) Supervising Staff ?

WORK OF THE TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

†445. *Maulvi Sayyid Murtuza Saheb Bahadur : Is it a fact that under the Operating Department the work of the Travelling Ticket Examiners on the East Indian Railway is not independent ?

CHECK OF THE TRAINS AT CERTAIN PLACES ON THE EAST INDIAN RAILWAY.

†446. *Maulvi Sayyid Murtuza Saheb Bahadur : Is it a fact that sometime in April, May or June, 1934, an independent check of the trains was conducted by the Inspectors of the Accounts Department, East Indian Railway at Arrah, Dinapore and Gaya ? If so, will Government please lay on the table their report and the remarks of the Operating Department thereon ? If not, why not ?

†For answer to this question, see answer to question No. 437.

CHECK OF THE TRAINS AT CERTAIN PLACES ON THE EAST INDIAN RAILWAY.

†447. *Maulvi Sayyid Murtuza Saheb Bahadur : (a) Will Government please state the result of the independent check of trains conducted some time in April, May or June, 1934, by the Inspectors of the Accounts Department, East Indian Railway at Arrah, Dinapore and Gaya respectively ?

(b) Are Government satisfied with the independent check of trains other than the Operating Department ? If not, why not ?

CHECK OF TRAINS CONDUCTED BY THE WATCH AND WARD AND THE ACCOUNTS DEPARTMENTS ON THE EAST INDIAN RAILWAY.

448. *Maulvi Sayyid Murtuza Saheb Bahadur : Will Government please state the reason why the Operating Department, East Indian Railway, failed to achieve the requisite result which has hitherto been achieved by the independent checks conducted by the Watch and Ward and the Accounts Departments as reported by the Agent ? If not, why not ?

Mr. P. R. Rau : I regret I have been unable to understand clearly what my Honourable friend is referring to. If he refers to the additional temporary checks imposed on the East Indian Railway last year, the reason was explained by me in my reply to question No. 189, asked by Khan Bahadur Haji Wajihuddin, on the 23rd July, 1934.

SEPARATION OF THE TRAVELLING TICKET EXAMINERS, EAST INDIAN RAILWAY, FROM THE OPERATING DEPARTMENT.

449. *Maulvi Sayyid Murtuza Saheb Bahadur : Do Government realise the necessity of separating the Travelling Ticket Examiners, East Indian Railway, from the Operating Department and placing them under an independent Audit Department ? If not, why not ?

Mr. P. R. Rau : Government do not consider it necessary to transfer the Travelling Ticket Examiners from the Operating to the Audit Department.

Maulvi Sayyid Murtuza Saheb Bahadur : Will the Honourable Member be pleased to ascertain the reasons for this ?

Mr. P. R. Rau : I think the onus of proving that a change is necessary rests on my Honourable friend who proposes it.

ALLEGATIONS AGAINST THE TRANSPORTATION (TRAFFIC) INSPECTOR OF THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

450. *Maulvi Sayyid Murtuza Saheb Bahadur : (a) Is it a fact that the zealous and honest Travelling Ticket Examiners working conscientiously are avenged on by the Transportation (Traffic) Inspectors when placed in power or authority ?

(b) If the reply to part (a) be in the negative, will Government please state whether it is a fact that the Transportation (Traffic) Inspector of Moradabad Division, East Indian Railway, on 21st April, 1934,

†For answer to this question, see answer to question No. 437.

accompanied by hill girls (without tickets) travelled in Second Class from Moradabad to Delhi by 3 MD Train ?

(c) If the reply to part (b) be in the negative, (i) what were the movements of this Inspector on 21st April, 1934, (ii) what business had he on that date at Delhi ; (iii) what were the ticket numbers of second class tickets held by these girls *ex-Moradabad* to Delhi or *ex-Kashipur*, Ramnagar or Haldwani to Delhi ; (iv) what was the report of his enquiry or inspection held at Delhi on that date submitted by him ; and (v) who were these girls, relatives or friends, who travelled with him on his duty pass ?

(d) Was the said Inspector placed to officiate as Assistant Superintendent Transportation (Commercial), Moradabad Division, during June, 1934 ? If so, will Government please state : (i) the total number of punishments inflicted by him during his short period on the Ticket Checking staff, (ii) the nature of offence committed individually by and the punishment awarded to the Ticket Checking staff, (iii) the number of the Gazette notification under which he was vested with the powers of a gazetted officer to inflict fine on the staff ; and (iv) the persons amongst the Ticket Checking Staff to whom he sanctioned enhanced increments ?

(e) What were his movements during his short period of officiating as a gazetted officer ?

(f) What was his movement on 1st July, 1934 ?

(g) Do Government propose to make an independent inquiry into the conduct of the said Inspector ? If not, why not ?

Mr. P. R. Rau : (a) Government have no reason to believe that such is the case.

(b) to (g). Information is being obtained and will be laid on the table in due course.

MUSLIMS EMPLOYED IN THE HEAD OFFICES OF THE EAST INDIAN RAILWAY AT CALCUTTA.

451. *Haji Chaudhury Muhammad Ismail Khan : Will Government be pleased to state the number of Muslims employed in the Head Offices of the East Indian Railway located at Calcutta ? How many of them are Bengal Muslims and how many belong to other provinces ?

Mr. P. R. Rau : With your permission, Sir, I propose to reply questions Nos. 451 to 456 and 482 together. Government regret they are unable to supplement, with further detailed figures, the information in regard to communal representation in Railway services which is contained in the Annual Administration Reports of Indian Railways, copies of which are in the Library of the House.

MUSLIMS EMPLOYED IN THE HEAD OFFICES OF THE BENGAL NAGPUR RAILWAY AT CALCUTTA.

†452. *Haji Chaudhury Muhammad Ismail Khan : Will Government be pleased to state the number of Muslims employed in the Head Offices of the Bengal Nagpur Railway located in Calcutta ? How many of them are Bengal Muslims and how many belong to other provinces ?

†For answer to this question, see answer to question No. 451.

MUSLIMS EMPLOYED IN THE HEAD OFFICES OF THE EASTERN BENGAL RAILWAY AT CALCUTTA.

†453. *Haji Chaudhury Muhammad Ismail Khan : Will Government be pleased to state the number of Muslims employed in the Head Offices of the Eastern Bengal Railway located in Calcutta ? How many of them are Bengal Muslims and how many are Muslims from other provinces ?

NON-BENGALI MUSLIMS EMPLOYED IN THE HEAD OFFICES OF THE THREE RAILWAYS LOCATED IN CALCUTTA.

†454. *Haji Chaudhury Muhammad Ismail Khan : Is it a fact that in the Head Offices of the three important railways located in the capital of Bengal there are a large number of Muslims belonging to provinces other than Bengal, and are Government aware that there is acute unemployment amongst the educated Muslims of Bengal ?

BENGALI MUSLIMS EMPLOYED IN THE OFFICES OF THE NORTH WESTERN RAILWAY AT LAHORE.

†455. *Haji Chaudhury Muhammad Ismail Khan : Is it a fact that there are no Bengal Muslims employed in the offices of the North Western Railway located in Lahore ? If not, what is the total number of Muslim employees in those offices and how many of them are Bengal Muslims ?

BENGALI MUSLIMS IN THE HEAD OFFICES OF THE BENGAL NAGPUR RAILWAY AND THE GREAT INDIAN PENINSULA RAILWAY AT BOMBAY.

†456. *Haji Chaudhury Muhammad Ismail Khan : Is it a fact that there are no Bengal Muslims in the Head Offices of the Bengal Nagpur Railway and Great Indian Peninsula Railway located at Bombay ? If so, will they be pleased to state the number of Bombay Muslims employed in the Head Offices of the different railways located in the capital of Bengal ?

APPOINTMENT OF BENGALI MUSLIMS IN THE COMMERCE DEPARTMENT.

457. *Haji Chaudhury Muhammad Ismail Khan : Is it a fact that there are several first division and second division vacancies in the Department of Commerce of the Government of India, and that the Muslim organizations of the Punjab are trying to force Government to recruit only Punjab Muslims ? If so, do Government propose to recruit a number of Bengal Muslim graduates and M.As., now unemployed in Bengal, against such vacancies. If not, why not ?

The Honourable Sir Joseph Bhore : There are at present no vacancies in the First or Second Division in the Department of Commerce ; nor has any representation been received from any Muslim organisation in the Punjab urging the Department to recruit only Punjab Muslims. The latter part of the question does not, therefore, arise.

†For answer to this question, see answer to question No. 451.

SUMMER HILL AND KAITHU QUARTERS IN SIMLA ALLOTTED TO THE ARMY HEADQUARTERS STAFF.

458. *Mr. S. C. Mitra : Will Government be pleased to state the number of Summer Hill and Kaithu quarters, to be shown separately, that have been allotted to the men belonging to the Army Headquarters and the rent realized from them during the year 1933 and the rent to be realized in 1934 upto the end of September ?

The Honourable Sir Frank Noyce : With your permission, Sir, I propose to reply to questions Nos. 458, 459 and 460 together.

The information is not readily available and Government do not propose to collect it as the result would not justify the labour involved.

SUMMER HILL AND KAITHU QUARTERS IN SIMLA ALLOTTED TO MEN BELONGING TO OTHER OFFICES, EXCLUDING THE SECRETARIAT.

†459. *Mr. S. C. Mitra : Will Government be pleased to state the number of Summer Hill and Kaithu quarters, to be shown separately, that have been allotted to men belonging to other offices, excluding the Secretariat, and the rent realized from them in 1933, and the rent expected to be realized in 1934 upto the end of September ?

SUMMER HILL AND KAITHU QUARTERS IN SIMLA ALLOTTED TO THE GOVERNMENT OF INDIA SECRETARIAT STAFF.

†460. *Mr. S. C. Mitra : Will Government be pleased to state the number of Summer Hill and Kaithu quarters, to be shown separately, allotted to Government of India Secretariat staff and the total amount realized from them in 1933 and 1934 as house-rent by the forfeiture of house-rent allowances, to which such men were entitled under the Simla Allowances Code, in April and May of those years ?

PREFERENCE TO SECRETARIAT STAFF IN THE ALLOTMENT OF QUARTERS IN SIMLA.

461. *Mr. S. C. Mitra : (a) Is it a fact that at the last Public Accounts Committee meeting Government raised the question of very meagre yield of revenue from the house-rent realized on the basis of ten per cent. of pay, both in Delhi and Simla ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state the reasons why men of the attached offices and the Army Headquarters are being allotted quarters in Simla on the basis of six months' rental from the middle of May to the middle of October in preference to the men of the Secretariat Departments, from whom they realize the whole of their house-rent allowance ranging from Rs. 225 to Rs. 550, which roughly works out to about 20 per cent. of their pay if calculated on the same basis of six months' rental from the middle of May to the middle of October when these men live in Simla ?

(c) Do Government propose to amend the rules of allotment of clerks' quarters in such a way that Secretariat staff would get the first preference in the case of all Government quarters in Simla ? If not, what is the justification for Government losing revenue ?

†For answer to this question, see answer to question No. 458.

The Honourable Sir Frank Noyce : (a) I do not think that it is correct to say that Government raised the question of the inadequate realizations of rent in Delhi and Simla. A statement of the position was given by the Accountant General, Central Revenues, in paragraphs 12—16 of his report on the Appropriation Accounts for 1932-33 under the heading : "Administration of Residential Buildings", and this statement was naturally discussed by the Public Accounts Committee.

(b) This part of the question does not strictly speaking arise, but I may explain that, under the rules, allotments in Simla are ordinarily made for the financial year and that this arrangement was favoured by the Imperial Secretariat Association. An exception is, however, allowed in favour of men who receive no House Rent Allowance, and desire that the allotment should be for the season of seven months, (1st April to 31st October), only. Men of the Attached Offices and Army Headquarters ordinarily receive no House Rent Allowance, and, are, therefore, entitled to ask for seasonal allotments. I do not follow my Honourable friend's suggestion that these rent-paying tenants should be placed at a disadvantage as against men who either pay their rent from an allowance drawn from Central Revenues or pay no rent at all. The House Rent Allowance is not intended to be a source of profit, and I cannot accept the view that men who are given free accommodation in lieu of the allowance are unfairly treated.

(c) No. The rules already give a slight advantage to men who are entitled to House Rent Allowance, and no further preference can be shown to them.

Mr. S. C. Mitra : Do Government realise their responsibility of getting as much rent as possible for these quarters and not losing money by building costly quarters for the Government of India officials ?

The Honourable Sir Frank Noyce : Yes.

Mr. S. C. Mitra : Then how will he justify his decision, in view of the answer just given, by letting these quarters to people who only contribute less amount of the rent according to ten per cent. of their salary ?

The Honourable Sir Frank Noyce : I think that that question arises more naturally in connection with the reply I shall give in due course to the Honourable Member's question No. 463.

PREFERENCE TO SECRETARIAT STAFF IN THE ALLOTMENT OF QUARTERS IN SIMLA.

462. ***Mr. S. C. Mitra :** (a) Is it a fact that all the staff of the Army Headquarters living in Government quarters in Simla, who move down to Delhi, pay rent only for six months of their stay in Simla on the basis of 10 per cent. of their pay ? If so, will Government be pleased to state the reasons why such persons are allowed to retain their lien on their quarters in Simla when they do not pay rent for such quarters during the period when they are away in Delhi ?

(b) Is it a fact that the men belonging to the Secretariat Departments living in Government quarters in Simla are allotted quarters for the whole of the financial year in lieu of the annual house-rent allowances to which they are entitled ?

(c) Do Government propose to amend the Simla allotment rules in such a way that at the next allotment all quarters from which Government realize only six months' rent at 10 per cent. basis from the men belonging to offices other than the Secretariat, should be allotted to the Secretariat staff first? If not, why not?

The Honourable Sir Frank Noyce : (a) The reply to the first part is in the affirmative, but the summer season is the period from 1st April to 31st October, and not a period of six months as stated by the Honourable Member. In dealing with question No. 461, I have explained that the men concerned are rent-paying tenants and Government see no reason why they should not retain their liens from year to year.

(b) Quarters are allotted for the financial year. Men entitled to House Rent Allowance at the old rates draw the allowance in cash, and pay rent in the ordinary way. Men entitled to House Rent Allowance at the new rates occupy their quarters rent free, and do not draw the allowance.

(c) No. I may remind the Honourable Member that the object of providing Government servants with residential accommodation is administrative rather than commercial.

Mr. S. C. Mitra : Do Government take into consideration the commercial side of this question? Are they guided by merely administrative reasons as regards realisation of rent? Do they not care in the least whether there is loss of money or not?

The Honourable Sir Frank Noyce : I venture to think that that question, if I may say so with all respect, comes rather curiously from a Member of this Assembly who gets his own accommodation at what is very far from being a commercial rate.

Mr. S. C. Mitra : And the Executive Councillors get it free almost. They pay only Rs. 5, for their tennis grounds. The Honourable Member knows it and his Department is in charge of these things.

The Honourable Sir Frank Noyce : The Honourable Member is under a misapprehension.

Mr. S. C. Mitra : He is not.

The Honourable Sir Frank Noyce : If he is willing to go into this question with me, I think he will find that there is no question of getting more rent for these quarters. As far as I can understand him, he seems for some reason or other to think that members of the staff belonging to Attached Offices are favourably treated. That is not the case. They are the only class who pay rent from their own pockets.

Mr. S. C. Mitra : Is it not a fact that in assessing rent for the Government quarters of Executive Council Members, no rent is charged for the ground, and the Honourable Members' bungalows are provided with large compounds which are not taken into account in assessing rent, and is it not a fact that the Honourable Members only pay Rs. 5 for their tennis grounds?

The Honourable Sir Frank Noyce : Whether rent is charged for the compounds attached to Honourable Members' houses or not, I can assure the Honourable Member that, in my opinion and that of my Honourable colleagues, we pay an enormous rent for the accommodation we get.

PREFERENCE TO SECRETARIAT STAFF IN THE ALLOTMENT OF QUARTERS IN SIMLA.

463. *Mr. S. C. Mitra : Are Government aware that by allowing the men of other offices than the Secretariat to retain their quarters, Government lose heavily by way of house-rent, which was complained of by the Auditor General at the last meeting of the Public Accounts Committee ? If so, do Government propose to remedy these defects immediately ? If not, why not ?

The Honourable Sir Frank Noyce : No. The men, against whom the Honourable Member proposes to discriminate, pay rent from their own pockets, while the members of the Secretariat staff receive an allowance from Central Revenues to enable them to pay their rent. I have already explained that residential accommodation is provided for administrative rather than commercial reasons, and that Government could in no circumstances agree to exclude a large class of its employees from the benefits of the housing rules. I must add that I am not aware that any complaint was made by the Auditor General at the last meeting of the Public Accounts Committee.

Mr. S. C. Mitra : Does the Honourable Member in deciding administrative questions not take into consideration the commercial aspect at all ?

The Honourable Sir Frank Noyce : Yes, Sir. Obviously the commercial aspect is taken into consideration, but there are certain circumstances in which the administrative aspect is much more important than the commercial. If the Honourable Member can establish to my satisfaction that the Government will obtain an increased revenue by the course which he proposes that Government should adopt, I shall be happy to consider his proposal. I have gone very carefully into this question, and I can assure him that there is no question of financial advantage involved.

ALLOTMENT OF QUARTERS IN SIMLA.

464. *Mr. S. C. Mitra : Is it a fact that the allotment of quarters rules have been framed in such a way that they may help the Anglo-Indian staff of the offices other than the Secretariat to retain the Government quarters in preference to the men of the Secretariat ? If not, do Government propose to take steps to increase the Government revenue by allotting all quarters on a 12 months' basis so that those who will move down to Delhi would be compelled to pay for the whole of the 12 months on a 10 per cent. pay basis ? If not, why should the Secretariat staff be made to forego the whole year's house-rent allowance in lieu of Government quarters ?

The Honourable Sir Frank Noyce : The reply to the first and second parts of the question is in the negative. As regards the third part of the question, I understand that the Honourable Member refers to Government servants of the Secretariat staff who are entitled to the Simla House Rent Allowance at the new rates and are allotted Government accommodation rent free instead of drawing the allowance in cash. I would point out that the allowance can, in no circumstances, exceed the amount of rent actually paid, and that so far as Government servants in this class are concerned, the period of allotment is immaterial.

Mr. Vidya Sagar Pandya : May I put a question ? How does this basis of ten per cent. on the salary work out at the rate of six per cent. return on the outlay on these buildings ?

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

CREATION OF THE INDIAN ARMY CORPS OF CLERKS.

465. *Mr. S. O. Mitra : (a) Will Government be pleased to state the reasons which have now led them to create the Indian Army Corps of Clerks in the Army and Royal Air Force Headquarters for all the new entrants ?

(b) Why was the necessity of such a kind of enlistment of the Indian establishment under the India Army Act never felt during the Great War period and before that ?

(c) Is it a fact that Indian Army Corps of Clerks was formed in 1928 or so ? If so, how is it that the Army Headquarters have after a lapse of twelve years, realised the necessity of introducing the Indian Army Corps of Clerks in the Army and Royal Air Force Headquarters ?

Lieut.-Colonel A. F. R. Lumby : (a) The reason, which led Government to form a section of the Indian Army Corps of Clerks for new British and Indian entrants to the ministerial establishment at Army and Royal Air Force Headquarters, was that the previous constitution of that establishment had failed to meet military requirements in the matter of general efficiency.

(b) Before and during the Great War military clerks predominated in Army Headquarters. At that time the number of Indian clerks in these offices was very much less than it is now. More recently an experiment was made at civilianizing the military portion of the establishment. This has not proved successful, and it has now been decided to revert to a military organisation.

(c) The reply to the first portion of this question is in the affirmative ; as regards the second portion the experience of the last ten years has led to the view that the introduction of a military organisation into what are after all military offices would make for efficiency.

Mr. Gaya Prasad Singh : Is it a fact that those who get themselves enrolled in the Indian Army Corps of Clerks will have to execute a bond for service for a stipulated period—say ten years ?

Lieut.-Colonel A. F. R. Lumby : That is the case. The terms of the bond go to show that, if their services are satisfactory, there is no reason why they should not be allowed to serve up to the age of fifty-five.

Mr. Gaya Prasad Singh : Is it also a fact that such enrolment imposes upon the clerks the liability to proceed on service outside India, but that there is no such liability for those who serve on the civil side of the staff ?

Lieut.-Colonel A. F. R. Lumby : There is no such liability on clerks in Civil Departments, but the terms of service of the Indian Army Corps of Clerks do include a liability to serve anywhere on active service.

Mr. Gaya Prasad Singh : Is it also a fact that, after the stipulated period of ten years, they are liable to be discharged ?

Lieut.-Colonel A. F. B. Lumby : They are liable to be discharged if their services are unsatisfactory ; but I think it is made quite clear in the bond that they have to sign that, if their services are satisfactory, they will be allowed to serve on, as I say, until the age of fifty-five.

Mr. Gaya Prasad Singh : Is it also a fact that enrolment in this Indian Army Corps of Clerks confers none of the privileges attaching to a military status, such as free quarters and other allowances ?

Lieut.-Colonel A. F. B. Lumby : No. The basic pay and the twenty per cent. extra over the ordinary rates of pay laid down cover all the privileges that they get.

Mr. Gaya Prasad Singh : On the civil side—I am asking for information—(Laughter)—there is no point in trying to raise a cheer at my expense—(Laughter)—is it a fact that those who enrol themselves on the military side as Indian Army Corps of Clerks are put at a disadvantage in the matter of free quarters and house allowances, or not, as compared to the civil side ?

Lieut.-Colonel A. F. B. Lumby : If the Honourable Member is referring to clerks in Civil Departments, I do not think there is any disadvantage. If he is referring to clerks of the Indian Corps of Clerks in other stations, the clerks at Army Headquarters do not get these other concessions, but they do receive a twenty per cent. addition to their pay.

Mr. Gaya Prasad Singh : Twenty per cent. in addition to the pay which the clerks on the Civil side get ?

Lieut.-Colonel A. F. B. Lumby : A twenty per cent. addition to the pay laid down in Army Regulations for clerks in the various grades of the Indian Army Corps of Clerks, that is, 20 per cent. more than clerks serving, say, at Ambala or Rawalpindi.

Mr. Gaya Prasad Singh : Is it not a fact that they are put at some disadvantage as compared with the clerks who are serving on the Civil side, even with this additional pay ?

Lieut.-Colonel A. F. B. Lumby : I do not think that there is any greater disadvantage than there was as compared with the rates of pay both categories drew before.

Mr. T. N. Ramakrishna Reddi : Do people discharged after ten years get their proportionate pension or Provident Fund ?

Lieut.-Colonel A. F. B. Lumby : I think I am right in saying that, if they are discharged after only ten years' service, they are not entitled to pensions.

Mr. Gaya Prasad Singh : Is it not also a fact that those employed in the Civil Secretariat and Attached Offices are given higher scales of pay and allowances than those employed in the Army and Royal Air Force Headquarters ?

Lieut.-Colonel A. F. B. Lumby : Yes, they always have been.

Diwan Bahadur A. Ramaswami Mudaliar : I understood from the Honourable the Army Secretary's answer that the experiment of civilianizing this staff has proved a failure and that the Government have reverted to the "military clerk" system. May I know in what respect this experiment proved a failure ?

Lieut.-Colonel A. F. R. Lumby : The experiment of civilianization only affected the British portion of the staff, because previously that was its only military portion. We found we did not get the best men from regiments because at Army Headquarters they had not such satisfactory prospects as in their own regiments.

Diwan Bahadur A. Ramaswami Mudaliar : Is it a fact that the Army Retrenchment Committee proposed, and with the concurrence of the military authorities, that civilianization should go on with reference this Corps ?

Lieut.-Colonel A. F. R. Lumby : I am afraid I cannot give an answer off-hand.

NEW CONDITIONS OF SERVICE AND NEW SCALES OF PAY IN THE ARMY AND ROYAL AIR FORCE HEADQUARTERS.

466. ***Mr. S. C. Mitra :** (a) Is it a fact that the new conditions of service together with the new scales of pay have been sanctioned, with effect from January, 1934, for the new entrants in the Army and Royal Air Force Headquarters ?

(b) Will Government please state if the Public Service Commission, while notifying their decision to hold the examination for recruitment to ministerial establishment of the Government of India Secretariat and Army Headquarters in 1932 and 1933, ever mentioned in any of their notifications that those candidates who would be employed in the Army Headquarters, will be required to enrol themselves under the Indian Army Act ?

(c) If the reply to part (b) above be in the negative, how do Government now justify their action in asking the candidates employed on the result of the above mentioned competitive examinations, to enrol themselves ? Is it a fact that due to their enrolment, they would be placed in a much inferior and disadvantageous position than their contemporaries on the civil side ?

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

(b) No, Sir.

(c) As regards the first portion of the question, the attention of the Honourable Member is drawn to the reply given in the Legislative Assembly on the 2nd March, 1934, to Mr. Uppi Saheb Bahadur's starred question No. 304. Government do not admit that the statement contained in the second portion of this question is correct.

APPOINTMENTS IN THE ARMY AND ROYAL AIR FORCE HEADQUARTERS.

467. ***Mr. S. C. Mitra :** (a) Are Government aware that the men, who have been appointed in the Army and the Royal Air Force Headquarters, as a result of the examinations held by the Public Service Commission in 1932 and 1933 and who were never given any warning at the time of examinations, are now being forced to enrol themselves ?

(b) Is it a fact that all the men, who have been appointed as a result of the abovementioned examinations, have strongly represented against their enrolment under the new conditions which have recently been attached to the Army and the Royal Air Force Headquarters ministerial establishment ?

(c) Are Government aware that there is a general resentment among the new entrants to such an extent that a few clerks in the Royal Air

Force Headquarters, who were asked to enrol themselves, have since then resigned and gone away ?

(d) In view of the facts mentioned in the preceding parts, do Government now propose to enrol those men only who will be taken as a result of the examinations for which the Public Service Commission will announce the new conditions of service in the Army and the Royal Air Force Headquarters, and to exempt the men, who have been employed as a result of the examinations held in 1932 and 1933, from enrolment under the Indian Army Act ? If not, why not ?

Lieut.-Colonel A. F. R. Lumby : (a) to (d). Government have received representations from the clerks of the category mentioned in part (a) of the question and these are now receiving considerations.

SCALES OF PAY FOR NEW ENTRANTS ENROLLED UNDER THE INDIAN ARMY ACT.

468. ***Mr. S. C. Mitra :** (a) Will Government please state the scales of pay which will be given to the new entrants enrolled under the Indian Army Act ?

(b) Will Government also state the scale of pay they propose to give to those entrants who might be exempted from enrolment ? Will it be the scale that has been given to new entrants in the Civil Secretariat and its attached offices, together with house rent and compensatory allowances ? If not, why not ?

(c) Have Government any proposal to further reduce the rates of pay that will be given to the entrants who will be enrolled in the Indian Army Corps of Clerks ? If so, what are those rates ?

Lieut.-Colonel A. F. R. Lumby : (a) The attention of the Honourable Member is drawn to the reply given to part (c) of his starred question No. 56 in the Legislative Assembly on the 30th January, 1934.

(b) I am afraid I cannot answer a hypothetical question of this kind.

(c) These rates of pay will be subject to any general revision that may be decided on for the pay of personnel paid from the Defence Services estimates.

COMPENSATORY ALLOWANCE AND HOUSE RENT FOR NEW ENTRANTS IN THE ARMY HEADQUARTERS.

469. ***Mr. S. C. Mitra :** Are Government aware that the new entrants in the Civil Secretariat and Attached Offices, whose pay has been revised, are given compensatory allowance and house rent, and that no such allowances have been sanctioned for the new entrants in the Army and the Royal Air Force Headquarters ? If so, why have Government kept the Army Headquarters establishment on a different footing even on the introduction of the new scales of pay ? Is it a fact that the scales of pay in the Secretariat and its Attached Offices have become uniform altogether ?

Lieut.-Colonel A. F. R. Lumby : Government are naturally aware of the terms of service of all establishments under their control. The reason for the differentiation referred to by the Honourable Member is the dissimilarity in the conditions of service and nature of work of the two categories. The reply to the last portion of the question is in the affirmative.

OPTION GIVEN TO NEW ENTRANTS IN THE ARMY AND ROYAL AIR FORCE
HEADQUARTERS TO ENROL THEMSELVES OR NOT.

470. *Mr. S. C. Mitra : Is it a fact that Government have given the new entrants in the Army and Royal Air Force Headquarters the option to enrol themselves or not ? Will there be any difference between the rates of pay of both the categories ?

Lieut.-Colonel A. F. B. Lumby : The reply to the first part of the question is in the negative. The rest of the question does not arise.

SELECTION OF A MAN FOR APPOINTMENT TO THE POST OF W. I. X. ON THE NORTH
WESTERN RAILWAY.

471. *Bhai Parma Nand : (a) Is it a fact that a letter (No. 925 E.1111, dated the 27th May, 1933) was issued from the Divisional Superintendent's Office, Delhi, for the selection of a man for appointment to the post of W. I. X. in the grade of 150—10—190 ?

(b) Is it a fact that the posts of Divisional Inspector, Assistant Inspector, and Sub-Inspector, Watch and Ward, were abolished and a post of W. I. X. newly created ?

(c) Is it a fact that no mention about the selection for the post of the Head Watchman was made in the letter quoted in part (a) ?

(d) Is it a fact that the post of Head Watchman was not newly created but is the same as it was prior to retrenchment ?

(e) Is it a fact that Altaf Hussain, Abdul Gani and Chandi were selected as Head Watchmen under cover of the same selection held for the post of W. I. X. in the grade of 150—10—190 ?

(f) Is it a fact that abovementioned demotees were junior to demotees Pirthi Singh, Ganga Parshad and Alamgir Khan according to entries on the waiting list at the time of selection ?

(g) Is it a fact that the recommendations of the Court of Enquiry, *vide* North Western Railway Gazette Extraordinary, dated the 20th June, 1932, appointed by the Government of India, *vide* North Western Railway Gazette Extraordinary of February 1933, were ignored and the senior men mentioned in part (f) were not selected ?

(h) Is it a fact that Government had assured the demotees to re-instate them in the order of seniority. *vide* paragraph No. 9 of the North Western Railway Extraordinary Gazette, dated June 20, 1932 ?

(i) Is it a fact that the staff employed as Head Watchmen on the Karachi Division was given preference over the confirmed hands of Delhi Division ?

(j) Will the Honourable Member in charge of the Railway Department explain why this was done ?

(k) Will the Honourable Member also explain why the seniority basis was not kept in view while re-instating the Head Watchmen, as was done in all the other categories on the North Western Railway as directed by the Government of India ?

Mr. P. B. Rau : I have called for the information required and will place a reply on the table in due course.

Mr. Lalchand Navalrai : No. 472. Was this in abeyance ?

The Honourable Sir James Grigg : The next one or two I have not yet answered.

STOPPAGE OF ISSUING NEW COINS TO THE PUBLIC BY THE BOMBAY CURRENCY OFFICE.

472. ***Mr. Lalchand Navalrai :** Will Government be pleased to state :

- (a) whether it is a fact that the Bombay Currency Office, has stopped issuing new coins and particularly new copper coins to the public ;
- (b) if so, the date from which the issue of new coins has been stopped and the reasons therefor ;
- (c) whether there have been complaints from the members of the public that the coins issued by the Currency Office, Bombay being over-used, great difficulty is felt by them in exchanging the same ;
- (d) if the reply to part (c) above be in the affirmative, the reasons why such over-used coins are not sent to the Mint as uncurrent coins ?

The Honourable Sir James Grigg : (a) No. New coin is issued when old coin is not available.

(b) Does not arise.

(c) One such complaint was recently received but was found to be groundless.

(d) The issue of a larger amount of new coin would of course involve increased expenditure, and in view of the answer to (c) there appears to be no sufficient reason for altering the existing procedure.

Mr. Lalchand Navalrai : Why is it that new coins are not issued ?

The Honourable Sir James Grigg : Because they are not needed and because it would be much more expensive to hand them out. (Laughter.)

REMITTANCES OF OLD COPPER COINS FROM THE TREASURY OFFICE TO THE BOMBAY CURRENCY OFFICE.

473. ***Mr. Lalchand Navalrai :** Will Government be pleased to state :

- (a) the total amount of remittances of old copper coins from the Treasury Offices to the Bombay Currency Office since January, 1934 ;
- (b) whether the coins thus remitted by the Treasury Offices were surplus or whether new coins were issued in exchange thereof ;
- (c) whether such remittances during this period were abnormal for this season ; if not, the special reasons for such remittances ;
- (d) the total expenditure on the remittances to such of the Treasury Offices from which the old coins were received and to which new coins were sent in exchange ;

(e) whether the expenditure on such remittances could have been avoided by issuing new copper coins to the public from the Bombay Currency Office ;

(f) if the reply to part (e) be in the affirmative, whether they propose to issue orders to avoid such expenditure ?

The Honourable Sir James Grigg : I would invite the attention of the Honourable Member to the reply given to Mr. S. G. Jog's question No. 304, which is recorded in the Proceedings of the 30th of July, 1934.

NEW COPPER COINS MADE DARK.

474. ***Mr. Lalchand Navalrai :** Will Government be pleased to state whether any new copper coins were purposely made dark by some process to avoid the circulation of new coins to the public ? If so, what was the extra expenditure incurred on this account, and the total number of new copper coins made dark by this process ?

The Honourable Sir James Grigg : I would invite the Honourable Member's attention to the reply given to Mr. S. G. Jog's question No. 304, which is recorded in the Proceedings of the 30th of July, 1934. The total value of the coin which was subjected to this mechanical process is Rs. 6,100.

Mr. Lalchand Navalrai : May I know from the Honourable Member if it is a fact that the coins are being made dark by some process to avoid circulation ?

The Honourable Sir James Grigg : No, Sir. As I said, as an experimental measure, certain very small numbers of coins were made dark by a mechanical process. That experiment is being discontinued, and the Honourable Member can draw what conclusion he can from the fact that it is being discontinued.

Mr. Lalchand Navalrai : What was the object of doing that—to make them dark ?

The Honourable Sir James Grigg : Because I understand that the demand for new coins is a demand which grows by what it feeds on. The experiment is being discontinued, and I think we will not repeat it.

Mr. Lalchand Navalrai : Was it not deceitful ? (Laughter.)

The Honourable Sir James Grigg : That is an expression of opinion.

Dr. Ziauddin Ahmad : Is it not a very salutary example in which attempts are made to show new things as old while people always generally try to make old things appear new ?

The Honourable Sir James Grigg : I merely think it was an attempt to carry out the Scriptural injunction not to mix up old and new wine. (Laughter.)

NON-ISSUE BY THE BOMBAY CURRENCY OFFICE OF COPPER COINS WORTH LESS THAN RUPEES FIFTY.

†475. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state whether the copper coins worth less than Rs. 50 are not issued to the public from the Currency Office, Bombay ?

†For answer to this question, see answer to question No. 392.

(b) Is the practice in other currency offices in India the same as the one in Bombay? If not, what is the practice in other currency offices?

(c) What are the special reasons for adopting a special practice in Bombay?

EXCHANGE OF SMALL COINS BY THE BOMBAY CURRENCY OFFICE.

†476. *Mr. Lalchand Navalrai: Will Government be pleased to state:

- (a) whether the Currency Office, Bombay, accepts for exchange from the public, small coins worth less than Rs. 100;
- (b) whether on account of this rule the members of the public have to pay commission to the Marwaris for exchanging small coins for less than Rs. 100;
- (c) the authority for fixing this minimum of Rs. 100;
- (d) the practice obtaining in other currency offices in this respect;
- (e) whether it would not be possible in the interest of the public to change the practice prevalent in Bombay in favour of accepting small coins of any amount?

REPORT OF THE COMMITTEE APPOINTED TO EXAMINE THE RULES REGARDING PAYMENT OF THE VALUE OF THE LOST CURRENCY NOTES.

477. *Mr. Muhammad Muazzam Sahib Bahadur: (a) Has the Expert Committee appointed to examine the question of the rules regarding payment of the value of the lost currency notes referred to in the Honourable the Finance Member's speech on the 31st August, 1933, submitted its report? If so, when?

(b) Have Government taken any action on the recommendations of the Expert Committee? If so, to what extent? Will Government be pleased to place the report and other connected papers on the table?

(c) Do Government propose to publish the recommendations of the Committee for public criticism before taking final action?

(d) Will Government be pleased to state whether they are prepared to look into hard cases that had occurred in the past and in particular the case of the Bank of Hindustan, Limited, Madras, and others out of which arose the discussion in the course of which the Honourable the Finance Member made the speech referred to in part (a) above?

(e) Has the Expert Committee recommended any substantial reduction in the cost to the public of remitting money through:

(i) Post Office—

(1) Money Orders, and

(2) Insured letter post,

(ii) Supply Bills,

†For answer to this question, see answer to question No. 392.

- (iii) Currency Telegraphic transfer, and
(iv) The Imperial Bank of India ?

What progress has been made in carrying out the Committee's recommendations in each case ?

(f) Are Government aware that Insurance Companies are in a position to protect parties against losses of currency notes sent through insured post at rates which are substantially the same as the cheapest rates of the Imperial Bank of India ? If so, are they prepared to consider the grant of cheaper remittance facilities to the public ?

The Honourable Sir James Grigg : With your permission, Sir, I shall answer questions Nos. 477 and 478 together. The Expert Committee which was appointed to examine the Currency Notes (Refund) Rules submitted their report on the 11th of May, 1934. Their recommendations have been under the consideration of the Government of India, and I hope that it will be possible very shortly to publish the report and to make an announcement on the subject.

Government have no information regarding the rates offered by insurance companies for protection against the loss of currency notes.

Mr. T. N. Ramakrishna Reddi : Is the report of the Committee unanimous ?

The Honourable Sir James Grigg : I am not sure whether the Honourable Member on the Honourable Member's left did not make a certain reservation. Anyhow, the report will be published as soon as it is possible to do so.

Mr. Vidya Sagar Pandya : Government issued a communiqué, dated the 6th June, 1934, evidently based on the report of the Expert Committee, and, again on the 11th July, 1934, the same has been cancelled. I should like to know what is the object of that ?

The Honourable Sir James Grigg : In order that the recommendations of the Committee may be dealt with as a whole.

Mr. Vidya Sagar Pandya : Are they going to take up the matter soon or will it be taken up only after the formation of the Reserve Bank and when the Bank begins to function ?

The Honourable Sir James Grigg : I am sorry I did not hear the Honourable Member.

Mr. Vidya Sagar Pandya : Is it the object of the Government to issue these final rules after the Reserve Bank has been constituted and after consultation with the Bank, or before that ?

The Honourable Sir James Grigg : I should like to have notice of that question. But speaking off-hand, and I can confirm it if a question is put down, I think it is not proposed to wait until the constitution of the Reserve Bank. As I said, we shall publish the report very shortly and also make an announcement on the subject.

Mr. Vidya Sagar Pandya : Is it possible for the Honourable Member to say with reference to question No. 478 whether the pledge given by the previous Finance Member will be honoured ?

The Honourable Sir James Grigg : Surely, Sir, I am not expected to go beyond what I have already said at this moment, namely, that we will publish the report very shortly and also make an announcement on the subject. I hope the Honourable Member would not insist on our making a piecemeal announcement on this subject as he has already called attention to the fact that we started off by making a piecemeal announcement and then had to withdraw it.

Mr. Vidya Sagar Pandya : What I wish to know is whether the hard cases which have occurred in the past are likely to be considered ? That is the main question.

The Honourable Sir James Grigg : I am sorry I could not hear the Honourable Member.

Mr. Vidya Sagar Pandya : I wish to know whether the hard cases that have occurred in the past will be considered as promised by the Honourable Member's predecessor ?

The Honourable Sir James Grigg : Presumably they will be considered, but I cannot make any announcement on the subject.

REPORT OF THE COMMITTEE APPOINTED TO EXAMINE THE RULES REGARDING PAYMENT OF THE VALUE OF THE LOST CURRENCY NOTES.

†478. ***Mr. Vidya Sagar Pandya :** In view of the statement made by the Honourable the Finance Member on the 31st August, 1933, " that if as a result of the work of the Expert Committee (regarding Currency Notes Refund) it was possible to devise clearer and more restricted rules which would regulate the position for the future then the Government might be willing to consider looking into hard cases that had occurred in the past ", are Government prepared to consider such hard cases (including that of the Bank of Hindustan, Limited, Madras) now that the said Committee has submitted its report ?

TRAFFIC INSPECTORS IN THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

479. ***Bhai Parma Nand :** (a) Is it a fact that out of five Traffic Inspectors in the Moradabad Division, East Indian Railway only one was a Hindu ?

(b) Is it a fact that on account of the recent decision of Government the Divisional Superintendent, Moradabad, appointed a Muslim as Traffic Inspector ?

(c) Is it a fact that soon after, another post of Traffic Inspector was created and given to an Anglo-Indian, and that the claims of the Hindu candidates were ignored ?

(d) If the replies to parts (a) to (c) above be in the affirmative, will Government be pleased to state if this was in accordance with the intention of their decision ?

Mr. P. B. Rao : (a) to (d). Government have no information about the particular cases referred to by the Honourable Member, but have no reason to believe that their policy about recruitment to railway services

†For answer to this question, see answer to question No. 477.

is not followed by the East Indian Railway. As I have pointed out more than once in this House, it is impossible to give communal considerations any place either in promotions or in the staffing of individual offices.

DUTIES OF SUB-ASSISTANT SURGEONS IN THE CIVIL HOSPITAL, DELHI.

480. *Haji Chaudhury Muhammad Ismail Khan : (a) Is it a fact that Sub-Assistant Surgeons in the Delhi Civil Hospital are deputed to attend to emergent cases in the nights ?

(b) Is it a fact that the Assistant Surgeon in that Hospital is in receipt of an allowance of Rs. 50 per mensem and has also been allotted a residential quarter in the Hospital compound with the sole object of being made responsible to attend to such cases ?

(c) If the reply to part (b) above be in the negative, will Government please explain what this allowance and the allotment of a residential house within the Hospital compound are intended for ?

(d) Is it a fact that Sub-Assistant Surgeons required to attend to emergent cases at night are made to work constantly for 28 hours ?

(e) Is it a fact that none of the Sub-Assistant Surgeons so deputed is residing within the Hospital compound ?

(f) Are Government aware of the inconvenience caused to these Sub-Assistant Surgeons in consequence of this unusually lengthy period of duty and the fact that their families have to live alone during this period ?

(g) Is it a fact that after completing the 28 hours' duty at nights, these Sub-Assistant Surgeons are required to do the normal outdoor duties ?

(h) Will Government please state if this prolonged duty is not in contravention of the ordinary rules intended for Government servants, so far as their hours of work are concerned ?

(i) What action do Government propose to take for the amelioration of the condition of the Sub-Assistant Surgeons concerned ?

(j) Do Government propose to consider, with a view to remove the grievances of the present staff, the question of the appointment of one more residential medical officer to attend to emergent calls at nights and to act as leave reserve when necessary ?

Mr. G. S. Bajpai : With your permission, Sir, I shall answer questions Nos. 480 and 481 together. The information has been called for, and replies will be furnished in due course.

MEDICAL DEPARTMENT OFFICERS EMPLOYED IN DELHI FOR THE MEDICAL INSPECTION OF SCHOOLS.

†481. *Haji Chaudhury Muhammad Ismail Khan : (a) Is it a fact that some officers of the Medical Department are employed in Delhi (City) solely for the medical inspection of schools ?

†For answer to this question, see answer to question No. 480.

(b) If the reply to the preceding part be in the affirmative, will Government please supply the following information in connection with those officers :

(i) the number of part time officers so employed, or the number of those who are in receipt of an allowance for the work in addition to their pay ;

(ii) the number of the whole time officers so employed, and the pay and allowances granted to them ; and

(iii) the total expenditure incurred by the State ?

(c) Is it a fact that the schools in the rural areas in Delhi Province are medically inspected by the medical officers of the respective Ilaqas ? If so, will Government please state why a similar arrangement cannot be made in Delhi ?

(d) Is it a fact that no arrangement similar to that existing at present in Delhi is in operation in the Punjab ? If so, will Government please state why this arrangement is being continued in Delhi at an additional expense ?

(e) Will Government please state whether, with a view to curtailing the expenditure, they are prepared to consider the advisability of reducing the appointments of Medical Inspectors of Schools in Delhi ?

MUSLIMS, EUROPEANS, ETC., IN CERTAIN APPOINTMENTS ON THE NORTH WESTERN RAILWAY.

†482. *Haji Chaudhury Muhammad Ismail Khan : (a) Will Government be pleased to state the number of Muslims, Europeans and other non-Muslims in the following appointments on the North-Western Railway :

(i) Traffic Inspectors,

(ii) Station Masters in Grades II, III, IV, V, VI and VII,

(iii) Assistant Station Masters in Grades II, III, IV and V, and

(iv) Assistant Controllers ?

(b) Will Government be pleased to state the number of vacancies that occurred in the appointments referred to in part (a) above during the years 1931, 1932 and 1933, and the number of Muslims who were recruited in each appointment in those vacancies ?

(c) Will Government be pleased to state the number of Muslims at present on the waiting list for the appointments referred to above ?

(d) Is it a fact that the number of Muslims at present holding some of the above appointments is shortly going to be reduced ? If so, why ?

REDUCTION OF PAY OF SUBORDINATES ON THE NORTH WESTERN RAILWAY.

483. *Haji Chaudhury Muhammad Ismail Khan : (a) Is it a fact that the scales of the Senior and Junior Subordinates on the North Western Railway have been reduced ?

†For answer to this question, see answer to question No. 451.

(b) Is it a fact that the reduction in these scales was effected when a few Indians were admitted to these services ?

(c) If the answers to parts (a) and (b) above are in the affirmative, is it a fact that the admission of Indians has resulted in the reduction of pay of these appointments ?

Mr. P. R. Rau : (a) I presume my Honourable friend is referring to the new scales of pay introduced for all new entrants into the subordinate services on the North Western Railway from the 1st August, 1934 ; if so, the answer is in the affirmative.

(b) and (c). No.

FALL IN INCOME-TAX REVENUE OWING TO THE EARTHQUAKE IN BIHAR.

484. ***Mr. Sitakanta Mahapatra :** (a) Are Government aware that there will be a fall in Income-tax revenue, under the head 'property' owing to the earthquake in Bihar ? If so, what is the expected deficit to the estimated income-tax revenue from Bihar and Orissa ?

(b) Do Government propose to grant remissions of income-tax revenue to the people in the area affected by the earthquake ?

The Honourable Sir James Grigg : (a) Yes, but it is not possible at present to give any reliable estimate of the short fall.

(b) A notification has been already issued granting an increased allowance on account of repairs in the case of house property situated in the affected area.

Mr. Gaya Prasad Singh : May I know what the Finance Department of the Government of India, especially the Central Board of Revenue, is going to do towards those affected by the earthquake in Bihar as regards the remission or suspension of income-tax ?

The Honourable Sir James Grigg : If the Honourable Member wants to know the views of the Government of India on a general question like this, I shall be very grateful if he will put it down on paper. This specific question relates to granting an increased allowance on account of repairs in the case of house property situated in the affected area. That point has already been dealt with.

POSTING OF CERTAIN INCOME-TAX OFFICIALS AT A PARTICULAR STATION FOR A LONG TIME IN BIHAR AND ORISSA.

485. ***Mr. Sitakanta Mahapatra :** (a) Is it a fact that certain Income-tax officials (Officers, Inspectors, Accountants, Head Clerks and Personal clerks) in Bihar and Orissa have been posted to a particular station (district) for a very long time ? If so, do Government propose to transfer them to other places ? If not, why not ?

(b) Will Government be pleased to state the number of Income-tax officials in Bihar and Orissa who have continued in one place for more than three years and the number of those who are posted in their native districts ?

(c) Will Government please state whether there is any minimum number of assessments fixed (excluding lower incomes below Rs. 2,000) which must be completed each month by an Income-tax Officer in Bihar

and Orissa, and whether there is any such minimum fixed in other provinces ?

(d) Will Government please state the total number of requests for leave made by Income-tax Officers in Bihar and Orissa during the years 1932 and 1933, and the number of them that were granted leave ?

(e) Are Government aware that this sense of insecurity in service, as well as the insistence of longer hours of work at the cost of the health of the staff of the Income-tax Department in Bihar and Orissa was expressed in a Resolution passed by the Bihar and Orissa Income-tax Officers Association ? If so, what steps have Government taken to remove those grievances of the staff of the Income-tax Department in Bihar and Orissa ? If they are not aware, do Government propose to inquire into the service conditions of that Department in Bihar and Orissa ?

The Honourable Sir James Grigg : With your permission, Sir, I propose to answer questions 485 and 486 together. Enquiries are being made and the result will be laid on the table in due course.

STANDING COUNSEL TO THE INCOME-TAX DEPARTMENT IN BIHAR AND ORISSA.

†486. ***Mr. Sitakanta Mahapatra :** (a) Are Government aware that the present Standing Counsel to the Income-tax Department in Bihar and Orissa was also implicated along with the present Commissioner of Income-tax, Bihar and Orissa in the sensational allegations made by Maharajadhiraja of Dharbhanga in the suit filed by him against the Income-tax authorities in Bihar and Orissa in 1928 ?

(b) Is it a fact that the present Commissioner of Income-tax is responsible for the selection of the present Standing Counsel in succession to the Honourable Justice Agarwala, when he was promoted to the Bench ?

RETRENCHED HANDS OF THE BIHAR AND ORISSA INCOME-TAX DEPARTMENT.

487. ***Mr. Sitakanta Mahapatra :** Will Government please state if the names of retrenched hands in Bihar and Orissa Income-tax Department are retained on a waiting list for reinstatement for being offered posts against vacancies that occur, according to their assurance given to the men retrenched from the Railways, and particularly when the Honourable the Finance Member stated on the 20th April, 1934, in his reply to my question No. 792 that retrenchment is not punishment ?

The Honourable Sir James Grigg : The answer is in the negative.

Mr. Sitakanta Mahapatra : Do not Government propose to treat the retrenched officers of the Income-tax Department in the same way as the retrenched railway officers ?

The Honourable Sir James Grigg : As a matter of fact, I have made inquiries into this matter and the explanation is this that the retrenchment of Income-tax Officers in Bihar and Orissa was confined to those whose work was consistently unsatisfactory, and that is the reason why they will not be re-instated.

Maulvi Muhammad Shafee Daoodi : Will Government make further inquiries in view of the representations recently made by some of those who have been retrenched ?

†For answer to this question, see answer to question No. 485.

The Honourable Sir James Grigg : Certainly, but there can be no question of re-instating those officers whose work was found to be consistently unsatisfactory.

Mr. Gaya Prasad Singh : Am I to take it that the work of all these officers who have been retrenched in the Province of Bihar and Orissa has been uniformly unsatisfactory ?

The Honourable Sir James Grigg : That is my information.

Mr. Sitakanta Mahapatra : May I ask, Sir, whether these officers have been retrenched as a punishment ?

The Honourable Sir James Grigg : I did not say that at all, but obviously commonsense requires that if you are retrenching officers in a Department you should get rid of the most unsatisfactory first.

Maulvi Muhammad Shafee Daoodi : In view of the persistent complaint made in regard to the injustice done to the retrenched officers of the Income-tax Department in Bihar and Orissa, will the Honourable Member see his way to look into this matter once again ?

The Honourable Sir James Grigg : I have already, in connection with this question, made inquiries into the matter and certainly, as I said before, I will not be a party to the re-instatement of people whose work has been consistently unsatisfactory.

Diwan Bahadur A. Ramaswami Mudaliar : Does the Honourable Member realise that if a Government servant is to be removed for unsatisfactory conduct, a charge has to be framed and an opportunity has to be given to him to show that the charge or the orders passed are justified ? In the present case, no charge has been framed and no explanation has been taken, and if the Honourable Member now says that they have been retrenched because of their unsatisfactory work, does it not really mean that they have been dismissed without the elementary principles of justice being satisfied ?

The Honourable Sir James Grigg : The explanation given by me does not mean anything of the sort. There is a world of difference between officers who have been retrenched and those who have been dismissed as a consequence of a specific charge.

Maulvi Muhammad Shafee Daoodi : Can a member of the service, drawing a high salary and having served for a number of years, be retrenched without giving any reason whatsoever, and when vacancies are being filled now, his case is not being considered at all ?

The Honourable Sir James Grigg : I do not quite understand the point of the question. As I said, a certain number of officers were retrenched and the Department chose quite sensibly to retrench those who were least efficient and most unsatisfactory. Obviously, it will be a folly to re-instate in the service, when the vacancies arise, people whose work was consistently unsatisfactory.

Mr. Gaya Prasad Singh : But the fact that the work of these officers has been consistently unsatisfactory was brought to the light of the Central Board of Revenue only at the time of the retrenchment. Was there any bad record of these officers previously also ?

The Honourable Sir James Grigg : I imagine that the Central Board of Revenue were perfectly well aware of the unsatisfactory nature

of their work but it did not amount to its being so unsatisfactory as to justify their dismissal on disciplinary grounds or on grounds of incompetency, but quite naturally when you have to get rid of officers, you should get rid of the least efficient.

Mr. Lalchand Navalrai : May I ask, Sir, if there are no more unsatisfactory officers in the Income-tax Department ?

The Honourable Sir James Grigg : I would not like to give a categorical answer to a question of that nature.

Dr. Ziauddin Ahmad : In view of the fact that this is not a solitary example and there has been similar examples in other Provinces to which the attention of the Finance Department has already been drawn before the present Finance Member came to India, namely, that retrenchment has been misused by the Departments and that persons, against whom the Government did not like to frame charges, were retrenched, will Government inquire into such cases ?

The Honourable Sir James Grigg : What I am going to say now will illustrate the point of my reply to my Honourable friend, Diwan Bahadur Mudaliar's question. When these people were retrenched, they presumably got compensation or pension under the ordinary retrenchment terms. They were in fact people who were not so unsatisfactory as to justify dismissal. They have got full compensation for their services, and the only thing is that we are not going to put them back into service again.

Mr. S. C. Mitra : Was there any inquiry, departmental or otherwise, before these people were retrenched for uniformly unsatisfactory work, and whether they were given any chance to refute those charges ?

The Honourable Sir James Grigg : No charges were brought against them. They were retrenched and given full compensation for their services. All I say is that presumably the quality of their work was perfectly well known to the heads of their Departments. It would be an act of gross folly to put back people whom we regarded as incompetent.

Mr. Gaya Prasad Singh : The quality of their work was perfectly well known to the officers. Am I to understand from this that there was evidence on record to show that their work was uniformly unsatisfactory from before the time they were given orders of discharge ?

The Honourable Sir James Grigg : In the case of every officer there is a confidential record of his work kept every year throughout his service.

Sir Abdur Rahim : Is it the case of the Honourable Member that retrenched officers were men whose work was found unsatisfactory

The Honourable Sir James Grigg : Does the Honourable Member mean generally or specially ?

Sir Abdur Rahim : Generally.

The Honourable Sir James Grigg : I could not possibly give any categorical answer.

Mr. B. R. Puri : If it had not been on account of retrenchment consideration, would you have framed charges against these people on account of their uniformly bad work ?

The Honourable Sir James Grigg : I have not said any such thing. Everybody knows that there are always border-line cases in an office of people who are uniformly inefficient, but who have not committed any offence or any wrong and whose inefficiency would not justify their being dismissed out of hand without any compensation or pension.

Mr. B. R. Puri : What I should like to know is this that, if their work was uniformly bad and if the question of retrenchment had not come in and you wanted to get rid of that lot, would you or would you not have framed charges against them and give them an opportunity of explaining those charges ?

The Honourable Sir James Grigg : I cannot answer a hypothetical question like that.

Mr. B. R. Puri : That is not a hypothetical question. It is a very concrete question.

The Honourable Sir James Grigg : This is certainly a hypothetical question. " Would I have done a certain thing if a certain thing had happened " is certainly a hypothetical question.

Mr. B. R. Puri : How long was this uniformly bad work on the part of these people known to the Department ?

The Honourable Sir James Grigg : It varies in the case of the different officers.

Mr. B. R. Puri : Was it or was it not known to the officers in charge of these people long before retrenchment came in ?

The Honourable Sir James Grigg : In some cases at any rate, yes.

Mr. B. R. Puri : Then why were they not got rid of earlier ?

The Honourable Sir James Grigg : I have answered that earlier that their work, though unsatisfactory, yet was not so unsatisfactory as to justify their dismissal out of hand without any compensation or pension.

Mr. K. C. Neogy : Do I take it that it was the unsatisfactory condition of the Government finances that aggravated the unsatisfactory character of their work ? (Laughter.)

The Honourable Sir James Grigg : That is a question which does not arise out of this.

Maulvi Muhammad Shafee Daoodi : May I know why one Mahesh Prasad Chaudhury, who had very satisfactory work throughout his 13 years service, was retrenched ?

Mr. President (The Honourable Sir Shanmukham Chetty) : Obviously that question cannot be answered off-hand by the Finance Member.

Maulvi Muhammad Shafee Daoodi : There are only three cases which are under discussion and no more than that. I am asking a particular question, because the Honourable the Finance Member has been evading replies to questions. That is the reason why I am asking this particular question. Is it not a fact that one Mahesh Prasad Chaudhury had a good record of work for 13 years and he has been highly spoken

of by officers of his Department and still he was retrenched without being given any chance for showing that he was not inefficient.

The Honourable Sir James Grigg : As pointed out by you, Sir, I am afraid I cannot answer any questions of this particular nature on this subject.

ORIYAS EMPLOYED IN THE TELEGRAPH DEPARTMENT IN THE ORISSA CIRCLE.

488. ***Mr. Sitakanta Mahapatra** : Will Government please state the number of Oriyas employed in the Telegraph Department in the Orissa Circle ?

The Honourable Sir Frank Noyce : I presume that the Honourable Member is referring to the Bihar and Orissa Circle. The information has been called for and a reply will be placed on the table of the House in due course.

EMPLOYMENT OF UNQUALIFIED MEN IN THE GOVERNMENT OF INDIA OFFICES.

489. ***Mr. Sitakanta Mahapatra** : (a) Will Government please state the number of permanent and quasi-permanent (e.g., vacancies caused by men on leave pending retirement) posts in the ministerial establishment of the Government of India Secretariat and its attached offices, which are shown in the registers of the Accountant General, Central Revenues, as lying unfilled or having been filled temporarily or in an officiating capacity ?

(b) Is it a fact that a number of permanent, deputation and temporary vacancies in the Railway Board, Office of the Director General, Posts and Telegraphs, Home, Foreign and Political, Finance, Industries and Labour Departments and the Imperial Council of Agricultural Research are at present being held by unqualified candidates ? If so, will Government please state the number of these vacancies and the period for which they have been existing in the respective offices and have been held by unqualified candidates ?

(c) Is it not a fact that the Public Service Commission have been holding regular examinations for the recruitment of ministerial staff since 1931, and have been supplying the offices with lists of candidates who are qualified for temporary appointments ? If so, will Government please state how these unqualified men could be appointed in preference to the men on the lists of the Commission and why no steps have been taken to replace them ? Are Government not under a moral obligation to provide those candidates who appear at and pass their examinations to the vacancies existing, permanent or otherwise ?

(d) Is it permissible to appoint unqualified men to officiate in permanent vacancies or to appoint such men in long period temporary or deputation posts when qualified men are available ? If so, under what rules ?

The Honourable Sir Henry Craik : (a) and (b). The information is being collected and will be supplied to the House in due course.

(c) and (d). The answer to the first part of clause (c) is in the affirmative. As regards the right of Departments to employ unqualified men in temporary vacancies, I would invite the Honourable Member's attention to the reply given to parts (c) and (d) of Sardar Sant Singh's question No. 212 on the 21st February, 1934.

REVISED SCALES OF PAY FOR THE CLERICAL ESTABLISHMENT OF THE ATTACHED OFFICES.

490. *Mr. Sitakanta Mahapatra : (a) Is it a fact that Government have announced the revised scales of pay for the clerical establishment of the attached offices ?

(b) Is it a fact that under that announcement all clerks in the lower division of attached offices are to be classed as second division clerks and that a third division shall be introduced gradually in those offices through fresh recruitment ?

(c) Are Government aware that there already existed two divisions, viz., second and third divisions, under two different sources of recruitment in the lower division of attached offices before the announcement was made ?

(d) Is it a fact that as a result of this announcement many clerks who were recruited on the results of the Second Division Examination have been placed in the third division while many clerks who were recruited as a result of the third division examination have been placed in the second division and that the latter class of clerks have thus gained an advantage not only over the former class but also over their confreres in the third division of the Secretariat ?

(e) Are the third division clerks in attached offices, who are thus classed as second division clerks, to receive preference over or equality with those clerks who were recruited as a result of the second division examination and who continue to remain in the second division along with them in matters of seniority and promotion ? If not, do Government propose to issue clear instructions on this point ?

(f) In making the announcement, was there any reason not to recognise the two divisions in the lower division of the attached offices which were in existence at the time of the announcement and on the basis of which recruitment had been made upto that time ? If there was any reason, what was it ?

(g) Is it not a fact that the net result of the new announcement has been to benefit the old third division, that is to say the typists and routine clerks at the expense of other clerks who are qualified for the first and second divisions of the Secretariat ? If not, why not ?

(h) Are Government aware that the latter class of clerks in the attached offices have already doubly suffered in comparison with their confreres in the Secretariat by being given a third division rate of pay which has also been the pay for the third division clerks in their offices and lesser scope of promotion to the first division ? If so, do Government propose to ensure that the rights and privileges of the old second and the first division qualified clerks in matters of promotion, etc., at least continue as they were at the time of the announcement ? If not, why not ?

The Honourable Sir Henry Craik : (a) and (b). The reply is in the affirmative.

(c) Prior to the re-organisation effected in conjunction with the introduction of rates of pay for new entrants to Attached Offices, there were only two Divisions in such offices, namely the First and the Second.

The latter, however, contained two categories of men, viz., those who had qualified for the Second Division and those who had qualified for the Routine Division.

(d) No. The orders provide that all those in the old Second Division will remain in the new Second Division. No existing members of the Second Division are to be placed in the new Third Division which is to be formed by future recruitment.

(e) to (h). I find it difficult to understand the point of these clauses, but I may say generally, that it is not proposed to disturb the existing orders fixing the proportionate basis of recruitment to the First Division. If the Honourable Member will let me have the details of any particular case or cases he has in mind I will have them examined.

COMMISSIONED OFFICERS SERVING IN THE INDIAN ARMY, THE INDIAN AIR FORCE AND THE INDIAN MARINE.

491. *Sirdar Harbans Singh Brar : (a) Will Government please state the total number of commissioned officers serving in the Indian Army, the Indian Air Force and the Indian Marine ?

(b) Will Government please state the average number of annual retirements in each of these branches ?

(c) Will Government please state the average number annually recruited to the commissioned ranks of these services ? How many of them are to be British and how many Indians according to present arrangements ?

Lieut.-Colonel A. F. R. Lumby : (a), (b) and (c). The number of King's Commissioned officers, at present serving in the Indian Army, is 2,990. The average number of those who have retired during the last three years is 110. During that period the same average number has been recruited annually, made up of 90 British and 20 Indian officers. When the Indian Military Academy begins to turn out its full quota the number of Indian officers recruited annually will increase to about 60. I presume that the Honourable Member is not asking for information regarding the Viceroy's Commissioned officers of the Indian Army as he has put down a separate question on this subject.

The number of commissioned officers at present serving in the Indian Air Force is nine. It is impossible to estimate the average wastage in a service which has only been in existence for a little over a year. Six Indian cadets are now receiving training at the Royal Air Force College, Cranwell, to which normally two Indian cadets are sent each year. The British officers at present serving with the Indian Air Force have been loaned to it from the Royal Air Force to supervise its formation. Its establishment will ultimately be entirely Indian.

Information regarding the Royal Indian Marine is being obtained and will be laid on the table at an early date.

Sir Abdur Rahim : It appears from the answer given by the Army Secretary that he is not quite sure that 60 will be the output of the Military College at Dehra Dun this year or every year. Is that the position ?

Lieut.-Colonel A. F. R. Lumby : There may always be a certain amount of wastage. Some cadets may not qualify for commissions ; so I qualified my statement by saying " about 60 ". I hope there will be the full 60.

Sir Abdur Rahim : What will be the exact number ? I think he is in possession of it.

Lieut.-Colonel A. F. R. Lumby : I believe 23. We were not able to make good the wastage during the first term as you can well understand.

RECRUITMENT OF VICEROY'S COMMISSIONED OFFICERS.

492. ***Sirdar Harbans Singh Brar** : (a) How many Viceroy's Commissioned officers are generally recruited in one year ? Is the recruitment to continue or not ? If not, when will it stop ?

(b) How many Viceroy's Commissioned officers are to be retired annually from now onwards, and when will this service become extinct according to the present plans of Government ?

Lieut.-Colonel A. F. R. Lumby : (a) and (b). Viceroy's Commissioned officers are not generally recruited direct, but are usually promoted from the non-commissioned ranks of the Army. The average number of Viceroy's Commissions, granted during the past three years, is 328. This figure excludes those appointed to Pioneer Battalions which have been disbanded.

The existing system of granting Viceroy's Commissions will continue for the present except in the case of units which are being Indianised. The non-commissioned ranks of such units will still be eligible for promotion to Viceroy's Commissioned rank in units which are not being Indianised.

Approximately 300 Viceroy's Commissioned officers, now serving in Indianising cavalry and infantry units, will be retired between January, 1935, and the end of 1940, but the exact annual proportion is not yet certain.

The rank of Viceroy's Commissioned officer will not become entirely extinct until the Indianisation of every part of the Indian Army is complete. As regards the extension of the policy of Indianisation beyond the existing programme, I would refer the Honourable Member to the answer to part (c) of question No. 63, asked in the Council of State, by the Honourable Rai Bahadur Lala Jagdish Prasad, on the 20th February, 1933.

Captain Sher Muhammad Khan Gakhar : May I ask if Government have made any arrangement for the young Indian officers who will be replaced by the cadets from Abbottabad from the Indianised units ? Are there not young Indian officers who have not completed the service for pension ?

Lieut.-Colonel A. F. R. Lumby : I want notice of that question. There is certainly no intention of getting rid of any Viceroy's Commissioned officers prematurely without compensation.

Sir Abdur Rahim : If the Indian Viceroy's Commissioned Officers are gradually eliminated, does it not mean that it will require practically double the number of officers from Dehra Dun than would be otherwise under the present system in which Viceroy's Commissioned officers are to be found in the Indian Army ?

12 NOON.

Lieut.-Colonel A. F. R. Lumby : The Honourable Member is perfectly correct. The figure of 60 which is the present output of the Indian Military Academy is based on the figures of the officer establishment of the division which His Excellency the Commander-in-Chief has announced, is to be Indianised first of all. The officer establishment of that Division is reckoned on the basis of 28 Indian Commissioned officers for an infantry unit and the full establishment of Indian Commissioned officers in every other kind of unit.

Sir Abdur Rahim : What will be the increased cost under the new system that is proposed ?

Lieut.-Colonel A. F. R. Lumby : To take an Indian infantry battalion, I understand the saving will be somewhere in the region of Rs. 20,000 a year.

Sir Abdur Rahim : If the Viceroy's Commissioned officers are replaced by the Dehra Dun officers, then will there be a saving or an increase in the cost ?

Lieut.-Colonel A. F. R. Lumby : I am referring to the time when the new establishment is complete and there are no British officers, but a full establishment of Indian Commissioned officers paid at the rates which are being fixed for new entrants to the Indian Army.

Sir Abdur Rahim : Even taking into account the fact that there will be no more Viceroy's Commissioned officers ?

Lieut.-Colonel A. F. R. Lumby : Even taking that fact into consideration, and even taking into consideration the fact that the establishment is to include some nine warrant officers who will be more highly paid than any non-commissioned rank at present serving in an Indian regiment. These warrant officers will be paid nearly as much as a *jamadar*, and still there will be a saving.

Lieut.-Colonel Sir Henry Gidney : Is it not a fact that the gradual and ultimate complete extinction of the Viceroy's Commission does not meet with any approval amongst the Indian officers ?

Lieut.-Colonel A. F. R. Lumby : There is at least one *ex-Indian* officer in this House who approves of it.

Lieut.-Colonel Sir Henry Gidney : Does one constitute the whole lot ?

Sir Abdur Rahim : Will not the saving be effected by considerably lowering the pay of the officers of the Dehra Dun Academy ?

Lieut.-Colonel A. F. R. Lumby : The initial rate of pay was announced in 1932. The starting pay is Rs. 300 a month instead of the present rate of Rs. 400.

Sir Abdur Rahim : Will the scale of pay be lower throughout and also the pensions ?

Lieut.-Colonel A. F. R. Lumby : Yes, Sir. The idea is to base the scale of pay on purely Indian standards. This, I understand, it is

proposed to do, throughout the Indian services. The rates of pay proposed are practically identical with the rates of pay that are at present drawn by officers of the British army serving in England.

Sir Abdur Rahim : Was any inquiry made by the military authorities before embarking on this experiment of reducing the scale of pay of future officers ?

Lieut.-Colonel A. F. R. Lumby : I am not quite clear from whom the inquiry was to be made.

Sir Abdur Rahim : From officers who are there and from public bodies generally ?

Lieut.-Colonel A. F. R. Lumby : I think I am correct in saying that, when the reduced scales were being framed, it was understood that this was being done in accordance with the wish of Indian public opinion that future scales of pay should be less than they are at present.

Sir Abdur Rahim : Was that public opinion ascertained by any specific inquiry or investigation ?

Lieut.-Colonel A. F. R. Lumby : I am afraid I cannot say how the inquiries were made, or indeed whether we made any inquiries.

Mr. Vidya Sagar Pandya : Was it not also public opinion that the British service and salaries should be curtailed ? If one part of public opinion is carried out, why should not the other part also be carried out ?

EUROPEANS RECRUITED TO THE COMMISSIONED RANKS OF THE ARMY.

493. ***Sirdar Harbans Singh Brar :** Will Government please state the number of Europeans who are at present annually recruited to the commissioned ranks of the Army, and the number which will be recruited if the Indian Army Act is passed into law and the recruitment to the Viceroy's Commission is discontinued ?

Lieut.-Colonel A. F. R. Lumby : With your permission, Sir, I propose to answer questions Nos. 493 and 494 together.

I would refer the Honourable Member to the answer which I gave today to his question No. 491.

As a member of the Select Committee on it, the Honourable Member should be aware that the Bill he refers to deals with discipline and kindred matters and will not, if passed, have any effect on recruitment. Similarly, the decision gradually to discontinue the grant of Viceroy's Commissions will have no effect on the number of Indian Commissioned officers recruited ; on the contrary the pace of their recruitment will regulate the number of Viceroy's Commissions to be granted.

Sirdar Harbans Singh Brar : Is it not a fact that by the extinction of Viceroy's Commissions, the number of King's Commissioned officers who are recruited in those Divisions which ought to be Indianised will be doubled, while the rate of Indian Commissioned officers appointed to those Divisions will remain stationary ?

Lieut.-Colonel A. F. R. Lumby : I do not understand where the difference comes in. The Indian Commissioned officers recruited from

Dehra Dun will gradually replace the Viceroy's Commissioned officers and the British officers in the establishments of infantry units which will gradually be expanded to a strength of 28 Indian officers.

Sirdar Harbans Singh Brar : Are you going to increase the Indian Commissioned officers in the same proportion as the Viceroy's Commissioned officers are to be reduced in addition to the present number of Indians recruited as Commissioned officers ? Is it not a fact that at present every Regiment has 14 King's Commissioned officers and 18 Viceroy's Commissioned officers, but in future there are to be no Viceroy's Commissioned officers, but only King's Commissioned officers 28 per regiment instead of 42 ? Are Government prepared to allot all these additional 14 vacancies in each Regiment for Indians in addition to the present recruitment of 60 Indian Commissioned officers per year ?

Lieut.-Colonel A. F. R. Lumby : As I have already said in answer to another supplementary question, the figure of 60, which is to be the output of Dehra Dun, is based on the Indianisation of one division, the officer strength of which is worked out on the increased establishments of Indian officers.

INDIANS RECRUITED TO THE COMMISSIONED RANKS OF THE ARMY.

†494. ***Sirdar Harbans Singh Brar** : Will Government please state the number of Indians now recruited to the commissioned ranks of the Army annually and the number of Indians which will be recruited annually if the Indian Army Act is passed into law and the recruitment to the Viceroy's commission is discontinued ?

INDIANISATION OF THE COMMISSIONED RANKS OF THE ARMY.

495. ***Sirdar Harbans Singh Brar** : Will Government please state the number of years within which the commissioned ranks of the Army in India will be wholly Indianised at the present rate of Indianisation ?

Lieut.-Colonel A. F. R. Lumby : The attention of the Honourable Member is invited to the last sentence of the answer I have just given to his question No. 492.

Sirdar Harbans Singh Brar : Will I be correct in assuming that the answer of Government is that it is never going to be Indianised ?

Lieut.-Colonel A. F. R. Lumby : The answer of Government is, as I have said twice before this morning, that the figure of 60 as the output of the Indian Military Academy is based on the proposal to Indianise one Division only. It was never the intention that the figure of 60 should Indianise the whole Indian Army. It certainly could not.

Sir Abdur Bahim : Will that take nearly 20 years ?

Lieut.-Colonel A. F. R. Lumby : I find that it was estimated that the time it would take to Indianise one complete Division, taking into account the Indian officers that we have at present and the output from Dehra Dun, was about 18 years.

†For answer to this question, see answer to question No. 493.

Sir Abdur Rahim : And supposing the output is reduced to 23 as in the case of the very first year, how much longer will it take ?

Lieut.-Colonel A. F. R. Lumby : The reason for the reduction to 23 in the very first term is that it was impossible in the first term to fill up the vacancies caused by cadets who fell out. In future, there should only be the wastage that happens at the end of each term, because cadets fail to qualify at the end of the course. Every vacancy that occurs during the course is filled up at the latest at the beginning of the term after it occurs.

Sir Abdur Rahim : Is it not a fact that there are ten times as many applications as there are vacancies in the Academy and that you had a selection out of that number this year ?

Lieut.-Colonel A. F. R. Lumby : The applicants are many, but I do not think they are quite as many as ten times the number of vacancies. They were considerably more on one occasion. But the numbers who qualify are not very many more than the vacancies which have to be filled.

Sir Abdur Rahim : Are there not six Divisions in the Indian Army ?

Lieut.-Colonel A. F. R. Lumby : Actually the organised Divisions are four, but you could probably, if you tried, make more than four. You could probably squeeze out the infantry of as many as eight.

MARRIED LADY CLERKS IN THE RAILWAY BOARD'S OFFICE.

496. ***Mr. M. Maswood Ahmad :** Will Government be pleased to state the number of married lady clerks in the office of the Railway Board ?

Mr. P. R. Rau : One lady stenographer is married and one lady clerk is a widow.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 223, asked by Mr. Bhuput Sing on the 25th July, 1934.

PROVISION OF A TURNSTILE GATE AT THE GARHI HARSARU RAILWAY STATION ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

The Agent, Bombay, Baroda and Central India Railway, replies as follows :

- “ (a) Yes.
- (b) Hardly a large number.
- (c) No.
- (d) There is a third class passenger waiting shed with an area of 720 sq. ft. to accommodate 80 passengers at 9 sq. ft. per passenger. There are, so far as we are aware, no ferocious wild animals or dacoits.
- (e) Our information is that a Dharamshala was provided at a cost of Rs. 20,000 for the use of any one whether travelling by rail or not.
- (f) Our policy is not to allow outsiders to supply water to passengers in trains or on platforms. As a special case, however, one Seth Kishankul has, at his own request, been allowed to send 4 men to supply water to passengers. But they are actually superfluous, as besides the travelling watermen in

trains there are two Hindu watermen and one Bhisti during the hot weather and one waterman and one Bhisti at other times.

- (g) Yes.
- (h) Possibly so, but on further consideration the applicant was advised by this Railway's Traffic Superintendent that it was not proposed to provide the gate.
- (i) The applicant was asked by this Railway's Departmental officers to agree to pay, for the facility asked for, the usual annual rental payable in similar cases as per this Company's Rules.
- (j) Yes.
- (k) Yes, but as an opening already exists in the Railway fencing for the convenience of passengers and it was considered that the travelling public going to and from the Dharamshala and the station were not put to any undue hardship by using it, the request for a separate gate in the fencing opposite the Dharamshala was refused."
- (l) No. Government consider a further enquiry unnecessary.

Information promised in reply to starred questions Nos. 251 and 252 asked by Seth Haji Abdoola Haroon on the 30th July, 1934.

WATCH ON THE ACTIVITIES OF YOUNG MEN IN BALUCHISTAN WHO READ NEWSPAPERS.

Question No. 251.

No.

PERMISSION TO CERTAIN GENTLEMEN TO ISSUE NEWSPAPERS FROM BALUCHISTAN.

Question No. 252.

Applications from these persons are at present under the consideration of the local officials.

Information promised in reply to starred question No. 300 asked by Mr. S. G. Jog on the 30th July, 1934.

EXTENSIONS GRANTED IN THE CURRENCY OFFICE, CAWNPORE.

- (a) Yes.
- (b) and (c). Extensions have been granted to three persons only since 1925.
- (d) One in the Cawnpore Office and three in other Currency Offices in India.

ELECTION OF A MEMBER TO THE FUEL OIL COMMITTEE.

Mr. President (The Honourable Sir Shanmukham Chetty) : I have to inform the Assembly that up to 11 A.M. on Monday, the 6th August, 1934, the time fixed for receiving nominations for the Fuel Oil Committee, only one nomination was received. As there is only one candidate for the vacancy, I declare Mr. F. E. James to be duly elected.

THE INDIAN ARMY (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Lieut.-Colonel A. F. R. Lumby (Army Secretary) : Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Indian Army Act, 1911, for certain purposes.

THE ASSAM CRIMINAL LAW AMENDMENT (SUPPLEMENTARY) BILL.

The Honourable Sir Henry Craik (Home Member) : Sir, I beg to move :

“ That the Bill to supplement the Assam Criminal Law Amendment Act, 1934, be taken into consideration.”

This legislation is largely of a formal character and is of a class with which this House is familiar as it has passed several Acts of a somewhat similar character. The necessity for the Act arises out of the fact that, in March of this year, the Assam Legislative Council passed an Act conferring on certain officers certain special powers for dealing with terrorism and that Act contained two sections which were *ultra vires* of the Local Legislature. Section 15 conferred on persons convicted by certain Special Tribunals set up by the Act a right of appeal to the High Court ; and section 29 abrogated the powers of the High Court under section 491 of the Code of Criminal Procedure. As the House is well aware, a Local Legislature is not competent to pass any legislation modifying or adding to the jurisdiction of the High Court as laid down in the Letters Patent, and, therefore, those two sections of the local Act are of no effect, and unless this Supplementary Bill is passed, persons convicted by these Special Tribunals will have no right of appeal to the High Court. It may be asked, why the Local Legislature passed these two sections which they were not competent to pass. I am afraid that, as regards that, the debates in the Assam Legislature do not throw any light. I tried to find out whether the point of the competence of the Local Legislature was raised in the course of the debate, but apparently it was not. Section 15 of the Assam Act was passed without any debate at all, and section 29 was passed after only a short debate and not a debate on this particular point.....

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Then why not refer it back and keep the thing pending ?

The Honourable Sir Henry Craik : What is the good of referring it back ? They cannot pass these sections, they are admittedly not competent to pass them. I do not think it is necessary for me to say anything more about this Bill ; as I have said, this Central Legislature has on more than one occasion passed Bills of almost exactly similar character to cure deficiencies or to supplement *lacunae* in local Acts, and I hope that the House will accept the same principle and agree to the passage of this Bill. Sir, I move :

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That the Bill to supplement the Assam Criminal Law Amendment Act, 1934, be taken into consideration.”

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : On a point of information, Sir, I would like to know whether the Honourable the Home Member wants to delete section 3, because he has not

referred to the abrogation of section 491 of the Criminal Procedure Code which is a very valued right, *viz.*, the right of Habeas Corpus.

The Honourable Sir Henry Craik : Sir, I did refer to that. I explained that section 29 of the local Act purported to abrogate the powers of the High Court, the Habeas Corpus powers : I am not quite sure that I apprehend the Honourable Member's point. I did explain that the local Act purported to abrogate those powers and that that was not within the competence of the Local Legislative Council. This Bill purports to do exactly the same thing, which the Local Legislative Council did without having the authority to do it. I hope that is clear.

Mr. T. R. Phookun (Assam Valley : Non-Muhammadan) : Sir, I think it is usual to have the original Act before the Members : on other occasions it has been done, but, unfortunately, I do not find the original Act to which this is going to be an amendment ; and before the House is asked to judge about the matter, I hope the Honourable the Home Member will think about it as it was done by Sir Harry Haig on a previous occasion.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Sir, the same question was raised on a similar occasion and I think you gave a direction ; and it will be doing an injustice to the House if we are asked to pass a legislation on subjects of which we are quite ignorant, and I hope that some direction from the Chair will rectify this. There have been repeated complaints about this. We are not in a position to judge the Supplementary Bill unless we are supplied with the main Act.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair explained the other day that, where we have got an amending Bill, it is not possible to supply to every Member of the House a copy of the original Act of which this is an amendment. But, what the Chair undertook was that it would see that a sufficient number of extra copies were kept in the Library of the House for reference purposes, and, in accordance with that, there are lying on this very table extra copies : if any Member had cared to look, or ask for it, it would have been supplied.

Mr. T. R. Phookun : I think it should have been supplied to Members in good time so that they could have studied it : simply putting it on the table just now does not make up for the deficiency I am speaking of.

Mr. President (The Honourable Sir Shanmukham Chetty) : Is it the contention of the Honourable Member that, if there is a Bill to amend the Civil Procedure Code, for example, the whole of the Civil Procedure Code should be given to every Honourable Member ?

Mr. T. R. Phookun : The Act we are going to amend is not the Civil Procedure Code—it is an Act of another Legislature and we must know its provisions : we merely know that the Assam Council has passed a measure which neither the Government there nor the Members knew that they had any jurisdiction to pass.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair undertook to see that a sufficient number of extra copies were placed in the Library. Beyond that, how is the Chair to give a direction generally that copies of the original Act should always be given whenever there is an amending Bill ?

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : Copies of the Bengal Act were supplied to Members, if I remember aright. In matters with which the House is familiar, like the Civil Procedure Code or the Criminal Procedure Code, there is no necessity. But when there is an amending Bill, and the Act sought to be amended is of an obscure nature, not known to the House, and is not very bulky, I think the Government might consider whether they could not distribute copies to every Member.

The Honourable Sir Nripendra Sircar (Law Member) : Sir, may I explain what happened ? If these copies had to be distributed, they would have been distributed by the Legislative Assembly Department. On the last occasion, when this question was discussed, as soon as the question was raised, as many copies as were available were supplied to Members, and it was said that if there was any demand for any Act which was being discussed, as many copies as were available would be supplied. This Bengal Act and the Assam Act appeared on the agenda on the same day ; I think these have been appearing on the agenda for the last 15 days, and during these last 15 days not one Member has made any application either to the Legislative Department or to anybody, nor did they show the least anxiety to have a copy of this Act. That is why it has not been possible to supply copies.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Sir, so far as I am concerned, I have got a copy.

Sir Abdur Rahim : It was said just now that the Legislative Department did supply a few copies of their own motion.

The Honourable Sir Nripendra Sircar : Yes, because there was a demand for them, and it was also stated that if, in respect of any Act there was a demand, as many copies as were available would be supplied, and not that copies would always be supplied to each of the Members.

Sir Abdur Rahim : They had supplied a few copies without application ?

The Honourable Sir Nripendra Sircar : A grievance was made that copies were not made available, but that is not correct.

Mr. T. R. Phookun : It is understood that even copies of the proceedings of the Assam Legislative Council are not available in the Library. How are we to judge then of the effect of this measure ? It may be that one particular Member is interested in it, and, therefore, is going abegging, but should others ? When a measure of such importance is going to be placed before the Assembly, I think the Departments concerned should not mind a little trouble or expense in getting ready as many copies of the Act as possible for the use of Honourable Members. Now, Sir, in this particular case, not even the proceedings of the Assam Legislative Council are available in the Library of the House, not to say that no copy has been placed on the table of the House. Therefore, I would urge that Honourable Members who do not know much of Assam or who do not take much interest in Assam should be made fully aware of how things are going on there, and as many copies of the proceedings and also of the Acts which will be discussed here should be made available for use of Honourable Members.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I went to the Library to ask for a copy, and I was told that there was only one copy,

and Mr. Neogy pinched it in my presence. I do not know how many copies were supplied to the Library by the Department concerned.

Mr. President (The Honourable Sir Shanmukham Chetty) : Did the Honourable Member ask for a copy in the Library ?

Mr. B. Das : There was only one copy in the Library, and it was taken away by another Member.

Mr. President (The Honourable Sir Shanmukham Chetty) : Did the Honourable Member, Mr. B. Das, want a copy and he was not given a copy ?

Mr. B. Das : Because there was no other copy available.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair has asked a specific question.

Mr. B. Das : The Librarian told Mr. Neogy in my presence that only one copy was available.

Mr. President (The Honourable Sir Shanmukham Chetty) : Did the Honourable Member, Mr. B. Das, ask for a copy in the Library and he was refused ?

Mr. B. Das : The only copy available was given to Mr. Neogy.

Mr. President (The Honourable Sir Shanmukham Chetty) : Did the Honourable Member, Mr. B. Das, want a copy, and it was not given to him ?

Mr. B. Das : Because there was no other copy available.

Mr. President (The Honourable Sir Shanmukham Chetty) : Was a copy of the Act refused to him ?

Mr. B. Das : The Librarian told Mr. Neogy in my presence that only one copy was available.

Mr. President (The Honourable Sir Shanmukham Chetty) : Therefore, the Honourable Member says that sufficient copies were not available.

Mr. B. Das : There was only one copy in the Library.

Mr. President (The Honourable Sir Shanmukham Chetty) : Is that correct ?

Mr. Abdul Matin Chandhury (Assam : Muhammadan) : The Librarian told me when I went there for a copy that there was only one copy available.

Mr. Amar Nath Dutt : Sir, my copy was taken away by Mr. S. C. Mitra, and I was deprived of it.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair is told that the Legislative Assembly Department asked for a sufficient number of copies to be placed on the table, and the Legislative Department were not in a position to supply those copies.

Mr. G. H. Spence (Secretary, Legislative Department) : No such request was made to me. If any such request had been made to the Legislative Department, it is very improbable that it would not have come to my knowledge.

Mr. President (The Honourable Sir Shanmukham Chetty) : Here is the endorsement—"Copies of this Act have not been printed, and, therefore, these have not been received."

Mr. G. H. Spence : I do not know anything about the request for copies of this Act.

Mr. President (The Honourable Sir Shanmukham Chetty) : We are referring to the Assam Act as passed by the Assam Legislative Council.

Mr. G. H. Spence : I take it that somebody from the Legislative Assembly Department approached somebody in the Legislative Department for copies and received the reply that you have read out, but the matter was not brought to my notice.

Mr. K. C. Neogy : Sir, may I make a correction ? What I find in my hand was given to me as a copy of the Assam Act, and it is merely a copy of the Bill. I do not know whether this represents the Act as finally passed.

Mr. President (The Honourable Sir Shanmukham Chetty) : The complaint is perfectly clear now. Let us hear what the Honourable the Home Member proposes to do in the light of the discussion that has taken place.

The Honourable Sir Henry Craik : Sir, I would like to point out that this Bill merely purports to amend only two sections. (Laughter from the Opposition Benches.)

Mr. K. C. Neogy : The Honourable Member should not stare at us like that. Why is the Honourable Member ruffled by the laughter ? This is not the Punjab Council.

The Honourable Sir Henry Craik : Sir, I was going to say that two sections only of the Assam Act are affected by this Bill, and those two sections are firstly section 15. Section 15 of the Assam Act is exactly the same as clause 2 of the Bill, except that there is only one change. In the Assam Act, the Code of Criminal Procedure is referred to as "the Code", and in this Bill it is referred to as "the Code of Criminal Procedure, 1898". That, I think, is the only difference. In fact, it merely re-enacts section 15. It is merely proposed to re-enact section 15 of the Assam Act in identical language. Then, the other section of the Assam Act affected is section 29 which dealt with two things. It ran as follows :

"No suit, prosecution or other legal proceeding shall lie against any person for anything which is done in good faith....."

There was no suggestion to amend it.....

Mr. S. C. Mitra : Sir, unless we know what is in the Act, how are we to judge of the provisions in the Supplementary Bill ?

The Honourable Sir Henry Craik : We are not proposing to amend it at all. The Bill has no effect on that at all,—and the section then goes on :

"and the powers conferred by section 491 of that Code shall not be exercised in respect of any person.....under this Act."

Now, Sir, clause 3 of the Bill.....

Mr. President (The Honourable Sir Shanmukham Chetty) : Perhaps the Honourable Member will please resume his seat for the moment. The Chair does not think at this stage he need go into the explanation relating to the provisions of this Bill. What the Chair wants to know first is this. It is now clear that copies of the Assam Act are not available in the Library, and, therefore, are not available to Honourable Members. In view of that, the Honourable Member, Mr. Phookun, proposes that the consideration of

this motion should be postponed until the copies of the Assam Act are made available. The Chair wants to know from the Honourable the Home Member what he has to say on that point.

The Honourable Sir Henry Craik : I am quite prepared to meet the wishes of Honourable Members on that matter, but I hope that this measure can still be passed in this Session. The point is, I understand, that certain trials are going on under this Act in Assam, though none, so far as I am aware, have been concluded yet

Mr. W. L. Scott (Assam : Nominated Official) : Two, Sir.

The Honourable Sir Henry Craik : Until our Bill is passed, if any persons are convicted, they will have no right of appeal there. However, if we pass it this Session, it will be all right. Anyhow, if clause 4 is passed, the question of limitation will not arise.

The Honourable Sir Joseph Bhowe (Leader of the House) : Sir, after consultation with my Honourable colleague, the Law Member, I am able to say that I think it will be possible to print the Assam Act and circulate it to Honourable Members at a very early date, and in that case we can take up the consideration of this measure perhaps on Monday

Mr. Gaya Prasad Singh : What about the fact

Mr. President (The Honourable Sir Shanmukham Chetty) : Let the Honourable the Leader of the House finish what he has to say.

The Honourable Sir Joseph Bhowe : I think a proposal like that should meet the wishes of the House, and if the Chair agrees, we shall get a fair number of copies printed, and circulate them as soon as possible.

Mr. Gaya Prasad Singh : What about the fact that even the debates in the Assam Legislative Council on the original Bill are not available in the Library of the House ?

Mr. President (The Honourable Sir Shanmukham Chetty) : As a matter of fact, the debate has just been received, but that will not perhaps be a sufficient ground for asking a postponement of consideration of the Bill. The Chair thinks it will meet the general desire of the House if the consideration of this motion is postponed till Monday next. In the meantime, the Chair hopes steps will be taken to make available the Assam Act to Honourable Members.

THE INDIAN CARRIAGE BY AIR BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I beg to move :

“ That the Bill to give effect in British India to a Convention for the unification of certain rules relating to international carriage by air, as reported by the Select Committee, be taken into consideration.”

This Bill has emerged unscathed from the Select Committee and it is, therefore, unnecessary for my remarks on it to be anything but very brief. There are one or two points which have been raised with regard to it. The first was the representation of India at the Conference at Warsaw, the outcome of which is embodied in the Schedule attached to

[Sir Frank Noyce.]

the Bill. The meeting at Warsaw took place in 1929 at a time when civil aviation in India had not advanced to the degree that it has reached now. We were invited to send representatives to the Conference but it was thought sufficient to entrust Indian interests to the British representative. The House knows, as well as I do, the progress that we have made in respect of civil aviation in recent years, and I have no doubt whatever that, should a similar occasion arise and an International Conference in regard to the regulation of civil aviation be convened, India will have its own representative. That, Sir, deals with the first point. In the Select Committee certain doubts were expressed in regard to one clause of the Convention which is embodied in sub-clause (2) of article 20 of the First Schedule to the Bill. That sub-clause reads as follows :

“ In the carriage of goods and luggage the carrier is not liable if he proves that the damage was occasioned by negligent pilotage or negligence in the handling of the aircraft or in navigation and that, in all other respects, he and his agents have taken all necessary measures to avoid the damage.”

The point of my remarks will be seen when it is realised that under the terms of the Convention the carrier is not liable for damage to goods and luggage ; he is liable to damages for injury to passengers. As often happens, this sub-clause, in the form in which it emerged from the Convention, represents a compromise between two different points of view. The British point of view which was supported by the French representatives was that the carrier should not be responsible for any mistakes made by the pilot whether in regard to passengers or to luggage. That is the British point of view in regard to marine law, and the British representatives naturally wished the same principle adopted in respect of the law of aviation. I imagine that the British practice arose from the fact that British requirements in regard to the qualifications of ships' captains and similarly of air pilots, are so high that they did not consider it desirable to impose the further obligation on carriers that would follow if the sub-clause applied to both passengers and goods and luggage. Russia, on the other hand, which is not a maritime nation, pressed for the view that the liability should apply in respect of both passengers and goods and luggage. The sub-clause in the form in which it appears in the schedule is, as I have already said, a compromise which is as put forward by the German representatives. I hope, Sir, that sufficiently explains the point. It is quite obvious that at International Conferences there must be give and take, and that the countries which subscribe to the Convention have to adopt it as a whole whether they like all its detailed provisions or not. I think that is all I need say, and I commend the motion to the House.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That the Bill to give effect in British India to a Convention for the unification of certain rules relating to international carriage by air, as reported by the Select Committee, be taken into consideration.”

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, the unique feature about this Bill is that it has come out of the Select Committee with a unanimous verdict and without even the change of a comma, or semi-colon in it. It is a fact that the high contracting parties are very big nations and India too is roped with them and thus the Select Committee is no doubt to be congratulated at their

report. My idea is that the Members, who attended the Select Committee or who were members of the Select Committee, did not read the Bill beforehand or there was some mystery about it that no amendment is made. The personnel too is such that none of us here on this side of the House at least could ever think that there could be any likely change in the Bill, and our hopes have been realised to the full. The Bill has the hearty support of every one of us inasmuch as there are no great political or economical questions of importance to India involved in the Bill and I do not think that at present there are any Indian or Asiatic companies who are undertaking this great adventure. I hope that this Bill, when it is enacted, will be a great encouragement to Indians and that the Government will come forward to give all kinds of encouragement to Indians to undertake to form an aerial company. Sir, with these remarks I support the motion.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-madan) : Sir, this Bill seeks to implement certain rules and conventions which were adopted by the International Convention held at Warsaw in 1929. India was not represented at that conference, but those present adopted these rules and the Government of India think that they are quite suitable for our adoption. As a member of the Select Committee, I may say that on the whole the Bill is not open to any serious objection. It was pointed out to us that we must adopt the whole set of rules or we may not adopt them at all. There was no question of making any changes in the Bill, because that was the set of rules adopted by the International Convention. It was for that reason that we could not suggest any changes in the Bill. No changes are also necessary. There was only one point which I raised myself in the Select Committee and which has been referred to by my Honourable friend, Sir Frank Noyce, and that relates to Article 20 of this Bill, in which negligent pilotage or negligence in the handling of the aircraft or in navigation is being sought to be indemnified. This is a point which is open to objection because in the case of every public carrier, for instance, the railways, if there is negligent driving which results in damage to goods or injury to persons, then the man who suffers is entitled to get some sort of compensation and so on, but this particular sub clause seeks to prevent any person suffering damage either in limbs or property from getting compensation from a public carrier and is, therefore, open to objection ; but as it was clearly understood that England and other international powers have accepted it we must also accept it *in toto* or reject it *in toto*. It was on this that we accepted it. On the whole, after the explanation which has been given by my Honourable friend, I do not think any serious harm will be done if this clause is retained as it is. There is only one little point to which I should like to make a reference, and it is contained in clause 33 of the Bill which reads as follows :

“ Nothing contained in this Schedule shall prevent the carrier either from refusing to enter into any contract of carriage, or from making regulations which do not conflict with the provisions of this schedule.”

This also, as I pointed out, is open to some objection, because a public carrier should not be given the option of refusing to carry a person without assigning any reason, if he is prepared to pay the fare and so on. Under the Railway Act, for instance, the railways are not given power to refuse to carry a person who purchases a regular ticket and so on, but

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here power is sought to be given to air carrier to refuse to carry a person without assigning any reason. This is open to objections. I hope in practice it will not be necessary to exercise this power. But as I stated at the outset, we had to adopt the whole set of rules *in toto* or to reject them *in toto*. These two points, I admit, are not of very serious importance, and so the Select Committee thought it proper to adopt the whole set of rules. I am glad that the Government of India has after all decided to adopt the International Convention relating to this subject. India has been in its infancy, so far as this subject of aviation is concerned, and I think the Government of India will not lag behind in giving the proper impetus to the development of Civil Aviation and the training and appointment of Indians, so that in later times it may not be said that no suitable Indians are available to take up the important superior appointments in this new service. With these few words, I support the motion which is before the House.

The Honourable Sir Frank Noyce : I do not think that I have very much to say in regard to the point raised by my Honourable friend, Mr. Gaya Prasad Singh, whose keen interest in Civil Aviation is well-known to this House. I am not quite clear whether I understood him correctly in regard to the exact meaning of sub-clause (2) of Article 20. As I endeavoured to explain, this sub-clause only applies to goods and luggage and, if a passenger is injured, he is entitled to compensation.

Mr. Gaya Prasad Singh : I stand corrected to that extent.

The Honourable Sir Frank Noyce : It is a point of some importance and that is really the only reason why I have got up to speak. I have no doubt whatever that, when another International Conference comes to consider the working of the Warsaw Convention, all the points that have been mentioned will receive due consideration in the light of the experience of the working of the Convention in the interval.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill to give effect in British India to a Convention for the unification of certain rules relating to international carriage by air, as reported by the Select Committee, be taken into consideration.”

The motion was adopted.

Clauses 2, 3 and 4 were added to the Bill.

The First Schedule and the Second Schedule were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Frank Noyce : I move :

“ That the Bill, as reported by the Select Committee, be passed.”

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill, as reported by the Select Committee, be passed.”

The motion was adopted. (Applause.)

THE INDIAN AIRCRAFT BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I move :

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

This Bill was not quite so fortunate in the Select Committee as the one in regard to which I have just made a motion, but as a matter of fact the changes made by the Select Committee were very few and unimportant or rather comparatively unimportant, having regard to the subject matter of the Bill and its importance in connection with the control of Civil Aviation in India generally. There were only three changes. Clause 5, as originally worded, empowered the Governor General in Council to make rules prohibiting or limiting the manufacture, possession, use, operation, sale, import or export of any aircraft or class of aircraft. The Select Committee felt that this was giving the Governor General in Council rather drastic powers and that it was advisable to omit the words “ prohibiting or limiting ”. That amendment the Government were very willing to accept as they felt that the power of regulation left in the clause should be sufficient for all practical purposes. Then, in clause 6, it was originally provided that the compensation could be determined by such officer as the Governor General in Council might appoint in this behalf. The Select Committee felt that it was desirable to make a provision that the determination of the amount of compensation might be left to Courts and they have, therefore, provided that it should be determined by such authority as the Governor General in Council might appoint. The Select Committee also felt that as the provisions of this Bill deal with a comparatively new and rapidly developing branch of activity, it was desirable that any rules which it is proposed to make should be given wide publicity and that ample notice should, therefore, be given in order to enable criticisms to be submitted and duly considered. They, therefore, inserted in the Bill a provision requiring that the period for which draft rules should be published before being taken into consideration in accordance with the procedure set forth in the General Clauses Act should not be less than three months. Those, Sir, are the changes which were made by the Select Committee, and, as I have said, they cannot be called extensive. There was, however, one point raised in the Select Committee on which I promised to make a statement to this House when moving this motion. The Select Committee naturally wanted to know exactly what the position of Indian States was, *vis-a-vis* the Government of India, in regard to the control of Civil Aviation. I am glad to have this opportunity of explaining that position, and, it is especially desirable that I should do so, in view of the fact that the settlement of the exact relationship took a very long time to effect, and that it was really because it took such a long time that it was not possible to place this Bill before the House at an earlier stage. The problem was considered by the Standing Committee of the Chamber of Princes for no less than eight years—from 1923 to 1931—in consultation with representatives of the Government of India. At long last, a summary of principles was evolved and was formally adopted at a meeting of the Chamber of Princes in March, 1931. It was only after that, that we were able to get on with the formulation of this measure. The main principles adopted by the Chamber of Princes were these. The Princes were recognized to have sovereignty over the Air in their States, in the same measure

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as their sovereignty over the territory of their States is recognized. The Princes recognized that the International Convention for the Regulation of Air Navigation, 1919, was signed on behalf of India as a whole. They recognized that the Government of India have the responsibility of implementing this Convention for the whole of India, British India and the States alike. In order to secure compliance with the International Convention, the States agreed that aircraft should be registered and certified and provided with log books, and aircraft personnel licensed by arrangement with the Government of India. They also agreed to the investigation of accidents and the inspection of aerodromes and aircraft factories in State territory by representatives of the Government of India. It was agreed that the States were entitled to declare prohibited areas in their territory after consultation with the Government of India. They may also, in order to safeguard their fiscal rights, establish customs aerodromes in their territory. Finally, every State has the right to reserve to its national aircraft the carriage of persons and goods for hire between two points in its territory. In accordance with these principles, a working arrangement was made with the Jodhpur Durbar in November, 1931. This arrangement has been found a suitable model and has been adopted by other States which have since become concerned with aviation in their territories. The essence of the arrangement is that, in all matters of routine, including the registration and certification of aircraft and the licensing of personnel, correspondence is carried on directly with the Director of Civil Aviation as if the aircraft and personnel concerned were located in British India. On all technical matters, the appropriate authorities in the States communicate directly with the Director of Civil Aviation. On all matters of policy or principle, communication passes through the normal channel—the Agent to the Governor General or the Resident and the Foreign and Political Department of the Government of India. Sir, I trust I have said enough to convince the House that our relations with the States in this matter have been placed on a very sound and satisfactory basis, and that the States have shown a very gratifying willingness to co-operate with the Government of India in all respects. I think that is all I need say in support of this motion, and I would commend this Bill to the favourable consideration of the House. I should like to add that although the changes made by the Select Committee have been very few, the Select Committee took a very great deal of trouble over the Bill and spent a whole afternoon in examining its provisions very carefully.

Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

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

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir, this Bill has been conceived on right lines. In 1919, there was an International Convention for the regulation of aerial navigation to which India was a signatory, and this Bill is intended to give effect to the conclusions arrived at at that Conference. So I have nothing very important to say on this Bill except on one or two points which I should mention presently. Reference has already been made by my Honourable friend, Sir Frank Noyce, to clause 5, a few words of which were deleted

by the Select Committee. But even as the clause stands at present, I think it is open to a certain objection. The clause reads as follows :

“ The Governor General in Council may, by notification in the Gazette of India, make rules regulating the manufacture, possession, use, operation, sale, import or export of any aircraft or class of aircraft.”

This gives too wide a power to the Governor General in Council ; but we did not carry our opposition to the point of recording a minute of dissent in the Select Committee, on the clear understanding that the Governor General in Council would certainly exercise his discretion in the proper manner, especially in view of the fact that aerial navigation is in its infancy in this country and requires encouragement ; but I personally should have thought that the powers which this Bill seeks to confer on the Governor General in Council should have been curtailed a little more if possible. Then, Sir, I come to clause 6 of the Bill, which also purports to give great powers to the Governor General in Council. I will read out the relevant portion of this clause :

“ If the Governor General in Council is of opinion that in the interests of the public safety or tranquillity the issue of all or any of the following orders is expedient, he may, by notification in the Gazette of India,”

do certain things, and these certain things comprise the cancellation or suspension of licenses or certificates issued under this Act ; he may prohibit or regulate the flight of all or any aircraft or class of aircraft over the whole or any portion of British India ; he may also prohibit, either absolutely or conditionally, or regulate the erection, maintenance or use of any aerodrome, aircraft factory, flying-school or club, etc. ; he may also direct that any aircraft or class of aircraft or any aerodrome, aircraft factory, flying-school or club, etc., together with any machinery, plant, material or things used for the operation, manufacture, repair or maintenance of aircraft shall be delivered, either forthwith or within a specified time, to such authority and in such manner as he may specify in the order, to be at the disposal of His Majesty for the public service. I could understand such wide powers being taken by the Governor General in Council during times of war, or certain grave emergencies, but the Bill is not intended to limit the operation of this clause to that contingency. It only says that if in the interests of public safety or tranquillity it was necessary, the Governor General in Council may exercise all these powers. Sir, we can say from our own experience in the past that wide powers, which have been granted by law to executive officials, have been often misused. Now, for instance, I will mention the case of section 144 of the Criminal Procedure Code. This section was intended to be applied in particular circumstances, but it has within the last few years been misapplied to cases to which it was never intended to apply, in checking, for instance, certain acts connected with the Non-Co-operation Movement, and so on. I am, therefore, of opinion that even as this clause stands it gives the Governor General in Council very extensive powers, inasmuch as in the interests of public safety or tranquillity he is authorised to give all or any of the directions which I have already mentioned. Personally, I would have wished that these powers should have been curtailed or the wording was changed suitably to indicate that these powers, or such of them as may be necessary, to be exercised would be exercised only during the time of war or grave emergency. Then, Sir, there is

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clause 14 of the Bill to which I should like to refer for a minute. This clause says :

“ Any power to make rules conferred by this Act is subject to the condition of the rules being made after previous publication for a period of not less than three months.”

The Select Committee added the period of three months. But, even
 1 P.M. as it is, there is no provision in this clause to indicate how public opinion is to be elicited. I would have been glad if in this clause, or somewhere else, some definite provision had been made asking the public to send in their views which would be considered by the Governor General in Council. This is, after all, a minor point, but the other points which I have mentioned are of some substance. As, however, no one has tabled an amendment on this point, and as the report of the Select Committee has been an agreed one to which I was a party, I did not think it proper to give any notice of any amendment, but I hope that in actual practice the apprehensions, to which I have given expression on the floor of the House just now, will not be realized and the law will be operated in the best manner possible so as to be conducive to the expansion of Civil Aviation in the country. With these few words I support the motion.

The Honourable Sir Frank Noyce : Sir, I am very glad indeed that my motion has received, if not a satisfactory measure of vocal support, a satisfactory measure of implicit support from the House. Mr. Gaya Prasad Singh has objected that the powers, conferred under this Bill, are very wide, but he has not carried his objections sufficiently far to propose amendments. I am glad that he has sufficient trust in myself and in my Department to believe that we shall endeavour to work the rules with as little friction and harassment as possible. As regards his remarks on clause 6, I would point out that this clause only applies in times of trouble and that there are ever more extensive powers in the existing Act. Mr. Gaya Prasad Singh has expressed the hope that we shall go ahead with Civil Aviation and do all we can to foster it. I am very glad indeed that he has given me an opportunity of doing what this House so often asks the Members on these Benches to do and that is to take it into their confidence. We have, for some time past, had under our consideration extensive proposals for capital expenditure on Civil Aviation. We hope before long to place before the Standing Finance Committee proposals which I trust will not frighten them for very substantial expenditure on the improvement of our principal routes. We hope, in the first instance, to take up the trans-India route, and the Karachi-Bombay-Madras-Colombo route. On those routes, our programme is to consolidate runways on important aerodromes, to enlarge and generally improve the aerodromes, to provide additional hangars and additional emergency landing grounds, and to floodlight the Karachi-Calcutta section, a point to which my Honourable friend attaches considerable importance and on which he has raised questions in this House from time to time. We also hope to provide observatory buildings and quarters for meteorologists.

Mr. Gaya Prasad Singh : What about the training of Indians on these lines ?

The Honourable Sir Frank Noyce : I should like to finish what I have to say on this subject before passing on to the point my Honourable friend has just raised. As I have said, the two main routes will be taken

up in the first instance, and when we have finished with them, we shall go on to the Bombay-Calcutta, Calcutta-Madras and Karachi-Lahore routes. These proposals are now being worked out, and, I hope, that we shall be in a position to place a skeleton programme before the Standing Finance Committee before the close of this Session. If the Standing Finance Committee agree to our going ahead with this capital expenditure and also if this House approves, we shall go forward as rapidly as we can.

My Honourable friend, Mr. Gaya Prasad Singh, has raised the question of the training of Indians. I think he knows, as well as I do, that I have explained very frequently in this House, that we do all we can to train Indians in every possible way, for all possible openings, in the Civil Aviation Department and we shall go on doing so. I cannot repeat off-hand exactly what we have done or are doing, but my Honourable friend knows, that we are doing our best and I shall be very glad to give him any information on the subject that he may require.

Mr. Gaya Prasad Singh : Can a statement, as was called for in the Select Committee, be published, showing the progress of Indianisation in this particular department? I think my friend, Mr. Tymms, at that time undertook to do so. It may be done at a later stage but a full statement as to how Indianisation is progressing in this branch would be very welcome to Honourable Members of this House.

The Honourable Sir Frank Noyce : I shall be very glad indeed to attach a statement of that character to the memorandum that we hope in due course to be placing before the Select Committee. I would once again thank the House. (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is—

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

The motion was adopted.

Clauses 2 to 20 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Frank Noyce : Sir, I move :

“That the Bill, as reported by the Select Committee, be passed.”

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved.

“That the Bill, as reported by the Select Committee, be passed.”

Sir Leslie Hudson (Bombay : European) : Sir, not only the House, but the country at large, will have heard with great satisfaction the news which the Honourable the Member for Industries and Labour has given us this morning, that there is the intention of providing a large scheme for the improvement of aviation requirements in this country. We have been told that India is as suitable for aviation as, say, America or Canada, and we all hope that aviation will increase far quicker after the provision of these amenities to which the Honourable Sir Frank Noyce referred. There are at the present time only four or five companies operating in aviation in India and there is plenty of room for more. My Honourable friend, Mr. James, who has just come back from America, tells us that there is an hourly service between Chicago and New York, an hourly

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plane service between these two big cities. We can hardly hope for an hourly service between Bombay and Calcutta in the near future.

Mr. B. Das (Orissa Division : Non-Muhammadan) : We will welcome it.

Sir Leslie Hudson : But I think we can hope at any rate for a daily mail service between the great cities in India. (Hear, hear.)

I think the chief reason why expansion in commercial aviation has been slower than it has been in other parts of the Empire is due to two causes. The first is the inability of the commercial aviation firms and the Government to agree on terms for the carriage of mails, such carriage being necessary for the success of any service of that sort, and the second is lack of up-to-date and altogether adequate ground facilities. In order to effect an increase in aviation generally and, more particularly, commercial aviation, the first absolute necessity is the provision for full facilities for night flying over the main routes. I am not here to detain the House by going into details of the particular routes, but there is no doubt that provision for night flying, at the earliest possible moment, is a great desideratum. Increased speed and saving of time can only be obtained by further provisions of ground services, flood-lighting and so forth and adequate provisions for safety which must go hand in hand with progress in the other branches. The ground organisation requires to be developed to the full by the provision of wireless stations as well as the flood-lights emergency landing grounds and so forth. Sir, I support the motion for passing the Bill into law.

Mr. Gaya Prasad Singh : Sir, I join Honourable friend. Sir Leslie Hudson, in congratulating my Honourable friend, Sir Frank Noyce, for the proposals which he has adumbrated and which will be shortly placed before the Standing Finance Committee in connection with the development of civil aviation. In this connection, I should welcome the formation of as many public air-carriers as practicable, aviation companies and so on ; but there is one point which should not be lost sight of, and it was a point which was specifically laid down by this House in earlier years, namely, that in the formation of these companies, care must be taken to limit them only to those who are nationals of this country, and that the capital which they subscribe must be rupee capital, with a majority of Indian Directors. That is a point on which we lay special emphasis. That is a point which, if I remember aright, was also emphasised by the predecessor of the present Member in charge of the Department of Industries and Labour, I mean Sir B. N. Mitra. Therefore, I would urge that all encouragement should be given to the formation of these companies with this reservation and stipulation which we have mentioned. We are all grateful to this department for what is being done in the way of encouraging civil aviation, but I must again point out that the position of Indians must be carefully safeguarded in this branch of national activity. I hope that my Honourable friend will spare no pains in practically carrying out all that he has said on the floor of the House this morning.

The Honourable Sir Frank Noyce : Sir, there is just one point made by my Honourable friend who has just spoken, to which I should like to refer. I have just got a statement of what my department has done and is doing about the training of Indians and have been informed that this statement was given to the Standing Finance Committee in ac-

cordance with a promise made to my Honourable friend himself at its meeting three weeks ago. This will be printed up in the proceedings of the Standing Finance Committee, and, I will also take care to have a copy of it sent to him at once so that he may satisfy himself on the question. As regards his further point about the formation of public companies in connection with civil aviation, that of course is a point which will be borne in mind. I would only remind the House that the Indian National Airways Company which is working in very close co-operation with Government fulfils the conditions which he has laid down.

Mr. Gaya Prasad Singh : They are doing very well indeed.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill, as reported by the Select Committee, be passed.”

The motion was adopted.

The Assembly then adjourned for Lunch till Thirty-Five Minutes Past Two of the Clock.

The Assembly re-assembled after Lunch at Thirty-Five Minutes Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

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, as reported by the Select Committee, be taken into consideration.”

Perhaps I might say a very few words in regard to the alterations which have been made by the Select Committee. Those in clause 4 and clause 9 are simple and self-explanatory alterations reducing the amount which may be recovered by way of penalty, and they are not very important. The definition has been amended in order to exclude spark producing toys used by children. The Committee satisfied itself that the definition was not wide enough to include some of the simple implements used by aboriginal tribes for producing ignition. The main alteration in the Bill is the reduction of the excise duty and of course the additional customs duty by eight annas. The view was expressed in the Committee that Re. one would be sufficient. The view taken by the Official Members of the Committee was that Rs. two was the proper figure. The Committee was very much divided but the majority was in favour of maintaining the original figure of Rs. two ; in order, therefore, to produce a unanimous report on this subject, Government offered to reduce the duty to Rs. 1-8-0. I am not very comfortable over this. It is quite clear that at Rs. two the excise duty would be sufficient to ensure the purpose which we have in view, which was to protect the indigenous match industry and the revenue from the match excise, but we are taking a certain risk in proceeding on the basis of a duty of Rs. 1-8-0. However, Government are prepared to take the risk, but of course, if the duty proves to be insufficient to secure the object in view, we shall have to come back to the Assembly, on a later occasion, to raise it. I do not think, Sir, at this stage I need say anything more. There are one or two amendments down and I have no doubt it

[Sir James Grigg.]
 may be necessary to say something on those specific amendments. At the moment I only move that the Bill be taken into consideration.

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, as reported by the Select Committee, be taken into consideration.”

Mr. B. Sitaramaraju (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : Sir, I was one of the members of the Select Committee, and I thought it desirable that I should rise a little early in this debate and speak out the point of view which I have expressed in the Select Committee and in which the majority of the Members of that Select Committee could not see eye to eye with me. Before dealing with that point I should like to make one general observation. The Government of India, with the consent of this House, imposed an excise duty upon matches. They have also imposed an excise duty on sugar ; and at the present moment the Select Committee on the Steel Bill are considering whether an excise duty should be imposed upon steel. But in all these cases the duty of an excise has taken the shape of a duty on production. I do not know whether in pursuance of this policy of imposing duties on production and in view of the great increase of population in this country, as disclosed in the last census report, the Government of India are considering the desirability of imposing an excise duty upon the production of children ! But, Sir, in all those cases while Government were pursuing a policy of imposing an excise duty upon production, in this particular case I find that it is not exactly a case of imposing a duty upon production. This Bill has taken the shape of a birth control, because there is no such industry as a mechanical lighters industry in this country as yet. I am a conscientious objector to birth control, and I do believe that in this point of view the principle at any rate will be accepted by my Honourable friend, Raja Bahadur Krishnamachariar, representing the Sanatanists and my Honourable friend, Dr. DeSouza, representing the Catholic community in the country. But, unfortunately, both of them are absent from their seats now. Sir, I say that it is rather remarkable that we should be called upon to impose a duty before the industry has established itself, and, therefore, I expressed this opinion which Honourable Members might not have noticed as it was printed on the other side of the page. It runs as follows :

“ I am of opinion that as there is as yet no established indigenous industry in the manufacture of mechanical lighters, it would be sufficient if this legislation were to be permissive. To bring this legislation into immediate operation, before the industry is able to establish itself in the country, is I consider premature. The duty on imported lighters is sufficient for the present to protect the match interests and the Government revenue.”

To this point of view the majority of the Members of the Select Committee did not express any reasons why they could not accept it, but they merely stated that they could not accept it. I daresay, some of them will give reasons why we should not adopt it as a permissive measure ; not because there is any virtue in this measure being permissive that I recommended it, but I recommended it for the reason that the Legislative Assembly, in sending this Bill to the Select Committee, did accept the principle of imposing an excise duty. Subject to that principle it was not open to me in the Select Committee to ask for no excise duty at all. While my view so far as this excise duty is concerned is that it should not be imposed for the simple reason that there is no such industry as yet estab-

lished in this country, I took the other alternative available to me, namely, that it should be at least a permissive measure. That is to say, we pass the Act, but give the Governor General the power to bring it only into operation by a subsequent notification, if necessary. That is to say again, the Governor General will have power, under the provisions of this Act which you now may pass, by which he can at any time bring into operation the provisions of this Act should conditions arise to justify that course. By postponing the operation now he would give a reasonable time for an industry to establish itself and when that industry grows into a menace he will exercise the powers vested under these provisions. For these reasons I thought that it would be more reasonable if this Bill were to be merely permissive, giving the necessary power to the Governor General in Council to bring it into operation at such time as he may deem fit if he were to find that by that time the industry had established itself and has produced enough lighters in order to constitute a menace to either the revenue of the Government or to the match industry itself.

Mr. Bhuput Sing (Bihar and Orissa : Landholders) : Sir, at the outset I may say that I have no difference of opinion with that expressed by the Honourable the Finance Member as to the object of the Bill as stated by him on the 19th July, 1934. With your permission I may read a small passage from his speech : he said :

“ 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.”

For myself I wish to see the expected revenue from matches fully protected, as on the realisation of that revenue depends the refund of a portion of the jute duty to the Government of the Province to which I have the honour to belong, and I may frankly say that I quite agree with the Honourable the Finance Member's statement where he desired to protect the indigenous match manufacturing industries from the abnormal development of the use of mechanical lighters. I would request the House specially to mark the words of the Finance Member “ abnormal development of the use of mechanical lighters ”. As far as I am aware this House is at one with him and this House would have no objection to adopt methods by which the development of abnormal use of mechanical lighters may be stopped. At the earlier stages of the Bill when Government accepted my motion for circulation of the Bill, I think I made my position clear. As far as I think the method required for the stoppage of the development of the use, and not manufacture, is to stop the importation of the article. But I for one cannot understand how the present Government, which claims to be a civilised Government before the international world, can with equanimity bring forward the suggestion of an excise duty on an article, which, according to the very objects and reasons of the Bill, is not manufactured in India at the present moment. I wonder how the Government can, without a blush, bring forward the suggestion of an excise duty for an industry not yet in existence in India but which may be hoped to come into being at some future date. It sounds as paradoxical as to pass a judgment of internment on a man who is yet to be born, or the passing of a judgment of hanging or heavy fine on a person yet to see the light of day. But that is not all. We are also asked to be a party to such a novel idea which would appear to be most stupid to any man in the whole world having a grain of common sense. At the time when I made the motion for circulation, I expected that strong objection would be

[Mr. Bhuput Sing.]

taken by most of the parties consulted to that part of the Bill which related to excise, and I will presently show from the opinions received that my expectations have been realised. The Honourable the Finance Member the other day, in moving the motion for reference of the Bill to Select Committee, termed the Bill to be a simple measure. I do not think it is so simple as it has been pictured. This House is being asked to put its foot into a trap, probably unknowingly or unconsciously. This House is being asked to be a party for creating a very dangerous precedent, that is, to pass a legislation on future industries not yet born. Here I challenge the Finance Member about his statement which he made the other day about his universal experience in other countries about the imposition of excise duty on mechanical lighters. I would request him to prove that such an excise was levied in those countries before the industry for the production of mechanical lighters was established in such countries. I would ask him to give one example of any civilised Government, worth the name, where such an excise duty was imposed where there was no industry of mechanical lighters already in existence. I pause here for a reply from him. But no reply is forthcoming. (Laughter.)

An Honourable Member : The pause was not sufficient !

Mr. Bhuput Sing : As I said before, if this House agrees to this Bill being passed into law in its present form, it will be creating a very dangerous precedent and who knows that such a procedure would not be adopted in future for checking the birth of any new industry in the country. I may state here, in the very words of the Finance Member, that it is a matter of practically universal experience that an excise duty is never levied, by any independent country, on any of its industries, except on very rare occasions for raising revenue in very difficult times, provided always that such a duty does not kill the industry.

Now, I come to the opinions received, and I am glad to note that most of the opinions support my view that the proposal of an excise duty is altogether unnecessary as there is no concern in India at the present moment producing mechanical lighters. I may inform the House that if we analyse the opinions we find the following results. In Paper No. 1 there are altogether 51 different opinions received, of which 12 are from non-official bodies. Out of these 12, two are from non-commercial bodies and ten are from commercial bodies and Chambers of Commerce in different parts of India. Of the two non-commercial bodies one is strongly opposed and the other one, of which my friend, Sir Henry Gidney is the representative, has given their support to the excise duty. Of the ten commercial bodies, six are strongly opposed to the excise duty and two are neutral and the remaining two support the principle of an excise duty. Out of the 39 officials, who should have dittoed their master's view, there are as many as 12 Government officials, including some Directors of Industries, who have condemned the principle of excise duty on an industry not yet born. With your permission, Sir, I shall read a few of them. The Commissioner, Assam Valley Division, 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.”

Mr. A. H. Ghuznavi (Dacca cum Mymensingh : Muhammadan Rural) : The rate of duty has been reduced.

Mr. Bhuput Sing : Exorbitant does not mean that the reduction of eight annas from Rupees two is sufficient. Then the Deputy Commissioner, Bhandara, says :

“.....Further it would be a tyrannous interference with trade to prohibit the manufacture or import of mechanical lighters in the manner and for the purpose contemplated in the Bill. I consider the Bill should be abandoned.”

Then I read the opinion of the Director of Industries, Punjab. He gives the opinion of the President, Simla Trades' Association, and of the Honorary Secretary, Indian Chamber of Commerce, Lahore. Both are against the Bill. The President of the Simla Trades' Association says this :

“.....The Bill is uncalled for in that the industry has not yet developed in India and a verdict of the kind proposed should not be passed.”

The Honorary Secretary, Indian Chamber of Commerce, Lahore, says this :

“It is added that mechanical lighters making industry is not yet in existence in India, and the imposition of high duty in anticipation of its establishment is most objectionable. No case has been made out for killing the industry before it is started.”

Then he gives his own opinion. This is what he says :

“In my opinion, the proposed measure would not affect an existing established industry, but it is bound to prejudice the starting of a new one for the manufacture of mechanical lighters.”

Sir, out of the remaining 27 officials, as many as 18 are neutral and have no remarks to offer. In Paper No. II there are two opinions, and both are strongly opposed to the Bill.

In Paper No. III, there are 46 opinions out of which four are from commercial bodies and the rest from officials. Of the four received from commercial bodies, one is from the Indian Merchant Chamber, Bombay, which is also strongly opposed, and with your permission, Sir, I shall read a few sentences from it. This is what they say :

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

Then it goes on to say this :

“My Committee are, therefore, of opinion that Government should confine themselves, for the present, to the proposal for an import duty and abandon the proposal for an excise duty.”

One is neutral and one has given a conditional support. The only one amongst the commercial bodies which has given unconditional support to the Bill is the Chamber of Commerce, Bombay, consisting entirely of European members.

Sir, it appears to me all the more strange that out of the 42 opinions received from officials who are all Government officers not less than 15 have given their opinion against the views of their own masters, the Government of India, to whom they have to look up for their future

[Mr. Bhuput Sing.]

prosperity. Sir, they went against the Bill, as conscientiously they believed that the proposed excise duty on a future industry, which may come into being in India, is altogether absurd and untenable. If one goes through the opinions carefully, he will find that in most of the cases where even a favourable opinion has been expressed, it has been so expressed that a duty proposed in the Bill is necessary for checking the development of the use of mechanical lighters. In most cases they have not understood the actual principle of the Bill as in almost all such cases they have overlooked the fact that the development of the use of mechanical lighters in India, at the present moment, may be checked by the levy of an excise duty on an article which is not at all manufactured in this country. Now, the next argument by Government that has been adduced is that the industry for the manufacture of mechanical lighters may immediately be developed in the country. Sir, to think that India, which could not develop the industries for the manufacture of her necessities even after 250 years of British rule, would develop an industry for these lighters which are nothing but luxuries immediately, can only be believed by men of no common sense. The development of such an industry requires the importation of necessary machinery, and the necessary production of raw materials. It will further require skilled labour and trained technical experts. Is it so easy to get together all these things in the twinkling of an eye? Is it an Alibaba's "Open Sesame"?

Lastly, Sir, before I conclude, I would request the Government to wait and see at least the establishment of one such concern in this line of industry in India, and if and when such an industry is established, Government will be in a better position to fix the excise duty on the basis of the data that would be available about the cost of production of such a lighter. I am asking the Government only not to put the cart before the horse. I do not even for a moment disagree with Government that an excise duty would not be required if and when such industries are established, but, at the same time, what I protest against is the Government's policy in not allowing India to develop such an industry.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, I believe the principle of the Bill is to impose and collect an excise duty on mechanical lighters, and when this Bill was committed to the Select Committee, I believe that principle was accepted, and, therefore, I think it will be quite irrelevant now to quote opinions from several bodies to the effect that an excise duty should not be imposed.

Now, Sir, coming to the Bill itself, I do realise,—and I am very strong
 3 P.M. on that point,—that the industries of India should be protected, and that their development should not be hampered in the least degree. With that end in view, I did my utmost in the Select Committee to see that this industry, which is not yet in existence now, but which may be likely to come into existence soon,—I wish it came into existence very soon,—should not be affected in a manner that its growth and development may be impeded. Sir, I lent my support in the Select Committee to the conclusion which the Committee came to in the matter. When this Bill was sent to the Select Committee, I submit, certain objections were raised, and I was very keen to see that those objections were fully met. On that point the first question raised in the House was

with regard to the definition of mechanical lighters. It was urged in the House that the definition was too wide, that it might include such articles which should not properly come under the definition of mechanical lighters. It was apprehended that coils producing spark, which children generally use for play, might come under this definition. It was also feared,—and the Honourable Mr. Jadhav referred to it,—that even stones, which give fire when they are brought in contact with another article, might come under this Bill. Then our attention was also called to a kind of rope, which is generally hung in Calcutta and other places outside shops which sell cigarettes, and which generally ignite, so that any passer by might light his cigarette in front of these shops. All these points were placed before the Select Committee, and they came to the conclusion that it was not proposed to include all these things in the definitions. With that view the Select Committee amended the definition, and this is what they say :

“ We are satisfied that the terms of the definition as now amended exclude the separate stone and steel employed by aboriginal tribes for the purpose of producing ignition, and exclude also such contrivances as the ropes of cocconut or other fibre which when themselves ignited are employed in some parts of India for conveying a means of ignition from one place to another or for maintaining a temporary source of ignition.”

I know, that the question of principle was very vehemently and hotly discussed in the House but so far as objections were concerned, they were not lost sight of in the Select Committee.

Then, Sir, the second question raised by my friend, Mr. Raju, is that the duty should not be fixed now, that Government should have waited till this industry came into operation and that when this industry developed, only then it should be imposed. That means in other words it should be a permissible measure. The idea was to see that the revenue from the match industry was not in any way affected, and the Government apprehended that there might be a great flow of a small number of concerns manufacturing these mechanical lighters and it would be wrong on their part if no forewarning was given. We were also anxious to see that the duty should not be such that it should affect the development of the mechanical lighter industry. What happens in these small industries is this, that when a man begins an industry, other people like sheep follow him and start a number of similar concerns, with the result that the whole industry is destroyed. Therefore, this is a caution against such a contingency, and, from that point of view, I agree to the imposition of the excise duty. But there was great contest with regard to the amount of the duty. Some Members were of opinion that it should be less than the match excise duty, because the match industry is already established whereas this is a new industry which has yet to come to this country. With that idea we tried to reduce it to one rupee. There was a division, and there were seven Members on one side and six on the other, and it was lost by a majority of one vote. Though we lost it, I am glad to say that the Honourable the Finance Member then came forward, and there was a mutual understanding to make it Rs. 1-8-0 and it was unanimously agreed to. If this duty is considered oppressive or affects the industry adversely, then I submit it will be left to the House to reduce it or to bring it to the notice of the Government, and, I am sure, the Honourable the Finance Member, if he is there, will certainly consider it, because he knows that we are absolutely against putting a heavy excise duty on the industry.

[Mr. Lalchand Navalrai.]

Therefore, I submit that this Bill, as it has emerged from the Select Committee, is such that it should be accepted. Coming to the question—I find my Honourable friend, Diwan Bahadur Ramaswami Mudaliar, laughing at something. I do not know if he laughs at this.

Diwan Bahadur A. Ramaswami Mudaliar (Madras City : Non-Muhammadan Urban) : I was not listening to the Honourable Member at all I am afraid.

Mr. Lalchand Navalrai : I never thought that Honourable Members do not listen. I always think that Honourable Members listen to what an Honourable Member says in this House, whether the ideas expressed by him do or do not meet with their views ; listening is very necessary in the House.

Then, there was another question, very small though, about the penalty in case the duty is not paid. Four times the duty was provided in the original Bill and it was reduced with the consent of the Honourable the Finance Member to three times. I find the Bill as it has emerged from the Select Committee is not objectionable. The principle having been accepted, we had to see whether the duty should be one rupee or Rs. 1-8-0 or even less and that is an open question. I support the motion that the Bill be taken into consideration.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : During my last five years experience of the Assembly, I have been noticing that the Government of India have been suffering from periodical fits. When I first arrived in this House, I found that they were suffering from the fit of Imperial Preference, and the result was that some of the most distinguished Members had to resign their seats on the Assembly as they could not stand the fit. When the scene changed and the new Assembly was formed, a new fit arose, and that was the fit of retrenchment and we have had a good deal of experience of this new fit. We discussed several cases this morning, and probably we will discuss many more later on. This fit continued for over two years, and I am not sure whether the Government of India have quite overcome this fit of retrenchment ; at least in certain departments it is still continuing.

An Honourable Member : There has been a relapse.

Dr. Ziauddin Ahmad : Now, this year, the Government began to suffer from a new fit, and it is the fit of excise duty. We first noticed that when an excise duty was proposed to be levied on sugar, it was pleaded that the duty was levied merely to correct a mistake that was committed in 1931 in increasing the duties by 25 per cent. throughout. It was said that the mistake committed then should be rectified by putting an excise duty on sugar. We noticed the fit again on the occasion of the match excise duty. Then there is an excise duty on steel ingots which are really the prime product of the whole steel industry. This is due to the fact that they want a certain amount of revenue and they said, " let us put a duty all round, let us put some excise duty and let us put some revenue duty so that the two things may balance each other ". So far, the action of the Government was to a certain extent reasonable, but when in the fit they lose their conscience, then their

actions, as Dr. Dalal would say, cannot be justified. They can levy a duty on articles which exist, but now they go a step further in their fit and levy a duty on articles which do not exist, on hypothetical articles. The Government argues in their hysteria that some factories may possibly be established in India, in this century or in the next, and it is useful to keep an Act ready for future exigency. I have said before that in this fit the Government have lost their senses and they are now going to levy a duty on an imaginary article which may or may not come into existence at all. When we ask questions, the Members on the Treasury Benches often rebut in their replies, "this is a hypothetical question and we are not bound to answer". We have been accustomed to hear this reply. Now, here we are going to levy a duty on a hypothetical article, which does not exist in this country, and we on this side of the House reply the Government in their own coin, and say that we are not bound to consider a question of levying duty on a hypothetical commodity, which does not exist in this country. The other day I was reading a pamphlet discussing whether the meat of *Buraq*, which is an animal, that will wait on our graves on the day of resurrection to take us to paradise, is lawful or unlawful to eat.

Mr. B. B. Puri (West Punjab : Non-Muhammadian) : Take you or take us also ?

Dr. Ziauddin Ahmad : We will not discuss that point. The present company is excepted. The whole discussion in this pamphlet related to the question—*buraq ka gost halal hai ya haram*. The whole question was whether it is lawful or unlawful for a pious Muslim to eat the meat of *buraq* and there were all kinds of arguments. The discussion on this Bill is practically of the same type—whether it is lawful to levy a duty on this industry which does not exist. The discussion here is practically equivalent to the discussion in this particular pamphlet. I, therefore, see no justification to introduce this particular excise duty here. It is argued that it did not matter very much if the duty is levied. No harm will be done to any person. But, Sir, the principle underlying this Bill is very harmful, and in this connection I will just relate a story. The fowl of a person died in his house, and he began to cry and weep. Then the neighbours came and asked him what happened. The man said that his fowl died. Then the neighbours said, why are you crying. It costs only eight annas and we will give you a rupee. He said, the death of the fowl did not matter, but what matters is that the angel Izrael, the angel of death has seen the house ; today it is fowl tomorrow it may be any inmate of the house. Today they are taxing this commodity. Tomorrow it may be some other industry. We are not so much afraid of this particular industry. My friend, the Finance Member, and his staunch supporter, the Commerce Member, have both taken upon themselves to levy all sorts of taxes upon the consumers of this country. We do not know on what industry the tax will be levied tomorrow. If an industry was in a flourishing condition, I could have understood, but by no stretch of imagination can you levy a duty on an article which has not come into existence. It is really the surest way of killing an industry before it is born. If this principle is adopted, then I am afraid the industries of this country will enormously suffer.

Bhai Parma Nand (Ambala Division : Non-Muhammadian) : You were in favour of the excise duty on sugar. It was an infant industry ?

Dr. Ziauddin Ahmed : Certainly—and there were good reasons for it. Those people who opposed it did so for entirely personal reasons. My misfortune is that I am neither influenced by propaganda nor by selfish arguments. We did give sugar the same protection which the Tariff Board recommended. What we did was to rectify the mistake which the Legislature made in 1931. Here you are levying a duty on an article which does not exist, an article which may or may not come into existence in the future. That is the important point, and here I say that the angel of death has seen the house and we do not know what may happen.

Major Nawab Ahmad Nawaz Khan (Nominated Non-Official) : This is not the first visit. You are accustomed to such visits for many long years.

Dr. Ziauddin Ahmad : That may be my friend's experience but it is not my experience.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : I rise to support the motion of my friend, the Honourable the Finance Member. In the first place, I should say that the title of this Bill is improper. It is to provide for the imposition and collection of an excise duty on mechanical lighters. The Honourable the Finance Member with the assistance of this House may impose an excise duty on mechanical lighters, but I am quite sure that his ingenuity and the ingenuity of all the officers under him will not bring in a pie into the coffers of Government from the realisation of this excise duty. Therefore, the title of this Bill is not a proper one.

Of course, he will make some money by the operation of the last clause, clause 16, by which he levies a higher import duty on mechanical lighters coming from outside. But that ought to have been put in the title, instead of this imaginary levy or collection from excise. I may assure him that no officer is required to collect any excise duty now, nor in future, because I do not think that any manufacturer will be foolish enough to invest his capital in the manufacture of mechanical lighters. The more honest thing would have been to prohibit the manufacture of mechanical lighters altogether. In clause 6, powers have been taken for preventing the import of mechanical lighters from Indian States. A similar section would have done as well, that no mechanical lighter should be manufactured within British India and that would have saved the trouble of drafting all these elaborate clauses for the levy of excise duty and collecting it.

It is the primary object of the Government to protect the income or revenue from matches, and I think that is a legitimate object and for that purpose it was necessary to check the excessive use of mechanical lighters. Latterly, the import of the latter has increased no doubt and, therefore, an import duty on mechanical lighters is a step in the right direction. But in order to balance it, an excise duty on mechanical lighters is levied, and this is simply, I think, in order to provide some weight in the other scale of the balance. On a previous occasion, I pointed out that no revenue would be collected from this source and therefore I raise a voice of protest on this occasion too that this clause ought to be done away with, and there should be put on a prohibition on the manufacture of mechanical lighters. I am not much

interested in the amount of the duty—whether it is Rs. 1-8-0 or Rs. 2—because the purpose is the same, *viz.*, to discourage the starting of factories for mechanical lighters. And, Sir, the manufacture of mechanical lighters is a very minor industry, and we need not mourn the loss of it. There are other industries which one can take to with greater advantage to the country, but, then, as my Honourable friend, Dr. Ziauddin Ahmad, has said, the angel of death has seen the house and we are all afraid. Sir, that the Finance Member may come forward to propose excise on any industry which is started or is likely to be started, and in that way cripple the industrial advancement of this country. I hope, Sir, that an assurance will be given by the Honourable the Finance Member that there are no reasonable grounds for this apprehension.

The Honourable Sir James Grigg : Sir, I am a little shocked at the spectacle of Dr. Ziauddin shedding gallons of crocodile tears over our proposal to put a tax upon an imaginary article. Sir, what has he been doing all his life but pursuing the square root of minus one—I think that is an imaginary quantity! (Laughter)—into more and more rarefied regions where ordinary mortals cannot follow him?

Dr. Ziauddin Ahmad : My friend probably knows—he is a better mathematician than myself—that this imaginary number is of greater importance than a real number. Real numbers represent points on a line, while complex numbers represent points on a plane.

The Honourable Sir James Grigg : My Honourable friend cannot get away with it like that. It is quite definitely an imaginary quantity. Incidentally, on his point of “what on earth are you doing, putting an excise duty on an imaginary article?” I should rather like to know whether he is prepared to go to the wheat growers of the Punjab and hear what they will say to him if he proposes to remove the duty on the imaginary imports of wheat! I rather fancy his tears would be rather more real than they are on this occasion. Sir, I am not sure whether it would be proper of me to follow my Honourable friend, Mr. Sitaramaraju, in the somewhat indelicate illustration that he gave in connection with this proposal. He expressed himself, I think, as strongly opposed to birth control; but, as far as I can see, throughout the whole of his argument he was quite prepared for a subsequent illegal operation or at any rate for an infanticide. But, Sir, I do not want to pursue that particular metaphor, I will change it. My objection to the arguments brought forward against this Bill is that Honourable Members opposite are only prepared to lock the stable door after the horse has been stolen. Mr. Bhuput Singh said: “Could I ever give examples of countries where a precautionary duty had been imposed?” Certainly, Sir,—the United Kingdom; but in any case even if there were no examples, there are two very good examples of locking the stable door after the horse is stolen. Burma is one; I do not want to elaborate that; I referred to that at length on the motion to refer the Bill to a Select Committee. But since then I have been furnished with information as to what happened in the case of Java where the neglect or the delay in imposing an excise duty has absolutely ruined the revenue from the excise duty on matches. To prevent that, Sir, is our whole purpose. I quite agree that we ought not in ordinary circumstances to kill, at whatever stage of its life we do it, an industry which might be developed in this country. But the House has gone too far already over that. The Indian match industry, which is

[Sir James Grigg.]

a very large industry, has been established by a scheme of protection which has cost the consumer in this country crores of rupees and which yields to the Government of India a very considerable revenue. Is it not really rather absurd to expose an industry of such magnitude to the chances of extinction in the desire to develop what can never be anything more than a very puny infant? Even if an industry for the manufacture of mechanical lighters could be established in this country, it would be of inconceivably small importance in comparison with the existing match industry. And now if I may just end by going back to some of the lethal metaphors that have been used, the proposal of those who object to this Bill is that you should allow a rather sickly infant to grow up and that you should encourage people to spend money on fostering it. But once it gets into a position where it can be impertinent or even a nuisance to its grown-ups, you can bring down a bludgeon on its head and kill it stone dead. But, Sir, the unfortunate features of that are two. First of all, it is extremely wasteful to spend money in bringing up a child that you are going to kill anyhow, and apart from that and much more than that, if this wicked child in the meantime is going to kill a healthy adult, the extravagance and folly of nurturing it are all the greater. That is all I have to say, Sir. I hope the House will now accept the motion to take the Bill into consideration.

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, as reported by the Select Committee, be taken into consideration.”

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair intends taking clause 3 first. The question is :

“ That clause 3 stand part of the Bill.”

The amendment of Mr. Bhuput Sing is not in order. That cuts at the root of a principle to which this House has already subscribed. It is perfectly open to the House to reject the clause, but the Honourable Member cannot move his amendment.

Mr. Bhuput Sing : Sir, if the Preamble were amended, as suggested in my amendment, then that would be in order?

Mr. President (The Honourable Sir Shanmukham Chetty) : As a matter of fact, the Honourable Member's amendment to the Preamble is a consequential amendment. If clause 3 is omitted, then that amendment will follow as a consequential amendment.

The question is :

“ That clause 3 stand part of the Bill.”

Mr. Bhuput Sing : Sir, I beg to move :

“ That in clause 3 of the Bill, the words ‘ and eight annas ’ be omitted.”

My purpose in moving this amendment is that the duty as proposed in the Bill is exorbitant. The price of the lighters generally varies from annas four to Rs. 2 or even more, so the duty of Rs. 1-8-0 on a small lighter costing annas four seems to be very exorbitant. The Government

said that these lighters will be extensively used by the masses, but these lighters require petrol which is not stocked by common people, and also they require frequent change of flints which also costs something. Therefore, the Government position, that the people will go using these lighters, is rather over-estimated, and I think that a duty of one rupee will be sufficient to protect the match industry and also the loss of revenue from the match excise duty. Therefore, I move the duty be reduced to one rupee.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“ That in clause 3 of the Bill, the words ‘ and eight annas ’ be omitted.”

The Honourable Sir James Grigg : Sir, I have dealt with this question in anticipation, and I have very little more to say. The Government are a little uneasy that they may have overshot the mark in reducing the duty from Rs. 2 to Rs. 1-8-0, and certainly they would not feel safe if the duty were reduced any further. If, at a later stage, it does become clear that the duty is fixed too high, the Government can reconsider the matter. But the fact remains that a duty of Rs. 1-8-0 is the equivalent of three-quarters of a gross of boxes of matches of the ordinary size and that, I think, will not be an excessive measure of the efficacy of a mechanical lighter in relation to matches. Now, if you fix the duty so low that it is still very much cheaper to use a mechanical lighter than to buy matches, the whole purpose of the Bill will be defeated.

Dr. Ziauddin Ahmad : Sir, I do not know in what way these calculations were made.

The Honourable Sir James Grigg : Mathematically.

Dr. Ziauddin Ahmad : I am told that this duty should be the same as the duty on the three-quarters of the gross of matches because the age of this mechanical lighter will be approximately the same and it will serve the same purpose as the three-quarters of a gross of matches. But there are certain factors which my friend entirely forgot in his mathematical calculations, and those are that the mechanical lighter may be lost. These mechanical lighters are just like the fountain pens which really never see the end of their life. They are lost much earlier than the time at which they would cease to function. So, he entirely forgot that by the time another man will use only one dozen match boxes, this mechanical lighter would have disappeared altogether. Another point about these mechanical lighters is that they go wrong, and when they do go wrong due to some misuse, they cannot function at all. These are really two important points which were not taken into consideration at the time the calculations were made. Then, Sir, this is not the only ground on which I stand. I stand on an entirely different ground. It is an accepted principle of the Government that the excise duty is always lower than the import duty on the same article. As an example, I will mention kerosene. On kerosene, the excise duty is less than the excise duty on the imported kerosene. If my friend stands on the ground that the excise duty and the import duty may be the same, then it is his duty to present a Bill tomorrow to equalise the excise and import duty on kerosene. And if he does that, we can get a crore of rupees to the public chest. Again, Sir, we have seen in the case of the Steel Protection Bill that whatever the duty may be, we always say $1\frac{1}{2}$ and $1\frac{1}{4}$ of the excise duty *plus*.....

Mr. A. J. Raisman (Government of India : Nominated Official) : May I point out that the customs duty will be considerably higher than the excise duty ? It will be higher by no less than 50 per cent. of the value of the imported article.

Dr. Ziauddin Ahmad : But in the case of the duty mentioned in the Steel Bill we have seen everywhere that the import duty will be $1\frac{1}{2}$ or $1\frac{3}{4}$ of the excise duty *plus* something which my friend, Mr. Raisman, has reminded me about. I consider it to be an established principle that the excise duty is slightly less than the import duty on that article, so that our manufacturers may have some advantage as compared to the manufacturers of the foreign countries. Therefore, this proposal of my friend is very reasonable, namely, whatever duty you may impose as a kind of import duty for matches, the excise duty should be slightly less than this import duty. With these words, I beg to support the amendment moved by my friend, Mr. Bhuput Sing.

Mr. B. V. Jadhav : Sir, I am afraid my friend, Dr. Ziauddin Ahmad, is under some misapprehension. The excise duty is an imaginary duty and the import duty is a real one. Therefore, the excise duty is not equal to the import duty. An imaginary quantity cannot be equal to a real quantity. At the same time, the Honourable Member, Mr. Raisman, has pointed out that the import duty is to be added to 50 per cent. *ad valorem* duty. The Honourable the Finance Member has held out a promise that when Government realise that the excise duty is too high, they will come before this House and ask for its reduction. I am at a loss to know how Government are to come to that decision. Is it by the loss of all import duty or by the absence of any revenue from excise ? As a matter of fact, as I have pointed out just now, there will be no revenue from excise and some little revenue is expected from the import duty. So, when the imports have stopped altogether, will he come forward and ask for the reduction of the excise as well as the customs duty ? That is a question which is troubling me more.

The Honourable Sir James Grigg : My answer is, no. The circumstances, which would induce the Government of India to come before the Assembly to make revised proposals on this, are entirely based on the relation of the excise duty on mechanical lighters to the excise duty on matches. If the excise duty on matches were reduced, then it will be quite proper to reduce in proper relation the excise duty on mechanical lighters. The essential function of this excise duty is to protect the match revenue and the duty on matches will be the criterion.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That in clause 3 of the Bill, the words ‘ and eight annas ’ be omitted.”

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That clause 3 stand part of the Bill.”

The motion was adopted.

Clause 3 was added to the Bill.

Clauses 4 to 16, both inclusive, were added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That clause 2 stand part of the Bill.”

The Chair thinks that the amendments of Mr. Bhuput Sing have now become unnecessary.

The motion was adopted.

Clause 2 was added to the Bill.

Dr. Ziauddin Ahmad : Sir, I beg to move :

“ That after clause 1 of the Bill, the following new clause be inserted, and the subsequent clauses be re-numbered accordingly :

‘ 2. Section 16 of this Act shall come into force at once and the remaining shall come into force from such date as the Governor General in Council may determine ’.”

Sir, I hope the Honourable the Finance Member would see no objection to this particular amendment. The powers are there, but unfortunately the factories are not there, and my motion is that as soon as the factories come into existence, apply the law at once and do not follow the example of the *Buraq* which I have just stated. We say that if at any time this thing is available, then this rule should particularly apply. He has really done a great injustice in putting a duty on an imaginary article. He has asked us to pass a hypothetical Bill, to meet a hypothetical case in order to stop a hypothetical industry.

The Honourable Sir James Grigg : You are moving a hypothetical amendment.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : You will get a hypothetical revenue as well. (Laughter.)

Dr. Ziauddin Ahmad : My object is to make this hypothetical proposition a reality, a reality which can only come if we accept this amendment that to whatever really exists, we should apply the section immediately. Whatever may come in future, then this section should be applied on some later date. This is really my object in moving this motion and that is to take the Honourable the Finance Member out of this difficulty. I do not want to repeat all the arguments that I said on a former occasion, but I do implore the Honourable the Finance Member to consider seriously the question of keeping these clauses in abeyance and apply them, if and when the opportunity arises. I am sure that so long as this particular Bill is there the opportunity would never arise and the Governor General will be relieved of considering and framing an order. Sir, I beg to move my motion.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“ That after clause 1 of the Bill, the following new clause be inserted, and the subsequent clauses be re-numbered accordingly :

‘ 2. Section 16 of this Act shall come into force at once and the remaining shall come into force from such date as the Governor General in Council may determine ’.”

The Honourable Sir James Grigg : I am afraid that Homer has nodded again. If he would look at section 16, he will see that section 16 has no reality, except in relation to the imposition of an excise duty.

[Sir James Grigg.]

Sir, if he proposes that section 16 of this Act shall come into force at once and the remaining on some subsequent date, then section 16 cannot possibly come into force either, so that in effect either Homer has nodded completely or he has a deep laid scheme, an alternative form of raising again Mr. Raju's point, which is that this Bill should be permissive, and so not come into force until after the damage has been done which it seeks to remedy. I have already argued that and I do not think it is either necessary or desirable that I should do so again.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

" That after clause 1 of the Bill, the following new clause be inserted and the subsequent clauses be re-numbered accordingly :

' 2. Section 16 of this Act shall come into force at once and the remaining shall come into force from such date as the Governor General in Council may determine '."

The motion was negatived.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir James Grigg : Sir, I beg to move :

" That the Bill, as reported by the Select Committee, be passed."

I think every conceivable point that can possibly arise on this Bill has been discussed already. I have no new points to make. I merely thank the House for the very patient way in which they have dealt with this matter, and I hope it will not be necessary for me to strain any more the patience of the House. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

" That the Bill, as reported by the Select Committee, be passed."

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir (Applause), I do not know whom I shall congratulate, whether it is the Swedish match combine or the Japanese match combine that finance the Indian match factories in India, or the simple Simon-like faith of the Government of India, that they have found a remedy to what was advocated by the representatives of the Swedish match combine in the Select Committee on the Matches (Excise Duty) Bill. Sir, whenever this Government see a chance to collect some more revenue, they do it, but they forget their obligations to the tax-payer, to the people. They forget the obligations that are laid upon them by the report of the Indian Fiscal Commission or by the very Tariff Board that made enquiries about the protection to the match industry. Sir, sixty per cent. of the money that has been invested in India on match industry is foreign. It has been the complaint of this House that the Swedish combine should be controlled by the Government of India. It is true that there are one or two Indian Directors on the Swedish match combine.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

But they are never called upon to attend meetings. The Indians do not hold shares in the Swedish companies, nor are Indian boys allowed proper training in the Swedish firms. Yet, when the Government of India in their benevolence or simplicity, I do not know what it was, or even the Select Committee—when they permitted the representatives of the Swedish match combine to give evidence, they suggested to the Government of India this new tariff on mechanical lighters and Government and the Select Committee in their simple faith swallowed the suggestions of the Swedish gentlemen who gave evidence before the Select Committee on the Matches (Excise Duty) Bill.

Mr. A. H. Ghuznavi : There were others also.

Mr. B. Das : I am coming to the Japanese shortly.

Mr. A. H. Ghuznavi : No, not Japanese. They were all Indians.

Mr. B. Das : But financed by Japan.

Mr. A. H. Ghuznavi : No, they are not financed by Japan.

Mr. B. Das : I shall be glad if my Honourable friend, for whom I have great respect and great friendship, will clear the suspicion that is in the minds of many of us that the Calcutta match firms and also certain firms on the West coast of Bombay are not financed by Japanese syndicates and they are not controlled by the Japanese people. Sir, at that time the House expressed the opinion that Government should exercise control over these foreign combines as was recommended by the Tariff Board, and the then President or Member of the Tariff Board, Sir Padamji Ginwala, wrote his minute of dissent on the match protection and he himself is now the Financial Adviser of this Swedish match syndicate itself. Sir, Krugar is dead; Krugar swindled the European financial circles to the extent of two hundred millions sterling. I do not know whether England lost any money on it, but the spirit of Krugar, Krugarism is still prevailing in India, and it is this spirit which has so much enchanted the Government of India that the Government of India dare not ask these Swedish firms in India to come under the control of the Government of India in the line of the recommendation of the Indian Fiscal Commission, or in the line of the recommendations of the Tariff Board.

Now, Sir, I am glad to hear from my Honourable friend, Mr. Ghuznavi that certain Indian gentlemen owning match factories represented that these mechanical lighters should be taxed. But I should like to know from my Honourable friend what is the amount of Indian capital that is invested in the Indian match industry. My own view is that Indians have financed only the small match factories. But, Sir, if the Swedish people are exploiting, because they are the cousins of the Government of India or of the British people and they have got protection by the back door, so also the Japanese from the East have invaded and they are investing money. They are investing money and taking advantage of the protection that was given to the match industry. My Honourable friend, the Finance Member, is very anxious to safeguard the receipts of the Government of India. One of the complaints, that was made against these foreign match manufacturers, was that they should not import foreign logs and foreign timber from Sweden or Japan, but that is still going on, and Government have as yet taken no steps to control these foreign match combines and stop the importation of foreign timber from Sweden or from Japan. So, what is the use of the Finance

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Member trotting out before this House the plea that the Indian match industries have been protected by this? It is true that Indian labour is employed in these industries, but if and when any industry receives protection there are certain rules which the Honourable Member for Industries and Labour has laid down and sees to it that they are observed. One is that the raw materials should be Indian. All the chemicals come from outside. It is a shame that when the Government of India spend so much money on Indian forests and when timber is available in India to produce matches, these Swedish combines still import timber. And yet in simple Simon-like faith this Government bows down to the representatives of the Swedish match factories and perpetuates a piece of legislation by which the Government of India will be laughed at by the people of the world. For these reasons, Sir, I oppose the Bill.

Mr. Bhuput Sing : Sir, I do not want to go into details at this stage when the Bill is going to be passed into law. But I want to ask the Finance Member one question. He said that the criterion for the reduction of duty on mechanical lighters would depend on the reduction of duty on matches. I should like to ask him this. Supposing an industry is established in India for the manufacture of these lighters and it is found that this industry cannot compete with foreign manufacturers, will Government then be prepared to lower the duty on these lighters or will they still maintain that the duty has not been reduced in the case of matches and, therefore, the duty cannot be reduced in the case of mechanical lighters?

The Honourable Sir James Grigg : Sir, I admit that I was not very clear. What I meant was that Government would be quite prepared to consider reducing the duty on mechanical lighters when it is quite clear that they can safely do so having regard to the necessity of preserving the match revenue. I am afraid, I cannot be more specific than that.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

“ That the Bill to provide for the imposition and collection of an excise duty on mechanical lighters, as reported by the Select Committee, be passed.”

The motion was adopted.

THE INDIAN NAVY (DISCIPLINE) BILL.

Lieut.-Colonel A. F. R. Lumby (Army Secretary) : Sir, I move :

“ That the Bill to provide for the application of the Naval Discipline Act to the Indian Navy be referred to a Select Committee consisting of Diwan Bahadur Ramaswami Mudaliar, Khan Bahadur H. M. Wilayatullah, Mr. D. K. Lahiri Chaudhury, Mr. B. V. Jadhav, Mr. Gaya Prasad Singh, Kumar Gupteshwar Prasad Singh, Rno Bahadur M. C. Rajah, Sir Hari Singh Gour, Mr. S. G. Jog, Sir Leslie Hudson, Captain Sher Muhammad Khan Gakhar, Sir Abdulla-al-Māmūn Suhrawardy, Lieut.Colonel Sir Henry Gidney, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

As you remember, Sir, when this Bill was last before the House it was decided on the motion of my Honourable friend, Mr. B. Das, to circulate it with a view to eliciting opinions upon it. In circulating the Bill, we took advantage of a suggestion made during the course of the debate by

my Honourable friend, Mr. James, to send with the Bill a short summary of the reasons which led up to its introduction, so that members of the public who wished to express an opinion on it should have a better realisation of the causes underlying it. The opinions that have been received are now in the hands of the Honourable Members, and, as far as I can see, they are generally favourable to the Bill. At any rate, the House can congratulate itself that no point of importance has been raised in them which has not already been discussed on the floor of this House during one or other of the previous debates on this Bill.

First, I want to deal with a point which was raised during the last debate by the Honourable Member, the Leader of the Opposition, and which has been referred to again in the opinions by a number of people. This concerns the form in which the Bill has been brought before this House. The complaint is that we have not introduced a self-contained measure. The reason lies in the amended section 66 of the Government of India Act which reads :

“ Subject to the provisions of this Act, provision may be made by the Indian Legislature for the *application* to the naval forces raised by the Governor General in Council of the Naval Discipline Act, and so on.”

It is held that the word “ application ” precludes us from doing more than we have done in the case of this Bill, and prevents us from producing a self-contained measure.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muham-
 4 P.M. madan) : Will the Select Committee be precluded
 from making amendments in the Bill, so as to make it
 a self-contained piece of legislation ?

Lieut.-Colonel A. F. R. Lumby : I gather that the legal position is that the Bill can only be applied and that therefore it will have to come up in some such form as at present. It cannot be made into a self-contained measure.

Mr. Gaya Prasad Singh : Why not in the form in which we have got the Navy Bill in England with such suitable amendments as the Select Committee may think fit to incorporate ? It can come as a self-contained Bill in that form.

Lieut.-Colonel A. F. R. Lumby : I gather that that would not be in keeping with section 66 of the Government of India Act which says :

“ Subject in the application of the said Act to the forces and ships.....to such modifications and adaptations, if any, as may be made by the Indian Legislature to adapt the Act to the circumstances of India.”

Diwan Bahadur A. Ramaswami Mudaliar (Madras City : Non-Muhammadian Urban) : May I ask the Honourable Member another question which is really very vital ? The Bill as placed before the House refers only to certain sections of the Naval Discipline Act. Is it open to the Select Committee to take up other sections not referred to in the Bill and modify them. The power to do so is certainly given in section 66 of the Government of India Act.

Lieut.-Colonel A. F. R. Lumby : That is so. The whole Naval Discipline Act will be before the Select Committee and they can suggest amendments other than those which have already been included in this draft Bill. What I was just going to say was that I understand that the

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procedure we have proposed is that which has been adopted in the case of the self-governing Dominions. The Act has been applied to their navies in exactly the same way as it is proposed to apply it in this Bill ; and if this is the only way in which we can get for the Indian Navy the increased prestige and status which its connection with the Royal Navy will give it, then I submit, Sir, that the advantage that will thus be gained will outweigh any administrative inconvenience that may arise from having the Bill in this form.

Next, Sir, I want to deal with the suspicion that was in evidence during the course of the two previous debates, and which I fear still lurks in the minds of some Honourable Members, that the main object underlying this Bill is to give Government the power to force upon India a large navy of large and expensive ships which will be available for Imperial purposes. I gather that the idea underlying this suspicion is that, since the Washington Agreement placed certain limitations on the various kinds of men-of-war, which they may maintain, His Majesty's Government are anxious to have in the Indian Navy a kind of reserve fleet upon which they will be able to call in time of war. Alas for this suspicion, the limitations agreed upon at Washington cover not only the Royal Navy, but also the navies of India and the self-governing Dominions, so that if India decided to build a battleship, it would mean that His Majesty's Navy would have to go short of a battleship to keep within the limitation figures. But even if this were not the case, the Bill that is now before the House gives to the Government no power to increase the naval forces of this country that they do not already possess and have possessed for years past.

I should like now to try and explain in a few words what the naval policy of the Government of India really is. This policy, which, of course, is co-ordinated with the naval policy of His Majesty's Government, does not concern itself with the building of any big ships. It aims at maintaining a small squadron of small and efficient ships for the local naval defence of India's coasts, harbours and shipping. . . .

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official) : Is that the future policy ?

Lieut.-Colonel A. F. R. Lumby : There is no intention of changing the policy. That policy, when you come down to details, means the carrying out in time of war of such duties as the prevention of mine-laying by enemy ships, the sweeping up of mines that enemy ships have managed to lay, the chasing and destruction of enemy submarines, the convoying of ships from port to port, and things like that. Honourable Members will recollect that during the Great War a German mine-layer managed to lay a mine-field almost opposite the entrance to Bombay harbour, and that was not the only occasion on which a German raider managed to approach the shores of this country. If, as God forbid, the Empire is ever again engaged in a war against a maritime power, however distant from India, as sure as I stand here today, the danger that will threaten India's coasts and India's shipping will be just the same as threatened them during the Great War ; and it is to provide protection against this danger, should it ever arise, that the naval policy of the Government of India is directed. I can assure the House that there is no intention that the carrying out of this policy, which is the policy at present in force, shall cost any more money than it does at present.

The main objections which have been raised at one time or another to this Bill fall under three heads—expense, Indianisation and constitutional. As regards expense, I have already explained how limited the policy of the Government of India is in naval matters and have assured the House that there is no intention that this policy shall cost more money than it does at present. Beyond this, I can assure the House that there is nothing in the Bill which will involve the addition of a single ship or a single man to the Indian Marine. The Bill itself is purely and simply a discipline Bill, but the important part about it is that, until it becomes law, it is impossible for the Royal Indian Marine to become the Royal Indian Navy; and, I may add, until then it will not be possible for the Government to put the finishing touches to the scheme for the re-organisation of the service which they started in 1927 in what they then considered, and are still convinced, were the best interests of India, and of India alone.

I turn now to Indianisation. Though prior to 1927 there was nothing to prevent Indian officers being recruited for the Indian Marine, it was not until the re-organization scheme formulated that year that Government first introduced a real plan for the Indianisation of the officer ranks of the service. In the next year, 1928, the first Indian officer was recruited direct to the service, and at the present moment there are three Indian officers serving with the squadron and eleven cadets under training who in the course of the next few years will take their places in the officer ranks. That gives a total of fourteen officers or officers-designate against a total officer cadre of only 117. I do not think that this is such a bad record for the short space of six years, seeing that it takes five years to train an engineer officer. During the course of the 1928 debate on this Bill much capital was made of the fact that we had estimated that our Indianisation scheme only meant the recruitment of one Indian officer to the service every year. Events, as I have said, have proved that estimate to be entirely wrong, but the point which I want to make is that the ratio of two British officers to one Indian, which is laid down in that scheme, has nothing sacred about it and can be altered at any time when events justify a change. At the present moment after all there are only three officers serving from whom we can judge, and it must surely be admitted that it would be difficult for Government to satisfy their own conscience from the experience they have gained from these three officers, however well they are shaping—and they are shaping well—that their system of recruitment and training and absorbing these officers into the service is on the right lines. In actual fact, we have had very considerable disappointments as regards the recruitment through the open competitive examination, and we have had to find alternative channels of recruitment from the Training Ship "Dufferin". Though that channel has proved distinctly satisfactory, at the same time we are not satisfied as to the keenness which Indian lads in general show to enter the service. I shall refer to this question of recruitment later on.

I turn now to the constitutional question which I know is at the root of the majority of objections which Honourable Members have raised at one time or another to this Bill. Not that there is anything in the Bill itself as far as I can see, which is particularly objectionable from the constitutional point of view, but because the Bill, if it passes into law, will cause the amendments made to the Government of India Act in 1927 to become operative for the first time; and those amendments have a very definitely constitutional bearing. What is the constitutional position today? At

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the present time, under the Indian Marine Service Act of 1884, it is possible for His Majesty's Government to take over the Royal Indian Marine, lock, stock and barrel, without consulting the Indian Legislature, and without consulting the Government of India or the Governor General; and it is nowhere laid down that, if they choose to do so, it will be incumbent upon them to pay. I am not saying that His Majesty's Government would ever do such a thing, but that is the law and that is what they can do. Under the amendments to the Government of India Act, which, as I have said, will become operative if this Bill becomes law, the position is, as it seems to me, distinctly improved from the point of view of India. The relevant section of the Act reads as follows :

" Any naval forces and vessels which may from time to time be raised and provided by the Governor General in Council shall be employed for the purposes of the Government of India alone, except that if the Governor General declares that a state of emergency exists which justifies such action, the Governor General in Council may place at the disposal of the Admiralty all or any of such forces and vessels."

And India will only be liable to pay for that part of the navy which is placed at the disposal of His Majesty's Government for purposes other than the defence of India if such expenditure is agreed to by both Houses of Parliament. In addition, as was announced to the House during the last debate on this Bill, it is the intention of the Government of India to consult the Legislature in future, so far as may be possible, whenever any question arises of lending the Indian Navy to His Majesty's Government for operations other than in the defence of India. I assure the House that this is a definite pledge, and not merely a formula of words.

I know of course that the point of view, taken by some Members of the Opposition at any rate, is that, so long as the Indian Legislature, or at any rate a Federal Ministry, has no measure of control over India's naval forces, there is no great difference between the present position and the position as it will be if the amendments to the Government of India Act become operative. But, Sir, I have to go by the facts, and, if I cannot get hold of any facts, I have to go by probabilities; and I find that even on the other side of the House it is taken for granted that under the new Constitution the subject of Defence will be reserved to the Governor General. Now, Defence is a term covering the Army, the Navy and the Air Force, and, if it is reserved, it is impossible to split off any one of these three and place it under the control of the Legislature. That was the suggestion made by several Honourable Members in the last debate, and one of them, in making this suggestion, held out a particularly tempting bait to us. He suggested that, if the Navy were placed under the control of the Legislature, they would probably be prepared to vote two, or even three, crores of rupees for its upkeep instead of the 60 lakhs which is spent on it at present. I appreciate the spirit in which that suggestion was made, but I can only say again that, as long as Defence is a reserved subject, I do not see how such a proposal could be accepted. Let me put the case this way. There is always a limit to the amount of money which India can afford to spend on her defence, and if Defence is reserved, it will be the responsibility of the Governor General, with the expert advice of the Commander-in-Chief, to decide how the available money can be divided up most suitably and effectively between the three fighting services. If one of the fighting services, say, the Navy, is placed under the control of the Legislature and they decide to strike out a line of their own as suggested

by the Honourable Member, whose proposal I quoted just now, and to spend a crore or so extra upon it, then it merely means that the amount of money that will be available for the Army and the Air Force will be reduced by that amount ; and that in turn will mean that the Governor General will not be able to carry out his responsibility in a proper manner. Any suggestion of this kind must be unfair to the Governor General and at the same time administratively unsound. In matters of this kind responsibility and authority must go hand in hand, and I, therefore, submit that, so long as Defence is a reserved subject, the Governor General must have control over its whole field. The only exception that I can imagine to this proposition is the occasion on which, as has already been stated, it is already the intention of Government to consult the Legislature, that is, when there is a proposal to loan a part of the Indian Navy to His Majesty's Government for purposes other than the defence of India. That kind of case, besides being considered by this House during the last debate, was also discussed at some length at the Round Table Conference, and I think we must presume that it is at present within the purview of the Joint Select Committee ; that being so, it would hardly be appropriate for Government to make a further statement on the subject in anticipation of that Committee's Report. In any case the occasions on which such a proposal will arise will be few and far between, and I submit that the whole question resolves itself into this ;—Is this House prepared to leave its naval forces with their present inferior status until such time as Defence ceases to be a reserved subject ? Or are they willing to take this opportunity of giving them the increased prestige and status which the title of Navy would confer on them ?

Last February, in moving for this Bill to be circulated, my friend, Mr. B. Das, said :

“ When after circulation of this Bill, the Army Secretary satisfies us and takes us into his confidence that these natural suspicions of the Indians will be satisfied and even met, then it may be that the Bill will receive our sanction.”

Sir, I have tried to satisfy the House that the suspicions which were raised in previous debates are groundless ; I have explained how limited the naval policy of the Government is ; and I have tried to give assurances on the various other points on which it seemed to me that there were doubts in the minds of Honourable Members in previous debates. I hope my explanations and assurances will persuade Honourable Members to prefer the second of the alternatives I have suggested, that is, to take this opportunity of giving the Royal Indian Marine the status of a Navy.

In deciding what their views will be on this Bill, I should like the House to consider it not merely from the constitutional aspect, but also from the point of view of the service, its efficiency and its contentment. In the last debate on the Bill, it was stated on behalf of Government that they were in no great hurry to pass this Bill, and that is still true. But if I urge Honourable Members to put from their minds any thought of delaying the decision on this particular matter, it is because I think that the effect of its passing into law will be to add to the contentment and efficiency of the service. I want to mention two facts in this connection. I referred earlier in my speech to the disappointments we have had with regard to recruitment by the open competitive examination. During the last few years, we have only had a total of 51 candidates, good, bad and indifferent, for the 13 vacancies that have been offered. I think it must

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be admitted that that number does not show a real and proper enthusiasm for entry into this service. The point was, however, made during the last debate on this Bill that the reason for this was that our publicity was not sufficient and that therefore the general public did not know anything about this examination. This open competitive examination for the Indian Marine is held in conjunction with the examination for entry into the Indian Military Academy and the Royal Air Force College, Cranwell, and is conducted by the Public Service Commission. It is given the same publicity as is given to any other examination run by that Commission. We get a good supply of candidates for the Army, and a good supply of candidates for the Air Force, but we do not get a good supply of candidates for the Indian Marine, and therefore I consider that the accusation made against us that this is due to our shortcomings is unfair. I will go further. I maintain that it is due to the fact that prospective candidates do not look upon the service as offering them a sufficiently attractive career. I go one step further again and say that if the service attains the added status of a Navy, our difficulties in this respect will disappear. I want to quote in support of what I have said the opinion of an *ex-officer* of the Royal Indian Marine, who comes from Mr. Das's own province, Orissa, which I think has a good deal of truth in it. What this officer says is as follows :

“ I am convinced that successful Indianisation depends entirely on making the service a proper Navy in name as well as in deed. Indian youth is probably more sensitive than British youth and unless they feel that the service they are about to join is without bar or reproach, you cannot expect them to come forward with enthusiasm to join it.”

Mr. Gaya Prasad Singh : Would you read the last paragraph of his opinion ?

Lieut.-Colonel A. F. R. Lumby : And there is another part of this same opinion which I want to quote in support of my second point, and that is this :

“ The service has never ceased to desire the status of a Royal Navy from the very day the Indian Navy ceased to exist in 1862. I waited and hoped for twenty years to see such a day and finally was obliged to give up hope and retire. The service today is still waiting and hoping and I consider it hard to suggest that they should wait even longer.”

Sir, as I have said, the officers and men of the Royal Indian Marine, when they heard our re-organisation proposals in 1927, felt that their ambition was at least about to be realised. They suffered a rude disappointment when this House in 1928 decided to reject this Bill. They waited for six years more and their hopes rose again, but last February they suffered a second disappointment when this Bill was sent for circulation. Only those in touch with the service have any idea how great a disappointment it was to them. And yet all this time, in spite of these disappointments, there has been no relaxation of their keenness or enthusiasm. First under the command of Captain Sir Edward Headlam, and more recently, under the command of that distinguished Admiral, Sir Humphrey Walwyn, who has been lent to India by the Admiralty until next November, they have striven their utmost to make the old non-combatant Marine into a first class combatant service.

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

In the short space of six years they have worked wonders and their success has been far greater than even the experts anticipated. I submit in all humility that these officers and men, both British and Indian, have deserved well of this country, and it is within the power of this House by passing this Bill to show that what they have done is appreciated. If they pass this Bill it will raise not only the prestige, but also the efficiency of the service, and I assure Honourable Members that, if they take this step, they will never have any cause to regret it. Sir, I move. (Loud Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That the Bill to provide for the application of the Naval Discipline Act to the Indian Navy be referred to a Select Committee consisting of Diwaan Bahadur Ramaswami Mudaliar, Khan Bahadur H. M. Wilayatullah, Mr. D. K. Lahiri Chaudhury, Mr. B. V. Jadhav, Mr. Gaya Prasad Singh, Kumar Gupteshwar Prasad Singh, Rao Bahadur M. C. Rajah, Sir Hari Singh Gour, Mr. S. G. Jog, Sir Leslie Hudson, Captain Sher Muhammad Khan Gakhar, Sir Abdulla-al-Mamün Suhrawardy, Lieut.-Colonel Sir Henry Gidney, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

Mr. B. Sitaramaraju (Ganjam *cum* Vizagapatam : Non-Muhammadian Rural) : Sir, “ In spite of the eloquent and instructive speech of my Honourable friend, the Army Secretary, I have to oppose the motion that he made just now. I venture to submit that never in the history of the Indian Legislature has a measure of such far reaching consequence been brought forward with so much unostentation and with so much innocence. When this House is asked to legislate for the discipline of officers and men of the Indian Navy, we might be pardoned if we ask the very simple question, ‘ When did this Navy come into existence and with whose consent was this Navy brought into existence ? ’ ” Sir, these are not my words. These are the words of now Sir but then Mr. Shanmukham Chetty. With these words, you, Sir, opened the debate in 1928 in opposing this Bill. In opening that debate, you put yourself three questions. Who will pay for this Navy, you asked, and you answered that it was the Indian tax-payer. The next question you put yourself was, who will officer this Navy ? Sir, the Army Secretary has just now said that there is nothing to prevent Indians being there. They will be permitted to be there in the very small proportion they have been all along. The third question which you asked then was, who will control the Navy ? Sir, it was said, and you answered yourself in the words of the Government that it will be in the same position as our army is. In 1928, with these remarks, you substantiated your arguments in a very lengthy speech which I wish I could quote in full, but at this late hour I do not propose to quote the whole length of your speech. But with those objections you opened the debate, and the verdict of this House was that the Bill should be thrown out and it was thrown out. (Lieut.-Colonel Sir Henry Gidney : “ By one vote.”) It may be by one vote, or it may be by any number of votes, but the fact is that it was thrown out. If you take the opinion of the non-officials alone, I think Sir Henry Gidney would agree that it was overwhelmingly more than one vote. However that may be, it is unfortunate that today you are a non-combatant. I would like to ask at the very outset one simple question, what is the hurry for pushing on

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this measure with such a rush now at the fag end of this Legislature ? At the last Session, the Army Secretary assured us that there was no particular hurry for pushing on with this measure, and, with that assurance, the Bill was sent to the country to gather opinions. Today it has come back like a bad penny. It did indeed gather some opinion, but like the opinions usually gathered on measures of Government they are opinions mostly of persons who are either their subordinates or their Local Governments, and the opinions that were gathered from the non-official Indians were all few. Would my Honourable friend, the Army Secretary, like to question that statement ?

Lieut.-Colonel A. F. R. Lumby : I wish there were more. My regret is also that they were few.

Mr. B. Sitaramaraju : I am very glad for the admission, and I share the regret that they were very few. Now, I want to say that when we send the Bill for gathering public opinion, we really do mean that the opinion that is gathered there is the public opinion and not the opinion of the Government officials. Now, Sir, there was one reason on the contrary why the measure should not be pushed on in a hurry. The empty Benches on this side of the Opposition bears eloquent testimony to the fact that on the eve of the General Election a measure of this character should not be pushed through, especially when they consider that it is not a measure of such urgency that it should be rushed through at this juncture. I trust that I am not alone when I hold the view that there is undue haste on the part of the Government in pushing through this measure. I will quote an authority which even my friend on the opposite side will not question, an authority which is not vitiated by any bad motive or false sentiment. That is the opinion of the European Association. The British Indian Association of Calcutta says . . .

An Honourable Member : That is a zamindari association.

Mr. B. Sitaramaraju : I am sorry I thought it is an European Association. However, it is the same so far as the views are concerned. We always believe that the Zamindars and the Europeans go together in matters of this kind. This is what they observe :

“ That such a Bill should not be rushed through in view of the impending constitutional changes in the centre which are likely to be vast and far reaching is not to be dismissed without bestowing on it the consideration it deserves. While being in full sympathy with the Bill, my committee would draw the attention of the Government to such a consideration. This is a contention which gains considerable weight from the fact that the Government is in no hurry with the Bill, as has been admitted by the Army Secretary speaking on behalf of the Government.”

The other Indian opinions also, from such views as we have gathered, would go to strengthen that point of view. It says for instance here that there is no urgency or hurry in the matter and there is no harm in knowing exactly what is going to happen in the future in the Indian Constitution with regard to the control of the Indian forces generally and it would be the best thing for the Government of India and the Federal Legislature to bring forward a comprehensive scheme for the creation of the Indian Navy. If opportunities be given to Indians to defend themselves and to learn the art of defence, then everybody should welcome such a measure and so forth.

Sir, whatever may be the opinion, the fact remains that we are on the eve of constitutional changes. I am sure, my Honourable friend, the Army Secretary, in spite of his assurance that this is a subject which is to be under the special care and control of the Governor General and not within the purview of the Legislature, would admit that he cannot be taken into the confidence of the Joint Parliamentary Committee which is sitting. It may be possible, if all that we hear is true, that there may be no real Legislature in this country. All our Acts may be passed hereafter in Great Britain, and it is quite possible that we will have nothing to do with the administration of the country. Can the Army Secretary say that he was taken into the confidence of the Joint Parliamentary Committee and can he give us an assurance on the floor of this House that they will respect the rights of the people in this country and will give the people some sort of responsibility, but only this particular responsibility, the Legislature will be deprived of. Sir, we are on the eve of legislative changes. We are apprehensive as to what those changes will be. In all fairness, I ask, is it right, is it proper on the part of the Government that a measure of this kind with such far-reaching consequences should be pushed through at the fag end of this Legislature, unmindful of the changes that are likely to be made, unmindful of the fact that no one can know exactly what relations we will have with institutions like Army and Navy. Sir, it is not my purpose to go over the ground that had been covered by Honourable Members since 1928. There is one point that was made by my Honourable friend, the Leader of our Group, Sir Abdur Rahim, on the last occasion, that this Bill was not a self-contained Bill. The Honourable the Army Secretary today was pleased to answer that objection when he stated that the provisions of the Government of India Act, as amended under section 66, would preclude us from making a self-contained Act of our own, but that it must be only as a supplement to an Act of Parliament and that it must be accepted as an Act of Parliament and that we in this House, if we want to make any changes, can only make such changes as we may deem fit in order to suit the conditions of the Indian people subject to the provisions of the British Act. This raises a very important constitutional question on which I have been devoting some of my time. I have ventilated my points of view on this matter in public print in a series of articles. I shall not attempt to go into any elaborate discussion of the question whether it is right, whether it is proper and whether it is legal on the part of the British Parliament to legislate for us now. It will take not only the few minutes left for me today, but several days. I, therefore, propose to deal with that question as briefly as possible and that a little later. I offer now a few preliminary remarks upon the two other questions which are connected with this measure.

With regard to the question of Indianisation, it is not my purpose to say anything more than what has been already said or to repeat all that has been said to press for the claims of Indianisation. The little opinion that was gathered from the public of India shows how deeply dissatisfied they are with the policy pursued by the Government in the matter of Indianisation, and I need not add anything more than what was said then and now and all the time throughout the country.

With regard to the other question regarding our ability to find the necessary funds for a Navy, some people did express the opinion that, in the

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present financial circumstances of the Government of India, the Government of India might not be able to find the necessary funds to have even a decent Navy. My Honourable friend, the Army Secretary, just now said that under the Washington Conference Regulations it is not possible for us to increase the Navy.

Lieut.-Colonel A. F. R. Lumby : My point was that the Washington limitation figures cover the naval forces of the whole British Empire, and not only the Royal Navy. That was the point I wanted to make.

Mr. B. Sitaramaraju : It includes India also.

Lieut.-Colonel A. F. R. Lumby : It includes the whole of the British Empire.

Mr. B. Sitaramaraju : The British quota would include the Indian Navy also ; that was decided ; therefore, according to my Honourable friend, the Army Secretary, the British quota cannot be increased now by means of any increase in the Indian Navy excepting for the purpose of keeping such a small force as may be found to be necessary in order to safeguard the coast of India. Is not that so ?

Lieut.-Colonel A. F. R. Lumby : The second point I made was that, if it was decided, in accordance with the policy of Government, which, as I say, is co-ordinated with the policy of His Majesty's Government, to build, say, a battleship for the Indian Navy, then the British Navy or one of the Dominion Navies will have to go short of a battleship in order to keep within the limitation figure.

Mr. B. Sitaramaraju : Therefore, may I ask the Honourable the Army Secretary whether it is possible for us to build a Navy now under that Convention ?

Lieut.-Colonel A. F. R. Lumby : You cannot increase the total strength.

Mr. B. Sitaramaraju : Under these limitations, it is not possible for us to have a big Navy, a Navy even enough to safeguard and protect for defence purposes the two thousands and odd miles of our coast-line. But we will have the existing Navy and it will be called the Indian Navy ; and, as I have said, that Indian Navy we are now having is nothing but a mere apology for a Navy, as we all have known to our cost when the German cruiser the " Emden " was cruising in the Indian waters. It proved absolutely impossible for us to curtail the activities of the " Emden " in the Indian Ocean, as everybody knows and particularly as we of Madras know to our cost, in spite of all the resources of the mighty British Navy. In spite of the existence of that Navy, of which we have been allocated a little quota of our own for maintenance, that big, mighty Navy did not help us to save even the little part of Madras from being shelled by the " Emden ". Now, Sir, what hope can we have in future that if another " Emden " comes or if any other naval power threatens us, that we will be in a position to maintain a Navy at least to defend our coasts ? The British Navy no doubt, Sir, is a very powerful Navy, but it is so far away from us and its usefulness in an emergency on our shores, as we know from actual experience, cannot be so real as is sought to be conveyed to us. Sir, we do attach considerable importance to the question

of a Navy. At any rate, that was my view ; I was always maintaining that the geographical position of India is such that our land borders are provided by God with such impregnable mountain ranges that it is not possible for a foreign invasion through the land frontiers excepting through the passes of Khyber and Bolan. (*Lieut.-Colonel Sir Henry Gidney* : " Question ".)

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : All the invasions have come from there.

Mr. B. Sitaramaraju : If my Honourable friend had the courtesy to allow me to finish my point, he would have understood what I was going to say about those two passes. Now, my Honourable friend, Colonel Sir Henry Gidney, interjected the remark " question " when I said that we had got impregnable mountain barriers on the north protecting our land frontiers. Sir, I am very sorry that in spite of his having travelled six thousand feet up in these heights, he has not realized that fact. (Laughter.)

Lieut.-Colonel Sir Henry Gidney : That is not a fact. If it were a fact, England would never have taken India from the Mughals who invaded India from the North Western mountain passes.

Mr. B. Sitaramaraju : My Honourable friend has not read the history of India properly. If he will read that history properly and afresh, he will find the answer himself.

Lieut.-Colonel Sir Henry Gidney : Not in the history of South India.

Mr. B. Sitaramaraju : With regard to the two passes, the only vulnerable portions are the Khyber and the Bolan through which foreign invaders did invade the country in the past ; but the passes which were found practically passable by the strong forces coming from the north in those by-gone ages would not be quite so passable now armed with up-to-date engines of destruction. The efficacy of the modern gun was not available then. I am sure, if we had placed our modern weapons in those passes, it would have been found impossible for those forces to advance through these passes. (Laughter.) If the present advances in scientific methods of warfare which manufacture the big guns that could shoot missiles even thirty miles ahead were available then, things would have been different. However, my point is this, considering the impregnable nature of our land barriers, we have been maintaining a very large army for which we have been spending an amount of money that we can hardly afford—an amount entirely out of proportion to our ability to pay. All that we have been maintaining—and I do submit—and I have always been submitting—with such a heavy cost—are not at all necessary for this country. On the other hand, what we do require, for our real defence purposes, is a bigger Navy ; and, therefore, I think any amount of money that we can find for Government for this would all be in the direction of a desirable object ; and I should not in the least hesitate to agree if a large portion of the amount that we have been spending on our army were proposed to be diverted for building a Navy. As our quota is already included in the British Navy, we cannot possibly have the necessary Navy. The question is not funds, but our ability to increase the quota or vary it. Regarding the question of funds, I think that it would not at all be a waste of funds if such an Indian Navy is to be built. I would welcome any expenditure in that direction, because I consider that an Indian Navy is essential for

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purposes of our defence. Sir, I do not want to refer to this question of discipline. We all know that the discipline which obtains in the British Navy is universally considered to be a model, and, if that system of discipline is incorporated into the Indian Navy, there is nobody in this House who will say no to it. We shall always welcome that, and we shall always copy Great Britain in the matter of discipline.

Now with regard to.....

Mr. President (The Honourable Sir Shanmukham Chetty) : How long is the Honourable Member going to take ?

Mr. B. Sitaramaraju : I shall take some time, Sir.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now adjourn till tomorrow morning at 11 a.m.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 8th August, 1934.