

LEGISLATIVE ASSEMBLY DEBATES

WEDNESDAY, 26th AUGUST, 1925

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OFFICIAL REPORT



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LEGISLATIVE ASSEMBLY.

Wednesday, 26th August, 1925.

The Assembly met in the Assembly Chamber at Eleven' of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

CONSTITUTION OF THE PUBLIC SERVICES COMMISSION.

79. *Diwan Bahadur M. Ramachandra Rao : Will the Government be pleased to place on the table the correspondence between the Secretary of State for India in Council and the Government of India, regarding the constitution of the Public Services Commission ? Will the Government be pleased to state when the Commission will be constituted and what the powers and duties assigned to the Commission would be ?

The Honourable Sir Alexander Muddiman : I am unable to lay the correspondence on the table. I can give no definite date for the establishment of the Commission, nor am I at present in a position to state what the powers and duties of the Commission will be. I can, however, assure the Honourable Member that both the Secretary of State and the Government of India are in active correspondence and making every effort to expedite the establishment of the Commission.

Diwan Bahadur M. Ramachandra Rao : May I ask, Sir, whether it is a fact that the duties and functions assigned to the Public Services Commission are much different from those recommended in the case of the Royal Commission on the Public Services, and if so, whether this House will have an opportunity, before the matter is finally settled, to say what it has to say on the subject ?

The Honourable Sir Alexander Muddiman : As I have told the Honourable Member, the final decision has not yet been arrived at in this matter, and therefore I am not in a position to say what that final decision will be. The House has already had an opportunity to discuss the matter in connection with the Lee Commission's Report, and I personally shall not give any further opportunity in this matter.

Diwan Bahadur M. Ramachandra Rao : May I ask whether the House has had an opportunity to discuss the functions of the Public Services Commission ?

The Honourable Sir Alexander Muddiman : I should think so, certainly in connection with the Lee Commission's Report.

Mr. A. Rangaswami Iyengar : May I know whether it is a fact that when the Government put down a Resolution in connection with the Lee Commission, they affirmed the principles upon which that Commission made recommendations with regard to the constitution of the Public Services Commission, and whether there is under consideration any proposal to vary the principles which were followed in connection with that Resolution ?

The Honourable Sir Alexander Muddiman : I am not prepared to make any statement. Undoubtedly, the Government did accept the main lines of the recommendations of the Lee Commission. That is so.

Diwan Bahadur M. Ramachandra Rao : May I remind the Honourable Member that the Resolution which he tabled did not relate to the functions of the Public Services Commission at all ?

The Honourable Sir Alexander Muddiman : The Honourable Member had the Report before him, I believe.

Diwan Bahadur M. Ramachandra Rao : How does the Honourable Member say then that this House had an opportunity of discussing this question ?

NAVAL BASE AT SINGAPORE.

80. ***Diwan Bahadur M. Ramachandra Rao :** (a) Will the Government be pleased to state whether India is in any way interested in the construction of the Singapore Base ?

(b) Will the Government be pleased to state the exact meaning to be attached to the words of the Under Secretary of State for India, that the construction of the Singapore Base " was not a matter primarily concerning India " ? If India is not concerned with the construction of the Base, will the Government be pleased to state why the Government of India were consulted about the matter ?

(c) Will the Government of India be pleased to publish the correspondence between His Majesty's Government and the Government of India on the subject ?

Mr. E. Burdon : (a) India, Sir, is necessarily interested, since the existence or non-existence of a British Naval Base in Eastern waters must react upon the question of her maritime defence.

(b) The Government of India have ascertained that the Under Secretary of State did not use the words quoted by the Honourable Member. The Honourable Member possibly alludes to an answer given by Lord Winterton in the House of Commons on the 18th of May. What Lord Winterton actually said on that occasion was, however, as follows :

" I think, if the Honourable Member (Mr. Lansbury) looks at all the circumstances, he will see that it really is not a matter which primarily concerns the Legislative Assembly."

(c) I would refer the Honourable Member to the reply which I gave to his question No. 952 on the 20th of February last.

SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS.

81. ***Diwan Bahadur M. Ramachandra Rao :** With reference to the statement made by the Under Secretary of State for India in the House of Commons that the question of the separation of the judicial from executive functions had been fully examined by most of the Local Governments and that the Government of India were now examining the proposals, will the Government be pleased to state whether this examination has been finished and if so whether the Government of India have reached any conclusions on the subject ? Will the Government be pleased to make a statement showing the action proposed to be taken in the matter ?

The Honourable Sir Alexander Muddiman : The proposals are still being examined by the Government of India, and they have not yet arrived at any decision. I am unable to make any statement on the subject at present.

Mr. A. Rangaswami Iyengar : Is it a fact, Sir, that this question has been under the consideration of the Government of India for more than half a century ?

The Honourable Sir Alexander Muddiman : That is a fact, Sir. The Government of India have had the question under consideration more than 80 years and during that period many decisions have been arrived at.

Mr. A. Rangaswami Iyengar : May I ask the Honourable Member when the decision is likely to be arrived at ?

The Honourable Sir Alexander Muddiman : I am not in a position to inform the Honourable Member. I can inform him, however, that the replies of the Local Governments are being considered and we are endeavouring to come to some conclusions on them. If the Honourable Member could see these replies, he might sympathise with our difficulties.

Mr. A. Rangaswami Iyengar : Is it a fact, Sir, that Local Governments have been asked to send replies to these questions times without number during the past fifty years, and that yet no decision has been arrived at ?

The Honourable Sir Alexander Muddiman : Undoubtedly. But decisions have been arrived at on many occasions. The Local Governments have had still to be asked to advise on this very difficult subject. Their advice is being considered, and no fresh decisions have yet been arrived at.

Sardar V. N. Mutalik : Is it a fact that almost all local Councils have expressed their opinions on this point ?

The Honourable Sir Alexander Muddiman : Local Councils or Local Governments ?

Sardar V. N. Mutalik : Local Councils.

The Honourable Sir Alexander Muddiman : I dare say that is so.

WAITING ROOMS ON THE EAST INDIAN RAILWAY FOR EUROPEAN TRAFFIC INSPECTORS.

82. ***Mr. Gaya Prasad Singh :** Are Government aware that there are waiting rooms or rest houses on the East Indian Railway, specially marked for "European Traffic Inspectors" but not for Indian Traffic Inspectors ? If so, why ?

And are the Government prepared to abolish this racial discrimination ?

The Honourable Sir Charles Innes : Government understand that the Inspectors' rest rooms are being made common to all Inspectors without discrimination.

CONTRACTORS FOR THE SUPPLY OF COOLIES ON THE EAST INDIAN RAILWAY.

83. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that the loss of goods on the East Indian Railway is much greater than on any other railway system ; and that the amount of compensation paid by the East Indian Railway is also the highest ?

(b) Is it a fact that station masters on the East Indian Railway are also contractors for the supply of coolies for loading and unloading goods ; at rates which are in some cases much below prevailing rates ?

(c) Is it a fact that station masters at important stations of the East Indian Railway, where traffic in goods is the greatest, are in most cases Europeans or Anglo-Indians ?

(d) Will the Government kindly state the reasons for allowing station masters, who are heads of the station staff, to act as contractors also for the supply of coolies for handling goods traffic ?

(e) Is it not a fact that previously independent contractors, unconnected with the station staff, were employed to supply coolies for handling goods ?

And if so, why and when was this arrangement replaced ?

Mr. G. G. Sim : (a) Yes, this has been the case. But I am glad to say that recently there has been a great improvement in this matter.

(b) Yes, except at certain large goods booking stations. The rates vary according to local labour conditions but are not below the prevailing rates.

(c) As a rule this is so.

(d) Station masters have been given the handling contract in order to secure careful handling and prompt loading and unloading of goods stock.

(e) It was decided to adopt the existing system in 1911 because the outside contractors who were employed did not always supply labour equal to the demand.

Mr. K. Ahmed : What is the average income of the station masters who are managing this work ? What is the income per month besides salaries of station masters ?

Mr. G. G. Sim : I am afraid I cannot give the Honourable Member that information.

Mr. K. Ahmed : What is the rate of commission that these station masters get per month for the supply of coolies ?

REFUSAL OF A PASSPORT TO BHAI PERMANAND OF LAHORE.

84. ***Mr. Gaya Prasad Singh :** Has there been any communication between the Local Government and the Government of India on the question of granting a passport to Bhai Permanand of Lahore ; and are the Government prepared to place it on the table ?

The Honourable Sir Alexander Muddiman : The Local Government informed the Government of India of their refusal to grant Bhai Parmanand a passport. Government are not prepared to place a copy of the letter on the table.

**RESOLUTION REGARDING GRIEVANCES OF INDIANS IN MANDATED TERRITORIES,
ESPECIALLY TANGANYIKA.**

85. ***Sir Purshotamdas Thakurdas :** (a) With reference to the Resolution passed by the Legislative Assembly on 12th February last regarding the "Grievances of Indians in Mandated territories, especially Tanganyika" with special reference to the use of the Guzerati language in their account books, will Government be pleased to state if they have given the necessary instructions to their representatives in the League of Nations as per the above said Resolution of the Assembly?

(b) If the reply to the above be in the affirmative will Government be pleased to state the names of their representatives in the League of Nations for the coming session?

(c) If the reply to (a) above be in the negative will Government be pleased to state their reasons for non-compliance with the Resolution passed by the Assembly without a division?

Mr. L. Graham : (a) The reply is in the negative.

(b) Therefore does not arise.

(c) For the reasons expressed in the debate on the Resolution, the Government are of opinion that the interests of the persons concerned are being better served by adhering to the method of negotiation.

Sir Purshotamdas Thakurdas : Will the Government of India be pleased to state whether there has been any advance in the negotiations since the Resolution adopted by the Assembly at Delhi last, Sir?

Mr. L. Graham : I would ask the Honourable Member to wait for the answer to question No. 95. He will then agree with us, I think, that the results have been on the whole very satisfactory.

NAVAL BASE AT SINGAPORE.

86. ***Maulvi Muhammad Yakub :** (a) Were the Government of India consulted about the establishment of a Naval Base at Singapore? If so, what was the opinion given?

(b) Are the Government of India in a position to state why preference was given to Singapore over India for establishing a Naval Base?

Mr. E. Burdon : (a) The attention of the Honourable Member is invited to the replies given on the 28th January 1925, 9th February 1925 and 20th February 1925 to starred questions, Nos. 432, 807 and 952, respectively.

(b) The selection of Singapore in preference to any other British possession in the East was due to strategic considerations on which the Government of India are not in a position to pronounce.

EXPENDITURE ON THE BRITISH LEGATION AT KABUL.

87. ***Maulvi Muhammad Yakub :** (a) Will the Government be pleased to state the amount of the annual expenditure on the British Consulate in Afghanistan?

(b) Why is the whole expenditure of the British Consulate in Afghanistan borne by the Indian exchequer when British Consulates in other countries are financed by the British Government?

(c) Do the Government of India propose to move the British Government that at least one-half of the expenditure of the British Consulate at Kabul be provided by the British Government?

Sir Denys Bray : I gave the answer to that question yesterday.

Maulvi Muhammad Yakub : Only to (a), not to (b).

Sir Denys Bray : My Honourable friend will find the answer in the answer I gave.

Maulvi Muhammad Yakub : But no reply was given to the inquiries which I made with reference to my question, parts (b) and (c).

Sir Denys Bray : I am sure the Honourable Member will find that answers were given.

An Honourable Member : May I request the Honourable Member to repeat his yesterday's reply, as his replies are not yet printed and not in our hands ?

Another Honourable Member : Most probably the replies are not with the Honourable Member himself just now.

Maulvi Muhammad Yakub : If I remember aright, the Foreign Secretary stated yesterday that there were some other questions on this point and that he would give the necessary information when these questions were reached. I thought he referred to my question.

Sir Denys Bray : If my Honourable friend will look at his question, he will see that those subsidiary questions hardly arise on the question he has put.

COLOUR BAR AGAINST INDIANS IN SOUTH AFRICA.

88. ***Maulvi Muhammad Yakub** : (a) Are the Government of India aware that the Cape Town Assembly has attacked the most sensitive point of India's honour by passing the Mines and Works Bill, laying down the colour bar against Natives and Asiatics ?

(b) Have any steps been taken, or are any steps under the contemplation of the Government of India to vindicate the country's honour ? If not, why not ?

Mr. J. W. Bhore : (a) and (b). As soon as the terms of the Bill became known to the Government of India they made energetic representations to the Union Government from the Indian point of view. As the Honourable Member is probably aware, the Bill was rejected by the South African Senate. The latter part of part (b) of the question does not, therefore, arise.

Sir Purshotamdas Thakurdas : Are Government aware that although the Bill has been rejected the action taken by the Government concerned is practically one which is on the lines of the Bill which has been rejected ?

Mr. J. W. Bhore : I am afraid I do not know to what action my Honourable friend refers. Does he refer to the new Bill that has recently been introduced in the Union Parliament ?

Sir Purshotamdas Thakurdas : I refer, Sir, to the Bill which has been rejected by the Upper House in that country.

Mr. J. W. Bhore : I do not know what action has been taken, to which my Honourable friend refers, in respect of the Bill which has been rejected. All that I am aware of is the rejection of the Bill, not of any action taken on that rejection so far.

Sir Purshotamdas Thakurdas : Not action taken on that Bill ; other executive action which has been taken by that Government is practically on the lines of what was embodied in the Bill that has been rejected. That is the complaint we hear from Indians in that part.

Mr. J. W. Bhore : I am afraid I am not aware of the executive action to which the Honourable gentleman refers, but I shall make inquiries.

RELEASE OF POLITICAL PRISONERS IN BENGAL.

89. ***Maulvi Muhammad Yakub :** (a) Has the attention of the Government of India been drawn to the suggestion made by Mahatma Gandhi to the effect that persons imprisoned or detained under the Bengal Ordinances and Regulations may be released, as a mark of respect to the memory of the late Mr. C. R. Das ?

(b) Do the Government of India propose to move the Government of Bengal to take steps in this direction, in order to alleviate the feelings of the people of Bengal and to create a new era of peace and goodwill in the Province ?

The Honourable Sir Alexander Muddiman : With your permission, Sir, I will answer together questions Nos. 89, 118 and 296 which raise substantially the same issues.

It is not the intention of the Government of India or of the Government of Bengal to continue the measures taken under the Bengal Ordinance or the Bengal Criminal Law Amendment Act against persons concerned in revolutionary activities of the nature defined in these enactments, for one day longer than is in their opinion necessary in the interests of public security.

The Government of Bengal, with the approval of the Government of India, have been and are pursuing a consistent policy of mitigating the degree of restraint imposed according as the circumstances of individual cases permit, but any such comprehensive action as is suggested by the Honourable Members' questions is not now feasible.

Mr. K. Ahmed : Will the Honourable the questioner try to keep alive the dignity of his province in respect of the great needs and requirements of Bengal by liberally subscribing himself and raising a fund from his province for cherishing the memory of the late Mr. C. R. Das ?

RELEASE OF POLITICAL PRISONERS.

†118. ***Mr. B. Venkatapatiraju :** Will the Government be pleased to state when they propose to release the political prisoners who were not convicted of any violence whatsoever ?

RELEASE OF POLITICAL PRISONERS IN BENGAL.

†296. ***Mr. C. S. Ranga Iyer :** (a) Has the attention of the Government of India been drawn to Earl Winterton's reply in the House of Commons to Mr. Day's question calling attention to Mahatma Gandhi's " appeal to the Government of India on the occasion of the death of Mr. Das for the release of the political prisoners " ?

(b) Are the Government aware that Mahatma Gandhi referred therein to the Regulation III and Ordinance prisoners in Bengal ?

(c) Do the Government of India propose to take any steps to release the Regulation III and Ordinance prisoners in Bengal ?

† For answer to this question, see below question No. 89.

(d) If not, do they propose to ask the Government of Bengal to bring the said-prisoners to trial ?

(e) Have the Government of India received any communication from the Secretary of State for India on the question of the release of the political prisoners in Bengal ?

(f) Was the statement of Earl Winterton in the House of Commons that Lord Birkenhead did not consider Mahatma Gandhi's suggestion practicable made after consulting the Government of India ?

(g) Will the Government be pleased to lay on the table the correspondence between the Government of India and the Secretary of State on the subject ?

SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS.

90. ***Maulvi Muhammad Yakub** : What is the reason for the delay in giving effect to the scheme for the separation of judicial from executive functions ? Do the Government of India propose to move the Provincial Governments, whose opinions have not yet been received, to expedite the matter ?

The Honourable Sir Alexander Muddiman : Proposals received from certain Local Governments are being examined by the Government of India, and it is unnecessary to remind other Local Governments.

CONSTRUCTION OF A DOUBLE RAILWAY LINE BETWEEN GHAZIABAD AND MORADABAD ON THE OUDH AND ROHILKHAND RAILWAY.

91. ***Maulvi Muhammad Yakub** : Taking into consideration the heavy traffic, and consequent danger of collisions, between Ghaziabad and Moradabad, on the Oudh and Rohilkhand line, which will be greatly increased by the amalgamation of the East Indian Railway with the Oudh and Rohilkhand Railway, do the Government propose to construct a double railway line between the two stations ?

Mr. G. G. Sim : The Government have not under consideration any proposal for the doubling of the section from Ghaziabad to Moradabad and it is not anticipated that the amalgamation of the East Indian and Oudh and Rohilkhand Railways will materially increase the traffic on this section which is still well within single line capacity.

SUBSTITUTION OF THE TERM "GENERAL" FOR THE TERM "NON-MUHAMMADAN" IN THE ELECTORATES FOR THE COUNCILS AND THE LEGISLATIVE ASSEMBLY.

92. ***Mr. C. S. Ranga Iyer** : (a) Are the Government aware that the electorates for the Councils and the Assembly—both Rural and Urban—are divided into "Muhammadan" and "Non-Muhammadan" ?

(b) Are the Government aware that the characterization of the majority electorate of Hindus and other communities as "Non-Muhammadan" is felt by the public to be unhappy ?

(c) Are the Government prepared to consider the question of substituting the term "General" for the term "Non-Muhammadan" ?

The Honourable Sir Alexander Muddiman : (a), (b) and (c). The Honourable Member is referred to Sir Malcolm Hailey's reply to Mr. Amar Nath Dutt's starred question No. 522, dated the 26th February 1924. The term "general constituency" is already used in another sense in these rules.

REVENUE COLLECTED AND BOUNTIES PAID UNDER THE STEEL INDUSTRY (PROTECTION) ACT.

93. ***Mr. B. Das :** (a) Will Government be pleased to state the amount of money collected under the Steel Industry (Protection) Act (1) to the end of March 1925, and (2) the amount they expect to collect till the end of September 1925 ?

(b) Will Government be pleased to state how much of this sum has been allocated as bounties :

(a) to the Indian steel industry,

(b) on rails imported, and

(c) on wagons manufactured in India during above-mentioned periods ?

(c) Will Government be pleased to state the surplus that they expect to have in their hands out of this revenue by end of September ?

The Honourable Sir Charles Innes : (a) (1) 226 lakhs.

(2) About 110 lakhs.

(b) The amount allocated for bounties up to September 1925 is as follows :

				Lakhs.
(a)	Steel ingots ..	..	..	50.00
	Rails and fish plates ..	..	..	51.00
(b)	Rails imported ..	..	..	Nil.
(c)	Wagons ..	..	..	7.13

(c) The difference between (a) and (b) is by no means all additional duty, as the revenue at the original 10 per cent. which would have been imposed in any case, is included. Taking this factor into account and also the reduction in imports due to the protection afforded by the Steel Industry (Protection) Act, the net surplus out of this revenue by end of September is expected to amount to about Rs. 20 or Rs. 30 lakhs.

Mr. B. Das : May I know if the Government are going to spend the surplus money in allotting extra bounties to the Indian steel industry ?

The Honourable Sir Charles Innes : I must ask the Honourable Member to wait and see.

Mr. N. M. Joshi : May I ask, Sir, what Government propose to allocate to the tax-payer who has paid Rs. 2 crores ?

The Honourable Sir Basil Blackett : I think I also must ask the Honourable Member to wait and see.

GRIEVANCES OF THE ALL-INDIA CURRENCY EMPLOYEES' ASSOCIATION.

94. ***Mr. B. Das :** (a) Have Government received copies of resolutions of the All-India Currency Employees' Association passed in Bombay on April 18th, 1925 ?

(b) Have Government given consideration to the grievances as set down in these and what steps are being taken to redress them ?

(c) Has the attention of the Government been drawn to the grievance that note-counters may be called upon to replace forged notes in every case ?

(d) Are Government prepared to introduce some method of insurance system by which such hardships may be lightened ?

The Honourable Sir Basil Blackett : (a) Yes.

(b) The points raised in the various resolutions have been dealt with already on representations by the various local Currency Associations and no arguments have been adduced by the Association to justify their reconsideration. The only question which has not been finally settled is that of the contributions to the Provident Fund which is still under consideration.

(c) Receivers at note counters are presumed to be experts in the detection of forgeries and it would be quite impossible in the interests of the public to condone mistakes in this vitally important matter.

(d) The currency staff have to insure themselves so as to protect Government against losses due to negligence or dishonesty which they cannot recoup from their own resources. If the Honourable Member means that all the staff should contribute to an Insurance Fund from which losses incurred by an individual would be made good instead of from his own pocket, I doubt whether the proposal is practicable. The opportunities for fraud are obvious, and the staff would probably object to being called upon to make contributions for such a purpose. If, however, constructive proposals are produced by the staff for a system of mutual insurance, the Government will be prepared to consider them.

RESOLUTION RE GRIEVANCES OF INDIANS IN TANGANYIKA.

95. ***Mr. B. Das :** With reference to the Resolution moved in the Assembly regarding the grievances of Indians in the Tanganyika Territory, will Government be pleased to state whether they have come to some definite understanding with the Colony in this matter ?

Mr. J. W. Bhore : In the debate on the Resolution referred to, the Government of India indicated that they were not disposed to consider the advisability of raising this question with the League of Nations so long as the method of patient negotiation with the Colonial Office held out any prospect of a satisfactory settlement. They have now received intimation that the Colonial Office have approved the proposal of the Governor of Tanganyika Territory to appoint a Committee to investigate the question of trade license and the possibility of raising by alternative taxation, the revenue at present accruing from the profits tax. Both European and Indian Trade Communities will be represented on the Committee.

Sir Purshotamdas Thakurdas : With the report of that Committee the Resolution that was passed by this Assembly is not concerned. The only question is in case the procedure which was decided upon is confirmed, is the Colonial Office prepared to admit Gujarati as one of the languages in which account books can be kept in Tanganyika ? Surely, that is the point, Sir.

Mr. J. W. Bhore : I am not in a position, Sir, to say at the present moment what the Colonial Office are or are not prepared to do, but the position at the present moment is this. The Committee will consider the question of the abolition—the entire abolition—of the profits tax. If that tax is abolished, I think my Honourable friend's objection will have been completely met. If on the other hand it is not abolished, we still hope that it may be possible for the Colonial Office to accept the recommendation made in the Ormsby-Gore Committee report that Gujarati should be recognised as a language in which accounts could be kept.

Sir Purshotamdas Thakurdas : I am afraid, Sir, I must put one more supplementary question. Does the Honourable Member realise that the rules will come into force on the 1st of April if the tax is not abolished and if the Committee confirm the tax, is there time enough for the Government of India to negotiate with the Colonial Office ?

Mr. J. W. Bhore : I quite realise the point raised by my Honourable friend and I hope there will be time for us to negotiate.

Sir Purshotamdas Thakurdas : Do I then take it that the Government of India give an undertaking to this Assembly that they will not plead that, since the new Committee which has been appointed submit their report, they may be incapable, by their not having enough time, to press the Colonial Office to admit Gujarati as one of the languages ?

Mr. J. W. Bhore : The only point upon which I can give an assurance to my Honourable friend is that we will make every endeavour to induce the Colonial Office to accept our suggestion.

Sir Purshotamdas Thakurdas : I am afraid the Assembly has had too many assurances already. May I ask if the Honourable Member is in a position to give an undertaking that Government are confident that they will not be handicapped by unduly short notice of the new Committee's report, because the new rules come into force on the 1st April 1926. I put it to the Honourable Member whether it is really fair to this Assembly again to put before it that there is another Committee which is going to report and then ultimately to say that the 1st April is so near that the Government of India have not had time to consider the matter.

Mr. J. W. Bhore : My Honourable friend has made so long a speech that I have not found it possible to follow him exactly in his question. But I can repeat the assurance which I have just given, namely, that we will allow no avoidable delay to occur when the occasion for representation arises. Further than that, I am afraid I cannot go.

Sir Purshotamdas Thakurdas : I am sure the Honourable Member realises the responsibility that he is undertaking in this matter.

Mr. J. W. Bhore : I fully realise my Honourable friend's point.

Mr. R. K. Shanmukham Chetty : Since the Act will come into operation on the 1st April 1926, have the Government of India represented to the Colonial Government that the operation of this Act may be suspended in case no agreement is arrived at by the Committee ? Has any representation been made on that point ?

Mr. J. W. Bhore : Not on that point.

Mr. R. K. Shanmukham Chetty : Will the Honourable Member consider the advisability of making a representation on that point too ?

Mr. J. W. Bhore : I will consider it.

RIGHTS OF INDIANS IN KENYA.

96. ***Mr. B. Das :** (a) Will Government be pleased to state whether they have come to some settlement with the Kenya Colony regarding rights of Indians in that Colony ?

(b) Is it a fact that the Government of India are deputing an official expert to inspect the Lowlands that have been offered to the Indians as an alternative site for settlement ?

(c) Will Government be pleased to state the opinion of the Colonial Committee that was appointed last year over this matter ?

(d) Will Government lay the report of that deputation on the table for information of the House ?

Mr. J. W. Bhore : The Honourable Member's attention is invited to the statement made on the 7th August 1924 by the Secretary of State for the Colonies in the House of Commons, a copy of which was laid on the table of this House on the 3rd September 1924 in answer to Mr. B. Venkatapatiraju's unstarred question No. 342. One Indian has now been nominated as member of the Executive Council and the Indian community have also agreed that provision should be made in the Royal Instructions for the nomination of 5 Indian representatives on the Legislative Council.

(b) The attention of the Honourable Member is invited to the reply given by me to Mr. Gaya Prasad Singh's question No. 41 on the same subject.

(c) The Honourable Member is referred to the answer given by me on the 27th January, 1925 to Sir Purshotamdas Thakurdas' question on the same subject.

(d) The Honourable Member is referred to the answer given by me on the 23rd January 1925 to Khan Bahadur Sarfaraz Hussain Khan's question No. 157 on the same subject.

Mr. B. Das : Are Government satisfied that the rights of Indians are properly safeguarded in that Colony ?

Mr. J. W. Bhore : The question covers a wide ground, Sir, and I am not prepared to say that we are entirely satisfied with all the conclusions that have been so far arrived at ; but they are the best that could be reached in the circumstances and the question, I am afraid, must rest there for the present.

RACIAL DISCRIMINATION IN SOUTH AFRICA.

97. ***Mr. B. Das :** (a) Will Government be pleased to state whether they have come to some definite understanding with the Government of South Africa on the question of racial discrimination ?

(b) Do Government contemplate the adoption of measures of retaliation, in case South Africa does not recognise the rights of Indians ?

Mr. J. W. Bhore : The Government of India have not yet reached an understanding with the Union Government on the general question of racial discrimination.

(b) The Government of India are not in a position to state what action they may consider it desirable to take in the event of the negotiations which are now in progress proving abortive.

Mr. B. Das : Is it not a fact that in South Africa a poll-tax is levied on Indians by the South African Government ? And if that be so, why should not the Indian Government retaliate on the South African citizens residing in India by similar taxes ?

Mr. J. W. Bhore : My Honourable friend has raised a question which is a very large one and which I submit to the Chair does not arise on this question.

Sir Hari Singh Gour : May I draw the attention of the Honourable Member to a cable I received last night from the South African Congress to the effect that the South African Government are putting into force a measure excluding Indians from all areas except 30 miles from the coast lines and also creating residential areas for the habitation of Asiatics exclusively ? Will the Government of India represent to the South Union Government to suspend all action prejudicial to the Indians till the negotiations contemplated are concluded ?

Mr. J. W. Bhore : The Government are not aware of the application of the measure to which my Honourable friend refers. I take it that he refers to the Bill which was introduced in the Union Parliament just before it suspended its last sitting. We have telegraphed for a copy of that Bill and I understand that the Bill is now on its way. The moment it reaches us, we shall examine it and the Honourable Member may rest assured that we shall take such steps as may be necessary to safeguard Indian interests. The suggestion which he has made will, if necessary, be considered.

Mr. R. K. Shanmukham Chetty : Have the Government of India asked the South African Government to suspend all legislative action till the negotiations are concluded ? Have the Government of India taken any steps to make this representation to the South African Government ?

Mr. J. W. Bhore : To the best of my recollection, it has not been definitely put forward to them by the Government of India.

Mr. R. K. Shanmukham Chetty : Will the Government definitely put forward this suggestion ?

Mr. J. W. Bhore : If the Honourable Member had listened to the reply I gave to Sir Hari Singh Gour he would have realised that I have already given an assurance relative to this matter.

Mr. R. K. Shanmukham Chetty : While the Government of India telegraphed for a copy of the Bill that has been recently introduced in the Union Parliament, did they make a representation that the legislative action must be suspended until the negotiations are concluded ?

Mr. J. W. Bhore : No, Sir, for the reason that the Bill has only been introduced and will not be considered till the next Session.

Mr. R. K. Shanmukham Chetty : Will the Government of India do so ?

Mr. J. W. Bhore : I have already replied to that question.

Mr. R. K. Shanmukham Chetty : Do they think that it is desirable to take a step of this nature ?

Mr. J. W. Bhore : My Honourable friend is only repeating the same question in another form. I have already given a full reply to the question that he is now putting in reply to Sir Harf Singh Gour's question.

Mr. R. K. Shanmukham Chetty : Is not my Honourable friend also repeating his answer in a different form ?

Mr. J. W. Bhore : If the Honourable Member will insist upon repeating his question I must obviously repeat my answer.

Mr. B. Das : May I inquire, Sir, if the Government of India are in any way afraid of the Colonial Government of South Africa or are in any way dictated to by them ?

Kumar Ganganand Sinha : May I know, Sir, since what date the negotiation is proceeding ?

Mr. J. W. Bhore : My recollection is that negotiations for a conference have been proceeding since some time in April last.

¹DISCONTENT AMONG INDIANS IN THE SUPERIOR SERVICES.

98. ***Mr. B. Das :** (a) Are Government aware of the discontent amongst Indians of the Superior Services recruited before 1919 owing to the discriminating policy of the Lee Commission recommendations ?

(b) Will Government be pleased to state the special privileges that their European colleagues enjoy and which has been denied to them ?

(c) Is it not a fact that Indians recruited to the Imperial Services before 1919 were promised equal opportunity and equal privileges under the Statute ?

(d) If the answer be in the affirmative, do Government intend to take steps to remove any hardship to which the Indian officers may have been subjected under the recommendations of the Lee Commission ?

The Honourable Sir Alexander Muddiman : (a) Government have received some memorials which show that there is a certain amount of disappointment among such officers but are aware of no general discontent.

(b) No privileges have been given to Europeans as a result of the Lee Commission recommendations which are wholly denied to Indians, but the passage and remittance concessions have been extended only to Indian members of certain services on the conditions laid down in the rules.

(c) It is not a fact.

(d) Does not arise.

REFUSAL OF PASSAGE ADVANCES TO INDIAN OFFICERS IN THE IMPERIAL SERVICES.

99. ***Mr. B. Das :** (a) Is it a fact that Indian officers in the Imperial Services are denied advances for passages abroad while Europeans and Anglo-Indians in the Provincial Services are allowed the same ?

(b) Are Government prepared to invite the opinions of the Provincial Governments in this matter ?

The Honourable Sir Alexander Muddiman : (a) It is a fact that passage advances are given only to Government servants of Non-Asiatic domicile.

(b) The answer is in the negative.

Dr. S. K. Datta : Is it a fact, Sir, that the Indian members of the Indian Civil Service receive these privileges of passages whereas the Indian members of the other Imperial services are denied them ?

The Honourable Sir Alexander Muddiman : I should like to have notice of that question.

GRANT OF STUDY LEAVE TO INDIAN EDUCATIONAL SERVICE OFFICERS.

100. ***Mr. B. Das :** (a) Will Government be pleased to state their present practice regarding study leave to I. E. S. officers ?

(b) Are Indians in the I. E. S. grade entitled to the study leave ?

(c) Do Government encourage Indian officers in the I. E. S. by special allowances and passages to avail themselves of study leave ?

(d) In view of the fact that the Indian officers in scientific professions are denied passages to go abroad, are Government prepared to give Indian officers special chances for study leave abroad ?

Mr. J. W. Bhore : (a) The attention of the Honourable Member is invited to the Government of India, Finance Department Resolution No. F-20 (2)-C. S. R.-25, dated the 4th February 1925, published in the Supplement to the Gazette of India of the 21st *idem*.

(b) Yes.

(c) and (d). Certain concessions are allowed under the study leave rules and Government are not prepared to grant any additional facilities.

101. (Answered on 25th August 1925.)

EXPENDITURE BORNE BY INDIA FOR CONSULATES OR TRADE COMMISSIONERS.

102. ***Mr. B. Das :** (a) Will Government be pleased to give a list of the countries where Consulates or Trade Commissioners are maintained at India's cost ?

(b) Will Government be pleased also to give a statement of cost to India for these Consulate services in each case ?

Sir Denys Bray : Apart from Consular representation in Persia and Siam and in the Hedjaz, towards which India makes contributions, the following Consulates are maintained at India's sole cost :—(1) the Consulate General at Kashgar, (2) the Jelalabad Consulate, (3) the Kandahar Consulate.

The average annual cost of (1) is Rs. 74,776, of (2) Rs. 22,413, and of (3) Rs. 23,344.

There is an Indian Trade Commissioner in London only and the cost to India of this officer and his establishment is approximately Rs. 25,000.

INDIAN TRADE COMMISSIONERS IN FOREIGN COUNTRIES.

103. ***Mr. B. Das :** (a) Will Government be pleased to state their policy about appointing Trade Commissioners for India in every foreign country ?

(b) Is it the practice of the Government of India to appoint Indian Consular attachés to British Consulates where India has no Trade Commissioners ?

The Honourable Sir Charles Innes : (a) The Government of India did contemplate appointing Trade Commissioners in countries with which India has important trade relations but for reasons of economy only one officer is at present so far employed. He is stationed in London.

(b) No.

INDIAN TRADE COMMISSIONERS IN THE DOMINIONS AND COLONIES.

104. ***Mr. B. Das :** (a) Has India any Trade Commissioners in the Dominions and British Colonies ?

(b) How many of the British Dominions and Colonies have their Trade Commissioners and Consulates in India ?

The Honourable Sir Charles Innes : (a) No.

(b) Canada alone has a Trade Commissioner in India. As regards Consulates, the attention of the Honourable Member is invited to part (a) of the reply given by Sir Denys Bray to Mr. B. Venkatapatiraju's question No. 240 on the 26th January last.

EMPLOYMENT OF INDIAN TROOPS IN CHINA.

105. ***Mr. B. Das :** Will Government be pleased to state :

(a) How many regiments of Indian troops are located outside British India ?

(b) How many Indian soldiers are at present stationed in China ?

(c) Have Government despatched any fresh regiments to China during the recent troubles there ?

(d) Are Government aware that Indian public opinion is strongly against the employment of Indian troops and Indian money in wars with Asiatic countries ?

Mr. E. Burdon : (a) The following Indian units are located outside British India :—

Iraq—3 battalions and a Field Company of Sappers and Miners.

Malaya—1 battalion.

Persian Gulf—Two companies.

Hongkong—1 battalion.

Kowloon (S. China)—Detachment 'B' Transport Depot.

There are now no Indian troops serving in Palestine.

(b) The following are the numbers of Indian troops in China :

Indian other ranks 748

Detachment ' B ' Transport Depot .. 111

(c) No, Sir.

(d) The answer is in the negative. I would add that neither His Majesty's Government nor the Government of India are at present at war with any Asiatic country ; and that Indian revenues contribute nothing to the cost of the Indian troops, employed on garrison duties overseas, with the exception of part of the cost of the two companies stationed in the Persian Gulf.

Mr. Devaki Prasad Sinha : Will the Government be pleased to state whether the Indian troops stationed in China were or were not employed during the recent troubles in China ?

Mr. E. Burdon : I have received no official information on the subject.

Mr. Devaki Prasad Sinha : Will the Government be pleased to state what is the necessity for maintaining Indian troops in China ?

Mr. E. Burdon : They are employed there on garrison duty at the expense of His Majesty's Government.

TRANSFER OF ADEN TO THE BRITISH GOVERNMENT.

106. ***Mr. B. Das :** (a) Will Government be pleased to state if they have carried on any correspondence with the British Government for the transfer of Aden to the British Government ?

(b) Will Government be pleased to state the total amount of money spent from the Indian exchequer up-to-date to develop Aden ?

(c) Will Government be pleased to lay on the table all correspondence regarding the transfer of Aden ?

(d) Do Government propose to consult this House in case they wish to transfer Aden or any part of British India now or hereafter ?

Sir Denys Bray : (a) Yes.

(b) The actual expenditure incurred on the development of Aden from its earliest beginnings could not be ascertained without undue labour ; but India's contribution has of course been very considerable.

(c) I am afraid it would not be in the public interest to do so.

(d) In the event of it being proposed to transfer Aden from India the Legislature (in accordance with the undertaking already announced to the House) will be given an opportunity to express its opinion before any decision is taken. Government are unable to give any more general undertaking.

TENDER FOR DOUGLAS FIRS ADVERTISED BY THE BENGAL NAGPUR RAILWAY.

107. ***Mr. B. Das :** (a) Is it not a fact that the Bengal Nagpur Railway traverses vast forests which supply sal wood ?

(b) Has the attention of the Government been drawn to a tender advertised by the Bengal Nagpur Railway for Douglas Firs to the extent of 50,000 logs ?

(c) Did that Railway consult the Chief Conservator of Forests of India in case any other suitable timber be available in India ?

(d) Do Government control the action of guaranteed railways in matters like this, and are they prepared to instruct the Railway Board to exercise a close scrutiny ?

Mr. G. G. Sim : (a) Yes.

(b) Yes. The tender was for 70,000 Douglas Fir sleepers and not for 50,000 Douglas Fir logs.

(c) No.

(d) Government do not control the action of guaranteed railways in the matter of purchase of sleepers but the Railway Board keep in close touch with railways in all matters of policy connected with the arrangements for supply of sleeper requirements of Indian railways generally. In this instance, even before the Honourable Member had given notice of his question the Railway Board had ascertained from the Bengal Nagpur Railway Administration their reasons for calling for tenders for imported sleepers and had satisfied themselves that the action taken was in the interests of economy. These reasons were that the Bengal Nagpur Railway Sleeper Group had already placed contracts for a large number of sleepers, totalling 7,80,000 from Bengal, the Central Provinces, Bihar and Orissa, and Burma. The 70,000 sleepers in question were additional to those contracts and the Committee of the Group were aware that they could not obtain these additional sleepers in the areas from which they ordinarily take their supplies in the short time within which supply was essential. The Committee knew also that sleepers from more distant parts of India would not be economical on account of the heavy freight charges involved. They, therefore, decided to call for tenders for creosoted Douglas Fir sleepers which have given satisfaction in the past and which, they were led to believe, could be landed in Calcutta at a very economical price.

Mr. B. Das : Will it not be the right thing to reduce railway freights on Indian Railways so that Indian railway sleepers can be supplied to the railway in question at a cheaper rate than sleepers imported from overseas ?

Mr. G. G. Sim : I do not think it would be economical for one railway to pay a heavy freight in this way to other railways.

PASSAGE OF THE COLOUR BAR BILL IN SOUTH AFRICA.

108. ***Mr. K. C. Neogy :** (a) Have Government received officially, from His Majesty's Government or the Government of South Africa, a complete report of the passage of the Colour Bar Bill in the South African Legislature ?

(b) Have Government made any representations on the subject ? If so, will Government be pleased to lay a copy thereof on the table ?

(c) What steps do Government propose to take in the interest of Indians domiciled in South Africa, in view of the aforesaid legislation ?

(d) Was any suggestion made by the Government of India for having a Round Table Conference on the South African Indian question? If so, with what result?

Mr. J. W. Bhore : (a) to (d). The attention of the Honourable Member is invited to the reply given by me to-day to Maulvi Muhammad Yaqub's question No. 88 on the same subject.

(d) A proposal for a conference was made to the Union Government last April. Negotiations are still proceeding.

Sir Purshotamdas Thakurdas : Will the Government of India take any steps in the event of the Bill being passed?

Mr. J. W. Bhore : That, Sir, is a hypothetical question.

REPORT OF THE ORMSBY GORE COMMITTEE ON KENYA.

109. ***Mr. K. C. Neogy :** (a) Will Government be pleased to lay on the table of the Library a copy of the Report of the Ormsby Gore Committee on Kenya and the adjoining territory?

(b) Do Government propose to take any action in so far as the said Report affects the interests of the Indian community?

Mr. J. W. Bhore : A copy of the report has been placed in the Library of the House.

(b) Government are watching developments and will take such action as circumstances may require.

Sir Purshotamdas Thakurdas : Have the Government of India taken any action in connection with this report?

Mr. J. W. Bhore : I think if the Honourable Member will read the report, he will see that it does not make any suggestions *prima facie* inimical to Indian interests. We must therefore wait and see if any action is taken in pursuance of the report which may affect Indian interests. If such action is taken, the Honourable Member may rest assured that we shall take such steps as we may think necessary.

REPRESENTATIONS MADE BY THE LAST INDIAN COLONIES COMMITTEE ON THE INDIAN QUESTION IN FIJI.

110. **Mr. K. C. Neogy :** Has any order been passed by His Majesty's Government on the representations made by the last Indian Colonies Committee on the Indian question in Fiji? If so, to what effect?

Mr. J. W. Bhore : The matter is still the subject of correspondence.

DRAFT OF THE BROADCASTING LICENCE IN INDIA.

111. ***Mr. K. C. Neogy :** (a) Will Government be pleased to lay on the table a copy of the final draft of the broadcasting licence in India?

(b) What will be the machinery to be employed in the administration and control of broadcasting in India?

(c) Is there to be an Advisory Board in this connection as suggested by the Bengal Chamber of Commerce?

(d) Is "toll" broadcasting to be allowed? If so, are Government aware that this will affect newspaper enterprise particularly in Presidency towns?

The Honourable Sir Bhupendra Nath Mitra : (a) A copy of the final draft of the broadcasting license is laid on the table.

(b) The administration of broadcasting will be in the hands of the licensee. The machinery of the P. & T. Department will be employed in the control of broadcasting.

(c) The establishment of an Advisory Board is under the consideration of Government.

) "Toll" broadcasting will not be allowed at the commencement of the broadcasting service. If a demand for it arises subsequently the matter will receive consideration.

Government of India.

TELEGRAPHS.

License to establish, maintain and work Wireless Telegraphs in British India.

Fixed Stations.

Registered No.

Dated 192 .

NOTICE.

Application for renewal of this license must be made in writing to the Director-General of Posts and Telegraphs (Wireless Branch) India at least one month before the date upon which the license expires. The application should state the registered number of the license and must be accompanied by this license and undelivered postage stamps to the value of the fee for removal. The postage stamps should be affixed to the application.

INDIAN TELEGRAPH ACT 1885 AND INDIAN TELEGRAPH (AMENDMENT) ACT 1914.

Registered No. , *dated* 192 .

Fixed Stations.

TELEGRAPHS.

LICENSE TO ESTABLISH, MAINTAIN AND WORK WIRELESS TELEGRAPHS IN BRITISH INDIA.

Interpretation Clause.—

In these presents and in any supplementary license granted in connection with these presents the following words and expressions shall have the several

meanings hereinafter assigned to them unless there be something either in the subject or context repugnant to such construction (that is to say) :—

(1) “ **Director-General** ” means the Director-General of Posts and Telegraphs India for the time being.

(2) “ **Telegraph Act** ” means the Indian Telegraph Act 1885 (XIII of 1885) as amended by the Indian Telegraph (Amendment) Act 1914 (VII of 1914).

(3) “ **Telegraph** ” has the same meaning as in the Telegraph Act.

(4) “ **Telegraph Line** ” has the same meaning as in the Telegraph Act and includes a telegraph line belonging to or worked by the Director-General or constructed or maintained by him for any Department of the Government or other person body corporate or company.

(5) “ **Wireless Telegraph** ” means any system of communication by telegraph without the aid of any wire connecting the points from and at which the communications are sent and received.

(6) “ **Rules** ” means the Rules made from time to time under the Telegraph Act.

(7) $\left\{ \begin{array}{l} \text{“ International Telegraph Convention ”} \\ \text{“ International Telegraph Regulations ”} \\ \text{“ Radio-telegraph Convention 1912 ”} \end{array} \right\}$ mean respectively the Inter-

national Convention of St. Petersburg, dated the 10th-22nd July 1875 and the Service Regulations made thereunder and the International Radio-telegraph Convention, dated the 5th July 1912 and the Service Regulations made thereunder and include any modification of the said Conventions or Regulations made from time to time.

(8) “ **Station** ” means any apparatus for wireless telegraphs erected for the purpose of transmitting or receiving messages or signals whether with or without antenna.

(9) “ **Fixed Stations** ” means stations established on land (or on board any ship permanently moored).

(10) “ **Land Stations** ” means fixed stations established for service with mobile stations the term being used only in respect of their service with mobile stations. They are further sub-divided into :—

(a) “ **Coast Stations** ” which are those utilised for communication with ships at sea ;

(b) “ **Aviation Stations** ” which are those utilised for communication with aircraft in flight.

(11) “ **Mobile Stations** ” means ship stations and aircraft stations.

(12) “ **Ship Station** ” means a station established on board a ship which is not permanently moored.

(13) “ **Aircraft Station** ” means a station established in any balloon whether fixed or free airship or flying machine.

(14) “ **To radiate waves** ”—Apparatus shall be deemed to radiate waves when it is so arranged that it emits electro-magnetic waves which can be detected by a wireless telegraph receiving apparatus situated at a distance not exceeding 400 yards.

(15) “ **Service Signalling** ” means signalling by means of any system of wireless telegraphs between any fixed or mobile stations of His Majesty's Imperial Dominion or Indian Naval Military or Air Forces.

(16) “ **Certified Operator** ” means a person who is in possession of a certificate or certificates of competency issued by the Director-General or by the proper authority in the United Kingdom or in any British Possession or Protectorate.

(17) “ **Telephone** ” means any instrument or apparatus used or intended to be used for transmitting or receiving spoken messages or communications or music by telegraph.

(18) "**Broadcast Matter**" means concerts lectures educational matter speeches weather reports theatrical entertainments and any other matter including news or other information from time to time approved by the Director-General.

(19) "**Commercial Stations**" means fixed stations licensed by the Director-General for the purpose of carrying public correspondence.

(20) "**Non-Commercial Stations**" means fixed stations licensed by the Director-General for the purpose of research experiment or instruction.

(21) "**Limited-Commercial Stations**" means fixed stations licensed by the Director-General for the purpose of carrying private correspondence.

(22) "**Broadcasting Stations**" means fixed stations licensed by the Director-General for the purpose of transmitting matter.

(23) "**Broadcast Receiver Stations**" or "**Broadcast Receivers**" means fixed stations licensed by the Director-General for the purpose of receiving broadcast matter.

(24) "**Messages sent for general reception**" means messages or broadcast matter transmitted by any station and addressed to or preceded by the call for "All Stations".

Whereas

of (hereinafter called the licensee) is desirous of establishing maintaining and working at the place or within the area in British India specified in the schedule annexed hereto (hereinafter called the Schedule) a wireless telegraph under section 4 of the Telegraph Act.

And Whereas by reason of the provisions of the said Telegraph Act it is unlawful to establish maintain or work any wireless telegraph in any place within British India except under and in accordance with a license granted in that behalf by the Director-General and it is unlawful save as in the said Act provided to transmit or receive any message by telegraph within British India.

Now these presents witness that the Director-General in exercise of all powers and authorities enabling him in this behalf conferred by the Telegraph Act and the Rules hereby grants to the Licensee during the term of period commencing on the day of the date hereof and terminating on the thirty-first day of December 192 when this license becomes invalid unless renewed by endorsement thereon under the hand of the Director-General the licensee powers and authorities hereinafter expressed and contained subject to the provisions of the Telegraph Act and the Rules and upon terms and subject to the stipulations and conditions hereinafter appearing.

1. The Licensee is hereby licensed and permitted :

- (a) To establish maintain and work apparatus for wireless telegraphs (hereinafter called the licensed apparatus) at the place specified in the Schedule (hereinafter called the Station).
- (b) To transmit and receive such messages by means of the licensed apparatus as are specified in the Schedule. Provided that :—
 - (i) the licensed apparatus shall not be used for transmitting indecent or obscene communications or false or misleading calls or signals ;
 - (ii) the transmission and reception of such messages shall be subject to such conditions and regulations as the Director-General may prescribe from time to time ;
 - (iii) subject to the provisions of sub-clause (2) of clause 6 hereof no restriction shall be imposed on the reception of messages sent for general reception ;
 - (iv) if the Station is specified in the Schedule to be a non-commercial station the licensed apparatus shall only be used for the transmission or reception of messages in connection with instruction or experiment in wireless telegraphs or for the reception of messages sent for general reception ;

- (v) the licensed apparatus shall not be employed for the transmission of news advertisements or messages sent for general reception or for any form of broadcast matter or for the transmission of general calls.
- (c) To receive money or other valuable consideration for or in respect of the use of the licensed apparatus or for or in respect of the transmission or reception of messages by means of the licensed apparatus unless the Station is specified in the Schedule to be a non-commercial station in which event no money or other valuable consideration shall be received by the Licensee or by any other person with the authority or by permission of the Licensee or with the cognisance of the Licensee for or in respect of the use of the licensed apparatus or for or in respect of the transmission or reception of messages by means of the licensed apparatus.

2. (1) The licensed apparatus shall :

- (a) be of the character specified in the Schedule and the waves emitted shall be as pure and as little damped as possible and the licensed apparatus employed for reception shall afford the greatest possible protection from disturbance during the reception of signals and the licensed apparatus employed for reception shall be used in such a manner as to cause no interference with other stations ;
- (b) be capable of using the wave-lengths specified in the Schedule as measured by the standard of measurement in use for the time being by the Government of India (hereinafter called the Government) and such other wave-lengths as shall be authorised by the Director-General in writing from time to time and the licensed apparatus employed for transmission shall invariably be tuned accurately to the authorised wave-length ;
- (c) admit of transmission and reception of messages at the rate of not less than 20 words a minute five letters or their equivalent being counted as one word ;
- (d) be so constructed that when employed to radiate waves these shall only be propagated by valves or other apparatus generating pure continuous waves. Spark transmission is forbidden except as provided in sub-clause (k) of clause 4 hereof ;
- (e) be kept in a clean and sanitary condition ;
- (f) be so arranged that all lights emanating therefrom shall be screened in such a manner as may be necessary to ensure the reasonable comfort and health of the certified operators and others employed in working the licensed apparatus ;
- (g) be worked so as not to interfere with the working of any fixed stations established in British India or in the territorial waters abutting on the coasts of British India by or for the purposes of the Director-General or any Department of the Government or any Indian State or for commercial purposes or with the transmission or reception of any messages at or between land stations and mobile stations.

(2) Nothing contained herein shall be deemed to relieve the Licensee of any responsibility for any infringement of patent rights which may be incurred by the use of the licensed apparatus.

3. Except with the consent in writing of the Director-General the licensed apparatus shall not be used for any purpose whatsoever or for the transmission or reception of messages other than the purpose or messages authorised by this license or for communicating with any stations other than those specified in the Schedule or as provided in sub-clause (c) of clause 4 hereof or altered or modified in respect of any of the particulars specified in the Schedule or moved from the Station.

4. The Licensee shall :

- (a) Observe the provisions of the Radio-Telegraph Convention 1912 and the International Telegraph Convention and the International Telegraph Regulations so far as the said conventions and regulations are capable of being applied to wireless telegraphs.

- (b) Comply with such directions and regulations as may be given or made by the Director-General from time to time.
- (c) So far as possible receive and answer all requests for assistance and signals of distress from mobile stations and re-transmit them with the least possible delay to the proper authorities by means of the licensed apparatus or by any other means in the power of the Licensee.
- (d) Provide for the working of the Station such certified operators as are required by the Rules.
- (e) Provide against the disturbance of the receiving apparatus of any fixed stations by electro-magnetic waves of any frequency or by conduction currents emitted from the licensed apparatus and against interference with power telegraph telephone lines or cables in which high potential currents might be induced by means of the licensed apparatus. For the purpose of this provision the term disturbance is defined as the production of appreciable electrical effects in a syntonised receiver other than the receiver of the licensed apparatus adjusted as a whole to a wave-length different from that of the transmitter of the licensed apparatus.
- (f) Keep a record at the Station of every transmission showing the date and time (Indian Standard Time) of such transmission and the system and wave-length employed.
- (g) Keep at the Station a copy of this license certified under the hand of an officer authorised for that purpose by the Director-General to be a true copy and also such documents as are specified in the Schedule.
- (h) Indemnify the Government against all actions claims and demands which may be brought or made by any person body corporate or company in respect of any injury arising from any act licensed or permitted by this license.
- (i) Pay to the Director-General during the continuance of the license hereby granted a license fee of Rupees per annum in respect of each Station at which the licensed apparatus is installed. The said fee shall be payable before the issue of the license and upon the first day of January in each year so long as the license is valid.
- (j) Pay to the Director-General during the continuance of the license hereby granted a royalty of Rupees per annum in respect of each Station at which the licensed apparatus is installed. The said royalty or a proportion thereof which shall be fixed by the Director-General shall be payable on the date upon which the Station commences to work and the royalty payable for each subsequent year shall be payable upon the first day of January in each year so long as the license is valid.
- (k) Ensure that if the Station is specified in the Schedule to be a non-commercial station class two in which licensed apparatus is not permitted to be used with an antenna the Station will not radiate waves and that the effects of conducted waves or earth currents of any frequency or nature emitted by the licensed apparatus shall not be appreciable on any power telegraph or telephone system. Provided however that spark systems of transmission may be used in non-commercial stations for experimental or instructional purposes if the other conditions of this sub-clause are observed.

5. The Licensee shall provide that when employed to radiate waves the call sign of the transmitting station and that of the receiving station if any shall be signalled or spoken in accordance with the following procedure :

- (a) when calling-up another station the call sign of that station shall be signalled three times followed by the word from or the procedure signal *DE* and the call sign of the Station which shall be signalled three times ;
- (b) when answering a call-up the call sign of the station to be answered shall be signalled three times followed by the word from or the procedure signal *DE* and the call sign of the Station which shall be signalled once ;

- (c) when communication is established the call sign of the receiving station and that of the transmitting station separated by the word from or the procedure signal *DE* shall be signalled once only at the commencement and conclusion of every transmission.

6. (1) Except with the consent in writing of the Director-General or as specified herein the Licensee shall not :

- (a) Lay or place any cables posts wires or other apparatus whether used or intended to be used in conjunction with the licensed apparatus or not or whether forming part of the licensed apparatus or not in or upon or under any land ground street road or place in India except as specified in the Schedule and any permission required for the laying or placing of any cables posts wires or other apparatus as aforesaid shall be obtained by the Licensee at his own expense from the person body corporate or company legally entitled to grant the same.
- (b) Divulge or allow to be divulged to any person other than properly authorised officials of the Government or under orders of a competent legal tribunal or make any use of any message whatsoever received by means of the Station other than a message sent for general reception whether such messages are transmitted by service signalling or by any system of wireless telegraphs established and maintained by or for the purposes of the Director-General or any Department of the Government or by any licensee of the Government other than the Licensee or otherwise and shall be subject in this respect to the penalties specified in the Telegraph Act.
- (c) Assign underlet or otherwise dispose of or admit any person body corporate or company to participate in the benefit of the license hereby granted.
- (d) Permit the use of the licensed apparatus to interfere with service signalling.

(2) Notwithstanding anything contained in sub-clause (1) (b) of this clause the Licensee or any other person either on behalf or by permission of the Licensee or with the cognisance of the Licensee shall not reproduce or publish in the press or disseminate by other similar means messages sent for general reception by any station and received by means of the Station.

(3) If so required by the Director-General the Licensee shall permit the Station if it is specified in the Schedule to be a limited-commercial station and is established at a place where other means of telegraph or telephone communication is not provided or if provided in case of interruption to such communication to accept public correspondence and communicate with such stations as the Director-General may designate. In this event the Licensee shall be entitled to collect a charge for the handling of such public correspondence provided that the amount of such charge shall be approved by the Director-General.

7. (1) If the Director-General is of opinion that the working of the licensed apparatus is inconsistent with the free use of service signalling the Licensee shall when required in writing by the Director-General so to do take immediate and adequate steps to avoid such interference. The making of such a requisition shall be conclusive evidence of the opinion of the Director-General to the effect aforesaid.

(2) Whenever the certified operators at the Station perceive that service signalling is proceeding with which the licensed apparatus is likely to interfere they shall refrain from using the licensed apparatus without being entitled to any compensation for any loss incurred thereby until all indications that such service signalling is proceeding shall have ceased.

(3) These provisions for the protection of service signalling shall be construed to be without prejudice to the generality of any other provision of this license.

8. When employed to radiate waves such certified operators as are required by the Rules shall be in constant attendance at the licensed apparatus and a certified operator shall listen-in on suitably adjusted receiving apparatus for three minutes at intervals not exceeding fifteen minutes in order that he may perceive if the licensed apparatus is causing interference to authorised wireless communication. On being requested by any Government Naval Military or Air Force station to cease transmission the Licensee shall comply immediately and shall refrain from further transmission as long as may be required.

9. (1) All apparatus used or intended to be used by the Licensee shall be so erected fixed placed and used as not either directly or by reason of the working

or uses thereof to interfere with the efficient or convenient maintenance working or uses of any telegraph line of the Director-General which may from time to time exist or which it is probable that the Director-General may have occasion to erect place fix or use or to expose any such line to risk of damage or to risk of interference with the efficient or convenient working or uses thereof.

(2) In case any telegraph line of the Government shall be damaged or the efficient working or uses thereof shall be wholly or partially interrupted or otherwise interfered with and the Director-General shall certify in writing under his hand that such damage interruption or interference has been caused directly or indirectly by any apparatus used or intended to be used by the Licensee or by any electric circuit used or intended to be used or by anything done by or on behalf of the Licensee in relation thereto the Licensee shall on demand pay to the Government all costs that shall be reasonably incurred in repairing such damage and in removing or altering such telegraph line so as to restore the same to efficient working order and in adding thereto or substituting therefor either temporarily or permanently any other telegraph line if the Director-General shall certify that such addition or substitution is reasonably required by reason of such interruption or interference. Should the Director-General consider that in the interests of the Government it is desirable that the position or circuit of the licensed apparatus be altered he may instead of having the telegraph circuit altered or removed order the Licensee to alter or remove the licensed apparatus or circuit.

(3) An aerial crossing above or which is liable to fall on or to be blown on to any power telegraph or telephone line must be guarded to the satisfaction of the owner or owners of the line concerned so as to prevent any damage being done in the event of a break occurring in the aerial.

10. The Director-General or any agent authorised in that behalf in writing by him may at all reasonable times enter the Station either solely or jointly with any other person or persons for the purpose of inspecting and may inspect examine or test any apparatus fixed or being in the Station and the method of working and uses of such apparatus. At the request of any such authorised officer this license or a copy of this license certified by the Director-General shall be produced by the Licensee or the person for the time being in charge of and authorised to work the Station. The Director-General shall provide one certified copy of this license for each of the Stations herein licensed.

11. (1) If and whenever an emergency shall have arisen in which it is expedient for the public service that the Governor-General of India in Council (hereinafter called the Governor-General) shall have control over the transmission of messages by the licensed apparatus it shall be lawful for the Director-General or any agent authorised in writing in that behalf by him to cause the Station or any part thereof to be taken possession of in the name and on behalf of the Governor-General and to be used for the service of the Government and subject thereto for such services as the Director-General may require and in that event the Director-General or his authorised agent may enter the Station and take possession of and use the same as aforesaid.

(2) The Director-General or his authorised agent may :

- (a) instead of taking possession of the Station as aforesaid direct and authorise such persons as he may think fit to assume the control of the transmission and reception of messages at the Station either wholly or partly and in such manner as he may direct and such persons may accordingly enter the Station and assume such control ;
- (b) direct that all or any class or classes of messages tendered for transmission or received at the Station shall be handed over to an officer authorised by him ;
- (c) stop or delay the transmission reception or delivery of any messages tendered for transmission or received at the Station ;
- (d) require the Licensee to obey all such directions with reference to the transmission or reception of messages at the Station as the Director-General or his agent or any other persons authorised by the Director-General may prescribe and the Licensee shall obey and conform to all such directions.

(3) The Licensee shall be entitled to reasonable compensation to be fixed by a sole arbitrator nominated by the Government whose decision shall be final for any

damage to the licensed apparatus arising in consequence of the exercise of the power conferred by this clause.

(4) In the event of the Licensee refusing to comply with the provisions of sub-clauses (1) and (2) of this clause the Director-General may immediately thereupon cancel the license without the Licensee being entitled to any compensation and without prejudice to any steps the Governor-General of India in Council may think fit to take to obtain possession of such licensed apparatus or to claim damages.

12. Nothing contained in these presents shall prejudice or affect the right of the Governor-General:

(a) to establish maintain work or extend any system of telegraphs whether of a like nature to that hereby licensed or otherwise in such manner as he shall in his discretion think fit; or

(b) to enter into agreements for or to grant licenses relative to the working and use of telegraphs whether of a like nature to those hereby licensed or otherwise or the transmission of messages in any part of British India or in Indian territorial waters by means of wireless telegraphs or by any other means with or to any person or persons whomsoever upon such terms as he shall in his discretion think fit.

13. Save as provided herein nothing contained in these presents shall be deemed to authorise the Licensee to exercise any of the powers or authorities conferred on or acquired by the Governor-General by or under the Telegraph Act.

14. (1) The Director-General may by notice in writing but without assigning any reason revoke and determine these presents at any time.

(2) In the event contemplated by the preceding sub-clause of this clause these presents and the said licenses powers and authorities and each and every of them shall absolutely cease determine and become void as to all or any of the said Stations (as the case may be) without the Licensee being entitled to any compensation and without prejudice to any right of action or remedy which shall have accrued or shall thereafter accrue to the Government under any condition or provision herein contained.

15. Any notice request or consent (whether required to be in writing or not) to be given by the Governor-General of India in Council or the Government or the Director-General under these presents may be under the hand of the Director-General and may be served by sending the same by registered post letter to the Licensee at the address as given in this license and any notice to be given by the Licensee under these presents may be served by sending the same by registered post letter addressed to the Director-General of Posts and Telegraphs (Wireless Branch) India.

Signed by the Director-General of Posts and Telegraphs for and on behalf of the Governor-General of India in Council.

in the presence of

Dated

1925.

Signed by the Licensee

in the presence of

Dated

1925.

Certified that Fixed Stations License Registered No. , dated 192 , has been renewed for a further period of one year and will terminate on the 31st day of December 192 .

(Signed)

for Director-General of Posts and Telegraphs, India.

Dated

192 .

Certified that Fixed Stations License Registered No. _____, dated _____
 192____, has been renewed for a further period of one year and will terminate on the
 31st day of December 192____.

(Signed)

for Director-General of Posts and Telegraphs, India.

Dated _____ 192____.

Certified that Fixed Stations License Registered No. _____, dated _____
 192____, has been renewed for a further period of one year and will terminate on the
 31st day of December 192____.

(Signed)

for Director-General of Posts and Telegraphs, India.

Dated _____ 192____.

Certified that Fixed Stations License Registered No. _____, dated _____
 192____, has been renewed for a further period of one year and will terminate on the
 31st day of December 192____.

(Signed)

for Director-General of Posts and Telegraphs, India.

Dated _____ 192____.

SCHEDULE No.

Annexed to

Fixed Station License Registered No. _____

Dated _____ 1925.

1. Name of Licensee

2. Address of Licensee

3. Purpose for which Station is licensed

4. Station.—(a) Place at which the licensed apparatus may be established. If
 moveable, place at which the licensed apparatus is normally
 located and area over which it may be moved.

(b) Official Name.

5. Call sign

6. The Station is licensed for the purposes of a (*) Station, Class (†)

(*) Here insert the "Type" of Station as shown in the Table below.
(†) Here insert the "Class" of Station

Type.	Class.	Apparatus permitted.	Communication permitted.
Commercial . . .	I	Transmitting and Receiving for public correspondence.	Morse.
Ditto . . .	II	Ditto . . .	Morse and or speech.
Limited-Commercial .	I	Transmitting and Receiving for private correspondence.	Morse and/or speech.
Ditto . . .	II	Ditto . . .	Speech.
Ditto . . .	III	Receiving for private correspondence.	Morse and/or speech.
Non-Commercial . .	I	Transmitting and Receiving for research experiment or instruction.	Morse and/or speech.
Ditto . . .	II	Ditto . . .	Nil. Apparatus not to be used with antenna.
Broadcasting . . .	—	Transmitting for Entertainment and Toll broadcasting purposes and Receiving.	Speech.

7. Antenna.—(a) Description.

(b) Height feet.

(c) Horizontal length (above ground) feet.

(d) Method of support.

8. Details of Licensed Apparatus.—

(a) Transmitting.

(b) Receiving.

9. Power*.—(a) Source.

(b) Point where measured

(c) Volts

(d) D|C. or A|C.

(e) Cycles per second A|C.

(f) Maximum kilowatts to be taken by transmitting instruments.

Amperes.

10. *Wave-lengths.*—

Normal transmitting wave	..	..	..	Metres.
Additional waves authorised	..	..	..	"
Range of waves over which apparatus is capable of transmitting	..	..	..	"
Normal receiving wave	..	..	..	"
Additional waves authorised	..	..	..	"
Range of waves over which apparatus is capable of receiving	..	..	..	"

11. *The Station is licensed to transmit to and receive from the following stations only :—*

12. *The provisions of clause 6 (1) (b) of this license do not apply to the following messages :—*

13. *Hours during which Station may work (Indian Standard Time)—*

- (a) Transmitting to
(b) Receiving to

14. *Certified Operators—*

Name.	Address.	Qualification.

*NOTE.—The power is to be measured in the anode circuit in the case of valves and at the input terminals in the case of high-frequency alternators.

15. *Authorised charges for transmission and reception of messages by non-commercial and limited-commercial stations.*

- (a) Messages on behalf of His Majesty's Government centimes per word.
(b) Other messages centimes per word.

16. *List of documents to be kept at the Station.*

- (a) Certified copy of the license and schedule.
(b) General Rules and Departmental Instructions for Radio-telegraph Stations in India.
(c) Post and Telegraph Guide (India).
(d) International List of Radio-telegraph Stations.
(e) Liste Alphabétique des Indicateurs d'Appel.
(f) Official List of Telegraph Offices (Berne).

Signed by the Director-General of Posts and Telegraphs India for and on behalf of the Governor-General of India in Council in the presence of

Dated

198 .

ADDITIONAL 3 PER CENT. DUTY ON PRESS TELEGRAMS.

112. ***Mr. K. C. Neogy :** (a) What reply, if any, has been given to the representations received from the Upper India Journalists' Association and the Indian Journalists' Association, on the question of an additional 3 per cent. duty on Press telegrams ?

(b) Has the attention of Government been drawn to the observations, in the Ryan Committee Report, on Press bearing telegrams ?

(c) What action do Government contemplate in this matter ?

The Honourable Sir Bhupendra Nath Mitra : (a) An acknowledgment was sent to the representation from the Upper India Journalists' Association. The matter dealt with in the representation subsequently formed the subject of a question and answer in the Delhi Session of this House.

The Indian Journalists' Association were informed in reply to their representation that the Government of India, after careful consideration, did not see any reason for reversing the decision already arrived at.

(b) There are no observations in the Posts and Telegraphs Department Committee's Report specifically on the subject of 'bearing' Press telegrams. In paragraphs 159—164 of their report, the Committee dealt with the subject of rates for Press telegrams.

(c) The Government of India have no intention at present of revising the existing rates for Press telegrams.

Mr. A. Rangaswami Iyengar : May I know whether the Government would prefer the method by which cash is paid at the counter every day for press telegrams ? Are they prepared to employ the additional establishment and incur the additional expenditure involved thereby ?

The Honourable Sir Bhupendra Nath Mitra : I shall require notice of that question as it raises certain hypothetical issues.

Mr. A. Rangaswami Iyengar : May I know whether the effect of this extra charge imposed on the press is to compel them to pay money at the counter and thereby involve increased expenditure and work on the part of the Telegraph Department ?

The Honourable Sir Bhupendra Nath Mitra : The measure is certainly not intended to involve extra expenditure. That is the advice we received from our audit authorities.

Mr. A. Rangaswami Iyengar : Is it intended that this measure should compel journalists to pay money at the counter and to increase the work of the Telegraph Department ?

The Honourable Sir Bhupendra Nath Mitra : It will increase telegraph revenue undoubtedly.

Mr. A. Rangaswami Iyengar : It will not.

GRANT OF TEMPORARY COMMISSIONS TO INDIANS IN THE INDIAN MEDICAL SERVICE.

113. ***Mr. K. C. Neogy :** (a) What is the total number of persons who were given temporary commissions in the Indian Medical Service, up to the end of the War, classed as under :

- (i) Parsi.
- (ii) Punjabi.
- (iii) Bengali.
- (iv) Madrasī ?

(b) What is the total number of permanent appointments in the I. M. S. so far given to each of the above four classes of persons ?

(c) Is it a fact that there is a Selection Committee in India on whose recommendations these permanent appointments have been made, and that of the two Indian members of the said Committee one is a Parsi and the other a Punjabi ?

Mr. E. Burdon : (a) The information is not available and could not be made so without an expenditure of time and labour which, in the opinion of the Government, would be incommensurate with the results obtainable. There were over a thousand of these temporary officers and it would be necessary to examine the individual papers of each of them.

(b) The figures for permanent commissions granted by nomination, since the holding of the competitive examination was suspended, are—

Parsis	..	..	..	19
Punjabis	..	..	..	31
Bengalis	..	..	..	13
Madrasis	..	..	..	10

(c) Yes, Sir.

NUMBER OF PERSONS HOLDING TEMPORARY COMMISSIONS IN THE INDIAN MEDICAL SERVICE.

114. ***Mr. K. C. Neogy :** (a) What is the total number of persons at present holding temporary commissions in the I. M. S. ?

(b) How many of the said number have put in more than six years' service ?

(c) What are the prospects of their being taken into regular commission ?

(d) In regard to those who cannot be provided in the regular I. M. S. cadre, will any special provision be made in the Railway and Sanitary Departments of Government ?

Mr. E. Burdon : (a) The number on the 1st August 1925 was 152.

(b) 52.

(c) 8 officers have very recently been granted permanent commissions, and 3 have been placed on the waiting list for consideration if and when a further selection for permanent commissions is made.

(d) The whole question of the organization of the Medical Departments on State Railways is at present under consideration and until it is decided, no assurance of employment for temporary commissioned I. M. S. officers can be given. There is no Sanitary Department of the Government of India. Appointments to provincial sanitary departments are controlled by Local Governments, to whom I. M. S. officers with temporary commissions can of course apply.

PROCEDURE RELATING TO THE ADMISSION OR DISALLOWANCE
OF QUESTIONS.

115. ***Mr. Gaya Prasad Singh** : Is it a fact that when questions sent by Honourable Members of this House are received by the Legislative Department, they are circulated to the different Departments of the Government ; and on receipt of any representation or objection from any Department, such questions are either admitted or disallowed ?

Mr. L. Graham : All questions of which notice is received are printed in Notice Lists, which are circulated to all Departments of the Government of India Secretariat. It is the business of each Department to pick out from the list the questions with which it is concerned and to prepare answers thereto. At the same time the questions are scrutinised by the Secretary to the Legislative Assembly or one of his assistants and are submitted with his remarks for the orders of the Honourable the President.

It is open to any Department concerned to make a representation to the President regarding the admissibility of any question of which notice has been given and if such representation is received within the period of notice it is submitted by the Secretary or one of his assistants for the orders of the President.

Mr. A. Rangaswami Iyengar : May I know, Sir, if when a Department makes a representation to the President objecting to the admissibility of a question, the person who sends the question will also be allowed to make a representation showing that it is admissible ?

Mr. L. Graham : I think that practice has not been followed hitherto. The questioner is often so far away that it will not be possible to get his answer when it is necessary that it should be obtained within the period of notice.

Lala Duni Chand : Is it a fact, Sir, that a very large number of questions are disallowed simply because it is inconvenient to answer them ?

Mr. A. Rangaswami Iyengar : May I know, Sir, whether the Honourable Member will consider the setting up of a practice of that kind, namely, of hearing both sides before deciding on the admissibility of a question ?

Mr. L. Graham : Possibly the Honourable Member would like to appear in person.

Mr. A. Rangaswami Iyengar : It all depends upon what the Secretary and the President of the Assembly tell us to do.

Mr. L. Graham : I trust that the Honourable Member will be satisfied with what the President tells him to do.

Mr. K. Ahmed : Is it not also a fact, Sir, that Members requested by interested persons give notice of the same questions times out of number to the Legislative Department and thereby flood the Department with a number of questions unnecessarily ? Do Government propose to take steps to remove this grievance, Sir ? Members without studying or receiving any impression, put many questions (Laughter), especially the Swarajists, and new comers. Do Government propose to take steps to remove this grievance ?

CONSTITUTION OF THE PUBLIC SERVICES COMMISSION,

116. ***Mr. Gaya Prasad Singh :** (a) Will the Government be pleased to say if any Public Services Commission is going to be constituted ? If so, when, and who has been appointed President ?

(b) Are the Government prepared to lay all correspondence on the subject on the table ?

The Honourable Sir Alexander Muddiman : I would refer the Honourable Member to the answers given by me to Mr. B. Das yesterday and Diwan Bahadur Ramachandra Rao to-day.

DELEGATION FROM THE CENTRAL LEGISLATURE TO VISIT THE SELF-GOVERNING COLONIES.

117. ***Mr. B. Venkatapatiraju :** Will the Government be pleased to state whether they contemplate sending the delegation of the Central Legislature to see the Self-Governing Colonies of the Empire as suggested by the Prime Minister regarding Inter-Parliamentary visits "for the reason that all the units of the Empire must get to know more and more about the other units and the relation of the units to the whole because after all the prosperity of each unit really depend to a very large degree on the prosperity of the whole" ?

The Honourable Sir Alexander Muddiman : Government have no such proposal under consideration.

Mr. B. Venkatapatiraju : Am I to understand that the Government of India do not agree with the view of the Prime Minister ?

The Honourable Sir Alexander Muddiman : I have expressed no opinion on that. All I said was "there is no such proposal under consideration".

†118.

CONDITION OF INDIAN LABOURERS IN FIJI.

119. ***Mr. B. Venkatapatiraju :** (a) Will the Government be pleased to state what steps have been taken and what steps it is proposed to take with reference to the recommendations made by the Government delegation to the Fiji Islands in 1921 ?

(b) Will the Government be pleased to publish any information of the condition of Indian labourers in Fiji on the latest date available ?

Mr. J. W. Bhore : (a) As I indicated in reply to part (a) of Mr. Gaya Prasad Singh's question No. 301 on the 27th January 1925 the Colonies Committee of the Government of India made representations in regard to the more important recommendations of the Fiji deputation to the Secretary of State for the Colonies, and these are still the subject of discussion.

(b) A copy of a note giving the latest available information relating to the Indian community generally has been placed in the library of the House.

Mr. C. Duraiswami Aiyangar : May I know, Sir, whether the Honourable Member will be prepared to place the report made in 1921 by the delegation on the table of the House ?

† For answer to this question, see answer to question No. 89.

Mr. J. W. Bhore : Is my Honourable friend referring to the Report of the Colonies Committee ?

Mr. C. Duraiswami Aiyangar : Yes.

Mr. J. W. Bhore : I think there is a question later on on that subject and I shall be giving a reply then.

Mr. C. Duraiswami Aiyangar : I am referring to the report made by the Government delegation of which Mr. Venkatapatiraju was also a member.

Mr. J. W. Bhore : That is the Fiji deputation, not the Colonies Committee. In regard to that also there is a question later on and if my Honourable friend will wait till then, I shall answer his question then.

SUGAR RESEARCH INSTITUTE.

120. ***Mr. B. Venkatapatiraju :** (a) Will the Government be pleased to state when they propose to establish a Sugar Research Institute and a large demonstration factory recommended by the Sugar Committee ?

(b) Will the Government be pleased to state :

(i) whether the standing complaint that the railway rates imposed for the Java sugar traffic afforded indirectly a subsidy in the way of cheap railway rates to that traffic to the detriment of the Indian sugar industry has been removed ;

(ii) whether special rates for sugar from the ports of Bombay and Calcutta were for wagon loads or for actual weight, and whether there is any difficulty in imposing charges for wagon loads instead of weight small or large ; and,

(iii) how far the recent modification of the tariff actually affected sugar import or the price thereof ?

(c) Will the Government be pleased to state what would be the capital and recurring cost for establishing a Sugar Research Institute and a large demonstration factory in a suitable locality in India ?

Mr. J. W. Bhore : Parts (a) and (c)—

Government can hold out no hope that the recommendations of the Sugar Committee in regard to the establishment of a Sugar Research Institute and a large demonstration factory will be carried out in the near future ; and, they are not in a position to say what the present capital and recurring cost of the proposal would be.

Part (b)—

(i) and (ii). Government are not aware of the complaint referred to. There are no special rates for sugar from Bombay and the rates from Calcutta also apply in bookings to Calcutta. The rates in force are charged on actual weight and there does not appear to be any need for wagon load rates.

(iii) The new duty was introduced with effect from June 1st, at the beginning of the new season. It is two annas per hundredweight higher than it would have been under the old system. This two annas is presumably included in the price charged. It is impossible to say what the effect has been, presumably negligible.

Mr. B. Venkatapatiraju : Am I to understand that the Government do not propose to establish a Sugar Research Institute on account of financial difficulties in spite of the speech made by His Excellency the Viceroy and also by Lord Birkenhead ?

Mr. J. W. Bhore : I think, Sir, it would be sufficient for me to say that in view of the funds available, the Government are of opinion that they would be serving agricultural interests generally better by spending that money on other agricultural developments than on this.

Mr. K. Ahmed : In view of the announcement regarding the agricultural developments made by the Secretary of State and confirmed by His Excellency the Viceroy on the floor of this Assembly on the 20th August last, do Government propose to take sufficient steps to advance money to the cultivators—the agriculturist class—who are not even represented by the Honourable Mr. Joshi here, so that they can utilise it better than establishing demonstration factory or experimental farm ?

Mr. J. W. Bhore : I think that question does not arise.

Mr. Devaki Prasad Singh : Have the Government of India any information that some of the Provincial Governments have undertaken the establishment of demonstration and sugar factories ?

Mr. J. W. Bhore : I have no information on that point.

Mr. Devaki Prasad Singh : Have the Government of India received any representation from any Provincial Government asking for some assistance in the establishment of a demonstration sugar factory ?

Mr. J. W. Bhore : Not to my knowledge and recollection.

Mr. Gaya Prasad Singh : Is there not a Sugar Research Institute at Pusa maintained by the Government of India, Sir ?

Mr. J. W. Bhore : There is a Sugar bureau at Pusa.

ESTABLISHMENT OF AN INDIAN SANDHURST.

121. ***Mr. B. Venkatapatiraju :** Will the Government be pleased to state when they propose to appoint a committee to report on the steps to be taken to establish an Indian Sandhurst instead of merely considering the means of attracting the best qualified Indian youths to a military career ?

Mr. E. Burdon : My Honourable friend's question has already been answered by the announcement made on the 8th July last.

Mr. B. Venkatapatiraju : Am I to understand, Sir, that it permits an inquiry into the question of establishing an Indian Sandhurst in India ?

Mr. E. Burdon : Surely my Honourable friend has seen the terms of reference to that Committee ?

Mr. B. Venkatapatiraju : It was rather dubious, Sir.

Mr. E. Burdon : I am afraid I do not agree.

122. (Answered on the 25th August 1925.)

MODIFICATION IN THE CONSTITUTION OF THE IMPERIAL BANK OF INDIA.

123. ***Mr. B. Venkatapatiraju** : Will the Government be pleased to state whether the Government of India have had under consideration a proposal for a modification in the constitution of the Imperial Bank and whether there is any proposal to reduce the number of Managing Governors from two to one, and whether the Government would consider the necessity and desirability of having an Indian as General Secretary in case the sole Managing Governor is a Britisher or if there be two Managing Governors one should be an Indian ?

— **The Honourable Sir Basil Blackett** : The Government of India have had no such proposals under consideration.

REPORT OF THE TERRITORIAL COMMITTEE.

124. ***Mr. B. Venkatapatiraju** : Do the Government propose to fix a date for discussion of the Report of the Territorial Committee in the Legislative Assembly and state what steps they propose to take to give effect to the proposals with suitable modifications suited to the needs of the country and aspirations of the people ?

Mr. E. Burdon : The Government of India found it necessary to consult Local Governments in regard to the principal recommendations of the Committee. This was done last April. The final replies from certain Local Governments have only recently been received and are now being examined ; and since the Government of India have not yet arrived at any definite opinion of their own in regard to the Committee's proposals, they do not consider that a sufficiently useful purpose would be served by allotting a day specially for discussion at this stage.

RECOMMENDATIONS OF THE LEE COMMISSION.

125. ***Mr. B. Venkatapatiraju** : Are the Government prepared to publish the papers containing the advice of the Government of India concerning the action taken in the British Parliament as regards giving effect to the proposals of the Lee Commission ?

The Honourable Sir Alexander Muddiman : The Government of India are not prepared to publish the correspondence referred to.

ROUND TABLE CONFERENCE REGARDING POLITICAL SITUATION IN INDIA.

126. ***Mr. B. Venkatapatiraju** : Will the Government be pleased to state whether they have considered the advisability of holding a round table conference of the members of the Government of India and the leaders of various political parties so as to arrive at a satisfactory conclusion for the future progress of the country ?

The Honourable Sir Alexander Muddiman : I have nothing to add to the statement made by the Secretary of State for India in Parliament and His Excellency the Viceroy the other day.

DISCUSSION OF THE REPORT OF THE REFORMS INQUIRY COMMITTEE.

127. ***Mr. B. Venkatapatiraju** : Will the Government be pleased to state when the Assembly will be given an opportunity to discuss the report of the Reforms Inquiry Committee and whether the Government

will keep an open mind without arriving at any final conclusion till they know the views of this Assembly ?

The Honourable Sir Alexander Muddiman : The Honourable Member is referred to my reply to Mr. Das's question No. 17, dated the 25th August 1925.

REDUCTION OF TAXATION.

128. ***Mr. B. Venkatapatiraju :** Will the Government be pleased to state :

- (i) what the excess of receipts over expenditure was during 1924-25 which saved them from raising a loan of 12 crores ; and
- (ii) whether the Government will now consider the advisability of giving relief to the people from heavy taxation ?

The Honourable Sir Basil Blackett : (i) The Honourable Member is apparently referring to the Press Communiqué in which it was explained that an improvement in the ways and means position had made it possible for Government to avoid a cash loan. The improvement amounts to 1,66 lakhs in England and 7,21 lakhs in India. In England it is due mainly to underspending on capital account, and in India, mostly to over-cautious estimating of the incomings and outgoings of the year 1924-25 by the Provincial Governments both on revenue and on capital account.

(ii) In suggesting that the above improvement may be devoted to remission of taxation, I am afraid, the Honourable Member has fallen into the error of confusing the ways and means budget with the budget of revenue and expenditure. Even if the actual outturn of the year 1924-25 shows a revenue surplus slightly in excess of the revised estimate, it will have no bearing on the question of remission of taxation in the current year. That question depends on the budget estimates of revenue and expenditure in the current year and not on ways and means estimates.

DAILY WAGES OF INDIAN LABOURERS IN CEYLON, THE MALAY STATES AND FIJI.

129. ***Mr. B. Venkatapatiraju :** Will the Government be pleased to state the daily wages of Indian labourers in Ceylon, the Malay States and the Fiji Islands and the improvements effected during the last two years and any information received about their indebtedness ?

Mr. J. W. Bhore : (1) A statement showing the daily wages of Indian labourers in Ceylon and Malaya is laid on the table. Similar upto date information relating to Fiji is not available.

(2) In the Kuala Selangor district of the State of Selangor in the Federated Malay States, a minimum wage of 35 cents. for men and 27 cents. for women was fixed in August 1924. The Government of Ceylon appointed a committee to investigate the possibility of fixing standard rates of wages for Indian labour employed on estates in Ceylon and its report was published last March. The whole question of fixing a basic

standard wage for Indian labourers in Ceylon and Malaya is now under the consideration of the Government of India.

(3) The Government of India have no information as to the state of indebtedness of Indian labour in these Colonies.

Statement showing the daily wages in cents of Indian labourers in Ceylon and Malaya States.

Ceylon.

	Man.	Woman.
1. Low country	30—35	25—30
2. Middle country	35—40	30—35
3. Up country	40—45	30—35

Malaya States.

Man.	Woman.
30—50	20—40

Mr. Devaki Prasad Sinha : Do the Government of India propose to call for information as to the state of indebtedness of the Indian labourers in these Colonies ?

Mr. J. W. Bhore : I may inform the Honourable Member that our Agents in those two Colonies have already been instructed to report on this question when they next submit their annual report to us.

Mr. Devaki Prasad Sinha : Have the Government of India received any representation from the Indian labourers in Ceylon as regards the low wages that they receive and the unsatisfactory condition in which they have to work ?

Mr. J. W. Bhore : No.

Mr. H. G. Cocke : Would the Honourable Member be pleased to inform us whether there has been any increased demand for labour from Malaya as a result of the increased demand for rubber of late ?

Mr. J. W. Bhore : I cannot answer that question definitely as to numbers, but my impression is that there is very much increased activity in regard to recruitment at the present moment probably in consequence of the rise in demand for labour as the result of higher rubber prices.

Mr. B. Das : Are the Government aware of the ill treatment of the Indian coolies, specially of coolie women, on the rubber estates and will Government ensure that they will be properly treated before any further recruitment takes place here ?

Mr. J. W. Bhore : We have no information in regard to this alleged ill treatment to which my Honourable friend refers.

Mr. B. Venkatapatiraju : Will the Government consider the advisability of getting information about wages in the Fiji Islands ?

Mr. J. W. Bhore : Certainly.

**STATEMENT IN THE HOUSE OF LORDS BY THE SECRETARY OF STATE FOR INDIA
REGARDING THE MEDICAL SERVICES.**

364. *Dr. K. G. Lohokare : Will Government be pleased to say :

- (a) If the following extract from the press report of the statement on Medical Services by the Secretary of State for India in the House of Lords on the 29th of July is correct :

" But the Secretary of State remains responsible for the Central Subjects, as for instance, central agencies for research, technical training and the promotion of special studies, and also reserves to himself the responsibility as regards legislation for infectious diseases and the regulation of medical qualifications " ?

- (b) If so, since when and under what authority has the Secretary of State " reserved to himself the responsibility ", so as to modify or suspend the following powers of the Government of India and the Indian Legislature, as per Devolution Rules under the Government of India Act Section 45 (A) rule 3 :—

(i) Schedule I, Part I	..	..	..	33
(ii) Schedule I, Part II	..	..	..	3
(iii) Schedule I, Part II	..	..		45 ?

- (c) If not, whether there was or is any intention on the part of the Secretary of State to modify the above rules so as to decrease the powers thereunder of the Government of India, and the Indian Legislature ?

Mr. J. W. Bhore : (a) Government have merely seen press reports of the statement but have telegraphed for the official text which has not yet been received. In the circumstances they are unable to express any opinion regarding the authenticity or otherwise of the report.

(b) and (c) don't arise.

Dr. K. G. Lohokare : When do Government expect to get an authentic copy ?

Mr. J. W. Bhore : I really cannot tell the Honourable Member.

Dr. K. G. Lohokare : Have they asked for a copy from the Secretary of State ?

Mr. J. W. Bhore : I have informed the Honourable Member that we have telegraphed for a copy. I cannot tell the Honourable Member when the reply to that telegram will be received.

RECRUITMENTS TO THE INDIAN MEDICAL SERVICE DURING THE LAST THREE YEARS.

372. *Dr. K. G. Lohokare : Will Government be pleased to state :

- (a) The number of recruitments to the I. M. S. during the years 1923-24 ; 1924-25 ; and this year :

- (i) Permanent ;
(ii) On terms of contract for a certain period ; and
(iii) Temporary—i.e., year to year agreement ?

- (b) How many of these as per (i), (ii) and (iii) are Indians ?

Mr. E. Burdon : A statement containing the information desired by the Honourable Member is laid on the table.

Statement giving the information desired in starred question No. 372.

(a) The number of total appointments to the Indian Medical Service during the years 1923 to 1925 is :—

1923	91
1924	18
1925	29

(a) (i) *Permanent.*—

	Europeans.	Indians.
1923	nil.	nil.
1924	1	nil.
1925	nil.	10

(a) (ii) *On terms of contract.*—

	Europeans.	Indians.
1923	28	nil.
1924	8	nil.
1925	9	nil.

(a) (iii) *Temporary.*—

	Europeans.	Indians.
1923	nil.	63
1924	nil.	9
1925	nil.	10

Mr. K. Ahmed : On a point of order, Sir. I should like to know the order in which questions are put and answered ; whether questions of which notice had been given later can be answered earlier ?

Mr. President : Any Honourable Member who wishes to put any question which is not in the order in the printed list has got to get the permission of the Chair. The Chair has allowed Dr. Lohokare to put these questions.

MEDICAL SERVICES IN INDIA.

†459.***Dr. K. G. Lohokare :** Will Government be pleased to state what are the decisions of the Secretary of State for India and the Central Government relating to the Medical Services regarding :

- the total number of posts from the Superior Civil Services under the control of each of the Provincial Governments and the Central Government ;
- the number to be reserved for the European members of the I. M. S. and the number to be reserved for promotions from the Provincial Medical Services under each Provincial Government ;
- the number under the Central Government under each Department—Sanitary—Research—Political and Agency—General Administrative—to be exclusively reserved for the European members of the I. M. S. and for Europeans from direct recruitment to Civil Services, each ;
- the number and names of particular administrative or other appointments (civil) to be reserved exclusively for Europeans ?

† For answer to this question, see below question No. 461.

MEDICAL SERVICES IN INDIA.

†460. ***Dr. K. G. Lohokare** : Will Government be pleased to state what are the decisions of the Secretary of State for India and the Central Government relating to the Medical Services regarding :

- (a) the number of appointments—Clinical and Scientific—under each of the Provincial and Central Government and the Secretary of State ;
- (b) the number to be exclusively reserved for the European members of the I. M. S. and for Europeans from direct recruitment to Civil Services each ;
- (c) the intention of the Government or otherwise of creating a distinct medical education service for India, and a separate service for aid to European officers having nothing to do with the general civil cadre ?

MEDICAL SERVICES IN INDIA.

461. ***Dr. K. G. Lohokare** : Will Government be pleased to state what are the decisions of the Secretary of State for India and the Central Government relating to the Medical Services regarding :

- (a) The method of recruitment to be adopted for (i) the Civil Superior Services—open competitive examination alone or selection ? If the former, where and from what time ?
- (ii) The Clinical and Scientific Chairs open examination and then selection or selection alone ?
- (b) The authorities primarily and secondarily responsible for such recruitment to (i) and (ii) in (a), the Secretary of State or the Central Government or the Public Services Commission or the Provincial Governments ?
- (c) The distribution of posts according to authorities for recruitment for each province and the Central Government ?

Mr. J. W. Bhore : With your permission, Sir, I will reply to questions Nos. 459, 460 and 461 together.

No decision has yet been arrived at.

Dr. K. G. Lohokare : Have the Government not got their figures from the Provincial Governments regarding these appointments ?

Mr. J. W. Bhore : My Honourable friend asked a definite question in regard to certain decisions and my answer was equally precise.

Dr. K. G. Lohokare : Have the Central Government not written to the Secretary of State on this point ?

Mr. J. W. Bhore : I can assure the Honourable Member that correspondence is proceeding, but I cannot add anything to the reply which I have already given.

MEDICAL SERVICES IN INDIA.

462. ***Dr. K. G. Lohokare** : Will Government be pleased to state what are the decisions of the Secretary of State for India and the Central Government relating to the Medical Services regarding :

the total number of appointments in the I. M. S. and

- (a) the number of military reserve—(i) in military, and (ii) in civil—appointments ?

† For answer to this question, see below question No. 461.

(b) the number to be reserved exclusively for Europeans in (i) and (ii) above ?

Mr. E. Burdon : A decision has not yet been reached.

Dr. K. G. Lohokare : When do you expect a decision ?

Mr. E. Burdon : I cannot say.

MEDICAL SERVICES IN INDIA.

463. ***Dr. K. G. Lohokare :** Will Government be pleased to state what are the decisions of the Secretary of State for India and the Central Government relating to the Medical Services regarding :

The total number of military administrative appointments

(a) number reserved exclusively for the R. A. M. C.,

(b) number reserved exclusively for the European members of the I. M. S. ?

Mr. E. Burdon : There is at present no proposal under discussion to alter the existing arrangements in regard to this matter. The total number of military medical administrative appointments is 24, divided as follows :—

(a) For Royal Army Medical Corps officers .. 12

(b) For Indian Medical Service officers .. 12

None of the Indian Medical Service appointments is reserved exclusively for Europeans.

Dr. K. G. Lohokare : Does this proportion represent the proportion of the strength of the British troops to Indian troops ?

Mr. E. Burdon : I should like to have notice of that question.

MEDICAL SERVICES IN INDIA.

464. ***Dr. K. G. Lohokare :** Will Government be pleased to state what are the decisions of the Secretary of State for India and the Central Government relating to the Medical Services regarding :

(a) the method of recruitment to be adopted for the I. M. S.—open competitive examination or selection ?

(b) the authorities responsible for this recruitment—the War Office or the Secretary of State or the Central Government in India ?

(c) the ratio, if any is thought of, of Indians to total recruitment each time—so as to (i) reserve a minimum number of appointments for Indians and keep the others for open competition, or (ii) to admit only a certain number and not more at each recruitment ?

Mr. E. Burdon : These questions will arise directly or indirectly in the discussions now proceeding with the Secretary of State. No decision has yet been reached as regards any of them.

GOVERNOR GENERAL'S ASSENT TO BILLS.

Mr. President : I have received a communication from the Private Secretary to His Excellency the Viceroy and Governor General to the effect that the following Bills which were passed by both Chambers of the Indian Legislature have been assented to by His Excellency the Governor General under the provisions of sub-section (1) of section 68 of the Government of India Act :

The Indian Merchant Shipping (Amendment) Act, 1925.

The Indian Paper Currency (Amendment) Act, 1925.

The Workmen's Breach of Contract (Repealing) Act, 1925.

The Indian Soldiers (Litigation) Act, 1925.

The Indian Income-tax (Amendment) Act, 1925.

The Legislative Assembly (President's Salary) Act, 1925.

The Cantonments (Amendment) Act, 1925.

The Obscene Publications Act, 1925.

The Indian Ports (Amendment) Act, 1925.

The Cantonments (House Accommodation Amendment) Act, 1925.

The Indian Merchant Shipping (Second Amendment) Act, 1925.

The Cotton Ginning and Pressing Factories Act, 1925.

The Indian Finance Act, 1925.

The Indian Tariff (Amendment) Act, 1925.

The Indian Stamp (Amendment) Act, 1925.

The Indian Income-tax (Second Amendment) Act, 1925.

The Prisons (Amendment) Act, 1925.

The Indian Cotton Cess (Amendment) Act, 1925.

THE INDIAN SUCCESSION BILL AND THE INDIAN SUCCESSION
(AMENDMENT) BILL.

REPORTS OF JOINT COMMITTEES LAID ON THE TABLE.

Secretary of the Assembly : I lay on the table the reports of Joint Committees on the Bill to consolidate the law applicable to intestate and testamentary succession in

12 NOON.

British India and the Bill to amend the provisions of section 27 of the Indian Succession Act, 1865.

ELECTIONS TO FILL TWO VACANCIES IN THE EXTERNAL
CAPITAL COMMITTEE.

The Honourable Sir Basil Blackett (Finance Member) : I ask leave to move :

“ That this House do elect two Members to fill the vacancies caused in the External Capital Committee by the resignations of the Honourable Mr. V. J. Patel and Mr. W. S. J. Willson.”

The motion was adopted.

Mr. President : Nominations signed by the proposer and the seconder should be lodged in the Notice Office not later than 12 noon to-morrow, the 27th instant.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadian Urban) : I beg to present the Report of the Select Committee on the Bill to provide that, when fire-arms are used for the purpose of dispersing an assembly, preliminary warning shall, in certain circumstances, be given.

THE INDIAN REGISTRATION (AMENDMENT) BILL.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadian Urban) : Sir, I beg to move :

“ That the Bill further to amend the Indian Registration Act, 1908, be referred to a Select Committee consisting of the Honourable the Home Member, Mr. L. Graham, Mr. K. Rama Aiyangar, Mr. Chaman Lall, Mr. K. Ahmed,”—*and with your permission I wish to add the following names*—“ Mr. C. Duraiswami Aiyangar, Mr. Shambu Dayal Misra, and Sir Henry Stanyon, and myself, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be three.”

This Bill was introduced by me, as Honourable Members will remember, early in 1924 and when I made my last motion to refer the Bill to Select Committee I accepted a motion on behalf of Government that it should be circulated for eliciting opinions thereon. The object of this amendment which I propose to the Registration Act is to enable Local Governments to authorise selected Sub-Registrars to hold an inquiry into the fact of execution of non-testamentary documents presented to them for registration. Under the law as it is, Honourable Members are no doubt aware that a Sub-Registrar has no option but to refuse registration if the executant appears before him and denies execution in the case of non-testamentary instruments, whereas in the case of wills and authorities to adopt, Sub-Registrars are empowered to hold an inquiry in the matter of execution. I do not support this proposal that I lay before you on the ground of this anomaly but on the ground of practical convenience which may result from the acceptance of my proposal. I understand that in the years 1922 and 1923 about 25,000 documents were refused registration in the whole of India on the ground of denial of execution by executants. In such cases the party requiring registration of the document is put to the necessity of going to the District Registrar and getting him to hold an inquiry as to the fact of execution. It may be in several cases the District Registrar may be near by and the parties may not be put to much inconvenience, but there are districts and districts in various Provinces where the District Registrar is not so easily accessible to parties. There are cases where parties have to travel perhaps 50 miles before they can get at the District Registrar, probably without any railway communication. Non-testamentary documents may be of various kinds as Honourable Members are aware. They may be simple documents, bonds, hypothecation bonds or otherwise. The fact that is needed to be proved before admitting the document to registration is the fact of execution by the executant ; simply because he happens to deny after executing the documents, parties are put to the necessity of proving it. If, therefore, we can facilitate the registration of documents by enabling selected Sub-Registrars in suitable areas according as the Local Government may determine, we will be adding to the convenience of the public.

The whole object of my Bill is to add to the convenience of the public who have got documents to register. Honourable Members are aware that

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registration by itself does not confer any validity to a document before a civil court if such document is taken to a civil court—(Sir Hari Singh Gour : “What”?) my friend, Sir Hari Singh Gour, may hold in breath for a while—except in cases where the law requires that the transaction shall be completed by a registered document. Now, therefore the whole question is one of convenience to the public. On the other hand, what is the inconvenience in accepting the proposed amendment made by me? I do not know if Honourable Members have perused the opinions which have been collected on this question by the Government. I hold in my hand the opinions which consist of three books containing 15 opinions. I find that the opinions are generally in favour of the Bill although it is pointed out that the administrative convenience received therefrom is not very great. Perhaps it is better that I briefly run over the opinions which have been received. The Chief Commissioner, Delhi, thinks the Bill appears to be quite innocuous as the powers which it is proposed to give to Local Governments are permissive. At the same time the Bill seems to be unnecessary as refusals to register are infrequent and the necessity in cases of refusal to present an application to a Registrar imposes no great hardship. It is at the same time desirable that inquiries under section 74 and orders under section 75 should as far as possible be on the same lines. Then, Baluchistan sees no objection to offer. The North-West Frontier Province says that there is no objection to the passing of the proposed amending Bill. The Bill in fact will remove one anomaly in the law as it stands at present, and there is no objection to the proposed measure. The Calcutta High Court say this :

“In reply, I am to say that the Honourable the Chief Justice and the Judges see no objection to the amendment of the Indian Registration Act proposed. Their Lordships consider that it will be for the benefit and convenience of the public.”

The Madras Government have investigated the matter carefully. The Honourable the Judges and the Inspector General are generally in favour of the Bill, and the Government share those views. The Commissioner of Ajmer-Merwara considers the Bill to be sound, and the provisions appropriate, and “I agree with the Commissioner”, says the Agent. Burma does not want it. They think it is unnecessary for their province, in which case the Local Government will not extend the provisions of the Bill there. The Central Provinces Government says :

“The Bill has received general support, and His Excellency considers that these powers could safely be entrusted to selected Sub-Registrars, but he agrees with the frequently expressed opinion that great care will have to be exercised in their selection.”

The Assam Government says :

“The educational standard, and with it the power of forming judgments, of the officers employed in the Registration Department have improved in recent years and it can safely be asserted that there are some Sub-Registrars fit to be invested with the powers proposed. There is a consensus of opinion, and the Government of Assam also agree, that the application of the provisions of the Bill will be of some administrative value and will serve public convenience to some extent.”

The United Provinces Government say :

“The Bill being of a permissive character, the Governor acting with his Ministers has no objection to its enactment. There are some Sub-Registrars in this province to whom the powers contemplated by the Bill could safely be entrusted but their number is not large.”

The Honourable Judges also, at least some of them, approve of the Bill.

The Bombay Government say that they do not object to the principle of the Bill ; they consider it inadvisable from the administrative point of view. I may state that there is no opposition from anywhere, and Bihar and Orissa say :

“ The question has been considered by the Local Government as a whole. They agree to the principle of the Bill and consider that, if passed, it would certainly be of administrative value.”

The Bengal Government say :

“ In reply, I am to say that the bodies and persons who were consulted are, on the whole, in favour of the Bill. The Government of Bengal do not think that it will be found possible to make an extended use of the provisions of the Bill. There are, in this province, a certain number of Sub-Registrars whose offices have not been amalgamated with that of a Registrar under the Indian Registration Act, but who are qualified by character, education and experience to exercise the powers of a Registrar under sections 74 to 77 of the Act.....The Government of Bengal consider it desirable that they should have the power to authorize Sub-Registrars to conduct inquiries under sections 74 and 77 of the Act in the case of elected officers posted to suitable stations.”

It may interest Honourable Members from Bengal to know that the Secretary, Bengal Chamber of Commerce, writes :

“ It is proposed by the Bill to enable the Local Government to invest Sub-Registrars with power to hold such an inquiry. To the Committee of the Chamber this seems to be a reasonable proposal as it would be presumably calculated to save time in many cases. They are therefore in favour of the Bill.”

The Trades Association say :

“ My Committee consider the proposed amendment an improvement on the existing Act and therefore desire me to notify you of their support of the measure.”

The Secretary, Bengal Landholders' Association, says :

“ My Committee are of opinion that the principle of the Bill is unexceptionable inasmuch as the post of Registrars is now generally held by persons who have had University education and who can be trusted to hold inquiries in cases where executants deny the execution of documents.”

The Joint Honorary Secretary, East Bengal Landholders' Association, says :

“ In the opinion of my Committee, the Bill is a sound one and can fairly be expected to meet the desired end.”

Similarly, there are other opinions. On the whole I may say that there is no opposition to the Bill. Some consider it is innocuous, others consider it will be of administrative convenience, and several people consider that it will be of advantage to legislate in the proposed direction. It may be said that after all the refusal to register documents compared with the whole volume of documents which are registered is very small indeed, that it is less than one per cent. of the whole number of documents which are presented for registration. But we have to consider the convenience of the individuals concerned who cannot come up personally in these cases. Where without doing any harm we can provide for the convenience of the public, it is our duty I think that we should provide adequate facilities for the purpose. Therefore, Sir, the mere fact that the number of documents is only 25,000 out of some millions is not a factor to be taken into account.

My Honourable friend, Mr. Ramachandra Rao, has got a Bill of his own, which I think will be coming on either to-day or later on, where he proposes that in the case of wills and authority to adopt presented after the death of the executant the procedure to be adopted should be entire

[Diwan Bahadur T. Rangachariar.]

refusal, subject at once to resort to court. That is a measure which stands on a different footing and will have to be examined. His idea is to speed up registration in such cases where after death such documents are presented for registration. He wants to alter the law in that respect, not on the ground, I take it, that Sub-Registrars are unfit to hold an inquiry but on the ground of speeding up the registration of such documents. He wants the procedure to be shortened in that respect without recourse either to the District Registrar or even to the Sub-Registrar as the case may be. That I understand is the measure he has in view.

It may appear at first sight that this proposal is in the reverse direction. But it is only at first sight that it so appears. The object there is different, and my object is quite different from his object. My object is to facilitate the registration of non-testamentary instruments. I deal with non-testamentary instruments. Mr. Ramachandra Rao proposes to deal with testamentary instruments and authority to adopt after the executant's death. Any way, the question now is whether in the face of these opinions it is not desirable that the amendment should be made. My amendment, as Honourable Members will notice, is purely permissive. There are places, I have heard, where ill-educated Sub-Registrars register documents. In my Province I am glad to say most of them are graduates, and I think in Bengal also a similar set of circumstances exists. The Bengal High Court considers that it will be of administrative value if the proposed amendment is made. Therefore, it will be for each Local Government to determine, having regard to the knowledge of the conditions of the Province, whether this provision should be extended or not to their Province; and I also enable Local Governments to select Sub-Registrars, not to invest all Sub-Registrars but selected Sub-Registrars. In so making a selection, they will have regard to the fact whether the District Registrar is at such a distance that any Sub-Registrar should be chosen for the purpose, and also whether that Sub-Registrar so chosen could be safely entrusted with the functions. Therefore, the discretion of the Local Government is ample, and the provision is merely permissive. It may add to the convenience of the public, and there is no objection in principle. I therefore, Sir, commend my motion to the acceptance of the House.

***Mr. Mahmood Schamnad Sahib Bahadur** (West Coast and Nilgiris : Muhammadan) : Sir, I rise to oppose this motion. Many of the Sub-Registrars, almost all Sub-Registrars, are to be placed in a position where they will be open to temptation. So I do not think that the responsibility can be delegated to Sub-Registrars. By doing so, grave injustice might be done.

Mr. H. Tonkinson (Home Department : Nominated Official) : Sir, my Honourable and learned friend in moving his motion has indicated that his Bill is not directed against any alleged anomaly in our registration law. The grounds upon which he asked this House to accept his motion are all more or less grounds of convenience. He said when introducing the Bill, and he has practically repeated that statement again to-day, that many people have to go long distances indeed in order to get documents, however small, registered. My Honourable and learned friend proposes to enable Local Governments to confer upon Sub-Registrars the power of inquiring into the factum of execution which is now possessed

* Speech not corrected by the Honourable Member.

only by Registrars. Sir, the intention of our Registration Act is of course that registration shall be an absolutely formal proceeding. It is not intended that the Sub-Registrar should make any inquiries which are of a judicial character. The registration offices throughout India, have been manned by persons who are expected to be able carefully to perform the formal functions entrusted to them. They have not been intended to be manned by persons who are expected to be able to weigh evidence when there has been a denial of execution. My Honourable and learned friend says that this Bill is a permissive Bill. It only enables Local Governments to empower selected Sub-Registrars whom they may decide to be competent to perform these additional duties. What real administrative convenience however will follow from the conferment of these powers upon a comparatively few Sub-Registrars who may be qualified to exercise them? The power will only come into operation when there has been a refusal to register a document. My Honourable friend referred to the number of refusals to register documents in India for the years 1922 and 1923. I should like, Sir, to examine and to expand in some respects those figures. Now, in the year 1922 there were only 12,444 refusals to register in respect of all documents for the whole of India and in the year 1923 the number was 11,807. During those years of course many millions of documents were registered. There were only some 12,000 in each of the years for which registration was refused. Let us go further and consider the cases in which registration was refused. My Honourable friend's proposal, it may be remembered, is only intended to refer to cases where refusal to register has been because of denial of execution. That, I understand, is the object of my friend's Bill. These 12,000 refusals in a year also included refusals on other grounds. They included refusals on the ground indicated in section 35, sub-section (3), clause (b), of the Act, for which a special right of appeal is provided in our law by section 72 of the Registration Act, a section which, it will be seen, my Honourable friend's Bill does not refer to. The 12,000 refusals then include a number of refusals to which the Bill will probably not relate. In addition, of course, we cannot expect, we ought not to expect, that every man whose document has been refused registration by the Sub-Registrar will desire to make an application or to appeal. The total number of applications and appeals, that is the total number of cases of refusal under all the provisions of sub-section (3) of section 35, in which either an appeal, which is the case to which my friend's Bill does not relate, or an application, which is the case to which my Honourable friend's Bill does relate, was made, was 3,451 in 1923 and 3,742 in 1922. The value of the Bill, therefore, can be gathered from these figures. These figures include, as I have indicated, refusals for reasons which will not be affected by this Bill. These figures also must include cases, many cases, of persons living near the district headquarters who can go quite as conveniently to the Registrar as to any Sub-Registrar. Then again we have to remember that the Bill is permissive and I hope that in existing circumstances it will only be a very small number of Sub-Registrars who will be empowered if this Bill is passed. If we subdivide the figures, as we ought to, we will find that the Bill would be of some use in the case of about a dozen documents in a year or perhaps if that is too small, say 50 for the whole of India.

Now, let us turn to the opinions which have been received. My Honourable friend read some of them and concluded that on the whole there was no opposition to his Bill. I think that on the whole that is

[Mr. H. Tonkinson.]

quite a fair summary of the opinions received. But I think nevertheless I ought to invite the attention of the House to the character of some of the opinions of persons very well qualified to give an opinion upon this measure. Let us go first, Sir, to the Province from which my Honourable friend comes, the Province in India in which I think there is no doubt that more attention has been paid to registration and the improvement of registration procedure than in any other Province in India. I take, Sir, the opinion recorded by the Inspector General of Registration. He said :

“ The Bill itself being in the main a permissible measure impliedly confines itself to such of the Sub-Registrars as may be selected by the Local Government, but as too great care cannot be exercised in the matter of selection, the brunt of the work will inevitably fall on the Inspector-General. Further, the grant of powers will be followed by their withdrawal either on account of casualties or of incapacity and the work entailed thereby will more or less be of a recurring nature. A beginning may, however, be made with such of the Sub-Registrars at district headquarters including Madras as have not their offices amalgamated with the respective Registrars' offices, experienced Sub-Registrars being generally posted to such sub-offices.”

In regard to this opinion I would invite the attention of Honourable Members to the provisions of sub-section (2) of section 7 of the Act. In this Province, in which as I have said registration procedure has received more attention than in any other Province in India, in this Province the Inspector General of Registration, if this Bill is passed, only proposes to apply it in cases of Sub-Registrars who are residing at the district headquarters. In this case, Sir, under the Act as it stands, it is quite possible for the Sub-Registrars' offices to be amalgamated with the Registrars' offices and these powers will then follow as a matter of course. In that case, therefore, there is no need for this Bill. Now, I will read the opinion of the Bombay Government. The Bombay Government say :

“ The Government of Bombay would not be prepared to give these powers to any Sub-Registrar, unless there is a right of appeal to the Registrar. This restriction would, however, defeat the main object of the Bill, which is to give relief to parties. As there would probably be appeals in quite half the number of cases decided by Sub-Registrars, the relief would be small and the expense and inconvenience to parties would be increased when appeals were made.”

In the Bill there is no provision for appeal. But here we have a responsible Government in India indicating definitely that they would not be prepared to take any action under this Bill unless further provisions in the way of appeal are provided for in it. My Honourable friend has read the opinions from the Bengal Government and therefore I will not read those opinions at all. We will take, however, the opinions of the United Provinces Government. I do not propose to read the opinions of the Government itself, but I should like to repeat some of the opinions recorded by some of the Honourable Judges of the Allahabad High Court. I do this because my Honourable friend said that some Judges have approved the Bill. He was referring to the Judges of the Allahabad High Court. The Honourable the Chief Justice of Allahabad said :

“ I doubt if it is wise to invest Sub-Registrars with these powers.”

I admit, of course, that I am not reading in the main opinions in favour of the Bill. I am just indicating opinions in the contrary sense so as to be sure that the House realises that objections have been raised to the Bill. Mr. Justice Kanhaiya Lal says :

“ I do not consider it desirable that the Sub-Registrars in these provinces should be invested with the powers of Registrars for the purpose of an inquiry into the alleged

execution of a document, where its execution is denied. Important documents of title, conveying property of unlimited value are some times presented for registration, and form the basis of proprietary claims in subsequent suits, and it is desirable that inquiries into due execution, particularly of documents such as gifts, trusts, or other deeds without consideration, should be entrusted to persons duly qualified to examine evidence and assess it properly to obviate difficulties and trouble arising in subsequent litigation, and so on."

I will not go on to read the further opinions. Mr. Justice Mukherjee also said :

" Having regard to the circumstances obtaining in the United Provinces, I am entirely opposed to Sub-Registrars being invested with the function of the Registrar, in deciding whether a certain document has or has not been executed by a party who denies execution."

My Honourable friend admitted that in the Province from which I come the Local Government has definitely opposed the Bill and so I will not refer to the views of that Government. I would, however, submit that though no great objection has been raised to the Bill, the Bill has received very little support.

Before referring to some of the provisions of the Bill, I think, I should refer to the point which my Honourable friend made in regard to the other Bill which, I think, on the agenda for to-day stands in the name of my friend, Diwan Bahadur Ramachandra Rao. My Honourable friend tried to suggest that the principle of these two Bills is quite distinct because his Bill deals with non-testamentary instruments and Mr. Ramachandra Rao's Bill deals with testamentary instruments. I admit that there is that distinction. But let us see what Mr. Ramachandra Rao says as a reason for his proposal which he makes in his Bill. He says :

" A good deal of time and money is now wasted in inquiries before the Sub-Registrar and the Registrar in regard to questions relating to execution of wills, and so on."

That is to say, he objects to any inquiries being made by Sub-Registrars. He says that an inquiry before the Sub-Registrar is not of the same character as a trial before a civil court. I think I am correct, Sir, in suggesting that the principle underlying the proposal of Mr. Ramachandra Rao is diametrically opposed to that underlying the Bill which we are now considering.

I think, Sir, I should now make a few remarks upon the Bill itself. The actual wording of the clause will be considered by the Select Committee if the House accepts the motion which has been moved by my learned friend. I would, however, suggest in the first place that the object underlying this Bill would probably be better given effect to by an addition to section 35 instead of section 7. Further, it will be seen that the proposed sub-section proposes to enable Local Governments to declare any Sub-Registrar to be a Registrar within the meaning of the proviso to section 35. If Honourable Members will refer to section 35 of the Indian Registration Act they will find that this proviso covers not only cases of denial of execution but also cases where the refusal to register has been on account of the person who appeared before the registering officer being a minor or a lunatic. This, in fact, raises the doubt in my mind as to what actually will be the effect of this Bill.

Sir, the position of Government with regard to this Bill, therefore, is that if it is passed it will have but little value. On the other hand, if it is passed and Local Governments use the powers proposed to be

[Mr. H. Tonkinson.]

conferred upon them by this Bill to any considerable extent, it will be dangerous. I take it, however, that we may hope that the Local Governments in this matter will act with very great care and not confer these powers except upon the Sub-Registrars upon whom they can depend that they will be able to exercise their powers properly. If that is so, then the usefulness of the Bill becomes less. If, however, this House desires to pass the motion which has been moved by my Honourable friend, Government will not object on the understanding that the drafting of the Bill will receive full consideration in the Select Committee.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor : Non-Muhammadian Rural) : Sir, I am surprised to see that so much objection has been taken to a question which relates purely to referring a single Bill to the Select Committee. I can dispose of the objection raised by my friend Mr. Mahmood Schamnad by saying that the Sub-Registrar and the Registrar have nothing to do with the question of payment of consideration or a failure of consideration. The only question before them is whether a document is executed or not. So far as I am able to understand the Honourable Mr. Tonkinson's objection it is this that the posts of Sub-Registrars at present are not intended to be manned by persons who are able to weigh evidence. Now, Sir, is he aware that these very Sub-Registrars become Registrars ? It is not to be supposed that these Registrars are recruited directly from the Bar or from any department where they have had any judicial experience, and the object of Diwan Bahadur Rangachariar's Bill is purely to train at least a few Sub-Registrars in the course of their service to gain experience with reference to the question of execution.

The Honourable Sir Alexander Muddiman (Home Member) : I am sorry to interrupt the Honourable Member, but did I hear him say Sub-Registrars become District Registrars ?

Mr. C. Duraiswami Aiyangar : Yes, Sir.

The Honourable Sir Alexander Muddiman : Only in Madras.

Mr. C. Duraiswami Aiyangar : I speak for Madras. The Act is intended for Madras also, and it has been said that in Madras the Sub-Registrars are of a higher standard than those in some other Provinces. It is admitted also that in the registration of wills the power is entrusted to Sub-Registrars ; and in Madras a large number of Sub-Registrars are graduates, and to say that Sub-Registrars cannot be invested with this power of appreciating evidence only as regards the execution of a document is, I submit, too much for the Government to say. Now, Sir, if that objection is taken away, the entire argument of Mr. Tonkinson relates only to the weighing of evidence, and whether Sub-Registrars are able to weigh evidence or not, I am afraid Mr. Tonkinson has not been able to weigh evidence in regard to the opinions which have been received in regard to this Bill. The preponderance of opinion sent up is in favour of allowing this permissive Bill, and I am sorry Mr. Tonkinson has failed to take this into consideration....

Mr. H. Tonkinson : Sir, on a point of personal explanation. I admitted that I thought most of the opinions received were in favour of the Bill. I definitely said so.

Mr. C. Duraiswami Aiyangar : And one other argument is that a very large number of cases do not arise from year to year where questions of denial of execution arise and have to be provided for. I do think that even if it be only 12,000 cases per year, still administrative convenience, as well as the convenience of parties, does require that some facility should be afforded for easy methods of getting documents registered. I have known within my own experience that when parties have been compelled to proceed to the District Registrar's office at headquarters, they have had to spend much money for proving the execution of a document which might have been proved nearer home, when there are Sub-Registrars nearer. I think that the Bill, as it is now drafted, is not adequately carrying out the intention of the Mover of the Bill, but that is a matter for the Select Committee, where ample redrafting may be done and additional explanations may also be added, if necessary ; but all that is no argument for rejecting the Bill altogether, but only for making proper safeguards for its discussion in Select Committee. I therefore heartily support the motion made by Diwan Bahadur Rangachariar.

Mr. Kamini Kumar Chanda (Surma Valley *cum* Shillong : Non-Muhammadan) : Sir, this Bill is intended to, and will, result in the convenience of a large number of people who are resident in distant places, but I must say it would not be an unmixed good in many cases. I do not wish to say a word against Sub-Registrars, but the fact remains that in many districts of different Provinces Sub-Registrars are now stationed even in the interior. If these Sub-Registrars are empowered to go into disputed questions about execution of documents, it is natural that parties would like to have the assistance of lawyers. Now, if a Sub-Registrar in the interior has to try a particular case where execution is denied, what will happen ? The parties will have to take lawyers from the headquarters of the district or sub-division, and that will mean that while they will avoid the trouble of going to the headquarters for the purpose of making a motion before the District Magistrate or the Collector of the District, they will have to spend a large amount of money in feeing the lawyers, and therefore I think, Sir, that there should be some limitations. If this power is limited to Registrars at the headquarters of the sub-division, this inconvenience and loss to the parties will be avoided. I would therefore submit that there should be this limitation of confining the power to hold inquiries to Sub-Registrars posted to the sub-divisional headquarters.

Lala Duni Chand (Ambala Division : Non-Muhammadan) : Sir, I rise to place only one point of view before the House in connection with the motion put forward by my Honourable friend Diwan Bahadur Rangachariar. I am at a loss to understand, much less appreciate, the reasonableness of the opposition of the Government to a measure of this kind. The point of view I want to place before the House is that in the matter of ordinary legislation Government should be guided by a gentleman of the position and experience of Mr. Rangachariar. It is a piece of ordinary legislation which affects Indians. If a measure of this kind is put forward by a gentleman like Diwan Bahadur Rangachariar, who is a man of great experience, and who is a great lawyer, the Government should have no objection to accept it. An Indian Member can claim to understand Indian conditions much better than the Government in a matter like the one that is before the House. The motion that has been put forward by Diwan Bahadur Rangachariar is not an extraordinary one. All that he wants to do is to confer the powers of a Registrar upon certain

[Lala Duni Chand.]

Sub-Registrars. His Bill proceeds upon the assumption that the Local Government will satisfy itself before it will confer the powers of a Registrar upon a Sub-Registrar. I therefore submit that the Government should readily accept a measure of this kind because an Indian Member understands the Indian conditions much better than Government can. With these few remarks, I fully support the motion that has been put forward by Diwan Bahadur Rangachariar.

Diwan Bahadur M. Ramachandra Rao* (Godavari *cum* Kistna: Non-Muhammadan Rural) : Sir, the Bill which my Honourable friend Diwan Bahadur Rangachariar has introduced seeks to amend the provisions of the Indian Registration Act so as to permit Sub-Registrars also undertaking the registration of documents whose execution is denied. It is true, as pointed out by him, that his Bill refers only to non-testamentary instruments. Sir, as he has himself pointed out, I have another Bill which goes to some extent in a diametrically opposite direction to find a solution. Under sections 40 and 41 provision is made for the presentation of wills and authorities to adopt, and it has been my experience that these documents, which are presented, and which can be registered by Sub-Registrars also, are documents which relate to considerable properties, and raise very important questions relating to title and administration of valuable property. So in regard to these two provisions, under sections 40 and 41, made for the presentation of wills and authorities to adopt, and also with reference to non-testamentary instruments covered by my Honourable friend's Bill the present position is that these documents are first of all presented to the Sub-Registrar, then the Sub-Registrar holds an inquiry as regards the execution of these documents, whether the document is admitted or disputed, and if the document be a non-testamentary document and the execution of the document is denied or disputed, the matter is referred to the Registrar. There is an appeal to the Registrar and then the Registrar makes an inquiry.

Diwan Bahadur T. Rangachariar : May I correct my Honourable friend ? The Sub-Registrar rejects it. Then the party has to go by a separate application to the District Registrar. There is no question of reference.

Diwan Bahadur M. Ramchandra Rao : Reference was not intended in a legal sense. I meant reference by way of an application by the person concerned to review the question decided by the Sub-Registrar.

Diwan Bahadur T. Rangachariar : There is no decision by the Sub-Registrar either, Sir.

Diwan Bahadur M. Ramachandra Rao : Then, Sir, the District Registrar holds an inquiry. In the case of testamentary instruments, that is, wills and authorities to adopt, the present law is that the Sub-Registrar has the power to register these documents. The Sub-Registrar holds an inquiry and decides one way or the other. Then there is an appeal to the District Registrar. If the party is dissatisfied with the District Registrar's decision, then he has the right to file a suit under the provisions of the Registration Act, as pointed out by me in the Statement of Objects and Reasons to my Bill which has not been as yet introduced in this House. I will read it :

"If the Registrar also refuses to order the registration of the document, the party concerned can institute a civil suit, where again the whole of the evidence comes

* Speech not corrected by the Honourable Member.

under review. A good deal of time and money is now wasted in inquiries before the Sub-Registrar and the Registrar in regard to questions relating to the execution of wills and the litigating parties and witnesses are harassed by being dragged to Courts on three different occasions regarding the same transaction. The inquiry before the Sub-Registrar in regard to this class of transactions is not of the same thorough-going character as a trial before a Civil Court where the rules of evidence are carefully observed by a trained judicial officer. The tendency of the litigants has been not to accept the decisions of the Sub-Registrar and the Registrar but to take the matter to a Civil Court for final decision."

Sir, these remarks of mine are equally applicable to a non-testamentary instrument which is referred to in the provisions of my friend's Bill. Therefore, Sir, I am entirely of this opinion that the act of registration is not at all a judicial act, whether it is a case of non-testamentary instruments or authorities to adopt or wills, and I am of opinion that the true remedy is, where the execution of a document is disputed, whether it is a non-testamentary or testamentary document or an authority to adopt, that the matter should be finally decided by the Civil Court without any time being wasted before the Sub-Registrar; and that is the remedy which I intend to seek by my Bill. I do not know, Sir, what the procedure would be if there are two Bills which seek diametrically opposite remedies in regard to the same matter, which in this case is not so, as pointed out by my Honourable friend.

Diwan Bahadur T. Rangachariar : It is not the same matter.

Diwan Bahadur M. Ramachandra Rao : I think, Sir, whether it is the same matter or whether it is not the same matter, that the true remedy is to have an adjudication as regards the execution of a document, not by a man who has absolutely no judicial training but by a person who is entitled to decide it in a court of law. In regard to testamentary instruments and authorities to adopt, I propose in my Bill that when execution is not admitted, the remedy of the parties should be only by a suit in a civil court. I submit, Sir, that the same remedy should be applied in the case of a non-testamentary instrument to which my Honourable friend Mr. Rangachariar's Bill refers. I think that that should be the line of amendment of the Registration Act. As regards the question whether this Bill should go to a Select Committee, I am not at all opposed to a reference to Select Committee, but I do think, Sir, that the question has to be viewed from the standpoint not of getting the Sub-Registrar to register these documents when execution is denied, but of finding a remedy before a judicial tribunal.

Pandit Motilal Nehru (Cities of the United Provinces : Non-Muhammadan Urban) : Sir, with all due deference to the legal acumen and experience of Diwan Bahadur T. Rangachariar, to which a most deserving tribute has been paid by my friend Lala Duni Chand, I beg to differ from the view that he takes of this matter. I am perfectly sure that Diwan Bahadur Rangachariar knows as well as I do that a large proportion of documents which are registered in Upper India are executed by *purdanashin* ladies.

Diwan Bahadur T. Rangachariar : I do not know that.

Mr. Mahmood Schamnad Sahib Bahadur : In Southern India also.

Diwan Bahadur T. Rangachariar : Not many at least in Southern India. I suppose there are a few Muhammadan families. There is no *purdah*. Am I to understand that all property is owned by ladies here ?

Pandit Motilal Nehru : I say a very large proportion, and sometimes very valuable properties are owned by Hindu widows, by Muhammadan widows and by Muhammadan married women too. The greatest difficulty is experienced by the most experienced judges in coming to a right conclusion on the question as to whether a certain document was or was not executed, and if my friend will take the trouble to consult the reports, he will find that when the High Court differs from the court of first instance on that question, Their Lordships of the Privy Council find it very difficult to make up their minds as to whether the first court or the appellate court was right. That being the case I do not think that Sub-Registrars are the class of officials who are at all competent to go into the question of disputed execution, certainly not in the United Provinces or the Punjab or Bengal or the Central Provinces, wherever the *purdah* system exists. Then again, we must also note the class from which these officials are drawn. They have no judicial experience of any kind, at least in Northern India, and they are generally drawn from the revenue establishment of the districts. I will not cast any reflection upon the honesty of these very deserving class of officials. I take my stand only upon the fact that the questions which they will have to deal with will be far beyond their competence and far beyond their capacity to weigh evidence. That being so, I hope that the House will have no difficulty in refusing to place such a power in the hands of officials who have no experience and who cannot possibly exercise it to the satisfaction of the parties concerned. I entirely agree with what Diwan Bahadur Ramachandra Rao has just said that it does not conduce to public welfare to multiply these inquiries, to begin with the Sub-Registrar, then go to the District Registrar, then go to the Civil Court and finally in appeal or revision to the High Court. It may be a very paying proposition for gentlemen in the profession, but I do not think that it is at all a convenient procedure for the public.

I therefore hope that the House will find no difficulty in refusing to allow this Bill to go to the Select Committee because if they do so they will be accepting the principle of it, and in my humble opinion the very principle upon which the Bill is based is objectionable.

1 P.M.

Colonel Sir Henry Stanyon (United Provinces : European) : Sir, I am absolutely at one with the remarks which have been made by the last speaker, Pandit Motilal Nehru. I do not oppose this measure upon any objection to its principle. No doubt, any measure designed to serve public convenience, any measure which the progress of time requires, is one to be supported in this House. My chief reasons for objecting are, first of all, that on the one hand there is no administrative necessity to be served and no real public inconvenience to be avoided, and on the other, that the personnel at present available is not sufficient to sustain the decentralisation which this measure is intended to bring about. The statistics given by the Honourable Mr. Tonkinson make it clear that if every Sub-Registrar in the country were to be invested with powers to proceed under sections 74 and 77 of the Registration Act no administrative necessity would be served. But even the author of the Bill proposes only to invest qualified Sub-Registrars with those powers ; and although the proportion would vary in different provinces and, possibly, in my Honourable friend the mover's province would be higher than elsewhere, jurisdiction could be conferred only on specially selected men of known ability and trustworthiness. It follows that the public benefit conferred would be negligible. An unnecessary reform is no reform. My own experience is confined to the

Central Provinces and Berar and, in a less degree, to Oudh ; and notwithstanding what my Honourable friend Lala Duni Chand has said I venture to claim that experience to be fairly correct. In the light of that experience I should certainly hesitate to give powers to Sub-Registrars in outlying places far removed from the headquarters of the district, because, as a rule in the places to which I have referred, either they are too ignorant or too careless or—I must say it—too corrupt. In many cases they are poorly educated men empowered to register documents for the convenience of village people,—simple documents—so that those people may not have to travel long distances. The registration of an admitted document is a really very simple process and imposes a small amount of responsibility on the registering officer. Any one who can read and write and learn the few steps to be followed in performing what is more or less a ministerial act can register an admitted document. But the registration of a disputed document, and the exercise of quasi-judicial powers in holding an inquiry into the question whether or not that document has been executed, stand on an entirely different and higher plane ; and they require good education, training and independence. There are very few Sub-Registrars in outlying stations in the territories to which my experience is confined who would be found to possess these qualifications. Then, again, however impossible it may be to prove it in a court of law, we cannot blind ourselves in this House to the actual corruption and temptations to be corrupt which we know to be existent in every province in India. Such happenings are not confined to ill-educated Sub-Registrars. They occur to the best and busiest of them. Where illicit gratification is the fashion the extra fee offered or demanded for the registration of an admitted document is generally so small as to be treated as negligible as many of the customary “ tips ” for ministerial or menial services in the law courts. But the Sub-Registrar in an outlying *tahsil*, *taluk* or village, required and empowered to decide a question of disputed execution, will perform a duty of considerable value to any party who may want, or any party who may wish to avoid, the legal consequences following on registration of the document in question. He is likely therefore to be tempted with, or, if he be corrupt, to demand, a very substantial remuneration for registration or refusal to register. In the absence of administrative necessity it seems better to avoid a measure which will give rise to such a position. I submit that the substance of the objection to my Honourable friend's Bill is that it is far before its time. Further extension and decentralisation of power to register will come as education spreads, but the time is not yet. I certainly agree with my Honourable friend, Pandit Motilal Nehru (to whom at least the argument of my Honourable friend, Lala Duni Chand, cannot be applied) that this House will be well advised, at this stage, not to commit itself to the principle of this Bill.

Mr. Harchandrai Vishindas (Sind : Non-Muhammadan) : I move that the question be put.

Mr. President : The question is that the question be put.

The motion was adopted.

Diwan Bahadur T. Rangachariar : I am not wedded to this Bill, and I am going to submit to the judgment of the House. So, let it not be considered that it is affording any personal gratification to me if you accept the measure. I thought it would add to the convenience of the public if we had this measure on the Statute-book, and therefore I really want the judgment of the House on this motion.

[Diwan Bahadur T. Rangachariar.]

What is the principle underlying this Bill ? It is a very small principle indeed. In respect of registration of documents we have got two sets of officers who register documents. It is an administrative act with some sort of a judicial function attaching to it. A judicial verdict, whether it be of the Sub-Registrar or of the District Registrar, is of no value in the matter of registration. Too much has been made by the Honourable Mr. Tonkinson of the so-called judicial functions of the Registrar or the Sub-Registrar as the case may be. Who are the Registrars who perform these functions in those wonderful provinces which are referred to, and how are they recruited ? And who are the Sub-Registrars who now under the law register wills and authorities to adopt ? How are the Government justified in allowing these Sub-Registrars to hold inquiries into the factum of execution of a will or an authority to adopt ? Is it my Bill that has awakened them to a sense of consciousness of their incapacity ? For years and years Government have allowed these very Sub-Registrars to hold an inquiry into the complicated question whether a man executed a will or not. If they are competent to do that Government did not feel the incongruity of the situation. They have not come forward with a measure to deprive the Sub-Registrars of those powers. My friend Mr. Ramachandra Rao says that he is going to deprive them of that power. What have Pandit Motilal, Sir Henry Stanyon and the Home Department been doing all these years. Were they alive to their sense of duty or not ?

Mr. H. Tonkinson : May I point out that registration is administered by Ministers in all provinces in India ?

Diwan Bahadur T. Rangachariar : My point is this. Unfortunately taking advantage of my Bill people here are casting aspersions upon Sub-Registrars who have been doing these very duties in respect of cases where the question is whether a will was executed or not by a deceased man. If he has got judicial experience, if he has got the capacity to weigh evidence whether a deceased man executed a will or not, has he not got the same capacity to decide whether a living man executed a document or not ? What is the meaning of this argument, I ask ? It is merely creating confusion in the minds of Members of the Assembly. If my friend Mr. Ramachandra Rao is true to his conviction, what is his duty ? His duty was to make his Bill all comprehensive. If he believes that wills and authorities to adopt should directly go to the civil courts on refusal of execution, why did he not adopt that course in his Bill in respect of non-testamentary instruments ?

Diwan Bahadur M. Ramachandra Rao : May I explain, Sir ?

Diwan Bahadur T. Rangachariar : There is no question of explanation.

Mr. President : Diwan Bahadur T. Rangachariar :

Diwan Bahadur T. Rangachariar : Thank you, Sir. What the proper remedy is for this class of documents is a matter for this House to decide later on. What has my friend's Bill to do with mine ? Mine deals with non-testamentary instruments where on mere denial the Sub-Registrar is obliged to refuse registration. Sir, the Honourable Pandit

Motilal Nehru mentioned to us a very curious fact that most of the documents are executed by ladies.

Pandit Motilal Nehru : A very large proportion.

Diwan Bahadur T. Rangachariar : I take it he said a very large number of documents are executed by ladies. Is that an argument why they should be dragged miles and miles away from their homes ? Does not my Honourable friend concede that it will be better for these very *purdanashin* ladies that they should have facilities for registering documents within a short distance ? The United Provinces is a very large province and I am not familiar with the locality of the various District Registrars, but I do hope that my Honourable friend will agree that these unfortunate ladies should not be put to the task of going long distances to have their documents registered.

Pandit Motilal Nehru : And allowed to be cheated.

Diwan Bahadur T. Rangachariar : That is why I have taken the modest course of recommending a permissive measure, permitting Local Governments to select and empower Sub-Registrars who, they consider, can be entrusted with this task. It is quite true that the administrative convenience is small. But take the individuals concerned. Even if one individual can benefit without doing harm to others, I say it is our duty to provide that convenience. If 12,000 people per annum can be provided with this convenience, is it a small number ? Say, even 5,000 or 6,000. Is that a small number ? The principle is merely to invest Sub-Registrars with power merely to hold an inquiry whether the executant really executed a document or not. What is the complicated action which the Sub-Registrars have to undertake ? What do the Government of the Province from which Pandit Motilal Nehru and Sir Henry Stanyon come, say ? The Judicial Commissioner of Oudh says this :

“ With reference to your endorsement, dated the 22nd October 1924, asking for opinion on the Bill further to amend the Indian Registration Act, I have the honour to say that I am in favour of the proposed amendment.”

Pandit Motilal Nehru : What does the High Court say ?

Diwan Bahadur T. Rangachariar : I will come to that. May I ask how these blessed Registrars are recruited in this province ? Are they promoted from the ranks of Sub-Registrars ? Do the Government propose to alter the law depriving Registrars of the authority to hold an inquiry into wills and authority to adopt ? Are they going to alter the method of recruitment of these Sub-Registrars ? If it is really so, then these gentlemen are incompetent to hold an inquiry into the matter of execution. I say it is high time that the Government bring up legislation to deprive them of the power to hold any inquiry. From 1867 onwards these gentlemen have been holding inquiries. They have discharged their duties satisfactorily. Has there been any complaint in the matter of these inquiries ? Have those complaints been attended to by Government ? What is the meaning of urging this argument to-day against my Bill ? Is it merely for argument ? Mr. Tonkinson nods his head and says it is merely for argument. This is a small thing and there is no compulsion on the part of any Government to introduce this measure. Can you not trust your own Local Governments to exercise this power,

[Diwan Bahadur T. Rangachariar.]

which the amended Bill gives? If the Sub-Registrars are not fit to be entrusted with these powers, then the Local Governments will not do it. It is in their hands. The United Provinces Government say, Pandit Motilal Nehru will be glad to hear it, **this**.

Pandit Motilal Nehru : They can say anything.

Diwan Bahadur T. Rangachariar : The Governor acting with the Ministers say that they have no objection to the enactment, and that there are some Sub-Registrars to whom the powers contemplated by this Bill could be safely entrusted. I do not ask the Government to empower all the Sub-Registrars. There is no inconvenience at all. On the other hand, there is likely to be some convenience. I do not claim for it any large convenience, but even if some convenience is secured, it is a great convenience to the individuals concerned. Let us look at it from the point of view of the individuals concerned, not from the point of view of the millions who inhabit this vast continent. I commend my motion for your acceptance.

The Honourable Sir Alexander Muddiman : I must confess that I should have thought a subject of this character would not have engendered such enthusiasm. It is a great satisfaction to find that the House takes such great interest in registration matters as to generate, if not heat, at any rate a certain amount of warmth. The point really is not a very large one. It is really this, that the standard of Sub-Registrars in different parts of India vary. I have not the slightest doubt, I can well take it from our Madras representatives, that the standard of Sub-Registrars in Madras is very high.

Mr. R. K. Shanmukham Chetty : All standards are high.

The Honourable Sir Alexander Muddiman : It may be so. I hope it is. My Honourable friend Mr. Tonkinson did not oppose this Bill. All he did was very properly to point out the criticisms and difficulties to which the Bill is liable. The Honourable Mover himself admitted that it will not result in **any very great administrative improvement**, though it might be of convenience to some individuals. What moves my own mind is that the Bill is a permissive one. If the Local Governments do not want to bring it into operation, they need not invest the Sub-Registrars with the authority proposed, and that is a point very well worthy of consideration by the House. No doubt the Honourable Pandit is perfectly right as regards his province; no doubt Sir Henry Stanyon is perfectly right as regards the provinces he knows best. The Local Government of these provinces will exercise their powers with due discrimination and due care. I have no doubt that there are in all provinces some Sub-Registrars who are not fit and some who are fit, and I myself should rather take the view that if this Bill may be of some benefit in some provinces, I myself must not oppose it.

Mr. President : The question is :

“ That the Bill further to amend the Indian Registration Act, 1908, be referred to a Select Committee consisting of the Honourable the Home Member, Mr. L. Graham, Mr. K. Rama Aiyangar, Mr. Chaman Lall, Mr. K. Ahmed, Mr. C. Duraiswami Aiyangar, Mr. Shambhu Dayal Misra, Sir Henry Stanyon and the mover, and that the number of

members whose presence shall be necessary to constitute a meeting of the Committee shall be three."

The Assembly divided.

AYES—47.

Abdul Mumin, Khan Bahadur Muhammad.
Abdul Qaiyum, Nawab Sir Sahibzada.
Abul Kasem, Maulvi.
Ahmed, Mr. K.
Aiyangar, Mr. C. Duraiswami.
Aiyangar, Mr. K. Rama.
Aiyer, Sir P. S. Sivaswamy.
Ajab Khan, Captain.
Akram Hussain, Prince A. M. M.
Alimuzzaman Chowdhry, Khan Bahadur.
Ashworth, Mr. E. H.
Ayyar, Mr. C. V. Krishnaswami.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Burdon, Mr. E.
Carey, Sir Willoughby.
Chalmers, Mr. T. A.
Chartres, Mr. C. B.
Clow, Mr. A. G.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Dalal, Sardar B. A.
Das, Mr. B.
Datta, Dr. S. K.

Duni Chand, Lala.
Ghazanfar Ali Khan, Raja.
Ghose, Mr. S. C.
Graham, Mr. L.
Gurner, Mr. C. W.
Hira Singh Brar, Sardar Bahadur Captain.
Innes, The Honourable Sir Charles.
Ismail Khan, Mr.
Langley, Mr. A.
Lindsay, Sir Darcy.
Lloyd, Mr. A. H.
Mitra, The Honourable Sir Bhupendra Nath.
Muddiman, The Honourable Sir Alexander.
Muhammad Ismail, Khan Bahadur Saiyid.
Nehru, Pandit Shamal.
Neogy, Mr. K. C.
Rangachariar, Diwan Bahadur T.
Roy, Mr. G. P.
Singh, Rai Bahadur S. N.
Syamacharan, Mr.
Tonkinson, Mr. H.
Vijayaraghavacharyar, Diwan Bahadur T.
Webb, Mr. M.

NOES—41.

Abhyankar, Mr. M. V.
Acharya, Mr. M. K.
Bajpai, Mr. R. S.
Belvi, Mr. D. V.
Chetty, Mr. R. K. Shanmukham.
Dumas, Mr. N. M.
Dutt, Mr. Amar Nath.
Fleming, Mr. E. G.
Ghulam Bari, Khan Bahadur.
Gordon, Mr. R. G.
Hussanally, Khan Bahadur W. M.
Iyengar, Mr. A. Rangaswami.
Jeelani, Haji S. A. K.
Kazim Ali, Shaikh-e-Chatgam Maulvi Muhammad.
Kelkar, Mr. N. C.
Lohokare, Dr. K. G.
Macphail, Rev. Dr. E. M.
Maguire, Mr. L. T.
Mahmood Schamnad Sahib Bahadur, Mr.
Majid Baksh, Syed.
Mehta, Mr. Jamnadas M.

Misra, Pandit Harkaran Nath.
Murtuza Sahib Bahadur, Maulvi Sayad.
Mutalik, Sardar V. N.
Nehru, Pandit Motilal.
Panduranga Rao, Mr. V.
Purshotamdas Thakurdas, Sir.
Ramaachandra Rao, Diwan Bahadur M.
Ray, Mr. Kumar Sankar.
Reddi, Mr. K. Venkataramana.
Samiullah Khan, Mr. M.
Sarfaraz Hussain Khan, Khan Bahadur.
Setalvad, Sir Chimanlal.
Sinha, Mr. Ambika Prasad.
Sinha, Mr. Devaki Prasad.
Stanyon, Colonel Sir Henry.
Sykes, Mr. E. F.
Venkatapatiraju, Mr. B.
Vishindas, Mr. Harchandrai.
Yakub, Maulvi Muhammad.
Yusuf Imam, Mr. M.

The motion was adopted.

The Assembly then adjourned for Lunch till Twenty Minutes to Three, of the Clock.

The Assembly re-assembled after Lunch at Twenty Minutes to Three of the Clock, Mr. President in the Chair.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, the following Message has been received from the Secretary of the Council of State :

"I am directed to inform you that the Message from the Legislative Assembly to the Council of State desiring their concurrence in a motion to the effect that the

[Mr. Secretary.]

Bill to amend the law with respect to the carriage of goods by sea be referred to a Joint Committee of the Council of State and of the Legislative Assembly, and that the Joint Committee do consist of 14 members, was considered by the Council of State at their meeting to-day, and that the motion was concurred in by the Council.

The following members of that body were nominated to serve on the Joint Committee, namely :

the Honourable the Law Member ;
the Honourable Sir Dinshaw Wacha ;
the Honourable Sir William Crawford Currie ;
the Honourable Sir Maneckji Byramji Dadabhoy ;
the Honourable Mr. Manmohandas Ramji ;
the Honourable Mr. Ramadas Pantulu, and
the Honourable Mr. Chadwick."

ALLOTMENT OF FURTHER TIME FOR NON-OFFICIAL BILLS.

Pandit Motilal Nehru (Cities of the United Provinces : Non-Muhammadan Urban) : Sir, having regard to the fact that the business of the day is not likely to be finished at the usual hour, I have just been proposing to my friend the Honourable the Home Member if it will suit Government to give us some other day for such business as is left over to-day. It will be convenient if we know at this stage what is to be done about the business which cannot be reached to-day. My proposal is that, if the Government are prepared to give us another day for any business that may be left over to-day in addition to the non-official days that have already been given, then we might break up at 5 o'clock and continue the remaining business on the day so assigned.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, as my Honourable friend knows, the assignment of extra days does not rest with me. It is a matter for a higher authority. I am, however, prepared to help the House in this manner. The House will have observed that the Government business for to-morrow is not lengthy and I am prepared to give to the House the remaining time to-morrow for the non-official business that may remain after to-day's sitting. I trust this will suit the convenience of the House. This of course is on the understanding that we adjourn at 5 or thereabouts.

Mr. President : It must be a matter of satisfaction to the House that the Government are prepared to take over the non-official business on an official day. This is a new departure for which the House must be grateful. The Chair has no objection to the arrangement agreed upon between the non-officials and the officials. So far as I am concerned, I am prepared to rise as early or sit on as long as the House desires.

Diwan Bahadur M. Ramachandra Rao (Godavari *cum* Kistna : Non-Muhammadan Rural) : I take it that the rest of the business will go over to-morrow.

THE MATERNITY BENEFIT BILL.

Mr. N. M. Joshi (Nominated : Labour Interests) : Sir, I beg to move :

"That the Bill to regulate the employment of women in factories and mines and on those estates to which the Assam Labour and Emigration Act, 1901, applies some time before and some time after confinement, and to make provision for the payment of maternity benefit, be referred to a Select Committee consisting of Mr. L. Graham, Mr. A. G. Clow, Sir Purshotamdas Thakurdas, Seth Kasturbhai Lalbhai, Mr. Devaki

Prasad Sinha, Sir Darcy Lindsay, Dr. S. K. Datta, Mr. M. A. Jinnah, Khan Bahadur Sarfaraz Hussain Khan, Mr. Jamnadas M. Mehta, Dr. K. G. Lohokare, Mr. K. C. Neogy, Mr. Chaman Lall, Mr. B. Das, Sardar Gulab Singh, Mr. T. A. Chalmers, Mr. M. K. Acharya, Mr. Mahmood Schamnad Sahib Bahadur, Mr. C. B. Chartres, Mr. C. S. Ranga Iyer, and myself, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be according to the Standing Orders."

Sir, I had made this motion for referring my Bill to the Select Committee in the last Session at Delhi. The Government of India at that time proposed that the Bill should be circulated, although, as a matter of fact, the Bill was already circulated. The House agreed to the amendment proposed by the Government of India and now we are in possession of the opinions from the different Local Governments as well as the different public bodies consulted by the Local Governments. I, therefore, think that to-day the House is in a position to consider my motion with a thorough knowledge. As the question has been discussed here once, I do not propose to take the House over the same points again. But I feel I must place before the House the views expressed by the different Local Governments and by the bodies consulted by them as well as what I think about the views expressed by these bodies. But before I quote the opinions of the Local Governments I want to make one thing quite clear and that is that the principle of my Bill is a very simple one. That principle is that the women engaged in certain organised industries should not be employed during the period of confinement, and, when the law prevents their employment, the law should also make provision for their maintenance during the period of absence. This is the only principle of my Bill that there should be a prohibition of employment for a certain period during confinement and for that period a maternity benefit should be provided. The other parts of the Bill are the details. They give the methods by which these principles should be put into practice. When I make my motion that the Bill be referred to a Select Committee, I am asking the House only to commit themselves to the principle and not to the details. I do not, therefore, propose to go into my Bill clause by clause, nor do I propose to go into the criticism of the details which the Local Governments and the public bodies consulted have expressed. I shall confine myself to the criticism that has been levelled against the principle of the Bill.

Now, Sir, reading through the opinions I find that there are only two Governments which are opposed to my Bill, and these two Governments are the Government of the Punjab and the Government of Burma. The Government of the Punjab state very clearly that in their province the number of women engaged in the industries covered by my Bill is very small. Therefore, we need not give very much weight to the opposition of the Government of the Punjab. Then there is the opposition by the Government of Burma. They also make it quite clear that in their province the number of women engaged in the industries covered by my Bill is very small and even that small number consists of Indians and therefore the Burma Government, by implication I consider, do not worry themselves very much about it. Indians are considered to be aliens in Burma. So there is opposition from the Government of Burma, but this House need not give much weight to their opposition, because they themselves say that they are not much concerned with this problem. Then there are some Governments which are in favour of my Bill and these Governments are the Government of the Central Provinces, the Government of the United Provinces, the Government of Bihar and Orissa and

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the Government of Madras. These four Governments are in favour of the principle of my Bill. I do not say they agree with every detail of my Bill, I only claim that they are in favour of the principle of my Bill. Sir, I think it is quite fair to these Governments that I should read a few quotations from their opinions in order to make it clear to the House that they are in favour of my Bill. The Government of the Central Provinces state :

“ The opponents of the Bill go on to emphasize the practical difficulties in the way of administering the provisions of the Bill. At the same time there is a very general feeling that the main object of the Bill, as set out in the Statement of Objects and Reasons, is one which must command the adherence of every one who has the interests of the workers at heart.”

And they say many of the employers welcome the Bill; not only the employees themselves, but many employers would welcome the Bill without much attempt at criticism. They add :

“ It is also clear that most employers of labour realise the ultimate advantage to industry of the care of women in child-birth, and, as already reported, four large concerns now provide maternity benefit on lines of their own.”

It is quite clear that the Government of the Central Provinces is in favour of my Bill, and public opinion generally is also in favour of the principle of my Bill. Then, Sir, I come to the Government of the United Provinces. They say :

“ The majority of those consulted are in favour of the proposal, but the employing class is opposed to the compulsory contribution with which the scheme is to be financed.”

The employing class is not opposed to the principle of the Bill ; they are only opposed to a particular scheme which I have adumbrated in my Bill. That is a matter of detail. Therefore there is hardly any opposition even from the United Provinces. The United Provinces Government further state :

“ Nor is it likely that women of the lower castes will object to the medical examination if on producing a doctor's certificate they can cease work and draw maintenance.”

That is a matter of detail. Then I come to the opinion of the Government of Bihar and Orissa. They find that, while the humane purpose of the measure has commanded sympathy, the Bill has been received with considerable apprehension and subjected to criticism of the same character as against the rest of the welfare legislation of the past two years. Sir, the Government of Bihar state that from some quarters there is criticism, but they state also that this criticism is of the same character as was levelled against some of the measures brought before the Legislative Assembly and passed by the Legislative Assembly. So it is clear that, although there is some criticism in Bihar, it is of the same character as that to which much weight was not given in this House and by the Government of India. Therefore, even if there is some criticism from Bihar, I am quite sure that, even on this occasion the Government of India will treat it with the same consideration which they gave to similar criticism when their Bills were concerned. Now, Sir, I come to the Government of Madras. The Madras Government are aware that in some respects the proposed legislation may prejudicially affect the employment of women labourers, as there may be a tendency to avoid the employment of women, or to reduce their wages to compensate for the new burden. They also realise that legislation on these lines would be

difficult to work in the present conditions, as a great proportion of the female labour in this province is casual and seasonal labour. This consideration notwithstanding, the Government think a step forward should be taken and add :

“ Every one concerned recognises the principle involved and an attempt should be made to find at least an experimental method of putting it into practice. The Governor in Council would, however, prefer to see the necessary provision made by an amendment of the Factory Act rather than by a separate enactment.”

So the Government of Madras is clearly in favour of the principle of the Bill. They only suggest that instead of carrying it out in a particular way, it should be done in another way.

I have shown now to the House that these four Governments are in favour of my Bill. Then, Sir, as regards the remaining Governments, take the Government of Bombay. The Government of Bombay are opposed to my Bill in words. When they state their attitude, they say they are opposed to the Bill. But, Sir, you must remember the present character of the Government of Bombay and some other Governments such as the Government of Bengal. These Governments do not represent the people of the country ; they represent the employers.....

Mr. Jamnadas M. Mehta (Bombay Northern Division : Non-Muham-madan Rural) : Is there any Local Government which represents the people ?

Mr. N. M. Joshi : That question does not arise. Sir, the Government of Bombay at present on the reserved side consists of two of the biggest capitalists in Bombay, Indians, and two Europeans, who represent themselves as well as the European community in the country. The Governor himself may be considered to be the representative of the Conservative Party in England, naturally a representative of the capitalists. He is not the representative of the British people ; he represents a Conservative constituency and he belongs to the Conservative Party. Now Sir, if you remember this, it is quite natural that the Government of Bombay should say that they do not want the Bill ; and what is the reason given by them ? They say the evil does not exist in Bombay. Bombay is one of the most industrialised cities in this country and the Government of Bombay state that it is a heaven ; there are no evils complained of. Sir, I know something of Bombay ; I know something of the industrial conditions in Bombay, and I can state, in opposition to the statement of the Government of Bombay, that if there is any hell in this country, it is in the city of Bombay. (Hear, hear.) But, Sir, the Bombay Government, really speaking, are not opposed to my Bill. The truth was blurted out somehow, and they state this in one of their letters to the Government of India :

“ The Governor in Council sees no objection to giving facilities to a factory woman after her confinement by granting her leave with wages for a period not exceeding 4 weeks provided she undertakes to return to the factory at the expiry of that period.”

Sir, what is the principle in my Bill ? Leave with pay. They say they have no objection to that principle. They are willing to accept that principle ; so after all the Government of Bombay are not so much opposed to the principle of my Bill. Then, Sir, I want this House to remember also a few facts as regards the Government of Bombay. The Government of Bombay and the Government of India have published certain opinions on this Bill, and the House will get a very clear idea of the

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impartiality of the Government of Bombay if it looks into the opinions printed here. The opinions of the bodies such as the Chamber of Commerce, the Indian Merchants' Chamber, and of the capitalist bodies are printed in full, while the opinions of bodies like the All-India Trades Union Congress and, the Social Service League, who are in favour of this Bill, are given three or four lines only. This is the impartiality of the Bombay Government in this matter. Leaving that aside, the Bombay Government while putting their view and the view of the Presidency before the Government of India do not state that the Legislative Council of Bombay had passed a Resolution in favour of the principle of my Bill. If the Legislative Council of the Presidency passes a Resolution in favour of the principle of my Bill, certainly the public opinion of the Presidency is in favour of the principle of my Bill, and if the Bombay Government are opposed to it, they certainly do not represent the people in the province.

Pandit Shambhu Dayal Misra (Central Provinces Hindi Divisions : Non-Muhammadian) : Who ever said they did ?

Mr. N. M. Joshi : Very good, if you do not think they do, you are quite right.

Then, Sir, I come to the Government of Assam. The Government of Assam state that in their province the tea industry has already got in existence schemes for maternity benefit and therefore they do not want the Bill. I was quite glad to hear from them that in their province most of the tea gardens have already adopted schemes for maternity benefit ; and, Sir, if the province has got schemes for maternity benefit, I do not know why the Government of Assam should object to my Bill. This is what the Assam Government state :

“ With the object of the Bill, this Government as well as all those who have been consulted are in the fullest sympathy, but whether the measure as drafted is calculated to further these objects is another matter. His Excellency in Council is satisfied that on the vast majority of tea gardens in this province benefits generally in excess of those provided by the Bill are already enjoyed by female labourers and shares the apprehension freely expressed that the enactment of the Bill might result in a reduction of the generous maternity benefits now enjoyed to the minimum which would be prescribed by law.”

Thus, they state that the employers are giving maternity benefits very generously. They state that if we pass a law, the nature of these generous employers will undergo a vast change ; they will cease to be generous. I do not understand the reason. If the Legislature passes a certain law making it compulsory, those who are already giving it will continue to give it, but those who are not giving it will be compelled to give the maternity benefit. I do not know why that should be a reason for the good employers being less generous. I think the Government of Assam are very unfair to the employers in Assam. The employers in Assam really have got much better hearts than the Government of Assam think they have. After all, legislation is intended not to compel the good employers to give maternity benefits, because they are already giving them, but to bring the bad employers into line with the good employers. Legislation in a matter like this is intended to protect not only the employees but the good employers also, and I cannot really understand the attitude of any Government which opposes legislation on a ground like this. After all, the employees cannot have much confidence in bad employers, and therefore, there must be legislation to protect the employees and the good employers from bad employers.

Then, Sir, I come to the Bengal Government. In Bengal also there is a great deal of support for my Bill, but the Government state that on account of various circumstances they oppose my Bill :

“ All express sympathy with the motives of the Mover ; the Bengal Mahajan Sabha offers no criticism on the Bill as a whole, but gives views as to the manner in which employers should be required to contribute to the scheme ; the Marwari Chamber of Commerce approves of the Bill with high appreciation ”

—great credit to the Marwaris of Calcutta—

“ the Chief Inspector of Factories approves generally of the provisions of the Bill,”

—the Chief Inspector of Factories, mind—

“ but suggests certain modifications and additions ; the Chittagong Chamber of Commerce opposes the Bill without assigning reasons ”

—that is just like capitalists—

“ and the rest oppose the Bill on the general ground that it would be unworkable, the Bengal Chamber of Commerce among these suggesting legislation to a different effect.”

Sir, I can understand the Bengal Chamber of Commerce saying that it sympathises with the object of my Bill but that they want legislation of a different kind. Sir, if the Bengal Chamber of Commerce brings forward legislation in the Legislative Assembly while my Bill is going through the different stages, I shall certainly consider whether their Bill is a much better one or an improvement upon my Bill or not. But they need not, as they sympathise with the objects of my Bill, ask me to wait till they introduce a Bill and not move for this Bill being referred to a Select Committee. As they sympathise with the objects of this Bill, let the Bill be sent to a Select Committee and in the meanwhile they can propose their scheme to the Select Committee.

Now, Sir, this is the summary of the opinions of the different Governments. I shall only say a few words as to the general objections to the principle of the Bill. I do not wish to go into details. There are a few general objections to the principle itself. One gentleman, Mr. Holme from Burma, objects to the principle itself. He says that Government ought not to take up this responsibility of providing maternity benefits. He says it is the duty of the husband to provide for the wife during the period of confinement. Now, Sir, this gentleman belongs to the I. C. S. and if he really believes in this principle, I would like him to write to the Government of India not to give passages to the I. C. S. officers to bring their wives and children to India and to take them back to England. If the I. C. S. members want their wives with them, it is certainly their responsibility to bring them here with their money (Hear, hear) and to send them back to England with their money, and as long as they have not done it, I do not think this House need give any weight to an argument like the one used by Mr. Holme of Burma. Moreover, Sir, the Government of India themselves have accepted my principle for the middle class employees. The Government of India have got a rule providing for privilege leave with full pay for their female employees during the time of confinement. Of course, these employees belong either to the superior services or to the subordinate service, which are manned by middle class women. This is the rule. (*A Voice* : “ It is a long chapter.”) I need not go into the whole of it. I do not think the Government of India will question my statement that they have got a rule providing leave with pay to

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their female employees of the superior service as well as of the subordinate service, and even the Government of Bombay have made a rule following the Government of India in this matter. The only thing is that when it is a question of the superior class or the middle class, this necessity is felt, but it is not felt when you are considering the case of the poor working class people. Sir, another gentleman, an I. C. S., Mr. Stevens from Bengal, objects to the principle of the Bill and he says that the working class people do not want more money, and that amongst working class people, men, women and children can work if they like. Sir, again this gentleman belongs to the I. C. S. class and I ask Members of this Assembly, I ask Mr. Stevens—unfortunately he is absent—whether the wives and children of men belonging to the I. C. S. cannot work if they like to work. Certainly they can work if they like to work. But they do not like to work. In the same way women belonging to the working class may not like to work, if they can afford not to work. Sir, an argument like this need not deter the Assembly from sending this Bill to a Select Committee.

Then, Sir, I have already answered the argument that if you pass legislation the generosity of the employers will be stopped. I do not think that will be stopped. Then the argument used by the Government of Bombay is that there is no evil to be remedied, the working class people in that province are very well off, the women do not work during the period of confinement and therefore nothing need be done. But, Sir, in that very Presidency,—I am reading from the Indian maternity benefit schemes, from the bulletin published by the Department of Industries—schemes are mentioned in this bulletin wherein a number of women get the benefit of these schemes.

If the evil did not exist and if the women did not really require any help certainly these schemes would have failed. But you will read from the bulletin published by the Government of India that in about two years in one mill 65 women got maternity benefits, in another mill 20 women got maternity benefits, in a third mill 22 women, in the Standard, Swadeshi, Tata and Bombay United Mills 136 women got maternity benefits. When these schemes are put into practice and carried out you will see that there is a great need for them.

Now, there are one or two arguments not very important, but unfortunately I have to deal with them. One is that if we begin to give maternity benefits to women, then the employers will not employ women. Sir, that argument has been answered by some Governments, especially, the Central Provinces and the United Provinces Governments. If there is a need for the labour of women in industries, the employers are not going to forego the advantage of the labour of women simply because such labour will involve a burden of one rupee in a thousand rupees. The employers know their own business very well and I am quite sure that they are not going to exclude women from employment if it is to their profit to employ them. Moreover, it is quite possible to frame a scheme of maternity benefits in such a way that there will be no temptation for the employers to exclude women. If you throw the burden of the maternity scheme upon the whole industry, when that industry bears the burden there is no temptation to the employer to exclude women from their employment. Then the employers will naturally say that they have already borne the burden and why not employ women. Therefore it is a matter of merely framing a suitable scheme and this defect will be prevented. Some say that the difficulty of medical inspection is very

great, that in India women do not like to be inspected by men doctors and that it is not possible to provide women doctors in a very short time. But, Sir, I want the Honourable Members of this House to go through the provisions of my Bill attentively. There is no obligation either upon Government or upon the employer to find a medical certificate for the woman. The responsibility of securing a medical certificate rests upon the woman employee. If she cannot get a certificate she loses the maternity benefit and neither the Government nor the employer will suffer in any way. As a matter of practice I may tell you this that some maternity schemes have been tried in Bombay in many mills during the last 3 or 4 years and in those mills no difficulty has so far been seen or experienced as regards this medical inspection of which the Government of India and some of the Local Governments make so much. When the women know that the receipt by them of maternity benefit depends upon their securing a medical certificate those who want to have maternity benefit will secure the required certificate and if they cannot secure any such certificate neither the Government nor the employer suffers anything ; on the contrary the employers gain something. Therefore, let us not make much of this difficulty.

Then, Sir, some of those people who have expressed their opinions state that even the working classes will not appreciate the benefits of my Bill. I do not know where they learnt this from. There are some organisations of the working classes which have expressed their opinions and they have been printed here. Every one of them is in favour of my Bill, and I do not know where those gentlemen found that the working classes will not appreciate the benefits of my Bill. I ask Members of this House whether there will be any working class people in any part of the world which will not appreciate the benefit of a measure like this where they stand to gain substantially by this enactment. But, Sir, these Governments are the trustees of the masses and the working classes of this country, and they are the only people who can express the minds of the working classes and they say that, if you offer some amount of money to the working classes, they will not like it, they will not appreciate the benefit and they will throw stones at you. Sir, I wish to say one thing. Even if the working classes, taking it for granted, do not appreciate the benefits, is it a reason why we should not enact a measure if it is a good measure ? I know, Sir, that in England as regards the employment of children, some of the working classes threw stones at their leaders who suggested legislation for increasing the age of employment for children, but that did not prevent either the British Government or the leaders of the labour movement in England from proposing those measures and adopting them. Sir, I do not wish now to go through any more of the objections to the principle of the Bill.

There are some criticisms of the details of the Bill. I may at once state that I do not claim that my Bill is perfect. I have tried to frame as good a Bill as I could and there may be defects. I am not an expert in drafting and it is quite possible that there may be some defects in my Bill. What I claim is this that the principle of my Bill is very sound, and if there are any defects in the Bill I have not left them intentionally, and they may be removed when it goes to the Select Committee. Therefore, all the criticisms of the details of the Bill need not, therefore, be considered at great length by us here. But I shall only touch upon these criticisms very briefly. Some object to the scope of the Bill. They say

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that the measure should not be applied to the mining area, that the measure need not be applied to the tea gardens. Sir, it is a matter of detail. If the Select Committee thinks that the Bill should apply only to factories and need not be applied to mines or to tea gardens, it is open to the Select Committee to fix the exact scope of the Bill. There is nothing to prevent the Select Committee from omitting either mines or the tea estates from the scope of my Bill. Therefore, Sir, a criticism like that need not deter us from passing my motion. Some object to the length of the period. I have suggested that the prohibited period should be six weeks before confinement and six weeks after. Some people may suggest three weeks before confinement and three weeks after, or some other figure. It is open to the Select Committee to put down any figure they like. It is open to the Committee to put down one figure for the period before confinement and another figure for the period after confinement. Therefore, a criticism like this is a criticism only of detail. Then there is the criticism about the scheme of benefits. Some object to my scheme where I propose that there should be a Central Fund established by Government and to which the Government should have power to ask the employer to contribute. If the Government of a particular province or if some section of the Members of this House want that the whole contribution should come from Government let the Select Committee decide that way. I shall not be opposed to it. It is not to my interest to oppose a recommendation like that. It will be the business of Government to consider whether such a scheme is good or not. But I want maternity benefits and I do not care how they are given. That all depends upon the Select Committee. I have made my proposal. If the Select Committee does not like my proposal it is open to them to make any other proposal of their own.

Then, Sir, there are also some defects pointed out, such as that women may seek employment elsewhere and work during the prohibited period. It is quite possible that some women on account of extreme poverty may seek employment even after getting the benefit, but if you take ordinary human nature into consideration a woman in her seventh month or ninth month of pregnancy or in the month of confinement is not likely to seek employment in a factory or in a mine when she gets sufficient maternity benefit. If she is poor she will certainly prefer some kind of work and sacrifice her health. That is a matter of poverty. But if some people are anxious that there should be a provision in the Bill prohibiting this practice on the part of some women which they consider they would follow, we shall be quite glad to have a provision like this in the Bill. Some say that if you offer maternity benefits and do not provide that the women should be working in the industry for some period, women may join industrial work after they become sure that they are eligible to maternity benefits. If you are going to provide against this kind of difficulty you can certainly do it in the Select Committee. Sir, these are some of the criticisms of the details of the measure. I do not wish now to go any further into the criticism of these details.

Then, Sir, there are some Local Governments who state that there should be maternity schemes, but they should be voluntary and not introduced by legislation. I have dealt with this point before in my speech and I think the voluntary system throws burden upon the good employers and if good employers have already introduced voluntary systems, and

they have been introduced, it is the business of Government to protect the good employers against the bad employers. I therefore think that a voluntary system has already been introduced in the country and now at least if not for the protection of the employees, at least for the protection of good employers Government should pass this measure.

Lastly, Sir, there are some people who think that this legislation has been introduced, as I have stated in my Statement of Objects and Reasons, to bring India into line with the advanced countries in the world. That is one of my objects and I do not conceal it. A maternity benefit Bill is useful for the working class people in our country and if we pass a maternity benefit Bill it will also be useful for the working classes in other countries. Employers in Bombay, especially in the textile industry, know very well how the labour conditions of one country affect the labour conditions of another country.

Pandit Shamlal Nehru (Meerut Division: Non-Muhammadan Rural): Have they got a Bill like this in other countries?

Mr. N. M. Joshi: In several other countries. In England and in Italy, they give maternity benefits and there are several other countries. I have got a list given here in one of my books. I do not wish to take up the time of the House by reading that list. There is nothing wrong in our coming into line with the advanced countries. On the contrary I think it is absolutely necessary for the protection of the working classes in our country as well as abroad that the various parts of the world should come into line with each other. Otherwise on account of the competition prevailing in different countries, the working classes of the whole world will suffer. That has been the experience of the world now and it is on account of that fact that in the Treaty of Versailles a provision has been made for the International Labour Conference. Sir, therefore, when people try to ridicule me when I state that one of the objects in bringing forward this legislation is to bring India into line with other countries, I am not ashamed of it. On the contrary I think even a good nationalist will have to be somewhat of an internationalist. I therefore think that my Bill deserves great support from the Members of this Assembly and I have made it amply clear that public opinion in the country is generally in favour of the principle of my Bill. I hope, Sir, that the House will accept my motion.

Sir P. S. Sivaswamy Aiyer (Madras: Nominated Non-Official): I rise to support the motion of my Honourable friend, but I must add, that my support is a qualified one. The object of his Bill is one which must command the sympathy of all. If I welcome his measure as a humanitarian piece of legislation, it is not that I am unaware of the numerous defects of the Bill, defects of drafting and, what is more serious, defects of substance. The Bill can hardly be understood without reference at least to half a dozen other Acts. The evils of referential legislation have often been referred to and it is needless for me to dwell further upon that defect. It is one which can easily be remedied in the Select Committee. The defects of substance are far more important and I must say that the Bill fails to grapple with the difficulties which surround the subject.

The circulation of the Bill has led to one useful result in that it has drawn pointed attention to the numerous difficulties which beset the subject. Most of these objections are not in my opinion insuperable. There is one kind of criticism directed against the Bill and that is that it

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savours of paternal legislation. That is a kind of criticism with which we were very familiar in the latter half of the last century. It is a criticism which came usually from the advocates of the Manchester School in the Victorian period, but we have far outlived those days. The whole trend of modern legislation is towards collectivism and towards legislation for social welfare. I do not consider it a serious objection to this measure that it aims at such legislation. In some quarters I know the measure is viewed with very considerable annoyance and jealousy. An influential capitalist and millowner thinks that this Bill is the work of a supposed patriot and busybody, but I do not share that view at all and I think on the other hand that great credit is due to our friend Mr. Joshi for having brought forward this subject so prominently before this House. Now, Sir, the lessons which I draw from all this mass of literature which has been collected by the circulation of the Bill is this.

It shows to my mind how widely the conditions of employment differ in the different provinces and in the different industries, and how rash it would be to come to any hasty generalizations about the conditions of labour. The next lesson that I draw from this literature is that it does not enable us to arrive at any definite solutions or conclusions. While they all dwell upon the difficulties, they do not suggest any precise solution of those difficulties. But, it seems to me that, those difficulties are all of a character which can be overcome by further investigation and further consideration. Then, again, Sir, one more lesson which I draw from this literature is that the consequences of any hasty or ill-considered legislation might be the very reverse of those desired by my Honourable friend. He desires the employment of women on more generous terms. But instead of the measure leading to their being employed on more generous conditions, it may lead to the stoppage or diminution of the employment of female labour. I am sure that is not a consummation which my Honourable friend desires to be brought about.

Now, Sir, in illustration of the various difficulties which have been pointed out, I will refer to a few of those which strike me as serious and which have to be grappled with. First of all, there is the question whether this Bill should apply to agriculture, and whether ordinary agricultural estates should be brought under the definition of "estate". Then, again, there is the question whether it should apply to what has been called seasonal labour or floating labour. There is the case of ginning factories, sugar-cane crushing factories, etcetera, where the employment of labour is casual and where it would obviously be impracticable to enforce the payment of maternity benefits. Then, again, there is the question whether the prohibition of the employment of women in an advanced condition of pregnancy should be compulsory, or whether the Bill should merely aim at enabling them to claim payment of the maternity benefits. There is also the question of the agency to be employed for the purpose of ascertaining more or less accurately their condition and the period for which they are likely to require rest. One very important question is, from whom should the contributions be levied. Is it only from the factories which employ women, or also from the factories which do not employ women but employ men? Is it to be levied only from the factory owners, or is there to be any contribution by the people who are to be entitled to the benefits of this maternity scheme? That is one of the most troublesome questions which we have to consider. We have also to consider how to avoid frauds.

Women may receive benefits from one factory and go and work elsewhere. Measures have to be devised for the prevention of frauds like that. One further question is whether the responsibility for this payment should be thrown on the Government or on the owners of factories. These are all not easy questions, and they have to be tackled seriously. No solution can be offered offhand for the reason that we have not got sufficient data in the papers before us. The most satisfactory method of approaching the question, to my mind, would be for the Government themselves to undertake the introduction of a measure of this character. A strong Committee appointed by the Government with power to take evidence from different localities as to the conditions of labour and as to what may be practicable in different places and in different industries is an essential preliminary. That seems to my mind to be the most appropriate machinery for dealing with this difficult subject, and I am not sure whether Mr. Joshi's object was not really to provoke the Government to activity in regard to this matter. I would therefore respectfully point out to the Government that the subject is one which deserves their very careful attention and investigation, and would be far more appropriately dealt with by them than by a private Member. I do not oppose this motion for a Select Committee. But even if it is referred to a Select Committee, it should not prevent the Government from taking steps on their own account. Mr. Joshi's Bill may be kept in a state of hibernation while the Government are taking steps to collect the necessary data, and to determine what would be the most suitable method of conferring maternity benefits upon women employees in organized factories. While I do not oppose this proposal to refer the Bill to a Select Committee, I hope that the interval will be utilized by the Government for the purpose of appointing a Committee of their own and introducing a comprehensive measure of their own.

Mr. W. A. Cosgrave (Assam : Nominated Official) : Sir, I opposed this Bill in the last Delhi Session as being, in the opinion of the Government of Assam, unnecessary and undesirable as far as the tea estates in Assam are concerned. To-day I regret that I must oppose the motion, although I sympathise fully with the humanitarian motives which I realize have induced Mr. Joshi to introduce this Bill. Now, Sir, if it is asked why I take so much interest in this Bill so as to speak on it in two consecutive Sessions, my explanation is that Mr. Joshi has mentioned in his Bill no province by name except Assam, and that according to his own figures, half the total number of 500,000 women who are to benefit or are supposed to benefit under the proposed measure are working on the tea gardens of Assam. Before, however, I try to show that this Bill is particularly unnecessary and undesirable for the Assam tea gardens, I desire to make some general remarks as regards the Bill.

Now, Sir, any one comparing this Bill with the Draft Convention concerning the employment of women before and after child-birth as adopted by the International Labour Conference in Washington in 1919 will see that Mr. Joshi has merely copied word for word sub-clauses (a) and (b) of section 3 of his Bill from clauses (a) and (b) of Article 3 of that Convention. Mr. Joshi has, however, then, proceeded to strike out a new line of his own. Instead of legislating that the maternity benefit should be provided out of public funds or by means of a system of insurance, as is laid down in the Convention, he

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proposes that this should be paid out of a maternity benefit fund to be financed entirely by the employers.

Mr. N. M. Joshi : I do not say that.

Mr. W. A. Cosgrave : Read your Bill.

Mr. N. M. Joshi : It is not in the Bill.

Mr. Devaki Prasad Sinha : That is to be determined by rules.

Mr. W. A. Cosgrave : Let me read section 7 (a) :

“ For the establishment of a Maternity Benefit Fund ; for fixing the amount of contribution to be paid.”

Mr. N. M. Joshi : It does not mean the whole contribution.

Mr. W. A. Cosgrave : It reads like that. The Convention obviously could only be applied in countries which had reached such a stage of industrial development that a system of national insurance prevailed or where industries were subsidised by the State. Mr. Joshi realising that national insurance is still impracticable in India owing to various causes, such as defective registration of births, etc., proposes to put the whole cost of the scheme on the employers. Mr. Joshi has not mentioned to us, as I believe is a fact, that Great Britain has not ratified this Convention. I understand that this Convention, upon which this Bill is based, has only been ratified by very minor powers, such as Spain, Roumania and I believe Greece, and yet Mr. Joshi asks us to come into line with the civilised world.

Mr. N. M. Joshi : Do you mean to tell me that there are no maternity benefits in England ?

Mr. W. A. Cosgrave : There are maternity benefits, but the women pay their share.

When Mr. Joshi addressed this House on this Bill last Session at Delhi, he told us that taking the total of women entitled annually to the maternity benefits as 50,000, the cost of his scheme would be about Rs. 15 lakhs per year. In other words, he proposes that each woman entitled to the benefit should receive a lump sum of Rs. 30. Now, Sir, I hold no brief for capitalists, as was suggested by some Honourable Members in the last Session, but I cannot see any justice in the present proposal that the employers in certain industries should be compelled to pay the whole cost of maternity benefits to the tune of Rs. 15 lakhs a year. If the scheme is to be compulsory, the beneficiaries should, I think, contribute part of the cost as is done in England under the National Insurance Act.

Now, Sir, looking through the paper book containing the opinions received from the various Local Governments, I have been impressed, in spite of what Mr. Joshi has said, by the almost unanimous chorus of disapproval of this Bill.

Mr. N. M. Joshi : Where do you find it ?

Mr. W. A. Cosgrave : One of the few Governments or Governors in sympathy with the Bill is the Governor of the United Provinces. Have Mr. Joshi and other supporters of this Bill studied the letter of

the Government of the United Provinces ? I would like the permission of the House to emphasise one or two paragraphs in that letter :

“ The Governor holds that women of child-bearing age might fairly be required to contribute towards the maternity benefit a small proportion of their pay. If such women were not employed in factories, they would normally have to lay aside savings for the expected confinement and there is no reason why they should be exempted from thrift merely because they prefer employment at home or in the fields. The proportion of maternity benefit payable by the State, the employer and the worker differs in different countries and after a general review of the subject the Governor advises that the burden be placed in equal parts on the employer and the wage-earner.”

There is in the same letter another very important paragraph in reference to this matter which I would like to quote. I think the point has already been raised by Sir Sivaswamy Aiyer :

“ Mr. Joshi has not explained in the Bill whether all industries would pay contribution or only those employing women. If the contribution is fixed on each factory according to the number of women it employs, it is fairly certain that employers will cease to employ women and women will be the losers. On the other hand, it seems unfair to burden the employers who employ women.”

I venture to sound a warning note—and it has already been sounded by Sir Sivaswamy Aiyer—that if Mr. Joshi on account of his humanitarian intentions prevents the employment of women, he may, by reducing the earning capacity of families, increase the poverty of the coolie classes. I know that he may argue that no harm will be done if women cease working in coal mines or in factories. Perhaps, however, even Mr. Joshi will admit that women of the coolie class do not suffer much hardship in doing outdoor work. I presume that this is the reason why he has made no provision in his Bill for the numerous coolie women doing earthwork under contractors on roads and railways. According to sub-section (c) of Article I of the Convention, he should have legislated for women employed on such works. Now, Sir, this brings me to the question of the Assam tea gardens which, as I have said before, employ nearly half the total number of 500,000 women, to whom Mr. Joshi's proposals would apply. Mr. Joshi in his visit to Assam last year must have seen that by far the greater part of the work done by women on the tea gardens is essentially of an agricultural nature. The few coolie women employed inside tea factories in Assam are of course regulated by the conditions of the Factories Act. They are mostly expectant mothers or mothers with very small infants who, being considered unfit for outdoor work especially during the rains, are given light work, such as sorting tea stalks or sweeping tea leaves. The great majority, however, of the 250,000 coolie women employed on the Assam tea gardens are agricultural workers employed in the open air. Now, Sir, Article 3 of the Convention, part of which as I have said before, Mr. Joshi has adopted word for word in section 3 of his Bill, clearly applies only to industrial or commercial undertakings and according to Article 1 it is left to the competent authority in each country to define the line of division which separates industry and commerce from agriculture.

Mr. N. M. Joshi : May I interrupt the Honourable Member and give him a piece of information ?

(Mr. Cosgrave did not resume his seat.)

Mr. President : The Honourable Member does not wish to give way.
Mr. Cosgrave.

Mr. W. A. Cosgrave : If this division has not been already carried out by the Department of Industries, I submit that the division has already been carried out as far as the tea estates are concerned by the Board of Central Revenue. Now, Sir, only 25 per cent. of the profits from tea gardens are assessable to income-tax, the remaining 75 per cent. being exempt as income from agriculture. If Mr. Joshi argues that the Board of Central Revenue is not a competent authority or in other words is incompetent, I leave him to fight this out with my Honourable friend Mr. Lloyd.

Now, Sir, apart from the work done by women on the Assam tea gardens being mainly of an agricultural nature, there is another strong argument against Mr. Joshi's Bill being applied to the tea gardens of Assam. That argument, which Mr. Joshi has heard before from me, is that the maternity benefits already given voluntarily by the great majority of the Assam tea gardens are much superior to those proposed by Mr. Joshi in his Bill and do not involve the complicated procedure (*Mr. A. Rangaswami Iyengar :* "Why do you oppose it then?") apparently contemplated by him. Both the Assam valley and the Surma Valley branches of the Indian Tea Association guarantee a minimum maternity benefit of three months' full pay, but many tea estates give even more liberal benefits. Of course, it is only natural that the tea estates in the Upper Assam districts which obtain the highest prices for their high grade teas can afford to give more generous concessions than concerns which are not so prosperous. I understand that in the concern of my Honourable friend Mr. Chalmers—of course he is a proprietor,—the maternity benefit is four months' full pay, working out to about Rs. 38. Now, Sir, even if my Honourable friend Sir Purshotamdas Thakurdas manages to stabilise the rupee at 1s. 4d., the benefit paid by Mr. Chalmers is considerably higher than the maternity benefit of 40s. paid in England under the National Insurance Act of 1924. Relatively it is really much higher, as the 40s. paid in England is little more than two weeks' pay, whereas the benefit given by Mr. Chalmers is four months' pay. Now, Sir, I do not want to hit from behind Mr. Chalmers whom I have just quoted. I see that he has gone out. What I was going to explain to this House is that, although the maternity benefits paid on Mr. Chalmers' own estate are very good, Mr. Chalmers must not be regarded as a unique tea planter or a super-philanthropic employer. Like Mr. Henry Ford in America, Mr. Chalmers and other employers in Upper Assam pay well, because they know it pays them well to pay well. When I spoke last Session on this subject I gave details of maternity benefits paid by some of the big Assam gardens. Now, Sir, to emphasise my point that Mr. Chalmers is not unique in the maternity benefits which he pays and that that is not the reason why he is in the Assembly, I desire to state the benefits paid by some Companies whose estates I personally inspected from time to time as an *ex-officio* Inspector of Labourers. If Mr. Joshi likes, I can refer to the reports of the previous debates. If he likes, I can read them out. I see he wants me to read them out. (*Several Honourable Members :* "No, no.") I know that certain companies pay most liberally and I would like to add to what I said last time on that point that the Consolidated Tea and Lands Company Ltd., with their allied companies, whose agents are Messrs. James Finlay and Co., of Calcutta, who own many of the biggest estates both in Sylhet and the Assam Valley, give the following terms : 3 months' leave on full pay ; a bonus of Rs. 5

on the birth of a child and another Rs. 5 one year after the birth if the child is produced and found in good condition. Now, Sir, I gladly take this opportunity of expressing my regret to Messrs. James Finlay and Co., that in my speech during the last Session I unwittingly understated the maternity benefits granted by this great Company, as I did not know that they had increased their benefits from the beginning of last year.

The final criticism I have to make is that Mr. Joshi's Bill makes no provision for the machinery by which the benefits are to be paid. It is left to Local Governments to make rules for this most important work of all. Now, Sir, many of the Assam tea estates are 40 or 50 miles from district or sub-divisional headquarters and far away from any railway station or steamer ghat. Does Mr. Joshi wish the unfortunate beneficiaries to travel all the way to the nearest Government *katcheri* or will he trust the estate managers to disburse the benefits already paid by them to the fund controlled by Government. If he presses for the former line of action, apart from the physical hardships for women in delicate health, a large proportion of the benefit will inevitably be swallowed up in travelling expenses. If, on the other hand, he wishes the money to be disbursed by the estate managers, why not let the present system of voluntary maternity benefit continue as the Assam Government suggest? I see Mr. K. C. Roy Chaudhuri, the representative of Labour on the Bengal Council, informed the Bengal Government that from inquiries which he made in the jute mill and coal mining areas he gathered that the workers will prefer to draw benefits direct from their respective employers. Mr. Roy Chaudhuri has expressed himself as opposed in the interests of labour to the distribution of benefits by Government officers. If this is the case in jute mills and coal mines, where labour is concentrated in comparatively small areas, how much more is it the case in the tea gardens of Assam scattered over wide areas with most difficult communications?

To sum up, Sir, while I desire again to sympathise with Mr. Joshi's humanitarian methods and motives, I consider that his present Bill is nebulous and premature and I consider that it is particularly unnecessary and unsuitable to the province of Assam.

The Honourable Sir Bhupendra Nath Mitra (Industries Member) : Sir, on behalf of Government I am compelled for practical reasons to oppose Mr. Joshi's motion to refer his Maternity Bill to Select Committee, and I do so with the greatest regret. That being the position, it is due to the House that I should give it the fullest explanation of my attitude in the matter. The opinions which have been received on Mr. Joshi's Bill reveal a considerable amount of sympathy with the humanitarian considerations underlying his Bill, and, if I may say so, Mr. Joshi has misinterpreted that sympathy as a support of the principles of his Bill. The Government of India share the sympathy in the fullest degree. They readily admit that any practical measure designed to secure a reduction in the infantile mortality in the country generally, or among a particular section of the community, is a fit object for the expenditure of public funds from whatever source they may be derived. At the same time, there is no doubt, and I am pretty certain that it will be admitted by this House, that such a measure is only one of the items in the various nation-building services,—sanitation, education, improvement of facilities of wage earning, etc.,—in regard to

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which India is still far behind the principal countries of the world. In determining the order of priority of expenditure on these various items from public funds, by whatever source they may be raised, the Government of India must

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therefore be guided by the conditions prevailing in India, and not by action taken in other countries, and also, it follows as a corollary, by the opinions of Local Governments. In spite of what Mr. Joshi has said to the contrary, and he has already been contradicted by Mr. Cosgrave, my Honourable friends must have realised from a perusal of the papers circulated to them that the opinions received from the Local Governments show that the evils which Mr. Joshi seeks to remedy by the enactment of his Bill do not exist in India generally speaking, and that the large majority of the Local Governments are therefore distinctly opposed to the fundamental principles of Mr. Joshi's Bill. Nor is there any evidence that there is a considerable feeling on the part of the general public all over India that the measure which Mr. Joshi advocates is a matter of pressing urgency for India. The fact that Mr. Joshi has introduced this Bill has been known to the public for over a year; but, excepting a Resolution passed by the Bombay Legislative Council, a year ago, I am not aware of any Resolutions on the subject having been brought before the provincial Legislative Councils. Mr. Cosgrave has also referred to the opinion given by Mr. K. C. Roy Chaudhuri, another representative of labour and Mr. Joshi's prototype in the Bengal Council. Mr. Joshi interjected: "Is he opposed to the principles of the Bill?" I shall quote the concluding portion of his opinion: He says:

"I am inclined to think as a first step employers should be induced to start maternity benefit funds on voluntary principles."

That constitutes the whole difference. One of the fundamental principles of Mr. Joshi's Bill is compulsion, and Mr. K. C. Roy Chaudhuri rightly, under present conditions, advocates a voluntary system. (Mr. Joshi made a remark from his seat which was inaudible at the reporters' table). I leave the House to come to its own conclusion about Mr. Roy Chaudhuri's views on the subject. I have quoted from his opinion.

The fundamental principles of Mr. Joshi's Bill, as I read them, are as follows:

Firstly, the prohibition of the employment of women in factories and mines and certain classes of agricultural estates,—which Mr. Joshi has still failed to define—six weeks after confinement: the grant to them of a right to leave work six weeks before confinement on production of a medical certificate; and the protection from loss of employment during such absence of work.

Secondly, the grant of maternity benefits sufficient for the full and healthy maintenance of the woman and her child during the period of such absence.

Thirdly, the payment of maternity benefits by the Local Government from a fund to be established by the Local Government, the money necessary for this purpose being raised by the Local Government by levying contributions upon the industries covered by the Bill in the form of a small cess on the products of the industries, or in some other convenient form to be decided by the Local Government. Mr. Joshi

a little while ago repudiated his third principle. I am pretty certain the House will agree with me that the provision of finance for the measure must be a fundamental principle of the Bill. Mr. Joshi also interjected when Mr. Cosgrave was speaking, that the levy on industries was not the only measure he recommended. Now, Sir, I shall refer you to clause 7 of the draft Bill. It says every Local Government shall make rules :

“ for the establishment of a Maternity Benefit Fund ; for fixing the amount of contribution to be paid to it by each factory or mine or estate ; ”

There is nothing said about other sources from which the money is to be obtained. If this is going to be a legislative measure, I can only assume, as Local Governments have assumed, that the sole source from which Mr. Joshi desires to derive his funds is contributions to be paid to a central fund by each factory, mine or estate ; and the matter is made perfectly clear in his Statement of Objects and Reasons. I shall quote from the Statement of Objects and Reasons :

“ The money necessary for this purpose is to be raised by the Local Government by levying contributions upon the industries covered by the Bill,”

Then come this :

“ in the form of a small cess on the products of the industries, or in some other convenient form to be decided by the Local Government.”

Those are the two alternatives. In either case the contribution is to be levied upon the industry. Mr. Cosgrave therefore is perfectly right when he refers to that aspect of the Bill.

Mr. Joshi has left it to the Local Governments to work out details about the amount of the benefit ; the levy of contributions from employers ; and the machinery for the collection of the contributions, the distribution of the benefits, and the management of the fund. In spite of what Mr. Joshi has said to the contrary, it is evident from the opinions that the majority of the Local Governments have strongly objected to the Bill. Bombay hold that there is no need for any legislation at present to give effect to Mr. Joshi's first principle, as their investigations have shown that female operatives in the Bombay mills do not return to work within six weeks of child-birth, and very few women work during the last months of pregnancy, and they consider that a reasonable amount of active life for a pregnant woman is beneficial rather than the reverse. Bengal express a similar opinion with regard to industries in that province, which also is based on the results of investigations ; and the same view is taken by some other Local Governments. In regard to Mr. Joshi's second principle, Bombay hold that the conditions which would justify the grant of the maternity benefit are non-existent in that province. Bengal expressed a similar opinion, except that they consider that some form of maternity benefit would be justified in the case of the jute industry, though they hold that such maternity benefit should be given in kind and not in money. Both Bombay and Bengal also object to Mr. Joshi's third principle, which they rightly observe goes far beyond the convention of the Washington Conference of 1919. Punjab, Burma, Bihar and Orissa, Central Provinces, and Assam also oppose the Bill as unnecessary and undesirable. Almost all the Local Governments have drawn attention to the practical difficulties in the way of administering the provisions of the Bill—difficulties of management, disbursement and assessment,—which in their

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opinion it would be impossible to overcome. Some of them go so far as to say that the Bill, if passed, should not be applied to their provinces under present conditions, or alternatively, that it should be applicable to different provinces only on notification by the Governor of the province, issued with the approval of the Government of India. Several Local Governments express the opinion that if it is decided to undertake legislation on the lines of Mr. Joshi's Bill, it will be impossible to administer the benefits through State agency ; and several of them also express the opinion that for many years to come the welfare of women workers before and after child-birth should be the subject of voluntary charitable systems organised by employers, etc. Madras and the United Provinces are the only Local Governments which seem to support some of Mr. Joshi's fundamental principles. Madras, however, realise that legislation on the lines of Mr. Joshi's Bill would be difficult to work in the present conditions, as a great portion of female labour in the province is casual and seasonal labour ; and they hold that it is impracticable to entrust Government with the management and distribution of the benefits. The United Provinces do not accept Mr. Joshi's financial arrangements, and they object to the extension of the provisions of the Bill to agricultural estates. It may interest and impress the House if I were to give them some account of the investigations which have led the Bombay Government to conclude that it is not necessary at present to undertake legislation to give effect to Mr. Joshi's first principle, as the evil which it is intended to eradicate does not exist to any appreciable extent. A full account of the investigations is given in last December's issue of the *Bombay Labour Gazette*. The lady investigators of the Bombay Labour Office questioned 183 mill women who had given birth to children ; and they found that about 85 per cent. of these were absent from their work for a period of one month or more before delivery, and that 95 per cent. of them were absent from their work for a period of one month or more after delivery, 91 per cent. being absent for a period of two months or more after delivery. The finding.

Mr. N. M. Joshi : May I ask the Honourable Member one question ? In Bombay there are some mills where there are maternity schemes and in those mills women will not work for that period. I want to know whether the Honourable Member has made sure whether those figures are not obtained from those mills ?

The Honourable Sir Bhupendra Nath Mitra : These statistics have been collected by the Bombay Labour Office with reference to certain investigations conducted *generally*, and if they had been vitiated by the factor referred to by Mr. Joshi, the Labour Office would undoubtedly have brought it out in their report.

The finding in regard to absence after delivery is precisely what one would expect in India generally, having regard to the social customs prevailing among various communities and in various parts of the country, and to the proverbial affection of the Indian mother for her offspring. In regard to absence before child-birth, Honourable Members are no doubt aware that even in England there is no legal restriction on the employment of expectant mothers, apparently because the view held by authorities there, backed by expert medical opinion, is the same as that held by various authorities in India, namely that a reasonable amount of work is good for the expectant mother. In this connection it would not be

inappropriate for me to quote the following passages from an English book on the health of the industrial worker, written by two members of the Industrial Research Board (Messrs. Collins and Greenwood) :

“ Woman throughout the centuries has been accustomed to physical labour, at least as onerous as that of modern industry.”

“ The International Labour Conference held in 1919 at Washington recommended that woman should not be employed for six weeks before and six weeks after child-birth, and should be paid full wages during this time ; but at present there is no restriction (that is, in England) on the employment of pregnant women and the custom for them has been to continue at work right up to the time of confinement. A reasonable amount of active exercise for a pregnant woman is beneficial rather than the reverse. Lighter work should be found which after the seventh month should be of a sedentary character.”

Of course, Mr. Joshi who interjected a little while ago, will be disinclined to accept any official statistics. I shall deal later on with the question of the possibility of securing statistics through other than Government channels. But I wish to make one observation with reference to what fell from my friend Sir Sivaswamy Aiyer, namely, that investigations of the class which he advocated are being conducted in Bombay by the Labour Office from time to time ; and I believe, a Labour Office has now been established in Rangoon, if not also in Madras.

Mr. Joshi will probably ask, “ But what about the high rate of infant mortality in Bombay ? ” I have not overlooked this aspect of the question, which, as a matter of fact, has been dealt with in the Bombay Labour Gazette for November, 1924. Dr. Sandilands’ report on the public health of Bombay in 1923, in which prominence is given to the high rate of infant mortality in Bombay, shows that the rate of infant mortality is also relatively high among communities in better circumstances, like Europeans and Parsis ; and he accordingly draws the inference that it must be due to some special factor like malaria, affecting all classes, in addition to poverty and ignorance which are specially responsible for high rates of mortality in western countries. The usual poverty factor is brought out in the case of Bombay by the rates of infant mortality when taken out separately on the basis of the tenement accommodation. These show that the mortality is highest—524 per mille where the tenement accommodation consists of one room and under. It is also stated that another factor which can hardly fail to enhance the infant mortality among the more ignorant portions of the population is the practice of soothing babies by the administration of opium. This factor, however, cannot apply to an appreciable degree in the case of infants of labouring women, whose age is a month or two months, as the investigations of the Bombay Labour Office show that the large bulk of their mothers do not return to work within this period. I submit, therefore, that the measure advocated by Mr. Joshi is not likely to secure any appreciable reduction in infant mortality among the labouring classes in Bombay ; and that an effective remedy must be sought in other directions, like the provision of better housing accommodation, of education of the mother, of greater medical facilities and the development of arrangements regarding maternity centres and crèches—in short, the uplifting of poverty generally.

Mr. Joshi was probably correct when he said that in regard to conditions of living Bombay is a hell ; but Bombay is a hell not because his Bill has not yet found a place on the Statute-book, but because of considerations to which I have already referred, I am pretty certain that even if his Bill were passed by this House, those conditions will not be improved a jot.

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Mr. Joshi, however, is a theorist and an idealist. His measure has been proposed, not in reference to a demand established and recognised all over the country, not even on the basis of any detailed inquiry as to the extent to which the measure is necessary or practicable, but in order to bring the law of India into line with advanced legislation in some of the western countries. As my friend, Mr. Shanmukham Chetty, observed on another occasion in this House, Mr. Joshi's sole anxiety seems to be thrust on India an imported and misshapen commodity, irrespective of requirements and consequences. The House is already aware that the genesis of Mr. Joshi's Bill is the Washington Convention of 1919, concerning the employment of women before and after child-birth. In the Statement of Objects and Reasons Mr. Joshi has said that his Bill seeks to carry out some of the proposals contained in the draft Convention passed at the International Conference held at Washington in 1919. He proceeds to add :

"If India desires to secure her proper place among the civilized nations of the world she cannot plead her inability to treat her women workers in the way in which civilized nations are expected to do."

The particular Convention quoted by Mr. Joshi has, however, been ratified by only four countries, namely, Bulgaria, Greece, Roumania, and Spain ; and we know that it will be ratified by Hungary and Italy. The Convention has been definitely rejected by Great Britain, Germany, Austria, Switzerland and Sweden ; while Canada, South Africa, Australia, and New Zealand have so far not taken any definite action on it. In the case of France, a recommendation proposing ratification was submitted to the competent authority in April 1920, but ratification has not yet been made.

Mr. N. M. Joshi : What has that got to do with legislation ?

The Honourable Sir Bhupendra Nath Mitra : Let me proceed. It is, therefore, not correct to say that the Convention has been accepted by all the principal countries of the world. Most of the countries which have ratified the Convention were able to do so by very little change in their existing legislation. In regard to the Conventions of the International Labour Conferences generally, my Honourable friend, Mr. Shanmukham Chetty, was perfectly correct in the statement which he made in this House on the 4th February last that he had been informed by the International Labour Office at Geneva when he visited it last summer that of all the Governments which took part in the International Labour Conferences, the Government of India stand in the forefront of those that have given effect to the greater portion of the Conventions and Resolutions passed in those Conferences. India has, therefore, no cause for being reproached with backwardness in this particular direction, if she does not give effect to the particular Convention on which Mr. Joshi's Bill rests. This aspect of the matter has also been referred to by the Indian Merchants' Chamber, Bombay, which is opposed strongly to legislation on the lines of Mr. Joshi's Bill. The Government of India's attitude in regard to the Bill is based on practical and weightier grounds. This, Sir, is my complete answer to Mr. Joshi's interjection.

At the same time it is a fact that almost all the countries in Europe which have not agreed to ratify or not yet ratified, the Convention have already got legislation providing for the payment of maternity benefits ;

or,—this is important,—or else have a system of voluntary insurance funds which receive subsidies from the State and provide also for the payment of maternity benefits ; and some of them have legislative provision prohibiting the employment of women for a specified period after confinement, and also in certain cases for a specified period before confinement, though these periods are not the same as those prescribed in the Washington Convention. In Great Britain, for example, as I have already said, the law prohibits the employment of women only for four weeks after child-birth. Generally speaking, no provision prohibiting the employment of women in connection with child-birth, however, exists in the enactments of the British Dominions, nor is there any provision for the grant of maternity benefits in cash. In Australia a grant of £5 is made by the State for each case of child-birth in the Commonwealth excluding natives and Asiatics. New Zealand has a voluntary system of old age and invalidity insurance which includes a benefit of not more than £6, not in cash, but for medical attendance when a child is born to a contributor whose membership has been in force for at least one year before the birth occurs. I need hardly refer to the position in Japan. The less said about it the better ; though this much is certain that when Japan has a particular object in view, she pursues that object without paying any attention to sentimental considerations.

In England and other countries in Europe where the law provides for the grant of maternity benefits the arrangement mostly forms an adjunct to the wider system of national sickness insurance. The income of these national sickness insurance schemes is derived from contributions from both employees and employers with or without a State grant, except in France where the bulk of the income comes from public funds. It might interest the House to know that in England and in most other principal countries in Europe the national sickness insurance system, including maternity benefits on a legalised basis, is a development of the voluntary systems previously in force, and the voluntary organisations or labour unions have been utilised as “ carriers ” of insurance under the legalised system ; and this has obviated the need for Government having to establish an expensive machinery. There is therefore considerable force in the opinions of some of the Local Governments and other bodies that in India too we should make a beginning with voluntary systems.

With regard to Mr. Joshi's second principle, namely, provision of maternity benefits in cash, it is necessary that I should inform the House that even in England doubts are entertained about the efficacy of the cash allowance in securing the object for which it is granted. The money was initially intended, to quote the words of the Right Honourable Lloyd George, the author of the law of December 16, 1911, “ for the mother to help her in discharging the sacred function of motherhood, by proper treatment, fair play, so as to put an end to the disgraceful infantile mortality of the country.” But in this connection I should also like to quote the following from the speech of Mr. Benjamin Broadbent, Vice-Chairman of the National Association for the Prevention of Infant Mortality, on the “ Better Preservation of Infant Life,” delivered in 1917 :

“ Another defect in the maternity benefit is that it is peculiarly liable to misdirection and misuse. At first, when the cash was regarded as the father's property,

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the abuse of it was a scandal, and this was partially remedied by making the cash the property of the mother. But the risk of misuse remains. It is notorious that the mistaken un-selfishness of mothers leads them to feed and care for themselves last of all; even in the provision of meals for expectant mothers, precautions have to be taken lest the mothers should secrete and take away for the children at home the food that is provided exclusively for themselves. It is often so with the 30s.—*that was the amount of the maternity allowance in 1917*—“The mothers too often will not spend it on themselves: it is not a maternity benefit: it becomes just a household benefit. Besides it is well-known that in careless households the 30s. is often mortgaged—sometimes two or three times over—for house rent or some debt lightly incurred because the 30s. would pay for it.”

Mr. Broadbent advocated the adoption of the New Zealand system under which no maternity grant is made in cash, but the most helpful and experienced advice and supervision are available, with the effect that the death rate of infancy in New Zealand is the lowest in the world. I have already referred to the New Zealand system.

The chances of misuse of the maternity cash allowance in India under present conditions would be much greater than in England; and there is considerable force in the opinion of those Local Governments which advocate a system of maternity benefits in kind by the provision of medical attendance, maternity centres, clinics and *crèches*, in preference to maternity benefits in cash. The provision of benefits of the former class is essentially a matter for the Public Health Departments in the provinces working under the able guidance of their Ministers.

I shall now refer to another matter which has already been touched on by my friend Mr. Cosgrave. In certain fundamental matters Mr. Joshi's Bill goes much beyond the provisions of the Washington Convention of 1919, and this has been pointed out not only by Mr. Cosgrave but by several of the Local Governments and other authorities.

In the first place Mr. Joshi wants to extend the provisions of his Bill to certain classes of agricultural estates which he has not yet been able to define, though his object particularly is to catch in the meshes of his Bill the tea gardens in Assam and probably Bengal. The Washington Convention of 1919 concerning the employment of women before and after child-birth applied only to public or private industrial or commercial undertakings; and now I will mention a fact which will answer Mr. Joshi's interjection to Mr. Cosgrave. It is a very interesting fact. The Geneva International Labour Conference of 1921 passed a Resolution, not a Convention, recommending the extension of the Washington Convention to women wage-earners employed in agricultural undertakings. But on the 1st February 1923, this House adopted a Resolution to the effect that “legislation to secure the enforcement of the Geneva resolution should not be introduced in India at the present time”; and an amendment moved by Mr. Joshi to the effect that the Government of India should inquire and report to the Assembly what action in regard to the matters dealt with in the Geneva Resolution was necessary and practicable in the case of organised plantations in India was negatived. If we are to undertake legislation to benefit women labourers in certain classes of commercial and industrial undertakings, I admit that on grounds of equity it will be unfair to deny the same benefits to women labourers in other classes of such undertakings, and particularly to women labourers in agricultural undertakings, whose number is much larger, and whose scale of wages generally speaking is

undoubtedly lower, than that of female labourers in commercial and industrial concerns, or even to make a distinction between women labourers employed in one class of agricultural undertakings from those employed in other classes. This aspect of the question has indeed been brought out in several of the opinions we have received. The practical difficulties in the way of extending the provisions of Mr. Joshi's measure to women workers in all industrial and agricultural undertakings in India are, however, obviously so great that even Mr. Joshi has hesitated to propose any action in this direction. I submit that this fact constitutes an additional argument against undertaking legislation in a hurry to confer doubtful benefits on a particular class of women workers,—doubtful in the sense that the need for the benefit is not established and that there is no certainty that even if it is provided for by legislation it will secure the object for which it is intended. As regards tea gardens in Assam we know that maternity leave, and maternity benefits in cash and kind, are already granted by the employers; and though the adequacy of the concession was disputed by some Members of this House in the debate of the 3rd February 1925, I hold a letter from Mr. Andrews dated the 29th April 1925 in which he says :

“ Maternity benefits seem to be higher in Assam. Children in abundance are regarded as one of the greatest assets. I find that very often the large tea estates give six months' full pay to a mother who is pregnant and a bonus if the child lives over a year.”

This statement of Mr. Andrews, in whom my friends on the other side of the House have a certain amount of confidence, fully supports what Mr. Cosgrave has said.

In the second place, Mr. Joshi's Bill provides that the cost of the maternity benefits should be met solely from contributions levied on the employers. The Washington Convention, on the other hand, provided that the maternity benefit in cash should be met from public funds, or by a system of insurance, following in this respect the arrangements already in force in certain countries of the world. The objections to Mr. Joshi's proposals in the present depressed state of industries in India are obvious. If under present conditions we compulsorily levy on industries a cess of any considerable magnitude it is pretty certain that the employer will pass its incidence on to the labourer by a reduction in wages; and the result will generally be to confer a benefit on the labourer who works in a mill, etc., together with his wife, at the expense of a labourer who himself works in a mill, etc., but who keeps his wife at home and maintains his family solely from his earnings supplemented by anything which his wife can contribute from less remunerative work—agricultural or otherwise. Surely the latter stands more in need of relief than the former.

Of course, Mr. Joshi cannot produce any estimate of the cost of his measure, and I admit that no estimate is possible of the cost of a badly worked out scheme like Mr. Joshi's, or even of a more fully developed scheme, in the absence of certain data which we do not yet possess. In his speech in this House on the 3rd February 1925, Mr. Joshi estimated the cost of his proposals as involving a levy of .1 per cent. on the value of production of the industries. This however referred only to the cost of the cash maternity benefit; and even so, it was based *firstly*, on a hypothetical assumption about the value of the production of

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the industries, and *secondly*, on an assumption that about ten per cent. of the women labourers will be entitled to maternity benefits every year. Mr. Joshi said that the latter assumption was based on experience ; but so far as I can make out it was an estimate prepared by an officer of the Women's Medical Service in Bombay on the basis of certain inquiries made by her in 1922. I find in this connection that in 1921 the then head of the Women's Medical Service in India suggested a rate of 20 per cent. for this purpose, which she and others who had been consulted seemed to think was "probably fairly representative of facts". Inquiries made by the Bombay Labour Office in November 1924 gave a rate of 12.34 per cent. ; and even this does not allow for the increase which is likely to follow on the grant of maternity benefits, owing to the increase in the number of women labourers of the child-bearing ages, unless of course the employers decide to defeat the object of Mr. Joshi's Bill by dismissing women labourers as soon as they found that such women were likely to come within the provisions of the Bill. It is obvious that a correct rate can only be obtained as the result of experience extending over a number of years.

Further, Mr. Joshi makes no allowance for the cost of collection of the cess, the cost of distribution of the benefits, and the cost of administration of the fund, which are sure to be heavy under the arrangements contemplated by Mr. Joshi. The flimsy character of Mr. Joshi's estimate is proved by the fact that only a year ago, in an article written in the *Indian Review* of August 1924, Mr. Joshi estimated the cost of his measure at about 2 per cent. of the value of production of the industries which is probably a better guess than .1 per cent. if all the relevant factors.....

Mr. N. M. Joshi : Sir,

The Honourable Sir Bhupendra Nath Mitra (I am in possession of the House.).....and items of incidental expenditure are taken into account. The framing of a proper estimate, as I have mentioned above, will involve a considerable amount of detailed investigation extending over months, if not years.

To-day Mr. Joshi apparently wants to adopt a different system. I really do not know what that system is. At one stage he said that the cess should be levied on particular industries. At another stage he said that the cess should be levied on all industries irrespective of the fact whether they employed women or not. I leave it to the House to judge whether it will be fair to charge an industry, for example in the Punjab, which does not employ any women, to meet the maternity benefits for women employed in cotton mills in Bombay. In fact all this indicates that Mr. Joshi is absolutely indefinite in regard to the financial provisions of his scheme ; and if we proceed to a detailed consideration of the measure in Select Committee without coming to a clear understanding about the financial provisions, I can only compare our process to the rake's progress.

In the debate in the Legislative Assembly on the 3rd February 1925, Mr. Joshi, in replying to Diwan Bahadur Ramachandra Rao, said that he would not object to Local Governments making a contribution from public funds to the maternity benefit funds. If so, provision for the

grant of the contribution will have to be made by legislation. Otherwise, it will be dependent on the vote of the local Legislative Council and may remain a dead letter. The Government of India cannot, however, agree to impose any obligation on Local Governments without a proper assessment of the amount of the obligation ; and I am sure that the representatives of provinces in this House will agree that the Government of India's attitude in the matter is the only right course to take.

Several of the Local Governments have also dwelt on the harmful effects on the woman labourer in certain directions of legislation embodying the fundamental principles of Mr. Joshi's Bill. They anticipate that such legislation will have the effect of discouraging the employment of women in industries, if not their complete exclusion in certain provinces ; will lead to the dismissal of women labourers as soon as it is found that they are likely to come within the operation of the law ; and will result in the curtailment of maternity benefits, in cash or kind, now provided for by employers in certain cases. In his speech in this House on the 3rd February last Mr. Joshi made certain dogmatic statements questioning the correctness of the first and second of these anticipations. In regard to the first anticipation he stated that the requirements of the industries will necessitate the continued employment of women labourers even under the conditions imposed by his Bill. That may have been the position in Bombay at the time when Mr. Joshi made the statement. But that is not the position in other provinces, and in regard to all classes of industries, if we are to place any reliance on the opinions of the local authorities ; and the position in this respect in Bombay too must have changed owing to the necessity for curtailing production in the cotton mills. In regard to the second anticipation, Mr. Joshi apparently relied on the good will of the employers to avoid this harmful effect, though he would not rely on their good-will in other direction. He also stated that any possibility of abuse in this direction would be avoided by the provision in his Bill which required the payment of maternity benefits to be made by the agency of Government and not by the employers directly. I fail to see, however, how this particular provision of the Bill will supply an effective remedy to the anticipated evil. The third of the evils anticipated by some of the Local Governments I consider to be the most serious of all ; and I submit that Mr. Joshi's Bill will not only fail to secure its primary object, but will also have the contrary result, if one of its effects is, as it is bound to be, to curtail the facilities for medical attendance and maternity homes, clinics and *crèches* which are now provided by employers in many cases free of charge, and which, as I have already tried to establish, are of more practical benefit to the woman labourer who expects to be a mother or is a mother, than Mr. Joshi's system of cash benefits. Mr. Joshi has said : if we introduce compulsion, why should the employer give up the voluntary work which he is doing in this direction ? Well, Sir, that is only human nature. There is no compulsion on the employer now. Therefore, to meet public opinion, he has to do certain things for the welfare of his employees. If, on the other hand, we introduce a compulsory levy and say to the employer, " You must pay so much ", he will say, " My obligation in the matter is fully met by the compulsory levy and I shall not incur any additional expenditure on voluntary measures " That is purely human nature.

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I do not propose to waste the time of the House by referring to criticisms of minor importance on Mr. Joshi's Bill contained in the opinions before us, as they can be met by amendments to the Bill in Select Committee if the fundamental principles are accepted by this House.

To sum up, the opinions received on Mr. Joshi's Bill lead to the following conclusions :

Firstly, that the evils which Mr. Joshi seeks to remedy do not at present exist in India in any appreciable degree to justify the undertaking in a hurry of legislation embodying the three fundamental principles of Mr. Joshi's Bill.

Secondly, that the principles themselves are seriously open to question.

Thirdly, that it will not be practical to enforce *in all the provinces* legislation on the lines recommended owing to difficulties in regard to machinery, production of medical certificates, etc., and that even if it is enacted, it will remain a dead letter in many of the provinces. Mr. Joshi questioned the statement of some of the local authorities about the difficulties created by the production of medical certificates. Well, read the Local Governments' replies, and you can form your own conclusions. The point is, as Sir Sivaswamy Aiyer said a little while ago, that conditions in India differ so considerably in different provinces etc. The mill woman in Bombay may not have any objection to be treated by a male doctor. The labouring woman in the Punjab, on the other hand, may have the strongest objection. Indeed I have a recollection that in one of the Punjab papers, attention was drawn to that aspect of the case. Mr. Joshi has further said : if she cannot produce a medical certificate, she cannot get the benefit. Well, Sir, what is the use of having shop-window legislation ?

Fourthly, that the effect of the legislation, if undertaken, may be to compel employers, at any rate in some of the provinces, to adopt measures which may have harmful results on female labour.

And *fifthly*, that the defects in Mr. Joshi's Bill are of such a fundamental character that they cannot be remedied by an examination of it by a Select Committee of the House. There are various matters which will require detailed investigation, as indeed has been mentioned by my Honourable friend, Sir Sivaswamy Aiyer, and which a Select Committee will certainly not be in a position to undertake.

* * Government cannot agree to legislation which it considers to be unnecessary and undesirable under present conditions and which it cannot take adequate steps to enforce. I cannot, therefore, on behalf of Government, agree to a reference of Mr. Joshi's Bill to a Select Committee, especially as such agreement will imply the acceptance by this House and by me of the three fundamental principles to which I have referred. I have no doubt that in view of the opinions received, and of what I have stated, I shall have the support of the House in regard to my attitude towards the Bill.

The House will probably ask—and it is entitled to ask —Has Government no constructive solution to offer in regard to this problem ? The Government of India agree with the view expressed by some of the Local Governments that the first step to be taken towards the furtherance of the basic object underlying Mr. Joshi's Bill would be to foster the growth of voluntary associations for the provision of maternity benefits in cash or kind, or, better still, for maternity insurance to which the employee and the employer, and also the State, should contribute. This is indeed the origin of the present system of legalised maternity insurance in many other principal countries of the world. The Government of India also agree with the view expressed by the Bombay Government that the industrial labourer is not so poor as to be unable to contribute monthly a few annas out of his wages towards such a voluntary insurance fund, and that such contributions will have a very beneficial educative effect on him. I have already referred to the opinion expressed by Mr. K. C. Roy Chaudhuri. He also definitely recognizes that a beginning should be made on a voluntary basis, and that eventually Government should apply compulsion by legislation. The Government of India hope that the formation of registered Trade Unions on right lines, with reference to the Bill now before the House, will foster the growth of these voluntary systems as well as of voluntary insurance associations ; that the experience of these Trade Unions will furnish valuable data in regard to the employment of woman labourers before and after child-birth, as well as for the proper working out of a compulsory system of insurance ; and that as in other countries, the Trade Unions and voluntary insurance associations will furnish an inexpensive but effective and valuable machinery for the administration of the compulsory system when it is found possible to introduce it. If after a year from the coming into force of the Trade Union law, Government find that their anticipations in the matter have been materially realised, they will themselves give further consideration to a scheme of compulsory maternity insurance. If the House finds that Government are reluctant to take any action in the matter, it will be open to Mr. Joshi, or any other Member of this House, to introduce a matured measure supported by the experience and statistics of the Trade Unions. In fact at that stage it may be possible to follow the suggestion of my friend Sir Sivaswamy Aiyer and to have a detailed investigation ; but at the present moment there are no data on which the detailed investigation can begin, though, as I have already said, the Bombay Government in particular and probably some of the other Local Governments too have with the help of their labour offices started such investigations.

(Several Honourable Members moved that the question be put.)

Mr. T. A. Chalmers (Assam : European) : Sir, the international representatives who signed that Convention at Washington must have had some reason for making the State contribute to the maternity benefits and not the employers.

Mr. N. M. Joshi : Where do you find it ?

Mr. T. A. Chalmers : They said :

“ The maternity benefit shall be provided either out of public funds or by means of a system of insurance.”

Mr. N. M. Joshi : Where is it ? In the Convention ?

Mr. T. A. Chalmers : Yes.

Mr. N. M. Joshi : This is not to be found in the Convention. You are reading something else.

Mr. T. A. Chalmers : The International Convention.

Mr. N. M. Joshi : You may have the book with you. Where did you read it from ? Show me the page.

(The paper from which Mr. T. A. Chalmers was quoting was handed to Mr. N. M. Joshi).

Mr. President : Order, order. Mr. Joshi will have his opportunity when he rises to reply. Mr. Chalmers.

Mr. T. A. Chalmers : Many of those representatives who signed that Convention must have gone back to their homes and brought forward motions introducing these Conventions. But I do not think that a single one would have dared to bring forward a motion presumably based on the Washington Conference, which is so vitally altered, as Mr. Joshi has done without at the same time pointing out to the House wherein he had altered the conditions. He has not done so in this case. I was going to point out that one of the objections against putting a tax on the employer by making him pay for the maternity benefits or by working shorter hours or by any of those systems is that he must add the increased cost of production, to the price of the article, and his countrymen must then pay the increased cost for that article. But the same articles can be purchased from other countries where the maternity benefit is paid by the State and in that case they can sell their goods cheaper than the articles produced in this country. The Bombay mills are up against this just now. Mr. Joshi on behalf of labour has signed these Conventions and some others have also signed them. But the other day in the Bombay Legislative Council it was stated that Japan was working her mills 22 hours a day. All sweated labour can therefore flood the Indian market. The Bombay mill-owners are crying out for protection. Outside the question of the excise duty which ought to be abolished, there can be no doubt that mills working 22 hours a day will produce goods cheaper than mills working 11 hours a day. For this reason I consider that these Conferences and Conventions drawn up in the West are unsuitable for India. I consider that the East should have its own Labour Conference meeting at Yokohama, Peking, Batavia or Delhi. Conditions in these countries are the same as far as labour goes. These labour conditions must advance together till they equal conditions in Europe. Labour idealists in the West are anxious to accelerate this progress. Naturally they do not want to be flooded with sweated goods. It is for this House to look facts in the face and introduce legislation suitable for this country.

I will now go on to another innovation that Mr. Joshi seeks to impose on the House and that is to apply this Convention or rather this maternity benefit to the estates under the Assam Labour and Emigration Act. The House knows that I am the owner of one of these estates. It is not a question of factories. Factories come under the Factories Act. He wishes to apply this to the labourers, agricultural labourers. As you all know, a few centuries ago the English started plantations

in America and those plantations eventually developed into what are now known as the United States of America. There are still lots of plantations in America. One would think, however, that these Conventions had been applied by a great and democratic State to their own plantations. But what are the facts ? They have already been exposed by Sir Bhupendra Nath Mitra. Every one of those Conventions clearly lay down that they shall not apply to agriculture. Is it right and proper that Mr. Joshi should try to mislead this House by implying that he had the sanction, the moral support, of a great international organisation like the League of Nations, for applying their draft Conventions to agricultural conditions, though he knew perfectly well that they were not meant for that purpose ?

Mr. N. M. Joshi : I do not know it.

Mr. T. A. Chalmers : Read the Convention.

Mr. N. M. Joshi : I have read it.

Mr. T. A. Chalmers : On the last occasion when this Bill was discussed it was pointed out that the estates under the Assam Labour and Emigration Act had a system of voluntary maternity benefit, but some doubts were thrown on the adequacy of the amount that was paid. Let me compare the maternity benefits as in England with what they are at present in Assam. Under the English Factory and Workshop Act of 1901 an employer must not employ a woman within four weeks after she has given birth to a child. The actual maternity benefit is paid under the National Insurance Act which covers the whole working population and includes among many other things this maternity benefit. The actual amount for those contributing to this insurance fund for 42 weeks is a benefit of 40 shillings. They recognise that a woman can work up to within two weeks of her confinement and she may commence work four weeks after her confinement.

There was another question which I did not wish to raise but which has been raised and that was the responsibility of the parents. In the English Insurance Act of 1911 it was laid down that it was every man's duty to make adequate provision to the best of his power for the maintenance and care of his wife during her confinement and for a period of four weeks after delivery. He is liable upon summary conviction to imprisonment with or without hard labour for four weeks.

Now, Sir, let me turn to Assam, where Mr. Joshi wishes to extend his Bill. I personally pay my employees every week. A woman's wage on my plantation is 6 annas for from 4 to 5 hours work a day. During the harvest season she works from 8 to 9 hours and in that case she earns from 8 annas to one rupee per day. As the House has been informed already, I give a maternity benefit of 4 months' full pay, which is equivalent to from Rs. 38 to Rs. 40 and is cash actually paid to the woman. In addition, the services of a *dâi* are provided free ; milk is also given free ; there is also an Indian and a European medical officer whose services are provided free. I do not believe that the House will consider that these terms are in any way inferior to the terms prevailing in other countries. But, at the same time, I object to the principle of the employers being made to pay this benefit under penalty. We are the only large body of employers who guarantee maternity benefits of three

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months' full pay to all female labourers. There are 20 millions of women employed in agriculture, industries and commerce in India who work for less pay, longer hours and who get no maternity benefit of any sort. Is it right that the employers of these women who pay nothing should go free, while I, who do pay something, should be forced to do so under a penalty ? I oppose the motion.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 27th August, 1925.
