

# LEGISLATIVE ASSEMBLY DEBATES

---

**MONDAY, 8th FEBRUARY, 1926**

**Vol. VII—No. 11**

---

## OFFICIAL REPORT



### CONTENTS

---

**Questions and Answers.**

**Unstarred Questions and Answers.**

**Message from H. E. the Governor General.**

**The Contempt of Courts Bill—Passed as amended.**

**Demands for Supplementary Grants in respect of  
Railways.**

**The Indian Trade Unions Bill—Passed as amended.**

**The Promissory Notes (Stamp) Bill—Introduced.**

**The Steel Industry (Amendment) Bill—Introduced.**

**The Indian Insurance Companies Bill—Referred to Select  
Committee.**

**The Indian Factories (Amendment) Bill—Referred to  
Select Committee.**

**The Indian Naturalization Bill—Motion to consider  
adopted.**

---

DELHI  
GOVERNMENT OF INDIA PRESS  
1926

*Price Five Annas.*

# LEGISLATIVE ASSEMBLY.

Monday, 8th February, 1926.

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

## QUESTIONS AND ANSWERS.

### ESTABLISHMENT OF THE IMPERIAL LIBRARY, CALCUTTA.

672. **\*Syed Majid Baksh:** (a) How many employees are there in the Imperial Library of Calcutta?

(b) What are the different grades of appointment and what are the respective emoluments of each grade?

**Mr. E. Burdon** (on behalf of Mr. J. W. Bhore): (a) 15.

(b) 1 Head Clerk on Rs. 200—10—300.

1 Superintendent, Reading Room, on Rs. 200—10—300.

2 Assistants on Rs. 75—5—150 each.

11 Clerks on Rs. 50—3—125 each.

### NUMBER OF MUSSALMAN EMPLOYEES IN THE IMPERIAL LIBRARY, CALCUTTA.

673. **\*Syed Majid Baksh:** (a) How many Mussalman employees are there in the Imperial Library and what are their educational qualifications?

(b) What are the dates of appointment of the Mussalman employees and what are their present salaries?

**Mr. E. Burdon** (on behalf of Mr. J. W. Bhore): (a) Two. Both are graduates.

(b) One was appointed on the 1st January, 1897, and the other on the 21st December, 1921. The present pay of the former is Rs. 125 a month while that of the latter is Rs. 62.

### ESTABLISHMENT OF THE IMPERIAL LIBRARY, CALCUTTA.

674. **\*Syed Majid Baksh:** (1) What is the educational qualification, the date of appointment and the present salary of:

(a) the Librarian,

(b) the Head Clerk,

(c) the Superintendent of the Reading Room, and

(d) other clerks drawing salary of one hundred rupees and upwards in the Imperial Library?

(2) To what nationality do the above officers belong?

**Mr. E. Burdon** (on behalf of Mr. J. W. Bhore): (1) and (2). A statement furnishing the required information is placed on the table.

*Statement showing the educational qualifications, the date of appointment, the present salary and nationality of employees of the Imperial Library, Calcutta, drawing salary of one hundred rupees and upwards.*

Designation of appointment.	Educational qualifications.	Date of appointment.	Present salary.	Nationality.
Librarian		31st August, 1911.	Rs. 1,500	European.
Head Clerk	B.A., B.L.	9th January, 1922.	240	Hindu.
Superintendent, Reading Room.	Intermediate in Arts	5th April, 1913	300	"
Other Assistants and clerks drawing salary of one hundred rupees and upwards in the Imperial Library :				
(1)	Non-matriculate	1st January, 1902.	140	Hindu.
(2)	Matriculate	13th July, 1899	135	"
(3)	B.A.	1st January, 1897.	125	Muhammadan.
(4)	Non-matriculate	11th March, 1913.	125	Hindu.
(5)	Matriculate	23rd March, 1906.	119	"
(6)	"	15th February, 1907.	113	"
(7)	Non-matriculate	9th July, 1909	107	"

**Syed Majid Baksh:** Are the Government aware that the Librarian is generally swayed in his action by his head clerk?

**Mr. E. Burdon:** No, Sir.

**Syed Majid Baksh:** Is it a fact that the Librarian on the advice of the head clerk recently dismissed three Hindu clerks and got persons of his own liking appointed?

**Mr. E. Burdon:** In the circumstances, I must ask for notice of that question.

**Mr. K. Ahmed:** Is there any record kept of the amount of work done by the Librarian?

**Mr. E. Burdon:** Very unlikely, Sir.

**Mr. K. Ahmed:** Are the Government aware that the Librarian is drawing a huge salary, and the work done by him is very little in comparison with the pay that he gets every month? Do Government realise the situation?

**Mr. E. Burdon:** I am afraid I must ask for notice.

ALLOWANCE GRANTED TO THE WIFE OF SRIJUT SATYENDRA CHANDRA MITRA, A STATE PRISONER.

675. \***Syed Majid Baksh:** (a) Are Government aware that Shrimati Uma Mitra, wife of Sjt. Satyendra Chandra Mitra, M.L.C., who has been confined in the Mandalay Jail without trial, submitted a petition to the Secretary, Home Department, on the 11th November, 1925, in respect of the allowance granted to her as family allowance of prisoners under Regulation III of 1818?

(b) Is it a fact that the Government granted Shrimati Uma Mitra an allowance of Rs. 80 per month only from July, 1925, and not from October, 26th, 1924, the date of the arrest of her husband, Sjt. Satyendra Chandra Mitra?

(c) Did the petitioner request the grant of her allowance from the date of the arrest of her husband?

(d) Will the Government explain what objection there is to the allowance being granted to her for a few more months intervening between her husband's arrest and the actual granting of the allowance?

(e) Do the Government intend to grant the allowance from the date of the arrest?

**The Honourable Sir Alexander Muddiman:** The State prisoner in question is detained under the Bengal Criminal Law Amendment Act and, under section 21 of that Act, the amount of the allowance is a matter for the discretion of the Local Government. I may explain, however, that the Government of India and the Local Governments, in cases in which they are respectively primarily concerned, are fully prepared to receive representations in these matters from détenus and their relatives. They are not, however, prepared to make any public statements on the subject, as these would necessarily involve reference to the private affairs of détenus to which they would not be justified in giving publicity.

**Syed Majid Baksh:** Does the Honourable Member think that if the Government were to give to that poor lady an allowance from the date of her husband's arrest, they will become poorer?

**The Honourable Sir Alexander Muddiman:** They will be somewhat poorer, Sir. (Laughter.)

**Syed Majid Baksh:** Is it not a piece of niggardliness on the part of Government that they should avoid giving a small sum to this lady and refrain from showing any compassion to her?

**The Honourable Sir Alexander Muddiman:** I am quite prepared to receive a representation from the lady, but I am not prepared to discuss across the floor of the House the private affairs of this lady.

**Mr. A. Rangaswami Iyengar:** Have the Government received a representation from this lady? If so, have they considered the question of the increase of the allowance, and with what result?

**The Honourable Sir Alexander Muddiman:** I am prepared to say that I am in correspondence with the Government of Bengal on this subject.

**Syed Majid Baksh:** May I say, Sir, that the Captain of the German Cruiser "Emden" showed more chivalry than our Government?

**Mr. President:** Order, order.



GRANT OF AN ENHANCED ALLOWANCE TO THE WIFE OF SRIJUT  
SATYENDRA CHANDRA MITRA, A STATE PRISONER.

676. **\*Syed Majid Baksh:** (a) Are Government aware that Sjt. Satyendra Chandra Mitra is a vakil of the High Court and a zemindar of the Noakhali district and that an allowance of Rs. 60 per month is quite inadequate for the maintenance of his wife?

(b) Are Government prepared to consider the desirability of increasing the allowance of Shrimati Uma Mitra?

**The Honourable Sir Alexander Muddiman:** I invite attention to the reply I have just given to the preceding question.

APPOINTMENT OF MUHAMMADANS IN THE PROVINCIAL JUDICIAL SERVICE,  
BENGAL.

677. **\*Syed Majid Baksh:** (a) Are Government aware that the Government of Bengal have recently accepted it as a principle that in future 45 per cent. of the appointments in the provincial and subordinate services should be given to Mussalmans?

(b) Are Government aware that under the provisions of the Bengal, North-West Province and Assam Civil Courts Act of 1887, the Bengal Government have no hand in the appointment of Munsiffs and Sub-Judges which is practically entirely done by the High Courts?

(c) Do Government propose to issue definite instructions to the Calcutta High Court to accept the 45 per cent. rule in the matter of the appointment of Munsiffs and Sub-Judges?

**The Honourable Sir Alexander Muddiman:** (a) The statement of the Honourable Member is not quite accurate. The Bengal Government have, I understand, reserved the right to give preference to Muslims in filling 45 per cent. of the vacancies to be filled by direct appointment provided that candidates with qualifying marks are available.

(b) So far as I am aware Subordinate Judges are appointed by the Local Government. Munsifs are also appointed by them on the nomination of the High Court.

(c) No. The Government of India understand the question is under the consideration of the Bengal Government.

PAY, PROSPECTS AND PENSIONS OF GAZETTED OFFICERS OF THE POST  
OFFICE.

678. **\*Colonel J. D. Crawford:** 1. Will Government be pleased to state what action, if any, has been taken on the memorials submitted by gazetted officers of the Post Office, namely, Superintendents, Assistant Directors General, Deputy Postmasters General, and Postmasters General, during the past five years, regarding their pay, prospects and pensions, as well as on the representations of the Postal Officers' Association on the subject?

2. Is it a fact that the salaries of these officers have not been raised in relation to the growth of postal business during the past fifty years, and in proportion to the pay of the subordinate staff, whose numbers have increased enormously during the period and whose pay in some instances is greater than that of the supervising officers to whom they are subordinate?

8. Are Government aware that the salaries of Provincial District Officers\* were revised to a higher scale than that recommended by the Islington Commission after the report of that body was published, owing to the increase in the cost of living during the past ten years whereas Superintendents of Post Offices who were classed in the same category in the Islington Report were not similarly benefited?

**The Honourable Sir Bhupendra Nath Mitra:** 1. As the reply to the first part of the question is a lengthy one a statement giving the information asked for is being sent to the Honourable Member.

2. Yes, but the salaries of these supervising officers have no direct relation to the growth of postal business or the increase in the pay of subordinates. The actual pay of a non-gazetted subordinate in the selection grade may at times be more than that of his Divisional Superintendent who, however, holds the superior status of a gazetted officer. This is not an uncommon feature of Government service.

3. The present time-scale of pay sanctioned for Superintendents of Post Offices also is appreciably better than that recommended by the Public Service Commission and in fixing it the rise in the cost of living since the report of that body was published was taken into consideration. I may add that the question of a further improvement in the scale of pay of this class is now receiving the attention of Government.

#### PAY OF DEPUTY POSTMASTERS GENERAL, ASSISTANT DIRECTORS GENERAL AND SUPERINTENDENTS OF THE POST OFFICE.

679. \*Colonel J. D. Crawford: (a) Are Government aware that the minimum and maximum pay of Deputy Postmasters General and Assistant Directors General is practically the same as it was twenty years ago?

(b) Is it a fact that the Director General of Posts and Telegraphs recommended increased scales of pay for Superintendents of Post Offices, Deputy Postmasters General and Assistant Directors General over five years ago and that the proposals were favourably considered by the late Honourable Member in the Commerce Department but that no concession as proposed was granted to the officers who have been informed at different times since that Government cannot "at present" revise their salaries or reopen the question?

**The Honourable Sir Bhupendra Nath Mitra:** (a) Yes.

(b) Certain proposals were made by the Director-General but they were not accepted by Government. A proposal to increase the scale of pay of Superintendents is now under consideration of Government.

#### PAY OF DEPARTMENTAL POSTMASTERS GENERAL OF THE POST OFFICE.

680. \*Colonel J. D. Crawford: Are Government aware that the Islington Commission in their Report drew an analogy between the Post Offices and Finance Departments, where a proportion of the higher administrative appointments are held by selected members of the Indian Civil Service, and definitely stated that the latter should have no special privileges in the matter of salary or status? If so, will Government be pleased to state why a differentiation has since been made in favour of this class of officer to the disadvantage of departmental Postmasters General whose maximum pay and pension has in consequence not been increased as compared with Accountants General and heads of other Departments?

**The Honourable Sir Bhupendra Nath Mitra:** The reply to the first part of the question is in the affirmative.

With regard to the second part the Government of India decided in 1921 that in order to attract recruits from the Indian Civil Service for Postmaster-Generalships it would be necessary to allow them to continue on the time-scale of pay sanctioned in 1919 for the I. C. S. with an addition of Rs. 250 per mensem. A similar arrangement could not obviously be adopted for departmental Postmasters-General nor could it have possibly affected their pension.

#### EMPLOYMENT OF THE MILITARY RESERVE OF THE INDIAN MEDICAL SERVICE IN THE CIVIL MEDICAL DEPARTMENTS.

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

- (a) if they have noticed the publication of a circular in the *Hindustan Times* of the 24th instant purporting to have been sent by the Government of India to all Local Governments regarding the employment of the military reserve of the Indian Medical Service on the civil side on a racial basis;
- (b) if the contents of the publication in the paper are substantially correct;
- (c) if they intend to give this Assembly an opportunity to discuss the question before they submit their views to the Secretary of State for India, and if so, when;
- (d) if they have already sent in a communiqué on the question to the Secretary of State, and if so, whether they will be pleased to lay a copy on the table, and whether they will yet give an opportunity for an expression of opinion on this question by this House and, if so, when;
- (e) if they have received representations or telegrams from medical unions in India on the question; and
- (f) what action they propose to take further in the matter?

**Mr. E. Burdon** (on behalf of Mr. J. W. Bhore): The Honourable Member is referred to my replies given on the 1st February, 1926, to the supplementary question to Honourable Member's question No. 489.

**Dr. K. G. Lohokare:** No answer has yet been given to part (f) of my question which runs as follows:

"What action they propose to take further in the matter?"

**Mr. E. Burdon:** So far as my recollection goes, Sir, Mr. Bhore said that at the present moment Government are not in a position to make any pronouncement on the subject.

**Dr. K. G. Lohokare:** Have they taken any action?

**Mr. E. Burdon:** "Pronouncement" covers the question of action.

#### NUMBER OF POLITICAL PENSIONERS IN BURMA.

682. **\*U. Hla:** (a) Will the Government be pleased to state the number of political pensioners in Burma?

(b) Will the Government be pleased to lay on the table a statement giving the names of these pensioners with the amount of pension each draws per month?

(c) Are there any Burmese political pensioners outside Burma? If so, will the Government please mention them with their respective pensions?

**Sir Denys Bray:** The information is being collected and will be furnished to the Honourable Member in due course.

#### CONSTRUCTION OF A DOUBLE RAILWAY LINE BETWEEN RANGOON AND MANDALAY.

683. **\*U. Hla:** (a) Will the Government be pleased to state at what stage the proposal for a double line from Rangoon to Mandalay stands?

(b) Is it the intention of Government to construct a double line between Rangoon and Mandalay? If so, when will the construction be completed?

**Mr. G. G. Sim:** (a) The Government have no proposal under consideration for doubling the whole section Rangoon to Mandalay. The Honourable Member is referred to page 57 of the last issue of the History of Indian Railways, which shows what portions have been doubled up to 31st March, 1924. The double line between Pyuntaza and Pyu has since been opened for public traffic, and work on doubling the line between Pyu and Kyungon is in hand.

(b) Government are unable to say when the whole section will be doubled, as they have not at present any intention of doubling north of Kyungon.

#### REDUCTION IN THE FREIGHT ON COAL.

684. **\*Mr. Kasturbhai Lalbhai:** Will the Government be pleased to place on the table the correspondence between the Commerce Department and the President of the Tariff Board regarding the reduction in the freight on coal?

**The Honourable Sir Charles Innes:** The Honourable Member is referred to the reply given in this Assembly on the 27th January last, to Khan Bahadur Sarfaraz Hussain Khan's question No. 318 on the same subject.

#### REDUCTION IN THE FREIGHT ON COAL.

685. **\*Mr. Kasturbhai Lalbhai:** (a) Will the Government be pleased to state what action they have taken on the Resolution regarding reduction in the freight on coal over long distance traffic passed by the Council of State on the 15th September, 1925?

(b) If no action has been taken will they please explain why?

**The Honourable Sir Charles Innes:** (a) and (b). The matter has been considered in consultation with the Indian Railway Conference Association, but I am not prepared to make any statement at this stage.

#### REDUCTION IN RAILWAY FARES AND FREIGHTS.

686. **\*Mr. Kasturbhai Lalbhai:** Will the Government be pleased to state when it is proposed to announce the reduction in fares and freights indicated in the speech of His Excellency the Viceroy?

**The Honourable Sir Charles Innes:** I would suggest that the Honourable Member should await the Explanatory Memorandum of the Railway Budget for the year 1926-27, which will be presented to the House next week.

POWERS AND FUNCTIONS OF THE PROPOSED RATES TRIBUNAL.

687. \***Mr. Kasturbhai Lalbhai**: (a) Will the Government be pleased to state what advice was given by the Advisory Council to the Railway Board regarding the appointment of a Rates Tribunal?

(b) Is it a fact that the Acworth Committee recommended the appointment of a Rates Tribunal with statutory powers?

(c) If so, will Government be pleased to state the grounds on which they have decided to make the Tribunal merely an advisory body?

(d) Are the Government aware that industrial and commercial opinion in the country is against the appointment of a Rates Tribunal merely as an advisory body?

**The Honourable Sir Charles Innes**: The Acworth Committee expressly refrained from going in detail into the powers and functions of the proposed Rates Tribunal, but since they suggested an appeal from the Tribunal to the Governor General in Council, it is probable that they intended some kind of statutory body. As I informed the House the other day, Government have decided to constitute a body as an advisory body in the first instance with the concurrence of the Central Advisory Council. It was thought that until experience had been gained, this was the right method of proceeding. I am not aware of the facts alleged in part (d) of the Honourable Member's question, but I have had one telegram on the subject from the body which the Honourable Member represents.

EXTENSION TO THE BOMBAY PRESIDENCY OF THE SYSTEM OF HALF RATES FOR TELEPHONE TRUNK CALLS BETWEEN 7 P.M. AND 8 A.M.

688. \***Mr. Kasturbhai Lalbhai**: Will the Government be pleased to state why the facility of charging half rates for telephone trunk calls between 7 P.M. and 8 A.M. is not provided for between Bombay and Ahmedabad and Bombay and Surat—Broach and other towns in the Bombay Presidency?

**Mr. G. P. Roy**: The system of half rates for telephone trunk calls between certain hours has only been introduced as an experimental measure in Northern India. The question of extension of the system will be considered as soon as the financial results of the experiment are known.

IMPOSITION OF TERMINAL LEVIES BY RAILWAYS.

689. \***Mr. Kasturbhai Lalbhai**: Will the Government be pleased to state whether the different Railways are empowered to charge the terminal levy as they think fit or is any sanction of the Railway Board necessary?

**Mr. G. G. Sim**: Section 45 of the Indian Railways Act, 1890 (IX of 1890), empowers Railways to charge reasonable terminals.

IMPOSITION OF SPECIAL LEVIES BY RAILWAYS FOR THE MAINTENANCE OF ROADS IN RAILWAY YARDS.

690. \***Mr. Kasturbhai Lalbhai**: Are the railway companies entitled to impose special levies for maintaining roads in railway yards?

**Mr. G. G. Sim**: So far as Government are aware, Railways do not impose such levies, but the maintenance of roads in railway yards may be taken into consideration as part of the cost of providing terminal facilities.

AMOUNTS REALISED FROM THE TERMINAL CHARGE ON COAL AT AHMEDABAD, KANKARIA AND ASARVA.

691. **\*Mr. Kasturbhai Lalbhai:** (a) Is it a fact that the terminal charge on coal has been raised from 2 annas to 6 annas during the last five or six years at Ahmedabad, Kankaria and Asarva?

(b) Will the Government be pleased to give details of the amounts realised under the terminal charges at the stations of Ahmedabad, Kankaria and Asarva since the year 1920 and how they were disbursed?

**Mr. G. G. Sim:** (a) Yes, it was enhanced in 1922.

(b) Government are not in possession of the details asked for. Any amounts so collected are treated as Railway Revenue.

GRANT OF PERMISSION TO THE STENOGRAPHER OF THE CHIEF ENGINEER OF TELEGRAPHS TO SIT FOR THE EXAMINATION FOR A SUPERINTENDENTSHIP OF POST OFFICES.

692. **\*Mr. Amar Nath Dutt:** Is it a fact that the stenographer of the Chief Engineer of Telegraphs, being also a very junior official, was permitted to sit for the examination for a Superintendship of Post Offices in 1924 on the special recommendation of his officer to the detriment of the claims of several senior and efficient M. A. clerks of the office of the Director General, Posts and Telegraphs, and that just after passing the examination he is being permitted occasionally to officiate as Superintendent in supersession of the claims of many already passed officials of the Post Office? If so, why?

**The Honourable Sir Bhupendra Nath Mitra:** Yes, because he was considered suitable for an appointment as Superintendent of Post Offices. He was given an officiating appointment in the Central Circle for a short period when no "passed" official was available in that Circle.

GRANT OF PERMISSION TO THE STENOGRAPHER OF THE DIRECTOR OF WIRELESS TO SIT FOR THE EXAMINATION FOR A SUPERINTENDENTSHIP OF POST OFFICES.

693. **\*Mr. Amar Nath Dutt:** Is it a fact that in the last examination for a Superintendship of Post Offices a stenographer of the Director of Wireless was allowed to sit in supersession of the claims of several senior and efficient M. A. clerks of the office of the Director General, Posts and Telegraphs? If so, why is such injustice being done repeatedly to far more educationally qualified men?

**The Honourable Sir Bhupendra Nath Mitra:** Yes, but I understand that four other senior qualified clerks were also allowed to appear.

GRANT OF PERMISSION TO A CLERK OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS TO SIT FOR THE EXAMINATION FOR A SUPERINTENDENTSHIP OF POST OFFICES.

694. **\*Mr. Amar Nath Dutt:** Is it a fact that one only I. A. passed clerk of the office of the Director General, Posts and Telegraphs, who only on account of his having an elementary knowledge of French and because he happened to have coached the Deputy Director General in Calcutta to qualify in that language before he went with the delegation to the last

Stockholm Postal Congress, has just been allowed to sit for the next examination for a Superintendentship of Post Offices to the detriment of the claims of still many more very efficient and senior M. A. clerks of that office?

**The Honourable Sir Bhupendra Nath Mitra:** I understand from the Director General that he has allowed a qualified clerk of the Foreign Post Branch of his office to sit for the next examination.

#### NOMINATION OF CANDIDATES FOR THE EXAMINATION FOR SUPERINTENDENTSHIPS OF POST OFFICES.

695. **\*Mr. Amar Nath Dutt:** (a) Is it a fact that up to the time of Sir William Maxwell, a late Director General of Posts and Telegraphs, certain rulings were rigidly followed in nominating candidates to appear for the examination for Superintendentships of Post Offices—such as (1) educational qualification, (2) family connection, (3) feature and colour of the candidate?

(b) Is it a fact that those rulings are not strictly followed now and that in spite of there being no dearth of far more senior and educationally qualified men available in the office of the Director General, Posts and Telegraphs, their claims are intentionally and repeatedly overlooked and junior clerks of most ordinary merit and of inferior educational qualifications are favoured?

(c) Do Government propose thoroughly to overhaul the system of nominating candidates by the Director General for the next Superintendentship examination and give preference first to the officials of superior education and efficiency in the office of the Director General, Posts and Telegraphs, and thus remove the cause of grievance?

**The Honourable Sir Bhupendra Nath Mitra:** (a) and (b). No definite rules have been laid down. An official is selected for the examination not merely in consideration of his length of service or educational qualifications or family connection but also when it is proved by his past work and conduct that he is likely to become an efficient executive officer.

(c) Government do not propose to interfere with the discretionary power vested in the Director-General.

#### PAY OF THE "B" CADRE CLERKS OF THE OFFICE OF THE DIRECTOR GENERAL, POSTS AND TELEGRAPHS.

696. **\*Mr. Amar Nath Dutt:** (1) With reference to part (a) of the starred question No. 686 of the 3rd September last in the Assembly will the Government be pleased to say whether it is a fact:

(a) that the 5 clerks of the office of the Director General, Posts and Telegraphs, referred to were drawing Rs. 61 on the 1st March, 1921, before revision?

(b) that on an identical appeal from them to His Majesty's Secretary of State, after their appeals to the Government of India were rejected, their pay was ordered to be fixed at Rs. 100 by that supreme authority?

(c) that thus neither did their case come within the scope of paragraph 5 or 6 of the Government orders in that connection nor was there any separate order taken by the Director General from Government?

- (d) that their pay was raised all at once by Rs. 39 in the third year of their services, i.e., they received an increase of 64 per cent. on the pay *plus* the war allowance they were drawing at the time?
- (e) that at the same time no consideration was given even on several appeals from the clerks who were much older in service, who were drawing Rs. 66 before the revision in the B cadre and who prayed that their pay in the revised scale might be fixed by giving 80 per cent. increase on their total emolument (Rs. 66) according to note 8 under article 155 of the Civil Service Regulations?
- (f) that thus by the denial of the benefit of their continuous acting allowance in the higher grade their pay was fixed at Rs. 74, i.e., they got only Rs. 8 by way of increase and not 80 per cent. on 1st March, 1921?
- (g) that had their continuous acting allowance been counted in fixing their initial pay in the B cadre on 1st March, 1921, their pay would have been fixed at Rs. 88, i.e., they would have got only an increase of Rs. 22 for their services ranging from 10 to 20 years?

(2) Did Government refer to the Secretary of State or do they propose to refer now to the Secretary of State for an authoritative interpretation of the Government orders at paragraph 6 in this case, as was done in the case of the officials mentioned at part 1 (b) above, consistent with the note 8 under article 155 of the Civil Service Regulations, so that an effective solution of the problem may at once be found and a remedy may be found for the grievances of the officials referred to at part 1 (e) above?

**The Honourable Sir Bhupendra Nath Mitra:** (1) (a). Yes.

(b) Yes.

(c) As stated in the reply to (a) of question No. 636 on the 3rd September 1925, the pay of these 5 graduate "A" class clerks was refixed at Rs. 100 according to the interpretation placed on paragraph 5 of the Government letter.

(d) Yes.

(e), (f) and (g). The Honourable Member's attention is drawn to the replies to his starred questions Nos. 636 (b) and 635 on the 3rd September, 1925, so far as "B" class clerks are concerned.

(2) No, because paragraph 6 of the Government letter gives a clear and authoritative ruling.

#### PAY OF THE "B" CADRE CLERKS OF THE OFFICE OF THE DIRECTOR GENERAL, POSTS AND TELEGRAPHS.

697. **\*Mr. Amar Nath Dutt:** With reference to the answer given in reply to the starred question No. 694 in the Assembly on the 3rd September last will the Government be pleased to say whether:

- (a) the note 8 under article 155 of the Civil Service Regulations was not applied in the case of only certain B cadre clerks of the office of the Director General, Posts and Telegraphs, in whose case the 80 per cent. increase actually did not come about, and how that note became applicable in the case of certain A cadre



clerks, whose pay was also regulated according to article 38 (a) of the Civil Service Regulations notwithstanding the fact that the late Public Works Department in their U. O. note No. 195-P. & T., dated the 9th February, 1922, to the Director General asked for a list containing the names of clerks, evidently of the A. and B cadres, who were on 1st March, 1921, drawing acting allowance?

- (b) it is a fact that through a mistake, misunderstanding and oversight or, as it is understood, due to a misleading note of the then Office Superintendent of that office the names of the B cadre clerks, who were then drawing acting allowance, were not included in that list and thus the poor officials were deprived of the benefit?
- (c) the "adversely affected clerks", referred to in the answer to (b) of question No. 634, mean only those who suffered so-called loss of emoluments even on pay *plus* war allowance *plus* acting allowance and not those who did not get the 30 per cent. increase in the same way on pay *plus* war allowance *plus* acting allowance, and if so, why?
- (d) the Director General took upon himself the responsibility of interpreting the Government orders himself and did not take separate orders from Government in spite of the U. O. note referred to at (a) above in case of the B cadre clerks of his office in the same way as he did in favour of the A cadre clerks?
- (e) it was not a case of loss of emoluments in the case of the senior B cadre clerks, who were getting acting allowance and counted that allowance as part of their emoluments, in not having their pay increased actually by 30 per cent. on the salary they were drawing at the time on 1st March, 1921, as in the case of the A cadre clerks? If not, why not?
- (f) the fact that separate orders were taken from Government in favour of only the A cadre clerks as referred to at (d) above is not a case of modification of the Government orders in paragraph 5 of the Public Works Department letter No. 417-P. W., dated the 16th September, 1921? If not, why not?

**The Honourable Sir Bhupendra Nath Mitra:** (a) Certain "A" class clerks and one "B" class clerk were given special concessions to protect them from loss of emoluments but their initial rates of pay in the new rules were not fixed with reference to the Civil Service Regulations. Other "B" class clerks, however, suffered no actual loss of emoluments and there was never any intention of making special concessions in such cases.

(b) No.

(c) "Adversely affected clerks" included only those who had to draw less than what they were actually getting on the 1st March, 1921, the date of introduction of the revised scales. All "B" class clerks (excepting one) on coming to the revised scale by the application of the percentage increase rule laid down in paragraph 6 of the Public Works Department letter actually got more than what they were getting under the old system. Paragraph 6 did not indicate that the actual increase should be 30 per cent. over and above the former emoluments (namely, pay, acting allowance, war allowance, etc.)

(d) and (e). Do not therefore arise.

(f) As stated in the answer to part (a) the orders in paragraph 5 of the Public Works Department letter in question were relaxed in favour of those "A" class clerks who would otherwise have suffered an immediate loss of emoluments. The orders in paragraph 6 of the same letter were similarly relaxed in favour of the only "B" class clerk who would otherwise have been adversely affected.

PAY OF THE "B" CADRE CLERKS OF THE OFFICE OF THE DIRECTOR-GENERAL OF POSTS AND TELEGRAPHS.

698. \***Mr. Amar Nath Dutt:** With reference to the answers to starred questions Nos. 634 to 636 in the Assembly during the last September Session will the Government be pleased to say whether:

- (a) it is a fact that a list was prepared in 1921 by the Director General, Posts and Telegraphs, showing the increase and decrease of pay of the clerks of his office according to the Booth Committee's recommendations and that according to the proposed percentage increments respectively?
- (b) it is a fact that that list contained the names of certain senior B cadre clerks also whose pay was fixed at Rs. 74 on 1st March, 1921, under the alleged Government sanction and who would have got Rs. 89 according to the Booth recommendations?
- (c) it is a fact that if their acting allowance had been counted towards fixing their initial pay on 1st March, 1921, in the B cadre, as was done in favour of the A cadre clerks, their pay would have been fixed at Rs. 88?
- (d) it is a fact that two of the then B cadre clerks of the Director General's office, Messrs. M. N. Ganguly and B. N. Sinha, had their initial pay fixed in the revised scale, even without any appeal from them, by a modification of paragraph 6 of the Government orders, whereas the other cases of the B cadre clerks, who were drawing continuous acting allowance were not considered even on repeated appeals from them?
- (e) the Government propose to remedy the legitimate grievances of the affected B cadre clerks on the analogy of the case of Mr. Munshi Ram referred to in the answer to question No. 135 on the 18th February, 1925, in this Assembly?

**The Honourable Sir Bhupendra Nath Mitra:** (a) Yes.

(b) Yes.

(c) Yes.

(d) The cases of Messrs. M. N. Ganguly and B. N. Sinha had specially to be taken into account because they were adversely affected and had to be protected from actual loss of emoluments.

(e) As the Government of India do not consider that the "B" class clerks of the Director-General's office have a legitimate grievance the answer to this part of the question is in the negative. As explained in the reply given to (c) of question No. 637 on the 3rd September last, the case of Mr. Munshi Ram is not analogous to that of the "B" class clerks of the Director-General's office.

**GRANT OF AN EXTRA ALLOWANCE TO POSTAL CLERKS OF ALL MOFUSSIL  
HEAD OFFICES IN BENGAL AND ASSAM FOR POSTING INTEREST  
IN SAVINGS BANK LEDGERS.**

699. **\*Mr. Amar Nath Dutt:** (a) Has the attention of the Government been drawn to the letter No. E.-9-53/L., dated 1st September, 1925, from the Postmaster General, Bengal and Assam, to the address of the Secretary, Provincial Postal and Royal Mail Service Association, Bengal and Assam, in which it has been said that the question of granting extra allowance to the clerks of mofussil head offices for posting interest in the Savings Bank ledgers is under consideration?

(b) Have the clerks in mofussil head offices to work less than the clerks in the Calcutta General Post Office? If not, why is the extra allowance not granted to them for overtime work while such allowance is granted to the clerks of the Calcutta General Post Office, as stated in the reply to question No. 1062 on the 3rd March, 1925?

(c) Have Government taken any action to provide an adequate number of clerks in accepting the recommendations of the Retrenchment Committee that the Post Office is working undermanned?

(d) Do the Government propose this year to give an extra allowance to the clerks of all head offices in Bengal and Assam, who are required to post interest in Savings Bank ledgers in consideration of the Postmaster General's letter and the recommendations of the Retrenchment Committee?

**The Honourable Sir Bhupendra Nath Mitra:** Government have not seen the letter referred to. I have called for the papers and shall have the matter looked into.

**GRANT OF LIGHT AND OVERTIME ALLOWANCE TO THE POSTMEN OF  
DACCA.**

700. **\*Mr. Amar Nath Dutt:** (a) Has the attention of the Government been drawn to the *Bengalee*, a daily paper published in Calcutta, under date 25th December, 1925, dealing with overtime work of the clerks in the post office and the postmen of the Dacca town?

(b) Is it a fact that the Calcutta mails are due at Dacca at 14-10 hours and that the delivery is due at 16 hours?

(c) Is it a fact that owing to late arrival of the steamers at Narayanganj the mails are unusually delayed and delivery is made at or about 17 hours during the winter season and that no light is supplied to the postmen?

(d) Is it a fact that the postmen have therefore to work overtime at night without a light?

(e) Is it a fact that on account of the late arrival of the Calcutta mails the postmen, Mymensingh, have been provided with hurricane lanterns and have been sanctioned a light allowance but that the case of the postmen, Dacca, has been ignored for the last year?

(f) Do the Government propose to sanction light and overtime allowance for the postmen, Dacca, in case they are required to be detained over 16 hours for delivery of articles?

**The Honourable Sir Bhupendra Nath Mitra:** (a) and (b). Yes.

(c) In the winter months, delivery is usually given out between 16 and 17 hours. Light allowance for the postmen has been sanctioned.

(d) and (e). Do not therefore arise.

(f) It is not proposed to grant overtime allowance to the postmen of Dacca.

GRANT OF AN OVERTIME ALLOWANCE TO CLERKS EMPLOYED IN THE  
DACC A POST OFFICE.

701. **\*Mr. Amar Nath Dutt:** (a) Will the Government please state the number of parcels (registered, insured and unregistered) posted at Dacca during the months of November, December and January in the years 1924, 1925 and 1926 and the number of clerks entertained for posting the articles?

(b) Is it a fact that the daily number of the articles exceeded 2,000 and the clerks were compelled to work till dead of night and no step was taken to redress the grievances although the attention of the circle officer was drawn to these matters by the District Postal and Royal Mail Service Association?

(c) Is it a fact that the Postmaster, Dacca, submitted proposals for a temporary increase of the staff?

(d) Is it a fact that every year the work in the Parcel, Registration and Sorting Departments at Dacca is heavily increased and that the clerks and packers are compelled to overwork in the winter season?

(e) Do the Government propose to sanction an adequate number of extra clerks and to grant overtime allowance to the clerks who are required to work in excess of the time prescribed in the existing time test?

**The Honourable Sir Bhupendra Nath Mitra:** (a)

November, 1924	...	...	...	11,762
December, 1924	...	...	...	32,749
January, 1925	...	...	...	26,879
November, 1925	...	...	...	23,685
December, 1925	...	...	...	33,950
January, 1926	...	...	...	27,249

Seven permanent and two temporary clerks were employed in the Parcel Department.

(b) The daily average number of parcel mail articles exceeded 2,000 in the first part of December, 1925, and two temporary clerks have been sanctioned. No report or representation that the clerks had to work till late at night was received either from the clerks or from the District Postal and Railway Mail Service Association.

(c) Yes.

(d) The work in the Parcel and Registration Departments increases in the winter season and temporary clerks are sanctioned when necessary.

(e) Statistics are being collected to see what extra staff is justified. It is not proposed to grant any overtime allowance.

ARRANGEMENTS FOR KEEPING POST OFFICE BUILDINGS NEAT AND CLEAN.

702. **\*Mr. Amar Nath Dutt:** (a) Will Government please state the existing arrangements for keeping the Post Office buildings in neat and clean order?

(b) Are the postmen and the employees of the inferior service required to sweep the office buildings by the rules which govern their duties? If not, are the Government aware that the postmen and employees of the inferior service are made to sweep the office buildings?

(c) If so, do Government propose to grant an allowance to those employees for sweeping the Post Office buildings?

**The Honourable Sir Bhupendra Nath Mitra:** (a) In the larger post offices sweepers are employed to keep the buildings neat and clean. In the smaller post offices where menials are not available the long standing practice of the Department is that the postman, the village postman, or the runner performs the menial work. In offices where this cannot be done owing to special reasons such as caste prejudice, etc., the postmaster makes his own arrangement to keep the office neat and clean.

(b) The answer to the first part is in the negative and to the second in the affirmative.

(c) No.

CASE OF BABU KAMAKSHYA CHARAN DE BHOWMIK, A PROBATIONER IN THE POSTAL DEPARTMENT.

703. **\*Mr. Amar Nath Dutt:** (a) Is it a fact that certain probationers were discharged from service in accepting the recommendations of the Postal Inquiry Committee?

(b) Is it a fact that in consideration of the injustice done to them they were taken back in the list?

(c) Is it a fact that Babu Kamakshya Charan De Bhowmik is a probationer in the list of the Dacca Division since 1920?

(d) Is it a fact that the Director General of Posts and Telegraphs has recently issued an order for examination of the candidates for probationerships to be held by the Divisional authorities and in his orders the probationers already in the list have been exempted from this examination?

(e) Is it a fact that in defiance of the orders of the Director General, Babu Kamakshya Charan De Bhowmik has been compelled to undergo an examination?

(f) Is it a fact that as a result of the examination his name has been placed at the bottom of the list of new recruits?

(g) Do Government propose to put his name at the top of the list and give him the first opportunity of getting an appointment?

**The Honourable Sir Bhupendra Nath Mitra:** (a) Yes.

(b) Those who were anxious to rejoin the Department were taken back.

(c), (e), (f) and (g). Government have no information. If the individual referred to has a grievance, he is at liberty to appeal in the usual manner.

(d) No. A system of examination has been introduced by the Postmaster-General, Bengal and Assam, with the Director-General's approval, in which old probationers are not ordinarily required to appear.

**PERMISSION OF MOTOR AND OTHER VEHICULAR TRAFFIC OVER THE .  
GHAGAR RAILWAY BRIDGE.**

704. \***Lala Duni Chand:** 1. Is it true that railway bridges at several places on different railway lines have been made available for motor and other traffic?

2. If so, do Government propose to extend the same privilege to motor traffic over the Ghagar Railway bridge between Ghagar and Chandigarh railway stations?

**Mr. G. G. Sim:** (1) Yes.

(2) There is no proposal at present to allow motor or other vehicular traffic over the Ghagar railway bridge which is unsuited for this purpose. The use of railway bridges for road traffic is a source of danger to the public and, unless the bridge is specially designed for this purpose, it cannot ordinarily be permitted.

**RATE OF INTEREST ON DEPOSITS IN POSTAL SAVINGS BANKS.**

705. \***Dr. K. G. Lohokare:** 1. Will Government be pleased to say:

(a) if they have concluded their inquiry into the cost of the Savings Bank working of the Postal Department, and if so what is the annual cost; and

(b) if they are considering the question of fixing the Postal Savings Bank rate nearer to what prevails in the Imperial Bank Savings Bank Department?

\* 2. When will they be prepared to make an announcement in the matter?

**The Honourable Sir Basil Blackett:** (a) and (b). The answer is in the negative.

**Dr. K. G. Lohokare:** Does this mean, Sir, that Government intend to collect in this way an additional indirect tax from persons depositing with the Postal Savings Bank?

**The Honourable Sir Basil Blackett:** The answer to that question is also in the negative.

**DEMURRAGE AND WHARFAGE CHARGES FOR INWARD GOODS AT POONA,  
SHOLAPUR AND NASIK ON THE GREAT INDIAN PENINSULA RAILWAY.**

706. \***Dr. K. G. Lohokare:** 1. Will Government be pleased to say:

(a) if they have inquired into the trouble and loss merchants are put to on account of a shorter time free period and heavy demurrage and wharfage charges for inward goods at Poona, Sholapur and Nasik on the Great Indian Peninsula Railway?

(b) if there is any substantial increase in traffic at the inward goods shed and a substantial increase in lethargy on the part of the merchants to remove their goods at these stations? If so, what are the figures of goods inward traffic at these stations for a period of three years before and after the new rates of short free time and heavy demurrage charges came into force?

2. Do the Government propose to consider the advisability of asking the Great Indian Peninsula authorities to discontinue the aforesaid heavy impositions at the earliest opportunity?

**Mr. G. G. Sim:** As the Honourable Member is aware, Government have been in correspondence with the Agent on this subject. The practice in regard to free time is particularly liberal on the Great Indian Peninsula Railway. In most stations longer free time is allowed than is ordinarily the case on State Railways. It must be recognised that the Railway Administration must be guided largely by local conditions in arranging details of this kind and the Government of India cannot undertake to issue specific instructions regarding particular stations.

**Dr. K. G. Lohokare:** Is it a fact that all the merchants have complained that the charges at these stations are exorbitant?

**The Honourable Sir Charles Innes:** I may mention that the charges at the stations mentioned are the same as the charges that are levied on State Railways generally.

**Dr. K. G. Lohokare:** May I know, Sir, if, from the change that has taken place from 1914, during the War, they have found out that these charges have been unduly levied at these stations?

**The Honourable Sir Charles Innes:** I am not quite sure what the Honourable Member means.

**Dr. K. G. Lohokare:** May I have the statistical figures of traffic that I have asked for?

**The Honourable Sir Charles Innes:** The Honourable Member may take it from me that these stations are particularly busy stations and therefore it is necessary to clear goodsheds with as little delay as possible.

**Dr. K. G. Lohokare:** Have they become busier since 1914, since the higher charge was levied?

**The Honourable Sir Charles Innes:** That, Sir, is a question which I cannot answer.

#### REGISTERED GRADUATES AND UNIVERSITY ELECTORATES.

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

- (a) if each Indian University keeps a register only of its own graduates:
- (b) if graduates of a University of one province residing in another province are admitted to the register of graduates of the University of the province in which such graduates reside:
- (c) if not, whether a graduate of a University residing in a province other than the province of his own University loses his right of voting for a candidate of a University electorate in the several provinces:
- (d) if they have inquired into the probable number of such graduates who cannot or do not reside in the province of the University to which they belong, and if not, if they propose to make such an inquiry: and
- (e) if they are prepared to consider the question of amending the electoral rules of all provinces so as to restore to such graduates their right of voting at University electorates?

**The Honourable Sir Alexander Muddiman:** (a) Yes.

(b) Yes; except in the case of the five original universities of Calcutta, Bombay, Madras, Allahabad and the Punjab; except also in the case of the Benares Hindu University. In all other cases graduates resident within the sphere of a university other than that from which they took their degrees can be admitted to the register of graduates of that university, subject in some cases to their taking *ad eundem* degrees.

(c) A registered graduate of a University, who changes his place of residence to a Province other than that in which the University is situated, does not forfeit his privileges *qua* registered graduate. In order to constitute a qualification as an elector further qualifications than that of being a registered graduate are usually required. I will take the cases in which the question arises, *seriatim*. There is a University qualification for electors in each province for the Council of State. That qualification is given not to ordinary registered graduates but to the members of one of the Governing Bodies of the University, and any person, who is a member of one of the specified Governing Bodies and resides in any province, is eligible as an elector for a constituency in the province in which he resides. The question does not arise in the case of the Assembly. It arises in the case of the Legislative Council in those provinces in which University constituencies have been established. Normally, a registered graduate, before he becomes eligible as an elector, must be of a certain number of years' standing. The number of years varies. Normally also, as we are dealing with the qualification of an elector for a constituency of the Legislative Council of the province, he is also required to have a place of residence in the province. The Madras University constituency of the Madras Legislative Council is an exception to this rule. But there, a graduate of over seven years standing of the University of Madras is qualified as an elector for the Madras University constituency if he has a place of residence in India.

(d) The answer is in the negative.

(e) The answer is in the negative.

#### REDUCTION OF FARES ON THE BARSİ LIGHT RAILWAY.

708. **\*Dr. K. G. Lohokare:** 1. Will Government be pleased to say:-

(a) if the Barsi Light Railway passenger fares are likely to be reduced in the near future:

(b) what the passenger rates now prevailing are: and

(c) whether the removal of the pontage of the Pandharpur bridge was taken into consideration in fixing the present rates?

2. Are the present rates similar to those prevailing on other narrow and metre gauge lines of other companies of similar lengths of line?

3. If not, why did the Government allow this company to charge higher rates?

**Mr. G. G. Sim:** 1. (a) Government have no information.

(b) I Class 28 pies per mile.

II Class 16 pies per mile.

III Class 4 pies per mile.

(c) No.



2. The maxima fares sanctioned for the Barsi Light Railway are the same as those sanctioned for railways generally.

3. Does not arise.

**Dr. K. G. Lohokare:** Is my Honourable friend certain that the Barsi Light Railway did not offer this excuse of the removal of the portage of the Pandharpur Bridge at the time of fixing the latest rates?

**Mr. G. G. Sim:** Yes, Sir.

#### INABILITY OF THE PRINCESS TAIKSU-MYAT PAYA TO ATTEND THE FUNERAL OF THE LATE QUEEN SUPAYALAT.

709. **\*U. Tok Kyi:** (a) Are the Government aware that the Burmese Princess Taiksu-Myat Paya is now travelling on foot from Kalimpong to Rangoon with her consort to pay her last respects to the remains of her mother, the late Queen Supayalet? Will the Government be pleased to find out how far she has reached on her way to Rangoon?

(b) Is it a fact that no facilities were given to her by the Government to attend the funeral of the late Queen in December last? If so, will the Government be pleased to state the reasons why?

**Sir Denys Bray:** (a) The only information available is that the lady and her husband left Kalimpong on the 31st December last and halted at a bungalow 6 miles from that place. As far as I know, she is still there.

(b) The Princess telegraphed on December 12th asking for an advance of Rs. 10,000 to enable her to attend the funeral ceremony which was then fixed to be held in Rangoon on the 18th. This request came too late, but further requests of a similar nature were subsequently received and finally on December 24th an advance of one month's pension (Rs. 500) was sanctioned. This, however, the lady refused.

#### EXPENDITURE ON THE BRITISH GARRISON IN INDIA.

710. **\*Tok Kyi:** (a) Has the attention of the Government been drawn to the recent suggestion of Sir Reginald Craddock that the British taxpayer should be responsible for the expenditure on the British Garrison in India to an extent of £10,000,000 annually and that India in return should give preference to British goods?

(b) If so, do Government propose to adopt the suggestion?

**Mr. E. Burdon:** (a) Government have seen a statement to the effect that Sir Reginald Craddock has put forward such a suggestion. But they have no first hand information about it.

(b) Government have no intention of pursuing the suggestion.

**Mr. B. Das:** Is this not another instance of commercial bargaining by England?

**Mr. E. Burdon:** I leave it to the Honourable Member to say; it is a matter of opinion.

PROCEDURE FOLLOWED BY THE GOVERNOR GENERAL IN COUNCIL IN •  
CASES WHERE IT IS DECIDED TO MAKE USE OF BENGAL REGULATION  
III OF 1818.

711. **\*Mr. K. C. Neogy:** (a) Will Government be pleased to state in detail the procedure followed by the Governor General in Council in taking the determination to make use of Bengal Regulation III of 1818, in any particular case, as contemplated in the second Preamble to the said Regulation?

(b) Is it a fact that the initiative really comes from the Local Government; if not, to what extent does the opinion of the Local Government influence the determination referred to above?

(c) Is there any rule or recognised practice as to the frequency in which the grounds of such determination come under revision as contemplated in the third Preamble to the Regulation?

(d) Are the grounds of such determination formally recorded by Government, and supplied to each State prisoner as a rule? Do these grounds set out in detail the nature of the charges against each State prisoner, or are they only in general terms?

REPORT REGARDING THE WEALTH, COMFORT, ETC., OF STATE PRISONERS.

712. **\*Mr. K. C. Neogy:** (a) Are Government prepared to publish, or lay on the table of the Library of this House, copies of all reports regarding the health, comfort, etc., of State prisoners, under sections 3 and 6 of Bengal Regulation III of 1818, and representations under section 5, together with orders of Government thereon, in the case of each State prisoner now under restraint?

(b) If not, are Government prepared to grant non-official Members of this House any other facilities for inspecting these reports, representations and orders?

INSTRUCTIONS ISSUED BY THE GOVERNMENT OF INDIA REGARDING  
THE TREATMENT OF STATE PRISONERS IN JAIL.

713. **\*Mr. K. C. Neogy:** (a) Have Government issued any general instructions to Local Governments for their guidance in the matter of treatment of State prisoners in jail? If so, will Government be pleased to lay a copy thereof on the table?

(b) If no such general instructions have been issued, how do Government expect any uniformity in the standard of treatment to be adopted by the different Provinces?

**The Honourable Sir Alexander Muddiman:** With your permission, Sir, I propose to give a single reply to the three general questions Nos. 711—713, regarding procedure under Bengal Regulation III of 1818.

The Governor General in Council only decides to make use of the Regulation after he has considered all the circumstances which are relevant to the decision of the particular case. When a Local Government is concerned in the issues under decision, the Local Government might well initiate action and would certainly be consulted before any decision to use the Regulation was taken. The actual procedure followed in each case must, however, necessarily be determined by the nature of the case.

Section 3 of the Regulation prescribes definite dates each year for the submission of reports on the conduct, health and comfort of prisoners in order to enable the Governor General in Council to determine whether the orders for their detention shall continue in force. In addition, reports are received periodically from the visitors appointed under section 4 and on any other occasion when a special report is required. Consequently, the circumstances of each prisoner are brought practically continuously before the Governor General in Council. It is also open to a prisoner at any time to make a representation under section 5 of the Regulation and any such representation is necessarily submitted to the Governor General in Council and is very carefully considered by him.

In regard to a formal record of the grounds of detention in each case, I would invite the Honourable Member's attention to the reply which I gave on the 26th January 1925, to Mr. Chanda's question No. 195. But I must point out that there is no provision of the Regulation requiring either that specific charges must be framed or that prisoners may be supplied with a copy of such charges.

In the matter of the publication of reports regarding the health, comfort, etc., of prisoners, I have nothing to add to the reply which I gave to the Honourable Member's question No. 57 on 22nd January 1925, except that the prisoners in whom the Honourable Member is specially interested are regularly visited by non-official visitors who see exactly how they are being treated and who are free to make any representations in the matter to Government.

I understand that the Honourable Member's anxiety about the uniformity of treatment relates particularly to the Bengali prisoners, and I wish to explain that the treatment of these prisoners, wherever detained, is regulated by certain rules which have been approved by the Government of India. I am not prepared to lay a copy of these Rules on the table for the reason that the publication of details regarding the routine of the prisoners' life is not in the interests of jail discipline and might facilitate unauthorised communications between prisoners and the outside world.

**Mr. Devaki Prasad Sinha:** Sir, are the materials supplied to the Central Government by Local Governments critically examined before the Central Government decide to take action against a person under Regulation III?

**The Honourable Sir Alexander Muddiman:** I have nothing to add to my reply on that point.

**Mr. Devaki Prasad Sinha:** Will the Government of India name any instance in which they have overruled the Local Government when they wished to take action under Regulation III?

**The Honourable Sir Alexander Muddiman:** I could name several instances, but I do not propose to do so.

**Mr. A. Rangaswami Iyengar:** May I know, when the Honourable Member said the Government are not bound to furnish to the prisoner detained under the Regulation any charges with a view to inviting him to explain, whether it is not a fact that the Governor General in his speeches as well as the Government of India in their communiqués have already laid down that with regard to prisoners detained under the Regulation, they had provided that their cases should be examined by certain judges?

**The Honourable Sir Alexander Muddiman:** It is very important that I should make myself quite clear on that point. I am answering a general question in regard to the general use of the Regulation. As the Honourable Member quite correctly states, a different procedure was adopted in regard to prisoners whom His Excellency the Governor General was referring to. I want to make it quite clear that Government are not in all cases committed to that procedure.

**Mr. A. Rangaswami Iyengar:** Am I to understand that, notwithstanding the enactment of the Bengal Criminal Law Amendment Act, and notwithstanding the procedure which the Governor General indicated to us last year, Government still adhere to the practice of detaining people without trial and without communicating to them the charges upon which they are detained?

**The Honourable Sir Alexander Muddiman:** It is quite obvious to the Honourable Member, who is trying to draw a very artful red herring across the path, that I am speaking in general terms in reply to a general question and that there is a class of persons within the mischief of the Regulation against whom it would be useless to frame charges.

**Mr. A. Rangaswami Iyengar:** May I know, Sir, what the difficulty is that the Government have in allowing Members of this Assembly to peruse the progress reports, the periodical reports which are received in regard to the health, comfort, etc., of these men?

**The Honourable Sir Alexander Muddiman:** I think I have already on several occasions replied to that.

**Syed Majid Baksh:** May I know from the Honourable Member whether without mentioning names or endangering personalities he will publish the reports of the C. I. D. against these gentlemen or lay them on the table?

**The Honourable Sir Alexander Muddiman:** I am afraid the Honourable Member was not present when we had our discussion on the point.

**Mr. Devaki Prasad Sinha:** Do Government take into confidence the Standing Committee of the Home Department and show them the rules which the Honourable Member has referred to?

**The Honourable Sir Alexander Muddiman:** I have not adopted that procedure.

**Mr. K. C. Neogy:** Do I take it the Honourable Member refuses to give non-official Members of this House any opportunity to examine the reports and other documents referred to in question No. 712?

**The Honourable Sir Alexander Muddiman:** Certainly. Yes, Sir.

#### CASE OF PERSONS DETAINED UNDER THE BENGAL CRIMINAL LAW AMENDMENT ACT.

714. **\*Mr. K. C. Neogy:** (a) Is it a fact that a number of persons now under detention under the Bengal Criminal Law Amendment Act were originally arrested and imprisoned under Bengal Regulation, III of 1816? If so, what is their number?

(b) Is it a fact that in their cases, orders for detention under the said Regulation were merely substituted by similar orders either under the Bengal Ordinance or under the Act, which has supplanted that Ordinance?

(c) Was the said substitution done with the concurrence of the Government of India? If so, on what grounds did the Government of India agree to the substitution?

(d) Were these persons declared to be free, so far as their detention under the Regulation was concerned, before orders were promulgated under the Ordinance or the said Act? If not, what procedure was adopted?

(e) Did the responsibility of the Government of India in regard to the nature of confinement, health, comfort and treatment, etc., of these persons, under Bengal Regulation III of 1818, cease as soon as the substituted orders under the Ordinance or the said Act were enforced? If so, what steps did Government take to assure themselves that in regard to the above matters the Local Government would be guided by the same considerations and would observe the same standard as the Government of India?

**The Honourable Sir Alexander Muddiman:** The 19 persons arrested in Bengal under Regulation III of 1818 on or after 25th October 1924, and, in addition, the 11 persons similarly arrested prior to that date, have been brought under the provisions of the Bengal Criminal Law Amendment Act. The substitution of orders under the Act for orders under the Regulation has been made with the concurrence of the Governor-General in Council. The procedure has been that when the Local Government has taken the necessary action under the Act the Governor General in Council has cancelled the warrants under the Regulation. The main reason for the substitution of orders under the Act for orders under the Regulation has been to leave it open to Government to relax, as the circumstances of each case may from time to time justify, the conditions of the detention. As the Honourable Member is possibly aware, prisoners detained under the Regulation must ordinarily be detained in jail whereas under the Act it is possible to require them to reside in their own villages or to allow an even greater measure of liberty.

The primary responsibility of the Governor General in Council in regard to the nature of confinement, health, comfort, etc., of persons in whose cases orders under the Act have been substituted for orders under the Regulation ceased as soon as these persons came under the Act, but the Governor General in Council has received the assurance of the Government of Bengal that all persons detained in jail under the provisions of the Act are treated in all respects similarly to prisoners detained under the Regulation.

**Mr. K. O. Neogy:** Was a specific undertaking given by the Local Government in that behalf?

**The Honourable Sir Alexander Muddiman:** I have said, Sir, I have received the assurance of the Government of Bengal.

**Mr. K. O. Neogy:** Have the Government of India done anything so far to satisfy themselves that the Government of Bengal have carried out their undertakings in this matter?

**The Honourable Sir Alexander Muddiman:** I have received assurances and I have examined cases, and I have every reason to believe, that the Bengal Government have proceeded to carry out their assurance in the fullest possible manner.

**Mr. K. C. Neogy:** Has the attention of the Honourable Member been drawn to the numerous complaints appearing in the press regarding the treatment of these prisoners?

**The Honourable Sir Alexander Muddiman:** I have already answered the question in great detail. I do see and peruse complaints in the press as to the treatment of these prisoners.

#### REDUCTION OF FARES ON THE BURMA RAILWAYS.

715. **\*U. Tok Kyi:** (a) Is it a fact that passenger fares have been reduced on most of the Railways in India? If so, will the Government be pleased to state the reasons why the Burma railway fares have not been reduced?

(b) Is it a fact that the Government propose to reduce still further the fares of first and second class passengers on Indian Railways? If so, will the Government be pleased to state whether the case of third class passengers will also be considered in that connection?

**Mr. G. G. Sim:** (a) and (b). Passenger fares are being reduced on most Railways in India. The Burma Railways are considering whether similar reductions should not be made there.

#### CONTRACT WITH MR. LOVE FOR THE SUPPLY OF PORTERS AT THE HOWRAH RAILWAY STATION.

716. **\*Mr. N. M. Joshi:** (a) Will Government be pleased to state how long Mr. Love, the labour contractor, will continue to work in that capacity on the Howrah railway station?

(b) Is it a fact that Mr. Love levies a monthly toll of Rs. 7 per head from each of 600 porters?

(c) Is it a fact that more than 200 licensed porters have to do *Begar* work (work without payment) for loading and unloading and removing passengers' booked luggage and parcels?

(d) Will Government be pleased to state whether they propose to abolish the contract with Mr. Love and employ officials to supervise the work of porters? If so, when?

**Mr. G. G. Sim:** (a) The contract is for no fixed period. It is terminable at the option of the Railway Administration.

(b) The license and other fees paid by the coolies amount to Rs. 7 per mensem.

(c) The Government do not know the authority for this statement. On the contrary licensed porters at Howrah are believed to earn considerable sums.

(d) The Railway Administration which has recently discussed the question with its Local Advisory Committee is satisfied with the working of the present system.

**Mr. N. M. Joshi:** May I ask, Sir, whether the Honourable Member says that no *Begar* work is taken from porters at the Howrah station for loading and unloading of passengers' booked luggage. Am I to understand that no work is taken without payment from the porters, as mentioned in clause (c) of my question?

**The Honourable Sir Charles Innes:** That was the intention of the answer, yes.

**Mr. Chaman Lal:** May I ask whether the Honourable Member does not consider it a hardship for these porters to be employed through a contractor to whom they pay Rs. 7 a month?

**The Honourable Sir Charles Innes:** I understand they make a great deal more than Rs. 7 a month and there is absolutely no difficulty in getting all the porters we want.

**Mr. Devaki Prasad Sinha:** What is the particular need for recruiting these men through a contractor? What is the difficulty in employing railway officials for this work?

**The Honourable Sir Charles Innes:** The experience of many railways is that by putting them in charge of a man who is responsible for them they get better supervision. That is the experience of many railways in India.

**Mr. Devaki Prasad Sinha:** Do Government think a railway official would not be able to exercise that supervision?

**The Honourable Sir Charles Innes:** As I have explained, many railways at many stations have found this to be the best system for getting effective supervision of their porters.

**Mr. Chaman Lal:** But are the Government aware that the porters at Howrah station have a particular grievance against this system?

**The Honourable Sir Charles Innes:** I am not aware of that. As I have already said, we can get as many porters as we require.

**Mr. N. M. Joshi:** May I ask whether Government have made inquiries before answering clause (c) of my question as to the practice in Howrah station?

**The Honourable Sir Charles Innes:** I will certainly look into the point again, if the Honourable Member will explain to me in the lobby what he is getting at?

**Mr. Devaki Prasad Sinha:** Has the attention of Government been drawn to articles appearing in newspapers, particularly in the *Amrita Bazar Patrika* drawing attention to this subject?

**The Honourable Sir Charles Innes:** I have certainly seen many articles in the newspapers on many subjects and I am too old to believe all that is said in them.

**Mr. Chaman Lall:** May I ask the Honourable Member to look into this matter as it is a general grievance on all the railways and the matter has been referred to many times in the Press?

**The Honourable Sir Charles Innes:** I can assure the Honourable Member I have looked into it many times.

**Mr. Chaman Lall:** Will the Honourable Member look into it once again?

**The Honourable Sir Charles Innes:** I will certainly do so, Sir.

GRANT OF AN EXTRA ALLOWANCE FOR WORK ON SUNDAYS AND  
GAZETTED HOLIDAYS TO INDIAN SUBORDINATES OF THE  
EAST INDIAN RAILWAY.

717. **\*Mr. Amar Nath Dutt:** Is it a fact that the Anglo-Indian and European subordinates on the East Indian Railway are granted an extra allowance for working on Sundays and gazetted holidays? If so, do Government propose to extend the same privilege to the Indian subordinates also?

**Mr. G. G. Sim:** The Honourable Member is referred to the reply given to a similar question No. 559 asked by Maulvi Muhammad Yakub on the 2nd February 1926.

HOUSE RENT ALLOWANCE OF EMPLOYEES OF THE EAST INDIAN  
RAILWAY.

718. **\*Mr. Amar Nath Dutt:** (a) Is it a fact that the employees of the Oudh and Rohilkhand sections are granted house rent according to their pay as per Government rule?

(b) Is it a fact that the employees of the East Indian Railway are granted a fixed house rent of Rs. 3 a month irrespective of pay? Is it a fact that the guards on the East Indian Railway are granted a house rent of Rs. 3 when they are not provided with quarters? Is it also a fact that, when the quarters are provided for the guards, a rent is deducted from them according to their pay instead of the fixed sum of Rs. 3 only?

(c) If so, will the Government please state the reason for such anomaly in one and the same Railway? Do Government propose to extend the privileges enjoyed by the State Railway servants to the servants of the late East Indian Railway now taken over by the State? If not, why not?

**Mr. G. G. Sim:** (a) Certain classes of the staff under the rules are entitled to free quarters. Where these are not available a small allowance in lieu of the accommodation is granted under prescribed rules.

(b) and (c). The attention of the Honourable Member is invited to the answer given to a similar question No. 560 in the Legislative Assembly on 2nd February 1926. The Government have no detailed information as regards part (b) of the question but the Honourable Member will remember that the two Railways have only just been amalgamated.



## TREATMENT OF CERTAIN STRIKERS BY THE EAST INDIAN RAILWAY.

719. **\*Mr. Amar Nath Dutt:** (a) Is it a fact that the following strikers in the East Indian Railway in 1922 were either allowed to resume duty on a reduced pay or not allowed to resume duty although they attended their offices in time?

Name.	Designation.
Sovan . . . . .	Driver.
Md. Ishaq . . . . .	"
Sukrullah . . . . .	Shunter.
Abdul Gafoor . . . . .	"
Abdul Rahman . . . . .	Driver.
Chhotey . . . . .	"
Ishaq . . . . .	"
Jooman . . . . .	"
Abdul Rahman . . . . .	"
Dasai Ram . . . . .	"
Fakir . . . . .	"
Wali Mohd. . . . .	"
Narain . . . . .	Shunter.
Mukund . . . . .	Head Fitter.
Sukh Nandan . . . . .	"
Katwaroo . . . . .	Fireman.
L. B. Bhattacharjee . . . . .	Head clerk (Loco.).
Md. Tuffailullah . . . . .	Guard, Dhanbad.
Dhani Ram . . . . .	Station Master.
Md. Yasin . . . . .	Guard.
Suraj Narain . . . . .	"
S. F. Hussain . . . . .	Asst. Head Ticket Collector, Moghalsarai.
S. M. Hussain . . . . .	Ditto.
A. W. Khan . . . . .	Signaller, Moghalsarai.
S. S. Pershad . . . . .	"
Faqir Mohd. . . . .	Checking Clerk, Moghalsarai.
Mumtazur Rahaman . . . . .	Ticket Collector, Moghalsarai.
Qutubuddin . . . . .	General Assistant, Moghalsarai.

(b) Is it a fact that they were forced to resign by threats of dismissal?

(c) Is it a fact that their gratuity has also been forfeited for this very reason? If so, will the Government please state the reasons for the forfeiture of the gratuities of these servants?

(d) If the reply to (a) and (b) be in the affirmative, do Government propose to reinstate these men in their former posts on their former pay? If not, why not? Do the Government propose to grant gratuities to these men for their services till they joined the strike? If the answer be in the negative, will the Government please state the reason?

**The Honourable Sir Charles Innes:** The Government of India have no detailed information and they cannot undertake to reopen cases settled four years ago.

DISCHARGE OF HARI PADA DEY, WRITER OF THE P. W. I., IKRAH, .  
EAST INDIAN RAILWAY.

720. \***Mr. Amar Nath Dutt:** (a) Is it a fact that one Hari Pada Dey, writer of the P. W. I., Ikrah, East Indian Railway, was discharged after putting in 18 years' service under paragraph 2 of his agreement?

(b) Is it a fact that the S. D. E. Ondal entered into the quarter of this man, in his absence on the 17th August, 1925, where his family was stopping, and he reported the matter to the Chief Engineer for necessary action?

(c) Is it a fact that for this very reason the man was discharged by the Divisional Superintendent, Asansol, on the recommendation of the S. D. E.?

(d) Is it a fact that the Chief Engineer ordered the reinstatement of this man in his letter No. 26828-G. E.—36, dated 13th October, 1925, but the Divisional Superintendent was not disposed to carry out the orders of the Chief Engineer as per S. W. W., Asansol, letter No. 14216-P. F., dated 4th November, 1925?

(e) Is it a fact that his gratuity has also been forfeited? If it is a fact, do the Government propose to reinstate the man and call for an explanation from the Divisional Superintendent for ignoring the orders of the Chief Engineer? If not, will Government please state the reason?

**Mr. G. G. Sim:** The Honourable Member is referred to the reply given to a similar question No. 624, asked by Khan Bahadur Sarfaraz Hussain Khan on the 2nd February, 1926.

TRAIN CONTROLLERS ON THE EAST INDIAN RAILWAY.

721. \***Mr. Amar Nath Dutt:** (a) How many train controllers are there on the East Indian Railway? What is the proportion of Indians, Anglo-Indians and Europeans on these posts? What are the scales of pay for Anglo-Indians, Europeans and Indians? Is the nature of the duties the same as that performed by Indians and non-Indians?

(b) Are Indians provided with an equal type of quarter to that supplied to non-Indians?

(c) Is it a fact that the scale of pay of Indian controllers on the Oudh and Rohilkhand section is Rs. 200 *plus* Rs. 20 house rent rising to Rs. 300?

(d) Is it a fact that the traffic on the East Indian Railway is heavier than that on the Oudh and Rohilkhand section and the controllers have to perform more tedious and responsible work than any other on the Oudh and Rohilkhand section? If so, do Government propose to extend the same pay and privileges to the Indian controllers employed on the East Indian Railway? If not, will Government please state the reason?

**Mr. G. G. Sim:** The Honourable Member is referred to the reply given to unstarred question No. 89, asked by Maulvi Muhammad Yakub on the 2nd February, 1926.

PAY OF STATION MASTERS AND ASSISTANT STATION MASTERS ON THE  
OUDH AND ROHILKHAND SECTION OF THE EAST INDIAN  
RAILWAY.

722. \***Mr. Amar Nath Dutt:** Is it a fact that the maximum pay of "A" class station masters and assistant station masters on the Eastern Bengal, North Western and East Indian Railways is Rs. 80 and Rs. 76,

respectively, whereas on the Oudh and Rohilkhand section of the East Indian Railway the pay of station masters and assistant station masters has been revised to Rs. 75 and 55, respectively? If so, do the Government propose to raise the scale of the Oudh and Rohilkhand Railway staff also according to the sister Railways' scale? If not, why not?

**Mr. G. G. Sim:** The Honourable Member is referred to the reply given to unstarred question No. 90, asked by Maulvi Muhammad Yakub on the 2nd February, 1926.

#### ABOLITION OF THE POSTS OF BRAKESMAN ON THE OUDH AND ROHILKHAND SECTION OF THE EAST INDIAN RAILWAY.

723. **\*Mr. Amar Nath Dutt:** Is it a fact that many posts of brakesman have been abolished on the Oudh and Rohilkhand section of the East Indian Railway and that the guards alone are working the passenger trains? Is it not dangerous for the travelling public, as the guards cannot look after the entraining and detraining of passengers at stations while they are engaged in receiving and despatching luggage and parcels and the official *dak* during the short stoppage at each station? Do Government propose to re-introduce the practice of engaging brakemen for the safety of the travelling public? If not, why not?

**Mr. G. G. Sim:** The Honourable Member is referred to the answer given to question No. 617, asked by Khan Bahadur Sarfaraz Hussain Khan on the 3rd February, 1926.

#### UNSTARRED QUESTIONS AND ANSWERS.

##### REVERSION OF SUB. *PRO TEM.* ACCOUNTANTS TO CLERKS.

112. **MR. G. LOHOKARE:** With reference to the reply to question No. 161, dated 14th September, 1925, in the last Session, will Government please state whether any of the sub. *pro tem.* accountants who passed the Subordinate Accounts Service Examination, as early as in 1919 and who were promoted in 1922, have been reverted to the clerical grade from April 1925? If so, what is the actual number of such reversions?

(b) Did not the answer to part (b) of the question no. 161 actually imply that no sub. *pro tem.* accountants who passed the accountant's examination as far back as in 1919 will be reverted to the clerical grade? If so, will Government state the reasons that have led to their reversions and in what way they are justified? Will Government please state whether there are any Rules or Standing Orders laying down the procedure that junior clerks who had passed the Subordinate Accounts Service Examination in previous years and were not provided in the Subordinate Accounts Service for want of vacancies have no prior claim for promotion in vacancies occurring in subsequent years, when senior qualified clerks are available? If such Standing Orders exist, do they not discourage junior clerks from appearing for the Subordinate Accounts Service Examination earlier than their seniors?

**The Honourable Sir Basil Blackett:** (a) Two accountants have reverted.

(b) (i) No.

(ii) I would refer the Honourable Member to the answer already given to the Honourable Mr. Kelker's question No. 160 of September 1925 on the same point.

(iii) and (iv). There was an order to that effect in the old rules but the new rules introduced from 1st April 1925, provide with certain limitations for the grant of promotions to the accountant's grade in the order of the dates of passing the examination.

SENIORITY OF CLERKS IN THE OFFICE OF THE CONTROLLER OF MILITARY ACCOUNTS, SOUTHERN COMMAND AND POONA DISTRICT.

113. **Dr. K. G. Lohokare:** (a) In revising the seniority list of clerks as stated in reply to question no. 160, dated 14th September, 1925, is it a fact that the position of several clerks of the office of the Controller, Military Accounts, late Poona Division, has been lowered, owing to the non-notification of several promotions, in the old clerical grades, by the then Controller? Were any representations received on this subject, and if so, how were they disposed of? Is it a fact that the clerks affected had requested the then Controller, Military Accounts, to notify such promotions, and if so, why were such promotions not notified? Will Government please state what disciplinary action was taken or is intended to be taken against the person concerned by whom the promotions were suppressed?

• (b) Is it a fact that the Military Accountant General is rearranging on an all-India basis the seniority of clerks who have passed the Subordinate Accounts Service Examination in accordance with their highest position on 31st March, 1920, in the old clerical grades or according to dates of entertainment if employed after 31st March, 1920? If the seniority is being determined on these lines will not the suppressed promotions affect permanently the future prospects of clerks belonging to the late Poona Division? If so, will Government please consider the advisability of issuing instructions, as they did in the case of sub. *pro tem.* promotions to the accountant's grade after the lapse of about 6 years, to the Controller of Military Accounts, Southern Command and Poona District, to notify those promotions with a view to avoid any loss of standing to the clerks concerned?

**The Honourable Sir Basil Blackett:** The information has been called for and will be forwarded to the Honourable Member on receipt.

COMPULSORY VACCINATION OF THE STAFF OF THE CONTROLLER OF MILITARY ACCOUNTS, EASTERN COMMAND AND U. P. DISTRICT.

114. **Dr. K. G. Lohokare:** (a) Is it a fact that the Controller, Military Accounts, Eastern Command and U. P. District, has issued an office order enjoining on the officers, accountants, clerks and menials, serving under him to get themselves and their families vaccinated threatening disciplinary action and grant of leave without allowances in case of failure?

(b) If the reply to (a) be in the affirmative, will Government please state whether the Controller was within his rights in forcing civilians residing in City limits to get themselves vaccinated; if not, will they issue necessary instructions to avoid such misuse of powers in future?

**The Honourable Sir Basil Blackett:** Inquiry is being made and a reply will be furnished on receipt of the information.

### PAY OF ACCOUNTANTS IN THE MILITARY ACCOUNTS DEPARTMENT.

115. **Dr. K. G. Lohokare:** (a) Is it a fact that in May 1925, the Government of India had decided that accountants in receipt of the maximum pay of that grade when passed over by the Selection Board for permanent or sub. *pro tem.* promotion to the grade of Deputy Assistant Controller of Military Accounts "should not necessarily be reduced to Rs. 450 unless their confidential reports are indifferent"?

(b) If the reply to (a) is in the affirmative, will the Government of India please state whether they have issued any orders in December 1925, notifying "when accountants are passed over for permanent or sub. *pro tem.* promotion to the grade of Deputy Assistant Controller of Military Accounts, they will revert at once to the efficiency bar at Rs. 450"?

(c) If the reply to (b) is in the affirmative, will the Government of India please state whether the accountants whose confidential reports are fair and not indifferent are also to be reverted to Rs. 450 and, if so, will it not mean that accountants with fair reports in the Military Accounts Department will not be allowed to reach the maximum of the grade, namely, Rs. 500 whereas accountants with similar reports in Civil Accounts offices will reach their maximum pay? Do the Government of India propose to remove this anomaly?

(d) As the efficiency bar in the revised scales of pay of the Subordinate Accounts Service has been brought down from Rs. 450 to Rs. 410, will Government please state how they intend to deal with the existing incumbents drawing pay between Rs. 450 and 500 per mensem in view of the fact that under article 158 of the Civil Service Regulations, the election of any new scale of pay is optional?

**The Honourable Sir Basil Blackett:** (a) The answer is in the affirmative.

(b) The answer is in the affirmative, the position having been reconsidered.

(c) The answer to the first part is in the affirmative. As regards the second part, these accountants will be restricted to Rs. 450 unless selected for further promotion. Conditions in the Military Accounts Offices and Civil Accounts Offices are not analogous and the Government do not propose to alter their orders.

(d) Accountants who attained to a pay of Rs. 450 or more before the introduction of the revision of pay, will, if declared unfit for promotion to higher rank, be restricted to Rs. 450.

### WITHDRAWAL OF THE DEPUTATION ALLOWANCE DRAWN BY ACCOUNTANTS AND CLERKS IN THE OFFICE OF THE FIELD CONTROLLER OF MILITARY ACCOUNTS, POONA.

116. **Dr. K. G. Lohokare:** Is it a fact that the clerks in the office of the Field Controller of Military Accounts, Poona, were given an assurance on October 20th, that "the deputation allowance which they were in receipt of (on 1st April, 1920) will be continued to them as a personal allowance until they are transferred to a permanent office"? If so, has the personal allowance been withdrawn from 1st November, 1925, in the case of accountants and clerks although they have not been transferred to their permanent offices? If the reply be in the affirmative, will Government please state the reason of this sudden withdrawal?

**The Honourable Sir Basil Blackett:** The answer to the first two parts is in the affirmative. This arrangement was made because it was assumed that the deputation would be of short duration. As it is, these men have drawn these temporary allowances for several years and advantage has been taken of the introduction of improved rates of pay to remove an anomaly which can no longer be justified. In any case it is under contemplation to close this office.

#### REDUCTION OF THE DUTY ALLOWANCE OF UNIT ACCOUNTANTS AND CLERKS.

**117. Dr. K. G. Lohokare:** Will the Government of India please state the reasons for the reduction with effect from the 1st November 1925 of the duty allowance from Rs. 50 and Rs. 25 per mensem for unit accountants and clerks respectively, to Rs. 30 and 10? Have the revised rates of pay been so increased as to counterbalance the decrease in emoluments resultant from the reduction of duty allowance?

**The Honourable Sir Basil Blackett:** Experience proved that these scales of allowances were too high and that the restriction of allowances to movable formations was inequitable. It was, therefore, decided to reduce the allowances but to extend them to stationary formations also. Thus unit accountants and clerks have, as a whole, gained considerably and, though reduction of the allowance temporarily affects a certain number, it must be remembered that these men were, at any time, liable to transfer to a stationary unit or to the head office where no allowances at all were admissible.

#### REDUCTION OF THE LOCAL ALLOWANCE DRAWN BY ACCOUNTANTS AND CLERKS IN THE OFFICE OF THE CONTROLLER OF MILITARY ACCOUNTS, QUETTA.

**118. Dr. K. G. Lohokare:** (1) Is it a fact that the Baluchistan local allowance at Rs. 30 and 20 per mensem which the accountants and clerks serving in the office of the Controller of Military Accounts, Quetta, were in receipt of on 1st April, 1920, has been reduced to Rs. 20 and 10 per mensem, respectively, from 1st November, 1925? If so, will Government please state the causes that have led them to reduce the allowance?

(2) Is it a fact that in the new revision of pay introduced in the Military Accounts Department from 1st November, 1925, local allowances at Bombay, Karachi and at all military stations in the Waziristan, Baluchistan and Kohat Districts have been equalised? Will Government please state whether the expensiveness of these places is similar and whether the cost of living in Baluchistan has been reduced to the pre-war level to warrant its reduction?

(3) Is it a fact that Government have continued the same rates of Burma local allowance which the accountants and clerks were in receipt of prior to the introduction of the new revision of pay? If so, do Government propose to reconsider their orders to renew from 1st November, 1925, the former rates of Baluchistan local allowance?

**The Honourable Sir Basil Blackett:** (1) The answer to the first part is in the affirmative. The allowances were reduced, in connection with the revision of pay, because local conditions did not justify such high rates.

(2) The local allowances referred to in the first part of the question form an entirely new concession. They are not granted in every case solely on account of the expense of living but also in view of the disabilities of service in certain stations. In these circumstances a uniform rate was adopted as the fairest solution and the Baluchistan allowance was reduced as it had been pitched too high in the first instance.

(3) The answer to the first part is in the affirmative. Conditions of service in Burma differ widely from those in Quetta and the Government do not propose to reconsider the orders in the latter case.

#### CONDITIONS GOVERNING PROMOTIONS ABOVE THE EFFICIENCY BAR OF CLERKS IN THE MILITARY ACCOUNTS DEPARTMENT.

119. **Dr. K. G. Lohokare:** Will Government please state whether there is a restriction in the Civil Accounts Department that a clerk to cross the efficiency bar at Rs. 170 is required to appear for the Subordinate Accounts Service Examination and obtain at least 20 per cent. of the marks in each subject and 25 per cent. in the aggregate? Is it a fact that there is no such restriction in the Military Accounts Department? If so, will Government please state the special reasons for the differential treatment in the Military Accounts Department?

**The Honourable Sir Basil Blackett:** The answer to the first part is in the negative. Such a restriction has now been introduced in the Military Accounts Department. This Department is not necessarily bound by the rules of the Civil Department and the change was adopted in the interests of efficiency.

#### CASES OF ALLEGED MALINGERING IN THE OFFICE OF THE CONTROLLER OF MILITARY ACCOUNTS, QUETTA.

120. **Dr. K. G. Lohokare:** With reference to the several unsatisfactory cases of malingering referred to in the reply to questions Nos. 164 and 165 of September, 1925, will Government please state whether the Controller of Military Accounts, Quetta, had informed the C. I. D. to investigate whether the persons concerned were feigning sickness? Had the accountants and clerks absented themselves without producing in support of their absence medical certificates signed or countersigned by Government medical officers? If they had produced certificates granted by the Government medical authorities will Government please say why the individuals concerned were persecuted instead of the medical officers concerned for having recommended leave in cases where it was not necessary?

#### NUMBER OF CASES OF WITHDRAWAL OF INCREMENTS OF PAY OR DUTY ALLOWANCE IN THE OFFICE OF CONTROLLER OF MILITARY ACCOUNTS, MEERUT.

121. **Dr. K. G. Lohokare:** Will Government please state the number of cases in which increments of pay or duty allowance were withdrawn in the office of the Controller of Military Accounts, Meerut, since the present Controller assumed charge of that office? Have such cases abnormally increased as compared with a corresponding period of his predecessor?

PRODUCTION OF MEDICAL CERTIFICATES FOR A DAY'S ABSENCE BY  
THE EMPLOYEES OF THE OFFICE OF THE CONTROLLER OF MILITARY  
ACCOUNTS, MEERUT.

122. **Dr. K. G. Lohokare:** Will Government please say whether the employees of the office of the Controller of Military Accounts, Meerut, are enjoined to produce a medical certificate from the Staff Surgeon, Meerut, even for a day's absence? If so, will not this insistence aggravate the sickness owing to the persons being required to travel long distances from their places of residence to the Staff Surgeon's dispensary and the consequent exposure?

WRITING OFF OF AN OVERPAYMENT MADE TO A MILITARY OFFICER IN  
THE SUPERIOR SERVICE OF THE MILITARY ACCOUNTS DEPARTMENT.

123. **Dr. K. G. Lohokare:** Is it a fact that a sum of Rs. 177 and odd overpaid to a military officer in the superior service of the Military Accounts Department by the Controller of Military Accounts, Mhow, some two years back was written off by the Government of India? Was the overpayment made owing to a misinterpretation of rules? If so, with reference to the answer given to my question No. 88, dated 25th August, 1925, will Government please state the reasons for writing off the overpayment in this particular case? Will Government kindly reconsider the cases of the low paid clerks alluded to in my question No. 88 of last August on the analogy of the departure from the usual procedure in the case of an audit officer of the same Department?

STENOGRAPHER IN THE OFFICE OF THE CONTROLLER OF MILITARY  
ACCOUNTS, QUETTA.

124. **Dr. K. G. Lohokare:** Is it a fact that the Controller of Military Accounts, Quetta, has locally employed on a high rate of pay an outsider as a stenographer in his office? If so, will Government please say what special qualifications the stenographer possesses? Were not any competent permanent men with suitable qualifications available in the Department to fill up the post?

DISCHARGE BY THE CONTROLLER OF MILITARY ACCOUNTS, QUETTA, OF A  
LARGE NUMBER OF HIS MENIAL ESTABLISHMENT.

125. **Dr. K. G. Lohokare:** Are Government aware that the Controller of Military Accounts, Quetta, has summarily discharged from service a large number of the menial servants of his office? Will Government please state the causes that have led to their discharge? Have they received any representations praying for their reinstatement? If so, how were they disposed of? Was the clerical establishment of that office made to do the menial servants' duties? Do Government propose to make full inquiries into the matter?

ALLEGED HARASSMENT OF UNIT ACCOUNTANTS AND CLERKS BY MILITARY  
ACCOUNTS LOCAL AUDIT OFFICERS.

126. **Dr. K. G. Lohokare:** (a) Has the attention of the Government of India been drawn to an article which appeared in the *Indian Daily Mail* early in December 1925, regarding the harassment of unit accountants and clerks by Military Accounts Local Audit Officers?

(b) Is it a fact that free hospitality is demanded from them?



(c) Is it also a fact that those who do not comply with such demands are threatened with adverse audit reports? If so, have Government instituted any inquiries into the matter?

(d) Do Government propose to issue strict instructions against this abuse of powers by their Local Audit Officers?

**The Honourable Sir Basil Blackett:** Information has been called for on the points raised in these questions and a reply will be furnished on receipt thereof.

#### REDUCTION OF EXPENDITURE ON STATE AND COMPANY-MANAGED RAILWAYS.

127. **Mr. K. Rama Aiyangar:** Will the Government be pleased to state what special staff if any has been appointed in the State Railways and the Company-managed ones for securing reduction in expenditure under the various heads and at what cost in each case?

**Mr. G. G. Sim:** It is difficult to answer the Honourable Member's question as it is not known to what period he refers. At the present moment the Bengal Nagpur Railway have employed a specially qualified officer to make proposals for the retrenchment of establishment charges and the East Indian Railway have placed one of their officers on special duty for the same purpose. The estimated cost of these inquiries is Rs. 30,000 for the Bengal Nagpur Railway and Rs. 8,000 for the East Indian Railway.

But I would remark that the question of securing economies in working expenses is one that every officer of a railway is required to give attention to in his day to day work, and that the Head of the Railway Administration is judged by his success in working the Railway economically with proper regard to efficiency.

#### TOTAL INCREASE IN THE REVENUE DERIVED FROM MONEY ORDER COMMISSION, ETC.

128. **Mr. K. Rama Aiyangar:** Will the Government be pleased to state what extra income has been derived from charging 2 annas instead of 1 anna on money orders for Rupees 5 and under? What is the approximate number of letters under 1 tola in weight carried by the post offices in the country?

**Mr. G. P. Roy:** The information asked for in the first part of the question is not available, as no statistics are kept for money orders according to their value. It may, however, be stated that there was a total increase of about Rs. 6 lakhs in the revenue on account of money order commission in the year 1921-22, i.e., the first year after the present rates of money order commission were introduced, though the number of money orders issued went down from 37,226,484 to 33,328,207.

The approximate number of inland letters not exceeding one tola in weight conveyed by the Indian Post Office in 1924-25 was 400 millions.

#### TOTAL ESTIMATED LOSS IN EARNINGS ON STATE-OWNED RAILWAYS IF THIRD CLASS FARES WERE FIXED AT 3 PIES AND 2½ PIES PER MILE, RESPECTIVELY.

129. **Mr. K. Rama Aiyangar:** Will the Government be pleased to state what the loss in railway receipts will be if in all ordinary passenger trains, the third class fare is charged at (1) 3 pies per mile and (2) 2½ pies per mile, in the case of each of the State Railways whether State or Company-managed?

**Mr. G. G. Sim:** The total estimated loss in earnings on State-owned railways if all third class passengers were charged 8 pies per mile comes to over Rs. 4½ crores. If the fare was further reduced to 2½ pies per mile the total estimated loss would be over Rs. 8½ crores. These figures of estimated loss have been worked out on the passenger earning statistics of 1924-25.

Figures of earnings are not available separately by mail and ordinary passenger trains but only a small proportion of third class passengers travel by mail trains.

A statement is laid on the table showing the estimated loss separately for each railway.

*Statement showing estimated loss in earnings if third class passengers are charged 3 pies and 2½ pies per mile on State-owned railways.*

Railway.	ESTIMATED LOSS IN EARNINGS (BASED ON THE FIGURES FOR 1924-25).	
	If third class passengers are charged at 3 pies per mile.	If third class passengers are charged at 2½ pies per mile.
<b>5' 6" GAUGE.</b>	<b>Rs. (in thousands).</b>	<b>Rs. (in thousands).</b>
Bengal Nagpur	26,74	51,05
Bombay, Baroda and Central India	18,87	49,81
Eastern Bengal	11,63	28,24
East Indian	57,10	1,16,57
Great Indian Peninsula	81,35	1,32,19
Madras and Southern Mahratta	17,89	36,13
North Western	69,62	1,45,30
Oudh and Rohilkhand	15,09	34,94
South Indian	12,53	18,32
<b>Total</b>	<b>3,10,62</b>	<b>6,12,05</b>
<b>3' 3½" GAUGE.</b>		
Assam Bengal	11,59	19,87
Bombay, Baroda and Central India	14,00	48,77
Burma	82,94	50,84
Eastern Bengal	12,29	24,83
Madras and Southern Mahratta	15,39	31,08
South Indian	42,34	66,40
<b>Total</b>	<b>1,29,45</b>	<b>2,41,79</b>
<b>2' 6" &amp; 2' 0" GAUGES.</b>		
Bengal Nagpur	2,61	6,22
Bombay, Baroda and Central India	1,97	2,63
Eastern Bengal	84	56
Great Indian Peninsula	4,36	5,44
North Western	7,23	8,86
South Indian	35	59
<b>Total</b>	<b>16,86</b>	<b>23,80</b>
<b>GRAND TOTAL</b>	<b>4,56,93</b>	<b>8,77,64</b>

TOTAL NUMBER OF POSTCARDS TRANSMITTED THROUGH THE POST IN THE YEARS 1921-22, 1923-24 AND 1924-25, RESPECTIVELY.

180. **Mr. K. Rama Aiyangar:** Will the Government be pleased to state what the total number of postcards conveyed by the post offices was in 1924-25 as compared with 1923-24 and 1921-22?

**Mr. G. P. Roy:** The estimated number of post cards transmitted through the post during each of the three years is given below:

1921-22 . . . . .	648,470,932
1923-24 . . . . .	531,606,208
1924-25 . . . . .	542,365,050

TOTAL CAPITAL EXPENDITURE CHARGED TO REVENUE IN CERTAIN SPECIFIED DEPARTMENTS IN THE YEAR 1925-26.

181. **Mr. K. Rama Aiyangar:** Will the Government be pleased to state what the total capital expenditure charged to Revenue has been in the years 1923-24 and 1924-25, and is expected to be according to the Budget estimate of 1925-26 in each of the departments Military, Railways, Posts and Telegraphs, Customs, Salt, Stamps and other civil works?

**The Honourable Sir Basil Blackett:** There is nothing that I can add to the information already contained in the Finance and Revenue Accounts for 1923-24 and the Demands for Grants for 1925-26. The Finance and Revenue Accounts for 1924-25 will be published shortly.

ISSUE OF INSTRUCTIONS TO THE IMPERIAL BANK OF INDIA TO HELP AGRICULTURISTS AND OTHERS IN RURAL AREAS.

182. **Mr. K. Rama Aiyangar:** Will the Government be pleased to state if they have issued any and if so what instructions to the Imperial Bank to extend its field of operations to help the agriculturist and others in rural areas?

**The Honourable Sir Basil Blackett:** The business which the Imperial Bank is authorised to undertake is laid down in Schedule I Part I of the Imperial Bank of India Act. The Government have not issued any further instructions to the Bank.

ARTICLE IN THE *FORWARD* REGARDING THE AMALGAMATION OF THE EAST INDIAN AND THE OUDH AND ROHILKHAND RAILWAYS.

183. **Mr. Devaki Prasad Sinha:** Has the attention of the Government been drawn to the article published in the *Forward* of Calcutta, dated the 16th October 1925, headed "First fruits of railway amalgamation"?

**Mr. G. G. Sim:** The reply is in the affirmative. They note with great satisfaction that "dear associations cluster round" the Oudh and Rohilkhand Railway.

**TIME AND FARE TABLES OF THE EAST INDIAN AND THE OUDH AND ROHILKHAND RAILWAYS.**

**184. Mr. Devaki Prasad Sinha:** Will the Government be pleased to state:

- (a) how many copies of the Time and Fare Table of the East Indian Railway were printed in March and October, 1925, respectively, and what was the total cost per edition incurred under this head; and
- (b) how many copies of the Time and Fare Table of the Oudh and Rohilkhand Railway were printed in March, 1925, and of the reprint of the same issued in June 1925, from Lucknow, and in October, 1925, of the Oudh and Rohilkhand Railway section only issued from Calcutta, and what was the total cost of each of these editions incurred under this head?

**TIME AND FARE TABLES OF THE EAST INDIAN RAILWAY AND THE OUDH AND ROHILKHAND SECTION OF THE EAST INDIAN RAILWAY.**

**185. Mr. Devaki Prasad Sinha:** (a) Since the two railways, namely, the East Indian Railway and the Oudh and Rohilkhand Railway, have now been amalgamated and are working under State management, will the Government be pleased to state the circumstances in which two separate sets of Time and Fare Tables, one for the whole of the newly constituted East Indian Railway including the Oudh and Rohilkhand and the other only for the Oudh and Rohilkhand section of the East Indian Railway have been issued?

(b) Was it not possible to include both these sets of Time and Fare Tables in one?

(c) If not, will the Government be pleased to state the reasons against the combined issue?

**Mr. G. G. Sim:** I propose to answer these two questions together. On account of an agreement which the late Oudh and Rohilkhand Railway Administration had entered into with a firm of contractors it was found necessary to issue one Time Table for the Oudh and Rohilkhand Section only and one for the entire East Indian and Oudh and Rohilkhand amalgamated system. The Government of India do not know how many copies were printed of the two sets of the Time Tables nor the cost involved.

**DISCONTINUANCE OF THE PRESENT ARRANGEMENTS FOR THE SALE OF FOOD-STUFFS TO THIRD CLASS PASSENGERS ON THE OUDH AND ROHILKHAND SECTION OF THE EAST INDIAN RAILWAY.**

**186. Mr. Devaki Prasad Sinha:** With reference to Mr. G. G. Sim's reply to Raja Raghunandan Prasad Singh's question No. 153, dated 27th August, 1925:

- (a) Will the Government be pleased to state specifically in what respects the existing arrangements have not been considered to be satisfactory, and by whom, whether by the travelling public or by the railway administration?

- (b) Do the Government propose to inquire whether the alleged unsatisfactory state has been due to the total absence of the essential fittings required for the purpose in the compartment reserved for the sale of foodstuffs in trains?
- (c) Will the Government please specify the facilities since given to popularise the sale of foodstuffs in trains?

**DISCONTINUANCE OF THE PRESENT ARRANGEMENTS FOR THE SALE OF FOODSTUFFS TO THIRD CLASS PASSENGERS ON THE OUDH AND ROHILKHAND SECTION OF THE EAST INDIAN RAILWAY.**

**137. Mr. Devaki Prasad Sinha:** Are the Government aware that several members of the Legislative Assembly of the Oudh and Rohilkhand Railway Advisory Committee of the United Provinces Legislative Council, and Rajas, Talukdars, Zemindars, and men of high social positions have actually partaken of the foodstuffs and have testified to the success of the system from the Indian point of view, and to the fact that it has been a distinct boon to the travelling public?

**DISCONTINUANCE OF THE PRESENT ARRANGEMENTS FOR THE SALE OF FOODSTUFFS TO THIRD CLASS PASSENGERS ON THE OUDH AND ROHILKHAND SECTION OF THE EAST INDIAN RAILWAY.**

**138. Mr. Devaki Prasad Sinha:** (a) Will the Government be pleased to state whether any decision has been arrived at as the result of the examination by the railway administration of the matter referred to on page 305 of the Assembly Debates, Volume 6, No. 6 of the 27th August, 1925?

(b) Who were the members appointed to examine the question and were any Indian railway officials consulted in the matter?

(c) If the answer to (a) be in the negative, will the Government be pleased to state when the railway administration concerned is likely to announce its decisions on the matter?

**Mr. G. G. Sim:** Enquiry has been made with regard to questions Nos. 136 to 138 and the result will be communicated to the Honourable Member in due course.

**UTILISATION OF THIRD CLASS COMPARTMENTS ON THE EAST INDIAN RAILWAY FOR THE SALE OF FOODSTUFFS TO INDIAN PASSENGERS.**

**139. Mr. Devaki Prasad Sinha:** (a) How many restaurant cars are in the stock of the East Indian Railway including those taken over from the Oudh and Rohilkhand Railway, and what is the total cost of each car?

(b) Will the Government be pleased to state the cost of fitting up a third class compartment with necessary accessories such as stoves, water reservoir, almirahs, ice box, sinks, etc., to be utilised for the sale of foodstuffs to Indian passengers?

**The Honourable Sir Charles Innes:** (a) There are altogether 17 restaurant cars on the East Indian Railway, the average cost of which is Rs. 36,851.

(b) Rs. 1,500 approximately.

# MESSAGE FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

**Mr. President:** I have received a Message from His Excellency the Viceroy and Governor General:

(The Assembly received the Message standing.)

"For the purposes of sub-section (1) of section 67A of the Government of India Act and in pursuance of Rules 43, 46 and 47 of the Indian Legislative Rules and of Standing Order 70 of the Council of State Standing Orders, I, Rufus Daniel, Earl of Reading, hereby appoint the following days for the presentation to the Council of State and to the Legislative Assembly of the statement of the estimated annual expenditure and revenue of the Governor General in Council in respect of Railways and for the subsequent stages in respect thereof in the Council of State and in the Legislative Assembly, namely:

Thursday, February 18th	...	Presentation in both Chambers.
Saturday, February 20th	...	General discussion in the Council of State.
Monday, February 22nd	...	General discussion in the Legislative Assembly.
Tuesday, February 23rd	...	} Voting of demands for grants in the Legislative Assembly.
Wednesday, February 24th	...	
Thursday, February 25th	...	
Friday, February 26th	...	

(Signed) **READING,**  
Viceroy and Governor General."

## THE CONTEMPT OF COURTS BILL—contd.

**Mr. President:** The House will now resume further discussion of the following motion moved by the Honourable Sir Alexander Muddiman on the 3rd February, 1926:

"That the Bill to define and limit the powers of certain Courts in punishing contempts of Courts, as amended, be passed."

**Mr. A. Ranganaswami Iyengar** (Tanjore cum Trichinopoly: Non-Muhammadan Rural): Sir, I desire to associate myself with my Honourable leader, Pandit Motilal Nehru, in opposing the passage of this Bill into law, and I desire to add only a very few words to show that we on this side of the House cannot accept the motion moved by the Honourable the Home Member. In the first place, Sir, I desire to point out that, as has all along been insisted on on this side of the House, the necessity for this Bill was specifically stated by the Government to be the removal of certain doubts that had been created by a conflict of decisions between the Bombay and Madras High Courts on the one side and the Calcutta High Court on the other, and also to limit the punishment as to contempts of courts. As I took the occasion to point out when the motion to refer the Bill to a Select Committee was placed before this House, if the Government had only the intention of removing this doubt, they could have done it by a simple and small clause, declaratory of the principle of law on which there was such conflict of decision. There was no necessity, therefore, on the part of the Government to insert into the Bill that vague sweeping and comprehensive definition of contempt which would

[Mr. A. Rangaswami Iyengar.]

have placed the liberties of the press and of the public at the mercy, as I said on the last occasion, of the meanest magistrate in this country. There was no necessity, again, on the part of the Government to try to extend the law of contempt so as to take within its sweep not merely the chartered High Courts which claim to have inherited these powers from the Court of King's Bench in England, but other High Courts, and the Courts of Chief Commissioners and Judicial Commissioners also in this country. We, therefore, Sir, in accepting the motion to refer the Bill to a Select Committee definitely put down our case to be that we were quite willing to clear this doubt, to clear this conflict of decisions, but that we were against defining the law of contempt in the sweeping terms which the clause originally embodied and of extending the law of contempt to any smallest extent beyond what it actually was at the time when this Bill was introduced.

Now, Sir, what has happened since then? The Government in the Select Committee pressed the whole of their case, and we succeeded in the Select Committee in getting rid of the definition of contempt. We also succeeded in the Select Committee in getting rid of the power of Chief Courts to commit for contempt cases of contempt committed before subordinate courts, and we also succeeded in leaving the position as to the jurisdiction of High Courts which had not owed their origin to the original charters and which cannot presume to derive their powers from the Court of King's Bench in England, we succeeded in leaving the position so far as those courts were concerned, exactly where it is now, and, therefore, clause 2 clearly laid down that the High Courts of Judicature established by Letters Patent shall have and exercise the same jurisdiction, powers and authority, in accordance with the same procedure and practice, in respect of contempts of courts subordinate to them as they have and exercise in respect of contempts of themselves. Therefore, Sir, that leaves the question as to the existence of a power to punish for contempt of any courts other than the chartered High Courts, exactly where it was before. If the High Courts themselves had no power to punish for contempt of court against themselves, *a fortiori* they could not have powers to punish for contempt of courts subordinate to them.

We left the matter there; but my Honourable friend, Sir Alexander Muddiman, in this House brought up after presenting the Select Committee's Report, an amendment which, while it left the law as regards the High Courts as it was, i.e., as we put it in the Select Committee, went further and tried to invest the Chief Courts in this country with power to punish for contempts of subordinate courts when the non-presidency High Courts themselves would not, in our view, possess such a power. My Honourable friend Sir Henry Stanyon pointed out the other day that the effect of refusing to enact the clause as to Chief Courts would be that while the court of the District Magistrate of Allahabad could complain to the High Court and the High Court of Allahabad could commit for contempt of the court of the District Magistrate of Allahabad, the Chief Court of Lucknow would not have the power to commit for contempts of the District Magistrate of Lucknow. Now, I say that the position is not that, but is the reverse of it. According to the amendment carried in the House at the instance of the Honourable the Home Member, the position would be that whereas the Chief Court at Lucknow could

commit for contempt offences committed in respect of the District Magistrate of Lucknow, in our view, the High Court of Allahabad, a much higher court, which owes its origin to Letters Patent, would not have the power to commit for contempts of the District Magistrate of Allahabad. Therefore, Sir, the position seems to me a *reductio ad absurdum*. As we conceive it, the High Court of Allahabad does not possess the power to commit for contempts of itself or of courts subordinate to it; and while that matter is doubtful, you are going on and making it clear that Chief Courts should possess that power, whatever may or may not be the case with respect to the High Courts. That, Sir, is a position which we cannot accept. At the same time, we want to pin ourselves down to this express provision. We have not the smallest intention of acceding to any extension of this summary, of this arbitrary power, to be vested in the Chief Courts, nor the smallest extension of that power to any courts other than those which possessed it at the time when this Act was passed.

Much was said the other day, Sir, in respect of the Resolution relating to the Privy Council, as to the spirit of bargain. Sir, I agree with the Honourable the Home Member that it is always useful to make bargains in matters of business, and I say, Sir, that we on this side of the House who were quite ready to defeat the proposal to bring this Bill into this House (and that was what my Honourable friend the Leader of the Swaraj Party has already stated in this House), we were quite prepared to allow this Bill to go to the Select Committee to remove this legal doubt, so long as no further extension of the power was contemplated and so long as we in return for our acceding to the proposal that the High Courts should be declared to possess the power to commit for contempts of subordinate courts, got on the other side the concession which the Honourable the Home Member said was a concession of limiting the power of punishment in the High Courts to fine and simple imprisonment. That was the bargain, Sir, that we struck, and we stick to the terms of that bargain. We are not prepared to go one iota further than that, and we therefore ask the House that as the Honourable the Home Member has now gone further and has asked us to invest the Chief Courts with the power not merely to commit for contempt of court of themselves but with the power to punish for contempts of subordinate courts, we ask this House to reject this motion and not to pass the Bill into law.

**Mr. M. A. Jinnah** (Bombay City: Muhammadan Urban): Sir, before the Honourable the Home Member begins I would like to understand from him whether the Government propose to go to the other House and have this Bill further amended or whether they are prepared to accept the Bill if it is passed as it is before the House now, because that will make a great difference to the attitude of my Party towards this Bill.

**The Honourable Sir Alexander Muddiman** (Home Member): I understand, Sir, that I may be called to speak on the Bill later, and I shall then give an answer to my Honourable friend's remarks in my speech.

**Mr. Bipin Chandra Pal** (Calcutta: Non-Muhammadan Urban): I desire, Sir, to associate myself with the motion for the rejection of this Bill. I am glad to find myself for once (Cheers from the Swarajist Benches), I hope they will find themselves more often with me in the future. But while I oppose this Bill, it is not exactly on the grounds urged by my friend the Leader of the Swaraj Party. My opposition is not based on the fact that this Bill



[Mr. Bipin Chandra Pal.]

extends the power, originally claimed by some of our High Courts which represent the King's Court in India, to the Chief Courts. I for one see no reason why if the magistrates in Bengal or Bombay or Madras are to be protected by the superior courts in their own Presidencies, the same magistrates in the Punjab or in other Provinces which have not the honour of having a High Court should be deprived of that protection . . . .

**Lala Lajpat Rai** (Jullundur Division: Non-Muhammadan): The Punjab has a High Court.

**An Honourable Member:** "Oudh."

**Mr. Bipin Chandra Pal:** I am thankful for the correction. But that is not my position. My position is this. I do not believe in creating new offences. This offence did not exist so far as subordinate courts were concerned, before you brought this Bill in, and if, we were not moved by the spirit of bargaining, we would not have found ourselves in this ugly position to-day. This Bill ought to have been thrown out on its introduction. And at one time it did seem that the House would throw out this Bill summarily when it was first introduced. But the spirit of bargaining prevailed and we find ourselves to-day in this present position. As a journalist, Sir, I oppose this measure. I believe that the etiquette of journalism, which always says that no case which is before a Court of law *sub judice* should be commented upon, should be left to correct improper comments on cases proceeding before any court. That is what I understand, and as a journalist of nearly half a century's experience, I have rarely found *sub judice* cases commented upon by the Press in this country.

**Mr. M. A. Jinnah:** No, no.

**Mr. Bipin Chandra Pal:** My Honourable friend and respected leader ought to give me the credit of knowing my profession as much as he knows and thinks of his own profession.

**Mr. M. A. Jinnah:** I can tell the Honourable Member that very recently there were two cases of contempts of court committed in Bombay and I happened to appear in both of them.

**Mr. Bipin Chandra Pal:** I pity the Bombay Press, because the honours of the Press, the rules of the Press and the etiquette of the Press, seem to be more honoured in their breach in the Province from which my leader comes than in the Province to which I belong. Now, the vernacular Press in Bengal rarely commits this offence.

Then, there is another consideration, Sir. I can well understand comments on *sub judice* cases prejudicing justice in jury trials but not in ordinary magisterial trials or when there is no jury, because we well know of and can depend upon, the detachment of our judges from all these press comments. The fact of the matter is this. We do not want any new offence to be created and place certain powers which the High Courts do not possess and which the Chief Courts do not possess now, in their hands. It is for this reason, Sir, that I would leave the Press to its own sense of honour. I would improve the purity of the Press, I would improve the purity of our public life also, Sir, at the same time, and by improving the

character and the tone of the Press and the public, I would provide against the danger, which is not very serious and from which this law wants to protect the judiciary.

Now, Sir, with regard to the lower courts. They never had this right of appealing to the High Court. I can well understand that the High Courts will decide justly, but what about a prosecution initiated by a lower court—and who can say what will not offend the dignity of a magistrate in this country? A simple comment may offend the dignity of a magistrate and he may go up to the High Court to offer him protection. And we know the High Courts even are more prone to look kindly to their subordinates than to the rights and liberties of the outside public. For this reason, Sir, I think it is a dangerous thing to give the High Courts the power of taking cognisance of contempts committed against a subordinate court. It is sufficient that the High Courts themselves have the power. I would not interfere with that power, but I think, Sir, no case has been made out for bringing this law before the Assembly. The only thing is this. We want to remove doubts and differences between the various High Courts. Now, lawyers always create doubts. (Laughter.) They always do that with regard to the interpretation of law, and if we are to try to remove doubts created by lawyers in regard to the interpretation of law, I do not know where we poor people who are not lawyers would stand. For this reason, Sir, I strongly oppose the passage of this Bill into an Act.

**The Honourable Sir Alexander Muddiman:** Sir, one would have thought at first when listening to this debate that it was not a third reading debate but a debate on a motion for reference to Select Committee. And my Honourable friend Mr. Bipin Chandra Pal with his usual clarity has exposed that; in other words, he has let the cat out of the bag. He has not suggested that this Bill is being opposed on a third reading debate; he has suggested that he has opposed it because the House made a mistake and acted inadvisedly on the debate for the reference of the Bill to the Select Committee. That concerns me to this extent. I must make it perfectly clear to the House that I at any rate did nothing to mislead the House as to the contents of the Bill. I must refer to what I said in my first speech. I said:

"I should like to make my position perfectly clear as I think I made it in my first speech. I there laid down three questions of principle involved in the Bill. One was that doubts should be resolved. The second principle was that the Courts, not now empowered, which are in the same position as High Courts, should get the powers of a court of record. And the third principle was that the power of punishment of the High Court should be restricted to six months."

I made that perfectly clear, and the House voted on it. But whether the House made a mistake then or not. . . .

**Mr. A. Rangaswami Iyengar:** But the House did not say that it accepted all the three principles.

**The Honourable Sir Alexander Muddiman:** I beg the Honourable Member not to interrupt me. I hope he will let me proceed. If he provokes me, I shall have to proceed further against him. I merely now say that it has never been my method of procedure to read other peoples' speeches and charge them with inconsistencies. The speeches are there and they may be read. If there are inconsistencies they are patent to

[Sir Alexander Muddiman.]

the House. It is not a matter of argument but of fact. There has been a change of view in my judgment, but my Honourable friend assures me that there has been none. Well the words are there but I don't pursue the point as I want to get this Bill passed. I am not going to begin by saying that the House ought to have been more cautious before it accepted its reference to the Select Committee or enter into any arguments on that. I prefer that the Bill should stand on its merits. This Bill, as the House knows, is not in a form which I entirely like myself. It has been left in a peculiar position. The Chief Courts are protected, but their subordinate courts are not to be protected. It was said in one of the debates that one should not pay attention to logic. Well, I do not know if it is not a bad rule some times to be logical.

The next point is about the reduction in fine. I think the House recognised that the limitation,—at least in the first debate it recognised it—whether it still does so or not I cannot say,—but the House did recognise in the first debate that the reduction of the unlimited powers of imprisonment was an advance in the direction in which the House wanted to go. Therefore, to that extent, the Bill was, I think, universally supported. I think myself the limitation of the fine was a mistake. Now, I have got a Bill which does not exactly satisfy me in certain particulars. My Honourable friend opposite in opposing the Bill said that he opposed this measure merely because important powers are given to Chief Courts. Now there is only one Chief Court in India. Therefore the ground of danger is comparatively narrow. So many Chief Courts have become High Courts, and the danger, if there is danger such as my Honourable friend seems to argue, is very limited. Now my Honourable friend, Mr. Bipin Chandra Pal, said that we should not try to resolve the doubts of lawyers. Well, if that is the line taken, then we shall not do much legislation, because most of our legislation necessarily concerns resolving doubts that arise in the working of Acts. Therefore I cannot take that argument too seriously. There remains Mr. Jinnah's point. He asked me whether, if the House passed the Bill in the form now before it, I should move amendments in the other House. Well that is not my present intention, if the House passes the Bill. I am never one of those who refuse half a loaf of bread when they cannot get a whole loaf; personally I get little, sometimes very little from the House. Mr. Jinnah, when supporting this Bill in a very practical and sound speech, alluded to one issue. He said that this Bill has come to its final stage, and it has been the result of much hammering out. It would also have been true if he had added that it has been the result of some 10 or 12 years' consideration in the Government of India. The evil, I am afraid, is undoubtedly rife. Mr. Jinnah himself has called attention to two recent cases where he himself appeared in those matters, and I think few of us who read the papers would say that it is not a danger in this country. I remember a particular case which came before me officially where I had the greatest difficulty in dealing with the matter, as it was contended that the comments made were calculated to prejudice a trial. Now, Mr. Jinnah's argument that by rejecting this Bill at the present stage the House would be throwing away much good work is very cogent. Whether it will appeal to the House, however, I am not so sure for. I have seen in the last week the hopes of years and the careful negotiations of months thrown down like a castle of cards. I only hope that the work

embodied in this Bill after a long debate is not going to be rendered fruitless by an unfavourable decision on the third reading, which if taken at all should have been taken at an earlier stage.

**Mr. President:** The question is:

"That the Bill to define and limit the powers of certain courts in punishing contempts of courts, as amended, be passed."

The Assembly divided:

AYES—63.

Abdul Qaiyum, Nawab Sir Sahibzada.  
 Abul Kasem, Maulvi.  
 Ahmad Ali Khan, Mr.  
 Ajab Khan, Captain.  
 Alimuhammad Chowdhry, Khan  
 Bahadur.  
 Badi-uz-Zaman, Maulvi.  
 Bajpai, Mr. R. S.  
 Bhowre, Mr. J. W.  
 Blackett, The Honourable Sir Basil.  
 Bray, Sir Denys.  
 Burdon, Mr. E.  
 Calvert, Mr. H.  
 Carey, Sir Willoughby.  
 Chanda, Mr. Kamini Kumar.  
 Clow, Mr. A. G.  
 Cocke, Mr. H. G.  
 Crawford, Colonel J. D.  
 Dalal, Sardar B. A.  
 Das, Mr. B.  
 Datta, Dr. S. K.  
 Donovan, Mr. J. T.  
 Ghose, Mr. S. C.  
 Ghulam Abbas, Sayyad.  
 Ghulam Bari, Khan Bahadur.  
 Gidney, Lieut.-Colonel H. A. J.  
 Gordon, Mr. R. G.  
 Graham, Mr. L.  
 Hezlett, Mr. J.  
 Hira Singh Brar, Sardar Bahadur  
 Captain.  
 Hudson, Mr. W. F.  
 Hussainally, Khan Bahadur W. M.  
 Innes, The Honourable Sir Charles.

Jatar, Mr. K. S.  
 Jinnah, Mr. M. A.  
 Joshi, Mr. N. M.  
 Lindsay, Sir Darcy.  
 Lloyd, Mr. A. H.  
 Macphail, Rev. Dr. E. M.  
 Mitra, The Honourable Sir Bhupendra  
 Nath.  
 Muddiman, The Honourable Sir  
 Alexander.  
 Muhammad Ismail, Khan Bahadur  
 Saiyid.  
 Mutalik, Sardar V. N.  
 Naidu, Rao Bahadur M. C.  
 Neave, Mr. E. R.  
 Neogy, Mr. K. C.  
 Owens, Lieut.-Col. F. C.  
 Rahman, Khan Bahadur A.  
 Ramachandra Rao, Diwan Bahadur M.  
 Rangachariar, Diwan Bahadur T.  
 Reddi, Mr. K. Venkataramana.  
 Roffey, Mr. E. S.  
 Sim, Mr. G. G.  
 Singh, Rai Bahadur S. N.  
 Singh, Raja Raghunandan Prasad.  
 Stanyon, Colonel Sir Henry.  
 Sykes, Mr. E. F.  
 Tonkinson, Mr. H.  
 Venkatapatiraju, Mr. B.  
 Vernon, Mr. H. A. B.  
 Vijayaraghavacharyar, Sir T.  
 Vishindas, Mr. Harchandrai.  
 Wajihuddin, Haji.  
 Willson, Mr. W. S. J.

NOES—27.

Acharya, Mr. M. K.  
 Aiyangar, Mr. C. Duraiswami.  
 Chaman Lal, Mr.  
 Chetty, Mr. R. K. Shanmukham.  
 Das, Pandit Nilakantha.  
 Dutt, Mr. Amar Nath.  
 Gulab Singh, Sardar.  
 Ismail Khan, Mr.  
 Ivengar, Mr. A. Rangaswami.  
 Kidwai, Shaikh Mushir Hosain.  
 Lajpat Rai, Lala.  
 Majid Baksh, Syed.  
 Mehta, Mr. Jamnadas M.  
 Misra, Pandit Shambhu Dayal.

Murtuza Sahib Bahadur, Maulvi  
 Sayad.  
 Narain Dass, Mr.  
 Nehru, Pandit Motilal.  
 Pal, Mr. Bipin Chandra.  
 Ranga Iyer, Mr. C. S.  
 Ray, Mr. Kumar Sankar.  
 Samiullah Khan, Mr. M.  
 Sarfaraz Hussain Khan, Khan  
 Bahadur.  
 Singh, Mr. Gaya Prasad.  
 Sinha, Mr. Ambika Prasad.  
 Sinha, Mr. Devaki Prasad.  
 Talatuley, Mr. S. D.  
 Tok Kyi, U.

The motion was adopted.

## DEMANDS FOR SUPPLEMENTARY GRANTS IN RESPECT OF RAILWAYS.

### PERSONNEL OF THE RAILWAY BOARD.

**Mr. G. G. Sim** (Financial Commissioner, Railways): Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 72,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1926, in respect of the 'Railway Board'."

I should like to explain briefly to the House that the necessity for moving this motion and the other motions standing in my name and the motion in the name of the Honourable Sir Charles Innes has arisen simply owing to the new procedure adopted by this House in the convention regarding the separation of the Railway from the General Finances. Under the old system this House voted only two Demands for the Railways, one for the total Revenue expenditure and one for the total Capital expenditure; and had that system still continued there would have been no necessity to bring these motions because no excess is anticipated either in the total Revenue or total Capital expenditure. On the contrary, considerable lapses are expected under both heads. Under the new arrangement, however, the Railway vote is divided into 15 different heads and an excess under any one of those heads has to be approved of by this House. As regards this particular motion, Sir, no increase of expenditure under the head "Railway Board" is anticipated and the only reason for bringing forward this motion is that there has been an increase in the voted expenditure accompanied by a greater decrease in the non-voted. Rs. 15,000 out of the Rs. 72,000 is required to meet an increase in the amount of gratuities paid this year owing to retrenchments effected at the instance of the House in the staff employed in the office of the Railway Board. The rest of the money is required simply because certain salaries which were classed as non-votable have become votable; and therefore this motion is nothing more than an indication of the increasing control of this House over the expenditure under the head "Railway Board" and of the increasing Indianisation of the posts in the Railway Board. This proposal has the approval of the Standing Finance Committee. I move, Sir, the motion that stands in my name.

**Mr. M. K. Acharya** (South Arcot *cum* Chingleput: Non-Muhammadan Rural): I beg to move, Sir, the amendment that stands in my name which runs as follows:

"That the Demand under the head 'Railway Board' (page 1) be omitted in view of the lack of adequate response by the Railway Board to the Resolutions and wishes of the Legislative Assembly in matters relating to railway administration and the personnel of the Railway Board."

**Mr. G. G. Sim**: On a point of order, Sir. I desire to obtain a ruling from the Chair as to whether this amendment and the other two amendments to my motion are in order. It has hitherto been the practice under rulings given by your predecessor that the discussion on Supplementary Demands should be confined entirely to the particular objects for which those Demands are required and should not be used as a means of forestalling the debate on the general Budget. I need only refer to several rulings given on the 20th February, 1924. The President on that date ruled out certain motions on the ground that they had been put forward with the deliberate intention of forestalling a debate upon the

Budget and he asked Honourable Members to recollect that these debates were "not budget discussions but something much more restricted, mere foot-notes to the finance of the year". As an instance, Sir, in connection with a Supplementary Demand under the head "Income-tax" he ruled out of order a discussion on Income-tax administration generally, on the ground that the motion put forward was really a motion for certain payments to Provincial Governments and he said that the whole debate "must be confined to that". I would submit for your opinion, Sir, that none of these amendments are in order. I have explained that this Demand is really brought forward for the reason that certain posts in the Railway Board are now held by persons whose salaries are votable in the place of persons whose salaries were non-votable. The first two amendments, Sir, raise general questions regarding railway administration and I hope the Honourable Member does not mean to imply, in order to bring his amendments within the scope of the previous rulings, that these questions would have been dealt with more suitably had certain posts on the Railway Board staff not been Indianised. The last motion in the name of Khan Bahadur Sarfaraz Hussain Khan relates to the appointment of my successor and I would submit that that motion is even less in order than the motions of Mr. Acharya, because my successor, whoever he may be, will not draw any money or any portion of the money in the Budget of this year. I propose to absorb any money in this year's Budget for the Financial Commissioner myself. (Laughter.)

**Dr. K. G. Lohokare** (Bombay Central Division: Non-Muhammadian Rural): On a point of order, Sir. Even in spite of the attention of the House having been drawn by the Honourable Member to certain rulings of your predecessor, our knowledge is that this sum of Rs. 72,000 concerns the personnel of the Railway Board, and consequently when the Demand is again placed before us, we are perfectly entitled to discuss that point only, that is the personnel of the Railway Board. That is my submission, Sir, regarding the point of order.

**Mr. M. K. Acharya:** Sir, I shall be quite willing to submit to your ruling, whatever it be. I only want to say this, especially to the people who take a very easy and light view of the matter and therefore probably are laughing at it. My submission is this. This House has very few powers. I would urge that every opportunity should be taken to impress upon the other side what we consider to be failure on their part to carry out the wishes of this House. Not only once in a year, but whenever they come, as often as they come, to us for grants of money, so often it will be open to us, and I think it will be our duty to impress upon them the very sad and deplorable fact that they are not amenable to the wishes of this House. And that course has to be taken, namely, raising the same question as many times as may be necessary until the general principle is accepted and the official Benches become more responsive to the wishes expressed in this House by the non-official Members.

**Mr. President:** Has Khan Bahadur Sarfaraz Hussain Khan got anything to say in the matter?

**Khan Bahadur Sarfaraz Hussain Khan** (Patna and Chota Nagpur *cum* Orissa: Muhammadian): Sir, I have nothing to add to the arguments advanced by my Honourable friend Mr. M. K. Acharya. We are simply going to draw the attention of the Government to the fact that, although an assurance was given, the contrary has happened.

**Mr. President:** The Honourable Member need not go into the merits of the question on a point of order.

**Khan Bahadur Sarfaraz Hussain Khan:** Then I would repeat the same arguments which have been advanced by my Honourable friend Mr. Acharya.

**Mr. President:** Neither the Honourable Member from Madras nor the Honourable Member from Bihar have shown any reason why the Chair should reverse the decision deliberately arrived at by its predecessor. Honourable Members know that Government have got to face the music of these highly inconvenient and controversial motions in the near future and that would be the more appropriate occasion when questions of this nature could be properly dealt with. The Chair cannot, therefore, at this stage allow debate on matters of policy on these restrictive votes, which, as Honourable Members are aware, deal with particular increases asked for. The Chair, however, points out that Honourable Members are entitled to oppose any supplementary Demand for Grant on its merits or without giving any grounds.

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions: Non-Muham-madan Rural): Sir, I rise to oppose this motion. I oppose this motion on the ground that the Railway Board or rather the personnel of the Railway Board do not fulfil the expectations of this House in certain respects.

**Mr. President:** Order, order. The Honourable Member is traversing the same ground again. The Chair has already ruled that Honourable Members cannot go into the general question of policy.

**Mr. C. S. Ranga Iyer:** Without going into the question of policy, Sir, I should like to make the statement that I oppose this motion on the ground that the Railway Board is irresponsible.

**Mr. President:** The Chair cannot allow the Honourable Member to open that big question on this vote.

**Mr. A. Rangaswami Iyengar** (Tanjore cum Trichinopoly: Non-Muham-madan Rural): Sir, I obey fully your ruling that questions of policy cannot be raised on this motion. I shall therefore in opposing this motion confine myself to the point directly raised by the vote that is demanded of the House. This vote, Sir, is demanded in respect of three items. One is for the provision for the appointment of a Director of Finance. Another is for the provision of some leave arrangements. The third is for the payment of some gratuities in respect of retrenchments effected. At the outset, Sir, I might clear one misapprehension and that is that in opposing this motion I am not in any way detracting either from the labours of Mr. Sim in effecting the retrenchments that he has made or refraining from expressing my gratification that after all the Government have seen fit to find at least one Indian who is capable of filling one of the posts of Directors under the Railway Board.

**Mr. G. G. Sim:** Two.

**Mr. A. Rangaswami Iyengar:** Thank you, Sir. (*An Honourable Member:* "Small mercies!") But, Sir, I thought that this House was told the other day that throughout the length and breadth of this country, which has one-fifth of the population of the world there was not one Indian who

was fit to be one of the Members of the Railway Board and therefore it is some comfort to me to know that in the places next to the Membership of the Railway Board they have been able to find not one Indian but, as my Honourable friend proudly claims, two Indians. If there are two such people who are fit, I think one of them can be on the Railway Board. However, that is by the way. The point upon which I wish to oppose this motion is this. You will recollect that during the Railway Budget debate when we had the honour of having you, Sir, amongst the stalwarts on this side of the House you put down a motion for reducing the grant under the Railway Board by a sum of Rs. 77,000. And one of the principal reasons why you wanted this cut of Rs. 77,000 was the fact that the Government had proposed in the Budget to add one additional appointment of Director among the Directors to the Railway Board and you said, Sir, at that time in this House that you did not want any addition. On the other hand you wanted retrenchments. Now, Sir, I ask what have the Government done? As the House is well aware, that motion was carried by the House on principle. You, Sir, also took care to point out that so far as that appointment of Director was concerned, it was under a non-votable head and therefore you had no alternative but to put down that cut under the votable head in order to compel the Government to make that cut in the non-votable head by making an adjustment. What have the Government done on this matter? Directly the cut was carried in this House, I put a question to the Honourable the Finance Member to let me know whether that cut of Rs. 77,000 was restored by the extraordinary powers of His Excellency the Viceroy, powers which have been given to him under the Government of India Act. The Honourable the Finance Member said that there was so far no proposal to restore that cut. Therefore, Sir, the cut that was made by this House was accepted and I take it that the acceptance of that cut also meant the acceptance of the principle upon which that cut was based, namely, that the additional appointment of Director of Finance should not be made by the Government. What has happened since? Subsequently, the Honourable the Railway Member and my Honourable friend, the very clever, the very efficient Financial Commissioner, put the matter before the Standing Finance Committee on Railways. They said that this appointment of Director of Finance was a most essential appointment and that they were going to appoint to it an Indian whose efficiency was beyond question. That was a very seductive way of putting it and my friends on the Railway Standing Finance Committee certainly persuaded themselves that there was necessity for the provision of the appointment of the Director of Finance. Now, Sir, I am not quarrelling with the decision as to whether there should be a Director of Finance or not. Our objection was that because of the very large number of Directors that then existed in the Railway Board at the Budget time of last year, there was no necessity whatever to add one further Directorship. We had no objection to an Indian being appointed as Director of Finance, but we had every objection to the creation of an additional appointment. We thought, Sir, that by proper retrenchment and re-arrangement, it could have been possible for them to get an Indian Director of Finance and at the same time to get rid of one of the Directors. That was the position we took at that time. Notwithstanding that, the Government added this appointment and they got the sanction from my Honourable friends of the Railway Standing Finance Committee on the plea that the appointment will be on trial for a period of 12 months to see the results thereof. What



[Mr. A. Rangaswami Iyengar.]

I now ask the House to say is whether they are going to allow the decision of the House to be flouted in the manner in which it has been. My Honourable friend the Financial Commissioner, I know, will say that they have made reductions in the total amounts involved, which are very much more than the cut which was made at the instance of you, Sir. Government point out in the memorandum that was placed before the Railway Standing Finance Committee that they have made retrenchments which are far larger than the amount which they now ask for the provision of the post of Director of Finance and also for the leave arrangements which they have now made. That may be so, Sir. But I say from the fact that they have been able to find this money for this additional post of Director of Finance by savings, that there is a good deal of extravagance that is prevalent in the Railway Board. Therefore, I object to this grant not that the Director of Finance should not be appointed, but because I see that the decision of this House has been flouted. We have every right to complain that the Government have always been maintaining a standard of establishments which is far beyond their requirements and that in the Railway Board this state of things is particularly rampant. My friend the Honourable the Financial Commissioner, after giving a list of the retrenchments he was able to effect as a result of the cut, has pointed out that:

"It will be seen that the retrenchments effected not only meet fully the reductions indicated by Mr. Patel but go beyond them. In effecting these retrenchments the Railway Board have been influenced by a desire to meet the wishes of the Assembly."

Now, I ask, supposing the cut had not been carried last year, supposing we had listened to the specious arguments put before us at the time by the Honourable the Financial Commissioner for Railways, would Government have been at pains to make this reduction? I think not. I fear that the fact of making the cut and the additional fact that His Excellency the Viceroy did not consider it necessary even by virtue of the powers of certification that he possesses, to restore the cut, the Government were compelled . . . . .

**The Honourable Sir Basil Blackett** (Finance Member): May I point out that it is the Governor General in Council who restores grants and not His Excellency the Viceroy?

**Mr. A. Rangaswami Iyengar**: I stand corrected. Then I can use freer language. By reason of the fact that the Government of India did not dare to restore this cut, because they would stand condemned, it is made clear that the cut we made had a very wholesome effect on the Railway Board and therefore they looked into the matter and were able to effect retrenchments greater in value. That leaves the main question unaffected. The question is that we said we cannot have this additional Director of Finance. You then go to the Standing Finance Committee and say you want this Director of Finance, but you do not tell them the fact that as a matter of fact the total number of Directors ought to be reduced; instead of that you tell us you have abolished the posts of three Deputy Directors. I say, Sir, that when all these posts could be abolished, you can by more efforts abolish more posts in the Railway Board and that all this is a mere indication of the hopeless extravagance with which the Railway Board has been run. I am sure that if the Honourable Mr. Sim stays on for another year, he would be able to find that he could effect a substantial reduction still further without impairing the efficiency of railway administration.

I say that if we put down another cut of 2 lakhs in the forthcoming Railway Budget, I am sure that the Financial Commissioner will be able to see that these two lakhs are found by reduction in establishment. I therefore oppose the motion of the Honourable Mr. Sim.

**Mr. Jamnadas M. Mehta** (Bombay Northern Division: Non-Muhammadan Rural): Sir, when my friend Mr. Rangaswami Iyengar says we should not vote a Demand for Grant I almost always feel inclined to agree with him; but there arise occasions when I may not agree with him, and this is one of the occasions on which, with great respect, I must dissent from the view he has taken. Sir, when we wanted to effect a cut of Rs. 78,000 last March we knew that we could not touch the non-votable portion which we really aimed at; but we had to effect a cut in the votable portion on the ground of the extravagance of the Railway Board on its non-voted side. The Railway Board has responded to our demand completely. We complained of extravagance to the extent of Rs. 78,000; the Railway Board has gone a step further and effected retrenchment by a sum of Rs. 10,000 more than the House demanded. In effecting this retrenchment the Railway Board has worked on lines somewhat different from what we suggested. Instead of abolishing the additional Director it has reduced other officers. But that is a matter of detail. The main point is that the Railway Board has acceded to the desire of the House and has gone a step further and reduced a sum of Rs. 10,000 more than this House demanded. Mr. Rangaswami Iyengar says he wants a Director of Finance, that he wants an Indian; he has now got an Indian as a Director of Finance and he has got more savings than he wanted. That being the case I cannot see the ground of his opposition. It is curious that when he has got what he wanted he should turn round and say he does not want it. There is another feature about this appointment of a Director of Finance which Mr. Rangaswami Iyengar has not quite carefully noted; the Standing Finance Committee for Railways did not agree with the Railway Board on the ground that there were Directors in other branches. We agreed to a Director of Finance for retrenchments and economies and not merely on general grounds. We were not told at the time of the last Budget that the Director of Finance was wanted for that purpose and therefore we objected to the appointment; but in July last we agreed provisionally to the Director of Finance being appointed on the specific and new ground that this appointment was necessary in the interests of greater retrenchments and economies. But even then we did not want to take the matter on trust; we said if you really want in the interests of economy to have a Director of Finance, have him for a year provisionally and if you can show results during that time we will consider further the question of confirming him or otherwise. It was on that condition only that the Standing Finance Committee agreed. It is true that at that time the cut of Rs. 78,000 made by this House was not yet effected by the Railway Board; but since then the whole of the cut proposed by the House plus an additional Rs. 10,000 has been met by the Railway Board, and this officer was provisionally appointed for twelve months; and although an attempt was made last month in the Railway Finance Committee to confirm the Director of Finance at once, I am glad to say that Mr. Sim was among those who said we would not confirm him before the whole period of twelve months was over. I do not see, Sir, what ground remains for the argument that this appointment is a flouting of this House. It is not a flouting at all. The House desired economies, and the Government have effected them. The appointment is made

[Mr. Jamnadas M. Mehta.]

in the interests of economy and only a few days ago it was given out in the Railway Finance Committee—I hope I am not revealing any secret—that already the appointment of Director of Finance had resulted in considerable savings. We did not examine this matter further in the Railway Finance Committee because we propose to examine it fully at the end of twelve months; I can assure the House that if I happen to be on the Railway Finance Committee then, unless and until the Director of Finance has justified his existence, I am not going to confirm him. The Finance Committee is fully alive to this aspect of the question; therefore on grounds of finance as well as on constitutional grounds and on grounds of economy, and on the ground that the Government and the Railway Board have met the demand of the House beyond what the House desired, I do not think there is any ground for opposing this Grant.

**Mr. H. G. Cocke** (Bombay: European): Sir, as a member of the Standing Finance Committee on Railways I should like to endorse the remarks of the last speaker. When the Honourable Mr. V. J. Patel moved his cut in this House last March I thought it a most unreasonable one and that every Member of this House would have considered it went too far, but the Railway Board have met the situation by retrenching certain officers. What I should like to know from the Honourable Member in charge is whether, in view of the fact that the railways are not standing still, and that there are afoot very large additional schemes of construction, the Railway Board have suffered by that retrenchment and whether it is considered that the Railway Board ought to be restored to its former strength.

**Mr. K. Rama Aiyangar** (Madura and Ramnad *cum* Tinnevely: Non-Muhammadan Rural): I beg to submit that the question raised by Mr. Rangaswami Iyengar is going a bit too far. (Applause). I agree with him that this appointment of Director of Finance will help him to retrench . . .

**Mr. A. Rangaswami Iyengar**: On a point of explanation, I do not at all object to the appointment of a Director of Finance or of an Indian. As I made it perfectly clear, I do not want an addition to the Directors of the Railway Board which were provided for in the Budget and cut down by this House.

**Mr. K. Rama Aiyangar**: I quite follow what my friend has stated. The Railway Finance Committee has only exercised discretion to that extent. He may be quite right in saying that some other Director in that Department may go. We may come to that conclusion next time. But that has nothing to do with the real provision that was made by the Finance Committee when actually more than what was asked to be cut by the Assembly was given effect to and when this particular appointment was expected to yield good results. Under these circumstances I do not think my friend will feel that the duty of the Railway Finance Committee has been discharged in any way wrongly. It has been exercised for the best interests of the Railway Board and of the country.

**\*Maulvi Abul Kasem** (Bengal: Nominated Non-Official): Sir, I think I will be failing in my duty if I give a silent vote on this motion. (Hear. hear.) The question has been raised that the Railway Board, in not having reduced one of their Directors, has failed to carry out the wishes of this

• \*Speech not corrected by the Honourable Member.

House. I have been trying to understand the situation, but I have not been able to do so. I could understand if a particular Director who ought to be reduced had been mentioned, because each department has to be worked on particular lines. Suppose you reduce the Director of Mechanical Engineering or the Director of Finance how are you going to work? Each has a particular department to work and it will not do to say, "You have seven men, reduce one", because each is engaged in a particular kind of work. Therefore the Railway Board cannot be said to have disregarded the wishes of the House. However, that is a small matter. A good deal has been said about the Director of Finance's appointment. It has been said "We do not object to a Director of Finance and we do not object to an Indian, but what we object to is an increase in the number of Directors. But how was that increase to be avoided if you want a Director of Finance? As has been pointed out by Mr. Jamnadas Mehta and other members of the Finance Committee, the appointment of the Director of Finance has proved more economical than the House had any right to expect. The House only wanted a reduction of Rs. 77,000 and there has been a reduction of more than Rs. 77,000, and besides that other reductions are under consideration. . . . .

**Mr. N. M. Joshi** (Nominated: Labour Interests): We are asking for Rs. 72,000 now.

**Maulvi Abul Kasem**: I believe if you carefully examine the figures, you will find that one of the reasons for this request is that one of the Directors, who was an official, to be more precise a European, was appointed by the Secretary of State and his salary was non-votable. Now he has been succeeded by an Indian gentleman whose salary is votable, and therefore this amount, which was budgeted in the non-votable items, has now been transferred to the votable items. If you reject this grant, what will be the result? The Railway Board will have no other alternative but to indent on a gentleman appointed by the Secretary of State and promote him to the post of one of the Directors, and remove the Indian gentleman whose salary is votable. So, in this respect, I think that you will be doing a great disservice to your country by refusing this particular Demand made by the Railway Board. Secondly, Sir, I want to tell Honourable Members, that economy does not only consist in reducing certain appointments or the salaries of certain officers, but in the general administration. And how can you carry on economical administration unless you have got men at headquarters with brains and energy to work out and capable of working out these reforms and these retrenchments? And you cannot have brains and energy for nothing and without payment.

**The Honourable Sir Charles Innes** (Member for Commerce and Railways): Sir, I will not take up the time of the House for more than a minute, but I do want to say that I regard this as a red letter day for Indian railways. Hitherto we have been accustomed to receive what I might almost call immoderate criticism in this House, and we have always had to defend ourselves against that criticism without very much assistance from other Members of the House. To-day we have had members of the Railway Finance Committee getting up and defending our grants. I think that shows a very great advance on the part of this House and I should like to express, on behalf of the Railway Board, our obligation to those members of the Standing Finance Committee who have helped to defend us. The only other point that I wish to make is this. My Honourable friend from Madras

[Sir Charles Innes.]

who sits opposite me (the Honourable Mr. A Rangaswami Iyengar), stated that our acceptance of a cut made in the last budget debate meant that we accepted the proposition that a Director of Railway Finance was not necessary and that we did not dare restore the cut. Now, Sir, I should like to take the House into my confidence just a little on that point. When I was speaking against this cut last year, I said:

"We have not the slightest desire to have any greater establishment in the Railway Board than is necessary, and if during the course of the coming year, whatever the cause may be, we find that our work is going down and that our staff is too big, you may take it from me that we shall not hesitate for a moment to reduce that staff."

Now, Sir, when the Assembly made that cut, I definitely did not go to the Governor General in Council and ask for that cut to be restored. I said that we would do our best during the course of the year to make the retrenchments which the Assembly had asked for. I also stated openly in this House that we wanted a Director of Finance because that appointment would strengthen that branch of the Railway Board's office whose duty it is to check extravagance, and I promised the House that we would not make that appointment until we had gone to the Standing Finance Committee and convinced them that it was necessary. Now, Sir, what have we done? We have gone to the Standing Finance Committee; we have had this proposal examined by an elected body composed of non-official members of this House and they have agreed that the appointment was necessary at any rate for the first 12 months. Were we not justified in these circumstances in making that appointment and trusting that the House would confirm the advice given to us by its own Committee? In addition we have carried out more than the retrenchments asked for by the House, and I am perfectly confident that the House in these circumstances will not accept my Honourable friend's motion.

**Mr. President:** The question is:

"That a supplementary sum not exceeding Rs. 72,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1926, in respect of the 'Railway Board'."

The motion was adopted.

#### EXTENSION OF THE LEE COMMISSION'S RECOMMENDATIONS TO OFFICERS OF COMPANY RAILWAYS.

**The Honourable Sir Charles Innes:** Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 68,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1926, in respect of the 'Working Expenses—Administration'."

The particulars of this Demand have been set out in detail on pages 2 and 3 of this Blue-book which has been circulated to Honourable Members. Of the 68 lakhs for which I am asking, the Standing Finance Committee have approved of 31 lakhs. Somewhat naturally they preferred, not to express an opinion upon the balance, namely, a Demand for 37 lakhs of rupees which I am asking for for the purpose of extending the Lee Commission's proposals to officers of the East Indian Railway, the Great Indian Peninsula Railway and Company Railways with effect from the 1st April, 1924. The House will remember that we made provision for this amount in the Budget of last year. That provision was, however, cut out with my consent. I did not

oppose its being cut out for two reasons. In the first place, in February last year the Governor General in Council had not been able properly to consider the matter. In the second place, as the House will remember, the Lee Commission's proposals consisted of two parts. One part proposed certain benefits to officers. The other part made certain proposals for increased Indianisation. In particular they made a recommendation in regard to Indianisation on the Indian Railways in the following terms :

"We are strongly of opinion that the extension of the existing facilities should be pressed forward as expeditiously as possible in order that recruitment in India may advance as soon as possible up to 75 per cent. of the total number of vacancies in the Railway Department as a whole."

In fact, as the Honourable the Leader of the House said in a speech in this House, those proposals were in the nature of a fair compromise. Now, when we discussed the Budget last year, I had not been able to ascertain from the Company Railways whether they were prepared to accept that part of the Lee Commission's proposals which related to Indianisation, and it was for these reasons that I thought it would be wrong for me to press the proposals before the Assembly. Since then we have had correspondence with the Company Railways and their Home Boards. Of course there is no difficulty about the East Indian and the Great Indian Peninsula Railways, since last year we took both railways under direct State management. But as the result of our correspondence with the Home Boards of the Company Railways I am in a position to say that they do accept that proposal of the Lee Commission with regard to Indianisation, that is to say, they are prepared to expedite training facilities in order that they may work up to a recruitment of 75 per cent. of the total number in their departments in India.

**Mr. B. Das** (Orissa Division : Non-Muhammadian) : For which year—1924 or 1925?

**Mr. A. Rangaswami Iyengar** : I was not following the Honourable Member. Will he kindly state the position again?

**The Honourable Sir Charles Innes** : I was trying to explain to the House, or those of the House that were listening to me, that the Lee Commission's proposals consisted of two parts, one relating to certain benefits for officers, and the other relating to increased Indianisation. They made certain proposals regarding Indianisation and those proposals have been accepted in full by the Company Railways. That is the position I wish to bring before the House. That being so, the case is now ripe for submission to this House. I am aware that the House has already decided not to have anything to do with the Lee Commission's proposals, but I am not without hopes that they will accept the fact that those proposals have been extended to officers of Government departments. They have been extended among others to the officers of State Railways. Now, the scales of pay of officers of Company Railways are based on the scales of pay in force on State Railways; in no case are they greater. There are officers on Company Railways doing approximately the same work, there are officers of corresponding status and emoluments to officers in the Indian Service of State Railway Engineers and officers of the superior revenue establishment of State Railways. We have also ascertained by an actual examination of records that whatever improvement the Government of India have sanctioned, improvement of pay or improvement in the conditions of service, for officers of those

[Sir Charles Innes.]

two departments of State Railways, Company Railways have been authorised automatically to extend the same concessions and the same improvements to their own officers. This being so, these officers we consider have a right to expect that they should get the same benefits as have been extended to the State Railway engineers and the officers of the superior revenue establishment of the State Railways. We do not think it would be fair to withhold these concessions from them; and since the Home Boards of Company Railways have accepted that part of the Lee Commission's proposals which relate to increased Indianisation, we are satisfied that we, on our part, must extend these concessions to their officers. That, Sir, is the reason for this Supplementary Grant which I am asking.

**Mr. M. K. Acharya:** Sir, I rise to move the amendment standing in my name:

"That the Demand under the head 'Working Expenses—Administration' be reduced by 37 lakhs."

The House has just listened to the arguments of the Honourable Sir Charles Innes asking the House to vote this Demand. I should be insulting the intelligence of this House if I should traverse at any length the old ground which ought to be very familiar to us all with respect to the manner in which the Lee Commission was appointed or its recommendations made. This House not without some great effort on its part got the chance of discussing the recommendations of the Lee Commission in detail on the 10th September, 1924. I hope that everybody, on this side of the House at least, remembers, and Sir Charles Innes seems to have referred to it himself,—everybody on this side of the House remembers the feeling with which the recommendations of the Lee Commission were greeted by the representatives of the people. It must be within the memory of everybody present here how on the 10th September, 1924, the Leader of the House wanted this House to give its sanction to the very many recommendations of the Lee Commission and how an amendment was moved by my honoured leader Pandit Motilal Nehru to the effect that for reasons stated in the amendment the recommendations of the Lee Commission be not accepted. It is enough for my purpose now to point out that the amendment was carried by this House by 68 votes to 46. In other words, the amendment that the recommendations of the Lee Commission be not accepted was voted for by almost every non-official Member of this House, and that ought to have shown the official side the great feeling in the country. Almost everybody who came here as representing the people felt bound on that occasion to show in the most unmistakeable terms that the non-official Members of this House would not be a party to what has been very properly called the Lee loot. Here we are called upon by the Honourable the Commerce Member to give an expression of our opinion again on that same question. He has referred very rightly to what happened last year at the appropriate time, namely, the Railway Budget. On the 27th February, 1925, this item came up and there was an amendment by my friend, Mr. Kelkar, whose absence from this House we all deplore, to the effect that 87 lakhs be cut off from the amount required for the Lee Commission's recommendations; and Sir Charles Innes then, for reasons of which he was the best



judge, thought it well not to discuss this question; he withdrew that proposal to provide 37 lakhs in the Budget and therefore there was no discussion about it. I want, Sir, now to point out that he is introducing this very large question in a Demand for a Supplementary Grant. It was not discussed at the regular time; it was not discussed last year during the time of the Railway Budget, and therefore the Members of this House did not have an opportunity to enter into any of the details with respect to his demand for 37 lakhs. I do not know, Sir, how far it is fair to introduce in a Supplementary Grant an item which on principle is open to objection and about which on principle, it must be well known to the opposite side that this House has got very strong objections. It is not here a question of details only. It is both a question of detail and a question of general principle. I therefore object, Sir, in the first instance to the introduction of this very large item in what I may call a very surreptitious manner (*Cries of "Oh, oh"*) as part of a huge Supplementary Demand. Very well, Sir, I will say in rather not a straight manner (*An Honourable Member: "That is worse"*) as part of something else. I think it would have been more fair that this item should be discussed during the more appropriate occasion when all other items come up, namely, during the time of the Railway Budget. However, it has come before us, and I am sure that we on our side shall not be lacking in giving the answer that the Demand calls for.

Sir, I was looking up the proceedings of the Standing Finance Committee for Railways to see if there at least any detailed explanation is given with regard to this item of 37 lakhs. The Honourable the Commerce Member just a little while ago congratulated himself (and I dare say he had very good reason to congratulate himself), on the fact that he was able to cast the apple of discord among ourselves (*Cries of "No, no"*); at any rate he felt glad that among the non-officials themselves there were some who were prepared to take his side as against those who were not so prepared.

**The Honourable Sir Basil Blackett:** They were discussing things on their merits.

**Mr. M. K. Acharya:** On this item at least, both on principle and on its merits I hope I shall also be able to congratulate myself that we on this side of the House shall give our answer with one united voice. I think I shall not waste more of the time of the House. I believe it is a duty we owe to ourselves—I shall be glad if the opposite side does not press it—it is a duty we owe to ourselves, having expressed our ideas about the Lee Commission recommendations in general, having raised this question last year and having induced the Commerce Member to withdraw it last year, I believe it is a duty that we owe to ourselves that every non-official Member here should see that this item is again rejected. I again wish to point out here that no explanation is given as to how this 37 lakhs is arrived at; not that I regret it: even if it had all been given there it would not have made the slightest difference to me; it would not have swayed my judgment on the question in the least fashion if all the details had been there as to how this figure had been arrived at; I would perhaps have not even cared to read it; the whole matter in my eyes would not be worth reading at all. Therefore it does not matter to me. But with regard to those others who are supposed to be much more



[Mr. M. K. Acharya.]

reasonable, who will go into the merits of the question and for whose sake perhaps all these details are supplied—I was looking as I said into the proceedings of the Standing Finance Committee and I found nothing there except this, that 37 lakhs are required in connection with the recommendations of the Lee Commission: We read “Rs. 68 lakhs made up of the following: . . . 37 lakhs are required to meet the extra expenditure for the extension of the Lee Commission concessions to the officers of the Great Indian Peninsula Railway and Company-worked Railways from the 1st April, 1924”; and we find the laconic statement at the end that “the Committee considered that the portion of the Demand relating to the Lee Commission should be dealt with separately in the Assembly”. I am glad, therefore, I shall not have the thundering eloquence of any members of the Standing Finance Committee rising up against me, at least on this item. I trust they will support me. I hope they have already objected to this item in the meetings of the Finance Committee and I hope they will one and all support me and that they will come up and join the force of their arguments also to what I am now moving, namely, that this item be reduced by 37 lakhs—the amount required for the concessions suggested by the Lee Commission. As I said we do not know what these concessions are; they may be right or they may be wrong; they may be very liberal or they may not be very liberal; they may or may not be just the barest that may be required; but whatever that is, I believe that we shall be doing the right thing by refusing to consider this thing. It is a matter on which this House has already made up its mind; and applying the general principle to which we have committed ourselves I believe that it needs no argument to say that this should be rejected. I therefore move, Sir, that this 37 lakhs be reduced from this amount.

**Mr. R. K. Shanmukham Ohetty** (Salem and Coimbatore *cum* North Arcot; Non-Muhammadan Rural): Sir, I only want some information from my Honourable friend the Commerce Member. I see that in the Demand for 68 lakhs, 37 lakhs represents the cost of extending the Lee Commission concessions to certain railway officials. What I would like to know from him is this: whether this sum of 37 lakhs represents the entire cost to the railway administration of the effect of extending the Lee Commission concessions or whether under the non-voted items there is any further amount which would be represented by the extension of these concessions.

**Mr. B. Das:** Sir, I rise to support the amendment moved by my Honourable friend, Mr. Acharya, but my reasons are quite different from those which my Honourable friend gave. Sir, my friend gave the reason that we threw out the Lee Commission's recommendations in this House on a political issue and we were not going to discuss the merits of this question. Sir, I oppose the grant of this Demand for 37 lakhs on the merits. My friend, the Honourable the Commerce Member, wants to give away these magnificent bonuses to railway officials from 1924. He says that the State Railways being under the Government, they are bound to accept the Lee Commission's recommendations, and that the Company-managed Railways have accepted the recommendations also. Well, Sir, the East Indian Railway became a State Railway from January 1925,

and the Great Indian Peninsula Railway became a State Railway from July 1925. Why should the officials of those Railways be given the benefits of these recommendations from 1924? And what about Indianisation? Sir Charles Innes said that 75 per cent. of the higher officials of the Railways would be Indianised. May I ask the Honourable Sir Charles Innes whether in those two years the Railways have taken steps to raise the percentage to seventy-five per cent.? If not, are you going to stop recruitment in England till the percentage is raised to 75? Then what about the Company-managed Railways? Well, probably the Directors in England are very satisfied that their English officials in India are going to get a large amount of bonus from 1924, and so they accepted it. But I should like to know what steps the Company-managed Railways are taking to Indianise the higher services. As far as I know, there are only one or two Indian officers in each of the Company-managed Railways, and I know that Indian Engineers trained in England, whenever they go to the Railway Board's offices for an appointment, are simply shown the door point blank. They are plainly told that they are not wanted, they are clearly told that Indians are not entertained on Company-managed Railways. Although these Company-managed Railways have very little capital from England, still the Boards of Directors in England refuse point blank to entertain Indian graduates, even though they are trained in England, in the Engineering Departments and are graduates of Commerce with railway experiences in engineering and traffic. When that is the position, I do not see any reason why we should allow the officials of the Company-managed Railways the benefits of the Lee Commission, and that from 1924. If the Honourable Sir Charles Innes has so much surplus money, let him effect some reduction in freights. I mentioned the other day that the freights on coal were enormous, and he could reduce the rates on coal and also on passenger traffic. Instead of that he is going to give a large bounty to English officials, specially to those Railways which have been notorious for excluding Indians from the superior services. I should be quite prepared to agree to the recommendations of the Lee Commission if you can show me that 75 per cent. of the officers are Indians. You may of course say that it is impossible to dismiss all the officers who are already in service. I do not propose that you should do anything of the kind. But why should you not stop the recruitment of Englishmen and show us that you are genuinely interested in Indianising the services, that you are determined to increase the percentage of Indians up to 75 per cent.? You never do that. I know there are dozens of Indians who are trained in England both in mechanical and electrical engineering and also in commercial degrees who knock at the door of the offices of the Financial Commissioner and various Commissioners of the Railway Board, for posts in the Engineering and Traffic Departments in the superior grades and they are told point blank that there are no vacancies or that Indians are not wanted. Can the Financial Commissioner for Railways tell me just now that he has reached the figure of 75 per cent. of Indians in the Railway Department? He has not. But everywhere steps are taken to oust Indians and to show to this House that Indians are recruited in the higher grades of the railway services. Indians in the clerical department who are occupying the positions of superior clerks on Rs. 250 or Rs. 300 are promoted in their 45th or 50th year to Assistant Traffic Superintendships or as Assistant Engineers; they are shown in the list of the Railway Board in the Annual Report on the superior grades list in order to show to this House and

[Mr. B. Das.]

to the public that there are so many Indians in the higher grades. But most of them are superannuated old people, who will be discharged from service after a year or two or who will be pensioned off after a short time, and the House is hoodwinked in this fashion. It is not at all fair to us. We are going to be fair with you. We want you to enjoy the benefits of the Lee Commission's recommendations. The political issue involved in the matter is quite different; we have raised it very often and we will raise it on different occasions till we attain our political freedom. But are you going to fulfil the second part of the Lee Commission's Report with which India is concerned, and which you are always postponing? My Honourable friend, Mr. Sim, is going to leave the Department, and we naturally expected that an Indian would be appointed to succeed him. I do not want to raise that point now; we will raise it on another occasion. Every time the Members of this House are hoodwinked by the Honourable the Commerce Member saying that they are Indianising the services, though they never seriously intend to do so. Therefore, Sir, we are going to oppose the present motion before the House.

**Mr. Jamnadas M. Mehta:** Sir, I am not going to disappoint my friend Mr. Acharya. I am whole-heartedly at one with him in rejecting this Demand. Sir, I think it is somewhat unfair that this proposition should be brought as a supplementary grant, before the policy underlying it has been debated in the first instance. You have ruled, Sir, that this is not the occasion to discuss questions of policy, but in this particular instance the question of policy was never discussed in the Assembly, and therefore I say it is somewhat unfair that this matter should be brought up at this stage before the discussion on the merits of the policy has taken place on the floor of this House. Therefore, Sir, while bowing to your ruling, I submit that on this occasion, in this matter at least, the policy also is subject to review of the House.

Then, Sir, without going at length into the Report of the Loot Commission—it was nothing less than a Loot Commission—I say that the acceptance of the recommendations of that Commission reveals our rulers in a light which is not very flattering to them—they have the possession of the money and they pay themselves as they like, at the rates they like, and in any manner they like; as many as 49 different concessions have been given by this Loot Commission. I had calculated this on a previous occasion, and I found that, small and big, put together, in all there are 49 different concessions, every one of them costing money to the people of India. And furthermore, this was done at a time when the prices of things were going down; only a few years after the increments of 1919 when top prices were ruling.

**Mr. President:** The Chair cannot allow the Honourable Member to go into all the recommendations of the Lee Commission. He must restrict himself to the particular recommendations with which the House is concerned.

**Mr. Jamnadas M. Mehta:** Sir, this involves all the recommendations of the Lee Commission.

**Mr. President:** The Honourable Member must confine himself to such of the Lee Commission's recommendations as apply to the railway officials concerned.

**Mr. Jamnadas M. Mehta:** May I submit, Sir, that even this restricted Demand about the increase in the salaries of company railway officials includes almost every one of the Lee Commission's recommendations, and this question of extending the concessions to the officers of company worked railways was never discussed on the floor of the House. I am not going one inch outside those recommendations.

**Mr. President:** Will the Honourable Member proceed further?

**Mr. Jamnadas M. Mehta:** Yes, Sir, I am doing so. I once more protest that this Demand should have been brought on the occasion of Supplementary Demands for Grants; our objection to the Lee Commission concessions remains absolutely unaltered. Sir, after the separation of the Railway Finances from the General Finances, the Railway Board itself should have resisted this particular encroachment on the public purse. Sir, what is the object of the separation of the Railway Finances from the General Finances. It is to work the Railways on a commercial basis, but what is the charm in the word "commercial", if you do not follow commercial methods? The whole argument for the separation of the Railway Finances was that we were going to treat the Railway Department as a commercial department, we were going to commercialise the Railways, and to follow business methods in the working of the Railways. Now, Sir, the particular Demand is the clearest indication that that is not being done. This may be all right in a State Service. But in a commercial service a concession granted to all and sundry without reference to the merits, without showing results, is utterly out of place. Sir, I will quote a little from a speech I made when the question of the separation of Railway Finance was under consideration. I then warned the Government that the railway service was not like other Government departments. I said "The railway service was organized as a public service and under the present proposals of the Government it will continue as a public service and not as a commercial service. We should insist on results being shown by your services; and if they cannot, you either dismiss or remove or degrade them." That ought to be the method pursued in the railway administration, but what do we find? We find that the Lee Commission proposals are to apply to all railway officials who were appointed under certain conditions, without reference to the work they have done, without regard to the results they have shown. Take only one railway, the Assam-Bengal Railway. This Railway, I suppose, will come under the benefit of these 37 lakhs of rupees. Well, Sir, this Railway was opened in 1895. It is now 30 years since that Railway began to work and during these 30 years this Railway has been subsidised by the tax-payer to the extent of 10 crores of rupees. It is working at a loss every year to the tune of 30, 40, 10 or 20 lakhs. There is not a single year during which this Railway has shown anything but loss ever since its inception, and the total amount of loss up to date is 10 crores of rupees; and still the officials, belonging to the State Railways and the Company-worked State Railways will get these concessions. They will get higher pay and passage money; they will get medical attendance; they will get anything and everything which was permissible for the Lee Commission to grant: this is utterly unbusinesslike and therefore, Sir, I want the Members of the Railway

[Mr. Jamnadas M. Mehta.]

Board, including the Railway Member, to disown these concessions so far as these railway officers are concerned. Just as I helped my Honourable friend Sir Charles Innes and my Honourable friend, Mr. Sim, only a short while ago, it is their bounden and sacred duty now to help us, to vote with us, and to denounce this grant because it is not in the interests of railway efficiency. You cannot breathe hot and cold in the same breath in relation to the same administration. This is pre-eminently unbusiness-like. It is not warranted by the condition of the Company-worked Railways. The Bengal-Nagpur Railway might be put in the class which is not altogether paying. Other railways might be mentioned, but I mention the case of the Assam-Bengal Railway only; you can verify it from the books, that this Railway has put us to a loss of 10 crores. It has been consistently working at a loss, and still we are to pay to these officers all these huge concessions. Surely this is not a kind of thing which this House can accept, and it is not commercialization of railways to which this House has agreed. I say, Sir, your separation of Railway Finance will be a farce if in the railway administration you introduce these methods of paying a man according to the number of years of his service without regard to the results of the work which he has been putting in. It is not only unbusinesslike, it is wrong, it is unjust; it is practically robbing the public of so much money in the interests of the incompetent officers. They do not deserve these concessions, and if at all they deserve anything, it is rebuke. Here you are placing a premium on incompetence by giving these huge concessions to people who have put us to a loss of 10 crores. That is not the right way to proceed in the case of a commercial enterprise like the Railways. When I urged during the debate on the separation of Railway Finance that the Railways should not be treated as a Government service, my friend, Sir Clement Hindley, who was that day in charge of the Resolution, was kind enough to speak with the greatest admiration of my speech, and he said that I had the clearest vision of this question. (Laughter.) Sir, if that was so, you must now come to my help. If I had the clearest vision then, I have it now still, and you must agree with me that these 37 lakhs cannot be granted. And I remember that when the motion of my friend Mr. Acharya about the railway employees was under discussion, my Honourable friend, Mr. Sim also referred approvingly to my observations about the railway service against increase of salaries without results being shown. While however it was a question of increasing the poor man's salary at that time, my remarks were very relevant and agreeable. Therefore now, Sir, in all fairness and honesty, I ask you to disown this grant and not to have anything to do with it. Now, Sir, in order to give effect to the recommendations of the Loot Commission the Secretary of State makes rules and regulations; and the use of this rule making power opens up a vista of further jobbery; the definitions and interpretations are wonderful and surreptitiously increase the cost of these costly concessions. In one place the definition of a child is, if a male, any person up to 24 years of age, and if a female, up to any age if unmarried. So these concessions and passages to these railway officers will apply according to these various ridiculous definitions. In another place a child has been defined to include also a step-child. Now there is no limit to the number of step-children a man might have (Laughter), and it is preposterous that these railway officers should

include in\* their demand for passage money their step-children. The number of step-children an officer might have will depend upon the number of times the officer has married widows and the number of times the said widows have in their turn married. In an extreme case it is possible that a man will have more step-children than his own children. What would be the result on the public purse? And still this is the wonderful definition of children given for these various concessions. I remember one gentleman remarking that you can also define a wife as a lady whom one is going to marry, if the lady is betrothed to you: that definition would be permissible on the analogy of the very valuable definitions I have referred to. If such a case a man simply because he is engaged to marry that lady is going to get passage money for her, and if he perchance changes his view and on going to England marries another lady, then that other lady will get the benefit of the return passages. These are the absurdities to which these rules and regulations reduce themselves, apart from the grossly objectionable character of the proposals on the ground of public policy. They are objectionable on the ground of commercialization. They are objectionable politically and they are rendered more ridiculous and objectionable by the definitions and interpretations which the Secretary of State for India goes on making day after day under the powers conferred upon him, adding burden upon burden on the public purse of India. On these grounds I am perfectly certain that the House will throw out, and I am sure at any rate that my Honourable friends Sir Charles Innes and Mr. Sim and all the European officers will join with us in throwing out this Demand.

**The Honourable Sir Charles Innes:** Sir, when I moved this Demand, I said that I admitted that the House would be consistent if it rejected this Supplementary Demand, but I hoped that the House would take a more generous view. I have been told that this motion of mine is unfair, surreptitious, not straight. I may say, Sir, that I cannot understand those charges. When this matter was discussed in connection with the Budget last year, and when the Demand was cut out with the Government assent, I said quite distinctly in the House that we would go into the matter further and that if necessary we would put a Supplementary Demand up before the House. That is what I have done, and I am not aware, Sir, that either under the ruling given this morning or under any other rule, there is any reason why this House should not discuss in all its aspects this proposal to extend the Lee Commission concessions to officers of Company Railways and of the East Indian and the Great Indian Peninsula Railways. I cannot therefore, Sir, see that there is anything wrong, improper, surreptitious or unfair in the action I have taken. On the contrary I claim that I have taken a perfectly straightforward action. We have not paid, we have not extended, these Lee Commission concessions to Company officers at present. We have not done it and come to you to ask you to regularise our action. On the contrary we have deferred taking any action at all until this House had an opportunity of discussing the matter and I am afraid that the delay has caused great disappointment to the officers concerned. I am sorry for that, but still we were quite satisfied ourselves that we must give the House an opportunity of discussing the matter before we did anything. We have done that, Sir, and the reward we get is being called by these names. Mr. Shanmukham Chetty then asked what the Demand

[Sir Charles Innes.]

represented. The Demand represents the cost of extending these concessions to officers of the rank corresponding to the State Railway Engineering Service and the superior revenue establishment on State Railways, corresponding to officers on the East Indian, Great Indian Peninsula and Company-worked Railways from the 1st of April 1924 to the date from which these concessions were extended to officers of the State Railways.

**Mr. R. K. Shanmukham Chetty:** Are there any officers in the railway administrations whose salaries are non-voted and who would also be benefited by the extension of the Lee Concessions?

**The Honourable Sir Charles Innes:** We have extended them already to officers of the superior revenue establishment in State Railways and State Railway engineering establishments. We have done that already and that is the very reason, one of the main reasons, why I propose to extend the concession to officers of Company Railways.

**Mr. A. Rangaswami Iyengar:** What is the total amount involved in the increases already given under the non-voted head?

**The Honourable Sir Charles Innes:** That I do not know.

**Mr. A. Rangaswami Iyengar:** Will it be as much as this, or more or less?

**The Honourable Sir Charles Innes:** Less.

There is only one other speech that I need refer to and that is the very interesting one made by Mr. Jammadas Mehta. He said that in making this proposal we were going against the whole spirit of the convention. The object of that convention was the commercialisation of not only Company Railways but all our Railways and that it would not be in accordance with commercial practice to extend these concessions to the officers in question. I sympathise a great deal with what Mr. Mehta has said. It would suit us and the Railway Board very much if we could allow the Agent of each Railway to take on such staff as he thought he required and pay each of those officers exactly such sums of money as he thought each officer was worth. That I imagine is what Mr. Jammadas Mehta means by talking of treating our Railways on a purely commercial basis. But, Sir, in the first place I would ask Mr. Jammadas Mehta and the rest of this House whether the House for the moment would agree to such a system. Would they agree to Agents being allowed to take on exactly what staff they liked and to pay their staff exactly what they think they are worth? (*Several Honourable Members:* "No.") Mr. Jammadas M. Mehta: "Under the control of this House.") One thing that is absolutely clear is that the House would never divest itself of control to that extent. The other point you have got to remember is that we have inherited a legacy from the past. It always has been the custom to pay our railway officers in accordance with certain scales of pay. That system was adopted because when you want to attract officers to your service you must be able to tell them approximately what their prospects are. We have always had definite scales of pay in our State Railway engineering establishment and also in the superior revenue establishments and we have made it a practice to enforce approximately the same scales on Company Railways. These



officers are paid in accordance with certain scales. Mr. Jamnadas Mehta then said whether you pay them at particular scales or not, it is not good business to give these additional concessions to officers on Company Railways. I disagree absolutely and entirely. My experience—and it has been a pretty long experience in India now—is that it never pays to have a set of discontented officers. Mr. Jamnadas Mehta took the Assam Bengal Railway as a case in point. He said that it was a Railway which had always cost us money and he asked whether this was the time to give these officers any more benefit. But I wish to point out to Mr. Jamnadas Mehta that owing to the labours of the very officers whom I have in mind the return on the Assam Bengal Railway in the last two years has increased from 1 to 3 per cent. and that every year we are bringing the loss down. What does the House propose to do? As I have explained, these officers have always been paid on the same scale as State Railway officials. Rightly or wrongly we took a different view from the House in regard to these Lee Commission concessions. I do not wish to argue the matter over again. You may think that we were wrong. But at any rate we were satisfied, after considering the matter as carefully as we could, that that was the course of action we had to take. We did extend these concessions to State Railway officials and I say—and I say with all earnestness—having done that, we cannot fairly withhold it from the officers of the Great Indian Peninsula, East Indian and Company Railways; and that is the only proposition that I am putting before the House.

(Mr. President then rose to put the question.)

**The Honourable Sir Basil Blackett:** May I answer a question, Sir, that was put as regards cost? A question was asked as to what is the total cost of the extension of the Lee Concessions to all Railways. The answer is that the cost is Rs. 5 lakhs a year, already given, and a further Rs. 20 lakhs a year is involved in this additional proposal now. The figure of Rs. 37 lakhs is for 23 months. The total cost of the extension of the concession to State and Company Railways is Rs. 25 lakhs a year.

**Mr. B. Das:** May I ask the Honourable the Commerce Member a question? Why does he want to give these concessions from 1924 and not from the date on which these two Railways were taken over by Government?

**The Honourable Sir Basil Blackett:** May I just say a word on that? It is germane to the question which the House is going to decide. I put it to the House that they have not got to decide whether the Lee Concessions were good things. We know their view is that they were not. The question before the House is this. These concessions were extended to officers of State Railways as from the 1st of April, 1924. It had always been the practice to treat the salaries of officers of the Company Railways on the analogy at any rate of the State Railways. It was impossible to extend the concession to the Company Railways at the outset, because the Government took the view that they could not be extended to Company Railways until we had some assurance from the Company Railways that they accepted the other half of the bargain, namely, Indianisation. That having been accepted, the position is that you must in fairness to the officers of the Company Railways give them the same concessions as from the same date, namely, the



• [Sir Basil Blackett.]

1st of April 1924, as you had given, if I may put it, automatically, under the Lee Concessions. I put it to the House that the decision that they have to take to-day is not whether or not these concessions are good things, but whether or not it is fair, having given . . . . .

**Mr. President:** The Chair cannot allow the Honourable Member to make a speech at this stage. The Member in charge has already replied. The Chair thought that the Honourable Member was answering a question put to him and therefore he was allowed to speak. He cannot be allowed to make a speech at this stage.

**The Honourable Sir Basil Blackett:** I have no wish to make a speech. I was merely trying to clear the issue. I bow to your ruling. I merely wish to put to the House that the question before the House is whether or not these concessions, having been extended to the State Railways, should or should not be extended to the Company Railways.

**Mr. President:** The original question was:

“That a supplementary sum not exceeding Rs. 68,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1926, in respect of ‘Working Expenses—Administration’.”

Since which the following amendment has been moved:

“That the Demand under the head ‘Working Expenses—Administration’ be reduced by Rs. 37,00,000.”

The question I have to put is that that amendment be made.

The Assembly divided:

**AYES—50.**

Acharya, Mr. M. K.  
Ahmed, Mr. K.  
Aiyangar, Mr. C. Duraiswami.  
Aiyangar, Mr. K. Rama.  
Ariff, Mr. Yacoob C.  
Badi-uz-Zaman, Maulvi.  
Chaman Lall, Mr.  
Chanda, Mr. Kamini Kumar.  
Chetty, Mr. R. K. Shanmukham.  
Das, Mr. B.  
Das, Pandit Nilakantha.  
Datta, Dr. S. K.  
Dutt, Mr. Amar Nath.  
Ghose, Mr. S. C.  
Ghulam Abbas, Sayyad.  
Gulab Singh, Sardar.  
Ismail Khan, Mr.  
Ivengar, Mr. A. Rangaswami.  
Jinnah, Mr. M. A.  
Joshi, Mr. N. M.  
Kidwat, Shaikh Mushir Hosain.  
Laipat Rai, Lala.  
Lohokare, Dr. K. G.  
Maidi Baksh, Sved.  
Malaviya, Pandit Krishna Kant.  
Mehta, Mr. Jamnadas M.

Misra, Pandit Shambhu Dayal.  
Murtuza Sahib Bahadur, Maulvi Sayad.  
Mutalik, Sardar V. N.  
Narain Dass, Mr.  
Nehru, Dr. Kishenlal.  
Nehru, Pandit Motilal.  
Nehru, Pandit Shamlal.  
Neogy, Mr. K. C.  
Pal, Mr. Bipin Chandra.  
Piyare Lal, Lala.  
Ramachandra Rao, Diwan Bahadur M.  
Rangachariar, Diwan Bahadur T.  
Ranga Iyer, Mr. C. S.  
Rav. Mr. Kumar Sankar.  
Sadiq Hasan, Mr. S.  
Samiullah Khan, Mr. M.  
Sarfaraz Hussain Khan, Khan Bahadur.  
Singh, Mr. Gaya Prasad.  
Singh, Raja Raghunandan Prasad.  
Sinha, Mr. Ambika Prasad.  
Sinha, Mr. Devaki Prasad.  
Talatulev, Mr. S. D.  
Tok Kyi, U.  
Venkatapatiraju, Mr. B.

## NOES—49

Abdul Qaiyum, Nawab Sir Sahibzada.  
 Abul Kasem, Maulvi.  
 Ahmad Ali Khan, Mr.  
 Ajab Khan, Captain.  
 Akram Hussain, Prince A. M. M.  
 Alimuzzaman Chowdhry, Khan Bahadur.  
 Bajpai, Mr. R. S.  
 Bhore, Mr. J. W.  
 Blackett, The Honourable Sir Basil.  
 Burdon, Mr. E.  
 Calvert, Mr. H.  
 Carey, Sir Willoughby.  
 Clow, Mr. A. G.  
 Cocke, Mr. H. G.  
 Crawford, Colonel J. D.  
 Dalal, Sardar B. A.  
 Donovan, Mr. J. T.  
 Ghulam Bari, Khan Bahadur.  
 Gidney, Lieut.-Colonel H. A. J.  
 Gordon, Mr. R. G.  
 Graham, Mr. L.  
 Hezlett, Mr. J.  
 Hira Singh Brar, Sardar Bahadur Captain.  
 Hudson, Mr. W. F.  
 Innes, The Honourable Sir Charles.

Jatar, Mr. K. S.  
 Jeelani, Haji S. A. K.  
 Lindsay, Sir Darcy.  
 Lloyd, Mr. A. H.  
 Macphail, Rev. Dr. E. M.  
 Mitra, The Honourable Sir Bhupendra Nath.  
 Muddiman, The Honourable Sir Alexander.  
 Muhammad Ismail, Khan Bahadur Saiyid.  
 Naidu, Rao Bahadur M. C.  
 Neave, Mr. E. R.  
 Owens, Lieut.-Col. F. C.  
 Rahman, Khan Bahadur A.  
 Raj Narain, Rai Bahadur.  
 Reddi, Mr. K. Venkataramana.  
 Roffey, Mr. E. S.  
 Sim, Mr. G. G.  
 Singh, Rai Bahadur S. N.  
 Stanyon, Colonel Sir Henry.  
 Sykes, Mr. E. F.  
 Tonkinson, Mr. H.  
 Vernon, Mr. H. A. B.  
 Vijayaraghavacharyar, Sir T.  
 Wajihuddin, Haji.  
 Willson, Mr. W. S. J.

The motion was adopted.

**Mr. President:** The further question is:

"That a reduced supplementary sum not exceeding Rs. 31,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1926, in respect of 'Working Expenses—Administration'."

The motion was adopted.

The Assembly then adjourned for Lunch till Three of the Clock.

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

**Mr. G. G. Sim:** Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 4,40,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1926, in respect of 'Companies' and Indian States' share of surplus profits and net earnings'."

Last September the House passed one supplementary grant which I asked for, to meet the payment of surplus profits to Companies or Indian States in cases where the profits are worked out on the results of the previous year and where the last year's results had been more favourable than anticipated in the Budget. The additional grant I am asking for is in connection with those railways, the surplus profits of which are worked out every six months or separately each month, and the receipts of which have for the last six months been more favourable than were anticipated in the budget estimate.

I move, Sir.

The motion was adopted.

**Mr. G. G. Sim:** Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 25,50,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1926, in respect of 'Strategic Lines, Capital'."

As explained in the note placed before the Standing Finance Committee, this motion, with the exception of a small sum of Rs. 5,00,000 excess expenditure on the Khyber Railway, is entirely a formal one. In the last Budget we tried for the first time to separate the strategic and the non-strategic expenditure of the North Western Railway, and certain items were left in the commercial portion which properly speaking should have come into the strategic portion.

I move, Sir.

The motion was adopted.

---

### THE INDIAN TRADE UNIONS BILL.—*contd.*

**The Honourable Sir Bhupendra Nath Mitra** (Member for Industries and Labour): Sir, I beg to move that the Bill to provide for the registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions in British India, as amended, be passed.

Sir, I congratulate the House on the termination of its labours in connection with this Bill. I notice that Mr. Graham has tabled certain further amendments but they are formal and non-contentious in character.

As the House is aware, the Bill owes its origin to a Resolution adopted by it in March 1921 with reference to a motion by my friend Mr. Joshi, who can therefore justly claim to be the real author of this Bill. In introducing this Bill in this House in January 1925, I explained why it had taken Government four years to prepare a Bill and present it to this House. It has taken us another twelve months to pass the Bill. I trust that our labours will result in placing on the Statute-book of India her first Trade Union law. That law may not incorporate all the provisions of the Trade Union legislation now in force in Great Britain which has reached its present stage of development as a result of long experience and of political controversies. But, Sir, I have little doubt that the Bill which I am asking this House to pass to-day will, if advantage is taken of its provisions in the proper spirit, tend to foster the growth of Trade Unions in India on sound lines, which by promoting co-operation and education among the workmen will help to uplift their lot.

I take this opportunity of thanking my friends opposite for the consideration and assistance I have received from them in dealing with this measure.

Sir, I move.

**Mr. W. S. J. Willson** (Associated Chambers of Commerce: Nominated Non-official): Sir, this Bill is on the point of passing, but before we leave the subject I would just like to make a few remarks. On the original presentation of the Bill certain attacks were made against employers and it was stated that there was a determination for "suppression". I trust that the attitude in the Select Committee and in the House of those like Sir Purshotamdas Thakurdas, Mr. Kasturbhai Lalbhai and myself, who are primarily looked upon as representatives of capital, will have done much to dispel that illusion.

Any amendments I have moved or opposed were solely for the purpose of making the best of the Bill itself, and that must be my direct negative on the part of the Chambers I represent to any opinions which have been expressed as to alleged hostility on the part of Chamber employers.

I do not know what *other* class of employers Messrs. Sinha and Goswami had in mind, but I think a gratuitously offensive remark rather out of place in any case in any Select Committee's report.

It is true that the employers of labour connected with the Chambers of Commerce were, in the first instance, almost unanimous in considering that this legislation was somewhat in advance of its time. It seemed certainly premature, if not indeed undesirable, in the conditions of labour as we know them in India to-day. The conditions prevailing generally were considered not ripe for the establishment as yet of Trade Unions, and they really feared that there was some political menace to industrial tranquillity behind the trade union movement. Even now they are in considerable doubt as to whether the provisions of clause 16 are not too wide in this respect, but, Sir, having already addressed you on that clause, there is no occasion for me to repeat myself now. We would, however, really like to see the Trade Unions proceed upon purely trade union lines in the first instance, so that the workers may have the benefit of a real education in purely trade union purposes.

A good deal of surprise has been felt that the Select Committee did not pay more attention to some of the views which were put before it by commercial and industrial people. That opinion was before them in quantity. It had come from men well acquainted with labour conditions in India and directly affected by them, men well experienced in the working of Trade Unions in England; men who might be counted amongst the best employers in India, who have always been in the forefront of improvement and in leading improvement amongst their workers. Any one who has had experience of the working of the organisations of companies employing large forces of labour will agree that it is not to the interests of the employers themselves to neglect the interests of their workers. The wisest employers know this well and are those who do their best to bring about an improvement in the conditions. A healthy and contented labour force is the great desideratum amongst employers to-day.

How to maintain and insure the regular payment of wages is of course a Trade Union's first consideration, but naturally it is followed by the desire for better wages. I would like to remind leaders that higher wages do not necessarily mean better wages, and that a good way to bring about an improvement in the wages is to bring about a fall in the cost of living, and at the same time give a fillip to the industries upon which both the employers and the employees depend.

To start the Trade Unions on right lines I would like to suggest to leaders that they adopt the motto of one of the oldest Unions in Great Britain, which is, "Give to capital its just rights and to labour its due reward." Let the leaders in the first instance go slowly with a view to improving the conditions gradually, and not attempt to bring about a hypothetical millenium at a single jump.

Leaders of sagacity, honesty and courage must be found, and I may remind them that it is useless to ask for the power of collective bargaining unless those leaders are able to secure that it will be carried out. Trade Unions cannot exist apart from trade and collective bargaining. I hope

[Mr. W. S. J. Willson.]

that the Bill will be found to provide an organisation which will render collective bargaining on both sides possible and effective.

I regret the absence or omission of any provision for trustees to be responsible for the investment fund of a Trade Union. My Chambers recommended this and are rather surprised that the Select Committee did not make provision under this head. I may remind you that it is just as necessary to prevent the workers from being exploited as it is to protect them from harsh employers.

Many of my Chambers think that picketting should have been prohibited in the Bill. I would remind you that, when picketting is resorted to, intimidation does take place. It is however very difficult to prove, and even when violence is resorted to, evidence is seldom forthcoming.

The Bill before the House gives considerable width in its scope but I realise that workmen will be protected to a considerably greater extent than they are at present and to that extent I am convinced it will serve a most useful purpose.

I can assure the House that my Chambers will, as with the Reforms themselves, do their best to work this Bill with a full acceptance, and endeavour to make the best of it. It is of itself a great achievement for Mr. Joshi and shows to what extent it is possible to improve the conditions under the existing Government Act. At no previous period in the history of India, so far as I am aware, have labour and social conditions received the attention that they have since the introduction of the Reforms Act.

**Lala Lajpat Rai** (Jullundur Division: Non-Muhammadan): Sir, it is not my intention to oppose this Bill at this stage, but I want to make it clear that, in my considered judgment, the Bill is not at all satisfactory. I have made a careful study of the provisions of this Bill, the history of the English legislation on the subject, as also of the speeches made by the Honourable Member in charge on the occasion of introducing the Bill and of referring it to the Select Committee, and I consider that the reasons given for departing from the provisions of the English law in this case have no weight, and that it would have been much better if, in the interests of the employer and of labour, and also in the interests of society at large, this Bill had been drafted more on the lines of the English Statute of 1871 than otherwise. My friend the Honourable Member in charge has congratulated Mr. Joshi for being the real father of this Bill by reason of his Resolution passed in March 1921. I am very doubtful if Mr. Joshi will have any reason to be proud of his offspring. There are certain very important things in this Bill, which to my mind are likely to make confusion worse confounded. As I said before, I have no intention of opposing it at the present stage; the stage for that was when the Bill was referred to the Select Committee; but I want to make it clear that certain omissions in the Bill are so momentous, so important, that they are likely to create a great deal of unrest, lead to a great deal of litigation and a great deal of struggle which it would have been better to avoid in the interests both of labour and of capital in this country.

Sir, the reasons that have been given for not following the lines of the English Statute may be briefly summed up thus: that this is a new movement; it is in its infancy and the condition of education among the labouring classes do not justify the following of the provisions of the English

Statute, and also that the newness of the movement and its infancy justified Government's action in introducing this halting measure. I consider, Sir, that much has often been made of the newness of conditions in India. I wonder if the Government or the champions of Government ever consider that they are responsible directly for this newness of conditions. There are certain social conditions that have been introduced into this country by the Government themselves. Why should the Government then hesitate or halt in following the logical consequence of those new introductions or new institutions? Industrialism in its present form is no doubt an entirely new introduction in this country, and industrialism necessarily leads to trade unionism. There can be no guarantee for the interests of labour and of the workers in this industrial movement without a net-work of Trade Unions to protect and guard their interests. It may be all very well to sermonise on the duties of employers, on their benevolent motives, on their self-interest to keep their employees contented and satisfied. We have heard these sermons from time immemorial. All Governments and employers believe, and may be sincerely, that they do anything for the good of the people; and whenever people make or advance any claim for their better and more effective representation in the Government or for political rights, involving any interference with vested interests, they are in the wrong and the Government and the capitalist are always right. The claim is that the Government and the employers know the interests of the workers better than they themselves do. We know what value to attach to this argument; and my complaint is that the Government whenever they introduce legislation of this kind always harp on not blindly following the English law. Whenever there is a question of the expansion of the liberties of the subject they decline to follow the English practice, but when the Government want to restrict the liberties of the subject they justify their action on the ground that they are only bringing the law here into line with the English law. It is a question of pick and choose whatever suits them. I maintain that is not fair. Even in the political sphere as in the industrial sphere, it is that argument that always blocks progress and stands in the way of our introducing institutions which are the logical consequence of the social conditions which have been introduced into this country by the British Government themselves. Sir, I consider that the arguments that have been advanced by the Honourable Member for not going further than he has gone in this legislation, and for not giving the same rights and immunities to unregistered Trade Unions in this law as have been given in the English law are not cogent. I will take them one by one. But before I take them one by one I just want to make a reference to the English legislation of 1871.

Sir, when that Act was passed which continues still to be the principal Act laying down the law relating to Trade Unions in Great Britain and which has not been repealed or substantially altered in its provisions, it at once proceeded not only to make provision for the registration of Trade Unions but at the same time to declare the law as to the rights and immunities of all Trade Unions whether they were registered or not registered. The English legislation of 1871 relating to Trade Unions took two forms. One was on the civil side, providing for registration of Trade Unions and declaring the law relating to them and the other was on the criminal side making a law, called the Criminal Amendment Law. On the civil side certain amendments were subsequently made but nothing substantial was altered. On the criminal side they had to make certain important changes in the light of later experience with which we have nothing to do.

[Lala Lajpat Rai.]

for the present. Now, it is said that the condition of education among the working classes in this country prevents the Government from going as far as the English Statute of 1871 did. Well, Sir, in my judgment there is absolutely nothing in that argument. Was the English worker better educated in 1871 than the Indian worker is to-day? We must remember that the first compulsory Education Act was passed in the British Parliament in 1870. Was the trade union movement in England in a very advanced stage in 1871? I submit it was not, and the condition of education among the working classes was in no way better than the condition among the workers to-day in India is. Moreover, there is a confusion always made between literacy and education. I grant that literacy is a great asset in modern times, but it is not education, and I am not prepared to accept that the workers in India are less educated than their fellow-workers anywhere else simply because of their illiteracy. They are no doubt at a certain disadvantage on account of their illiteracy. I attach great importance to literacy; but what education really means are the changes that education brings about in one's character and one's habits and manners. I submit, judged by that test, the Indian worker is no less educated than the English worker. If education is to be tested by one's sobriety, by one's moral character and by other such qualities, I contend that the Indian worker is much more educated than his fellow-worker in England or anywhere else in Europe or America. Then, Sir, I want to ask what has education to do with the rights and immunities that are covered by clauses 17, 18 and 19 of this Bill? Those rights and immunities are inherent to any combination of workers made for the protection of their interests. Those rights and immunities have practically nothing to do with education. I could understand the plea of lack of education in regard to those provisions of the Bill which lay down the procedure of registration and which require the control of funds and the control of the proceedings of Trade Unions. In that connection there might be something to be said for the necessity of literacy; but so far as the laying down of the law with regard to the rights of the workers as such, and the immunities which are inherent in the very fact of their combination, is concerned, they have nothing to do with the condition of education in those classes. They are, I repeat, inherent in the institution of trade unionism and that was exactly the reason why the British Legislature in 1871 did not confine that Act simply to the declaration of the rights of registered Trade Unions but extended it to unregistered Trade Unions also. What is a Trade Union? I do not want to define it very exactly. Speaking roughly it is a combination of workers to protect themselves against the combination of employers, or even if there is no combination of employers, for the purpose of furthering their interests and protecting their rights. Now, how can their rights be protected and their interests furthered by that combination? By occasional strikes, by collective bargaining, as we have been told just now by my Honourable friend Mr. Willson, and by other similar things. But if Trade Unions are to be deprived of those rights, whether they are registered or unregistered, I wonder what is left of trade unionism. So I contend that education has nothing to do with the rights and immunities that are covered by clauses 17, 18 and 19 of the present Bill, and that the English Legislature was perfectly right in granting these rights and immunities to their workers by the legislation of 1871. Even to-day at the present moment, after that law has been in force in England

for over fifty years, there are three kinds of Trade Unions in England—Trade Unions registered under the law relating to Trade Unions, Trade Unions registered under the Friendly Societies Act and the like, and unregistered Trade Unions. Now it is said that this movement is in its infancy in this country. Very well, if that is true, is it expected that this movement will grow so big from its infancy that there shall be no unregistered Trade Unions at all, or any other combinations of unregistered workers in this country to require the protection of the law for the purpose of collective bargaining and for the purpose of strikes, etc.? The law on these points at the present moment in India is in a very fluid condition. The Honourable Member in charge of the Bill, while introducing the Bill, said that under the law as it stood at present, people going on strike or acting in combination in restraint of trade could be prosecuted under the conspiracy sections of the Indian Penal Code and could be proceeded against in civil courts for damages for breach of contract and otherwise. Well, Sir, so far as I am aware,—I say so subject to correction—Trade Unions now have been existing in this country for a number of years; we have been hearing of strikes all round and we have never heard of any prosecution having been started by Government under the conspiracy sections of the Indian Penal Code against anybody who took part in a strike. There has been I am told one case of damages in the Madras Presidency (*An Honourable Member*: "It was withdrawn.") but it was not proceeded with. Anyhow I do not know the facts; but I have not heard of any other cases having been instituted either in Bombay or at Nagpur, or at Ahmedabad, where there have been many strikes, either for damages on the ground of breach of contract or on the ground of torts, against any strikers or against any combination of workers. That is the present condition of things which this law proposes to change. This law restricts practically the enjoyment of these rights and privileges to registered Trade Unions only. The question arises as to what will be the status of unregistered Trade Unions after the passing of this Bill. Supposing a large number of workers in the Bombay mills strike. Some will belong to the registered Trade Unions; others will not belong to any registered Trade Unions; some may be members of unregistered Trade Unions or they may be members of no Unions at all. Suppose a thousand or five thousand or ten thousand people strike. Will Government give protection only to those who are members of registered Trade Unions and prosecute those who are not members of a registered Trade Union? It will be an absolutely anomalous position; and if the Government do not mean to do that, then where was the use and where was the necessity of making this distinction between registered and unregistered Trade Unions? It will only help mischievous people to insist upon prosecutions being started or upon proceedings being taken against some of the workers. Now, I may say at once that I am not fond of strikes at all. In fact I deprecate hasty strikes altogether; and I am quite conscious that sometimes strikes are fomented by people who have no business to advise any strikes. If this was a law to prevent such strikes and to prevent Trade Unions being exploited in that way, it would be quite welcome. I have absolutely nothing to say against that part of the law which relates to the control of funds, the keeping and auditing of accounts, etc. It is a good law. But when you proceed to take away the protection of the law in their inherent rights and immunities from certain classes of workers, simply because they have not registered themselves, then I think you are not proceeding on sound and satisfactory lines. There you are drawing a distinction which is not at all advisable either



[Lala Lajpat Rai.]

in the interests of progress in general or in the interests of the workers themselves. Here again, Sir, I want to make it clear from my place in this Assembly that I want all Trade Unions to register themselves under this Bill when it becomes law. I do not want any of them to remain unregistered. But whatever we may say or we may do in that respect, we know that all Trade Unions are not going to register at once, and that the development or the fostering of the trade union movement will not be helped very much by this restriction of the rights and immunities of workers by clauses 17, 18 and 19 of this Bill. In fact, as I said before, it is bound to create a situation which would be deplorable from every point of view.

Other grounds also have been advanced for proceeding very cautiously with the law of Trade Unions, and one of the grounds is that the movement is entirely new to India. I deny that proposition *in toto*. The movement may be new in its present form. But the essence of the movement and the principles of the movement of trade unionism are as ancient and old in India as the snow-clad mountains of the Himalayas. What is the principle of trade unionism? What is at the back of it? What is the foundation of it? The foundation of it is the right of collective bargaining, and the right of certain people to lay down their terms under which they will serve the public or do certain work, and also to impose penalties for the breach or the violations of any decisions given by those combinations or of any rules laid down by them. Now, what are the occupational castes in India? They are practically closed Trade Unions! And how have the Trade Unions developed? All authorities on trade unionism are agreed that the ancient guilds of India and the guilds of mediæval Europe were the ancestors of Trade Unions as we see them to-day. We have still this class of institutions in India, though not exactly in the same form in which they existed in the olden times. We have many occupational castes which are working practically in the same way as Trade Unions are working in other countries. What are these strikes? Strike is only another name for *hartal*. Who has not heard of the *hartal* of sweepers or of water-carriers or of butchers or of similar castes? Whenever any of these classes of workers want the redress of their grievances, which otherwise they cannot get from society or from certain classes of society, they go out on *hartal*. Do you know that the decisions of the *panchayats* of these occupational castes are as binding upon all their members as the decisions of any Trade Union could possibly be? Whatever may be the statute law and whatever threats of prosecution you may hold out, no member of an occupational caste has the courage or can possibly have the courage to violate the decisions of their *panchayats* or of doing anything in disregard of the orders of that *panchayat*; they obey them literally; they pay the fines and they abstain from working for those families or for those persons who have been interdicted by the vote of the *panchayat* as not to be served. We see it every day and therefore the real principles of trade unionism and the essence of them are not new to India. The movement is not in its infancy here. The movement in its present "civilised" form—and I would like to put the word civilised in inverted commas—with its account books and printed rules and byelaws may be new; but the movement itself is certainly not new, and even to-day the Government do not in any way prosecute those caste people who go on *hartal* in the

way in which I have stated before you, and who impose their own rules and lay down their own conditions of service. They restrain and prevent people from going and serving anybody against those rules and except under conditions which they have laid down, and the Government never think of prosecuting them. What are these clauses 17, 18 and 19? They are practically a reproduction of that custom, of those practices, that have been recognised all over the world as necessary for the success of trade unionism. They existed in this country in one form or another from very old times. I think therefore that the argument that the movement is new and that we ought to proceed with very great caution does not hold water at all. In fact Government should have taken advantage of this prevailing custom and of the prevailing practices in this country in this respect and taking their courage in their hands gone further to make the law almost on the same lines on which the English Statute was framed in 1871. That would have made the situation clear; that would have made the law clear. We have been told in another connection that wherever there are differences about the meaning of the law or wherever there are difficulties of interpretation, it is the business of this House to make it clear. We were told so in the arguments during the debate on the Contempt of Courts Bill. Well, in this case the law has been made more uncertain and liable to be misinterpreted than it was before. It would have been much better if the law had been made clear that so far as the protection of the rights of a combination of workers now covered by clauses 17, 18 and 19 was concerned, that protection was extended to all combinations of workers regardless of their being registered. I submit this Bill is very defective in that respect. But for this I would have been in a position to congratulate the Honourable Member in charge for having successfully piloted this Bill through. But I am sorry I cannot consider this legislation to be entirely satisfactory nor as one that has been framed on sound lines to prevent further agitation, and litigation. I am afraid we shall soon be compelled to introduce an amending Bill. All that trouble could have been saved if the Honourable Member in charge had seen fit to extend the rights and immunities mentioned in clauses 17, 18 and 19 to unregistered Trade Unions also. I think a colossal mistake has been committed, and it will only lead to nothing but trouble and litigation. The very fact that these clauses relate only to registered Trade Unions and not to unregistered Trade Unions will be used as an argument that the law does not justify the exercise of those rights and those immunities by any unregistered Trade Unions or by members of any unregistered Trade Unions. We are afraid that in relation to future strikes there may be a harvest of criminal prosecutions, suits for damages, suits for injunctions, etc., brought against the workers or strikers and there will be litigation all round. The funds of the Trade Unions will be wasted in defending themselves in those suits. All this could have been avoided if the Government had taken courage and made the law clearly applicable to all Trade Unions. That was the only right course for them if they really meant to foster Trade Unions in this country. I am afraid, Sir, these clauses are liable to be misconstrued, and the argument will certainly be that the Legislature having deliberately chosen to confine the rights and privileges and immunities granted under these sections to registered Trade Unions only, it means that those rights and immunities cannot be exercised by members of unregistered Trade Unions. I submit that the English law on this subject is very sound, and it ought to have been followed here. When you are introducing English institutions in this

[Lala Lajpat Rai.]

country, certainly no one wants to follow them blindly, but English institutions require English safeguards. You want to introduce English institutions in this country without English safeguards, which will lead to nothing but trouble. Either have the courage not to introduce any English institutions at all and not to take the analogies of English life, social, commercial or any other, but if you do introduce English institutions, you must have the English safeguards also. Unfortunately the practice is that whenever you want to make the law stringent, you come and say that you are just making the law in India as it is in England. But when it comes to the expansion of our liberties and rights, when it comes to a question of giving us the same privileges which are the necessary logical consequences of English institutions then you halt and you are frightened by vested interests. I do not want to make any insinuation against the employers because, as I said the other day, these employers are human beings and they naturally look to their own interests. These combinations of workers, these strikes, these collective bargainings do interfere in the making of their profits and cause them other troubles too, and therefore naturally they are not interested in seeing the rapid development of Trade Unions in this country. Therefore, I am bound to say that, although I am not going to oppose this Bill at its present stage, I am deliberately of opinion that the law as laid down by it is very defective and unsatisfactory and that we shall have to come to this House very soon to have the law put in a proper form and to have the rights and privileges granted by clauses 17, 18 and 19 extended to the labouring classes regardless of their being registered or unregistered.

**Mr. B. Venkatapatiraju** (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): Sir, I think every well-wisher of the country would welcome this piece of labour legislation as the first instalment. I do not think that anybody has suggested that this would be the final legislation with reference to the solution of labour problems. Before this Government have brought about an amelioration in the condition of the people by the Workmen's Compensation Act to a certain extent and by means of factory legislation. I would not go the same length to which my friend Lala Lajpat Rai has gone in stating that the present piece of legislation is altogether unsatisfactory. It is true that this legislation makes no proper provision to put an end to strikes. I do not know why our labour representatives speak of strikes in an apologetic tone. Strikes are the legitimate weapons of Trade Unions, and nobody need be ashamed of strikes. A strike is the only way of securing the advantage of collective bargaining. I find that my friend Lala Lajpat Rai seems to be fond of English labour law. I do not agree with him in holding that the labour legislation in England has given what it was expected to do for labour. Under peculiar circumstances in England it has served some purpose, because there is provision there for old age pensions and for poor relief as well as insurance for health and unemployment. In the absence of these three conditions, the law as it is in England would serve no useful purpose here. The true test of trade unionism can be seen only when there is an actual strike, and it can also be gauged by the actual attitude that would be adopted by employers represented by my friend Mr. Willson, the Government and the people. Sir, I have some knowledge of strikes in India as well as outside, and I know the attitude that is adopted by Government and by employers when strikes take place. In these matters we cannot say that on one side

there will be angels and on the other side something contrary. There are and there will be defects. Naturally, whenever the workmen combine and make a demand for higher wages or ask for shortening the hours of work or ask for any other privileges, and when their demands are not met by the employers, the workmen go on strike, and in this process it is the workmen themselves who suffer eventually. There would be hunger, there would be privation, especially in India, and the equanimity which we find in the Legislative Assembly may not be found when there is a strike on. There would be difficulties of various kinds for the workmen, and it is usual then for the Government to step in and assist the employers. It is very rare indeed that the employers and workmen are kept at a distance by the Government, as happened recently in Bombay, but on almost every occasion I notice that Government side with the employers. In those cases every step is taken to break the strike. Not only do the employers take every precaution to put an end to the strike, but the Government themselves employ police force to put an end to strikes. We know how strikes were put down not many years ago when workmen asked for enhanced wages under the British flag in a neighbouring Colony. Battleships from a neighbouring country were sent for and army Divisions were also invited to put down these strikes. They also wanted to put down the strike by shooting down some people and by sending some ladies to jail with hard labour for a number of months. This is how strikes were put an end to in some places. Now, I ask, do the Government really intend to help the workmen and ameliorate their condition? If they intend to do so, then the only way is not to allow the workmen to strike and suffer the consequences for a long time, and the Government ought to have adopted the legislation which is in force in Australia and America to a certain extent in order to put an end to those disputes by compulsory arbitration. There are provisions in the legislation adopted in Australia and America which have been adopted partially in England, and I should like to see the same provisions enacted here, unless of course my friend Mr. Chaman Lal thinks that we may not have a just umpire or a proper Arbitration Board. But such difficulties have been solved even in Australia in order to bring about a solution of these labour problems, because you cannot allow a fight to go on between the employer and the employees. They are not the only parties concerned; there are the third parties also, I mean the public, because there are several cases of public utility services. With reference to the public utility services, my friend Lala Lajpat Rai asked, "What would be the fate of a municipality, big or small, when all the sweepers struck work?"

**Lala Lajpat Rai:** I never said anything about municipalities.

**Mr. B. Venkatapatiraju:** You referred to sweepers and their strike is a menace to municipal sanitation. The difficulty is, what are we to do? Under the existing law, if such a man commits an offence, he will be punished; but I say, would you tolerate it? I say that it is a disgrace that a "labour" dispute should be made an offence. I ask, "How best can you meet the situation?" Supposing the sweepers in a municipality refused to sweep the streets, what would become of the sanitation of that place? What are the provisions? In such cases it is absolutely necessary that the State should intervene. How best can you intervene so as not to help one side or the other? Supposing that on any day which was chosen by my friend, Mr. Joshi or by my friend Mr. Chaman Lal, all people belonging to Railway Unions stopped the transport of anything or wanted to

[Mr. B. Venkatapatiraju.]

stop it, or the telegraph employees stopped sending messages. What are we to do? Should we allow them to do it? We have experience of such trouble in other countries. What are the methods adopted? Now by passing this legislation you have done very well in giving them an opportunity to stand on their own legs, but I want you to go further and to try and adopt the best means of bringing about cordial relations between the employers and employees. In this case unfortunately Government in India are the largest employers because they employ more than a million men under them, and they are therefore equally interested with the employers in seeing that there is no collective bargaining on the part of these people. Only the other day when the telegraphists themselves threatened to strike, it was perhaps the tact and firmness used by the Honourable Mr. Roy that put an end to it, but there will be occasions, and we cannot think that there will be no strike so long as you permit them to have a Trade Union which is lawful under the law; and if they can unite in asking for higher wages, and if you cannot provide for that, they will go on strike. What is it then you are going to do? Do you mean to say that you want to protect yourselves with machine guns in order to put an end to these Unions or this collective bargaining? What is the other method you can adopt? You rouse their spirits by this Bill; but what are the provisions you have made in order to deal with the strikes? You must do something in that matter; and therefore though this Bill was taken as a first instalment of labour legislation, I would earnestly appeal not only to the Government Benches but also to the labour representatives that they must bring about and evolve some other means of adopting conciliatory measures for the settlement of their disputes. I do not think the employers would always be losers; they must be losers for a time, but the persons who actually suffer, and I know it, are the workmen themselves because though they may gain higher wages, several families would nevertheless be ruined; and I ask, how many people could go on starving thus in order to raise wages and go through all this suffering? We have to deal with this question not merely by legislation but by extending our fellow-feeling, our sympathy, and we must meet it with our whole-hearted response to the legitimate demands of the people. That is exactly the reason why only the other day when His Majesty opened Parliament, he stated that in order to put down this industrial strife there must be a common fellow-feeling and comradeship between employers and employed. If you regard the matter as a matter of expediency, as a matter of bargaining, you will never succeed, and therefore, Sir, I think that an opportunity should be taken at an early stage in order to bring about additional laws which will put an end to unnecessary strikes. With these words, Sir, I commend the Bill to the House for unanimous acceptance.

**Mr. Chaman Lal** (West Punjab: Non-Muhammadan): Sir, I do not wish to be at all niggardly in my praise of all those Members, including the Honourable Member in charge, who have been responsible for knocking this Bill into shape. I know it has been a very strenuous period with us. We for our part have done our level best to make the measure commend itself to all those progressive-minded people who have the true interests of labour at heart. If we have not succeeded in one or two particulars, and to my mind very important particulars, that is not to be put down, Sir, to any desire on the part of any Member sitting on this side of the House not to try to do justice to the workers. It can only be put

down to a spirit usually displayed by the Government, a spirit of conservatism; and I do hope that the time will come when we shall be in a position to compel the Government so to amend the Act as to bring it into line with all the labour ideals that inspire us on the subject.

Now, Sir, the question of the paternity of this Bill has been raised. I want to congratulate my friend and colleague, Mr. Joshi, for all the attempts he has made to bring this subject to the notice of Government. He has, at last, succeeded, but he will certainly not oppose me when I say that there is a drop of communist blood also in this measure, and that that drop of blood has been transfused into this measure by no less a person than Mr. Saklatwala. And I take the leave of this House to pay a tribute to that man for all he has done to bring this matter to the notice of the Government, of the public and of the Press. I think it was in 1920 that Mr. Saklatwala succeeded in getting up a deputation which waited on and saw Mr. Montagu, the then Secretary of State for India, and it was in 1921, I believe in the month of April, that Mr. Montagu gave a definite promise that legislation on these lines would be introduced in the Legislative Assembly. Thereafter it became a matter of great public concern. In 1921, as the Honourable Member has mentioned, Mr. Joshi presented his Resolution in the first Assembly. But the Government, in spite of their promises, took nearly five years to present this Bill before this House. I do not blame them; perhaps there were reactionary forces working inside the Government which prevented the Government from carrying out the pledges that were then given, but at last those pledges have been fulfilled. They have been fulfilled after strenuous efforts by us all in the matter of getting this measure brought before the notice of the public.

Now, Sir, having brought this measure forward, what do we find? Let us look to the balance sheet. You have on your credit side, firstly, immunity given to registered Trade Unions from criminal liability under clause 120B and you have also immunity given in the matter of civil liability to Trade Unions which are registered, and, Sir, you have clause 16 inserted in the Bill which deals with the creation by Trades Unions of funds for political purposes. Now, I have not the slightest doubt that if there had been any other Member in charge of this Bill except the Honourable Member over there, it would have been a very difficult thing for us to get clause 16 inserted in the Bill; and let me pay my tribute to him for his attempt in taking his courage in both hands and getting this clause inserted in this Bill. (Hear, hear.) Now, Sir, let us look to the debit side of this balance sheet. You have, first of all, the fact that the provisions regarding immunity which apply in this Bill apply only to registered Unions, and secondly that the civil immunity that is given is only partial. I agree with Lala Lajpat Rai when he said that it was up to the Government and up to the representatives of the people here to bring this measure into line with the English law on the subject, not only into line with the 1871 Act but also the Trade Disputes Act of 1906. It was the latter Act which gave complete immunity from tortious liability to Trade Unions, and there is no reason why the Government in India should not have adopted a similar attitude to that which was adopted by Parliament in 1906, namely, the grant of complete immunity from tortious liability to all Unions. Now the third factor on the debit side is the clause relating to political funds. We put up a strenuous fight with regard to the question of contracting in or contracting out. Eventually there was a compromise on this, namely, that we did not press the matter to a division; we allowed the matter to stand where it was accepting the provisions which

[Mr. Chaman Lall.]

state that a political fund can be created for a Trade Union and that any Member who chooses may pay. But the payment is not compulsory for every member of a Trade Union. This is a serious matter but we accepted a compromise on the assumption that Government would have dropped the Bill altogether if radical changes had been introduced into it.

Now, Sir, taking all these factors into consideration, may I ask Honourable Members here whether it is not a matter for congratulation that a Bill of this kind has been presented to the House. My friend Lala Lajpat Rai says it is a doubtful matter: I beg leave to differ from him. Immunity has been given under clause 120B and the question has been raised whether an unregistered Trade Union would be liable criminally or not. I submit, Sir, that an unregistered Trade Union under the existing law would not be liable for merely deciding to go on strike. As I read clause 120B it relates to conspiracies to commit an offence and conspiracies other than those to commit an offence. Let me read clause 120B:

"(1) Whoever is a party to a criminal conspiracy to commit an offence punishable with death, transportation or rigorous imprisonment for a term of two years or upwards, shall, where no express provision is made in this Code for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such an offence.

(2) Whoever is a party to a criminal conspiracy other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both."

I want to ask the House to remember that the first part relates only to a conspiracy to commit an offence.

**Mr. L. Graham** (Secretary, Legislative Department): Also an unlawful act.

**Mr. Chaman Lall**: If Honourable Members will let me proceed, I will come to illegal acts. Is breach of contract a crime? It is not. I submit it was under the Workmen's Breach of Contract Act. The Workmen's Breach of Contract Act expires on the 1st of April. It is not on the Statute-book any more from the 1st of April. I submit it is no longer an offence for any member. . . . .

**Mr. L. Graham**: It would shorten this discussion if I explain that illegal acts and offences are not necessarily the same thing. An illegal act includes an act for which only civil damages can be awarded.

**Mr. Chaman Lall**: It simply enforces the point I was making. There is no crime for which a man can be punished merely because he, by a resolve on the part of the Union, goes on strike. That is not an offence. Is that an offence cognisable under the Penal Code? It is not. It was an offence so long as the Workmen's Breach of Contract Act was in force. It is no longer an offence. It cannot be brought in under clause 120B.

**Syed Majid Baksh** (Burdwan and Presidency Divisions: Muhammadan Rural): If the unregistered Trade Union is declared to be an unlawful body under the Criminal Law Amendment Act of 1908?

**Mr. Chaman Lall**: Suppose a registered Trade Union is declared an unlawful body. What then? We are not considering exceptional action against a Trade Union.



**Syed Majid Baksh:** I am speaking of unregistered Trade Unions.

**Mr. Chaman Lal:** If the Honourable Member will only read the law, he will realise the principles underlying that legislation. (*Syed Majid Baksh:* "I have read it very carefully.") If the Honourable Member will not interrupt me and will utilise his right of speech, he will have plenty of opportunities of saying what he means. For myself, I fail to understand what he means. What I mean is this. So long as a Trade Union decides to go in for a trade dispute and so long as the workers in that Trade Union are parties to that decision, they do not commit any offence and they do not thereby come under clause 120B. Therefore my contention is this, that as far as the unregistered Trade Union is concerned, the question merely remains a question of civil liability, not criminal liability unless something more than I have suggested is proved. Nevertheless we emphatically protest against the invidious distinction drawn between registered and unregistered Trades Unions. In India we have had one instance of civil liability being foisted upon a Trade Union merely because of a strike. That was the Madras case, the famous Wadia case. We have not had any judgment in that case. That case, I believe, was withdrawn. We do not know what the law is. But this Bill makes the law perfectly clear. As far as registered Trades Unions are concerned, no one can foist tortious liability upon any Trade Union, provided the act was not done with the union's knowledge or express authority. Now, the question arises as to why that liability should not be extended to unregistered Trade Unions. I do fervently hope that the day may come soon when we shall be in a position, and Government will be in a position, to extend the provisions of this law also to unregistered Trade Unions.

Now, I do not wish to go into the question that was raised by Mr. Willson. He was talking about the question of picketting and he regretted the fact that there was no provision in this Bill to make picketting illegal. We did not raise this question in the Select Committee. I was a member of the Select Committee. We did not deliberately raise it, because, as we understand it, picketting is not illegal under the law at the present moment. It becomes illegal when it is converted into intimidation. When it reaches that stage, then it comes within the clutches of the law. Therefore there was no necessity for introducing any provisions in this Bill, as there was a necessity in Great Britain for introducing provisions making picketting perfectly legal, because, Honourable Members will remember that, I think, till the sixties or seventies picketting was declared to be definitely illegal under the English law. After that date the provision of the law made picketting perfectly legal. Here the position is entirely different. Picketting, as we understand it, is perfectly legal under our law. Therefore we did not see the necessity of inserting any clauses. Why should not picketting be permissible? The Honourable Mr. Willson says that it should not be permissible. I ask him to advance a reason in favour of his argument. If you permit a Union to go on strike, they must utilise the only weapon that they have against employers. Why should they not try and peacefully persuade others to do likewise and join in the strike. What argument is there against a suggestion of that kind, which is perfectly consonant with the right of an individual to persuade peacefully another individual to do what he or his organisation want to do. Government themselves are trying their best in that direction every day. There is evidence of peaceful persuasion even in the lobbies of this House. Why should not workers also



[Mr. Chaman Lall.]

do the same thing? I am certain the Honourable Member who takes a very keen interest in divisions will also agree with my view. If this method can be tried in this House, why should it not be tried in a Trade Union?

Now, the question arises as to the employers of labour being very anxious about the passing of this Bill. I do not believe it. There are no doubt Honourable Members of this House who, when this Bill was on the anvil, tried to make the best of it. Others tried to raise every objection that they could think of to hinder the progress of this Bill on the lines on which we would have liked it to progress. This fact is known to all. I will not for a moment concede the right to any Member of this House to tell me that the employers as a whole in this country are in favour of the provisions of this Bill. Only the other day when the Bill was coming up before us in this House, there was a report of a meeting of employers definitely condemning this Bill, telling us that it was a dangerous thing to do and that it contained dangerous provisions of law, and that Honourable Members should be very careful. They are the people whose representatives sit in this House. Is that an indication that employers of labour throughout India are very anxious to ameliorate the conditions of the workers and that they are in favour of the provisions of this Bill? I submit, Sir, that this is not so. Even if they were, I would give those employers who are willing to see that proper legislation is introduced in order to protect the rights of Trades Unions in this country full credit. I have yet to see a single employer who is of that mind. My own ideas about the relationship of employers and workers are well known to Honourable Members of this House. I do not think that any employer honestly feels, truly feels, for the woes and the sufferings and the conditions of life of his workers. The Honourable Mr. Willson says that there are many employers who regard the condition of their workers as a matter of primary concern to them. I have yet to find any employer who knows anything at all about the condition of his workers. I have not come across an employer who appreciates the difficulties of his workers. He does know of the wages that are paid to his workers. But does he know anything at all about the state of life led by these workers in their dirty, filthy, horrible chawls? Even if he does, what does he care? All that he cares for is to get more profits out of the blood and sweat of the workers. That is his concern. It is not his concern to try to ameliorate in the least the condition of the workers. All that he is concerned with is the dividend sheet as it is presented to him at the end of the year, the balance sheet, and with nothing else. Human lives are of no interest to him. Profits are the primary interest of the employer, and I will not be hoodwinked into believing that it is otherwise. It is not otherwise in any other part of the world, and it is not otherwise in this country. The employers' main concern has been to so confine the provisions of this Bill so as to make it acceptable to the employers as well as to the Government. We have tried our level best to enlarge the scope of the Bill so as to make it acceptable to the workers. If we have not succeeded, we have at least the consolation of knowing that the employers have also not succeeded.

**Lala Lajpat Rai:** A poor consolation!

**Mr. Chaman Lall:** But, Sir, it may be, as Lala Lajpat Rai quite rightly says, a poor consolation. But I ask Honourable Members to remember that we have got something in this Bill which we did not possess before. Nobody will deny that. And I submit, Sir, that what we have got in this Bill is

really something that is worth having. It is certainly worth having. Here you have the great principle of civil immunity accepted. Is that not worth having? Is it not worth while to bring into line the provisions of this Bill with the civilized legislation in other parts of the country? We have attempted to do that and, if we have not succeeded, it is not our fault that we have not succeeded. Nobody can turn round and say that we, who speak on behalf of the workers in this country, have not tried to enlarge the scope of the Bill and make it more acceptable to the liberal-minded people of the country. We have tried our best and, if we have failed, we have at least this consolation that this labour legislation would probably not have been undertaken in this House but for the presence of liberal-minded members both of the Swaraj Party and of the Independent Party. We shall continue to be possessed of the hope that the presence of these liberal-minded people will yet lead to a better era of legislation for the poor, starving and suffering workers of my country.

**Mr. N. M. Joshi** (Nominated: Labour Interests): Sir, I rise to support the motion made by the Honourable Member for the Department of Industries and Labour. At the very outset with your permission I wish to thank the Honourable Member and other Members who gave me some credit for the part which I have played in the initiation of this legislation. But, Sir, let it be remembered that the part which I have played was a very easy part. The more difficult part of persuading the Government of India to undertake this legislation was played by the Honourable Member in charge of the Department, and I think we should be ready to give him full credit for it. It is also our duty to pay our tribute to my Honourable friend Mr. Clow who has taken great pains in giving a practical shape to this legislation and who, I am sure, is the conscience-keeper of the Government of India in the matter of labour legislation. (Laughter.)

Sir, although I feel that this legislation gives the Trade Unions in India something which they should have, it is my duty to make it quite clear that I do not consider this Bill to be quite satisfactory. When I moved my Resolution some five years ago in this House proposing to the Government of India to pass legislation on the lines of the English legislation, my object was, in the first place, to secure some measure by which Trade Unions in India would be registered. At that time it was our experience that some Registrars would not register the Trade Unions under other laws. In the first place, therefore, it was necessary that there should be a law under which every Trade Union could be registered. My second object was to secure immunities from the criminal and the civil law which puts certain burdens upon the Trade Unions and those who take part in trade disputes. In my speech which I made five years ago I referred to the case of Mr. Wadia and I feel, Sir, that the legislation which we are passing to-day does not give all that we wanted at that time. I made it quite clear on that occasion that what we wanted was legislation exactly on the lines of the English legislation.

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Why don't you oppose it then?

**Mr. N. M. Joshi**: I do not oppose it because I am not one of those persons who will not take half a loaf because they can not get a full loaf. I therefore do not oppose it. But I feel it my duty to point out the defects of this legislation and to say that the legislation does not give me what I wanted by my Resolution which I moved five years ago.

• [Mr. N. M. Joshi.]

Sir, on this occasion I do not wish to go into the particular clauses of this Bill and point out the defects, but I feel it my duty to protest against some of the implications of some of the clauses of this Bill and of some of the speeches made during the course of the discussion of this Bill. Sir, the first implication of some of the clauses and some of the speeches made during the course of this discussion was that the leaders of the trade union movement may take undue advantage of their position in the movement and do some things which may go against the interests of the workers in this country. Sir, I repudiate that implication. I do not think that those who have taken part in the trade union movement in this country deserve that suspicious attitude. There may be some people whose conduct you may not like, but is there any class of public workers, any class of public servants, among whom there may not be some members whose conduct may not be liked by all people? There may be some people amongst us. I may be one of them. (*Honourable Members*: "No, no. You are not one of them.") But that is no reason why you should suspect the whole class of people who take part in the trade union movement. Moreover, Sir, there is another implication of some of the clauses and the speeches of some of the Members in this House. That implication was that the working classes in this country do not know their interests and therefore the Members of this Assembly in a patronising manner should pass certain clauses to deprive them of their liberty. Sir, I am one of those people who believe that on account of their ignorance and illiteracy the working classes deserve protection. But, Sir, protection does not mean depriving a man of his liberty. If you want to protect the working classes there are hundreds of ways by which you could do it. But you cannot protect any class of people by depriving them of their liberty, by treating them as if they are children and as if you know their interests much better than they know them themselves.

Then, Sir, there are some clauses of this Bill which, in my judgment, are anti-social. Take the clause which compels the working classes not to spend their money whenever their brethren may be in difficulties. I am glad that in this House that clause was somewhat modified. But I again state that that clause was not satisfactorily modified. I would not like any limit to be put on the amount of money which a Trade Union should spend in helping other Trade Unions or other working people who may be in difficulties. I think, Sir, that clause 15 of this Bill is an anti-social legislation. I have never known any Government trying to compel people to be selfish by legislation as clause 15 of this Bill tries to do.

Then, as regards immunities, I feel that the immunities given by this Bill will not be of much practical value. You are restricting these immunities in the first place to the registered Trade Unions and to the members of the registered Trade Unions. Sir, I do not like this restriction as regards the immunities on the main ground that you are protecting people who are not in need of your protection as much as those people who are in need of your protection. If there are any people who need protection it is the unorganised workers and not the organised workers. The organised workers by their own strength can protect themselves. They can prevent prosecutions. It is the unorganised worker who wants protection and to whom you have denied protection. This Government always claims to be the protectors

of the weak and not of the strong, but in this Bill this Government have shown that they are protectors of the strong and not of the weak. This is a great injustice done by this Government not only to the working classes but to themselves. They have shown that whenever they can they will protect the strong but not the weak. That is the meaning of inserting the word "registered" in clauses 17 and 18. Moreover, Sir, the protection that is given to registered Trade Unions is not even complete. Our own country, as I have stated during the discussion, has laws by which a breach of contract of service is an offence. You do not give immunity from that offence even to the members of registered Trade Unions. Some people think that this is after all a concession and Government may give that concession to members of registered Trade Unions. I deny that it is a concession. Your criminal law is bad law. You made that bad law and then you exclude some from that bad law and say you are making certain concessions. Till you enacted the conspiracy sections in the Penal Code in 1913 you had no law of conspiracy. In 1913 you wanted some law to get hold of political conspirators. By enacting that law you also made provision for catching some innocent trade union people under this law. Sir, when this law was made I remember the Honourable Member in charge of the Bill having stated that they wanted the law of conspiracy in India to be brought into line with the English law. That statement was a mis-statement. The English law of criminal conspiracy was modified in 1906, by which people who are engaged in trade disputes were given immunity from the law of conspiracy, and when the Government of India enacted this conspiracy section in the Penal Code in 1913 they ought to have known that the English law has given immunity from the law of conspiracy to people who take part in trade disputes and they should have omitted those people from the law of conspiracy. But they at that time stated that they were bringing the law of conspiracy into line with the English law, which was a mis-statement. Unfortunately people in this country did not see this point that the Government of India were not bringing the Indian law into line with the English law, because in 1906 the law of conspiracy was altered in favour of the working class people.

**Mr. M. A. Jinnah** (Bombay City: Muhammadan Urban): I had the honour to oppose that when I was a Member of the Imperial Council.

**Mr. N. M. Joshi**: I do not want to remind the Honourable Member of the part that he played at that time. I have read his speeches.

**Mr. M. A. Jinnah**: Read them again.

**Mr. N. M. Joshi**: I have read them very carefully. I do not want to say what part the Honourable Member played, but this is enough for my purpose that in 1913 the Government of India by claiming that they wanted to bring the law of conspiracy in India into line with the English law were not doing so. They knew at that time that in 1906 the English law of conspiracy was changed in favour of the working classes.

Now as regards immunity from civil liability. The clause which we have drafted and passed does not give full immunity as is given by the English section on the ground that the English section goes too far. Now, Sir, the English section may go too far, or may not go too far. I am not a lawyer and do not understand your ordinary law, but I know that the

[Mr. N. M. Joshi.]

effect of English legislation in England has been very good indeed. There have been no prosecutions since that law was passed and the people in England congratulated themselves on this fact that that law has stopped all prosecutions for civil liability in trade disputes. I know also that a commission went to England from the United States to study the English law on this subject and that that Commission recommended that the United States should pass a law similar to the Trade Disputes Act of England.

**The Honourable Sir Bhupendra Nath Mitra:** Did they pass it?

**Mr. N. M. Joshi:** I do not know whether they have passed it or not, but the main point is that the Commission recommended to the United States that the English law was the best law and that the Government of the United States should copy that law. What I am trying to show is that the effect of that law in England has been that undesirable prosecutions have been stopped and that should really be our object. Trade Unions everywhere in the world are organisations which consist of very large numbers of members and for these organisations to be responsible for the acts of their officers who are numerous and scattered over the whole country is not right. For that reason in England immunity is given to Trade Unions from the consequences of the acts of their officers. There was another object why full immunity was given to Trade Unions for acts of their officers and that was that funds of Trade Unions consist of portions which are spent on strikes and also on the educational and other benefits of its members, and it was the intention of the English Legislature to protect these funds of the Trade Unions from onslaughts made on them for prosecutions. But, Sir, our legislation does not go so far. I hope the Government of India will at an early date introduce legislation again to remove these defects. If they do not I hope some private Member will help the Government of India in this matter.

Before I close I would like to say one word as to what Mr. Willson has stated about the attitude of employers. He stated that some Members said in this House that the attitude of employers as regards the Trade Unions Bill was not a proper attitude, and it was also suggested that employers' organisations wanted to suppress the organisations of the workers. But, Sir, if such allegations were made—and I am not ashamed to say that I was the Member who made that allegation—it was not my fault, it was the fault of the organisations of employers themselves. Many organisations of employers in this country when they gave their opinion as regards this Bill said that registration of Trade Unions should be made compulsory, and when I consulted several lawyers they told me that the only way to do that was to suppress them. That was admitted by the Honourable Member in charge of the Department, and therefore, if we thought that it was the object of organisations of employers to suppress Trade Unions, we are not at fault. They themselves are at fault. They did not understand perhaps that when they asked the Government of India to make registration of Trade Unions compulsory, they were asking for the suppression of Trade Unions. (*An Honourable Member:* "No, no.") Let the Honourable Member consult the Honourable Member in charge of Industries and Labour. He himself stated in his speech very clearly that he cannot make registration of Trade Unions compulsory unless and until you suppress those that are unregistered.

The statements were made by the organisations of employers in giving their opinions on this Bill and if there is any doubt in the minds of any Members of this House . . . . .

**Mr. President:** Order, order. The Honourable Member need not go into the attitude of employers towards the Bill at such great length at this stage.

**Mr. N. M. Joshi:** I was only pointing out that it was the organisations of employers themselves who suggested to the Government of India that registration should be made compulsory for Trade Unions in India, and it was on account of this that we had to protest against the attitude of the representatives of the employers. Sir, I do not wish to take up any more of the time of this House. I again state that I support the passing of this Bill.

**Mr. O. S. Ranga Iyer:** Sir, after listening to so many speeches at this late hour I do not think I will be justified in detaining the House very long. If I stand up to say a word, it is not in support of the Bill or in admiration of the measure. If I have some justification to stand up to-day at this late hour and say a word, it is this, I stand to oppose this Bill. Sir, I have listened to the speech of my great leader from the Punjab, Lala Lajpat Rai. Out of sheer courtesy, Lalaji did not oppose the Bill, though he made a very good case for opposing the measure. I have also listened to the speech of Mr. Joshi. When I asked him why he did not oppose the Bill, he exclaimed "half a loaf". Half a loaf, according to him and the proverb, was better than no bread. Though I do not belong to the "half-a-loaf" school of thought, I must congratulate the Honourable Member Sir Bhupendra Nath Mitra for manipulating Mr. Joshi into the "half-a-loaf" attitude, for, Sir, I remember, and probably the House remembers, that Mr. Joshi was talking of "stones" at an earlier stage. Sir Bhupendra Nath Mitra has the reputation of being a good man, but he has proved that he is not only good, he is also clever. He has cleverly manipulated not only Mr. Joshi but some of the rather powerful Members on this side of the House, one of whom at any rate will not give the Government an excuse to say that the Swarajists do not co-operate, for he asserted, "If we have not succeeded in one or two particulars", even then we should give our whole-hearted support to this measure! If I do not give my support to this measure, it is because those "one or two particulars" matter very much. Sir, those one or two particulars were placed before this House at an early stage by a distinguished Member who is not amongst us but above us, I refer to the Honourable President, Mr. Patel. Sir, what he said in February last is true even to-day; though the Bill has gone through the Select Committee stage and has also been amended and amputated in this House, still those words of his are true even to-day. I do not propose to quote Mr. Patel at length, but one or two points which he made, one or two sentences from his speech are very apposite at this last stage of the Bill. Sir, Mr. Vithalbhai Patel said:

"They say that all Trade Unions should be compulsorily registered,"

and now you have carried out that saying into the realm of fact; you want compulsory registration; it is nominally permissive, it is really compulsory. Mr. Patel went on to say:

"that there should be no Trade Union in existence which is not registered."

[Mr. C. S. Ranga Iyer.]

That is exactly what happens when you give certain very good things, certain privileges, certain immunities to registered Unions and deny those privileges to the non-registered Unions. You are thrusting on the one, a privilege and treating the other as an untouchable. Sir, it is not very easy in a big country like this to bring heaps of unregistered Unions within the pale of registration. The process is slow, but the law is effective. Mr. Chaman Lall was preaching law to this House. And it sometimes becomes necessary for a layman to teach law to some lawyers! I would ask him to read clause (2) of section 120-B—the conspiracy sections of the Indian Penal Code—and he will understand that that section applies to unregistered Unions:

“Whoever is a party to a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months, or with fine, or with both.”

Sir, I fear that this clause applies to non-registered Unions. Sir, Mr. Chaman Lall was interpreting law. He says it has been misinterpreted . . . . .

**Mr. Chaman Lall:** How do you interpret it?

**Mr. C. S. Ranga Iyer:** I do not propose to misinterpret law at all.

**Mr. Chaman Lall:** Because you do not know it.

**Mr. C. S. Ranga Iyer:** Mr. Chaman Lall says I do not know it. I will let you know how a similar law has been interpreted in this country. Was not the famous section 144 applied to the suppression of political meetings in this country?

**Mr. Chaman Lall:** How was this section interpreted may I ask?

**Mr. C. S. Ranga Iyer:** The Honourable Member is impatient; he does not practise that tolerance which I practised when he was speaking. Sir, I will not, so far as I am concerned, be a party to leaving these unregistered Unions in danger. This danger, Sir, was pointed out by Mr. Patel who bore the legal aspect in mind. He said:

“What are those privileges? Immunity from civil and criminal liability for certain acts. Once this immunity is restricted to registered Trade Unions, it follows as a matter of course that those Trade Unions which are not registered will be at once suppressed. There is no doubt about that.”

Then Sir Purshotamdas Thakurdas interrupting said, “they will not have those privileges”. Mr. Patel replied:

“That is so. They will not have immunity from criminal and civil proceedings. That means there will be civil and criminal proceedings against those Trade Unions which are not registered. The result will be that these Unions will cease to exist. There can be no other meaning.”

Mr. Chaman Lall, Mr. Joshi and other protagonists of the labour movement in this country were talking of the English law and of the omissions in the Indian law. England is a free country, but even in a free country like England, the law has not been left in that nebulous condition. In this country which is not free and where the law is like potter's clay in the hands of the Executive, the law must be clear. I have



dwelt on one danger. There are other dangers, but I do not want to detain this House at this late hour, though I do want to oppose this Bill because it is putting a noose round the neck of Trade Unions. It is a *Trade Disunion Bill* dividing Trade Unions from Trade Unions. Therefore it should be rejected, though I know that in a House in which Sir Bhupendra Nath Mitra has wonderfully managed to make lambs of the lions on this side, this Bill will be passed. This is to his credit. It is an achievement on which I must congratulate him and Mr. Clow.

**Syed Majid Baksh:** Sir, at this late hour I will not detain the House for more than five minutes. I hope to be excused by my friends here if I cannot bring my views into consonance with the views of the great leaders of labour in this House. I have my own opinions of labour, and I have my own opinions as to the position which labour should occupy in the social economy. I will, however, make one or two remarks which have become necessary on account of what has passed between myself and another Member. My Honourable friend who preceded me has pointed out that section 120-B will in no way apply to this case. It is my habit, Sir, or it is my inclination to view things not in that light of confidence in which other Honourable Members view them. I have no such rosy ideas about the bureaucracy in this country as my Honourable friends who preceded me have given expression to. I have a great doubt that whenever there is a trade dispute in the future this Trade Union Bill will be utilised for suppressing unregistered Unions. A press campaign to begin with, then pressure from the capitalists, and the rest will follow—a declaration by the Government under the Criminal Law Amendment Act, that such and such non-registered Unions are unlawful bodies, and that people who help them, or who form a group to help the non-registered Union which has gone on strike, are really abetting an unlawful purpose and come therefore within the purview of conspiracy as defined in section 120-B. I have yet to be corrected by my Honourable friend who preceded me. That is my opinion and I am sitting here very quietly to be corrected by those friends, great lawyers as they are, who have made such beautiful expositions of law in this Assembly. Sir, all that I am going to point out is that so far Trade Unions have, of course, not been protected by legislation in this country; but every movement of theirs has by analogy with the English law been protected up to this time. There has not been a single case in which a Trade Union or say a group of trade organisations, which has gone on strike has been proceeded against either criminally or civilly, because there was the English law regarding Trade Unions and by comparison with that English law which confers the immunity that Trade Unions enjoy in England, this particular action of the Trade Union has been taken to come within the purview of that law. This argument cannot be put forward now. There are to be registered Trade Unions and as soon as anybody chooses to proceed against an unregistered Trade Union there will be good judges, judges amiable and amenable enough to the argument from the capitalist side, I would not say merely from the Government side but from the capitalist side, that since you have got a Trade Union Act, and you are not registered under that Act, you are not entitled to that immunity which you possess under the Trade Union Act, and you are liable to be proceeded against either criminally or civilly.

I said, Sir, I would not keep the House for more than five minutes and as I see I am going on to the sixth minute. I will sit down.



**Mr. Devaki Prasad Sinha** (Chota Nagpur Division: Non-Muhammadian): Sir, the discussion on this Bill has disclosed different shades of sympathy for the cause of labour in this House. We have heard a very patronising speech from my Honourable friend Mr. Willson who represents a certain section of the merchants of Calcutta. That speech is couched in the usual capitalistic language and was delivered by a man who is perhaps obsessed with a feeling of self-satisfaction that in accepting the provisions of this Bill he has shown a very great kindness to labour and to Trade Unions. Secondly, Sir, we have had a very halting support from our friend Mr. Raju who represents the Moderate Party in this House and who in supporting this Bill has given expression to all kinds of difficulties that weigh with men of his school of thought when they are considering even such an in-offensive piece of legislation as this. And last of all, Sir, we have seen my Honourable friend Mr. Ranga Iyer to-day in the role of an ultra-labourite. To him I can only say that when he parted company with his flowing beard he ceased to be a true representative of the uncouth workers of this country.

Well, Sir, the three main difficulties that will be felt by all trade unionists in trying to work this legislation are these. In the first place, there is the objection which has been mentioned repeatedly by my Honourable friends who have spoken on this Bill, namely, that members of non-registered Trade Unions will not be exempted from civil or criminal liability. That objection, Sir, will deter many would-be trade unionists from establishing a Trade Union in a place where there ought to be a Trade Union. Within my own constituency, for instance, there is a very large body of workers centred in a town like Jherria or Dhanbad. In that town, Sir, the population of workers is nearly a million and so far there is no organised Trade Union there. Well, if a registered Trade Union in a small place that counts on its roll about 2,000 or 3,000 members can claim immunity from civil or criminal liability, I do not see what justification there can be for withholding that immunity from such a large body of workers merely on the ground that they have not chosen to join a registered Union. Well, Sir, in the initial stages of the development of the Trade Union movement in India it will be necessary for outsiders to go and try to establish Trade Unions at big centres like Jherria and Dhanbad; but as soon as they go there advantage will be taken of this provision in the Trade Union Act, and persons who do not belong to a registered Trade Union will at once be hauled up for the offence of conspiracy. Well that is one of the difficulties.

The second difficulty which the trade unionist will feel in working this Act will be the difficulty arising out of the new clause about political funds. Sir, what this new clause has given to the trade unionist is no very great privilege. Anybody in this country, any group of men, is entitled to raise money, to raise subscriptions and to amass funds for the purpose of carrying on political propaganda, and that is the only thing which this Bill, as it stands to-day, has given to trade unionists in this country. The very idea of political funds as it is understood in England, Sir, is that members who belong to a particular body should be compelled to pay subscriptions to that fund unless they contract themselves out of it. That idea, Sir, is entirely absent and although we have a new clause introduced in the Bill with the marginal note "Political Fund", I do believe that there is nothing like a right to establish a Political Fund given under this Act. This is only a right of voluntarily forming a group and raising subscriptions for carrying on political propaganda, a right which is given under the

general laws to all bodies of men, whether they are recognised or unrecognised, whether they are registered or unregistered.

The third objectionable feature of this Bill to which attention has not been directed this morning is that it gives very great power to the Registrar, whose only duty ought to be to receive applications and register Trade Unions in the ordinary course of business. We have, Sir, in the Bill words such as "adequate" introduced with a view to giving almost a judicial discretion to the Registrar before he decides whether he should allow a Union to be registered or not. And again the Bill also gives power to the Local Government or perhaps to the Government of India for making rules in order to regulate the business of Trade Unions in certain respects. Well, Sir, that is a provision which I must say is very distasteful to us. In sub-clause (k) of clause 15 the Governor General in Council is given power to sanction certain kinds of expenditure by means of rules promulgated in that behalf. Well, Sir, in these matters the Government of India ought not to have been brought in. The purposes for which a Trade Union fund should be spent are better understood and better appreciated by the Trade Unions themselves and it is not possible for the Government of India to understand or appreciate their needs.

These are, Sir, some of the objectionable features of the Bill. But we have accepted it only with this idea that in the near future we will have a Bill which will remedy the existing evils as far as it is possible to do so. Well, Sir, holding the views which I have expressed this afternoon, I do not think that we can either congratulate the Government or console the workers in this country on the passage of this Bill. This Bill is but a very halting recognition of the ordinary rights, of the most elementary rights, which the workers and Trade Unions in India can legitimately claim at the hands of Government. Sir, even in granting these most elementary rights to workers in this country a discrimination has been made against them which I submit is altogether unjustified. Oftentimes conditions in this country are compared to conditions in England but in granting these privileges to workers in this country Government have thought fit always to keep in view that workers in India are very different from workers in England or in any other country. Well, Sir, so far as we are concerned, we realise that workers are the same all over the world; and so far as the employers are concerned they also believe that they are the same all over the world. The tyranny of the employers to which I and my friend Mr. Goswami referred in our note of dissent has been adverted to to-day by my friend, Mr. Willson. I desire to assure him and to assure men of his class that I at any rate am not ashamed of the note of dissent which I wrote. Sir, what I wrote was only this:

"We apprehend that employers in India will make every attempt to prevent the establishment of new unions and will try to break the existing unions."

I stand by every word of what I said, and I submit that our apprehension is justified entirely by the tone and the language in which my friend, Mr. Willson, has supported the Bill to-day. Very patronisingly he has quoted a passage . . .

**Mr. President:** The House is not concerned with the tyranny of the employers at this stage.

**Mr. Devaki Prasad Sinha:** I bow to your ruling, Sir. My Honourable friend has quoted from a motto of some old, and I believe extinct, trade union in Great Britain which says: "Give to capital its rights and to

[Mr. Devaki Prasad Sinha.]

labour its just reward". Sir, I would not be willing to subscribe to the implications contained in this motto. Labour is asked to accept a reward, while capital claims certain rights. Workers to my mind have as much right at the hands of the community as capitalists and employers have, if not more. My Honourable friend Mr. Willson has also said that trade unionists must remember that Trade Unions cannot exist apart from trade. I would ask my Honourable friend, Mr. Willson, and other capitalists like him to remember that, although Trade Unions cannot exist without trade, trade can exist and does exist without capitalists and without profiteers.

**Mr. C. S. Ranga Iyer:** On a point of order, Sir. I want a ruling on the question whether it is germane to the issue to go over the wider question of capitalism now?

**Mr. President:** The Honourable Member from Bihar has already been warned that he is irrelevant in referring to the tyranny of the capitalists at any great length at this stage.

**Mr. Devaki Prasad Sinha:** Sir, I shall not do so; I was only referring to certain remarks of my Honourable friend, Mr. Willson; but since you do not wish me to do so I shall not go on with it. I only wish to conclude by saying one word, that my Honourable friends who have to-day shown such great anxiety for workers will, I hope, show the same anxiety to the cause of workers and to the cause of trade unionism when some of us bring in a Bill for recognising the rights of unregistered trade unionists. To-day my Honourable friend, Sir Bhupendra Nath Mitra, by introducing this legislation, has enabled the House to accept the principles of the present Bill. We hope, Sir, some of us at any rate, that in the same way as we have accepted his proposals he will also accord his approval and his support to any proposal which we may bring forward either in the next Session or on some future occasion with regard to the privileges and rights of members of an unregistered Trade Union, or a Bill that would extend the same immunity from criminal and civil action to members of unregistered Trade Unions as this Bill does to members of a registered Trade Union. With these words, Sir, I support the proposal of my Honourable friend, Sir Bhupendra Nath Mitra.

**Mr. A. G. Clow** (Industries Department: Nominated Official): Sir, this debate has gone to an unexpected length and I have no desire to prolong it unduly. But I do want to deny the suggestion that this Bill is a halting measure. Looking back over the history of the last four or five years, I cannot find any place where we have halted, and I am surprised at the distance we have gone. When one remembers the items round which controversy centred, I think Honourable Members will recognise the truth of what I have said. We debated for several years in the Press and in correspondence whether registration should be optional or compulsory. Registration in the Bill is optional. We debated whether the outsider should have any part in Trade Unions. An outsider can have the fullest part in the Trade Unions registered under this Bill. And since the Bill was introduced a clause has been brought in extending the objects on which trade union funds may be spent, to political objects. In spite of categorical announcements in certain newspapers that Government were going to oppose that clause and secure its deletion, no such move was made. The Bill is in no sense a halting measure. It affords adequate powers to all Trade Unions that desire to avail themselves of it.

But may I just deal with one final point, because a large number of speakers have referred to it, and that is the fact that the Bill does not extend to non-registered Trade Unions. Lala Lajpat Rai has said that the reason given for this failure on the part of Government, as he regarded it, was that Indian workmen were not as advanced as European workmen. Now, I have had the privilege of attending all the debates on this Bill and the discussions in the Select Committee, and I cannot remember a single occasion on which that argument has been advanced by Government in this connection. The argument for not extending the privileges of registered Trade Unions to non-registered Unions is the argument given by the Honourable Member in charge of the Bill in his opening speech, that responsibility and power must go together. And after all, what do we ask of Unions that register? There are virtually only two restrictions placed on Unions that register: one is that they must include workmen in their executive. As my friend Mr. Chaman Lal has assured the House, that is not really a restriction at all, because every Trade Union that is worth its name does so already. The other restriction is an important one and it is a real restriction, that Trade Unions must have their funds audited. No responsible Trade Union that I know of in this country will object to that. In fact I know of cases where leaders have taken over Unions in which embezzlement had gone on on a large scale and the first thing they have done is to insist on regularly audited accounts; and if you suggest that these privileges should be extended to Unions which emphatically refuse to submit to audit, I can only say that is a proposition which I personally cannot support.

**Mr. L. Graham** (Secretary, Legislative Department): Sir, before you put this motion to the House, I would with your permission move the formal amendments of which I have given notice. The first of these refers to sub-clause (g) of clause 2, and merely asks for the removal of the words "the expression," which were added by Mr. Joshi. He himself will, I think, understand that the amendment is a purely formal one. The Bill has been reprinted and is before the Honourable Members in the form in which it was passed at the consideration stage. I think, Sir, no remarks are necessary on this amendment.

The motion was adopted.

**Mr. L. Graham**: Sir, the next amendment I have to move is an equally small amendment, and that is to make the alteration of the word "and" where it occurs at the end of the clause to the word "or" in the proviso which we inserted at the consideration stage. We have a proviso excluding certain things, and the disjunctive is therefore more correct than the conjunctive.

**Mr. President**: The question is:

"That in sub-clause (h) of clause 2, in clause (ii) of the proviso for the word 'and', where it occurs at the end of the clause, the word 'or' be substituted."

The motion was adopted.

**Mr. L. Graham**: The last amendment I have to move centres round one fact, that in the clause as originally drafted we had the words "accompanied by a statement of the following particulars", but by sheer bad drafting, I must confess, we added the last sub-clause "(d) a copy of the rules of the Trade Union". That cannot be described as a statement of the particulars. We have therefore remodelled the clause, and there is no

[Mr. L. Graham.]

change of substance at all. The changes amount to this, that in clause (a) of sub-clause (1) of clause 5 after the words "accompanied by" we insert the words "a copy of the rules of the Trade Union and" and thus get them in their proper place in the clause; and secondly in clause (b) after the words "head office," we insert the word "and" with a view to connect it with clause (c), because clause (d) is going to be omitted. Again in sub-clause (1) of clause 5 we propose that in clause (c) the words "a list of" be omitted, because they are not really correct when read in conjunction with the words "a statement of the following particulars". Finally as we have taken out clause (d), and put it in the body of sub-clause (1) that clause goes out.

**Mr. President:** The question is:

"That in sub-clause (1) of clause 5:

- (a) after the words 'accompanied by' the words 'a copy of the rules of the Trade Union and' be inserted;
- (b) that in clause (b) after the words 'head office' the word 'and' be inserted;
- (c) that in clause (c) the words 'a list of' and the word 'and', where it occurs at the end of the clause, be omitted; and
- (d) that clause (d) be omitted.

The motion was adopted.

**Mr. President:** The question is:

"That the Bill to provide for the registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions in British India, as amended, be passed."

The motion was adopted.

### THE PROMISSORY NOTES (STAMP) BILL.

**The Honourable Sir Basil Blackett** (Finance Member): Sir, I move for leave to introduce a Bill to provide for the validation of certain promissory notes.

The motion was adopted.

**The Honourable Sir Basil Blackett:** Sir, I introduce the Bill.

### THE STEEL INDUSTRY (AMENDMENT) BILL.

**The Honourable Sir Charles Innes** (Member for Commerce and Railways): Sir, I move for leave to introduce a Bill to amend the Steel Industry (Protection) Act, 1924, for the purpose of increasing the total amount payable by way of bounties under that Act, in respect of wagons and of providing for the grant of bounties in respect of underframes for railway passenger carriages.

Sir, I have explained the objects of this Bill at great length in the Statement of Objects and Reasons. I hope I shall have another opportunity of explaining the Bill in greater detail, and so I propose to be very brief on this occasion. There are two main reasons for this Bill. One is that, as I explained in September last, we got into great difficulties in regard to the payment of these bounties, by the limitation of the total amount we might pay to 7 lakhs a year. The Assembly in September last

agreed that we should pay during the period of the Steel Industry (Protection) Act 21 lakhs for three years instead of 7 lakhs in each year. That is the first reason. The second reason is this. The Steel Industry (Protection) Act expires on the 31st March, 1927. Now, we have to place our orders for wagons one year before they are required and when we decide between the tenders we get, we must know how much money we have got for bounties. As I have said, the Steel Industry (Protection) Act expires on the 31st March, 1927. In May or June this year we shall be calling for tenders, and we shall have no money with which to give bounties and to place tenders with Indian firms. Thus the Bill practically extends the system of bounties for railway wagons for a fourth year pending reconsideration of the whole subject in the Delhi Session next year. Sir, I move.

The motion was adopted.

**The Honourable Sir Charles Innes:** Sir, I introduce the Bill.

### THE INDIAN INSURANCE COMPANIES BILL.

**The Honourable Sir Charles Innes** (Member for Commerce and Railways): Sir, I beg to move that the Bill to consolidate, amend and extend the law relating to Insurance Companies, be referred to a Select Committee consisting of Diwan Bahadur T. Rangachariar, Sir Darcy Lindsay, Mr. B. Venkatapatiraju, Seth Kasturbhai Lalbhai, Mr. Ahmed Ali Khan, Mr. K. V. Reddi, Lala Lajpat Rai, Mr. Jamnadas M. Mehta, Mr. R. K. Shanmukham Chetty and myself, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.

The House, I hope, will treat this as an agreed motion. When I last brought up the Insurance Bill before the House, I proposed to refer it to a Joint Committee, but the House expressed a desire to have a Select Committee of the Members of this House, and accordingly I am bringing a revised motion proposing to the House that the Bill be referred to a Select Committee of this House. In making up the Committee, I have taken into confidence all the leaders of the various parties opposite, and I would beg the House to observe that the Committee is now a balanced Committee representing in due proportion the various parties in the House. I would also appeal to the indulgence of the House. There are a good many Members of this House, I know, who would like to be on this Committee, and for many reasons I should value also their advice very much. In fact, if it were possible my motto would be "Let them all come", but long experience has told me, as I am sure it has told everybody in this House, that when dealing with a Bill of this kind, if you want a workable Committee, you must have a small Committee, and I hope that the House will accept my motion as I have moved it.

**Mr. N. M. Joshi** (Nominated: Labour Interests): Sir, I want to add the name of Dr. Lohokare to the names of the members of the Select Committee.

**The Honourable Sir Charles Innes:** I can only repeat the appeal I have just made.

**Mr. N. M. Joshi:** Sir, Dr. Lohokare does not belong to the Swaraj Party now. He has no party now-a-days.

**The Honourable Sir Charles Innes:** I should like to point that there are several Members who came and asked me to put them on this Committee, and with great consideration they have withdrawn their names. I hope that my Honourable friend Mr. Joshi will take the same view. I may assure him that I should very much have liked to have Dr. Lohokare on this Committee, but I do wish to have a small Committee, and if I do put him on, there are several other Members who would also like to be put on.

**Dr. K. G. Lohokare** (Bombay Central Division: Non-Muhammadan Rural): Sir, for my part I am not prepared to serve on this Committee on this pretext.

**Mr. President:** As the Honourable Member does not wish to serve on the Select Committee, there can be no amendment before the House to include him.

The question is:

"That the Bill to consolidate, amend and extend the law relating to Insurance Companies, be referred to a Select Committee consisting of Diwan Bahadur T. Rangachariar, Sir Darcy Lindsay, Mr. B. Venkatapatiraju, Seth Kasturbhai Lalbhai, Mr. Ahmad Ali Khan, Mr. K. V. Reddi, Lala Lajpat Rai, Mr. Jamnadas M. Mehta, Mr. B. K. Shamu Khan Chetty, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

## THE INDIAN FACTORIES (AMENDMENT) BILL.

**The Honourable Sir Bhupendra Nath Mitra** (Member for Industries and Labour): Sir, I beg to move that the Bill further to amend the Indian Factories Act, 1911, be referred to a Select Committee consisting of Diwan Bahadur T. Rangachariar, Seth Kasturbhai Lalbhai, Mr. W. S. J. Willson, Mr. N. M. Joshi, Diwan Chaman Lal, Mr. L. Graham, Mr. A. G. Clow, Mr. B. Das, Mr. T. C. Goswami, Mr. B. C. Pal, Khan Bahadur Sarfaraz Hussain Khan, Mr. E. F. Sykes, and myself, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.

When I introduced this Bill into the House on the 17th September last, I mentioned that the object of the Bill was largely to remove certain administrative difficulties that have been experienced in connection with the working of the Act. The Bill was circulated, and has received a large amount of support from various quarters. At the same time the Bill consists of a large mass of details in regard to which I do not propose to waste the time of the House. There are no important principles involved, and it is only proper that these details should be threshed out fully by a Select Committee before they are taken up for consideration by this House. Sir, I move.

The motion was adopted.

## THE INDIAN NATURALIZATION BILL.

**The Honourable Sir Alexander Muddiman** (Home Member): Sir, I move that the Bill to consolidate and amend the law relating to the naturalization in British India of aliens resident therein, as reported by the Select Committee, be taken into consideration.

This, Sir, was a Bill which the House insisted on my referring to Select Committee. I thought at the time that it was rather unnecessary for the House to pass that motion because I was convinced that the Select Committee would have nothing to say on the Bill. Therefore it is with great pleasure that I see that the Select Committee have had nothing to say on the Bill. They accept the Bill, and they say that they have made no alteration in it. Sir, I move.

**Mr. Kumar Sankar Ray** (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I am sorry I am unable to agree with the view given expression to by the Honourable Members who formed the Select Committee in so far as what some of them say in the appended note about America and other countries, which do not grant certificates of naturalization to Indians, is concerned. In order to decide the question it is necessary to go a little into the history of the matter. Previous to the British Naturalization Act of 1914 . . . .

**Mr. President:** Order, order. Is the Honourable Member opposing the motion for consideration?

**Mr. Kumar Sankar Ray:** No, Sir. I am speaking on my amendment.

**Mr. President:** Amendments will come at a later stage.

**Mr. R. K. Shanmukham Oshetty** (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): On a point of order, Sir, are not Honourable Members allowed to make a speech and offer observations on a motion that the Bill be taken into consideration?

**Mr. President:** Certainly. The Chair wanted to know what the Honourable Member was exactly doing, as it appeared to the Chair that he was dealing with the amendments.

The question is:

"That the Bill to consolidate and amend the law relating to the naturalization in British India of aliens resident therein, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 9th February, 1926.