

LEGISLATIVE ASSEMBLY DEBATES

MONDAY, 4th FEBRUARY, 1929

Vol. I—No. 5

OFFICIAL REPORT



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LEGISLATIVE ASSEMBLY.

Monday, 4th February, 1929.

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

QUESTIONS AND ANSWERS.

NON-MILITARY RIFLE SHOOTING CLUBS IN INDIA.

350. ***Dr. B. S. Moonje**: Will Government be pleased to supply information on the following points :

- (a) How many non-military rifle shooting clubs or associations for target practice on miniature and other ranges are there in India?
- (b) How many on miniature ranges and how many on other ranges?
- (c) How many of them are Government or Government-aided clubs?
- (d) If there be Government clubs for non-military purposes, for whom are they meant and what amount of money is spent yearly on each club?
- (e) If there be Government-aided clubs, what financial aid do Government give to each club yearly?
- (f) Are any of these clubs or associations registered, and if so, how many?
- (g) On what conditions, if any, and on what form is the licence given under the Indian Arms Act to these clubs?
- (h) Names of the clubs or associations and their addresses?

The Honourable Mr. J. Orerar: The Government of India are not primarily concerned with the grant of licences to shooting clubs which, under rule 32 of the Indian Arms Rules, is in the hands of the local authorities acting under the orders of the Local Governments. Details of licences granted under this rule are not furnished to the Government of India.

Dr. B. S. Moonje: Are there any specific conditions, subject to which licences are given?

The Honourable Mr. J. Orerar: The conditions under which licences are granted are within the discretion of the Local Governments concerned.

Mr. Jamnadas M. Mehta: Do they delegate this discretion to the Police Commissioner only.

The Honourable Mr. J. Orerar: As to specific delegations, I must ask for notice of that question.

Dr. B. S. Moonje: Is there any specific rule, subject to which such licences are given? Supposing a club is formed, is there any specific condition under which a licence is issued to that club?

The Honourable Mr. J. Orerar: I cannot, on the spur of the moment, inform the Honourable Member as to all the conditions which have been laid down by particular Local Governments under which licences are granted.

Dr. B. S. Moonje: But I have already given notice of this question.

The Honourable Mr. J. Orerar: I shall be glad to make enquiries and communicate the result to the Honourable Member.

EXTENSION OF THE DINDIGUL-POLIACHI RAILWAY LINE.

351. ***Mr. C. S. Ranga Iyer:** Will Government be pleased to state:

- (a) if it is contemplated to extend the Dindigul-Pollachi line to Trichur?
- (b) if the present metre-gauge line between Ernakulam and Shoranur is to be converted into broad-gauge?
- (c) if the answer to (b) above be in the affirmative, is a separate metre-gauge line to be constructed connecting Ernakulam with the Trichur-Dindigul line?
- (d) if negotiations have been going on between the Cochin State and Railway Board in regard to railway development and if so, with what result?
- (e) what are the extensions proposed in Cochin and its neighbourhood?
- (f) what will be the cost of the said extension?
- (g) if the Cochin Darbar will bear part of the cost and if so, how much?

Mr. A. A. L. Parsons: (a) No.

(b) Yes.

(c) No.

(d) The only negotiations have been in regard to the conversion of the Shoranur-Ernakulam line to broad-gauge.

(e) Proposals are under consideration by the Travancore Darbar for a railway from Cochin to Quilon, and another running eastward to the foothills.

(f) and (g). Government have no information.

RAILWAY PROJECTS IN COCHIN STATE.

352. ***Mr. C. S. Ranga Iyer:** Will Government be pleased to consider the advisability of expediting the railway projects in Cochin State in view of the development of the Cochin harbour?

Mr. A. A. L. Parsons: The Government of India have no reason to believe that the Cochin Durbar are not cognisant of the various matters which will arise for their consideration owing to the development of the Cochin Harbour.

AMENDMENT OF SECTION 61 OF THE INDIAN INCOME-TAX ACT, 1922.

353. ***Mr. Lalchand Navalrai:** (a) Will Government be pleased to state if it has come to their notice that any person authorized by an assessee could represent him before any income-tax authority under section 61 of the Indian Income-tax Act, 1922, XI of 1922?

(b) Are Government aware that by the undefined meaning of the words "any person" the representation is in practice often unlicensed, faulty and objectionable?

(c) Is it a fact that complaints to that effect have been made to and enquiries are being made by the Central Board of Revenue?

(d) Do Government propose to move for the amendment of the section at an early date?

The Honourable Sir George Schuster: (a) Yes.

(b) and (c). Representations to this effect have been made and the Central Board of Revenue has made enquiries on the subject.

(d) The Government have not yet considered the matter, but will do so on receiving the Board's recommendations.

ISSUE OF NOTICES BY INCOME-TAX OFFICERS IN SIND REQUIRING ATTENDANCE OF ASSESSEES.

354. ***Mr. Lalchand Navalrai:** (a) Are Government aware that the income-tax officers have a discretion under clause 2 of section 23 of the Income-tax Act to call upon assessee to attend in person or produce evidence in support of their returns only when they believe the returns to be incorrect or incomplete?

(b) Is it a fact that the Income-tax officers, especially in Sind Districts, issue notices under section 23, clause 2, invariably in all cases where the assessee submit their returns?

(c) Is it a fact that the Income-tax officers in Sind also add a direction in the notices under section 23, clause 2, requiring production of the accounts and documents?

(d) If the answer to parts (b) and (c) be in the affirmative, do Government propose to issue orders that notices under section 23, clause 2, be issued only in such cases where there are really grounds for believing the returns to be incomplete or incorrect?

(e) If the answers be in the negative, will Government be pleased to state how many returns were submitted to the Income-tax officers in Sind in each charge of an Income-tax Officer in the year 1927-28 and in how many cases were notices issued under section 23, clause 2?

The Honourable Sir George Schuster: (a) The Income-tax Act confers no discretion in the matter on an Income-tax officer. If he is satisfied that a return is correct and complete, section 23 (1) directs that he shall assess the total income of the assessee and shall determine the sum payable by him on the basis of the return. But if he has reason to believe that a return is incorrect or incomplete, he is required, by the terms of

section 23 (2), to call on the assessee to furnish the evidence on which he relies in support of his return.

(b) The answer to the question as stated by the Honourable Member is in the negative. There are classes of cases, for instance those of salaried employees or persons following certain professions, in which returns of income are frequently accepted, but in most cases where the profits and gains of businesses are under assessment, a matter usually of some difficulty, proof of the return filed by the assessee is required.

(c) Income-tax officers are empowered by section 22 (4) of the Income-tax Act to call for such accounts or documents as they may require, and, as a matter of convenience to all concerned, such notices are usually combined with notices under section 23 (2).

(d) The Government is not in the possession of any information to show that Income-tax officers are not exercising the powers conferred on them by law with discretion and does not propose to issue any instructions in the matter.

(e) The information asked for by the Honourable Member is not available in the precise form stated by him, and the Government does not consider that, if it were obtained, the result would be commensurate with the labour involved. A statement, however, is laid on the table, relating to the year 1927-28, which may be of use to him.

Statement showing the total number of returns of income filed by assesseees in Sind during 1927-28.

Districts.	No. of returns of income filed by persons with income from salary only.	No. of returns of income filed by persons not liable to tax.	No. of returns of income filed by persons other than those shown in columns 2 and 3.	Total No. of returns filed.	No. of returns in column 4 accepted as correct.
1	2	3	4	5	6
Karachi City	1,014	1,055	1,214	3,883	270
Karachi District	13	84	391	488	39
Hyderabad	225	622	709	1,556	92
Sukkur	200	399	250	858	44
Nawabshah	83	233	273	589	36
Shikarpur and N. S. F. ..	52	493	679	1,224	165
Larkhana	71	743	374	1,188	88
Thar and Parker	56	168	308	530	47

DEMANDS BY THE INCOME-TAX OFFICERS IN SIND OF ACCOUNTS OF PURCHASES AND SALES.

355. ***Mr. Lalchand Navalrai:** (a) Are Government aware that section 22, clause 4, of the Income-tax Act only allows the Income-tax officers to require production of accounts and documents but not to direct that certain accounts be then prepared and produced?

(b) Is it a fact that the income-tax officers in Sind direct, under section 22, clause 4, firms who are liable to pay income-tax to prepare and produce an account of purchases and sales when the mercantile system of such firms is to maintain no such separate accounts?

(c) Is it also a fact that income-tax officers in Sind, under section 22, clause 4, require firms liable to pay income-tax to prepare and produce a profit and loss account which they do not ordinarily possess?

(d) If the answers to parts (b) and (c) be in the affirmative, do Government propose to stop such a practice?

The Honourable Sir George Schuster: (a) Yes.

(b) and (c). The Government have no information, but enquiries are being made.

(d) Does not arise.

EXEMPTION OF INCOME-TAX OFFICERS IN SIND FROM PASSING THE DEPARTMENTAL EXAMINATION.

356. ***Mr. Lalchand Navalrai:** (a) Is it the policy of the Government of India to make direct recruitment of persons to income-tax officers' posts, and to retain them in service, even though they fail to pass the departmental examination within the five years' period, by simply exempting them from passing the examination?

(b) If not, are they aware that there have been such instances in Sind, and will they enquire from the Income-tax Commissioner and state the facts, together with the reasons for such action?

The Honourable Sir George Schuster: (a) It is not the general policy of the Government to follow the practice described, though in exceptional cases a departure from the general policy may be made.

(b) One single instance has occurred of the exemption of a Muhammadan officer in Sind of nearly five years' service. As the Income-tax Department was in an early stage of its existence and fully qualified officers were not available in sufficient numbers, this officer was posted to an independent charge at the end of a year's service and had, therefore, only a limited amount of leisure in which to study for his examination. He failed to pass it, but as his work was otherwise satisfactory, the Central Board of Revenue sanctioned a proposal to exempt him. I may state, for the Honourable Member's information, that exemptions from passing the departmental examination are only sanctioned by the Central Board of Revenue after a careful consideration of the facts of each particular case.

RECONSTITUTION ON A MORE CONVENIENT BASIS OF THE POSTAL DIVISIONS IN SIND.

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

- (a) When were the two postal divisions of Sind formed for the last time?
- (b) Have any representations been made raising objections against such divisions?
- (c) Do Government propose to reconstitute the postal divisions in Sind on a more suitable and convenient basis?

Mr. H. A. Sams: (a) First October, 1925.

(b) Yes.

(c) Government do not consider it necessary to disturb the present arrangement.

CORRESPONDENCE WITH THE GOVERNMENT OF BIHAR AND ORISSA RE GRANT OF LEAVE TO H. E. SIR HUGH STEPHENSON, AND RESIGNATION OF THE MAHARAJA OF DUMRAON.

358. ***Mr. Gaya Prasad Singh:** Will Government kindly state if there has been any correspondence with the Bihar and Orissa Government regarding the grant of leave to His Excellency Sir Hugh Stephenson and his temporary successor, and the resignation of the Maharaja of Dumraon, the Senior Member of the Executive Council of the Bihar and Orissa Government?

The Honourable Mr. J. Orerar: The answer is in the negative, save that the grant of leave to His Excellency Sir Hugh Stephenson and the appointment of his temporary successor, regarding which an announcement is being made to-day, has been communicated to the Government of Bihar and Orissa.

Mr. Gaya Prasad Singh: Are Government aware that, as senior Member and Vice-President of the Executive Council, the Maharaja of Dumraon would have had a claim to the Governorship of the Province if he had not been called upon to resign?

The Honourable Mr. J. Orerar: The matter of these appointments is now within the competence of the Governor General in Council.

Mr. Ram Narayan Singh: May I know the reasons why the Maharaja of Dumraon resigned his office?

The Honourable Mr. J. Orerar: I have no information on this subject, but understand that it was due to reasons of health.

Mr. Siddhaswar Sinha: Is it a fact that he was asked to resign?

The Honourable Mr. J. Orerar: So far as I know, there is no truth whatever in that suggestion.

Mr. Ram Narayan Singh: Are Government aware that people have come to believe that the Maharaja was forced to resign only with a view to give to Mr. J. D. Sifton the advantage of seniority?

The Honourable Mr. J. Orerar: No, Sir, Government have no information to that effect.

Mr. Siddheswar Sinha: Has the attention of Government been drawn to several articles in the daily papers to the effect that the Maharaja was practically forced to resign?

The Honourable Mr. J. Orerar: I think I have answered that already.

REPORT OF THE HILTON YOUNG COMMISSION ON EAST AFRICAN TERRITORIES.

359. ***Mr. Gaya Prasad Singh:** (a) Will Government kindly state what steps they have taken, or propose to take to oppose the recommendations in the Report of the Hilton Young Commission being given effect to, in so far as they affect adversely the rights and interests of the Indian settlers in Kenya and other East African territories?

(b) Is it not a fact that some of the recommendations of this Committee are directly at variance with the Wood-Winterton agreement and the White Paper of 1923, which was subsequently re-affirmed by Earl Clarendon, on behalf of Government in 1927 in the House of Lords?

(c) Will Government kindly state what is the meaning of "a franchise based on civilization test", as recommended in the Hilton Young Commission's Report?

Mr. G. S. Bajpai: (a) and (b). The Report of the Hilton Young Commission is under the consideration of Government at present and it is not possible for me to state now what their attitude towards individual recommendations would be, or to comment upon any particular recommendation. I can, however, give the Honourable Member the assurance that Government will do whatever lies in their power to safeguard Indian interests in Eastern Africa.

(c) The Commission have attempted to explain the phrase quoted by the Honourable Member at pages 196-197 of the Report.

Diwan Chaman Lal: Are Government prepared to allot a date for discussion of this Report?

Mr. G. S. Bajpai: That request has already been made and is under consideration.

EFFECT OF THE LIQUOR ACT OF SOUTH AFRICA ON THE EMPLOYMENT OF INDIANS IN THE TRANSVAAL.

360. ***Pandit Hirday Nath Kuharu:** (a) Has the attention of Government been drawn to the letter of the South African correspondent of the *Servant of India*, published in its issue of the 10th January, 1929, and to the correspondence between the Witwatersrand Licensed Victuallers' Association and the Secretary for Justice, South Africa, published in the *Indian Opinion* of the 23rd November, regarding the effect of the Liquor Act and its administration on the Indian community?

(b) Are Government aware that, when the Government of South Africa agreed to drop clause 104 of the Liquor Bill, it was understood that the principle that Indians might be employed on licensed premises had been accepted?

(c) Is it a fact that section 102 of the Liquor Act prohibits the employment of Indians as barmen in the Transvaal? Are Indians already employed as such affected? If so, what is their number?

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

(b) The Government of India's representations were made on the strength of information supplied by their Agent and were limited to clause 104 of the Liquor Bill, as introduced in the Union Parliament in January 1928. The scope of these representations was, therefore, strictly speaking, limited to the hardships which, if enacted, the provisions of this clause would have imposed upon the Indian community. The general impression, however, was that the withdrawal of this clause would safeguard all existing Indian rights in respect of employment on licensed premises.

(c) This would appear to be the effect of section 102 (a) (2) of the Act, read with section 95 (a) of the Act. The Agent of the Government of India in South Africa reported that a few Indians earn their living as barmen, but did not specify the number.

EFFECT OF THE LIQUOR ACT OF SOUTH AFRICA ON INDIAN WAITERS IN THE TRANSVAAL.

361. ***Pandit Hirday Nath Kunzru:** (a) Is it a fact that the combined effect of section 95 and section 102 of the Liquor Act is to prohibit Indian waiters in the Transvaal from carrying liquor from the bar to the dining room?

(b) Is it feared that this will result in throwing Indian waiters out of employment, at least in the smaller hotels? Are about 80 Indian waiters affected?

Mr. G. S. Bajpai: (a) Honourable Member's view is correct.

(b) According to reports received from the Agent, the answer to the first part is in the affirmative. The number 80 appears to include both barmen and waiters.

Pandit Hirday Nath Kunzru: May I ask whether these men have already been thrown out of employment?

Mr. G. S. Bajpai: The Government have no information on that point.

Pandit Hirday Nath Kunzru: Are Government aware that in the communication referred to in question No. 360 above, it was stated that these men would be out of employment from the 1st January of this year?

Mr. G. S. Bajpai: The report of the Agent mentioned the fact that notice of the termination of employment had been given, but at the same time he stated that both he and the Indo-European group in Johannesburg were in communication with the Minister in order to ensure if possible an extension of the term of service of these men until such time as the general question could be settled.

EXEMPTION OF INDIAN WAITERS FROM THE OPERATION OF THE LIQUOR ACT OF SOUTH AFRICA.

362. ***Pandit Hirday Nath Kunzru:** (a) Is it a fact that section 102 of the Liquor Act authorises magistrates to exempt Asiatics for twelve months from "any discrimination imposed therein or under the authority of this Act"?

(b) Do the regulations framed under the Act contemplate exemption only in respect of authority to purchase liquor?

(c) Are Government aware that, even before clause 104 of the Liquor Bill was dropped, Mr. Ross contemplated that existing rights should be safeguarded and that, in moving the second reading of the Bill, he said, "It may well be that the position we ought to take up in regard to that (question) would be to take your Indian waiters who are now functioning and who have been functioning for a certain time, and not take away their work from them, but not allow for the future waiters to be engaged, while not depriving the present waiters of the work that is in their hands"?

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

(b) Yes.

(c) The Honourable Member has correctly quoted the Minister's statement.

RIGHTS OF INDIANS UNDER THE LIQUOR ACT OF SOUTH AFRICA.

363. ***Pandit Hirday Nath Kunzru:** (a) Are Government aware that the Witwatersrand Licensed Victuallers' Association represented to the South African Government that the regulations should be altered so as to give Asiatics the relief contemplated by section 102, and that the Act might be amended in the near future so as not to discriminate against Asiatics? Did the South African Government decline to amend either the regulations or the Act?

(b) What steps have Government taken to secure the just rights of Indians?

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

(b) The Agent of the Government of India in the Union is already seized of the matter and the Honourable Member may rest assured that he and Government will do whatever is possible to safeguard the position of the Indians affected.

REMOVAL OF ALL RACIAL DISCRIMINATION IN EMPLOYMENT OF SUBORDINATE STAFF ON RAILWAYS.

364. ***Pandit Hirday Nath Kunzru:** Have any replies been received to the letter addressed by the Railway Board to the Agents of various railways, asking them to remove all traces of racial discrimination either in the employment or in the subsequent treatment of the subordinate staff? If so, will Government be pleased to lay them on the table?

Mr. A. A. L. Parsons: Some of the replies have come in and are being examined. A full statement of the position will be laid on the table as soon as all the replies have been received, and the action, if any, which it is found necessary to take on them, has been determined.

Pandit Hirday Nath Kunzru: May I know whether these communications, together with the Government's decision, will be supplied to us before the railway budget is considered in this House?

Mr. A. A. L. Parsons: I cannot give any promise; I must wait and see how many answers are forthcoming, and also see how long it will take for Government to come to a decision on them.

Pandit Hirday Nath Kunzru: Even though complete replies from all railways are not received before the presentation of the railway budget, will Government kindly place on the table at least as many of the replies as are received by the time the railway budget is ready for presentation?

Mr. A. A. L. Parsons: I will consider the matter.

RECRUITMENT ON THE EASTERN BENGAL RAILWAY OF ANGLO-INDIANS ON MORE FAVOURABLE TERMS THAN INDIANS.

365. ***Pandit Hirday Nath Kunzru:** (a) Are Government aware that one of the Resolutions passed at the annual Conference of the All-India Railwaymen's Federation, held at Jharia in December last, protested against "the instructions just issued by the Agent of the Eastern Bengal Railway for the recruitment of Anglo-Indians to the subordinate railway service on more favourable terms and lower qualifications than those applicable to or insisted upon in the case of Indians"?

(b) Have Government made any enquiries on the subject? If the allegations made in the Resolution referred to above are correct, what action do they propose to take in the matter?

Mr. A. A. L. Parsons: The Honourable Member is referred to the reply given to starred question No. 251 by Mr. V. V. Jogiah on the 30th January, 1929. In that reply, I explained that the Railway Board had not received a copy of the Resolution mentioned by the Honourable Member. But I laid on the table a copy of the memorandum by the Agent of the Eastern Bengal Railway, to which the Resolution presumably referred, and pointed out that the memorandum did not bear the interpretations suggested.

STATUS OF INDIANS UNDER THE REFORMED CONSTITUTION IN CEYLON.

366. ***Mr. A. Rangaswami Iyengar:** (a) Has the attention of the Government of India been drawn to the discussions and resolutions of the Ceylon Legislative Council in regard to the franchise, status and rights of Indians resident and domiciled in Ceylon, proposed to be dealt with under the Reformed Constitution in Ceylon arising out of the Donoughmore Commission Report?

(b) Will Government be pleased to state whether the Government Agent in Ceylon has taken any part in the deliberations of the Government, the legislative or representative bodies of Indians in Ceylon in connection with the said reforms, in so far as they affect the status and rights of Indians, and, if so, whether they have received any report from him on the matter and whether they would lay the same on the table of the House?

(c) Will Government be pleased to state whether they have addressed the Government of Ceylon or the Secretary of State for the Colonies or for India on any of the matters arising out of the position and disabilities sought to be imposed on Ceylon Indians by means of the proposals under discussion in the Ceylon Legislative Council, and what action

they propose to take with a view to the protection of the status and rights of Indians in Ceylon in these respects?

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

(b) So far as the Government of India are aware, their Agent in Ceylon has taken no part in the deliberations of the Government of Ceylon, the Ceylon Legislative Council or the representative bodies of Indians in Ceylon on the recommendations of the Ceylon Reforms Commission. He has, however, been watching the developments which have any bearing on Indian interests in the Colony. Government regret that it is not possible to lay on the table of the House correspondence which may have passed between him and them on this subject.

(c) The Government of India are in touch with His Majesty's Secretary of State for India and the Honourable Member may rest assured that should the necessity arise, they will do whatever lies in their power to safeguard Indian interests in the Colony.

CONSTITUTION OF PROVINCIAL PUBLIC SERVICES COMMISSIONS.

367. ***Mr. A. Rangaswami Iyengar:** (a) Will Government be pleased to make a statement as to the present position in regard to existing and contemplated legislation by the Indian and Provincial Legislatures regulating the Public Services in India in pursuance of the delegation made to them by the recent notification under section 96-D of the Government of India Act?

(b) Is there any proposal under the consideration of the Government of India to undertake legislation with reference to the constitution of the Public Services Commission for India and its functions?

(c) What Provincial Governments have applied for and obtained sanction for the introduction of legislation for the constitution and functions of a Provincial Public Services Commission and for other matters connected with the Provincial and Subordinate Public Services?

(d) What are the powers and functions of the Secretary of State and the Central and Provincial Governments in regard to the recruitment, promotion, discipline, control, pension and other subjects that would be delegated by them by the proposed legislation?

(e) Will Government be pleased to state whether any proposed legislation for the constitution of a Provincial Public Services Commission has been sanctioned which in any way affects the proviso in sub-rule (2) of Rule 3 of the Civil Services (Governors' Provinces) Delegation Rules of 1926 as to the making of first appointments otherwise than as a result of competitive examination or on the advice of a permanent Board of Selection, or the fixing of standards regulating admission to that service?

The Honourable Mr. J. Orerar: (a) The Secretary of State in Council has recently, by rule framed under Section 96B (2) of the Government of India Act, authorized the local Legislature of any Governor's province to make laws for the establishment, and for determining the functions, of a Commission to regulate the public services of the province, subject to certain conditions, which are stated in the Home Department notification No. F.-26/5/28-Ests., dated the 15th October, 1928. No such legislation has hitherto been passed but the Government of Madras have under consideration the introduction of a Bill in the local Legislative Council to establish a Commission for the purposes stated.

- (b) The reply is in the negative.
 (c) The Government of Madras only.

(d) The powers of the Local Governments in respect of the recruitment, etc., of the services under their control are defined in the Civil Services (Governors' Provinces) Delegation Rules of 1926, to which the Honourable Member refers later. The authority to legislate, which the Honourable Member refers to, does not have the effect of delegating additional powers, but enables a Local Government to set up an independent body to advise them in the exercise of the powers already delegated.

(e) Under the terms of the rule published in the recent notification any legislation which is repugnant to the Delegation Rules of 1926, or other rules made by the Secretary of State under the specified sections of the Government of India Act, is void.

ASSESSMENT IN BRITISH INDIA OF INCOME FROM PROFITS EARNED AND ASSESSED IN NATIVE STATES.

868. ***Mr. A. Rangaswami Iyengar:** (a) Are Government aware that applications by income-tax assessee claiming relief under the double income-tax relief notification No. 25 in respect of their assessments in British India of their foreign profits earned and assessed in Indian States such as Mysore and Travancore, are refused on the ground that the assessment in British India and in the Indian States should have been in respect of an identical block of income for an identical year?

(b) Are Government aware that, on the construction of the notification adopted by the Income-tax Department, the condition as to the identity of the assessment year has been found to be impossible of compliance and consequently the notification has become a dead letter; and that the claim for relief has been refused by the Income-tax Department in the vast majority of cases?

(c) Have Government examined this matter with a view to see that the intended relief is really given to such assessee, viz., to afford relief from double taxation in all cases where the same block of income once taxed in an Indian State comes to be assessed again in British India under section 4(2) of the Act?

The Honourable Sir George Schuster: (a) One such case relating to profits and gains brought into British India from Travancore has come to the notice of the Government.

(b) In the notification cited in the first part of the question, the Central Board of Revenue has been empowered to determine which year of assessment in any State shall be deemed to correspond with any British Indian year of assessment. So far as the Government are aware, the arrangement provides satisfactorily for most cases of double assessment, but a difficulty has arisen when the profits and gains brought into British India from a State arose or accrued in a period earlier than the year in respect of which the profits and gains are being dealt with at the time of a particular assessment.

(c) The matter is under consideration

LETTER BY MR. R. K. SIDHWA IN THE DAILY GAZETTE OF KARACHI, REGARDING THE CHIEF OFFICER, KARACHI MUNICIPALITY.

369. ***Haji Abdoola Haroon:** Will Government be pleased to state:

(a) whether their attention has been drawn to a letter signed by Mr. R. K. Sidhwa and appearing in the *Daily Gazette*, Karachi, dated the 4th December, 1928, under the caption of "Karachi's Chief Officer"?

(b) If the answer to part (a) is in the affirmative, do Government propose to appoint a Committee to inquire into the matter?

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

(b) No.

MEMORIALS FROM PIECE-WORKERS OF THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

370. ***Mr. Satyendra Chandra Mitra:** (a) Is it a fact that all the piece-workers of the Government of India Press, Calcutta, sent two memorials to Government through the proper channel on the 7th September, 1928 and on the 16th November, 1928?

(b) If the reply to (a) be in the affirmative, will the Honourable Member in charge be pleased to enlighten the House as to the contents of the said memorials and also the steps, if any, taken by Government with regard to the same?

(c) If no step has been taken by Government with regard to the said memorials, will the Honourable Member in charge be pleased to state the reasons therefor?

The Honourable Sir Bhupendra Nath Mitra: (a) The answer is in the affirmative.

(b) The memorials are under consideration. Government do not propose to disclose their contents.

(c) Does not arise.

LEAVE RULES APPLICABLE TO TEMPORARY PIECE-WORKERS IN GOVERNMENT OF INDIA PRESSES.

371. ***Mr. Satyendra Chandra Mitra:** (a) Is it a fact that the piece employees of the Government of India Presses used to get 16 days' casual leave on full pay in a year and there was no restriction regarding this leave for permanent or temporary hands?

(b) Is it a fact that the leave rules applicable to permanent piece-workers only have been published in the issue of the Gazette of India dated the 8th September, 1928?

(c) If the reply to (b) be in the affirmative, will the Honourable Member in charge enlighten the House as to why the temporary piece-workers have been excluded?

(d) Is it a fact that there are piece-workers of 20 or 25 years' standing in the Government of India Presses who are yet temporary and not permanent?

(e) If the reply to (d) be in the affirmative, will the Honourable Member in charge be pleased to state the reasons why the said leave rules are not applicable to the case of such temporary piece-workers?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). The answer is in the affirmative.

(c) The temporary piece-workers are still allowed sixteen days' leave with pay in a year. The Government of India do not see any justification for according to them the same treatment as to the permanent piece-workers in the matter of leave.

(d) Yes.

(e) So long as the piece-workers are borne on the temporary establishment, the leave rules sanctioned for permanent piece-workers cannot apply to them. But steps are being taken, where possible, to make permanent those piece-workers who have rendered long periods of temporary service.

PAYMENT DURING LEAVE OF PIECE-WORKERS OF THE GOVERNMENT OF INDIA PRESSES.

372. ***Mr. Satyendra Chandra Mitra:** (a) Is it a fact that the piece-workers of the Government of India Press, Calcutta, do not get any payment when on leave, viz., 16 days' casual leave and leave according to the rules published in the issue dated the 8th September, 1928, of the Gazette of India, after the publication of the said rules in the Gazette?

(b) Is it a fact that the leave rules, as published in the issue dated the 8th September, 1928, of the Gazette of India, for the piece-workers, are not clear to the authorities and so they refuse to grant any payment for the period on leave to the piece-workers?

(c) If the replies to (a) and (b) be in the affirmative, will the Honourable Member in charge be pleased to state the reasons therefor?

The Honourable Sir Bhupendra Nath Mitra: Enquiries are being made and the result will be communicated to the Honourable Member in due course.

PAYMENT FOR DIFFERENT KINDS OF WORK DONE BY COMPOSITORS IN GOVERNMENT OF INDIA PRESSES.

378. ***Mr. Satyendra Chandra Mitra:** (a) Is it a fact that equal wages are not paid for the preparation of items with figure column and alphabetical column by the compositors and the preparation of tabular matter by them?

(b) If the reply to (a) be in the affirmative, will the Honourable Member in charge be pleased to state the reason why equal wages are not paid for both kinds of work?

(c) Will the Honourable Member in charge be pleased to lay on the table proofs of eight columns of items of work with alphabetical columns and figure column, and eight columns of tabular matter without rule, of the same type, to be compared side by side and enlighten the House?

The Honourable Sir Bhupendra Nath Mitra: (a) The question is not clear but one alphabetical column set up with one figure column is not tabular matter and is not paid for at the same rate as tabular matter.

(b) The two classes of work do not require the same amount of skill and labour.

(c) Government do not propose to lay on the table the proofs referred to by the Honourable Member, as they do not consider that any public purpose will be served thereby.

DECREASED EARNINGS OF PIECE-WORKERS IN GOVERNMENT OF INDIA PRESSES.

374. ***Mr. Satyendra Chandra Mitra:** (a) Is it a fact that the piece-workers in the Government of India Presses earn more if they get more hours to work, while the salaried workers earn the same even if they are required to work for lesser hours?

(b) Is it a fact that the piece-workers used to work from 9 A.M. to 6-30 P.M.?

(c) Is it a fact that the earning of piece-workers per day has decreased as their day has been reduced by half an hour?

(d) If the replies to (a), (b) and (c) be in the affirmative, will the Honourable Member in charge be pleased to state the reasons why the earnings of piece-workers have been reduced by shortening their daily period of work by half an hour?

The Honourable Sir Bhupendra Nath Mitra: (a) Industrial workers, both salaried and piece, receive extra remuneration if they are required to work beyond the normal working hours.

(b) and (c). In the Calcutta Press, to which the Honourable Member is presumably referring, the normal period of attendance on week days, other than Saturday, used to be from 9 A.M. to 6-30 P.M., and this included two rest intervals of half-an-hour each. At the request of the majority of the industrial hands, one rest interval of half-an-hour has now been discontinued by the management and the normal hours of attendance have been fixed from 9 A.M. to 6 P.M. The Honourable Member will observe that there has been no reduction in the actual working hours.

(d) Does not arise.

EMPLOYMENT IN THE GOVERNMENT OF INDIA PRESS, CALCUTTA, OF A FOREMAN ALLEGED TO BE SUFFERING FROM LEPROSY.

375. ***Mr. Satyendra Chandra Mitra:** (a) Is it a fact that, in accordance with the Government Servant Conduct Rules, the Civil Service Regulations, and the Workers' Compensation Act, no Government employee is allowed to work in Government offices or factories if he be suffering from any infectious disease, such as leprosy, small pox, cholera, etc.?

(b) Is it a fact that Ishaque, Machine Foreman in the Government of India Press, Calcutta, is suffering from an infectious type of leprosy?

(c) Is it a fact that the said Ishaque was sent to the Principal of the Calcutta Medical College for medical examination?

(d) If the reply to (a) and (b) be in the affirmative, will the Honourable Member in charge be pleased to state the reasons therefor?

The Honourable Sir Bhupendra Nath Mitra: Inquiries are being made and the result will be communicated to the Honourable Member in due course.

**PAY OF COMPOSITORS IN THE EAST INDIAN AND EASTERN BENGAL
RAILWAY PRESSES.**

376. ***Mr. Satyendra Chandra Mitra:** Will the Honourable Member in charge be pleased to state:

- (a) What is the highest grade of the compositors in the East Indian Railway Press?
- (b) What is the yearly increment in their pay?
- (c) What is the highest grade of the compositors in the Eastern Bengal Railway Press?
- (d) What is the yearly increment in their pay?
- (e) If there be any difference in the highest grades and yearly increments in pay of the compositors in both the Railway Presses, will the Honourable Member in charge be pleased to state the reasons therefor?
- (f) Does the Honourable Member in charge propose to take steps to make equal the grade and pay of the compositors for both the Railway Presses?

Mr. A. A. L. Parsons: I am collecting the information which the Honourable Member wants, and will communicate with him when it is received.

**EXPENDITURE ON THE POWER STATION OF THE GREAT INDIAN PENINSULA
RAILWAY AT KALYAN.**

377. ***Mr. Fazal Ibrahim Rahimtulla:** (a) Has the total expenditure, estimated at Rs. 97,40,420, for the Power Station of the Great Indian Peninsula Railway at Kalyan, as stated by Government in reply to my question number 195 on 21st March, 1927, been exceeded, and if so, to what extent, under what heads of the scheme and why?

(b) Will the estimated cost per unit generated by the Kalyan Power Station of 665 anna per unit, dropping to 594 anna per unit, as stated by Government in reply to my question on 21st March, 1927, be increased, and if so, to what extent?

Mr. A. A. L. Parsons: Necessary information is being obtained and will be furnished to the Honourable Member on receipt.

**PAY OF THE SUPERVISING STAFF IN THE BOMBAY AND CALCUTTA MINTS
AND THE CURRENCY NOTE PRESS AT NASIK.**

378. ***Mr. Fazal Ibrahim Rahimtulla:** Will Government be pleased to state the scale of pay of the supervising staff in the Bombay and Calcutta Mints and the Security and Note Printing Press at Nasik?

The Honourable Sir George Schuster: The information is being collected and will be furnished to the Honourable Member in due course.

**PROVIDENT FUND, SYSTEM IN FORCE IN THE CURRENCY NOTE PRESS,
NASIK, AND IN THE TREASURER'S DEPARTMENT IN CURRENCY OFFICES.**

379. ***Mr. Fazal Ibrahim Rahimtulla:** Will Government be pleased to state whether any provident fund system is applied to the staff in the Note Printing Press? Is it exactly similar to that applied to the Treasurer's side in Currency Offices? If not, what are the main differences?

The Honourable Sir George Schuster: I place on the table a statement describing the provident fund system in force (a) in the Currency Note Press, Nasik, and (b) in the Treasurer's Department in Currency Offices.

Statement describing the Provident Fund system in force (a) in the Currency Note Press, Nasik, and (b) in the Treasurer's Department in Currency Offices.

(a) *Currency Note Press.*

(1) The employee is required to subscribe to a special provident fund at the rate of one-twelfth of his pay each month.

(2) Government adds yearly to the account a bonus at the rate of 75 per cent. of the subscriptions of the employee during the year.

(3) Government adds yearly to the account interest, calculated monthly, at the rate sanctioned from time to time for the General Provident Fund (the rate at present is 4½ per cent.).

(b) *Treasurer's Department in Currency Offices.*

(1) The employee is required to subscribe to the General Provident Fund: that is to say, to subscribe a minimum of 6¼ per cent. of his pay per month (he may at his option subscribe up to 15½ per cent.) to an account to which Government adds yearly interest calculated monthly, at a rate from time to time sanctioned (the present rate is 4½ per cent.).

(2) On the employee's retirement, provided his conduct has been satisfactory, Government presents him with a lump sum equal to one-twelfth of the substantive pay drawn by him throughout his service.

Note.—Retirement means retirement at an age, or after service, that would qualify for pension under the pension rules.

(3) If the employee dies while in service, Government pays to his heirs, provided his conduct was satisfactory, a lump sum equal to one-twelfth of the substantive pay drawn by the employee during his service.

Note.—The staff recruited before 1919 is pensionable.

PROVISION OF A PROVIDENT FUND FOR THE EMPLOYEES OF THE CURRENCY OFFICE.

380. ***Mr. Fazal Ibrahim Rahimtulla:** As the question of the Reserve Bank is postponed, will Government be pleased to state whether they have now come to a final decision as regards the provident fund system applied to the Currency Office staff?

The Honourable Sir George Schuster: The Government has not yet come to a final conclusion. But a point has been reached in the discussions at which I think it may be possible to come to a final conclusion before long, and I will see that the further consideration of the matter is expedited.

PENSION RULES FOR GOVERNMENT SERVANTS.

381. ***Mr. Fazal Ibrahim Rahimtulla:** Will Government be pleased to state whether it is intended to make any changes in the Pension Rules in force at present, and, if so, when will the final orders be passed?

The Honourable Sir George Schuster: Provincial Governments have been granted authority to make rules regulating conditions of service, including pensions of provincial and subordinate services under their control, and are, it is believed, now engaged in drafting new rules relating to pensions.

The Government of India do not at present contemplate any important change in the existing rules applicable to services under their control, apart from the possible adoption of a system in which a provident fund would take the place of pensions in whole or in part. This proposal has only recently assumed definite shape, and, as I informed the Honourable Mr. Lalchand Navalrai a few days ago, in reply to his starred question No. 132, the Government of India intend shortly to consult Local Governments and probably Service Associations also on the subject. This course of action was agreed upon at the Conference of Financial Representatives of Provincial Governments held at Delhi last November.

REVISION OF PAY OF THE SUPERVISING STAFF IN CURRENCY OFFICES.

382. ***Mr. Fazal Ibrahim Rahimtulla:** (a) Will Government be pleased to refer to Mr. N. M. Joshi's starred questions Nos. 88, 89, 90, 140, 141 and 142, put in February last, and say whether they will be pleased to answer them now?

(b) Do Government propose to consider the question of the revision of the pay of the supervising staff in Currency Offices, as the scale has not practically been revised since 1920?

The Honourable Sir George Schuster: (a) Final replies to Mr. Joshi's questions Nos. 88 to 90 and 140 to 142 were sent to him on the 15th February and 1st May, 1928, respectively. Copies will be found in the Library of the House.

(b) The attention of the Honourable Member is invited to the reply given on the 24th March, 1926, to question No. 258 asked by Mr. B. Das, and to the reply to parts (c) and (d) of Mr. Joshi's question No. 90, which I have just mentioned. The position remains the same.

CONDITIONS ATTACHED TO ROCKEFELLER TRAVELLING SCHOLARSHIPS GRANTED IN INDIA.

383. ***Mr. Sarabhai Nemchand Haji:** Will Government be pleased to state:

- (a) When the Rockefeller Travelling Fellowships were first offered for this country by the Rockefeller Foundation, and how many, each year?
- (b) What were the conditions attached to the grant of these Fellowships?
- (c) How were these Fellowships distributed among the several provinces of India?
- (d) How many officers from the medical and public health services of the several provinces were sent respectively, for further study as Rockefeller Scholars each year?
- (e) What were the academic qualifications and service experiences of each of the officers selected for the Fellowship?

Mr. G. S. Bajpai: (a) International Health Board (Rockefeller Foundation) Fellowships were offered to this country for the first time in 1922. Five candidates from India were selected in 1922 and four in 1926.

(b) The Fellowships are offered only to candidates who possess high professional and scientific qualifications, besides a good character, and to persons who, on completion of their training, have an assured prospect of suitable employment in the official health services of their country or in schools of hygiene.

(c) The Fellowships were not allotted on a provincial basis, but all Local Governments and Administrations were asked to make nominations. The candidates so nominated, who fulfilled the conditions prescribed by the Foundation as to qualifications and prospects of employment, were arranged in order of preference by the Scientific Advisory Board of the Indian Research Fund Association, and the final selection was made by the Rockefeller International Health Board itself.

(d) and (e). The information is contained in the statement which I have had placed in the Library of the House.

RESTRICTION OF ROCKEFELLER SCHOLARSHIPS TO PUBLIC HEALTH SERVICES.

384. ***Mr. Sarabhai Nemchand Haji:** Will Government be pleased to state:

(a) If they advertised for applications from qualified medical men for Rockefeller Foundation Fellowships in August, 1925?

(b) If it was subsequently decided that the Fellowships were for public health services and not in connection with the faculties of medicine?

(c) The grounds for such decision?

Mr. G. S. Bajpai: (a) The reply is in the negative.

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

QUALIFICATIONS OF OFFICERS SELECTED FOR ROCKEFELLER SCHOLARSHIPS.

385. ***Mr. Sarabhai Nemchand Haji:** Will Government be pleased to state:

(a) The total number of Fellowships for which applications were invited by public advertisement in August, 1923, and

(b) The number of medical officers or practitioners selected, giving professional qualifications and previous experience of each person selected?

Mr. G. S. Bajpai: (a) and (b). No applications for Rockefeller Fellowships were invited by advertisement or otherwise in 1923.

LAPSE OF CERTAIN ROCKEFELLER SCHOLARSHIPS AWARDED TO INDIA IN 1925.

386. ***Mr. Sarabhai Nemchand Haji:** Is it a fact that only two or three out of the five Rockefeller Fellowships that were available in the year 1925 were awarded, and that the remaining Fellowships lapsed; and if this be so, will Government be pleased to state why the applications of qualified medical men connected with the faculties of medicine were not considered instead of allowing the Fellowships to lapse?

Mr. G. S. Bajpai: No definite number of fellowships is offered to this country in a particular year. The Scientific Advisory Board pass on the

applications of qualified candidates, classified in order of preference, to the Foundation, who make selections after full consideration of the qualifications of the applicants.

Mr. Jamnadas M. Mehta: Since 1922 how many Fellowships were offered and out of them how many to Indians?

Mr. G. S. Bajpai: I have already answered that question, it is five plus four or nine.

Mr. Jamnadas M. Mehta: Out of how many?

Mr. G. S. Bajpai: I do not understand what the Honourable Member means by "how many"?

Mr. Jamnadas M. Mehta: I mean how many were offered on the whole and out of them how many to Indians?

Mr. G. S. Bajpai: Five plus four or nine were offered and they were accepted.

Mr. Jamnadas M. Mehta: All Indians?

Mr. G. S. Bajpai: Yes.

TOTAL NUMBER OF POSTS IN THE SUPERIOR TRAFFIC SERVICE OF INDIAN RAILWAYS FILLED BY INDIANS IN 1928-29.

387. ***Pandit Hirday Nath Kunzru:** (a) With reference to the reply given to starred question No. 906, on the 24th September, 1928, will Government state the total number of posts in the Superior Traffic Service for which Indians have been recruited in 1928-29?

(b) How many of these posts have been filled by promoted Local Traffic Service officers? What are the names of the promoted officers and how many of them were recruited direct to the Local Traffic Service?

Mr. A. A. L. Parsons: (a) Five have already been recruited and arrangements have been made to recruit seven others through the Public Service Commission by competitive examination, which is to be held early this month.

(b) Three of these two were originally recruited into the Local Traffic Service and one was promoted to that Service from the subordinate ranks.

NUMBER OF INDIANS APPOINTED TO THE SUPERIOR TRAFFIC SERVICE BETWEEN 1921 AND 1924.

388. ***Pandit Hirday Nath Kunzru:** (a) With reference to the statement made by Mr. Parsons during the Railway Budget debate on the 25th February, 1928, with regard to the future of the Local Traffic Service, are Government yet in a position to announce what steps they propose to take to promote the directly recruited men to the Superior Service?

(b) Will Government be pleased to state the number and names of Indians appointed to the Superior Traffic Service from 1921, when recruitment to the Local Traffic Service began, to 1924, when it was stopped?

Mr. A. A. L. Parsons: (a) Next year it is proposed to make 36 per cent. of the Indian recruitment to the Superior Traffic Service by promotion from the Local Traffic Service and subordinate establishment. On our present figures this means that four vacancies out of 11 will be filled in this way. As I explained in my remarks during the course of the debate on the railway budget last year, no distinction will be drawn between persons directly recruited to the Local Traffic Service, persons promoted to that service from subordinate establishment, and persons now serving in the subordinate establishment, in making selections for these vacancies.

(b) No Indian was appointed direct to the Superior Traffic Service from 1921 to 1924.

Pandit Hirday Nath Kunzru: Am I to take it, Sir, that in these three years 1921-24, no Indians were appointed direct to the Superior Traffic Service, and that the men who were recruited direct to the Local Traffic Service were regarded as forming part of the Superior Traffic Service?

Mr. A. A. L. Parsons: I must ask for notice, Sir. But the position is that they are not regarded as part of the Superior Traffic Service, though in certain publications their numbers were, I believe, included among those of the Superior Traffic Service.

Pandit Hirday Nath Kunzru: Is it a fact, Sir, that the members of the Local Traffic Service were regarded as belonging to the Superior revenue establishment?

Mr. A. A. L. Parsons: I do not think so, though in the report of the Lee Commission figures occur in which, I believe, they were included among the Superior Traffic Service.

Pandit Hirday Nath Kunzru: Are Government aware that in the rules made in the year 1922 for the recruitment of men for the railway service, they stated that the superior revenue establishment would consist of the Superior Traffic Service and the Local Traffic Service?

Mr. A. A. L. Parsons: I will look up the point, Sir.

Pandit Hirday Nath Kunzru: I want to know, Sir, if it is a fact that, from the year 1921 to 1924, as admitted by the Honourable Member, no Indians were appointed direct to the Superior Traffic Service, what reason is there for Government not considering the claims of the Local Traffic Service men to be promoted to the Superior Traffic Service to be superior to those of the men promoted from the subordinate service?

Mr. A. A. L. Parsons: I have nothing to add on that point, Sir, to the remarks which I made in the course of the last budget session.

Pandit Hirday Nath Kunzru: Am I to understand, Sir, that the Government even though they may be in the wrong, are not prepared to revise their opinions and their decisions?

Mr. A. A. L. Parsons: Government do not admit that they are in the wrong, and they are not prepared to revise this particular decision.

Mr. Gaya Prasad Singh: They are never wrong. (Laughter).

Pandit Hirday Nath Kunzru: The Local Traffic Service being part of the Superior Revenue establishment and no men having been appointed direct to the Superior Traffic Service, from 1921 to 1924 what reason is there now for not considering the claims of the directly recruited men for promotion to the Superior Traffic Service to be superior to those of others?

Mr. A. A. L. Parsons: I have already given the reasons in the remarks made by me during last budget debate.

Pandit Hirday Nath Kunzru: Will the Honourable Member state them clearly now; for I am sure they were not intelligible to the House at all?

Mr. A. A. L. Parsons: I am afraid, Sir, I cannot make them more clear.

Pandit Hirday Nath Kunzru: Does that mean, Sir, that the Government are not prepared to do justice to the Local Traffic Service men?

Mr. A. A. L. Parsons: No, Sir.

Pandit Hirday Nath Kunzru: Then, what attempts do they propose to make to do justice to the men directly recruited to the Local Traffic Service during the years 1921—24 when no men were directly appointed to the Superior Traffic Service?

Mr. A. A. L. Parsons: They propose to continue the action they have already taken; that is to say, they consider the qualifications of men directly recruited to the Local Traffic Service when making promotions to the Superior Traffic Service, to the extent of 20 per cent. of the Indian vacancies which are filled by promotions from that service and from the subordinate establishment.

Pandit Hirday Nath Kunzru: Is the Honourable Member aware that on the 24th September 1928 he stated that "the opportunity has been taken of allocating 38½ per cent. of the appointments available for Indian recruitment to the promotion of suitable officers from the Local Traffic Service" and not from the subordinate service?

Mr. A. A. L. Parsons: I should like to see my reply, Sir, before I can say what the implications were. I would ask the Honourable Member to put down a further question.

Pandit Hirday Nath Kunzru: I will read it, Sir. "The opportunity has been taken"

The Honourable Sir George Rainy: On a point of order, Sir. Is the Honourable Member entitled to read out remarks already made in the House that do not refer to the question now before the House?

Pandit Hirday Nath Kunzru: It is part of the question, Sir. It refers to question No. 906 and it is the answer to that question that I am reading out now in order to refresh the rather poor memory of Mr. Parsons. The reply was as follows: "The opportunity has been taken this year of allocating 38½ per cent. of the appointments available for Indian recruitment to the promotion of suitable officers from the Local Traffic Service"?

Mr. A. A. L. Parsons: Yes, Sir; I can take it from the Honourable Member that I made that reply.

Pandit Hirday Nath Kunzru: Then how does the Honourable Member say that Government are not prepared to go beyond the present proportion of 20 or 25 per cent. which applies to the promotion of not merely of officers already in the Local Traffic Service but also of men in the subordinate service?

Mr. A. A. L. Parsons: There seems to be some misunderstanding, Sir. Actually this year we filled 33½ per cent. of the Indian vacancies by promotion from the Local Traffic Service as I explained, and next year we shall fill 36 per cent. of the vacancies, instead of 20 per cent. by promotion from the Local Traffic Service and from the subordinate establishment.

Pandit Hirday Nath Kunzru: Will this 36 per cent. allowed for the next year be available solely to the members of the Local Traffic Service?

Mr. A. A. L. Parsons: Not entirely, Sir. As explained in my answer to the main question, it will be available to the Local Traffic Service men, whether directly recruited to that service or not, and to the subordinate establishment.

Pandit Hirday Nath Kunzru: Am I to understand that the proportion for the promotion of Local Traffic Service men next year will be less than that for the present year?

Mr. A. A. L. Parsons: I cannot say. We have not yet made the selections.

Pandit Hirday Nath Kunzru: May I ask whether before 1921, Indians used to be appointed direct to the Superior Traffic Service?

Mr. A. A. L. Parsons: I must ask for notice, Sir.

Pandit Hirday Nath Kunzru: Is it a fact that they were not appointed to the Superior Traffic Service because men began to be recruited into the Local Traffic Service?

Mr. A. A. L. Parsons: Again, I must ask for notice.

Pandit Hirday Nath Kunzru: Is the Honourable Member aware that he has already stated that no men were appointed direct to the Superior Traffic Service during the years 1921 to 1924?

Mr. A. A. L. Parsons: Yes, Sir. But what deduction does the Honourable Member derive from that?

Pandit Hirday Nath Kunzru: If Indians were appointed direct to the Superior Traffic Service before 1921 and after 1924, is it not reasonable to infer that they were not directly recruited because the Local Traffic Service was created in 1921?

Mr. President: Will the Honourable Member pass on to the next question?

EDUCATION OF THE CHILDREN OF RAILWAY EMPLOYEES.

389. ***Pandit Hirday Nath Kunzru:** With reference to the reply given to starred question No. 264, on the 8th September, 1928, did Government refer the question of the education of the children of railway employees to the Central Advisory Council in September last? If so, what are the recommendations made by the Advisory Council on the subject?

The Honourable Sir George Rainy: The question was discussed with the Central Advisory Council for Railways last September when they approved generally, and with certain modifications in detail, a scheme which was laid before them by Government.

Pandit Hirday Nath Kunzru: What is the scheme?

The Honourable Sir George Rainy: The scheme which was embodied in the memorandum drawn up for the Railway Board. I am prepared to lay a copy of the memorandum as it was revised after discussion in the Central Advisory Council on the table. I think it would be for the convenience of the House if further questions on this are postponed till it has been so placed.

Pandit Hirday Nath Kunzru: Is the Honourable Member aware that a part of my question was "what are the recommendations made by the Advisory Council on the subject?" I am not putting a new question now, Sir.

The Honourable Sir George Rainy: I did not understand the Honourable Member's question in that sense. As I said, I am quite willing to lay a copy of the memorandum which embodies that scheme on the table.

STATUS OF RAILWAY SCHOOLS TRANSFERRED TO LOCAL GOVERNMENTS.

890. ***Pandit Hirday Nath Kunzru:** (a) Is it proposed to transfer railway schools to the Local Governments within whose jurisdiction they are situated?

(b) If so, what will be the future status of these schools? Will they be treated as Government or as aided schools?

Mr. A. A. L. Parsons: In the scheme which was accepted by the Central Advisory Council for Railways, it is suggested that arrangements should be made, as soon as feasible, to transfer the present railway schools to the educational authorities of the various provinces on terms to be arranged individually in each case, these terms to include provision for retention by existing employees of such rights of admission as they may now possess. This question will, however, be discussed again with the Central Advisory Council, and I am afraid I am unable to say in any particular case whether, when transferred, a school will be a Government or an aided school. This will depend upon what terms of transfer can be arranged.

Pandit Hirday Nath Kunzru: Is this matter to be discussed again at the next meeting of the Central Advisory Council?

The Honourable Sir George Rainy: I can answer the Honourable Member's question. It is my intention that the matter should be discussed at the next meeting of the Central Advisory Council.

COMMISSIONS IN THE INDIAN TERRITORIAL FORCE.

891. ***Pandit Hirday Nath Kunzru:** (a) Is it a fact that the Shea Committee recommended that the dual commission in the Indian Territorial Forces should be abolished, and that officers of a higher rank than platoon commanders should hold commissions similar to those granted to corresponding officers of the Auxiliary Force?

(b) Was it one of the objects of the Indian Territorial Forces (Amendment) Act, which was passed in March, 1928, to carry out this recommendation?

(c) Is it a fact that dual commissions have not been abolished as yet? If so, why has this distinction between the Territorial and Auxiliary Forces been allowed to continue?

Mr. G. M. Young: (a) and (b). Yes.

(c) No. The latter part of the question does not arise.

Pandit Hirday Nath Kunzru: Are Government aware that in the Gazette of the 8th December, certain officers of the Indian Territorial Force are again shown as possessing dual commissions?

Mr. G. M. Young: I was not aware of the fact, Sir, but I am quite ready to take it from the Honourable Member. In the Gazette of 8th December?

Pandit Hirday Nath Kunzru: The Gazette of the 8th December.

Mr. G. M. Young: Very likely.

Pandit Hirday Nath Kunzru: What steps will the Honourable member take to see that dual commissions are abolished in future?

Mr. G. M. Young: Dual commissions have now been abolished.

APPOINTMENT THROUGH THE PUBLIC SERVICE COMMISSION OF INDIANS TO THE INDIAN MEDICAL SERVICES.

392. ***Pandit Hirday Nath Kunzru:** (a) Is any amendment of the Public Service Commission (Functions) Rules required to entrust the Commission with the recruitment of Indians to the Indian Medical Service, or can this function be assigned to the Commission by arrangement with it?

(b) In either case, do Government propose to take steps to place the selection of Indian candidates for the Indian Medical Service in the hands of the Commission?

Mr. G. M. Young: (a) The Public Service Commission (Functions) Rules do not apply to recruitment to the Indian Medical Service, which is a military service. If the recruitment of Indians to the Indian Medical Service were entrusted to the Public Service Commission, it might be necessary to frame special rules.

(b) Government have no intention at present of altering the system of selection.

Pandit Hirday Nath Kunzru: May I point out to the Honourable Member that he has not answered that part of my question in which I asked whether the recruitment of the Indian Medical Service could be assigned to the Commission by arrangement?

Mr. G. M. Young: No, Sir. The Honourable Member's question, if he will read it, is not to the effect that he has just stated. He asked whether the function could be assigned.

Pandit Hirday Nath Kunzru: Does the Honourable Member say so without reading the question?

Mr. G. M. Young: All I said was that the Honourable Member's interpretation of his own question does not seem to me correct.

Pandit Hirday Nath Kunzru: May I ask whether there are any services, the recruitment of which has been assigned to the Public Service Commission by arrangement—I mean services the recruitment of which it is not bound to take upon itself under the rules?

Mr. G. M. Young: I would suggest that that question be put, with notice, to the Home Department, which is concerned.

Pandit Hirday Nath Kunzru: Why are the Government not prepared to amend the rules so as to enable the Public Service Commission to make recruitment for the Indian Medical Service?

Mr. G. M. Young: Because, as I have already said, Government have no intention at present of altering the system of selection.

Pandit Hirday Nath Kunzru: Do Government only give their decisions or will they take the trouble also of justifying them?

Mr. G. M. Young: Sir, I am afraid it is not possible for me to recapitulate within the space of a supplementary question the reasons which Government have for not altering the system of selection and introducing a system of appointment by competitive examination, but those reasons have been stated on several occasions in this House.

Pandit Hirday Nath Kunzru: May I know when they were stated last?

Mr. G. M. Young: The Honourable Member can find that out by looking at the index.

Pandit Hirday Nath Kunzru: May I put it to the Honourable Member that the exact reasons for not assigning the task of making recruitment to the Public Service Commission have never been stated in this House.

Mr. G. M. Young: No, Sir, that is perfectly true. The exact reasons for not altering the present system of selection have been stated in the House before, and if there is no intention of altering the present system of selection, it is obviously futile to consider the question of amending the rules so as to enable the Public Service Commission to make recruitment to the Indian Medical Service.

Pandit Hirday Nath Kunzru: Is the Honourable Member aware that questions regarding the present method of selection have related to the admission of men with Indian qualifications, temporary Indian Officers, etc., but that no questions have been asked with regard to the recruitment of the Indian section of the Indian Medical Service by the Public Service Commission.

Mr. G. M. Young: That, as far as I know, is quite correct.

Pandit Hirday Nath Kunzru: What does the Honourable Member mean then by saying that the reasons have been stated on several occasions in this House?

Mr. G. M. Young: If the Honourable Member would listen to the replies I make to his questions, I never said anything like that. I said the question of altering the present method of selection had frequently been explained in this House.

Pandit Hirday Nath Kunzru: It seems to me the Honourable Member has been giving irrelevant replies. Will he kindly answer my question and say why Government is not prepared to entrust the recruitment of Indians to the Indian Medical Service to the Public Service Commission?

Mr. G. M. Young: Because that would be altering the present system of selection and the reasons for not doing that have already been explained to the House.

Pandit Hirday Nath Kunzru: Would that necessarily mean an alteration of the proportion of Indian recruits or an alteration of the system of selection?

Mr. G. M. Young: No, Sir, it would be an alteration of the system of selection.

Pandit Hirday Nath Kunzru: Why are Government not prepared to alter the system of selection in so far as it means selection not by a Board appointed by them but by the Public Service Commission? May I ask whether there is anything in the Act to prevent this function being assigned to the Public Service Commission?

Mr. G. M. Young: To what Act does my Honourable friend refer?

Pandit Hirday Nath Kunzru: Evidently, Sir, the Act under which he and we are here, the Government of India Act. May I ask for a reply to my question?

Mr. G. M. Young: The answer is in the negative.

Pandit Hirday Nath Kunzru: Then is it a fact that the rules framed under the Government of India Act do not empower the Public Service Commission to recruit candidates for the Indian Medical Service?

Mr. G. M. Young: Sir, we have travelled so far from my original answer to his question that the Honourable Member appears to have forgotten it. Might I read it again?

Pandit Hirday Nath Kunzru: May I put it to the Honourable Member that his answers have travelled rather far from my question?

NUMBER OF INDIANS SELECTED IN INDIA FOR THE INDIAN CIVIL SERVICE (1) BY NOMINATION AND (2) BY COMPETITION.

393. ***Pandit Hirday Nath Kunzru:** Will Government be pleased to lay on the table a statement showing the number of Indians selected annually in India for the Indian Civil Service by (1), nomination and (2), competition, since the commencement of the system of competitive examinations for the Indian Civil Service in this country?

The Honourable Mr. J. Orerar: I have laid a statement on the table, which gives the information asked for.

Statement showing the number of Indians selected annually in India since 1922 for the Indian Civil Service by (1) nomination and (2) competition.

Year.						By nomination.	By competition.
1922	..	..	..	..	..	4	9
1923	..	..	..	..	..	2	9
1924	..	..	..	..	..	2	5
1925	..	..	..	..	..	2	5
1926	..	..	..	..	..	4	3
1927	..	..	..	..	..	7	9
1928	..	..	..	..	..	9	6

SELECTION OF CANDIDATES FOR THE INDIAN POLICE SERVICE IN INDIA.

394. ***Pandit Hirday Nath Kunzru:** (a) Is it a fact that selection committees are required to recommend candidates for admission to the competitive examination held for the Indian Police Service in India? Have the Government of India laid down that "they shall include in the list no candidate whom, having regard to his personality, character, physique and general suitability, as shown by his previous career, they do not consider in all respects suited for appointment to the Indian Police Service in the selection area"?

(b) Are Government aware that this procedure has given rise to dissatisfaction and that the selection of candidates is regarded as being tantamount to nomination?

(c) Do Government propose to consider the desirability of replacing the present system by that of open competition, adopted in selecting candidates for the Indian Civil Service?

The Honourable Mr. J. Orerar: (a) The position is as stated by the Honourable Member, except that the procedure to which he refers is prescribed by rules made by the Secretary of State in Council under section 96B(2).

(b) No.

(c) The present system is working satisfactorily and Government see no ground for proposing a change.

Pandit Hirday Nath Kunzru: Are Government aware that this procedure has been criticised in newspapers, and if that is not sufficient, what other methods would they indicate of bringing this grievance to their notice?

The Honourable Mr. J. Orerar: I confess I have not noticed in the newspapers any very strong opinion expressed on the subject, but the substance of my reply to the Honourable Member is that this system has been in operation for a considerable period now and has operated, in the opinion of Government, with satisfactory results and that we do not propose to change it.

Pandit Hirday Nath Kunzru: Does the Honourable Member see that this method practically becomes one of nomination?

The Honourable Mr. J. Orerar: I am not prepared to agree that that is the result. The number of recommended candidates who appear in relation to the number of posts open for competition is large enough to ensure a very effective degree of competition.

Pandit Hirday Nath Kunzru: Is this practically a competition between candidates previously nominated?

The Honourable Mr. J. Orerar: No, Sir. The position is that the recommendations of Local Governments are forwarded to the Public Service Commission which is at liberty to add to or modify the recommendations made, and the experience of the last few years has been that the number of admitted candidates on those recommendations is so substantial as to ensure a very effective degree of competition.

Pandit Hirday Nath Kunzru: Why is the Indian Police, Sir, treated different from the Indian Civil Service in this matter?

The Honourable Mr. J. Orerar: Recruitment to the various Services has naturally to be adapted to the particular requirements of the Service in question?

Pandit Hirday Nath Kunzru: Are not, Sir, the Indian Civil Service and the Indian Police Service both regarded as belonging to the same category and as being security services?

The Honourable Mr. J. Orerar: In that particular I agree with the suggestion of the Honourable Member that they are both security services.

Pandit Hirday Nath Kunzru: If that is so, and, if they are both on the same level, what reason is there for having restricted competition in one case and unrestricted competition in the other case? Is it a fact, Sir, that there used to be a quota committee for the selection of candidates for the Indian Civil Service Examination and that that method has been abandoned?

The Honourable Mr. J. Orerar: Provision was made for a quota committee to meet a contingency which did not arise, and so far as I am aware no quota committee ever came actually into operation.

Pandit Hirday Nath Kunzru: Have the rules been changed in that respect now or not?

The Honourable Mr. J. Orerar: The rules contemplate that if the number of candidates appearing is excessive, then quota committees may be appointed with a view to reducing the number of candidates—I think that the actual number prescribed is 200: but as I have explained to the Honourable Member no occasion has ever arisen for the appointment of such committee.

Pandit Hirday Nath Kunzru: Is there any danger, Sir, that if unrestricted competition were allowed for the Indian Police Service Examination the number of candidates would grow abnormally large?

The Honourable Mr. J. Orerar: I think that that is a hypothetical question.

Pandit Hirday Nath Kunzru: What is it then that prevents Government from treating the candidates for the Indian Police Service Examination differently from the candidates for the Indian Civil Service Examination?

The Honourable Mr. J. Orerar: I have already explained that the recruitment to a service is necessarily to be directed in accordance with the requirements of the service. The system under which direct recruitment is made to the Indian Police Service in India has, as I say, for many years been in operation and has operated satisfactorily.

Pandit Hirday Nath Kunzru: What are the differences between the requirements of the Indian Civil Service and the Indian Police Service which would justify the present differentiation?

The Honourable Mr. J. Orerar: I am perfectly certain that the Honourable Member is quite competent to infer them himself from the nature of the functions which have to be discharged by these two services.

Pandit Hirday Nath Kunzru: Since the Honourable Member leaves it to me to decide the matter for myself, may I say that there seems to be absolutely no reason whatsoever why there should be any differentiation?

The Honourable Mr. J. Orerar: I am prepared to accept from the Honourable Member the assurance that that is his opinion. I regret that I am unable to share it.

SERVICES FOR WHICH RECRUITMENT IS MADE THROUGH THE PUBLIC SERVICE COMMISSION.

395. ***Pandit Hirday Nath Kunzru:** Will Government be pleased to state what are the services for which recruitment is made through the Public Service Commission?

The Honourable Mr. J. Orerar: The Services in question are enumerated in the answer that I gave to Mr. Lalchand Navalrai's question No. 61 on the 28th January, and in the statement laid on the table in connection with the same question. The Commission also advise on recruitment to the ministerial establishment of the Government of India Secretariat.

RIGHTS OF INDIANS IN BRITISH GUIANA.

396. ***Pandit Hirday Nath Kunzru:** (a) With reference to the reply given to starred question No. 146, on the 6th February, 1928, regarding the future rights of Indians in British Guiana, will Government state whether they made any representations to His Majesty's Government with regard to the alteration of the constitution of British Guiana?

(b) Does the Act recently passed by Parliament regarding the government of British Guiana empower His Majesty in Council to alter the constitution in any manner whatsoever? Does the constitution allow His Majesty in Council to revoke or amend laws passed by the Legislative Council and to make such laws as may appear necessary for the good government of the colony?

Mr. G. S. Bajpai: (a) and (b). The Government of India obtained full particulars as to the changes proposed in the constitution and examined them with great care. They satisfied themselves that these changes did not involve any differentiation against Indians and did not in any way infringe the provisions of the special declaratory Ordinance which was passed by the Colonial Government in 1923, and which confers equality of status on all persons of East Indian race resident in the Colony. The Indian community in British Guiana also did not submit to the Government of India any representation relating to the proposed amendments in the constitution. It was, therefore, decided not to make any representation to His Majesty's Government on the subject. The information desired by the Honourable Member in part (b) of his question will be found in the British Guiana Act, 1928, a copy of which has been placed in the Library of the House.

Pandit Hriday Nath Kunzru: May I know whether Government admit the accuracy of the statement made by me in part (b) of the question?

Mr. G. S. Bajpai: Yes, Sir.

Pandit Hriday Nath Kunzru: With reference to the answer to the first part of the question, may I draw the attention of the Honourable Member to the reply given by him on the 6th February, 1928, to a question put by me with regard to the British Guiana constitution? He then said that if it was found either that the principle of a change of constitution was involved or that Indian interests were adversely affected, representations would be made. Is it a fact that the principle of a change of constitution is involved?

Mr. G. S. Bajpai: Yes, Sir, the principle of a change of constitution is involved.

Pandit Hriday Nath Kunzru: And a very serious change too?

Mr. G. S. Bajpai: That, Sir, is a matter of opinion.

Pandit Hriday Nath Kunzru: Is the Honourable Member aware, since he has admitted the truth of part (b) of the question, that British Guiana has practically no constitution now and that legislation can be really passed by executive decree?

Mr. G. S. Bajpai: That again is a question of the interpretation of the constitution. I am quite prepared to leave the Honourable Member to his opinion of the matter.

Pandit Hriday Nath Kunzru: Then, Sir, since so serious a change in the constitution was involved, may I know what representations the Government of India made to His Majesty's Government in regard to a colony where about 42 per cent. of the population is Indian?

Mr. G. S. Bajpai: I have already stated that the Government of India considered fully the changes contemplated by the constitution and decided that there was no element of differentiation sufficient to justify their making any representations to His Majesty's Government. The power of special legislation, to which the Honourable Member refers, is obviously and admittedly such an emergent power of legislation that it is not likely to be exercised ordinarily, and the occasion for the Government of India to make

any representations in regard to the exercise of that power would arise only if the power is exercised to enact legislation which would justify representations being made.

Pandit Hirday Nath Kunzru: May I remind the Honourable Member again that he undertook to make representations to the British Government not only when there was differentiation against Indians, but even if a principle of a change in the constitution was involved?

Mr. G. S. Bajpai: All that I undertook—I took the trouble this morning to read up my answer because I knew my Honourable friend would face me with it—on that occasion was that if the Government of India on consideration of the whole position came to the conclusion that the principle of the change in the constitution justified in Indian interests a representation being made to His Majesty's Government, such representation would be made. The only inference which my Honourable friend can draw from what I have stated to-day is that the Government of India did not consider the principle of the change of sufficient importance to justify a representation.

Pandit Hirday Nath Kunzru: The constitution having been seriously changed, what justified the Government of India in thinking that no representations ought to be made when 42 per cent. of the population of the colony was Indian in composition?

Mr. G. S. Bajpai: The answer to that is that the Government of India did not consider that either the principle or the details of the change made such difference to the status of the Indian community as to involve a differentiation compared with the status of any other community in the colony.

Pandit Hirday Nath Kunzru: Is the Honourable Member aware that the Government gave two distinct undertakings—one that it would make a representation when differentiation was made against Indians, and the other that it would interest itself if the principle of a change of constitution was involved? Should not, then, the second ground be treated differently from the first?

Mr. G. S. Bajpai: I have explained already that the Government of India did not give the undertaking that no matter whether the principle of the change justified intervention or not, a representation would be made. All that I said was that if the Government of India considered that the principle of the change justified representation being made, representations will be made.

Pandit Hirday Nath Kunzru: Did not the Government of India think that they would be justified in making representations with regard to the change of the constitution of a colony where about 42 per cent. of the population is Indian?

Mr. G. S. Bajpai: I think I had better explain to my Honourable friend quite clearly that the Government of India perhaps do not, like the Honourable Member, to quote a phrase of Burke, "venerate what perhaps some are unable to comprehend."

Pandit Hirday Nath Kunzru: Did the Honourable Member then give his reply on the 6th February, 1928, only to burke discussion?

Mr. G. S. Bajpai: The Honourable Member's capacity for punning stands vindicated by what he has said just now, but so far as the representation of my intentions or object in giving that answer is concerned, the Honourable Member is not strictly accurate.

Pandit Hirday Nath Kunzru: Are the Honourable Member's intentions to be judged from the words he uses or from what he has in his own mind, which he fails to express?

Mr. G. S. Bajpai: I am quite prepared to let anybody read my answer and then infer for himself as to whether the answer which I have given to-day marks in any way a departure either from truth or from the duty of Government.

Pandit Hirday Nath Kunzru: May I, with your permission, Sir, read out the answer which the Honourable Member gave then?

PROTECTION OF THE GOOR MANUFACTURING INDUSTRY IN INDIA FROM COMPETITION FROM JAVA.

397. ***Mr. Mukhtar Singh:** (a) Is it a fact that some sugar experts are coming to India from Java to learn the manufacture of *goor*?

(b) If the answer be in the affirmative, will the Government be pleased to state the measures adopted to protect the Indian cultivator from this impending danger?

(c) Have Government made any enquiries as to how far the Indian cultivator will suffer if *goor* is imported from Java into India? If the answer be in the affirmative, will the Government lay on the table the result of such an enquiry? If the answer be in the negative, do Government propose to make an enquiry now?

(d) Will the Government be pleased to state the facilities provided for these experts by the Imperial and the Local Governments? Have the Government of India addressed any letter to the Local Government in this behalf? If so, will the Government be pleased to lay on the table a copy of this letter?

(e) Have Government taken any steps to improve the manufacture of *goor* in this country on the lines recommended by the Sugar Committee?

Mr. G. S. Bajpai: (a) The Agricultural Adviser was expected to visit India in the course of the present cold weather with a view to studying questions relating to the Indian sugar industry, but does not appear to have arrived in the country yet.

(c) Government have not made any enquiries so far as to the effect of a possible import of *goor* into India. This question will probably receive the attention of the Sugar Sub-Committee of the Agricultural Research Council, which it is hoped will be set up in the near future, if the question is considered to be of sufficient importance.

(b) and (d). Government do not regard the visit of the expert as a danger to the *goor* industry. Nor, I am sure, will the Honourable Member take exception to the request which the Government of India have

addressed to Local Governments to afford the visitors such facilities as they might require. This is merely a return of courtesy due from India for the facilities which the Government of the Netherlands East Indies extended to the Indian Sugar Committee when that Committee visited Java.

(e) The recommendations made by the Indian Sugar Committee on the subject of the manufacture of *goor* were brought to the notice of the Local Governments. The problem will, it is hoped, come under review again by the Agricultural Research Council or its Sugar Sub-Committee.

RATE OF EXCHANGE AT WHICH OVERSEAS ALLOWANCES ARE PAID TO EUROPEAN MEMBERS OF THE SERVICES.

398. ***Mr. Mukhtar Singh:** Will the Government be pleased to state the rate of exchange at which the overseas allowance is paid to the European members of the services? Has the rate been reduced to one shilling and six pence from the time the exchange was fixed by law? If not, why not?

The Honourable Mr. J. Orerax: The overseas pay drawn by members of certain superior services of non-Asiatic domicile was fixed in sterling, and the amount was therefore not affected by the stabilisation of the rupee at 1s. 6d.

DISCOVERY OF A NEW VARIETY OF SUGARCANE IN JAVA.

399. ***Mr. Mukhtar Singh:** Has the attention of the Government been drawn to the discovery of a new variety of cane in Java which will reduce the cost of sugar production by 20 per cent.? If the answer be in the affirmative, will the Government be pleased to state the steps taken to import this cane into India and to study if this cane can be successfully grown in this country?

Mr. G. S. Bajpai: Yes. The Sugarcane Expert to the Government of India has already imported the new variety of cane and is growing it at the Sugarcane Breeding Station, Coimbatore, in order to study its behaviour under Indian conditions.

SHORT NOTICE QUESTION AND ANSWER.

EARLY SUBMISSION OF THE REPORT OF THE AGE OF CONSENT COMMITTEE.

Sir Darcy Lindsay: I thank you, Sir, for according me permission to ask a short Notice Question. (a) In view of the fact that the Legislative Assembly has decided that the consideration of Rai Sahib Harbilas Sarda's Hindu Child Marriage Bill be postponed until the Report of the Age of Consent Committee becomes available to the Members of the House, are Government prepared to impress upon the Age of Consent Committee the urgent importance of completing their Report at a very early date in order that it may be in the hands of Members well before the next Simla Session of the Legislative Assembly?

(b) Do Government intend to secure an early date in the Simla Session for the consideration of the Bill?

The Honourable Mr. J. Orerar: The reply to both parts of the question is in the affirmative.

Pandit Hirday Nath Kunzru: Sir, on the opening day of this session I asked the Government whether they would not be in a position to allot a day for the discussion of the Hilton Young Report on the closer union of the East and Central African territories, and I want to know whether. . .

Mr. President: Order, order. That question does not arise at this stage.

Pandit Hirday Nath Kunzru: I want to know whether Government are now in a position to say whether they can allot a day for the discussion of this Report.

UNSTARRED QUESTIONS AND ANSWERS.

MEMORIAL TO THE VICEROY FROM THE STATION SERVICE TELEGRAPHISTS OF MADRAS.

169. **Mr. N. M. Joshi:** Will Government be pleased to state:

(a) Whether they have received the memorial addressed to the Viceroy from the Director General, Posts and Telegraphs, submitted by the Station Service Telegraphists of the City of Madras, praying the Government to increase the minimum as well as the maximum pay of the Station Service, as was done in the Calcutta Office?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state their decision in the matter?

Mr. H. A. Sams: (a) Yes, the memorials submitted in August 1928 were received.

(b) The prayer of the memorialists was rejected.

GRIEVANCE OF CERTAIN EMPLOYEES OF THE TELEGRAPH DEPARTMENT RECRUITED FROM THE POST OFFICE.

170. **Mr. N. M. Joshi:** With reference to the reply given to my unstarred question No. 180 on 4th September, 1928, regarding the counting of the total length of the postal service in granting increments to the postal recruited men, will Government be pleased to state the grounds on which they refused to reconsider the grievance of a small section while they have granted increments to the members of other branches of the same service including the Post Office?

The Honourable Sir Bhupendra Nath Mitra: The Honourable Member is referred to the reply given in this House on the 28th February 1925 to part (d) of Mr. M. K. Acharya's unstarred question No. 207.

GRANT OF INCREMENTS TO TELEGRAPHISTS DOING CLERICAL WORK.

171. **Mr. N. M. Joshi:** (a) Will Government be pleased to state whether they have granted increments for the telegraphists who do continuous clerical duties for years together, according to the scale granted to the telegraphists?

(b) If the answer to (a) be in the affirmative, will Government be pleased to state why the past services of the postal recruited telegraphists should not be considered in granting increments in the Telegraph Department, simply because they have done a part of their duty in the post office?

The Honourable Sir Bhupendra Nath Mitra: (a) Periodical increments are granted to telegraphists in the ordinary way according to the scale fixed for such staff, whether the work assigned to them be, as it may, either of the operative or a non-operative kind.

(b) There is no connexion between this and the refusal of Government to fix the initial pay of postal recruited telegraphists with reference to their previous service in the postal branch, as to which I have just answered another question by the Honourable Member.

GRANT OF INCREMENTS TO EMPLOYEES IN THE TELEGRAPH DEPARTMENT BASED ON PAST SERVICE IN THE POST OFFICE.

172. **Mr. M. M. Joshi:** Will Government be pleased to state:

- (a) If it is a fact that the Director-General of Posts and Telegraphs issued a circular under his No. 87-D. E. S. D.-41-21, stating that the previous services of a clerk on transfer from one branch to another in the Postmaster General's office, Dead Letter office, Railway Mail Service, Postal Audit, and Telegraph Offices, should be recognised and calculated for purpose of time-scale promotion?
- (b) If it is a fact that local service men were granted increments when they were transferred to the general service?
- (c) If the reply to (a) and (b) be in the affirmative, will Government be pleased to state the reasons why they should not grant increments for the past services of the postal recruited men in the Telegraph Department?

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

(c) I refer the Honourable Member to the answers given to his previous questions on the same subject. The cases cited by him are not on all fours with that of the postal recruited staff.

GRANT OF PENSIONS TO MISTRIES.

173. **Mr. M. M. Joshi:** (a) With reference to the reply to my unstarred question No. 181 on the 4th September, 1928, regarding the grant of pensions to mistries, will Government be pleased to state whether they have arrived at any decision in the matter?

(b) If the reply is in the affirmative, will they be pleased to state what it is?

(c) If the reply is in the negative, what objection is there to grant pensions to this class of men such as are allowed to other subordinates of the same service, according to the Civil Service Regulations?

(d) Are Government likely to arrive at an early decision to redress this acute grievance?

The Honourable Sir Bhupendra Nath Mitra: (a) No.

(b) Does not arise.

(c) The matter is under investigation as part of the general question affecting all the non-pensionable staff in the Posts and Telegraphs Department.

(d) Steps are being taken to arrive at as early a decision as possible.

EDUCATIONAL QUALIFICATIONS OF CLERKS APPOINTED TO THE TELEGRAPH DEPARTMENT, MADRAS CIRCLE.

174. Mr. N. M. Joshi: With reference to the reply given to my unstarred question No. 184 (c) on the 4th September, 1928, regarding the test examination for appointing clerks in the Madras Circle, will Government be pleased to state the reasons for appointing men who have neither school final nor university qualifications in the Telegraph Department, when men with university qualifications were available?

The Honourable Sir Bhupendra Nath Mitra: Because these men did exceptionally well in the departmental competitive examination and beat those with university qualifications.

NUMBER OF CLERKS APPOINTED TO THE TELEGRAPH DEPARTMENT IN CERTAIN OFFICES.

175. Mr. N. M. Joshi: Will Government be pleased to state the number of men that have been appointed as clerks in the Telegraph Department after 28th June, 1928 (a) in the Madras Office, (b) in the offices excluding Madras in the whole circle and (c) the number of those out of successful candidates that have not been given appointments as yet?

Mr. H. A. Sams: (a) Eleven.

(b) Nine.

(c) Five.

LOSS SUSTAINED BY TELEGRAPH MESSENGERS BY COUNTING AS ONE DELIVERY SEVERAL TELEGRAMS SENT TO THE SAME ADDRESS.

176. Mr. N. M. Joshi: With reference to the reply given to the starred question No. 295 on 10th September, 1928, regarding the loss sustained by the Telegraph messengers by limiting the number of telegrams as admitted by the Government, will Government be pleased to state the Post Office Regulation by which it is said that the procedure, which had grown up in a few Circles was irregular?

The Honourable Sir Bhupendra Nath Mitra: It is regretted that the reply given to the Honourable Member's supplementary question, asked in continuation of his starred question No. 295 on the 10th September, 1928, was not strictly accurate. Before the issue of the Director-General's Traffic Circular of 9th May 1928, there was no rule to regulate the payment for delivery of more than one message for the same addressee in the same place. The Director-General proposes to reconsider that Circular, which, though not unreasonable, may perhaps require some modification.

INCREASE OF PAY OF TASK WORK MESSENGERS.

177. **Mr. N. M. Joshi:** (a) With reference to paragraph XIII of the proceedings of the Standing Finance Committee of 31st January, 1928, page 596, regarding the increase of pay of taskwork messengers, will Government be pleased to state whether they have come to any final conclusion as recommended by the Committee?

(b) If the reply be in the affirmative, will they be pleased to state the decisions that have been reached?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). No decision has yet been reached.

GRANT OF HOUSE-RENT ALLOWANCE TO LOCAL SERVICE TELEGRAPHISTS APPOINTED AFTER 1913.

178. **Mr. N. M. Joshi:** (a) Will Government be pleased to state whether they are aware of the fact that the general service telegraphists and also the local service telegraphists appointed before 1918 have been granted house-rent allowance?

(b) If the reply be in the affirmative, will Government be pleased to state why there should be any distinction between local service telegraphists, appointed before and after 1913, in the matter of house-rent allowance? Is it a fact that the local service telegraphists appointed after 1913 are also liable to transfers within the Circle like those who were appointed before 1913?

Mr. H. A. Sams: (a) Yes.

(b) Before 1st March, 1913, all *non-Indian* telegraphists, whether in the General or Local Service, were granted house-rent allowance in lieu of free quarters, but Indian telegraphists were not. On representation it was decided that, from the 1st March 1913, the house-rent allowances admissible in lieu of free quarters, would be granted, irrespective of race, to telegraphists in the General Service, and that the allowances would continue to be drawn by non-Indian telegraphists in the Local Service, who were eligible for them under the former rules, but would be withheld from telegraphists, of whatever race, appointed to the Local Service after the 1st March, 1913. On the recommendation of the Telegraph Committee of 1921, it was decided in 1925 that the distinction maintained in the case of Local Service telegraphists should cease, and that all Local Service telegraphists—Indians and non-Indians,—who were in the service on the 1st March, 1913, and who would continue in the Local Service without being transferred to the General Service, should be granted house-rent allowances in lieu of free quarters. The Committee did not recommend the grant of house-rent allowances to the Local Service telegraphists recruited after the 1st March, 1913, mainly because they entered service on the distinct understanding that they would get no free quarters or house-rent allowance in lieu. The reply to the second part is in the affirmative.

EXTENSION OF AGE LIMIT FOR APPOINTMENT OF TELEGRAPHISTS.

179. **Mr. N. M. Joshi:** (a) Will Government be pleased to state if twenty-five years as the age limit has been prescribed by the Government for prospective Government servants?

(b) If the reply be in the affirmative, is it a fact that the same rule has not been applied for men who enter the Telegraph Service as telegraphists, and that the age limit for men who apply for Telegraph Service as telegraphists has been fixed between sixteen and twenty? If so, will Government please state the reason for this?

(c) Will Government be pleased to state whether they will reconsider their new rule? Is it a fact that no recruitment was made since 1920?

(d) Will Government be pleased to state whether they are prepared to consider the question of granting exemption of age limit, at least for the next recruitment, which is expected shortly?

Mr. H. A. Sams: (a) Yes: ordinarily for superior pensionable service.

(b) The age of between 16 and 20 has been specially chosen to allow of securing operatives whose hands and wrists are at this age sufficiently flexible for the purely manipulative work required of telegraphists. It is almost impossible to secure good operatives if trained after the age of 20.

(c) The rule is not a new one, nor is Government prepared to reconsider it. It is not a fact that no recruitment has been made since 1920.

(d) No.

INCREASE OF YEARLY INCREMENTS OF TELEGRAPHISTS IN THE STATION SERVICE OF MADRAS.

180. **Mr. N. M. Joshi:** (a) Will Government be pleased to state whether they are considering the increase in the yearly increments of the telegraphists in the station service in the City of Madras? Is it a fact that Government have increased the increments of munshis and clerks by Rs. 5 and Rs. 6 respectively?

(b) If the reply be in the negative, will Government be pleased to state the reasons why they do not consider the necessity of increasing the yearly increments?

Mr. H. A. Sams: (a) The reply to the first part is in the negative. As regards the second part, the rates of increments for clerks in Madras City have been raised to Rs. 6 up to the stage of Rs. 100 and thereafter fixed at Rs. 5. In the case of munshis the increments have been raised to Rs. 5 throughout.

(b) While revising the scales of pay of Station Service telegraphists generally in May last, it was found that the initial pay of the scale already in existence in Madras City for that class of official, was more favourable than that which would have been admissible according to the principle adopted in fixing the scales of pay of Station Service telegraphists in relation to those sanctioned for postal clerks.

EXTENSION OF RELIEF TIME FOR MEALS FOR TELEGRAPHISTS.

181. **Mr. N. M. Joshi:** (a) Will Government be pleased to state whether they are aware of the fact that thirty minutes is the tiffin time allowed to officials in the Government offices other than Telegraph?

(b) Is it a fact that telegraphists are allowed only thirty minutes as relief time for regular dinner or supper? Are Government prepared to consider the extension of such time?

The Honourable Sir Bhupendra Nath Mitra: (a) Government have issued no orders on the subject, though it is the common practice in Government offices to allow those clerks who particularly require it, some relaxation for meals when this can conveniently be arranged.

(b) The present relief time allowed to telegraphists, namely, half an hour for a term of duty exceeding 6 hours, has been fixed after very careful consideration, and Government do not consider it necessary to extend this period.

**STATION MASTERS ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY
DISCHARGED AS MEDICALLY UNFIT.**

182. **Mr. N. M. Joshi:** (a) Will Government be pleased to state (i) if some station masters on the Madras and Southern Mahratta Railway were discharged, being found medically unfit for one defect or another, although they had put in 26 or 28 years of service (ii) if it is a fact that these discharged men were not retained in spite of requests in other departments?

(b) Will Government be pleased to state the reasons why a man thus found medically unfit should not be put in some other job on the same pay where the particular defect would not matter?

(c) Do Government propose to issue instructions to the Agents in this matter?

Mr. A. A. L. Parsons: Enquiries are being made and the Honourable Member will be informed of the result in due course.

**CLOSING TO SUBORDINATES OF THE HIGHER APPOINTMENTS IN THE
ELECTRICAL BRANCH OF THE TELEGRAPH DEPARTMENT.**

183. **Mr. N. M. Joshi:** (a) Will Government be pleased to state whether they are aware of the fact that, by closing down the higher appointments to the subordinates of the electrical branch in the Telegraph Department, the prospects and promotions of the subordinates of this branch have been adversely affected, while the subordinates of both traffic and engineering (outdoor) branches have chances of promotion to the first division?

(b) If the reply to (a) be in the affirmative, will Government be pleased to state the reasons why the promotion of the subordinates of the electrical branch (indoor engineering) has been stopped?

Mr. H. A. Sams: (a) No. The action mentioned has not been taken.

(b) Does not arise.

**PROMOTION OF SUBORDINATES OF THE ELECTRICAL BRANCH OF THE
TELEGRAPH OFFICE AS JUNIOR AND SENIOR ELECTRICIANS.**

184. **Mr. N. M. Joshi:** (a) Will Government be pleased to state whether they are aware of the fact that first division appointments of junior and senior electricians in the Telegraph Department were held by the subordinates of the electrical branch from 16th December, 1916 to 20th October, 1928?

(b) If the answer to (a) be in the affirmative, will the Government be pleased to state whether it is a fact that the above subordinates have now been deprived of their legitimate prospects and promotions to the first division after 20th October, 1928? If so, why?

Mr. H. A. Sams: (a) The fact is not altogether as stated by the Honourable Member. During the major portion of the period referred to by him the two posts in question happened to be held by officers who had been promoted from the electrical branch; these posts are filled by suitable officers of the Superior Telegraph Engineering Service, whether they were promoted to it from the electrical or any other branch of the engineering side, or are officers directly recruited to that Service. They are not intended to be filled exclusively by officers promoted from the electrical branch.

(b) The answer to the first part is in the negative. The second part does not arise.

GRANT OF HELP TO THE WIDOW OF GANPATI AYER.

185. **Mr. N. M. Joshi:** With reference to the reply given to my unstarred question No. 174 on 4th September, 1928, regarding grant of help to the widow of Ganpati Ayer, will Government be pleased to state the decision now arrived at in that case?

Mr. H. A. Sams: The matter is still under consideration.

CREATION OF LABOUR EXCHANGES IN INDIA.

186. **Mr. N. M. Joshi:** (a) With reference to the reply given to my starred question No. 258 on 4th September, 1928, regarding labour exchanges, will Government be pleased to say if they have received replies from the Local Governments?

(b) If the reply be in the affirmative, will Government be pleased to keep a copy of the correspondence in the Library?

(c) Will Government be pleased to state what action they would be pleased to take on the matter?

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

(b) and (c). As the Honourable Member is aware, Government hope to discuss this matter with the Standing Advisory Committee attached to the Department of Industries and Labour. Copies of the correspondence will be supplied to the members of that Committee. Government do not consider it necessary to place a copy in the Library.

SICKNESS INSURANCE.

187. **Mr. N. M. Joshi:** (a) With reference to the reply given to my starred question No. 259 regarding sickness insurance, will Government be pleased to state if they have received any replies from the Local Governments?

(b) Will Government be pleased to state whether any Local Governments have appointed Committees to go into the matter?

The Honourable Sir Bhupendra Nath Mitra: (a) No.

(b) The information required by the Honourable Member will not be available until the Local Governments' replies are received.

APPOINTMENT OF A PERMANENT INDIAN REPRESENTATIVE AT GENEVA.

188. **Mr. N. M. Joshi:** With reference to the reply given to my starred question No. 260 regarding the appointment of Indian representatives at Geneva, on 8th September, 1928, will Government be pleased to state the alternative proposals framed by the High Commissioner?

Mr. L. Graham: The High Commissioner's proposals have not been received.

PROMPT PAYMENT OF WAGES.

189. **Mr. N. M. Joshi:** (a) With reference to the reply given to my starred question No. 268 regarding prompt payment of wages, on 8th September, 1928, will Government be pleased to state if they have arrived at any decision?

(b) If the reply to (a) be in the affirmative, will Government be pleased to state what it is?

The Honourable Sir Bhupendra Nath Mitra: (a) No.

(b) Does not arise.

EDUCATION OF THE CHILDREN OF RAILWAY EMPLOYEES IN INDIA.

190. **Mr. N. M. Joshi:** (a) With reference to the reply given to my starred question No. 264 regarding education of the children of Railway employees, on 8th September, 1928, will Government be pleased to state if they have consulted the Central Advisory Council for Railways, in that matter?

(b) If the reply to (a) be in the affirmative, will Government be pleased to state if they have come to any decision?

(c) If the reply to (b) be in the affirmative, will Government be pleased to state what the decision is?

(d) If the reply to (a) be in the negative, will Government be pleased to state the reason for delaying the matter?

The Honourable Sir George Rainy: (a) Yes.

(b) and (c). The Central Advisory Council for Railways approved generally, and with certain modifications in detail, the scheme which was placed before them by Government; and the present position is that enquiries are being made from railway administrations with regard to certain details of the scheme and to ascertain their views on it generally.

AMENDMENT OF WORKMEN'S COMPENSATION ACT.

191. **Mr. N. M. Joshi:** (a) With reference to the reply to my starred question No. 266, regarding the amendment of the Workmen's Compensation Act, on 8th September, 1928, will Government be pleased to state if they have addressed the Provincial Governments in the matter?

(b) If not, why not?

The Honourable Sir Bhupendra Nath Mitra: (a) The answer is in the affirmative.

(b) Does not arise.

LEAVE AND PENSION RULES FOR INFERIOR SERVANTS OF THE GOVERNMENT OF INDIA.

192. Mr. N. M. Joshi: (a) With reference to the reply to my starred question No. 268, on 8th September, 1928, regarding leave and pension rules applicable to inferior servants, will Government be pleased to state if they have made any progress in the matter?

(b) Will Government be pleased to state if they have come to any decision as regards leave?

The Honourable Sir George Schuster: (a) and (b). The Honourable Member is referred to the answer given to unstarred question No. 86, asked by Khan Bahadur Sarfaraz Hussain Khan at this session.

GRIEVANCES OF EMPLOYEES IN THE LILLOOAH WORKSHOPS, EAST INDIAN RAILWAY.

193. Mr. N. M. Joshi: (a) With reference to my starred question No. 271, on 8th September, 1928, regarding the grievances of the men employed in the Lillooah Workshops, will Government be pleased to state if the enquiry of the Agent into the housing conditions of the workmen there has been completed?

(b) If the reply to (a) be in the affirmative, will Government be pleased to state the result of the enquiry?

Mr. A. A. L. Parsons: (a) and (b). The Honourable Member is referred to the reply given to unstarred question No. 67 by Khan Bahadur Sarfaraz Hussain Khan on 28th January, 1929.

GRANT OF FAMILY TRAVELLING ALLOWANCE TO DUFTRIES.

194. Mr. N. M. Joshi: (a) With reference to the reply to my starred question No. 277, on 8th September, 1928, regarding the grant of family allowance to duftries during the moves of Government between Delhi and Simla, will Government be pleased to state whether they have arrived at any decision in the matter?

(b) If the reply to (a) be in the affirmative, will Government be pleased to state what it is?

(c) If the reply be in the negative, will they be pleased to state the reasons for the delay?

The Honourable Mr. J. Orerar: (a) The answer is in the negative.

(b) Does not arise.

(c) It has been necessary to secure the opinions of all the Departments on the question whether the grant of these concessions is justified.

REPRESENTATION OF WORKERS AT ENQUIRIES INTO ACCIDENTS IN MINES,

195. **Mr. N. M. Joshi:** (a) With reference to the reply to part (c) of my starred question No. 284 regarding representation of workers at enquiries into accidents in mines, on 8th September, 1928, will Government be pleased to state whether they have come to any decision about steps to be taken for ensuring such representation?

(b) If the reply to (a) be in the affirmative, will Government be pleased to state what the decision is?

(c) If the reply to (a) be in the negative, will they be pleased to say when they would possibly come to a decision?

The Honourable Sir Bhupendra Nath Mitra: (a) No.

(b) Does not arise.

(c) Government are not yet in a position to say when a decision is likely to be reached.

ADMINISTRATION OF FINES FUNDS ON RAILWAYS.

196. **Mr. N. M. Joshi:** With reference to the reply to supplementary question to my starred question No. 298 regarding administration of the fines fund on Railways, will Government be pleased to state if they have considered the question of issuing a report on the administration of the fines fund?

Mr. A. A. L. Parsons: The Honourable Member's suggestion has not been overlooked and will be considered in connection with a proposal now under consideration to form a Railway Staff Benefit Fund in lieu of the Fine Fund.

APPOINTMENT OF INDIANS AS WIRELESS OPERATORS.

197. **Mr. N. M. Joshi:** With reference to the reply to supplementary question to my starred question No. 301, on 10th September, 1928, regarding Indian Wireless operators, will Government be pleased to state if any steps have been taken to select Indians from different provinces?

The Honourable Sir Bhupendra Nath Mitra: Volunteers were called for from all provinces, but the final selections were made so as to secure the best men, and not on the basis of provincial representation.

ADMINISTRATION OF FINES FUNDS ON RAILWAYS.

198. **Mr. N. M. Joshi:** (a) Will Government be pleased to state whether they have discussed with Agents the question of associating employees with the Railway management in the administration of the fines fund?

(b) If the reply be in the affirmative, will Government be pleased to state if any decision has been arrived at, and if so, what it is?

(c) If the reply to (a) be in the negative, will Government be pleased to state when they would consult the Agents, as promised last year on the 28th February?

Mr. A. A. L. Parsons: The question was discussed with Agents last October, and model draft rules for a railway staff benefit fund, to which the balances of the existing fine fund and all future receipts from fines will be credited, are about to be forwarded to railway administrations for their considered opinions. Final decision will be reached when their opinions have been received.

RESTRICTION OF RECRUITMENT IN THE POSTAL DEPARTMENT OF BOMBAY.

199. **Mr. N. M. Joshi:** With reference to the reply given to my starred question No. 565 on 17th September, 1928, regarding the restriction of recruitment in the Postal Department in Bombay, will Government be pleased to state if they have modified the orders so as to allow recruitment in Bombay from any part of the Bombay Presidency?

The Honourable Sir Bhupendra Nath Mitra: The matter is still under the consideration of the Director-General.

HOUSE-RENT ALLOWANCE FOR SUB-POST MASTERS.

200. **Mr. N. M. Joshi:** With reference to the reply to my starred question No. 567 on 17th September, 1928, regarding house-rent allowance for Sub-Post Masters, will Government be pleased to state if they have revised the scale of house-rent allowances for Sub-Post Masters of offices converted into selection grade sub-offices?

Mr. H. A. Sams: The matter is still under examination.

NEW LEAVE RULES FOR SUBORDINATES ON RAILWAYS.

201. **Mr. N. M. Joshi:** (a) With reference to the reply to my starred question No. 700 on 20th September, 1928, regarding new leave rules for subordinates on railways, will Government be pleased to state whether they have come to any decision?

(b) If the reply to (a) be in the affirmative, will they be pleased to state when the rules will be got out and introduced?

(c) If the reply to (a) be in the negative, do Government propose to hurry up the matter, which is said to have been under the consideration of Government since 1928?

Mr. A. A. L. Parsons: As I have stated in reply to another question, the Railway Board have agreed that subordinates on the Great Indian Peninsula Railway, who have been officiating in the superior grades for not less than three years continuously, should have their leave salary based on the average pay drawn during the previous year and not on their substantive pay. They have told the Agent of the East Indian Railway that similar action may be taken in respect of his staff.

It is hoped this action will meet the immediate needs of the situation.

CONSULTATION OF LABOUR ORGANISATIONS ON THE AGENDA OF THE INTERNATIONAL LABOUR CONFERENCE.

202. **Mr. N. M. Joshi:** (a) Are the Government of India aware that the Government of Bombay have consulted only the employers' organisations on the agenda of the forthcoming sessions of the International Labour Conferences?

(b) Will they be pleased to enquire why the Government of Bombay did not show the same courtesy to the labour organisations?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). The Government of India have no information. As they did not specifically ask Local Governments to consult associations of employers and employed generally in regard to the agenda of the next Session of the International Labour Conference, they do not propose to make any enquiry in the matter.

RECOGNITION OF THE ROYAL INDIAN MARINE DOCKWORKERS' UNION AT BOMBAY.

203. **Mr. N. M. Joshi:** Will Government be pleased to state:

- (a) Whether they are aware that the Royal Indian Marine Dockworkers' Union at Bombay has been in existence from February, 1928, and is a registered trade union of eight months standing?
- (b) Whether the Union applied to the Royal Indian Marine Director for recognition three months ago and has since been in regular correspondence with the Director in regard to the matter?
- (c) Whether the Director has submitted the rules and constitution of the Union to Government with a view to getting its recognition of the Union?
- (d) Whether it is a fact that the late Director, Captain Sir E. J. Headlam, had expressed to the Union officials his opinion in favour of the recognition of the Union?
- (e) Whether Government has communicated its decision to the Director, Royal Indian Marine, in regard to the recognition of the Union?
- (f) If not, why the matter is being delayed so inordinately?
- (g) When the recognition will be accorded?

Mr. G. M. Young: (a), (b), (c) and (d). So far as Government are aware, the facts stated are substantially correct.

(e), (f) and (g). The Flag Officer Commanding and Director Royal Indian Marine has been informed that Government are prepared to recognise the Union, provided that its rules are amended in certain respects. The matter now rests with the Union.

REINSTATEMENT OF ROYAL INDIAN MARINE DOCKWORKERS DISCHARGED IN BOMBAY.

204. **Mr. N. M. Joshi:** Will Government be pleased to state:

(a) Whether the Royal Indian Marine Dockworkers' Union has made representations to the Director regarding re-instatement of old hands discharged from the Dock?

(b) the number of old hands discharged from 1st March, 1928 to 15th January, 1929, their daily wages, their periods of service and the reasons for their discharge?

(c) whether, after the discharge of the old hands, new hands were engaged in preference to old hands discharged?

(d) whether it is a fact that the services of four men from the British India Company's Mazgaon Dock were requisitioned on or about the 5th January, 1919, two on Rs. 4-1-0 per day, and two others on Rs. 3-8-0 per day?

(e) whether any old discharged hands offered their services for the same places and were not engaged?

(f) whether it is a fact that only fifteen of the old discharged hands in the factory branch of the Dock have been re-engaged and a few were offered reduced wages, while many more new hands have been employed in the same branch on a decent scale of wages?

(g) whether it is a fact that old hands entitled to promotion to higher places as chargemen are generally ignored, and raw, inexperienced hands are brought from outside to fill up such places? If not, do Government propose to institute an enquiry into the whole question of recruitment and discharge of the dockworkers with a view to improve matters?

(h) whether it is a fact that a number of workers recruited as fitters in the factory branch are working as clerks, and that the number of such clerks is much greater now than in the war period?

(i) whether the names of such clerks are entered in the muster as clerks or fitters?

(j) whether the Director is aware of these practices and methods prevailing in the Docks?

Mr. G. M. Young: I propose, with your permission, Sir, to reply to questions 204 to 207 together. The information desired by the Honourable Member is being obtained and will be communicated to him in due course.

CREATION OF A PERMANENT ESTABLISHMENT OF DOCKWORKERS FOR THE INDIAN NAVY.

†205. **Mr. N. M. Joshi:** (a) Will Government be pleased to state for how long the dock has been in existence?

(b) Are the dockworkers, even after serving for 25 or 30 years, treated as temporary hands?

(c) Does such temporary nature of service obtain in other departments of Government?

(d) Are Government prepared to consider the question of making the dockworkers' establishment permanent, consequent on the transformation of the Royal Indian Marine into the Indian Navy?

(e) Is any scheme under contemplation or in preparation?

(f) If the scheme is ready, will Government be pleased to place it on the table?

PAYMENT OF GRATUITIES TO ROYAL INDIAN MARINE DOCKWORKERS.

†206. **Mr. N. M. Joshi:** Will Government be pleased to state:

(a) whether every case of the Royal Indian Marine dockworkers' claim for gratuity is referred by the Royal Indian Marine Director to the Government of India for sanction?

† For answer to this question, see answer to question No. 204.

- (b) whether there is no definite settled scheme authorising the payment of gratuities by the Directory?
- (c) the number of dockworkers that received gratuities during the last two years and the total amount paid?
- (d) the scale, if any, for payment of gratuities?
- (e) the number of cases that were represented by the Royal Indian Marine Dockworkers' Union to the Director for payment of gratuity and the claims, if any, paid out of the lot represented?

PROVIDENT FUND FOR DOCKWORKERS.

+207. **Mr. N. M. Joshi:** Have Government prepared any scheme for provident fund for the dockworkers? If not, do Government propose to introduce it?

NEW AIR ROUTE TO INDIA.

208. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Statesman* of January 15, 1929, page 9, under the heading "New air route to India—Plans complete—London to Karachi in six days—Empire Service"?

(b) If so, will Government please state if the heading of the paragraph, namely, "New air route to India—Plans complete—London to Karachi in six days—Empire service" represents the true state of affairs?

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

(b) Government have no definite information, but they understand that the position in regard to the proposed London-Karachi Air service is as indicated in the article referred to.

ADMISSION OF CANDIDATES FROM BIHAR AND ORISSA FOR TRAINING ON THE "DUFFERIN".

209. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the report published in the issue of the *Statesman* of January 15, 1929, page 10, under the heading "Dufferin Cadets—Candidates for 3-year course of training"?

(b) If so, will they please state if the report published therein is correct?

(c) Will Government please state in what manner candidates for the qualifying examination for the mercantile marine ship "Dufferin" are admitted?

(d) Can Government please also state the reasons why no candidates from the Province of Bihar and Orissa appear in the examination, while candidates from other provinces, mentioned in the report, are among the candidates?

The Honourable Sir George Rainy: (a) Government have seen the report.

(b) The report is generally correct, except that the number of candidates selected is 35 and not 33.

(c) The information is given in the Prospectus of the Indian Mercantile Marine Training Ship "Dufferin", a copy of which is available in the Library of the Legislature.

(d) Two candidates from the Province of Bihar and Orissa appeared at the last qualifying examination.

APPOINTMENT OF BIHAREES TO POSTAL CIRCLES IN BIHAR AND ORISSA.

210. Khan Bahadur Sarfaraz Hussain Khan: (a) Is it a fact that in the Bihar and Orissa Postal Circle, out of the nine postal and two Railway Mail Service divisions, only one division is in charge of a Biharee?

(b) If so, will Government be pleased to state why the Biharees are so poorly represented in their own province?

(c) Will the Government be pleased to state if a similar state of affairs is existing in any other Postal Circle in India?

Mr. H. A. Sams: (a) Yes.

(b) Because suitable Biharee candidates have not been forthcoming for the post of Superintendent.

(c) Yes, in the Sind and Baluchistan Circle.

NUMBER OF POSTAL DIVISIONS IN BENGAL AND THE UNITED PROVINCES IN CHARGE OF OFFICERS FROM THOSE PROVINCES.

211. Khan Bahadur Sarfaraz Hussain Khan: Will the Government please quote the number of postal divisions in the neighbouring Provinces of Bengal and the United Provinces, and state how many of the total number of divisions are in charge of the officers of their own provinces, and how many are in charge of officers belonging to other provinces?

Mr. H. A. Sams:

Province.	Total number of Postal Divisions.	No. of Divisions in charge of officers of their own province.	No. of Divisions in charge of officers belonging to other provinces.
Bengal	25	17	4
United Provinces	15	6	7

The above figures exclude Divisions in charge of European or Anglo-Indian Officers.

TRANSFERENCE TO BENGAL OF A BIHAREE SUPERINTENDENT OF POST OFFICES.

212. Khan Bahadur Sarfaraz Hussain Khan: (a) Is it a fact that the general principle of the Postal Department is to keep the officers in their own provinces as far as possible?

(b) If so, will Government please state the consideration which necessitated the recent transfer of a Biharee Superintendent from the Province of Bihar and Orissa to the Province of Bengal?

Mr. H. A. Sams: (a) No. Gazetted officers of the Posts and Telegraphs Department are liable to be posted to any part of India or Burma.

(b) Does not arise.

NUMBER OF BIHAREE OFFICERS IN THE POSTAL SERVICE IN BIHAR AND ORISSA.

213. Khan Bahadur Sarfaraz Hussain Khan: Will the Government be pleased to state the total number of Biharee officers in the Postal Service in the Province of Bihar and Orissa?

Mr. H. A. Sams: It is presumed that the Honourable Member's question refers to Gazetted officers. The number of such officers in the Postal Service in Bihar and Orissa who are Biharees is three.

INCREASED REPRESENTATION OF BIHAREES IN THE POSTAL SERVICE IN BIHAR AND ORISSA.

214. Khan Bahadur Sarfaraz Hussain Khan: (a) Is it a fact that, in Bihar and Orissa, the number of Bengalees as officers in the Postal Service predominates, and still more officers from Bengal have lately been brought to the Province of Bihar and Orissa?

(b) If so, will Government please state the reasons?

(c) Are Government prepared to consider the desirability of issuing orders that the Biharees are properly represented in their own province?

The Honourable Sir Bhupendra Nath Mitra: (a) It is understood that the Honourable Member means "gazetted" officers in the Posts and Telegraphs Department. If so, the reply is in the affirmative.

(b) Gazetted Officers in the Posts and Telegraphs Department are liable to serve anywhere in India, and their postings are made in accordance with the requirements of the service only. The abolition of the Eastern Circle, Railway Mail Service, with effect from the 1st January, 1929, and the transfer to the Bihar and Orissa Circle of the posts of Deputy Postmaster-General and two Divisional Superintendents, all of which happen to be held by Bengalees, is responsible for bringing three more Bengalee Officers on to the cadre of the Bihar and Orissa Circle.

(c) The Posts and Telegraphs Department is not organised on a provincial basis. Government do not propose to issue orders as suggested.

THE COMMITTEE ON PUBLIC PETITIONS.

Mr. President: Under Standing Order 80 of the Legislative Assembly Standing Orders I have to appoint a Committee on Public Petitions. I have, therefore, to announce that the following Honourable Members will form the Committee:

Mr. Dwarka Prasad Misra.

Sir Purshotamdas Thakurdas.

Mr. Dharendra Kanta Lahiri Chaudhury.

Nawab Sir Sahibzada Abdul Qaiyum.

According to the provisions of the Standing Orders, the Deputy President, Maulvi Muhammad Yakub, will be the Chairman of the Committee.

PANEL OF CHAIRMEN.

Mr. President: In pursuance of the provisions of rule 3 of the Indian Legislative Rules I have to announce that I have nominated the following Members to be on the Panel of Chairmen:

Pandit Madan Mohan Malaviya.

Sir Darcy Lindsay.

Sir Purshotamdas Thakurdas.

Mr. Jaminadas Mehta.

THE WORKMEN'S COMPENSATION (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 Workmen's Compensation Act, 1923, for certain purposes, be referred to a Select Committee.

The Bill before the House does not propose to establish any new principle. Indeed, its underlying principle is to maintain intact the main principles of the existing Act, pending a comprehensive revision thereof, in regard to which the Government of India are in consultation with the Provincial Governments. The present Bill is limited to the removal of certain defects which have come to light in the working of the Act during the last four years, and to the extension of the benefits of the Act to certain classes of persons in cases where such extension will not conflict with any fundamental principles and has already been decided upon by the Government of India after careful inquiry. I do not propose to weary the House with the details of the Bill, which are more or less of a technical character. It will be seen from the opinions received that, generally speaking, our proposals have met with a considerable amount of support. Some of them have also evoked a certain amount of well-founded criticism. These criticisms will have to be carefully considered in the Select Committee and necessary modifications will have to be made in the Bill. The opinions received have also produced certain new proposals, and where these seek to make a change in the existing principles, or are intended to extend the benefits of the Act to

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fresh categories in whose case it is not possible for the Government of India to take the desired action without further inquiry and consultation with Provincial Governments, the proposals will have to be held over for consideration in connection with the more comprehensive revision of the Act. Sir, I move.

Mr. President: Motion moved :

"That the Bill further to amend the Workmen's Compensation Act, 1923, for certain purposes, be referred to a Select Committee."

Mr. M. S. Seaha Ayyangar (Madura and Ramnad *cum* Tinnevely : Non-Muhammadan Rural) : Sir, in accepting the principle of the Bill, I wish to emphasize one or two points for the consideration of the Select Committee. In clause 2 of the Bill the words "railway servant" have been defined. No doubt, it expands the definition of railway employees under State railways, but the Select Committee will have to take into consideration also the need of proposing an elastic definition for the one we have. I would in this connection specially refer the House to the recent decision of the Bombay High Court in *Rabia vs. Great Indian Peninsula Railway*. There, regard being had to the existing definition in the Act, the Judges were forced to hold that an employee, engaged in erecting steel towers for the purpose of carrying overhead cables for the electrification of the Great Indian Peninsula Railway, would not come under the definition of the Workmen's Compensation Act. They held that he would not be deemed to have worked in a thing which is ordinarily part of the railway company's trade or business. This decision was perhaps due to the *lacuna* in the existing Act. I would certainly emphasize the need for the Select Committee to attend to this matter particularly and see that they obviate the danger of a similar pronouncement by the High Court hereafter, restricting the scope of the Act.

Then, in the next place, I would invite the attention of the Select Committee to the important fact that there is in clause (b) an attempt to define the railway servant irrespective of the definition in the Indian Railways Act. To my mind, it appears that this might result in some anomalies in the working of the Act. I would also ask the Select Committee to consider whether it would not be desirable in the interests of the employees to obviate the danger by eliminating any reference, in the definition of "railway servant" to the existing Indian Railways Act. I would further urge the necessity of putting it beyond controversy, because the definition of "railway servant" given in clause 2 really extends to all employees under railway contractors as well. There might be cases of dual liability arising therefrom, but that is no reason why we should not extend the definition to all employees including those who are employed by the railway contractors so that they may also come under the benefits of this Act.

Then, Sir, I would urge the need of extending the definition under clause 2 to all Indian seamen, whether they are employed in the docks or on railways in docks. So much for clause 2. I would next refer to clause 4, in which it is sought to amend the existing section 5 of the Act.

12 Noon. Sub-clause (b) of the clause enunciates the method of calculation to be made. In the opinions received I find an alternative method suggested, which makes it not so rigid. That is a point I would ask the Select Committee to consider, whether it would not be expedient to put in the alternative method of calculation which makes it not compulsory.

Then, one word as regards sub-clause (b) of clause 7 of the Bill, under which, clause (b) of the proviso to section 28 of the Act is sought to be deleted. Now, that is done on the ground that it has remained a dead letter so far and therefore its elimination is justified. But may I submit to the House and through it to the Select Committee that there is a need for retaining that proviso for some time to come. We expect in the near future a growth of trade unions and there would be a need for the registration of agreements between the employer and the employed. There is good ground for thinking that in the future there might be a greater number of trade unions coming into existence and that would certainly accelerate the necessity for the use of a provision regarding registration contemplated under section 28 of the Act. Therefore, I would recommend to the Select Committee the expediency of retaining clause (b) of the proviso to section 28 of the Act. With these suggestions I would support the motion of my Honourable friend.

Diwan Ohaman Lall (West Punjab: Non-Muhammadan): While, with my Honourable friend who has just spoken, I accord my support to the principle of the amending Bill, I was disappointed to hear from the Honourable Member in charge that the Government were rather chary in extending the scope of the amending Bill, in view of the opinions that had been received. I hope I was mistaken in my estimate of what the Honourable Member said, because, if the Bill is going to be referred to a Select Committee, it is obvious that the opinions that have been expressed on the amending Bill should be taken into consideration by the Select Committee, and if there are additional categories to be added, then I do not see how that addition is going to affect the principle of the Bill and how the Select Committee can be prevented from taking into consideration those additional categories. For instance, I will give one example. It has been recommended by several people, whose opinions are recorded in the papers before us, that men working in canal works should also be given the benefit of the Workmen's Compensation Act. When this matter comes up before the Select Committee, I cannot see how it is going to prevent the Select Committee from saying that, if there is a genuine grievance on the part of canal workmen, they should also be given the benefit of the Workmen's Compensation Act. Again, unfortunately, the Government of India as a body suffers from prolonged periods of travail, but the issue is very disappointing and unsatisfactory. (Laughter.) The Workmen's Compensation Act came into existence in 1924. I think in Great Britain, nearly half a century before that Act came into existence in India, some sort of protection was available to the British workman. After half a century's experience of protective legislation in Great Britain, the British Government in India awakened to the possibility of the fact that the Indian workman also needed protection when he suffered an injury or suffered death in the course of employment. Having done so, they brought in a Bill which, in my opinion, was exceedingly unsatisfactory, and they have taken a period of five years in order to bring in an amending Bill which is also unsatisfactory. I am glad that, not only the public, not only the labour unions, but also certain Local Governments and Judges of the High Courts like Mr. Justice Kumarswami Sastri have recommended that they are in favour of bringing about a radical change in the Act, and of bringing in an amending Bill of a more comprehensive nature, in order to assimilate apparently the existing law in this country with the laws of other civilised countries. I do hope, as the

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Honourable Member said, and I am glad to note that he is also in agreement, that the Government of India will take the earliest opportunity of bringing in a more comprehensive amending Bill in regard to this matter.

Now, Sir, the Bill before us refers to just a few sections, viz., 2, 3, 5, 8, 23, 28 and Schedule II. The definition of a railway worker has been extended, and I hope, as my Honourable friend Mr. Seshu Ayyangar has said, that the railway contractor will also be brought in and the benefits under this Act will be made available for him. Further, when the original Bill was brought forward, many of us had very great doubts whether it was not necessary to remove the restriction on building trades, and I am glad to note that the present amending Bill removes that restriction.

There is one important matter to which I would like to refer, namely, there was a decision, I believe in the Calcutta High Court, in which it was said that section 11 (6) was very unsatisfactory. I see no mention of it in the amending Bill. Section 11 (6) says:

"Where an injured workman has refused to be attended by a qualified medical practitioner whose services have been offered to him by the employer free of charge or having accepted such offer has deliberately disregarded the instructions of such medical practitioner, then, if it is thereafter proved that the workman has not been regularly attended by a qualified medical practitioner and that such refusal, failure or disregard was unreasonable in the circumstances of the case and that the injury has been aggravated thereby, the injury and resulting disablement shall be deemed to be of the same nature and duration as they might reasonably have been expected to be if the workman had been regularly attended by a qualified medical practitioner, and compensation, if any, shall be payable accordingly."

I do not know, if, having read this, Honourable Members have been able to follow the sequence of the sentences. It is very difficult to follow the sequence of the sentences therein, and the Judges of the Bombay High Court themselves have declared that the wording is so unsatisfactory that some sort of amendment is necessary. I think the Honourable Member will find, in the opinions expressed, that this has been specifically referred to; that section 11 (6) is badly worded, and they refer to I. L. R. 51, Calcutta, page 1259. Am I to take it that matters of this sort are not to be considered by the Select Committee? Am I to take it that, while suggestions are made that certain other things like ether and ammonia should also be considered as dangerous, and that in Schedule III ether and ammonia also should be added and that those working in water-boring operations should also be brought under this Act, these opinions are not to be considered by the Select Committee, and if they make a recommendation, will it not be incorporated in the amending Bill? I do hope that the Honourable Member will agree with me that the incorporation of these new things is not a radical change of the principle of the Bill, for they are merely subsidiary matters which can easily be incorporated in the amending Bill, and that the extension should be given if an extension of this nature is recommended by the Select Committee. If that is so, I personally have not the slightest doubt that the motion before the House will be acceptable to the Members of the House. I do want to press upon the Honourable Member in charge that there is a very great necessity for a comprehensive amendment of the Workmen's Compensation Act and that attempts should be made at the earliest possible moment to bring in a comprehensive amending Bill. If that is not done, the discontent that already prevails in matters of this kind will continue. The other day we had an instance

down in the coalfields where an accident happened. An Enquiry Committee was set up and that Committee reported after a period of six months, thereby robbing the workman of the right to demand compensation. Grievances of this kind ought to be looked into by the Select Committee and if any adjustment can be made it should be recommended by the Select Committee. These are matters which demand a comprehensive inquiry. Not only should we elicit the opinions of Local Governments and of public bodies but a committee should be set up which would investigate the actual working and the administration of the Workmen's Compensation Act. If that Committee find that a radical improvement in the Act is necessary, then a Bill should be brought in by the Honourable Member in order radically to improve the Act in the interests of the working classes.

Sir James Simpson (Associated Chambers of Commerce: Nominated Non-Official): On behalf of the interests represented by these Benches, I have much pleasure in welcoming this Bill and according it general support. But there are one or two suggestions that I would like to throw out for the consideration of the Select Committee. For example, opinion No. 6 on the first paper, that is to say, the opinion of the Madras Government where certain minor modifications are suggested. I would commend them to the best attention of the Select Committee, and also a suggestion made in the letter from the Buckingham and Carnatic Mills which seems to me worthy of attention. There is another suggestion made in Paper No. 2, Opinion No. 13 by the European Association, which will tend greatly to the benefit of the workmen if that suggestion is taken into consideration. It would seem that in provinces where there is no special commissioner great delay occurs in settling the claims of workmen. The suggestion in that paper is that a special commissioner be appointed for each province, and I commend that to the Select Committee. With these remarks I have pleasure in supporting this Resolution.

The Honourable Sir Bhupendra Nath Mitra: Sir, in regard to the various criticisms on the draft Bill which have appeared in the opinions received by us, undoubtedly they will receive the most careful consideration on the part of the Select Committee. That observation applies to the remarks which fell from my friend Mr. Sesha Ayyangar and my friend Sir James Simpson. My friend Mr. Chaman Lall raised wider issues. In regard to the comprehensive revision of the Workmen's Compensation Act, as I have already informed the House, we have addressed Local Governments and we are awaiting their views. What will happen thereafter it is not possible for me to say at the present stage. The House is aware that the other day His Excellency the Viceroy announced in this House the appointment of a Labour Commission. Whether the examination of the working of the existing Workmen's Compensation Act and its comprehensive revision will be a matter which will come within the purview of the Commission I am not at present in a position to say. But, as I have already stated, we have started the ball rolling. We have addressed Provincial Governments and we must at any rate await their replies before we take the next step. My friend Mr. Chaman Lall also referred to certain proposals put forward in some of the opinions received about extending the provisions of the Act to certain fresh categories. I dealt with that particular matter in my speech when moving the motion now before the House. The difficulty there is this. In regard to the categories for the extension to whom, of the benefits of the Workmen's Compensation Act, this Bill

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provides, such provision has been made by Government after due inquiry and in consultation with all the Provincial Governments. Now, if one or two authorities have recommended the inclusion of certain other categories, I submit it will be hardly fair for us to attempt to extend the benefits of the Bill to those categories without a wider inquiry, and I should prefer that we should confine the present Bill to those categories in whose case due inquiry has been completed, and should postpone the inclusion of other categories to the stage of the comprehensive revision of the Bill. I shall quote a specific case. I think it is the Bombay Port Trust which has said that certain other categories of dock labourers should be brought within the purview of the Bill; but it has also said that the matter would be discussed at a meeting of the Indian Ports Association to be held at Karachi in February, and it has therefore suggested that, for the time being, the particular clause to which their criticism refers might be deleted from the Bill. That, Sir, Government are not prepared to agree to. We have got this Bill, and in it Government, after adequate inquiry, have provided for the extension of the provisions of the Act to certain categories. I would suggest to the House that it would be preferable to confine ourselves to those categories rather than to attempt to extend the benefits of the Act to other categories, which may involve further inquiry and therefore a further postponement of the passing of this Bill.

Mr. President: The question is:

"That the Bill further to amend the Workmen's Compensation Act, 1923, for certain purposes, be referred to a Select Committee."

The motion was adopted.

Mr. President: Mr. Crerar.

The Honourable Sir Bhupendra Nath Mitra: Sir, I want to make a motion regarding the members of the Select Committee

Mr. President: It is not in the List of Business.

The Honourable Sir Bhupendra Nath Mitra: I was told by the Secretary that this would come immediately after my first motion.

Mr. President: Standing Order 8 says:

"Save as otherwise provided in the rules or these Standing Orders, no business not included in the list of business for the day shall be transacted at any meeting without the leave of the President."

The Honourable Sir Bhupendra Nath Mitra: I ask for leave now. .

Mr. President: That is not the way to ask for leave. Sir Bhupendra Nath Mitra.

The Honourable Sir Bhupendra Nath Mitra: I beg to move:

"That the Select Committee to which the Bill further to amend the Workmen's Compensation Act, 1923, for certain purposes, has been referred do consist of the following persons, namely:

Sir Darcy Lindsay, Sir Victor Sassoon, Diwan Chaman Lall, Mr. V. V. Joglah, Mr. N. C. Kelkar, Sir Purshotamdas Thakurdas, Mr. Abdul Matin Chaudhury, Mr. N. M. Joshi, Mr. K. Ahmed, Mr. S. Lal and the Mover and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

Diwan Chaman Lal: May I add the name of Mr. Sesha Ayyangar?

The Honourable Sir Bhupendra Nath Mitra: I have no objection.

Mr. President: The question is that Mr. Sesha Ayyangar's name be added to the list.

The motion was adopted.

Mr. President: The question is:

"That the Select Committee to which the Bill further to amend the Workmen's Compensation Act, 1923, for certain purposes, has been referred do consist of the following persons, namely, Sir Darcy Lindsay, Sir Victor Sassoon, Diwan Chaman Lal, Mr. V. V. Joziah, Mr. N. C. Kelkar, Sir Purshotamdas Thakurdas, Mr. Abdul Matin Chaudhury, Mr. N. M. Joshi, Mr. K. Ahmed, Mr. S. Lal, Mr. Sesha Ayyangar and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

The motion was adopted.

THE PUBLIC SAFETY BILL.

The Honourable Mr. J. Orerar (Home Member): Sir, I move for leave to introduce a Bill to check the dissemination in British India from other countries of certain forms of propaganda.

I do not propose, Sir, at this stage,—indeed it would not be proper or permissible for me—to anticipate the closer examination of the very important questions which this Bill raises. I shall merely say that the reasons which compelled Government last September to introduce a measure, the provisions of which are, with a few changes for the most part of a drafting character, embodied in this Bill have compelled them, with redoubled force, to approach the legislature again. The most important changes in the Bill, which I now ask leave to introduce, relate to remittances of money from external sources for the promotion of activities against which other provisions of the Bill are directed. It is, I think, unnecessary for me to add anything at the present stage to the brief summary in the Statement of Objects and Reasons.

Sir, I move.

Mr. President: The question is:

"That leave be given to introduce a Bill to check the dissemination in British India from other countries of certain forms of propaganda."

The motion was adopted.

The Honourable Mr. J. Orerar: Sir, I introduce the Bill.

Sir, I move:

"That the Bill to check the dissemination in British India from other countries of certain forms of propaganda be referred to a Select Committee consisting of Sir Darcy Lindsay, Sir Victor Sassoon, Nawab Sir Sahibzada Abdul Qaiyum, Rai Bahadur Tarit Bhusan Roy, Mr. K. C. Roy, Mr. Fazal Ibrahim Rahimtulla and the Mover, with instructions to report on or before the 28th February 1929, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

[Mr. J. Crerar.]

In making this motion, Sir, I propose, in the first instance, to recapitulate briefly the previous history of this measure in so far as it has already been before the House.

On the 10th September I moved that the Bill, as it then stood, should be taken into consideration. An amendment was moved and accepted by Government that the Bill be referred to Select Committee. This motion was adopted on the 15th September, and thereby the House accepted the principle of the Bill. The principle of the Bill was that Government should be invested with powers to secure the removal of persons from abroad engaged in subversive designs of the character specified in the Bill. The Report of the Select Committee was presented on the 20th September. Very substantial amendments were introduced by the Select Committee, the most important of which are as follows:

In the first instance there was a restriction of the clause prescribing the nature of the activities against which the Bill is directed. There was an important extension of the categories of excepted persons, and provision was made for claims to be an excepted person to be heard by the High Court. The duration of the Act, provided in the report of the Select Committee, was to be limited for 5 years, and finally a provision was made for an appeal on the part of any person, against whom a prohibition order had been made, to a Bench of three Judges.

A motion to consider the Bill as reported was rejected by one vote on September 24th.

Now, Sir, the reasons which moved Government to bring forward this measure were set out at length by myself and other speakers on behalf of Government, in the course of what was perhaps the longest debate on which this House has ever embarked. I do not propose, on the present occasion, to retrace in detail the ground which was then covered; but I consider it necessary, as a preamble to the argument which I have now to address to the House, to restate concisely the main points of the position which Government then took up and which they now with still greater earnestness and emphasis consider it their duty to re-affirm.

The crucial question which was then and is still before the House, the Government and the country is that we are faced by a serious situation which imperatively demands exceptional measures to be taken. That serious situation arises from the propaganda of the communist movement.]

Diwan Chaman Lall (West Punjab: Non-Muhammadan): What is the Communist movement?

The Honourable Mr. J. Crerar: On the invitation of the learned Pandit, I propose very briefly to reply to that question.

Mr. Gayaprasad Singh (Muzaffarpur cum Champaran: Non-Muhammadan): It is Diwan Chaman Lall.

The Honourable Mr. J. Crerar: I propose to accept the invitation of Diwan Chaman Lall. Perhaps he will himself assist us in a proper construction of the matter at a later stage. Communism is frequently represented as merely one among many theoretical systems for the

social and economic organisation of society which may be examined or ignored, and which may or may not excite interest or curiosity like any other academical theory. It is represented, in short, that it is merely an opinion like any other opinion. The propaganda to which this Bill relates is of an entirely different character. You cannot take it or leave it; you have to deal with it or let it deal with you. The ultimate practical object aimed at is nothing new in the world's history; though perhaps the methods and the expedients and the doctrines are new, or comparatively new. That object is to bring within the orbit or domination of the communist political system, every State or country which is foolish enough, or deluded enough, or ignorant enough, to allow this propaganda to find a fruitful soil in its midst, and to neglect the crop till it has brought forth its poisonous and fateful fruit. To effect this object, the first expedient is to permeate and undermine, with a view ultimately to destroy, the existing social and economic order, as well as the existing forms of government. The reform and remedy of discontents or grievances are no part of this system. They are, on the contrary, antagonistic to it. For the object in view postulates destruction, the same object which has been attained in the past by sanguinary wars or by sanguinary revolutions. Communism has not rejected either of these expedients. Revolution is its avowed and ulterior aim. But it finds the more indirect and subterranean methods for the present more convenient for the preliminary and preparatory measures. Its policy is to inflame every conceivable cause of discontent and to manufacture and create them, when this is necessary, in order to collect sufficient inflammable material from which it may be possible, at the opportune moment, to light a great conflagration. It is not therefore difficult to understand why the most persistent and most organised efforts are directed towards industrial unrest. This industrial unrest and discontent are to be found in every country. They have never been absent and have always been the raw material of the agitator or the revolutionary, as they have been the most serious preoccupation of the reformer and the statesman. And as in India the classes immediately affected are generally illiterate, impulsive and easily led that is why we find in India communist activities most conspicuous in industrial centres, particularly in Bengal and Bombay.

It is not, however, only to illiterate workers and peasants that these activities are directed. In all countries where communism has insinuated itself it has attempted to address its most seductive appeals to the inexperience and enthusiasm of youth. Like the serpent of old, it can assume the form most likely to be attractive to those whom it seeks to tempt. And this has also been so in India, more markedly so in recent times. Sedulous attempts have been, and are being made, to bring the Youth Movements in various parts of the country within the communist orbit. These attempts, even if attended by only a partial measure of success, constitute one of the most formidable dangers that the movement entails. If the educated youth of the country, or any considerable part of it, were to be imbued with the tenets of communism, I can conceive no more fatal wound that could be inflicted upon her future. These then are the general aims and objects of the communist propaganda.

I propose now to summarise very briefly the most important facts relating to this movement which directly concern India. In 1919, the Communist Party of Russia established in Moscow an organisation known as the

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Third Communist International, whose aim was defined as the promotion of revolution throughout the world for the purpose of setting up an International Communist Republic. A thesis published by this body in 1920 expressly contemplated the direction of activities towards India and the East. A manifesto on these lines was published in India by M. N. Roy in 1922, at the time of the Gaya Congress. Others followed, and the activities which ensued rendered it necessary for Government to launch a prosecution in 1924. Four persons were convicted of conspiracy to deprive the King of the sovereignty of British India. The result was that, for some time, communist activities were to a large extent suspended. They were actively resumed in 1925 and 1926 when a communist emissary, calling himself Allison or Campbell, started the formation of Workers' and Peasants' parties in India in pursuance of the programme. He was followed by two others, who took up the task, and have since been zealously pursuing it with an increasing band of associates, including persons convicted in the conspiracy case already referred to, to the great injury of the country and in particular to the great injury of its industrial population.] I need not recall the series of disastrous strikes, accompanied by every variety of disorder and violence, which occurred during last year. That, Sir, in brief was the situation when, in September last, I pressed it upon the serious attention of this House, and asked it to give its legislative sanction to the powers which the Government then thought urgently necessary, and of the urgency and necessity of which they are now still more completely convinced.

Since that time, the situation, as I think no one in this House will be prepared to deny, has seriously deteriorated. [In Bombay the Communist Party has captured nearly all the labour unions,] and their representatives on the strike committees are largely in control. The Government of Bombay have made the most sincere and strenuous efforts to promote a settlement of the mill strike, and as the House is aware, a committee appointed for this purpose is now sitting. Nevertheless, [lightning strikes, violence, and intimidation, still continue, and there have frequently been several deplorable cases of bloodshed.] I think I must recount one or two of these unhappy incidents because on a previous occasion it was represented to me that I had not laid sufficient facts before the House. I will deal only with a few of the salient events which have occurred during the last two months. [In Bombay on 12th December a very serious riot took place, in which a small party of police were attacked and were in most imminent danger. On 19th December, the Deputy President of the Bombay Mill Owners' Association, on going to his mill, found the offices besieged by a large crowd of strikers, and on leaving to obtain police assistance, he was violently attacked, and barely escaped with his life. On the 30th December, an Assistant Weaving Master of the Pearl Mills was murderously assaulted and succumbed to his injuries the same day. Three days later, on January 2nd, an up-country clerk, employed by an Agent of the Standard Oil Company, was beaten to death. On January 11, a very serious disturbance took place at Sewri, in the north of Bombay, attended by fatal casualties. And there have been further serious disturbances. In Bengal the situation is hardly less serious. Since last July, for example, there has been continuous labour trouble in and around Calcutta, and during most of this period, certain mills have been closed down, and I am informed that,

even now, no statement of demands or grievances has been made. Communists have taken an active part in these troubles. Intimidation has been freely resorted to, and on several occasions there has been imminent danger of the most deplorable occurrences. On one occasion, the head clerk of a mill was stabbed. On the 19th of January a large procession, consisting of 20,000 or 25,000 people, paraded the streets in Calcutta, and a mass meeting was held on the maidan. The processionists who were mostly labourers and members of the Workers' and Peasants' Party, carried a number of flags bearing inscriptions, of which the following are a few examples: "Long live the Soviet Republic of India," "Down with the Landlords," "All power to the masses," "Workers of the world unite," "Long live Revolution in India," etc. Meantime, strenuous efforts have been made to extend, all over India, a network of Workers' and Peasants' Parties on the Communist model. A large number of these have been formed in Bombay and in Bengal, and they have also been formed in the United Provinces and in the Punjab. Recently, those organisations have been centralised in an All-India Workers' and Peasants' Party, and a thesis on the familiar lines has been drawn up and published by it. Now, Sir, apart from the attention which the older, more extensive communist organisations are devoting to affairs in India, these movements have excited a lively and active interest recently in two foreign organisations which are Communist in aim and inspiration,—the Pan-Pacific Trade Union Secretariat and the League against Imperialism. The last mentioned has its headquarters in Berlin and a well-known Indian revolutionary as its Secretary. Efforts have been, and are being, made to secure contact and affiliation between these bodies and others with similar aims in India. Thus, one Johnstone was apparently specially deputed to obtain the affiliation of the All-India Trades Union Congress and the League against Imperialism, and I am informed that he was directed to attend as delegate the Workers' and the Peasants' Party. He was arrested at the recent Jharia session of the Trades Union Congress, and, as he was a foreigner, he was dealt with under the Act of 1864. Another emissary acting on behalf of the Pan-Pacific Trades Union also, was deputed to obtain the affiliation of the All-India Trades Union Congress to that body. Being a British subject, he could not be dealt with under this Act. We have received information of the despatch of other emissaries, some of whom are Indians, with similar intentions. And indeed, this despatch of emissaries specially instructed to carry on the Communist propaganda is something in the nature of a new programme, and the success attending their despatch in creating industrial unrest and disturbances is one of the most significant and dangerous aspects of the situation. Of the various expedients that are being adopted to this end I propose to refer to two in particular. The first is that of subsidies in aid of the Communist organizations in India, which is dealt with in the new provisions of the Bill now before the House. The scope of the Bill has been enlarged by adding powers to forfeit or control the expenditure of money remitted from outside British India for the promotion of the activities against which the Bill is directed. During the last few years in particular, a large number of remittances have come to notice and it is probable that a still larger number escaped observation. Among the various sources from which they have come may be mentioned the Red International Labour Union, the Profintern, another communist body, the Central Council of Trade Unions of Moscow and the Communist Party of London. Without these powers or precautions against the alien movements, the Bill

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would be defective in an important particular. It would be credulous to suppose that those who send these remittances are actuated by altruistic motives. They have an openly avowed object in view, and they have no doubt satisfied themselves that they are getting good value for their money. The sums at present coming into this country have unquestionably an appreciable effect in the promotion and prolongation of industrial strikes. If the movement grows, it will become worth while spending more on it, and if the circumstances are favourable in this sense—if for example a general strike is successfully organised—these subsidies would very likely assumed greater and greater proportions, and if unchecked, might contribute with perhaps decisive effect, to the most disastrous consequences. So far as remittances from the sources specified in the Bill are concerned, those which are ostensibly for legitimate or reasonable objects, I may point out that the Bill provides for expenditure on such objects.

The second of the measures adopted by these organisations, to which I have referred just now, is Press propaganda. No propagandist activity can afford to neglect this greatest weapon of propaganda, the most direct and effective method of affecting and moving public opinion which is offered by the Press. Apart from those who read the newspapers themselves, a single copy of a vernacular sheet, read out by a literate man in a village or in a workshop to his illiterate companions, gives it a very wide circulation. The Communist movement in India so far has not been neglecting this, and it has been using it on an extensive and increasing scale. When we last discussed this subject, several speakers avowed—and I have no doubt with complete sincerity—that they were entirely unaware of anything in the nature of Communist Press propaganda in India. How singularly remote from the truth this is will be apparent to any Honourable Member who takes the trouble to scrutinise the collection of extracts placed in the Library. You will find there every variety of propagandist articles, some plain and direct others not unskillfully disguised. Their general tendency is obvious. Their accumulated effect cannot but be powerful when they are brought to attentive but uninstructed minds. There are several organs of the Press in India which we have reason to believe have received subsidies from communist sources abroad. This is a danger which cannot be ignored, and one of the objects of this Bill is to counteract it by cutting off these subsidies.

Now, Sir, I have set out, as concisely as possible, the broad outlines of the grave situation with which the country, the Government, and particularly at this moment this House, have to deal. The Bill which I submit to the consideration of the House states the measures which Government consider immediately necessary for prevention and protection. I have been told, and I shall no doubt be told again, that it provides no real remedy for the evil under which the country, its industries and its industrial population are suffering. I have been told, and I shall doubtless be told again, that the only permanent and radical remedy is to rectify the grievances and to remedy the discontent. It has been alleged that to do this will, on my own contention, deprive the enemy of his most potent instrument, of the material readiest to his hand. Now, Sir, I do not deny that this is the most radical and permanent remedy if it could be attained, as it never has been fully attained, in any country at any recorded period of history. And what is very often implicit in the contention, and sometimes explicit, is

that all this should be done wholly and solely by the Government. But this is impossible, and, if it were possible, it would betray a very great element of weakness in the social order. The greatest possible united effort on the part of Government, of the Legislature, of every constituted authority and every rank and grade of private citizen, can only advance us by gradual steps towards a goal which can never be fully attained. It is no doubt the right and the rational road, but along it progress must be long and slow. The evil which corrodes and inflames the present discontent is not slow. It works and spreads rapidly and demands speedy action. That the object aimed at in the Bill is not the radical and permanent remedy is no reason why we should neglect it, and I maintain that the object of the Bill is the first and most important object towards which protective measures should be directed. Communism is essentially foreign to the ideas and traditions of India and it depends for its establishment and development on the inspiration, impetus and assistance which it receives from abroad. It is of the first importance that it should be cut off from these external connections, and that is the immediate and essential purpose of the Bill. If that is done, and effectively done, we may reasonably hope that on a sterile and uncongenial soil it will wither away and die.

Now, Sir, I do not on the present occasion propose to deal with the detailed provisions of the Bill. Indeed I should not, I imagine, be in order if I attempted to do so. But there are two general questions arising from the main issues which the Bill propounds to the House on which I think I ought to say something, because in the course of previous debates much doubt and apprehension were expressed with regard to them. I have argued that the immediate and the primary object to which we ought to direct ourselves is to cut off the Communist movement in India from its external sources of inspiration and support. "What", I have been asked, "What are the intentions of Government with regard to that part of the Communist movement in India which is not external, which is—I will not say indigenous—but which is carried on by natives of the country?" Well, Sir, I shall endeavour to give an explicit answer to that question, which I regard as a perfectly legitimate question. We have been carefully considering, in consultation with Local Governments, whether any further legislative measures are necessary for the purpose of dealing with Indian communists. We have no present intention of making any such proposals while there remains any chance that the movement can be checked by other means. We should prefer, in the first place, to observe the effect of the present measure when it has been passed, as I hope it will be passed by the House, and put into operation, coupled and combined with the operation of the ordinary law. The House is no doubt aware that, some time ago in Bombay, the law was set in motion after due deliberation against a prominent communist. The prosecution was unsuccessful, but it is my hope at any rate that occasions will arise when Local Governments, on whom the direct and immediate responsibility for taking action against the infraction of the penal law lies, will find themselves able to prosecute and to prosecute with success. Recently, for example, in Madras, two prominent communists have been prosecuted in respect of their activities during the South Indian Railway strike and they have been convicted. Another prosecution in Bengal against a person engaged in similar activities has also been successful. The Government of India are by no means without hope that, if the House arms it with the authority which it asks for in this Bill, with the aid of that

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authority, with the exclusion of communists from abroad, and of the sources of support which reach communism from abroad, coupled and combined with the powers which the ordinary law provides, we shall at length succeed in bringing this dangerous movement under control.

Another question which was indicated during the course of the debate during the last session is a material question and one to which Honourable Members, whose minds are disturbed by it, are entitled to an answer. The question was this. If the House give you the authority under this Bill for which you ask, if the House passes this Bill, to what in the way of principle would they be committed against Indian communists? Now, Sir, I will reply to that question as precisely as I can. The essence of the Bill is that it is directed solely against non-Indian communists, and in my opinion the House would be committed to no principle whatever in relation to Indian communists if they pass this Bill.

Now, Sir, I have given—because I do not wish to detain the House for too long a period—I have given the House a concise account of the general views which are taken by Government as to the gravity of the situation with which the country is confronted. In this summary outline I have mentioned only some of the most salient and typical facts. The catalogue could be amplified by a multitude of others, significant not only in themselves, but still more significant in their general tendency and in their cumulative effect. I do not intend to burden the House with a superfluity of detail because, whatever interpretation may be placed upon these facts and whatever difference of opinion there may be as to the character of the remedies which ought to be applied, I do not think that the reality and the gravity of the situation, of which they are the symptoms, will be seriously challenged. For more than a year India has been distracted by

1 P.M. an unparalleled series of industrial disputes and disturbances, of which the resulting injury to all the interests concerned is incalculable. They have been characterised by outrages and acts of violence and methods of intimidation which are as unprecedented as they are foreign to the natural disposition of the Indian worker. Strikes have been prolonged, as I have already instanced, long after any possibility ceased of any conceivable advantage being gained by anybody. Many have broken out without any apparent reason or economic basis, without any statement or formulation of demands or grievances. These things have occurred, or they have occurred in their greatest intensity and with their worst consequences, in precisely those areas where Communist agents have been most actively employed and where their preparations and organisations have been most complete and deliberate. Men of avowed communist views have everywhere been fomenting by words, speech and action, and have been participating themselves, in these troubles. I submit that it is an irresistible conclusion to any reasonable man who is willing to survey the facts and draw the plain unvarnished inferences that present themselves to him—it is an irresistible conclusion that, after making all reasonable deductions for adverse industrial or economic conditions, the originating cause, the constant stimulus and the ultimate object of nearly all these troubles are to be found in large measure in the propaganda against which this Bill is directed. Sir, are those who are most immediately concerned and who have already suffered from them, and those also who will inevitably be the next to suffer, and

above all those whose responsibilities in the matter are the highest and the heaviest, are they to sit idly by and not merely permit a state of affairs already intolerable to continue, but be indifferent spectators, or even active promoters, of its development to even more disastrous conclusions? Sir, of those whom I have mentioned, the first and the worst sufferers are the workers, who are little able to help themselves, and are, I imagine, entitled to the help of those who can. The capitalists and the landlords and the educated classes generally are among those who have already suffered or will be the next to suffer. They can help themselves and they can also perform the duty which is plainly incumbent on them to assist the workers. Here prudence and common-sense, as well as duty, point clearly in the same direction. I may be accused of appealing to selfish and interested motives. In this instance I am not afraid of the accusation. It is common prudence that a man should seek to protect his legitimate interests from fraud or force. The will and the power to do so are essential to, and form the basis of, any form of civic freedom. But it is not common prudence for a man to expect that this shall be done for him without any effort or co-operation on his part. Those who have interests of their own to safeguard as well as the interests and welfare of others, effectively within their power to protect, would do well to reflect on this and to direct their conduct on their reflections.

But, Sir, there is a higher order of duty and responsibility than any of these. When the most vital interests of the country are assailed, when not only the rule of law and established institutions are the object of attack, but the most elementary conditions of national progress and prosperity, I submit that there is an obligation incumbent upon every man of public spirit and good will. Nevertheless, the responsibility rests far more heavily than elsewhere on the government of the country, the Government of the country which is vested in the executive and the legislature. The executive Government have discharged at least one part of their responsibility in bringing forward this measure for the sanction of this House. I do not say—and I have never contended—that that is a complete discharge of their responsibility. But I do say and contend that, in so far as the objects of this Bill are concerned, particular and limited as they are but nevertheless essential, the rest of the responsibility devolves upon this House. It is for Honourable Members to consider and weigh well how they propose to deal with and discharge their share of the responsibility. It may be, and from some of the arguments which were urged in this House in the earlier debates I find it difficult to refrain from the inference, that there is a disposition in some quarters, whatever measure we may bring before the House, to regard as the first consideration what attitude towards it may be most effectively an embarrassment and impediment to Government. I am not concerned, Sir, to dispute the familiar dictum that it is the duty of the Opposition to oppose. But the body of doctrine and political tradition from which that dictum is drawn also affirms that there are times and occasions when it does not apply. When there are reasonable and convincing grounds alleged of a serious menace to the security and prosperity of the country and a common effort is required from all those who recognize these things as having a paramount claim to their support and active assistance, there may indeed be room for criticism of and vigilance over the actions of Government, but none for mere opposition without reason, without reserve or without qualification. Such opposition to Government

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measures may have a temporary success, but it may be pursued with reckless disregard of consequences. It may be purchased at too high a price for the permanent interests of the country. It may leave an ill-omened and ill-starred heritage for any possible succeeding government which may be established by law and must continue to exist by law. I should be reluctant, Sir, to suppose that on this occasion there are many Members of this House who are actuated by these views. But I must frankly say that, when I made an earlier appeal to the House, I was acutely sensible of a disinclination among many Honourable Members to face the plain and compulsive facts. I am willing to admit that my presentation of them may have been faulty and inadequate. But I maintain that, above and apart from any formal statement of the case, the signs and tokens of the actual state of affairs were then manifest and are now still more manifest. I felt also that in regard to the measures then proposed, restricted as they were to meet a particular aspect of a wider problem, I heard more of objection and criticism than of constructive and positive counsel. Sir, whatever may have been the case then—and my own view of it is unchanged—I am confident that there will be more now to acknowledge and to give practical effect to their conviction that the facts must be faced and a remedy found. I was told then that our estimate of the situation was distorted and exaggerated: I hope that different views will now prevail. I was told then that Government had ample powers. They had arbitrary powers, and the suggestion was made in some rather unexpected quarters that Government should resort to them.

Sir, I pointed out then, and I repeat now, that the enactments referred to do not meet effectively, in nearly every respect do not meet at all, the objects we had and have immediately in view. They do not effectively meet what we regard as the first and most immediate requirement, namely to rid India of an intrusive element which aims at the subversion of all established institutions. They do not adequately provide for prevention, as distinct from punishment, which can only be applied when the mischief has already been done. Designs against the national interest have, no doubt, in other countries, been dealt with by their Governments by summary enactments or by Acts of State without any legislative sanction. That may be, as some hold, the simplest course; it may be the most effective course. However, that may be, that was not the course we then elected to pursue. We acted on the traditional British constitutional and legal practice, on which the Government of Great Britain, of the Dominions and of India is based, and I think will continue to be based; on the declared policy to which this Assembly owes its existence. We were convinced of the necessity of executive action: we recognised and ourselves proposed the propriety of limiting and defining the circumstances and the manner in which it should be exercised; and we came to you for legislative sanction. We come to you again.

Whose, then, is the immediate responsibility in this matter? If this House denied us these powers, would it absolve us from the responsibility of taking the action that the situation may from time to time require? It would not. But if this Bill were rejected, I submit that the House would act to the great detriment of its own moral authority in asking for an account of our responsibility when of its own it had made the Great Refusal.

Sir, I believe and I earnestly trust that it is unnecessary for me to regard any conclusion in that sense as a conclusion which is likely to be arrived at by this House. If four months ago, I failed at the final stage to convince the House of the necessity of the measures then proposed, I now rely for the support of the House to this motion, not so much on anything I then said or have now to say, as on the more mature reflection of Honourable Members, and on the plain warning of events and facts which are patent to every eye which is willing to see. Sir, I move.

Mr. President: Motion moved:

"That the Bill to check the dissemination in British India from other countries of certain forms of propaganda, be referred to a Select Committee consisting of Sir Darcy Lindsay, Sir Victor Sassoon, Nawab Sir Sahibzada Abdul Qaiyum, Rai Bahadur Tarit Bhushan Roy, Mr. K. C. Roy, Mr. Fazal Ibrahim Rahimtullah and the Mover, with instructions to report on or before the 28th of February 1929, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

Mr. Gaya Prasad Singh: Sir, I beg to move the following amendment:

"That the Bill be circulated for the purpose of eliciting opinions thereon."

It would, I think, be a fruitless waste of time on my part now to traverse the ground which was covered on the previous occasion when this Bill was before us in the last Simla Session. I would, therefore, now content myself by merely indicating, as briefly as I can, some of the grounds on which I base my amendment. Honourable Members will remember that the Bill, when it was introduced originally, evoked a storm of opposition, not only in this House but outside it. The most objectionable features of the Bill were quite unacceptable to us. The Bill was then referred to a Select Committee, and I admit that, when the Bill emerged from the Select Committee, it was shorn of a few of its objectionable features. Even then, Sir, the Bill was not acceptable to us, and we know the result. The Honourable the Home Member has now attempted to revive the Bill with somewhat more drastic and rigorous provisions. The Bill, as originally introduced last year, was intended to provide for the removal of certain persons from British India in the interests of public safety. But the present Bill intends to check the dissemination in British India from other countries of certain forms of propaganda, and for this purpose to provide for the removal of certain persons from British India, and for the seizure and control of money or other valuables in certain cases. The latter part of this preamble, Sir, clearly goes outside the scope of the Bill as it was then introduced. Following this, we have in the present Bill, in clause 4, a provision which is quite new to us. That clause provides for the forfeiture of monies, securities, goods or credits which have been, or are about to be transmitted from any place outside British India to any place in British India and so on. In fact all those provisions are absolutely new to us. We have had no opportunity of thinking over these provisions of the Bill.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhamadan Rural): Question. It does not require much thinking over.

Mr. Gaya Prasad Singh: There is also, Sir, another important point in which this Bill differs from the old one. In clause 2 of the old Bill an excepted person was intended to include any British subject ordinarily

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resident in British India. Now, in this Bill, an excepted person is intended to be a British subject ordinarily resident in India. That clearly amplifies the scope of this Bill, and spreads its net more wide.

In the Statement of Objects and Reasons, Sir, the Honourable the Home Member has stated that evidence has accumulated for some time past of the subversive intentions and activities of the Communist International generally, and has said:

"There is also evidence to show that bodies under the control or influence of the Communist International have been remitting sums of money in aid of the various industrial disputes recently in progress in India,"

Now, we challenged the Government on the last occasion, and we repeat our challenge now. If Government are in possession of such evidence, let them lay it before this House and take us into their confidence. But Government have resolutely declined to place any materials before us. (*An Honourable Member*: "They have no material.") Can any self-respecting Member of this House take the Government at their word (*An Honourable Member*: "No"), and willingly furnish an additional weapon in their armoury without clear proof of urgent necessity? Another fact to which I wish to draw the attention of the House relates to the provisions of clause 6 of the present Bill. The powers which this Bill gives to the High Courts are merely illusory powers. Clause 6 says that the High Court may, on application made by, or on behalf of, any person in respect of whom a removal order has been made, set aside the order on the ground that such person is an excepted person, but on no other ground. This latter proviso cuts away the ground from under the powers which this clause is supposed to confer upon the High Court. The decision of the executive Government is to remain final and unquestioned. Clause 7 provides that any person in respect of whom a removal order has been made may, within seven days, appeal to the Governor General in Council. This period of 7 days, I maintain, is totally inadequate and insufficient. But this is a minor point. Sub-clause (3) of the same clause provides that the Bench shall sit at such time and place and shall follow such procedure as the Governor General in Council may in each case direct. Sir, this is quite contrary to the provisions of the Code of Criminal Procedure. The Bench will be at the beck and call of the executive authorities, and in every case the executive authorities will be responsible for calling the Bench into existence and for prescribing the actual procedure. That, Sir, is a thing to which we cannot be asked to give our sanction. (*An Honourable Member*: "What do you suggest?") An Honourable Member has asked me as to what I suggest. I suggest a very simple procedure, and that is the procedure laid down in the Criminal Procedure Code. (*An Honourable Member*: "Hear, hear.") Let a permanent tribunal be established as it is already established by the executive Government. Let all cases come under the purview of that tribunal which they have themselves established, and for which they have prescribed a procedure under the Criminal Procedure Code.

Mr. O. S. Ranga Iyer: Then why do you want circulation of the Bill for opinion?

Mr. Gaya Prasad Singh: Sub-clause (5) of the same clause says:

"... the Bench shall ... furnish him with a general statement of the grounds on which the removal order was based, but neither he nor any pleader appearing on his behalf shall be entitled to be made acquainted with any details or particulars of the facts or circumstances laid before the Bench by the Governor General in Council, and the Bench shall treat all such facts and circumstances as confidential."

This, I maintain, is a denial of the fundamental principles of justice, equity and good conscience. I am not aware of any law in which a procedure like that has been prescribed. I think the clear effect of this provision would be to prejudice the minds of the Judges against the accused in each case, because the Judges shall be in possession of all the incriminating facts of the case, but the principal persons in the case namely, the accused and his pleader, shall not be entitled to have an inkling of them. How can the accused person defend himself? In these circumstances, neither the presence of the accused nor that of his pleader before the Bench shall be of any avail.

With regard to the seizure and forfeiture of monies, the Bill says, in clause 8, that the provisions of clause 7 shall apply for the purposes of the appeal in like manner as they apply for the purposes of that section; and, subject to the provisions of that section, as regards the confidential character of the facts and circumstances laid before the Bench by the Governor General in Council, the appellant shall be given an opportunity of attending, and, if he does so, shall be entitled to be furnished with a general statement of the grounds on which the order under appeal was based. This, I maintain, is open to the same objection to which I referred in the earlier part of my speech. I will here ask whether the present law is not sufficient to bring within its purview the men contemplated by this Bill. The other day we all remember that one Mr. Johnstone was deported from Jharia while he was attending a meeting. I asked a question in this House, and the Honourable the Home Member replied that he was deported under Act III of 1864. The preamble of that Act provides:

"Whereas it is expedient to make provision to enable the Government to prevent the subjects of Foreign States from residing or sojourning in British India, or from passing through or travelling therein, without the consent of the Government ..."

The provisions of this Act, one should have thought, were wide enough to bring within its clutches all foreign communists. The only persons who may not come under the clutches thereof would probably be the English communists. With regard to that, I would submit that Regulation III of 1888 (*Some Honourable Members*: "1818"). I beg your pardon, of 1818, under which Dr. Besant and others were incarcerated, are wide enough to deal with

Mr. C. S. Ranga Iyer: You want the application of Regulation III of 1818?

Mr. Gaya Prasad Singh: Let me try to develop my argument in my own way.

Mr. C. S. Ranga Iyer: I put it to the Honourable Member whether he believes in the application of Regulation III of 1818? (*Some Honourable Members*: "Order, order".)

Mr. Gaya Prasad Singh: I have not given way.

Mr. C. S. Ranga Iyer: That is very clever, (Laughter).

Mr. Gaya Prasad Singh: Regulation III of 1818, under which the ex-Maharajah of Nabha and others were deported, that Regulation I want to be repealed. But is the Honourable the Home Member prepared to give a guarantee that, if we give him the powers which he seeks under this Bill, he is prepared to repeal Regulation III of 1818? (*Some Honourable Members:* "Hear, hear.") The question which my Honourable friend has asked had better be addressed to the Treasury Benches and not to me.

Mr. C. S. Ranga Iyer: You suggest the application of Regulation III? (*Cries of "Order, order."*)

Mr. Gaya Prasad Singh: No. In the armoury of the Government I say there are ample weapons for dealing with foreign communists and English communists. That is what I maintain and that is my position.

Mr. C. S. Ranga Iyer: You want Regulation III to be used? (*Cries of "Order, order."*) *Some Honourable Members:* ("Go on.")

Mr. Gaya Prasad Singh: Lastly, Sir, I come to sub-clause (2) of clause 15 which says:

"... no removal order, no order of forfeiture, and no prohibition order shall be called in question in any Court or by or before any other authority whatsoever . . ."

That means that what little there is of the Habeas Corpus as provided in section 491 of the Criminal Procedure Code, is to be taken away. (*An Honourable Member:* "For British communists only.") Quite so. Lastly, in order to save the executive officials from the result of whatever arbitrary action they may take under the provisions of this Act, they have provided that no prosecution or other legal proceeding whatsoever shall lie against any person in respect of anything in good faith done or intended to be done under this Act. I maintain, Sir, that some of the facts which I have indicated are enough to enable this House to come to the conclusion that the only proper procedure under the circumstances, short of a total rejection, would be to allow some time for us, and to allow the country to have some time, to form correct conclusions on the all-embracing provisions of this Act. All is not lost if the Government consents to allow this Bill to go into the country for the purpose of eliciting opinions thereon. Last time the plea of urgency was urged with insistence by the Honourable the Home Member. We know that the House refused to accord its sanction to the Bill, and, what harm has been done? The Sun continues to rise in the East and set in the West. The diurnal motion of the earth continues its course unshaken. The work of the administration goes on smoothly, as smoothly as it did before, and the Honourable Member to-day stands without any satisfactory answer as to what has happened during the last few months to justify this plea of urgency. (*Interruptions from the European Benches.*) I hear some interruptions from my friends of the European group. I know, Sir, as Lord Curzon once said, the work of exploitation and the work of administration go hand in hand in this country; and my friends there are prone to do a good turn to the executive Government, and the executive Government do a good turn to them, as will be seen when Mr. Haji's Bill comes up for discussion. With these words I commend my amendment to the House.

Mr. C. S. Ranga Iyer: Sir, I was very much astonished to hear the previous speaker very seriously move his amendment, as I happen to know something of the opinion which is held on his side of this House. Sir, the Honourable gentleman from Muzaffarnagar (*An Honourable Member: "Muzaffarpur"*),—there is alliteration in it. (Laughter.) There is rhyme but no logic, I admit, in the Honourable Member's speech suggesting that the Bill be circulated for the purpose of eliciting opinions thereon. If he was very serious about this proposition, then he should have concentrated on the amendment which he proposed. He should have explained to the House how and why the Bill should be circulated for opinion. He himself seems to be abundant with his own opinions on this Bill, one of which is that there is a much better piece of legislation, namely, Regulation III of 1818. Obviously some change has come over that side of the House. (Laughter.) The latest evidence about it, Sir, is the absence of a Member of this House who was entrusted with the responsibility of a Bill to repeal Regulation III of 1818, which resulted in less than a quarter hour's session in this House. After that extraordinary absence on an important question, comes the observation, equally surprising from a Member of the Congress Party, saying "There is Regulation III of 1818". Surely, Sir, Regulation III of 1818 is much more barbarous than any other piece of legislation on the Statute Book. Regulation III of 1818

Mr. Gaya Prasad Singh: Who said it is not?

Mr. C. S. Ranga Iyer: You said that it is much better legislation. The Honourable gentleman used that argument: "There is Regulation III of 1818; why then have this measure". Regulation III of 1818 was opposed even by my friend Mr. Fazl Ibrahim Rahimtulla. Regulation III of 1818 was opposed by Sir Sivaswami Aiyer and Sir Chimanlal Setalvad. Sir Chimanlal Setalvad is a supporter of the particular measure before the House.

The leader of the Liberal Party, in his very interesting speech at the All-India Liberal Federation,—the Liberals being now strange bed fellows with the Congress Nehruites (Laughter)—that stalwart who adds glory to the Nehru Report, said that this piece of legislation was necessary. I am not criticising his speech but I am only pointing out that he who was prepared to support this measure was not, as a Member of this House, prepared to support Regulation III of 1818, and now Swarajism, that is giving us ideas of tyranny in and out of this House, is prepared to flirt with Regulation III of 1818, is prepared to point out that Regulation III of 1818 is much better than this piece of legislation.

The Honourable Member from the Swarajist benches who spoke, said there was "a storm of opposition" to this Bill. I myself, I believe, had a hand in creating that storm. When there was a storm of opposition to this Bill, why on earth, I ask him, should he have sprung on us this motion for the circulation of this Bill. You ask for a Bill to be circulated for opinions when there is no opinion on the subject. I am surprised that the gentleman who saw "the storm of opposition" should shrink before that storm. Supposing it was circulated for opinion, may I ask him whether that will change his opinion on this subject? I put it to this House and the gentleman seated on the benches, to which the Honourable Member happens to belong, if the opinions of men like Sir Sivaswami Iyer,

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Sir Tej Bahadur Sapru and the beauties of the Nehru Report are in support of this proposition, will they change their opinion? It is extremely disgusting to see men who ought to understand what they stand for trampling their principles under foot. (An interruption from the Swarajist Benches.) Will the Honourable Member speak up?

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Mind your own principles first before caring for others.

Mr. C. S. Ranga Iyer: Charity begins at home. Principles, so far as the particular gentleman who just interrupted me is concerned, seem to begin outside his Party, but as for myself, I am a jealous guardian of my principles.

Then the Honourable Member spoke of drastic and rigorous provisions. If he wants them to be mitigated, why should he not vote for the reference to the Select Committee? Why should he talk of drastic and rigorous provisions? Then he says it is a new Bill to us, especially that point which refers to the forfeiture of Soviet gold. He says it requires much thinking over. I never thought, Sir, the Honourable gentleman, and the Group to which he belongs, do require much thinking over a provision of that kind. I don't think the Members are so dense as to say that such a thing requires much thinking over. It requires no thinking over: it is as plain as plain can be. And then, Sir, he says that these things amplify the scope of the Bill. Does he want that the scope should be restricted? Then he talks almost like an innocent babe to the Home Member. "Take us into your confidence; Government have declined to place materials before this House." Was he asleep when the Honourable the Home Member was speaking? He has placed abundant material before the House, and it is a foolish charge to bring that the materials are not before this House. Materials have been before the House for a very long time, and if we have no brains to judge the materials, we have no business to be in this House. (Laughter.)

Then, Sir, he complains of the period of seven days. Seven days is an inadequate period? I put it to him and to the gentlemen whom he represents, if the seven days were extended to seventy days, will he support this Bill? It is amusing that such illogical statements should emanate from that side of the House.

My position is very easy. I oppose the circulation of the Bill because the Bill does not deserve any circulation at all, and if I oppose reference to Select Committee, it is because it was already once referred to Select Committee. Where is the necessity for the reference of this Bill to Select Committee? Who are the Members of the Select Committee whom the Honourable the Home Member's motion includes? The Members of the Select Committee happen to be men like Sir Darcy Lindsay. I shall deal with them one by one. Sir Darcy Lindsay's addition to the Select Committee is certainly an interesting innovation. This House did not obtain the assistance of Sir Darcy Lindsay at a time when his presence in this House and the addition of one vote would have turned the fate of this Bill. (Laughter.) Sir Darcy Lindsay was having a glorious time in the other hemisphere. To-day Sir Darcy Lindsay's opinion on the Bill must be a valuable one, but no originality attaches to that opinion. Sir Darcy

Lindsay's views are not yet known, but the views of his constituency are very well known, and, Sir, I believe he accepts the principle of the Bill. What I object to, and why I object to the reference to Select Committee is that I do not accept the principle of this Bill. Once you accept the principle of this Bill you accept the whole Bill. I do not think there is any necessity for a reference of this Bill to Select Committee. I have very carefully gone through this Bill and assure you, Sir, that it is a perfect piece of draftsmanship. So far as the legal or drafting aspect goes, there is nothing you can take exception to in the Bill. What you can take exception to is the special purpose of this Bill, the exceptional principle underlying the Bill. (*An Honourable Member*: "The preamble".) My Honourable friend from Bombay objects to the preamble. I say that from the preamble to the last word it is perfect so far as draftsmanship goes, and I do not see why it should be spoilt by a reference to Select Committee. The Honourable gentleman who spoke after the Home Member said that it emerged last time from Select Committee rather in an improved state. I thought the emergence was rather against the Bill. I need not repeat the arguments used by that side of the House. I thought it was for the Honourable gentlemen seated on those benches to deny the fact that it had emerged in an improved condition, and from the views expressed on that side of the House, the Bill underwent certain drastic alterations which did not go to improve the principle underlying the Bill.

Be that as it may, we come to the second Member of the Select Committee, Sir Victor Sassoon. I don't know why he has not been made the first Member, because he belongs to the school who made a splendid case for this Bill during the last Simla session. He feels a definite necessity for this Bill, and I do not see why he should not accept the Bill in its present drastic form. Even from their point of view, there is no necessity for a reference to Select Committee.

Now we come to Nawab Sir Sahibzada Abdul Qaiyum, the frontier stalwart. He will not stand for mitigation of the principle or for the matter of that for those important clauses of the Bill where this necessity for a reference to Select Committee comes in.

Among other Members we have Mr. Fazal Ibrahim Rahimtulla. He is always straight. He never hits below the belt or behind the back. He hits you straight on the face. I don't see why he should aspire to improve the Bill or rather to spoil it. I do not believe in so many cooks spoiling the nice broth. (*Laughter*.) So far as I am concerned I don't want to taste the broth, I want to throw it away.

The Honourable the Home Member made a speech to which I must pay homage, because he brought forward abundance of materials and placed them before this House. From his point of view he made a good case for the Bill. He could as easily have quoted—though his modesty forbade him from doing so—from the speeches of the Congress President. He could have quoted from the speeches of the President of the All-India Liberal Federation. Both these gentlemen used identical phrases. They said something is coming, and what is that something? That something is to "swallow" us up. We are all going to be swallowed up! If that is the situation, I do not see why this Bill should not be introduced. I however dispute the fact that we can be easily swallowed by communism.

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The Honourable Diwan Chaman Lall made a statement about the growth and advance of communism in the labour world. His statement was published in the *Civil and Military Gazette*. All these have supplied abundant materials so far as this Bill is concerned, but I object to the Bill on the same identical grounds on which I objected to it last year. I have no sympathy for communism. The communists did try to flirt with me while I was in Europe, but I could not easily be flirted with. I don't like flirtation with a crocodile. I think it was deQuincy who described in his "Confessions of an Opium Eater" the kisses of a crocodile. (Laughter.) He said the kisses were "cancerous". Well, Sir, I believe the flirtations of a communist are more certainly cancerous. I had also the privilege, which was extended to certain gentlemen in this House and perhaps outside, of an invitation from the Soviet Government. They said, as I believe they did in other cases, they would pay the passage, that we would be their guests and so on and so forth. But as Great Britain had cut off all diplomatic relations with Russia, I valued my British citizenship (Hear, hear), and therefore I refused to accept the invitation. I declined the invitation with thanks. I do not believe in communism, and if I really believed that there was a danger of the spreading of communism in this country, I would have supported this Bill. If I believed, as the Congress President said in his address,—and the same thing was said by the President of the Liberal Federation—that there was great danger to this country from communism, I should most certainly have supported the measure. The premises of the Bill are the confessions of the Congress and the liberal people and the champions of the Nehru report outside this House.

My own objection to this Bill is this. I consider that my country is a very peaceful country. I consider that communism has no chance here. I consider that Indians are an aristocratic race, not a communistic people. Even a labourer is an aristocrat, Sir. Our traditions are in our blood; our traditions are in our society; we do not want the benevolent help of the Honourable the Home Member and the Government so far as the blasting of this movement is concerned. I challenge anybody, even the so-called gentlemen who believe that communism is coming to this country, and even those who believe that communism has come in definitely, I challenge them to seek an election on the issue of communism. They dare not. Most of the supporters of the Congress people during the elections have been zamindars. I know socialistic flirtations are going on even to-day in the premier house of the taluqdar of Oudh. The Maharaja of Mahmudabad and the champions of the Nehru report are not communists. There is no question of communism in this country, and once there is no danger, you can depend on Indian society, Indian culture and Indian civilisation and India's genius to resist communism. Where, I ask, where does the necessity arise for a measure of this kind. I would leave it to India to combat it, as the Honourable the Home Member himself very beautifully put it. About the principle, or rather about the ideas of communism, he said that communism was essentially foreign to the idea of British dominions. I would say, it may not be quite foreign to certain parts of the British Empire. But, at least to a part of the British Empire it is wholly alien. In England there is a much more powerful communist or semi-communist socialistic movement than anywhere else in the Empire. Perhaps in Australia communism might have some chance. But I agree with

the Honourable the Home Member that communism is essentially foreign to the idea of that part of the British dominions of which he happens to be the Home Member. It is essentially foreign, and once it is essentially foreign to the conditions of this country, where is the necessity for this measure? I do not understand where the necessity arises. It is a noxious growth of the West. This communism cannot come even up to Afghanistan. Certainly I shall not tread on dangerous ground, as my Honourable friend the Foreign Secretary will promptly remind me. The Hindukush mountains are strong enough to prevent communism from entering this country. The communists dare not fly aeroplanes over this country and throw leaflets. The aeroplanes will be brought down and the communists would be given, what perhaps my Honourable friends on the Swarajist Benches would have them given, namely, Regulation III of 1818. Therefore there is no danger of communism.

Then the Honourable the Home Member referred to communist propaganda. I know certain newspapers publish articles written by communists outside this country. But the very easiest thing is for the Government to censor these communications. Why introduce this legislation? There is the power of censorship which the Government possess and they can use it and they can stop communist literature coming into this country.

Then the Honourable the Home Member talked of cutting off subsidies. Well, Sir, I am not very much in love with these Russian subsidies and am not much enamoured of their coming into this country. If the Honourable the Home Member had brought in a Bill only for the cutting off of the subsidies, I at any rate would not have hesitated to vote with him. Because, he thinks, communist money comes into this country, it is obviously evidence of communist propaganda. We do not want communist propaganda in this country. We do not want alien support. At any rate we do not want Soviet gold to do communist propaganda in this country, though I would remind the Honourable the Home Member that such a step had not been taken in his country where Soviet gold appeared now and again. I think it would be legitimate criticism to say when your own countrymen have not taken up an attitude of the kind, why should you take it up here? But I for my part would wish that the Bill was "so amplified in its scope," to borrow the dubious expression of the Honourable Member Mr. Gaya Prasad Singh, that it was restricted only to this particular thing, because I do believe that foreign gold comes into this country. The motive is dangerous, and I think that part of the Bill is perhaps not unreasonable and I would even say very wholesome. But unfortunately it is only a very small part of the Bill, and the least objectionable, or rather the most useful. But my difficulty arises out of the fact that you cannot take that part up by itself. I do object to foreign gold coming into this country because we do not want the help of foreigners, not certainly Russians.

Then, Sir, the Honourable the Home Member referred to the serious situation arising from propaganda of the communist movement. I do agree with the Honourable the Home Member that there is propaganda by the communists, but I refuse to believe that the propaganda is very serious. I admit there is a certain amount of seriousness, if not in the whole country at least in the industrial areas. I do not deny there is a certain amount of seriousness, not in the agricultural areas, but in the industrial areas. But why not prosecute the offenders, or accept the advice of the

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Swarajist Member and intern them? I do not give the Government that advice. But you can certainly prosecute them. Prosecutions have been launched, and as the Honourable the Home Member very truly pointed out, prosecutions have been very successfully launched too. I do not know why that attempt should not be made against Englishmen also. If Indian communists can be prosecuted, why should English communists get a passage on the cheap; for, Sir, it is a question of racial discrimination in legislation. Why should there be this racial discrimination? If an Indian communist is worthy of being prosecuted, an English communist cannot be unworthy of being prosecuted. Prosecute him. The experience of people in prisons might teach them, and I think the Honourable the Home Member's knowledge of prison law will inform him that Europeans are given special treatment in jails. Life there is not so hard as it is for Indians. Therefore let him prosecute them and put them in prison.

Mr. H. G. Cocke (Bombay: European): Send them to the Andamans.

Mr. C. S. Ranga Iyer: My Honourable friend from Bombay, Mr. Cocke, says, send them to the Andamans. I do not want to be so unkind. I would give them six months' simple imprisonment if you succeed in prosecuting them. If you prosecute them successfully, it will suffice. If one or two prosecutions are launched, I do not think the Englishmen or the communist or the Socialist Party would care to come to India to seek prosecutions. If, on the other hand, we give them a cheap free passage, it will be a temptation for more communists to come in. Sir, in trying to get rid of an evil by introducing this Bill and by giving them a free passage, what are you doing? You are encouraging more communists to come into this country. Many of the communists are not rich people. They are a very poor lot. They need take passage only one way and once they come to this country and make a few speeches in a few industrial areas, they are given a free passage home. It may be third class, as the Foreign Secretary reminded us last year, and I think third class passengers can do perhaps more harm on the boat than first class passengers. (Laughter.) They would rather like to travel third class. It does not matter because they are accustomed to travel third class. They do not mind this. But the whole point is this. Why do you encourage these unemployed communists of your country to come to this country and then allow them to go back on the cheap.

An Honourable Member: Why on the cheap?

Mr. C. S. Ranga Iyer: Certainly it is going on the cheap, because they are given a free passage home. It is not very difficult for a few labour organisations to provide them with third class passages to this country. They can easily come here, and then go back at the Government expense. Therefore, this Bill is really an inducement for communistic propaganda in this country. It does not attack the root of the disease—
 2 P.M. and about attacking the root of the disease—I shall have something presently to tell the House—but it really worsens the disease. There is no use bringing in special legislation, though I admit the Honourable the Home Member has pointed out that it is not a permanent measure and that it is only meant to meet a particular situation. I don't think, Sir, this Bill is necessary at all, and I object to this kind of giving separate treatment to the Indian communist from that accorded to the British communist.

Then, the Honourable the Home Member talked of the communist danger which will destroy the existing social and economic order. The social order has not been destroyed by worse movements than the communist movement. We know some of our temples used to be destroyed; we know the great invasion of Nadir Shah. Surely nothing was more dangerous than the invasion of Nadir Shah; but what happened? The gentlemen who came to destroy our temples lived in the same temple of India. They were attracted by it; they lived with the people; they were one of the people, and they are now one of the people. (Hear, hear.) I hear Honourable gentlemen saying from that place (pointing to the Congress Benches) "Hear, hear". I say in reply, then accept all their legitimate demands and embody them in the Nehru report and don't treat them as foreigners. Sir, they are one of us, but they have not been treated as one of us by the greatest betrayal of the Hindu Nationalists.

An Honourable Member: I challenge that.

Mr. C. S. Ranga Iyer: The Honourable gentleman challenges it. I think my friend Mr. Fazl Ibrahim Rahimtullah accepted the challenge and proved that the Conference that sat at Calcutta was a Hindu All-Parties Conference, and that the Conference that sat here in Delhi was a Muslim All-Parties Conference. Be that as it may, it is only parenthetical. I do not want to speak further about it in spite of the alluring interruption of my friend Mr. B. Das, who is always hilarious.

The Honourable the Home Member stated that the social order stood in danger of being destroyed. Waves of foreign invasions have not destroyed the social order, and the British conquest of India has not destroyed the social order. I do not think, therefore, that, in spite of 150 years of English education

Colonel J. D. Crawford (Bengal: European): We did not have the desire to do so.

Mr. C. S. Ranga Iyer: My Honourable friend Colonel Crawford says: "We did not have the desire to do so". I must tell my Honourable and gallant friend that his information is very wrong. The British did have the desire to do so. I do not for a moment say that it was a wrong desire or that it was an ignoble desire; but they had the desire to do so, and to know that, my Honourable friend should read Macaulay's famous Minute, in which he spoke of Indians educated in English ideals, fed on European ideas, one day asking for European self-Government, European democracy and so on and so forth. Therefore, the desire was there, and the desire has succeeded up to a point. But what I say is this: the existing social order is not likely to be destroyed. The educated classes, as the *Englishman* of Calcutta truly says, are only a microscopic minority. I would rather call them a telescopic minority. (Laughter.) But the existing social order has not been destroyed. It has not been affected at all; it has been left untouched. The bed-rock of Indian culture has not been affected at all either by the Moslem Raj or by the British Raj. And when successive waves of invasions and centuries of foreign rule could not affect the existing social order, may I ask, how can a handful of leaflets, a handful of pamphlets of the communist type break that social order? Leave the social order to take care of itself. Communism cannot be tolerated in India, not certainly by my leader Sir Purshotamdas Thakurdas. (Loud Laughter and Applause.) At any rate, so far as the industrial areas are concerned, if

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communism raises its abominable limbs, Sir Purshotamdas Thakurdas will take care to oppose it and defy it, and he may be trusted to do it successfully. Even so, if it were to attack the villages and the agricultural areas, I am sure gentlemen like the ex-General Secretary of the Swaraj Party—I refer to Pandit Nilakantha Das—can be expected to oppose that movement and destroy that movement. Therefore, the question does not arise of a social order being attacked or for that matter, the economic order being overthrown. Capitalists and agriculturists can be trusted to defy the unsettlement of the existing economic and social order. They do not want any special legislation. The social order and the economic order can be left to take care of themselves.

Then, Sir, the Honourable the Home Member referred to communism's object, which is destructive. Yes; it is destructive. But it cannot destroy when we are unwilling to be destroyed. Where others have failed, you are putting too much importance on communism when you say that a few communist pamphlets can achieve success. What English rule and Moslem rule have failed to achieve cannot be achieved by a few such pamphlets. Sir, it is not a great compliment to the character of the Indian people, to the institutions which have been through scores of centuries flourishing in this country, to say that communism could destroy them. No communism can destroy "Hinduism", by which I mean both Hinduism and Muhammadanism, which includes not only Hindus and Moslems but also Anglo-Indians and Europeans who live in this country. Hinduism, as it is popularly understood, may mean a religion; but Hinduism, as it was understood originally and interpreted correctly, refers to the institutions in India which are thriving on this side of the Sindhu. And that is how, Sir, I am inclined to say that Hindu institutions cannot be destroyed by communist propaganda. I am not afraid of it; leave it to us to resist it. We do not want your support, your unwanted support by means of legislation of this kind.

I am afraid the Bill defeats the object we have in view, the object of laying low communism. It raises a question of principle, a principle to which we cannot agree or adhere, that is, the principle of special legislation. Sir, it is an elementary principle of English jurisprudence that a man who has not been proved to be guilty is innocent. We take our stand on that principle. This Bill, Sir, denies that fundamental principle of English jurisprudence. I do not know if the Honourable the Home Member discovered this principle in the jurisprudence of Russia. Possibly, this principle is embodied in the jurisprudence of Russia. I have not read the jurisprudence of Russia. Or perhaps, this principle may be in the jurisprudence of Austria. Here, Sir, the question of imprisonment does not arise. To deprive a man of his liberty, to extern a man, to deport a man without giving him a trial, is a principle to which I at any rate cannot be a party. Therefore, I do think the principle of the Bill is objectionable. But there may be occasions, for instance in wartime, when such fundamental principles have to be suspended. The Defence of the Realm Act suspended that principle; the Defence of India Act suspended that principle; and I would have endorsed this principle of suspension if the situation was so dangerous. I submit, Sir, the situation is not so dangerous. The Honourable the Home Member in a very convincing speech—though I have not been convinced by it, I cannot doubt the force of his argument,

though I admit that so far as I am concerned I do not think it was so forcible as to convince me—spoke of indirect and subterranean measures. I admit there are indirect and subterranean measures. I admit that no propaganda can escape them. But why not tackle the very problem which those subterranean problems and indirect forces are attacking. That is the whole point. The Honourable the Home Member is perfectly right in saying that the industrial areas are ablaze when communist agents visit them. But I fix the responsibility for that, not on the communist agents, who will always be found there from both in and out of the country; I fix the responsibility on the existing state of things.

Sir, in what part of the world, may I ask, is there the disparity in living between rich and poor, between capitalist and labour, that you find in India? Sir, we have been reading with great pride and pleasure the speeches and observations of His Royal Highness the Prince of Wales, who has been touring over the mining areas, going into the houses of these poor working men, watching them, looking into their hearths, capturing the citadels of their hearts, examining their boots and clothing, and their poverty. The sensation in England to-day is the Prince of Wales visiting the mining areas. Sir, we want that spirit, the spirit of investigating the problems, the difficulties, the appalling, the unmentionable, the cruel lot of these poor labourers. A Bill of this kind cannot improve their lot. I know there will be Bolshevik agents who will exploit their condition. It is not for you to stop those Bolshevik agents so much as to ameliorate their condition to remedy the evil, to improve the lot of these labourers. Why not stop these communist agents from coming out to this country? Do not give them passports. Stop them somewhere near Aden and send them back. Why let them come in? Why should we be a party to passing measures of this kind, inviting the odium of the world on this House, the Parliament of India? My Honourable friend from Bombay, Mr. Cocke, says "What about the poor masses?" If the masses were on fire, a Bill of this kind could not quench that fire. I admit the masses are intensely poor, and empty stomachs, as a great Irish statesman put it—I refer to Edmund Burke—empty stomachs are a prolific cause of revolutions. By passing a measure of this kind you cannot deal with a serious situation. I do not say the situation is so serious, but taking the Honourable the Home Member at his word, if the situation is dangerous, if we are sitting on the top of a volcano, this is not the measure to take. Sir, the proper thing will be for the Honourable the Home Member to introduce remedies. I know a Labour Commission has been announced, but a Commission does not necessarily mean an achievement. Achieve, improve the condition of the poor, both agricultural and industrial. Let there not be that appalling disparity in living between rich and poor, and then, Sir, there will be no necessity of guarding these people against communism. Any amount of caution will not guard them; any amount of prosecutions, though necessary in the interests of law and order, will not improve their lot. Prosecutions feed on prosecutions. Just as Sir Rash Behari Ghose once said "repression makes the meat it feeds on," even so prosecution makes the food it feeds on. Sir, the Honourable the Home Member talked of organised efforts towards industrial unrest. I tell the Honourable the Home Member, you cannot set the prairie on fire in the absence of inflammable material. The industrial unrest is there. Tackle those who are responsible for the industrial unrest, both labour and capital. If this unrest is found anywhere the arm of your law is long enough to put the makers of unrest in prison. And you have already said successful prosecutions have

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been launched. If on the other hand labour's condition is not so good as it ought to be, tackle the capitalists. Ask them to improve the condition. Then they will tell you why the conditions are what they are and help you to bring forward measures to improve the circumstances even of the capitalists. Sir, it is constructive legislation that we want and constructive legislation to improve the condition of labour is exactly what we want. I have not the interests of the capitalists at heart. They are strong enough, powerful enough to take care of themselves, and I believe many of them feel for the labourer more than any academic critic can ever feel. But, Sir, the condition has to be improved and it cannot be improved by a Bill of this kind. The Honourable the Home Member referred to the industrial centres of Bengal and Bombay. Sir, the industrial centres of Bengal and Bombay are certainly very much affected with unrest, but the cause of that unrest, as I have already said, the chief cause, is poverty, poor wages, impossible living. Can you imagine, Sir, that anyone with a large family, such as these poor labourers unfortunately happen to have, procreation and poverty travel together—can you, Sir, imagine that these poor people with large families can live on such low wages? That is the unfortunate, that is the tragic fact of the situation, and an attempt must be made to increase their wages. You may be successful in deporting Mr. Spratt. You may be successful in deporting Mr. Bradley; but you cannot prevent some other Spratts and Bradleys coming into the country. That is the whole position; and so long as the situation is what it is, any amount of deportation cannot prevent the evil. In fact, knowing as I do the spirit in England, knowing as I do the spirit which is animating the socialist movement, I know some socialists would like to come to India to get martyrdom on the cheap. They would like to go back to their country and say "Look here, we have been deported". The stamp of martyrdom is easily acquired. The Bill therefore will not serve its purpose.

Then, Sir, the Honourable the Home Member referred to youth movements being drawn within the orbit of communism. I quite sympathise with that observation. I strongly feel, Sir, that young men in schools and colleges should not be seduced by politicians. I do not think, Sir, there is any use in these young men being made cats paws of by wicked politicians. I say it is the climax of wickedness to approach these young men, to ruin their lives, to draw them into politics and fling them away as so many have been flung away. Therefore, Sir, I object to this Youth movement. It is an exploitation of the innocent young men for the propping up of dishonest leadership. Let the young men go and consult their parents first. Let the leaders not exploit these young men. I know that, when these young men are exploited and drawn into politics, the elephant foot of dishonest leadership will crush them; and having betrayed their parents at home, they will be betrayed by the leaders who exploit them for the aggrandisement of their leadership. Where are these young men, I ask, whom these wretched leaders put into prison during the non-co-operation movement? I know many of them who are starving to-day. Where are they? It is all very well to start youth movements and exploit these young men. I bitterly feel it. This exploitation of young men, this dishonesty of leadership is responsible for the condition in which we live. Young men should not be exploited. Do not spoil their studies. Just as the present leaders themselves did not spoil their studies, but got into politics after they had completed their educational course, even so let these young men complete their studies and come out.

But, Sir, sympathising strongly as I do with the Honourable the Home Member's observations against exploiting these young men and bringing them within the orbit of communism, I say, get at those men who do it. If they make rash speeches, prosecute them and make it prohibitive to approach these young men. Make special legislation for that purpose and I will support the Honourable the Home Member. Let the Principals of Schools and Colleges take drastic action, because young men should not be exploited by unscrupulous leadership. But, Sir, this Bill will not put a stop to it. The passing of this Bill will not attack it, and therefore I do not consider that that is a sufficient argument for the passing of this Bill. The youth movements will go on. Students will continue to be drawn out of their studies: your Bill does not deal with the situation. Therefore, Sir, I feel, and I deeply feel, that if you want to protect the students, this is not the kind of Bill that you should bring forward. It is quite a different Bill you want. Therefore there is no justification for this Bill on that ground. If the Home Member's observations about the youth movement were the premises, I say this is not the superstructure. But the premises are different. You want to get at Mr. Spratt; you want to get at Mr. Bradley or men of that kind, not necessarily these people but alien gentlemen who belong to the tribe of communism. But by getting at them, I put it to the Honourable the Home Member, how can he prevent youth movements being started, and young men being drawn within the orbit of aggressive politics, socialism or anything of that kind? How can you prevent that? If that is the object that the Honourable the Home Member has in view, it is a very good object in my opinion, and I talk with a good deal of experience on that subject, a very salutary and very attractive object, but this is not the Bill for its fulfilment; and that is why I say that this Bill is utterly useless so far as that question is concerned. Therefore, Sir, though I feel on that question, my feeling cannot be very helpful to the Home Member so far as this particular piece of legislation is concerned.

Then, Sir, the Honourable the Home Member referred to the facts of the situation. I have presented the facts of the situation from my own point of view. He referred again to Mr. M. N. Roy. I have not had the honour or opportunity of knowing this gentleman. I hear from people who know him that he is a very very enthusiastic man, but I do think Mr. M. N. Roy would feel considerably flattered if he were to hear that he was twice mentioned on the floor of this House by the Honourable the Home Member. (Laughter.) I do not think, Sir, Mr. M. N. Roy deserves so much attention even from the Home Member. He may be a very dangerous man, I do not know, but he cannot set this country on fire by a few articles. I do believe even in India you can find fairly good writers who could produce as hot stuff as Mr. M. N. Roy.

Mr. M. S. Aney (Berar Representative): Not excluding the speaker himself.

Mr. C. S. Ranga Iyer: I do not however see why Mr. M. N. Roy should have got on the Honourable the Home Member's nerves. Perhaps when he reads his leaflets he thinks they are very bad and naturally therefore those activities of Mr. M. N. Roy should be stopped. But Mr. M. N. Roy will continue to write in spite of this Bill. How can you stop his writing? You are not touching Mr. M. N. Roy and other communists—if Mr. M. N. Roy is a communist. He might perhaps be a Bolshevik or a member of the Third International, or a frank Indian Nationalist revolutionary, whatever

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he may be, you cannot prevent him and others of his ilk sending literature to this country. How can you prevent that by passing this Bill?

Then the Honourable the Home Member referred to the Third Communist International which was perhaps brought into existence in 1919. Well, the Third Communist International cannot be affected by legislation of this kind. No Russians have come to India: they are only using Englishmen and perhaps Indians. I do not think, at least I do not know, if any Indians in this country are in touch with the Third Communist International. The Honourable the Home Member must know better. No prominent man to my knowledge, at any rate, is in touch with it. But how are you going to affect the activities of the Third Communist International by deporting half a dozen Englishmen who might come out to this country?

Then, Sir, the fundamental difficulty about giving my support to this motion arises from the fact that it is aimed at British citizenship. Sir, the old English Imperialists have said that the ancient Romans considered *Civus Romanus sum* as their great imperial citizenship motto, and British imperialists prided themselves on *Civus Britannicus sum*, following the ancient Romans. Sir, this Bill attacks the foundations of that principle. I can understand an Alien Act, but I cannot understand an Act for fellow-citizens of the British Empire. There will be nothing to prevent communist members of the House of Commons, and even socialist members, because the demarcation between communism and socialism is very slight. Of course you have moderate socialists and you have left wing socialists, and you have moderate communists and you have left wing communists; and the left wing socialists and right wing communists are almost tarred with the same brush and some of these left wing socialists, whom I need not name, occupy fairly important places in the House of Commons and in the Labour Party. They do sympathise with radical socialistic movements, and when you introduce a Bill of this kind and when these labour gentlemen in their anxiety to promote the condition of Indian labour visit these labouring areas, what happens? They deliver speeches or they investigate the state of things and give interviews; and it is within your power, it is within your competence and your purview by this Bill to lay hands on them, and to deport them. This, Sir, does not look like establishing an *capit-de-corps* between India's Parliament and England's Parliament. Though a Member of Parliament does not claim any more privilege than an ordinary citizen outside the House of Commons, still there is something uncanny in a Bill of this kind attacking even the Members of the House of Commons, and whether they are Members or not, very good labour people coming out to this country to investigate the labour conditions and to recommend to the Mother of Parliaments that these conditions should be improved. In my opinion, therefore, Sir, it is not quite just from the point of view of British citizenship. By all means introduce a Bill to deport Russians. You will be perfectly justified in doing so for the very simple reason that your own country—and I think in this matter what obtains in England obtains all over the British Empire—has cut off diplomatic relations with Russia. If an Englishman, be he even the Chancellor of the Exchequer, Mr. Winston Churchill, wants to go to Russia, he will be refused passports by the passport office, because diplomatic relations have been cut off. Therefore, Sir, it is quite within the rights of this House, and quite in keeping with the spirit which animates to-day the British Government, the Party in power, it is quite

in keeping with that spirit, Sir, to pass an Alien Act affecting Russians. But there are no Russians in this country at present, and if there are any, get at them by all means. When you try to get at labour people, the socialists in England, Members of the British Parliament, Sir, I can only say that it is not only not in keeping with the spirit of British citizenship, but it violates the privilege, or rather the correct attitude, which this House should adopt. Sir, it goes against the spirit of the Reforms. No Member of this House, no Indian outside this House, can be a party to passing a Bill of this kind, at a time like this, at a time when the Indian Parliamentary Act, the Reforms Act, the Government of India Act, is in the crucible. No one, Sir, will agree to alienate the sympathies of any one in the British House of Commons. If a Bill of this kind were passed by Members of this House, if the Opposition includes even a single Indian at a time like this—I am appealing here even to men like my friend Mr. K. C. Roy who, I am surprised to see, are supporting the principles of this Bill,—I would ask every Member now on the Select Committee, I would ask my friend Mr. Roy, if he has the courage of his convictions, to resign from the Select Committee. I would ask every Indian to throw out this Bill. And if I ask that, Sir, it is not merely on the merits of the question, but on diplomatic grounds.

I find, Sir, that this Bill is calculated even to alienate our friends in the British Parliament and in England they will say, what is the use of sympathising with these politicians, moderates and extremists, and all classes of politicians, what is the good of sympathising with these people? That is what they will say, especially when we pass measures of this kind, when we do not value the little privilege of reforms that has been accorded to us. The passing of this Bill, Sir, will advertise us in the eyes of the world as utterly incompetent, it will advertise us as utterly unfit for responsible Government. If a Bill of this kind had been introduced in the British House of Commons by Mr. Joynson-Hicks, who occupies there exactly the same position as the Honourable the Home Member occupies here, if he were to introduce a Bill of this character and make as convincing, as cogent and as reasoned a speech,—and he could find a good deal of material in England about communist activities, in fact much more than the Honourable the Home Member has in the brief time at his disposal been able to place before this House,—if he were to introduce a Bill there of this kind, and that at a time when they had to face a General Election, the Conservatives, who have a majority, a very big majority, in the House of Commons, would make the return of Labour to power very easy, for, Sir, a measure of this kind would not be tolerated by an Englishman. Englishmen, I admit, are essentially conservative people. Even the socialists of England are conservative, but even a conservative race like the Englishmen will not stand a measure of this kind. They will not allow the laying of the axe at the root of imperial citizenship. That is the point which I would ask the Honourable the Home Member to bear in mind. If, supposing, Sir, the Honourable the Home Member himself were responsible in the constitutional sense to an electorate, and the general elections were possibly fast approaching and we had to go to our constituencies to face new combinations, I do not think he would have cared to introduce a Bill of this kind.

But, Sir, this proposition is also arguable the other way, as my friend Mr. Javakar, the Leader of the Independent Party, in one of those fascinating speeches of his—it is always a treat to hear Mr. Javakar—last

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year hinted—I have not looked up his speech, I am talking from memory, I believe he said that if the present system of Government had changed, if, for instance, it was responsible to the people of India, the introduction of a Bill like this would be another matter. I think I have put the views of the Honourable the Leader of the Independent Party quite correctly. That, Sir, is the crux of the whole question. There are some gentlemen on this side of the House who will most certainly support the Honourable the Home Member. There are others who will certainly not support the Honourable the Home Member; but in this latter category there are two sets of men. One group would have supported him had any one of them been privileged to be the Leader of the House in a Government which was responsible to the people, as the British Government is responsible to the people of Great Britain. Anyone of them would have supported a measure of this kind if they had felt that circumstances necessitated its passing for the protection of order, economic and social, for the protection of society. Therefore, Sir, you should not think that the reluctance from one section of the House to support this Bill arises wholly from what I may call the merits of this Bill but from the merit, or rather the lack of it, of a House in which this Bill has been introduced.

Sir, that is a very fundamental question. A Government risks its own fate on an issue of this kind in every self-Governing country. A Government which has a conviction of its own will most certainly risk a General Election on an issue of this kind. But, Sir, the British Government are not willing to do it at any rate, and the Indian Government might perhaps have not been willing to do so either, if the Indian Government had been as responsible to the Indian people as the British Government is responsible to the British people. It is essentially a question of constitutional responsibility. And, Sir, the lack of that responsibility is certainly an advantage in certain respects, but there is a great disadvantage, so far as the Opposition is concerned, because they have got to be responsible, and I do not think, Sir, if you go to the country and ask for support for a Bill of this kind, you will get it if there is another party which says that support should not be given. You may be very right, you may be very reasonable, you may have abundant material, and a good number of orators on your side, and they may be very wrong, they may be quite unreasonable, but they too will have plenty of speakers, and a good deal of confusion would arise over this question. Even in England where the electorates have an intelligence and a responsibility which no Englishman at any rate in this country will deny, an election issue is clouded by orators. If the Honourable the Home Member were to go to the country on an issue of this kind and if my Honourable friend, the Leader of the Independent Party (Laughter) were also to go to the country, and both of them were to use their lungs as well as their brains, their lungs more than their brains, (Laughter), they would appeal to the electorate which is gullible in all countries of the world, including England, where Zinovieff's letter, since repudiated, played havoc. When a situation like that arises, I for my part, to whatever party I might belong, would welcome a Bill of this kind because it would supply a platform for the forthcoming election. At present, I am afraid, now that the elections are drawing near, the Honourable the Home Member is not likely to get the support of even those who might have been inclined to give up the idea of immediate responsibility in the Central Government.

So far as I am concerned, my position is easy. I opposed this Bill last year and I oppose this Bill this year. I opposed it last year on grounds which I have not repeated, but to which I adhere. If the Honourable the Home Member had mentioned the Youth Leagues last year, I would have said exactly what I have said to-day, because I deeply feel the exploitation of youth. I, Sir, equally feel the bringing forward of a measure which really does not get at the root of the problem. What I want is to get at is the root of the problem; what I want is to eradicate the disease. (*An Honourable Member*: "Lunch.") I think the Honourable Member will have to be contented with a lunch of words. (Laughter.) This is a very important question. I thought the Honourable the Home Member was in a hurry to go on. I am not in a hurry, however, to let the Bill pass. Sir, all that remains to be said is that there is no necessity for the reference of the Bill to a Select Committee, even from the Government point of view. From the point of view of my Honourable friend, Mr. Gaya Prasad Singh, he wants circulation; from the point of view of the Honourable the Home Member he wants a Select Committee. A Select Committee did examine the Bill in Simla, and when the Honourable Member is in a hurry I do not really see why he should waste much good time for no purpose. The Select Committee will convince only those who are on it and they do not require much conviction. They are already convinced about it. On the other hand, those who are opposed to the principle of the Bill will not be convinced by a Select Committee. Where, then, I ask, is the necessity for a measure of this kind, which was once discussed in this House, being referred to a Select Committee? If the Bill is to be had, let us have it as it is. Unfortunately, no Leader of the Opposition has yet come forward to say how he proposes to deal with the Bill. We have the Congress argument that they want circulation. They want circulation of this Bill because they want more words, more comments, more opinions on this Bill. Government, at any rate, are not so anxious to circulate it. They also want time, they are not in a hurry it appears. If they are really in a hurry, I do not see why they should refer it to a Select Committee at all. Therefore, viewed from the Congress point of view and viewed from the Government's point of view, the extremes meet. They want time. So far as I am concerned, I do not want time. I had made up my mind about this Bill last year. This is a superfluous piece of legislation. This is an unnecessary piece of legislation. This is a legislation which cannot meet the situation. You can meet that situation only by attacking the labour problem. This is a Bill which only issues an invitation to unemployed undesirables in England to come to India and get much newspaper advertisement. They are no bodies in their own country; no body takes notice of them, but when they come to this country, not only do they get newspaper applause but a Government passport and a free passage. This is most extraordinary. It is a thing which even the tax-payer will not like to encourage, for why should the tax-payer be asked to pay for the passage of an Englishman who is undesirable? The tax-payer is paying the passage of desirable Englishmen under the Lee dispensation. (Laughter.) But why should he pay the passage of undesirable Englishmen, may I ask? And Government are really insulting the intelligence of the tax-payer by asking the tax-payer's representatives to vote for a proposition of this kind. Sir, I would rather say that the Honourable Mr. Gaya Prasad

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Singh wants the tax-payer to tax his intelligence and give his opinion. But he forgets that when the Bill is circulated for opinion, it is not the man in the street that is invited to offer his opinion. If he wants to ascertain the opinion of his constituency he should have just gone to his constituency and ascertained it, and why should he ask for the circulation of this Bill? If he has not been able to make up his mind, and if gentlemen sitting on those Congress Benches have not been able to make up their minds about the Bill, which is as clear as crystal, whose objects have been well-known—if those gentlemen want time to make up their minds, I can only say that they are tied up in a knot. I really do not know what they mean by saying that they want time, they want circulation, they want opinions. Supposing Mr. Justice Kumaraswamy Sastri, to whom my Honourable friend Diwan Chaman Lal referred, Sir Chimanlal Setalvad and able men like that, supposing they gave their opinions, would the Swarajist opinion be altered? Sir, I know what they want, but unfortunately, the Honourable gentleman did not say what really they want. They want to promise, pause, prepare, postpone and end by letting things alone. This charge used to be levelled against Government that they resorted to these tactics. The same charge, Sir, I level against those who are aspirants for power. They also want to pause, to prepare and to postpone. I for my part will face the Bill as it is presented to me and oppose it, not for the sake of postponing it as the Congress gentry want, but because I want that a Bill of this kind should not be supported by a House of this kind. This is a Bill for a responsible Government to bring forward, and a Bill on which they must be prepared to face public opinion. Sir, viewed from the point of view of social stability, viewed from the standpoint of the rights of Imperial citizenship, viewed from the standpoint of the elementary principle of English jurisprudence, viewed from the standpoint of the opposition to the Bill, or any Bill which violates that principle, I am afraid I cannot support this measure, and those of my way of thinking will not be able to support this measure. Such of those gentlemen who support it I can only say are unworthy of their aspirations, namely, responsible government. Responsible government cannot be conceded to a people who do not show responsibility. Let there be a general election on this Bill. Let the Members go to the country and let them come back to this House. Let the Government also go to a constituency. Just as we have to face a constituency, I want the Government to face a constituency. (*An Honourable Member*: "Where is it?")

Mr. B. Das (Orissa Division: Non-Muhammadan): The Secretary of State is their constituency.

Mr. C. S. Ranga Iyer: My friend Mr. B. Das says that the Secretary of State is their constituency. That shows that Mr. B. Das does not know their constituency. The British electorate is their constituency. The Secretary of State is responsible to the British Cabinet, the British Cabinet is responsible to the British Parliament, and the British Parliament is responsible to the British electorate—a very large electorate. Their constituency is their own countrymen in England. I want them to face their constituency. I would ask the Honourable the Home Member to take leave, to go to England and stand as a candidate for admission

to the House of Commons on this particular Bill. I have sufficient confidence in the spirit of a democratic constituency. I know, Sir, that a democratic constituency, brought up on the traditions on which the British Parliament and British democracy are brought up, will not touch this Bill, not even with a pair of tongs, except occasionally when they are red hot. Sir, the English constituency will not stand this Bill. Why should Government ask us to support a Bill of this kind when their own countrymen are hesitating—perhaps they have not thought about it—to introduce a Bill of this kind in the Mother of Parliaments? We under the Reforms scheme are supposed to take lessons from the Mother of Parliaments. I am quite willing to undergo a few courses at Westminster and I am quite willing to profit from my lessons, but Sir, I do not propose to go back on the few lessons I had at Westminster and the one lesson I had at Westminster is the love of the principle of democracy. It is the love of this principle which has made the British people what they are. You cannot trifle with the rights of an Englishman in England. "It is the land that free men till" that is what Tennyson said of England. I want to know what this land is. Is this the land of slaves? It is not that land. English education and English traditions have ceased to make us think in a slavish way. Even for the sake of the English principles, even for the sake of the English education and the English ideals which inspire the educated opposition in this House, even for the sake of that, I would ask the Honourable the Home Member not to proceed further to the Select Committee. I do not ask him very much. I do not say "Don't proceed with this Bill." Do not take it to Select Committee; let us fight it out here and now and if we have the majority of votes, let us bury it on the floor of this House, though I know resurrection will take place in the other place. (Laughter.) If on the other hand they have the votes, let them carry the Bill with the support of their votes. Why should there be a reference to the Select Committee? There may be some flaws in drafting. If such flaws do really exist, all I can say is this. Remove those flaws by amendments on the floor of the House. It is easy to do so, and then, if the very intelligent men in this House who support this Bill, fail to notice one or two flaws, there are the more intelligent men in the other place, and they can make those verbal alterations. Once we agree to the principle, why refer it to the Select Committee. Therefore the reference to the Committee is altogether superfluous, alike from the Government's and our point of view. And now, Sir, I have only to refer to the Statement of Objects and Reasons with which the Bill is introduced. I propose to combat these objects and reasons one by one.

The Honourable the Home Member says:

"Evidence has accumulated for some time past of the subversive intentions and activities of the Communist International generally, . . ."

I will stop there. I should like to know when the Honourable Member got to know of the subversive intentions and activities of the Communist International generally. I believe his knowledge cannot be recent. I believe, Sir, he knew the subversive intentions and activities of the Communist International generally when that body came into existence. All those who have been keeping in touch with the Russian movement and with the retrogression of ideas in Europe, are aware that the Communist

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International came into existence with a particular intention long ago. The very fact that those intentions have not materialised, so far as this country is concerned, ought to be sufficient, so far as I am concerned and so far as those who do not want the circulation of this Bill are concerned, to oppose this Bill. Of course the Home Member refers to the particular efforts that the Communist International is directing against India. I am afraid he might think perhaps I did him an injustice when I split his sentence in "the Objects and Reasons" of the Bill in the middle. The efforts that they are directing against India cannot bear fruit because India does not want communism. You cannot sow the seed of communism in India and reap a harvest. I think the Honourable the Home Member referred to some poisonous fruits, or something of that kind. That is a very fine expression, but I do not think that this poisonous plant of communism can take root in India. The soil is uncongenial. It is, as I said, a noxious growth of the West which cannot be transplanted to India. It might have been transplanted perhaps to some parts of Asia, but it cannot be transplanted to India. Mightier than the Himalayas and the Hindu Kush mountains is the genius of the race, the culture of the people, their traditions and temperament. Communism cannot grow in a soil which is not congenial to it. Therefore leave it to the people, to their temperament and culture to protect that culture, which needs no protection with artificial legislation.

In the Honourable the Home Member's Statement of Objects and Reasons it is stated that the general policy of the Communist movement is to rouse a spirit of discontent and lawlessness in the masses. I will leave it there for the time being. Discontent is there. Discontent was in India even when the Communists were not in Russia but in Siberia, when the Communist leaders were interned in Siberia, when the Czars were on the throne. Even in those distant days, there was discontent in India. The general policy of the Communist movement may be to rouse a spirit of discontent. I know it is, but discontent was already there, as terrible as it is now. For instance, take the case of the non-cooperation movement, which was only a symbol of that discontent. It had nothing communistic about it, and therefore, Sir, do not give the National discontent a bad name. Do not call it communism. Communists are in existence. I know, but you cannot stop them so long as discontent is there, and as this Bill cannot remove discontent, leave it to the people to combat these communist factors by propaganda. Communism cannot be killed by legislation, but it can be destroyed by propaganda.

Sir, the Honourable the Home Member's Statement of Objects and Reasons further refers to the ultimate object of destroying by violence both the Government established by law and the present economic organisation of society. I have already referred to the economic organisation of society, which needs no protection of this kind, because it is very well organised. I only refer now, Sir, to the ultimate object of destroying, by violence, the Government established by law. Well, the Government established by law is strong enough. The Honourable the Home Member knows that it is strong enough. They have resisted successfully a powerful enemy in the past, a combination of enemies in the last war, at a time when, as Lord Hardinge said, India was "bled white" of all white troops in the country.

And at a time like that, Sir, there was not any danger because Indians did not consider that England's calamity was India's opportunity. At any rate they did not consider it so, and as there is no such danger at present, I do not see why the Government established by law should lose faith in their own strength, and why they should resort to legislation as though they were not strong enough to resist a handful of communists.

Sir, the Statement of Objects and Reasons goes on to say that, for the promotion of this movement in India as in other countries, the Communists depend largely on the work of propagandists who are despatched to this country for the purpose of forming organisations intended to promote and spread communistic ideas and doctrines, and of creating general unrest among the masses. Sir, it is written in very good style, it is written in almost convincing terms, but if you want to prevent these communists coming to this country, prevention would be better than cure. You can, so far as Englishmen are concerned, instruct the India Office to see to the examination of the antecedents of Englishmen coming out to this country, and to refuse them passports if necessary. That is a most easy method. Why allow them to come to this country? I don't want communists and communist trouble, and the Home Member does not want communist trouble either. I do not want the slightest disturbance in labour areas which may be caused by these communists. I have already explained how, by deporting one or two men, you don't prevent other people from coming; but if you prevent them from coming, discontent in labour areas would cease. I would ask the Home Member to write a very good despatch to the Secretary of State for India and secure the support of the Governor General, telling the Secretary of State for India not to send these undesirables to us. We don't want, and India does not want undesirable Englishmen, and therefore these English undesirables may be stopped from coming by the mere addition of one more responsible officer to the passport office in England. Therefore, however understandable the Home Member's point of view may be, the promotion of this movement can be stopped by refusal of passports to the men coming out to this country.

Then, so far as they are concerned there will be no creation of general unrest among the masses, we are told.

Mr. B. Das: On a point of information, Sir.

Mr. President: Order, order, Mr. Ranga Iyer.

Mr. C. S. Ranga Iyer: Thank you, Sir.

The Statement of Objects and Reasons goes on to say:

"It is not reasonable that these agents of communism, if they happen to obtain entrance into India, should be allowed to stay in India with the object of undermining the whole structure of the life of the community."

It is not reasonable, I admit; it is more reasonable that these agents should not be allowed to come to this country at all, and therefore they should be prevented by the British Foreign Office, or by the British Colonial or India Office, from sailing out to this country. They should be refused passports. Then the question may arise, and the Honourable the Home Member will be justified in raising that argument, supposing they take French passports. Well they can be prevented from landing.

The Honourable Mr. J. Orerax: How?

Mr. C. S. Ranga Iyer: As a matter of fact you can always find out the moment they land in India what kind of men have landed. Let the difficulty that I propose be solved by appointing officers in England. Let it be solved by appointing officers in India. They should not be allowed to enter the country. It does not matter what they do.

They should be asked to go back. If they have no money to go back, put them in prison or deal with them in some other manner.

An Honourable Member: Section 109.

Mr. C. S. Ranga Iyer: My learned friend on that side says there is some section of the law which can deal with these people. He says section 109, or something of the kind. I do not mention these sections. I do not pretend to know these sections. All that I am concerned with is that you must have one officer in England to prevent undesirables coming to our country, you must have a similar officer in India. There are the various ports in India where they can be prevented from landing and spreading their tentacles into the interior. That is what I want, and if this simple trick is resorted to, I do not think there is a necessity for a Bill of this kind. I doubt whether the Honourable the Home Member can throw away this easy method of solving this difficult problem. In that case, you would not attach the same martyrdom to the socialist or communist who comes into this country, and I do not believe in cheap or easy martyrdom. The Statement of Objects and Reasons further goes on to say that there is also evidence to show.

Mr. President: Order, order. The Honourable Member is repeating his own arguments.

Mr. C. S. Ranga Iyer: I must wind up if you think that I am repeating my arguments to which ruling I am obliged to bow.

All that I can say in conclusion (Applause) is this, that a Bill of this kind need not receive the support of this House for the very ordinary reason that the law of the land is sufficient to deal with the offenders. I pointed out during the last session what sections of the law can deal with them, and I do not want to repeat those sections, Sir, though my repetition of those sections might be perhaps very relevant. All that I need say is that the civil sword is strong enough, why resort to a new weapon. (Applause.)

The Assembly then adjourned for Lunch till Half Past Four of the Clock.

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

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): Sir, my friend Mr. Ranga Iyer, who is not here now, spoke just before me and it is to be regretted that he brought into this question many

extraneous matters with which Members of this House are not concerned. I wish he had only concentrated his observations on the motion for circulation of this Bill or its reference to a Select Committee. As for myself, I am not much enamoured of this motion for circulation. It is evidently a dilatory motion, and it has its use only to that extent. And I must make it clear that I shall have perhaps, if need be, to go to the lobby with my Leader for obvious reasons.

The debate on this question is not new to-day in this House. We had long discussions on this self-same question in Simla, and there I was not all the time present; but what I gathered afterwards was that the main burden of the argument was that Government have already so many weapons in their armoury, that no new weapon is necessary for this purpose. From the speeches of many of my friends on this side, it would appear as if, to avoid this measure, they were going, perhaps unwillingly, to give sanction to all other repressive measures and measures for excluding Europeans or Englishmen who are considered undesirable. I am here to give sanction to none of them.

But I am simply wondering how long this kind of thing would go on; how long imperialism and capitalism would be nursed in glass houses. . .

Mr. C. S. Ranga Iyer: Without capitalism, how can there be labour?

Pandit Nilakantha Das: Is labour a counterpart of capitalism? This is a new idea. Labour has nothing to do with capitalism, as such.

Mr. C. S. Ranga Iyer: Has labour anything to do with capital? Can labour exist in the absence of capital?

Pandit Nilakantha Das: But in modern political philosophy capitalism has a special significance. I have heard the argument particularly of Mr. Ranga Iyer on the evidence adduced by the Honourable the Home Member to justify the Bill. To my friend Mr. Gaya Prasad the evidence was not sufficient, but to Mr. Ranga Iyer strangely that evidence was more than sufficient. Even for arguments' sake, admitting that it is sufficient, I say communism is there. It is a menace and a terror I know, to the world's imperialism and capitalism which are trembling to fall at the very thought of it. Communism is there, a new ideal of world civilization. It is dawning on the horizon; it has already come up, and in ordinary course, it must affect the destiny of all the previous new ideals of the world. What doubt is there about it?

There was always an existing order of things which was threatened by any new ideals that came up, and again those that profited by the things existing have always opposed, in the course of history, in this particular manner, all such new ideals. We have had experience in history of fires at Runnymede during the reign of Bloody Mary. There was also the extreme penalty of the Inquisition. But Protestantism could never be killed. It triumphed on the other hand. Galileo died in jail for something which he said, which appeared as communism to men who were interested in things or orders existing then. But who has lived? Galileo or the Pope who imprisoned him.

It is a fact that communism has dawned. How? Who preached it in Russia? What number were exiled in Siberia and how long? Do you remember? Was communism shut out in the snow of Siberia? You

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cannot now make this Indian Empire a harem, a Zenana of the British Imperialists, to be exploited in the dark. I say communism has come in. Let it come, and we are here to face it. If you are so very suspicious of your own position here, if the Government is not broad-based on the very will of the people, if you have not convinced our people that your Government is good and that the administration is quite stable, how can you protect all your existing orders in this manner? Can you ward off all the ideas of communism and other such ideas from the shores of Bombay? You may deport half a dozen or a dozen Europeans or Englishmen for reasons you know best; you may suppress the beautiful youth movement for you have power, but will communism be warded off? Will not the communist principle come into India? As it is a new idea, it will, as it is already doing, pervade the atmosphere of the world, and it must come to India as it has come to England or to any other country.

You call it a revolutionary something. What is revolution? As a student of philosophy I do not understand the meaning of revolution. I do not understand it even in the dictionary. In the order of progress, I know everything new is a stage in evolution. The idea of revolution is a creation of unscientific understanding, or of the people interested. Take the case of a plant, and its flower, which, any botanist will tell you is a variation of the leaf. A common ordinary man goes to a plant and looks at its flower. He finds something new and calls it perhaps a revolution in the life of the plant. But to a scientist it is clearly a stage in evolution. It is nothing new. So you may call it a revolution whenever you find something new. Strange it is, that a new leaf, so long as it looks like its predecessor, is an indication of evolution, and not the flower which is perhaps the *summum bonum* of the plant; perhaps the best stage in its evolution—the object or the purpose for which the plant exists! Who knows that this new ideal that is coming is not the best stage in the evolution of human culture—an indication of the purpose for which humanity exists? Let it have a trial all over the world; let it have a trial in India. We are here to face it, as I have told you.

You say you try to protect us from ideals and ideas which some people are coming to preach here. In this connection you dare to speak of our culture. What is our culture? Indian culture is always open to all sorts of ideas and movements and all sorts of thoughts. No ideas or ideals have ever been shut out of our doors. Even in the days of Brahminism we had our Charvaka philosophy which preached:

*"Yārajñiret sukham jiret maim ktrā ghrtam niret
Bhāsmibhūṭaṅga dehaṅga punarāgāmanam kutaḥ."*

That is, "enjoy as long as you live; borrow money, drink ghee (with that money), (for) after your body is done to ashes, you are not coming again". That was the Charvaka system of philosophy preached by Brihaspati. It was not only tolerated in India, but was given as free a scope as any other philosophy in the land. Culture was not damaged. The then existing order of things did not come down like a house of cards. Rather our culture was synthetically supplemented by this aspect of human life. You speak of preserving culture against ideas which are foreign

to the Indian. I do not understand how you can preserve culture by wording off aspects of culture from the shores of India. It is impossible. So I say the very principle of the Bill is wrong and vicious.

Don't, therefore take to these means, proved ineffective during ages, to tighten your grip for a time and then to justify your existence. You must take to other means of convincing people that you ought to be here, that the order of things you have established and have carried on for these 150 years, the economic order, the administrative order—or whatever you like to call it—that all your orders of things are stable and are not to be thrown as under at the whisper of a new idea. In plain words, convince people that you should stay on here you should adopt other means and not the means you are adopting. These means are against our culture, our tradition, our temperament. We cannot agree that people coming to preach certain new ideas in India should be shut out. This is unthinkable. No Indians care for new ideas being preached among them. If you go for public opinion, if you go on this issue for any election, you will find that even the masses you want to protect against this new economic order of things will be against you. You are here for your own purposes. You interpret the opinion of the masses for your own convenience; but have you gauged what that opinion really is? Have you understood it carefully? Had you understood it even partially, your opinion would be otherwise. But here we are to reply to a body of irresponsible people who work for their own purposes and have not even the foresight to listen to reason and that is how such a measure came to be discussed in this House. I oppose it; I oppose the principle of the Bill.

Mr. W. A. Cosgrave (Assam: Nominated Official): Sir, I have not the philosophic temperament of the gentleman who has just sat down. He referred to Runnymede and as far as I could hear him on this side of the House he said India had become a hell of British Imperialists to be exploited in the dark.

Honourable Members: Harem not Hell.

Mr. W. A. Cosgrave: I am sorry. I caught on this side of the House the word "hell". Well, Sir, it is difficult to understand exactly why this strong speech should have been made by my Honourable friend Mr. Nilakantha Das.

Pandit Nilakantha Das: Was it strong?

Mr. W. A. Cosgrave: He used strong words when the whole object of this Bill is not to deal with Indian communists, but to deal with British communists who come out to India to spread communistic propaganda. I was not at the September session, Sir, when the previous Bill was discussed, but I have read with the greatest interest, and spent some time in perusing the debates of that session, and I find that that Bill was opposed for four reasons; and I understand, as far as I could understand the long and interesting speech of Mr. Ranga Iyer, that the points on which the Bill is opposed are firstly, that it is repressive, secondly, that it is unnecessary, thirdly, that it will not be used, and fourthly, that it will be abused. Now of course the Bill may be described as repressive legislation. All criminal legislation is of a more or less repressive nature, unless the legislation happens to be of the type of legislation which was put down for last Thursday's meeting, by which it was proposed to reduce or to—shall I say?—emasculate some provisions of the

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Indian Penal Code. But because legislation is repressive, or because it tries to repress dangerous tendencies, it does not necessarily follow that there is anything inherently wrong in such legislation. I think all countries have to adopt some legislation of a repressive nature. Well, Sir, as regards this proposed Bill being unnecessary, I cannot understand my Honourable friend Mr. Gaya Prasad Singh saying that the Honourable the Home Member had given us no information as to what are the conditions in India with which this present Bill is drafted to deal. The Honourable the Home Member has told us, I think I may call it, the pitiful chapter of industrial troubles that have occurred in Bombay, that have occurred in Calcutta, and that are likely to occur in other industrial centres, unless some action is taken promptly by this Assembly to deal with British communists coming to India.

Now, Sir, as the Honourable the Commerce Member pointed out in September, it is very difficult for Government always to deal with these cases, because my lawyer friends on the other side immediately ejaculate "*Sub-judice*" or words to that effect. All cases practically come under two classes. One is *sub-judice* and the other is *res judicata*. Well if we deal with cases three or four years' old, we are told that they are old cases and it is no use talking about them—*res judicata*. On the other hand, if we try to refer to things that are going on at present, we are immediately told the cases are *sub-judice*. This is one of the reasons why it is very difficult for the Government side to put their case properly. I think that we ought to realise the force of the cases that have been quoted to-day in the eloquent speech of the Honourable the Home Member. I know that such cases will not appeal to some gentlemen on the other side, but I am sure that that pitiful chapter of troubles that have been going on during the past two or three months will appeal to gentlemen who have—if I may use an expression which I know is occasionally sneered at—a stake in the country, and to gentlemen who have some respect for law and order. Now, I would appeal particularly on this matter to Members whose names are well known and well honoured in places like Bombay, particularly to Members like Mr. Jayakar, Sir Purshotamdas Thakurdas, and other gentlemen who must realise what a state of things now prevails in Bombay, very largely owing to the influence of British communist agitators.

Now, Sir, as regards other objections, as my Honourable friend Sir George Rainy pointed out in the Simla session, the two other objections that have been put forward are that the new Bill, if passed, will not be used, and that the new Bill, if passed, will be abused. Those are what I might call contradictory statements. Either one is correct or the other. If the Bill will not be used, what objection have gentlemen on the other side? As regards abuse, since the Bill was opposed in the September session considerable improvements have been made in the Select Committee. Now, any person who is aggrieved by an order under this Bill can appeal. I know people may object to the short space of seven days: well, that is a question for the Select Committee; and if the Select Committee like to alter the time from seven to, say, twenty days, I presume they will be entitled to do so. But anybody who is aggrieved by this order will have a right to appeal, in which case the Government will appoint what I may call a tribunal of three Sessions Judges with not less than five years' service. Now, Sir, I

know my friend Pandit Madan Mohan Malaviya pressed at the September session for three High Court Judges, on the analogy of the legislation of 1908. But I do not really see why there should be this suspicion of three Sessions Judges with five years' service. Now, Sessions Judges are people with a considerable knowledge of law and practice—I see Mr. Allison is very pleased at what I may call this good chit—but there is no reason to believe that Sessions Judges are more amenable to Government influence than any other people are. In fact we have seen a case recently, I believe in Calcutta, where a Sessions Judge allowed the appeal of the leader of the Howrah riot. The Government of Bengal—I ask Honourable Members to correct me if I am wrong—appealed against that order of acquittal on appeal, and the Honourable Judges of the High Court restored the conviction. I am waiting to hear cries of “shame” from the opposite benches. There was a Sessions Judge with more than five years' service and he acquitted on appeal, and yet that sentence was restored by the Honourable Judges of the Calcutta High Court. Well, Sir, I only quote this instance to show that I think that a genuine attempt has been made in the present Bill to provide adequate precautions of appeal; and I hope that all broad-minded gentlemen, gentlemen who look at these things as practical men of business, not as philosophers, and not perhaps as idealists, I hope that they will realise that the present Bill is a genuine attempt to deal with a very difficult situation that has arisen in this country. Now, Sir, I think allusions were made last session—none has been made so far as I am aware to-day—to the Magna Charta, the Bill of Rights and various other things. In fact, anybody would think, from the speeches which were delivered at the September session on the other side of the House, that this Bill was something phenomenal, that it was what is called in Russia, an *ukase*, or something like that, or that it was something like a decree of the Bourbon Kings.

Diwan Chaman Lall: How is it different?

Mr. W. A. Cosgrave: It is very different. I am glad my Honourable friend Diwan Chaman Lall has said that: it is quite different from those things because this law is modelled, as far as I can see, on the immigration laws of the United States of America and of certain of the self-governing dominions.

Diwan Chaman Lall: No.

Mr. W. A. Cosgrave: My Honourable friend Diwan Chaman Lall says “no”. If this House will allow me, and if you, Sir, will permit me to do so, I would like to show the very marked resemblance between the present Bill and the Acts in force in the United States and in the Dominions of Canada and Australia. I understand that most of the Honourable Members on the other side are anxious to have self-government in this country, either on an entirely independent basis, or on the lines of one of the self-governing dominions. Therefore I say, and I hope that even my friend Diwan Chaman Lall will agree with me, when I read them here. Which-ever you like you may take your choice. You can either see what is done in the United States, if you want to have complete independence, or you can see what is done in Australia or Canada, if you want to remain within the Empire. Now what does this Bill say in clause 2, sub-section (iii) (a)? It says distinctly “person to whom this Act applies means any person who directly or indirectly advocates the overthrow by force or violence of the

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government established by law in British India, or the unlawful destruction of property or unlawful interference with the ownership of property." Now what does the United States Act say? Section 8 says:

"The following classes of persons shall be excluded from admission into the United States."

Diwan Chaman Lall: Admission, not deportation without trial.

Mr. W. A. Cosgrave: Yes deportation also: I will read:

"anarchists or persons who believe in, (I emphasise the word "believe"), or advocate the overthrow by force or violence of the Government of the United States, or of all forms of law, or who disbelieve in or are opposed to organized government, or who advocate the assassination of public officials or who advocate or teach the unlawful destruction of property."

Now, my Honourable friend Diwan Chaman Lall said that prohibits the admission, but what about the deportation? -I will read on

Diwan Chaman Lall: Without trial.

Mr. W. A. Cosgrave: Yes, without trial. Sections 19 to 38 say that at any time within five years after entry, any alien who, at the time of entry, was a member of one or more of the classes excluded by law, any alien who shall have entered or who shall be found in the United States in violation of this Act, or in violation of any other law of the United States, any alien who at any time after entry, shall be found advocating or teaching the unlawful destruction of property, or advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States or of all forms of law, or the assassination of public officials, shall, upon the warrant of the Secretary of Labour, be taken into custody and deported

Diwan Chaman Lall: May I ask the Honourable Member whether he is aware that the man who is to be deported has a right to challenge the order?

Mr. W. A. Cosgrave: That is a point that has been disputed by competent authorities. It has been disputed by competent authorities, and as a matter of fact I am not certain that he is entitled to get a free passage home, as is provided for in this Bill. Well, if the United States Immigration Law is not an apt thing to compare—though personally I think it is, because after all the United States is a great Government of one of the great English speaking communities, and the English language is the chief bond of union in this Legislative Assembly—I think, Sir, if Members do not like to hear what goes on in the United States, the instances of Canada and Australia may be of particular interest to them. I would like to read what goes on in Canada first, because my Honourable friend Diwan Chaman Lall who seems to be inclined to dispute my facts, paid a visit last year at Government expense, and travelled first class both ways, to Canada, so that he probably knows something about Canada, and probably takes a very great interest in it

Diwan Chaman Lall: At the Canadian Government's expense. I do not get a free passage under this Bill.

Mr. W. A. Cosgrave: I shall now read what the law on the subject is as regards Canada:

"Persons who believe in," (mark again the words 'believe in'), "persons who believe in or advocate the overthrow by force or violence of the Government of Canada, or who disbelieve in or are opposed to organised Government, or who advocate the assassination of public officials or who advocate or teach the unlawful destruction of property"

and so on.

Now compare that with the section

Diwan Chaman Lall: May I interrupt the Honourable Member? Is he aware that, under the Writ of *Habeas Corpus*, every Canadian has a right to challenge the authority under which he is arrested and demand a fair trial?

Mr. W. A. Cosgrave: I was not referring to Canadians. I was referring to non-Canadians entering Canada. In the Bill before the House we deal with British subjects entering India.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhamadan Urban): Are they aliens?

Diwan Chaman Lall: Are they aliens?

Several Honourable Members: Are they aliens?

Mr. W. A. Cosgrave: The aliens are dealt with, as we know in the case of Mr. Johnstone the other day, under the Foreigners Act.

Diwan Chaman Lall: He was an alien. Is a British subject in Canada an alien?

Mr. W. A. Cosgrave: I will now go on, Sir. My Honourable friend Diwan Chaman Lall will find that, in the law in Australia, there is no mention of the word "alien" at all, so that it appears that apparently it applies to anyone. Now, I would like to read to the House what the law in Australia is:

"The immigration into the Commonwealth of Australia of the persons described in the following paragraphs is prohibited:

- (gd) any person who advocates the overthrow by force or violence of the established government of the Commonwealth or of any State or of any other civilized country, or of all forms of law, or who advocates the abolition of organized government, or who advocates the assassination of public officials or who advocates or teaches the unlawful destruction of property, or who is a member of or affiliated with any organization which entertains and teaches any of the doctrines and practices specified in this paragraph"

Now, if you will compare this with paragraph 2(iii) (a) of the Bill under discussion, you will see a very remarkable resemblance. I am of course a back benchor. I am not a draftsman of the Government of India but I should imagine that this Bill, when it was drafted,—the Acts from which I have quoted now relate to the great self-Governing Dominions of Australia and Canada,—I should imagine that those Acts were referred to probably, or they were taken as parallels when the present Bill was drafted.

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Now, Sir, what is the action to be taken in the case of people of an undesirable nature entering the Commonwealth of Australia? I see that my Honourable friend Diwan Chaman Lall has left the house,—no doubt to bring out authorities against me,—but in spite of his departure in such rapid haste, I really must deal with this point, and that is, the amending Immigration Act of 1925, which contains several important amendments of principle, and they deal with the following things:

"To deport persons, other than those born in Australia, who have been concerned in Australia"—no mention of aliens—"in acts directed towards hindering or obstructing, to the prejudice of the public, the transport or the conveyance of passengers, or the provision of necessary services, and whose presence in Australia is considered likely to be injurious to the peace, order and good government of the Commonwealth."

Now, I shall read what is the action to be taken under this law:

"Before action can be taken under the latter provision to deport any person from the Commonwealth, he must be required to appear before a specially appointed Board, to afford him an opportunity to show cause why he should not be deported."

("Hear, hear" from the Swarajist Benches).

Honourable Members on the other side say "Hear, hear", but I think, if they will listen to the next sentence, they will see a very remarkable resemblance between the procedure followed in Australia and the one laid down in the new Bill introduced this morning by the Honourable the Home Member.

"The Board will consist of three members nominated by the Minister, and the Chairman must be a person who holds or has held the office of Judge, or of Police, Stipendiary, or Special Magistrate."

There is no mention in Australia of having three Judges with more than five years' service. Even a Magistrate can be Chairman of this tribunal.

Mr. G. S. Ranga Iyer: Australia has Ministers who are responsible to the people. India has not got Ministers who are responsible to the people.

Mr. W. A. Cosgrave: I am very glad to find Mr. Ranga Iyer coming out again with his voice after his performance this morning. I understood he was going to take a rest cure.

Well, Sir, as regards the very pertinent interpellation by my friend, who, I am glad to see, is back again, I would make one point, and it is this. If you want responsible government, you must also have a responsible opposition, and I confess, Sir, that speeches like some of those—I do not want to mention names, to which we have listened this morning make one feel that the Opposition in this House is not quite responsible.

Pandit Motilal Nehru: Is the Government responsible?

Mr. W. A. Cosgrave: The Government is responsible for the good government of this country. (*An Honourable Member:* "Question.") (*Another Honourable Member:* "To whom are they responsible?") In the present Bill we are only dealing with British communists.

The Honourable the Home Member has given a distinct assurance this morning, in his most eloquent speech, to which we all listened with rapt attention, that the passing of this Bill will not be taken as a precedent

for passing a similar Bill later on against Indian communists. I think therefore that the apprehensions which fill the hearts and minds of the gentlemen on the other side, that if they give consent to the present Bill passing into law, or even going before a Select Committee, they will be assumed automatically to approve of the proposal, or the idea that there should be similar legislation for Indian communists are entirely unfounded. Well, Sir, I do not want to say much more on this Bill except to reiterate my sincere hope that some of the Honourable Members on this side, or I may say, on the Central side, or on the different sides of this House, who generally cannot see their way to vote with the Government, will support the present Bill to-day in the interests of the good Government and prosperity of India.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I rise to oppose this Bill. I am not for the Bill being committed to the Select Committee, nor am I for its circulation. I for one, Sir, cannot congratulate the Honourable the Home Member for having re-introduced this Bill, which is extremely repressive in character. The Honourable Member knows that when this Bill came before the Simla Session, public opinion was against it, and I submit that there has been absolutely no change in the public opinion since then in regard to this measure. I submit therefore it was not discreet or statesmanlike on the part of the Home Member to have brought forward this measure. This Bill, instead of being improved, has been brought in in a much worse form than its predecessor. It now provides, in addition to the removal of persons, for the forfeiture of monies, securities, goods and credits of the persons offending against the provisions of this Bill.

In these days when India aspires to independence and asks at least for full Dominion rule, and in these days when His Excellency the Governor General, in his speech which he delivered the other day here, said that the declaration of 1917 stands and will stand for all time as the solemn pledge of the British people to do all that can be done by one people to assist another to attain full national political stature, and that the pledge so given will never be dishonoured—in these days to trample upon public opinion by introducing this Bill adds insult to injury. Now, Sir, I am not an extremist, but I hold Nationalist views and I would not like that any human being be deported, much less deported without trial. I oppose this Bill on principle, and that principle is, "Do unto others what you would be done by." That is the motto that we should follow. What is the position? Shall we be consistent in passing this Bill when India has been crying itself hoarse asking that the repressive measures that now exist on the statute book should be repealed? In the face of our asking that those repressive laws, such as Regulation III of 1818, Bombay Regulation XXV of 1827, and other like measures, should be removed from the Statute Book, with what face shall we stand and say that, because this is a Bill in which Indians are being excepted, we should pass it, and with what reasonableness shall we say that we are fair in passing the Bill? It was in 1921 that the Central Legislature made endeavours to remove the existing repressive laws from the Statute Book. In 1921 a Resolution was moved in the Council of State that the repressive laws should be removed and at that time a Committee, which was called subsequently the Repressive Laws Committee, was formed. That Committee recommended that

the repressive laws should be taken away from the Statute Book. When that recommendation came before His Excellency the Governor General in Council, what he said was this; I will quote the exact words. They appear in the Debates of the Assembly in 1924, Volume IV, Part III, page 2051:

"The Governor General in Council has considered the report and has decided to accept the recommendations made by the Committee. Steps will be taken as soon as may be."

It is quite plain that His Excellency the Governor General in Council also accepted the principle that these repressive laws should not remain on the Statute Book. Now, Sir, that "as soon as may be", has not come yet and one does not know if it is coming till Doomsday. Anyway, in 1924, again a Resolution was moved by the Honourable Mr. Amar Nath Dutt, and that too was passed without an amendment, that these repressive laws should be repealed. In those debates it will be found that, even the Honourable Sir Hari Singh Gour, who last time voted with the Government on this Bill, and who has now found it fit to sit on the Central Committee against the popular wish, to assist the Simon Commission, said that the principle of the Bill was wrong and that those repressive laws should be removed. With regard to the deporting measure, Regulation III of 1818, it is recognised by many British people that it is a disgraceful Act on the Statute Book. I happened to read a question lately put by the Honourable Mr. Thurtle in the House of Commons as recently as the 29th January, 1929, and it was this. He put a question:

"Are not Government ashamed to acquiesce in the detention without trial under Regulation III?"

In reply, Earl Winterton only gave a series of evasive replies of the type we are so well accustomed to on the floor of this House. In these circumstances it would not be wise for the House to support such a Bill.

The second point that I wish to make in opposing this Bill is that no one should be condemned without a trial or condemned unheard. What is this Bill, as it has been introduced? It is a Bill which gives power to the Governor General in Council to make an order, without giving any notice and without a hearing, to the person concerned, that he should be removed. This is an *ex parte* order. That *ex parte* order having been made, what is the procedure further? The procedure further is that he is not to be given any trial; not only not given a trial, but the information which is before the Government, the details of it, the particulars of the facts before it, should not be given to him. It is said in the Bill that a statement (*An Honourable Member*: A general statement), a general statement of the grounds would be given to him. It may be only a skeleton statement. We all know how copies of charge-sheets are given to the counsel at the Bar. They more or less give a few words here and there which are wholly unintelligible. In like manner, in this case also the same might be done. Sir, the man is told that he will be put in possession of no papers, he will be given no trial, but he could appeal. Now, appeal against what? What facts shall there be in his possession which he can show to the Court, to those three Judges who will be appointed by the Governor General in Council? Again, the burden of proof is thrown upon the man, that is the procedure, which is against all principles of law. Moreover, he has no right to go to the High Court or revision. This is the second objection against this Bill. The third objection that I would

raise is with regard to the fact whether the existing laws are not sufficient for meeting the purposes of this Bill. I submit they are.

Colonel J. D. Crawford: Will the Honourable Member give us an example?

Mr. Lalchand Navalrai: I will. The word "disaffection" in section 124A of the Indian Penal Code has been interpreted and held by authorities to cover all practices, whether by word, deed or writing, which are likely to disturb the tranquillity of the State and lead ignorant persons to endeavour to subvert the Government or the laws of the Empire. A person offending against the provisions of this Bill would come under section 124A, that is to say, whoever advocates the overthrow of the Government by force fomenting any agrarian or industrial disputes in order to subvert the Government, or becomes a member of an institution and advocates or encourages such doctrines for the purpose of subverting the Government will be amenable to this penal law. This is a punitive action but if any preventive provision is needed, that also exists in section 108 of the Criminal Procedure Code. How easy it is in practice for the Executive under Chapter VIII of the Criminal Procedure Code, as we have had enough experience of, to get a man incarcerated and refused bail. I submit therefore that for these reasons, Sir, this is a Bill which must not be accepted and I hope the House will throw it out.

Mr. President: I take it that it is the general desire of the House that we should adjourn.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 5th February, 1929.