

24th September 1929

THE  
LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

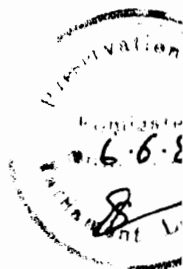
Volume V

*(18th September to 26th September, 1929)*

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FIFTH SESSION  
OF THE  
THIRD LEGISLATIVE ASSEMBLY  
1929

*Chamber Famigated...*



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GOVERNMENT OF INDIA PRESS  
1930

# **Legislative Assembly.**

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NAWAB SIR SAHIBZADA ABDUL QAyum, K.C.I.E., M.L.A.

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# LEGISLATIVE ASSEMBLY.

Tuesday, 24th September, 1929.

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

## QUESTIONS AND ANSWERS.

### GRIEVANCES OF THE POSTAL STAFF EMPLOYED IN CUTCH STATE.

749. \*Mr. Jamnadas M. Mehta : (a) Will Government be pleased to state whether they have received representations from the postal staff employed in the Cutch State limits, on the subject of their grievances regarding the present policy of the Government, reducing substantially the compensatory allowance which was granted to these officials since 1914, and raised periodically since with a view to save them from heavy loss caused by the difference between the exchange rate for Cutch coins, as *stabilised* by Government and *that* actually prevailing in the market ?

(b) If the answer to part (a) is in the affirmative, will Government be pleased to state what action has been taken in the matter ?

(c) If the answer to part (a) be in the negative, do Government propose to consult the Director General, Posts and Telegraphs, on this question ?

The Honourable Sir Bhupendra Nath Mitra : (a) and (b). I understand that representations addressed to Government from the postal staff employed in Cutch have recently been received by the Director General of Posts and Telegraphs. They will be considered by Government on their receipt from that officer.

(c) The representations, together with such recommendation as the Director General may make when forwarding them to Government, will receive due consideration.

### COMPENSATORY ALLOWANCE TO EMPLOYEES OF BRITISH DEPARTMENTS IN CUTCH.

750. \*Mr. Jamnadas M. Mehta : Is it a fact that all the British Departments in Cutch, such as the Political Agent's office, Ecclesiastical Department and the Post Office used to get a compensatory allowance until lately or are still getting it (with the exception of the Post Office), solely on the basis of Kories 380 for 100 rupees—the rate fixed permanently by the British Government in 1870, and that, the Postal Department is the only one now singled out for a departure from the established policy ?

The Honourable Sir Bhupendra Nath Mitra : The Political Agent's Office in Cutch was abolished in 1925. The officials employed in that office, when it was in existence, were not given compensatory allowance on the basis of kories 380 = Rs. 100. They were paid in kories obtained

through the Cutch Durbar as a special concession. Of the Ecclesiastical Department, there is only one official employed in Cutch at present, namely, the caretaker of an old cemetery. The compensatory allowance for post office officials was formerly fixed on the basis of 380 kories = Rs. 100. This basis has now been abandoned.

**Mr. Jamnadas M. Mehta :** What is the present basis ?

**The Honourable Sir Bhupendra Nath Mitra :** It is a varying scale.

**Mr. Jamnadas M. Mehta :** Varying on what ?

**The Honourable Sir Bhupendra Nath Mitra :** On the comparative cost of living.

**Mr. Jamnadas M. Mehta :** Has the attention of the Government been drawn to the observations of the employees on the question of exchange ?

**The Honourable Sir Bhupendra Nath Mitra :** I think, Sir, I have already said that the representations of the employees when they reach Government will receive due consideration.

**Mr. Jamnadas M. Mehta :** Do Government realise that the allowance is based on exchange and that there is no fixed salary for these officers ?

**The Honourable Sir Bhupendra Nath Mitra :** I have no desire to pursue the discussion on the floor of this House. I have already said that I understand certain representations have been made by the employees and that when these representations reach me they will receive due consideration.

#### COMPENSATORY ALLOWANCE TO EMPLOYEES OF THE POST AND TELEGRAPH DEPARTMENT IN CUTCH.

751. **\*Mr. Jamnadas M. Mehta :** (a) Are Government aware that the basic principles on which the Cutch compensatory allowance was originally sanctioned in 1914, and was deliberately raised year after year, till 1928, have always rested on the " difference between the standard rate of exchange, viz., Kories 380 for 100 rupees and the prevailing exchange rate " ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state whether any *expert* inquiries on the spot were made into this matter before launching the present policy of suddenly reducing the Cutch allowance by 65 per cent., and setting aside the fundamental rule invariably pursued so far ?

(c) Will Government be pleased to state whether the list of commodities the prices of which as they prevail in Bhuj are ascertained by the Government comprises all the items of expenditure which an officer or employee is always called upon to meet ?

(d) If the list does not include inevitable items of expenditure such as medical aid, educational facilities for children, domestic labour, transport, travelling, recreation, etc., etc., will Government be pleased to state whether they have considered the question of restoring immediately the said allowance to its former level, to the officials of the Post and Telegraph Department ?

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

(b) An enquiry was made by one of the Assistant Postmasters General, Bombay. The result of the enquiry was carefully examined by the Government of India, who decided that the allowance should be fixed at 33 per cent. of pay and travelling allowance, with effect from the 1st January, 1928. As a matter of fact, this answers more fully the supplementary question which the Honourable Member asked me a little time ago. A further examination of the position was made by Government during 1928, and the allowance has been fixed at 25 per cent. with effect from the 1st January, 1929.

(c) The commodities, the prices of which were examined, were those staple commodities which ordinarily enter into the average domestic budget of the class to which the officials concerned belong.

(d) It was unnecessary to include the items of expenditure mentioned by the Honourable Member. All that was needed was a comparative basis and this was ensured by the enquiries made with regard to certain essential commodities. Government do not consider that the formula adopted by them is defective. But, as I have already said, any representations made by the employees affected will receive due consideration when these representations reach Government.

#### COMPENSATORY ALLOWANCE OF POSTAL OFFICIALS IN CUTCH.

752. \*Mr. Jamnadas M. Mehta : (a) Are Government aware of the speech made by His Excellency the Viceroy, Lord Irwin, on the occasion of his last visit to Cutch State, in November, 1927, wherein His Excellency stated in unequivocal terms the devastating effects of a high exchange ?

(b) If the answer to part (a) be in the affirmative, were any expert inquiries made by Government to prove that the depreciation of rupees owing to the high exchange value of the Koris in Cutch has no genuine bearing on the economic life and prosperity of persons resident in Cutch, who earn their livelihood in rupees ? If so, what ?

(c) Will Government be pleased to state how, and with what change of circumstances, very soon after the said authoritative statement by His Excellency the Viceroy, the Government of India found justification for sanctioning a cut of 65 per cent. at a stroke, in the Cutch compensatory allowance, granted to Postal officials in Cutch ?

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

(b) & (c). The Honourable Member is referred to the answers given to parts (b) to (d) of his question No. 751 to which I have just replied.

#### RULES REGARDING THE INTERPRETATION OF NON-ASIATIC DOMICILE.

753. \*Mr. K. C. Neogy : (a) What were the rules regarding the interpretation of "non-Asiatic domicile" for purposes of determining the eligibility of officers for certain benefits under the Lee Commission recommendations on the date when these recommendations were first given effect to ?

(b) Has any alteration been made in the said rules since ? If so, when, why, and to what effect ?

(c) Is it a fact that officers who were not eligible for the aforesaid benefits under the original rules, have been made eligible under the later rules ?

(c) Government have no reason to believe that there is any deliberate delay.

(d) and (f). Government have received complaints about the late allotment of quarters in Delhi and are now considering the question of altering the date for the submission of applications from 1st July to 1st June or earlier. This will give unsuccessful applicants more time to make arrangements for private accommodation.

(e) Government have no information.

#### HOURS OF WORK OF RUNNING STAFF ON RAILWAYS.

758. \***Mr. V. V. Jogiah** : (a) Is it a fact that Government propose to exclude, from the contemplated legislation to introduce a 60 hour-week and weekly rest-day, the entire running staff on Railways who are paid on an overtime and mileage basis on the ground that any restriction on their working hours would curtail their emoluments ?

(b) Are Government aware that this caused widespread discontent in the running staff ?

(c) Do Government propose to see in connection with this legislation that overtime is not made obligatory on the running staff and that it is left to them to choose whether they will have rest or money ?

(d) Is it a fact that it is proposed to exempt the staff, whose work is essentially intermittent, from the benefits of this scheme ?

(e) Is it a fact that station masters are considered for this purpose as officers doing duties of an intermittent character ? Is it a fact that station masters are required to be on duty always at the station ?

**The Honourable Sir George Rainy** : (a) Yes, at the commencement and pending further examination of the question.

(b) On the contrary Government understand that their decision is welcomed by the majority of the running staff.

(c) There are serious practical difficulties in bringing only a part of the running staff under the proposed rules ; but the point raised by the Honourable Member will be considered.

(d) Yes.

(e) The work of station masters at some stations is essentially intermittent and it is proposed to exclude such staff from the rules relating to the 60 hours a week duty and the weekly day of rest. Station masters whose work is not essentially intermittent will come under the rules.

#### FREE RAILWAY PASSES GRANTED TO THE TEA CESS COMMITTEE.

759. \***Mr. V. V. Jogiah** : (a) Is it a fact that free 1st and 2nd class passes are granted to the representatives of the Tea Cess Committee who go about on the Madras and Southern Mahratta Railway lines ? If so, what is the object in granting these free passes ?

(b) Are these free passes granted with the object of promoting the sale of any particular brand of tea, or is it with the object of popularising tea-drinking on the Madras and Southern Mahratta Railway line ?

**Mr. P. R. Rau :** (a) & (b). 10 representatives of the Tea Cess Committee are granted passes over sections of the Madras and Southern Mahratta Railway. The Agent, Madras and Southern Mahratta Railway, reports that the reason for the grant of the passes was to improve the supply, preparation and serving of tea for the benefit of passengers.

**ABSENCE OF RETURN TICKETS ON CERTAIN RAILWAYS.**

760. **\*Mr. V. V. Jogiah :** (a) Are Government aware that no return tickets are issued on the Madras and Southern Mahratta Railway ?

(b) Are Government aware that no six or eight-monthly return tickets are issued on the Bengal Nagpur Railway ?

(c) Is it a fact that no week-end return tickets are issued on the Bengal Nagpur Railway, the Madras and Southern Mahratta Railway and the South Indian Railway ?

(d) If the answer to parts (a), (b) and (c) be in the affirmative, do Government propose to direct the issue of return tickets, ordinary, six or eight-monthly, and week-end on the above railways ?

**Mr. P. R. Rau :** (a) Certain return tickets at reduced fares are issued on the Madras and Southern Mahratta Railway, the details of which are given in the Time Table of that Railway.

(b) Yes.

(c) Week-end return tickets are issued on all these railways (the Bengal-Nagpur, Madras and Southern Mahratta and South Indian Railways) between certain stations.

(d) The Honourable Member is referred to the reply given by Mr. Parsons to a similar question No. 758, asked by Mr. Siddheswar Prasad Sinha on the 25th February, 1929, in the Legislative Assembly.

**REMODELLING OF ANARA STATION AND CONSTRUCTING STAFF QUARTERS ON THE BENGAL NAGPUR RAILWAY.**

761. **\*Mr. V. V. Jogiah :** (a) Is it a fact that the remodelling of the Anara Station yard and constructing staff quarters on the Bengal Nagpur Railway was undertaken at a cost of Rs. 40 lakhs ?

(b) Is it a fact that the work was entrusted to contractors, but no good and valid agreements were drawn up between the contractors and the Railway Company ?

(c) Were there any disputes between the contractors and the Railway authorities as to the rates fixed for the work or the satisfactory progress of the work or both ?

(d) Did the Railway Company thereupon pay the contractors Rs. 67,000 more than the agreed rates and ask them to go ahead with the work ?

(e) Did the contractors not accept this sum and claim heavier compensation ?

(f) Was a retired railway engineer appointed as an arbitrator by mutual consent to settle the disputes between the parties ? If so, was the appointment made with or without the knowledge or sanction of the Railway Board ?

(g) Is it a fact that the arbitrator gave an award for Rs. 4,64,000 and that the Bengal Nagpur Railway Administration filed a suit disputing the award and ultimately entered into a compromise by paying Rs. 3,80,000 to the contractors ?

(h) Is it a fact that the arbitrator was of opinion that the delay in the execution of the work and all the trouble was due to faulty planning, organisation and control of the Railway ?

(i) Has the Administration inquired into the matter as to whether the arbitrator's opinion is correct ? If it is correct, what steps were taken or are proposed to be taken to prevent a recurrence of similar mistakes in the future ?

**Mr. P. R. Rau :** (a) The cost of the works was Rs. 34½ lakhs.

(b) The work was entrusted to a contractor on a schedule of rates agreement which is understood to be a proper legal document.

(c) Yes.

(d) On the representations of the contractor, the Railway Company, after due consideration, paid for some items of works at rates higher than those given in the schedule, to the extent of Rs. 67,000.

(e) Yes. The contractors claimed about Rs. 15½ lakhs.

(f) Yes. The sanction of the Railway Board to put the case to arbitration was not applied for.

(g) Yes. The Railway Administration took legal opinion and were advised that there were errors of law apparent on the face of the award and that it ought to be set aside, but no suit was filed, as meanwhile a compromise was arrived at.

(h) Yes.

(i) Yes. The Administration did not accept the opinion of the arbitrator as correct, but Government are not quite satisfied that the delay in carrying on the work referred to by the arbitrator was not a cause of part at least of the final payment that had to be made to the contractor. Government have asked the Administration to take active steps to tighten up control and prevent a similar occurrence in future.

### THIRD AND INTERMEDIATE CLASS ACCOMMODATION ON THE CONTINENTAL EXPRESS FROM PESHAWAR TO MANGALORE.

762. **\*Mr. V. V. Jogiah :** (a) Are Government aware that serious inconvenience is caused to lady passengers on account of the absence of a through 3rd class compartment for ladies only on the Continental Express which runs between Peshawar and Mangalore ? Do Government propose to take steps to see that this grievance is remedied ?

(b) Are Government aware that a through intermediate bogie carriage has not been provided for on the Continental Express which runs between Peshawar and Mangalore for the convenience of intermediate class passengers ? Do Government propose to take steps to see that this omission is supplied ?

**Mr. P. R. Rau :** (a) No complaints to this effect have reached the Railway Board, but inquiries are being made from the Railway Administrations concerned.

(b) It is not possible to provide an intermediate class carriage on this through service as the railways over which it passes do not all provide an intermediate class.

**Mr. V. V. Jogiah :** Is it not a real inconvenience if a third class compartment is not reserved for ladies ?

**Mr. P. R. Rau :** We are already making inquiries from the Railway Administrations as to whether any steps can be taken to improve the situation.

#### RACIAL DISCRIMINATION ON RAILWAYS.

763. **\*Mr. V. V. Jogiah :** (a) Has the attention of Government been drawn to the articles on 'Racial Discrimination on Railways' which appeared in the *Indian Labour Journal* for October and November 1928 and January, February and July, 1929 ?

(b) With reference to the statement made by the Financial Commissioner of Railways on the floor of this House last autumn, will Government be pleased to state what steps have been taken to "eliminate all traces of Racial Discrimination in Railways" ?

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

(b) I would refer the Honourable Member to the reply given by me on the 10th instant to part (c) of starred question No. 443, by Pandit Hirday Nath Kunzru.

#### CATERING ON THE BENGAL NAGPUR RAILWAY.

764. **\*Mr. V. V. Jogiah :** (a) Has the attention of Government been drawn to the article "Catering" on the Bengal Nagpur Railway in the *Indian Labour Journal* for June, 1929 ?

(b) Are Government prepared to take any steps in the matter ?

**Mr. P. R. Rau :** The article referred to have not been seen by Government. I am endeavouring to obtain a copy, and if I succeed, shall communicate later with the Honourable Member.

#### HARDSHIPS OF MEN OF THE AUXILIARY FORCE ON RAILWAYS.

765. **\*Mr. V. V. Jogiah :** (a) Has the attention of Government been drawn to the hardships experienced by men of the Auxiliary Force, India, on Railways referred to in the *Indian Labour Journal* for April and May, 1929 ?

(b) Will Government be pleased to define the relation between the Auxiliary Force, India, and the Railways ?

**Mr. G. R. F. Tottenham :** (a) No, Sir.

(b) Certain units of the Auxiliary Force are constituted for railway areas. In relation to these units the Railway Board take the place of the Local Government and perform the functions that would, in regard to other units, be performed by the Local Government under the Auxiliary Force Act.

### CONDITIONS OF SERVICE OF RAILWAY MEN.

766. **\*Mr. V. V. Jogiah :** (a) Will Government be pleased to lay on the table the memoranda submitted by State Railway Administrations, in respect of conditions of service of Railway men, either to the Railway Board or to the Royal Commission on Labour ?

(b) Will Government be pleased to state what facilities have been afforded to the Trade Unions representing workers of the State industrial establishments to enable them to elicit statistical information, from the respective Administrations, relevant to the evidence that may have to be submitted before the Royal Commission ?

(c) Do Government propose to see that both the employers and the employees belonging to State industrial establishments are furnished with copies of evidence or memoranda that may be submitted to the Royal Commission on Labour in connection with respective establishments, so as to enable both employers and employees to correct or supplement such evidence or memoranda as may be necessary ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Memoranda submitted to the Royal Commission on Labour will be treated as confidential until such time as they are published. Government cannot therefore comply with the request made by the Honourable Member.

(b) Railway Administrations will be instructed to meet all reasonable requests made by Trade Unions for statistical information.

(c) It is for the Commission to decide to whom particular Memoranda or written statements submitted to the Commission are to be made available.

### GENEVA WEEKLY REST-DAY AND WASHINGTON HOURS CONVENTIONS.

767. **\*Mr. V. V. Jogiah :** (a) Will Government be pleased to announce the probable date when they propose to proceed with legislation concerning the Geneva Weekly Rest and Washington Hours Conventions ?

(b) Are Government prepared to appoint a competent authority for each of the Conventions so as to admit of equal employers' and employees' representation ?

**The Honourable Sir George Rainy :** (a) Legislation will be proceeded with when the Report of the Select Committee, to which the Indian Railways (Amendment) Bill was recently referred by this House, is received. I hope that the Committee will be able to report in the next Session of the Assembly.

(b) I do not think, Sir, that it would be proper for me to make any statement on the floor of the House as to the form the legislation might take while the Bill is before the Select Committee.

### ACTION OF STATE RAILWAYS *re* THE GENEVA AND WASHINGTON CONVENTIONS.

768. **\*Mr. V. V. Jogiah :** Will Government be pleased to lay on the table a statement showing the action taken by various State Railways in respect of shortening hours of duty of railway men to conform to Washington and Geneva Conventions, in each year, after ratification of the said Conventions ?



**Mr. P. R. Rau :** I am calling for whatever information is readily available and a statement will be laid on the table when it is received.

# CONSTITUTION OF WELFARE COMMITTEES, STAFF COMMITTEES AND STAFF COUNCILS.

769. **\*Mr. V. V. Jogiah :** Will Government be pleased to lay on the table a copy of the constitution of Welfare Committees, Staff Committees and Staff Councils on the various State Railways, together with a copy of the annual report of each of the respective bodies, during the last year ?

**Mr. P. R. Rau :** I am calling for such information as is readily available and will make it available to the House when it is received.

# QUARTERS FOR RAILWAY EMPLOYEES.

770. **\*Mr. V. V. Jogiah :** Will Government be pleased to furnish a statement containing the list of various types and number of quarters provided to each class of railway employees and the percentage of each class of staff provided with railway quarters, together with a statement of average expenditure incurred in the construction of each type of quarter on each of the State Railways ?

**Mr. P. R. Rau :** I would refer the Honourable Member to the reply given by Mr. Parsons to his starred question No. 317 on the 11th September, 1928.

# BLOCKAGE IN PROMOTION OF RAILWAY EMPLOYEES.

771. **\*Mr. V. V. Jogiah :** Is it a fact that the Railway Board has conducted an inquiry in regard to the number of employees barred at the maximum of their grades on the railways, and, if so, will Government be pleased to lay on the table a statement showing the number of posts fixed for each grade of railway service, the number of men blocked on the maximum of grades for want of vacancies in higher grades, and the average number of years of such barring in the maximum of each grade, on each of the State Railways ?

**Mr. P. R. Rau :** The Railway Board have not yet made any comprehensive inquiry on the subject, but they propose to examine the question after certain more urgent matters relating to the service conditions of employees have been attended to. Meanwhile they have caused an investigation to be made by Agents in certain cases of this nature on individual railways.

# NUMBER OF RAILWAY EMPLOYEES DEPRIVED OF GRATUITY.

772. **\*Mr. V. V. Jogiah :** Will Government be pleased to state the number of railway servants who were deprived of their gratuity in each of the last three years on the State Railways ?

**Mr. P. R. Rau :** Information on the subject is being obtained and will, on receipt, be furnished to the Honourable Member.

### DURATION OF SERVICE AND PAY OF RAILWAY EMPLOYEES IN WORKSHOPS AND CLERICAL ESTABLISHMENT.

773. \***Mr. V. V. Jogiah** : Will Government be pleased to state the average duration of service of railway employees belonging to workshops and clerical establishments, respectively, and also the average pay drawn by each class of staff at the time of retirement on each of the State Railways ?

**Mr. P. R. Rau** : I am obtaining such information as is readily available and shall supply it to the Honourable Member when it is collected.

### REPORT ON THE WORKING OF CERTAIN ACTS AFFECTING EMPLOYEES.

774. \***Mr. V. V. Jogiah** : Will Government be pleased to lay on the table a copy of the report on the working of the Employers' and Workmen's Disputes Act, 1860 ; the Apprentices' Act, 1850 ; the Factory Act, 1922 ; the Trade Unions Act, 1926 ; the Trade Disputes Act, 1929 ; Employers' Liability Act, 1880, and the Workmen's Compensation Act ?

**The Honourable Sir Bhupendra Nath Mitra** : The Government of India publish annual statistics and notes on the working of the Indian Factories Act and the Workmen's Compensation Act. Copies of these publications will be found in the Library of the House. The Government of India do not receive any reports on the working of the Employers' and Workmen's Disputes Act or the Apprentices' Act. In the case of the Indian Trade Unions Act, which came into force on the 1st June, 1927, reports were received from the Local Governments for 1927-28, but owing to the scanty material available from these reports, it was considered that there would not be any advantage in publishing a consolidating report. The Trade Dispute Act came into force only on the 8th May, 1929, and the question of a report on its working does not yet arise. The Employers' Liability Act, 1880, is a British Statute which does not apply to India.

### STRIKES AND LOCKOUTS OF STATE INDUSTRIAL ESTABLISHMENTS.

775. \***Mr. V. V. Jogiah** : Have Government submitted full information in respect of the extent of strikes and lockouts on the State industrial establishments, in answer to question No. 123 in the schedule of subjects mentioned by the Royal Commission on Labour in India, and if so, will Government be pleased to lay on the table a copy of the statement submitted to the Commission ?

**The Honourable Sir Bhupendra Nath Mitra** : The Commission's schedule of subjects and covering letter have been forwarded to all Departments concerned with State industrial establishments. They have been asked to submit their replies direct to the Commission by the 25th September, 1929. It is not the intention of the Government of India to prepare a consolidated statement dealing with item No. 123 of the schedule of subjects. The latter part of the question does not arise.

### ARRANGEMENTS [FOR REPLYING TO QUESTIONS CONCERNING THE LEGISLATIVE ASSEMBLY DEPARTMENT.

776. \***Mr. Muhammad Rafique** : (a) Will Government be pleased to state if any arrangements have been made for replying to the questions

concerning the Legislative Assembly Department ? If so, what arrangements have been made ?

(b) Is it a fact that questions concerning the Legislative Assembly Department have been asked ? If so, will Government be pleased to state who will reply to the questions ?

(c) If no arrangements have been made, do Government propose to consider the desirability of making some arrangements at an early date ?

**The Honourable Sir James Orerar :** (a), (b) and (c). Such questions concerning the Legislative Assembly Department as could be answered only by the Secretary of the Assembly have been ruled out by the Honourable the President ; but the Secretary has been directed that any Member desiring to have any information on any matter concerning the administration of the Department will be entitled to get such information on his writing to the Secretary. As regards questions which could be answered by the Leader of the House or any other Member of Government, necessary arrangement has been made, and such questions have been admitted by the President and answered on the floor of the House.

#### PAY OF LOWER DIVISION CLERICAL APPOINTMENTS IN THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES.

777. **\*Mr. Abdul Latif Sahib Farookhi :** (a) Is it a fact that lower division clerical appointments in the Government of India Secretariat and attached offices carry respectively a scale of pay Rs. 100—8—300—25—350 and Rs. 75—4—115—4—155 ?

(b) Is it a fact that some of the candidates who were declared by the late Staff Selection Board qualified for lower division clerical appointments in the Secretariat were provided for in the lower division of the attached offices instead of the Secretariat ? If so, why ?

(c) How many such candidates are still working in the lower division of the attached offices, and since when have they been there ? Why have they not so far been provided for in the Secretariat ? Is it a fact that persons, who similarly qualified themselves long after such candidates did, have all been provided ?

(d) Is it a fact that the Public Service Commission have refused to keep the names of such candidates who have attained the age of thirty on the list of candidates still to be provided for in the lower division of the Secretariat ? If so, who else then will provide such candidates with the appointments for which they are duly qualified ?

(e) Do Government realize the financial loss to which such candidates have so far been put and will be put so long as they continue to remain in their present places ? Are Government going to compensate them for this loss ? If not, why not ?

(f) What steps do Government propose to take in the cases of such candidates and when ?

**The Honourable Sir James Orerar :** (a) Yes, except that the scale in most attached offices rises to Rs. 175 per mensem.

(b) Yes. There have not been enough vacancies in the Secretariat, and consequently candidates have been offered the opportunity to accept vacancies in attached offices instead.

(c) About 22. I am not able to say how long they have been employed in attached offices. The reason why they have not been provided for in the Secretariat has been stated in answer to part (b).

The reply to the concluding portion is in the negative.

(d) Yes. There is no bar to such candidates obtaining appointments in the Government of India Departments provided the sanction of the Head of the Department is obtained ; but on the other hand they have no claim to appointments.

(e) Candidates who fail to secure appointments in divisions for which they are qualified are no doubt worse off than if they had secured them. In view of the fact, however, that all candidates were definitely given to understand, before they entered for the examination, that no guarantee of ultimate appointment could be given, no claim to compensation arises.

(f) Does not arise.

#### **PURCHASE OF ANTI-ISLAMIC BOOKS FOR THE LIBRARY OF THE NORMAL SCHOOL, AJMER.**

778. \*Mr. Abdul Latif Sahib Farookhi : (a) Is it a fact that the books (1) " Allah Mian ke Hathkande " by Sajjan Singh, Updeshak, Bharatiya Shuddhi Sabha, and (2) " Patiton ki Shuddhi " by Ram Chandra Shastri, were purchased at Government expense for the library of the Government Normal School, Ajmer ? Are Government aware that these books contain attacks on Islam ?

(b) Is it a fact that the book No. (1) in part (a) was purchased from the Prakash Pustakalaya, Ajmer, named after Mr. Prakash Chandra, son of Lala Kanahiyya Lal, the then Headmaster of the Normal School, Ajmer ?

(c) Is it a fact that the book No. (2) in part (a) was purchased from the Arya Sahitya Mandal ?

(d) Does the responsibility for the purchase of the books mentioned in part (a) rest with Lala Kanahiyya Lal, the then Headmaster of the Government Normal School, Ajmer, now a Government pensioner ? If not, who is responsible for the said purchase ?

(e) Do Government propose to take any action against the officer responsible for the purchase of the books mentioned in part (a) ?

(f) Do Government propose to order the removal of these books from the library of the said school ?

Sir Frank Noyce : With your permission, Sir, I shall deal with questions Nos. 778 and 779 together. The information asked for is being collected and will be supplied to the Honourable Member later.

**PURCHASE OF ANTI-ISLAMIC BOOKS FOR THE LIBRARY OF THE NORMAL SCHOOL, AJMER.**

†779. \*Mr. Abdul Latif Sahib Farookhi : (a) Is it a fact that " Vichitra Jiwan ", a book written by Pt. Kalicharan, was purchased for the library of the Government Normal School, Ajmer, at Government expense ?

(b) Are Government aware that the book mentioned in part (a) contains libellous remarks on the life and character of the holy Prophet Muhammad ?

(c) Was the book purchased from the Arya Sahitya Mandal ?

(d) Does the responsibility for the purchase of the book rest with Lala Kanahiyya Lal, the then Headmaster of the Government Normal School, Ajmer, now a Government pensioner ? If not, who is responsible for the said purchase ?

(e) Do Government propose to take any action against the officer responsible for the purchase of the book ?

(f) Do Government propose to order the removal of the book from the library of the said school ?

**CONDITIONS FOR NATURALISATION IN THE CASE OF DR. SUDHINDRA BOSE.**

780. \*Mr. Gaya Prasad Singh : (a) With reference to my starred question No. 164 of the 5th September, 1928, regarding the ban placed upon Dr. Sudhindra Bose, is it a fact that the Home Department (Political) of the Government of India wrote to Dr. Bose on the 15th August, 1928, that one year's continuous residence in India before the date of application for a certificate of naturalisation is necessary ?

(b) Is it a fact that, last year, when Dr. Bose visited India, he was not allowed to stay in this country for more than six months, although he applied to stay here for a longer period ? If so, will Government please state how it is possible for Dr. Bose to comply with the condition laid down in the letter of the Home Department referred to in part (a) above ?

(c) Is it a fact that another condition laid down in the letter under reference was " residence in His Majesty's Dominions for a period of four years within the last eight years before the application (for naturalisation) is made " ? If so, are Government aware that Dr. Bose is a Professor in the State University of Iowa (United States of America), and it is not possible for him to comply with this condition without throwing up his appointment ?

(d) Is it a fact that the last condition laid down in the Home Department letter to Dr. Bose was that the Government of India must satisfy themselves that the applicant " is of good character ", before a certificate of naturalisation can be granted to him ?

(e) Are Government prepared to grant facilities to Dr. Bose to come and stay in India for a period long enough to satisfy the conditions laid down in the Home Department's letter referred to in (a) above ?

† For answer to this question, see answer to question No. 778.

**The Honourable Sir James Orerar :** (a), (c) and (d). A letter was addressed to Dr. Bose on the 13th August, 1928, in answer to a request for information as to how he could be naturalized as an Indian citizen. The conditions stated are those required under the law as contained in the British Nationality and Status of Aliens Act, 1914.

(b) It is not a fact that Dr. Bose applied for permission to remain in India for more than six months. He made a request that, when he next came to India, he should be allowed to do so without restriction. The second part of this question does not arise.

(e) The question will receive careful consideration if and when Dr. Bose applies for the facilities referred to and he has been informed accordingly.

**PROMOTION TO THE UPPER DIVISION OF SECOND DIVISION CLERKS IN THE GOVERNMENT OF INDIA SECRETARIAT.**

781. **\*Mr. Abdul Haye :** Will Government please state how they determine seniority for the promotion of second division clerks to the upper division in the Government of India Secretariat, whether from the date of their admission into Government service or from the date of their passing the examination ?

**The Honourable Sir James Orerar :** I would refer the Honourable Member to the reply given by me to starred question No. 882 on the 6th September, 1927, and also to the reply given in another place to question No. 197 on the 30th March last.

**REPRESENTATION OF MOSLEMS ON THE COURT OF THE UNIVERSITY OF DELHI.**

782. **\*Mr. Abdul Haye :** (a) Will Government please state what is the total number of members of the Court of the University of Delhi ?

(b) What number of such seats are reserved for nomination by Government ?

(c) Is it a fact that some time ago the Moslem Association of Delhi made a representation that the Moslem community was not adequately represented on the Court and that more Moslems should be nominated by Government ?

(d) Is it a fact that, since then, Government have further reduced the number of nominated Moslems by one ?

(e) If the answer to part (d) is in the affirmative, will Government please state to what community that seat has been allotted and whether that community was not already represented on the Court ?

**Sir Frank Noyce :** (a) 108.

(b) None, but the Governor General in his capacity as Chancellor of the University nominates fifteen members of the Court.

(c) Yes.

(d) and (e). Government have no power of nomination.

**CHARGES OF BRIBERY AND CORRUPTION AGAINST CERTAIN OFFICERS OF THE NORTH WESTERN RAILWAY.**

**783. \*Mr. Abdul Haya :** (a) Is it a fact that Mr. R. K. Sidhva, a member of the Local Railway Advisory Committee, Karachi, addressed a circular letter some time ago to certain officers of the Railway Board, the Agent and certain other officers of the North Western Railway charging certain officers of the Karachi Division, including the Divisional Superintendent, with corruption and bribery, and stating that he was prepared to substantiate his allegations ?

(b) Was any action taken on Mr. Sidhva's letter and was he afforded any opportunity to state the definite charges and prove them ? If so, with what result ? If not, why not ?

**The Honourable Sir George Rainy :** Government have not seen the letter referred to, but have seen a letter from Mr. Sidhva which appeared in the *Daily Gazette*, Karachi, of December 4th, 1928. This contained only general allegations and Government were advised that it was not actionable.

**SUPPLY TO NEWSPAPERS AND NEWS AGENCIES OF ADVANCE COPIES OF THE HONOURS LIST.**

**784. \*Maulvi Muhammad Yakub :** (a) Will Government please state the names of the news agencies to whom the 'advance proof copies' of the Extraordinary Gazettes of India containing the New Year's and Birthday Honours are supplied ?

(b) Will Government please name the news agencies who applied for such Gazettes but were refused ?

(c) Will Government please state the names of the newspapers to which the 'advance proof copies' of the Extraordinary Gazettes of India containing New Year's and Birthday Honours are supplied ?

(d) Will Government please give the names of the newspapers who applied for the above Gazettes but were refused ?

(e) Will Government please state if the news agencies and newspapers that are on the approved lists of the Government of India are extended equal treatment ?

**Sir Denys Bray :** (a) and (b). The only news agencies that I have been able to trace as having been given and having been refused advance copies of the Honours List are the Indian News Agency and the Free Press of India, respectively.

(c) and (d). The collation of similar information regarding newspapers would involve research wholly disproportionate to the value of the result, but no newspaper as such receives an advance copy at present.

(e) Ordinarily yes ; but in this very special case of the Honours List, which is of course not the sole property of the Government of India, it has been thought advisable to restrict the advance copy system to the narrowest limits compatible with due publicity.

**Mr. Gaya Prasad Singh :** May I know why the application from the Free Press of India has been refused ?

**Sir Denys Bray :** I think my Honourable friend will find the answer in my reply under (e).

# NEWS AGENCIES AND NEWSPAPERS GIVEN FINANCIAL SUPPORT BY THE GOVERNMENT OF INDIA.

785. \*Maulvi Muhammad Yakub : (a) Will Government please name the news agencies to whom financial support is given by Government, (i) for propaganda work, and (ii) in a businesslike manner ?

(b) Will Government please name the newspapers that get publicity remuneration from the Public Information Bureau of the Government of India ?

The Honourable Sir James Orerar : (a) and (b). Government subscribe to the telegrams of the Indian News Agency and Reuters on ordinary commercial terms. No subsidy is given to any news agencies or newspapers for propaganda or publicity purposes.

# PRACTICE OF NOMINATING AN OFFICIAL AS PRESIDENT OF THE DELHI MUNICIPAL COMMITTEE.

786. \*Maulvi Muhammad Yakub : Will Government please state when the Delhi Administration propose to stop the practice of nominating an official as President of the Municipal Committee of Delhi ?

Sir Frank Noyce : The Honourable Member's attention is invited to the reply given by me to Mr. Abdul Haye's question No. 290 in this House on the 10th September, 1929. It is proposed to examine the question in consultation with the Chief Commissioner of Delhi.

# ACCIDENTS CAUSED BY TRAMS IN DELHI.

787. \*Maulvi Muhammad Yakub : (a) With reference to question No. 288 of the 23rd February, 1928, will Government please state what action they propose to take against the Delhi tramways for such a great number of deaths by injuries inflicted by the trams in the city of Delhi ?

(b) Will Government please state if they propose to stop the running of trams in the narrow and traffic-ridden old bazars of Delhi to prevent further accidents resulting in death ?

The Honourable Sir Bhupendra Nath Mitra : Inquiries have been made and a reply will be furnished to the Honourable Member in due course.

# PROHIBITION OF ENTRY OF NEWSPAPER REPORTERS TO THE DELHI KOTWALI.

788. \*Maulvi Muhammad Yakub : Will Government please state if the Delhi Kotwali is a prohibited area for newspaper reporters ? If so, why ?

The Honourable Sir James Orerar : I understand that newspaper reporters in search of police information are received daily by a selected police officer at the offices of the Senior and of the Additional Superintendent of Police, but that they are not allowed to enter the Kotwali police station.



ARTICLE IN THE *Daily Congress* OF DELHI ABOUT THE POLICE.

789. \*Maulvi Muhammad Yâkub : Has the attention of Government been drawn to an article of the *Daily Congress* of Delhi of the 14th September, 1928 (page 1), and of the 17th September, 1928 (page 6) ? What action was taken by Government against the Police ?

The Honourable Sir James Orerar : I have seen the article of the 14th September but not that of the 17th. I understand that an inquiry has been held into the matter and have asked for full particulars. I will communicate the result to the Honourable Member in due course.

PROPORTION OF INDIANS APPOINTED AS STATION SUPERINTENDENTS, GUARDS, ETC., ON THE GREAT INDIAN PENINSULA RAILWAY.

790. \*Kumar Ganganand Sinha : (a) Will Government please state what is the number of (1) Station Superintendents, (2) Guards, (3) Yard Controllers, and (4) Loco. Foremen, on the Great Indian Peninsula Railway ?

(b) Into how many classes are these divided, and what is the proportion of Indians to Anglo-Indians and Europeans in each class ?

(c) Will Government please state if any system of *direct* recruitment exists for filling up these appointments on this Railway ? If so, what is it ? Does it apply to Indians, and Anglo-Indians and Europeans alike ?

Mr. P. R. Rau : I am making inquiries from the Agent, Great Indian Peninsula Railway, and shall communicate the information to the Honourable Member when it is received.

PROVISION OF WAITING SHEDS AND OTHER AMENITIES AT NEW DELHI STATION.

791. \*Kumar Ganganand Sinha : (a) Are Government aware that passenger traffic at the New Delhi Railway station is much greater than it used to be at the Delhi Sadr Station ? If so, why is there delay in providing regular shelters on the platform for passengers who have to wait sometimes for a long time to catch trains ?

(b) Is there any waiting room in the station for *purdah nashin* ladies ? If not, why not ?

(c) Why have the railway authorities so far failed to provide a refreshment stall on the platform ?

Mr. P. R. Rau : Inquiry is being made from the Agent, North Western Railway, and the information will be furnished to the Honourable Member on receipt.

PAY OF TIME-SCALE TOWN INSPECTORS OF POST OFFICES IN FIRST CLASS HEAD OFFICES.

792. \*Mr. Jamnadas M. Mehta : (a) Will Government be pleased to state when the pay of time-scale Town Inspectors' appointments in First Class Head Offices was raised to the lowest selection grade pay of Rs. 160—10—250 ?

(b) How many more Government orders have been issued since then for filling up those appointments ?

(c) Will Government be pleased to state why so many different orders were issued—one superseding or modifying the other ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) With effect from the 1st September, 1927, the pay of the lowest selection grade of the clerical service in the Post Office was raised to Rs. 160—10—250 and from the same date the same rate of pay was sanctioned for posts of Town Inspectors in First Class Head Offices.

(b) Two, viz., 11-P.T.E., dated 15th September, 1927, and 14-P.T.E., dated 2nd October, 1928. A copy of the former letter is in the Library, and a copy of the latter was laid on the table of the House on the 28th January, 1929, when I replied to Khan Bahadur Sarfaraz Hussain Khan's unstarred question No. 98.

(c) The reasons for issuing these orders are stated in the letters, and I do not propose to take up the time of the House by reading out the relevant extracts from them.

**Mr. Jamnadas M. Mehta :** Is it true that only these two orders were issued ?

**The Honourable Sir Bhupendra Nath Mitra :** I have nothing to add to the reply which I have already given to the Honourable Member.

**Mr. Jamnadas M. Mehta :** Is it a fact that some more orders were issued in addition to the two mentioned by the Honourable Member ?

**The Honourable Sir Bhupendra Nath Mitra :** I have nothing to add.

**Mr. Jamnadas M. Mehta :** Is it because of unwillingness or ignorance ?

**The Honourable Sir Bhupendra Nath Mitra :** It is because what I have stated is the truth.

**Mr. Jamnadas M. Mehta :** Then may I ask the Honourable Member whether there are orders or communications dated the 16th December, 1927, 15th December, 1927, 11th February, 1928, 14th March, 1928, in addition to the two orders which the Honourable Member mentions ?

**The Honourable Sir Bhupendra Nath Mitra :** The only Government orders issued are the two which I have mentioned.

**Mr. Jamnadas M. Mehta :** Does the Honourable Member contend that what I have mentioned above are not Government orders ?

**The Honourable Sir Bhupendra Nath Mitra :** I have no knowledge of them. I have already said that there are two Government orders issued in the case.

**Mr. Jamnadas M. Mehta :** Is it not true that there was an order issued on the 11th February from the Director General of Posts and Telegraphs in addition to the orders mentioned by the Honourable Member ?

**Mr. President :** The Honourable Member has already said that he does not know of any other orders.

**DUTIES OF TOWN INSPECTORS OF POST OFFICES IN FIRST CLASS HEAD OFFICES.**

**793. \*Mr. Jamnadas M. Mehta :** (a) Is it a fact that Town Inspectors' appointments on selection grade pay in First Class Head Offices are really new appointments with additional duties and responsibilities ?

(b) Is it a fact that the duties of Town Inspectors in First Class Head Offices, before the new selection grade appointments were created and the pay was raised, were not identical with the duties of Town Inspectors now and that it was only after the pay was raised that the duties were made identical with those of Sub-Divisional Inspectors ? Will Government state in detail the difference between the two sets of duties before the creation of the new appointments ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Technically they are new appointments with additional duties and responsibilities. But really they are old appointments with certain duties added and pay increased.

(b) When the pay of the appointments of Town Inspectors was raised, it was intended that they should be required to perform all the duties allotted in the rules to Inspectors of Post Offices. Owing to the discretionary power allowed to Heads of Circles under the Post Office Manual in the case of the Town Inspectors of Calcutta, Madras, Bombay and Rangoon, it is possible that some of these at any rate used to exercise larger powers than those specified in the chapter of the Manual dealing with Town Inspectors. The Director General has for some time been in correspondence with Heads of Circles in regard to a clear definition of the powers of Town Inspectors, and as soon as a settlement has been arrived at in the matter, a statement detailing the duties of Town Inspectors in future and in the past will be supplied to the Honourable Member.

**Mr. Jamnadas M. Mehta :** Why does the Honourable Member say that they are technically new appointments ?

**The Honourable Sir Bhupendra Nath Mitra :** Because they are technically new appointments. I am afraid I cannot paraphrase that expression.

**Mr. Jamnadas M. Mehta :** May I draw the attention of the Honourable Member to the order of the 15th September, 1927, in which it is said "and the fact that they are in effect newly created posts"—not technically : in effect means substantially ?

**The Honourable Sir Bhupendra Nath Mitra :** No, Sir. In fact the words "in effect" there have the same sense as the word technically, used by me in the course of my reply.

**Mr. Jamnadas M. Mehta :** Words have apparently changed their meaning in the Industries and Labour Department. But what I wanted was a reply as regards the two sets of duties before the creation of the new appointments—not what Government subsequently might do by manipulation. The Honourable Member has not replied to that question.

**The Honourable Sir Bhupendra Nath Mitra :** I refuse, with your permission, Sir, to answer a question which contains an insinuation of manipulation.

**Mr. Jamnadas M. Mehta :** There is no insinuation in the question itself ; there is an insinuation deducible from the reply that the Honourable Member gives ; the Honourable Member has not replied to my question.

**Mr. President :** The Honourable Member would be well advised to move a Resolution on the subject. I have been noticing for some time past that the Honourable Members have been debating this question. They are not entitled to do so by means of questions and answers. There should be a Resolution for that purpose.

**Mr. Jamnadas M. Mehta :** But that is the fault of the Department, not mine, if they cannot give a proper reply. Sir, it is no use asking questions if replies are not given.

†794\*—800\*.

#### HOLIDAYS FOR POSTAL SIGNALLERS.

801. **\*Mr. Amar Nath Dutt :** (a) Is it a fact that the postal signallers are not allowed to enjoy the postal holidays ?

(b) Is it a fact that they work exactly like departmental telegraphists on postal holidays, but that they are not remunerated like the departmental telegraphists ?

(c) Is it a fact that their non-signal fellow workers of the same office enjoy postal holidays while the signallers do not ?

**Mr. P. G. Rogers :** (a) Not exactly. Postal signallers enjoy all post office holidays which are also telegraph holidays. As regards the additional post office holidays referred to in clause 2 of the Post and Telegraph Guide, only some postal signallers do not enjoy them.

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

(c) No ; even on post office holidays there are some non-signaller postal clerks who have to be on duty.

#### HOLIDAYS IN THE TELEGRAPH DEPARTMENT.

802. **\*Mr. Amar Nath Dutt :** (a) Is it a fact that the Telegraph Branch is closed on all Christian holidays but not on Hindu and Muhammadan holidays ? If so, why ?

(b) Will Government be pleased to state the reasons why only Christian holidays are being allowed to be availed of by both the combined and departmental hands whereas Hindu and Muhammadan religious holidays are not so allowed to be availed of ?

**Mr. P. G. Rogers :** (a) No, the Telegraph Branch is not closed on all Christian holidays.

(b) Does not arise.

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†These questions were not put by the questioner.

**PAY AND ALLOWANCES OF POSTAL SIGNALLERS.**

803. **\*Mr. Amar Nath Dutt :** (a) Is it a fact that postal signallers are not specially remunerated for postal holidays ?

(b) Is it a fact that the pay and allowances of the telegraphists are much higher for their special technical qualifications than that of the Telegraph Departmental clerks ?

(c) Is it a fact that the pay of postal signallers and postal clerks are the same, although the signallers have some special technical qualifications ? If so, will Government be pleased to state the reasons for such differential treatment between the postal signallers and the departmental telegraphists ?

(d) Do Government propose to grant suitable allowances to the postal signallers for work on holidays and special technical qualifications ?

**Mr. P. G. Rogers :** (a) Yes.

(b) The pay and allowances of telegraphists are higher than those of Telegraph Department clerks not only on account of their special technical qualifications but also for other reasons.

(c) The reply to the first part is in the affirmative. With regard to the latter part, attention is invited to part (b) of the reply given in this House on the 26th September, 1921, by Colonel Sir Sidney Crookshank to Mr. Jatkar's unstarred question No. 41.

(d) As regards allowances for work on holidays, the Honourable Member is referred to the reply given to unstarred question No. 120 by Khan Bahadur Sarfaraz Hussain Khan on the 2nd September, 1929, in this House. Government do not consider that the technical qualifications of postal signallers are such as to justify the grant of any special allowance.

**GRANT OF FACILITIES TO POSTAL SIGNALLERS TO QUALIFY FOR OTHER POSTS.**

804. **\*Mr. Amar Nath Dutt :** Is it a fact that postal signallers are not spared to be attached to the Accounts Branch and the Correspondence Branches of the Head Post Office and the office of the Superintendent of Post Offices so that they cannot get any training in those Branches to qualify like clerks to pass the Account's Examination and Inspector's Examinations ? Do Government propose to offer necessary facilities to postal signallers to enable them to qualify for the Accounts examination and Inspector's examinations ? If not, why not ?

**Mr. P. G. Rogers :** There is nothing in the rules to prevent a postal signaller from being attached to work in the Accounts Branch or the Correspondence Branch of a Head Post Office or the office of the Superintendent of Post Office, nor have I any reason to suppose that the facts are as stated by the Honourable Member. I am not therefore convinced of any necessity for offering to postal signallers special facilities to enable them to pass the examinations referred to by the Honourable Member, and do not propose to take any steps in the matter.

**HOURS OF REST OF THE STAFF OF THE SUCTION DREDGER "VIZAGAPATAM".**

805. **\*Mr. V. V. Jogiah :** Have Government called for and obtained a report as to whether any, and if so what, steps were taken to give effect to their answer contained in their reply to my unstarred question No. 197, dated the 4th September, 1928 ?

**Mr. P. R. Rau :** The information obtained in reply to the Honourable Member's question No. 197 of September last was that the superior staff both European and Indian would be allowed to rest in free furnished quarters on shore when off duty and accommodation would be provided for the subordinate staff on the dredger.

It has recently been represented to Government that subordinate staff are exposed to discomfort by this arrangement and I am making inquiries on that point.

**BREAKDOWN OF THE DREDGER "ST. ANDREW".**

806. **\*Mr. V. V. Jogiah :** (a) Is it a fact that the Vizagapatam Harbour Committee took a loan of the dredger "St. Andrew" from the Cochin Harbour ? If so, when did it arrive at Vizagapatam ? Was it sent back ? If so, when and why ?

(b) Was the dredger "St. Andrew" inspected by the Mechanical Superintendent of the Vizagapatam Harbour, before it left Cochin Harbour ? If not, why not ? Were there any orders of the Administrative Officer on the subject, and how were they carried out ? If not, why not ?

(c) What was the total loss incurred by the breakdown of the "St. Andrew" ? What was the daily cost, and what was the cost of replacing the parts, etc. ?

**The Honourable Sir George Rainy :** (a) Yes. The dredger arrived at Vizagapatam on the 21st February, 1929. It was sent back on the 11th March, 1929, on account of the breakage of the frame some 30 ft. above the suction head.

(b) The question of the responsibility for the loss involved is under discussion with the Madras Government and it has been agreed to refer to arbitration by an independent engineering expert the issue whether the damage was due to an inherent defect in the machinery or was caused by the negligence or the inefficient handling of the vessel by the employees of the Vizagapatam Harbour Construction. In these circumstances Government do not consider it desirable to make any statement at present, but after the arbitration I shall be prepared to lay a full statement on the table of the House.

(c) Government are not in a position to answer this question at present, but the information will be obtained and included in the statement I have promised.

**REPORT OF MR. KARNAL ON THE DREDGER "ST. ANDREW".**

807. **\*Mr. V. V. Jogiah :** (a) Is it a fact that Mr. Karnal, Mechanical Superintendent of Port Commissioners, Calcutta, was asked to go over to Vizagapatam ? When did he go to Vizagapatam and inspect the dredger " St. Andrew " ? Did Mr. Karnal submit a report on the dredger and the dredging staff and when ? Has the report been published ? If so, will Government be pleased to lay it on the table ?

(b) What is the allowance that had to be paid to Mr. Karnal for the period between his departure from and return to Calcutta ?

**The Honourable Sir George Rainy :** I cannot answer this question, Sir, without reference to the Administrative Officer, and I think that the best course will be to include the answer in the statement I have promised in reply to question No. 806.

**POST OF TRAFFIC MANAGER OF HARBOUR WORKS, VIZAGAPATAM.**

808. **\*Mr. V. V. Jogiah :** (a) Is there a post of Traffic Manager in connection with the Harbour Works of Vizagapatam ? What is the salary ? Has the post been sanctioned by the Secretary of State or by the Railway Board ? Has the Traffic Manager previous experience of marine duties ? If so, why is Captain Day paid Rs. 50 from Port funds ? Is that amount not a legitimate charge on the Traffic Manager's salary ?

(b) What are the general charges and receipts on Capital account with respect to the Traffic Manager's Department ?

**The Honourable Sir George Rainy :** (a) The post of Traffic Manager was sanctioned by the Governor General in Council on a pay of Rs. 2,250 per mensem *plus* overseas pay. The present incumbent Mr. E. G. Lilley was formerly employed by the Bombay Port Trust and for the performance of the greater part of his duties, marine experience is not required. Captain Day is paid an allowance of Rs. 50 as a remuneration for advising the Traffic Manager on marine matters. There is no reason why this should be a charge on the Traffic Manager's salary.

(b) Detailed information is being collected and will be supplied to the Honourable Member when received.

**ACQUISITION OF LAND FOR THE VIZAGAPATAM HARBOUR SCHEME.**

809. **\*Mr. V. V. Jogiah :** Is it a fact, that in connection with the Vizagapatam Harbour Scheme, the Anakapalle proprietor is claiming a large sum of money as land compensation whereas the Land Acquisition officer awarded a comparatively low sum ? Have the Revenue officers of Government been previously consulted before estimates were got up ? If not, why not ? Do Government intend to acquire it under such circumstances ? If so, what are their reasons ?

**Mr. P. B. Rau :** With your permission, Sir, I will answer this question and question No. 811 together. I have called for information from

the Administrative Officer, Vizagapatam Harbour, and will communicate it to the Honourable Member on receipt of it.

**PURCHASE OF SECOND-HAND MACHINERY FOR THE VIZAGAPATAM HARBOUR SCHEME.**

810. \***Mr. V. V. Jogiah** : Is it a fact that, in connection with the Vizagapatam Harbour Scheme, the Engineer-in-Chief purchased second hand machinery of considerable value ? If so, did he receive sanction from the administrative officer prior to purchase, or from the Railway Board ?

**Mr. P. R. Rau** : According to the information in possession of the Railway Board, second-hand machinery has been purchased by the Engineer-in-Chief, but the value is not known. The fact that the machinery was second-hand is not in itself a reason why higher sanction should be obtained.

**FERRY PURCHASED IN CONNECTION WITH THE VIZAGAPATAM HARBOUR SCHEME.**

†811. \***Mr. V. V. Jogiah** : Is it a fact that, in connection with the Vizagapatam Harbour Scheme, the Harbour authorities purchased a ferry for passenger and vehicular traffic ? What is its cost ? When was it purchased ? What were its earnings up to the 1st September, 1929 ? How long has it been running ? Did the old one become unserviceable ? If so, was it because it became useless or superfluous ? What is the cost of the landing stage ?

**WORK DONE BY THE SUCTION DREDGER "VIZAGAPATAM".**

812. \***Mr. V. V. Jogiah** : Will Government be pleased to lay on the table a statement showing :

- (a) Number of hours of actual dredging done by suction dredger, "Vizagapatam" from 4th August, 1928, to 4th August, 1929 ;
- (b) Number of hours of stoppage due to breakdown, overhauls, and other causes, with remarks on continuous stoppage, if any ;
- (c) Quantity actually dredged between 4th August, 1928, and 4th August, 1929, and the quantity required to be dredged ;
- (d) Actual expenditure as compared with output per cubic yard ; and
- (e) Any large fluctuation in outturn between month and month suitably explained ?

**Mr. P. R. Rau** : I am laying on the table a statement giving the required information.



Number of hours of actual dredging from 5th August, 1928, to 10th August, 1929.		Number of hours of stoppage due to break-down, overhauls and other causes.	Quantity actually dredged between 5th August, 1928, and 10th August, 1929.	Actual expenditure as compared with output per cubic yard.		Among large fluctuation in output between month and month suitably explained.
Fortnight ending	Hours.			Expenditure.	Output.	
18-8-28	71	37	C. ft. 910,700	Rs. ..	C. Yards. ..	Dredging was carried out for one day during a fortnight on account of inspection and over-haul.
1-9-28	6	102	68,400	..	..	
16-9-28	..	..	..	..	..	
20-10-28	240½	31½	2,817,700	..	..	No dredging done during a fortnight. Dredging work stopped owing to floods for 3 days.
3-11-28	108	72	1,331,500	..	..	
17-11-28	124	83	1,888,800	..	..	
1-12-28	182	16	2,535,700	..	..	Due to quarterly over-haul for 27 days and to dredging hard material. The dredger had to be shifted for fresh cuts and pumps because less efficient on account of wear.
15-12-28	179	19	2,595,500	..	..	
29-12-28	151½	10½	2,685,000	..	..	
9-2-29	173½	24½	1,513,500	..	..	....
23-2-29	173	25	2,034,600	..	..	
9-3-29	138	60	1,261,300	..	..	
23-3-29	160	20	2,935,700	..	..	....
6-4-29	118½	61½	2,354,500	..	..	
20-4-29	179½	18½	2,719,600	..	..	
11-5-29	202½	13½	2,474,600	..	..	....
25-5-29	121	77	2,040,350	..	..	
22-6-29	207	36	3,129,650	..	..	
6-7-29	178	20	3,098,750	..	..	Dredger stopped due to pump failure on the 29th July and was laid up for extensive overhaul. The quantity dredged since the commencement of operations has been 52 million c.ft. as compared with 58 million c.ft. required to complete the work in August, 1921, and 44 million c.ft. required to complete the work by August, 1922.
20-7-29	148	50	2,246,400	..	..	
10-8-29	53	64	781,700	..	..	
Total ..	2,914	842	41,423,950	3,36,100 or Rs. 0-3-6 per c. yard.	1,534,220	

### BONUS EARNED BY THE DREDGING STAFF AT VIZAGAPATAM.

813. \***Mr. V. V. Jogiah** : What is the amount of bonus earned by the dredging staff and what is the reason for not fixing a monthly bonus rate ?

**Mr. P. R. Rau** : I am making inquiries from the Administrative Officer, Vizagapatam Harbour, and will communicate the information later to the Honourable Member.

### REMOVAL FROM THE TRAIN AT HARDA OF PASSENGERS TRAVELLING WITHOUT TICKETS.

814. \***Mr. Gaya Prasad Singh** : (a) Has the attention of Government been drawn to a report from Nagpur and published in the *Hindustan Times*, dated the 12th September, 1929, (page 5), in which it is stated that six passengers were taken down at Harda Railway Station, on the ground that they were travelling without tickets ; and consequently they had to walk along the railway line, with the result that a tragedy occurred near Khirkiya Railway Station, resulting in the death of four or five persons ?

(b) Do Government propose to make an inquiry, and find out if the above account is substantially correct ?

(c) Under what section of the Railways Act were the passengers dealt with, and removed from the compartment in which they were travelling ? And why were the provisions of section 113 or section 132 not applied to them ? Has any action been taken in the matter ? If so, what ?

**The Honourable Sir George Rainy** : (a) and (b). Government have seen the extract referred to and have obtained a report from the Agent of the Great Indian Peninsula Railway in this matter. I must state, in the first instance, that the inference in the newspaper report that this deplorable tragedy was the result of any blameworthy action on the part of the railway officials is incorrect ; it was a pure accident. The facts are as follows : six passengers were removed from 12 Up train at Khirkiya station on the 27th August as they had no tickets and no money to purchase tickets. They proceeded to walk to Khandwa along the railway line and were overtaken by a train while on a bridge. The driver had whistled when approaching the bridge, but unfortunately they could not get across and the driver could not stop in time to prevent an accident. One man was killed and three of the party were seriously injured, one of whom has since died. It is reported that there is hope that the others will survive.

(c) The question whether it is lawful for a railway officer to remove from a railway carriage a person who has no ticket and is unable or unwilling to pay the fare and penalty has, as the Honourable Member is aware, been raised in a recent decision in an Allahabad Court, and as soon as a copy of the judgment is received, the question what further action is necessary will be considered.

### COST OF THE ROYAL COMMISSION ON LABOUR.

815. \***Mr. Gaya Prasad Singh** : Will Government be pleased to state what the approximate estimated expenditure of the Royal Commission on Labour is ?

**The Honourable Sir Bhupendra Nath Mitra :** A provision of Rs. 2,25,000 has been included in the budget estimates for 1929-30 on account of the expenditure on the Royal Commission on Labour. It is too early yet to form an estimate of the total expenditure that will be incurred on account of the Commission.

**Mr. Gaya Prasad Singh :** Do Government desire to keep in view the recommendation of the Standing Finance Committee and the generally expressed desire of this House with regard to the emoluments paid to the Members of Committees and Commissions ?

**Mr. President :** What is the generally expressed view of this House ?

**Mr. Gaya Prasad Singh :** An application or Resolution signed by many Members of this House has, I understand, been submitted. ....

**An Honourable Member :** No.

**The Honourable Sir Bhupendra Nath Mitra :** So far as the Royal Commission is concerned, the emoluments of the Members have already been fixed by the Secretary of State.

**" UNIVERSAL " STEEL SLEEPERS SUPPLIED TO THE BENGAL NAGPUR RAILWAY  
BY MESSRS. HENRY WILLIAMS, LTD.**

**816. \*Pandit Nilakantha Das :** With reference to the statement promised by the Honourable Sir George Rainy in reply to my starred questions Nos. 357 to 360 this Session, will Government please state :

- (a) What is the quantity of the so-called condemned steel sleepers supplied to Henry Williams (India), Ltd., up to date by the Bengal Nagpur Railway ?
- (b) What is the quantity of the universal steel sleepers (i.e., steel sleepers referred to in the patents quoted in question No. 357) received by the Bengal Nagpur Railway from Henry Williams (India), Ltd., in return up to date after making the alterations referred to in my starred question No. 358 ?
- (c) What is the quantity of those patented steel sleepers purchased from Henry Williams (India), Ltd., by the Bengal Nagpur Railway up to date besides the quantity referred to in part (b) ? What is the price of these sleepers ?
- (d) Were the above patented sleepers used by the Bengal Nagpur Railway before Henry Williams (India), Ltd., came into existence ? If so, from where were they got, and which were the firms who supplied them and how were they purchased, by public tender or by private arrangement ?
- (e) Are any other railways using these sleepers ? If so, which are they, and what quantity (and at how much cost) have they used up to date ? Were they purchased by means of public tender or not ?

**The Honourable Sir George Rainy :** With your permission, Sir, I will reply to questions Nos. 816, 818, 819 and 821 together. The information asked for will be included in the statement I have promised.

**INSPECTION OF UNIVERSAL CAST IRON SLEEPERS MANUFACTURED BY THE  
BENGAL IRON COMPANY AND MESSRS. BURN AND CO.**

817. \*Pandit Nilakantha Das : Will Government be pleased to state whether the universal cast iron sleepers manufactured by the Bengal Iron Co., and Burn & Co., are inspected by the Controller of Inspection of the Indian Stores Department, who inspects all other sleepers ?

The Honourable Sir George Rainy : The Agent, Bengal Nagpur Railway, reports that universal cast iron sleepers are inspected by the Controller of Inspection, Indian Stores Department. I would add that the statement in the last part of the question is incorrect. Only metal sleepers manufactured by commercial firms in India are inspected by the Indian Stores Department.

**LEASE OF LAND AND A RAILWAY SIDING TO MESSRS. HENRY WILLIAMS (INDIA),  
LIMITED.**

†818. \*Pandit Nilakantha Das : With reference to the statement promised by the Honourable Sir George Rainy in reply to my starred questions Nos. 357 to 360 this Session will Government please give the following information ?

- (a) Do the extracts quoted by me in my supplementary question from the Report of the Accountant General, Railways (page 31, para. 65) refer to Henry Williams (India), Limited ?
- (b) Is it a fact that the land referred to in part (a) was enclosed with a boundary wall and provided with a railway siding just after the formation of Henry Williams (India), Ltd., and was rented out to them on a nominal rent ?
- (c) What was the cost of the boundary wall and the railway siding, and with the cost and interest thereon added to the loss on rent already calculated by the Accountant General, Railways, [referred to in part (a)] what is the total loss to the Bengal Nagpur Railway ?
- (d) Were any siding charges realised from Henry Williams (India), Ltd. ? Is the lease on land a long lease ? If so, for how many years, and with whose sanction was it entered into ?

**LARGE CONTRACTS PLACED WITH MESSRS. HENRY WILLIAMS (INDIA), LTD.,  
BY THE BENGAL NAGPUR RAILWAY.**

†819. \*Pandit Nilakantha Das : Is it a fact, (i) that the firm of Messrs. Henry Williams (India), Ltd., is a private limited liability company of which the total paid-up capital (preference and ordinary shares together) is only Rs. 3,16,500 ;

(ii) that the firm has issued other ordinary shares valued at Rs. 5,38,000 as fully paid-up for considerations otherwise than in cash ;

(iii) that Messrs. L. Greenham, Agent (now retired), Bengal Nagpur Railway, Henry William Joyce, Charles Williams Anderson, F. N. Slane, R. M. Hughes—all engineers of the Bengal Nagpur Railway—together with

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†For answer to this question, see answer to question No. 816.

other members of their family (namely, Miss Enid Joyce, Mr. Eric Joyce—Minors—and Jane Elizabeth Anderson) have been connected with the firm ; and

(iv) that big contracts worth crores of rupees have been and are being placed with them by the Bengal Nagpur Railway from the date of the formation of the firm, by private arrangement without calling for tenders ?

**VALUE OF RAILWAY ORDERS PLACED WITH MESSRS. HENRY WILLIAMS, LTD., IN INDIA AND IN ENGLAND.**

**820. \*Pandit Nilakantha Das :** (a) What are the quantities and the value of the railway orders placed by the Bengal Nagpur Railway and other railways, if any, up to date for various articles with, (1) Henry Williams (India), Ltd., and (2) Henry Williams (Darlington), Ltd., with details as to how much in value was on tenders and how much was by private arrangement ?

(b) What, if any, is the connection between Henry Williams (India), Ltd., and Henry Williams (Darlington), Ltd. ?

(c) What, if any, is the connection between officers of the Bengal Nagpur Railway and Henry Williams (Darlington), Ltd., as well as Henry Williams (India), Ltd. ?

(d) What has been the loss, if any, to the Bengal Nagpur Railway on account of the private orders referred to in part (a) ?

**The Honourable Sir George Rainy :** (a) The information asked for, so far as the Bengal Nagpur Railway is concerned, will be included in the statement I have promised. I do not find sufficient reason to ask for information from other Railway Administrations.

(b) I will see whether the information can be obtained, but the Government of India are not in a position to insist on the disclosure of the relations between two private firms.

(c) I will ascertain whether any officer now serving on the Bengal Nagpur Railway is interested in either firm.

(d) I cannot assume at this stage that there has been any loss.

**Pandit Nilakantha Das :** With reference to part (b) of this question, if it is found out that the suggestion contained in my question is correct, will Government kindly take the trouble to inquire into the relation between the two private firms ?

**The Honourable Sir George Rainy :** Is this with reference to clause (b) ?

**Pandit Nilakantha Das :** Yes. If my suggestion proves correct, will Government kindly inquire. ....

**Mr. President :** That is a hypothetical question.

**Pandit Nilakantha Das :** Sir, in question No. 819 there is the suggestion that it is not, what may be called, a private firm for our present purposes, I mean the firm of Messrs. Henry Williams (India), Ltd. Will the Honourable Member kindly take the trouble to include this also, i.e., Henry Williams (Darlington), Ltd., in the statement which the Honourable Member in charge has promised ? I refer to answer to part (b) ?

**The Honourable Sir George Rainy :** The only point I am anxious to guard is this. I am quite willing to make all the inquiries on the point that I can, but in the last resort I cannot compel the two firms to tell me what their relations are, but the information may be obtainable otherwise.

LOSSES ENTAILLED IN CONNECTION WITH MESSRS. HENRY WILLIAMS, LTD.

†821. **\*Pandit Nilakantha Das :** (a) Who will be responsible for the losses in rent, boundary wall, railway siding and purchases referred to in my previous questions ?

(b) Will the loss be recoverable ? If so, how and to what extent ?

REFUSAL TO PAY THE GRATUITY OF A DECEASED LOCO. CHARGEMAN ON THE GREAT INDIAN PENINSULA RAILWAY.

822. **\*Mr. V. V. Jogiah :** (a) Is it a fact that one Mr. Arnold Duckett, a Loco. chargeman on the Great Indian Peninsula Railway died after having put in about 22 years' service, bequeathing the amount of gratuity due to him to his brother ?

(b) Is it a fact that the brother of the deceased applied to the Agent, Great Indian Peninsula Railway, for payment of the said gratuity on the strength of Letters of Administration obtained from a court of law, but the Agent refused payment of the same to him ?

(c) Will Government be pleased to ascertain and state on what grounds the payment was refused ?

(d) Are there any rules justifying the action of the Agent ? If so, do Government propose to amend the rules and pay the brother of the deceased man ?

**Mr. P. R. Rau :** (a), (b) and (c). Under the Railway Gratuity Rules the amount payable on account of gratuity is not deemed to be included in the estate of an employee and cannot therefore be bequeathed. As an act of grace, it is paid, if an employee dies during service, to his widow and, failing the widow, to his dependent children.

(d) The amendment of the rules will be considered.

SUPPLY OF MILK IN DELHI CITY.

823. **\*Lala Rang Behari Lal :** (a) Will Government be pleased to state if their attention has been drawn to the resolution of the Delhi Medical Association regarding the supply of milk to the Delhi City, passed in the beginning of this month and published in the papers ? If so, what action do Government propose to take in the matter ?

(b) Do Government propose to consider the advisability of extending the Punjab Food Adulteration Act to the Delhi Province ?

**Sir Frank Noyce :** (a) Government have seen in the Press the resolutions passed by the Association on the 29th August, 1929. It is understood they are under the consideration of the Medical Officer of Health, Delhi. I may state, for the Honourable Member's information, that, with the object of improving the milk supply of the city, the

Municipal Committee of Delhi has recently framed certain bye-laws regarding the stabling of milch cattle and has also sanctioned the appointment of a qualified analyst. The Committee is also equipping a laboratory for the purpose of the examination of milk and other food-stuffs and has under its consideration draft bye-laws for the control of milk shops.

(b) The matter is under the consideration of the Local Administration.

#### DEATHS FROM CONSUMPTION IN DELHI.

824. \***Lala Rang Behari Lal** : (a) Will Government be pleased to state if it is a fact that out of the total number of female deaths recorded in Delhi during the past year a very large percentage was due to consumption ?

(b) What steps, if any, do Government propose to take in the matter ?

\***Sir Frank Noyce** : (a) Of the 4,315 deaths of females in the Municipality of Delhi in 1928, 419 were from phthisis. The percentage of deaths from this cause was thus 9.7.

(b) The matter is primarily one for the consideration of the Municipal Committee, which is alive to the situation. A slum clearance scheme, for which a grant has been given by the Government of India, is in progress. Considerable efforts are also being made through the medium of health centres and health visitors to educate the people in elementary principles of hygiene and public health. An application for a grant-in-aid towards the opening of a tuberculosis dispensary at Hauz Kazi has been received by Government and will be considered in connection with the budget estimates for 1930-31.

#### SCHEME FOR NEW ROADS FROM NEW DELHI TO DELHI CITY AND CIVIL LINES.

825. \***Lala Rang Behari Lal** : (a) Will Government be pleased to state if at the time of the planning of the Capital at Delhi there was a scheme for laying out four roads passing through the Delhi City and connecting New Delhi with the City and the Civil Lines ? If so, will Government be pleased to state if that scheme has been abandoned ?

(b) In view of the insanitary condition of the city of Delhi and the high rate of mortality, do Government propose to consider schemes for opening out the city ?

**Sir Frank Noyce** : (a) The Delhi Town Planning Committee in 1913 suggested two roads to serve as through routes of communication between the New City and Civil Lines. Of these one has already been constructed, namely, the Burn Bastion Road. The other has not been considered in detail owing to want of funds.

(b) Government are fully alive to the importance of the subject, and various schemes to improve the sanitation of the city and to remove congestion are under consideration. The Government of India have already sanctioned a grant of Rs. 17,29,000 to acquire certain slums in Saddar Bazar, to build model houses for the poor and to improve the water supply of the city. A five years' programme of sanitary improvements has been drawn up and will be carried out as funds permit. New areas outside the city, especially towards the west, are being developed.

### EXTENSION OF DELHI CITY.

826. \***Lala Rang Behari Lal** : (a) Will Government be pleased to state if there was a proposal to extend the city of Delhi towards the South and utilise the land lying between New and old Delhi for the purpose ? If so, will Government be pleased to state how long it will take for the scheme to mature ?

(b) If there is no such proposal, will Government be pleased to state, what, if any, are their proposals for the extension of the Delhi city ?

**Sir Frank Noyce** : (a) In the original layout of New Delhi a large area of land south of the city in Delhi was allocated for city extension, but the city has actually extended itself in a westerly rather than in a southerly direction. The new hospital will, however, be erected on a large site in this area, while another portion will be occupied by the Government of India Press and Press quarters. The greater part of the remaining land available will probably be required for residences for clerks. All these schemes will, however, to some extent serve the purpose of city extension by relieving pressure within the city or otherwise.

It has recently been proposed that the wall between the Delhi Gate and the Ajmer Gate should be pulled down and the land lying between the city wall and the Circular Road utilised for the purpose of slum clearance. The view taken by the Local Administration, however, is that it would be better to lay out this area as a park.

(b) Proposals are under consideration for utilising, for extension purposes, a considerable area in Paharganj and Multani Dhanda which is at present undeveloped and somewhat insanitary.

The Western Extension (Karaul Bagh) where there is still much room is also receiving attention and development in that direction will probably be rapid as soon as funds are available for water supply and drainage. Plans for extension are in progress in Shidipura, where model dwellings will shortly be erected for the relief of pressure in the crowded suburbs.

### "A" GRADE APPRENTICES CONFIRMED IN THE BENGAL NAGPUR RAILWAY WORKSHOPS AT KHARAGPUR.

827. \***Mr. S. C. Mitra** : Will Government please state whether the "A" Grade apprentices in the Bengal Nagpur Railway Workshops at Kharagpur, who have so far been confirmed to date and enrolled as regular apprentices, and their parents or guardians were allowed to fill in the forms A and B, referred to in para. 4 of the enclosure (Annexure A) to Government's answer to my starred question No. 819, in the Legislative Assembly on the 26th February, 1929 ? If not, why not ?

**Mr. P. B. Rau** : I am obtaining the information required from the Agent, Bengal Nagpur Railway, and will communicate it to the Honourable Member on receipt.

### APPOINTMENT OF SIKHS TO THE MILITARY ACCOUNTS DEPARTMENT AND THE IMPERIAL CUSTOMS SERVICE.

828. \***Sardar Kartar Singh** : (1) Will Government be pleased to state what is the total number of posts in (a) Military Accounts



Department, (b) Imperial Customs Service, and the number of posts held by Hindus, Muhammadans and the Sikh community, respectively, in them ?

(2) Is it a fact that a number of posts in the above services are reserved every year in order to adjust communal inequalities, arising out of the result of the competitive examination ? If so, are any posts thus reserved for the Sikh community ?

(3) Are Government aware that a number of Sikh candidates have been qualifying themselves in the examination for the services ?

(4) Will Government be pleased to state why no Sikh has been selected for the above services, and what steps they now intend to take to safeguard the rights of the Sikhs in future ?

**The Honourable Sir George Schuster :** (1) The total number of posts in the Military Accounts Department is 59. Of these, 15 are held by Hindus, 4 by Muhammadans and 1 by a Sikh. The total number of posts in the Imperial Customs Service is 36. Of these, 8 are held by Hindus, 2 by Muhammadans and none by Sikhs.

(2) The Military Accounts Department and the Imperial Customs Service are two of the services to which recruitment is made on the results of a combined competitive examination : the other services being the Indian Audit and Accounts Service and, with effect from the current year, a new service called the Indian Railway Accounts Service. The announced policy of Government would require that two-thirds of the vacancies filled by direct appointment in each of these services in any year should be filled by open competition and that the remaining third should be reserved for the redress of communal inequality, if any, among those appointed to the posts filled by open competition. It is not the policy to earmark any of the reserved proportion of posts as reserved for a particular community ; nor is there any mathematical ratio which Government has undertaken to maintain between the various communities. No posts therefore are definitely reserved for the Sikh community as such.

(3) In the four combined examinations to which I have referred, the total number of appointments made each year to the Indian Audit and Accounts Service, the Military Accounts Department and the Imperial Customs Service, whether by open competition or by nomination, has varied from 9 to 12 ; and the total number of candidates who appeared at the examination has varied from 70 in 1925 to 213 in 1928. The number of Sikhs who appeared at the examination was 2 in 1925, 3 in 1926, 3 in 1927 and 6 in 1928. The highest place secured by a Sikh examinee was 49th in 1925, 36th in 1926, 52nd in 1927 and 46th in 1928.

(4) No Sikh has secured appointment to the Military Accounts Department or the Imperial Customs Service by open competition ; and none has secured appointment on the communal basis, because candidates of other communities were considered to have a superior claim to the only vacancies that have been reserved for communal appointments in these services, namely, one in the Military Accounts Department in 1925 and another in the same service in 1928. The appointment of Sikhs in future to these services will depend :

(a) upon their success in securing vacancies by open competition ;  
and

- (b) upon the application to candidates, who at any rate reach the qualifying standard, of the policy which I have outlined in the answer to part (2) of the Honourable Member's question.

My Honourable friend is probably aware that two Sikhs have been appointed by nomination to the Indian Audit and Accounts Service in accordance with the policy laid down ; one in 1926 and one in 1928.

#### PAY OF STAFF OF ATTACHED AND SUBORDINATE OFFICES OF THE GOVERNMENT OF INDIA.

829. \*Mr. Abdul Latif Sahib Farookhi : (a) Will Government please state why in 1920, the scales of pay sanctioned for the Superintendents, assistants and clerks employed in the attached and subordinate offices of the Government of India were not uniform ?

(b) Is it a fact that the attached and subordinate offices have since memorialised for the revision of their pay on a uniform basis ?

(c) Is it a fact that in some of the attached offices a certain number of assistants on the Army Headquarters scale has been added, and if so, will Government please state why the same class of appointments have not been sanctioned for other offices ?

(d) Will Government please state in which of the attached and subordinate offices the benefits of the revision sanctioned in 1920 were given to the members of the office establishment, and why, to those, who were not in the office on the date from which the revision was sanctioned or were holding temporary posts or were on probation on that date ?

(e) Do Government propose to consider the desirability of sanctioning a uniform scale of pay for all the attached and subordinate offices ?

The Honourable Sir James Orerar : (a) The reason is that the importance, duties and responsibilities of the various attached offices are not similar.

(b) Yes.

(c) Yes. The reason for the differentiation has already been given in reply to part (a).

(d) I am afraid I have been unable to follow the question, but I shall be glad to have the matter examined if the Honourable Member will elucidate it.

(e) The answer is in the negative.

#### DIFFERENCE IN PAY OF ASSISTANTS AND CLERKS IN THE SECRETARIAT AND IN ATTACHED AND SUBORDINATE OFFICES.

830. \*Mr. Abdul Latif Sahib Farookhi : Will Government please state why the pay of the assistants and clerks in the attached and subordinate offices is lower than or equal to the pay of second division and routine clerks in the Secretariat, respectively, and what steps do Government propose to take to remove this anomaly ?

The Honourable Sir James Orerar : I would refer the Honourable Member to the reply given by the late Sir Alexander Muddiman to question No. 948 on the 15th September, 1925. In view of the nature of that reply, Government do not consider that any action is necessary.

**NUMBER OF MUSLIMS APPOINTED AS CLERKS TO ROYAL AIR FORCE UNITS.**

831. \***Mr. Abdul Latif Sahib Farookhi** : Is it a fact that several vacancies for Indian clerks were created in all Royal Air Force units in India in 1926, and were filled by the Headquarters, Royal Air Force ? If so, will Government please state how many out of them were offered to Muslims and how many to non-Muslims ?

**Mr. G. R. F. Tottenham** : The answer to the first part of the question is in the affirmative. 15 appointments were offered to Muslims and 26 to non-Muslims.

**NUMBER OF MUSLIM CLERKS APPOINTED IN UPPER DIVISION VACANCIES OF CERTAIN AIRCRAFT DEPÔTS.**

832. \***Mr. Abdul Latif Sahib Farookhi** : Is it a fact that five upper division vacancies were sanctioned by the Government of India for Indian clerks in the Aircraft Part, Lahore, Aircraft Depot, Karachi, Nos. I, II and III wings, Peshawar, Risalpur and Quetta, respectively, and were filled by the departmental candidates by the Headquarters, Royal Air Force ? If so, will Government please state how many departmental Muslim clerks were appointed to these vacancies ?

**Mr. G. R. F. Tottenham** : Yes. One was a Muslim clerk.

**NUMBER OF MUSLIM CLERKS AT THE HEADQUARTERS OF THE ROYAL AIR FORCE.**

833. \***Mr. Abdul Latif Sahib Farookhi** : Will Government please state :

- (1) the number of Indian clerks in the Headquarters, Royal Air Force and the number of Muslims amongst them ;
- (2) the number of menials in the Headquarters, Royal Air Force, and the number of Muslims in them ; and
- (3) the number of clerks in the Royal Air Force formation in India and that of Muslims amongst them ?

**Mr. G. R. F. Tottenham** : (1) 35 and 7, respectively.

(2) 35 and 6, respectively.

(3) 92 and 30, respectively.

**RULES GOVERNING LEAVE, PROMOTION, ETC., FOR THE STAFF OF THE ANGLO-ARABIC COLLEGE, DELHI.**

834. \***Mr. Abdul Latif Sahib Farookhi** : (a) Will Government be pleased to state whether it is a fact that there are no rules governing leave, promotion, etc., for the staff employed in the Government Anglo-Arabic College, Delhi ?

(b) If the reply to part (a) is in the affirmative, do Government propose to take immediate steps and instruct the authorities concerned to frame rules to that effect ?

**Sir Frank Noyce** : (a) The Anglo-Arabic College in Delhi is not a Government institution. It is under private control. Government under-

- (b) upon the application to candidates, who at any rate reach the qualifying standard, of the policy which I have outlined in the answer to part (2) of the Honourable Member's question.

My Honourable friend is probably aware that two Sikhs have been appointed by nomination to the Indian Audit and Accounts Service in accordance with the policy laid down ; one in 1926 and one in 1928.

#### PAY OF STAFF OF ATTACHED AND SUBORDINATE OFFICES OF THE GOVERNMENT OF INDIA.

829. \*Mr. Abdul Latif Sahib Farookhi : (a) Will Government please state why in 1920, the scales of pay sanctioned for the Superintendents, assistants and clerks employed in the attached and subordinate offices of the Government of India were not uniform ?

(b) Is it a fact that the attached and subordinate offices have since memorialised for the revision of their pay on a uniform basis ?

(c) Is it a fact that in some of the attached offices a certain number of assistants on the Army Headquarters scale has been added, and if so, will Government please state why the same class of appointments have not been sanctioned for other offices ?

(d) Will Government please state in which of the attached and subordinate offices the benefits of the revision sanctioned in 1920 were given to the members of the office establishment, and why, to those, who were not in the office on the date from which the revision was sanctioned or were holding temporary posts or were on probation on that date ?

(e) Do Government propose to consider the desirability of sanctioning a uniform scale of pay for all the attached and subordinate offices ?

The Honourable Sir James Crerar : (a) The reason is that the importance, duties and responsibilities of the various attached offices are not similar.

(b) Yes.

(c) Yes. The reason for the differentiation has already been given in reply to part (a).

(d) I am afraid I have been unable to follow the question, but I shall be glad to have the matter examined if the Honourable Member will elucidate it.

(e) The answer is in the negative.

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The Honourable Sir James Crerar : I would refer the Honourable Member to the reply given by the late Sir Alexander Muddiman to question No. 943 on the 15th September, 1925. In view of the nature of that reply, Government do not consider that any action is necessary.

**NUMBER OF MUSLIMS APPOINTED AS CLERKS TO ROYAL AIR FORCE UNITS.**

831. **\*Mr. Abdul Latif Sahib Farookhi :** Is it a fact that several vacancies for Indian clerks were created in all Royal Air Force units in India in 1926, and were filled by the Headquarters, Royal Air Force ? If so, will Government please state how many out of them were offered to Muslims and how many to non-Muslims ?

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834. **\*Mr. Abdul Latif Sahib Farookhi :** (a) Will Government be pleased to state whether it is a fact that there are no rules governing leave, promotion, etc., for the staff employed in the Government Anglo-Arabic College, Delhi ?

(b) If the reply to part (a) is in the affirmative, do Government propose to take immediate steps and instruct the authorities concerned to frame rules to that effect ?

**Sir Frank Noyce :** (a) The Anglo-Arabic College in Delhi is not a Government institution. It is under private control. Government under-

stand that there are rules governing leave. They have no information regarding the promotion of the staff.

(b) Does not arise.

**Mr. Abdul Latif Sahib Farookhi :** Will Government get the information regarding the College ?

**Sir Frank Noyce :** Government could do so, but this is a private institution, and unless Government have reason to believe that the administration of the institution is unsatisfactory, they see no reason to call for information.

**Mr. Abdul Latif Sahib Farookhi :** Do Government believe that the management is satisfactory ?

**Sir Frank Noyce :** Government are satisfied that the management of the institution is satisfactory and that it is in a flourishing condition.

**Mr. Abdul Latif Sahib Farookhi :** The Honourable Member just now said that he has no information, and how are Government satisfied without information ?

**Sir Frank Noyce :** I said Government had no information in regard to particular points. I did not say that they had no general information in regard to the condition of the College.

#### RULES FOR THE MANAGEMENT OF THE ANGLO-ARABIC COLLEGE, DELHI.

835. **\*Mr. Abdul Latif Sahib Farookhi :** Is it a fact that the Principal of the Anglo-Arabic College, Delhi, obtains the formal sanction of the official president of the Managing Committee of that College before any question is discussed by the Committee ? If so, do Government propose to take action to change this rule ?

**Sir Frank Noyce :** Government are informed that the answer to the first part of the question is in the negative ; the second part does not arise.

#### DUTIES AND FUNCTIONS OF THE MANAGING COMMITTEE OF THE ANGLO-ARABIC COLLEGE, DELHI.

836. **\*Mr. Abdul Latif Sahib Farookhi :** What are the duties and functions of the Managing Committee of the Government Anglo-Arabic College, Delhi ?

**Sir Frank Noyce :** The Anglo-Arabic College in Delhi is under private control, and Government are not directly concerned with the duties and functions of its Managing Committee.

#### COMPLAINTS AGAINST MR. WALKER, PRINCIPAL OF THE ANGLO-ARABIC COLLEGE, DELHI.

837. **\*Mr. Abdul Latif Sahib Farookhi :** (a) Are Government aware that Mr. Walker, the Principal of the Anglo-Arabic College, is discourteous in dealing with his subordinates ?

(b) Is it a fact that, since his appointment, practically the whole staff of the school and college has been changed and there is great discontent among the staff ?

(c) Are Government aware that Mr. Walker is against the retention or employment of any of his teachers or professors who belong to Delhi ? If so, why ?

**Sir Frank Noyce :** (a) and (c). No.

(b) Government are informed that the answer is in the negative.

**REJECTION BY THE PUNJAB AND THE UNITED PROVINCES OF APPLICATIONS FROM TRAINED TEACHERS FROM DELHI.**

838. **\*Mr. Abdul Latif Sahib Farookhi :** Will Government be pleased to state whether, if trained teachers or professors employed in aided schools or colleges in Delhi apply for appointments in the Punjab or United Provinces, their applications are rejected on the ground that they belong to Delhi ? If so, what do Government propose to do in order to remedy this hardship ?

**Sir Frank Noyce :** Government have no information. This question might more properly be asked in the Legislative Councils of the provinces concerned.

**APPOINTMENT AND DISMISSAL OF STAFF OF THE ANGLO-ARABIC COLLEGE, DELHI.**

839. **\*Mr. Abdul Latif Sahib Farookhi :** (a) Will Government be pleased to state the total number of teachers and professors who were on the staff of the Anglo-Arabic College, Delhi, before the appointment of Mr. Walker and who are still in service in the same institution ? How many were removed from service and for what reasons ? How many resigned and for what reasons ?

(b) Does the Principal of the Government Anglo-Arabic High School take orders of appointment or dismissal of the staff of the college or school from the Managing Committee ? In how many cases has he acted of his own accord and ignored the Committee and why ?

**Sir Frank Noyce :** (a) Government have no detailed information regarding the appointment and removal of teachers in schools under private control, of which the Anglo-Arabic College, Delhi, is one.

(b) Government are informed that the appointment and dismissal of teachers in the Anglo-Arabic High School, Delhi, rests with the Committee of Management. They have no further information.

**PAY OF THE PRINCIPAL OF THE ANGLO-ARABIC COLLEGE, DELHI.**

840. **\*Mr. Abdul Latif Sahib Farookhi :** Is it a fact that the previous Principal of the Anglo-Arabic College, Delhi, used to get a smaller pay than the present Principal ? If so, for what reasons was a higher paid man appointed in a poor Muslim institution ?

**Sir Frank Noyce :** Government are informed that the pay of the present Principal is higher than the pay of the former principal. Appointments vest in the Managing Committee and not in Government.

## EXPENSES OF THE ANGLO-ARABIC COLLEGE, DELHI.

841. **\*Mr. Abdul Latif Sahib Farookhi** : Is it a fact that the Anglo-Arabic College, Delhi, was unable to meet the monthly expenses from the grant-in-aid when a less-paid Principal was working? How are the expenses of the College now met?

**Sir Frank Noyce** : Government are informed that the answer to the first part of the question is in the negative; they understand that the expenses of the College are met by fees, subscriptions including interest on endowments, and Government grant.

## DEVELOPMENT OF THE ANGLO-ARABIC COLLEGE, DELHI.

842. **\*Mr. Abdul Latif Sahib Farookhi** : Do Government propose to consider the desirability of helping the Anglo-Arabic College, Delhi, to become a full-fledged College in near future? If not, why not?

**Sir Frank Noyce** : The Delhi University has already granted to the Institution recognition as a Degree College, teaching up to the B.A. pass standard. 3rd and 4th year classes have already been opened.

## REMOVAL OF THE FORT FROM SHWE DAGON PAGODA HILL.

843. **\*U. Tok Kyi** : (a) Is it a fact that the Shwe Dagon Pagoda Hill will remain as a fort?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state why the arsenal has been removed to Mingaladon since December last?

(c) Is it a fact that the late Lord Rawlinson stated in the Council of State that the cessation of the Shwe Dagon Pagoda to be in military occupation was contemplated?

(d) Is it a fact that the utilization of religious edifices for military purposes goes against the International Convention?

(e) If the answer to part (d) be in the affirmative, will Government be pleased to state the reasons which led them to the decision that the Shwe Dagon Hill should remain as a fort?

(f) Are Government aware that the Shwe Dagon Pagoda is regarded by the Buddhist public as the holiest of all religious buildings in Burma and that the said decision has provoked intense resentment throughout the country?

(g) If the answer to part (f) be in the affirmative, do Government propose to remove the fort to Mingaladon as they have done in the case of the arsenal?

**Mr. G. R. F. Tottenham** : (a) to (g). No part of the Shwe Dagon Pagoda Hill is in military occupation. The land on which the Pagoda stands was made over in 1908 to the Pagoda Trustees by a deed of grant, subject to certain conditions. The Trustees have held the land on these terms ever since without complaint and it is not proposed to alter the existing position nor to make any change in the conditions.

The Arsenal was moved to Mingaladon to remove it from the vicinity of the Pagoda.



PROMOTION TO COMMISSIONED RANKS OF THE INDIAN MEDICAL DEPARTMENT.

844. \***Lieut.-Colonel H. A. J. Gidney** : (a) Is it a fact that promotions in the Commissioned ranks of the Indian Medical Department are regulated by vacancies ?

(b) Is it a fact that in August 1917, the Government of India in the Army Department by their letter No. 11789, dated the 9th August, temporarily increased the cadre of Commissioned Officers ?

(c) Is it a fact that according to the letter referred to in part (b) the cadre of Captains in the Bombay establishment of the Indian Medical Department was increased to seven ?

(d) Will Government please state whether the Government of India order granting this temporary increase was in force on the 2nd November, 1917 ? If not, will Government please place on the table a copy of the Government of India Order or Army Instructions, India, cancelling their letter No. 11479, dated the 9th August, 1917, before the 2nd November, 1917 ?

**Mr. G. R. F. Tottenham** : (a) Promotion to the ranks of Lieutenant and Captain is regulated by vacancies, but promotion to the rank of Major is made after three years' satisfactory service in the rank of Captain.

(b) Yes.

(c) Yes.

(d) Yes, but this temporary increase was originally granted in order to relieve a block in promotion in the Bombay establishment. This object was achieved by filling a vacancy that occurred in that establishment on the 25th August, 1917, and thereafter the orders were held in abeyance until the issue of Army Instruction No. 176 of 1918, which enabled the temporary increase in the number of commissions to be utilised in any of the three Residential Establishments.

REFUSAL OF PROMOTION TO CAPTAIN ALMEIDA OF THE INDIAN MEDICAL DEPARTMENT.

845. \***Lieut.-Colonel H. A. J. Gidney** : (a) If the answers to parts (a) and (d) of the previous question be in the affirmative, was Lieutenant Almeida promoted to the vacancy created by Captain Roderigues becoming supernumerary ? If not, why not ?

(b) Will Government please state if there is anything in Captain Almeida's record of service of such a nature as could deprive him of a due promotion ?

(c) Is it a fact that as a result of this omission on the part of the authorities concerned, Captain Almeida did not attain his Majority before he retired on the 31st January, 1921, and thereby incurred financial losses in the matter of his pension ?

(d) Do Government propose to remedy this injustice ?

**Mr. G. R. F. Tottenham** : In view of the answer I have given to the previous question, the Honourable Member will realise that Captain Almeida had no claim to promotion in the vacancy that arose on November 2nd, 1917. It is a fact that Captain Almeida did not eventually qualify for a Major's pension, but I can assure the Honourable Member that

Government have already considered his case very fully, and they regret that the rules preclude them from granting him any special concession.

**Lieut.-Colonel H. A. J. Gidney** : Will the Honourable Member inform this House whether the Government of India in the Army Department have submitted Captain Almeida's case to the Secretary of State for consideration and when they did this, did they recommend his case to the Secretary of State ?

**Mr. G. R. F. Tottenham** : The answer to the first part is that the Government of India have submitted his case to the Secretary of State. I did not catch the second part of the Honourable Member's question.

**Lieut.-Colonel H. A. J. Gidney** : Did they recommend his case to the Secretary of State ?

**Mr. G. R. F. Tottenham** : They made certain recommendations, yes.

**Lieut.-Colonel H. A. J. Gidney** : Will the Honourable Member be good enough to resubmit his case to the Secretary of State for further consideration ?

**Mr. G. R. F. Tottenham** : The Secretary of State has already passed orders on this case and I do not think it would be proper for us to make any further recommendation. The most I could do to meet the Honourable Member's wishes would be to send a copy of his question and of this reply to the India Office and draw their attention to the facts of the case. I am prepared to do that.

**Lieut.-Colonel H. A. J. Gidney** : Will the Honourable Member recommend his case ?

**Mr. G. R. F. Tottenham** : I am afraid the Government of India cannot add to the recommendations they have already made.

**Lieut.-Colonel H. A. J. Gidney** : Will the Honourable Member reiterate the recommendations ?

**Mr. G. R. F. Tottenham** : I will draw attention to the previous recommendations.

#### VERIFICATION OF THE RECEIPT AND ISSUE OF STORES AT LILLOOAH, EAST INDIAN RAILWAY.

846. **\*Lieut.-Colonel H. A. J. Gidney** : (a) Will Government please state whether the receipt, issue and accounting for stores at Lillooah, East Indian Railway, was verified during the years 1923-24 and 1924-25 ? If so, on what dates ?

(b) Were such verifications posted to the audit ledgers of the respective years ? If not, why not ? If so, on what dates ?

**Mr. P. R. Rau** : I am endeavouring to obtain the information required by the Honourable Member.

**Lieut.-Colonel H. A. J. Gidney** : Will the Honourable Member state whether he is really in a position to obtain true and correct information on this point and in this Department ?

**Mr. P. R. Rau** : I hope so, Sir.

**Lieut.-Colonel H. A. J. Gidney :** Will the Honourable Member state whether the Stores Accounts in the E. I. R. have for years been and are in a chaotic condition and that no reliable records have been available for years ?

**Mr. P. R. Rau :** They have been in a condition approximating to chaos.

**Lieut.-Colonel H. A. J. Gidney :** Is there any improvement today in that chaotic condition ?

**Mr. P. R. Rau :** Steps are being taken to improve it and I believe it has improved since last year.

#### PAY OF TELEGRAPH MASTERS.

847. **\*Lieut.-Colonel H. A. J. Gidney :** (1) Is it a fact :

- (a) that the pay of a Telegraph Master starts from Rs. 275—10—325 ;
- (b) that the emoluments of a Baudot (Telegraphist) Supervisor invariably come up to Rs. 290 including his allowances as recently revised ;
- (c) that the duties of a Baudot Supervisor consist mainly of attention to the apparatus ;
- (d) that the pay of Class I Clerks is Rs. 250—20—350 ;
- (e) that many Baudot Supervisors and Class I Clerks receive greater emoluments than a Telegraph Master in the Telegraph Department ;
- (f) that no revision of the pay of the Telegraph Masters has been made ever since 1920 ; and
- (g) that the question of this revision has been under the consideration of the Government of India ever since 1923 ?

(2) Are Government aware that Telegraph Masters do not even reach the maximum pay granted to clerks, and do Government propose to take immediate steps to remedy this defect and revise their scale of pay ?

**The Honourable Sir Bhupendra Nath Mitra :** (1) (a) Yes, but in the case of General Service Telegraph Masters only.

(b) No ; only when the Baudot Supervisor is a General Service telegraphist drawing the maximum pay of his scale.

(c) Yes.

(d) Except for four posts, the pay of Class I clerks is not Rs. 250—20—350.

(e) The fact is not as stated by the Honourable Member. I would refer him to the replies to parts (b) and (d) above.

(f) No revision of the pay of Telegraph Masters has been made since May, 1921.

(g) No.

(2) The answer to the first part is in the affirmative so far only as the four clerical posts referred to in my reply to part (d) above are concerned. Government do not, however, consider that this is any defect in the relative scales of pay of clerks and Telegraph Masters, as a number of Telegraph Masters can rise to much higher rates of pay on promotion to posts of Deputy Superintendents, etc., and they do not, therefore, propose to take the steps suggested by the Honourable Member.

**Lieut.-Colonel H. A. J. Gidney :** I thank the Honourable Member for his reply, but I did not hear half of it. May I ask the Honourable Member to repeat the latter part ?

**The Honourable Sir Bhupendra Nath Mitra :** Will the Honourable Member kindly speak up ? (Laughter.)

**Lieut.-Colonel H. A. J. Gidney :** Will the Honourable Member reply to parts (f) and (g) of question No. 847.

**The Honourable Sir Bhupendra Nath Mitra :** (f) No revision of the pay of Telegraph Masters has been made since May, 1921. (g) No.

**Lieut.-Colonel H. A. J. Gidney :** Is it a fact that the duties and responsibilities of a Telegraph Master are greater than those of a Baulot supervisor or a class I clerk ?

**The Honourable Sir Bhupendra Nath Mitra :** Sir, the duties of the various classes of officials are different and it would be impossible for me to gauge the precise volume and extent of the responsibilities and duties of these different classes. (*Lieut.-Colonel H. A. J. Gidney :* "Will the Honourable Member kindly speak up ?") (Loud Laughter.) But the position is this. The class I clerk does not ordinarily get up 250—20—350, but there are four appointments on that rate of pay to allow for promotion to deserving clerks towards the end of their service. The Telegraph Master ordinarily rises to a maximum pay of Rs. 325, but if he is considered to be efficient he has prospects of promotion to the grade of Deputy Superintendents and to the second and first division of the superior service and he can end with a pay of Rs. 1,500.

**Lieut.-Colonel H. A. J. Gidney :** Supplementary question, Sir. Is the revision of the pay of Telegraph Masters under the consideration of the Government of India ?

**The Honourable Sir Bhupendra Nath Mitra :** I am afraid the Honourable Member did not listen. I have again to repeat the answer which I have already given to part (g) of his question. The answer is in the negative.

#### PAY OF OFFICERS OF THE RAILWAY SIGNALS DEPARTMENT, EAST INDIAN RAILWAY RECRUITED IN ENGLAND AND IN INDIA.

848. **Lieut.-Colonel H. A. J. Gidney :** (1) Is it a fact :

(a) that the Superior Railway Signals Department, East Indian Railway, is a cadred service and consists of both Europeans and Indians and that promotion is effected by annual increments of pay ;

(b) that recruitment into this Service is effected both in England and India ;

(c) that officers recruited in England are engaged on a much higher initial salary than those recruited in India ;

(d) that owing to the fact that such officers receive a higher salary they are *ipso facto* placed in a higher position on the cadre than officers recruited in India, even if the latter have more years of service to their credit ; and

(e) that as a result of this practice officers who are recruited in India find themselves superseded by junior officers recruited in England on a higher scale of pay ?

(2) If the answers to part (1) are in the affirmative, do Government propose to put an immediate stop to this practice ?

**Mr. P. R. Rau :** 1. (a) The cadre of the Signal Department, East Indian Railway, consists of a Deputy Chief Engineer, Signals, Assistant Signal Engineers, Senior scale, and Assistant Signal Engineers, Junior scale ; and of both European and Indian Officers. The scales of pay for each class of post are incremental, increments being given annually for approved service, up to the maximum of the scales.

(b) Yes.

(c) No. The initial salary of officers, whether engaged in England or in India, is fixed according to age and qualifications.

(d) No. I understand there are no officers at present who have been placed in a higher position than the date of entry into the service justifies.

(e) Does not arise.

2. Does not arise.

**Lieut.-Colonel H. A. J. Gidney :** Is the Honourable Member aware that, on the East Indian Railway quite recently, some officers were appointed to the Railway Signals Service and placed on the cadre higher than those recruited locally ?

**Mr. P. R. Rau :** My information does not bear out that, Sir.

**Lieut.-Colonel H. A. J. Gidney :** Then your information, Sir, is not correct. Is it a fact that similar conditions obtain in the State Railway Medical Service ?

**Mr. President :** What similar conditions ?

**Lieut.-Colonel H. A. J. Gidney :** Conditions under which men are recruited in England and come out on a higher pay and are placed higher up in the cadre.

**Mr. President :** The Honourable Member has already said that he does not bear him out.

**Lieut.-Colonel H. A. J. Gidney :** Is it a fact that the Government of India in the Railway Department subscribe to the policy adopted of placing officers recruited in England in a higher place on the cadre than officers recruited in India ?

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

## MOTION FOR ADJOURNMENT.

### TREATMENT OF BUDDHIST MONKS IN JAILS IN BURMA.

**Mr. Jehangir K. Munshi** (Burma : Non-European) : Sir, I ask for leave to move the adjournment of the House to discuss a definite matter of urgent public importance, namely :

“ The situation arising out of the action and policy of the Government refusing the use of the yellow robe to Burman Buddhist Monks, who are imprisoned in the jails of Burma—and more particularly Burman Buddhist Monks convicted of political offences in Burma—which has already resulted in the death of U. Wazaya in consequence of prolonged hunger-strike and which is likely to involve further loss of life.”

**The Honourable Sir James Crerar** (Home Member) : Sir, I have no objection.

**Mr. President** : The motion is in order and as no objection is taken I intimate that leave is granted and that the motion will be taken up for discussion at 4 o'clock.

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### RESOLUTION *RE* WITHDRAWAL OF PROTECTION FROM THE TIN-PLATE INDUSTRY.

**Pandit Nilakantha Das** (Orissa Division : Non-Muhammadan) : Sir, I move that :

“ This Assembly recommends to the Governor General in Council that he may be pleased to undertake an amendment of the Steel Protection Act, 1927, with a view to withdraw the protection granted thereunder to the tin-plate industry in India.”

My Resolution is very simple and my reasons also will be simple. The issue is that the protection which is continuing in the case of the tinplate industry in India, that is, particularly the Tinplate Company at Golmuri, Jamshedpur, which is the only tinplate industry in India should be withdrawn. This Tinplate Company was started in 1920 and began work in 1922. By 1924 all the six mills that are now working were in perfect working order. Then they wanted protection at the hands of the State and the Tariff Board held an inquiry. It was found that there were various objections for which any protection to the industry should not be given, but as it was also found that especially in war-time tinplate cannot be imported from America or Wales, where this is generally manufactured, it was contemplated that the Golmuri Tinplate concern should be turned into a national industry, and therefore there was a proposal for protection. At first the protection was Rs. 60 per ton, and then it was raised somehow to Rs. 85. Now from 1926 it has stood at Rs. 48 per ton. But this is not all. The taxpayer loses much more on account of this industry ; because our duty on the metallic tin was Rs. 555 per ton and only because of protecting this tinplate industry in India it stands now at Rs. 250 per ton. This is the protection now accorded to the tinplate industry.

But when we come to consider the character of the industry, we find that this is owned by external capital. This is the first thing that attracts notice. At first Rs. 75 lakhs was the capital. Out of this sum two-thirds were issued in the name of the Burma Oil Company and one-third in the name of the Tata Iron and Steel Company. With both these Companies the Tinplate Company entered into contracts. The Burma

Oil Company under the contract agreed to purchase all the production of this tinsplate concern, for they wanted it for their tins and canisters for their petrol and oil. The Tata Iron and Steel Company under their contract have to sell them, i.e., find customers in the Tinsplate Company, for their own production. It was said that this Golmuri Tinsplate Company was a subsidiary concern of the Tatas on account perhaps of this customership as well as the one-third shares. With the Tatas the contract was that the Tatas would sell off iron ingots, or bars, out of which the plates for the tinsplates are made, at a certain fixed price, perhaps the cost price, and when the accounts were adjusted, if there was any loss, Tatas would bear half the loss,—and if there was a profit, of course, Tatas would take half of that profit. But this has not yet come about. This profit has been taken away by other means.

It is interesting to know how and by what means the profit is absorbed. The Tinsplate Company was originally started on account of some exchange difficulty, or because of high post-war prices, with machinery and other things purchased from foreign countries at an abnormally high capital investment. The original share capital authorised and issued was Rs. 75,00,000. Normally this would have been approximately the sum required for the concern. But on account of the high prices of machinery, etc., all these Rs. 75 lakhs, were not considered enough, and at once Rs. 125 lakhs of debentures were authorised at ten per cent. This is very abnormal. The debentures are for Rs. 125 lakhs, but we do not yet know—it is confidential still—actually to what extent they were issued or utilised in the concern. But in the accounts I understand the whole sum of Rs. 125 lakhs appears. In fact much less has come to use. Somehow, roughly, it may be estimated that about 150 lakhs is the amount that is spent on the concern. Out of this, 125 lakhs, or whatever was issued actually, was purchased by the Burma Oil Company. The Burma Oil Company was assured of 10 per cent. profit, which is called interest on the capital of 125 lakhs year after year, whereas the share capital was either starved for want of profit or bore actual loss. Thus the Burma Oil Company is practically the owner of the concern and they are in receipt of all the profits, which practically come to 8 or 8½ per cent. on their capital investment. It is 10 per cent. on the debentures, but actually it comes up to 8 or 8½ per cent. on the capital actually issued by the Burma Oil Company. And, Sir, according to a statement of the Tata's, they have thought it better to write off the one-third of the shares which they purchased in the beginning, and one of their members who is on the Directorate of the Tinsplate Company practically takes no interest in it. This is the position.

Then, Sir, when protection was granted to this Company, it was stipulated or at least clearly understood, among other things, that they would employ Indian labour. The recommendation of the External Committee in this connection is also clear, of which you, Sir, for some time were a member. They said that, according to the Fiscal Commission's Report and the recommendation of this Assembly, facilities for the technical training of apprentices should be stipulated in every case, especially where external capital is invested in this country. I submit, Sir, that in the case of the Tin Company, it is *de facto*, though not completely *de jure*, external capital. Besides, Sir, in several of their statements to the Tariff Board, this Tinsplate Company have themselves

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practically given the undertaking that they would gradually replace the Welsh labour by Indian labour. It will be difficult to understand this bit of difference, which appears to be so simple. Sir, a labourer who is recruited from Wales or other foreign countries gets Rs. 750 a month. Apparently, they were not satisfied with this amount and therefore in 1923 they struck work and demanded bonus and leave for going home. Both these concessions were at once granted. The bonus comes to Rs. 500 or Rs. 600 a month per man. Therefore their emoluments now come up to Rs. 1,300 per head. The Indian labourer, for doing the same sort of work, used to get, until the time of the strike, that is till April last, Rs. 212 per day, or Rs. 80 to Rs. 85 per month. Sir, we pay a foreign labourer Rs. 1,300 a month, and the Indian labourer, for doing the same sort of work, is paid only Rs. 85 a month. Sir, the Company was expected to be self-supporting, and it was also expected that our labourers would be able to take charge of the technical work in about five or seven years' time, after which no protection will be necessary. The Tinsplate Company themselves admit that the period of three years may be said to be the period for the training of labour (*vide* page 66, Evidence before Tariff Board, Volume VII). They also speak of other things, such as, the reduction of imported staff and so on in that connection, evidently as grounds for claiming protection from the State. Then, it may well be said that a period of three years is at least necessary for the training of a man, and for that training we are looking forward every day so that we may employ Indians in place of Welshmen. Our protection will then have achieved the task of making the industry national. When the second inquiry was made, it was said that, to some extent, they reduced their foreign staff. In 1924 it was something like 85 and now the figure stands at 58.

**Mr. G. L. Winterbotham** (Associated Chambers of Commerce : Nominated Non-Official) : That is a wrong figure ; it now stands at 42.

**Pandit Nilakantha Das** : It may be 42 now ; I am thankful to my friend for correcting me. But whatever may be the number, it was not perhaps thought advisable to go on with this process of reducing the imported staff and recruiting Indian labour. We may or may not entirely blame the capital here. For foreign as it is, it is not to its interest to look to temporary profit alone. To continue productive investment must be its outlook. But in our industries, it must be admitted, capital is not directly responsible for dealing with labour. The thing which is mostly responsible is the management, which is between the capital, on the one hand, and the labour on the other. They are practically the irresponsible masters of the situation in big concerns. In the present case, the management has to draw upon the vast resources of the Burma Oil Company, from whom they have obtained a *carte blanche* and to whom they can explain anything they like and that in any manner. When the Company was approached by some gentleman of note during the last strike, he was told that "there were men on the spot, meaning the management, and that the management were to deal with the case as they liked. Sir, for reasons obvious, this management is not there to see that the Indian labour should thrive. All this much vaunted solicitude for training Indian labour, and replacing Welshmen by



trained Indians was, it appears, only a means for securing the protection for a good number of years.

When this was the state of things, and when the protection was recommended by the Tariff Board and was actually given in 1927, discontent began to manifest itself among the labourers, who felt they had a right to better wages and better conditions of service and living. But the management, as usual, did not like that discontent or that any demand should come from the side of labour. The labourers gradually formed themselves into a Union and that was perhaps a red rag to a bull.

I do not like to enter into details of this labour trouble, for it has been well discussed in the Bihar Council, which was perhaps the appropriate place for it. We have to deal here only with principles, not details. What were those troubles, and what were those grievances that were not actually satisfied? I will not deal here with any close details. But it is a fact that, after the Union was formed, the hitch came and before the Union was registered, there was a strike. I do not like to enter into personalities, but I know it for certain that there are men, and it is also reasonably apprehended that there are officers, of the Government in league with those men who are, to a great extent, responsible for various labour troubles and for demoralising and crushing labour for all times to come. This is the case in Jamshedpur, if not anywhere else. But I do not like to enter into these details. The fact is, as I have said, that, before the Union was registered, there was a strike.

**Mr. G. L. Winterbotham :** The fact was that the Union was recognised by the Company before it was registered.

**Pandit Nilakantha Das :** It was recognised by the Company, but it was apprehended that, in their dealings, the Union perhaps did not behave like proper school children and that they wanted to get registered and put forward their demands. It was recognised only in name, and as the course of events will show, leaders of the Union and officers themselves wanted interviews, but those interviews have been persistently refused.

**Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhammadan) :** Even their letters were left unanswered.

**Pandit Nilakantha Das :** Yes, even their letters remained unanswered. Whatever that be, soon after the nominal recognition and before the strike, the Union wanted to put forward certain demands and then the real trouble came. That was a red rag to the bull, as I said. What happened? They said: "Yes, we shall think of it, we shall meet your President, we shall do this and we shall do that". Meantime, it was found that Gurkhas were recruited and they were instructed to serve as black legs in case a strike came. This exasperated the people, and as far as my information goes, the people were so suspicious of the attitude of the management that, in spite of their own leaders, they began to strike work. Then, naturally and justifiably the leaders also joined them. That was the position, and after that there was a strike. We have read of many gentlemen, Mr. Daood and Mr. Giri and many other gentlemen wanted to approach the management for a settlement, but the management proved obdurate. My Honourable friend Sir Bhupendra Nath Mitra also met some of the labour leaders unofficially. But I do

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not know what transpired in that interview. I know it full well that no attempt till now has been successful to bring the management to any conciliation. I wish to give out one of my personal experiences in this case which has not yet been published. Even before the leaders approached the management, just when Mr. Homi was out of manipulating everything, as it has been given out in the Bihar Council, and as I know as a matter of fact—Mr. Homi was the real instrument in the hands of the authorities as well as the management to manipulate labour, to demoralise them—just after Homi was thrown out of the Presidentship—in fact he was compelled to resign—I was the first man to approach the management. I approached Mr. Layshon, the General Manager, and there was also another man, Mr. Price, Mr. Russel, or some one whose name I forget. I approached them personally, privately and unofficially. I told them that the situation was very dangerous. I reminded them that the steel protection was given on the undertaking that they would train and pay Indian labour adequately, and that they would replace the highly paid technical and overhead staff by trained Indian labour. That was the only thing which would make the concern self-supporting and profitable. That could only justify the protection granted by the State. What were they doing now? They could crush the labour for the present. But the discontent would remain. Were they alive to the effects of such a situation? These people out of some grievances had gone on strike. They were entitled to a sympathetic hearing and careful consideration. But the management proved obdurate. I found they were vindictively out for victimisation. I should have much liked, as I actually told them, that the management took the labourers back into their works at once, and then, I told them, I would stand surety for bringing about a conciliation board of inquiry even to punish those who would be found guilty, if any. I said, "You should not victimise them; you should not dismiss them or turn them away without notice". That was a time when 300 or 400 new men were recruited. I pointed out to them how useless would be these new men for the promotion of the industry. I knew what the Tariff Board thought about this industry. I knew that it was a technical industry requiring technical knowledge in which the training was not easy. I realised how the management had trained men at the cost of the taxpayer, and how any show of new recruits would not meet the situation. I suggested in my conversation that they might employ even 5,000 or 6,000 new men in place of 3,000 old hands. What would it matter? What would it mean? It is not the number, but the training that matters to the industry, as well as to the taxpayer. The taxpayers are the men who would any day stand up and say, "Why should this Company be provided money at our expense? Why should this Company be given protection?" I indicated that they did not look forward to this danger. This labour unrest, I told them, was a very grave situation and they ought not to handle it and deal with it in the shabby manner in which they were attempting a solution. But I came back from the interview with the impression that the Company wanted to put down the unrest with the aid of the vast resources of Burma Oil Company, which were all at the back of this Tin-plate Company, and thus the management wanted to crush and demoralise labour by everything in their power. That was my experience.

Since then, Pathans or Afghans have been recruited ostensibly to guard the company's interests, but in fact to terrorise the strikers. Here is a photograph, Sir, printed in the *Liberty* of Calcutta, dated the 27th of last month. (The Honourable Member showed the group photograph). The name of this group photograph is here, "Messrs. Price and Henderson of the Tinplate Company fraternising with the Pathans". Here you may see, Sir, how these European members of the management appear in *Pagri*, the head-dress of the Pathans, with whom they are making merry. Many of us read in the papers what these Pathans are doing to keep up what you may call the prestige, or the interested *Zid* of the management.

On the side of the labour everything is peaceful. Even in the last week of August, when on the picketing of the strikers, the new recruits came out in sympathy, and practically the works were again empty, I know it for certain that even that picketing was absolutely peaceful. I challenge any man to deny it. Then the Pathans and the police had their way, and what is the state of things now? As I read in one of the statements of my esteemed friend Pandit Jawaharlal Nehru, things are not only much worse, but savage brutality is being practised upon the labourers by the management. They have been driven out of their houses,—their hovels,—the water supply is cut off, and there are various other savageries which I hope will be read in this House in the course of this debate. No, I think, I should myself read the whole thing out, and I crave your indulgence, Sir, for a few minutes more, for the document is important. This is what he writes on the 20th September :

"I returned from Jamshedpur this morning. It is evident there that the Government is helping the management of the Tinplate Company in every possible way. Armed police go up and down the *bustee* partly to terrorise the strikers and partly to help in recruiting new men. Police lorries with policemen in cars before and behind carry these new men to the works. There is absolutely no question of force being offered to these workers by the strikers, yet there is always this imposing array of police. Several cases have been instituted against the strikers, I am told, on trumped-up charges. The Chief Cashier who joined the strikers last month is being prosecuted by the Company on a charge of embezzlement of a small sum. Many strikers have been ejected from their quarters....."

**The Honourable Sir George Rainy** (Member for Commerce and Railways) : Sir, is the Honourable Member referring to cases which are now *sub-judice*?

**Diwan Chaman Lall** (West Punjab : Non-Muhammadan) : He is only mentioning the fact that there are cases.

**The Honourable Sir George Rainy** : He has expressed an opinion as to the nature of the cases, and I submit that if these cases are *sub-judice* it is improper to refer to them in that way.

**Pandit Nilakantha Das** : I was only saying that this case has been instituted for embezzlement of a small sum. There is no reflection. Continuing, he says :

"Many strikers have been ejected from their quarters. Most amazing of all, the Company have stopped the water-supply from some of the strikers' quarters. As there are no wells, the suffering caused by cutting off the water can well be imagined. The whole thing is a most shameful exhibition of how employers and Government combined to crush the poor workers. Some of the workers who joined the strike have been forced to rejoin by starvation. Over two thousand are still holding out, and all this is happening because the employers and the Government will not agree even to an inquiry or to a discussion. The Trade Disputes Act, which contains a multitude of

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most objectionable clauses, also contains clauses relating to the settlement of labour disputes by Government intervention ; yet Government refused to intervene or apply the Act. It is obvious that both the employers and Government are afraid of any inquiry and hence they avoid it."

This is the whole letter, but I shall read out a telegram which I received today as to how the position stands at the present moment. This telegram is dated the 24th :

" 656 old hands resume. 1940 new hands working, of which 1540 appointed by Company after 23rd August. Total strikers 3940 including new hands going strike on 23rd."

On the 23rd all the new and old hands came out and there was a cry for conciliation, but still the Company did not agree to it. The management proved as obdurate as before, and I do not understand what reason there was for taking new recruits and raw hands even after the adjournment motion was passed and the Local Government censured in the Council.....

**Mr. President :** Order, order. The Honourable Member must know that he is allowed to speak for 30 minutes only.

**Pandit Nilakantha Das :** Yes, Sir, I will finish in a minute. They are always recruiting new men and there are, I apprehend, very cogent and immediate reasons for such an activity. Meals, lunch, tiffin, and sweetmeats are being freely provided in the company's premises to the new recruits to keep them back from picketers. People are being sent to distant parts of the country, even to the Punjab and Assam to recruit men. All this is being done at the expense of the Company, pampered as it is, by the protection of the poor taxpayer. Thus the interested members of the management have got to handle, not thousands, but good lakhs of money under what you may call emergency account. This much of suggestion, I hope, is enough to convince the House, why the members of the management should immediately feel interested to continue these troubled conditions as long as they can.

With these words, Sir, I move that this protection be withdrawn as in all ways it is going to prove a dead loss to the taxpayer.

**Mr. G. L. Winterbotham :** Sir, in effect this Resolution asks the House to condemn the Tinsplate Company of India, firstly for its treatment of its workers and its failure to make progress in the process of Indianisation of its workers, and secondly for its conduct of the strike which most unfortunately broke out in the earlier months of this year. Now, Sir, I am at one with the Honourable Mover of this Resolution in not desiring to enter into the merits of this strike. My reason for that is that I do not consider that any individual or any assembly of persons,—not even this Assembly of persons,—is in a position to discuss the merits of a strike until those merits have been determined by a proper tribunal ; and I hold that the only proper tribunal to establish the merits of any strike is a Court of Inquiry appointed under the Trade Disputes Act. (*Cries of "Why did not they agree to it ?"*) If Honourable Members will have patience to hear me, they will then understand my point of view. For this reason, Sir, which I have given, I entirely fail to understand the attitude of the Bihar and Orissa Government in this matter. (Hear, hear.) The relevant portion of the Honourable Mr. Whitty's

speech in the Bihar and Orissa Council on the motion of adjournment moved the other day reads as follows :

" The situation up to the middle of May had offered no opportunity for the intervention of Government and neither party wanted it. From the 12th May up to the 23rd when it became evident that the number of workers was increasing and that the Company might be able to carry on without the old labour, applications for intervention became numerous. Those from the side of labour, in Golmuri itself were generally vague in terms,—but from the recognised labour leaders requests were made for the appointment of a Conciliation Board under the Trade Disputes Act. Government being aware of all the facts, did not consider that there could be any benefit either from a Conciliation Board or from a Court of Inquiry."

Now, Sir, it is not for me to criticise the action of the Bihar and Orissa Government, and I fully realise that they are the responsible Government on the spot who have the handling of this matter. But it is open to me to record my opinion that any person or any Government who takes up the attitude that no good can result from a Court of Inquiry under the Trade Disputes Act is ignoring the benefit to the parties concerned and the benefit to public opinion of having the merits of the strike determined by an impartial tribunal. (Hear, hear.) And I make no secret of my view,—and I speak with a full knowledge of my responsibility as representing a large number of employers in this country,—that the Bihar and Orissa Government have done a great disservice both to employers and to employees and to the general public in not taking advantage of the machinery which has been set up by this House for dealing with trade disputes. (Hear, hear.) The danger to employers and to employees is only too obvious, and I do not want to emphasise it. Those are my views, and I believe that they are the views of a very large portion of the non-official Members of this House. Take the case of the recent strike in Bombay. We had there a strike which affected not three thousand workers, but a lakh and fifty thousand. We had there a strike affecting the oldest Indian national industry and the peace, happiness and prosperity of a big city. What was the position ? The labour leaders—so called—were adamant—they wanted nobody's interference. The Millowners' Association were so certain of their case that they did not think that any good could result from a Court of Inquiry. Public opinion in effect forced the Government of Bombay to set up a Court of Inquiry under the Trade Disputes Act and perhaps the Honourable Member who represents the Bombay Millowners Association will at a later stage tell the House whether he considers that any good has come out of that Court of Inquiry. The point, Sir, is that it is vitally necessary to satisfy public opinion when a serious trade dispute exists, and in order to satisfy that public opinion, the proper way is to make use of the machinery provided by the Legislature.

But, Sir, although I do not propose to discuss the merits of this strike, that does not mean that the case of the Tinplate Company must go by default ; and if, in spite of what I have said, the House still desires to discuss the merits of the strike, I trust that you will give an opportunity to Honourable Members behind me, who are fully conversant with the facts.

Now, Sir, on the question of the treatment of its labour by the Company. I am largely dependent on information provided to me, in which I can only say I have the fullest confidence. Following the example of the Tata Iron and Steel Company, the Tinplate Company has

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done its share towards making Jamshedpur a model industrial settlement and has provided quarters for its employees on the most modern lines....

**Diwan Chaman Lall :** How many ?

**Mr. G. L. Winterbotham :** If the Honourable Member will kindly have patience we will come to that.

**Mr. President :** The Honourable Member is not entitled to interrupt unless the Honourable Member speaking gives way.

**Diwan Chaman Lall :** Will the Honourable Member give way to me ?

**Mr. G. L. Winterbotham :** I shall give way to any Honourable Member if what I am going to say does not cover what they are asking.

**Diwan Chaman Lall :** I say it is incorrect to make that statement that they have provided quarters for all the workers.

**Mr. G. L. Winterbotham :** I did not say that they have provided quarters for all the workers.

**Diwan Chaman Lall :** They have provided only three hundred quarters.

**Mr. G. L. Winterbotham :** The Company has provided quarters for its employees on the most modern lines, laid out according to up-to-date town-planning ideas. A total of 326 Indian quarters has so far been built, each of them being self-contained inside a walled compound, and all but a few equipped with water-borne sanitation. In addition, 724 houses have been erected by employees themselves on land provided by the Company, and under a scheme whereby the Company lends money to help in their construction. The growing desire amongst the employees to bring their wives and families to the station has resulted in an increased demand for more quarters. To meet this, the Company decided last year to put up a further 80 quarters during 1929-30, but the construction of these has been held up owing to the strike. A pure filtered water supply is provided for all residents, and the neighbourhood is kept scrupulously clean by adequate sanitation staffs. I will not detail at length all the arrangements in connection with sanitation and education. Inside the factory, working conditions are as good as it has been possible to make them. The most difficult condition to meet was of course the heat, which in Jamshedpur frequently reaches a shade temperature of 120 degrees during the hot weather. To overcome this, the Company spent a great deal of money in providing lofty buildings, water-cooled floors and a water-cooled air system, with such success that no days have ever been lost owing to excessive heat, despite the fact that shut-downs through this cause are quite common even in the much more temperate climate of America. Hours of work in the factory are in accordance with the most advanced ideas. I do not think I need deal with this point in detail, because I want to reach what I consider to be even more important points. Wage rates have always been at a high level, comparing favourably with other industries. At the Annual General Meeting of the shareholders of the Tata Iron and Steel Co., held on 27th September, 1928, Mr. N. B. Saklatvala claimed that the average wages for the whole of the staff of the Steel works, which was about Rs. 40 per head per month,

was higher than that paid in any industry in India. It is interesting to record that, in March, 1929, which was the month preceding the strike, the average pay of all uncovenanted employees at the Tin-Plate Works, excluding coolies, was Rs. 40-6-0, and including coolies, who number about 300, the average was Rs. 37-13-0. All except the monthly-rated hands are paid weekly in accordance with approved welfare principles, and each man gets his full wages paid into his own hand, and not through a contractor or third party. The factory has been operated practically without a break since the start, so that regular wages have been the rule, and at times when it has been closed down temporarily through shortage of steel or for repairs, or at Christmas, the labour has always been paid half wages. In 1928, when the steel works were on strike, and the factory had to work half time for four months, the labour was paid full wages, as it was felt that they ought not to suffer from so prolonged a stoppage through no fault of their own.

Now, Sir, I think that is sufficient to show that there can be no indictment against the Company for their treatment of the staff in normal times. We then come to the question of Indianisation. The actual figures which I have in my hand are that there were in 1923, 88 covenanted men : that figure has been reduced successively in the intervening years to 42 at the present stage. The Honourable Member made a great point of the wages of a Welsh tinplate worker at Golmuri being Rs. 1,300 as against Rs. 80 for an Indian doing the same work. Is not that in itself the greatest inducement to any Company to substitute Indian for Welsh workers ? If it is not in the eyes of the Honourable Mover of the Resolution, all I can say is that he has not much experience in the running of companies. We are all of us anxious to reduce our overhead charges and it seems to me that the figures which I have quoted show that there has been a substantial measure of Indianisation during the years in which this Company has been in operation.

Sir, I know that my time is limited, but I do hope that I shall be allowed to say a few words on the progress of the Company under the protection afforded to it. After an exhaustive inquiry by the Tariff Board, a protective tariff was introduced in 1924, the customs duty on imported tinplates being raised from Rs. 40 to Rs. 60 per ton. Two years later it was increased to Rs. 85 per ton, but was reduced again, as from the 1st April 1927, by the Steel Industry Protection Act, 1927, which this Resolution seeks to amend, which fixed the duty at Rs. 48 per ton, that is, Rs. 8 per ton over the ordinary revenue duty of Rs. 40 per ton which existed before protection was introduced. In their 1926 Report.....

**Pandit Nilakantha Das :** What about metallic tin ?

**Mr. G. L. Winterbotham :** I am not an expert in metallic tin : I leave that to the Honourable the Commerce Member to deal with. The Tariff Board discussed fully in their Report for 1926 the prospects of the tin-plate industry, and it is instructive to see how actuals have compared with estimates, and how far the Tin-plate Company has deserved the protection granted to it by the Legislature.

The Tariff Board estimated that the future price of tinplates would be Rs. 369 per ton and based their recommendations accordingly. Actually the price in 1927 averaged only Rs. 350, and in 1928 only Rs. 340



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per ton. This fall in prices might have been disastrous had not the production of the factory outstripped all estimates. Designed originally to produce 28,000 tons per annum, nearly 30,000 tons were produced in 1925, and no less than 41,521 tons in 1927. Even this figure would in all likelihood have been exceeded in 1928, had not the prolonged strike in the Steelworks occasioned a loss of almost two months' production. As it was, over 36,800 tons of finished tinplate were produced in 1928.

This phenomenal increase in production was made possible by the provision of additional equipment, and the adoption of the latest methods of manufacture, following on a visit made by the General Manager of the Company in 1926 to America.

Now, Sir, on the question of the finances of the Company, it is perfectly true that the financial results have not so far been good, but last year a profit would probably have been earned had it not been for the strike already referred to. The Honourable the Mover of the Resolution referred to the Company making profits at the expense of the tax-payer. Sir, not one pie of profit has been made. (*An Honourable Member* : "What about debentures?") On the contrary, very large losses have been incurred, and it might equally well be argued that the Company has been in existence so far solely for the benefit of labour. The references which the Honourable the Mover of the Resolution made in his statement to the Burma Oil Company regarding the initiation of the Company was substantially correct, but he does not draw correct inferences. He draws a picture before the House of the Company taking 125 lakhs worth of debentures at 10 per cent., and he adds the debentures and the shareholders' capital together and says that the Company is making good on the money invested. Does the Honourable Member know.....

**Mr. President** : I am sorry to interrupt the Honourable Member. He must now conclude his observations.

**Mr. G. L. Winterbotham** : Sir, may I have one minute? Actually, in addition to having to write off 57 lakhs of the capital cost, the Burma Oil Company have given up 30 lakhs of debenture interest. If the Honourable Member will make a small calculation he will find what that represents.

Now, Sir, about the danger in discussing the question of withdrawal of protection before the House. Protection is given to encourage a national industry. Only recently, just yesterday, I saw a telegram from the Managing Director of the Burma Oil Company saying that, at the cost which they have paid, they will be quite ready to hand over to any national body their share in the Tin-plate Company. Here lies the danger in the Resolution before the House. The House gives protection for one cause and takes it away for another, and the danger is, that if the present Tin-plate Company is succeeded by Indian nationals in the management of the concern, you will be depriving them, by this Resolution, of the protection which has enabled the present Company to create a national industry and to save crores of rupees from going out of the country in purchasing Welsh tinplates, and you will also deprive future companies of getting the same benefits. I say, Sir, that the Resolution is unhappily worded. It is a danger to one of India's national industries to pass this Resolution, and I think that the House will be well advised to express



their views on the unfortunate affair of the strike in some other amended Resolution which will not contain the danger which this one does.

**Mr. Fazal Ibrahim Rahimtulla** (Bombay Central Division : Muhammadan Rural) : Sir, I beg to move that for the original Resolution the following be substituted :

" This Assembly recommends to the Governor General in Council to convey to the Government of Bihar and Orissa the opinion of this House that it is desirable to appoint a Court of Inquiry under the Trade Disputes Bill in regard to the dispute in the tin-plate industry."

**\*Mr. A. Rangaswami Iyengar** (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : On a point of order, Sir. We had the text of the amendment which Mr. Fazal Ibrahim Rahimtulla wishes to move only last night. I object to this amendment on the ground, in the first place, of want of due notice under Standing Order 65. I also object to it on the ground that it goes beyond the scope of the original Resolution. So far as the want of notice is concerned, the Standing Order is there, and I need not trouble the House by reading it. It rests with you, Sir, to say whether the circumstances are such that you should suspend the Standing Order. I see no reason why notice of this amendment should not have been sent in earlier. Then, Sir, it throws a surprise upon us, because with proper notice we would have been in a better position to discuss the whole question.

In the next place, as rightly pointed out by one of the speakers who preceded me, the scope of the Resolution is that it seeks to ask the Government to withdraw protection to the tin-plate industry on the ground of misfeasance and malfeasance on the part of the Tin-plate Company, first of all in the treatment of labour, secondly in regard to its failure to take proper steps for the Indianization of its expert workers, and also on the ground of mismanagement by which it has brought great distress on account of the strike which has gone on for months resulting in great hardship to labour. Therefore, Sir, I submit, on both these grounds, this amendment is out of order.

**Mr. G. L. Winterbotham** : On a point of order, Sir.

**Mr. Fazal Ibrahim Rahimtulla** : As regards the first point, I would leave it to you, Sir, to decide because it is a question of time, and whether, looking to the fact that I was ill and I was not in the House, and looking also to the importance of the question involved, you would suspend the Standing Order and allow us to discuss this amendment.....

**Mr. President** : I cannot lightly take the step suggested. If the Honourable Member leaves it to me, I see no reason why I should suspend the Standing Order. Therefore, the second point does not arise.

**Mr. H. P. Mody** (Bombay Millowners' Association : Indian Commerce) : Sir, as one who has had some experience of labour troubles both recently and in the past, I desire to offer a few observations on the motion before the House. I am sorry, Sir, that I am unable to support the Resolution as it stands, and it is a thousand pities that it should have been placed before the House in the way in which it has been, and that it should not have been brought forward in some more acceptable form. Sir, the Resolution does not state any reasons why the protection which was given by this House to the tin-plate industry should be withdrawn.....

**Mr. President :** There can be no reasons in the text of the Resolution.

**Mr. H. P. Mody :** Very well, Sir. I did not suggest that that was the fault of the Resolution or that the Honourable Mover was to be blamed for it. What I was trying to say was that the reasons which are to be deduced are to be found in the speech of the Honourable the Mover.

The Honourable the Mover started by talking about the financial position of the Company, their policy with regard to Indianisation, and also as to what they have done with their capital, how they acquired debentures, and he suggested more or less that the Company had ceased to be a national concern and was foreign in its composition. Now, Sir, I do not attach very great importance to that part of the Honourable Member's speech for the reason that the real reason underlying this proposition was brought out in the course of his remarks on the troubles that had taken place in the tin-plate industry. I am entitled to state that the real reason for which this proposition has been brought before this House is that certain labour troubles have overtaken the tin-plate industry, and my Honourable friend and those who agree with him are of the opinion that the tin-plate industry is at fault and therefore the protection granted to it should be withdrawn. Now, Sir, my submission is that it is a most dangerous principle to hold that the moment there is a dispute between an industry and the labour it employs, any protection which has been given to that industry should on that account be withdrawn. I regard it as a pernicious principle.

My next objection to the course proposed by the Honourable Mover is that this is not the place to decide whether capital is right or labour is right in the dispute in question. A regular machinery for the investigation and settlement of trade disputes has been provided by the legislation passed by this very House, and this certainly is not the forum for the ventilation or adjudication of labour grievances. (*An Honourable Member :* "The Bihar and Orissa Government does not appoint a Committee.") I am sorry that my Honourable friend Mr. Winterbotham should have allowed himself to be drawn by the line of argument adopted by the Honourable Mover of this Resolution into a discussion of the rights and wrongs of this dispute. I say, Sir, that that aspect of the question does not trouble me at all, and I do not propose to deal for a single moment with the question as to who is in the right and who is in the wrong for the simple reason that I am not in a position to decide it, and even if I was, in my opinion this is not the place for a discussion of that character.

**Mr. G. L. Winterbotham :** That is precisely my point.

**Mr. H. P. Mody :** If it was precisely his point, I wish my Honourable friend had not allowed himself to be led into an enumeration of what the Tin-plate Company have done for their employees or have failed to do for them, because the danger of that would be that some other Honourable Mover will get up and immediately controvert such statements. I venture to submit, with great respect to you and to the House, that a discussion of the rights and wrongs of the question here is entirely beside the point.

**Mr. G. L. Winterbotham :** On a point of personal explanation, Sir. The information I gave regarding the treatment by the Tin-plate Company

of its workers was in order to meet the point made by the Honourable Mover of the Resolution and it referred to normal times. I never said a word about the strike or the merits thereof, and I still do not intend to do so.

**Mr. H. P. Mody :** Whatever the reason my Honourable friend had for entering into that aspect of the question, I do not propose to be drawn into it. I say, whether the treatment meted out by the Tin-plate Company to its workers was excellent or execrable, I am not concerned with that aspect of the question at all. The point, so far as this particular Resolution is concerned, is that protection was given on the ground of national interests, and those who want to withhold that protection must come forward and establish that it is in the national interests that that protection should no longer be continued. I submit that that is the only relevant question so far as this particular Resolution is concerned.

Now, Sir, I do not want to go into the merits of that question at any length. All I want to submit is this. Here is an industry which employs 3,000 and odd workers ; which prevents to a considerable extent the imports of tin-plates ; and which keeps the wealth earned by the joint efforts of capital and labour in the country itself to a considerable extent ; and it is up to the House to consider whether, on a consideration of all those factors, it is prepared to say that it is in the national interests that this protection should be withheld.

That is one aspect of the question. The next aspect is the one which has been referred to by the Honourable the Mover and by my Honourable friend Mr. Winterbotham, and that is the part played by the Bihar and Orissa Government in this business. My Honourable friend Mr. Winterbotham said that he had no intention of criticising that Government. Sir, I have every intention of criticising that Government, and I deliberately state that that Government showed an absolute ineptitude in dealing with the situation. (*An Honourable Member :* " Use a stronger word.") You will permit me a minute or two to refer to what took place in precisely similar circumstances in Bombay only very recently. Lest my own part in that affair might be misunderstood, let me tell this House quite frankly that I was not at all in favour of the appointment of a Court of Inquiry—I confess that at once,—my reason being, Sir, that I thought—and I am glad to find that the Court of Inquiry has vindicated the position I took up—I thought we were dealing not with trade unionists but with people who were out for trouble and who were living on trouble. That was my reason. But what did the Bombay Government do ? The Government were not worried about what I thought or what my Association thought about the appointment of a Court of Inquiry. The Bombay Government did not pause to take into consideration the objections advanced by the labour leaders as well with regard to such appointment. They appointed a Court of Inquiry partly in response to public opinion, expressed emphatically in many quarters, and partly because the Trade Disputes Act exists for that very purpose. But what do the Bihar and Orissa Government do ? They sit in their arm-chairs and say, " After taking all the facts into consideration, we are of the opinion that no good will come out of a Court of Inquiry or a Board of Conciliation ". I say this is not their business. If it was their business, why is the Trade Disputes Act there ? The Trade Disputes Act is there

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for the purpose of investigating the claims of conflicting parties with regard to the rights and wrongs of the situation, and for the Bihar and Orissa Government to take up the position that, because on investigation they find that a solution is not in sight, therefore they should not appoint a Court of Inquiry or a Board of Conciliation, seems to me to be the very limit of ineptitude. The consequences of that attitude have been somewhat serious, and I do not mind giving expression to my views on that matter. In the middle of May, representations went up from the spokesmen of labour to the Bihar and Orissa Government for intervention in the dispute. At that time, from the little study that I have given to this question, I find that less than a thousand new men had been taken into the tin-plate works. If the appointment had been made and the Court of Inquiry had expeditiously conducted an investigation into the labour dispute, then, in all probability, the present situation by which some 3,000 men are now out of work would not have arisen. Therefore, I say that the responsibility of the Bihar and Orissa Government in this business is very serious indeed. If the Court of Inquiry had been appointed, the present position would not have arisen. It would merely have been a case of reinstatement of perhaps a thousand men, but they allowed time to elapse. As I have said, they sat in their arm-chairs deciding which party was in the right, and the result of it was that, within a certain period it came about that most of the 3,000 men who are now employed on the works happened to be new men, and that is how this present difficult situation has arisen.

As I have said at the beginning of my remarks, it is a very great pity that this Resolution should not have been brought in a form which would have compelled the Bihar and Orissa Government to agree to a Court of Inquiry. I am afraid I cannot understand their obstinacy in the face of a Resolution moved in their own Council. The effect of a Resolution brought forward in this House would have been, I submit, very considerable, and therefore I say that it is a matter of very great regret that the present Resolution is of such an extreme character that I for one at any rate cannot support it, and it is possible that other Members who are also of the same opinion will not support it. By all means criticise the Bihar and Orissa Government, bring pressure to bear upon them and have a Court of Inquiry. The function of the Trade Disputes Act is precisely to ascertain which party is in the right and then to try and bring about a settlement. My Honourable friend Mr. Winterbotham asked me to state publicly whether I thought, in spite of my opposition, that the Court of Inquiry appointed in Bombay had done any good. So far as my Association is concerned, I may say that it has not done any good to us for the simple reason that the strike had been brought to a finish before the Court of Inquiry had concluded its deliberations; but so far as public opinion is concerned, and I include the Bombay Government in that category,—so far as public opinion is concerned, it certainly has done a certain amount of good in that it has clearly established which party was in the right. To that extent it is essential that even now, whatever the fate of this Resolution may be, the Government of Bihar and Orissa should immediately appoint a Court of Inquiry, and whatever the attitude my friends on the Treasury Benches may take up on the Resolution before the House, I ask them to see to it that they bring to bear upon the Bihar

and Orissa Government all the influence they have over Provincial Governments and compel them to adopt the course which the Legislature has laid down as the only possible course under the circumstances. (Applause.)

**Diwan Chaman Lall :** I think we have been getting away from the real subject of the debate. (*An Honourable Member* : "Speak up.") I am certain that my Honourable friend over there will be able to hear me in a minute. What is the subject of the motion moved by my friend Mr. Nilakantha Das ? Mr. Winterbotham says, "Do not let us discuss the strike". Mr. Mody says, (I took down his words) "This is not the forum for discussion of the rights and wrongs between capital and labour". He further goes on to say, "Let us by all means bring pressure upon the Government and upon the Company but let us not debate this question on the floor of this House". Mr. Winterbotham says, "Do not let us discuss the strike". I say, "Why not" ? Is it or is it not a fact that the consumers of this country and the taxpayers of this country have had to put their hands in their pockets and dole out money to a Company which is a foreign Company. I will prove it to Honourable Members. We have subsidised a foreign Company under the false and fictitious plea that it is a national concern, working in the interests of this country. Now, if it is proved that that Company has been guilty of the grossest violence to all standards of decency existing as between employer and worker, if it can be proved that that particular Company has so mismanaged its own finances that, according to the Tariff Board's Report, it has lost over 50 lakhs, and according to their own statement 87 lakhs out of the 125 lakhs capital which they raised originally, and if it can be proved that, in the course of their behaviour towards the workers, several thousands of the latter are starving, have been threatened with ejection from their quarters, have been even denied the ordinary necessities of human life such as water for drinking purposes, there being no wells there, (*cries of "Shame"*) ; if a company can treat Indian workers like this while it treats its Welsh imported employees on a different scale, is it or is it not a ground for Members of this Assembly to discuss the merits or the demerits of the strike ?

**Mr. G. L. Winterbotham :** The Honourable Member is asking the House to make an *ex parte* statement. He has not got with him the facts of the case. He is asking the House to accept the facts as stated by him. I say that I want the facts established by an impartial tribunal.

**Diwan Chaman Lall :** I am amazed at Mr. Winterbotham's audacity. He charges me with possessing no facts whatsoever in regard to this matter. He takes up a document and reads it to the House, a document containing facts as he alleges them to be, in regard to the treatment of the employees. He himself does not wait until the report of an impartial tribunal is given to the world before he puts his signature to the statements contained in that document. (Mr. Winterbotham rose to interrupt.) I will not give way to the Honourable Member any more. He had not the courtesy to give way to me. Now, as for my friend Mr. Mody, I could well imagine his perturbation in a matter like this. He said—and I was amazed that an Indian should say a thing like that—that this is a national concern and that because it was a national concern, therefore protection was given to this concern. He said, "Prove to me that it is not in the national interest, and I am prepared to vote with you

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to withdraw the protection". That is what Mr. Mody said. Now, I want Mr. Mody to sit down calmly and quietly at the luncheon table at the Cecil Hotel, when he goes back to lunch, and ask himself what particular national concern is being served by the protection that is being given to this Tin-plate Company. Will he tell me ?

Is it or is it not a fact that the Burma Oil Company—a foreign company—owns this Tin-plate Company ? Is it or is it not a fact that two-thirds of the capital invested in this Company is owned by that Company ? Is it or is it not a fact that 125 lakhs worth of debentures at 10 per cent. were invested in this Company by the Burma Oil Company ? And is it or is it not a fact that the Tatas held one-third of the shares, and that this sum has practically been written off by them ? So this is a concern which serves the purposes of the Burma Oil Company, and according to the statement of the Welsh manufacturers which they placed before the Tariff Board, this Company is utilising this protection in order to down its rivals in the oil trade, and Members of this Assembly have been misled under the false plea of protecting national interests into giving protection to a foreign concern of this nature.

**Mr. H. P. Mody :** Were not these considerations before the House when it recently sanctioned a measure of protection to this industry ? Has the position altered in the least since, on the last occasion, this House endorsed a measure of protection to this industry ?

**Diwan Chaman Lall :** If the Honourable Member had read the debates on that occasion, he would have remembered that there were certain Members here who were against this policy of "indiscriminate" protection. I did not vote for it myself, and I think that every Member who voted for it was wrong in doing so, and he must realise it now after the events of the last few months—that he has done a great injury to his own country by voting for protection for this industry. The actual facts of the situation are that the tin-plate workers at Golmuri demanded decent terms and decent conditions of work. The conditions were as follows :

"The daily rated staff here are not entitled to any holidays, sick or privilege leave pay, and the monthly rated men get 14 days privilege and 5 days sick leave during the year, whereas the European staff are entitled to one month's leave with pay and also full pay for sick period and six months leave for every three years service for going home. The Covenanted staff get Bonus on the outturn of production whereas the same privilege is denied to Indian workers. Though the Company has been in existence for the last seven years, it has made no provisions of Provident Fund and other benefit service rules that exist in all other organised industries in India."

Mr. Winterbotham said that these workers get the same conditions as the workers at Tatanagar. He is mistaken.

"The neighbouring industry here, that is the Tata Iron and Steel Company, have introduced Provident Fund, Bonus, leave and service rules in their Works for workers engaged in sheet mills doing similar works and they have better rates of wages than that of the Tin-plate Company."

Here is a statement which has been published to the wide world. Has anybody contradicted that statement ? My friend said "The Tin-plate Company provides houses for its employees". I say it is a false statement, and I challenge him to deny me. There are 5,000 workers and they have provided only 330 houses. I hold a photograph in my hand of these

houses. If any Honourable Member wants to have a look at it he is welcome. He can see for himself the type of house provided. Let Mr. Winterbotham have a look at this photograph and say whether he would like to live in the kind of house provided for these workers. He said: "Oh, look at the treatment that is meted out". I hold in my hand another photograph. A man called Syed Ali Munshi was actually murdered as he was picketing under the orders of the Union. He was murdered because of a false cry that had been set up that he had been kidnapping people. He was set upon and murdered on a false cry, set going by the Pathans, who had been engaged by the Tin-plate Company to break the strike, and this is the Company which has a tender heart for its employees, according to Mr. Winterbotham. Here is a statement by Pandit Jawaharlal Nehru, whose sincerity and selfless work for the workers in this country there is no man in this country who can challenge. Can my friend turn round and say that, if a statement is made by Pandit Jawaharlal Nehru and his signature is put upon it, that that statement is not to be treated as gospel truth by the people of this country? I have never seen a statement made by that man to this day which has not on it the impress of utter truth and sincerity.

And what does he say? He went down himself. He has been down there twice as far as I know. He says:

"The chief cashier of the Company who joined the strike last month is being proceeded against by the Company on a charge of embezzlement of a small sum. Many strikers have been ejected from their quarters and, most amazing of all, the Company has cut off the water-supply from some of the strikers' quarters." (*Cries of "Shame, shame."*) "As there are no wells, the suffering caused by cutting off the water can well be imagined. The whole thing is a most shameful exhibition of how employers and Government combine to crush the poor worker. Some workers, who had been on strike, have been forced to rejoin by starvation. Over 2,000 are still holding out. And all this is happening because the employers and the Government will not agree even to an inquiry or to a discussion."

Now, Sir, that is the testimony than which no better testimony is available for the people of India, from Pandit Jawaharlal Nehru, and yet my Honourable friend would have us believe that the tin-plate employers are treating their employees in a perfectly justifiable manner. I myself was approached by the workers of the Tin-plate Company in the month of May. They asked me to intervene and approach the Bihar Government and they sent me a wire, and they asked me to obtain from the Bihar Government a decision as to the setting up of a Conciliation Board or a Court of Inquiry. I wired down to the Bihar Government, it was a long telegram. I got no reply. I sent a second telegram, a long telegram, and yet I got no reply. I had kept on pressing them with reply-prepaid telegrams, which have never been acknowledged to this day by the Bihar Government—and I hope their revenues are richer for the reply-paid telegram I sent. But eventually they woke up to the necessity of doing something and they wrote to me to say that they were going to appoint a Commissioner who was going down there himself in order to find out the necessity of setting up a Board of Conciliation or a Court of Inquiry. What was the result? Before the Government of Bihar sent him down—the gentleman was one Mr. Dane I think—they said, "We do not know who wants a Court of Inquiry, we do not know who wants a Board of Conciliation", and so on, until I was forced to expose them and to send a statement to the Press that, on behalf of the workers, I had approached them



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several times and that they had absolutely ignored my communications. And what was the result ? The result was this :

" Sir, in reply to your letter (No. so and so), and in continuation of my telegram (No. so and so) informing you that the Divisional Commissioner was proceeding to Jamshedpur to inquire whether the strike at the Golmuri Tin-plate Works is a proper case for Government intervention, I am directed to say that, after careful consideration of the Commissioner's report, His Excellency in Council is fully satisfied that the appointment of a Conciliation Board in this dispute, under the Trade Disputes Act, 1929, would be infructuous, and that in the circumstances of the present case, a Court of Inquiry under the Act would equally serve no useful purpose."

I want to ask the Members of the Government, why ? Do they recall how, when the debate was going on on the Trade Disputes Bill, time and again we, from this side of the House, and I particularly, got up and suggested to them not to put in a provision making it possible for the workers to ask for a Court of Inquiry or a Board of Conciliation only when two parties combine to ask for it ? We said, " Leave it to the choice of either party", and yet Government did not agree with me. My Honourable friend, Sir Darcy Lindsay, and others of his way of thinking also did not agree with me. Here was a case in which a dispute was apprehended and had been apprehended for weeks, and grievances after grievances had arisen and brought to the notice of the management, and they paid absolutely no heed to the grievances, and yet when a case for a Court of Inquiry or a Board of Conciliation was made out, why was it not appointed ? I see my Honourable friend, Mr. Winterbotham, nods and agrees with me. Well, if the Honourable Member agrees with me, let him also agree with me that a Company of this kind, which treats its workers in this manner, has no right to any sort of assistance given out of the public funds. I cannot see the morality of assisting a Company of this nature. Now there were thirteen cases that arose before the strike was declared. There was first of all the reduction of the days of work per week to three. Tata's employees are given five days' pay for three days' work. Here they were only given three days' pay. Six of the active workers of the Union were dismissed summarily when Mr. Homi intervened and an agreement was reached, but that was broken. Then another executive councillor of the name of Mr. Samad was also dismissed because he was an active worker. Then came the strike of Mr. Samad's shift and certain negotiations were carried on. Mr. Homi, on behalf of the employers, promised that Mr. Samad would be got back to work. Mr. Samad was never got back to work, and that was another term broken.

**Mr. President :** Order, order. The Honourable Member has no time left to go through that catalogue.

**Diwan Chaman Lall :** With your permission I will just take one or two minutes more. Most of these instances happened before this strike was declared. Why did not the Bihar Government set up a Board of Conciliation or a Court of Inquiry ? I want a reply from the Government. No doubt the Honourable Member over there, Sir Bhupendra Nath Mitra, went down to this particular place, Golmuri, and had informal conferences. But what was the result ? The Bihar Government remained adamant even when a vote of censure was passed in the Bihar Council against them. In view of all these circumstances, what is the clear duty



of Honourable Members of this House ? Their clear duty, Sir, is to do something tangible in order to assist the workers at Golmuri, and the only thing that they can do is to declare to the wide world that they are not going to allow the consumers and taxpayers of India to be mulcted, to have to pay large sums of money for the benefit of a concern which has no more decency than to treat its workers, thousands of them, in the manner in which it has treated them. All that the Legislative Assembly can do is to make its declaration felt by passing this Resolution and withdrawing the protection given to the Tin-plate Company, because I consider that that Company does not deserve the assistance of any Indian, of any honest man, and because I consider that that Company has obtained its protection under false pretences, by stating that it is a national concern when it is not a national concern. Further, Sir, I hold that that Company does not need protection because it has so mismanaged its internal affairs, both financial and labour affairs, that we should be very chary of proceeding to give it the assistance it has demanded. We should declare that, unless and until that Company is prepared to treat its workers in a decent manner and behave towards the workers as they demand that the employers should behave towards them, no protection or assistance should be given by the Central Government. Sir, it is a matter of grave regret to me that any Member of this House should be found opposing a Resolution of this nature in view of the fact that a grave situation has arisen in Golmuri and the only thing we can do is to declare to the wide world what we mean, namely that we stand by the workers, by passing a vote of censure by means of this Resolution. I hope, Sir, that every Member will look upon it from this point of view, namely, that the only attempt that we can make now is to pass this Resolution and bring it to the notice of the Government that, as far as this concern is concerned, it has forfeited the confidence of the Members of this Legislative Assembly. (Cheers.)

The Assembly then adjourned for Lunch till Twenty-five minutes to Three of the Clock.

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

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**Mr. President :** I saw Mr. Price rising two or three times. He has got an amendment on paper, but that amendment, I am afraid, is outside the scope of this Resolution.

**Mr. E. L. Price (Bombay : European) :** Sir, with all respect, the Resolution raises the fiscal question and I only want to put it in its proper place.

**Mr. President :** I am afraid the scope of the Resolution is very limited. The Honourable Member wants to raise the whole fiscal policy of this country, which I cannot allow.

(Several Honourable Members rose to speak.)

**Mr. President :** Are Government going to speak ?

**The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour) :** Do you want me to speak, Sir ?

**Mr. President :** Yes.

**The Honourable Sir Bhupendra Nath Mitra :** I should, Sir, at the outset like to say a few words about the attitude of the Government of India towards labour generally. I have on several occasions mentioned in this House that the Government of India have full sympathy with the real interests and legitimate aspirations of labour. This sympathy is not what may be called lip-deep. In the last 10 years the Government of India have passed, with the help of this House, a number of enactments intended to foster the welfare of labour, and quite recently they have persuaded His Majesty's Government to appoint a Royal Commission to investigate the conditions of labour in all its aspects. Those who have seen the list of various items into which that Commission will investigate must have realised that the investigation is going to be a very thorough one. Further, Sir, I have said on several occasions in this House that the Government of India welcome the growth of genuine trade unions in this country and their development on wholesome lines. And here, again, the fact, that the Labour Commission will have on it three trade unionists, two of whom are well known in this country—I am referring to Mr. Joshi and Diwan Chaman Lall—as well as a trade unionist from England, shows that, so far as they are concerned, they welcome the development of trade unions in this country on wholesome lines.

**Mr. President :** What about Mr. K. Ahmed ?

**The Honourable Sir Bhupendra Nath Mitra :** I am very sorry, Sir, I forgot to mention the name of my friend Mr. K. Ahmed, who though he is not an active trade unionist at the present moment, has been the founder of the Seamen's Union in Calcutta.

Now, Sir, unfortunately the trouble in this country has been that trade unions have been dragged into the whirlpool of politics, (*A voice : " Question ? "*) and there is a danger of labour being exploited by political parties. I have, for making that statement, the support of no less a person than Mahatma Gandhi. However, I have no desire to dilate on the point. Now, Sir, the position at Golmuri has unfortunately been complicated by that political feature. Here, again, I do not want to say more on the point than I must say, because I went to Jamshedpur about the end of June and I had an informal discussion with several labour leaders there. I see that they are treating this informal conference as more or less confidential and in the note on the Golmuri Tin-plate workers strike by Pandit Jawaharlal Nehru which has been circulated among the Members of this House, I see that the incident is referred to very briefly. It is stated :

" I saw unofficially Giri, Doud and Mitra. Commissioner Dain and Homi were also present. Homi at this interview opposed the labour case. "

That being so, I have no desire to dilate on what was discussed or what I heard at that particular informal conference. But, Sir, these facts are well-known. At the early stages of the strike of the Tin-plate workers, when it was undoubtedly of the nature of a trade dispute, an attempt was made by the President of the Labour Union, who was then Mr. Homi, to bring about a settlement. He managed to persuade the representatives of the employers to concede substantial concessions to the employees ; and, in spite of this and against his advice, the workers went on strike, and there is reason to believe that one of the causes which led to that unhappy result was political influence.

**Several Honourable Members :** Question ?

**The Honourable Sir Bhupendra Nath Mitra :** Well, Sir, several Members have interjected "Question". As I have said, unfortunately it is not possible for me to disclose everything that I know, but I shall say this, that in a statement which was published in a bulletin of the Tin-plate Workers Union shortly after I left Jamshedpur, the following statement was ascribed to Mr. Homi :

"There is no strike in the Tin-plate Works and the Company is running the works as usual."

Well, if that statement is correct, and according to my personal information that statement is correct, then the strike had ceased to be an economic or trade dispute. The employees or the ex-employees had at the time, when they went on strike, managed to secure a substantial amount of concessions, and that is admitted in this note by Pandit Jawaharlal Nehru also, which has been circulated among the Members of this House.

**Mr. Gaya Prasad Singh :** But the Company failed to make good their promise.

**The Honourable Sir Bhupendra Nath Mitra :** I do not think that is correct in regard to all matters. I cannot find anything to that effect in this document. I know that in regard to certain matters like the re-employment of one or two dismissed persons, the allegation has been made that the Company failed to give effect to whatever assurances had been given. But there is no question, at least I have not seen it stated anywhere in this document, that the Company withdrew the concessions they had promised to make to the workmen in regard to pay, bonus or Provident Fund. The position in the Tin-plate Works sometime after the middle of April was this : A large number of the old employees refused to come back to work. But at that time there was at Jamshedpur a large body of workmen not wholly unskilled but who had previously worked in the Tata Works, and who had been thrown out of employment by the retrenchment which took place in those works last year. As soon as the Tin-plate Works opened again sometime about the end of April, only a small portion of the old workers returned to work and a large number of these unemployed men sought employment in the works and were taken in. The Company, therefore, in a short time managed to secure its full complement of something like 3,000 workmen.

**Pandit Nilakantha Das :** Were all of them employed in tin-plate work ?

**The Honourable Sir Bhupendra Nath Mitra :** As I have said, they were not wholly unskilled labourers because they had been employed for some time in the Tata Works. The fact that they possessed sufficient skill to pick up the ordinary work of a workman in the Tin-plate Works is established by the fact that, by the end of July, the outturn at the Tin-plate Works had reached the normal outturn before the strike, that is about 3,500 tons a month. The average output in the year 1927 was 3,500 tons a month against an estimated outturn of 3,000 tons. The outturn in February and March, 1929 was over 3,500. I went down to as low as 925 in April owing to the strike, but in August it had gone up to 3,670 tons. Then, Sir, the strike started again about the end of August. Here again my personal impression is that this was due more to political influences than to actual economic causes.

**Mr. A. Rangaswami Iyengar** : What is all this political influence ? I want to know exactly what it means. This is referred to again and again.

**The Honourable Sir Bhupendra Nath Mitra** : I have already said, Sir, that I do not want to be offensive to any of my Honourable friends on the other side.

**Mr. Gaya Prasad Singh** : Why does the Honourable Member make a statement which he cannot substantiate on the floor of this House ?

**The Honourable Sir Bhupendra Nath Mitra** : But the present position is that there are something like 3,200 men working in the Tin-plate Works; of these, 847 are old hands, and these old hands include a considerable number of Sylheti Mussalmans who have rejoined during the last few days. The outturn has again gone up to the pre-strike standard. These are the facts which I can give in connection with the so-called strike with reference to the information in my possession.

I shall now say a few words in regard to the action of the Bihar and Orissa Government in not appointing a Court of Inquiry under the Trade Disputes Act.

**Mr. Ram Narayan Singh** (Chota Nagpur Division: Non-Muhammadan) : Then you support that Government.

**The Honourable Sir Bhupendra Nath Mitra** : It is not for me to make any apology on behalf of the Government of Bihar and Orissa. They have already given their reasons in full in the debate which took place in the Bihar and Orissa Legislative Council quite recently.

**Mr. Siddheswar Prasad Sinha** (Gaya cum Monghyr : Non-Muhammadan) : It was carried in the Council.

**The Honourable Sir Bhupendra Nath Mitra** : I shall simply mention certain facts. I think some of the Honourable Members raised the question : " Why did not the Local Government appoint a Court of Inquiry when the strike took place in April ? " My Honourable friends apparently overlooked the fact that the Trade Disputes Act did not come into force till the 8th May, 1929. The further question has been asked : " Why the Government of Bihar and Orissa did not appoint a Court of Inquiry after the strike, even several months after the strike ? " In this connection my Honourable friends from Bombay, Mr. Winterbotham and Mr. Mody, have referred to the happenings in Bombay. Mr. Mody was good enough to admit that, at the outset, he was not in favour of the Court of Inquiry, but now that the Court of Inquiry has been appointed and has given its verdict, he is fully pleased with it. That is Mr. Mody's view. But I saw the other day an Indian News Agency telegram from Bombay of the 19th of this month that gives the views of the other party to the dispute. The telegram runs as follows :

" The Girni Kamgar Union has opined that the Strike Enquiry Committee's report was intended to be utilised as a sinister campaign to discredit the Union."

However that does not matter. The point perhaps is that the Court of Inquiry would have satisfied public opinion. I think that is the point on which stress was laid by my Honourable friend Mr. Winterbotham. I have already referred the House to the reasons given by the Bihar and Orissa Government in their Legislative Council, and I think one of those reasons is that there was no public opinion in the province which demanded this Court of Inquiry. It must also be remembered that the number of

employees involved was only 3,000 against a number of over a lakh involved in the trade dispute in Bombay. I can quite appreciate the attitude of Local Government when they feel that no useful purpose would be served by ordering a Court of Inquiry in every case, in a case where the number of workmen involved is only 3,000.

**Mr. H. P. Mody :** Is that what the Trade Disputes Act says ?

**The Honourable Sir Bhupendra Nath Mitra :** I shall come to the Trade Disputes Act pretty soon.

**Mr. Gaya Prasad Singh :** Does that Act mention any number ?

**The Honourable Sir Bhupendra Nath Mitra :** It does not, but I shall come to the point soon.

I was dealing with the other argument given by the Local Government,—in the Honourable Mr. Whitty's speech in the Bihar and Orissa Council,—namely that no useful purpose would have been served by invoking the aid of the Act ; and that is also supported by reference to the fact that if a Court of Inquiry had been appointed, and if, on the basis of its findings, the new employees had to be got rid of, that would not have led to any solution of the problem. The further point they make is that no representative of the workmen at the earlier stages asked for a Court of Inquiry. My friend Diwan Chaman Lal said a little while ago that he had written to the Bihar and Orissa Government, but I really do not know what his status in the matter was. So far as I know he was not a recognised official of that particular Trade Union at Golmuri.

**Diwan Chaman Lal :** Sir, on a point of personal explanation, may I inform the Honourable Member that I was authorised by the Executive Committee of the Union to communicate with the Bihar and Orissa Government and ask them to appoint a Board of Conciliation.

**The Honourable Sir Bhupendra Nath Mitra :** That may be so, but why did not the Executive Committee of the Union at Golmuri communicate direct with the Government of Bihar and Orissa ? I have a good deal of information about my Honourable friend's activities, but unfortunately the trouble at present is the same everywhere in the labour world in India. It is difficult to find out who is the leader today and where he is tomorrow. My Honourable friend's interjection reminds me of a demonstration made at a particular place against him the other day.

**Diwan Chaman Lal :** Is the Honourable Member supporting the Communists now ?

**The Honourable Sir Bhupendra Nath Mitra :** I am not supporting anybody now ; I am simply referring to facts.

Now, Sir, I think some of the Honourable Members have said that the Government of India must compel,—I think that was the word used,—the Bihar and Orissa Government to appoint this Court of Inquiry even now. My Honourable friends have overlooked the provisions of the Trade Disputes Act. That Act leaves absolute discretion in the matter with the Local Government,—I am referring to section 3 of the Act,—and the Government of India have no power under the provisions of that Act to compel a Local Government to take any particular line of action.

**Mr. A. Rangaswami Iyengar :** What about the Government of India Act ?

**The Honourable Sir Bhupendra Nath Mitra :** I have referred to the provisions of the Government of India Act on a previous occasion. Under the Government of India Act the Government of India have the powers of superintendence, direction and control, but it is at any rate open to doubt whether they can use those powers to override the clear provisions of a particular Act. Moreover those powers in my opinion are not to be lightly used, and I am pretty sure that my Honourable friend over there, with his ideas of provincial autonomy, will not support an use of those powers on every conceivable occasion. In fact that is probably the reason why Mr. Nilkantha Das, in moving his Resolution, did not at all touch on that aspect of the case. It is, if I may say so, a very debatable point.

My friend Diwan Chaman Lall said, in the course of his speech, that he wanted some provision to be inserted in the Trade Disputes Act which would compel a Local Government to utilise the provisions of the Act relating to the formation of Courts of Inquiry and Boards of Conciliation on application from either party. Well, Sir, during the lunch interval

3 P.M.

I turned up the proceedings of this House on that particular occasion and I found that my Honourable friend had neither the courage nor the patience to move any such amendment on the floor of the House.

**Diwan Chaman Lall :** The Honourable Member, Sir, is perfectly well aware of the fight that went on in the Select Committee on this particular point. That fight was conducted by me, and it was the Honourable Member over there who would not concede this point which was raised by me.

**The Honourable Sir Bhupendra Nath Mitra :** I am not sure that the Honourable Member is correct in disclosing what happened in the Select Committee, particularly as it does not appear in the proceedings of the Select Committee. In any case, if the Honourable Member did press this point in the Select Committee, I did not constitute the only other member of that Committee. If, in spite of his protestations, the Select Committee did not accept the amendment proposed by him, I am not responsible for that. The Select Committee was a Committee of this House. Later on if the House passed the Act without the amendment for which my Honourable friend seems to have a certain amount of preference, there again the blame does not rest with me but with this House.

Now, Sir, apart from what I have said I have nothing more to say on behalf of the Government of Bihar and Orissa. As I have said, they have already dealt with the matter more fully in their own Legislative Council.

**Mr. J. Y. Philip (Bengal: European):** Mr. President, Sir, I had intended to speak at some length on the history and merits of the strike, but as I gather that it is not the desire of the House that the debate should proceed on those lines, I have decided to confine myself to a few items raised by Diwan Chaman Lall. The first point that I wish to deal with is the question of the eviction of the strikers from their houses. It has been stated that the Company started evicting the strikers from their quarters. The position is as follows. No man holding a regular permit has been evicted although hundreds have been occupying the quarters without paying the due rent since the strike started. Four cases have been instituted but no result is expected for some weeks. The only persons

evicted have been men found occupying the houses without permits and who are therefore trespassers.

The next point related to dismissals. I may say, Sir, that I have taken considerable trouble both in Calcutta, and since I came to Simla, to get accurate statistics relating to the strike. With regard to dismissals the position is as follows. In January the number was 4, in February 3 and in March 7. Now, Sir, I do not think that any one will consider that, in view of the number of employees at Golmuri, the number of dismissals was excessive.

The next point related to the Pathan watchmen. Criticism has been levelled at the Company for employing these men. They were recruited to protect loyal workers from the so-called "peaceful picketers". The duty of these Pathan watchmen has been simply to watch and report, and since their appointment practically all the assaults have ceased.

Now, Sir, the only other point regarding which I wish to speak is the amazing statement referred to by Diwan Chaman Lall and contained in the paper circulated to us this morning.

I refer to the statement that the Company cut off the strikers' supply of water. Last evening, through my revered leader, Sir Darcy Lindsay, a rumour reached me that Pandit Motilal Nehru had received news to the effect that the strikers' water supply had been cut off. I could not believe that the statement was correct and last evening I wired the managing agents of the Tin-plate Company to ascertain the truth. With your permission, Sir, I shall read out their reply:

"Statement that strikers water supply cut off by company incorrect. Facts are that on Thursday evening the inhabitants of village near factory found water supply off and without reporting to company complained to Deputy Commissioner in Jamshedpur, three miles away. He informed company who early Friday morning found a valve shut by persons unknown and opened it again, thus remedying trouble. Company has had greatest difficulty in maintaining water supply to villagers as strikers have recently prevented all town water staff from working."

I am aware, Sir, that my statements, like those of Mr. Chaman Lall, will be regarded as *ex parte*; and until such time as his statements and the statements made on this side of the House can be examined by a Court of Inquiry or other similar body, I fear that neither side will agree as to the correctness of the other's statements. With these few remarks, Sir, I oppose the Resolution.

**Pandit Motilal Nehru** (Cities of the United Provinces : Non-Muhamadan Urban) : Sir, I think all the facts bearing upon this Resolution have been brought out from this side of the House and also the opposite side. It would not have been necessary for me to intervene in this debate at all as all the materials are practically now before the House, and if I rise to say a few words, it is simply to emphasise the fact that this is not merely a party Resolution, that it is not engineered by Bihar politicians, but that the great Indian National Congress is behind it and fully supports it. Honourable Members might have noticed from the papers that I have circulated among them, that it was under the orders of the Working Committee of the Indian National Congress that its General Secretary took the trouble to go to the spot and conduct personal inquiries. The result of those inquiries he has embodied in a report which I have made available to all the Honourable Members of this House.



[Pandit Motilal Nehru.]

Now, Sir, on the one side, certain allegations have been made of gross ill-treatment of the workers at the hands of the Agents of the Tin-plate Company. On the other side there has been a very faint denial of those allegations. What I wish the House to confine its attention to for the present is the object of the Resolution and its scope. I must, however, before I enter into that, congratulate the non-official Benches on both sides on the unanimous and unqualified condemnation of the policy of the Bihar and Orissa Government. (Hear, hear.) It was, however, left to the Honourable Sir Bhupendra Nath Mitra to defend that Government. Of course gentlemen on the Official Benches in this House must, in the very nature of things, be the official apologists for all officials, and specially those of the Local Governments; and therefore it was his duty to say that he at least could appreciate the ways and doings of the Bihar Government. He said that the Bihar Government had to deal with only three thousand men and that it was nothing like Bombay, where there was a very large number of men concerned. He was asked whether the Act attached any importance to numbers and whether it laid down any particular number to be the standard under which Government must not act. The reply was that he was coming directly to the provisions of the Trade Disputes Act, but when he did come to those provisions, all he said was that it was a matter entirely for the Local Governments. Well, Sir, we might pass over the justification and the defence put forward by the Honourable Sir Bhupendra Nath Mitra on behalf of the Bihar Government. I am quite content to take the opinion of the non-official Members of this House on the question.

Now, Sir, I come to the scope of the Resolution. The Resolution asks for the necessary action to be taken by the Government of India to withdraw the protection that has been accorded to the Tin-plate Company under special circumstances; and in the course of the debate on that Resolution it has become necessary to deal with the treatment which the Tin-plate Company has been according to its workers. The Resolution does not, in terms, ask for any action to be taken under the Trade Disputes Act for the simple reason that it is not for the Government of India or for this House to initiate the proceedings under that Act. But on the facts disclosed in the course of the debate I say that it is the duty of the Government of India to ask the Government of Bihar and Orissa to do their duty, which they have so far neglected to do. But that is not all. That is only a side question which comes up in the debate, although it is a most material question for the sufferers, who have been out for more than five months on strike. Now, coming to the withdrawal of the protection, I submit that no stronger case could possibly have been made out for the withdrawal of any protection granted to any industry. Honourable Members will remember that the protection granted to this particular industry was not solely on the merits of this particular industry. It so happened that it was in the nature of an offshoot of the Tata Iron and Steel Works; it fulfilled a double purpose: the first was that a new industry was introduced into the country in which the labour of the country could find employment and which would supply in course of time the wants of the country.

The second purpose was that, by giving protection to the Tin-plate Company, the purchasers of at least a part of the production of the Tata



Steel and Iron Works were brought to their very door. If the Tata Steel and Iron Company made silly contracts with them and in the result stood to lose, that is neither here nor there. But the fact remains that the one-third of the capital which the Tatas had subscribed is now absolutely worthless,—it has no value whatever,—and the Tatas have assured the General Secretary of the Congress that they have actually written off that capital in their books. Well now, what remains? The one element which could be considered to have rendered this industry a national industry was its connection with the Tatas. The remaining two-third subscribers are all foreigners, and the only title to protection is the employment of Indian labour. The Tatas' share in the capital of the Company is now practically extinct—they are of course technically shareholders and they have technical rights to nominate Directors and so on, under the regulations,—but in the circumstances they would hardly feel called upon to exercise those rights, because they can bring them no good at all. Therefore, the only thing that remains is the question how national labour is benefited.

Now, Sir, my Honourable friend Mr. Winterbotham entered a very strong defence for the Tin-plate Company and denied the charge that they were inflicting sufferings upon the poor Indian workers and paying extravagant wages to the Welsh workers to earn profits. He showed by facts and figures that no profits had been made up to this day, and then he said,—I have got his very words here,—“The Company is in existence not for its own profit but for the benefit of labour”. Well, I must say that there the Honourable gentleman has laid it on too thick for this House. To say that the Burma Oil Company has not acquired shares in the Tin-plate Company for its own profit, but simply for the good of Indian labour is an astounding assertion to make. Is it a charitable association or a philanthropic association? Do you expect us to believe that the sole object of their travelling far afield from America to India and acquiring shares in this industry is to benefit Indian labour? That cannot deceive anybody.....

**Mr. G. L. Winterbotham :** Sir, I am afraid the Honourable and learned Pandit is slightly misquoting me. What I said was that as up-to-date no profits had been made, it might be said that the company has been in existence, so far, solely for the benefit of Indian labour.....

**Pandit Motilal Nehru :** That is to say they do not claim it, but you give them credit for it.

**Mr. G. L. Winterbotham :** Yes.

**Pandit Motilal Nehru :** That will do. Now, throughout the debate I have not heard,—even from Mr. Philip who made a special reference, to ascertain the various facts brought out in the debate, to the Tin-plate Company,—we have not heard one word of contradiction of the state of things described in the note which I have circulated to the Members. There is no contradiction of the fact that, ever since the beginning of the strike, numerous attempts were made on behalf of the men to approach the management through different channels, but they invariably turned a deaf ear to all such representations.

Now, as to the Pathans, it is said, “Oh, well, they are there for the protection of the loyal workers”. What are the police doing? Are the police not at the entire disposal, as is alleged by personal observation

[Pandit Motilal Nehru.]

in that note, of the Company ? We know the significance of employing men whose business is to subvert law and order for the ostensible purpose of assisting the police or protecting private individuals. We have had enough experience of the employment of Pathans in Bombay and in other parts of India, and it is now too late in the day to convince even a child that a strong Company like the Tin-plate Company would go out of its way to import Pathans, to hobnob with them, to encourage them in various other ways, for the innocent purpose of keeping order in their factories. Is there any answer to the charge that the police are actually helping the Company, that the police go out taking lorries with them to recruit new workers, guarded by a police car in front and a police car behind the lorry ? Is there any answer to the allegation made in that Report that when there was a free fight between the Pathans and the strikers with the usual weapons of war that are used in these cases, namely brickbats and stones, these strikers were charged by the Police, followed to their very homes, and some of them beaten inside their homes ? There were numerous other cases of brutal treatment. I am not going into the history of the strike. I quite admit and agree that it is immaterial to do so for the purposes of the present Resolution but the treatment of the strikers is a most essential consideration bearing on the Resolution. If the strikers are treated in the manner alleged, I ask what answer is there to the demand of the withdrawal of protection ?

My Honourable friend Mr. Mody said, it was a very dangerous principle, whenever there was any strike or labour trouble to come to this House and say that protection should be withdrawn from the industry concerned. I say if we are not to come to this House which granted protection and ask for its withdrawal, where else are we to go ? It is this House which gives protection, and it is this House alone which can withdraw protection.....

**Mr. H. P. Mody :** Because there is a strike, therefore you must withdraw protection ?

**Pandit Motilal Nehru :** I thought that even a millionaire, and a mill-owner had some human feeling. Was the strike in the Tin-plate Company, on the facts disclosed, just a mere strike ? When you go to a Tribunal to get justice, you lay your facts before it. By this Resolution the Congress Party has come to this Tribunal, and it has laid the facts before the House, and if these facts which are uncontradicted mean anything, they afford eloquently testimony to the extreme lengths the employers have gone in ill-treating their employees. It is said that it is a mere strike. This is a strike, Honourable Members will bear in mind, which embraces Hindus, Mussalmans, Christians, Sikhs and others ; it includes the whole staff not merely the manual labourer, but also clerks, accountants, and others.

**Mr. President :** Will the Honourable Member now conclude his observations ?

**Pandit Motilal Nehru :** I will conclude at once. I have no desire to detain the House at any length, and I will not ask the grace of the Chair for even a minute. I will simply sit down with this remark, that I hope and expect that every Member of this House, at least every non-official Member, will vote in favour of this Resolution.

**An Honourable Member :** Let the question be now put.

(The Honourable Sir George Rainy rose in his place.)

**Pandit Nilakantha Das :** May I ask, Sir, whether I have a right of reply before or after ?

**Mr. President :** The Honourable Sir George Rainy.

**The Honourable Sir George Rainy :** I can assure my Honourable friend that I do not think having regard to considerations of time that you will permit me two speeches before 4 O'clock. I think, Sir, that the debate to which we have listened to-day has been one of more than usual interest, and that for different reasons. All of us on the Government Benches quite clearly must have been impressed by what fell from two or three speakers on the Benches to my right. But my Honourable friend Sir Bhupendra Nath Mitra has already dealt with that aspect of the case and what I propose to do in the few remarks that I shall make is to deal with the other side of the question, that is not the labour side but what perhaps I may call the tariff side of the question.

Now, several reasons have been placed before the House by speakers sitting opposite to me in order to justify their proposal that the protection given to the tinplate industry should now be withdrawn. Let me take first the argument that the Tinplate Company is a foreign company. That was dwelt upon both by the Honourable Pandit and by my Honourable friend Diwan Chaman Lall, and it seemed to me that perhaps the argument came more appropriately from the former than from the latter. The impression which some of the utterances to which I have listened in this House of my Honourable friend Diwan Chaman Lall is very much this, that capitalists of any nation are all equally to be condemned, and therefore when I heard him making the question of the nationality of a company depend upon the nationality of its shareholders, I half exclaimed to myself, "Is Saul also among the Prophets?" and I am not sure how "Prophets" should be spelt in that connection. (Laughter.) My Honourable friend Pandit Motilal, if he will allow me so to call him, and indeed he has never given me any reason to call him anything else—my Honourable friend put this point before the House, namely, that since Rs. 25 lakhs which the Tata Iron and Steel Company invested in the Tinplate Company is now practically worthless and has been written down by that Company to nil in its balance sheet, therefore, so far as capital was concerned, it could not be said that there was any Indian national element in the Company. It is quite true, I believe, that since 1927, when the Steel Industry Protection Bill became law, the capital has been written down. But I think, and I speak from a pretty full knowledge of the circumstances, that in 1927, at the time the Tariff Board reported and before the Act became law, it would have been clear to anyone who was at all acquainted with the circumstances that there was very little prospect of either the Tata Iron and Steel Company or the Burma Oil Company, the only two shareholders, receiving any appreciable dividend on their ordinary capital. Certainly, the protective duty that was then imposed by the Act was not large enough to hold out much prospect of a high return to either of them. But I think my Honourable friend the Pandit overlooked another point in connection with this tinplate industry. I presume that what he contemplates is that, if the protection is withdrawn, the Tinplate Company

[Sir George Rainy.]

will have to shut down and the effect on the Tata Iron and Steel Company would be that they would have to find a market for 40,000 or 50,000 tons of steel per annum which at present is taken over and manufactured by the Tin plate Company. I do not think that that is a matter which the Tata Iron and Steel Company would regard as at all negligible.

I will pass on, Sir, to one other argument, sometimes explicitly stated and sometimes implied in what the speakers said. It was implied that owing to the protective duty the consumers and the tax-payers of this country were contributing large sums to the profits of this foreign company. Now, the point made by my Honourable friend Mr. Winterbotham was just this, that whatever may happen in the future, the tax-payers and the consumers have not contributed to profits because there have been no profits. All that they have been asked to do so far is to contribute towards the reduction of losses, and had there been no protective duty, the losses would have been even higher than they have actually been.

These are the arguments put forward to-day, which might have been put forward—some of them were put forward—in 1924 and 1927, and again in 1926 when the question of supplementary protection came before the House. On these three several occasions the House, knowing the facts, approved the grant of protection to the tin plate industry and on no single occasion in those three years was a division challenged. Therefore, in so far as the case for the withdrawal of protection is based upon the arguments which I have been criticising, Honourable Members are criticising the action taken by this House and by the Legislature as a whole on three different occasions. I will come therefore to what is new in the case put forward today.

I think reference has been made by one speaker to questions connected with oil, but apart from that, the case against the Tin plate Company has been based entirely on its relations with its labour. Now, Sir, I want on that point to read one passage from the Report of the Tariff Board in 1926. I was not a member of the Board at that time, the Report was submitted by Sir Padamji Ginwala and his colleagues on the statutory inquiry. This is what they said :

“ We have made a careful examination of the general conditions of Indian labour at Golmuri. The average scale of wages compares favourably with that paid to similar classes of labour in other industrial centres. In addition to this, excellent housing arrangements have been made by the Company at its own expense. About half the labour is accommodated in well built houses, most of which are provided with water-borne sanitation and the rents charged are moderate.

The remainder of the workmen live in houses built by themselves partly with their own money and partly with money advanced by the company. There is ample supply of filtered water for the whole population, free medical treatment which is provided not only for the workmen and their families but for all applicants ; arrangements for the education of the children have been made in conjunction with the Tata Iron and Steel Company.”

Now, Sir, nobody will say that Sir Padamji Ginwala and his colleagues were likely to be prejudiced in favour of the Tin plate Company. No one has ever attempted to impugn their impartiality, and I claim emphatically that the record of the Company in relation to its labour is a good record. Therefore, it comes back to this that all that can be

alleged against the Company dates back only to January last and to the strike which broke out in April. That is really what it comes to. I can divide what has been said on that point under three heads. In the first place, particular actions or alleged actions of the Tin-plate Company have been condemned. The Honourable Pandit said that only a very faint denial had been offered from this side of the House to the many statements of fact contained in the pamphlet which he so courteously circulated to us yesterday. Now, Sir, I received that pamphlet when I got home from this Assembly at a quarter to nine last night and it is not quite reasonable to expect me to verify, and either confirm or contradict, every statement of fact contained in that pamphlet. It strikes me, indeed, as a new way of conducting debate in this House to circulate all your statements of fact the night before and, unless people are in a position to challenge them on the opposite side the following day, to claim that the House should accept them as gospel truth. Surely, that is not quite reasonable.

**Pandit Motilal Nehru :** My point was that this subject was before the House for a number of days and that these were the points which would naturally arise.

**The Honourable Sir George Rainy :** I quite admit that the Resolution has been before the House for a number of days and Members have no doubt done their best to acquaint themselves with the facts, but I think my Honourable friend put his claim a little too high. My Honourable friend Mr. Winterbotham, and other speakers also, drew attention to the undesirability of deciding this important matter on one-sided statements. Now, clearly the narrative in the pamphlet is a one-sided statement. I do not deny that some of the statements it contains appear to be perfectly correct, but in the nature of the case it must be in the main and on the whole an one-sided statement. Now, I think that if the House on the strength of statements of that character were to come to a definite decision that the protection formally given by an Act of the Legislature should be withdrawn, it would be setting a most undesirable and unfortunate precedent. Another point was this that as a result of the action of the Company, the training of Indians, to which Members of this House attach very great importance, would be very seriously retarded. Admittedly that must be the result. There must be some retardation. But my Honourable friend Sir Bhupendra Nath Mitra pointed out that, in spite of the fact that some of the new labourers were not as efficient as the old, nevertheless in the month of August the output of the works had gone up to over 3,600 tons, which is a higher average rate of production than the company has yet attained in any one complete year. That, I think, shows that the retardation is by no means so serious as my friend the Honourable the Mover would have us believe. Finally, the point taken was that the whole attitude of the company since the outbreak of the strike towards its labour was unreasonable. Now, assuming it to be so for purposes of argument, still I maintain that it is not a reason why the protection afforded by the Steel Industry Protection Act of 1927 should be withdrawn from this industry. That argument implies a conception of what a protective tariff means and the way in which it is possible to work—a conception which I believe to be fundamentally mistaken. The point was considered by the Select Committee in 1927 as appears from their report. On the question whe-

[Sir George Rainy.]

ther special conditions should be imposed on firms enjoying the benefit of protection, they say :

“ We considered but were unable to accept a suggestion for the amendment of the Bill so as to include provisions for securing the welfare of labour, for the limitation of dividends and so on. We think that the difficulties in the way of incorporating provisions of this kind in this Bill are insuperable.”

Subsequently, my Honourable friend Diwan Chaman Lall moved an amendment for the introduction into the Bill of provisions of that kind, relating to provident fund, maternity and housing. That provision was negatived without a division. Now, Sir, that meant and must mean that the House did not attach conditions to the grant of protection, for if the Legislature desired that firms enjoying protection should comply with certain conditions, in common fairness those conditions should have been laid down beforehand ; you cannot turn round subsequently and say, “ You have not been behaving nicely, and you shall not get protection any more ”. It is utterly impossible to attract capital to industries under any system of that sort. That, Sir, is the point that I wish to bring to the notice of the House. Naturally, I am deeply interested in the success of the policy of discriminating protection because I have been associated with it personally from the start and I do warn the House that it is a most dangerous thing, if you mean business, to create an impression that protection may be granted or withheld according to what people will feel to be caprice and not a reasoned policy steadfastly adhered to. For that reason, Sir, I would appeal to the House not to commit itself to the approval of a principle which I am convinced is thoroughly unsound. In particular, I would appeal to those who feel, as some speakers have felt, that the action of the Bihar and Orissa Government in not appointing a Court of Inquiry was very difficult to justify. I should be very sorry if a single vote was influenced by the feeling that because the Bihar and Orissa Government have been wicked, therefore it was right to punish the Tin-plate Company for the question, however you may condemn the attitude.

**Mr. President :** Order, order. The Honourable Member is exceeding his time-limit.

**The Honourable Sir George Rainy :** I shall only complete the sentence, Sir. The result would be that the vote of any Member who is influenced by considerations of that kind would have been influenced by a minor and trivial matter and not by any solid ground of principle.

**Several Honourable Members :** The question may be now put.

**Mr. President :** The question is that the question be now put. The motion was adopted.

**Mr. President :** The question is that the following Resolution be adopted. (Pandit Nilakantha Das rose in his place.) Does the Honourable Member wish to reply ?

**Pandit Nilakantha Das :** I shall finish in two minutes, Sir.

Sir, though in course of the debate there have arisen so many points for reply, for want of time, I wish to make only one point clear. The issue that the protection should be withdrawn rests upon one reason amongst

other reasons which is purely economic in its character and that is that the Tariff Board recommended protection on the express understanding that this technical industry should, in course of time, be manned by trained Indians who would replace very high paid foreigners. The Company, in their statement, say that it took three years to train the first batch of technical men. If, then, by freaks or *zid* like this from time to time they disband all trained labour and take new labour at their will, and keep out the trained men at the point of the bayonet, we do not see how we can continue this protection which we are giving. This is the main point at issue for which I propose that this assistance should be withdrawn. This is the only issue, that they should either give an undertaking to take in all the workers whom they have trained; otherwise the protection is unnecessary and it is a loss to the tax-payer. My friend, the Honourable Sir Bhupendra Nath Mitra, gave some figures which show that, even after the strike in August, the outturn came to 3,650 tons that month. But I think the figures which were supplied to him are misleading, for they perhaps include, as far as I can say, scrap as well as good articles which are all put together; together, they might come to this figure, but the output, as it should be calculated, has never reached the normal production since the day of the strike and there is no likelihood of its reaching that figure. Therefore I propose for this amongst other reasons to withdraw this protection.

**The Honourable Sir Bhupendra Nath Mitra :** That is the outturn of tin plate.

**Pandit Nilakantha Das :** That ? the scrap ?

**Mr. President :** The question is that the following Resolution be adopted :

“ This Assembly recommends to the Governor General in Council that he may be pleased to undertake an amendment of the Steel Protection Act, 1927, with a view to withdraw the protection granted thereunder to the tin-plate industry in India.”

The Assembly divided :

AYES—51.

Abdul Matin Chaudhury, Maulvi.  
Acharya, Mr. M. K.  
Aney, Mr. M. S.  
Ayyangar, Mr. K. V. Rangaswami.  
Ayyangar, Mr. M. S. Sessa.  
Badi uz-Zaman, Maulvi.  
Belvi, Mr. D. V.  
Bhargava, Pandit Thakur Das.  
Chaman Lall, Diwan.  
Dns, Pandit Nilakantha.  
Dutt, Mr. Amar Nath.  
Farookhi, Mr. Abdul Latif Saheb.  
Ghuznavi, Mr. A. H.  
Haji, Mr. Sarabhai Nemchand.  
Hans Raj, Lala.  
Ismail Khan, Mr. Muhammad.  
Iyengar, Mr. A. Rangaswami.  
Jayakar, Mr. M. R.  
Jogiah, Mr. V. V.  
Kartar Singh, Sardar.  
Kidwai, Mr. Rafi Ahmad.  
Kunzru, Pandit Hirday Nath.  
Lahiri Chaudhury, Mr. D. K.  
Lalchand Navalrai, Mr.  
Malaviya, Pandit Madan Mohan.  
Mehta, Mr. Jammadas M.

Misra, Mr. Dwarka Prasad.  
Mitra, Mr. S. C.  
Mohammad Ismail Khan, Haji Chaudhury.  
Moonje, Dr. B. S.  
Mukhtar Singh, Mr.  
Munshi, Mr. Jehangir K.  
Murtuza Saheb Bahadur, Maulvi Sayyid.  
Naidu, Mr. B. P.  
Nehru, Pandit Motilal.  
Neogy, Mr. K. C.  
Rafique, Mr. Muhammad.  
Rang Behari Lal, Lala.  
Sarda, Rai Sahib Harbilas.  
Shafee Daoodi, Maulvi Mohammad.  
Shah Nawaz, Mian Mohammad.  
Shervani, Mr. T. A. K.  
Siddiqi, Mr. Abdul Qadir.  
Singh, Kumar Ranajaya.  
Singh, Mr. Gaya Prasad.  
Singh, Mr. Narayan Prasad.  
Singh, Mr. Ram Narayan.  
Sinha, Kumar Ganganand.  
Sinha, Mr. Siddheswar Prasad.  
Yakub, Maulvi Muhammad.  
Yusuf Imam, Mr.

## NOES—32.

Abdul Aziz, Khan Bahadur Mian.  
 Abdul Qaiyum, Nawab Sir Sahibzada.  
 Bajpai, Mr. R. S.  
 Bower, Mr. E. H. M.  
 Bray, Sir Denys.  
 Chalmers, Mr. T. A.  
 Chatterjee, The Revd. J. C.  
 Cosgrave, Mr. W. A.  
 Covernton, Mr. S. H.  
 Crerar, The Honourable Sir James.  
 Ferrers, Mr. V. M.  
 French, Mr. J. C.  
 Ghazanfar Ali Khan, Mr.  
 Gidney, Lieut.-Colonel H. A. J.  
 Hira Singh, Brar, Sardar Bahadur  
 Honorary Captain.  
 Jawahar Singh, Sardar Bahadur Sardar.  
 Lindsay, Sir Darcy.  
 Mitra, The Honourable Sir Bhupendra  
 Nath.  
 Mitter, The Honourable Sir Brojendra.  
 Mody, Mr. H. P.

Mukharji, Rai Bahadur A. K.  
 Mukherjee, Rai Bahadur S. C.  
 Noyce, Sir Frank.  
 Pai, Mr. A. Upendra.  
 Philip, Mr. J. Y.  
 Porter, Lieut.-Colonel L. L.  
 Purshotamdas Thakurdas, Sir.  
 Rahimtulla, Mr. Fazal Ibrahim.  
 Rainy, The Honourable Sir George.  
 Rau, Mr. P. R.  
 Rogers, Mr. P. G.  
 Roy, Mr. S. N.  
 Sarma, Mr. R. S.  
 Schuster, The Honourable Sir George.  
 Singh, Rai Bahadur S. N.  
 Stevenson, Mr. H. L.  
 Stewart-Smith, Mr. D. C.  
 Sykes, Mr. E. F.  
 Tin Tut, Mr.  
 Tottenham, Mr. G. R. F.  
 Winterbotham, Mr. G. L.  
 Yamin Khan, Mr. Muhammad.

The motion was adopted.

## RESOLUTION *RE* STIPENDS OF THE MEMBERS OF THE CARNATIC FAMILY.

**Mr. President :** Mr. Kabeer-ud-Din Ahmed will take half a minute to move his Resolution and I call upon him to do so.

**Mr. K. Ahmed** (Rajshahi Division : Muhammadan Rural) : Sir, I beg to move :

“ This Assembly recommends to the Governor General in Council that the stipends of the members of the Carnatic Family which were discontinued on account of their participation in the Khilafat movement be restored to them with retrospective effect.”

Sir, in moving this Resolution.....

**Mr. President :** Order, order : The Honourable Member will not have to ballot again. That is the advantage in moving his Resolution. Mr. Munshi.

## MOTION FOR ADJOURNMENT.

### TREATMENT OF BUDDHIST MONKS IN JAILS IN BURMA.

**Mr. Jehangir K. Munshi** (Burma : Non-European) : Sir, I move :

“ That the House do now adjourn to discuss a definite matter of urgent public importance, namely, the situation arising out of the action and policy of the Government refusing the use of the yellow robe to Burman Buddhist monks, who are imprisoned in the jails of Burma—and more particularly Burman Buddhist monks convicted of political offences in Burma—which has already resulted in the death of U Wizaya in consequence of prolonged hunger-strike and which is likely to involve further loss of life.”

Sir, I do not propose to detain the House at any great length on this motion. The facts which have necessitated this motion are well known to this House. I shall only refer to a few facts to explain the situation



which led to the hunger-strike. Al Wizaya, Sir, was a great Burman patriot. He was a Buddhist priest. In Burma the fight for liberty and progress, which is characterised by officials as political agitation, is carried on mostly not by laymen, not by lawyer politicians, who are so obnoxious to the Government of India, but by Buddhist monks and priests who are called *Pongyis*. As the House probably knows, a Buddhist monk or priest cannot own property, he cannot have any earthly possession; and all that this body of selfless patriots have fought for is the progress and freedom of their motherland.

**Mr. K. Ahmed :** Why do they take to politics ?

**Mr. Jehangir K. Munshi :** Because they wish to free their country from the present conditions.

Sir, Al Wizaya was charged more than once under section 124-A of the Indian Penal Code for delivering "seditious" speeches. We all know what the phrase "seditious speeches" means. The political history of India of the past 20 years shows the ever-changing interpretation which courts have placed on this particular section when applying it to "seditious" speeches. What now meets with approval would not have been tolerated a few years ago and would then have resulted in certain prosecution and conviction. I will cite one instance. Only the other day my Honourable friend Sir James Crerar stated on the floor of this House that he admired the "studied moderation" of the speeches delivered by Mr. Jinnah and Mr. Jayakar. Sir, the able and forceful speeches delivered by these two Honourable Members are still fresh in our minds. One sentence in Mr. Jinnah's speech stands out in my memory. He referred to "this damned system of Government" being responsible for violent political crime in this country. We have now reached a stage when these sentiments are regarded as "studied moderation". Two years hence there will be a further change in the official angle of political vision, and two years hence the "seditious" utterances, for which this great humble patriot went to jail and laid down his life, will also be characterised as statements of "studied moderation". Now, Sir, after Al Wizaya had been convicted of one offence under section 124-A, he was once again charged with another offence under the same section; and when he was undergoing his trial for this second offence he was denied the use of the yellow robe; and after he had tried every constitutional means of having his grievances redressed, he went on hunger-strike. He did not do it in a hurry. He did not do it as a political gesture. He did it because there was no other way open to him, to enforce his religious rights. (Hear, hear.) To enforce his religious rights this unfortunate man put himself to untold suffering and torture day after day gradually losing mental and bodily strength. When he was in this condition, he was tried and convicted for another offence under section 124-A. When he was being tried for the second offence he was not in a fit condition to be removed from his cell. He was not in a fit condition to attend the court, but the learned Sessions Judge, resourceful judicial officer that he was, did not wait for the Hunger-Strike Bill. He removed himself and his court to the prison and he held his court in the prison. That, Sir, was one of the greatest mockeries ever perpetrated in India. The mockery of a trial took place in the Rangoon

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Central Jail. This unfortunate man, who was not in a fit condition to stand, who could not understand what was being said to him, who could not answer any question, who could not possibly cross-examine the evidence which was led against him, this unfortunate man had to undergo this mockery of a trial in the jail. A sentence of six years transportation was given to this monk. Six years transportation given to a man tried when he was practically on the verge of death. (*Cries of "Shame, shame"*.)

Now, Sir, what was the demand, that this Burman Buddhist monk made? He was not raising questions which were raised in the Lahore conspiracy case. He reduced his demand to one straight, simple and basic issue, his religion and his God. A Burman Buddhist monk must wear his yellow robes on certain days. All that he asked was that he and other Burman Buddhist monks imprisoned in the jails of Burma should be allowed to wear the yellow robes, not even every day, but during those two days in the month when it is incumbent on them to fast and offer certain prayers.

Sir, there is at present in Burma, fortunately for the people of Burma, an Indian Inspector General of Prisons, Colonel P. K. Tarapore, I.M.S., a very able prison administrator and an enthusiastic jail reformer, a most sympathetic man who combines a robust sense of justice and humanity with a strict sense of jail discipline. I believe, Sir, that this Indian Inspector General of Prisons backed up the demand of Al Wizaya that he should be allowed the use of the yellow robe in prison in order to comply with the dictates of his religion and his duty to God. But the Government of Burma turned a deaf ear to all appeals. The Government of Burma turned down the recommendation made by this Indian Inspector General of Prisons, with the result that Al Wizaya continued his hunger-strike—all for his religion, mark you, Sir, I ask the House to make a careful note of this, all for his religion, and for no other issue. Then when he had practically lost consciousness, when he had practically lost all his senses, when one after another his limbs refused to function, when the man, although not dead, did not yet know that he was alive, then and then alone the august Government of Burma came down from their high pedestal and restored to him his yellow robe, restored the yellow robe to this man, Sir, who was lying almost as a corpse on his bed. When the Government of Burma restored the yellow robe to this unfortunate man, they realised that no human remedy, no human endeavour could make the man come to life once again.

I wish to give to the House another aspect of the suffering of this unfortunate man. We have all read that he observed hunger-strike for 162 days. The House can very well realise that no human being can be alive after a prolonged hunger-strike for 162 days. He was forcibly fed. Here also, Sir, I have to make a statement, for which although I have no official authority, I challenge the Government of India to deny that the Indian Inspector General of Prisons expressed himself strongly against this brutal and most inhuman method of forcible feeding. By this method of forcible feeding, he was kept alive till the very organs which were tortured in the process of this forcible feeding refused to function. (*Cries of "Shame, shame"*.)

Before I proceed further I wish to make it perfectly clear that I have no official authority or information with regard to the statements made about the Inspector-General of Prisons ; these statements are based on general information available to the public from various un-official sources.

Now, Sir, what is the demand that I lay before the Government of India ? It is not an extravagant demand, it is not an unfair demand, it is not an unreasonable demand ; it is a simple request to respect the religious wishes, the religious dictates of a particular class of His Majesty's subjects (" Hear, hear " and Applause.) I stand to-day for no spectacular glory, I stand to-day for no political triumph, I want to appeal to the House with all the earnestness on my part that House should grant the right to Buddhist monks to wear the yellow robes in consonance with the dictates of their religion. All that I want from the Government of India is an assurance on two points (1) that all Burman Buddhist monks imprisoned in the jails of Burma will be allowed to wear the yellow robes, and (2) that the conditions of treatment in the jails of Burma will be investigated along with the conditions prevailing in the jails of other provinces, an investigation which, I understand, is already proceeding. The Government of India are ready to concede the second point ; but I understand that they refuse to concede the first point without consulting their masters, the Government of Burma. Well, Sir, Burma has not yet been separated from India. Although the administration of jails is a provincial reserved subject, the Government of India cannot wholly divest themselves of their responsibility for the administration of jails in British India. The Government of India claim that they are responsible for the maintenance of Law and Order in the whole of British India. I is equally their duty and their responsibility to see that the jails in every province in British India are administered properly and humanely and that the treatment given to prisoners in jails meets with the approval of this House and not merely the approval of the Burma Government. (" Hear, hear " and Applause.)

Now, Sir, what is the position of the Government of Burma ? The Government of Burma seem to think that because the Bay of Bengal separates them from this House they can do as they like. They think that nobody can question their action ; they feel that nobody can interfere with their despotic autocracy. Sir, it is up to this House now to give the Government of Burma an answer in no unmistakable terms that, so long as this House is in existence and so long as Burma forms part of British India, this House will always stand as the bulwark of defence and protection between the people of Burma and the despotic autocracy of the Government of Burma. (" Hear, hear " and Applause.)

Now, Sir, what are the issues involved in this motion ? Not only the narrow, although very important, issue of censure but a much bigger constitutional issue is involved. This House will today tell the Government of Burma how it proposes to deal with the Province of Burma so long as she remains a part of British India. In this connection I shall read to the House a few short extracts from the Memorandum presented by the Government of Burma to the Simon Commission urging the separation of Burma from India. The Burma Government's motive is obvious. After separation such questions cannot be raised in this House. After separation

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the people of Burma must be left for ever to the tender mercies of the Government of Burma. This is what the Memorandum says :

" Most of the important questions affecting the Indian Empire are discussed in the Indian Legislature, particularly in the Indian Legislative Assembly. This Assembly is composed of 143 Members, and Burma is represented by one official and four elected Members. Thus the representation of Burma is too weak to exercise any influence in the Assembly."

Well, Sir, it is for this House now either to say that this remark is justified, or to give the lie direct to it. Is this House going to neglect the interests of Burma because the Bay of Bengal separates it from India ? Is this House going to neglect the interests of Burma because she is represented in this House only by four Members ?

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

**Mr. Jehangir K. Munshi :** My Honourable Muslim friends, who are always fighting for the rights of minorities and for the redress of the grievances of minorities, how are they going to treat today this question relating to the Burman minority in this House ? Sir, the Government of Burma go on to state :

" The Assembly quite properly devotes much time to such questions as infant marriage, age of consent and the Devadasi problem, but none of these questions affect Burma."

" It is difficult therefore, to get representative Burmans to stand for the Assembly and those who are elected often have not sufficient inducement to make the long and tiresome journey to Simla and Delhi. The present Governor of Burma,"

I particularly want to draw the attention of the House to these remarks :

" The present Governor of Burma knows from personal experience that usually the greater part of a Session and sometimes the whole Session will go by without the appearance of the characteristic Burmese dress in the Assembly. From the nature of things Burma has not, and never can have, any effective voice in shaping policy in the Indian Legislature."

These, Sir, are the words of His Excellency Sir Charles Innes. Sir, the House today will record by its vote whether these words, uttered by the Government of Burma and adopted by His Excellency Sir Charles Innes as being his own conviction and opinion, are well deserved, or whether they are a libel on this House. Sir, I remind my friends in this House that there is a population of one million Indians in Burma, and that the future of these one million Indians depends on the friendly relations between Indians and Burmans. Their future depends on how this House and the Indian elected Members of this House treat Burma and the Burmans. This vote today is not merely going to determine the question of censure on Government for the inhuman treatment of this particular prisoner or the unreasonable refusal of the yellow robe. It goes further. This House will today tell Burma how it will deal with Burmese questions when they come up before this House in spite of Burma's inadequate representation here. Sir, I move the adjournment of the House. (Loud and prolonged applause.)

**The Honourable Sir James Orerar (Home Member) :** Sir, I must confess that, when I first received notice of the Honourable Member from Burma's intention to move the adjournment of the House, I speculated on the precise issues which I should be called upon to meet. It appeared to me that the wider issue relating to the treatment of jail prisoners which has already been fully discussed at great length would not presumably

be brought in and I should not be called upon to deal with that matter. From the revised terms of the Honourable Member's motion I anticipated that I should be called upon to deal with the particular causes which led to the hunger-strike and the unfortunate decease of the prisoner in question. I did not anticipate that I should be called upon to deal with a very large constitutional question, and I doubt whether in the time at my disposal it will be possible for me to follow that Honourable gentleman into that constitutional ground.

The real issue before the House as set out in the motion is I think the particular causes which led to the hunger-strike and to the decease of the prisoner. Now, Sir, that matter is one which has very direct reference to local circumstances and local conditions ; and I doubt very much myself whether, without intimate local experience of those special circumstances and conditions, it is possible for us to arrive at an informed judgment in the matter. However, Sir, as my time is limited I shall deal as briefly as possible with the actual facts of the case.

There is one point on which I touch with the utmost reluctance, and I do so because the Honourable Member has raised the point, and if I did not deal with it myself, it would leave the House with a wrong idea as to the actual facts. The prisoner in question had several convictions against him, and in the carrying out of the last sentence he was treated with exceptional consideration, the original sentence of rigorous imprisonment being commuted to one of simple imprisonment. He was then charged once more with an offence, as the Honourable Member has explained, under section 124A. It was not a technical offence under that section. It was an offence which, I think everyone will agree, was a grave one. In point of fact it was an incitement to the assassination of Government officials and to the use of the bomb. He was tried and convicted, with the concurrence of all the Burman assessors, and when the Honourable Member adverted to the fact that he was sentenced to a term of six years he did not mention the fact that the Local Government commuted it to half that period.

**Mr. Jehangir K. Munshi :** Almost the whole of it was commuted ; he will not serve the remaining five years now.

**The Honourable Sir James Orerar :** I was saying that the Local Government commuted it to three years.

Now, Sir, the terms of the Honourable Member's motion would undoubtedly convey an impression to this House that the sole demand which has been made, and which the Local Government found themselves unable to comply with, was the wearing of the yellow robe. That, Sir, is not the case. The hunger-strike was started on a complaint as regards diet, and that complaint was promptly remedied. The Superintendent of the jail was authorised to give whatever diet was necessary on medical grounds. It was then that two demands were made, only one of which the Honourable Member has referred to. The first related to the wearing of the yellow robe and the second related to a fast.

**Mr. President :** Order, order. All that the Honourable the Mover wants is an assurance from Government that the Buddhist monks would be allowed to wear the yellow robe. If the Honourable Member restricts himself to that alone the matter will be much simplified.

**The Honourable Sir James Crerar :** My point, Sir, was this. I think the motion calls attention to the actual causes of the hunger-strike, and I cannot, without leaving the case incomplete, omit any reference to one of the two demands made with which the Local Government were unable to comply. I shall deal briefly with it and it is this, that all monks convicted of offences should be allowed, in addition to wearing the yellow robes, to fast in a particular shrine, which I understand is known in Burmese as a *thein*.

**Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Divisions : Non-Muhammadian Rural) : Sir, will the Honourable Member give us the date when that demand about the yellow robe was first made ?

**The Honourable Sir James Crerar :** I believe, Sir, it was made somewhere about the middle of April, but I cannot give the exact date. But my point is, and I think the House will agree that it is a practical point and one which I ought to make clear, that the second demand which was equally insisted upon, was that all convicted Burmese monks should be allowed to fast in *theins*. Now the Government of Burma, having taken the advice of persons conversant with the principles of the Burmese religion, found,—they were considering the possibility of erecting temporary shrines of this character,—that it is prescribed that such shrines must be of a permanent character, they must be endowed by a layman and must be, as I understand, under ecclesiastical jurisdiction. In other words, these were conditions which were practically impossible of fulfilment.

**Mr. Jehangir K. Munshi :** Sir, is the Honourable Member suggesting that the Government of Burma were prepared to provide a *thein* if a founder could be had and if a Burman Buddhist layman could be found to endow it ?

**The Honourable Sir James Crerar :** My information is that the Burmese Government did examine the possibility of providing temporary *theins* and found it impossible to provide them.

**Mr. Jehangir K. Munshi :** They rejected the proposal summarily and contemptuously.

**The Honourable Sir James Crerar :** That is not my information. Sir, I hope the House will understand the impracticability of the second demand, because it was quite impossible for the Burmese Government to provide shrines of that character and satisfy the essentially necessary religious conditions in every jail in Burma or indeed in any jail in Burma. Now, Sir, I will deal more specifically with the question of the yellow robe. The point, I submit, is really not political question ; it is a religious and administrative question, and the question is this ; whether clerics who have offended against the law are to be treated in any manner differently from laymen. That is not a contention, which, on the various occasions on which prison conditions in India have been rigorously scrutinised, has ever to my knowledge been advanced. There is no such pressure in India, and I think Honourable Members will agree that, if a claim could be advanced to be treated in a special manner on the ground of a special sacerdotal position or character by any one who said he was a Sadhu or Fakir, it would be a practical impossibility. Nor indeed in England is there any provision for the treatment of a clerical offender in any way different from a lay offender. I cannot see in what manner that course could be justified. The issue that present itself to us is really that. It

is really a question whether special rules of treatment can properly be applied to persons who claim a clerical character as distinct from the ordinary layman ; and there are special reasons peculiar to Burma—I confess I do not speak as one thoroughly conversant with Burmese conditions—and I regret very much that the Honourable Member who used to sit opposite is unfortunately absent from us to-day because he could speak with far greater authority than I can—I understand that, having regard to the rules of the Buddhist monkhood, the nature of the obligations, moral and religious, which a Buddhist monk takes on himself when he enters the monastic order, is of a character which is quite impossible to be carried out in jail. For example, I understand that a Buddhist monk must beg his food, “by the labour of his feet”. Now, I say it is a very regrettable circumstance that any member of a monastic order should be an offender against the law and be confined in jail, but I think it is clear to the House that if those are, as I am assured they are, the absolutely inevitable and unavoidable conditions of complying with the rules of the order, any one who becomes an offender against the law and is confined in a prison cannot possibly, under any conceivable system of jail administration, be allowed to fulfil them. And I am told further that there is nothing in the tradition of the country which would support such a claim. I am told on the best authority that, during the regime of the Burmese Kings, a monk who became an offender was deprived of his priestly robes and was treated as an ordinary offender. There are no means.....

**Mr. Jehangir K. Munshi :** Will the Honourable Member state his authority for that proposition ?

**The Honourable Sir James O'Grady :** Yes ; the authority is a memorandum which was prepared many years ago, in 1890, by a learned Burmese who was then, I understand, the Oriental Translator to the Burmese Government, and I have no doubt that he wrote his memorandum after a very careful scrutiny of the records of the Burmese Kingdom. But, Sir, I do not want to urge that point too far. There are now provisions, which I understand in that regime did not exist at all, by which if a monk satisfies the conditions of eligibility as a special class prisoner, he is and can be allowed to wear his yellow robes ; but as a general proposition the distinction between a clerical offender and a lay offender is one to which I confess I can find no precedent either in England or anywhere else.

I cannot, Sir, at this stage, as I have already occupied the time at my disposal, embark upon the constitutional question raised by the Honourable Member. Indeed, I venture to think that it is really irrelevant to the implications of this motion, and I trust that, because I pass it over in silence, it will not be concluded that I was not prepared to give a reply. But I do not wish to trespass either upon the rules of relevance or upon the patience of this House.

**Pandit Madan Mohan Malaviya :** Sir, I rise to support the motion of adjournment and I do so with great regret. I have heard the speech of the Honourable the Home Member with full attention, and I am sorry to find that he has not seen his way to accept the recommendation contained in the motion. He said that the offence of sedition was a grave offence. Yes, it is. But I wish that he and every member of the Civil Service

[Pandit Madan Mohan Malaviya.]

serving in India should revise his idea of what is sedition now in view of the declaration which has been made that India is on the way to responsible government. Much of what was sedition a few years ago ceased to be sedition when that announcement was made. When India is crying out against the existing system of Government and is asking for the establishment of full Dominion Status at the earliest period possible, it is time that members of the Civil Service and all foreigners serving in India should revise their opinion as to what constitutes sedition.....

**The Honourable Sir James Orerar :** I regret very much to interrupt the Honourable and learned Pandit, but I do not think he quite correctly represents what I said. I was not speaking in general terms, but I explained that the particular offence in point, for the reasons which I gave to the House, was a specially grave offence.

**Pandit Madan Mohan Malaviya :** What was the offence ? Was it not under 124A ?

**The Honourable Sir James Orerar :** It took the form of an incitement to murder Government officials and the employment of the bomb.

**Pandit Madan Mohan Malaviya :** I do not know that that would come in under 124A, that would be a different offence. But I have not got before me the speech upon which this deceased patriot of Burma was convicted, and I am therefore not in a position to reply to my Honourable friend fully. But I take it that Mr. Wizaya was tried under section 124A, and I submit that every Burman, every Indian is entitled to condemn in the strongest possible terms the existing system of administration (Hear, hear) which is a foreign bureaucratic system of administration, and I am not surprised that, in Burma, which was taken possession of only recently, there should be more patriots found to denounce the existing system than there are to be found in India. I submit all honour should be paid by every Englishman, by every Britisher, by every lover of liberty, to the man who stands up and has the courage to denounce this foreign administration and who desires that this country should once more become a self-governing country. In that view, every man who is convicted of a political offence like that which falls under section 124A, namely that of condemning the existing system and advocating the establishment of self-government, ought to be treated by our British fellow subjects with respect and sympathy. If a man has actually been guilty of murder or any other violent crime of that character, I can understand that his treatment as a prisoner should be of a somewhat different character ; but for entertaining and expressing the opinion that his country should once more be free, as it was before the British entered it, no Indian and no Burman should be condemned, and certainly ought not to be treated like an ordinary felon. If this religious monk felt the impulse within him—I am told he was a patriot of burning patriotism, and all honour to his memory for having been such a patriot—if this patriot felt that, though he was sent to jail under the law which was administered in that country by Britishers who had no right to enter his country, if he felt that he should speak against the existing system, and if he was convicted for it, let him bear the punishment which the law of the land as it is now administered there inflicts upon him ; but for God's sake, for the sake of everything fair and just, let him be treated like a man who ought to be respected because



the manhood in him has not been entirely destroyed by living under this system. And, what did this monk ask for ? Special diet ? My Honourable friend mentioned that that was the first demand, and he said that that was complied with. I hope it was complied with without a hunger-strike. The second demand was that he should be allowed to wear the yellow robes which the Burman monks wear,—on two special days in the month. He evidently felt, and he had reason to feel, that though he had spoken against the existing system of administration, he had not, in doing so, offended his God or injured his country, and he did feel that he should not for that reason be deprived of his right to follow the particular method and form of worshipping his God on two specially sacred days in the month, and to feel that though a prisoner he was still a devotee and a worshipper of God in the manner that was traditional in his country. The yellow robes were dear to him, not because they brought him any bodily comfort, but because they were the insignia of his having dedicated himself absolutely selflessly to the service of his motherland and his people, and I submit, Sir, that the moment the demand to wear his yellow robes was made, it should have been complied with. Political prisoners, prisoners who have been condemned for having spoken against the existing systems of Government, have been treated better in all civilized countries, and political prisoners are being certainly treated much better in England than they are in India. It is right that they should be so treated, and I submit that, whoever it may be, whether a monk or a non-monk, whoever has been convicted under section 124A for having expressed opinions against the existing system of Government, and has not been found guilty of murder or any other similar violent crime,—such a man should never be treated as this Burman patriot was treated. I submit Government would have lost nothing if they had acceded to the request made by the said monk, because he would still have been under the jail discipline, but he would have felt the satisfaction that, though he had offended against the law enacted by foreigners who had no right to enter his country, he was none the less a thoroughly honourable man, as honourable as any man ever born anywhere.

Sir, the Honourable the Home Member made much of the second demand made by this patriot that he should be allowed to fast for two days in the month in a temple. I submit, Sir, a political prisoner like the deceased patriot should have been allowed that privilege. In England you allow prisoners to go out occasionally on parole for several days at a time for humane considerations. Why did you not make the very limited special concession that the monk asked for ? If the man wanted to go out of the jail to enjoy any pleasure, if he wanted to go out for any ordinary selfish or personal purpose, such a request might well have been refused. But what did he want to do ? He merely wanted to go for a short time to a place which he regarded as holiest on earth, he wanted to go to a temple to pray on two days in a month. I submit, Sir, nothing wrong would have happened, no grave consequences would have followed if his prayer was granted. You allow a prisoner who has been convicted and is undergoing imprisonment to go out of the jail, to go to a court of justice, in order to stand a second charge if one is brought against him. Why did you not allow this monk, who was a man devoted to worship, why did you not allow him to go out under proper guard to one of the temples twice a month to enable him to have the inspiration and solace of religion in his imprisonment.....

**Mr. President :** I do not want to interrupt the Honourable Member, but so far as I have been able to understand the Honourable the Mover, he wants merely that his demand, that the religious monks be allowed yellow robes, should be complied with, and that the Government should give an assurance in that behalf.

**Mr. Jehangir K. Munshi :** And that demand the Burma Government refused.

**Pandit Madan Mohan Malaviya :** Quite true, Sir, but I refer to the other demand also because the Honourable the Home Member dwelt on it. That is my justification for referring to it here. I submit, Sir, that the second demand also could and should have been dealt with and disposed of satisfactorily. Sir, I appeal to all my friends, Englishmen, Scotchmen, Irishmen, whatever country they may belong to, who are in the service of the Government of India, to look at this question in a more sympathetic spirit, to begin to feel a respect for the Indian or the Burman, or whoever it may be in India, who has a patriotic instinct, who feels a patriotic impulse to speak out against the existing system of Government, to honour him as a patriot, to respect him for his views as a freeman, and not to try to condemn him to imprisonment, and then when he has been so condemned, refuse to him the right to use his symbols, or his dress, which are connected with his religion. In this part of the country also unfortunately we had a similar case—the case of Sardar Kharak Singh. You remember, Sir, Sardar Kharak Singh was sentenced to imprisonment on a charge of sedition, and he was required to put aside his Akali Sikh turban. He refused to do so and when he was compelled to do so, he declined to wear any cloth except his *kach*. The authorities then permitted him to wear his turban. But his fellow prisoners were not allowed to wear Gandhi caps. The Sardar protested, but the Government did not accede to his request. He then again gave up wearing any clothes and remained naked in the coldest winter of the Punjab for over three years; he underwent all this suffering as a protest against the attitude of the then Punjab Government. (*Cries of "Shame, shame"*.) We have had such cases before, we have had enough of such cases. So I ask my friends on the Government Benches to change their view, to change their angle of vision, to begin to think that India is going to be a free country next year, that Indians are going to be a self-governing people, and to prepare for that day by taking a broad attitude, and win our applause instead of our condemnation by the action that they take in cases like the one we are now considering.

**Mr. D. C. Stewart-Smith** (Bengal : European) : Sir, one of the Members from Burma has drawn our reluctant attention to the death of a Burmese convict after a prolonged hunger-strike. I say reluctant attention, for I believe that many of us had hopes that the question of hunger-striking would not arise again to disturb the equanimity of the present Session.....

**Mr. Jehangir K. Munshi :** Why not ?

**Mr. D. C. Stewart-Smith :** Some few days ago the House carried a motion for adjournment against the Government and registered its protest against certain forms of jail treatment. We are now asked to do almost the same thing over again. I am not at all satisfied that constant repetition adds to the value of these protests, neither am I convinced that they are a satisfactory substitute for the ordinary business of the House.

I realise that they are meant to demonstrate a principle and they achieve their purpose, but they risk their value when they become too frequent.

It appears, Sir, that this monk was convicted in 1926 and again in 1929 for making seditious speeches and for incitement to violence. Now, I am not really concerned with the nature of his offence for Mr. Munshi has told us that this is not a political gesture but solely a religious one. That makes my task very much easier and pleasanter. Now, Sir, this man made three demands, and you have asked us to confine our attention to one, namely, the demand that he should have been allowed to wear the yellow robes. I understand, Sir, that the privileges in regard to dress are only allowed to special class prisoners. Can it clearly be said that a man who incites to violence should be treated as a special class prisoner? (*An Honourable Member* : "Yes, certainly.") I can hardly believe it. An under-trial prisoner is allowed to wear his yellow robe, but as a convict he is not. In the present case I understand that the Government allowed him to wear his yellow robes while he was in hospital. ....

**Mr. Jehangir K. Munshi** : They put it down on his death bed.

**Mr. D. C. Stewart-Smith** : Is it right that men who have been convicted of serious offences should be allowed to wear in jail the dress of men dedicated to a life of holiness? It will bring religion into contempt. I feel that, if they are allowed to wear the robes of a monk, religion will be in danger of disrespect which we must guard against.

Now, Sir, I do not think that Government should make a special provision for priests as opposed to laity. I believe that Government do make provision in jails for adequate religious observances and I am told that in Burma there are pagodas in the jails and that monks are allowed to perform religious offices there for those prisoners who profess that faith.

**Mr. Jehangir K. Munshi** : Does the Honourable Member approve of that after the "serious" offence committed by that convict? Should he be allowed to worship or offer prayers at all? (*Laughter.*) (*An Honourable Member* : "There is more reason.")

**Mr. D. C. Stewart-Smith** : I feel that it is almost impossible for Government to decide who were priests and who were not. If they gave to Burmese monks certain privileges in jail, then they would have in honour bound to extend those privileges to all other castes and creeds in India, and the difficulties which would arise would be so many as to become insuperable.

If this motion raises the general question of treatment in jails, I would submit that that has already been done some days ago very exhaustively. As I have said before, I do not think that any such repetition would be either useful or desirable. But if it is said that it does not raise the question of the general treatment of prisoners in jails, then is not this a matter for the Local Government? The members of the Burma Legislative Council have that knowledge of local conditions which we lack, and are they not much better qualified than we are to deal with the difficulties of the situation and others like it?

**Mr. President** : Is the Burma Legislative Council in session?

**Mr. D. C. Stewart-Smith** : I am sorry I cannot say. The case of this monk is based purely on religious grounds and not on political grounds, and it is mainly a question of dress. I feel, Sir, that the question of dress

[Mr. D. C. Stewart-Smith.]

must be uniform throughout all prisons. (*An Honourable Member* : "Why ?") Because, if every man is allowed to dress as he pleased, surely that would create a position of impossibility. (*An Honourable Member* : "You have a uniform dress for Europeans as well ?") To comply with such demands as are made now would become a precedent which would in future become so binding that Government would never be free from future embarrassment. It is because I feel that there must be some finality to the concessions which Government make to prisoners who have been convicted of serious or any other offences that I feel bound to oppose the motion before the House. (Applause.)

**Mr. Fazal Ibrahim Rahimtulla** (Bombay Central Division : Muhammadan Rural) : Sir, I rise to support the motion of adjournment so ably moved by my Honourable friend Mr. Munshi, and I am glad to inform the House that my Party has unanimously decided to support that motion. I was waiting to hear the speech of the Honourable the Home Member on the motion of adjournment moved by my Honourable friend. Mr. Munshi's motion was divided, as I understood, into two parts. The first part was a request to Government for an assurance that the Burmese monks would be allowed to wear the yellow robes, and the second part was—it was not meant for Government but an appeal to Members to vote with him because in case the Government's policy is of this character, what will happen when the constitutional reforms are granted. The Home Member, instead of giving a straight answer, first of all, pleaded want of time, and secondly, he said that owing to want of time he could not possibly discuss the question of constitutional reforms. I had thought that one minute would be sufficient for the Government Member to give us an answer, and he had fifteen minutes before him. And what do we find ? We find that his answer is neither here nor there. Now, my Honourable friend Mr. Stewart-Smith, who spoke on this issue, has also misunderstood it. We are not discussing the question of hunger-strike at all. We are discussing the policy of Government in interfering with religious questions. That is the question, and I cannot understand how it can possibly be confined to the Local Government only even if the Local Council was sitting. It is a question for the British Government. Are they pledged to neutrality in British India or not ? or are they going to have religious interference ? I say, with all the authority at my command, that Government must think twice before making any sort of religious interference with the people in India, and I think the Honourable the Home Member should have come forward on the floor of this House and said that they adhered to the policy of neutrality. He has not told us what objection there is on the part of the Government to acceding to this simple request. Mr. Stewart-Smith, though he tried to defend the Government on a wrong cause, has also not solved this difficulty, except the long harangue that we were repeating the same argument and that we are wasting the time of the House. I say that we are not wasting the time of the House. Let us understand, once for all on the floor of the House, what is the policy of Government. Government must clearly give us to understand that they will not interfere with the religious susceptibilities or religious questions in this House or outside. This is the only question on which my friend Mr. Munshi has moved his adjournment motion, and if the Home Member had replied on that there would have been no debate and I think the matter would have been sufficiently and satisfactorily settled. Mr. Munshi has repeatedly mentioned it to the Home

Member on the floor of this House that he wants nothing more and nothing less than an assurance that they will accede to the request. Instead of that, we find the Home Member quoting a memorandum of 1890. We are not concerned with memorandums of so early a date. We want to put this question. Are you going to interfere with the religious rites and matters connected with the people living in India? Let us have an answer to that and then we will decide. Otherwise it will be very difficult for the Government to carry on the administration. I assure you that if you are going to change your policy, then the result will be very disastrous, and I hope, Sir, that Government will be well advised, even now, to ask some officer of theirs to make a statement that they will comply with the request, the very modest and reasonable request of my friend Mr. Munshi.

**Mr. T. A. K. Shervani** (Cities of the United Provinces : Muhammadan Urban) : Sir, I support the motion which has been proposed by my friend Mr. Munshi. I listened with great attention to the speech of the Honourable the Home Member. The Honourable the Home Member would not give any definite reply to the straight question put by Mr. Munshi, the real question involved in the motion. The only reason which I could make out from the speech of the Honourable the Home Member was that the demand was unreasonable. My chief grievance against this Government is that Government's reasonableness differs with different individuals and with different communities. I have got some experience of jail life, and although I am a back number, I may tell the Honourable the Home Member that the same sorts of demands are quite reasonable in one case and they are stigmatised as unreasonable in other cases. While I was in jail I first asked the jail authorities to allow me to offer my Friday prayers together with certain Muslim fellow prisoners. My request was refused. Then I asked them to allow me to offer congregational prayers on the last Friday of Ramzan. That request was refused. I asked the Superintendent of the Jail to allow those Muhammadans who keep fast to work only for half a day. My request and the requests of my Mussalman fellow prisoners was refused. I asked the Superintendent why he allowed the priest to come to the jail every Sunday and allowed the European prisoners to congregate for prayers. The answer of the Superintendent was, and it was a very straightforward answer, "Well, when you say that you forget that you have not attained swaraj yet". Although the words were different, I regret to say that after nine years the mentality of the Honourable the Home Member is the same, Sir.

The simple question before us is whether a person who belongs to a religious order ought to be allowed to wear certain robes, the insignia of that order, or particular fast days, and whether this request is reasonable. Sir, go to any jail in India and you will find that the European prisoners wear hats and suits, a particular kind of clothes different in shape and cut from those of other prisoners. While I see that it is reasonable for a European to demand clothes in jails which ought to be cut after the pattern he is used to and get them simply because he is used to wear those clothes, if a monk in a jail makes a similar request to wear his yellow robes to which he is used, with an additional reason that it is an insignia of his order and that too only on particular feast days, it is called unreasonable. As I said before, the only reason is that we cannot enforce our will. I am sorry to say that all these things would have been settled if, in 1921, Mahatma Gandhi

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[Mr. T. A. K. Shervani.]

had not ordered us to conform to the jail discipline and rules strictly. We did observe the discipline and the result is that in 1929 a *Pongyi* has to die for his robes because a collous Government considers his request unreasonable.

The second question raised is why should there be such a difference between an ordinary criminal and a political offender. My answer is that political offences are offences simply because certain individuals hold ideals different from the ideals of the present day Government. It is only a difference in ideal and a question of time. It is a matter of history that the Government of today are seditionists of tomorrow, and that seditionists of today are the Government of tomorrow; and I ask the Government, in their own interest, to differentiate between political offences and other offences; you do not know what may happen tomorrow. I leave the question there. It is said that the offences which involve violence must not be treated leniently. But for that purpose provisions are made in the Indian Penal Code, which inflict more severe punishments on persons convicted of crimes involving violence. That distinction has been already made. Why should the Government over and above that punish persons more severely by treating them as ordinary criminals? The matter is quite clear. If you give a man five years' imprisonment and treat him like a man with a much lower standard of life, then you are punishing him not with five years' imprisonment but with ten years or still more, you punish him both extensively and intensively. Where is the justification for that? If a man commits violence, sentence him by all means for any term you consider just, but if a man belongs to a particular status, if he has lived in greater comforts than his fellow prisoners, by treating him just like other prisoners, the Government inflict a severer punishment upon him than he deserves—and therein lies my objection. Sir, here was a case, a man was on hunger-strike for 162 days, but this wooden Government would not move. They put the demanded robes on him when he was on the point of death. If they had done the same thing a month before, that would have saved the life of a fellow being. But the Government will never do a thing with good grace. The incidents are coming in quick succession. Two deaths have already occurred, and many cases are to follow. I ask the Government, in the interests of the country, in their own interests, in the interests of the peace of India, to open their eyes as well as heart more quickly in the matter. Otherwise, if Government will not do it willingly, we will force the Government to do it. The matters cannot be left where they are. The sooner Government realize it the better for all concerned.

**Mr. S. N. Roy** (Home Department : Nominated Official) : Sir, I am very grateful to you for giving me an opportunity of speaking on this motion. On an occasion like this when the sympathies of Members are very naturally aroused over the death of a prisoner by reason of his self-imposed privation, it is always difficult even for experienced speakers to address this House. Much more difficult then is it for me who am addressing it for the first time. But I am fortified by the thought that this House has always been indulgent to beginners and by the hope that they will extend the same indulgence to me. (*An Honourable Member* : "Speak like an Indian.") It was said a little while ago that the question before us is not one of hunger-striking but merely of allowing *Pongyis* to wear their yellow

robes. Well, Sir, if that had been the only question, I do not think it could have come up here in the form of a motion for adjournment. It is because a hunger-striker has died by reason of the fact that his yellow robes were not given to him, that it has been possible for the Honourable Member to bring this motion up before this House at all. Otherwise he would have had to bring it up as a Resolution—and he knows very well that that Resolution would not have been admitted. Therefore, it is necessary for me to correlate this debate to the actual facts of the situation ; and with regard to those facts I am afraid, from what I have heard during this debate from the Members who have preceded me, that there is a considerable amount of misapprehension. It is necessary for me therefore to traverse the old ground to a certain extent. Now, Sir, it is not a fact that this *Pongyi* whose name I find it somewhat difficult to pronounce was tried for a second time while he was already serving out his sentence for another crime. The facts are that in 1926 he was convicted for sedition. (*An Honourable Member* : “ For how many years ” ?) For 1 year and 9 months. Then he went on hunger-strike, on the ground, it is perfectly true, that he had not been allowed to wear his yellow robes. We was then sent—and this is important, because it shows to what extent the attempt was made to meet his wishes—to the central jail in Midnapore in Bengal and there he was allowed to wear his yellow robes. He served out most of his sentence there and was then sent back to Burma and was released on the 28th of February after he had served out his full term. (*An Honourable Member* : “ What year ” ?) This year. Then, fifteen days later, on the 15th March, he addressed a meeting—and this is not the doing of a person who was on his death-bed—of 3,000 people, of whom the majority were I gather *Pongyis*. At that meeting he made a highly seditious speech, inciting, as the Honourable Sir James Crerar mentioned, people to murder officials and to overthrow the existing Government by means of bombs and the use of *daos*. Well, he was again run in for sedition for that speech. He was tried and he was convicted some time, I believe, in July.....

**Mr. Jehangir K. Munshi** : How and where was he tried ? In what condition was he tried ?

**Mr. S. N. Roy** : So far as my information goes, when the trial began his condition was not bad.

**Mr. Jehangir K. Munshi** : And when it ended, what was his condition ?

**Mr. M. B. Jayakar** : Does the Honourable Member suggest that he had served out his first sentence and had got out of jail when he made that speech ?

**Mr. S. N. Roy** : Yes, Sir. He could only have made a speech to 3,000 people under those conditions. He was released on the 28th February and he made his speech on the 15th March. Well, after this speech he was, as I said, charged again for sedition under section 124-A. He was tried by a Judge and four assessors, and the assessors unanimously found him guilty. The Judge sentenced him to six years' rigorous imprisonment, which the Local Government commuted to three years.

**Mr. N. C. Chunder** : He was tried inside the jail ?

**Mr. S. N. Roy** : For a part of the time.



**Mr. M. S. Aney** (Berar Representative) : Is it a fact that the jail was turned into a court ?

**Mr. S. N. Roy** : I have no full information on that point, but I believe that it is a fact that, for part of the time, the trial was conducted in the jail. In the early stages of the trial, while he was an under-trial, he did not go on hunger-strike on the ground that he had not been allowed to wear saffron-coloured robes.

**An Honourable Member** : Why was the trial held in jail if he was at liberty to come out ?

**Mr. S. N. Roy** : I am not quite sure as to at what stage this was so.

**An Honourable Member** : That is the most important point.

**Mr. S. N. Roy** : The trial was held in jail at some stage, but I have not got full information as to exactly when and where the trial took place. In the early stages, when he was an under-trial prisoner, I presume he did not get bail, but when he was an under-trial prisoner he was allowed his yellow robes ; and he went on hunger-strike because he had not been given special diet. That special diet was sanctioned for him.

(An Honourable Member was going to interrupt Mr. Roy.)

**Mr. President** : Order, order. It is very unfortunate that the Honourable Member has chosen this particular subject for his maiden speech, but I must ask Honourable Members not to interrupt him.

**Mr. S. N. Roy** : I will try and give Honourable Members as much information as I can.

**An Honourable Member** : Please be definite in your statements.

**Mr. S. N. Roy** : While he was an under-trial prisoner, he went on hunger-strike because he was not given special diet. Then, when that diet was sanctioned for him, he made two demands which were that, whatever the offence with which *Pongyis* are charged, they should be allowed to wear their yellow robes while in prison on certain festival days and they should be allowed to fast twice a month. Those were the two demands that were made, but the Government of Burma were unable to accede to them.

**Several Honourable Members** : Why ?

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

**Mr. S. N. Roy** : I am coming to that. I want to make it perfectly clear that these demands had nothing to do with political motives or political offenders. As the Honourable the Mover of the adjournment motion said, the demands were based purely on religious grounds. When the Honourable Pandit referred to it, he talked about sedition as not being a great offence and said that people charged with sedition should not be treated like other jail prisoners. The question does not arise in this case because this *Pongyi* was not claiming these concessions as a political prisoner. His ground was quite different ; he wanted that all *Pongyis* irrespective of the offence for which they were convicted should be allowed to wear the yellow robe. Therefore, the political issue does not arise at all. It was purely a demand made on religious grounds.



As far as the second demand is concerned, namely, that they should be allowed to fast twice a month, as the Honourable Sir James Cramer has said, the Burma Government felt that they could not accede to this demand for the reason that the fast must be kept in a special place called *theins*. The fast must be observed in a *thein* and that *thein* must be permanent; it must be on a site exempt from revenue and perpetuity; it must be on a site granted by a layman and there must be a formal grant of this site and it must be under ecclesiastical jurisdiction. These are the conditions under which a *thein* can be built and without a *thein* this fast cannot be kept. Now, Sir, I do feel that it was not very unreasonable for the Burma Government to have said that these were demands which they could not possibly agree to because it meant that, either they would have to build these *theins*.....

**An Honourable Member :** What did they actually say ?

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

**Mr. S. N. Roy :** It meant either that these *theins* should be built in every jail, or that these prisoners should be released twice a month in order to be able to keep their fast in this particular kind of shrine. The Burma Government refused to agree to it. With regard to the other question, namely, of wearing the yellow robes, the Burma Government also felt that they could not agree to it because it meant agreeing to a principle which would be capable of wider application and which would be very difficult to apply because.....

**Mr. President :** I am constrained to ask the Honourable Member to conclude his observations. He has already taken 20 minutes.

**Mr. S. N. Roy :** I shall conclude my remarks soon, Sir, but I just want to say one thing. What is the demand which the House is being asked to agree to ? Is it a demand that reasonable religious facilities should be given to all prisoners ? If that is the demand, then these facilities are already given. As a matter of fact, in all the Burmese jails, pagodas exist and *Pongyis* are allowed to go to these pagodas to give religious instruction. It was a recommendation of the Jail Committee of 1919 that such religious facilities should be allowed and as far as we know they are allowed, and that is a principle which Government have accepted. If, however, the demand is that spiritual leaders, people who are priests or belong to a religious order, should as such get all the facilities they want, then it is a principle which I think the House would want to consider very carefully before it agrees to it and I doubt if the House would accept it without much fuller consideration than is possible on an inadequate debate on a motion of adjournment. It involves a very large principle. It means that you have got to extend these facilities to all communities, to *Fakirs*, to *Sadhus*, to *Maulvis*, to *Mullas*, to *Pirs*. It would be impossible to say really who should not be allowed these facilities when they claim them. If, on the other hand, as I gather from my Honourable friend, the demand is merely that all *Pongyis* should get this concession of wearing yellow robes, then I submit to this House, with all respect, that this is a matter entirely for the Burma Government to decide. I should just.....

**Mr. President :** Order, order. I am afraid I cannot allow the Honourable Member to proceed further. He has far exceeded his time limit.

**Pandit Motilal Nehru** (Cities of the United Provinces : Non-Muhammadan Urban) : Sir, I crave your indulgence and the indulgence of the House to address it for a few minutes only. The observations read out by the Honourable the Mover of this motion from the speech made by His Excellency the Governor of Burma in regard to the treatment which subjects and matters arising in Burma receive at the hands of this House are observations which I am sure will not be accepted by any Member of this House. I stand here, Sir, to dissociate myself and my party, and not only my party in this House but the whole of the Congress organisation, from those observations, and I am sure that it is not true in regard to the other parties also. The affairs of Burma are just as near and as dear to us as the affairs of any other part of India, and I do not want it to be understood for a moment that the affairs of Burma, whenever they come up before this House, will not receive exactly the same treatment as the affairs of any other part of India would.

As to merits of this motion, I submit that this is a much worse case than the case of Jatindra Nath Das, which was the subject of the other adjournment motion. The facts have been dealt with and I do not want to repeat them. I congratulate my Honourable friend Mr. S. N. Roy on his maiden speech and I can only express my regret that he was not able to finish his observations within the time at his disposal. I do not wish to criticise what he has said, but I think it was rather hard on him to be entrusted with the part of the case assigned to him. It was for some senior Member of Government to have taken it up. We are still in doubt as to how it came about that this gentleman, who was tried and sentenced, had served out his sentence and been then released from the jail, is tried in the jail for a new offence of sedition committed after his release. He finds himself somehow or other in the jail not as an under-trial prisoner, because he had evidently been long enough on hunger-strike in the jail to be reduced to the condition in which he was found when he was actually brought before the court. We are not informed whether all this happened in the jail or partly in the jail and partly outside the jail. These are matters which, I submit, the Treasury Benches ought to have explained more fully. But, as I have said, the case is a very simple one. There was the man who for 163 days was allowed to die by inches. To say that it was the special concern of the Burma Government is no defence or justification of the Government of India. If simply on account of the distance of Burma or on account of the division of subjects into provincial and imperial they did not take sufficient interest in it it was their fault and their action is not justifiable. I would, in this connection, remind the House of the story of the old woman who went to Tamur Lane with a complaint. Tamur Lane was king to her and talked to her and said : " Now, good old woman, how do you expect me to look after my kingdom which extends over such a vast expanse of the world ". The old woman said, " Then hand over your Government to some one else who will know how to do it. If you are not fit for it, you have no business to call it your domain or your kingdom ". What is the explanation given here ? We find complete ignorance as to what has happened in the case of this man. I submit, Sir, that if for nothing else it is for this absence of information, which is tantamount to neglect of duty, and for that alone the Government is liable to a vote of censure.

**Some Honourable Members** : The question may be now put.

**Mr. E. L. Price** (Bombay European) : Sir, I do not want to indulge in any criticism of the matter that has been put before this House. But I would like to try and keep one issue clear. I am confused by what has been put forward by Honourable Members, Mr. Fazal Ibrahim Rahimtulla, Mr. Shervani and again by the Honourable Member Mr. Roy. Sir, in the world, in India there are very many religions, and among those religions there are essentially two classes, the layman and the religious, the man who is making a vocational profession of his faith and leading a religious life. Now, Sir,.....

**Pandit Madan Mohan Malaviya** : Not receiving a salary.

**Mr. E. L. Price** : No, Sir. I am trying to get very clear the issue as you will presently know. We have heard from Mr. Shervani how certain people, certain Christians, get ghostly comfort every Sunday in the jails. I have no doubt, and I think we have been told, that there are adequate jail arrangements for ghostly comfort in all religions for those who are laymen. But the professed religious man is in a different position. For him it is not matter of ghostly comfort; he leads a religious life and he means to lead that life all the time, as I understand it. For him it is not a thing for Friday or Saturday or Sunday, it is for every day and all day. Now, Sir, to my mind, this is the problem, and it is the more important in that the Honourable Member, Pandit Madan Mohan Malaviya, intimates that he will be responsible for the solution of this problem next year. The problem is this. Can you evolve a jail administration which will allow prisoners to lead the religious life? That, Sir, is the problem.

**An Honourable Member** : Why not?

**Mr. E. L. Price** : It absolutely puzzles me, because from what I know and have seen of the every day administration of jails, I cannot conceive any jail administration that can possibly be compatible with all the forms of religious life performed and lived by members of a monastic or other such society. If the recommendation is that there has to be such a jail system evolved, I suggest that it should be left to the Honourable Pandit to take charge of the problem.

**Mr. M. R. Jayakar** (Bombay City : Non-Muhammadan Urban) : Sir, I wish to address a few words on this important question to the House, having regard to what my Honourable friend Mr. Price has said. This time I happen to be partially in agreement with his views. I shall begin by congratulating my Honourable friend, Mr. Roy, on his maiden speech in this House, although I do wish that he had reserved his maiden speech for a more felicitous occasion than the present one. Sir, the issue has been somewhat confused. The issue which is really involved in this motion is a very simple one, and that issue is, are jail rules and discipline to be administered and enforced with sympathy, imagination and intelligence or with callousness. That is the real issue. (Hear, hear.) I do think, Sir, that the issue, as stated by my Honourable friend Mr. Fazal Ibrahim Rahimtulla, is a little too wide of the mark. It is nobody's contention that all religious privileges should be allowed to people who, in the words of my Honourable friend Mr. Price, have made religion their profession or their lives' business. The real issue is as I have stated; it is no use dignifying it into a principle; it is a simple plain issue, and it will appear so when the facts are understood in their true light. Here was a little concession wanted by this poor Buddhist monk to wear robes not on all days in the

[Mr. M. R. Jayakar.]

month but on certain fast days which I understand from my Honourable friend were just a few days during the month.

**An Honourable Member :** Two days.

**Mr. M. R. Jayakar :** Only two days. It is always very easy to dignify a simple matter into a principle. Sir, I am here reminded of a friend with whom I was once dining. His child was used to have four spoonfuls of rice at night but on that particular evening the poor child felt more hungry than usual and wanted six spoonfuls. The father refused, saying a principle was involved. Thus a painful chastisement ensued in which the guests had to intervene. What is this principle that is really so much made of ? My Honourable friend Sir James Crerar, if he will permit me to say so, used very big expressions. He said, if a religious man wants a "special treatment"—I am using his very expression—are we to allow it ? It is very easy, Sir, to dignify a small request into a question of principle especially when one does not want to grant it. Look at the facts, Sir. I will not go further into controversial question, but the fact remains, of which no explanation has been given by Mr. S. N. Roy, that if the monk was set at liberty having served out his sentence for the first offence, how came he to be tried in jail for his second offence ? No explanation has been offered and the matter looks to me very suspicious. But we will for the present leave that matter alone and turn to the other question, namely, that for obtaining this little concession of wearing the yellow robes for two days in the month, this poor Buddhist monk had to go without food for five and half months and ultimately die. Let my Honourable friends view this fact in the proper perspective. What was he asking for ? A trifle. A little more intelligent, sympathetic and tactful interpretation of jail rules, without callousness, would have allowed him the concession he asked for without making all this fuss. It is indeed unthinkable that a man should have to remain without food for 5½ months and ultimately die for the purpose of getting this small indulgence. Government may call it a privilege, but it is a really a deprivation, and not a privilege. He was not asking for a luxury, it is a deprivation that he wanted to give up the thick and ample clothing which the present jail rules allowed him and don the somewhat scanty and sparing clothes of his order. He was not asking for any luxury or comfort. I ask, Sir, why should jail rules be so callously interpreted as to require 5½ months' torture and eventual death as the price of a small concession. This is the real issue as I have presented it and not as my Honourable friend Mr. Fazal presented it. We want to make sure that the Government will bring more sympathy, imagination and intelligence into the working of jail rules, and not cause loss of human life so light-heartedly. That is the principle involved in this issue, not the large principle stated by Mr. Fazal which may be somewhat difficult of acceptance. Supposing, Sir, a Christian prisoner wants to retain his crucifix on his person and is he to be driven to five or six months' hunger-strike for obtaining that little indulgence ? Another man wants to keep his rosary. Has he to die for it ? Are Indian jail rules to be administered in so hard and iron handed a manner, that there is no scope for a little mercy, charity and indulgence, except at the price of death by self-torture ? Is this the spirit in which a wise Government treats its prisoners ? Supposing a Muhammadan wants to keep with him a copy of the Koran or a Hindu wants to retain a pocket

edition of the Bhagvat Gita, are our jail rules to be made so inflexible that the poor man has to sacrifice his life by the slow torture of hunger before he can obtain a merciful indulgence? Let Government not lose their sense of proportion. The heavens would not have fallen if the little concession which the poor monk asked for had been granted. Therefore, I want my Honourable friends to vote on the basis of the only real issue involved in this question, namely, whether we are going to allow Government to administer jail rules with humanity, sympathy, imagination and intelligence or with blind callousness and cruelty, which sets little value on human life.

**Several Honourable Members :** The question may be now put.

**Mr. Jehangir K. Munshi :** Sir, I do not propose to detain the House for more than five minutes.

Sir, during the six years that I sat as a Member of the Burma Legislative Council and during the last two years that I have been a Member of this House, I have listened to and witnessed many feeble efforts from the Official Benches, but I have never listened to or witnessed a feebler performance than the one to which my Hon'ble friend Sir James Crerar has treated this House to-day. He knows very little of what is happening in Burma; he knows very little of what happened when this man was dying inch by inch during the past five months; and the few facts which he has got from the Government of Burma are incomplete and inaccurate.

Sir, the Honourable the Home Member has tried to divert the debate into channels which were not embraced by my motion. Since he has done so, I may be permitted to refer to two other matters. I may tell the House that the refusal of the Government of Burma to give this little concession which was demanded purely on religious grounds is not due to any difficulty presented by the jail regulations or jail policy, but it is part of a deliberate policy of repression. The Government of Burma want to break what they consider to be the political agitation of the Burman Buddhist monks; and in doing so they have adopted the most unworthy means of hitting the Buddhist monks in their dearest spot,—their religion. And I assert here that this and this alone is the reason which has actuated the Government of Burma in adhering to its policy of refusing the use of the yellow robe to Buddhist monks in order to crush all political movements in Burma.

Sir, I wish to tell the House, and more particularly my Moslem friends sitting on my left, that at the present moment there is another Burman Buddhist monk convicted of a political offence who has also been hunger-striking for more than 20 days on the same grounds. He has been asking for the yellow robe to satisfy his religious demands. The Government of Burma have refused him that yellow robe. He is not dead yet; 20 days of hunger-strike have elapsed and the Government of Burma still persists in their refusal of the yellow robe to this monk....

**Mr. President :** This is a new matter which the Honourable Member is introducing at this stage.

**Mr. Jehangir K. Munshi :** Very well, Sir. I bow to your ruling; but wish that the yellow robe may be restored to this monk who is on hunger-strike before it is too late.

Sir, I do appeal to my friends of the Central Muslim Party sitting on my left to note that the demand of the Burman Buddhist monks is based

[Mr. Jehangir K. Munshi.]

purely on religion. Burmans form a minority community in the Indian Empire. (Turning to the Central Muslim group) Are you going to vote against them? Are you going to tell the Burman Buddhists that you have no respect for their religious sentiments? Are you going to tell the Burmans that because they are a minority community they are going to be trampled upon in this House?

Sir, I appeal to every section of the House to express their support and sympathy for Burmese aspirations by supporting this motion for adjournment of the House. (Applause.)

(The Honourable Sir James Crerar rose to speak.)

**Mr. Jehangir K. Munshi :** On a point of order, Sir, has the Honourable Member any right of reply?

**Mr. President :** Yes, with the permission of the Chair, he can speak a second time.

**The Honourable Sir James Crerar :** Sir, I only want to make two points very briefly because I feel that there has been a great deal of misapprehension in the matter, and I wish to make them in the briefest terms and the smallest possible compass. The first is this that, although the debate has to a large extent turned upon the question of the treatment of persons convicted of offences with political motives, that in point of fact never arose on the demands made. The demand of this prisoner was solely that this concession should be granted to convicted monks and for no other reason. That raises the second point which was made by Mr. Price and which I do not think has been fully appreciated by the House and it is this. Mr. Jayakar appealed for an intelligent application of the jail rules, and with that appeal I myself have every sympathy. But there is a difficulty inherent in any proposal by which you should attempt,—as Mr. Price has pointed out,—to enable any one who has offended against the law to carry out the precepts and the injunctions of an ascetic religious life while he is undergoing imprisonment for an offence against the law. That, Sir, is a real practical difficulty, and it is one which I think no amount of sympathy can possibly surmount.

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

“That the House do now adjourn.”

The Assembly divided :

AYES—47.

Abdul Matin Chaudhury, Maulvi.  
Acharya, Mr. M. K.  
Aney, Mr. M. S.  
Ayyangar, Mr. K. V. Rangaswami.  
Belvi, Mr. D. V.  
Bhargava, Pandit Thakur Das.  
Chaman Lall, Diwan.  
Chunder, Mr. N. C.  
Das, Pandit Nilakantha.  
Dutt, Mr. Amar Nath.  
Farookhi, Mr. Abdul Latif Saheb.  
Haji, Mr. Sarabhai Nemchand.  
Hans Raj, Lala.  
Iyengar, Mr. A. Rangaswami.  
Jayakar, Mr. M. B.

Jogiah, Mr. V. V.  
Kartar Singh, Sardar.  
Kelkar, Mr. N. C.  
Kidwai, Mr. Rafi Ahmad.  
Kunzru, Pandit Hirday Nath.  
Lahiri Chaudhury, Mr. D. K.  
Lulehand Navalrai, Mr.  
Malaviya, Pandit Madan Mohan.  
Mehta, Mr. Jamnadas M.  
Misra, Mr. Dwarka Prasad.  
Mittra, Mr. S. C.  
Mody, Mr. H. P.  
Moonje, Dr. B. S.  
Mukhtar Singh, Mr.  
Munshi, Mr. Jehangir K.

AYES—47—*contd.*

Murtuza Saheb Bahadur, Maulvi Sayyid.	Siddiqi, Mr. Abdul Qadir.
Naidu, Mr. B. P.	Singh, Kumar Ranajaya.
Nehru, Pandit Motilal.	Singh, Mr. Gaya Prasad.
Neogy, Mr. K. C.	Singh, Mr. Narayan Prasad.
Purshotamdas Thakurdas, Sir.	Singh, Mr. Ram Narayan.
Rahimtulla, Mr. Fazal Ibrahim.	Sinha, Kumar Gunganand.
Rang Behari Lal, Lala.	Sinha, Mr. Siddheswar Prasad.
Sarda, Rai Sahib Harbilas.	Yusuf Imam, Mr.
Shervani, Mr. T. A. K.	

## NOES—46.

Abdul Aziz, Khan Bahadur Mian.	Mitter, The Honourable Sir Brojendra.
Abdul Qaiyum, Nawab Sir Sahibzada.	Mohammad Ismail Khan, Haji Chaudhury.
Ayangar, Mr. V. K. Aravamudha.	Mukharji, Rai Bahadur A. K.
Bajpai, Mr. R. S.	Mukherjee, Rai Bahadur S. C.
Bhuto, Mr. W. W. Illahibakhsh.	Noyce, Sir Frank.
Bower, Mr. E. H. M.	Pai, Mr. A. Upendra.
Bray, Sir Denys.	Philip, Mr. J. Y.
Chalmers, Mr. T. A.	Porter, Lieut.-Colonel L. L.
Chatterjee, The Revd. J. C.	Price, Mr. E. L.
Cosgrave, Mr. W. A.	Rainy, The Honourable Sir George.
Covernton, Mr. S. H.	Rau, Mr. P. R.
Crorar, The Honourable Sir James.	Rogers, Mr. P. G.
Ferrers, Mr. V. M.	Roy, Mr. S. N.
French, Mr. J. C.	Sarma, Mr. R. S.
Ghazanfar Ali Khan, Mr.	Schuster, The Honourable Sir George.
Ghuznavi, Mr. A. H.	Shah Nawaz, Mian Mohammad.
Sidney, Lieut.-Colonel H. A. J.	Singh, Rai Bahadur S. N.
Hira Singh, Brar, Sardar Bahadur,	Stevenson, Mr. H. L.
Honorary Captain.	Stewart-Smith, Mr. D. C.
Jawahar Singh, Sardar Bahadur Sardar.	Sykes, Mr. E. F.
Keane, Mr. M.	Tin Tut, Mr.
Lindsay, Sir Darcy.	Tottenham, Mr. G. R. F.
Mitra, The Honourable Sir Bhupendra	Winterbotham, Mr. G. L.
Nath.	Yamin Khan, Mr. Muhammad.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 25th September, 1929.