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THE

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(20th February to 8th March, 1935)



FIRST SESSION

OF THE

FIFTH LEGISLATIVE ASSEMBLY,
1935



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1935.

Legislative Assembly.

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LEGISLATIVE ASSEMBLY.

Thursday, 21st February, 1935.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

QUESTIONS AND ANSWERS.

GRANTS FROM THE ARMY BENEVOLENT FUND.

861. ***Maulvi Muhammad Shafi Daudi:** With reference to the reply to part (f) of the starred question No. 822, answered on the 22nd August, 1934, regarding grants from the Army Benevolent Fund, will Government please state whether they have received the required information by now? If not, when do they expect to get it?

Mr. G. R. F. Tottenham: The Officer Commanding, Mountain Artillery Training Centre, is shortly submitting the application to the Indian Soldiers' Board, who will consider it at the next half-yearly distribution of relief from the Indian Army Benevolent Fund.

Maulvi Muhammad Shafi Daudi: May I know when is the half-yearly distribution taking place?

Mr. G. R. F. Tottenham: I think, Sir, in the month of May.

Maulvi Muhammad Shafi Daudi: Are Government aware that his application has been pending there since August, 1933?

Mr. G. R. F. Tottenham: I very much regret the delay.

Mr. Lalchand Navalrai: Will you permit me to put the questions standing in the name of Sardar Mangal Singh:

Mr. President (The Honourable Sir Abdur Rahim): Any authority?

Mr. Lalchand Navalrai: No, Sir.

Mr. President (The Honourable Sir Abdur Rahim): No, then he cannot put those questions.

RECOMMENDATIONS OF THE WAR PENSIONS COMMITTEE.

362. ***Sardar Mangal Singh:** Will Government please state what steps have so far been taken to give effect to the recommendations of the War Pensions Committee and particularly recommendation No. XX (a), (b), (c)?

Mr. G. R. F. Tottenham: The orders of Government on all the recommendations of the War Pensions Committee, except Nos. XV and XX, were published in August, 1933.

As regards No. XX parts (a) and (b) were not accepted by Government. Part (c) was accepted and orders were issued in April, 1934.

Copies of these orders were made public at the time, but I will see that a copy is put in the Library for the Honourable Member's information.

RESTORATION OF MILITARY PENSIONS OF SIKHS FORFEITED FOR PARTICIPATION IN THE AKALI MOVEMENT.

363. *Sardar Mangal Singh: (a) Will Government be pleased to state the number of Sikhs:

- (i) whose military pensions had been forfeited or withheld on the grounds of the holders' participation in the Akali movement,
- (ii) whose pensions had subsequently been restored, and
- (iii) whose pensions have not been restored so far?

(b) Will Government please state if they are prepared to restore their pensions? If not, why not?

Mr. G. R. F. Tottenham: With your permission, Sir, I propose to answer questions Nos. 362 and 363 together. The information is being collected and will be laid on the table in due course.

PENSIONS OF MILITARY PENSIONERS FORFEITED FOR PARTICIPATION IN THE CONGRESS MOVEMENT.

364. *Sardar Mangal Singh: Will Government please state the number of those military pensioners whose pensions had been forfeited on the grounds of their holders' participation in the Congress movement?

CENTRAL AGENCY TO CO-ORDINATE THE RURAL RECONSTRUCTION ACTIVITIES.

365. *Sardar Mangal Singh: Will Government please state whether they propose to set up a central agency of officials and non-officials to co-ordinate the rural reconstruction activities of various provinces for the assistance and guidance of those interested in the rural uplift work?

Mr. G. S. Bajpai: No. Government do not consider that any such Central agency is necessary at present. But Government will be ready to give assistance to Local Governments, if required, to such extent as may be desirable and feasible.

TURNING OF BONES INTO MANURES AND BONES EXPORTED FROM INDIA.

366. *Sardar Mangal Singh: Will Government be pleased to state:

- (a) the approximate quantity of bones exported from India during the last financial year;

†For answer to this question, see answer to question No 363.

- (b) the approximate quantity of bones turned into manure in Indian factories in various parts of the country during the last financial year; and
- (c) whether they propose to direct the Imperial Council of Agricultural Research Department to announce suitable prizes to agricultural chemists for inventing more suitable methods to turn bones into manure in India for agricultural purposes?

Mr. G. S. Bajpai: (a) Bones 4,263 tons and bonemeal 20,556 tons.

(b) No information is available.

(c) The Imperial Council of Agricultural Research have already taken steps to encourage experimental work on the disintegration of bones, including the offer of two prizes of Rs. 3,500 each.

RAW HIDES AND SKINS EXPORTED FROM INDIA.

367. *Sardar Mangal Singh: Will Government please state:

- (a) the quantities of raw hides and skins exported, year after year, from India during the last three financial years; and
- (b) whether they propose to place more effective restrictions on their export in order to encourage the establishment of tanning and leather industries in India both on small and big scales?

The Honourable Sir Joseph Shore: (a) The Honourable Member is referred to the Annual Statement of the Sea-borne Trade of British India, Volume I, for the year ending the 31st March, 1934, or to the monthly Sea-borne Trade Accounts for March, 1934, copies of which are in the Library of the Legislature.

(b) No, Sir.

RESTRICTIONS ON THE CARRYING OF *KIRPAN* BY SIKHS IN CERTAIN PROVINCES.

368. *Sardar Mangal Singh: (a) Are Government aware that there are different regulations regarding the size of *Kirpan* in different provinces, for instance Sikhs are free to possess or carry *Kirpan* of any size in the Punjab and the Frontier Provinces, while there are restrictions on its size in other provinces such as Bombay, Central Provinces, etc.?

(b) Are Government prepared to remove this anomaly at an early date? If not, why not?

The Honourable Sir Henry Galk: (a) Government are aware that the regulations in force are not uniform in all Provinces.

(b) No, Sir. The Government of India are not prepared to interfere with the discretion vested in the Local Governments in the matter.

TRANSFER OF DR. SATYAPAL FROM DELHI TO THE LAHORE JAIL.

369. *Sardar Mangal Singh: (a) Will Government please state:

- (i) whether Doctor Satyapal, President, Punjab Provincial Congress Committee who is now serving his sentence of imprisonment in the Delhi District Jail, is placed in "A" class; and
- (ii) whether under the rules as an "A" class prisoner, he is entitled to supplement his food and to have fortnightly interviews with his relatives?

(b) If the answer to part (a) (i) and (ii) be in the affirmative, will Government please state if he is not practically deprived of his privileges by being kept so far away from his home?

(c) Are Government aware that Doctor Satyapal is not keeping good health since the time he was admitted into the jail?

(d) In view of the long distance from his home and in view of his ill-health, do Government propose to instruct the local Government to transfer him to the Lahore Jail forthwith?

The Honourable Sir Henry Craik: (a) (i). Yes.

(ii) Yes.

(b) No. He is supplementing his prison diet regularly and has had interviews.

(c) No, he is keeping good health.

(d) The question of his transfer is under consideration.

INDIANS WITH INDIAN MEDICAL QUALIFICATIONS HOLDING TEMPORARY COMMISSIONS IN THE ARMY.

370. *Dr. T. S. S. Rajan: (a) Will Government be pleased to state the number of Indians with Indian medical qualifications, who hold temporary commissions in the Indian Army since 1914?

(b) How many of them have been drafted into permanent service during these twenty years?

(c) Is recruitment for temporary commissions still going on?

Mr. G. R. F. Tottenham: (a) 1,081 with Indian qualifications only, including 868 who were taken on during the War.

(b) 68 with Indian qualifications only.

(c) Yes, when required.

Dr. T. S. S. Rajan: Does this number 1,081 include the temporary men also?

Mr. G. R. F. Tottenham: I think, Sir, there is another question on that point, to which I shall give an answer shortly.

Mr. President (The Honourable Sir Abdur Rahim): Next question, No. 371.

Dr. G. V. Deshmukh: What was the reply to part (c) of the question, please? I did not hear it.

Mr. President (The Honourable Sir Abdur Rahim): Is it a supplementary to question No. 370?

Dr. G. V. Deshmukh: I did not hear the answer to part (c) of question No. 370. May I know the answer to part (c) of question No. 370?

Mr. G. R. F. Tottenham: The answer to part (c) of the question is "Yes, when required".

Dr. G. V. Deshmukh: How many temporary commissioned officers are there at the present time?

Mr. G. R. F. Tottenham: I think about 45.

Dr. T. S. S. Rajan: Was there any recruitment for temporary commissions in the year 1934?

Mr. G. R. F. Tottenham: Recruitment for what?

Dr. T. S. S. Rajan: Was there any recruitment for temporary commissions in 1934?

Mr. G. R. F. Tottenham: I must ask for notice of that question.

Dr. G. V. Deshmukh: Will the Honourable Member kindly tell us why it has fallen from 1,031 to 45?

Mr. G. R. F. Tottenham: Out of that 1,031, 863 were taken on during the Great War. That leaves 168 who were taken on since the War.

Dr. G. V. Deshmukh: Out of these, if 45 are temporary commissioned officers, why were the other 100 discharged?

Mr. G. R. F. Tottenham: Because, Sir, they completed their contracts and were not considered suitable for permanent commissions.

RECRUITMENT OF INDIANS TO THE INDIAN MEDICAL SERVICE.

371. *Dr. T. S. S. Rajan: (a) How many Indians with Indian or English medical qualifications have been recruited for permanent service in the Indian Medical Service since 1932?

(b) Are Englishmen being recruited to the Indian Medical Service in England since 1932, and if so, how many?

(c) If Indians are not recruited, will Government be pleased to state the reasons for non-selection of Indians?

(d) Has the All-India Medical Council anything to do with recruitment or selection of candidates to the Indian Medical Service?

(e) What is the total number of Indians holding Indian qualifications in the Indian Medical Service holding temporary commissions still awaiting to be drafted into the permanent service?

Mr. G. R. F. Tottenham: (a) Thirteen.

(b) Yes, 95.

(c) Does not arise.

(d) No.

(e) Nine—but Government do not know whether all of them desire to be made permanent

Dr. T. S. S. Rajan: Can the Honourable Member tell us why that number 13 is so low as compared with 95?

Mr. G. R. F. Tottenham: The reason is, as the Honourable Member is no doubt aware, there is at present a certain proportion in the I. M. S. of Indians to British officers. The British proportion has been very much below strength. That is the reason why British recruitment during the last few years has been considerably in excess of Indian recruitment.

Dr. T. S. S. Rajan: May I know the ratio between the Indian and British recruitment?

Mr. G. R. F. Tottenham: The present ratio is two British to one Indian.

Dr. T. S. S. Rajan: Is that the reason why Indian recruitment has been stopped?

Mr. G. R. F. Tottenham: Will the Honourable Member please repeat his question?

Dr. T. S. S. Rajan: Is it because the British proportion is very much below strength that Europeans are recruited in such large numbers rather than Indians?

Mr. G. R. F. Tottenham: I don't quite catch the point, Sir.

Dr. T. S. S. Rajan: I want to know whether the ratio was so seriously disturbed that a larger number of Englishmen had to be recruited for the I. M. S.?

Mr. G. R. F. Tottenham: Yes, Sir; at one time the proportion of British officers was less than two-thirds, that is perfectly true. British recruitment was not very fruitful.

Dr. G. V. Deshmukh: Does the Honourable Member seriously mean to tell us that those who hold temporary commissions do not like to be made permanent?

Mr. G. R. F. Tottenham: I think most of them join temporarily with the hope of being taken on permanently, but there may be a certain number of them who join temporarily with the hope of getting some experience and then going into private practice

Dr. G. V. Deshmukh: Can the Honourable Member tell us why these men who take up temporary commissions do not want to get into permanent service? Is there any distinction made in regard to these temporary men?

Mr. G. R. F. Tottenham: No, Sir; it is not that. As I tried to explain, there is room in the I.M.S. permanent cadre for a certain limited number at present of Indians. We cannot recruit beyond that proportion. Since the War, owing to the fact that British recruitment has been considerably below requirements, we have taken on a number of Indian temporary commissioned officers to take the place of British officers. That is the reason why we have had to go in for this method of temporary recruitment, and that is the reason why we have, during the last few years, been taking on more British officers to fill up the required percentage of two to one.

Dr. G. V. Deshmukh: Is it a fact that these temporary commissioned officers are found quite fit till they attain the rank of captaincy, but as soon as there is a prospect of their reaching the rank of a Major, these temporary people are either discharged or are found unwilling to take up permanent commissions? Is that a fact?

Mr. G. R. F. Tottenham: No, Sir; that is not the reason. It is true that temporary commissioned officers, so far as their medical qualifications are concerned, may be perfectly suitable for the work they have to perform as junior officers, but the requirements of a permanent Officer in the I.M.S. are somewhat different. That is to say, they have to look forward to commanding large numbers of men, big hospitals and so on, and they do require, therefore, a certain amount of administrative aptitude in addition to purely technical medical qualifications.

Dr. G. V. Deshmukh: Does the Honourable Member suggest that they can go on for ten years till they reach the rank of a Captain, but just before six months of their attaining a Major's rank, their efficiency disappears and a different type of officer is found necessary?

Mr. G. R. F. Tottenham: They are not allowed to go on for ten years. They only go on for five years.

Dr. G. V. Deshmukh: Well, at the end of five years, does their efficiency disappear?

Lieut.-Colonel Sir Henry Gidney: Is it not a fact that in former years, this extension of temporary service went up to ten years, and the period of five years has been introduced only recently?

Mr. G. R. F. Tottenham: Extension?

Lieut.-Colonel Sir Henry Gidney: I mean the maximum service of temporary I.M.S. officers is today up to five years, and this has only recently been introduced; but formerly they were allowed to serve up to ten years?

Mr. G. R. F. Tottenham: Until about five years ago, they were allowed to go on for nine years, but I think in the time of my predecessor, Mr. Mackworth Young, it was agreed that that period was too long, as it was unfair to take people on for nine years, and, then, at the end of that period, to discharge them, and, therefore, we agreed they should be taken for five years only.

Dr. T. S. S. Rajan: Are there not today men with more than five years service in the temporary cadre?

Mr. G. R. F. Tottenham: I am not aware of it, Sir.

Dr. T. S. S. Rajan: Does the ratio of two to one include temporary officers also.

Mr. G. R. F. Tottenham: Sir, as I said before, there is another question about that on the paper, and I shall answer it when I come to it.

Dr. T. S. S. Rajan: What is the reason for determining that ratio?

Mr. President (The Honourable Sir Abdur Rahim): Next question, please. The Chair has allowed the Honourable Member one more question. Next question, please.

INDIAN MEDICAL SERVICE SELECTION BOARD.

372. *Dr. T. S. S. Rajan: (a) Has the Indian Medical Service Selection Board met in India since 1931? If not, why not?

(b) How many temporary officers are there who are not yet provided for in the permanent cadre, though found suitable by the Selection Board?

(c) Will those found unsuitable by the Selection Board be discharged from service? If not why not?

Mr. G. R. F. Tottenham: (a) No, Sir, because the Indian cadre of the Service is complete.

(b) Seven.

(c) Yes, on the termination of their present agreements.

Dr. G. V. Deshmukh: Why is not the competitive examination for the Indian Medical Service restored?

Mr. G. R. F. Tottenham: There is another question on the paper on this subject which I shall answer in a few minutes.

Dr. T. S. S. Rajan: Is the proportion of two to one a statutory regulation in the I.M.S., or is it an arbitrary arrangement?

Mr. G. R. F. Tottenham: No, it is not statutory. It has hitherto been based on requirements. I may explain, however, that the proportion of two to one is by no means sacrosanct and that we are at present engaged in reconsidering the whole matter. It is a very complicated matter and

we are now engaged in considering it with reference to the new constitution, and I think it is quite possible that that proportion may be altered in the near future.

Mr. S. Satyamurti: What are these "actual requirements"?

Mr. G. R. F. Tottenham: The actual requirements are the number of officers required for attendance on British troops and British officers and on British members of the civil services in the provinces.

Mr. S. Satyamurti: Do Government accept the contention that British troops and British officers should be attended upon only by British medical officers? Do the Government know that many Britishers today prefer Indian doctors to British doctors?

Mr. G. R. F. Tottenham: Yes, they are aware that many individuals prefer Indian doctors, if they are better doctors; but the present policy is that British doctors should be provided in certain minimum numbers for British personnel of the services.

Mr. S. Satyamurti: May I know what are the grounds for that policy?

Mr. G. R. F. Tottenham: I do not think I can enter into a discussion of that matter now, but it is the accepted policy of the Government and we cannot alter that policy in answer to a supplementary question.

Mr. S. Satyamurti: I am only asking the reasons for that policy. I am asking whether those reasons are racial or medical.

Mr. President (The Honourable Sir Abdur Rahim): It is a matter for argument merely, and not one for information. Next question.

CONFIRMATION OF TEMPORARY MEN IN THE INDIAN MEDICAL SERVICE.

373. *Dr. T. S. S. Rajan: (a) Is it a fact that when the question of giving permanent commissions arises, the temporary men are asked to appear along with fresh men qualified in England before a Selection Board of five members, of whom only one is a military medical officer, with a layman as the President of the Board?

(b) Is it a fact that medical men with temporary service after years of good service are discharged without any pension or gratuity from the Army?

(c) In the progress report of Indianisation of the Indian Medical Service, is the number of temporary service men included or is it shown separately?

(d) Will Government please state the reason as to why the Selection Board has not met since 1931 when there are still a number of temporary officers waiting to be drafted into permanent service?

(e) Is there any likelihood of the temporary men being drafted into service before any call for further recruitment is made either in India or in England?

Mr. G. R. F. Tottenham: (a) Yes—Except that the Honourable Member has been misinformed regarding the composition of the Board. The Board consists of the Director-General, Indian Medical Service, as President, the Director of Medical Services in India, a retired Indian Colonel of the Indian Medical Service and one Indian member of the Public Service Commission as members.

(b) Temporary Commissions are given for a period not exceeding five years and on the condition that no pension or gratuity will be granted at the end of that period.

(c) There is no progress report of the kind referred to, but if the Honourable Member means—Do Temporary Commissioned officers count against the approved ratio of Indians in the Indian Medical Service, the answer is in the negative.

(d) Because the Indian cadre of the Indian Medical Service is complete.

(e) Yes, if vacancies occur.

Dr. G. V. Deshmukh: Could the Honourable Member tell us on what principle or rule the Selection Board makes the selection?

Mr. G. R. F. Tottenham: The only principle is to select the best men.

Dr. G. V. Deshmukh: Is there any reason why they have not met for the last five years?

Mr. G. R. F. Tottenham: The reason why they have not met for the last four years is that there have been no vacancies.

Dr. T. S. S. Rajan: Are there medical practitioners other than Government servants on the Selection Board?

Mr. G. R. F. Tottenham: If my Honourable friend had listened to my answer, he would have realised that all of them are, or were, Government servants. One of them was a retired officer.

Lieut.-Colonel Sir Henry Gidney: With reference to the Honourable Member's reply to part (b) of the question, is it or is it not a fact that I.M.S. officers as also R.A.M.C. officers who are now engaged in the service can retire after five years' service with gratuity?

Mr. G. R. F. Tottenham: After seven years, I believe.

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member be good enough to consider the application of a similar gratuity to the temporary I.M.S. officers recruited in India after seven years' service?

Mr. G. R. F. Tottenham: Personally I should be delighted to consider such a rule, but I think the Honourable Member would find it very difficult to convince the Department over which the Honourable the Finance Member presides, that such a course is necessary.

Lieut.-Colonel Sir Henry Gidney: Would not the same argument apply in the case of British officers recruited in England?

Mr. G. R. F. Tottenham: The point is that there has been considerable difficulty in recruiting the number that we require in England, whereas there is no difficulty in securing the number we require on the present terms in India.

Dr. T. S. S. Rajan: Is there not a gratuity given to all English recruits at the end of five years?

Mr. G. R. F. Tottenham: What I said was that in the regular I.M.S. all officers, British and Indian, have the option of retiring on a gratuity after seven years. I may add that very few officers have exercised that option.

Dr. G. V. Deshmukh: If there is so much difficulty about recruiting these officers for the junior posts, why should Government be so anxious to get European officers and why should they not utilise the services of the Indian officers of the I.M.S.?

Mr. G. R. F. Tottenham: I have attempted to explain that that is the accepted policy that we are bound by—that we have to make up our I.M.S. in certain proportions at the present moment.

Mr. Lalchand Navalrai: May I know when that policy will change?
(No answer.)

Mr. President (The Honourable Sir Abdur Rahim): **Next question.**

COMPETITIVE EXAMINATION FOR INDIAN MEDICAL SERVICE.

374. *Dr. T. S. S. Rajan: (a) Are competitive examinations for Indian Medical Service being held?

(b) When were the examinations stopped and can Government state when they are likely to be restored? If they are not to be restored, what are the reasons for the same?

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

(b) The last competitive examination was held in 1915. Government do not propose to change the existing system of recruitment, through a Selection Board which in their opinion provides a more satisfactory method of obtaining recruits than an academic examination.

Dr. T. S. S. Rajan: Do Government think that academic qualifications have no standard and have no merit and that they do not count in the selection of candidates?

Mr. G. R. F. Tottenham: No. The point is that all doctors, as the Honourable Member must be aware, have to pass a very large number of examinations before they get their degrees. The Selection Board, when they select men, can look at the records of the various candidates and see what positions they took in the various examinations at the Universities, and it is unnecessary to impose, on top of those examinations, a further technical examination for the purpose of selection.

Dr. T. S. S. Rajan: But are they not having competitive examinations for selection of candidates for all other branches of the public service?

Mr. President (The Honourable Sir Abdur Rahim): But that has nothing to do with the present question.

Lieut.-Colonel Sir Henry Gidney: In view of the Honourable Member's admission that there is a paucity of recruits in England, is it or is it not a fact that those I.M.S. officers who are today recruited from England are of a poorer professional standard than those recruited in India? (Hear, hear from Opposition Benches.)

Mr. G. R. F. Tottenham: The Honourable Member has asked me to express an opinion, but I do not propose to do so.

Mr. S. Satyamurti: Do they, as a matter of fact, possess lesser academic qualifications?

Mr. President (The Honourable Sir Abdur Rahim): The Chair thinks it may be considered as asking for opinion and not for information.

Mr. M. Ananthasayanam Ayyangar: What is the minimum experience of these officers before they are recruited in England?

Mr. President (The Honourable Sir Abdur Rahim): Order, order. Next question.

INDIANS RECRUITED TO THE INDIAN MEDICAL SERVICE.

375. *Dr. T. S. S. Rajan: (a) Are Indian medical degrees a bar to securing commissions in the Indian Medical Service, and if not, why has recruitment stopped?

(b) Will Government please state how many Indians with Indian qualifications have been recruited to the Indian Medical Service during the last four years, and how many with English or foreign qualifications?

Mr. G. R. F. Tottenham: (a) Indian medical degrees are not a bar to securing commissions in the Indian Medical Service. As already explained, the reason why no Indian recruitment has taken place recently is that the Indian cadre of the Indian Medical Service is complete.

(b) Five with Indian qualifications only, and 22 with English or foreign qualifications, most of whom hold Indian qualifications as well.

Dr. T. S. S. Rajan: Are Government of opinion that with their requirements they could provide only for five qualified Indian medical graduates?

Mr. G. R. F. Tottenham: No. What I said was that since 1931 there have been 27 Indians recruited. Of these 27, five have possessed Indian qualifications alone and the remaining 22 have possessed Indian qualifications *plus* British qualifications.

Dr. T. S. S. Rajan: Will the Honourable Member kindly give me the number of British recruits in these years?

Mr. G. B. F. Tottenham: I gave that in answer to a question about a quarter of an hour ago.

LETTER OF MAULVI MUHAMMAD SHAFI DAUDI ABOUT THE MUALLIMS BILL.

376. *Mr. M. A. Baqui: (a) Will Government be pleased to state whether they, in the Department of Education, Health and Lands, received a letter from Maulvi Muhammad Shafi Daudi, M.L.A., and his friends addressed to the Honourable Member in charge of the Department, in the month of August, 1934, in connection with the *Muallims* Bill?

(b) Will Government be pleased to state whether the letter was a confidential one?

(c) If the reply to part (a) above be in the affirmative, will Government be pleased to lay a copy of the letter on the table of this House?

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

(b) No.

(c) A copy is placed on the table.

Assembly Chamber,
Simla,
9th August, 1934.

Dear Sir Fazli Husain,

We, the undersigned, wish that the Hedjaz Pilgrim Guides Bill be not proceeded with in the present Simla Session of the Assembly, but be taken up during the next Session of the new Assembly.

Yours sincerely,

(Sd.) Mohd. Shafee Daoodi.

„ S. Murtuza.

„ Badiuzzaman.

„ Mohd. Azhar Ali.

„ Mohd. Ibrahim Ali Khan.

„ K. Uppi.

„ Mohanmad Yakub.

„ Zia Uddin Ahmad.

„ K. Ahmad.

„ Chowdhry Md. Ismail Khan.

„ A. Suhrawardy.

„ Haji Abdoola Haroon.

„ Mohd. Yamin Khan.

„ A. H. Ghuznavi.

„ Ismail Ali Khan.

„ H. M. Wilayatullah.

„ Illegible.

**DEFECTS IN CERTAIN QUARTERS ALLOTTED TO THE MEMBERS OF THE
LEGISLATIVE ASSEMBLY.**

377. *Mr. Ram Narayan Singh: (a) Are Government aware of the fact that many of the quarters allotted to several Assembly Members for their residences are so constructed and that they become so very damp as to become utterly unfit for living during cloudy weather and rains?

(b) Are Government aware that these quarters are harmful to the health of the occupants and if so, are they going to take immediate steps for the removal of the defects, and if so, what and when?

(c) Are Government prepared to give the option of leaving the quarters to those Members who think it dangerous to live in such quarters and who have not been given any other suitable quarter in place of these?

The Honourable Sir Frank Noyce: (a) A certain amount of "sweating" on the floors of newly built houses is always experienced in climates like that of Delhi.

(b) There is no reason to suppose that the temporary dampness is detrimental to the health of occupants of the quarters.

(c) Some quarters on Queensway and Ferozshah Road are available and there is no objection to the Honourable Member and his friends exchanging their present quarters for them if they so desire. But I trust that with drier weather the inconvenience of which he complains will completely disappear.

Mr. Ram Narayan Singh: Why should not the Government inform Members already about the existing defects?

The Honourable Sir Frank Noyce: I should have thought that the Honourable Member would know that there is always a certain amount of dampness in new quarters. That dampness has been experienced by the occupants of Government quarters generally throughout Delhi. It is not confined to Members of this House. I made inquiries on the point, and I gather that all that is necessary is to rub the damp floor with a damp cloth and the dampness will disappear. That is a very simple remedy.

Dr. Khan Sahib: May I ask the Honourable Member if these quarters are ever examined by a doctor, and whether, at the time of cleaning all those quarters, there was any opinion taken of a doctor or engineer, because I think the whole place is insanitary and unfit for people to live in.

The Honourable Sir Frank Noyce: This is the first time that I have heard of the unsatisfactory character of these quarters. They have been carefully constructed and I find it difficult to believe that the conditions are such as the Honourable Member pictures them. If Honourable Members will inform me definitely what the sanitary defects are, I shall be very happy to do my best to have them rectified. I think it is a matter for regret that a month has been allowed to elapse before these defects are brought to my notice. If they had been brought to my notice earlier, I should have been glad to have enquiries made.

Mr. Lalchand Navarai: Is the Honourable Member ready to charge lower rent?

The Honourable Sir Frank Noyce: Not for the quarters that have been occupied. My contention is that if Honourable Members have been occupying these quarters for a month without any complaint of defects, then there cannot be anything very much wrong with them.

Mr. Lalchand Navarai: It has been suggested to the Honourable Member that there is something wrong with these quarters. Then, why not reduce the rent? Is the Honourable Member prepared to reduce the rent?

The Honourable Sir Frank Noyce: These defects have not been brought to my notice earlier, and, as I have already stated, if Honourable Members are dissatisfied with their quarters, there are some old quarters with which they can exchange them, if they so desire.

Dr. Khan Sahib: May I ask if the Honourable Member will be kind enough to suggest to the Government to appoint a committee on which one engineer and one doctor should sit, in order to go into the whole question and make a report?

The Honourable Sir Frank Noyce: I think, Sir, if I may say so, that this is a matter for the House Committee and I would suggest that it might be examined by the House Committee and the House Committee might communicate further with my Department on the subject.

Mr. Lalchand Navarai: May I know from the Honourable Member whether the House Committee in charge of these matters is in existence?

Mr. President (The Honourable Sir Abdur Rahim): The Chair thinks the House Committee will soon be appointed.

TRAFFIC SURVEY OF THE PROJECT FROM SHAHDADKOT TO BAGTAIL IN SIND.

378. ***Mr. Lalchand Navarai:** (a) Will Government be pleased to state whether it is a fact that the Railway Board have sanctioned a traffic survey of some projects being carried out by the agency of the North Western Railway Administration as per notification of the Government of India, Railway Department (Railway Board), No. 463-W., dated Simla, the 28th August, 1984?

(b) Is it a fact that Shahdadkot to Bagtail in Sind is included in the list?

(c) Are Government aware that the line as originally proposed via Kubosaidkhan is being attempted to be changed?

(d) Are Government aware that Kubosaidkhan is the only important place in the tract having a post office, Government bungalows, etc.?

(e) Has the increasing importance of Kubosaidkhan due to the Barage irrigation and ordinary Jhul traffic and yearly Lakha fair been brought to the notice of Government?

(f) Have any representations been made to Government to take the line *via* Kubosaidkhan by the public and the Government officials, of the Irrigation Department, *c.g.*, Chief Engineer in Sind and the Executive Engineer, Khirtar Division?

(g) Do Government propose to recommend to the Railway Board the necessity of this change, if it be under contemplation? If not, why not?

Mr. P. R. Rau: (a) and (b). Yes.

(c), (f) and (g). The suggestion that the line should pass *via* Kubosaidkhan appears to have been once made by one of the local officers, but was, I understand, not supported by the Chief Engineer in Sind.

(d) It is understood that Kubosaidkhan is the headquarters only of a Sub-Divisional Officer of Irrigation.

(e) Government understand that the area is likely to develop with the increase of cultivation from the barrage irrigation, but have no information that there has been any recent increase in the importance of this place. The Lakha fair takes place about 20 miles from it.

Mr. Lalchand Navalrai: May I remind the Honourable Member that in the case of the Jhudo-Pithero Railway, a diversion was attempted, and there were so many complaints thereafter. In view of that, will the Honourable Member be prepared to appoint some inquiry committee to go into this question?

Mr. P. R. Rau: I am prepared to ask the North Western Railway to examine the suggestion that the line should pass through Kubosaidkhan.

ALLEGED BOMBAY GOVERNMENT CIRCULAR ASKING GOVERNMENT SERVANTS NOT TO ATTEND ANY PUBLIC FUNCTION WHERE *VANDE MATARAM* IS SUNG.

379. ***Mr. N. V. Gadgil:** (a) Is it a fact that the Government of Bombay have issued a circular to all their officers asking them not to attend any public function where *Vande Mataram*, the National anthem, is usually sung?

(b) If so, will Government please state whether this was done after consulting the Government of India?

(c) If the answer to part (b) be in the negative, do Government propose to do anything in the matter?

The Honourable Sir Henry Craik: (a) A confidential circular on the subject was issued by the Bombay Government.

(b) No.

(c) I understand that a statement on the subject is to be made in the Bombay Legislative Council today or tomorrow. I suggest that the Honourable Member should wait till that statement is available.

Mr. S. Satyamurti: Does the Honourable Member know that a statement was made in the Bombay Council yesterday or the day before and it has appeared in this morning's papers?

The Honourable Sir Henry Craik: I knew it was about to be made.

Mr. S. Satyamurti: May I know if the Government of India consider that their officers should not stand up when "Vande Mataram" is sung?

The Honourable Sir Henry Craik: The Government of India have not considered the subject at all, so far as I am aware.

Pandit Govind Ballabh Pant: Have the Government of India any objection to ask their officers to stand up when "Vande Mataram" is sung?

(No answer.)

NON-RECRUITMENT OF MILITARY ASSISTANT SURGEONS FROM BENGAL AND ASSAM.

380. ***Srijut N. C. Bardaloi:** (a) Is it a fact that Military Sub-Assistant Surgeons are recruited from all Provinces except from the Province of Assam?

(b) Is it a fact that Military Assistant Surgeons are recruited mainly from among the Europeans and Anglo-Indians?

(c) If so, why are not Military Assistant Surgeons recruited from Bengal and Assam?

Mr. G. R. F. Tottenham: (a) No. Sub-Assistant Surgeons of the Indian Medical Department are recruited in the open market which includes Assam.

(b) Yes.

(c) There is no restriction against candidates from Bengal and Assam.

Dr. G. V. Deshmukh: What registerable qualifications do these Military Assistant Surgeons possess? Have they any registerable qualifications at all.

Mr. G. R. F. Tottenham: If the Honourable Member will wait till the next question is answered, he will hear.

MEDICAL QUALIFICATIONS OF INDIAN MEDICAL DEPARTMENT ASSISTANT SURGEONS.

381. ***Srijut N. C. Bardaloi:** (a) Is it a fact that the Indian Medical Department Assistant Surgeons are less educated and possess lower medical qualifications than the medical graduates of different Indian Medical Colleges?

(b) Is it a fact that such Indian Medical Department men are appointed as Civil Surgeons and Directors of Research Institutions in Assam?

Mr. G. R. F. Tottenham: (a) Assistant Surgeons of the Indian Medical Department are educated at the Medical Colleges at Calcutta and Madras. It is impossible to classify these Assistant Surgeons as a group from the point of view of medical education. Many of them have only passed the

qualifying examination of the Board of Examiners which is not considered to be of such a high standard as the University degree, but there are also many of them with Indian and British degrees. In the future, moreover, it will be compulsory for them to pass the M.B. examination.

(b) Indian Medical Department officers have been appointed to Civil Surgeoncies, but, so far as I know, only one Indian Medical Department man has been Director of a Research Institute in Assam and that was only for a short period in 1934.

Srijut N. C. Bardaloi: Have these Military Assistant Surgeons in Assam really passed any qualifying examination after they have passed the I. M. D. examination? Is there any fresh examination?

Mr. G. R. F. Tottenham: I could not say without notice what further examinations they have passed.

Srijut N. C. Bardaloi: How many are working as Civil Surgeons now?

Mr. G. R. F. Tottenham: I could not say without notice.

Dr. G. V. Deshmukh: How many of these men possess registerable qualifications? Have any of them got registerable qualifications?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has answered that.

Mr. Lalchand Navalrai: In view of the fact, Sir, that there are several Civil Surgeons available, are Government prepared to see that Military Assistant Surgeons are not in future sent to the Civil Department?

Mr. G. R. F. Tottenham: I do not think that arises, Sir.

Dr. G. V. Deshmukh: Do I understand the Honourable Member to say that in future all these Assistant Surgeons will be obliged to pass a qualifying examination which will enable them to get into the Medical Register?

Mr. G. R. F. Tottenham: I said, Sir, that in future it will be compulsory for them to pass the M.B. examination.

RECOMMENDATION OF THE ROYAL COMMISSION FOR THE APPOINTMENT OF WELFARE OFFICERS FOR INDUSTRIAL CONCERNS IN ASSAM.

382. ***Srijut N. C. Bardaloi:** Is it a fact that a Royal Commission has recommended the compulsory appointment of welfare officers for industrial concerns in Assam?

The Honourable Sir Frank Noyce: Not so far as I am aware. The Whitley Commission recommended the appointment in large factories of labour officers who would have duties in respect of welfare; but there was no suggestion of compulsion in the matter.

Prof. N. G. Ranga: What action has been taken on that recommendation made by the Whitley Commission that labour officers should be appointed to carry on welfare work?

The Honourable Sir Frank Noyce: Sir, if my Honourable friend had listened to my reply, I do not think he would have put his question. I said there was no suggestion of compulsion in this matter; it is not for Government to take action, but for employers to adopt the suggestion.

Prof. N. G. Ranga: Are there any welfare officers there in Assam?

The Honourable Sir Frank Noyce: That is a question of which I require notice.

GRANT OF SCHOLARSHIPS TO THE PEOPLE OF ASSAM FROM THE ROCKEFELLER SCHOLARSHIP FOUNDATION.

383. *Srijut N. C. Bardaloi: (a) Will Government please state how many graduates (Medical) have received scholarships from the Rockefeller Scholarship Foundation till now?

(b) Will Government please state if any qualified graduate from the province of Assam has received the scholarship till now? If none, do Government propose to move the authorities concerned to give chances to the people of Assam also?

Mr. G. S. Bajpai: (a) 23 in India, according to the information in my possession. This information is, however, not complete, as the award is generally communicated direct to the authority under whom the selected candidate may be serving.

(b) I have no definite information. If the Honourable Member wishes, it will be obtained from the Government of Assam. The Government of India have no control over the allotment of Fellowships which rests with the authorities of the Foundation.

Dr. G. V. Deshmukh: May I know if all the twenty-three to whom these scholarships have been given are Indians?

Mr. G. S. Bajpai: Yes, Sir, all the twenty-three are Indians.

Srijut N. C. Bardaloi: Will Government recommend to the authorities concerned to consider the case of Assamese medical men also?

Mr. G. S. Bajpai: As I have explained, Sir, the selection is made by the representative of the Foundation in India on the basis of the qualifications of the candidate concerned. I have no doubt that if an applicant from Assam possesses the requisite qualifications, he will get one of the Fellowships.

Srijut N. C. Bardaloi: What are the qualifications, may I know?

Mr. G. S. Bajpai: Well, I gather that in the past they have been guided not merely by academic qualifications, but (a) by the possession of practical public health experience, and (b) the possibility of employment in a responsible capacity after they have acquired foreign qualifications.

Srijut N. C. Bardaloi: Are there no such men in the Assam cadre?

Mr. G. S. Bajpai: I am afraid I am not sufficiently familiar with the careers of individual medical men in Assam to be able to reply to that question.

ASSAM RIFLES.

384. ***Srijut N. C. Bardaloi:** (a) Are the Assam Rifles a military corps for guarding the North Eastern frontier?

(b) Is that an Imperial concern?

(c) Was this corps ever employed in quelling any internal disturbances in Assam?

(d) Will Government please state whether the cost of maintaining this corps has now been taken up by the Imperial Government?

(e) What was the total amount of money Assam contributed for the maintenance of this corps since its creation?

(f) Has the cost of administration of the Hill Districts been made an Imperial concern now?

(g) What amount of money had been spent on the administration of the Hill Districts since 1910?

The Honourable Sir Henry Craik: (a) The Assam Rifles are a civil force of armed police whose duties are primarily the guarding of the North-East Frontier and the preservation of peace in the Hill Districts, and partly the maintenance of order in the Province generally.

(b) The guarding of the North-East Frontier is the concern of the Central Government.

(c) Yes, on occasion.

(d) The present arrangement is that pending the financial settlement to be made when the new Constitution comes into being, the Government of India meet four-fifths of the total cost of the force (subject to a maximum of 16 lakhs), it being estimated that a proportion of roughly four-fifths of the force is engaged on duties in connection with frontier defence.

(e) Information is available only for the period of five years from 1926-27 to 1930-31. The total expenditure incurred by the Assam Government over that period, after deducting the Government of India's contribution, was Rs. 14,72,000.

(f) There are Hill Districts in Assam, namely, the Garo Hills, the Khasi and Jaintia Hills and the Nanga Hills, the cost of the administration of which is a provincial concern. There are, however, some frontier tracts in Assam such as the Balipara and Sadiya frontier tracts, the cost of the administration of which is borne by Central Revenues.

(g) Separate figures for Assam are not available.

STATE OF HEALTH, ETC., OF CERTAIN STATE PRISONERS CONFINED IN THE ARTHUR ROAD PRISON, BOMBAY.

385. ***Mr. Basanta Kumar Das:** (a) Is it a fact that the State Prisoners Messrs. Monoranjan Gupta, Arun Chandra Guha, Bhupendra Kumar Dutt and Satya Bhushan Gupta, all confined at the Arthur Road Prison, Bombay,

have not been corresponding with their relations since October, 1934? If so, will Government be pleased to state the reason why?

(b) When were they removed to that prison?

(c) What is the present state of their health?

(d) Has there been put any restriction on them not to communicate with their relations? If so, for what reason and for what period?

The Honourable Sir Henry Craik: (a), (b) and (d). The State Prisoners were transferred to the Arthur Road Prison in Bombay in July, 1934. The privilege of writing letters was withdrawn from them for the period from the 12th October to 19th December, 1934, on account of their deliberate disobedience of jail rules and of conduct subversive of jail discipline. They have, however, not written any letters since the restriction was withdrawn.

(c) The State Prisoners are keeping good health and two of them have gained in weight.

ILLNESS OF MR. RASIKLAL DAS, A STATE PRISONER IN THE PESHAWAR JAIL.

386. ***Mr. Basanta Kumar Das:** (a) Is it a fact that State Prisoner Mr. Rasiklal Das has been in confinement in the Peshawar Jail for about three years?

(b) Is it a fact that he is getting slight temperature in the afternoon every day for the last twelve months?

(c) Are Government aware that in spite of regular medicine and injections the fever is still continuing?

(d) Is he suffering from tuberculosis?

(e) Is it a fact that the Superintendent of the Jail has recommended his transfer to some other jail in the interest of his health?

(f) Do Government propose to transfer him to some other jail or make any other arrangement for his better treatment?

(g) Is it a fact that Mr. Rasiklal Das had only his old mother and an aunt dependent on him?

(h) Is it a fact that all petitions of the said detenu for grant of an allowance for these two old ladies were disallowed? If so, why?

(i) Are Government aware that his old aunt died on the 8th December, 1934, after being bed-ridden for two months without proper treatment and diet?

(j) Is it a fact that in spite of repeated telegrams to Government for permission, the said prisoner was not permitted to see his aunt, nor any replies were sent to those telegraphic prayers?

(k) Are Government aware that his mother has nobody else to maintain her in her old age?

(l) Do Government propose to make an enquiry and grant maintenance allowance for this lady?

The Honourable Sir Henry Craik: (a) Yes.

(b) to (d). He has been having slight fever during the last five months but no tuberculosis has been detected. He has otherwise kept generally good health. The report on his health for January, 1985, shows that his weight has increased by two lbs.

(e) and (f). His transfer to a climate less subject to extremes has been suggested as likely to be more suitable for him and this suggestion will be considered in the light of the periodical reports received on his health during the present cold weather.

(g), (h), (k) and (l). I would refer the Honourable Member to the reply given on the 21st September, 1982, by my predecessor, to question No. 525 on the same subject.

(i) No.

(j) No. No request for permission to see his aunt was made by the State Prisoner. One telegram was received by the Bengal Government from the State Prisoner's nephew on the subject to which a reply was sent refusing the request.

Prof. N. G. Ranga: What is the objection to Government transferring him to some other jail?

The Honourable Sir Henry Craik: I have said that his transfer to any other jail will be considered in the light of the reports received on his health during the present cold weather.

Mr. Basanta Kumar Das: The fever is on account of what? Why is he getting this fever?

The Honourable Sir Henry Craik: I cannot hear.

Dr. G. V. Deshmukh: What is the fever due to? Has the disease been diagnosed so as to find out why he is having this temperature?

The Honourable Sir Henry Craik: The only suggestion made in a recent report is that he has low fever and is believed to have the likelihood of an infection by B. coli.

An Honourable Member: What is that?

Prof. N. G. Ranga: What are the considerations that are taken into account in making grants for the dependents of the State Prisoners?

The Honourable Sir Henry Craik: No allowance is made unless the prisoner has relatives who are actually dependent on him. In this case, that condition is not fulfilled.

Mr. S. Satyamurti: Is the mother paid any allowance at all?

The Honourable Sir Henry Craik: I must refer my Honourable friend to the answer given by Sir Harry Haig in reply to a question No. 525. That answer makes it clear that Government do not consider that the grant of a family allowance is justified, since the prisoner's relatives were not dependent on him for support.

Mr. S. Satyamurti: Has the mother anybody else on whom to depend for support?

The Honourable Sir Henry Craik: Yes.

Mr. S. Satyamurti: Who are they?

(At this stage Munshi Iswar Saran also got up.)

Mr. S. Satyamurti: I should like first to have a reply to the question I have put. Who are the people on whom the mother, according to the information of the Government, can depend for her maintenance?

The Honourable Sir Henry Craik: These ladies have separate sources of income derived from land.

Lieut.-Colonel Sir Henry Gidney: Are Government prepared to assure this House that it will give the same meticulous attention to the temperature charts of all other prisoners?

Mr. Lalchand Navarai: Including the Anglo-Indians?

Lieut.-Colonel Sir Henry Gidney: Yes, and Sindhis too.

Munshi Iswar Saran: In view of the fact that the prisoners gain in weight there, will the Government of India consider the advisability of sending the Honourable the Home Member there for a change?

Mr. President (The Honourable Sir Abdur Rahim): Order, order. Next question.

STATE PRISONERS DETAINED UNDER REGULATION III OF 1818.

387. ***Mr. Basanta Kumar Das:** Will Government be pleased to state the names of the State Prisoners now detained under Regulation III of 1818, with the dates of their arrest and the amount of allowance granted to each of them?

The Honourable Sir Henry Craik: I invite attention to my reply to Mr. Mohan Lal Saksena's question No. 86 on the 6th February, 1935, and to the list therein referred to which was laid on the table in August last and showed the allowance sanctioned.

EFFECT OF LLOYD BARRAGE OPERATIONS ON THE RIVER INDUS IN SIND.

388. ***Mr. Lalchand Navarai:** (a) Has the attention of Government been drawn to the Associated Press information regarding the effect of Lloyd Barrage operations on the river Indus in Sind and the annual loss of 80,000 rupees from the sale of 'Palla fish' owing to migration of fishes from the river?

(b) Are the facts stated in part (a) above correct?

(c) Is it a fact that the Government of India have lent a huge amount of money for the Barrage and that a large subvention would be given by the Government of India for separation of Sind? If so, will Government be pleased to make a full statement whether the Barrage has been or would be a successful and a profitable concern? If so, within how many years and how, in the face of such losses as indicated in the aforesaid part (a)?

The Honourable Sir James Grigg: (a) No.

(b) Government have no information.

(c) The latest detailed forecast of the return which should be received on the capital expenditure in connection with the Sukkur Barrage Project is given in Appendices D and E to the report of the Sind Conference of 1932, of which my Honourable friend was a member. So far as the Government of India are aware, there is no sufficient reason for anticipating a material reduction in the figures of receipts given in that forecast.

Mr. Lalchand Navarai: May I ask the Honourable Member, Sir, if he saw the cutting of the Associated Press that I sent along with this question which was to the effect that there is a deficit of Rs. 90,000 owing to the migration of these Palla fish which are very delicious?

The Honourable Sir James Grigg: I am very sorry that I did not see that Press report, because I did not receive it.

An Honourable Member: It went away with the fish!

APPREHENDED INCREASE IN THE RENTS OF REFRESHMENT ROOMS AND STALL ON THE GREAT INDIAN PENINSULA RAILWAY:

389. **Mr. Lalchand Navarai:** (a) Has the attention of Government been drawn to the Editorial of the *Bombay Sentinel*, dated January 24, 1935, regarding hardships to third class passengers on the Great Indian Peninsula Railway in respect of tea and refreshment rooms and stalls, provided for third class passengers and the apprehended increase of rental burden? If so, what steps do Government propose to remedy the same?

(b) Is it a fact that the rentals are intended to be increased? If so, to what extent and what profit will be left to the contractors?

(c) Will Government be pleased to make a full statement in regard to the increase of rental, if any is proposed?

Mr. P. E. Rau: (a), (b) and (c). Government have seen the editorial referred to. The facts are as follows:

Originally the practice on the Great Indian Peninsula Railway was to auction licences for the sale of food at stations. This was abolished some time ago, and a nominal licence fee of rupee one was charged and rentals were fixed. For the purpose of charging rent 292 stations, where there are refreshment stalls, were classified, first into three groups, and later into five groups, with rentals varying from Re. 1-4-0 to Rs. 8-12-0 per month. Recently, it has been decided by the Railway Administration to alter the rates, whereby some rentals will be increased and some decreased while

at 108 stations no change will be made. The new rentals are between Rs. 1-4-0 and Rs. 40 per mensem. The reasons for this step, as given by the Great Indian Peninsula Railway Administration, are as follows:

"It was found that the rents charged gave a return of less than three per cent. on the capital outlay owing to additional facilities provided, although, about ten years ago, the rents were based on a return of six per cent.

In considering a revision of the rentals, the Administration felt that it would be reasonable to expect a return on the capital outlay."

The contractors who will be required to pay these rents are provided with stalls and cook-houses, and have a monopoly in the supply of food, etc., to a large number of potential customers. They are not permitted to supply food of inferior quality, and to ensure that the food is good, an inspection is made daily by the Station Master and frequent surprise checks made by Divisional Officers, Inspectors and Doctors. The rates charged are not exorbitant as they are fixed by Divisional Officers after careful local enquiries. The Agent is satisfied that the proposed rentals inflict no hardship upon the contractors nor do they prejudice third-class passengers in any way.

The change in rentals was approved by the Local Advisory Committee who were informed of the arrangements that were in force to ensure that the food supply was good and reasonable in price. In view of this, Government do not consider it desirable to interfere in the arrangements proposed at present, but the whole subject will come under review in connection with the examination of the arrangements for refreshments for third-class passengers which has been undertaken by the Railway Board.

Mr. Lalchand Navarai: May I ask, Sir, if these Divisional Officers have personally gone for inspections during the last one year?

Mr. P. R. Rau: Sir, I have been informed by the Agent of the Great Indian Peninsula Railway that frequent surprise checks are made by Divisional Officers.

Prof. N. G. Ranga: Is it not a fact that complaint books are not kept at these refreshments rooms?

Mr. P. R. Rau: I am not aware of that.

Prof. N. G. Ranga: Is the Honourable Member aware that at most of the refreshment rooms complaint books are not kept?

Mr. P. R. Rau: Is my Honourable friend talking of the refreshment rooms on the Great Indian Peninsula Railway from his personal knowledge?

Prof. N. G. Ranga: Yes, Sir.

Mr. P. R. Rau: May I know what station he wants to refer to?

Prof. N. G. Ranga: I have put the question to the Honourable Member. I do not want the Honourable Member to put questions to me. (Laughter.)

ERECTION OF THE DELHI BROADCASTING STATION.

390. *Mr. S. Satyamurti (on behalf of Dr. Ziauddin Ahmad): (a) Will Government be pleased to state the approximate date by which the Delhi Broadcasting Station will actually begin to work?

(b) Was the transmission apparatus purchased by Government through the Stores Department, or through the High Commissioner for India, or direct?

(c) Were tenders invited for the supply of the transmission apparatus?

(d) Is it a fact that Marconi is going to have a sort of monopoly for the erection and supply of broadcasting station and wireless material in India for Government?

The Honourable Sir Frank Noyce: (a) The Government of India hope that the Delhi Broadcasting station will begin transmitting by the end of November, 1935.

(b) The apparatus was purchased by the High Commissioner for India.

(c) Yes.

(d) No.

Mr. S. Satyamurti: May I ask, Sir, whether the cheapest tender was accepted?

The Honourable Sir Frank Noyce: I think the cheapest tender was accepted, but I should like to have notice of that question.

Prof. N. G. Ranga: Do the Government of India propose to establish these Broadcasting Stations at a State concern?

The Honourable Sir Frank Noyce: Certainly; they are all part of the State Broadcasting Service.

Mr. S. Satyamurti: May I ask if tenders will always be called for for all these materials?

The Honourable Sir Frank Noyce: Certainly; that is the usual practice.

APPOINTMENT OF INSPECTORS OF WIRELESS.

391. *Mr. S. Satyamurti (on behalf of Dr. Ziauddin Ahmad): (a) Have Government appointed inspectors for wireless? If so, how many inspectors were appointed during the last twelve months?

(b) Were these appointments made direct by Government or through the Public Service Commission?

(c) Were the posts advertised? How many applications were received? Did Government appoint any Selection Committee?

(d) What is the pay and travelling allowance of the Inspectors and what are their qualifications?

The Honourable Sir Frank Noyce: (a) Yes, seven Inspectors were appointed in 1934 on a temporary basis under the Indian Wireless Telegraphy (Possession) Rules, 1933.

(b) The men were appointed by the Government of India direct.

(c) The posts were not advertised in the Press, but Heads of Posts and Telegraphs Circles were informed and requested to recommend candidates. Fifty applications were received. No selection committee was appointed.

(d) The pay of an Inspector is Rs. 80 per month with an allowance of Rs. 2/8/- per day when on tour. No definite qualifications are laid down, but, as far as possible, retrenched men of the Indian Posts and Telegraphs Department have been employed.

Mr. S. Satyamurti: May I ask, Sir, why the services of the Public Service Commission were not availed of in making these appointments?

The Honourable Sir Frank Noyce: Because the services of the Public Service Commission are not usually requisitioned in regard to the temporary appointments, and these appointments were made for a year only.

Mr. S. Satyamurti: May I ask, Sir, if the Public Service Commission will be consulted before these appointments are made permanent?

The Honourable Sir Frank Noyce: The question is really a hypothetical one, and I have no idea whether these appointments will become permanent or not. If there is any intention of making these appointments permanent, I do not think there will be any objection to referring the matter to the Public Service Commission.

Mr. S. Satyamurti: May I ask, Sir, why these posts were not advertised?

The Honourable Sir Frank Noyce: Because, as I have said, we asked the Heads of Circles to recommend candidates. We had a certain number of retrenched candidates from the Posts and Telegraphs here available, and this House has continually impressed upon us the desirability of appointing retrenched candidates wherever we can. A suitable number of candidates presented themselves, and it was easy to make a selection from them. I may mention for the information of the Honourable Member that three of these candidates, who were appointed, were the retrenched people of the Posts and Telegraphs Department, one was from the Indo-European Department and two were already employed in the Broadcasting Service.

IMMEDIATE SUPPLY OF INFORMATION TO THEIR RELATIVES RE ACCIDENTS SUFFERED BY RAILWAY SERVANTS.

392. ***Mr. Mohan Lal Saxena:** (a) Is it a fact that one A. Latif, cleaner, Najibabad, met with an accident in the performance of his duties and died as a result thereof, but the information of his death was not sent even to his father as a result of which he (Hussain Khan, Sepoy, father of A. Latif deceased) had to represent the matter to the Railway Board?

(b) Is it also a fact that one Jhubbor Chand father of the late Maggan, of the Power House, Najibabad, also made a similar complaint when his son met with accidental death?

(c) If the answers to parts (a) and (b) be in the affirmative, do Government propose to take such steps as would ensure immediate supply of information, in case of serious accidents, to the near relations of the persons concerned?

Mr. P. R. Rau: (a) and (b). Government have no information.

(c) I have forwarded a copy of this question to the Agent, East Indian Railway, for considering what instructions should be given for the guidance of staff in similar cases in the future.

DEGRADATION OF PERSONS WHO FAIL TO PASS THE REFRESHER COURSE OF THE CHANDSAI AND ASANSOL RAILWAY SCHOOLS.

393. ***Mr. Mohan Lal Saksena:** (a) Are Government aware that, at present, men who are sent to the Refresher Schools at Chandausi and Asansol and who fail to pass the test are reduced in grade and pay without any regard for their past services?

(b) Is it a fact that one Mr. Balbhadra Singh, employed as an Assistant Station Master for the last 20 years and drawing Rs. 68 per month in the Moradabad Division of the East Indian Railway, was on his failure to pass the refresher course, reduced both in grade and pay and made a Ticket Collector on Rs. 52 per month?

(c) Will Government be pleased to state the object of the refresher course?

(d) Is it not against the Government policy underlying other services that persons who have put in long periods of service and who have otherwise discharged their duties with credit and to the satisfaction of all concerned should be degraded for failure to pass the refresher test?

(e) Do Government propose to re-instate all such persons as have been degraded on ground of failure to pass the refresher test in their original grade?

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

REDUCTION IN THE DUTY HOURS OF PERSONS WORKING IN THE TRANSHIPMENT YARD, MORADABAD.

394. ***Mr. Mohan Lal Saksena:** (a) Are Government aware that men working in the Transshipment Yard at Moradabad submitted a joint representation on the 18th December, 1933 to their Divisional Superintendent at Moradabad, stating that they were required to work 15 hours, instead of eight as was required under the duty hours' regulations and as was also being followed at other places?

(b) Will Government be pleased to state if anything was done to reduce the duty hours of the applicants, and if not, why, and further why were these men put to 15 hours' duty? Is it not against the Geneva Convention?

Mr. P. R. Rau: This has not been brought to the notice of Government. The staff in question have been required to work temporarily beyond the legal maximum due to exceptional pressure of work, I understand they will be eligible for overtime payments according to the Regulations.

Mr. Mohan Lal Saksena: Will the Honourable Member make inquiries?

Mr. P. R. Rau: The Regulations provide that if they are required to work overtime, they will get payment for it.

Mr. Mohan Lal Saksena: Does not the Honourable Member think that if they work for a longer period than 12 hours, there is a danger to public safety?

Mr. P. R. Rau: It is only a question of exceptional pressure of work for a short period.

Mr. Mohan Lal Saksena: If they are required to work for 15 hours a day, surely they can be required to work for 24 hours a day? Is there any limit for overtime work?

Mr. President (The Honourable Sir Abdur Rahim): This is arguing.

Mr. Mohan Lal Saksena: I want to put one more supplementary question.

Mr. President (The Honourable Sir Abdur Rahim): Next question.

DEMOTION OF CERTAIN DRIVERS ON THE EAST INDIAN RAILWAY.

395. *Mr. Mohan Lal Saksena: (a) Has the attention of Government been drawn to a joint representation dated the 11th January, 1935 from some twelve drivers, addressed to the Agent, East Indian Railway, protesting against cutting down their salaries without any previous intimation to them?

(b) Is it a fact that these men were demoted early in 1931 as a measure of economy and were given an assurance to the effect that they would be restored to their original grade and pay with full benefits for the intervening period when better times turned and that in accordance with the said undertaking they were actually given what they had lost and what they would have got but for their demotion?

(c) Is it a fact that in November last when they received their salaries for the month of October, 1934, they were paid less by rupees ten each and when they referred the matter to their Divisional Superintendent at Moradabad they were informed that their salaries had been fixed again with effect from the 1st August, 1934, in accordance with the Chief Operating Superintendent, East Indian Railway's letter No. OPD-202-A-II, dated the 6th September, 1934, which mentioned that the Accounts Department had objected under Fundamental Rule 26 to their being paid what they were actually given early in 1934 in pursuance of the assurance and undertaking held out to them when they were demoted?

(d) Are Government aware that the cut effected again, *vide* part (c) of this question, and refixation of their salaries in accordance with the instructions contained in Fundamental Rule 26 with effect from the 1st August, 1984 has affected them very adversely and that they were never warned at the time of their demotion in 1981 that their salaries on restoration shall have to be fixed in accordance with the provision of Fundamental Rule 26?

(e) Are Government aware that they definitely assured that they would be given what they may lose on return of better times?

(f) Are Government aware that this is fully admitted by the Chief Operating Superintendent, *vide* his minute sheet No. OPD-202-A-II, dated the 24th July, 1984, addressed to the Agent, East Indian Railway?

(g) Do Government propose to order refixation of their salaries, as per the undertaking held out to them originally and in conformity with the instructions issued by the Railway Board, *vide* their letter No. 688-E.-9, dated the 3rd March, 1981? If not, why not?

Mr. P. B. Rau: With your permission, I shall answer questions Nos. 395, 396 and 397 together. I have called for information and will lay a reply on the table of the House in due course.

RACIAL DISCRIMINATION IN THE SUPPLY OF UNIFORMS AND OCCUPATION OF QUARTERS, ETC., IN THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

†396. ***Mr. Mohan Lal Saksena:** (a) Are Government aware that racial discrimination still obtains in the East Indian Railway and particularly in the Moradabad Division of the said Railway in matters of supply of uniforms and occupation of quarters and running rooms?

(b) Is it a fact that European and Anglo-Indian Station Masters and Assistant Station Masters get full set of uniforms including double-breasted coats, pants, hats, night caps, and that the Indian Station Masters and Assistant Station Masters get only one closed collar coat?

(c) Are Government aware that the Divisional Superintendent, Moradabad, recommended to the Agent to supply full sets of uniform to Indian 'C' and 'D' class Station and Assistant Station Masters, but he (the Agent) declined to accept the Divisional Superintendent's recommendations on the plea that Indians wear *dhoties* or *pyjamas*?

(d) Will Government please state why there exists in the East Indian Railway the aforesaid discrimination in the matter of supply of uniforms and why the Indian Station and Assistant Station Masters are not supplied with *dhoties* or *pyjamas*?

RACIAL DISCRIMINATION IN THE USE OF RUNNING ROOMS ON THE EAST INDIAN RAILWAY.

†397. ***Mr. Mohan Lal Saksena:** (a) Are Government aware that Mr. H. V. Singh, a Guard on the East Indian Railway, Moradabad, has been disallowed the use of European Guards Running Room on the ground that he was an Indian Christian?

(b) Will Government be pleased to state the circumstances under which the existing racial discrimination is allowed?

FORTHCOMING CONSTITUTION ACT.

398. *Mr. Mohan Lal Saksena: Have Government issued any instructions to the various Local Governments regarding the implementing of the forthcoming Constitution Act? If so, will Government please lay on the table of this House a copy of the same?

The Honourable Sir Nripendra Sircar: The answer to the first part of the question is in the negative. The second part does not arise.

FORMATION OF CONSTITUENCIES FOR ELECTION TO THE PROVINCIAL LEGISLATURES UNDER THE NEW REFORMS.

399. *Mr. Mohan Lal Saksena: (a) Are Government aware that Reforms Officers have been appointed in the different provinces and they are engaged in fixing up constituencies for election to the provincial legislatures under the new Act?

(b) Will Government please state on what basis the constituencies are being formed and whether public opinion will be consulted regarding the constitution of the proposed constituencies?

The Honourable Sir Nripendra Sircar: I refer the Honourable Member to the reply given to Sirdar Harbans Singh Brar's starred question No. 779 on the 20th April, 1934, to which I have nothing to add.

Mr. Mohan Lal Saksena: Will the Honourable Member read the reply to question No. 779 referred to by him?

The Honourable Sir Nripendra Sircar: The answer to question No. 779 is this:

"As the Honourable Member is aware, no proposals for the delimitation of constituencies were included in the White Paper; nor have any instructions yet been given by His Majesty's Government for work on that part of the electoral scheme to be taken up. In the meantime purely by way of exploration and without in any way prejudging Parliamentary decisions on the future franchise some preliminary examination of the delimitation of constituencies has been made by Provincial Governments. This preparatory work has not been controlled by the Government of India who are not in a position to supply information of the progress achieved province by province."

Mr. S. Satyamurti: Is the Reforms Office doing anything with regard to this matter of delimitation of constituencies?

The Honourable Sir Nripendra Sircar: Which matters?

Mr. S. Satyamurti: Matters referred to in part (a) of Mr. Saksena's question, namely, fixing up constituencies?

The Honourable Sir Nripendra Sircar: The answer to that is in the negative. No instructions have been issued.

Mr. S. Satyamurti: I am asking whether the Reforms Office of the Government of India is dealing with the delimitation of constituencies for elections to the Provincial Legislatures?

The Honourable Sir Nripendra Sircar: I require notice.

Pandit Govind Ballabh Pant: There is no answer to the second part of the question, namely, whether public opinion will be consulted regarding the constitution of the proposed constituencies.

The Honourable Sir Nripendra Sircar: I do not find that in the question.

Pandit Govind Ballabh Pant: This forms the latter part of part (b).

Mr. S. Satyamurti: Public opinion is forgotten.

The Honourable Sir Nripendra Sircar: Whether public opinion will be consulted when the situation arises, I am not in a position to state now.

Pandit Govind Ballabh Pant: What is the Honourable Member not in a position to state now? As to when the situation will arise, or whether public opinion will or will not be consulted when the situation actually arises?

The Honourable Sir Nripendra Sircar: Firstly, whether the situation will arise, and, secondly, if it does arise, what will happen.

Pandit Govind Ballabh Pant: In both cases.

Mr. S. Satyamurti: Does the Honourable the Law Member say that the reforms can work without the delimitation of constituencies? He is unable to say whether the situation would arise. Does the Honourable Member think that the reforms can come into being without the constituencies being delimited?

The Honourable Sir Nripendra Sircar: The situation can only arise if the Bill is passed into law.

Mr. S. Satyamurti: Does the Honourable Member think that the Bill is not likely to be passed?

The Honourable Sir Nripendra Sircar: It is a matter of opinion. My Honourable friend knows better than myself.

Mr. S. Satyamurti: I am glad that the Honourable Member thinks that the Bill may not be passed.

Mr. Sami Venkatachalam Chetty: Is the Honourable Member aware that Ministers have been consulted about the delimitation of constituencies, whereas the Opposition parties have not been consulted, and no chance was given to the public to give their opinions about it?

The Honourable Sir Nripendra Sircar: They have not been consulted at the instance of the Government of India. The Government of India have no information about it.

Prof. N. G. Ranga: Will Government make enquiries?

Mr. President (The Honourable Sir Abdur Rahim): Next question.

DIFFERENCE IN AIR MAIL POSTAGE TO AND FROM THE UNITED KINGDOM.

400. *Babu Baijnath Bajoria: (a) Is it a fact that the rates of postage charged for bringing letters by air mail from the United Kingdom to India is 6d.?

(b) Is it a fact that at the current rate of exchange 6d. comes to Re. 0-5-4?

(c) Is it a fact that the rates of postage charged for carrying letters by air mail from India to the United Kingdom is seven annas six pies?

(d) If the answers to parts (a) to (c) be in the affirmative, will Government be pleased to state the reasons for this difference in the rates of postage charged for carrying letter by air between the same countries?

(e) Do Government propose to fix the same rates of postage both ways, from the United Kingdom to India and *vice versa*? If not, why not?

The Honourable Sir Frank Noyce: (a) The rate is 6d. per $\frac{1}{2}$ oz.

(b) Yes.

(c) The rate is seven annas six pies for the first $\frac{1}{2}$ oz.

(d) Each country is at liberty to fix its own charges and there is no element of reciprocity in this matter.

(e) Government have no power to fix the rate from the United Kingdom to India. The rate from India to the United Kingdom has been fixed so as to cover the expenses of the service and Government are unable to reduce the rate further at present.

COST OF CONSTRUCTION AND SUSPENSION OF TRAFFIC ON THE BALLY BRIDGE.

401. *Babu Baijnath Bajoria: (a) Will Government be pleased to state the cost of construction of the Bally Bridge connecting the East Indian Railway and Eastern Bengal Railway *via* Bally?

(b) Is it a fact that all traffic has been closed over the said bridge? If so, will Government be pleased to state the reasons why the bridge was ever constructed?

(c) Will Government be pleased to state when they propose to resume traffic over the said bridge?

(d) Will Government be pleased to state the amount of expenses that have been incurred on its repairs and renewals since the time the construction of the bridge was finished?

(e) Is it a fact that the said bridge was constructed to have through passenger traffic between Calcutta and Northern India?

(f) Will Government be pleased to state whether any through passenger trains were ever passed over the said bridge? If so, when and for what period? If not, why not?

(g) Is it a fact that the Bally Bridge has considerably sunk? If so, do Government propose to appoint a committee to enquire as to the reasons why before traffic could be passed over the bridge it has sunk? If not, why not?

(b) Will Government be pleased to state the names of the officers who were responsible for its construction?

Mr. P. B. Rau: (a) The cost of constructing the Calcutta Chord Railway, of which the Willingdon Bridge at Bally forms a part, is estimated to be Rs. 354.59 lakhs, which includes a contribution of Rs. 34.62 lakhs by the Government of Bengal towards the cost of the roadways and footpaths.

(b) and (c). Traffic over the Willingdon Bridge has never been stopped, but owing to slips on the approach embankments, last rains, through running was suspended from 6th July to 10th July.

(d) No expenditure has been incurred on repairs to bridge proper beyond patchwork painting.

(e) No.

(f) No. Owing to the depression the passenger traffic can be handled without passing over this bridge.

(g) I would refer the Honourable Member to the reply given to Mr. S. C. Mitra in the House on the 21st November, 1933, to parts (d), (e) and (f) of question No. 1077.

(h) Engineers-in-Chief—

Mr. A. H. Johnstone.

Mr. A. I. Sleight.

Executive Engineers—

Mr. R. Mair.

Mr. B. L. Harvey.

Mr. A. E. Hubbard.

STATEMENT HEADED "ONLY THIRD CLASS" IN THE BOMBAY SENTINEL.

402. ***Mr. Ahmed Ebrahim Haroon Jaffer** (on behalf of Sir Ghulam Hussain Hidayatallah): Has the attention of Government been drawn to the statement headed "Only third class", appearing in the *Bombay Sentinel* in its issue of the 24th January, 1935, at page 2? If so, what steps do they propose to take to redress the grievances mentioned therein?

Mr. P. B. Rau: I would refer my Honourable friend to the reply I gave to Mr. Lalchand Navalrai's question No. 389 a few minutes ago.

Mr. Ahmed Ebrahim Haroon Jaffer: Does that refer to the grievances contained in the article?

Mr. P. B. Rau: Yes, Sir.

PROVISION OF BENCHES ON LAWNS NEAR THE VICTORY MEMORIAL ARCH, NEW DELHI.

***Mr. M. Ananthasayanam Ayyangar:** (a) Are Government aware that the lawn on either side of the road named Kingsway, leading from the Prince Edward Place to the Irwin Stadium in New Delhi is used by a large number of Europeans and Indians in the mornings and evenings as recreation ground?

(b) Are Government aware that the public are greatly inconvenienced for want of suitable seating places on the lawns referred to above?

(c) Do Government propose to consider the advisability of providing wooden benches or benches made of cement or stone slabs at suitable places on the lawn, specially near the fountain at the Victory Memorial Arch?

The Honourable Sir Frank Noyce: (a) Yes.

(b) No.

(c) Yes.

INDIAN AND PROVINCIAL CIVIL SERVICE EXAMINATIONS HELD ON THE ID DAY.

404. *Dr. Ziauddin Ahmad: (a) Is it a fact that Indian Civil Service and Provincial Civil Service competitive examinations were held at Allahabad on the *Id* day?

(b) Was it not possible to fix the examinations in a manner as to avoid *Id* day? If not, why not?

(c) Are Government aware of the great excitement among the Mussalmans of Allahabad for the disregard of their religious sentiments in fixing the examinations on *Id* day?

The Honourable Sir Henry Craik: (a) The Provincial Civil Service examination was held at Allahabad on the *Id* day and also the Indian Civil Service examination at Delhi.

(b) The answer to the first part is in the negative. As regards the second part, it is not possible to forecast on which of two days the *Id* will fall. Full consideration was shown, however, for the religious susceptibilities of Muslims, and each of the two possible days on which the *Id* might fall was kept free for Muslim candidates until 2-30 o'clock in the afternoon.

(c) No. No such disregard of religious sentiment was shown.

SUBLETTING OF THEIR CONTRACT ON THE NORTH WESTERN RAILWAY BY MESSRS. TEPLIZ AERATED WATER COMPANY, LAHORE.

405. *Dr. Ziauddin Ahmad: (a) Are Government aware that Messrs. Tepliz Aerated Water Company, Lahore who have the contract for the supply of ice and aerated water in the northern sections of the North Western Railway, from Lahore to Peshawar, sublet the contracts for a small section to Thakur Dass?

(b) What action, if any, have Government taken in this matter?

Mr. P. E. Rau: (a) The Agent, North Western Railway, states that the contract has not been sublet.

(b) Does not arise.

IGNORING OF THE CLAIMS OF OLD TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

406. ***Mr. Muhammad Anwar-ul-Azim:** (a) Will Government please state whether by their recent decision to give the option of electing the old scale of pay to the old Travelling Ticket Examiners of the North Western Railway, it is contemplated to retain the strength of the higher posts in old cadre as an opening for their promotions in that cadre? If so, will Government please state whether they approve of the policy of the North Western Railway of appointing outsiders such as military pensioners, etc., and thus decreasing the chances of promotions of old Travelling Ticket Examiners in higher grades in their old scale which is now being restored to them?

(b) Is it a fact that a military pensioner has recently been appointed as an Inspector and the claims of all the old Travelling Ticket Examiners in one of the Division of the North Western Railway were ignored and that he has been given a pay which is more than three or four times of his pension?

(c) Is it a fact that there are rules of the Administration that the pension *plus* civil pay of an employee should not exceed his military pay? If so, do Government propose to take up the matter with the Agent and the Chief Accounts Officer of the North Western Railway and inform this House of the reasons for the breach of the rules in this case?

(d) Are Government aware that this military pensioner is a very junior man and has been appointed on a pay of Rs. 250 and has thus been enabled to supersede all the old Travelling Ticket Examiners including Inspectors of old Travelling Ticket Examiners?

(e) Will Government please state whether the appointment of Mr. Bhagat Singh is in the interests of economy, and whether they are aware that one of the old Travelling Ticket Examiners could have been promoted to the Inspector's post by giving him Rs. 10 per month extra in the new scale or by entrusting him with the supervising duties without any additional cost in the old scale, as has been done in the case of Mr. Hymerdinger lately Inspector in Delhi Division, Mr. Mohan Lal lately Inspector in Rawalpindi Division and Ferozepore Division, and Mr. Dara Shaw, the present Inspector of Special Ticket Examiners in Quetta Division?

Mr. P. R. Ran: With your permission, Sir, I propose to reply to questions Nos. 406, 407 and 408 together, I have called for certain information and will lay a reply on the table of the House in due course.

NON-MAINTENANCE OF THE STRENGTH OF THE OLD TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

†407. ***Mr. Muhammad Anwar-ul-Azim:** (a) Did the Governor General in Council give an assurance that the strength of the old Travelling Ticket Examiners will be maintained, *vide* Director of Railway Board letter No. 822-E. G., dated the 16th August, 1933, circulated to all Divisional Superintendents of the North Western Railway by the Agent, North Western Railway, under his letter No. 918-E./18, dated the 24th October, 1933?

†For answer to this question, see answer to question No. 406.

(b) Is it a fact that the strength of the head Travelling Ticket Examiners was eight on the North Western Railway at the time of the transfer of the Department from the Audit to the Commercial control in the Divisions?

(c) What is the number of Group Inspectors on the North Western Railway at present? What is the reason for the difference?

(d) Do Government propose to abide by the terms of the Governor General in Council's decision referred to above? If so, when?

(e) Is it known to Government that the Agent, North Western Railway issued a circular letter to all the Divisional Superintendents North Western Railway in 1931 that the Group Inspectors in each Division will be of Class V, Group Incharges of Special Ticket Examiners of Class III and Special Ticket Examiners of Class II?

PROMOTION OF OLD TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

†408. *Mr. Muhammad Anwar-ul-Azim: (a) How many old Travelling Ticket Examiners are working now as Special Ticket Examiners on the North Western Railway since 1st June, 1931, in Class IV, and what is the sanctioned strength?

(b) How many old Travelling Ticket Examiners were recommended and declared fit for the higher grade by their various Superintendents of the North Western Railway Divisions since 1928?

(c) How many old Travelling Ticket Examiners have been getting the maximum pay, viz., Rs. 190 per month, and since when?

(d) Will Government please lay on the table a copy of the seniority list of such men referred in parts (a), (b) and (c) above?

(e) How many of them have worked as Group Inspectors or Head Special Ticket Examiners and for what period on officiating chances in Grade V?

CLAIMS OF THE MEMBERS OF THE INDIAN LEGISLATURE FOR RESIDENTIAL QUARTERS IN THE WESTERN COURT, NEW DELHI.

409. *Lieut.-Colonel Sir Henry Gidney: (a) Will Government please state whether or not it is a fact that the residential quarters available in Western Court, and the garages attached to them are primarily intended for the use of Members of the Legislative Assembly and Council of State?

(b) If the answer to part (a) be in the affirmative, will Government please state whether they are aware of the fact that the best located suites of rooms, the best furniture and the more modern garages are, as a rule, offered to and occupied by officials residing at Western Court, many of whom are in no way connected with the Legislative Assembly or the Council of State?

(c) Do Government propose to take steps to remedy this state of affairs and to see that Members of the Legislative Assembly and the Council of State are not denied their prior claim to these rooms and the garages attached thereto? If not, why not?

†For answer to this question, see answer to question No. 406.

The Honourable Sir Frank Noyce: (a) No. Certain quarters are definitely reserved for the use of Government officers, and others for Members of the Legislature.

(b) The question does not arise. But to the best of my belief the statements made by the Honourable Member are not correct.

(c) No. I would refer the Honourable Member to my reply to part (a).

Lieut.-Colonel Sir Henry Gidney: Is it or is it not a fact that out of the 70 servants' quarters at the Western Court, 25 are given to the Members of the Legislative Assembly and the balance of 45 (including hotel servants) to officials?

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

Lieut.-Colonel Sir Henry Gidney: I have asked these questions and I have got the figures before me, and I ask the Honourable Member whether these figures are correct. I have given ten days notice and still I have not got any information on the matter.

The Honourable Sir Frank Noyce: The Honourable Member has not put that question. If he had done so, I would have answered it.

Lieut.-Colonel Sir Henry Gidney: I have asked about garages that are reserved for officials as opposed to the Members of the Assembly. Is the Honourable Member aware of the fact that out of the 32 garages that are reserved in Western Court, 14 are given to Members of the Assembly who number 33, and 18 are given to officials who number 24?

The Honourable Sir Frank Noyce: I would invite my Honourable friend's attention to his own question. He wished to know "whether Government are aware of the fact that the best located suites of rooms, the best furniture and the more modern garages are, as a rule, offered to and occupied by officials"; he did not ask for any information in regard to the number of garages, he merely asked about their situation. If he had done so, I would have done my best to supply information which he apparently has already obtained. (Laughter.)

Lieut.-Colonel Sir Henry Gidney: Dealing with the point raised by the Honourable Member, will he inform this House in regard to the location of these rooms whether it is or is not a fact that the location of these rooms are as follows on the three floors of Western Court.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is furnishing information and not asking for information.

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member state whether the following information is correct or not? Ground floor, there are three rooms reserved for Members of the Assembly, but sixteen rooms for officials. First floor, there are eight rooms reserved for Members of the Assembly, while 15 for officials. Top floor, there are 20 rooms for the Members of the Assembly and four for officials, and most of the official rooms are near the lifts.

The Honourable Sir Frank Noyce: My own preference is for top floor rooms if I can get them.

Mr. F. E. James: Is the Honourable Member aware that Members of 12 Noon. the Assembly do usually prefer the top floor? Is he also aware that the Members of the Assembly resident in the Western Court have greatly appreciated the installation of hot water in recent months and that they would even more greatly appreciate it if the smoke from the furnace did not come into the rooms and make everything so greatly dirty?

The Honourable Sir Frank Noyce: I am very grateful to the Honourable Member for one of the few marks of appreciation that I have had recently and I can assure him that the small complaint that he made at the end of his question will be attended to immediately.

CO-ORDINATION OF SCALES OF PAY OF THE SUBORDINATES OF THE OLD OUDH AND ROHILKUND AND EAST INDIAN RAILWAY SECTIONS.

410. *Lieut.-Colonel Sir Henry Gidney: (a) Will Government please state the rules governing the co-ordination of scales of pay as between the subordinates of the old Oudh and Rohilkund and East Indian Railway sections of the East Indian Railway?

(b) Is it a fact:

- (i) that chargemen doing the same kind of work are in receipt of Rs. 350 as the maximum salary on the Oudh and Rohilkund section and Rs. 400 on the East Indian Railway section; and
- (ii) that different sets of overtime and holiday allowances are in force on both these sections of the same Railway?

(c) Is it a fact:

- (i) that employees of the Oudh and Rohilkund section, before amalgamation, were eligible for an unlimited number of passes on the home line and one foreign line pass in the year, and
- (ii) that, as a result of the decision of the Indian Railway Conference in its desire to secure uniformity of pass rules, the passes allowed to subordinates on the Oudh and Rohilkund section were restricted to three home line passes and one foreign line pass, as obtained on the East Indian Railway section?

(d) Will Government please state the reasons why, in the case of the co-ordination of scales of pay, the Oudh and Rohilkund men have been denied the privileges of a higher maximum salary and better allowances obtaining on the East Indian Railway section, whereas in the case of the issue of passes, their existing privilege was curtailed to the standard of the East Indian Railway section?

(e) Do Government propose to remove these anomalies and allow the Oudh and Rohilkund men to elect either the East Indian Railway Company scales of pay and allowances or the old Oudh and Rohilkund rates of pay? If not, why not?

Mr. P. R. Rau: (a) and (e). The Honourable Member is referred to the information laid on the table of the House on the 19th July, 1934, in reply to Rai Bahadur Lala Brij Kishore's question No. 746.

(b) Government have no information but I am willing to take it as correct from the Honourable Member. The scales of salary for the East Indian Railway and the Oudh and Rohilkund Railway were different in the old days and the difference will continue so far as the staff in employment, before the amalgamation, who have not accepted the revised co-ordinated scales of pay are concerned.

(c) (i) There was no restriction in regard to the number of passes admissible over the home line for staff drawing over Rs. 200 per month.

(ii) The restriction in regard to the number of passes, which varies according to the pay of the individual and the class of pass admissible, is in accordance with the orders of the Railway Board, and applies to all grades of employees on the State-managed Railways.

(d) As regards scales of pay, all staff were given the option of coming on to the co-ordinated scales of pay. Government cannot recognise any claim on the part of the Oudh and Rohilkund Railway staff to get the scales of pay in force on the East Indian Railway before amalgamation.

As regards passes, the curtailment, as I have already explained in my reply to part (c), affects employees of all State-managed Railways, some to a greater degree than others.

Lieut.-Colonel Sir Henry Gidney: Is it a fact that the Railway Board deputed one of its officers to settle these differences of pay, passes, etc., a few years ago?

Mr. P. R. Rau: I am not aware of that personally, but if my Honourable friend will put a question down on the paper, I will get him the information.

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member kindly make himself aware of that fact?

SHORT NOTICE QUESTION AND ANSWER.

TRIBUNAL ON THE FINANCIAL CONSEQUENCES OF THE SEPARATION OF BURMA FROM INDIA.

Mr. T. S. Avinashilingam Chettiar: Will Government please state:

- (a) the precise terms of reference of the tribunal, the appointment of which was recently announced by the Secretary of State for India, to go into and advise on the financial consequences of the separation of Burma from India;
- (b) whether the appointment of the tribunal was made in consultation with and with the concurrence of the Government of India;
- (c) when the tribunal is likely to make its report;
- (d) whether the report will be made available to the Members of this House during the current Session;
- (e) whether this House will be afforded the opportunity for the discussion of the report.

The Honourable Sir James Grigg: (a) A copy is laid on the table.

(b) Yes.

(c) and (d). These depend on how soon the Tribunal is able to complete its examination of the question and present its report. No definite timetable has been fixed.

(e) If when the report is published, Government find that there is a general demand for its discussion by the House, they will endeavour to provide the opportunity.

Press Communiqué.

In accordance with the recommendations of the Joint Select Committee on Indian Constitutional Reform in paragraph 482 of their Report the Secretary of State for India has appointed the Right Honourable L. S. Amery, M.P., the Right Honourable Sir Sidney Rowlatt, K.C.S.I., and Sir Walter Nicholson, K.C.B., to constitute a Tribunal to advise him on the formulation of a financial settlement between India and Burma in the event of separation.

The terms of reference to the Tribunal are as follows:

The Joint Select Committee of Parliament on Indian Constitutional Reform having recommended that Burma should be separated from India and that early steps should be taken for the determination by an impartial Tribunal of the principles of an equitable apportionment between the two countries of assets and liabilities, the Tribunal are requested.

(1) to advise as to the basis on which a just financial settlement between the Government of India and the Government of Burma when separated should be made;

(2) to indicate:

(i) how their findings under the first term of reference should be applied to the position resulting from the provisions in the Government of India Bill (1935) for allocating to the Government of one country or the other the possession and control of certain properties and for imposing certain legal liabilities on the revenue of one country or the other; and (ii) so far as practicable the financial consequences of such application; and

(3) to advise in the light of the findings under the first and second terms as to the lines on and the methods by which a complete financial settlement may be achieved between the Governments of India and Burma in respect of the assets and liabilities existing at the date of separation.

The Tribunal are now engaged on the investigation committed to them assisted by Mr. J. C. Nixon, C.I.E., I.C.S., representing the Government of India and Sir H. F. Howard, K.C.I.E., C.S.I., Sir S. A. Smyth, K.C.I.E., C.S.I., and Mr. T. Lister, C.I.E., I.C.S., representing the Government of Burma. Mr. Sidney Turner, C.B.E., F.I.A., Accountant-General, India Office, is the Secretary to the Tribunal.

The 16th February, 1935.

Prof. N. G. Ranga: Have Government received any representations as regards the grievances of Indians in Burma?

The Honourable Sir James Grigg: I believe that the Government of India have received representations as to the grievances of Indians in Burma, but I do not think those grievances have any relation to the financial terms of the separation of India and Burma.

Mr. T. S. Avinashilingam Ochettiari: Are Government aware that a promise was given in the Round Table Conference that this Tribunal will be appointed with the consent of the Indian Legislature and with the Members of both the Indian and Burmese Legislatures on it?

The Honourable Sir James Grigg: I understand that that was the recommendation of the Round Table Conference, but the Secretary of State has decided that, since the preliminary investigation has shown that the task of the tribunal is likely to be very long and very complicated, he does not think it practicable at the time when the Assemblies are sitting to ask members of the Finance Committees of both Legislatures to attend in London. The views of both Finance Committees on the matters in issue, as recorded in their discussions, have been among the material laid before the tribunal.

Mr. T. S. Avinashilingam Chettiar: Do I understand the Honourable Member's point to be that there is no reason for appointing a Member of the Legislature to the Committee? Could they not have been consulted over the appointment of the tribunal?

The Honourable Sir James Grigg: There was never any question of consulting over the personnel of the tribunal. There was a debate in the Assembly as to the actual constitution of the tribunal, and, as regards the question of the Members of the Legislature, Sir George Schuster said:

"Nevertheless that is the recommendation of the Round Table Conference and in the absence of any definite decision to change that, that recommendation will be carried out."

I have just explained that the Secretary of State has changed that decision.

Mr. B. Das: Was there not a suggestion made in the debate on the floor of this House that a member of the League of Nations should be President of this tribunal? Has that been accepted by the Secretary of State?

The Honourable Sir James Grigg: The three members of the tribunal are Mr. Amery, Mr. Justice Rowlatt and Sir Walter Nicholson, and I do not think any of them are members of the League of Nations. They may be members of the League of Nations Union.

Mr. B. Das: Does this mean that because all these three gentlemen belong to England and because England wants Burma to be separated, therefore the decision will go against India?

Mr. President (The Honourable Sir Abdur Rahim): Order, order.

ELECTION OF THE STANDING ADVISORY COMMITTEE FOR THE INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that U Thein Maung, Sir Darcy Lindsay and Khan Sahib Nawab Siddique Ali Khan have been elected to the Standing Advisory Committee for the Indian Posts and Telegraphs Department.

THE PAYMENT OF WAGES BILL.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the following motion moved by the Honourable Sir Frank Noyce on the 18th February, 1935:

"That, the Bill to regulate the payment of wages to certain classes of persons employed in industry be referred to a Select Committee consisting of Mr. V. V. Giri, Mr. S. Satyamurti, Mr. Mohan Lal Saksena, Mr. B. B. Varma, Mr. H. P. Mody, Syed Ghulam Bhik Nairang, Mr. Amarendra Nath Chattopadhyaya, Mr. L. C. Buss, Mr. N. M. Joshi, Dr. F. X. DeSouza, Mr. J. Monteath, Mr. A. H. Clow, Mr. S. K. Hosmani, Mr. P. R. Rau and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Srijut N. O. Bardaloi (Assam Valley: Non-Muhammadan): Sir, I do not know much about the conditions of labour in other parts of India, but I know the conditions of labour in Assam. I suppose the number of labourers in the tea-gardens, oil-fields and also in other concerns in Assam is considerably greater than that of any other province in India. So I beg to submit for the consideration of the Select Committee certain matters which are involved in this Bill. The first is about the payment of wages. In clause 3, it has been said:

"All payments of wages, required to be made by section 5 of this Act, shall be made to persons employed :

(a) in factories and other industrial establishments :

(i) where there is a manager responsible to the employer, by the manager, and
(ii) in other cases, by the employer ;"

So far as this clause goes, it ought to be modified, because, in the Assam tea-gardens, for example, there are many gardens with several sub-divisions and one manager; and one manager certainly cannot, in any circumstances, pay the wages of the labourers himself. So some change must be made here enabling the manager to appoint somebody else in his place or to authorise others to pay on his behalf, for which he will be responsible, because the manager cannot personally do it. There are tea-gardens in which there are two or three or four sub-divisions and there are thousands of coolies. In the Digboi oil-fields and the Margherita coal-fields, it is impossible for the manager to pay wages to the labourers. So this clause requires a little change. Then, sub-clause (2) (a) of clause 6 deals with deductions by way of fine. I would suggest that this fine should not be imposed on labourers who receive wages below Rs. 15. As a matter of fact, it is described here that those persons who draw pay below Rs. 100 will come under the purview of this Bill. That will also include the higher paid officials and the higher paid skilled men: the labourers generally do not get above Rs. 15 a month, and I should like that an exception should be made in the case of actual labourers. We all know with what great difficulty labourers are recruited to Assam; and if these labourers are so placed that these authorities can fine them, probably they shall be under the grip of the overseers and *moharrirs* and others who are above them, and they shall always be in trouble. As a matter of fact, I do not think that any labourers in any of these gardens or institutions are now fined as suggested in the Bill. As regards the other provisions regarding deductions of advances or things which the labourers take away and destroy or injure, the damages are slowly recovered from their pay: but to fine them for bad work or for not doing enough work—if that system is introduced, they shall be under the grip of persons below the rank of manager or assistant manager.

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As regards the provision for giving notices and all that sort of thing, these coolies and labourers cannot read those notices; they shall not know what the notices are; and, under these circumstances, I propose that the imposition of fine should be restricted only to those cases in which the men draw above Rs. 15 as wages per month. Generally, they do not draw more than Rs. 15 a month: they are very poor and in a way they are controlled by several officers above them. If, therefore, this fine system is introduced legally, probably there will be no end of trouble for them. I suggest that this provision for fine should be modified.

As regards inspection also, I think that unless the men who go to inspect the garden factories are really responsible men occupying responsible positions, there will be abuses. The tea gardens as well as the other concerns have got their books and to show those books to anybody and everybody or to any officer who is not occupying a good position will be dangerous. Those books contain a lot of things regarding trade and business which the management would not like to show. In those cases, ordinarily nowadays it is the Deputy Commissioner or the District Magistrate himself who goes to the garden and inspects the garden and the garden accounts and not any other person. That is a sort of safeguard; but if anybody and everybody can go and even a man below the rank of factory inspector goes and inspects the accounts, it will bring in abuses.

These are the modifications I suggest for the consideration of the Select Committee. I do not find the name of any Assam Member in this Select Committee although Assam is full of these labourers who are recruited from other provinces: probably it is very well known to Members that the Assamese people do not work in those places, and, therefore, all these labourers are recruited from different provinces—from Sambhalpur, from Orissa, from Chota Nagpur and other places. Anyhow, I do hope, the Select Committee will consider this fact which I have just mentioned.

Mr. N. M. Joshi (Nominated Non-Official): Mr. President, the Bill before this House deals firstly with the question of payment of wages, and, secondly, deductions from wages. When we discussed the motion for referring the Mines Bill to a Select Committee, my Honourable friend, Mr. Clow, said that some of us, who were going to be in the Select Committee, need not have spoken on that occasion: perhaps he meant that I wasted the time of the House

Mr. A. G. Clow (Government of India: Nominated Official): On a point of personal explanation, Sir. I do not recollect having made any such statement.

Mr. N. M. Joshi: If my memory is correct, he did say that we could have made all those points in the Select Committee, and if he will refer to his speech, I am sure, he will find that he did refer to this subject . . .

Mr. A. G. Clow: May I say that I did refer to the fact that the Members who had spoken were on the Select Committee: but, to the best of my recollection, I said that it was, therefore unnecessary for me to deal in detail with the points that had been raised: I did not suggest that they should curtail their speeches.

Mr. N. M. Joshi: I am glad that the Honourable Member has not made that statement. If he did not make that statement, I need not refer to that matter at all. But I thought that if it is the opinion of some Members that those who are in the Select Committee need not speak in detail about the Bill, I am prepared to take their advice in so far that today I shall try not to deal with the sections of the Bill; but I shall try to place before this House the omissions of this Bill. This Bill deals with the question of the payment of wages and the deductions from wages. I would have preferred the Government of India to deal with the question of wages first and the question of the payment of wages though very important should have come after their dealing with the question of wages. I would have liked to deal with the question of establishing some kind of machinery for fixing minimum rates of wages. There are other questions regarding wages about which the Royal Commission has made recommendation such as the standardisation of wages. This Bill should have also contained some clauses dealing with the necessity for the employers keeping registers of rates of wages and exhibiting notices regarding the rates of piecework. While the Select Committee on the Factories Bill met, I raised the question that our Factory Act like the British Factory Act should contain a clause requiring the employers to put up notices regarding the rates of piecework. I was told at that time that it is a question of payment of wages. I, therefore, thought that that question would find place in this Bill. Then there are other questions regarding the payment of wages itself which are not included in this Bill. The Royal Commission on Indian Labour has recommended that payment of wages by *maistries* or jobbers due to the workmen should be stopped. They recommended that the wages should be paid directly by the employers to the employés. I do not know whether the Bill before this House deals with that subject. At least it does not deal with it adequately. Then the question of the interval between two payments of wages is of great importance. The Royal Commission had recommended that the Government of India should legislate for the fortnightly payment of wages. This Bill fixes the maximum interval of two payments of wages at one month while the Royal Commission had recommended a fortnightly payment of wages.

Then, Sir, the Royal Commission dealing with the question of Mines have, I think, recommended that payment should not be made on holidays. I do not think that this Bill prohibits the payment of wages on holidays. There are some employers who, in order to save their time, pay wages on Sundays or other holidays. That is very inconvenient to the workers, and, therefore, the Royal Commission recommended that payment of wages should not be made on holidays.

Then, Sir, this Bill deals with the question of prompt payment of wages of employees who are discharged or dismissed by the employers, but the Bill does not deal with the question of prompt payment of wages of workers who resign their jobs. In these cases also prompt payment of their wages is required. For instance, a man who leaves service on the 1st of a month will be paid his wages on the 15th or on whatever date that is fixed by the employer. This inconveniences the worker very greatly. Sometimes the workers resign their jobs and go to their native places, and when they do so, they do not get their wages sometimes for six months, and I know that in large industrial undertakings huge amounts remain as unclaimed wages, and these after some years, are

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credited by the employers to their own account. It is on account of the failure of the payment of wages promptly to workmen who resign their jobs that a bad system called the system of *Howala* has come into existence in Bombay. A workman who has to go to his native village borrows money from some one and pays interest on it, and hands over authority to receive his wages from the employer. On account of this bad system the employees suffer to some extent. I thought, Sir, that the Government of India would have dealt with that question too.

Then, Sir, there is the question of the payment of wages to a deceased workman, which is also not dealt with in this measure. The Government of Bombay, in their opinion on this Bill, also, suggested that the Bill should make some provision for arranging for prompt payment of wages to the heirs of a deceased workman.

Then, there is the question of payment of wages of temporary workmen. For instance, in the textile industry in Bombay, if a weaver remains absent for a few days his place is taken by a temporary weaver. The system is that this temporary weaver is paid by the permanent weaver, and sometimes the temporary weaver does not get his full wages. Therefore, what is necessary is that there should be an obligation placed upon the employer to pay the wages of the temporary weaver directly.

I have shown thus far that there are a number of omissions in this Bill, and the Government of India should have made provision in this Bill for remedying the defects I have mentioned.

Then, Sir, the second part of this Bill deals with deductions from wages. My personal view is that no employer should be permitted to make any deductions from the wages of an employee unless the deductions are sanctioned by a law

The Honourable Sir Frank Noyce (Member for Industries and Labour): That, if I may point out to my Honourable friend, will be exactly the position if this Bill becomes law.

Mr. N. M. Joshi: Mr. President, what I meant to say was that this Bill regulates the deductions of wages. What I am suggesting is that we should not permit an employer to make any deductions from the wages except in certain cases, and if the Honourable Member had waited for a few seconds more, he would have seen what those cases were. An employer may be permitted to make deductions of income-tax. I have no objection at all. If there are laws for compelling the employee to contribute either to a Provident Fund or to a Health Insurance Fund or Unemployment Insurance Fund, the necessary deductions can be made. Excepting these deductions, I do not think the employer should be permitted to make any other kind of deductions. This Bill deals with all kinds of deductions, deductions of advances and deductions by way of fines. The Royal Commission on Indian Labour has suggested that the employer should not be permitted to deduct recruiting expenses. I do not find any mention in this Bill prohibiting the deductions of recruiting expenses from the wages of the employees.

Then, Sir, the Royal Commission found that on plantations in Southern India some employers follow the practice of not paying full wages to their employees every month. They make a partial payment of wages and credit the remaining sum to the account of the employees in their

accounts. The Royal Commission found that it was not a sound practice, and, therefore, suggested that that practice should be put a stop to.

Besides these deductions of advances from the wages, there are some deductions which are indirect, and I do not see any mention about these, such as the reduction of the rates of wages. This is a kind of deduction from wages, and the deduction of bonuses is also a deduction from wages. I do not see anything in the Bill dealing with these deductions.

Then, Sir, as regards the deductions from wages by way of fines, I had expressed my view in the Report of the Royal Commission along with my friends, Mr. John Cliffe and Mr Chamanlal, that we would like the fines to be abolished altogether. We do not think that it is proper to give a right to an employer to make any deduction from the wages of an employee on account of fines. The employer has got his own remedy. If he does not approve of the services of an employee, he is entitled to discharge that employee after due notice, and I feel that the system of fines does not serve any useful purpose at all. It is wrong from the point of view of the employers themselves, and it is equally wrong to the employee as well. It may be said that fines are necessary to maintain discipline. My view is, Sir, that fines do not help in the maintenance of discipline at all. If the fines are small, as they must be small if the wages of the employees are not to be deducted materially, then these fines do not really serve the purpose of maintenance of discipline at all. I, therefore, feel that the system of fines is a bad system altogether. It is a kind of system of maintaining discipline which some parents, who do not know how to control their children, follow to cure the indiscipline of their children. They resort to caning or whipping. I, therefore, feel that the system of fines should be abolished altogether. As regards the various clauses of the Bill regarding the regulation of fines, I do not propose to deal with them here; I shall get an opportunity of dealing with them in the Select Committee.

I should like to say a word about the clauses of this Bill being an improvement. I admit very frankly that the omission of the power given to the employer to compel the weaver to take the cloth or pay the whole-sale price of the cloth when it is spoiled is a great improvement, and I am thankful to the Honourable Member for inserting that improvement in this Bill. At the same time, the Bill is not wholly an improvement. If the Bill had been entirely an improvement, my Honourable friend, Mr. Milligan, would not have called this Bill as an improved Bill. This Bill restricts the application of its clauses to a much smaller section of employees. The old Bill, which was introduced in this House two years ago, permitted the Local Governments to apply the clauses of that Bill to any industrial establishment. This Bill restricts the power given to the Local Governments only to a few industries. The industries mentioned are mines, plantations, quarry, workshop or other establishment, in which articles are produced, adapted or manufactured with a view to their use, transport or sale. I therefore feel that the power given to the Local Governments does not extend to industries, such as, docks; Local Governments will have no power to apply this measure to seamen who may be fined and who are fined. This Bill does not give power to Local Governments to apply its provisions to tramways or motor transport; also it does not apply to smaller unregulated factories. I feel that there is absolutely no reason why the application of this Bill should be restricted only to a few industries. The British Act extends to all workmen and

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the Indian legislation regarding the payment of wages as well as the regulation of wages should also extend to all employees and it need not be restricted to a few industries. Again, I feel that instead of giving the power to Local Governments the Government of India should have made this measure immediately applicable to all the industries. I do not know why the Government of India should not apply the clauses of this Bill to organised industries like docks, or workshops coming under the Factories Act. I feel that the Government of India should have done that instead of waiting for the Local Governments to apply the clauses of this Bill to these industries. I have already stated that the power given to the Local Government need not have been restricted at all. I do not wish to say anything more on this occasion. Whatever I have to say as regards the different clauses of this Bill I shall say in the Select Committee.

The Honourable Sir Frank Noyce: The main criticism that has been brought against this measure is that it does not go far enough. That is a criticism to which we on this side of the House have to get used. Whatever measures we bring forward, they are hardly likely to satisfy the Members on the Opposition Benches.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): Why not bring one at least?

The Honourable Sir Frank Noyce: I do not propose to deal in detail with the criticisms which have been raised in the course of the discussion. Those have been carefully noted and no doubt will be brought up and fully discussed in the Select Committee. I said, at the outset of my remarks on this Bill, that the Select Committee will have a very difficult task before it, and I am more than ever convinced after what I have heard from my Honourable friend, Mr. Giri, and my Honourable friend, Mr. Joshi, that that will be the case. They have put forward a number of suggestions. My Honourable friend, Mr. Joshi, in accordance with his usual practice, complains that the Bill does not go far enough. He grumbles because we have not dealt with the fixation of wages, the standardisation of wages and similar subjects. Here we have dealt with a very important problem but he blames us because we are not doing everything at once! There is a limit both to our capacity and to the capacity of this House to pass labour legislation.

Prof. N. G. Ranga (Guntur cum Nellore: Non-Muhammadan Rural): Question.

The Honourable Sir Frank Noyce: Other urgent business has to be placed before this House from time to time and I do not think the House would like a Session to be devoted entirely to labour legislation.

Prof. N. G. Ranga: The House has not authorised you to speak on its behalf.

The Honourable Sir Frank Noyce: There are just one or two criticisms raised by Mr. Joshi on which I propose to comment. He complains that in this Bill we have not dealt with the question of payment of wages in

mines on rest days. But he seems to have forgotten the recommendation of the Royal Commission on the subject, which was:

"The matter is one that might be left to the initiative of the managements, but, if, after a reasonable time, payment on a rest day has not been discontinued, Government should take steps to prohibit the practice."

Mr. N. M. Joshi: How do you prohibit the practice then?

The Honourable Sir Frank Noyce: "The matter is one which might be left to the initiative of the managements". The Commission did not make any suggestion for immediate legislation.

Mr. N. M. Joshi: That was four years back.

The Honourable Sir Frank Noyce: We have gone into the matter and we have discovered that the practice has practically ceased and that, therefore, there is no necessity for legislation. This is typical of the criticism that Mr. Joshi invariably brings against us on very slender foundations. My Honourable friend has complained that we have not included recruiting expenses in the clause relating to deductions

Mr. N. M. Joshi: The recommendation of the Royal Commission was that the deduction of such recruiting expenses should be made illegal.

The Honourable Sir Frank Noyce: That is exactly what we have done.

Mr. N. M. Joshi: Where?

The Honourable Sir Frank Noyce: If my Honourable friend will read clause 6 (2) of the Bill, he will see:

"Deductions from the wages of an employed person shall be made only in accordance with the provisions of this Act, and may be of the following kinds only,..."

Recruiting expenses are not among the deductions which can be made in accordance with the provisions of this Bill. Another complaint that my Honourable friend has made is that the scope of this Bill is more limited than that of the Bill originally introduced and that, therefore, this Bill can hardly be called an improvement on its predecessor. All that happened in that connection is, that we were pressed—and I think very rightly pressed—to give a definition of industrial establishments and that we have done. The original Bill did not allow Local Governments to extend its provisions to seamen. Neither does the present Bill. We have merely given a definition of industrial establishments. Although the Bill at present only extends to factories and to railways, it can be extended to other industrial establishments or any class or group of them. The point I wish to emphasize is this. As I said at the opening of our discussion, we are here breaking new ground. It is advisable to proceed with caution in this matter. The provisions of a Bill such as this involve considerable strain on the administrative staff, and, therefore, it is wise to limit its scope in the first instance and to make it apply to cases in which it is obviously most needed. Those cases are factories. I hardly think the necessity is so great in the case of railway administrations, but there, at any rate, the administration of the Act will be comparatively easy. Let us

[Sir Frank Noyce.]

try it out in the first instance in regard to factories and railway administrations and when we have done that we can go further and apply it to other industrial establishments that is, mines, plantations, quarries and the like, if we find that such a course is desirable. If I recollect what he said correctly, my Honourable friend, Prof. Ranga, suggested that we should have applied the Bill at once to agricultural workers generally.

Prof. N. G. Ranga: Why not?

The Honourable Sir Frank Noyce: He asks "why not"? He admitted himself that it would be extremely expensive to do so. It is suggested that we could reduce the expenses by employing honorary agencies such as village munsifs, honorary magistrates and the like. Well, Sir, there is a Latin maxim, "Quis custodiet ipsos custodes?" "Who is going to look after these guardians?", and, if I have a correct memory of my district experience, village munsifs and honorary magistrates frequently, more often than not, employ agricultural labour themselves.

Prof. N. G. Ranga: May I inform the Honourable Member for Labour and Industries that even now, in very many cases, workers do go to the village munsifs to complain against their employers and do very often get justice.

The Honourable Sir Frank Noyce: I am very glad to hear it. I do not think that one swallow makes a summer and in any case I do not think that my Honourable friend realises what it involves in the administration of this Act. Does he expect every employer of agricultural labour in this country to keep registers which are open to inspection by the village munsif or the honorary magistrate at any time? I think the answer to that question has already been furnished by a speaker on his own side, the Honourable Member from Assam, who talked about the danger of allowing irresponsible people to make inspections. There is also a further difficulty, that agricultural labour is frequently paid in kind and it would be extremely difficult to keep track of what had happened there. There is another point arising out of what Mr. Joshi said on which I should like to make a remark. He expressed his dissatisfaction with this measure because it did not prevent reductions in wages which in his view

Mr. N. M. Joshi: I said 'rates'.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Does it provide for increase in wages?

The Honourable Sir Frank Noyce: That is an extraordinary doctrine. Does he maintain that wages once fixed should always remain at the same level?

Mr. N. M. Joshi: An employer, instead of fining the workman by two rupees may reduce his wages for a fortnight. He may reduce the rate for a fortnight in order to secure the fine. It will be the same thing.

The Honourable Sir Frank Noyce: That is not what I understand by reduction of wages.

Mr. N. M. Joshi: I said 'reduction of rates'.

The Honourable Sir Frank Noyce: That is a point which we can discuss in the Select Committee. It seems to me absolutely impossible to provide loopholes against every evasion of this Act, especially since as I said that the ground it covers is quite new. My Honourable friend, the Member from Assam, expressed regret that there is no representative from Assam on the Select Committee, but I would point out that for the time being at any rate the scope of the Bill extends only to factories and railway administrations and there are very few factories of those in Assam.

Srijut N. C. Bardaloi: What about the tea factories in Assam?

The Honourable Sir Frank Noyce: I should have said large factories. That, Sir, I think, concludes all that I need say. I would express my satisfaction that the House has approved of the reference of the Bill to a Select Committee and I can assure the House that all that has been said today and last week will receive the careful consideration of the Select Committee.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the Bill to regulate the payment of wages to certain classes of persons employed in industry be referred to a Select Committee consisting of Mr. V. V. Giri, Mr. S. Satyamurti, Mr. Mohan Lal Saksena, Mr. B. B. Varma, Mr. H. P. Mody, Syed Ghulam Bhik Nairang, Mr. Amarendra Nath Chattopadhyaya, Mr. L. C. Buss, Mr. N. M. Joshi, Dr. F. X. DeSouza, Mr. J. Monteath, Mr. A. G. Clow, Mr. S. K. Hosmani, Mr. P. R. Rau and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

THE CODE OF CIVIL PROCEDURE (SECOND AMENDMENT) BILL.

The Honourable Sir Nripendra Sircar (Law Member): Sir, I move:

"That the Bill further to amend the Code of Civil Procedure, 1908 (Insertion of new section 44A) for certain purposes, be taken into consideration."

Honourable Members will understand that the matter involved in this Bill is a very short and limited one and the history of the present legislation, put very briefly, is this. In 1924, in the month of February, the Government of India introduced a Bill further to amend the Code of Civil Procedure and the object of that Bill was to provide for the enforcement in British India of judgments obtained in the United Kingdom and in other notified parts of His Majesty's Dominions, as part of a reciprocal arrangement, the other part of which consisted of the extension to British India of the provisions of Part II of the Administration of Justice Act, 1920. The Bill was referred to a Select Committee. The Select Committee expressed the opinion that the Bill would not ensure a fair measure of reciprocity. The difficulty arose from the fact that under the British Act reciprocity could only be applied to judgments of the superior courts and most of the British Indian courts of limited civil jurisdiction like the district judges' and subordinate judges' courts would not have come within the meaning of "superior courts" as used in that Act. No amendment of the Indian Bill could have altered the position, and, for this reason, it was decided to drop the Bill. The position has now been altered by the passing of the Foreign Judgments Act of 1933, which provides for the extension of Part I thereof to His Majesty's Dominions outside the United Kingdom by Order in Council and also leaves it to an Order in Council to specify the courts which shall be deemed as superior.

[Sir Nripendra Sircar.]

Now, Sir, I propose to be very brief for this reason, that although the matter, I thought, was a very limited and short one, I gathered from informal conversations with many Honourable friends in this House that they preferred the matter to be discussed by a Select Committee. To that course I have not the slightest objection and I am accepting an amendment to that effect if and when it is moved, so that the little difficulties which might have struck certain Honourable Members can be fully discussed so as to find out whether they are worth pursuing. I will say only one word before I resume my seat and that is this. My Honourable friend, Mr. Gauba, gave notice of an amendment—in fact that was the first amendment—that instead of stating, as we have done, that a copy of the judgment and decree of the United Kingdom or of the Dominion, as the case may be, should be filed here, he wanted to change that into the decree being sent for execution. My Honourable friend is not here. I had an informal talk with him. Now that is not practicable for this reason, namely, that under this Act, this Foreign Judgments Act, there is a section,—I believe it is section 10—which provides for any person interested taking a certified copy of the judgment of the superior court together with a certificate containing all relevant particulars. As soon as the copy is taken, if this Bill is enacted, that certified copy will be filed in the district court here and that will be executed like any other decree. What my Honourable friend, Mr. Gauba, wanted was that the decree should be sent to the district court from the United Kingdom or the Dominion as the case may be. Sir, the difficulty there is this, that the Act, the Foreign Judgments Act of 1933, on which we are relying for reciprocity, does not provide for the decree being sent for execution from the United Kingdom or any other part of the dominions to this country. We have our section 39 of the Civil Procedure Code under which a decree can be sent for execution in a particular way, but, unfortunately, that is not one of the provisions of the Foreign Judgments Act. Nor is there any practical difficulty, because there is no charm in the words, “the decree being sent for execution”, so long as certified copies of the judgment and of the decree are filed in the district court and upon which the execution proceeds. There is really no difficulty whatsoever from the point of view of the practical results. But I do not feel justified in taking up the time of my Honourable friends, as I have already indicated that I am quite agreeable to the suggestion of a Select Committee.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved.

“That the Bill further to amend the Code of Civil Procedure, 1908 (Insertion of new section 44A) for certain purposes, be taken into consideration.”

Notice of an amendment has been received from Mr. K. L. Gauba which proposes to refer the Bill to a Select Committee. He is not present.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Will you allow me, Sir, to move it?

Mr. President (The Honourable Sir Abdur Rahim): That cannot be done. The Chair has received notice of a similar motion from Mr. F. E. James, and it is prepared to accept that, suspending the Standing Order as regards the time within which the notice has to be filed.

Mr. F. E. James (Madras: European): I have your permission, Sir, to move my amendment?

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions: Non-Muhammadian Bural): I rise to a point of order, Sir. Under rule 77, clause (2) of the Manual of Business and Procedure, it is open to any Member to make a motion for the reference of a Bill to a Select Committee whenever a motion is made that the Bill be taken into consideration, and I submit that it is not necessary to give any previous notice of it.

The Honourable Sir Nripendra Sircar: I quite agree with him—that is, under Standing Order 89.

Pandit Govind Ballabh Pant: So I submit that it is open to Mr. Lalchand Navalrai or any other person who wants to make a motion of this character to make it and the giving of any previous notice is not a condition precedent to the making of such a motion. I want your ruling on the point, Sir, as the question may arise again. I myself intended to make a motion of this character today, but did not give notice as I felt satisfied from the terms of Standing Order 89 that it was open to me to do so without giving any formal notice of any such motion.

Mr. President (The Honourable Sir Abdur Bahim): As regards the point of order raised, the Chair has to point out that it is an amendment which is mentioned in paragraph 77 of the Manual; and as regards amendments, the provision is made in Standing Order 46:

"If notice of a proposed amendment has not been given two clear days before the day on which the Bill is to be considered, any Member may object to the moving of the amendment, and such objection shall prevail, unless the President, in the exercise of his power to suspend this standing order, allows the amendment to be moved."

And that has also been the general practice in this Assembly. The Chair, therefore, rules that it is necessary to suspend the Standing Order when no notice has been given beforehand. Mr. James.

Mr. F. E. James: Sir, I beg to move:

"That the Bill further to amend the Code of Civil Procedure, 1908 (Insertion of new section 44A) for certain purposes, be referred to a Select Committee consisting of the Honourable Sir Nripendra Sircar, Mr. Bhulabhai J. Desai, Mr. M. A. Jinnah, Mr. Fakir Chand, Mr. Lalchand Navalrai, Mr. K. L. Gauba and the Mover, with instructions to report by the 10th March, 1935, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be three."

It is not necessary for me to say anything on the merits of the Bill at this stage, inasmuch as I understand that the Honourable the Law Member is prepared to accept the reference of the Bill to a Select Committee. There are, however, just two points which I would like to mention. The first is that it has been represented to me that it is desirable that the word "decree" which is not ordinarily used in England should be substituted by the word "judgment". That point involves, therefore, an explanation as to the meaning of the term "judgment". Those two points can well be discussed in the Select Committee and I would say no more on them at this stage.

Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

"That the Bill further to amend the Code of Civil Procedure, 1908 (Insertion of new section 44A) for certain purposes, be referred to a Select Committee consisting of the Honourable Sir Nripendra Sircar, Mr. Bhulabhai J. Desai, Mr. M. A. Jinnah, Mr. Fakir Chand, Mr. Lalchand Navalrai, Mr. K. L. Gauba and the Mover, with instructions to report by the 10th March, 1935, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be three."

Mr. Lalchand Navalrai: Sir, as the Bill is now going to the Select Committee, I shall not be lengthy in giving my views on it. Only one section is going to be amended, but it involves a very important question. As it is said that this Bill is based on reciprocity having been obtained from the United Kingdom, it is very necessary to critically examine it. However, as it has been left to the Select Committee to go into these points and as I will also be there, I think I shall have an opportunity to say more on it then. But I would like to draw the attention of Honourable Members to one point. There is no doubt that at the time of the former Bill this question was not gone into. The question then was that the Court may be defined. In other words, what was meant by the superior Court? Now, that having been done, there arises another question. According to this Bill, it is only a certified copy that can be sent from England or other places mentioned in it to the district Court or the superior Court here and, *ipso facto*, it will be executed here. Now, what does the decree contain and also what would a certified copy contain? It would show that according to a certain judgment a certain decree has been made and a certain amount of money has to be paid or some other kind of remedy is to be given. Now, that is decree. If that decree comes before the Court, the question always arises in the execution whether that decree or any part of it has been satisfied or not. Then, there are several other questions that arise before the execution takes place, and, in those executions, there are several questions to be considered, such as, any compromise having been made between the parties or any adjustment of that decree having been made. Now, these questions are considered by a particular procedure which is provided in the Civil Procedure Code when a decree is sent for execution to another Court in India. Now, Sir, I would refer to Order 21, rules 5, 6 and 7 of the Civil Procedure Code. Under these rules, it is apparent that the decree has to be sent to the Court for execution with a certificate. Unless I misunderstood my Honourable friend, he did say that the certified copy would show whether any payment has been made or whether any other conditions have been satisfied. But that cannot possibly be, under the Civil Procedure Code at least, because the certified copy of the decree does not show on the back of it that money has been paid in a particular manner or an adjustment has been made. It does not even show whether the decree has been made by a Court having jurisdiction or whether it was rightly made. Only a true copy would come up. Therefore, the question arises that if the decree is not transferred—because what this Bill says is "where a certified copy of a decree to any superior court has been filed in court"—what will happen? Of course, the words ought to have been—and I am saying this subject to the consideration of it in the Select Committee—that the decree, when it is transferred to that Court, will be executed.

The Honourable Sir Nripendra Sircar: May I ask the Honourable Member how that will be done? Under what provision of the English law will it be done? Suppose I have got a decree in England, under what provision will that decree be sent here in the sense of section 79 of the Civil Procedure Code?

Mr. Lalchand Navalrai: I have understood the point raised by the Honourable the Law Member and I will give him a reply. As to how it is sent under the Civil Procedure Code is plainly laid down. The point is whether the English Act provides for the sending of the decree to India for execution or not. The Honourable Member says that there is no such provision in the English Act. Now, whose fault is this. In the same breath, the Honourable Member says that there is reciprocity. I maintain, Sir, that there is absolutely no reciprocity. On the contrary, the Honourable Member, before bringing this Bill, should have asked those concerned in England to have enacted in that manner and then he would have been justified in saying that this Bill be passed on the ground of reciprocity. Sir, Order 21, rule 6, says:

"The Court sending a decree for execution shall send a copy of the decree and a certificate setting forth that the satisfaction of the decree has not been obtained by execution within the jurisdiction of the Court by which it was passed or where the decree has been executed in part, the extent to which satisfaction has been obtained and what part of the decree remains unexecuted and a copy of any order for the execution of the decree or, if no such order has been made, a certificate to that effect."

Thus in filing a copy merely, all these preliminaries will not be complied with. If it is clear from the rule of the United Kingdom that they will give all these requirements on the decree itself, then it amounts to a transfer. Therefore, I submit that I will not make any further comments on this point but would reserve them for the Select Committee, but I do say that it is not so simple a point as the Honourable the Law Member seems to think. Therefore, I submit that I am in favour of the Bill being sent to the Select Committee.

Pandit Govind Ballabh Pant: Sir, my task has been made lighter by the statement of the Honourable the Law Member that he is willing to refer this Bill to a Select Committee. I confess that I do not appreciate the urgency of this measure and I do not see any adequate reasons for rushing it through the House and for suspending the usual procedure of the scrutiny of Bills in the Select Committee. Sir, this measure has a long history, and for its genesis you have to go back about 25 years. In the year 1911, the Imperial Conference passed a resolution to the following effect:

"That the Imperial Government should consider in concert with the Dominion Governments whether and to what extent and under what conditions it is practicable and desirable to make mutual arrangements with a view to the enforcement in one part of the Empire of judgments and orders of the courts of justice in another part including judgments or orders for the enforcement of commercial arbitration awards."

In pursuance of this resolution, the Judicature Act was passed by Parliament in 1920. In the trail of that Act, a Bill was introduced in this Assembly, to which reference has been made by the Honourable the Mover, in February, 1924. The Bill was almost in the same terms in which the

[Pandit Govind Ballabh Pant.]

present Bill has been introduced. Only a few more Courts have been added in Explanation No. 1 which did not find place in the Bill as it was originally introduced in 1924, with the result that if this Bill is enacted by this House now, then it will empower the Courts here not only to execute decrees passed by the Courts that were mentioned in the original Bill, but also by such others as have been included in the present Explanation No. 1, appended to clause 44-A. That Bill of 1924 went to the Select Committee stage. As I submitted, the wording did not differ in substance from that of the present Bill, but after scrutiny, the Select Committee dropped the Bill. That by itself would be sufficient ground for referring the present Bill to the Select Committee. There is no reason why we should proceed with undue haste which in a case like this, where a measure had such a long history and has given rise to such controversies seems to be not only undue but even indecent. Certainly where a measure after having been once dropped is brought before the House again, we should give serious thought and consideration to it. Then, I may state here that there is hardly any difference between the Judicature Act of 1920 and the Act of 1933 known as the Foreign Judgments Act. Under both, the power of extending the scope of these Acts is vested in His Majesty in Council by means of an Order in Council and both empower the courts in England to execute only such decrees as emanate from superior Courts. So, in substance, there is no difference at all between the two Acts except this, that the original Act of 1920 was primarily meant for Dominions while the subsequent Act of 1933 is primarily meant for foreign countries. I have no grievance if we are bracketed with the latter, that is the foreign country and not with the former, that is the Dominions, for in fact we do not enjoy the status or privileges of a Dominion and I see the hand of Providence in our being grouped with foreign countries instead of with the Dominions. So, to that extent, I welcome this change and it seems to be more in accord with the hard though unpleasant realities of the situation. So, Sir, in this respect I have no quarrel. We are told here in the Statement of Objects and Reasons that the Government of India have ascertained that the Lord Chancellor has no objection to the Act being applied to all Indian Courts possessing unlimited original civil jurisdiction. This correspondence between the Government of India and the Lord Chancellor has not been published and we do not know exactly what the Lord Chancellor has said. We are told in this statement that the Bill of 1924 had to be dropped because the superior Courts did not include the Courts of unlimited original jurisdiction in this country. So far as I am aware the Parliament in England has not passed any measure defining the expression "Superior Courts" so as to cover the Courts of original jurisdiction in this country. We have to depend then on the interpretation or the courtesy whatever it may be of the Lord Chancellor who is said to be prepared to accept the original Courts of unlimited jurisdiction in this country as "Superior Courts". I may tell this House that in this Act of 1933, great emphasis is laid on the principle of reciprocity. So even the Imperial Government which have plenary control over us and have unlimited jurisdiction to make any laws for us with predominant authority in this country to the exclusion of every other law that we may frame, even that British Parliament would not empower its executive to extend the courtesy of executing the decrees of Courts in India unless and until we have passed a measure here accepting our duty of enforcing the decrees

of the Courts of England. I do not at all understand this principle of reciprocity. My Honourable friends belonging to the European Group and many others there drawing very fat salaries are here in our House, by virtue, I do not know of right, or of historical accident or because it pays them to be here.

Mr. F. E. James: You are not referring to my salary.

Pandit Govind Ballabh Pant: I do not know. You are not getting anything to my knowledge from the Government, but there are many ways of obliging and helping each other. We know that the trading interests in India from other countries have always been treated with more than usual consideration. Leaving that aside, the fact remains that in the British Parliament, in the House of Commons there is no Indian ever sitting and so, there is no reciprocity at all. I do not know if you can in any way control the course of legislation there, whether we can do anything to divert the funds there from one channel to another

Mr. President (The Honourable Sir Abdur Rahim): How long will the Honourable Member take?

Pandit Govind Ballabh Pant: I will conclude very shortly. If the Honourable Members are tired

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has got the right to go on, if he chooses to.

Pandit Govind Ballabh Pant: I will conclude just now, Sir.

I submit, Sir, that if Government had the intention of proceeding with the consideration of this Bill without referring it to a Select Committee, they ought to have published the correspondence between them and the Lord Chancellor in order to assure this House that the impediment which had stood in the way of the previous Bill had now been effectively removed. But that would not have satisfied me. I would insist on the British Parliament defining the words "Superior Courts" by way of an amending Bill to the Foreign Judicature Act of 1933 in such a manner as to make it absolutely unambiguous and clear that the words "Superior Courts" in that law included the Courts of unlimited original jurisdiction in this country. When even those powerful gentlemen are so very cautious and suspicious and ever so anxious to safeguard themselves, we, who are under their thumb in every matter, cannot afford to be reckless. So I suggest that, before proceeding with the measure further, the Select Committee should examine the position and satisfy itself that there is no danger ahead. I may also inform the House that under the Foreign Judicature Act it is open to the Council to revoke an order, but, so far as we are concerned, the power of amending this Bill once it is enacted might be vested in His Excellency the Governor General to be exercised by him in his discretion, absolute and arbitrary, and the so-called illusory Federal Chamber may never have any authority even to amend it except by his sufferance and with his leave. So I support the proposal for referring this Bill to the Select Committee.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I wish to make a few observations on this Bill. If this Bill is based upon the question of reciprocity, there is not that reciprocity which is set out in the Statement of Objects and Reasons, nor do we find it obligatory on the authorities in the United Kingdom to extend reciprocity to us. In view of that, the proposed amendment of section 44 has to be considerably modified. The wording of the proposed section is:

"Where a certified copy of a decree of any of the superior courts of the United Kingdom or any reciprocating territory has been filed in a District Court, the decree may be executed in British India as if it had been passed by the District Court."

It is not stated here that it is obligatory upon the United Kingdom to give reciprocity. Therefore, as in the English Act, this clause must be recast in general terms. The words "United Kingdom" need not be introduced there for the present; and it should be left open to this Government or to the Governor General under certain limitations to extend it to any foreign territory or to any reciprocating territory so long as that territory reciprocates. This is not a new suggestion that I make, for, in the English Act itself, it makes it clear that the power to allow foreign judgments to be executed in the United Kingdom, as if those judgments were passed in the United Kingdom itself, is restricted to the period in which the other countries reciprocate likewise and the judgments passed by the United Kingdom as judgments of those foreign countries themselves. Section 1 of the English Act says:

"His Majesty, if He is satisfied that, in the event of the benefits conferred by this Part of this Act being extended to judgments given in the superior courts of any foreign country, substantial reciprocity of treatment will be assured as respects the enforcement in that foreign country of judgments given in the superior courts of the United Kingdom, may, by Order in Council, direct that this Part of this Act shall extend to that foreign country."

Here, even if for some reason subsequently the Order in Council of His Majesty should be withdrawn, if this Bill is passed, it will be obligatory upon the British Courts in India to enforce the judgments of the United Kingdom, that is irrespective of the question whether the reciprocity continues or not. Therefore, it is absolutely necessary to modify it so as to make it obligatory upon the United Kingdom to reciprocate so long as their judgments are in force as judgments of the British courts in India. Further, it must not be left to the discretion of the authorities here. Some conditions have also to be imposed restricting the discretion thus: that it must be made clear that only so long and so far as the reciprocation is allowed for the judgments passed in this country by the United Kingdom authorities, the authorities in India should be allowed to execute those decrees of the United Kingdom to that extent and nothing more.

Then, again, executing a foreign judgment in courts in British India may lead to many dangers. Unless the powers of execution are limited and larger powers are given to the judgment-debtor to come and object to the want of jurisdiction and to say in the British Indian courts that the

judgment of the foreign court was obtained by fraud or collusion, or that those judgments or decrees were satisfied in full, unless these restrictions are made, it might lead to danger. You can see the consequences that will arise if those rights are not given by the Statute—by the Civil Procedure Code to the judgment-debtors in this country. As the Civil Procedure Code stands, at present, when once a decree is passed, in the execution stage, none of these objections are allowed to be set up. Under this clause, when once the judgment of a foreign court is filed in a district court in British India, it becomes automatically a decree passed by that court: it need not be sent for execution to that court, because under the terms of the Bill it becomes a decree passed by that court itself: therefore, under section 39, it is open to that court to execute it in any one or other of the modes which are set out by the Civil Procedure Code. This Code imposes a restriction upon the judgment-debtor's right to set up objections to the decree. When once a decree is passed, no objection of any kind relating to jurisdiction or the manner in which the judgment was obtained is allowed to be raised in execution proceedings. Therefore, it will be easy for any person in the United Kingdom to obtain a decree, even without a proper notice to the parties, behind the back of the judgment-debtor; and when once a decree like that is sent to this court, it will be clothed with all the authority of a decree properly passed within the jurisdiction of this court, and, therefore, whereas a person who obtains a decree in the United Kingdom can easily execute it, if this Bill is passed, in India against the judgment-debtor, the judgment-debtor would not be allowed to raise those objections here: he will be driven to the necessity of going to the United Kingdom and then raise the objections in those courts. Therefore, the judgment-debtor will be placed in a great and huge difficulty. These difficulties were anticipated and proper provision made in the English Act. In the English Act, before a decree of a foreign court is allowed to be executed, it must be filed in that court and it must be registered as a judgment of that court: and before a foreign judgment is registered in that court these points are all taken into account and if the decree holder does not satisfy the court the judgment is not ordinarily registered. It is only after that registry is made that it is allowed to be executed. Section 2 of the English Act says:

"A person, being a judgment creditor under a judgment to which this Part of this Act applies, may apply to the High Court at any time within six years after the date of the judgment, or, where there have been proceedings by way of appeal against the judgment, after the date of the last judgment given in those proceedings, to have the judgment registered in the High Court, and on any such application the Court shall subject to proof of the prescribed matters and to the other provisions of this Act, order the judgment to be registered....."

The main points that are taken into account in registering a judgment—I refer only to the main points—are:

"Provided that a judgment shall not be registered if at the date of the application it has been wholly satisfied."

Therefore, before the Court is satisfied, a copy of the execution proceedings or the latest order of the Court which passed the decree has to be filed in the United Kingdom before that judgment can be registered there. It also says:

"or it could not be enforced by execution in the country of the original court"

[Mr. M. Ananthasayanam Ayyangar.]

Therefore, unless those restrictions are imposed here and provisions are made in this Bill for a preliminary registry of the document or judgment, before it can be made a judgment or decree of that Court, many difficulties might arise. It is well known that if satisfaction or payment is made towards a decree, and that payment is not recorded in Court within three months after the payment is made, subsequently, in execution proceedings, those payments would not be taken note of in India; it would not be open to the judgment-debtor to come and say: "I made payment more than three months ago and that it should be credited to me." Therefore, if in a foreign court the major portion of the amount was paid more than three months before, still it will be open for the decree-holder to enforce and realise the entire amount from the judgment-debtor here, in India, unless the satisfaction had been recorded already there. Therefore, this provision for registering a payment which is found in the English Act, is a wholesome provision and a similar provision should be incorporated in this Bill.

The question of jurisdiction also must be allowed to be raised. The question as to whether a decree is properly obtained or by undue influence or fraud, must also be allowed to be raised.

Then, as regards the question of limitation also, difficulties will arise. If a judgment of a foreign court becomes the judgment of this Court, the question is, whether this judgment relates to the date when that foreign judgment was passed, that is whether the starting point for limitation commences from the date when the judgment was passed in the District Court or it starts from the date when the judgment was passed in the other court. Ordinarily more than 12 years are not allowed here. He may have a shorter period of limitation in the foreign courts. These matters also have to be taken into consideration so as not to allow undue length of time for decree-holders who may merely want to delay the proceedings, and then after a lapse of time come and pounce upon the judgment-debtor. In the same way, when the decree-holder has a right to execute his decree by the law of a foreign country, that period also ought not to be unnecessarily restricted.

Sir, there is also another matter which has to be taken into consideration. If a judgment is passed in the United Kingdom it may not be competent for a decree-holder to execute it against the person in the United Kingdom in a case where he obtains a decree for money. Here in India he may easily execute a decree by arrest of the person himself. Therefore, if the decree is sent from the United Kingdom for execution here, the decree-holder may have many more rights. These points also have to be taken into consideration in the Select Committee. Therefore, Sir, I submit that unless the provisions of this section are so altered as to ensure due reciprocity for the execution of decrees passed by British Indian Courts, and unless substantial modifications are made, this legislation ought not to be proceeded with.

The Honourable Sir Nripendra Sircar: Sir, as the matter is going to the Select Committee, I do not desire to discuss in detail the various points that have been raised by the three speakers who preceded me, but without expressing any opinion, I am quite prepared to admit that the points raised by the last two speakers including my Honourable friend, Mr. Pant, require serious consideration, and the proper place to do that is the Select Committee.

As regards the last speaker's remarks about an opportunity not being given to show whether a foreign decree was obtained by fraud or undue influence, I believe the Honourable Member has in mind section 18 of the Code of Civil Procedure under which,—

"a foreign judgment shall be conclusive as to any matter thereby directly adjudicated upon between the same parties or between parties under whom they or any of them claim litigating under the same title except—(a) where it has not been pronounced by a Court of competent jurisdiction, (b) where it has not been given on the merits of a case, (c) where it appears on the face of the proceedings to be founded on an incorrect view of the international law or a refusal to recognise the law of British India in cases in which such law is applicable, (d) where the proceedings in which the judgment was obtained are opposed to natural justice, (e) where it has been obtained by fraud, and (f) where it sustains a claim on a breach of any law in force in British India."

I believe my Honourable friend's point is,—he will correct me if I am wrong,—he seems to be under the impression that whereas at present one cannot execute a foreign decree and he has to bring a suit on a foreign judgment, and when he brings his suit on a foreign judgment, all these defences are open to the defendant, but the defendant here will lose all his right if as a matter of fact merely on the filing of a decree the decree becomes executable. That is just the point that has got to be considered. I may remind my Honourable friend that a similar question has arisen,—I have no desire now to go into all those cases,—in connection with section 44 of the Civil Procedure Code, to which I would draw his attention. . . .

Mr. M. Ananthasayanam Ayyangar: Sir, I would like to make my position clear. No doubt, there are some rulings which say that objection to a judgment can be raised in execution proceedings under section 44 if a decree is executed and if that decree is passed by a Native State court which for the purposes of the Civil Procedure Code is in a foreign country, but this is not made clear in the Statute itself. . . .

The Honourable Sir Nripendra Sircar: My friend has anticipated me. I was going to refer to those rulings for the purpose of contending that as a matter of fact there will be no disadvantage here, but surely that is one of the matters to be considered by the Select Committee, and, therefore, I do not feel justified in taking up the time of this House any further, because all these matters will be considered in the Select Committee. I would only say one word. My friend, Mr. Pant, suggested that we are rushing through this legislation. I can assure my friend that there was no deep-seated plot or any sinister motive in bringing forward this proposal. . . .

Mr. Govind Ballabh Pant: I did not insinuate any.

The Honourable Sir Nripendra Sircar: As a matter of fact, opinions differ even among elected Members, and this will be clear from this fact. When I wanted to ascertain what the views of the Members of this House were on this question, my friend Mr. Pant, said that he would like this matter to be referred to a Select Committee. There were others who thought there was nothing in it, and there was no need to refer the matter to a Select Committee, but as soon as I found there was a desire on the part of some section of the House that the matter should be referred to a Select Committee, I at once agreed that the matters which

[Sir Nripendra Sircar.]

have been raised by some Honourable Members are worthy of serious consideration in the Select Committee. Therefore, Sir, I don't think I shall be justified in taking up the time of the House any further.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the Bill further to amend the Code of Civil Procedure, 1908 (Insertion of new section 44A) for certain purposes be referred to a Select Committee consisting of the Honourable Sir Nripendra Sircar, Mr. Bhulabhai J. Desai, Mr. M. A. Jinnah, Mr. Fakir Chand, Mr. Lalchand Nava'rai, Mr. K. L. Gauba and the Mover, with instructions to report by the 10th March 1935, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be three."

The motion was adopted.

RESOLUTION RE DRAFT CONVENTION OF THE INTERNATIONAL LABOUR CONFERENCE CONCERNING UNEMPLOYMENT INSURANCE AND OTHER FORMS OF RELIEF.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the following Resolution moved by the Honourable Sir Frank Noyce on the 13th February, 1935, as also of the amendment* moved by Mr. Joshi:

"That this Assembly, having considered the Draft Convention ensuring benefit or allowances to the involuntarily unemployed, and the Recommendation concerning unemployment insurance and various forms of relief for the unemployed, adopted by the International Labour Conference at its Eighteenth Session, recommends to the Governor General in Council that he do not ratify the Draft Convention, nor accept the Recommendation."

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Mr. President, I listened with great attention to what the Honourable the Mover had to say on this subject. It seemed to me that he was blowing hot and cold in the same breath. He said that the number of labourers to whom this may be applied in India may be so few that we need not take up the question just now, but at the same time he said that the cost for this programme would be very much, and so it is not advisable to proceed with this matter. At the same time, he said.

The Honourable Sir Frank Noyce (Member for Industries and Labour): No, Sir. My Honourable friend has misinterpreted what I have said. I did not say that the number affected by this Convention would be small. The number affected would be the total number of industrial labourers employed in India, which is a very large number. The number actually receiving unemployment benefit, at any particular time, might be small. This is a different matter.

*"That for the words 'that he do not ratify the Draft Convention, nor accept the Recommendation' the following be substituted:

'that such steps, legislative and otherwise, may be taken for the relief of unemployment as would lead to the ratification of the Draft Convention and the acceptance of the Recommendation as soon as practicable'."

Mr. T. S. Avinashilingam Oshettiar: I am glad to be corrected. At the same time, he said that the mere fact that we are not ratifying this Convention does not mean that we are not going to do anything in the way of unemployment insurance. If the Government are prepared that if we do not pass this Convention now, it does not mean that we are not going to do anything in this matter, then I think the difference between the object of my Honourable friend the Mover of the amendment and that of the Mover of the Resolution is very little indeed. So, I submit that the Government can very easily accept the amendment moved by Mr. Joshi, for this very reason that they themselves say that they want to do something in this line. It seems to me that the money required for this programme is not very much indeed. My Honourable friend quoted the other day, and I shall quote again, the views of Sir M. Viswesvarayya, whose name is not unknown to this House. He is a great man, he has done good work in the various States in this country, and his name and his books are fairly familiar. He said that if two crores of rupees were reserved for this purpose, we could immediately have a huge plan of insurance benefits. Let me submit to this House that, after all, the finding of two crores of rupees is not a very difficult job. The cut, which the Honourable the Finance Member announced the other day would be removed, would give a sum of Rs. 92 lakhs, and, if the Government are really prepared to do something in the way of giving unemployment insurance benefits, if they are prepared to serve the great mass of people who are the labourers of this country, if the cut is not restored, then we have already a crore of rupees in our hands which can be very easily utilised for this great purpose. Government, many times in season and many times out of season, say that their heart is with the masses, with the teeming millions of this country, the labourers and artisans and everything that is low and everything that is poor. I heard even the other day when the Governor General was addressing us, that they were just now doing great work for the villages, and at the same time we were hearing, as counter propaganda to the great work that Mahatma Gandhi has started, that they are themselves trying to do something for the villagers, for the poor people and the labourers. (*An Honourable Member:* "They do nothing.") I now say that this is a splendid opportunity when they can say that not only do they care for their own highly paid staff with their fat pays, but also for the poorer sections of humanity in this country. The Honourable the Home Member suspected the other day that the village organisation that Mahatma Gandhi has started has some political move. The only political move that I can see in this is that it will make people to be independent and have some self-respect and that political ideas will gradually enter into their minds and make them stronger and nobler. I suspect when even such a moderate amendment as has been moved by my Honourable friend, Mr. Joshi, is opposed by the Government, it seems to me that every programme which wants to make people more independent, more self-reliant, which will provide them with more food and more leisure to devote themselves to other avocations of life—it seems to me as if they are against every measure which will bring about an amelioration of the poverty-stricken condition of the people. The amendment does not say that the Convention should be at once ratified; it only says that steps, legislative and otherwise, may be taken for the relief of unemployment as would lead to the ratification of the Draft Convention and the acceptance of the Recommendation as soon as practicable. It is as vague as the Government would like it to be. It does not put any time limit within which it should be done. The amendment does not say that it should be made practicable at once,

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but only to take some steps. Even if such a moderate amendment is opposed, it is really unfortunate that we should have a Government the Members of which oppose such a moderate amendment. Now, they themselves accept that merely not passing this Convention does not mean that they are not doing anything in the way of unemployment insurance benefits. They themselves accept that they want to do it. If they want to do so, this is a very good beginning, and I would request the Government to accept the amendment with good grace, and begin this humanitarian work at once.

Sir Cowasji Jehangir (Bombay City:Non-Muhammadan Urban): Mr. President, my Honourable friend who has just sat down talked about our genuine feelings and our anxiety to help the working classes of this country, and I trust that he will not doubt my good intentions if I rise to point out to him and to other Honourable Members some of the dangers that do not appear to have been realised.

Mr. A. K. Fuzlul Huq (Bukargunj cum Faridpur: Muhammadan Rural): Dangers from the Government Resolution or the amendment?

Sir Cowasji Jehangir: Dangers from men like my Honourable friend who sits behind me. . . .

Mr. A. K. Fuzlul Huq: Not the speaker!

Sir Cowasji Jehangir: . . . who always says one thing and means another.

Mr. A. K. Fuzlul Huq: You have read into my mind!

Sir Cowasji Jehangir: This Convention has been admitted on all sides as one which cannot be ratified.

An Honourable Member: Question.

Another Honourable Member: On all sides? Which side?

Sir Cowasji Jehangir: It was admitted by Mr. Joshi in his speech, it was admitted by the Honourable Member who spoke just now, that the Convention, as it stands, cannot possibly be ratified immediately. It is an impossibility, and the issue that is before the House is whether this Convention should be ratified or not. That is the first issue, and I take it that we all agree that this Convention cannot be ratified today.

An Honourable Member: Question.

Sir Cowasji Jehangir: My Honourable friends say, question. My Honourable friend the Professor says, question. It appears to me that my Honourable friend has not understood what this Convention means. Are you ready for an insurance scheme immediately? (*A few Honourable Members on the Congress Party Benches*: "Certainly.") The question is, are we? We are not. (*Interruption from Congress Party Benches*.) There is no use of my being interrupted

by bringing in absolutely irrelevant matters. It is not going to stop me from saying what I have to say, it is not going to stop me from putting forward my point of view before the House. (Interruption by Mr. S. Satyamurti.) Here is another Honourable Member who wants to interrupt.

The President (The Honourable Sir Abdur Rahim): The Honourable Member ought to be allowed to go on with his speech uninterrupted.

Sir Cowasji Jehangir: I am afraid we have got into the habit of not allowing anybody to have his say, who, it is believed, will express an opinion different to our own. I believe that one of the principles advocated by my Honourable friends is tolerance, and if that is so, and if they desire that we should hear them patiently, and respectfully, even if we disagree with them, I trust that they will extend the same courtesy to us even if we have to express opinions different from their own. I will now proceed. The Convention, I maintain, cannot be ratified, and that is the Resolution that has been moved from the Government Benches. I may be wrong, but I think the amendment of my Honourable friend, Mr. Joshi, rather side-tracks the issue.

Mr. N. M. Joshi (Nominated Non-Official): No, no.

Sir Cowasji Jehangir: He desires that we should go into questions of legislation which will lead up to its ratification.

Mr. N. M. Joshi: You are right.

Sir Cowasji Jehangir: Now, that is a very tall order indeed. The ramifications of this Convention are of a character which we cannot at present visualise in a country like India. India is not an industrial country; India is an agricultural country. This Convention was framed for countries which are highly industrialised like Great Britain, Germany and some others. It was never framed with the intention that it should directly and immediately apply to a huge and vast country, an agricultural country, like India. That is my first argument, and I will not be surprised if many countries refuse to ratify it—many countries which have not gone in, for years past, for schemes of insurance and schemes of relief in order to meet unemployment. I do not know whether Japan will ratify this Convention.

Mr. F. E. James (Madras: European): No.

Sir Cowasji Jehangir: That is what I also believe. They will not. Since
 3 P.M. we have been able to decide on the main issue, namely, that immediate ratification is impossible, then we can deal with my Honourable friend's amendment. I have already said, when I was being interrupted, that it was of a very wide and sweeping character. Mr. Joshi desires this House to be committed to legislation which will lead up to the ratification of this Convention. There is nothing in this amendment which states that an experiment should be made, that we should go slowly, that we should make a beginning. There is nothing of the sort in this amendment. There is a good deal of that sort in the speech of my Honourable friend which I did not have the pleasure of hearing but which I have read through very carefully. I admit, in his speech, he talks a great deal about

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going slowly and of making a beginning in the matter of collecting statistics, but that does not support his amendment which commits this House here and now to legislation to be brought forward to enable this Convention to be ratified. This Convention deals with industrial labour. There are many kinds of labourers, we are all labourers, who require relief. What about the middle classes? Do they not require relief? They are the people who require relief most in this country, today, people drawing Rs. 50, 60 or 80 a month. A man getting Rs. 84 a month pays income-tax and that is the man that requires relief first and foremost. It is not the industrial labourer that requires relief so much as the man who earns Rs. 84 or Rs. 90 or Rs. 50 or Rs. 60 a month. That is the man who is really suffering in India today.

Mr. N. M. Joshi: Have unemployment insurance for that class also?

Sir Cowasji Jehangir: That is the class of man that deserves our sympathy and when the Finance Bill comes up in this very Session, we shall see if we can give them some relief of taxation by raising the income-tax limit from Rs. 1,000 to Rs. 2,000. I trust that we shall be able to do that and that is the class of people who have my full sympathy today. Then, Sir, there is another point about our industrial workers. Our industrial workers today, all over India, are agriculturists. At least in Bombay a large majority of them are by profession agriculturists who go back to the land whenever there is unemployment and even go back to the land periodically whether there is unemployment or not. They are born agriculturists and they will ever remain agriculturists and nothing that we have been able to do have made them into an industrial population. When there is unemployment they go back to the land for whatever it is worth.

Mr. N. M. Joshi: What is it worth?

Sir Cowasji Jehangir: It gives them something at least to live on. (*Some Honourable Members:* "No".) It is not that kind of unemployment that big industrial countries have to suffer whose workers cannot possibly go back to the land. That is a point I wish to make. I do not mean to say that their lot is not hard. The lot of the agriculturist is bad enough, I admit, today, in India, in these depressed times, but the industrial worker has two strings to his bow, at least in my part of India, where he can go back to the land when there is unemployment. It is only a point that I desire to make. Then, Sir, coming back to my friend, Mr. Joshi, I find in his speech he advocated very strongly making a small beginning with which we have all sympathy and which was embodied in a Resolution, as has already been pointed out to this Honourable House, not very long ago and accepted by the House. But the principles he advocates in his speech he has not embodied in his amendment. I will quote his very words:

"I would like the Government of India at least to make a beginning on a small scale. I quite realise that if you start a system of unemployment insurance for everybody in this country it will be difficult. Let the Government of India make a beginning with their own employees on railways, the Government printing presses, the Government factories, ordnance factories and several other factories which the Government of India themselves own."

May I ask whether that is embodied in the amendment that my Honourable friend has moved? My Honourable friend tries to commit this House to legislation which will lead up to the acceptance of this Convention, which is going much further, which is committing us to something quite different from what he suggested in his speech. If he had embodied something of this sort in his amendment, I think he might have had the sympathy of this Honourable House, but surely my Honourable friend does not wish to commit us to something we do not understand, something we do not realise, the cost of which we do not know—legislation and schemes which will lead up to the ratification of this Convention. I strongly urge this House, however much we may sympathise with the speech made by my Honourable friend, not to accept his amendment which goes much further than what he ever intended and what my Honourable friend who has just sat down intends. Now, Mr. President, I will give another short quotation from my Honourable friend's speech which I think is a very strong argument against his amendment. This is what he says:

"If there is unemployment in agriculture there is bound to be unemployment in a country like India in industry and if the middle class people want some relief from unemployment, let them remember that unless agriculture improves and unless industry in this country also improves, there is not going to be much more employment for them."

Poor consolation from a man like my Honourable friend, Mr. Joshi, to the poor and really starving middle classes of this country! He says, "you can wait" . . .

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

Sir Oowasji Jehangir: "You can wait and you will get your turn when industries improve, and when agriculture improves, but if industries improve, you will naturally get less unemployment amongst the industrial workers. If agriculture improves, industry will improve, and naturally the lot of the middle classes will improve." But, while he is prepared to give relief to the industrial worker, he asks the poorer middle classes of this country to wait till better times come. It is a vicious circle.

Mr. N. M. Joshi: The Honourable Member has misunderstood me.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member wants to rise on a point of personal explanation, he knows how to do it.

Sir Oowasji Jehangir: Sir, I have read the Honourable Member's speech. He asks certain classes to wait till better times come when, naturally, they will get more employment, and he says, in other words, that when his industrial workers get more employment, the others will naturally follow, but when none of them get employment, he wants to assist his industrial workers and make who pay, Mr. President? The middle classes and the agriculturists pay for the relief that he desires to give to his industrial workers!

Mr. N. M. Joshi: The middle classes pay very little.

Sir Cowasji Jehangir: I am surprised to hear that admission; it is an admission that I am not prepared to make, that the middle classes contribute very little to the taxation of this country, and I will hold him to that statement when the time comes. (Laughter.) Without going very much further into this question, I would ask the House to realize what it will do if it passes Mr. Joshi's amendment. It will commit us to something much more than what Mr. Joshi himself intends and what some of my Honourable friends here intend; it will commit us to legislation of a character which will enable us to ratify this Convention, which is only intended for industrial countries like England and Germany and never intended for India. It will bring us towards the ratification of a Convention which Japan will not ratify.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has exceeded his time limit.

Sir Cowasji Jehangir: Thank you, Sir, I will take only two minutes more, and, therefore, Sir, while we express, and I personally, if I may say so, not mere lip sympathy towards the legitimate grievances of the workers of all classes in this country, I will be the last to commit a Legislature like this to the radical change contemplated in this amendment. Mr. President, we work in this House and have been working in an atmosphere of irresponsibility. We are not responsible for anything; the Benches opposite are.

An Honourable Member: Are they?

Sir Cowasji Jehangir: They are responsible.

An Honourable Member: How are they responsible?

Sir Cowasji Jehangir: They are responsible to somebody—the Secretary of State. We are not responsible to anybody and we have been working in this atmosphere of irresponsibility the whole time.

Mr. N. M. Joshi: No, no.

Sir Cowasji Jehangir: That is my contention all along against this Constitution that we have no responsibility. And what are we asking for? What does my Honourable friend, Mr. Joshi, ask for? He has been asking that we shall now bear the responsibility that is our due—the responsibility of governing our own country—and that we shall not let that responsibility be shared by anybody else; and my complaint is that we have been working for all these years, on this side of the House, in this atmosphere of irresponsibility,—which has enabled us to support many an amendment and many a cut which would otherwise never have been supported, and which, I say, we shall continue to support as long as this condition of irresponsibility lasts (Hear, hear), and this is one of those amendments, Mr. President, which will be supported, although we are realizing the danger, the real significance of it, because we know that we are not responsible, that we shall never be made responsible. (Hear, hear.) It is this atmosphere of irresponsibility that makes it possible for such amendments to be actually moved even by a sensible man like my friend, Mr. Joshi. (Laughter.)

Although we have no share in, and no responsibility for, the government of our own country, still, the time will come, when we shall be made responsible; and I for one desire earnestly,—and I have always desired that,—that we should begin at the earliest opportunity of acting as if we were responsible. But I know it is very difficult in this House, Mr. President, with a Government Bench, which we can never replace. (Hear, hear.) I realize it is very difficult, but I do desire that, at least in this case, we shall act as if we were responsible (Laughter), and as if we really intend that Government shall bring in legislation at the earliest opportunity to ratify this Convention; and, believing that Government will pay some attention to this amendment if it is passed, I desire strongly to oppose it; but if Government intend to pay no attention to it, then I am quite prepared to give my support to it. (Hear, hear.)

Mr. F. W. Hockenhull (Assam: European): Sir, in rising to support the Resolution, I have to express my surprise at the amount of opposition it has raised. Surely, no Government of India, whatever its constitution, could accept the Draft Convention at the present time for this country. If, however, as I surmise, such opposition in the debate is intended to furnish an indication of dissatisfaction at the tardy progress towards the solution of the problem, there is something to be said for it. My only comment is that perhaps more helpful suggestions might have been forthcoming in the attempt to arrest this serious and growing evil. Merely to say that some steps should be taken, something should be done, that Government should make a start with its own employees, is carrying us nowhere at all.

Mr. N. M. Joshi: Why?

Mr. F. W. Hockenhull: I ask you a very pertinent question, Sir. What are we, each of us, contributing to the amelioration of this ever-growing trouble of unemployment? Now, Sir, the suggestion has been made that industrial unemployment might be isolated and tackled on lines similar to those operating in Europe and America. For a variety of reasons, Sir, this is quite untenable. In the first place, that class of unemployment is relatively very small. Secondly, a large proportion of industrial labour is fluid. It is a feature of unskilled labour in factories in this country that it works for limited periods, returning to the land, to be replaced by others, who, in turn, do likewise. Again, no scheme of unemployed benefit for industrial workers only, based on contributions by Government, by the industries involved and by labour itself, will find acceptance in this country. For obvious reasons, Government cannot contribute. The very circumstances which make for unemployment at the present time preclude any contribution by the industry. Those who are in close touch with labour of the unskilled and semi-skilled type realize their aversion to any such contribution. I have even found amongst better educated classes that no response has been forthcoming for a scheme of contribution to the provident fund benefit organised on a voluntary basis, not even when a like contribution is added by the employing company. Only when compulsory acceptance of such a scheme is made a condition of employment, in the case of new appointments, has it been found possible to organise provident benefits with success. But, because we reject a cut and dried scheme founded on Western practice, we are not precluded from investigating some of the causes of unemployment, the incidence of which promises to increase

[Mr. F. W. Hockenhull.]

rather than diminish; and these investigations should be undertaken without delay. Population is steadily increasing. Medical and sanitary science have lengthened the average expectation of life, by controlling disease, by removing in a large measure the ravages of epidemics and by lowering the rate of infantile mortality. Overseas emigration has almost come to a standstill, and present portends suggest the improbability of a revival. The spectre of famine is almost forgotten owing to increased and better communications and the rapidly extending advantage of irrigation. How, in these circumstances, is unemployment to be averted? Is our educational system all that it might be, when on every side we find educated youths, in increasing numbers, fitted only for blind-alley appointments if indeed they succeed in finding employment at all? Even in industry, the expansion of which appears to be our best hope for the future, mechanization is proceeding at a rapid pace. Competition from other countries compels the industrialist to reduce the cost of production by the introduction of automatic machines, mechanical transport, gravity conveyors and every possible labour saving device, thus reducing manual operations to a minimum. Are we moving with the times, or is our outlook that of twenty-five years ago? Over-production in every department of agriculture is another menace. Here again science is in large measure responsible and scientific control, as a logical corollary, seems almost neglected. Improved cultivation, the discovery and application of chemical fertilizers, improved jats of seed, better drainage or irrigation as the case may be, all contribute: yet we lag behind in the matter of orderly, informed, scientifically controlled regulation and marketing. Do not these methods appear to be a way out towards the desirable end of raising prices, with increased purchasing power and consequent greater employment? Mention has been made of plantations. I have a lengthy association with the tea plantations of Assam where there is no unemployment. The industry is mainly agricultural but it has its industrial side. As is only too well known, we have had our hard times and these are by no means over. Hitherto the worst that has happened to labour is a limited, very limited, measure of partial employment. I exclude from these considerations contractors and all kinds of casual labour which works at its own convenience. The earnings of permanent labour all round are considerably higher than they were fifteen years ago and the cost of living is very much lower. Benefits have been voluntarily conferred such as the regulation of the maximum price of food-stuffs to the labourer, free feeding of the young and the sick, and maternity benefits to women. Like others, we have suffered from the evils of over-production and we have endeavoured to rectify the position by evolving a scheme of limiting exports, regulating production, and taxing ourselves for purposes of propaganda. It seems to me that the remedy for industrial unemployment lies primarily in the direction of self-help and reorganisation within the industry itself. Unemployment generally cannot be solved by measures which merely aim at alleviating the lot of the unemployed. Every reasonable scheme which aims at economic recovery is a step in the direction of solving the problem of unemployment even if its immediate aims do not go beyond the prevention of increased unemployment. Any industry which is taking active steps to set its house in order and work towards the goal of equilibrium between supply and demand should receive encouragement and the active assistance of Government so long as the means

which it adopts are designed to achieve, in the ultimate, true economic recovery and not merely a temporary and illusory prosperity.

Mr. Mohan Lal Saksena (Lucknow Division : Non-Muhammadan Rural) : Sir, I rise to support the amendment moved by my Honourable friend, Mr. Joshi. But before doing so, with your permission, I would like to make a few preliminary observations. Firstly, I must formally record my protest against that rule of procedure which precludes me from speaking in Hindustani, my mother tongue and the recognised national language of India, for the simple reason that I happen to be acquainted with a foreign language. Therefore, I hope Honourable Members will kindly excuse me for inflicting on them a language with which I am not fully conversant and over which I have no command. Sir, I will also request the Honourable Members not to mind my plain-speaking, even if at times it be a bit shocking to them,—to their refined susceptibilities and to their aristocratic tastes.

Sir, the other day, the Honourable Mr. Mody was pleased to tell us that we on this side of the House do not use as decorous language as Honourable Members on the other side would have done if they were sitting on this side. Sir, I could not exactly understand what was the meaning of Mr. Mody's remarks. If thereby Mr. Mody meant that we are not using flowery and flattering language, we are not using euphemistic expressions and phrases and we are not using mere platitudes, I shall say that we cannot help it. We have come from the people and we have worked and lived amongst them. We are here to voice their grievances and to safeguard their interests and we are not ashamed to speak their language or to use their phraseology. Sir, I must say that we have come face to face with misery and destitution that obtains today in the slums and villages of India. Our knowledge is not derived from the blue books and the Government reports, and, therefore, we cannot be misled by the incorrect statements that are often made from the other side. Sir, I must also admit that our hearts are full of righteous indignation and bitterness against the system of foreign Government which has reduced our people to the present state of poverty, degradation and impotence. Sir, if we are not able to exercise the same amount of self-restraint as our Leader and to use as dignified language as he does, I will only say that we should be excused. But if by the remarks the Honourable Member, Mr. Mody, meant to say, that we use a language which is in any way improper or unjustified or unparliamentary, I would only commend to this Honourable House the language of Mr. Buchannan which he used in the House of Commons the other day on a similar occasion in regard to the Prime Minister of England, when a Bill relating to the unemployed was under discussion. Sir, we, on this side of the House are precluded from using that kind of language because of our creed of non-violence, although the House will agree with us that the Government of India has been more guilty of negligence in this matter than the Government of England. (Hear, hear.) I would also remind the Honourable Members of the language, tone and the manner of the Leader of the House in the speech that he made on the occasion of the Joint Parliamentary Committee Report consideration.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member had better address himself now to the question before the House.

Mr. Mohan Lal Saksena: I would also refer to the atmosphere of unreality to which our friend, Sir Cowasji Jehangir, referred and which makes one feel that it is no use wasting one's breath in a House the constitution of which is such that more than one-fourth of its Members are not even elected, nor do many of them possess any representative character. They are here because they have succeeded in winning the favour of the Government House and its hangers-on. Their opinions remain uninfluenced, of course, I would say with a few honourable exceptions like my Honourable friend, Mr. Joshi

Mr. E. S. Sarma (Nominated Non-Official): The same constituency that elected Dr. Deshmukh elected Sir Cowasji Jehangir also

Mr. Mohan Lal Saksena: Their opinions remain uninfluenced by arguments advanced on the floor of the House and they exercise their votes with one and one consideration, that is, they should not in any way incur the displeasure of their patrons. Sir, what adds to the unreality of this atmosphere still more is the irresponsible and irremovable executive which sits on the other side. The other day the Honourable the Home Member was not even abashed to tell us

Mr. President (The Honourable Sir Abdur Rahim): The Chair would now ask the Honourable Member to speak to the Resolution before the House.

Mr. Mohan Lal Saksena: I am coming to the amendment. I had to refer to the unreality of this atmosphere because Sir Cowasji Jehangir was pleased to say that there was an atmosphere of irresponsibility prevailing on this side of the House. I am going to prove that the atmosphere of irresponsibility prevails on the other side. The other day the Honourable the Home Member was pleased to tell us, to our very face, that the responsibility for carrying on the Government was theirs and that the House had no remedy against the executive if it did not accept its Resolutions and decisions. The Honourable the Home Member is not present here, but I would tell him that the executive may not have any stake in the game that it is playing here, but still the defeats which it has been sustaining, day in and day out, must tell on its morale as well as cause not a little irritation. We have not come here with any delusions or false hopes. We have come here with a definite aim and a set purpose

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member will not speak to the Resolution, the Chair will have to ask him to resume his seat. He must address himself to the question before the House.

Mr. Mohan Lal Saksena: Let us now see what did the Honourable Member for Industries and Labour say when he moved his Resolution. I have got here the cutting from the *Statesman*, I am not so fortunate as Sir Cowasji Jehangir to secure a proof copy of the speech. I see the Honourable Member for Industries and Labour said that he had brought forward this Resolution, because, in India, the problem of unemployment of industrial workers, apart from the agricultural and middle class workers, was not so serious as to justify the acceptance of this Convention. That again reminded me of a very interesting story which I read in my school

days. It was advertised in London papers that a certain eminent gentleman would deliver a lecture on a certain date and the subject was "Snakes in Iceland". On the day of the meeting, the House was packed to the full and all the audience was anxiously waiting to hear the speaker. The speaker rose amidst loud cheers and said: "Ladies and gentlemen, I have to thank you for having come to hear me speak about 'Snakes in Iceland', but ladies and gentlemen, I have only to tell you that there are no snakes in Iceland". The problem of unemployment in all its forms, whether amongst industrial workers or amongst agricultural workers or amongst the middle classes, has been agitating the best minds of the world for the past so many years. It is on this issue that the fortunes of many a Government have been made or marred. It has been engaging the attention of the International Labour Office for a number of years; for, as was pointed out in this House that it was as early as 1919 that a resolution was passed at Washington session of International Conference that every State Member should have a scheme of unemployment insurance. It was again, Sir, in 1926 that the International Labour Conference asked its governing body to prepare a scheme on that subject. It was in 1933 that this Convention was approved by the Conference, but it was decided that it should be placed before the next session of the Conference for a second consideration, and it has been considered and passed a second time. Today the Honourable Member stands up here and says that there is no serious problem of unemployment amongst the industrial workers. Sir, may I ask him what is the basis for his saying so? Has he been able to collect any statistics? Did he consult any Chambers of Commerce? Did he consult any labour association? Did he make any enquiry? Has he got any figures? Supposing for a moment, this problem is not so serious as to justify the acceptance of the Convention. I would say, even if there was one family which was affected by it, if there was one family which was starving and which had to go unemployed for want of work, not for refusing to work, but for want of proper work, even then I think it is the duty of the Government; it is the responsibility of the Government to find work for that family. Sir, unemployment has been causing so much starvation and idleness and starvation and idleness are not only unnatural and inhuman, but they are the greatest danger to the peaceful and ordered growth of society. My Honourable friend, Sir Cowasji Jehangir, was warning us against the dangers of passing this amendment of Mr. Joshi. I would warn the House against the consequences of not accepting this amendment. (Hear, hear.) There is a proverb which says that the idle mind is the devil's workshop and to that I would add that the pangs of hunger recognise no law either ethical or statutory. I would challenge the Honourable Members of this House that 99 per cent. of us, who are sitting here and who profess high religious and moral principles, will forget them, if we are starved or semi-starved for a number of weeks.

Sir Cowasji Jehangir: No, never.

Mr. Mohan Lal Saksena: I am submitting that even the law of society recognises this fundamental law of human existence. And the fundamental law of society is, that everybody should exist and has the right to exist; and it is on the basis of this that even the law of the land recognises and grants the right of self-defence to a person to the extent that he can take the life of another provided he does so in self-defence and his life is

[Mr. Mohan Lal Saksena.]

in imminent danger of extinction. If you will follow the fortunes and fate of the unfortunate family which I have assumed for the sake of argument has alone been affected by unemployment problem. We will assume for the sake of argument that the family consists of only four members. The head of the family has been thrown out of employment and has not been able to find any work for no fault of his, although he is ready to work and work for even longer hours than the normal hours of work now recognised by civilised society, still he is not able to get work. What will he do? He will go and sell off his property, his moveables, the ornaments of his wife and whatever sundries he has got. But if even after selling them he is not able to support his family, he can do one of three things. Either he will take to drink and thus forget his worries and thereby he will fall into evil ways, for he must do something to exist; or he may be arrested and sentenced under the security sections for not having any ostensible means of livelihood; or he can go and commit suicide. In either case we know that the society or Government cannot contemplate with equanimity or tolerate such a state of affairs.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has two minutes more.

Mr. Mohan Lal Saksena: I would request the Honourable the President to consider that I am speaking for the first time here, and I am not talking mere platitudes or paying formal compliments. I am talking hard facts, and I hope the Chair will allow me a little latitude.

Sir, I was saying that supposing this family had one head of the family, one wife and a boy in school and a baby who is being fed on the mother's milk, what will happen? When there is no food in the family, when the head of the family has been arrested or he has committed suicide or he has taken to a life of felony, what will happen to that unfortunate woman? She is herself starving, she will have no milk to feed the child and the child shall consequently die. I put it to you, will that unfortunate woman not be justified in regarding the Government of India and its spokesmen as starvers of babies and ourselves as abettors? Again, Sir, the boy reading in the school has to give up his studies, and there is the greatest danger. Here is a future citizen of India and at the very start he is deprived of education and he has to go on the streets and beg for alms and carry on somehow. In these circumstances what will the woman do? I can boldly assert that 99 per cent. of even the so called society women will have forcibly to take to evil ways. That is the way in which the Government of India and its spokesmen are allowing families to die of starvation and we are promoting and encouraging infamy and felony and starving babies and children. I say this is surely not a state of affairs which exists only in my imagination. I would request Honourable Members to accompany me to the slums and villages. It is not, as the Honourable the Leader of the House told us, that we go to the villages and work amongst them only when we are properly fed and clothed,—as he insinuated,—out of the Tilak Swaraj Fund proceeds. I am not going to hit back because my leaders have asked me not to do it. But I have certainly a right to tell them and to ask them, "You are properly fed, you are properly clothed, you are properly and handsomely paid. What are you doing for the villagers? I do not want your figures and your

speeches, and our speeches also will not convince you. Let us go to any village and to any industrial area you choose. If you find there are people starving, you must move in the matter." And, I say, that the time has come when the State should do something in the matter. The Honourable the Home Member has been telling us that he is afraid of rebellion, he is afraid of revolt, and he is not making the Red Shirt Organisation and other organisations lawful because there is a danger to the public peace. I may tell him, once for all, that it is not in the interest of an ordinary citizen to join the forces of disorder or disruption. No grievance proceeds to rebellion unless it is founded and grounded on a sense of wrong. And what is that sense of wrong? What is the moral case against this Government that the people have no affection for this Government? It does not require a Jawahar Lal Nehru or an Abdul Ghaffar Khan or even a Gandhi to preach disaffection against this Government. This Government, by their very acts and by their very policy, have lost all claim to the affections of the people. And what is that sense of wrong? The sense of wrong is this that this Government have taken away the means of livelihood of the people. Whether we take into consideration the railway policy or the military policy or the industrial policy, I say, by every one of these policies you have been increasing the number of the unemployed. I will seek your indulgence, Sir, to refer to the state of affairs in Muhammadan times. Sir, I come from Lucknow and the Education Secretary also comes from Lucknow and he will bear me out when I say that the practice in that City, even today is that when small shopkeepers open their shop and artisans go to their work, they say: "*Jisko na de Maula usko de Asafuddowlah*." "To whomsoever even God does not give, Asafuddowlah gives". And who was this Asafuddowlah? He was one of the Nawabs of Oudh who have been condemned right and left by the British historians; and what was it that makes these simple folk remember him even today? It is because that benevolent ruler took special care of the poor and of the middle classes and those who were starving. That big *Imambara* is only a monument to the regard which this Nawab had for suffering humanity; and it is said that it was built at a time when famine was raging and during the night the men of the middle classes used to come and work and it used to be demolished and during the day time the labourers used to come and work. And why did he ask the middle classes to come and work at night? It was because he cared for the susceptibilities of the persons who were unemployed. He knew that the middle classes would not like to do the work of labourers in day time. So I say that Asafuddowlah has passed away and even today people swear by his name And why? These poor simple folk do not know that the reins of Government no longer rest in the hands of that benevolent ruler but have passed into the hands of a wooden, heartless, irresponsible, alien bureaucracy.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has had a good deal of time—much more than he is entitled to. The Chair hopes he will now conclude.

Mr. Mohan Lal Saksena: I will resume my seat any minute you want me, Sir: I will now conclude. I was submitting that this . . .

Mr. President (The Honourable Sir Abdur Rahim): It is not fair to other Honourable Members who want to speak.

Mr. Mohan Lal Saksena: With these words, I would request Honourable Members to weigh the consequences of accepting the motion that has been placed by the Industries Member, and I would ask them to support the motion of my friend, Mr. Joshi. (Opposition Cheers.)

Mr. A. K. Fuzlul Huq: Sir, the House has listened to the Government point of view: it has listened to the capitalist point of view as reflected in the speech of Sir Cowasji Jehangir, and I hope the House will have a little patience to hear the purely people's point of view. I am not a belted Knight like Sir Cowasji Jehangir: but I have got sense enough to be able to distinguish night from day. I am a mere commoner and I have got no more letters after my name than the University was pleased to give me: but I have lived and moved amongst the people: I am one of them and I love to dwell with them: I love to be with them, and, if God so pleases, I will do my very best to reflect their views here in this House.

Now, the question before us is of the simplest character. The Resolution moved by the Honourable Member recommends that the Geneva resolution be not ratified and that nothing should be done. This is, on the face of it, a confession of weakness and imbecility of which a mighty Government like the Government of India ought to be ashamed. The amendment is, on the contrary, of an entirely modest character. My friends, Mr. Joshi and Prof. Ranga, say that the Convention ought to be ratified as a first step and that, as far as possible, steps should be taken as soon as possible—which may be as distant as eternity—in order that something should be done or may be done to give relief to the unemployed. Now, as my friend sitting over there pointed out, I do not see much difference between the original Resolution and the amendment: only the original Resolution says that nothing should be done, while the amendment is so very vague that for all practical purposes nothing will be done. (Laughter.)

Coming to the next point, there are various classes of unemployed in this country, and if I could follow correctly the trend of speeches of Honourable Members who are supporting the Government Resolution, it amounted to this: that the problem was so vast and so stupendous that it is impossible to tackle it with the resources at our disposal. I agree that under present conditions our resources, although vast on paper, are very limited in scope; and why? Because whatever money the Government of India can have as revenues is spent most extravagantly by an irresponsible bureaucracy. We would have money to give relief to all classes of people, labourers, artisans, agriculturists, middle classes, even aristocrats like Sir Cowasji Jehangir, if only the bureaucracy would stop short in their reckless career of extravagance in dealing with the money which really belongs to the people of India. Stop this extravagance, cut down your expenses; and you will have money for everything. But if you go on, as soon as the money comes, filling your pockets—beginning with Rs. 80,000 a year and then going down gradually to Rs. 70,000 and Rs. 60,000, till practically the whole of the revenues of India are exhausted is it anything strange that nothing is left for other things? . . .

The Honourable Sir Nripendra Sircar (Law Member): Will my Honourable friend allow me to remind him that he was drawing Rs. 64,000 a year as Minister?

Mr. A. K. Fazlul Huq: Yes, but then the times were different. (Laughter.) And then I knew that if I surrendered that money, it would go to the common till and would be used for other purposes to which I take objection. If the Government had only agreed to earmark it for expenses for the people of India, I might have surrendered my pay.

Now, coming to the exact point, after all, there is not much difference between the original Resolution and the amendment. I ask, why should there be this bickering over nothing? I would ask the Honourable Member to consider whether he cannot see his way to accept the amendment. After all so far as we are concerned, on this side of the House, we are not going to press him to give effect to the Resolution even if the amendment is accepted: we will take the words "as soon as possible" to mean "as long as possible" (Laughter) and if that assurance is accepted, I think the Government will not have any objection to accepting it. Anyway, after having read the amendment and the original Resolution, honestly speaking, I cannot but support the amendment of Mr. Joshi.

Mr. A. G. Olow (Government of India: Nominated Official): Sir, we have had and are having a very interesting debate. I may allude for one moment to the Honourable Member who offered us a maiden speech, the speech before the last. I must say that I did not notice any difficulty in his command of what he asserted was to him a foreign language; I envied at times the facility he showed. But I would like to suggest to him that I think towards the end of his speech he was hampered, not by ignorance of the language, but by what he was pleased to describe as "righteous indignation". Indignation no doubt it was; but I would ask him to believe that it is extremely dangerous when you find people to whom you are politically opposed, and extremely easy to assume that the righteousness is always on one's own side and that the other side is acting through immorality. I do not want to enlarge on this point: I would merely say, that listening to his speech, I also felt a certain amount of indignation which, I venture to maintain, is every bit as righteous as the indignation he felt, and that I do not think we really are dealing seriously with what is admittedly a very serious question when we treat it in a fashion like that; still less, may I say, did the Honourable the ex-Minister who spoke last when he said: "It really does not matter: Accept it: it means anything you like: we are perfectly willing to treat it as meaning that you can take as long as possible". I submit that that attitude of flippancy is altogether unworthy of the subject we are discussing, and, I do not believe either, that Members of the Party opposite or the Mover of the amendment would accept that emendation of his words. I suggest that it is important to realise what actually is involved in Mr. Joshi's amendment. The point was put, I think, by Sir Cowasji Jehangir and by no other speaker who has followed. It really amounts to this: that you must take, as soon as possible, the steps necessary, not merely to ratify the convention but to accept the recommendation; and I would ask Honourable Members to read the first Article in the recommendation which reads:

"In countries where compulsory insurance against unemployment is not in operation, steps should be taken to create such a system as soon as possible."

[Mr. A. G. Clow.]

In other words, we are to be definitely committed to a proposal that all industrial workers in factories, in mines, in docks, in rail-
 4 P.M. ways, or in any industrial employment you like, shall be subjected to a system of compulsory insurance, whether they wish it or not

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): They wish it.

Mr. A. G. Clow: I question that seriously, Sir. We have been dealing this morning with a Bill to prevent deduction in wages, and I believe that another deduction such as this would involve would be resented by the ordinary competent workmen in this country for reasons which I propose to develop later.

Now, the Honourable Member from Lucknow said: "do not examine the figures". Let indignation take the place of figures, I gathered, was his line of argument. Sir, I am perfectly well aware that as a civil servant I am peculiarly open to the temptation of looking at questions in too detached a spirit; I admit it readily. But I suggest to those who feel strongly on this subject,—and I think I am one of them—that emotion is an extremely unsafe guide by which to choose your direction. Choose your direction with as much detachment as possible and apply your emotion to getting energy and enthusiasm for the cause you choose. Therefore, I am going to refer again to the figures which were quoted by my Honourable friend who moved the Resolution, because I don't think they have really been appreciated. He referred to the fact that during the last five years, taking the three most important categories with which we are concerned at the moment, factories, mines and railways, there had been a diminution of about 12 per cent. in the numbers employed, or perhaps 2½ per cent. a year. I think any one who is familiar with industrial life will bear me out when I say that in factories at least, and I think in mines also, the number of fresh recruitment during that period was greatly in excess—I would be inclined to say ten times the number—of that diminution. In other words, on the average, for every man thrown out of employment there has been, during that corresponding period, about ten vacancies. I do not want to be unfair. I am perfectly willing to admit that it does not necessarily follow, that that will always apply to individual industries or in all provinces. You cannot expect a man thrown out of employment in one industry in one province to find a place easily in another industry in another province, but I would ask the House to accept two propositions. The first is that in normal times, overlooking the last few years that we have been dealing with for the moment, in normal times a competent workman in this country has been able to get employment continuously if he wanted it

Prof. N. G. Ranga: Question.

Mr. A. G. Clow: in industry. It is surely pretty obvious . . .

Prof. N. G. Ranga: It is not obvious.

Mr. A. G. Olow: It is, so as far as we can see, leaving out of course the last few years. For the numbers have risen year by year, and I think that any captain of industry in this House will tell you that. The second proposition is this, that even in the last few years, the worst years ever known, the number of competent industrial workers who have had to remain unemployed for substantial periods has been extremely small. The Honourable Member from Lucknow seemed to lay the blame on the Government,—an easy thing to do. I venture to say that this number has been smaller than in any other country of industrial importance with the possible exception of Japan

Prof. N. G. Ranga: Because you don't want to do anything here. You are callous.

Mr. A. G. Olow: In every other country industrial unemployment has been much greater. Are all Governments equally callous?

Prof. N. G. Ranga: Ours is. ,

Mr. A. G. Olow: I do not believe it for a moment.

Prof. N. G. Ranga: It has been so.

Mr. A. G. Olow: Might I be allowed to proceed with my speech without such interruptions?

Mr. President (The Honourable Sir Abdur Rahim): Honourable Members should not make many comments. Let the Honourable Member who is on his legs proceed with his speech without interruption. It is not fair to interrupt him like that.

Mr. A. G. Olow: Now, the answer to this I understood Mr. Joshi to give was that although there may be a small number out of employment, it is a serious matter, and where humanity is concerned, it is right more or less to ignore the cost. Now, if Mr. Joshi merely maintains that the value of human life cannot be measured in terms of money, there is not a single Member of this House who will not agree with him. But I submit that you cannot evade the real difficulty by a sentiment of that kind. There is not a Member of this House who, if he were given a lakh, two lakhs, three lakhs or four lakhs, would not be able to save human lives that would otherwise be lost and to enrich human life not merely in quantity but in quality also; and it is really a question of the direction in which you are going to spend your money. Now, there was a suggestion made by one Honourable Member that if the five per cent. cut were not restored, it would provide the Government with two crores which he thought was necessary to provide

Mr. T. S. Avinashlingam Chettiar: I never said two crores. The five per cent. cut amounts to 92 lakhs, and I said that adding the Railways, it would be about two crores.

Mr. A. G. Glow: At the same time, my friend, Mr. Joshi, said, make a start with the Government servants. In other words, take away the five per cent. cut and give it to them in another form. As far as I can see, the two suggestions together amount to taking money from one pocket to put into another and, in the meantime, losing a considerable amount in administrative expenses. The fact is, that the cost of administration of this is going to be extremely heavy. In a country so scattered it is going to be out of all proportion to the benefits that may be expected to accrue.

If you think of it, there are normally three parties who will be asked to contribute. Taking the first party, the workmen, I speak subject to correction, but it is my honest belief that the ordinary workman in this country would resent having a weekly or monthly deduction for the benefit of a limited class in which, if he is at all competent, he does not ordinarily expect to find himself

Prof. N. G. Ranga: Wrong belief.

Mr. A. G. Glow: Well, there is one test of the belief, and it was referred to by the Honourable the Mover of the Resolution, and that test is that in other countries this has started from the workmen themselves; they have contributed to put by something for a rainy day. In this country I have seen no such sign. It is perfectly open to the Honourable Member to test it by starting an experiment himself. If the two crores were handed over to the Congress, I do not believe that they would start a scheme of unemployment insurance,—they will say there are other and more urgent things on which the money should be spent, and that is my own point of view

Prof. N. G. Ranga: May I tell the Honourable Member that unemployment insurance

Mr. A. G. Glow: My time is very limited, and I do not wish to be interrupted. Now, coming to industry, if we brought in a Bill to levy a cess on any industry, we should be told, with some show of justification, that we were dealing such a blow to industry as would create more unemployment than we were trying to cure. When I come to Government, Sir, I would ask the House to consider, that although we speak of Government finding the money, it is the taxpayer who finds the money, it is the masses of the country who find the money. It would fall mainly on agriculturists, and I ask if, in the opinion of this House, the ordinary agriculturist is in such a secure position as the man whom you are asking him to subsidise. Is he so safe, so wealthy that you are entitled to say: "You shall now contribute in order to provide for the unfortunate accidents by which your friends in the city may be thrown out of employment".

In conclusion, Sir, I want to strike a somewhat wider note. I am speaking entirely for myself. I do feel that the whole principle of insurance in the present connection is extremely questionable. The Whitley Commission said that there was no basis for insurance. That statement has not been questioned, but I think some Honourable Members are under the impression that if only you had the statistics you would have a basis. I think that they overlook the distinction between the real function of insurance and the calamities through which we have been passing in recent years. Suppose we had had those figures in 1929, suppose they

had gone back over a whole generation, I think they would have provided no basis would have carried you through the last five years. Our resources in this country are seriously limited, and I suggest that you will employ them better if you attempt prevention rather than cure, if you try as far as possible to swell the volume of employment instead of waiting for men to be unemployed and paying them benefit for being idle. There have been suggestions, I think the Honourable Member who spoke last said, that Government wish to do nothing. It is precisely the contrary. They are taking those steps which will stimulate our industries, which will increase throughout India the volume of employment, and I believe, that that is the best insurance you can provide, and it is a sounder method of proceeding than this suggestion of insurance on a western model. (Loud Applause.)

Mr. Umar Aly Shah (North Madras: Muhammadan): Mr. President, I support the amendment of my Honourable friend, Mr. Joshi. Many Honourable Members gave lectures on this amendment, but I shall tell you a few words. I am an Independent Party man. My Party's Leader is Mr. Jinnah, and some of the papers and politicians call us as Jinnahites. Jinnahites in Arabic means devils. (Laughter.) We are not devils, nor are we angels; we are mere human beings. And, as a human being, I can tell you, as far as I know in India that there are several Indian poor people and many unemployed scholars who wander from door to door and street to street as beggars. No body helps them and no body is able to support them. In this miserable condition of theirs, the Government must support them and provide them. If not, as ancient history tells us:

"Mandhata cha Mahipati Kritayuga—Jankara Bhutagata".

"Many Kings came into this world and went away as Mandhata."

Sir Lancelot Graham (Secretary, Legislative Department): Let the question be now put.

Mr. President (The Honourable Sir Abdur Rahim): The question is that the question be now put.

The motion was adopted.

The Honourable Sir Frank Noyce: My Honourable friend, Mr. Chow, has stated the position of Government in this matter so clearly that I have very little to add. The fact is that, in more senses than one, I provide an ample target for the slings and arrows of my Honourable friends opposite. (Laughter.) If I had brought forward a Resolution suggesting that this Convention should be ratified, I should have been accused, and I think with some justice, of intending to inflict on industry in this country an intolerable burden with some sinister motive. I cannot believe that a motion of that kind would have met with the approval of my Honourable friends opposite including more especially my Honourable friend, the representative of the Southern India Chamber of Commerce. Because I am not prepared to accept the amendment moved by my Honourable friend, Mr. Joshi, I am accused, or the Government which I represent here are accused, of being callous and hard-hearted in regard to the problem of unemployment. I am quite prepared to admit that any unemployment is an evil, and that to the individual it is naturally a very serious evil. But that is not the question which arises here today. The question which now arises is whether India

[Sir Frank Noyce.]

can afford a system of insurance relief, for, as Mr. Joshi himself has rightly pointed out, implicitly, if not explicitly, in his speech, it is unemployment insurance that we are dealing with; it is not the question of allowances. The whole Convention and Recommendation have as their basis unemployment insurance and the House has very rightly confined itself to that point. It would have been perfectly easy for me to take the line of least resistance which has been suggested by my Honourable friend, the ex-Minister from Bengal. It would have been perfectly easy for me to accept this amendment on behalf of the Government and to leave the burden with my successor who, in two or three years' time, would be faced with the plaintive complaint that invariably goes up from my Honourable friend on my right, "What, Mr. President, have the Government done," or, "Why, Mr. President, have the Government not done?" That would not have been treating either this House or the country honestly. I am firmly convinced that India is not ripe for a system of unemployment insurance. I am firmly convinced that such a system would be a very expensive business. Mr. Joshi's suggestion is that we should make a beginning, that we should "take steps, legislative or otherwise" but he has not suggested what steps we should take, what legislative steps we should take, nor has any other Honourable Member suggested those steps

Mr. A. K. Fazlul Huq: We will leave it to you to take the steps.

The Honourable Sir Frank Noyce: I would point out to the House that no steps that we could take would enable us to ratify this Convention unless they were steps which would enable every unemployed worker in this country to be insured. That is the problem before us. As I pointed out to the House in my speech last week, we are nearing the era of provincial autonomy. Even this House has accepted the principle of provincial autonomy

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban) No.

The Honourable Sir Frank Noyce: with reservations. I am not going to argue that, though I understand that that was the result of the decision of the House the other day. That is merely by the way. I maintain that we are looking forward to an era of provincial autonomy when unemployment will become a purely provincial subject. I ask, would it be honest for me on behalf of the Government to accept a Resolution which commits the provincial Governments of the near future to the heavy burden that would be imposed on them by implementing Mr. Joshi's amendment? That is the problem I put to the House, and I for one am not prepared to agree that Provincial Governments should start the new era with this millstone round their neck. That is the problem before the House. Wide sympathy has been expressed by Honourable Members opposite on behalf of the unemployed and that sympathy I share, but I want the House to realise the practical aspects of the problem and these I have endeavoured to put before them. (Applause.)

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That for the words 'that he do not ratify the Draft Convention, nor accept the Recommendation' the following be substituted:

'that such steps, legislative and otherwise, may be taken for the relief of unemployment as would lead to the ratification of the Draft Convention and the acceptance of the Recommendation as soon as practicable.'"

The Assembly divided:

AYES—52.

Aaron, Mr. Samuel.
Abdul Matin Chaudhury, Mr.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Ashar Ali, Mr. Muhammad.
Ba Si, U.
Banerjee, Dr. P. N.
Baqui, Mr. M. A.
Bardaloi, Srijut N. C.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachelam.
Das, Mr. B.
Das, Mr. Basanta Kumar.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Fakir Chand, Mr.
Fuzlul Huq, Mr. A. K.
Gadgil, Mr. N. V.
Giri, Mr. V. V.
Gupta, Mr. Ghansham Singh.
Hosmani, Mr. S. K.
Iswar Saran, Munshi.
Jedhe, Mr. K. M.

Jogendra Singh, Sirdar.
Joshi, Mr. N. M.
Lalchand Navalrai, Mr.
Maitra, Pandit Lakshmi Kanta.
Mangal Singh, Sardar.
Mudaliar, Mr. C. N. Muthuranga.
Muhammad Ahmad Kazmi, Qasi.
Murtaza Sahib Bahadur, Maulvi Syed.
Nageswara Rao, Mr. K.
Paliwal, Pandit Sri Krishna Dutta.
Pant, Pandit Govind Ballabh.
Parma Nand, Bhai.
Rajan Dr. T. S. S.
Raju, Mr. P. S. Kumaraswami.
Ranga, Prof. N. G.
Saksena, Mr. Mohan Lal.
Satyamurti, Mr. S.
Shafi Daudi, Maulvi Muhammad.
Sham Lal, Mr.
Shaukat Ali, Maulana.
Singh, Mr. Ram Narayan.
Sinha, Mr. Satya Narayan.
Thein Maung, Dr.
Thein Maung, U.
Umar Aly Shah, Mr.
Varma, Mr. B. B.

NOES—52.

Abdul Aziz, Khan Bahadur Mian.
Ahmad Nawaz Khan, Major Nawab.
Allah Bakhsh Khan Tiwana, Khan Bahadur Nawab Malik.
Ayyar, Rao Bahadur A. A. Venkatarama.
Bajpai, Mr. G. S.
Buss, Mr. L. C.
Chatarji, Mr. J. M.
Clow, Mr. A. G.
Craik, The Honourable Sir Henry.
Dalal, Dr. R. D.
DeSouza, Dr. F. X.
Drake, Mr. D. H. C.
Gajapatiraj, Maharaj Kumar Vijaya Ananda.
Ghiasuddin, Mr. M.
Ghulam Bhik Nairang, Syed.
Gidney, Lieut.-Colonel Sir Henry.
Graham, Sir Lancelot.
Grigg, The Honourable Sir James.
Hockenhull, Mr. F. W.
Hossack, Mr. W. B.
Hudson, Sir Leslie.
James Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Jehangir, Sir Cowasjee.
Jinnah, Mr. M. A.
Kirkpalani, Mr. Hiranand Khushiram.

Lindsay, Sir Darcy.
Mehr Shah Nawab Sahibzada Sir Sayad Muhammad.
Metcalf, Mr. H. A. F.
Milligan, Mr. J. A.
Monteath, Mr. J.
Morgan, Mr. G.
Mukharji, Mr. N. R.
Mukherjee, Rai Bahadur Sir Satya Charan.
Nayar, Mr. C. Govindan.
Noyce, The Honourable Sir Frank.
Owen, Mr. L.
Raisman, Mr. A. J.
Rajah, Rao Bahadur M. C.
Rau, Mr. P. R.
Sarma, Mr. R. S.
Scott, Mr. J. Ramsay.
Scott, Mr. W. L.
Sher Muhammad Khan, Captain Sardar.
Siddique Ali Khan, Khan Sahib Nawab.
Singh, Mr. Pradyumna Prashad.
Sircar, The Honourable Sir Nripendra.
Sloan, Mr. T.
Swithinbank, Mr. B. W.
Tottenham, Mr. G. R. F.
Tylden-Pattenson, Mr. A. E.
Vissanji, Mr. Mathurdas.

Mr. President (The Honourable Sir Abdur Rahim): The "Ayes" are 52 and the "Noes" are 52. (Loud Applause.) I cast my vote in favour of the amendment. So the motion is adopted. (Loud and Prolonged Cheers.) Order, order. The Chair will now put the Resolution as amended. The question is:

"That this Assembly, having considered the Draft Convention ensuring benefit or allowances to the involuntarily unemployed, and the Recommendation concerning unemployment insurance and various forms of relief for the unemployed, adopted by the International Labour Conference at its Eighteenth Session, recommends to the Governor General in Council that such steps, legislative and otherwise, may be taken for the relief of unemployment as would lead to the ratification of the Draft Convention and the acceptance of the Recommendation as soon as practicable."

The Assembly divided:

AYES—53.

Aaron, Mr. Samuel.
 Abdul Matin Chaudhury, Mr.
 Aney, Mr. M. S.
 Asaf Ali, Mr. M.
 Ayyangar, Mr. M. Ananthasayanam.
 Azhar Ali, Mr. Muhammad.
 Ba Si, U.
 Banerjee, Dr. P. N.
 Baqui, Mr. M. A.
 Bardaloi, Srijiut N. C.
 Chettiar, Mr. T. S. Avinasabalingam.
 Chetty, Mr. Sami Venkatachalam.
 Das, Mr. B.
 Das, Mr. Basanta Kumar.
 Das, Pandit Nilakantha.
 Datta, Mr. Akhil Chandra.
 Desai, Mr. Bhulabhai J.
 Deshmukh, Dr. G. V.
 Essak Sait, Mr. H. A. Sathar H.
 Fakir Chand, Mr.
 Fazlul Huq, Mr. A. K.
 Gadgil, Mr. N. V.
 Giri, Mr. V. V.
 Gupta, Mr. Ghansham Singh.
 Hoamani, Mr. S. K.
 Iwar Saran, Munshi.
 Jedhe Mr. K. M.

Jogendra Singh, Sirdar.
 Joshi, Mr. N. M.
 Lalchand Navalrai, Mr.
 Maitra, Pandit Lakshmi Kanta.
 Mangal Singh, Sardar.
 Mudaliar, Mr. C. N. Muthuranga.
 Muhammad Ahmad Kazmi, Qazi.
 Murtuza Sahib Bahadur, Maulvi Syed.
 Nageswara Rao, Mr. K.
 Paliwal, Pandit Sri Krishna Dutta.
 Pant, Pandit Govind Ballabh.
 Parma Nand, Bhai.
 Rajan, Dr. T. S. S.
 Raju, Mr. P. S. Kumaraswami.
 Ranga, Prof. N. G.
 Saksena, Mr. Mohan Lal.
 Satyamurti, Mr. S.
 Shafi Daudi, Maulvi Muhammad.
 Sham Lal, Mr.
 Shaukat Ali, Maulana.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Satya Narayan.
 Thein Maung, Dr.
 Thein Maung, U.
 Umar Aly Shah, Mr.
 Varma, Mr. B. B.

NOES—54.

Abdul Aziz, Khan Bahadur Mian.
 Ahmad Nawaz Khan, Major Nawab.
 Allah Bakhsh Khan Tiwana, Khan
 Bahadur Nawab Malik.
 Ayyar, Rao Bahadur A. A.
 Venkatarama.
 Bajpai, Mr. G. S.
 Bhole, The Honourable Sir Joseph.
 Buss, Mr. L. O.
 Chatarji, Mr. J. M.
 Clow, Mr. A. G.
 Craik, The Honourable Sir Henry.
 Dalal, Dr. R. D.
 DeSouza, Dr. F. X.
 Drake, Mr. D. H. O.
 Gajapatiraj, Maharaj Kumar Vijaya
 Ananda.
 Ghiasuddin, Mr. M.
 Ghulam Bhik Nairang, Syed.
 Gidney, Lieut. Colonel Sir Henry.
 Graham, Sir Lancelot.
 Grigg, The Honourable Sir James.
 Hockenhull, Mr. F. W.
 Hossack, Mr. W. B.
 Hudson, Sir Leslie.
 James, Mr. F. E.
 Jawahar Singh, Sardar Bahadur
 Sardar Sir.
 Jehangir, Sir Cowasjee.
 Jinnah, Mr. M. A.
 Kirpalani, Mr. Hiranand Khushiram.
 Lindsay, Sir Darcy.

Mehr Shah, Nawab Sahibzada Sir
 Sayad Muhammad.
 Metcalfe, Mr. H. A. F.
 Milligan, Mr. J. A.
 Monteath, Mr. J.
 Morgan, Mr. G.
 Muhammad Nauman, Mr.
 Mukharji, Mr. N. R.
 Mukhenjee, Rai Bahadur Sir Satya
 Charan.
 Nayar, Mr. C. Govindan.
 Noyce, The Honourable Sir Frank.
 Owen, Mr. L.
 Raisman, Mr. A. J.
 Rajah, Rao Bahadur M. C.
 Rau, Mr. P. R.
 Sarma, Mr. R. S.
 Scott, Mr. J. Ramsay.
 Scott, Mr. W. L.
 Sher Muhammad Khan, Captain
 Sardar.
 Siddique Ali Khan, Khan Sahib
 Nawab.
 Singh, Mr. Pradyumna Prashad.
 Sircar, The Honourable Sir
 Nripendra.
 Sloan, Mr. T.
 Swithinbank, Mr. B. W.
 Tottenham, Mr. G. R. F.
 Tylden-Pattenson, Mr. A. E.
 Vissanji, Mr. Mathuradas.

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Friday, the 22nd February, 1935.