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THE
LEGISLATIVE ASSEMBLY DEBATES
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Volume I, 1936

(3rd February to 14th February, 1936)

THIRD SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY,
1936



NEW DELHI
GOVERNMENT OF INDIA PRESS
1936.

Legislative Assembly.

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Deputy President :

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Assistant of the Secretary :

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Marshal :

CAPTAIN HAJI SARDAR NUR AHMAD KHAN, M.C., I.O.M., I.A.

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MR. B. DAS, M.L.A.

DR. ZIAUDDIN AHMAD, C.I.E., M.L.A.

MR. M. S. ANEY, M.L.A.

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LEGISLATIVE ASSEMBLY.

Friday, 14th February, 1936.

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.

PERCENTAGE OF POPULATION OF HINDUS, MUSLIMS AND SIKHS IN THE NORTH-WEST FRONTIER PROVINCE AND THE CENTRAL PROVINCES.

431. ***Mr. Ghanshiam Singh Gupta:** Will Government kindly inform this House of the percentage of Hindu and Sikh population as compared to the Muslim population in the North-West Frontier Province and in the Central Provinces?

The Honourable Sir Henry Craik: The information required may be obtained from the Census Volumes, copies of which are in the Library of the House.

INCREASE IN THE POPULATION OF INDIA.

432. ***Mr. M. Asaf Ali:** (a) Will Government please state if it is true as stated in the Health Commissioner's last report that:

- (i) the total population of India, calculated on the basis of the rate of increase noted in the last census, is expected to exceed 400 million by 1941;
- (ii) the total acreage under food crops during 1933-34 has not exceeded about 206½ million acres, or 0.72 acre per head of the population;
- (iii) the food stuffs produced in India are insufficient for the requirements of the present population and will decrease considerably per head of the population in 1941;
- (iv) one of the reasons for the high rate of disease and mortality is lack of stamina in the bulk of the population; and
- (v) there is serious danger of matters getting worse within the next five years unless effective steps are taken to (1) introduce more intensive methods of cultivation, (2) make agriculture less unremunerative and, (3) generally encourage extension of cultivation of about 154 million acres of cultivable waste?

(b) If the answer to part (a) be in the affirmative, will Government state what steps, if any, have they taken to forestall the dangers the Health Commissioner has pointed out in this respect?

Sir Girja Shankar Bajpai: (a) and (b). I would refer the Honourable Member to the answer given by me to Mr. Akhil Chandra Datta's question No. 158 on the 7th of this month.

EFFECT OF THE EXCESS LIVESTOCK IN INDIA ON THE FOOD-CROP GROWING CAPACITY OF THE CULTIVATED LAND.

433. ***Mr. M. Asaf Ali:** (a) Is there an excess of livestock in India? If so, to what extent does the excess affect the food-crop growing capacity of the cultivated land?

(b) Does this excess also call for immediate utilisation of cultivable waste?

Sir Girja Shankar Bajpai: (a) The answer to the first part is that there is probably an excess of livestock of inferior quality in India. As regards the second part, the Honourable Member probably wishes to know whether the area under food crops is to any extent diminished for growing fodder crops for this inferior stock. It is regretted that no precise information on this subject is available.

(b) No.

Mr. M. Asaf Ali: May I know why precise information is not available. Has any effort been made to obtain precise information on this subject?

Sir Girja Shankar Bajpai: My Honourable friend will appreciate the fact that this is a matter which is primarily the concern of Local Governments, and such statistics, as they maintain, are not of a very precise character in regard to this particular matter.

Mr. S. Satyamurti: Is it not one of the duties of the Imperial Council of Agricultural Research to compile all-India statistics on such important matters?

Sir Girja Shankar Bajpai: The Imperial Council of Agricultural Research assist the provinces in the matter of research, and, as regards statistics also, they are doing what they can, but it is not possible to get any information of this character without an expenditure which is not within the resources of the Imperial Council of Agricultural Research.

Mr. S. Satyamurti: Are not the figures available in the provinces?

Sir Girja Shankar Bajpai: If the provinces had them, I should have supplied them to the House.

Mr. S. Satyamurti: Will Government direct the collection of these figures on a provincial basis at least?

Sir Girja Shankar Bajpai: I have no objection to passing on the suggestion to the Local Governments.

BAD SANITARY CONDITION OF DELHI.

434. ***Mr. M. Asaf Ali:** (a) Has the attention of the Government of India been drawn to pages 67 to 70 of the Annual Report of the Administration of the Delhi Municipal Committee for the year 1934-35?

(b) Is it a fact that the Delhi Municipal Committee had drawn the attention of Government to alarming deterioration of Delhi's health conditions resulting from (i) heavy congestion, (ii) want of space for expansion, (iii) contaminated water supply, (iv) insanitary and inadequate drainage, (v) lack of facilities of unfiltered water supply and (vi) want of funds to effect necessary improvements?

(c) Is it a fact that the Delhi Municipal Committee applied for a loan from the Government of India for effecting necessary improvements, and also applied for Government's sanction to raise a loan on the same conditions as loans raised by Government, and that Government has sanctioned neither the one nor the other?

(d) Are Government prepared to take steps to remedy this state of affairs? If so, what?

Sir Girja Shankar Bajpai: (a) Yes.

(b) Yes.

(c) The Government of India were approached for permission to borrow in the open market for improving the water mains, drainage and the Western Extension. Government were unable to agree to borrowing in the open market but in view of the representations made did agree to lend money themselves to the municipality for the improvement of the city water mains and drainage system. As regards the Western Extension they have provided the money themselves.

(d) I would draw the attention of the Honourable Member to the reply given by me on the 12th September, 1935, to his starred question No. 305.

Mr. M. Asaf Ali: May I know why Government are not prepared to allow the municipality to borrow in the open market, provided they abide by the conditions which may be imposed upon such borrowing by the municipality?

Sir Girja Shankar Bajpai: It does not arise now as a practical question, because Government have agreed to lend the money themselves.

Mr. M. Asaf Ali: Are Government aware that the conditions have made it absolutely impossible for the municipality to go on with their schemes?

Sir Girja Shankar Bajpai: Subject, of course, to the Assembly's vote, actual provision for the loan has been made in next year's budget, and we have had no protests from the municipality that the conditions which we are imposing, as regards payment of the loan, are in any way excessive or unobservable.

Mr. M. Asaf Ali: Will Government be prepared to modify these conditions if the municipality raises objections?

Sir Girja Shankar Bajpai: I cannot say until I have a representation from the municipality as to which particular condition it objects to.

AERONAUTICAL TRAINING CENTRE OF INDIA.

495. *Mr. F. E. James: (a) Will Government be pleased to state whether they have lent or propose to lend financial or other aid to the Aeronautical Training Centre of India?

(b) What is the constitution and organisation of the Aeronautical Training Centre? Is it a commercial body?

(c) Will the Aeronautical Training Centre be liable to any form of Governmental supervision? What is its precise relationship to the Department of Civil Aviation?

(d) Will the Aeronautical Training Centre be allowed to undertake 'ab initio' flying training?

(e) If the answer to part (d) be in the affirmative, is it not a fact that the operations of the subsidized Flying Clubs will be seriously affected?

(f) Were the subsidized Flying Clubs consulted in any way with regard to the Aeronautical Training Centre? If so, what opinions did Government receive from them?

(g) Has the Aeronautical Training Centre agreed to give preference to candidates for instruction in flying and ground engineering recommended to them by the Flying Clubs?

(h) What steps have Government taken or are proposing to take to ensure that the Flying Clubs, upon which so much public money has been spent, are not forced to suspend operations or close down entirely in the event of unrestricted competition from the Aeronautical Training Centre?

(i) Will Government please state if they are satisfied that the country's needs will be adequately met by the Aeronautical Training Centre and that the growth of flying knowledge throughout India will be sufficiently fostered by this one Institution if the Clubs are forced to close down?

The Honourable Sir Frank Noyce: (a) No assistance has been given by Government to the Aeronautical Training Centre of India. When the Centre is fully established, Government may consider the grant of bonuses assessed on the result of advanced training.

(b) The Centre is a commercial undertaking registered under the Indian Companies Act, 1913.

(c) Subject to the reply to part (g), the position of the Centre is precisely the same as that of any other commercial undertaking.

(d) The Centre is not debarred from undertaking *ab initio* training. I understand, however, that under an arrangement with the Delhi Flying Club all *ab initio* training is given by the Club.

(e) No. The Clubs, which receive Government subsidies, are or should be in a position to give *ab initio* training more cheaply than the Centre.

(f) The Aero Club of India and Burma made certain representations to Government on behalf of the Clubs. The Clubs generally were opposed to the establishment of the Centre, and were apprehensive about *ab initio* training by the Centre.

(g) A building site at the Delhi Aerodrome is being leased to the Centre at commercial rates. The lease contains a provision that half the students enrolled shall be nominated by the Director of Civil Aviation, who will naturally do his best to secure the admission of candidates recommended by the Clubs.

(h) No steps appear to be necessary and Government are taking none.

(i) The Centre was established only a few weeks ago, and I am not prepared to express an opinion. But it is clear that the objects of the Centre differ from those of the Flying Clubs.

Mr. F. E. James: With reference to clause (c), may I know whether this Training Centre will be liable to any form of Government supervision, and what are its precise relations to the department of Civil Aviation?

The Honourable Sir Frank Noyce: The answer to that is that the Aeronautical Training Centre, being an independent commercial organisation, is only liable to supervision by the Civil Aviation Directorate to the extent involved by the Indian Aircraft Act, 1934, and the Indian Aircraft Rules, 1920, and to give effect to the conditions incorporated in the proposed lease, a condition which I have mentioned in my reply to part (g) of the question.

Mr. F. E. James: With reference to part (d), may I take it that it is open to any flying club to enter into arrangements with the Training Centre direct with regard to *ab initio* training?

The Honourable Sir Frank Noyce: Yes, Sir. Any flying club is at full liberty to enter into any arrangement it likes with the Centre.

Sir Cowasji Jehangir: May I ask whether this Centre is an educational institution?

The Honourable Sir Frank Noyce: Yes, Sir. May I suggest to my Honourable friend that it is very close at hand, and I am quite sure that the authorities will be very glad to allow him to inspect it?

Sir Cowasji Jehangir: May I ask whether it is not the practice of Government to give assistance to educational institutions?

The Honourable Sir Frank Noyce: If they are satisfied that their working is on sound lines. I have already explained that when the Centre is fully established, Government may consider the grant of bonuses assessed on the result of advanced training.

Sir Cowasji Jehangir: Do not Government give assistance to educational institutions run on commercial lines?

The Honourable Sir Frank Noyce: This is a commercial undertaking.

Sir Cowasji Jehangir: I understood the Honourable Member to say that the refusal of a grant was because this institution is run on commercial lines.

The Honourable Sir Frank Noyce: I said nothing of the kind. When it is fully established, Government may consider the grant of bonuses; but it is not yet fully established. We have to be satisfied regarding its working before we consider the grant of assistance.

Mr. M. Asaf Ali: Have Government considered the advisability of starting a similar Centre themselves?

The Honourable Sir Frank Noyce: It is hardly necessary for Government to start another Centre, until they have seen how this one is going to work.

Mr. M. Asaf Ali: Is it not a fact that Lord Ronaldshay is connected with this Centre?

The Honourable Sir Frank Noyce: I believe so.

LABOURERS AWAITING EMBARKATION AT THE AVADI EMIGRATION DEPOT.

436. ***Mr. C. N. Muthuranga Mudaliar:** Will Government be pleased to state:

- (a) whether it is a fact that labourers awaiting embarkation at the Avadi Emigration Depot are made to work in the Depot and the gardens attached thereto;
- (b) whether any wages or other remuneration is paid to those labourers for the work so extracted from them, and if not, why not; and
- (c) whether they have drawn the attention of the Avadi Depot Emigration authorities to the fact that imposing any labour on the labourers awaiting embarkation is a violation of the Emigration Rules?

Sir Girja Shankar Bajpai: (a) No labourer is compelled to work. Those willing to do so are given odd jobs such as grass-cutting, weeding and assisting in the vegetable garden.

(b) Not in cash but in kind. They are given extra luxuries, *e.g.*, *iddlies*, betel-leaves and tobacco or cigars, in addition to ordinary ration.

(c) If the Honourable Member has any information suggesting that the practice that I have described is objected to by the labourers or abused in any way, I shall have the question of discontinuing it considered.

Mr. C. N. Muthuranga Mudaliar: May I know whether violations of the rules are not taken notice of by the Government unless complained of by the labourers?

Sir Girja Shankar Bajpai: I have said, Sir, that these are not in conflict with the rules.

ENACTMENT OF A BANKING ACT.

437. ***Pandit Sri Krishna Dutta Paliwal** (on behalf of Mr. Mohan Lal Saksena): (a) Is it a fact that one of the recommendations of the Central Banking Enquiry Committee was for the enactment of a Banking Act?

(b) If so, will Government be pleased to state when they propose to introduce the necessary legislation?

The Honourable Sir James Grigg: (a) Yes.

(b) I would invite the attention of the Honourable Member to the reply given to Mr. S. Satyamurti's question No. 88 during the current Session.

INTRODUCTION OF BILLS AMENDING THE COMPANY AND INSURANCE LAWS.

438. ***Pandit Sri Krishna Dutta Paliwal** (on behalf of Mr. Mohan Lal Saksena): (a) Is it a fact that representations have been made by the various Chambers of Commerce to amend the existing Company and Insurance law?

(b) If so, will Government be pleased to state when they propose to introduce the bills to amend the Company and Insurance Laws?

The Honourable Sir Nripendra Sircar: (a) Yes.

(b) Government expect to introduce a Bill to amend the Indian Companies Act in the very near future. Mr. Sen's report on Insurance Law is still under consideration and Government are unable to say when an amending Bill will be introduced.

REPRESENTATION OF THE CASE OF INDIANS IN KENYA.

439. ***Pandit Sri Krishna Dutta Paliwal** (on behalf of Mr. Mohan Lal Saksena): (a) Are Government aware of the fact that a conference of Indians settled in Kenya was held at Nairobi on the 2nd and 3rd November, 1935?

(b) Have Government received a copy of the resolutions passed at the aforesaid conference? If so, have they taken any steps to represent the case of Indians in Kenya in their light?

(c) Will Government be pleased to lay on the table a copy of the despatch of the Secretary of State for Colonies of the 12th October, 1935?

Sir Girja Shankar Bajpai: (a) Yes.

(b) The answer to the first part is in the affirmative. On the two more important questions of practical importance, namely, the proposed Order-in-Council regarding the Kenya Highlands and the Marketing Legislation, representations had already been made, as the Honourable Member is aware. Such of the other questions as cannot appropriately be dealt with by the representatives of the Indian community in the local Legislative Council will receive the attention of Government when the need for this arises.

(c) It is presumed that the Honourable Member refers to Mr. Malcolm MacDonald's despatch to His Excellency the Governor of Kenya on the subject of Closer Union. A copy of this despatch has been placed in the Library.

DIFFICULTIES OF PASSENGERS IN THE GARHMUKTESWAR FAIR.

440. ***Pandit Sri Krishna Dutta Paliwal** (on behalf of Mr. Mohan Lal Saksena): (a) Are Government aware of the difficulties experienced by passengers in the last Garhmukteswar fair?

(b) Is it a fact that there was paucity of accommodation even in higher classes and that the special trains were delayed considerably? If so, what steps do Government propose to take to avoid these difficulties in future?

The Honourable Sir Muhammad Zafrullah Khan: (a) Apart from part (b) of this question, no.

(b) The Agent, East Indian Railway, states that loads of all regular passenger trains were increased to the maximum admissible and that more accommodation was provided in the special trains that were run in 1935 for the number of passengers offering than in 1934. A certain amount of delay to the special trains was inevitable owing to the capacity of the section between Garhmukhtesar and Ghaziabad being taxed to its maximum.

RECRUITMENT OF RETIRED MILITARY OFFICERS OF THE CANTONMENT DEPARTMENT AS CIVILIAN EXECUTIVE OFFICERS.

441. ***Mr. K. M. Jedhe:** (a) Will Government be pleased to state whether it is a fact that some retired Military Officers of the Cantonments Department are going to be recruited as civilian Executive Officers under the new scheme?

(b) If the answer to part (a) be in the affirmative, will Government state the number and names of these officers together with their qualifications, age, term of service and the pay that is proposed to be given to them?

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

(b) Does not arise.

INCREASE IN THE NUMBER OF INSPECTING OFFICERS OF CANTONMENTS IN THE COMMANDS.

442. ***Mr. K. M. Jedhe:** (a) Will Government be pleased to state whether it is a fact that the number of Inspecting Officers and Assistant Inspecting Officers of Cantonments in the Commands is going to be increased under the new scheme?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state the number of such increased posts?

(c) Will Government be also pleased to state the system of recruitment of such officers?

(d) Will any Indian be appointed to any of these posts?

Mr. G. R. F. Tottenham: (a), (b) and (c). The question is still under consideration and no final decision has yet been made.

(d) Indians will be eligible for appointment.

INCREASE IN THE NUMBER ~~OF~~ MILITARY ESTATES OFFICERS.

443. ***Mr. K. M. Jedhe:** (a) Will Government be pleased to state the total number of Military Estates Officers at present functioning in India?

(b) Is it a fact that the number of such Military Estates Officers is going to be increased under the new organisation scheme?

(c) If the answer to part (b) be in the affirmative, what is the number proposed for management of Military Lands?

(d) Will there be any Indian appointed to such posts?

(e) Do Government propose to give an opportunity to the Legislative Assembly to discuss the financial aspect of the proposal?

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

(b) Yes.

(c) The question is still under consideration and no decision has yet been reached.

(d) Yes.

(e) It is always open to the Assembly to discuss the financial aspect of any proposal for which provision may be made in the budget.

INTRODUCTION OF THE SYSTEM OF NOMINATION INSTEAD OF ELECTION IN THE MUNICIPAL COUNCILS OF SUVA AND LEVUKA IN FIJI.

444. *Mr. Sri Prakasa: (a) Is it a fact that the Government of Fiji are taking over the Municipal Councils of Suva and Levuka and introducing the system of nomination instead of election?

(b) Are Government aware that the Indian voters and residents have presented a petition against this move to the Governor and the Legislative Council of Fiji stating that this will be detrimental to the interests of Indians settled there?

(c) Do Government propose to take steps to protect the political rights of Indians in Fiji in this behalf?

Sir Girja Shankar Bajpai: (a)—(c). The attention of the Honourable Member is invited to the reply given by me on the 12th September, 1935, to parts (d)—(g) of Mr. Mohan Lal Saksena's starred question No. 296.

CANTONMENTS AND CANTONMENT BOARDS IN INDIA.

445. *Mr. Sri Prakasa: (a) What is the number of Cantonments in India and the number of Cantonment Boards in 1925 and 1935?

(b) Is there a Board in the Nowgong Cantonment in Bundelkhand? If not, what is the cause of a Board not having been set up there?

(c) What is the population of the Nowgong Cantonment and the annual income derived from octroi and other sources by the Cantonment?

(d) Which is the authority that assesses taxes? If a committee, what is its strength and who appoints it?

(e) How much does the Cantonment spend on education and sanitation annually?

Mr. G. R. F. Tottenham: (a) The number of Cantonments in 1925 was 89 and in 1935, 83.

The number of Cantonment Boards in 1925 was 51 and in 1935, 44.

(b) to (e). A considerable portion of the Nowgong Cantonment was retroceded to the Chhattarpur Darbar on the 30th September, 1935, and the Cantonments Act ceased to apply to the station with effect from the same date.

REFUSAL OF PERMISSION TO HAWKERS OF FOOD-STUFFS AT STATIONS ON THE LUCKNOW-BENARES SECTION OF THE EAST INDIAN RAILWAY.

446. *Mr. Sri Prakasa: (a) Are Government aware that at the various stations on the East Indian Railway on the Lucknow-Benares section, even the licensed *hawkers* of food-stuffs like *puries* and vegetables are not permitted on the platform at the time when the Calcutta-Punjab Mail passes, in the interest of the restaurant car and the refreshment rooms?

(b) Are Government aware that this entails great hardship on such passengers as do not take food from refreshment rooms?

(c) Are Government prepared to issue instructions on the subject?

The Honourable Sir Muhammad Zafrullah Khan: (a) I understand that no such orders have been issued, and vendors have never been prohibited from coming on to the platform at mail or other train time.

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

COUNSEL ENGAGED TO DEFEND THE SOLDIERS AT JUBBULPORE.

447. *Mr. Sri Prakasa: (a) Is it true that Government engaged counsel to defend the soldiers accused of murder and other heinous crimes at Jubbulpore, in the original and appellate courts?

(b) Will the cost of the defence be borne by the soldiers themselves or will it fall on the taxpayer? If the latter, how much have Government set apart for the purpose?

(c) Are Government paying the expenses of the defence on the ground that the soldiers are too poor to meet them themselves and on application by them in this behalf, or is it a policy of Government to meet all expenditure on the defence of their servants when put on trial for alleged crime of even the most brutal sort?

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

(b) The cost, amounting in all to Rs. 3,730, will fall on the tax-payer.

(c) Government have empowered the military authorities to appoint a pleader, advocate or barrister for the defence of British or Indian soldiers charged with criminal offences before Civil Courts.

FORFEITURE OF THE PASSPORT OF MR. MASANI.

448. *Mr. Sri Prakasa: (a) Are Government aware that the Secretary of State for India stated in the House of Commons sometime back that the passport of Mr. M. R. Masani was forfeited because of a speech of his delivered in Bombay in reply to a proposal of Mahatma Gandhi at the Bombay Congress in 1934, in which he advocated violence?

(b) Will Government lay a copy of that speech on the table?

(c) If no such speech was delivered, are Government prepared to inform the Secretary of State for India that it is not proper to make incorrect and unwarranted statements like this?

The Honourable Sir Henry Craik: (a) No such statement was made by the Secretary of State for India. In reply to a question in the House of Commons, last July, the Under Secretary of State explained that the passport was impounded and renewal was refused at the request of the Government of India who considered that Mr. Masani's activities in India were such as to make it undesirable that he should be in the possession of a passport for travel abroad.

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

CONDEMNATION OF THE DUFFERIN BRIDGE OVER THE GANGES AT BENARES.

449. ***Mr. Sri Prakasa:** (a) Is it a fact that the Dufferin Bridge over the Ganga at Benares has been condemned as unreliable? If so, what are the intentions of Government regarding that bridge?

(b) Do Government intend to build another bridge for railway traffic?

(c) Was a Committee appointed by the United Provinces Government in 1926 to report about the bridge? If so, what were its conclusions and what action has been taken on them?

The Honourable Sir Muhammad Zafrullah Khan: (a) No. Proposals have been under consideration to strengthen the bridge in order to permit heavy modern trains to cross it at unrestricted speed. It has been decided to postpone this till the financial situation improves.

(b) No.

(c) Government have no information.

AMALGAMATION OF THE BENARES CANTONMENT AND KASHI RAILWAY STATIONS.

450. ***Mr. Sri Prakasa:** Are Government considering the feasibility and desirability of amalgamating Benares Cantonment and Kashi Railway Stations and constructing a new railway station? If so, by what time is the work likely to be taken in hand?

The Honourable Sir Muhammad Zafrullah Khan: No. The second part of the question does not arise.

ACCOMMODATION FOR SOLDIERS AND ORDINARY PASSENGERS IN LOWER CLASSES ON THE RAILWAYS.

451. ***Mr. Sri Prakasa:** (a) Are Government aware that many intermediate and third class compartments on the Indian Railways are marked as having carrying capacity for twice as many ordinary passengers as soldiers?

(b) On what principle are the soldiers given more accommodation than ordinary passengers?

(c) Are Government prepared to ask the Railway authorities to equalize the position of soldiers and ordinary passengers so far as accommodation is concerned?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes, such marking is provided to simplify the entrainment of troops when carriages normally used for public traffic are employed for the movement of troops.

(b) More accommodation is provided for soldiers to accommodate their kit.

(c) In view of the explanation given in reply to part (b) Government see no reason to alter the position in regard to ordinary passengers.

RESERVATION OF VACANCIES FOR ANGLO-INDIANS IN THE CUSTOM HOUSES.

452. *Mr. V. V. Giri: Will Government be pleased to state whether it is a fact that the Government of India have decided that one half of the total number of vacancies filled by direct recruitment in the Preventive Department of each Custom House should be reserved for Anglo-Indians?

Mr. A. H. Lloyd: The Government of India have decided that one half of the total number of vacancies filled by direct recruitment in the Preventive Department of each Custom House (excluding Assistant Preventive Officers, Wharfingers and Assistant Wharfingers) should be reserved for Anglo-Indians and Europeans domiciled in India.

Mr. T. S. Avinashilingam Chettiar: What is the reason for that reservation?

Mr. A. H. Lloyd: That decision rests upon the decision of the Government of India embodied in the Home Department Resolution No. F.-14/17-B./33, dated the 4th July, 1934, in which the subject will be found dealt with in sub-paragraph (3) of paragraph 9.

Mr. Lalchand Navalrai: Is that discrimination made because there are no Indians available?

Mr. A. H. Lloyd: No, Sir.

Mr. Lalchand Navalrai: What is the cause?

Mr. A. H. Lloyd: I would suggest that the Honourable Member should refer to the Home Department Resolution, dated the 4th July, 1934.

Mr. Lalchand Navalrai: Will the Honourable Member give me the purport of that Resolution, so that I may put further questions?

Mr. President (The Honourable Sir Abdur Rahim): It would perhaps be better if the Honourable Member reads that Resolution.

Mr. Lalchand Navalrai: I only want a general purport which will help me to put another question.

Mr. President (The Honourable Sir Abdur Rahim): It would perhaps be much better that the Honourable Member should read the whole thing.

Mr. Lalchand Navalrai: In that case, I should like to put another question.

Mr. T. S. Avinashilingam Chettiar: May I know if we can put supplementary questions after reading that Resolution tomorrow?

Mr. President (The Honourable Sir Abdur Rahim): The Chair will consider that. It does not necessarily follow that whenever any statement is laid on the table, an Honourable Member is entitled to put a supplementary question on that. Of course a separate question may be put afterwards, after due notice has been given in the ordinary way.

Mr. Lalchand Navalrai: May I make a request? In cases we are being referred to any former Resolution, it should be placed on the previous day so that we may be able to know that. That is the procedure in the Provincial Councils.

Mr. A. H. Lloyd: This reference to the Home Department Resolution was made in reply to a supplementary question, Sir,—not in reply to the original question.

Mr. President (The Honourable Sir Abdur Rahim): Yes. Perhaps Government will consider whether, in the case of any statements to be laid on the table, that statement could not be laid the day previous, so that Honourable Members may have an opportunity of asking questions on it.

Mr. T. S. Avinashilingam Chettiar: We must know of the statement being laid on the table, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The Chair thinks whatever is feasible ought to be done in that direction.

HONORARY MAGISTRATES ON THE EAST INDIAN RAILWAY.

453. ***Dr. Ziauddin Ahmad**: (a) Is it a fact that the Railway administration in the East Indian Railway pays one quarter of the fine levied by the Railway Honorary Magistrates to the Honorary Magistrates themselves?

(b) Is it a fact that the said Honorary Magistrates are also asked to check tickets at the Railway Stations and on the running trains and are given first class passes?

(c) Is it a fact that the Honorary Magistrates are also given free quarters?

(d) Are the Members of the Legislative Assembly eligible for appointment as Honorary Magistrates on the condition that they may be permitted to keep half the fine they levy on the passengers?

(e) If the answers to preceding parts be in the affirmative, is the Railway Administration prepared to stop the appointment of its own Magistrates and administer Railway Acts through the judiciary of the country?

The Honourable Sir Muhammad Zafrullah Khan: (a) No. All fines levied are credited to the Government.

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

(c) No.

(d) and (e). The appointment of Honorary Magistrates rests entirely with the Local Governments and they are in the ordinary course subordinate to their respective District Magistrates.

COST OF EACH QUESTION ASKED IN THE LEGISLATIVE ASSEMBLY.

454. *Dr. Ziauddin Ahmad: Has the Finance Department calculated the amount which the tax-payers in India pay for each question asked by the Members of the Legislative Assembly?

The Honourable Sir James Grigg: I have seen various estimates ranging from Rs. 75 to Rs. 200 but none of these was an official calculation and I do not think that it is worth while trying to make an official estimate. I am, however, clear that it would conduce to economy as well as to comfort if Honourable Members could find it possible to restrict their curiosity to matters of real public interest.

RECRUITMENT FOR THE WOMEN'S MEDICAL SERVICE.

455. *Dr. T. S. S. Rajan: (a) Will Government be pleased to state the method of recruitment for the Women's Indian Medical Service?

(b) Was the method adopted this year when the selection was made?

(c) How many were selected and how many were Indians, Anglo-Indians and Europeans?

(d) What are their respective qualifications?

(e) Are scholarships awarded to the selected candidates to proceed to England for further studies? If so, for how long and what is the amount of scholarship they receive?

(f) Is there any condition attached to the receipt of the scholarship and for their subsequent period of service?

(g) Is a spinster's life a condition to the scholarship and subsequent service?

(h) Will Government be pleased to state the reasons for such a condition if it exists?

(i) Will Government be pleased to state the reasons why recruitment for the Women's Indian Medical Service is not made through the Public Service Commission?

(j) What objections do Government have for not having a competitive examination for the Women's Indian Medical Service in this country from among the women medical graduates?

Sir Girja Shankar Bajpai: (a) I would refer the Honourable Member to the answer given by me to part (a) of Dr. Khare's question No. 1312 on the 1st April, 1935.

- (b) There has been no change in the method of recruitment.
- (c) and (d). A statement giving the information is laid on the table.
- (e) A scholarship of £200 tenable for one year is awarded to a member of the Training Reserve who may be selected for the service.
- (f) Certain conditions are attached.
- (g) No. A scholarship holder, if not already married, may not marry during the period of the scholarship.
- (h) Does not arise.
- (i) Because the Women's Medical Service is not a Government service.
- (j) Government understand that the existing system of recruitment is adequate.

Statement.

Persons selected in 1935 for admission to the Women's Medical Service from the Training Reserve :

- (1) Dr. Reuben, M.B.B.S. (Punjab), F.R.C.S. (Edin.),—(Indian).
 - (2) Dr. Alankaram, M.B.B.S. (Madras), M.R.C.S. (Eng.), L.R.C.P. (London),—(Indian).
 - (3) Dr. Street, M.B.B.S. (Punjab), M.R.C.S. (Eng.), L.R.C.P. (London)—(European).
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Dr. T. S. S. Rajan: Are not Government scholarship-holders permitted to marry after they finish their period of training?

Sir Girja Shankar Bajpai: Sir, they are not Government scholarship-holders, they are holders of scholarships given by the Countess of Dufferin Fund. After completing their period of studies, they can marry.

Mr. S. Satyamurti: What is the answer to clause (d) of the question, Sir?

Sir Girja Shankar Bajpai: I have stated that a statement giving the information is laid on the table.

Mr. S. Satyamurti: Are they uniform?

Sir Girja Shankar Bajpai: They are equally good.

Mr. N. M. Joshi: May I ask the Honourable Member to read out that statement if it is not a very long one?

Sir Girja Shankar Bajpai: I can read it out now.

- "1. Dr. Reuben, M.B.B.S. (Punjab), F.R.C.S. (Edin.),—(Indian).
- 2. Dr. Alankaram, M.B.B.S. (Madras), M.R.C.S. (Eng.), L.R.C.P. (London),—(Indian).
- 3. Dr. Street, M.B.B.S. (Punjab), M.R.C.S. (Eng.), L.R.C.P. (London)—(European)."

Mr. S. Satyamurti: What is the answer to part (j)? What are the reasons for not holding a competitive examination?

Sir Girja Shankar Bajpai: I have already stated that the Committee find that the present system is quite adequate.

EMPLOYMENT OF THE "DUFFERIN" CADETS AS OFFICERS.

456. ***Mr. M. Asaf Ali:** (a) Are Government aware that eight cadets of the Training Ship "Dufferin", who have obtained their certificates of competency are now without employment and that employment will have to be found for 27 more cadets who are likely to obtain their certificates of competency early in 1936?

(b) Will Government be pleased to state whether they have received any representation from the Members of the Governing Body of the Training Ship "Dufferin" on the subject of employment and are they aware that the question of the future employment of the cadets of that ship "Dufferin" as officers has been causing them serious anxiety?

(c) Are Government aware that while the Peninsular and Oriental Company have refused to employ duly qualified cadets of the Training Ship "Dufferin" as Officers on their boats, the B. I. with their very large number of steamers have employed only four cadets as officers and have given the Governing Body to understand that they would not be able to take in future duly qualified cadets as officers on their steamers according to their previous undertaking?

(d) Are Government aware that the Asiatic, the Moghul and the Nourse Lines have not employed and do not propose to employ duly qualified cadets of the Training Ship "Dufferin" as officers despite the undertaking given by them?

(e) If the answer to parts (a), (b), (c) or (d) be in the affirmative, will Government be pleased to state whether they are prepared to attach conditions as regards the training and the employment of Indians as apprentices and officers on board the steamers of the companies which have been getting annual subsidies for the carriage of mails according to the assurance given by Government in reply to question No. 1201 put in the Legislative Assembly on the 23th March, 1935?

(f) If the answer to part (e) be in the affirmative, will Government be pleased to state what steps they propose to take to attach such conditions as regards the training and employment of Indians as apprentices and officers in connection with annual subsidies that have been given to the B. I., the Peninsular and Oriental and other Companies for the carriage of mails?

The Honourable Sir Muhammad Zafrullah Khan: (a) I may explain that boys take their examinations for Certificates of Competency in various ports of the world and at different times and considering the casual nature of their employment, statistics necessarily differ from day to day. It is thus possible to give approximate figures only. So far as Government are aware, the position towards the end of 1935 was that 44 *ex-Dufferin* cadets had obtained their Certificates of Competency as 2nd Mates, of whom 42 had found employment in the Merchant Service, in posts connected with the sea (*e.g.*, Bengal Pilot Service, Port Trusts) or in other non-mercantile marine posts (*e.g.*, Royal Air Force, Flying Clubs), thus leaving two certificated *ex*-cadets without employment. The number of *ex*-cadets who were likely to obtain their Certificates early this year was 23.

(b) Yes.

(c) Yes, but I might mention that of the four *ex*-cadets employed as officers by the British India Steam Navigation Company one has since joined the Bengal Pilot Service. Government are not aware that any communication of the nature referred to has been received by the Governing Body from the British India Steam Navigation Company.

(d) As regards the employment of *ex*-Dufferin cadets by the Asiatic Steam Navigation Company, I would refer the Honourable Member to the reply given by me on the 4th February, 1936, to parts (c) and (d) of Pandit Krishna Kant Malaviya's starred question No. 8. With regard to the Mogul and the Nourse Lines, they have not so far employed any *ex*-Dufferin cadets. Government are not aware that these companies have expressed any intention not to employ qualified cadets of the "Dufferin".

(e) and (f). No firms are getting annual subsidies, but I assume that the Honourable Member is referring to those firms that receive under contracts (which are not annual) payments for the carriage of mails. If so, the answer is that the question will be considered when the contracts expire. I may add that the Government of India have made no contract with the Peninsular and Oriental Company.

Sir Muhammad Yakub: Has the attention of the Government of India been drawn to a letter addressed by Mr. Master in reply to Mr. Dow's letter to the Governing Body of the "Dufferin", and, if so, may I know if Government have taken any action on the points raised in that letter?

The Honourable Sir Muhammad Zafrullah Khan: I shall want notice of that question.

Mr. T. S. Avinashilingam Chettiar: When is the next renewal of contract for the mails?

The Honourable Sir Muhammad Zafrullah Khan: I cannot say. The Honourable Member should ask my Honourable colleague in the Industries and Labour Department.

Mr. T. S. Avinashilingam Chettiar: For how many years has it been renewed last?

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member must ask the Honourable Member for Industries and Labour.

Mr. T. S. Avinashilingam Chettiar: May I ask the Honourable Member for Industries and Labour as to when the contract for mail will be renewed?

The Honourable Sir Frank Noyce: To which contract is the Honourable Member referring?

Mr. T. S. Avinashilingam Chettiar: To the contract with the Peninsular and Oriental Company?

The Honourable Sir Muhammad Zafrullah Khan: I have already said that the Government of India have made no contract with the Peninsular and Oriental Company.

NEGOTIATIONS IN REGARD TO THE DEVELOPMENT OF THE TUNGABHADRA PROJECT.

457. *Prof. N. G. Ranga: (a) Will Government be pleased to state at what stage are the negotiations which are supposed to be carried on between the Government of India and Governments of Bombay, His Exalted Highness the Nizam of Hyderabad and His Highness the Maharaja of Mysore, in regard to the development of the Tungabhadra project?

(b) When the tribunal to decide upon the respective shares of the Governments interested in the waters of the Tungabhadra, is likely to be appointed?

The Honourable Sir Frank Noyce: The attention of the Honourable Member is invited to the reply given to Mr. Ananthasayanam Ayyangar's starred question No. 307 on the 12th February, 1936.

Prof. N. G. Ranga: It is more than a year since the Madras Government asked for the appointment of a tribunal. Will the Government of India consider the advisability of expediting the matter of appointing a tribunal?

The Honourable Sir Frank Noyce: I am quite prepared to read the reply I gave to Mr. Ananthasayanam Ayyangar the other day, as my Honourable friend was not here then:

"The Government of India have suggested to the Governments of Mysore, Bombay, Madras and Hyderabad that a Court of Arbitration should be appointed. Their replies are under examination. I am not yet in a position to say whether a Court of Arbitration will be appointed or when it will meet. The terms of reference which have been put tentatively to the Governments concerned, will require very careful consideration."

I may add for the information of my Honourable friend that the reply from the Government of Hyderabad was only received two or three weeks ago.

SALE OF POSTAL STAMPS TO RAILWAY PASSENGERS.

458. *Prof. N. G. Ranga: (a) Are Government aware of the fact that Railway passengers are unable to get postal stamps from the Railway Mail Service offices, when they are kept open, that the Railway Mail Service officials refuse to sell them before 2 p.m., and that this refusal to sell stamps even when the offices are kept open causes much inconvenience to Railway passengers?

(b) If the answer to part (a) be in the affirmative, are Government prepared to see that orders are issued to the Railway Mail Service office to sell stamps to Railway passengers at all office hours?

The Honourable Sir Frank Noyce: (a) Government are aware that Railway passengers cannot purchase postage stamps from Railway Mail Service offices at all hours of the day and night when the offices are open.

but it is not correct to say that Railway Mail Service officials refuse to sell stamps before 2 P.M. Under departmental orders they are required to sell stamps to the public only at specified hours which are fixed to suit local requirements consistently with the number of staff and the exigencies of work.

(b) Heads of Circles are already empowered to arrange for the sale of stamps at Railway Mail Service offices at suitable hours, consistently with the needs of sorting and mail work in such offices. The Director-General is, however, issuing orders to them to examine the matter again and to extend the sale of postage stamps to the maximum number of hours practicable.

Mr. Lalchand Navalrai: May I know if the sale of stamps takes place in all the mail services?

The Honourable Sir Frank Noyce: As far as I know.

INDIANISATION IN THE ORDNANCE FACTORIES.

459. *Mr. Ghansham Singh Gupta: (a) What are the rules or principles guiding appointment and promotion to the permanent non-gazetted establishment in the Indian Ordnance Factories, with respect to Indians and non-Indians appointed by the Government of India?

(b) Is there any scheme of Indianisation in this branch? If so, how is the scheme being worked or is it progressing?

(c) Is any preferential treatment or facility given to Indians over non-Indians with a view to speed up Indianisation, and if so, what?

(d) Is it a fact that Indians have to pass written and practical tests before confirmation and that non-Indians have not got to do so?

(e) Is it a fact that in the Gun Carriage Factory, Jubbulpore, one **Mr. W. F. Baggett** has been confirmed as an Assistant Foreman without any test?

(f) Is it a fact that he has superseded many Indians senior in service and possessing better qualifications? If so, will Government kindly mention their names?

(g) If the answer to part (f) be in the negative, will Government kindly state the qualifications of **Mr. Baggett** and of those that are superseded by him?

Mr. G. R. F. Tottenham: (a), (b) and (c). I lay on the table a copy of the rules. It will be seen that their underlying purpose is to encourage Indianisation, and that preference is to be given to *ex-factory* trained apprentices.

(d) Under existing rules such tests are applicable to all men of Asiatic domicile. They do not apply to men of non-Asiatic domicile who have invariably had special training and qualifications before appointment.

(e) Under the rules **Mr. Baggett** was not subject to the tests specified. He was, however, only confirmed as Assistant Foreman after a period of trial during which he officiated in that grade.

(f) He superseded nine Indians (and also two Europeans) who were senior to him in service. None of the nine, however, possessed the necessary practical qualifications for the post to which he was appointed. I lay on the table a list of their names and qualifications.

(g) Mr. Baggett served a full apprenticeship in England and had a sound training there as a mechanical engineer. He also has nine years' experience of industrial conditions in this country.

Rules for appointment and promotion in the non-gazetted ranks of Indian Ordnance and Clothing Factories.

The permanent establishment in the non-gazetted ranks of the Indian Ordnance and Clothing Factories is recruited from the following sources :

- (1) Persons of non-Asiatic domicile recruited through the High Commissioner by selection from the United Kingdom.
- (2) Persons of Asiatic or non-Asiatic domicile appointed in India by the Government of India.
- (3) Promotion by selection from the temporary establishments of the Indian Ordnance and Clothing Factories.

2. With regard to (1) recruitment from the United Kingdom is restricted to the grades of Assistant Foreman and Foreman to an extent which is limited by the inability to recruit in India personnel with the requisite technical qualifications.

With regard to (2) recruitment in India is ordinarily made through the agency of the Public Service Commission, but may, under special circumstances, be made direct. Special circumstances include appointments by selection of Ordnance and Clothing Factories *ex*-apprentices.

With regard to (3) promotion to the post of Chargeman has in the past been considered the highest promotion to which all but most exceptional Indian trained employees can aspire. Such promotion has been given by way of reward for long, faithful and technically skilled service without stress being laid on educational qualifications.

3. With a view to pursuing with certain steps the policy of Indianization, it is necessary to lay down clear and well defined rules to govern both selection and appointment of men of Asiatic domicile who will be not only qualified to take employment as Chargeman or Assistant Foreman but who will be likely also further to qualify for promotion to the next higher grade.

4. The following considerations, subject to the proviso in paragraph 5 below, will guide in the first place recommendations for any appointment of men of Asiatic domicile to the permanent non-gazetted establishment of the Indian Ordnance and Clothing Factories :

- (1) The individual must have a good educational record, both general and technical, but no exceptional achievement will be required.
- (2) The individual must display all round intelligence, a natural aptitude for shop work, good habits, and good health.
- (3) The individual must possess tact and some force of personality.

Note.—"Good educational record, both general and technical" implies an education at least equivalent to that laid down for apprentices.

5. Appointments will be filled by recruitment preferably in the following order of merit :

- (1) Qualified *ex*-apprentices of Ordnance and Clothing Factories ;
- (2) Senior Supervisors on the temporary establishment, other than *ex*-apprentices of Ordnance and Clothing Factories ;
- (3) Outside recruitment in India ;

Subject to the following proviso :

Up to, but not including the year 1940, an Indian trained employee holding an appointment as senior supervisor may if he has had long, faithful and technically skilled service and is specially recommended by the Superintendent and if he is of such an age that he would normally retire before any question of further promotion is likely to arise, be promoted to Chargeman without undue stress being laid on his lack of educational qualifications.

6. With the exception of promotion under proviso in paragraph 5, no individual will be confirmed in an appointment in any grade on the permanent non-gazetted establishment unless or until he has passed written and practical tests, approved by authority, relating to :

- (a) Workshop production.
- (b) The particular trade of the appointment.
- (c) Testing and inspection.

A probationary period of 1 year will if necessary be allowed during which the tests must be passed.

7. The conditions under which direct recruitment on probation from Mechanical Engineering ex-apprentices of Ordnance and Clothing Factories may be made, are :

- (i) For appointment as Chargeman . Minimum shop experience (preferably Home) of two years, subsequent to the completion of his apprenticeship training, *plus* supervising experience.
- (ii) For appointment as Assistant Foreman. Minimum shop experience (preferably Home) of 5 years, subsequent to the completion of his apprenticeship training, *plus* supervising experience.

8. The conditions under which direct recruitment on probation, from Ordnance and Clothing Factories' ex-apprentices, other than Mechanical Engineering, may be made will be governed by the considerations given in paragraph 4 above, subject to specific trade qualifications required for the appointment being satisfied.

Direct recruitment under these conditions will not be made for appointments of higher grade than that of Chargeman.

9. The conditions under which outside recruitment may be made will, in the case of recruitment through the Public Service Commission, be governed by the conditions prescribed by Government, and in other cases by the considerations given in paragraph 4 above, subject in both cases to specific trade qualifications required for the appointment being satisfied.

Statement.

1. Mr. Ragghoo Ram.—Studied English up to 5th Standard. No apprenticeship. No Home or outside experience. Reached Chargeman's grade by virtue of long service.
2. Mr. Dharam Singh.—Matriculate. Possesses 2nd class Certificate of Competency under Indian Boiler Act. No apprenticeship. His entire service has been on the Maintenance side of the Factory.
3. Mr. Gulab Chand.—Matriculate. Possesses Certificate of Proficiency in Electrical Engineering I. C. Schools Generator and Motor Design course. No apprenticeship. No Home or outside experience. Essentially specialised on Electrical work.
4. Mr. Kanhia Lal.—Studied up to 4th Standard. No apprenticeship. No Home or outside experience. Reached Chargeman's grade by virtue of long service.

5. Mr. Rahimatullah.—Can read and write Urdu. No apprenticeship. No Home or outside experience. His trade is that of a Blacksmith.
6. Mr. Narbad.—Studied up to 3rd class. No apprenticeship. No Home or outside experience of a responsible nature. Reached Chargeman's grade by virtue of long service.
7. Mr. I. S. Sinha.—Passed S. L. C. Examination. Completed 3 years' course in Mechanical Engineering at P. M. V. College, Brindaban, and obtained diploma. Holds 2nd class Engineers Competency Certificate under the Boiler Inspection Act and is a member of the Institute of Production Engineers and Fellow of Royal Society of Arts. No apprenticeship. No Home experience. His service has been entirely in Drawing Office.
8. Mr. S. B. Chatterjee.—Matriculate Completed apprenticeship in Gun Carriage Factory in Fitters and Erectors in 1925. No Home or outside experience. Was considered for the appointment under reference but was not as well qualified practically nor had the shop experience possessed by Mr. Baggett.
9. Mr. M. N. Lahiri.—Matriculate and passed a Mechanical Engineering Examination. Possesses 1st class Certificate of Competency under Indian Boiler Act. No Home experience. Has been employed during his entire service on the steam raising side of the Factory.

Note.—The appointment for which Mr. Baggett was selected was a specialised appointment in the Machine Shop.

Mr. Ghanshiām Singh Gupta: What was the practical training that was wanted in the nine Indians who were superseded?

Mr. G. R. F. Tottenham: The actual appointment in this case was a special appointment in the machine shop which required a particular knowledge of a particular branch of mechanical engineering.

Mr. Lalchand Navalrai: Were they heard before they were superseded?

Mr. G. R. F. Tottenham: They were not heard, because their qualifications were well known from their records.

Mr. Lalchand Navalrai: Is it the policy of the Government to condemn a man unheard?

Mr. G. R. F. Tottenham: There was no question of hearing a man. It was a matter for the authorities to decide who was the best qualified for the post.

Pandit Lakshmi Kanta Maitra: Were not these men in possession of special qualification?

Mr. G. R. F. Tottenham: Several of the men who were passed over were specialists in other departments; for instance, one had specialised in electric work, and he would have been unfit for this particular appointment; another had specialised in drawing work, which was of no use to this appointment; others were chargemen who had been promoted for long and faithful service and whose educational qualifications were insufficient for this special post.

Mr. Ghansham Singh Gupta: What are the educational qualifications of Mr. Baggett?

Mr. G. E. F. Tottenham: Notice.

Mr. T. S. Avinashilingam Chettiar: With reference to part (d), will Government consider the advisability of formulating uniform rules both for Europeans and Indians?

Mr. G. E. F. Tottenham: When the apprentice scheme on which this measure of Indianisation is based has proceeded further, no doubt the rules may be revised; but the apprentice scheme has only been going for a limited number of years, and we have not yet got a sufficient supply from that source.

Mr. T. S. Avinashilingam Chettiar: In how many years does the Honourable Member expect to get a sufficient supply?

Mr. G. E. F. Tottenham: I cannot say exactly.

LOCAL GOVERNMENTS CONSULTED IN RESPECT OF THE CRIMINAL LAW AMENDMENT ACT CERTIFIED BY THE GOVERNOR GENERAL.

460. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether the Local Governments were consulted in respect of the Criminal Law Amendment Act, certified by the Governor General during the Simla Session;
- (b) what their opinions were; and
- (c) whether all Local Governments supported the Bill, and, in doing so, whether they consulted, or forwarded the opinions of the Ministers in charge of the Transferred subjects, and, if so, what their opinions were?

The Honourable Sir Henry Craik: (a) Yes.

(b) Local Governments were in favour of the Bill.

(c) Government have no information, and in the public interest are not prepared to obtain and give the information asked for.

Mr. S. Satyamurti: When Local Governments give their opinion, do they give the opinion only of the Governor's Executive Councillors, or of the Local Governments as a whole?

The Honourable Sir Henry Craik: The Local Government as a whole, that is the Governor in Council.

Mr. S. Satyamurti: That is to say, including the Ministers also.

The Honourable Sir Henry Craik: I have no information as to the consultation with Ministers. The Government for this purpose, being a Reserved subject, is the Governor in Council.

Mr. S. Satyamurti: May I take it therefore that, in obtaining the opinions of Local Governments, the Government of India follow the principle that, with regard to the reserved subjects they get only the opinion of the Governor in Council, that is the Governor's Executive Councillors only, and with regard to the transferred subjects, they get the opinion of the Governor acting with the Ministers, and the Executive Councillors?

The Honourable Sir Henry Craik: I cannot say whether this is the uniform rule. But the Honourable Member will see from the Act that in regard to Reserved Subjects, the Local Government is the Governor in Council, and in regard to transferred subjects, the Local Government is the Governor acting with his Ministers. That is the correct constitutional position.

Mr. S. Satyamurti: That is an obvious thing. But I am asking, Mr. President, whether, in obtaining the opinions of Local Governments, Government observe that distinction, that is to say, obtaining the opinions only of the reserved half in regard to reserved subjects and obtaining the opinions only of the transferred half in regard to transferred subjects; that is to say, when they ask for the opinions of Local Governments as a whole.

The Honourable Sir Henry Craik: Government follow the spirit and the letter of the constitution.

Mr. S. Satyamurti: I want to know what is the letter and the spirit, which they followed in this respect.

Mr. President (The Honourable Sir Abdur Rahim): The answer appears to be quite clear. Government means the Governor and the Executive Councillors, in regard to a reserved subject.

Mr. S. Satyamurti: I am asking whether, in this particular case, they consulted only the Governor and his Executive Councillors, or the Governor acting with his Ministers, or both?

The Honourable Sir Henry Craik: The Honourable Member had a perfectly clear answer on that. They consulted the Local Government, that is, in regard to a reserved subject, the Governor in Council. Nothing can be clearer than that.

Mr. S. Satyamurti: Therefore, what is the answer to clause (c)?

The Honourable Sir Henry Craik: The answer to that question is that Government have no information as to consultation with Ministers.

Mr. S. Satyamurti: Will Government call for the information?

The Honourable Sir Henry Craik: No, Sir.

Mr. S. Satyamurti: Why not?

The Honourable Sir Henry Craik: Because it is not in the public interest to give it.

Mr. S. Satyamurti: What is the public interest? At this rate, all questions may be refused to be answered by Government on the plea of this magnificent phrase "public interest".

Mr. President (The Honourable Sir Abdur Rahim): As regards consultation among the members of the Government themselves, it must be left to Government to decide whether they are prepared to disclose such consultation.

Mr. S. Satyamurti: We have no control over the Executive Councillors or the Governor, but people have got control over the Ministers. We want to know, in the public interest, what the opinions of those Ministers were. I submit, there can be no higher public interest than that.

Mr. President (The Honourable Sir Abdur Rahim): Then, the Ministers ought to be questioned in the proper Council.

Mr. S. Satyamurti: That cannot be done, because, if we ask questions there about a matter concerning the Government of India, they will be disallowed as not concerning the Local Government. We want the information on which we can go to their constituencies and tell them that these are the Ministers whom they are keeping in power.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has got the answer. Next question.

DUTIES AND CONSTITUTIONAL POSITION OF THE CABINET SECRETARY.

461. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) the duties of the Cabinet Secretary;
- (b) the reasons for the creation of this post; and
- (c) his constitutional position, on the one hand, towards the Governor General, and, on the other, towards the members of the Executive Council?

The Honourable Sir Henry Craik: (a) and (b). I would refer the Honourable Member to the reply which I gave to his starred question No. 417 on the 16th September, 1935.

(c) I find some difficulty in understanding exactly what information the Honourable Member desires and cannot usefully add to my previous reply to the Honourable Member.

Mr. S. Satyamurti: Has the Cabinet Secretary been appointed now?

The Honourable Sir Henry Craik: Yes, Sir.

Mr. S. Satyamurti: Who is he?

The Honourable Sir Henry Craik: Sir Eric Mievill.

Mr. S. Satyamurti: What are his duties now?

The Honourable Sir Henry Craik: That I explained in reply to the Honourable Member's question on the 16th September last.

Mr. S. Satyamurti: What are the main categories of duties he is now actually discharging?

The Honourable Sir Henry Craik: That is contained in the previous answer which I gave.

Mr. S. Satyamurti: May I know what is the answer to clause (c)? My Honourable friend said he cannot understand the question. I cannot understand his difficulty; it is a simple straightforward question.

The Honourable Sir Henry Craik: The gentleman in question is Secretary to the Executive Council of the Governor General.

Mr. S. Satyamurti: Has he anything to do with the Governor General?

The Honourable Sir Henry Craik: He is also the Governor General's Private Secretary, and that is a perfectly distinct capacity. He is holding two offices, one being a personal appointment under the Governor General and the other being Secretary to the Executive Council.

Mr. S. Satyamurti: Is it possible for him to reconcile these two duties?

The Honourable Sir Henry Craik: Yes, Sir.

POST OF LABOUR SUPERVISOR ON THE EAST INDIAN RAILWAY.

462. ***Dr. N. B. Khare:** Is it a fact that a post of Labour Supervisor on the Railways is in existence? If so, will Government please state:

- (a) whether it is a fact that the office of the said Labour Supervisor is located under the stairs near the European Refreshment Rooms at Howrah Station on the East Indian Railway, with an indication board "Labour Office";
- (b) whether it is a fact that the said Labour Supervisor is often seen attending arrival and departure of every train from Howrah Station on the East Indian Railway with a white band around his head engraved "Labour Supervisor" in blacks;
- (c) whether it is a fact that the duties of a Labour Supervisor on Railways are to see the working of the Hours of Employment Rules;
- (d) whether they are aware that whenever any complaint against the working of Hours of Employment Rules is made to the Labour Supervisor at Howrah Station on the East Indian Railway, it remains unattended to and no investigation whatsoever is made by him;
- (e) on what stations on the East Indian Railways similar Labour Supervisors are posted;
- (f) on what salary and conditions of service the Labour Supervisors are engaged;

- (g) whether the Labour Supervisors control the working and discipline amongst coolies, and if so, why they are designated as Labour Supervisors instead of coolie jamadars or Inspector or Supervisor; and
- (h) whether it is a fact that Government informed this House that they think that the word "Cooly" is the appropriate word and they are not prepared to change it into "Labour" or "worker"; and if so, why and under whose orders these Supervisors under a contractor are allowed to exhibit the word "Labour" on their heads; and
- (i) whether Government propose to order the removal of the word "Labour" from the heads of Labour Supervisors, and if not, why not?

The Honourable Sir Muhammad Zafrullah Khan: As regards the first part of the question there is a post of Supervisor of Railway Labour to look after the working of the Hours of Employment Regulations on those railways on which these regulations have been given statutory effect. With regard to the latter, the reply is as follows:

- (a) No. The office to which the Honourable Member is referring is not that of the Supervisor of Railway Labour but of another official who is employed by a coolie contractor for the purpose of exercising supervision over the coolies and also to see that the travelling public are properly served.
- (b) Yes. The Labour Supervisor attends trains at the Howrah Station.
- (c) No. The Honourable Member is evidently confusing this Labour Supervisor with the Supervisor of Railway Labour whose duties are to look after the working of the Hours of Employment Regulations on the railways on which these regulations have been given statutory effect and who is assisted in the execution of these duties by Inspectors of Railway Labour. None of the latter officials are located at Howrah Station:
- (d), (e) and (f). Government have no information as the Labour Supervisors to which the Honourable Member refers are not Government servants.
- (g) As regards the first part of the question the reply is in the affirmative. As regards the latter part the Labour Supervisors to which the Honourable Member refers are contractors' employees and the Railway Administration has no concern with their designation or other conditions of service.
- (h) The answer to the first part is in the affirmative and as regards the latter part I would invite the Honourable Member's attention to my reply to part (g) of the question.
- (i) Government do not consider their intervention is called for.

DETENTION OF THE 8-DOWN HOWRAH-DELHI EXPRESS AT CAWNPORE ON THE 7TH DECEMBER, 1935.

463. *Dr. N. B. Khare: Is it a fact that a detention of considerable amount was caused on the 7th December, 1935, to 8 Down Delhi-Howrah Express train at Cawnpore? If so, will Government please state:

- (a) the cause and the period of detention;
- (b) whether the passengers were put to inconvenience through the said detention;
- (c) whether it is a fact that this detention was caused by a Railway Engineer, holding a pass to travel from Cawnpore to Howrah;
- (d) whether the said Engineer belongs to European or Anglo-Indian community;
- (e) whether the said Engineer was accompanied by a lady of his own community;
- (f) whether the said Engineer and the said lady travelled throughout in a "First Class" compartment reserved for "Ladies";
- (g) whether the said compartment was stencilled with the word "Ladies";
- (h) whether Gents are entitled to travel in a compartment reserved for exclusive use of ladies;
- (i) under what authority the said Engineer travelled in a compartment reserved for exclusive use of ladies;
- (j) whether it is a fact that other lady passengers *en route* could not entrain the compartment in presence of a gent travelling therein;
- (k) whether the Railway Administration prosecuted the said railway servant under section 109 of the Indian Railways Act, 1890, and if not, why not; and
- (l) whether the Governor General in Council now proposes to order the prosecution of the said railway servant and the Agent, and if not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) The train was detained for seven minutes owing to the difficulty of finding accommodation in a crowded train for two first class passengers.

(b) No.

(c) Yes. The Engineer was travelling from Cawnpore to Dhanbad.

(d) European.

(e) Yes, by his wife.

(f) and (g). Yes.

(h) No.

(i) and (j). The Agent, East Indian Railway, states that the Engineer had previously asked for endeavours to be made to accommodate him and his wife by this train and on arrival at the station he was shown a coupé compartment marked for ladies as the only accommodation available on the train. One of the station staff thought that there was no objection to the Engineer accompanying his wife in this compartment and he agreed to

do so on the understanding that he would vacate it if any other lady had to be accommodated. At no time throughout the journey did any lady passenger require accommodation.

(k) and (l). No. This was not considered necessary as departmental action could be taken.

ALLEGED RACIAL DISCRIMINATION IN THE MATTER OF REFRESHMENT ROOMS AT THE HOWRAH STATION.

464. *Dr. N. B. Khare: (a) Is it a fact that at Howrah Station on the East Indian Railway Refreshment Rooms are provided for each community?

(b) Is it a fact that the European Refreshment Room is next to the Upper Class Waiting Rooms?

(c) Is it a fact that the Supervising Staff (Station Superintendent, Deputy Station Superintendent, Platform Assistant Station Masters, Head Ticket Collector, Luggage and Parcel Supervisors, Station Sergeants, etc., etc.) are all European *cum*-Anglo-Indians?

(d) If the replies to parts (a) to (c) be in the affirmative, will Government please state:

(i) whether it is a fact that the Indian Refreshment Rooms are not permitted to serve the Indian gentry with morning teas, whereas the European Refreshment Room is only permitted the service; and if so, what the reasons for this discrimination are;

(ii) whether they are prepared to lay the agreements of each Refreshment Room on the table of this House;

(iii) whether it is a fact that there is a picket gate near the cash office at Howrah Station, the key of which is in exclusive possession of the Manager of the European Refreshment Room, and if so, why and under whose order;

(iv) whether they are aware that the privileges of key involve illicit sale and traffic which is shared by the Supervising Staff; and

(v) whether Government propose to take action against these abuses and racial discrimination; and if not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) The first and second class refreshment rooms at Howrah are open to all communities. In addition, there are separate refreshment rooms for Hindus and Muhammadans.

(b) The refreshment rooms adjacent to the upper class waiting rooms are for upper class passengers.

(c) Yes.

(d), (i). No.

(ii) I am placing in the Library of the House a copy of the agreements which are somewhat lengthy.

(iii) The key of the picket gate near the cash office is kept by the Treasurer of the East Indian Railway and not by the manager of the refreshment room.

(iv) No.

(v) Does not arise.

TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY AND TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

465. *Dr. N. B. Khare: Is it a fact that the Government of India in their Resolution No. 4863, dated 4th December, 1891 have stated:

"The Government of India have always been careful to exercise the right of altering rules with due consideration for the rights of their servants. The ordinary course adopted to prevent hardship arising from any change of Rule found necessary has either to defer the introduction of the change for some time after its publication, or to give the officers affected the right of choosing whether they shall come under operation of the old or of the new rules."

If so, will Government please state:

- (a) whether it is a fact that the Travelling Ticket Inspectors on the East Indian Railway were recruited prior to 1st June, 1931, by the Accounts and Audit Department; and if so, on what terms of pay and allowances and conditions of service;
- (b) whether it is a fact that the Travelling Ticket Examiners on the North Western Railway were recruited prior to 1st June, 1931 by the Accounts and Audit Department, and if so, on what terms of pay and allowances and condition of service;
- (c) whether prior to 1st June, 1931, the Travelling Ticket Inspectors on the East Indian Railway and the Travelling Ticket Examiners on the North Western Railway were for all practical purposes classed as "Running Staff" along with the Locomotive and Traffic Staff;
- (d) whether prior to 1st June 1931, the Travelling Ticket Inspectors on the East Indian Railway and the Travelling Ticket Examiners on the North Western Railway were governed by the provisions of paragraph 362 of the State Railway Open Line Code, Volume II; and if so, the date and the number of correction slip amending, modifying or annulling the said paragraph;
- (e) the authority who is competent to justify the application or non-application of paragraph 362 of the State Railway Open Line Code, Volume II, after 1st June, 1931;
- (f) whether it is a fact that the allowance paid to the Travelling Ticket Inspectors on the East Indian Railway and the Travelling Ticket Examiners on the North Western Railway prior to 1st June, 1931, was to the extent of 75 per cent. classed as pay;
- (g) the authority who is competent to deprive the said staff of any part of pay without an award of punishment;
- (h) whether it is a fact that the Travelling Ticket Inspectors on the East Indian Railway and the Travelling Ticket Examiners on the North Western Railway were from 1st June,

1931, not paid the allowance to the extent of 75 per cent. classed as pay; and if so, under what paragraph of the State Railway Open Line Code, or Fundamental Rule or Article of the Civil Service Regulations, or Resolution of the Government of India or Order in Council or Despatch from the Secretary of State, this allowance classed as pay is not paid; and

- (i) whether the Governor General in Council considered the spirit of the said Resolution No. 4863, dated 4th December, 1891, before depriving these employees of their allowance; and if not, whether the Governor General in Council now proposes to give with effect from the 1st June, 1931, the Travelling Ticket Inspectors on the East Indian Railway and the Travelling Ticket Examiners on the North Western Railway who are affected by the amended rule, the right of choosing whether they shall come under the operation of the old or of the new rules, in terms of the said Resolution No. 4863, dated 4th December, 1891?

The Honourable Sir Muhammad Zairullah Khan: The reply to the first part of the question is in the affirmative. As regards the rest of the question, the reply is as follows:

- (a) The staff referred to were, prior to the introduction of the Crew System in 1926, recruited by the Accounts Department. I lay on the table of the House a statement giving the information required in the latter part of the question.
- (b) The staff referred to were, prior to 1928, under the Chief Auditor, North Western Railway. I lay a statement on the table of the House giving information required in the latter part of the question.
- (c) Prior to 1st June, 1931, travelling ticket checking staff were treated as running staff for the purposes of mileage allowance.
- (d), (e), (g), (h) and (i). Prior to 1st June, 1931, Travelling Ticket Inspectors on the East Indian Railway and Travelling Ticket Examiners on the North Western Railway were in receipt of mileage allowance. From 1st June, 1931, they ceased to be treated as running staff so far as the grant of mileage allowance was concerned as their posts were abolished and they were offered and they accepted posts of Travelling Ticket Examiners on the East Indian Railway and Special Ticket Examiners on the North Western Railway which did not entitle them to mileage allowance. The question of allowing them an option to retain the old or the new scales does not, therefore, arise. Government, however, sanctioned, purely as an *ex gratia* measure, an enhanced consolidated allowance to persons who had originally held posts of Travelling Ticket Inspectors on the East Indian Railway and Travelling Ticket Examiners on the North Western Railway.
- (f) Yes. These allowances up to a limit of 75 per cent. of pay proper were treated as pay for the purposes of leave salary, provident fund and gratuity.

Statement showing the scales of pay of the travelling ticket inspectors on the East Indian Railway who were members of the Accounts department prior to the introduction of the Crew system in 1926.

	East Indian Railway scale.	Oudh and Rohilkhand Railway scale.
Head travelling ticket inspectors .	220—20—300	220—20—300
Travelling ticket inspectors .	130—10—200	170—10—200
		130—10—160
		88—8—120
	60—4—64—8—120	60—4—64—8—80

Mileage allowance was allowed at the following rates :—

Staff on rates of pay of Rs. 120 per mensem and over . Rs. 2-0-0 per 100 miles.

Staff on rates of pay less than Rs. 120 per mensem . Rs. 1-4-0 per 100 miles.

Their other terms and conditions of service were similar to those of other non-pensionable subordinate railway employees.

Statement showing the scales of pay of the Travelling Ticket Examiners on the North-Western Railway who were members of the Audit Department prior to their being transferred to the Operating Department.

	Pay. Rs.
Travelling Ticket Examiners. Grade I . . .	50—5—95
„ „ „ „ II . . .	100—10—180
„ „ „ „ III . . .	190—10—210

Rate of Mileage.

Salary. Rs.	Rate of mileage per 100 miles. Rs. s. p.
50—60	1 0 0
61—95	1 4 0
100	1 8 0
105 and over	2 0 0

The conditions of their service were the same as those of the staff in other categories of the North-Western Railway borne on the non-pensionable establishment and who sign the usual service agreement.

Dr. N. B. Khare: It is said in the reply that the posts of Travelling Ticket Inspectors were abolished; may I put it to the Government that these posts were not abolished? Will Government, in this connection, lay on the table the affidavit filed on behalf of Government in the Court of the Subordinate Judge, Lucknow, in the case of Mohan Lal, Travelling Ticket Inspector, *versus* the Secretary of State?

The Honourable Sir Muhammad Zafrullah Khan: I will require notice of that question. If my Honourable friend will supply me with particulars of that document, I shall look into it.

POSITION OF THE CHIEF ACCOUNTS OFFICER AND HIS STAFF ON THE EAST INDIAN RAILWAY.

466. ***Dr. N. B. Khare:** Is it a fact that the Chief Accounts Officer and his staff are subordinate to the Agent, East Indian Railway, and for all practical purposes they are under the orders of the Agent?

Mr. P. B. Rau: No, Sir.

RACIAL DISCRIMINATION ON THE EAST INDIAN RAILWAY.

467. ***Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): Are Government aware that on the East Indian Railway in general and the Moradabad Division in particular, the racial discrimination is at its zenith in respect of grant of quarters, electric current, electrification of quarters, uniform, etc., to Indians and Europeans *cum* Anglo-Indians? If so, why and under what rule?

The Honourable Sir Muhammad Zafrullah Khan: No.

RACIAL DISCRIMINATION IN THE MORADABAD DIVISION OF THE EAST INDIAN RAILWAY.

468. ***Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): (a) Is it a fact that the request for electrification of staff quarters occupied by the Indian subordinates in grade below Rs. 126 is refused in the Moradabad Division of the East Indian Railway? If so, whether a similar request of the European and Anglo-Indian subordinates in grade below Rs. 126 was ever refused? If not, why not?

(b) Will Government please state whether any European and Anglo-Indian subordinates in grade below Rs. 126 are occupying electrified quarters; and if so, why in preference to those Indian subordinates who are in a higher grade?

(c) What action has been taken against the gazetted staff, who are upholding the racial discrimination; and, if none, why not?

(d) When is this evil likely to be eradicated from the Moradabad Division?

The Honourable Sir Muhammad Zafrullah Khan: I have called for information and will lay a reply on the table of the House in due course.

STAFF OF THE INDIAN RAILWAY CONFERENCE ASSOCIATION.

469. ***Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): (a) Is it a fact that the Indian Railway Conference Association is a portion of State Railways under the Government of India?

(b) Is it a fact that the officers of the Indian Railway Conference Association are the Gazetted Officers under the Crown of India?

(c) Is it a fact that the pay, overseas pay, passage money, leave salary, travelling expenses, etc., of the officers of the Indian Railway Conference Association are debited to the State Railways Revenues? If so, under what head of the Railway Budget, provisions are made?

Mr. P. R. Rau: (a) No.

(b) No. Services of Government officers are, however, sometimes lent to the Indian Railway Conference Association.

(c) The expenditure of the Indian Railway Conference Association is divided in certain proportions between railways who are parties to the Conference, among whom are included State Railways. The payment by State Railways are included in 'Other Expenses' in Demand 6G-Miscellaneous Expenditure.

**EDUCATIONAL ASSISTANCE TO THE CHILDREN OF THE RAILWAY STAFF
READING IN THE HINDU AND MUSLIM UNIVERSITIES.**

470. ***Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): Is it a fact that the late Oudh and Rohilkhand Railway in *Weekly Gazette*, No. 4 of 22nd January, 1921, sanctioned educational assistance to the children of staff reading at the Hill Schools mentioned in the rules? If so, will Government please state:

(a) whether it is a fact that the Divisional Superintendent, Moradabad, in his Circular No. 12/151/28-E., dated 12th October, 1931, informed the staff that the said assistance is also applicable to the children reading at the following boarding schools in the plains:

- (i) La Martimere High School for Girls, Lucknow;
- (ii) La Martimere College, Lucknow;
- (iii) Loreto Convent High School, Lucknow, and
- (iv) St. Francis School, Lucknow;

(b) whether it is a fact that the Railway Board have decided that the Indian employees of the late Oudh and Rohilkhand Railway, who have elected the rules sanctioned in the said *Weekly Gazette* are eligible for assistance;

(c) if the replies to parts (a) and (b) be in the affirmative, whether those rules recognize the Lucknow University to which those Schools and Colleges at Lucknow are affiliated; what arrangements exist in those hill and plain schools to bring up the children of Hindu, Sikh, and Muslim staff according to their respective faith and religion; and if none, why the assistance is restricted only to those schools; and why the Universities of Benares and Aligarh were not included in those rules when they made applicable to Hindus, Sikhs, and Muslims alike; and

(d) whether the Governor General in Council propose now to extend the benefit by inclusion of the Hindu and Muslim Universities, and if not, why not?

The Honourable Sir Muhammad Zafrullah Khan: The reply to the first part of the question is in the affirmative. As regards the latter portion the reply is as follows:

(a) Yes, I would, however, add that the four schools referred to were recognised by the Oudh and Rohilkund Railway from the 1st April, 1921, with the approval of the Railway Board.

- (b) Yes, if admissible under those Rules.
- (c) The Rules referred to recognised only certain schools and not any universities. Assistance was limited to the employees who sent their children to the recognised schools only. Under the new rules educational assistance, if admissible, is given to all employees who send their children to any boarding school away from the station at which they are posted owing to the absence of a school of the requisite standard at that station.
- (d) No. The present rules, a copy of which will be found in the Library of the House, are the same for all communities.

POLICY OF STATE RAILWAYS IN CERTAIN MATTERS.

471. ***Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): Will the Governor General in Council please state the policy on Indian State Railways in respect of:

- (a) minimising the accruing rights of the non-gazetted staff;
- (b) abolition of posts in a grade or scale of pay other than minimum;
- (c) creation of posts in a grade or scale of pay other than the minimum;
- (d) transfers from one class to another class, from one cadre to another, from one group to another, from one branch to another, etc.;
- (e) "put off" duty;
- (f) suspension; and
- (g) rectification of errors, mistakes, abuse of power?

The Honourable Sir Muhammad Zafrullah Khan: If the Honourable Member will specify details of cases that he may have in mind I shall endeavour to furnish a reply.

"PUT OFF" DUTY AND "SUSPENDED FROM" DUTY ON STATE RAILWAYS.

472. ***Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): Will Government please state:

- (a) the difference between "put off" duty and "suspended from" duty;
- (b) the rate of pay admissible during the period of "put off" duty;
- (c) whether any inquiry, investigation or charge sheet is necessary when an employee is "put off" duty; and
- (d) under what Fundamental Rule, "put off" duty on Indian State Railways is permissible; and, if none, what action has been taken to stop this abuse, and if not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) to (d). The Fundamental Rules authorise neither the "putting off" duty nor the "suspension" from duty of an employee and Government are not aware of any abuse. This is purely an administrative matter which is not within the scope of the Fundamental Rules. Depending upon the circumstances, "put off" duty and "suspended from" duty may mean the

same thing or different things. Also full pay or pay, in accordance with the Fundamental Rules, may or may not be admissible and an enquiry, investigation or charge sheet may or may not be necessary.

MILEAGE ALLOWANCE GRANTED TO THE TRAVELLING TICKET EXAMINERS ON THE BURMA RAILWAYS.

473. ***Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): Will Government please state:

- (a) whether it is a fact that the Travelling Ticket Examiners on the Burma Railways are still paid mileage allowance;
- (b) whether it is a fact that in 1934 the Railway Board directed the Agent, Burma Railways, to withdraw the mileage allowance and replace it by daily or consolidated allowance *vide* reply to unstarred question No. 212 (c) asked on the 19th March, 1934;
- (c) whether it is a fact that in spite of these directions from the Railway Board, the Agent, Burma Railways, has declined to withdraw mileage allowance and the matter is still under consideration as acknowledged in reply to unstarred question No. 302 asked on the 9th April, 1935; and
- (d) whether it is a fact that the Travelling Ticket Examiners on the Burma Railways are still classed as "Running Staff" and that the same class of employees on the East Indian and the North Western Railways have ceased to be classed as "Running Staff", *vide* reply to unstarred question No. 302, asked on the 9th April, 1935, and if so, what are the reasons for this differential treatment?

The Honourable Sir Muhammad Zafrullah Khan: With your permission, Sir, I propose to reply questions Nos. 473 and 474 together. There has been correspondence, but orders were issued in January, 1936, to the Agent, Burma Railways, that consolidated monthly travelling allowance instead of the mileage allowance should be granted to the Travelling Ticket Examiners employed on that railway. Government regret that they cannot place the correspondence on the table of the House as these are documents for departmental use not intended for publication.

MILEAGE ALLOWANCE GRANTED TO THE TRAVELLING TICKET EXAMINERS ON THE BURMA RAILWAYS.

†474. ***Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): Will Government please state:

- (a) whether it is a fact that the Agent, Burma Railways, has so far disagreed with the Railway Board and has declined to withdraw mileage allowance paid to the Travelling Ticket Examiners; and
- (b) whether it is a fact that the Agent, Burma Railways, has held that this withdrawal of mileage allowance will be a deviation from the existing rules and the policy of the administration;

†For answer to this question, see answer to question No. 473.

and if not, whether Government propose to lay on the table a copy of the correspondence which has passed between the Agent and the Railway Board on the subject or state the grounds on which the Agent differs from the Railway Board?

MILEAGE ALLOWANCE PAID TO ROAD VAN-CLERKS ON THE NORTH WESTERN RAILWAY.

475. ***Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): Will Government please state:

- (a) whether it is a fact that the Railway Board directed the Agent, North Western Railway, to withdraw the mileage allowance paid to the Road Van-Clerks or Van-Checkers and if so, whether the Agent agreed or disagreed to do so;
- (b) on what grounds the Agent disagreed or otherwise; and
- (c) whether Government propose to lay on the table the correspondence which passed between the Railway Board and the Agent on the subject?

The Honourable Sir Muhammad Zafrullah Khan: The question whether the Van Checkers on the North Western Railway who were appointed prior to 8th March, 1934, should continue to draw mileage allowance which they have hitherto been drawing or be given daily allowance according to the rules in force is under consideration of Government and final orders have not yet been issued.

FUND OF STATE RAILWAYS SPENT ON THE INDIAN RAILWAY CONFERENCE ASSOCIATION.

476. ***Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): (a) Arising out of the reply given in this House to starred question No. 565 on the 26th February, 1935, that the Indian Railway Conference Association is not owned, worked or controlled by the Government of India, will Government please state whether the following provision has been made in the North Western Railway, Revised Estimate, 1934-35, and Budget Estimate, 1935-36, page 1:

"About 5 lakhs is provided for the construction of the combined office buildings for the Railway Clearing Accounts and for the Indian Railway Conference Association and of quarters for their staff, which are urgently required to alleviate the present unsatisfactory state of affairs"?

(b) If the answer to part (a) be in the affirmative, will Government please state why the funds of State-owned Railways are spent on private bodies which are not owned, worked or controlled by the Government of India?

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

(b) The Indian Railway Conference Association is required to pay rent for the buildings constructed by Government for it. This charge is included

in the annual expenditure of the Indian Railway Conference Association which, as I have already explained, is met by contributions from railways who are parties to the Association.

APPLICATION OF NEW LEAVE RULES ON STATE RAILWAYS.

477. ***Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): With reference to the replies given to this House to starred questions Nos. 677 and 752, asked on the 5th and 8th March, 1935, respectively, and to unstarred question No. 205, asked on the 9th March, 1935, regarding application of New Leave Rules on State Railways, will Government please state:

- (a) whether it is a fact that the staff recruited by the Controller of Railway Accounts in 1928 and before April 1930, for the Training School for Accountants, Calcutta, were never warned of the promulgation of the said rules;
- (b) whether it is a fact that no declaration of any kind as required under the rules was ever obtained from the said staff;
- (c) whether it is a fact that the instructions issued by the Railway Board in respect of the promulgation of the said rules were never communicated to the said staff;
- (d) whether it is a fact that the said staff on abolition of the said school were brought under the said rules; and if so, why;
- (e) what the number of the said staff was; and
- (f) whether the Governor General in Council propose to extend the privilege of option to the said staff as is given to the staff in service before April, 1930; and if not, why not?

Mr. P. R. Rau: (a) and (b). It had been notified to the Chief Accounts Officer, East Indian Railway, to which the Training School was attached, that the staff appointed on or after the 1st September, 1928, would be liable to be brought under the new leave rules when promulgated. It was unnecessary to warn the staff concerned individually or to take a declaration from each of them.

(c) It is not usual or necessary to communicate to individuals, on their appointment, orders which are already in force.

(d) Yes, for the reasons stated in the reply to parts (a) and (b) of this question.

(e) Four.

(f) For the reasons I have just stated Government do not propose to grant the option.

SUPERVISION AND CONTROL OVER THE BUDGET ESTIMATES AND EXPENSES BY THE RAILWAY BOARD.

478. ***Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): Has the attention of the Governor General in Council been invited to Minute

Sheet No. A. W. 2894, dated the 26th June, 1935, signed by A. V. Venables, Agent, East Indian Railway, reading: "Economy".

"The Railway Board in their letter No. 1564-B of 10th June, 1935, have pointed out that the gross earnings of the State Railways during the first two months of this financial year have fallen considerably and emphasise the necessity for rigid economy in all expenditure. So far as this Railway is concerned the position is as follows :

	1934-35.	1935-36.	Difference.
	Lakhs.	Lakhs.	Lakhs.
Gross Earnings to end of May .	341.20	331.29	10.00 (Dn.)
Working expenses to end of May	165.92	166.55	.7 (Up)

It will be seen that the Earnings have fallen during April and May 1935 by 10,00,000 as compared with April and May 1934 and the working Expenses have increased by .73 lakhs over the same period.

The question of economy, therefore, remains one of great urgency, and every effort must be made to seek fresh methods of increasing earnings, of reducing expenditure and of retaining the ground gained last year.

I would draw your attention to my Minute Sheet (Joint Circular) No. 556/A.E. 2834, dated 10th January, 1935, and Minute Sheet No. A. E. 2834, dated 5th February 1935 and request you to see that these orders are strictly observed.

As a result of investigations made by the Organisation Department savings amounting to Rs. 18,00,000 have been effected during the past year, a large proportion of which should be Annual Recurring Savings and we must ensure that these savings are maintained during the current year.

All proposals for economy and for attracting new traffic should receive the most careful consideration.

"The maximum efficiency and economy can only be obtained by constant scrutiny and investigation into every item of expenditure and no saving is too small to be ignored."

If so, will Government please state:

- (a) whether the Budget for 1935-36 was scrutinised by the Financial Commissioner for Railways, and if so, what the items were in the Budget which are over and above 1934-35 and what the reasons were for such an excess given by the Agent;
- (b) what the reasons are for the increase of the working expenses;
- (c) why and to what extent the amounts were re-appropriated from one head to another of the Budget Estimates for the years 1933-34, 1935-36;
- (d) whether Government, as an experimental measure, propose to withdraw from the Agents the powers delegated in respect of the following matters and to examine the results after a year's working, and if not, why not, namely:
 - (i) creation, abolition and revision of pay of non-pensionable posts (gazetted and non-gazetted) on a scale of pay over and above rupees twenty per mensem;

- (ii) the recruitment, appointment or confirmation, promotion or reduction, removal, discharge or dismissal of staff (gazetted and non-gazetted) on a scale of pay over and above rupees twenty per mensem;
- (iii) the grant of allowances of any description to the staff (gazetted and non-gazetted);
- (iv) the write off of losses of any description;
- (v) the remission of dis-allowances of any description;
- (vi) the grant of any contribution or payment from Capital or Revenue Funds towards any institution;
- (vii) the grant of bonus of any description;
- (viii) the grant of compensation for damage to property through any cause;
- (ix) the payment of claims decreed by a Court of Law or settled out of a Court of Law;
- (x) the refund of fares, freight and similar other earnings involving any amount;
- (xi) the incidence of any Law charges;
- (e) whether Government, as an experimental measure, propose to prohibit the Agent from re-delegating powers to any officer in establishment matters and examine the working of a year and if not, why not?

Mr. P. R. Rau: Government have not seen the Minute Sheet referred to.

(a) The budget was scrutinised by the Railway Board and the amount provided for 1935-36 was not in excess of the revised estimate for 1934-35. Excluding the emergency deductions from pay, it was 4 lakhs lower owing to less repairs and maintenance charges of goods vehicles and rail motors.

(b) Excluding emergency deductions from pay, the working expenses till the end of November, 1935, amounted to 744½ lakhs as compared with 752¼ lakhs in the corresponding period of last year—a reduction of 8 lakhs.

(c) *The information is not available. Reappropriations within the same demand are within the powers of the Agent.*

(d) and (e). No. Government see no reason to make any change in the present rules.

Mr. S. Satyamurti: Have Government examined this matter from the financial point of view, and have they come to the conclusion that the Agents can be trusted even in these days of financial stringency to carry out their desires, with regard to meticulous and careful scrutiny, to avoid all avoidable expenditure?

Mr. P. R. Rau: If every one of these cases were to come up to the Railway Board, the work in the Railway Board would become impossible to carry out.

SUPERVISION AND CONTROL OVER THE AGENTS BY THE OFFICERS OF THE RAILWAY BOARD.

479. ***Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): Will Government please state:

- (a) the instances of irregularities over which the Agents were censured;
- (b) the cases in which the Agents were overruled;
- (c) the cases in which the Railway Board rejected the proposals of the Agents;
- (d) the cases in which sanctions to grants were withheld or refused;
- (e) the case where the proposals regarding the revival of posts were rejected in the interests of economy; and
- (f) the cases in which sanctions with retrospective effect were granted during the years 1931 to 1935?

The Honourable Sir Muhammad Zafrullah Khan: The information is not readily available and Government consider that its collection would involve an amount of time and labour not likely to be justified by results; and I might add nor would it be in the public interest to supply the information even if it were readily available.

OCCUPATION OF QUARTERS BY THE SUBORDINATE STAFF ON LEAVE ON THE EAST INDIAN RAILWAY.

480. ***Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): (a) Will Government please state the period for which the subordinate staff on the East Indian Railway, who are entitled to rent-free quarters, are permitted to occupy the quarters (i) when they proceed on privilege leave during service; and (ii) when on privilege leave prior to retirement?

(b) Is it the duty of the authority sanctioning the privilege leave to inform the employee whether he has to vacate quarters or not?

(c) Is the employee charged schedule rent or rent at outsider's rate if he elects to retain the quarters while on privilege leave?

The Honourable Sir Muhammad Zafrullah Khan: (a) Subordinate staff entitled to rent-free quarters are not as a rule permitted to remain in their quarters when they proceed on privilege leave (whether during active service or prior to retirement) as their quarters are invariably required for other staff.

(b) No.

(c) An employee cannot elect to retain his quarters while on privilege leave but if he is permitted to do so on medical grounds he is required to pay rent at the outsiders' rate.

PROMOTION OF ASSISTANT ACCOUNTS OFFICERS ON THE EAST INDIAN RAILWAY.

481. ***Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): (a) Will Government please state whether the promotions of Assistant Accounts Officers to the posts of Accounts Officers, grades I and II, on the East Indian Railway, are made by the Chief Accounts Officer or by the Controller of Railway Accounts?

(b) Are these promotions made on seniority, and if not, on what basis?

Mr. P. R. Rau: (a) Promotions to the Indian Railway Accounts Service are made by the Government of India.

(b) Promotions are made by selection from subordinate ranks, due regard being paid to merit and seniority.

APPOINTMENT OF GOODS CLERKS ON THE EAST INDIAN RAILWAY.

482. ***Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): (a) Is it a fact that in the rules for the recruitment and training of the subordinate staff on the State-managed Railways framed by the Railway Board and issued by the Agent, East Indian Railway, with his Circular No. 548/A.E./2460, dated the 1st October, 1932, the avenue of promotion to the post of Goods Clerk is from Assistant Goods Clerks or Assistant Transshipment Clerks?

(b) Is it also a fact that the Divisional Superintendent, East Indian Railway, Howrah, has, in his Circulars Nos. 62 and 44 of 1931 and 1932 respectively, stated that the Agent had decided that promotions to the post of Goods Clerk would henceforth be made only from among those who had passed the Goods Accounts Examination?

(c) If the answers to parts (a) and (b) be in the affirmative, will Government please state whether the conditions laid down and referred to in parts (a) and (b) have been observed by the Divisional Superintendent, Howrah, when filling up the vacant post of Goods Clerk, Ramkrishnapore?

The Honourable Sir Muhammad Zafrullah Khan: (a) In the rules for the recruitment and training of subordinate staff on the State-managed Railways issued by the Railway Board, the normal channel of promotion to the post of Goods Clerk is as stated in the question.

(b) and (c). Government have no information. These are matters of detailed administration in which full powers have been delegated to the Agent to whom a copy of the question has been sent for information and such action as he may consider necessary.

ENCOURAGEMENT OF SPORTS AMONGST THE STAFF AND THE DUTIES OF SPORTS OFFICERS ON THE EAST INDIAN RAILWAY.

483. ***Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): (a) Will Government please state whether the Railway Board have issued any instructions regarding the encouragement of sports amongst the staff and the duties of Sports Officers on the East Indian Railway? If so, will Government please lay a copy of the same on the table of the House, and if none, do Government propose to frame and issue rules?

(b) Is it a fact that:

(i) there is a Sports Officer attached to the Howrah Division of the East Indian Railway; and if so, since when the present incumbent is at Howrah;

(ii) his activities consist of giving every facility to a fixed set of fifteen men at Howrah who take part in every game, such as hockey, football, tennis, etc.;

- (iii) other members of the staff are not given opportunities to take part in these games;
 - (iv) other members of the staff are made to perform the duties of these fifteen men in order that they may have daily practice: and
 - (v) the pay of these men is not debited to the Sports Fund but is drawn against posts in which they are nominally employed?
- (c) Will Government please state whether the playing of games is to be confined to a fixed set of men, and if not, what facilities have been offered to the remainder of the staff at Howrah?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government have issued general instructions to Railways that staff should be encouraged to take part in sports, but do not consider it necessary to issue any rules on the subject.

(b), (i). There is no special sports officer attached to the Howrah or any other division. Generally, the work pertaining to sports and athletics on this division is entrusted to one of the senior scale officers of the division who does it in an honorary capacity in addition to his own normal duties. Mr. Whitby, Superintendent, Commercial, has been working as sports officer on the Howrah division since the 23rd December, 1935.

(ii) and (iii). The reply is in the negative.

(iv) During the time that the representatives of the division are taking part in the tournaments they are treated as being on leave and their work is carried on by the rest of the staff or by special reliefs.

(v) Yes.

(c) The reply is in the negative. Every institute on the division is duly informed and each institute has the right and does press the claims of its nominees for selection by the divisional committee. Generally selections are held after timely notice has been given to the Honorary Secretaries of the institutes on the division to nominate the players to compete for the trials.

FIXATION OF SENIORITY OF THE SUBORDINATE STAFF ON THE EAST INDIAN RAILWAY.

484. ***Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): (a) Is it a fact that there are conflicting orders in regard to the fixation of seniority of the non-gazetted subordinate staff other than the Engineering Department staff on the East Indian Railway?

(b) Is it also a fact that:

(i) the Divisional Superintendent, Moradabad, in his No. E.T.-10/33/A.S.M.A., dated the 10th August, 1933, has stated.

“Until such time as you pass the Goods Accounts Examination you will remain junior”;

(ii) the Agent, Calcutta, in his No. A. E.-2178, dated the 22nd September, 1933, has stated:

“The relative seniority of men in a grade or class will normally be reckoned from the date each was confirmed in that grade or class”.

“Note.—An exception to this rule will be when a man is given a higher rate of pay than the minimum of the grade since a specific reason for such a case must be assumed. Seniority will then be determined by the rate of pay”; and

(iii) the Divisional Superintendent, Moradabad, in his No. E.-4/33; T. C., dated the 6th November, 1933, has stated:

"The seniority is based on the length of service in the grade. Pay is not taken into account in determining seniority"?

(c) If the answers to parts (a) and (b), (i) to (iii) be in the affirmative, will Government please state the rules which govern the fixation of seniority of the non-gazetted subordinate staff (other than those in the Engineering Department) on the State-managed Railways, and whether the same were communicated to the Agents and their subordinate officers for compliance?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government are informed that the general orders issued by the Agent for the determination of seniority of the subordinate staff apply to all the departments except the Transportation and Commercial Departments. There are certain difficulties which render the application of these orders to these Departments inadvisable, but the Agent, East Indian Railway, is looking into the question for the purpose of ascertaining whether uniformity in future is possible.

(b), (i) and (ii). Yes.

(iii) Government are informed that these extracts have been taken from two separate letters issued on the 6th and 21st November, 1933. These letters were issued by a junior officer on the division and were incorrect and the mistake was subsequently rectified.

(c) Agents of Railways have full powers to deal with questions of seniority regarding the subordinate staff. No specific rules have been laid down by Government in this connection.

PROCEDURE IN DEALING WITH REPRESENTATIONS AGAINST ORDERS OF DISCHARGE IN THE RAILWAY BOARD.

485. ***Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): (a) Will Government please state the procedure that is observed by the Railway Board when dealing with any representation, appeal or memorial against an order of discharge passed on a subordinate employee on the State-managed Railways, when entertained by the Railway Board?

(b) Will Government state whether each of the issues either submitted by the appellant or on his behalf, are examined by the Railway Board and whether a decision is recorded in writing on each issue raised?

(c) Are such representations, appeals or memorials scrutinised to see whether there has been breach of rules committed by the railway authorities or by the appellate subordinates?

(d) If the answer to part (c) be in the affirmative, will Government please state the procedure that is observed when it is established that rules have been contravened by the railway authorities?

The Honourable Sir Muhammad Zafrullah Khan: The procedure for dealing with the appeals, etc., from non-gazetted railway staff is laid down in the "Rules regulating discipline and rights of appeal of non-gazetted Railway Servants", a copy of which is in the Library of the House.

PROCEDURE IN DEALING WITH APPEALS AGAINST ORDERS OF DISCHARGE, ETC., ON THE EAST INDIAN RAILWAY.

486. ***Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): (a) Will Government please state the procedure that is observed on the East Indian Railway by the Agent, the Chief Operating Superintendent, the Chief Commercial Manager and the Divisional Superintendents when dealing with appeals from the subordinate staff against orders of discharge and other disciplinary measures?

(b) Are each of the issues submitted by the appellant examined, and if so, is a decision in writing recorded against each issue and is the appellant informed of the decision arrived at on each of the issues raised by him?

(c) Are all appeals carefully examined to see whether there has been breach of rules or of orders from superior authorities committed by the gazetted officers concerned, and if so, will Government please state the procedure that is followed when it has been established that rules and orders have been violated by the gazetted officers?

(d) What remedies do the aggrieved employees have when the appellate authority declines to take any action in cases where it is admitted that rules and orders have been violated?

(e) Is it obligatory on the Agent or the Railway Board to take disciplinary action against those gazetted officers who have violated the rules?

The Honourable Sir Muhammad Zafrullah Khan: (a) to (c). Government are informed that appeals are dealt with in accordance with the "Rules regulating discipline and rights of appeal of non-gazetted Railway servants", a copy of which is in the Library of the House. All appeals are carefully examined and care is taken to see that the procedure laid down in the rules is observed by the appellate authorities. If it is established that the rules have been violated the appellate authority would naturally revise the orders if the circumstances of the case warrant such action.

(d) An employee may appeal or petition to the extent permissible under the rules.

(e) The Agent will no doubt take such action as may be necessary in the circumstances of a case.

RECORDING OF VERBAL WARNINGS IN THE SERVICE BOOKS OF SUBORDINATES ON THE EASTERN BENGAL RAILWAY.

487. ***Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): (a) Will Government please state whether there are any rules on the Eastern Bengal Railway which permit gazetted officers to enter in the service records of their subordinate employees verbal warnings alleged to have been given by them?

(b) If the answer to part (a) be in the affirmative, will Government please state the procedure that must be observed before such verbal warnings can be recorded in the service records?

The Honourable Sir Muhammad Zafrullah Khan: (a) No.

(b) Does not arise.

ALLEGED INCORRECT INFORMATION SUPPLIED BY THE AGENT, EAST INDIAN RAILWAY.

488. ***Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): (a) Arising out of the reply given in this House on the 13th February, 1935, to starred question No. 200 that Government are informed that owing to retrenchment there has not been occasion for promotions in these offices recently, but selection boards will be formed when necessary, will Government please state whether the following officiating or permanent vacancies took place during 1934 and 1935:

- (i) Office Superintendent, Divisional Superintendent's Office, Howrah, about September, 1934, *vice* Mr. O. E. Field;
- (ii) Office Superintendent, Divisional Superintendent's Office, Howrah, about August, 1935, *vice* Mr. M. N. Ghosh;
- (iii) Office Superintendent, Divisional Superintendent's Office, Asansol, about December, 1934, *vice* Mr. A. K. Bannerjee;
- (iv) Office Superintendent, Divisional Superintendent's Office, Asansol, about August, 1935, *vice* Mr. G. H. Bonnett;
- (v) Office Superintendent, Divisional Superintendent's Office, Lucknow, about October, 1934, *vice* Mr. H. Billing;
- (vi) Office Superintendent, Divisional Superintendent's Office, Moradabad, in 1934, *vice* Mr. S. N. Misra;
- (vii) Office Superintendent, Divisional Superintendent's Office, Dinapore, *vice* Mr. S. C. Ribbons; and
- (viii) Personal Assistant to the Chief Operating Superintendent, Calcutta, about August, 1934, *vice* Mr. F. B. Whaley?

(b) If the answer to part (a) be in the affirmative, what disciplinary action is taken against the Agent, East Indian Railway, for furnishing incorrect information to this House? If none, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) The vacancies referred to in the first part of the question took place during 1934 and 1935.

(b) No action is called for against the Agent, East Indian Railway, as he did not furnish any incorrect information. The "Rules for the recruitment and training of subordinate staff", which provide for the appointment of selection boards, do not apply to clerical staff. The posts of 'Office Superintendents' are not specified as selection posts on the East Indian Railway although the practice is to treat those and the post of 'Personal Assistant' to the Chief Operating Superintendent as selection posts. Government are informed that permanent vacancies referred to in the first part of the question were filled by selection boards but no selection boards were appointed for filling officiating vacancies as this was not necessary, nor do the rules require such a procedure to be followed.

FILLING UP OF CERTAIN VACANCIES ON THE EAST INDIAN RAILWAY WITHOUT THE MEDIUM OF SELECTION BOARDS.

489. ***Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): (a) Is it a fact that the posts of Office Superintendent in the various Divisions on the East Indian Railway that fell vacant, either officiating or permanent,

during 1934 and 1935, and that of Personal Assistant to the Chief Operating Superintendent in 1934 were filled without the medium of Selection Boards?

(b) Is it also a fact that the post of Office Superintendent is a selection post?

(c) Are Government prepared to take deterrent action in the matter against the officers responsible for the promotions without the medium of Selection Boards? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: I would invite the Honourable Member's attention to my reply to his question No. 488 which I have just given in this House.

ALLEGATIONS AGAINST THE STAFF OF THE MORADABAD DIVISION OF THE EAST INDIAN RAILWAY.

490. ***Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): (a) Is it a fact that the Divisional Superintendent, Moradabad Division, on the East Indian Railway has issued Circular No. 12/201/29-E., dated August 20, 1935, on the subject of Economy in which he has stated:

“(c) *Methods of attracting traffic.*—This is a matter of special reference to Station Masters, Goods and Coaching Clerks. I need hardly remind you that merchants carefully calculate whether it is cheaper to send their goods and parcels by road or by rail, and that if over and above the railway freight the amount they have to pay as “*Dasturi*” for receipts of wagons make it uneconomical for them to use the railway, you are directly responsible for loss of permanent revenue. It is being freely stated in the Assembly, Press and elsewhere that the rapacity of the staff strangles the free movement of merchandise”.

If so, will the Governor General of India in Council please state:

- (i) what this “*Dasturi*” is and how it is paid;
- (ii) what efforts, other than the said Circular, have been made by the said Divisional Superintendent to eradicate the evil since November, 1932, and if none, why not;
- (iii) the names or number of the staff punished by the said Divisional Superintendent since November, 1932, for accepting “*Dasturi*”;
- (iv) whether they are aware that Transportation Inspectors (Supervising Staff) receive the share in the said “*Dasturi*” through their peons, and if not so, the name of the Inspectors and peons who have had permanent attachments and their proceeding on transfers in the same capacity; and the reasons for such permanent attachments even on transfers to other Divisions;
- (v) how the Divisional Superintendent became aware of the practice of “*Dasturi*” in his Division?

(b) Do Government propose to direct the Divisional Superintendent to immediately withdraw the charge made by him against the staff on his Division and to tender an unqualified apology to workers through the medium of a Circular? If not, are Government prepared to permit the staff to take legal action against such charges levelled against every subordinate on the said Division? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: Government have seen the circular referred to by the Honourable Member, but do not consider that it can be regarded as an accusation against any individual or class of staff. It was only intended as a warning against the practice of a possible evil which might act to the detriment of the Railway, and Government do not consider any further action is called for.

Mr. S. Satyamurti: What is '*dasturi*'.

Sardar Sant Singh: Commission or bribery.

The Honourable Sir Muhammad Zafrullah Khan: I suppose, as the Honourable Member has explained, it is commission: he appears to be more conversant with it than I am.

Mr. S. Satyamurti: But have Government no information in the matter at all?

The Honourable Sir Muhammad Zafrullah Khan: The only information Government have is that allegations are sometimes made that perquisites of this kind are demanded by certain category of staff on certain occasions, and, considering that that might possibly be so, this particular officer issued a warning to railway servants that this must not happen.

Mr. S. Satyamurti: But have Government made any inquiries, or do they propose to make any inquiries, into the truth or otherwise of these allegations, which, according to the circular of the Divisional Superintendent, are made frequently?

The Honourable Sir Muhammad Zafrullah Khan: So long as the allegations continue to be vague and indefinite, it is very difficult for Government to make any inquiry; but if definite allegations with particulars were submitted, Government would be very glad to make an inquiry and would be very glad of the co-operation of the public in the matter.

Mr. S. Satyamurti: Have Government considered this very specific statement in the circular:

"I need hardly remind you that merchants carefully calculate whether it is cheaper to send their goods and parcels by road or by rail, and that, if, over and above the railway freight, the amount they have to pay as '*dasturi*' for receipts of wagons make it uneconomical for them to use the railway, you are directly responsible for loss of permanent revenue. It is being freely stated in the Assembly, Press and elsewhere that the rapacity of the staff strangles the free movement of merchandise."

Have they considered the significance of the words "if over and above the railway freight the amount they have to pay as *dasturi* for receipts of wagons make it uneconomical for them"?

The Honourable Sir Muhammad Zafrullah Khan: Yes.

Mr. S. Satyamurti: Is it not taken as granted in the circular that the *dasturi* is paid, but that the amount should be moderate, and should not be so high as to make it uneconomical?

The Honourable Sir Muhammad Zafrullah Khan: No. I hope not.

Mr. S. Satyamurti: Will Government make inquiry into the matter again?

The Honourable Sir Muhammad Zafrullah Khan: Government have made inquiries on that circular and the reply is based on the reply to those inquiries. If Government get any more definite information, they will make all possible inquiries.

Mr. S. Satyamurti: Is the Honourable Member aware, as even humble folk like me are aware, that it is a very common practice on all railways that nobody can get a wagon, unless palms are oiled?

The Honourable Sir Muhammad Zafrullah Khan: I am not aware that this is a very common practice; but I am aware that in the Railway Department, like all other departments, there are black sheep, and I shall only be too glad, as I have already said, if specific cases are brought to the notice of the administration, in which case they can take action. The administration will be very glad to have such cases brought before them.

Mr. S. Satyamurti: Will Government appeal to my Honourable friend, the Home Member, and ask the C. I. D. to turn some of their attention to this subject of corruption in the railways and other departments, and to bring bad cases to notice?

The Honourable Sir Muhammad Zafrullah Khan: The Railways are prepared to do so themselves, and I think my Honourable friend will find some reference to it in my speech when I introduce the Railway Budget.

PERSONS ARRESTED IN CONNECTION WITH THE "AGENCY REBELLION" IN THE MADRAS PRESIDENCY.

491. ***Prof. N. G. Ranga:** (a) Will Government be pleased to state:

- (i) the total number of people arrested in connection with and during the "Agency Rebellion" in the Madras Presidency known as 'Rampa Pituri' which was begun on the 22nd August, 1922;
- (ii) the number of those sentenced;
- (iii) the number of those who have been released so far;
- (iv) the number of those who are still in jail;
- (v) the number of women among them who are in jail even now;
- (vi) how many of those sentenced were sent to (a) Andamans, and (b) to other non-Madras areas;
- (vii) how many of them are still in jails, i.e., variously in Madras jails, Andamans and other settlements; and
- (viii) how many of those who were arrested and sentenced, have died in jails in the Madras Presidency, in Andamans and in non-Madras jails?

(b) Is it true that Mr. Vegiraju Narayana Raju who was arrested on the 15th May, 1924 died in the Andamans, and if so, when and of what illness and under what circumstances and have his relatives in Kumudavalli in Bhimavaram Taluk, West Godavari District been informed of his death? If not, why not?

(c) Will Government state if it is true that Mr. Gamar Mallu Dorai of the Madras 'Agency Rebellion' of 1922—1924 has served his full term of sentence and that he is still kept in jail?

(d) Will Government state when he should have been released in the normal course of things, why he has not been released and when he is likely to be released?

(e) Will Government also state:

(i) what has happened to Mr. Gamu Gautauna Dora's wife and daughter who were also arrested;

(ii) whether they were sentenced, and if so, for how long;

(iii) whether they were released; and

(iv) whether Government have any information as to their present whereabouts and fate?

(f) Are Government aware of the fact that the agency tracts where the Rebellion had taken place in 1922—24 have long ago settled down to normal life, that the transport facilities have been very much improved and that the successive Agents to the Governor General stationed at Vizagapatam have been reporting about the safety of the tracts? If so, have Government considered the question of releasing the prisoners of the rebellion days, even after they have served more than ten years in jail?

(g) Are Government prepared to consider the advisability of releasing them at least now or at the time of the inauguration of the Reforms, considering the tranquillity of the tract concerned and the great sufferings of the prisoners?

Mr. A. S. Hands: The information is being obtained and will be laid on the table in due course.

Prof. N. G. Ranga: This is a very important question, Sir: the Honourable Member said he would place the reply on the table: will I be permitted to put supplementary questions tomorrow?

Mr. A. S. Hands: As I said, the information is being obtained and will be laid on the table in due course.

Prof. N. G. Ranga: In view of the fact that I gave notice of this question nearly two months ago, I wonder

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member wants information collected and it will, the Chair understands, take a little time.

Prof. N. G. Ranga: Is it not a fact that this question was given notice of two months ago, and have not the Government of India been able to make use of these two months in order to get the necessary information?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member wants information from the Andamans and various other places.

Prof. N. G. Ranga: Yes, Sir: but it is two months and more since I gave notice of this to the Government, and the Government of India have not cared to obtain necessary information!

Mr. A. S. Hands: The question was not admitted two months ago. Notice was given of it some time ago, but it is actually on this list No. 5A.

Mr. President (The Honourable Sir Abdur Rahim): The information is being collected?

Mr. A. S. Hands: Yes, Sir: we are collecting information, but it is so voluminous that it will naturally take time and it will have to be obtained from the Madras Government.

Sir Muhammad Yakub: Will Government say how much money will be spent in collecting the information required in this question?

(No reply.)

WAITING ROOM FOR INTERMEDIATE CLASS PASSENGERS AT THE BENARES CANTONMENT RAILWAY STATION.

492. ***Mr. Sri Prakasa:** Are Government prepared to ask the East Indian Railway authorities to make a properly fitted up waiting room for intermediate class men passengers besides the one for women, at the Benares Cantonment Railway Station in place of the sweetmeat vendor's shed reserved for them at present?

The Honourable Sir Muhammad Zafrullah Khan: A proposal to the same effect, advanced by the Local Advisory Committee in May last, was accepted by the Railway Administration. The work will no doubt be carried out as funds become available.

CLOSING OF LEVEL CROSSING NEAR THE BENARES CANTONMENT RAILWAY STATION.

493. ***Mr. Sri Prakasa:** (a) Are Government aware that the level crossing near the Benares Cantonment Railway Station is sometimes closed up for twenty minutes and more at a time causing much congestion of traffic and inconvenience to persons wanting to cross over from the city to the cantonment side and *vice versa*?

(b) Is it a fact that such long closure takes place usually for shunting purposes, the shunting points being beyond the level crossing on the Kashi Station side?

(c) Are Government prepared to recommend to the Railway authorities concerned to draw up the shunting points nearer the Cantonment station so that the level crossing need not be closed for purposes of shunting?

(d) Was there ever a proposal of constructing a sub-way for vehicular traffic under the present level crossing? If so, is it likely to materialise?

The Honourable Sir Muhammad Zafrullah Khan: (a) From the records maintained by the East Indian Railway, the level crossing near Benares Cantonment station is closed for a period exceeding 15 minutes on an average, once in every 24 hours.

(b) This long closure is for the passage of metre gauge goods train from Benares City to Benares Cantonment.

(c) The East Indian Railway state that it is not possible to move the points closer to the station.

(d) In 1921 there was a proposal to divert the Grand Trunk Road from the railway overbridge at Chowkaghat to this level crossing, and it was proposed to construct a subway or overbridge to replace this level crossing. As the Public Works Department subsequently decided not to divert the Grand Trunk Road, the question of providing a subway or overbridge was dropped.

CONSTRUCTION OF A RAILWAY LINE BETWEEN KULPAHAR AND RATH ON THE GREAT INDIAN PENINSULA RAILWAY.

494. ***Mr. Sri Prakasa:** (a) Was a project ever taken in hand to construct a railway line between Kulpahar and Rath in the Hamirpur district, on the Great Indian Peninsula Railway?

(b) In view of the importance of Rath as a trade centre, do Government propose to consider the desirability of connecting Rath by railway either with Kulpahar or Orai?

The Honourable Sir Muhammad Zafrullah Khan: (a) No. The traffic prospects of the line from Harpalpur to Rath, and onwards either to Kalpi or Bhurwa Sumerpur were examined in 1926, and the project was abandoned as financially unjustifiable.

(b) A good metalled road about 26 miles in length connects Rath with Kulpahar, and there are no prospects of financial justification for the construction of a railway linking up Rath either with Kulpahar or Orai.

RAILWAY FREIGHT FOR ORNAMENTED BRASS VESSELS.

495. ***Mr. Sri Prakasa:** (a) Is it a fact that in accordance with the schedule drawn up by the Railway Board, ornamented brass vessels are carried on railways at double the rate of ordinary brass vessels? Is it not a fact that even the slightest indentations on brass vessels are treated as ornamentations?

(b) Is it a fact that all Moradabad vessels ornamented or otherwise, are classed as one under a separate head 'Moradabad ware' and carried at the lower rate?

(c) If the reply to part (b) be in the affirmative, are Government prepared to recommend to the Board to make a similar provision for all Benares brassware to prevent the fast decaying local industry from absolute death?

The Honourable Sir Muhammad Zafrullah Khan: (a) The reply to the first part is in the negative. The classification of commodities authorised by the Railway Board in force prior to 15th September, 1935 made a

distinction between "Brass, ornamental" which was ninth class, *i.e.*, the maximum rate chargeable being 1.25 pie per maund per mile, and "Brass vessels" and "Brass, manufactured, not otherwise classified" which were fourth class, *i.e.*, the maximum rate chargeable being 0.62 pie per maund per mile. Under the present classification "Moradabad brassware, tin-nickelled" is classified sixth class, *i.e.*, the maximum rate chargeable being 0.83 pie per maund per mile and "Brassware, not otherwise classified" is fourth class. A revised classification has recently been authorised and will shortly be given effect to by Railways. In this classification "Moradabad brassware, tin-nickelled" comes under the head of "Brassware, not otherwise classified", and the maximum rate for both ornamental and ordinary brass vessels will be the same, *i.e.*, 0.62 pie at fourth class. Government are not aware what the practice on individual railways was in regard to the interpretation they were placing on the term "Brass, ornamental".

(b) Yes, but the term used is "Moradabad brassware, tin-nickelled".

(c) I understand that the term Moradabad brassware was not restricted to brassware manufactured at Moradabad, but also applied generally to similar articles manufactured elsewhere.

MOLESTATION OF AN INDIAN FAMILY BY AN ITALIAN CROWD AT MILAN.

496. *Mr. C. N. Muthuranga Mudaliar: (a) Is it a fact that a hostile Italian crowd molested the family of one of the Indian members on the staff of the Indian Trade Commissioner, Milan?

(b) Will Government please lay on the table full details of the incident referred to above and also state what steps they have taken to stop the recurrence of such incidents in future?

Sir Aubrey Metcalfe: (a) Yes.

(b) The details of the incidents briefly are that on one occasion when the ladies and children of the family of Mr. Ahuja, the Indian Trade Commissioner, and that of Mr. Sen who is attached to the Trade Commissioner's office went out a small crowd of young Italians gathered round them and followed them calling them "Abyssinians" and singing war songs and slogans, and used, it is said, abusive language. On another occasion stones were thrown at the party and some of the children were spat at. Another incident was that stones and rubbish were thrown into Mr. Sen's apartments. Subsequently the Italian police authorities offered protection to Mr. Ahuja but the offer was declined as no further incidents took place and the families of Mr. Ahuja and of Mr. Sen left Italy.

Mr. F. E. James: Is the Honourable Member also aware that Mr. Ahuja's son was called up for military service by the Italian Army and that, on the authorities being informed that he was a British subject, they declined to take that assurance, and the intervention of the British Ambassador in Rome had to be called for?

Sir Aubrey Metcalfe: That fact, if it is a fact, has not come to the notice of the Government of India hitherto.

Sir H. P. Mody: Was any reparation offered by the Italian Government either by way of an apology or otherwise?

Sir Aubrey Metcalfe: No. I understand there was a visit paid to Mr. Ahuja by some officer of the Italian Government. I cannot remember exactly who—and I may tell the House that the whole question of making a definite protest to the Italian Government on this subject was most carefully considered, and it was decided at Mr. Ahuja's own request and in accordance with his wishes to make no such protest.

Mr. S. Satyamurti: May I know if the Government of India make up their mind in such matters by the attitude of the persons who are involved in the matter? Do not the Government of India consider that the dignity of the country is involved in this matter?

Sir Aubrey Metcalfe: They considered all the relevant factors in the situation.

Mr. S. Satyamurti: Did they consider that an insult to an Indian citizen, especially the Indian Trade Commissioner, by an Italian crowd was a matter to be brought to the notice of the Italian Government in the form of a dignified protest to that Government?

Sir Aubrey Metcalfe: All relevant factors, as I have said, were considered, and the decision was taken after careful consideration.

Mr. S. Satyamurti: What are the other factors besides this gentleman's own desire, that no protest should be made, which weighed with the Government?

Sir Aubrey Metcalfe: No doubt, one consideration was the question as to what good a protest exactly would be.

Mr. S. Satyamurti: Are the Government of India afraid of the Italian Government?

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

THE PAYMENT OF WAGES BILL.

Mr. President (The Honourable Sir Abdur Rahim): Legislative Business. The motion under consideration is:

“That the Bill to regulate the payment of wages to certain classes of persons employed in industry, as amended, be passed.”

Sir H. P. Mody (Bombay Millowners' Association: Indian Commerce): Mr. President, it was the custom in the days of the Roman Empire for gladiators who were condemned to die in the arena to turn to the box in which the Emperor was wont to sit and to say: “We, who are about to die, salute thee, O Cæsar”. In much the same spirit, Sir, I turn to the Bench occupied by my Honourable friend, Sir Frank Noyce, and salute him. (Laughter.) He has helped to place on the Statute-book another Bill of far-reaching importance designed for the protection of labour interests. If, Sir, I have co-operated with the main purposes of

this Bill, it is not because I am under any delusions with regard to its effect on industries, but because I hold that every employer, with any humanity in him, any sense about him, must recognise that labour is entitled to a square deal, and that, consistently with the interests of industries, every effort should be made to ameliorate the lot of the workers. The Bill before the House, as I said, is of a far-reaching character and makes a considerable advance upon the present position. It regularises the payment of wages. At the present moment, a great many abuses prevail, particularly in out of the way centres, which are not subject to very close inspection and where labour is unorganized and plentiful. It reduces both the number of fines and the amount. It lays down that whatever fines are collected must be utilised for the purpose of some activity or other connected with the welfare of labour; it regulates deductions and lays down that notice must be given in all cases. My friend, Mr. Joshi, in spite of all these undoubted advantages, the other day said that he had lost all heart in the Bill. He actually said that he was enthusiastic up to a point, until a stage was reached when a heartless Government of India, supported by a thoughtless Government of Bombay, chose to accept the amendment which was moved by me. If my friend, Mr. Joshi, was so enthusiastic as all that, all I can say is that he has a very curious way of showing his enthusiasm. He had not a word of appreciation when the Bill was brought before the House in the first instance. He was as unreasonable as he possibly could be in the Select Committee. He was unconciliatory at the informal conference which was held by the Honourable Member, and he was uncompromising when he came to moving his amendments

Mr. N. M. Joshi (Nominated Non-Official): If the Honourable Member could move his amendments, why should I not?

Sir H. P. Mody: I am trying to analyse what Mr. Joshi's enthusiasm was.

Mr. N. M. Joshi: What about your enthusiasm?

Sir H. P. Mody: I never claimed at any stage of the measure that I was enthusiastic. I was not. (Laughter.) I was feeling cold all over. It was Mr. Joshi who said that he was feeling enthusiastic, but he had a very curious way of showing his enthusiasm, and my friend, the Honourable Sir Frank Noyce, might well say in the words of the doggerel: "It is all very well to dissemble your love, but why do you kick me downstairs?"

Mr. N. M. Joshi: Why speak for Sir Frank Noyce? You can speak for yourself?

Sir H. P. Mody: My friend, Mr. Ranga, went further than Mr. Joshi. He actually sneered at the Honourable Member and Mr. Clow. All I can say to this is, we are about to see a new constitution inaugurated, and if, under that constitution, we are able to secure a Member of the sympathy of the Honourable Sir Frank Noyce and a Secretary like Mr. Clow who has worked, without sparing himself in the interests of labour, we shall be very lucky indeed.

An Honourable Member: Wait and see.

Sir H. P. Mody: Of course, I make one exception, and that will be my friend, Professor Ranga. (Laughter.) If he were to occupy that portfolio, it would cease to be a portfolio for Industries and Labour; it would just be a portfolio for Labour, all Labour, and nothing but Labour. Now, what are the views about the Bill, the views of those whom I represent

Mr. M. S. Aney (Bemar Representative): It will be labour without industry.

Sir H. P. Mody: No, otherwise we would not co-operate. I say, Sir, that the advance in labour legislation which has taken place in the last few years is a great deal too rapid, and I would warn the Government of India against incorporating bodily the reforms which have derived their inspiration from Geneva

Mr. N. M. Joshi: What about your amendment?

Sir H. P. Mody: Industries are in their infancy in this country, they require consideration inasmuch as labour, and if you make it impossible for industries to thrive, then you make it impossible for labour also to have its well-being looked after. Government must not forget that industries in India have to meet with a very considerable degree of competition from abroad, and some of them are hard put to it to keep standing on their legs, and if the pace of legislation which has been initiated in these last few years were not to be controlled, the position will be indeed very difficult. What, Sir, is the record of the last few years? The Tea Districts Emigrant Labour Act, the Amendment of Workmen's Compensation Act, Amendment of the Land Acquisition Act, the Dock Labourer's Act, Factories Act, Payment of Wages Act. I say, Sir, that this is a record of which my friend, Sir Frank Noyce

The Honourable Sir Frank Noyce (Member for Industries and Labour): My friend has forgotten a Mines Act.

Sir H. P. Mody: If I have forgotten the Mines Act, it is because, Sir, I had a list prepared, and it was so long that I had to pick out only a few measures. I find my friend, Sir Frank Noyce, instead of thanking me for leaving out some items, is actually claiming another piece of legislation. Well, if he wants more, I can give him the names of some more measures, for instance, the Trade Union (Amendment) Act, the contemplated amendment of the Trade Disputes Act and the Act dealing with the pledging of Child Labour. As a matter of fact, there is quite enough for even the appetite of my friend, Sir Frank Noyce. And, Sir, we have finally this Payment of Wages Bill. I should have thought that labour and its representatives would be quite pleased and more than thankful to the Member and the Secretary who have initiated so much legislation and have carried it through this House in the last three years. But there is not one word of recognition. Instead, what was the position in the Select Committee? This Bill which was designed for a particular purpose was sought to be perverted for a good many other purposes and was

sought to be converted into a sort of labour code. This is the measure of appreciation which the representatives of labour have shown for the efforts of Government to try and improve the lot of the workers. Having said this, I hope the Government recognise, as the House will also recognise, that those who are the representatives of industrial interests have never tried to thwart the progress of industrial legislation, where such legislation has been well conceived and holds the scales even between industries and labour. All that I intended to say was that the pace might be slackened a little and that the Honourable Sir Frank Noyce might well feel satisfied with all that he has done. Sir, I cordially support the Bill, as amended.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, this Bill is an addition to the seven or eight measures which have already been placed on the Statute-book on the recommendation of the Royal Commission on Labour to remove the grievances of labour. Although it has not given full satisfaction to all sections of the House, it is generally welcomed as marking a move in the right direction. I hope and trust that other measures will soon be adopted to secure the welfare of labour to the fullest extent. It is now recognised by all thoughtful and farsighted men in all countries that capitalism is on its trial

Mr. N. M. Joshi: Doom!

Dr. P. N. Banerjee: and that unless it is able to rid itself of its many evil features, it will have, sooner or later, to give place to some other system. I recognise frankly that capital is an indispensable factor in industry, and although I am not an admirer of the capitalistic system, I cannot shut my eyes to the fact that, if India is to advance and prosper, the owners of capital in this country will have to play a very important part in the industrial development of India. At the same time it must also be admitted that labour is as important a factor in industry as capital. I hope and trust, therefore, that owners of capital and the representatives of labour will meet in a spirit of sympathy and goodwill and eliminate all causes of conflict that may arise between them. We have in India already too many differences which are hampering our political as well as our economic progress. We cannot afford to have any more of such differences, and a serious conflict between labour and capital is sure to prove disastrous to the interests of the country. While, therefore, I think that it is the business primarily of the representatives of capital and labour to meet and confer in a spirit of goodwill, this House also has a duty in this matter, and that duty is to stand forth as the custodian of the general economic interests of the country, and not only to hold the balance even between capital and labour but to protect the weaker party, namely, the labouring population of the country. Sir, if that is done, this Assembly justifies its existence. As an earnest of more important things to come, I give my whole-hearted support to this Bill.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, I do not wish to pay a left handed compliment to my Honourable friend, Sir Frank Noyce, as my Honourable friend, Sir Homi Mody, has done. I pay him a generous tribute that between him and my old comrade, Mr. Clow . . .

An Honourable Member: He has also become a Communist!

Mr. B. Das: We were comrades at Geneva. Between him and my Honourable friend, Mr. Clow, they have done very well towards labour and labour legislation. As one interested in the development of industries in this country, I would not advise the Member for Industries and Labour to go slow. I do not think Government have been over-generous towards labour

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): What are you? Labour?

Mr. B. Das: I am speaking as a friend of labour and as one who is very much interested in you, Sir Cowasji, who is an industrialist.

Sir Cowasji Jehangir: Thank you. Much obliged.

Mr. B. Das: But when my Honourable friend, Sir Homi Mody, read that homily, I was reminded of labour conditions in Japan, the treatment which the Japanese industrialists render towards their workers, whether men or women, and particularly in that industry in which my Honourable friend, Sir Homi Mody, was interested, the Millowners' Association

Sir H. P. Mody: Still interested.

Mr. B. Das: I do hope that my Honourable friend has read that book which Sir Lallubhai Samaldas has produced after his visit to Japan, where he has advised his friends, the millowners, to take a lesson from that book and to apply the same generosity of treatment towards the workers. Then, there will be no ill feeling. My Honourable friend, Sir Homi Mody, shewed a little of his temper towards my Honourable friend, Mr. Joshi. What happened in the conclave of the Select Committee we do not know beyond what is mentioned in the Report, and I wish that all that had not been mentioned on the floor of this House. But this much I can say, that although I remained neutral and gave half of my vote to Mr. Joshi and the other half to my friends, the industrialists, in the matter of Sir Homi Mody's amendment, I think that the amendment was a little ill conceived. It might have been deferred. When the Select Committee had not considered such a proposal, the proposal could have come later. Today, Mr. Joshi would have sung hallelujahs to the Honourable Member for Industries and Labour had not that particular amendment impaired the goodwill and the harmonious atmosphere of this House. I am not a sympathiser with strikes. I have often warned labour leaders in this House and outside that they should not imitate the Western system of labour organisations by resorting to lightning strikes and sympathetic strikes. That is foreign to our nature. Many things are foreign. Even this Legislature is foreign to India. Many things are foreign to this country, and blindly following what is good for European countries has done us enough harm. My Honourable friend, Mr. Joshi, and even my Honourable friend, Professor Ranga, will recognise that the strike that happened at Jamshedpur four or five years ago did a lot of harm to the Tata Steel Works. The workers might have wanted higher wages, but the workers forgot that the steel industry at that time was just living from hand to mouth and could not stand that wholesale stoppage of work. The same thing happened in the Bombay mills. The Bombay millowners, in spite of their numerous follies, I must say, are not doing well, and it is no

use transplanting European ideas to India causing sympathetic strikes, be it in the mills, be it in the steel works, or be it in the railways. As soon as my friends, the representatives of labour, digest these foreign ideas and adjust themselves to Indian conditions of industry, they will have the full sympathy of men like me who are so much interested in the development of industries and in the prosperity of the working classes and masses in India. I do hope that my Honourable friend, the Member for Industries and Labour, will not take the cue from the representatives of the Bombay Millowners, Association and stop his activities in the field of amelioration of the social condition of the working classes. I hope he will go on doing more and more for the benefit of the working classes as long as he does not revolutionise and stop the prosperity of the industries of India.

Mr. V. V. Giri (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): Mr. President, I do not desire to make a long speech. I am grateful to you for giving the fullest opportunity to all sides of the House for expressing their views to the fullest extent on a measure of far-reaching character affecting the interests of the workers. I desire to make a few observations as a member of the Party to which I have the proud privilege and honour to belong.

My friend, Sir H. P. Mody, referred to the long list of legislation passed during the last few years and thanked and congratulated the Honourable Member in charge of the Bill for the wonderful work that was done in the cause of labour legislation. I would like only to state this, that the labour legislation that was put through was long overdue and all the recommendations of the Royal Commission have not yet been put into effect, and, after all, I am sure, the Honourable Member in charge does not demand any thanks or gratefulness for doing his duty. I can assure you from this side of the House that, if we have done our duty by our country, we do not expect grateful thanks from anybody, but we are prepared to be criticised for work not done. I should like to say a few words on behalf of the Party to which I have the honour to belong. The Congress members in the Select Committee took a very active part in the different stages of this Bill, and their only desire was to get the greatest measure of common agreement, and, it was in that spirit, that they signed the Report of the Select Committee and were instrumental in making some good changes so far as the report was concerned. At the same time, the Congress Members in the Select Committee made their position quite clear in the dissenting report that they have signed, firstly with regard to the wider application of this measure to other industries and factories which, in their opinion, could be done here and now. Secondly, they have referred to the question of the introduction of fortnightly wage payment and they felt that that could also be done especially in view of the fact that the Royal Commission on Labour made it quite clear that it is in the interests of the workers of this country to introduce weekly payment in industries and factories. I do hope that, so far as these two things are concerned, early legislation will be introduced by the Government. So far as the Bill itself is concerned, the members of the Party to which I have the honour to belong feel that this amendment now introduced by the Government is of a very reactionary character and it would not commend itself to the workers and we feel on this side of the House that we could neither bless the Bill nor commend it to the workers. I only hope that,

[Mr. V. V. Giri.]

at least in the Council of State, the Honourable Member in charge of the Bill will drop this amendment altogether, so that the workers might feel that the measure, though of a very moderate character, has been introduced in the spirit in which the Honourable Member introduced the Bill in the first instance.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan): I rise to express my greatest dissatisfaction with this Bill as it has so far emanated from this House. I am dissatisfied with this Bill, not only because of that far-reaching amendment which was passed only the other day, but also because it does not go far enough in many other directions where the workers' interests could have been promoted. Sir H. P. Mody was saying that this Bill was going too far and in that he agreed with my Honourable friend, Mr. James, and thereby proved that, as far as capital is concerned, there can be no difference of colour or country and there can be no clash in the patriotism of different people belonging to different countries. My Honourable friend, Mr. James, admitted that for a very long time British capital has welcomed labour legislation in this country, but, at the same time, he warned the House, as well as the public, that we should not go too far in this direction of passing labour legislation and we should remember one difficulty of Indian industries, that as they stand to gain only in one respect today, that is cheap labour, they stand to lose in that respect if we were to progress very fast in our labour legislation and thus make Indian labour more costly for Indian capital. This only proves how public opinion in capitalist England has changed towards Indian labour. For a long time it suited the British capitalists to try to promote the passing of labour legislation in India, because they had to compete with Indian capital, and, in that competition, they wanted to make Indian labour as costly as possible in the hope of being better able to compete with Indian industries. Now that they have come to an agreement with Indian industries through that Lees-Mody Pact, they have lost their interest in Indian labour, and they have come to think that they need not try to woo the Indian labour since Indian capital anyhow has come into their own pocket and no wonder we are faced with the sequel that, soon after the Lees-Mody Pact was adopted by the Government of India, the Government of India also have imbibed that new spirit that has come to prevail in the sphere of inter-relations between British and Indian capital, and, therefore, they have grown enthusiastic about Sir H. P. Mody's amendment and have swallowed it wholesale and have even improved upon it and made it more poisonous than it was intended by my Honourable friend, Sir H. P. Mody.

Sir, my Honourable friend, Sir H. P. Mody, accuses the Government of India and Sir Frank Noyce of having gone too far in getting too many Acts passed in the interests of labour, but he does not mention the failure of the Government of India to undertake the legislation suggested by the International Labour Office and the Labour Conferences during the last five or six years. He does not tell us, he does not even care to remind us, of what the Government of India have done in regard to the unemployment insurance convention, the maternity benefit convention, the glass-workers' convention and also the suggestion of the International Labour Office that statistics should be collected regarding unemployment in this country and sickness and health insurance for workers. I need not try to

narrate several other matters in regard to which the Government of India have failed to come forward with the necessary legislation in order to help industrial labour; but, Sir, even if we were to consider this Bill on its own merits, we find that it does not go even as far as the recommendations of the Royal Commission on Labour. That Commission recommended the introduction of weekly payments in this country, and this Bill does not have weekly payments and it does not even accept fortnightly payments, as was suggested by several Members of the Select Committee, but maintains monthly-wage payments which are inimical to the interests of workers, as has been admitted by the Royal Commission itself. It may be that the Royal Commission did not go to the extent of recommending the necessary legislation for making weekly payment a statutory obligation on the part of employers, but they expressed themselves in favour of weekly payments, and they only expected the Government of India to take the earliest opportunity of implementing that reform, but the Government of India do not even think of insisting upon fortnightly payments.

Then, I come again to the question of having gone too far. I need only remind this House that more than a hundred years ago the first Act was passed in England to insist upon cash payments: and it is only today, in 1936, that we are thinking for the first time of insisting upon cash payments for workers,—that is, more than 104 years after it was done in England! Sir, if we try to compete with the industrial nations of the world, and if we try to compete with England, in particular, in industrial matters, I do not see any reason why we should not also try to compete with England in this kind of labour legislation,—at least in passing a piece of legislation which is really claimed to satisfy, in certain parts only, the minimum requirements of labour,—after the British labour demands were satisfied in that respect 104 years ago!

Then, again, this Bill really does not go far enough; it only covers those workers employed in the big industries; it does not really cover, it does not really seek to help, all those thirty million workers employed in cottage industries; they are not even brought within the scope of the Factories Act, not even of the Workmen's Compensation Act, and those workers are still to be left out of the scope of the Bill . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should remember that today is Friday and we have to rise early.

Prof. N. G. Ranga: . . . and agricultural workers need the protection of the State to a very much greater extent than industrial workers; and I requested the Honourable Industries and Labour Member when this Bill came up for its second reading, to try and see how far he could help agricultural labour; and not a word is mentioned here when and how agricultural labour can be expected to be brought within the scope of this Bill.

It cannot be maintained that it is really too early to think of bringing those labourers within the scope of this Bill, because the world is progressing very fast, and, even in a conservative country like England, in regard to agricultural matters and in regard to agricultural labour, we have come across a Government proposal being placed before the House of Commons to ensure that agricultural labour in that country, who number as many as 7½ lakhs, are to be insured there against unemployment; and yet we

[Prof. N. G. Ranga.]

are asked not even to think of protecting agricultural labour in regard to this most elementary and most primary need of labour, *viz.*, the payment of wages! Sir, as far as England is concerned, agricultural labour was brought within the scope of the Act of 1887, that is nearly fifty years ago, and we are asked not to do anything to protect them.

Then, there are these funds to be created out of realizations of fines imposed and we are told that these funds are to be administered hereafter not by the representatives of labour but by the employer themselves and the suggestion made in the Select Committee that such funds should be administered by the representatives of both labour and capital has not been accepted by this House. We are told, I am informed, that such funds are usually being administered on the Railways by the representatives of employers as well as of employees, and in other cases the employers try to administer these funds as impartially as possible and in the interests of labour, but I am made to feel rather suspicious of the manner in which in other industries most of these employers utilize these funds and administer them because of a recommendation made by Sir H. P. Mody in his minute of dissent in regard to the disposal of these funds. He takes very strong objection to the proposal that these funds are to be administered by the representatives of the workers. . . .

Mr. President (The Honourable Sir Abdur Rahim): All these matters have really been already considered exhaustively and should not be gone over again now, at the third reading. The House has considered the provisions of the Bill already.

Prof. N. G. Ranga: I, therefore, state my dissatisfaction even with this provision; I want also to place it on record that no group of agricultural labourers and no group of industrial labourers can be said to derive any benefit at all from this Bill, nor can they be said to approve of this Bill especially with that obnoxious amendment; and whether we are able to defeat this third reading or not, I want it to be understood clearly that labour at this stage cannot approve. . . .

Mr. M. S. Aney: Are you opposing the third reading?

Prof. N. G. Ranga: I would like to, if I can. Sir, our labour at this stage cannot approve of this Bill at all, nor can it associate itself with this Bill. And I want it to be placed on record that, in spite of their protests, Government as well as the employers, who both seem to be very proud of their newly-consummated marriage (Laughter), have to thank themselves for foisting this legislation on the country.

The Honourable Sir Frank Noyce: Sir, my Honourable friend, Sir Hornasji Mody, has forestalled me. I had intended to say exactly what he did in the same words regarding the curious manner in which my Honourable friend, Mr. Joshi, registered his enthusiasm for the Bill. Until the day before yesterday, I had not the faintest idea that this Bill had met with his approval. I shall know another time when I bring forward any labour legislation in this House and he criticizes it from beginning to end that it really has his strong support and that he is expressing his cordial approval of what we are doing.

Sir, my Honourable friend, Sir Hormasji Mody, took us back to the days of the Roman Empire. I do not propose to go so far back as that, but his attitude towards our programme of labour legislation reminds me of the story of Queen Elizabeth who once sent her Vice-Chamberlain to the House of Commons with instructions that they should pass no more laws as there were many more already which could be well executed. My Honourable friend, Mr. Ranga, on the other hand, accuses us of not passing enough laws. If the programme he has outlined for us were adopted, this House would not only sit every day in the year, but would sit 24 hours every day.

Prof. N. G. Ranga: Why not do so like the British Parliament?

The Honourable Sir Frank Noyce: The attitude of the Government of India will continue to be what it has been in the past. They will do their best to keep the balance even between the two extremes and they will go steadily ahead. But I can assure my Honourable friend, Sir Hormasji Mody—now that he is back in his seat—that he will get a short respite. After the amendment of the Trades Disputes Act which he mentioned as our next big piece of work, we shall turn our attention to unregulated factories and he will not come into the picture.

Sir H. P. Mody: Thank you.

The Honourable Sir Frank Noyce: This question of unregulated factories brings me to the point raised by my Honourable friend, Mr. James. I am a little puzzled at what he said about this Bill. If I took him down correctly, he asked us "Could not the evil be tackled at its root first, rather than at the top, spreading out your net so wide with the result that many of the industries in which the evil is really rampant have entirely escaped".

It is a little difficult to reconcile the two points of view, expressed in that sentence. On the one hand Mr. James accuses us of spreading out our net too wide and on the other hand, he accuses us of not spreading it wide enough to catch a very big fish. I take it that when he refers to the industries in which the evil is really rampant and says that they have entirely escaped, he is referring to the small non-regulated factories.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can resume his speech after Lunch.

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

[Sir Frank Noyce.]

brought within the purview of this Bill. But I can only repeat in that connection that it would have been inexpedient to do so at this juncture. The first thing to be done with the smaller factories is to bring them under a Factories Act. To apply a Payment of Wages Bill to them now would mean that we should be very much in the position of a man who built the first floor of his house without constructing the ground floor. We want something solid on which to work before we can proceed. My Honourable friend, Mr. James, talked about their escaping entirely. That is not quite accurate. They can, and one hopes will, in due course, be brought within the purview of the provisions of this Bill. My Honourable friend shakes his head but, as I explained to the House just now, we do propose to turn our attention next to non-regulated factories in which we realise there are great evils; and when we have done so, when we have improved the conditions under which the people work in them, then will be the time to apply provisions regarding the prompt payment of wages and deductions. There is one point arising out of Mr. James' speech to which I should like to refer. I should like to emphasise that this Bill, as it has now emerged from this House, will not in any way affect prejudicially the welfare work which is done by employers. The amendments which have been made in the course of its passage make that position, I think, abundantly clear. And I should like to take this opportunity of associating myself most warmly with the tribute that Mr. James paid to the welfare work which is done in the Buckingham and Carnatic Mills. It was my privilege to be shown round them when I was in Madras last year, by Mr. Kay, and I could not help feeling, when a few days later I heard the sad news of his tragically sudden death, that it was not unconnected with the way he spent himself heart and soul in improving the lot of the work-people in the Buckingham and Carnatic Mills. The reason I wish specially to mention that work is that there is nothing charitable about it, there is nothing of the "Lord Bountiful" about it. It is based on a very close study, a lifelong study, which was made by Mr. Kay who had, I think almost since its inception, devoted all his energies to it. It is based on a close study of the psychology of the worker. Its object is to get the best you can out of him. It does not impinge in any way on his self-respect; on the other hand it is intended to enhance it. It is intended to make him feel that he is a useful member of the body politic and to train him in citizenship. There is much in it which affords a useful lesson to all other employers and, if I may say so and I should like to say so with some emphasis, to labour leaders.

The only point in Professor Ranga's speech to which I should like now to refer is his complaint that this Bill does not touch the agriculturists. I should like to remind him that it was at the instance of a member of his own Party and with the full consent of that Party that an amendment was accepted by these Benches, making it very clear and definite that the Bill does not touch agriculture.

Now, Sir, just for a moment I should like to turn again to my Honourable friend, Mr. Joshi. I gather that his attitude towards this Bill is very much that of an employer who is presented with a piece of spoiled cloth. He would like to throw it back on our hands or, failing that, would like to make a substantial deduction from our wages. The real difference between Mr. Joshi and Professor Ranga and myself is that they are men of war and I am a man of peace. (Laughter.) They always approach these questions from the point of view of industrial warfare; I approach them from

the point of view of industrial peace. My Honourable friend, Mr. Joshi, thinks that by accepting this amendment we have placed a weapon in the hands of the employers which may prolong strikes once they have begun. He may be right or wrong about that; but our object in accepting it was to prevent their beginning. That is the difference between us; it is an honest difference; and there I must let the matter rest except to stress once more, as my Honourable friend, Mr. Clow, did, that although the acceptance of this amendment may place the work-people in a more unfavourable position than they would have been had the report of the Select Committee been accepted, it places them in a more advantageous position than they are in at present and will be until this Bill becomes law. And I would point out, Sir, that any measure which has received the approval of Mr. Joshi to the extent that this one has done,—with the exception of what he regards as a serious blemish upon it,—must represent a substantial advance from the point of view of labour. Mr. Joshi said that if we had not accepted Sir Hormusji Mody's amendment, he would have regarded the Bill with enthusiasm. That means that it really is a good Bill from his point of view.

Now, I have only one further point to make in conclusion and that is to refer to what my Honourable friend, Mr. James, said about the possibility that the Bill may produce unexpected effects. Mr. Joshi also stated his belief that the effects of the proviso which we inserted on Wednesday would not be those we anticipated. It is precisely because I am aware that, with a completely novel and rather intricate measure of this kind, one is likely to be confronted with unexpected results and unforeseen difficulties that I called this an experimental Bill. We have done our best to evolve a sound and workable measure but even if every detail were of our own choosing,—and I must frankly admit that in some respects I deferred with a little reluctance to the Select Committee's views,—we should be the last to claim any infallibility and I can assure both Mr. James and Mr. Joshi that if its working produces undesigned and undesirable developments of any importance, we shall not hesitate to approach the House for changes in it. You must be prepared to proceed in a case of this kind by trial and error, in some respects, and that means that you must preserve a readiness to see and acknowledge errors and a willingness to set them right.

In conclusion, Sir, I thank the House very warmly for the assistance we have been given in getting, what, as I have said, is a very complex and intricate measure through its various stages in this House, and I should like to pass on in very full measure the congratulations of those Members who have congratulated me to my Honourable friend behind me who has spent an infinite amount of time and trouble and a good deal of midnight oil on the Bill in all its stages and to whom such credit as may be due to Government is mostly due. (Applause.)

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, as amended, be passed."

The motion was adopted.

THE ITALIAN LOANS AND CREDITS PROHIBITION BILL.

The Honourable Sir James Grigg (Finance Member): Sir, I beg to move:

"That the Bill to prohibit the making of certain loans and credits be taken into consideration."

This measure, though it may deal with very large issues, has a very small scope so far as India is concerned. It does not in any way purport to deal with those sanctions which impose direct prohibitions on the interchange of commodities. It merely concerns the financial sanctions, and these in themselves amount simply to the prohibition of making loans or giving credits to Italy. These sanctions were, of course, as the House will remember, the earliest decided upon by the League of Nations. I say 'decided upon' advisedly, for once the League had declared Italy to be an aggressor in the Italo-Abyssinian dispute, the imposition of these sanctions by India follows directly upon her obligations under the Covenant. It will not be out of place here to remind the House that there are as many as 52 States who have actually imposed these financial sanctions. The Legislature itself was not in Session when the League came to this decision and it was, therefore, necessary to issue an Ordinance to give effect to them in India. This Ordinance was operative as from the 18th November. The Ordinance will, in the ordinary course of events, expire at the end of six months, and, as it seems possible, indeed I am afraid probable, that the war will last for longer than that time, it is necessary to come to the House to extend the operation of the sanctions by means of this Bill. The House will also remember that simultaneously with the Ordinance a press notice was issued to explain the effect of these financial sanctions and their exact scope. To sum up, the Bill prohibits loans or credits to, first, the Italian Government, secondly, any person of whatever nationality residing in Italian territory, and, thirdly, to any body corporate, wherever resident, which is incorporated under the Italian law. It does not in any way prohibit remittance or other banking business with Italians in the broad sense that I have mentioned except in so far as this business involves the grant of credit in any form. There have been, I may say, very few enquiries as to the exact scope and intention of the legislation in particular cases, and that may mean either that our explanatory circular is so very careful that it covers all possible contingencies or, as I think is more likely, it may mean that even before the financial sanctions took effect, or even apart from the financial sanctions, either the interplay of economic forces or the other class of sanctions—the economic sanctions—which deal with the prohibition or places restrictions upon the movement of goods have reduced the interchange of goods to very small dimensions. That is all I have to say, Sir, at this stage on the purpose of the Bill. But it might possibly shorten discussion, at a later stage, if I might say a word in regard to Mr. Ayyangar's amendment. That amendment is quite unnecessary. Paragraph 5 of the press notice to which I have referred, says:

"Customary settlements of account in connection with insurance contracts, stock exchange transactions, railway clearings, etc., are not affected by the Ordinance."

Sir, I can give him the most explicit assurance that the class of business he has in mind is already excluded from the scope of the Bill, and perhaps with that assurance he may find it unnecessary to move at any rate one of his amendments. Sir, I move.

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

"That the Bill to prohibit the making of certain loans and credits be taken into consideration."

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, as far as I can recollect, this is the first measure arising out of the recommendations of the League of Nations that has been brought on the floor of this House by the Government.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Why, what about labour legislation?

Mr. B. Das: Labour legislation was recommended by the Royal Commission on Labour.

Mr. President (The Honourable Sir Abdur Rahim): The Chair understands that there is a notice of amendment, to refer this Bill to a Select Committee, in the name of Mr. Ayyangar, but he has not given any names of Members

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): In view of the statement made by the Honourable the Finance Member, I do not think it is necessary to make a motion for Select Committee.

Mr. B. Das: My Honourable friend, Sir Cowasji Jehangir, reminds me that there has been social and labour legislation and recommendations of the International Labour Office, and those came direct from the League of Nations. I am here not speaking of that half of the League of Nations, the International Labour Office. I am referring particularly to the League of Nations, that gathering of old women, situated at Geneva, who meet at times to deliberate upon and when they get frightened of a cannon shell or bomb-shell from Italy, they issue sanctions. Then, this Government of India come to us and introduce a piece of legislation to shew that the sanctions have popular support. Sir, if I may speak out my mind. I am opposed to this piece of legislation, because, if India is a Member of the League of Nations, India should enjoy her full rights. Has India been consulted at every stage during the course of these negotiations? Who represented India? If we ask the Government of India to raise a debate on the work of the Indian delegation to the League of Nations, the Government of India, through their spokesman, the Leader of the House, always want to know if all Parties in the House are agreed that there should be a debate on that subject on the floor of the House. Somehow, the Government of India have so far not been satisfied that there is a unanimous desire that this House should discuss the action of the League of Nations from time to time—at least once a year. Sir, I would like to know from the Honourable the Finance Member or from my Honourable friend, Sir Aubrey Metcalfe, the Foreign Secretary, whether at every stage of development the League of Nations consult them or whether my Honourable friend, the Foreign Secretary, dittos what the British Foreign Office say, because he receives a command from his master, the Secretary of State for India. Why is this body of old women so alert and active now? They are thinking of a sanction against Italy. Of course, I am against Italy. I do not conceal that fact, I did express it on the first day

[Mr. B. Das.]

the House met at Simla, that Italy has been insulting the Asiatic nations, including us, Indians. But why is the League of Nations so much anxious to apply sanctions against Italy, and if the League of Nations want to apply their sanctions, who represented India when those negotiations took place? Are we only subordinates of the British as is often told by European nations that visit Geneva? What is the use of our being an original member of the League of Nations? The representatives of the British dominions and the representatives of India always say ditto to what the British representative does. I would rather get out of the League of Nations than always be saying ditto to what the British representative at Geneva does. Will that suit your masters? What is my accusation against the League of Nations? If the League of Nations is so much alive and alert towards the well-being and towards peace throughout the civilised world and among those who are original members of the League, why then did they not come forward with a measure of sanction like this when the Sino-Japanese war took place, when Manchuko was forcibly occupied by Japan? I want to know from my Honourable friend, the Foreign Secretary, here whether he represented the Indian public view to the British Foreign Office, that India would welcome this body of old women at Geneva to interfere with the forcible occupation of Manchuko by Japan, and I would have admired the civilised nations if they had exercised sanction against Japan. They were sleeping then: they had not the courage, they had not the guts to tell a powerful Asiatic nation that she was doing something wrong. But today they realise they are holding a candle near a powder magazine: they realise, their own lives are in danger. The proper name for this League of Nations should be "League of European Nations". The League of Nations is controlled by the five big European Powers who are controlled in turn by the five small powers, the five Balkan powers—I might explain how these small powers control the five big powers, but I do not like to dilate upon that subject just now. Nobody wants another war and the five big European Powers are fighting to avoid war against each other. I do not want war . .

The Honourable Sir James Grigg: Except with Japan!

Mr. B. Das: I do not want war with Japan; but I want to know, if this body is a judicial body, if it has got any power—my own view is that it has got no power—why did they not exercise these sanctions against Japan when Japan took away forcibly Manchuko from China? What is happening now? These five big European Powers want to stop further bad blood in Europe: they would like very much that Italy and Abyssinia should come to certain terms; but if they do not—we all know how the British Foreign Office bungled and it was due to the bungling of the British Foreign Office that Italy and Abyssinia could not come to certain peace terms

The Honourable Sir James Grigg: I thought it was the force of public opinion in Britain.

Mr. B. Das: Yes, I agree there. So, Sir, on principle I am opposed to this Bill

Sir Aubrey Metcalfe (Foreign Secretary): The Honourable Member says "on principle": may I ask the Honourable Member to explain the principle, in case I can reply to it?

Mr. B. Das: It is this: the Government sitting on that side care very little for the opinion on this side: they never allow the League of Nations and their policy to be discussed on the floor of this House; and it is because this Ordinance cannot be renewed by His Excellency the Governor General that the Honourable the Finance Member comes forward to take our sanction, so that if the war continues for another year or two, the responsibility of the elected representatives is secured for this Bill—this small sanction that he wants from this House. But I, as an elected Member, would not like to take any responsibility for passing this Bill. The Governor General has the power to issue Ordinances. He did issue so many Ordinances to send so many of my brothers to jail—but that is a domestic matter. Here it is a matter relating to the League of Nations. I put a straight question to my Honourable friend, the Foreign Secretary: does he permit us to put a question on the floor of this House about our relations with foreign territories? He quotes chapter and verse from the Manual of the Legislative Assembly to say that this question should not be allowed on the floor of this House. I know my friend is feeling uncomfortable in his seat

Sir Aubrey Metcalfe: Not in the least.

Mr. B. Das: I am very glad to hear that; and I should be very glad if my Honourable friend will imitate the Right Honourable Mr. Eden as he speaks in the House of Commons and takes the Members of Parliament into confidence about foreign relations, so also he will take that initiative here—I think the new Government of India Act, when it comes into operation—Heaven knows when it will—probably in 1940—but when it comes into operation, whoever may be the counsellor in charge of external affairs will have to take the House occasionally into confidence about external affairs

Mr. M. S. Aney (Berar Representative): Are you quite sure?

Mr. B. Das: I have tried to study the Act only this morning (Laughter) about this particular subject of external affairs, and how my Honourable friend, Sir Aubrey Metcalfe, would behave then—I feel he would put on an even more Sphinx-like face and say "Gentlemen, these are our relations with Afghanistan, Nepal or some other country". Why does not the Foreign Secretary take this House into confidence and occasionally impart information?

Sir Aubrey Metcalfe: I have had no chance.

Mr. B. Das: My friend admits his deficiencies and limitations that he has no chance

Sir Aubrey Metcalfe: I am waiting for the chance.

Mr. B. Das: I know my Honourable friend for the last seven or eight years. I knew his predecessors before that. All of them missed the golden opportunity, and I am glad that today it is not 1940 where some of us are.

[Mr. B. Das.]

Sir, I am opposed to this Bill; but, talking on its merits, my question is, if sanction is to be applied against Italy, why is it not full sanction? I want to know from my Honourable friend, the Foreign Secretary, when is the oil sanction going to be applied? Why is it not full restriction, so as to completely shut off Italy from any communication with any Member of the League of Nations? If sanction is to be applied, let it be full sanction, so that the Italians may not fly aeroplanes over the Abyssinians for whom, Sir, I have full sympathy, and let me hope that they may give the Italians a good hiding.

There is another point on which I should like to have a reply from Sir James Grigg, and it is this. I would like to know whether anybody who has his wife and children in Italy can remit money to Italy for their maintenance.

The Honourable Sir James Grigg: I said quite specifically that remittance business is allowed.

Mr. B. Das: Then, again, Sir, suppose the Finance Member holds a few shares in an Italian Company, and suppose he has paid only one or two instalments and the other instalments are due, can he pay those instalments

Mr. M. S. Aney: He cannot.

Mr. B. Das: Suppose he is not permitted to pay those instalments, then what follows? Similarly, supposing a few Indians or Britishers living in India have some shares in a company which is operating from Italy, will the dividends declared by the Company be permitted to be paid in this country to the shareholders in India

The Honourable Sir James Grigg: The Honourable Member keeps on giving examples of remittance business which, as I said, is not in the least affected. What is there in the transactions he has mentioned which can be described either as a loan or credit?

Mr. B. Das: I want to know whether the Italian Government will not retaliate and stop all the gold my friend, Sir James, or others may be drawing from Italy by being shareholders of some company or companies?

Then, the other point is this. There are a few Italian Companies which have converted themselves into Limited Companies in India and who are working in co-operation with Indian businessmen, and I want to know whether working in those companies and remitting money through those companies is forbidden. It may be only the transmission of money of the Italian shareholders of that company to those companies operating in India to Italy, and I should like to know whether that is prohibited by the Government of India

The Honourable Sir James Grigg: The Honourable Member is still giving examples of remittance business which has nothing whatever to do with loan or credit.

Mr. B. Das: If there is to be a war with Italy, then we must sever all connection with that country; I would welcome a war with Italy, but my brain cannot follow these partial, limited or limitless sanctions to loans and credits, and not to remittances by Italians or others who have invested money in India in Italian companies operating from Italy. What I feel is that such business remittances will be utilised as loan or credit to Italian Government and Italian people. I am, therefore, opposed to these partial or limited sanctions. I am opposed to this Bill, not because I am not opposed to Italy, but because the League of Nations and Foreign Affairs are subjects that this House have been denied the privilege to discuss.

I will take now, Sir, a parallel instance. It is often trotted out that we are members of the British Commonwealth of Nations, a smaller League. If we are treated as pariahs as a Member of the League of Nations, we are treated worse in the British Commonwealth of Nations. Will my Honourable friend, the Finance Member, or the whole of the Treasury Bench apply similar sanctions in the case of Zanzibar where Indians are treated shabbily today?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must confine himself to the Bill before the House.

Mr. B. Das: I am discussing, Sir, how even the British Commonwealth of Nations is not functioning properly. With these observations, I oppose the passing of this Bill, and I strongly advise my friends in this House not to take any responsibility in this matter, but leave the whole responsibility to the Governor General, the British Secretary of State, and the British Foreign Office, and let them do what they like, as so far they have been doing.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): Mr. President, this is the second time, in the course of the same day, when this House is presented with a Bill which, like the curate's egg, is good in parts. The Honourable the Member for Industries brought forward the Payment of Wages Bill, which was neither good enough to be accepted enthusiastically, nor bad enough to be rejected unceremoniously. Similarly, Sir, we have the Honourable the Finance Member's Bill to prohibit the making of certain loans and credits, which is neither bad enough to be rejected nor good enough to be accepted enthusiastically.

My second difficulty is this. We are asked solemnly to state this:

"Whereas it is expedient in pursuance of the obligations imposed on India as a signatory to the Covenant of the League of Nations by Article 16 thereof,"

At once my head is raised high. I feel as if I am really an original member of the League of Nations with all its rights, responsibilities, and obligations. At once, Sir, I am drawn to Mother Earth, and this drab book, which is called the Manual of Business and Procedure in the Assembly, stares me in the face; at page 14, I am told, Mr. President, I shall not ask any question with regard to any matter "affecting the relations of His Majesty's Government or of the Governor General in Council with any foreign State". Then, I am told, Sir, at page 25, that I shall not introduce any measure "which concerns the relations of Government with foreign powers", and the last, I am told, at page 48, that I shall not move

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any Resolution "on any matter affecting the relations of His Majesty's Government or of the Governor General or the Governor General in Council, with any foreign State". I think, Sir, the anomaly cannot be made more complete. I am asked in one breath, as a sentient human being, to exercise my judgment and vote, and to say that India, as an original member of the League of Nations, shall vote for this Bill and accept its implications, but I can raise no question as to why did Italy go to war with Abyssinia, and what is Great Britain's attitude in this matter. These are all matters which are kept absolutely outside the scope of this House.

My friend from Orissa referred to the Government of India Act and tried to picture the future. I slightly differ from him. My friend, the Foreign Secretary, may be here or may not be here, that is to say, in the House which will take its place, and if anybody corresponding to him is here, let me assure him that he will be far less responsible, than even the present Member is. As I read the Government of India Act, even the little control we have over foreign affairs is going to be removed altogether from our hands. That being so, I now proceed to state what I conceive to be the real position with regard to these foreign affairs, so far as India is concerned; and on that matter I may say that, in countries which are really original members of the League of Nations other things happen. A sick man went to Paris, negotiated with the French Foreign Secretary for some settlement by which Abyssinia could be swallowed by Italy with certain formal funeral ceremonies. Unfortunately or fortunately, the Paris Press published those proposals, and this sick man, who was riding like a Colossus over India for nearly four years and ignored public opinion had to be dismissed as a sick man, whereas in this country, the Foreign Secretary will go on for ever, whatever the vote of this House may be, whatever public opinion may be. I ask, is it fair to this House that we should be asked to enact this solemn farce of being a party to a Bill in the origin or the ultimate effects of which we have no part or lot? Coming to the actual preamble, we have this sentence: "... imposed on India as a signatory to the Covenant of the League of Nations by Article 16 thereof". What is my position in that League? I tried to cross-examine the master-sphinx of the Treasury Bench, the Honourable the Leader of the House, who, I see is taking his well-earned rest (Laughter), but he always goes off at a tangent, and says, "I refuse to answer the question", and this phrase "in the public interest" is becoming, in the words of the Industries Secretary, a complete smoke-screen for all the activities, beneficent or otherwise, of the Government of India. Every time they are cornered, and they refuse to answer a question, they take shelter behind "public interest". My Honourable friend told me the other day that India has a free vote in the League of Nations. I asked him what that free vote was. His answer was that they prepare a brief, send it on to their master, the Secretary of State for India in London, and he prepares another brief, and those briefs are sent to the representatives of India in the League of Nations, and they are free to take whatever line they like on those briefs. Then I asked him whether the Government of India and the Government of Britain had ever differed. He refused to answer that question.

Mr. M. S. Aney: He said there was an understanding and that they were expected to act on those briefs.

Mr. S. Satyamurti: I wanted to know whether the Government of Britain and the Government of India ever differed on any of these matters, and I was told that he would not give me an answer.

The Honourable Sir Nripendra Sircar (Leader of the House): That is not correct. I did answer the question.

Sir Cowasji Jehangir: One is a subordinate Government of the other. How can they differ?

Mr. S. Satyamurti: If the Honourable the Leader of the House takes the words of my Honourable friend, the Baronet from Bombay, I am quite content. That was the point I sought to make—that India today in the League of Nations has no free vote, and, for that particular reason, the Government dare not answer my question, and they dare not confess their humiliation so blatantly; my sympathies are with them. But I think I am entitled to draw the inference, this House is entitled to draw, the country is entitled to draw, that India in the League of Nations is only one more vote for Great Britain, and, therefore, I raised the point. To ask me “as an original member of the League of Nations and as a signatory to the Covenant” to pass this Bill is an insult to my intelligence. I put it to my Honourable friend, the Finance Member, who is a little franker than his Colleagues, to say if I am not right. Had he any share in this? Is he not carrying out his master's orders? In his case, his masters do not differ from those whom he served some years ago; but so long as he is a Member of the Government of India, I want to know whether he is not really carrying out the orders from London, or whether this Government as a sentient entity had any voice in this matter? I put it to him as an honest man to say that I am right, and that India had no free voice in the matter. Therefore, it seems to me that to ask us to carry out this covenant is merely asking us to register somebody else's decree.

Sir Cowasji Jehangir: Who represented India?

Mr. S. Satyamurti: It does not matter who represented. They are all slaves.

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): Some Rajahs or Maharajahs!

Mr. S. Satyamurti: Turning to the Covenant of the League of Nations to which reference is made, I want to read the preamble to that Covenant, and subsequent historical events supply the most tragic commentary on that preamble:

“The High Contracting Parties, in order to promote international co-operation, and to achieve international peace and security:

by the acceptance of obligations not to resort to war. (*How often have people gone to war after this Covenant?*)

by the prescription of open, just and honourable relations between nations,

by the firm establishment of the understandings of international law as the actual rule of conduct among Governments, and

by the maintenance of justice and scrupulous respect for all treaty obligations in the dealings of organised peoples with one another.”

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As a result of this they entered into certain Articles. The important Article is:

"The Members of the League recognise that the maintenance of peace requires the reduction of national armaments to the lowest point . . ."

The latest budget of the British Government about increasing the services is the most eloquent commentary on the sincerity of 3 P.M. parties to this Covenant, that armaments should be reduced. Today there is not one civilised country in the world which has not increased its expenditure on armaments, Britain included:

". . . to the lowest point consistent with national safety and the enforcement by common action of international obligations."

The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objection."

Nothing has been done, as I shall presently show. Article 10:

"The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League."

My Honourable friend from Orissa referred to the plight of China. I agree:

"In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled."

Article 11:

"Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations."

Article 12:

"The Members of the League agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or judicial settlement or to inquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the judicial decision or the report by the Council."

I want to remind the House that Ethiopia, or Abyssinia, whatever name you call it by, is a member of the League, as original as India or Great Britain.

Some Honourable Members: No.

Mr. S. Satyamurti: I am sorry for the mistake. She was admitted later, but does it make any difference from my point of view? (*Voices: "No."*) I accept the correction, but I suggest that, in this case, the black race of Ethiopia set a nobler, a more moral, and a more dignified example of accepting the Covenant in its letter and in its spirit, than the white race of Italy; and I think for that, every white man in this

House must hang down his head in shame and humiliation. Today, the European who stalks this country as a superior race, for whom the Criminal Procedure Code provides trials by special juries, and for whom even in jails a special diet is prescribed even though he is a murderer or a blackguard of the worst kind—that European nation has treated the Covenant as a scrap of paper, while Abyssinia, as black as myself, or as brown as myself, respected this Article and submitted the dispute to the arbitration of the League.

Then, Article 13, sub-clause (4), is the next important thing:

"The Members of the League agree that they will carry out in full good faith any award or decision that may be rendered, and that they will not resort to war against a Member of the League which complies therewith."

There is one significant fact, Mr. President, that while the League of Nations was meeting, appointing committees, investigating, thinking, and cogitating, Italy was transferring munitions and men and war materials across the Mediterranean to the south. Can anybody deny that?

An Honourable Member: What about oil sanctions?

Mr. S. Satyamurti: I will come to that. If the great powers had shown common elementary honesty, this war would never have been resorted to, but the European powers are all robbers of the other occupants of the earth. I want to remind you and this House of Italy's irresistible answer to Great Britain, 'Physician, heal thyself'. If you can hold India, if you can hold Egypt by the might of your arm and exploit them today, where shall Italians go? They say, "We are an expanding population. We have no colonies. We must also go and colonise", and, therefore, one can understand the discomfort, the hesitancy, and the unwillingness of Great Britain to enforce sanctions vigorously.

Then, Sir, under Article 15, the members of the League are bound to submit points of dispute to the decision of the League, and today, as the Honourable the Finance Member admitted himself, Italy has been found to be the aggressor by the League of Nations. I should like to characterise her by a stronger word. She has made herself an outlaw among the nations of the world. Then, Sir, under Article 16, under which this Bill is placed before us, should any member of the League resort to war in disregard of its covenant, it shall *ipso facto* be deemed to have committed an act of war against all other members of the League. I presume that the House will agree with me that today Italy has broken all covenants under Articles 12, 13 and 15 and, therefore, she must be *ipso facto* deemed to have committed an act of war against all other members of the League, who hereby undertake *immediately* to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial, and personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a member of the League or not.

Now, Sir, my friend, the Finance Member, was good enough to tell me that under section 19 of the Sea Customs Act the Government of India carried out all the obligations of India by way of prohibiting exports and imports as decided on by the League of Nations. In that connection,

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and also in connection with this Bill, I should like to ask him a question for which I expect an answer. Sub-Article 3 of Article 16 says:

"The Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this Article, in order to minimise the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the Covenant breaking State," etc.

I want to know what is the economic effect, or financial effect, of the enforcement of these sanctions so far as India is concerned, and whether this Government has made or proposes to make any claim to Great Britain in order to minimise the loss and inconvenience which may result to us from the adoption of the measures, namely, of restricting or prohibiting trade and financial relations?

Now, Sir, the next point I want to make is this, that, so long as the League of Nations goes on in its present composition and in its present attitude towards the problems of war and peace, we are not likely to get anything out of the attempt of the League of Nations to settle international disputes by arbitrament and not by recourse to war; for let us remember that this League of Nations was born out of the Great War, which was fought enthusiastically to end all war; but, unfortunately, the fact remains that "The victorious powers, after their victory, without trying to lay the foundations for a solid and enduring peace for humanity, used their victory for two purposes, to cripple their vanquished European neighbours and to extend their economic supremacy outside Europe. The United States 'developed' the rest of America, Great Britain and France competed for control of the Near East. Moreover, the treaty of Versailles was based on the now exploded theory of German guilt, with the result that Europe had a heritage of hatred and ill-feeling among the various nations who came into existence as a result of the war".

Then, Sir, so far as Italy is concerned, she has acted in all her dealings as if the League of Nations can be flouted without any fear whatever. Italy was offered, in return for her joining the war, various concessions which were not, however, given to her, and Italy felt that she was left out in the cold among the victorious allies, as a nation which did not get the best out of the war; and the result of it was that, the moment Mussolini came into power, he began to have a new foreign policy by which he sought to get what he thought was the right of Italy. "He rapped the knuckles of Greece, insisting on a heavy indemnity for the murder of four Italians in Corfu and shelling the island, without reference to the League of Nations, until it was paid. He refused to accept the Allies' creation of a Free State of Fiume and made a private arrangement with Yugoslavia, by which most of the province and part of the port became Yugoslavian, while Fiume itself went to Italy. He upset the Allies' creation of an independent State of Albania by lending its wretched inhabitants a sum which they could never hope to repay, in return for which they accepted Italian financial and military control". This is from a book by Hampden Jackson on "The Post-War World". He says:

"The real menace of Fascism to the rest of Europe lay in its unabashed militarism."

Having encouraged Italy more or less by its acts of omission, the League of Nations today stands helpless before the Italian War. Now there is no doubt that, in the post-war world, whether it be the problem of the economic crisis, or the problem of disarmament, or the problem of abolishing or at least controlling the private manufacture of munitions or of settling international disputes peacefully, the League has proved itself impotent. The World-Economic Conference met and failed. Disarmament conferences are meeting and are dispersing without doing anything; and, therefore, many people will be found to agree with this writer who makes this interesting and incisive survey:

"By the end of 1934 the efforts of the World in Conference to solve the problems of the age had met with no success. The crisis had shown the fundamental weakness of the League of Nations; no way was found to prevent nation arming against nation; none of the remedies which had been widely advocated as a cure of the great depression had yet been applied; international trade remained throttled, international rates of exchange were still fluctuating, the flow of international capital was still choked, prices were still abnormally low."

Therefore, Sir, I think it is now a little too late in the day for the Government of India to ask India, when she stands disillusioned, not only because of her own impotence in the Council of the League of Nations, but also because of the impotence of the League itself, to agree to this Bill which really is a faint attempt to vindicate the authority of the League of Nations against a well-known aggressor.

Now, Sir, what is our own position? Our own position is that, whatever may have been the past, today at least the oil sanctions should have been enforced, but what is the position? Sir, I see in this morning's *Hindustan Times* that the Committee of League experts is of opinion that, if the oil sanctions are universally applied against Italy, it will take about three months and a half to become effective. In the event of the League Powers applying the embargo, it will be effective after the United States limit the exports to Italy to the normal level which obtained prior to 1935. Without the United States' co-operation, the embargo by Member States of the League would only make the purchase of petrol by Italy more difficult and more expensive.

It seems, therefore, that the League of Nations, without enforcing what it can, namely, its own decision to impose oil sanctions, wants America to do likewise, before she can effectively enforce these sanctions. In this connection, I want to quote what two English papers, the *Manchester Guardian* and the *Daily Herald*, themselves say. The *Manchester Guardian* says:

"If the League should decide to impose the embargo in any event, it would immensely strengthen the position of those Americans who would not wish their country to have the distinction of nourishing an unjust war."

The paper adds:

"The imposition of the sanctions by the League Powers would reinforce the present sanctions. It is a strange reflection that, if only the League had acted with determination when those other sanctions were imposed, the war might now, according to the calculations of the Technical Committee, have been within a fortnight of its end."

I think, Sir, no more bitter commentary than this could be passed upon the hesitation of the League to do its duty. India, as you are well

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aware, also urges that the League of Nations should impose the oil sanctions. The *Daily Herald* says:

"The people of the United States are watching Geneva, not to see if it produces statistics, but to see if it takes action. Action and swift action is the only way to secure American co-operation. Even should there be no American co-operation, the oil embargo will make the waging of war more difficult and more expensive. That being so, let us get on with the job at once."

It seems to me that the nations have bungled all these months, and they have added suffering upon suffering, and today we are hearing harrowing tales of the War. Sir, during the Great War we used to hear stories of Germans committing gross brutalities, but today, Sir, we see uncontradicted accounts published by all papers, of all countries, that the Italians are bombing Red Cross units and hospitals, and that women and children are being killed. Surely, it seems to me that to wait at this juncture, after Italy has shown herself to be one of the most barbaric and uncivilized nations of the world, is wrong; (Hear, hear); that the other Members of the League, presumably acting in the name of the League of Nations, should hesitate to enforce the oil sanctions, which, even they concede, would prove effective, is certainly sad, and that is certainly not showing a gesture of honesty and international goodwill, for showing which alone the League of Nations was founded. There is no doubt that Italy has, as I say, proved herself an outlaw among the nations of the world, and the Ethiopians today, simple-minded people as they are, primitive as they may be, not endowed, it may be, with the higher reaches of civilization, are fighting gloriously with their backs against their wall in defence of their hearths and homes. Sir, today we also are slaves in our own country. If we were free, we would have taken such steps as we could have taken, in order to stop this barbarous war, and perhaps we would have been successful; but, situated as we are, we can only send, from the floor of this House, to the Ethiopians, our message of profound sympathy and goodwill and our best wishes that, in spite of all these man-made machinations, the nature of their own country, the bravery of their own simple people, and the magnificence of their loyalty to their Emperor will yet save their country from white domination by Italy; and I hope, Sir, that this House will carry that message to Ethiopians.

And I want to tell Great Britain one thing. If Great Britain wants peace, nothing is easier. She must wind up her empire of John Bull and Co. John Bull and Co. must go, and today, Sir, they must give up this earth-hunger, this desire to possess India, to possess Egypt, as long as they can. So long as there are rich countries exploited by certain white nations, other white nations must wish to have a finger in the pie. Today, the most fruitful cause of war is the presence of Imperialism, and the sheer exploitation that is going on among the nations of the world. Take away Imperialism, take away earth-hunger among the white nations and you remove the root causes of the war. I do not believe that the League of Nations, as she is constituted today, can ever afford to the nations of the world the solution which they are fighting for. We must really alter our own attitude towards the other nations of the earth, and I hope, Sir, that what I have said will be understood to mean that India wants to have a real, free vote in the League of Nations. India hopes

that she can have it only when she attains her freedom. They are working for it and, God willing, we shall get it sooner than our enemies imagine. (Hear, hear.) And when India is free, India will not ask a House—as my Honourable friend, the Finance Member, is asking, this piffling thing in order to enforce sanctions which, they know, will not be effective, and in spite of which, the war is going on, but will get up from its place and say to nations which are arrogant enough to flout the moral conscience of the world—as Italy is doing now—“you shall not do it, and we will use all our resources to stop that war”. It is in that spirit that we shall go forward.

Sir, I have reason to believe that so far as these Benches are concerned, we have no real hand; and only when India is a really free member of the League of Nations, she can make a contribution, which she cannot now make, towards peace on earth and goodwill among men. With this message of hope and cheer to our Ethiopian fellowmen in Africa, between whom and us lies the great Indian Ocean, and with the desire that at least the views of this House might arouse the conscience of some European Powers so that they must not play at the League of Nations but use it to punish the aggressor and stop this inhuman, barbaric war, and with a view to vindicating Ethiopian sovereignty, I desire the Government of India to convey to the Secretary of State our feelings in this matter; and I hope that the vote of this House, which I am afraid cannot be against this Bill, will not be misinterpreted as our support of the inadequate action that so far Great Britain and India are taking. On the contrary, I should like to conclude on the note that we are disgusted with the way in which European Powers are quarrelling amongst themselves, so that they are unable to settle their quarrels and one of their own nations, Italy, is a sad example of the barbaric warfare of which the most barbaric nation ought to feel ashamed. That is all I have to say, and I hope that the Honourable the Finance Member and the Government of India will convey to the powers that be the strong feeling in this House that Italy is an outlaw, that Ethiopia deserves all the sympathy and support she can get, and that, if civilization is to survive and not to end in a holocaust in which women and children are killed by bombs, then Europe must assert herself and see that Italy must not go further, Europe tell her: “Bandit, thou shall be away, and shall not go further”. (Loud Applause.)

Mr. F. E. James (Madras: European): Sir, I have listened with very great interest to my Honourable friend, Mr. Satyamurti's speech, particularly as it has enabled the House to listen to matters which are seldom discussed here; and anything I say in the course of this discussion must be taken as coming from myself and not necessarily as coming from the Group of which I am a member.

Sir, I have more than once felt that there has been a tardiness on the part of the Government of India to recognize the importance of the subject of the League of Nations to India in spite of India's anomalous position within that League. I quite appreciate the feeling on the part of many Honourable Members of this House of embarrassment with regard to this Bill, because the position of India, as a member of the League, is, quite frankly, a somewhat curious and anomalous one. It is, therefore, quite natural that when any measure comes before this House in pursuance of India's obligation under the Covenant of the

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League of Nations, Members should take the opportunity of pointing out the anomalous position of India and the somewhat difficult position of this House in regard to any decisions which they are asked to take in that connection. I will not spend much time in referring to the speech of my Honourable friend, Mr. B. Das, because, I think, on a balance his reasons cancel themselves out. At one moment he was urging such action as would embroil the whole of the Empire in War. The next moment he was urging that we should reject this Bill on the ground that the League of Nations had not yet come to the point of insisting upon the imposition of oil sanctions. At one moment he said that the League of Nations was doing too little, and at the next moment, he said that the League of Nations was doing too much and I was left in doubt as to what his real intention was in regard to the particular measure before the House.

Mr. B. Das: I oppose the Bill.

Mr. F. E. James: As far as my Honourable friend, Mr. Satyamurti, is concerned, his position is perfectly clear. He would like to be free to deal with this matter as a free country within the League. But he is not. Therefore, although he takes the opportunity of this discussion to point out that he is not free, in the sense in which he would wish to be, he is not prepared to take the responsibility of opposing this measure on the ground that he believes that by taking this position, he will indicate to the larger world that his sympathies at any rate are with the nation of Ethiopia. He dwelt at great length on the failures of the League of Nations, and I do not wish now to enter into a long discussion on the merits of the League, on its present constitution, on its past failures and on its possible future. But I welcomed that part of my Honourable friend's speech. This is the first time that I have heard a speech on that subject since I have been in this House. I would just say three things in regard to some of his observations. He condemned the League on three points. First because it had failed to stop the race for armaments, second, that it has failed to stop the recourse to war, and, third, because it had failed to stop the invasion of Ethiopia. I think that every impartial person would agree that in those three respects, the League of Nations has failed to achieve what is laid down in the Covenant of the League and to that extent every one of us must deeply regret it. I would, however, point this out to my Honourable friend that the League of Nations is not a super-organization. It is an organisation which consists of representatives of various Governments throughout the world. Therefore, it cannot undertake any responsibilities beyond those responsibilities which collectively the nations who are Members of the League will to undertake. You cannot impose the full implications of the collective duties undertaken by the Covenant unless there is at the same time a collective will. The trouble about the League of Nations at the present moment is that that collective will is absent. It is not the actual organisation of the League that is wrong. It is the motive power, the will behind the Members of that organization which is lacking to make it really effective.

Then, Sir, there is one other point which I would add to the reasons for the failure of the League and that, perhaps, applies as much to the case of the controversy about Japan as to the present controversy. That is the absence from the League of some of the greater countries in the

world. The absence of the United States of America has always been, ever since the beginning of the League's existence, a crippling factor in its constitution and in its powers. Today the absence of Japan and Germany are two very important factors in assessing the ability of the League to impose its will upon the aggressor nations. I would make this point and emphasise it as much as I possibly can. The conception of the League of Nations which came from the War is, in international relationships, an entirely new conception. On these matters the nations of the world are embarking, after the war, upon entirely uncharted seas. My Honourable friend, Sir Frank Noyce, this morning, spoke about the Payment of Wages Bill and the necessity of proceeding by trial and error. Surely if one looks at some of the achievements of the League in the last 15 years, one is entitled to say, that in view of the entirely uncharted seas which it has had to sail in those days, it has achieved considerable success. If out of the present conflict, the nations of the world are brought to realise the importance of collective action to a greater extent than they have done in the past, there is a possibility that the League, in the future, may achieve more than it has done today. My Honourable friend, Mr. Satyamurti, seems to think that there was no hope in the League, there was no hope in the world, until India became a free nation (Hear, hear) and taught the world her business. He seems to think that the greatest factor in the world for war today is the British Empire.

Some Honourable Members: Yes, yes.

Mr. F. E. James: Let me tell him this. With all its faults, the British Empire today, consisting as it does of the Dominions, and the United Kingdom in addition to its colonial possessions, is the greatest single factor making for peace.

Some Honourable Members: No, no. Question.

Mr. F. E. James: That is a factor which is recognized in many countries. It is recognised today in the East; it is recognised today in the West. In December, I happened to be both in France and later on in London while the "peace plan" was being discussed in both countries. As far as the position in France was concerned, the noticeable factor of the situation was the absence of public opinion on that question. When I sat in the House of Commons gallery and listened to the debate on peace plan, the overwhelming factor there was that public opinion had chosen to assert itself. After that debate, an ex-Finance Minister of France put the whole matter very pithily when he said: "In my country, public opinion is looking round for a dictator; but in the United Kingdom public opinion has suddenly decided to do its own dictation". And what is true of public opinion in the United Kingdom is also measurably true of public opinion in the Dominions of the British Empire.

Mr. S. Satyamurti: What about India?

Mr. F. E. James: Where you have that united collective will in one collection of nations working for peace, going to the utmost limits, being prepared to stand behind strong measures for peace, then I think it is surely a gross exaggeration to suggest that that influence is an influence for war and not an influence for peace. As far as India is concerned,

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it is perhaps difficult to speak with any certainty, but I do believe this that public opinion in this country, from all that one can read and hear, is behind the measures in the implementing of which this Bill now before the House is one factor. I am equally prepared to recognise that public opinion feels that India's position in the League is unsatisfactory; and, therefore, my Honourable friends on the other side are, to put it quite frankly, on the horns of a dilemma. But I was very glad to find that my Honourable friend, Mr. Satyamurti, felt that on balance the public opinion that is present in this country sympathetic with all the actions that are being taken to put an end to the present disastrous war, should have a predominating influence in a decision on this matter. And I hope that the line that he has taken will be followed by the other members of his Party.

Mr. M. Ghiasuddin (Punjab: Landholders): Sir, I rise to support the motion moved by the Honourable the Finance Member. Sir, I was surprised to see the line taken by Mr. B. Das from the Congress Benches. Of course I find myself in agreement, to a very great extent, with what Mr. Satyamurti has said. Sir, I thought almost all Members adorning the Congress Benches had always their sympathies with the underdogs: if anything, this Bill has been brought forward in sympathy with Abyssinia.

Prof. N. G. Ranga (Guntur cum Nellore Non-Muhammadan Rural). We say it does not go far enough.

Mr. M. Ghiasuddin: Sir, I must say that Mr. Das has tried to smoke-screen the real issue, although we know that the League of Nations has failed to combat this disaster in Abyssinia to the same extent that was expected of it. As it was expected of all the powers which were signatories to the Kellogg Pact that, as soon as a power was declared to be guilty of breaking that Pact, all extreme measures will be adopted to bring that power to book for infringing the laws of humanity. Alas, these dreams were rudely shattered. But, Sir, it surely does not lie with us to say that the very small measure, that has been brought forward by this Government at the instance of the League of Nations, should be torpedoed by this House. I admit, however, that this measure is quite unsatisfactory; I admit that far more severe measures should have been taken against the infringing power; but, I think, if we throw out this Bill it will not be a very satisfactory thing. Sir, it is not to be denied that our sympathies are entirely with Abyssinia and if tomorrow people in Abyssinia read in their newspapers that this House has thrown out this small and insignificant measure that was brought forward, how disappointed they will be: I am afraid they will misread the motives which actuated us in throwing it out. Sir, no doubt we are dissatisfied with our representation in the League of Nations, but I think we can criticise our representatives at the League of Nations during budget time, and this is not the proper time to bring that under discussion. Sir, we hope that all measures will be taken, and specially all sanctions which are under discussion now will be enforced as soon as possible, and this war will be ended. I whole-heartedly associate myself with the remarks made by my Honourable friend, Mr. Satyamurti, with regard to the message that should be sent through this House to Abyssinia in particular and to the world at large.

Pandit Krishna Kant Malaviya (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): Sir, I know, to my cost, that, speaking on the floor of this House is beset with dangers and is not free from peril. When it suited our masters, they told us that this House is the Indian Parliament; they led us to believe that this Legislature is the highest Court of Law and Justice; they led us to believe that we can summon witnesses before this House; they led us to believe that we are as free as this House, that we are the framers and law givers of the land and that, what to speak of the subordinate Governments or the subordinate Courts, even the King could not question us about our conduct in this House and could not ask us to explain what we said, in what manner we said it, why we said it and why we did not express ourselves in such and such a language. But we are told now that our privileges do not extend beyond the walls of this House, that the Members sitting on the Treasury Benches have all the rights and privileges without any duties to the people of this unfortunate land; whereas we, sitting on this side of the House, the representatives of the people, have only duties and duties to perform and have no rights and no privileges. I want to have an assurance from you, Sir, and I want to know whether this Honourable and august House would give me an assurance that I, or someone near and dear to me or some friend of mine, will not be punished for what I am going to say today. I want to have an assurance, Sir, that no outside authority, no outsider, howsoever high he might be placed, has the power to question the words that I utter here. I want to have an assurance from the Chair that it is only the right and privilege and prerogative of the Chair to guide our deliberations, correct us, and by its ruling stop us from saying what is improper and against the law, and that once the speech has been made no outside authority will sit upon judgment of the discretion of the Chair.

Mr. President (The Honourable Sir Abdur Rahim): That question is not now before the Chair. The Honourable Member should come to the subject.

Pandit Krishna Kant Malaviya: This is a sort of introduction, Sir. (Laughter.)

Mr. President (The Honourable Sir Abdur Rahim): Do not then make it too long.

Pandit Krishna Kant Malaviya: I only want, Sir, that there should not be an indirect censor upon the discretion of the Chair. Coming to the Bill itself, Sir, I wish to point out that I opposed the censure motion which was before this House in the last Simla Session for sending a unit to Abyssinia without consulting this House. I then said that if Government ever acted rightly during the last ten years, it had acted rightly on this occasion. I then said, Sir, that I do want England to go to war with Italy in order to teach her a lesson. It is a surprise to me, Sir, that the Members sitting on the Treasury Benches have not objected to the use of these words by me; you must be remembering, Sir, that when I used these words in the Simla Session, I was told that I was treading on a ground which I should not tread, because they might have a bearing on the international relations of Great Britain with other nations. I want to know whether, by discussing this Bill today, we are not moving towards

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a road which is closed to us. I will not labour this point further. I know that where the interests of our masters demand, even improper things become proper; law, decorum, justice and even claims of humanity are then thrown to the winds. I was then anxious to teach a lesson to Italy; I begged and begged that Great Britain or the members of the so-called League of Nations should fight Italy. If England had only acted then, as we wanted England to act, the war would have been over by now.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammad Rural): This Bill has been prepared according to your wishes.

Pandit Krishna Kant Malaviya: It is too late now. Poor Abyssinia has been made to suffer a lot, with the whole world looking on. My Honourable friend, Mr. James, lectured to us regarding the difficulties of the League of Nations. He told us about the collective will that is wanting. He told us: "America is not there, Japan is not there, Germany is not there, what is the poor League of Nations to do?" He wanted us to believe his words as if we know not that the League of Nations means only England and France, as if we know not that Germany went out of the League simply on account of France, because France is powerful and because the League of Nations is only a handmaid of Great Britain and France. Whose fault is it, Sir, that America and Japan are not there? He told us about the collective will, but the collective will is not there because England and France do not agree and France wants Italy to conquer Abyssinia, because France is anxious to have a powerful ally in Italy on her side to be pitched against Germany when the time comes. England is not prepared to act against the wishes of France. England also wants to retain the goodwill of Italy. We know what Sir Samuel Hoare was doing. Sir Samuel Hoare has been made a scapegoat and compelled to resign. If England had been really what it professes to be, the best thing for England would have been to have asked Mr. Baldwin to resign. Are we asked to believe that Sir Samuel Hoare was acting on his own behalf, that Sir Samuel Hoare was acting against the wishes of his Government, that he was not carrying on negotiations in the name of England?

Mr. President (The Honourable Sir Abdur Rahim): We are not considering that matter.

Pandit Krishna Kant Malaviya: We are not, but that proves to us, Sir, that we cannot have any faith in the *bona fides* of the British Government; so far as the British goodwill towards Abyssinia is concerned. I say, knowing as I do and feeling as we feel, that England does not want to displease Italy, we know that the oil sanctions are yet in the air. If these sanctions were once approved, the war will be over within three weeks. What is the use of asking us to vote for this Bill? Where will it lead us and what will be the result? By the time economic sanctions begin to tell, Abyssinia will be no more. Why ask us to pass a Bill which leads nowhere? If England is prepared to go to war with Italy, I am prepared to vote for this Bill. If England is prepared really to go to war with Italy, I think we will be prepared not only to vote for this Bill, but to do something more. But we know that England is not going to do anything of the sort. They want, just as Italy wants, to civilise the Abyssinians. England would gladly give Italy in Abyssinia what she

wants provided she remains within a limit. Of course, she has not got the courage to say so. At the same time, England is interested in the water of the Blue Nile and the road to be built from the Blue Nile to Sudan. If England could get all this and Italy would sanction it without endangering the communications of the East, everything will be over today and England will be backing Italy. I know and every one of us must have read in the papers that Italy almost gave an ultimatum to England and it was in the papers that at about 4 A.M. in the morning, the British representative had to run to the Italian Government, and England conceded whatever the Italian Government wanted. What is the use of talking about sanctions? England is afraid of Italy, as afraid as any one else could be afraid of her. She will be only too glad to placate Italy if Italy were reasonable. Then, why talk of sanctions and why bring us into it? If you cannot face Italy, sit tight at home and do not talk of sanctions, righteousness and the desire to punish aggression. Why bring us in? If you want to fight, we are here to stand by you, provided you give us our rights and treat us as equals. We will then do whatever we can to help you; we will help you even against France, but if you only want to talk and talk and treat us as serfs and use us as mere tools, the only thing I would request this House is that we should drop this Bill. Our attitude must be that of America, namely, benevolent neutrality. That is all that I have to say.

Sir Aubrey Metcalfe: Sir, this discussion has followed such very diffuse lines that the bullets fired by the Opposition do not for the most part appear to have been directed at the target. They seem to have gone even wide of the "buts", if I may use a military metaphor.

Sir Muhammad Yakub: If you teach them military tactics, their shots will be more accurate.

Sir Aubrey Metcalfe: I merely make these remarks to explain that I am in some difficulty in answering the criticisms which have been made, since hardly any concern the Bill. I will, however, attempt to clear up, quite briefly, one or two misconceptions which I think have been formed. The question was raised, I think, by both the two Honourable Members who spoke from the other side as to the extent to which India or the Government of India had been consulted in this matter.

In fact it was suggested that India had been drawn into this controversy without consultation and merely at the bidding of His Majesty's Government. Well, I can say at once that that is not the case. The Government of India have been fully and freely consulted by His Majesty's Government throughout. Now, I may say here that I cannot deny that there is a fundamental difficulty, which indeed I may call an inconsistency, in the position of India with regard to the League of Nations. The Government of India is, as you know, entitled as a member of the League to complete freedom of action in many matters which come before the League. But in present constitutional circumstances, the foreign policy of the Government of India is controlled by His Majesty's Government. That I admit. No explanation on my part will remove the anomaly and no fulminations from the opposite Bench will remove it either in the present constitutional circumstances. I would, however, submit—and this is important—that this inconsistency has not really been of any practical importance whatsoever with regard to the question which is now before

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the House. All that His Majesty's Government did, was, that they decided that it was their duty to implement, what they considered to be, their obligations under the Covenant of the League of Nations. They inquired of the Government of India whether they, as a member of the League of Nations, not as a subordinate Government, were prepared themselves also to implement their obligations as a member of that League. The Government of India replied that they were prepared to take action, in so far as conditions in India admitted, to fulfil those obligations on the lines recommended by the League of Nations—not simply those recommended by His Majesty's Government. Well, Sir, as you know the League appointed a committee of co-ordination, on which every member of the League, including India was represented

Sir Cowasji Jehangir: Who represented India?

Sir Aubrey Metcalfe: I was just going to refer to it—it was raised by my friend, the Honourable Member for Orissa—this will be
 4 P.M. answered subsequently in answer to questions on the paper, so that I hope you will forgive me if I anticipate the reply that will be given—the representatives of India are His Highness the Aga Khan, and the substitute delegate, an *ex*-member of this House, Sir Denys Bray, whom possibly some of the Honourable Members present may remember. They represent the Government of India. As I was saying, the League appointed a Committee of co-ordination on which every member of the League, including India, was represented, to deal with the Italo-Abyssinian dispute, and that committee entrusted the task of formulating concrete proposals, with regard to sanctions, to a smaller committee of 18. It was the recommendations of the smaller committee which the Government of India was ultimately asked to implement; and the legislation now before this House has been undertaken in pursuance of the Government of India's agreement to implement those recommendations. I do not know that any particular criticism has at present been brought forward against that decision; but it may perhaps forestall some criticism if I indicate the reasons which led the Government of India to come to that decision. The first, and perhaps the most important, was their obligations as a member of the League of Nations. My Honourable friend, Mr. Satyamurti, has already expounded to the House the actual terms of Article 16, and he has stated or suggested that they go a very great deal further than the League of Nations has hitherto gone. It is not my business here to defend the League of Nations. Mr. James has already made some very apposite remarks on that subject; and all I would say on this point is that even if the action taken on the recommendation of these committees fall short of the action which is required to be taken by the Article there can still be no doubt at all that India would have defaulted in the obligations of membership if she had entirely dissociated herself from the action recommended by the League. That, I think, will be agreed to by all. I submit that such default could only have been justified, if at all, by the very strongest reasons; and I think the Government of India was justified by the entire absence of any such reasons. It may be that some material loss will be caused to India by the diminution and dislocation of trade; but surely that is not a reason which should deter us from fulfilling what are our solemn undertakings. There may be some doubt—in fact there is considerable doubt as to the immediate efficacy of

sanctions to put an end to this war. But surely that is no good reason for refusing to give them a trial. Indeed, as it seems to the Government of India, there were in the present case the strongest possible arguments for supporting the League in their attempt, which may or may not be successful, to put an end to aggressive warfare by means other than the use of force. I do not propose to repeat the general arguments because it seems to me that they are such as will readily suggest themselves and commend themselves to all shades of Indian opinion.

Mr. M. S. Aney: Sir, a Bill like the present one really brings to our mind the unreality of the whole affair. Here we are solemnly asked to enact a law in fulfilment of our obligations as a member of the League of Nations. . . .

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Which are discharged by somebody else?

Mr. M. S. Aney: which, as my Honourable friend to my right has justly remarked, are not to be discharged by us, on our own responsibility, but by somebody else in our name. It is a kind of what they call benami transaction going on as far as India is concerned, in the League of Nations. It is a very anomalous position. I do not want to dwell at length on that point for this reason, that my learned friend, Mr. Satyamurti has very lucidly put the whole thing, the nature of our relations with the League of Nations and our relations with the British Government in regard to this matter. Had the Preamble not laid emphasis on this aspect of the question, namely, the fulfilment of our obligations as a member of the League of Nations, possibly this discussion would not have taken the turn that it has taken at all. It is that which has made it necessary for us to say that the whole thing is unreal. At the same time we know—and it has been made abundantly clear as to what our real feelings are in regard to the war that has unfortunately broken out, or I may say, which has been allowed to break out between Italy and Abyssinia. Members after Members have expressed their sympathies go out to the unfortunate Abyssinians who are fighting with their backs to the wall with all the resources at their command in defence of the liberty of their hearths and homes. Anybody in their predicament deserves the sympathy, not merely the lip-sympathy which so many European nations are showing today, but the active sympathy by standing by their side as their allies on the battlefield and by fighting the aggressor who, despite all international obligations and despite the dictates of humanity, is trying to wipe out of existence Abyssinia as a nation. (Shame.) Those who want to maintain the peace of the world and those who claim to have created a pompous organization like the League of Nations for preserving the peace of the world, ought to understand that they have an onerous duty devolved on them, and if in moments of emergency nations who have brought about this pompous organization are not prepared to rise to the proper height in order to discharge their duties towards the oppressed nations, then it is very natural that people should suspect the *bona fides* of those who have created this organization. One will like to ask, has this organization been created in reality to maintain the peace in the world or has it been started with a view to ensure that

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the work of exploitation in non-European countries which some of the nations have already started may go on smoothly and undisturbed? Sir, my friend, Mr. James, said in reply to certain remarks made by my friend, Mr. Satyamurti, that Mr. Satyamurti was wrong, because my friend from Madras stated that British Imperialism was one of the causes or provoking cause or a perpetual standing cause of the war in this world. I want to remind my friends over here that British Imperialism is certainly a perpetual cause, a standing provocation to the people to think in terms of war and not to think in terms of peace at all.

An Honourable Member: Public Enemy No. 1.

Mr. M. S. Aney: It is something like this. Some people think, why should their children not have more land or place in this world under the sun with plenty of food and riches so that they may also carry on the work of exploitation abroad as the sons of England are doing in India and Egypt today? When a nation is carrying on its nefarious work of this kind and yet passes itself off as an honourable nation, the others are bound to feel that there is something very advantageous in the game, and ask as to why they also should not have some share in the spoils? That is of course human nature. Those who really want peace must think that they at least should not be the cause of provoking or creating a wrong appetite of this nature in others. My friend, Mr. Satyamurti, has expounded this aspect of the matter very clearly, and I do not think my friend, Mr. James, has succeeded in convincing us that his contention was right. Sir, although we feel in this matter that much more rapid steps should have been taken, quick action should have been taken, vigorous action should have been taken, I am not prepared to withhold my consent for whatever the Government of India are doing in the matter, however reluctantly it may be. I do not want the House to understand that because we feel strongly for the niggardly manner in which the British Government have acted, we are going to withhold our consent to whatever the Government is doing here; we want them to act rapidly, quickly and vigorously and show their real sympathy, their active sympathy to those who are oppressed. If they really mean to end the war, they can do it, and we shall welcome peace, because in a peaceful atmosphere alone we think we shall be able to solve our problems also. In the quest of that peace we request them to be more vigorous and more active

An Honourable Member: More honest.

Mr. M. S. Aney: . . . and, as I am reminded by my friend, to be more honest. (Laughter.) With these words, I accord my reluctant support to the Bill.

Mr. M. Asaf Ali (Delhi: General): Mr. President, it is in the midst of conflicting feelings that I rise at this stage of the debate to take stock of the situation after the various speeches that have been delivered in the House. In so far as the Bill is concerned, all I need say is that it is about the most futile measure that I have ever come across in relation to a problem of such tremendous international magnitude.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Akhil Chandra Datta).]

But I would have welcomed it, Sir, if it had not proceeded with the Statement of Objects and Reasons which accompanies this Bill. I agree with the step which the Government of India propose to take in this connection in order to discharge a human obligation, or rather, India's obligation to humanity, and to civilization, but in so far, Sir, as our obligation under the Covenant of the League of Nations is concerned, I refuse to recognise it. Am I, as an Indian, alone to recognise the obligation which I owe to the League of Nations? Does not the League of Nations owe me an obligation?

An Honourable Member: Some consideration also.

Mr. M. Asaf Ali: I would just like to draw the attention of the House to the second Article of the Covenant of the League of Nations. The second Article, Sir, is that—any fully self-governing State, Dominion or Colony, not named in the Annexure, may become a member of the League if its admission, etc., etc. Sir, India became an original member of the League of Nations under circumstances which I shall try to describe presently. We became an original member of the League of Nations, presumably because at that time we were painted to the world as a self-governing country. Seventeen years have gone by, and does the League of Nations, even after all these 17 years, ever care to look into the working of the government of this country? Does the League of Nations realise that we have been doing our level best to try and tame the shrew of this irresponsible Government in this country, by the very means which the League of Nations is now proposing to apply on an international scale, namely, boycott and non-co-operation? I recognise, Sir, that this Bill is merely a vindication of the very principle on which we have been acting against the excesses, the aggression, the usurpation of, shall we say, the irresponsible Government of this country? Has the League of Nations ever taken note of this fact? No. Then, why should we be asked to recognise our obligation under Article XVI? Why jump over Article II? If the League of Nations is prepared to discharge its duty to us under Article II, we shall be only too glad to discharge our obligation under the other Articles. That is one point, but I welcome this measure for two reasons. Firstly, it has given us an opportunity to express our feelings with regard to what I should call international brigandage by Italy. Italy has constituted itself into a pestilence of civilisation today, and Ethiopia is fighting at the outpost of civilisation, not merely for its own freedom, but, I maintain, for the entire East, and there will not be found a single heart in the whole of Asia today which will not be burning with indignation at the shameless outrage that has been committed on those poor, helpless people, because, Sir, Italy feels that its former colleagues, its former allies are war wearied and they will not interfere, or, at any rate, if they interfere at all, they will interfere most carefully, and allow Italy to grab what she could not grab at the Varsailles Peace Conference.

Let me for one moment revert to the origin of our membership of the League of Nations. We became a member of the League of Nations at a time when the victorious Powers were trying to rob the vanquished powers of their colonial possessions. That could not be done very easily, in the

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ordinary way, because, unfortunately, at that time, President Wilson, an idealist, a moralist, a professor, a dreamer, was thinking in higher terms, and the victorians wanted to pacify him. They could not justify swallowing Togoland, the Cameroons, the Congo, and practically half of Africa without showing some sort of reasonable position as far as they themselves were concerned in their relationship to India. It was just before then that we received in India a message from His Late Majesty King George that we had the beginnings of Swaraj in India. When these very reforms were being introduced this message was received here. It was flashed across the whole world, and it was, under those circumstances, to pacify the powers of the world, that India was made a member, and an original member of the League of Nations. It was then that an Indian, a coloured man, became a Peer and he sat as Under Secretary of State for India in the House of Lords.

An Honourable Member: But they won't allow his son to sit there.

Mr. M. Asaf Ali: All these facts combined were made to present a wholly camouflaged state of affairs to the world, and this is how we became a member of the League of Nations. Every time we have put the question, —are we self-governing, are we entitled to be a member of the League of Nations, the answer has been,—“But your case is an anomaly. How you became a member of the League of Nations we do not know”. If we are not in our own right entitled to be a member of the League of Nations, where does the obligation come in? No obligation rests on our shoulders. We can easily say we, in our own right, are not a member of the League of Nations, whatever may be the constitution or composition of the League of Nations, whatever may be their methods, whatever may be their aim,—and my Honourable friend, Mr. Satyamurti, has thrown a flood of light on the subject from another angle of vision. Whatever may be their aims and objects, if we, in our own right, were a member of the League of Nations, perhaps it would be only proper to ask us to discharge our responsibilities under Article 16 of the Covenant of League of Nations. But that is not the position. A point was raised by my Honourable friend, Mr. James, in reply to my Honourable friend, Mr. Satyamurti's accusation, which has been partially met by my Honourable friend, Mr. Aney. Mr. Satyamurti maintained that it is the British Empire which is the greatest provocation to the other Great Powers. Let us try and examine the situation. Is it or is it not? Mr. James said: “No. The British Empire is the greatest factor in international affairs which makes for peace.” I do not deny for a single second that the British Empire is certainly exerting its influence in favour of peace. I do not deny for a single moment that England is trying her level best to secure peace. But the question is, will England, in the present circumstances, succeed? Can England ever succeed in securing the peace of the world? How can England succeed in securing the peace of the world when the other Great Powers of the world realise that England today possesses something like one-third of the entire world, that England's possessions are scattered in all the five continents of the world, that England's surplus population for many centuries to come can go and colonise in vast tracts of land and have vast resources at their disposal, and when the other Great Powers also realise that the British Empire, constituted as it is, is a complete guarantee and an insurance against centuries and centuries of multiplication of England's population? As against that, we find Great Powers like Germany, Italy, and Japan, which have almost

reached the saturation point. Their populations must come out of their country. They must have possessions and colonies from where they can draw their raw materials, and so on. Naturally they will turn to the British Empire and say: "Either you renounce your possessions, or you must allow us to have similar possessions in the world." They are only asking for "a place in the sun". I believe Germany started that expression, Italy used it and is using it today, and Germany will repeat it again. Can you get out of the situation, this international mess? Where is the way to peace? How can you get out of it? The result is morning after morning we find conferences after conferences are failing. Even this morning's news says, the Naval Conference has failed? Why? Because France will not agree to Germany coming in. Or, again, France is insisting on the terms of the Locarno Treaty. France is insisting on the demilitarised zone being kept, as it was agreed to be kept, under the Locarno Treaty. Therefore, there is difference between various nations of the world. We know that oil sanctions are useless. I can go on giving illustration after illustration, example after example to show that not a single effort which is being made by Great Britain today to secure the peace of the world, either through the League of Nations or otherwise, will succeed, because, to my mind, the League of Nations is nothing else than an annexe of the British Foreign Office, it is nothing more than that. It is perfectly useless to talk of the League of Nations as anything else. The League of Nations is nothing else than an annexe, not only of the British Foreign Office, but also, I think, partially, an annexe of the Quai D'Orsay, the French Foreign Office, and if only Italy were allowed a free hand in Abyssinia, probably Italy would be a third member of the family. Japan and Germany have already walked out of the League, and what are the other nations like? The Honourable the Finance Member was referring to 52 nations which have agreed to these sanctions, I believe. What are those 52 nations? Nations, poor, powerless, impuissant nations, of which we happen to be an unfortunate member. This is propaganda pure and simple. We know how Great Britain can carry on her propaganda during the war. It is nothing else today. It is nothing else but propaganda today. What is India today in her relationship to the League of Nations? A nullity, a cipher, nothing but a field from which Great Britain, in times of need, may draw raw materials and perhaps secure recruits. Nothing more than that. That being the situation, I really do not know whether we should agree to this Bill or not. After the Foreign Secretary's frank confession today—and I congratulate him on his candour—that he himself is a perfect cipher, that he is controlled by the British Foreign Office and that he only carries out the behests of the British Foreign Office, I almost feel that I must advise my Party today and request also other Members of the House to throw this Bill out, merely out of protest at this attitude of British Government.

An Honourable Member: We knew it before.

Mr. M. Asaf Ali: Yes, but this is the first occasion that we are allowed to express our feelings on this subject. You know very well that we are debarred from saying a single word which even smacks of relations with foreign countries. You know how Sir Aubrey Metcalfe gets up when there is even a suspicion of some sort in a reference to foreign relationship and says . . .

Sir Aubrey Metcalfe: I have not raised any objections today.

Mr. S. Satyamurti: It is because of the Preamble.

Mr. M. Asaf Ali: If for no other reason but this one, that even the Foreign Secretary who sits opposite to us, even though he is not so cordial as he might be at times and even though he does not take us into confidence independent as he may be, even he has not got any power whatsoever in so far as foreign relations in India are concerned with other countries—out of protest against that, we ought to throw this Bill out. But I am only afraid that our action might be misunderstood outside. We certainly want to express our sympathy with Ethiopia. Our heart goes out to those who are fighting to protect their hearths and homes and we may not oppose this measure if only for that one reason.

Finally, Sir, I should like to say one word about what my learned friend, Mr. Satyamurti, said earlier in the day about winding up John Bull and Co., Limited or Unlimited, as it might be. If Great Britain is really anxious for peace, let Great Britain realise that by keeping India helpless, as India is today, she is only increasing her own responsibilities. Supposing we possessed a navy of our own, had the control of our own foreign relations, and we were free as England is today, perhaps England would have found in India the staunchest ally in any war that might have broken out in the West or in the East, a war of aggression. What do you want to fight Italy for today? In so far as we are concerned, we might want to fight Italy for different reasons. We would love to, but what are you fighting Italy for? You are not fighting Italy on account of Ethiopia at all. You want to fight Italy in order to ward off a world war, but, Sir, allow me to say this. I see a world war coming, and I see the League of Nations crackling and going up in smoke. After the next world war, perhaps a new League of Nations may come into existence. So far as the present League of Nations is concerned, it is in its decay. All the factors which compose the League of Nations are almost in the process of disintegration this minute. Great Britain is anxious to utilise the League of Nations as its instrument to threaten Italy, because Great Britain's interests in the East are vast. We see all the Empire routes lie that way, but Great Britain is only facing Nemesis today. There was a time when Italy was encouraged to take a slice of Abyssinia. There was a time when Italy was encouraged to play the deserter in the Great War, when she was seduced from her alliance with Germany. There was a time when Italy was being encouraged as a sort of counterpoise to France's designs on Abyssinia. Why are you complaining against Italy today. Great Britain, France and Italy completed the coastal encirclement of Abyssinia. All the three of them were actually creeping in, each keeping the other in check. Today you happen to be war weary and Italy wants to take advantage of that fact. Why do you complain of it? It is sheer Nemesis. Nothing more. If you want to avoid war, if you want to really secure the peace of the world, then there is only one way out of it, and that is,—give up your imperialistic dreams, give up your imperialistic possessions.

Sir Aubrey Metcalfe: To whom?

An Honourable Member: To us.

Mr. M. Asaf Ali: I am not only addressing Great Britain. I am also addressing France. Republic or no republic, France is as imperialistic as Great Britain, perhaps in a worse way too. Unless imperialism disappears from the world, this great provocation will continue to exercise and inflame the minds of others who want to follow in the wake of these

great powers. However, in spite of all this, I will not oppose the Bill, although, after Sir Aubrey Metcalfe's speech, I honestly feel that we ought to mark our protest by some gesture or other, even if it is by throwing out this measure. I do not know what my leaders feel. We may consider this question at the division time. We may or may not challenge a division, but for the time being I do not commit myself either to support or reject the Bill.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural). I rise to oppose this Bill. It is my misfortune to find myself once more in Alice's Wonderland, and this time I find myself surrounded by a large number of "mad-hatters" who are further away from reality than even the dear old character in the original. I ask myself: what is all this pother about? It seems to me to be a very wholesome rule that this House should constantly be reminded of its inferior position and not permitted to discuss matters that concern His Majesty's relations with foreign Powers. When this subject was sought to be brought before the House at Simla, Member after Member was pulled up by the Chair on the ground that he was trespassing on a matter that was no concern of this House; and that even if it was, it was a matter in which the rules prohibited it to concern itself. I cannot understand how Members today have been able to say all that they have done! It was my desire, Sir, to ask for a ruling from the Chair whether a Bill like this could be brought up in the House at all; but, unfortunately, both at the time of its introduction and at the time of its being taken into consideration, I happened to be absent from this House. Sir, my simple question is this: Are we in a position to make an enemy of any country in this world? One enemy, that is, England, is strong enough for us! (Laughter.) We do not want to make any further enemies; and when we have cleared this enmity out of the field, we shall look after others. I cannot understand why, in our irritation against Mussolini, we should alienate the whole of the Italian people; and it is that consideration that makes me oppose this Bill. What is this Bill aiming at? Briefly, it is aiming at interfering with the individual freedom of many people in the country for which the Honourable the Commerce Member is so solicitous. I do not know whether the Honourable the Finance Member consulted him before he brought this Bill up before this House. Sir, the Honourable the Commerce Member, in opposing and criticizing many doings of us Congress-folk, has said that we interfere with the ordinary rights of buying and selling of many people in the land. When a verdict from the Congress goes out against Japanese goods or against British goods, it is supposed to be interference with individual liberty to sell and buy. But when this wonderful Government issues an Ordinance to the same effect—only not against England but against Italy—that is supposed to be the right thing to do! Also, Sir, I do not know whether the Finance Member is aware of the great latitude that the Home Member and the Law Member between them are giving to the Italian Consul-General in Calcutta to use His Majesty's post and many private presses to propagate a lot of literature which is best left unread. But one feature of that literature with which both my friend, Pandit Krishna Kant Malaviya, and myself are concerned, I would certainly like to bring to the notice of this House; and that is that the pamphlets, which the Consul General issues for the consumption of us all, do not bear the proper press imprint as required by law. The law requires that the publisher's name and the

[Mr. Sri Prakasa.]

printer's name should be clearly mentioned on each publication; and I make a present of the fact, that this is not done on those pamphlets, to the Honourable the Law Member; and if he thinks that it is necessary to take action against both the Consul General and his press, it would give great relief to most of us who would at least be saved from the trouble of opening these envelopes every third day! (Laughter.) Sir, what is more. I do not think Ethiopia is at all in need of the sympathy of an impotent people like ourselves; and I personally refuse to play into England's hands, simply because England, for some reason of her own, has got very angry with Italy. Sir, the action of the Government seems to me to be on a par with the action of many feudal lords in medieval France. You will remember, Sir, every serf had to go to his lord, kneel down before him, put his hands in his hands, and say: "I shall bear true fealty to you; I swear true allegiance to you; your enemy shall be my enemy and your friend shall be my friend". Sir, I refuse to become a willing serf of England today, though I may be forced to be an unwilling one because I happen to be born in this unfortunate country. I refuse to kneel down before England, put my hands into her hands and say to her: "your enemy shall be my enemy, and your friend shall be my friend". In fact, the case is just the contrary. So, Sir, my suggestion would be to let the Government act as it has been acting during the last few months by its power of Ordinances. It is no use their coming to us and saying: "let us put this Ordinance on the Statute-book and give the Governor General the right to terminate this law by a notification whenever he should like to do so". Sir, I would like the Government to stew in its own juice, to carry on the government of this country, as well as to regulate its relations with foreign powers, by Ordinances; and let it be responsible to itself for all it does. I do not understand why we should be tied hand and foot and forced to cry "ditto" to all that it does or says. Sir, all the talk indulged in in the House about this matter appears to me to be nothing but tall talk. When people wax eloquent against what the Italians are doing in Abyssinia, I ask: "Has Italy done anything in Abyssinia that England has not already done in this land of ours?" Sir, the shameful history of England's occupation of India, and of all that she has done during the last century and a half will not bear repetition; and so ashamed is the Government itself of it all that when a historical book is published giving the exact facts as they occurred, it is forthwith banned.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair].

Sir, the way in which the book "Bharat men angrezi Raj" (British Rule in India) has been treated is a good commentary on what I am saying. Let us not also forget that empires are not built in accordance with Mahatma Gandhi's doctrine of "Ahimsa". The old Sanskrit *sloka* (verse) will always stand true:

*"Nāchhivā para-marmāni,
Nākrivā karma dushkaram;
Nāhatvā mātaya ghātiva,
Prāpnōti mahatīm śhriyam."*

"Not without hurting the vitals of others,
Not without doing the direst of deeds,
Not without killing like veritable fishermen,
Can great power and wealth be built up."

If Italy, in the wake of England, is out to satisfy her ambition, it is not for England to say, through her representatives in this House, that Italy shall not do so. My Honourable friend, Mr. Satyamurti, who, I fear, got lost in his own eloquence, forgot that he is not sitting in a free House, but that he is sitting here on sufferance. He wants us to send a message of sympathy from the floor of this House through perhaps this Government

Mr. S. Satyamurti: I did not say that, Sir.

Mr. Sri Prakasa: Then, is it through the President? I say, Sir, that our sympathies should be sent through the Indian National Congress. The Congress is the only representative institution of the people and it is going to meet in a couple of months. The representatives of the people of this country can then send their message of sympathy, their burning message of love and affection, for the people of Ethiopia. Let us not forget that India and the Government of India are two different things. Anything done by the Government of this country is not necessarily in accordance with the wishes of the people. Conversely, anything done by the people of the country is not necessarily in accordance with the wishes of the Government. So, Sir, if we give our sympathy to this measure of Government, then the Government will be able to tell the world that it has the support of the Indian people. I submit it would be dangerous for us to allow the Government to have any chance of saying such a thing. The only use for us of international complications is that we should be able to utilize them to wrest our own freedom. The tangle that has been created by a quarrel between Italy and Ethiopia does not seem to be of a nature by which we can be enabled to break our own chains of slavery. When we are not able to help ourselves, Sir, in this country or help our own nationals abroad, when we ourselves are perpetually under the heels of this Government, when everyone of us is in constant danger of being shot or imprisoned or maimed or impoverished without any cause or provocation, how does it lie in our mouth to send out useless messages of sympathy to other suffering nations? And, what is more dangerous, by enacting laws of this sort, we might be alienating the sympathies of a people who might otherwise be our friends. Therefore, from every possible consideration, I feel that we should oppose this measure. Oppose it first of all because it comes from the Government and anything coming from the present Government of the country must be suspect; secondly, because it worsens the international situation and makes us parties to a line of activity which may be harmful for us; and, thirdly, because it has inside it an element of danger in the form of making enemies of a people who later on may prove to be our friends.

Mr. President (The Honourable Sir Abdur Rahim): Sir James Grigg.

Mr. Ram Narayan Singh (Chota Nagpur Division: Non-Muhammadian): Sir, does it mean that the debate is closed?

Mr. M. Ananthasayanam Ayyangar: Sir, I wish to speak before you close the debate.

Mr. President (The Honourable Sir Abdur Rahim): The Chair has called upon Sir James Grigg to speak.

The Honourable Sir James Grigg (Finance Member): Sir, this has been a somewhat long, diffused and spirited debate and perhaps I might be permitted to occupy the somewhat unusual role in this House of pouring oil not on flames but on troubled waters, and, in pursuance of that somewhat unusual role, I might remind the House that this Bill purports to deal with the prohibition of making certain loans and credits to Italy. The subject of this Bill has been mentioned only once, when my Honourable friend, Mr. B. Das, spoke and asked a lot of questions about remittances under the impression that remittance is the same thing as loan or credit. My Honourable friend, Mr. Satyamurti, asked a question which was distinctly relevant to the general position in regard to sanctions, though not perhaps to this Bill, and that was what was the position in regard to the provision of the Covenant relating to mutual support. Well, Sir, the position of the Government of India in that matter has been fully represented. We are to be fully represented on the Committee which has to discuss that subject, and I can assure the Honourable Member that the interests of India in the matter of compensation are being kept fully in mind. Nothing very much has happened yet about it because as far as I can make out, judging from the trade returns of this country, it is very difficult to prove that we have suffered a great deal of damage and the reason for that no doubt is that long before the sanctions became operative, the trade with Italy had already been reduced, owing to her own economic difficulties, to very small dimensions so that the necessity for mutual support so far as India is concerned is not yet very apparent. In any case I can assure the Honourable Member and the House that the position has been fully safeguarded as far as India is concerned. That, Sir, is all I need say. Most of the debate, as I say, has been on high politics and very little of it on the subject of the Bill. The House having had a field day, will now, I think, be willing to come to a decision on the subject of the Bill.

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

"That the Bill to prohibit the making of certain loans and credits be taken into consideration."

The motion was adopted.

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

"That clause 2 stand part of the Bill."

Mr. M. Ananthasayanam Ayyangar Sir, I beg to move:

"That to clause 2 of the Bill, the following *Explanation* be added at the end:

'Explanation.—Selling of gold shall constitute a form of loan for the purposes of this Act'."

Sir, I wish to know, if we sell gold to Italy what is it that we may get in return?

The Honourable Sir James Grigg: I rise to a point of order. How is selling of gold to Italy a loan?

Mr. President (The Honourable Sir Abdur Rahim): Selling is no loan. How does the Honourable Member say that his amendment is in order?

Mr. M. Ananthasayanam Ayyangar: What for do you sell gold? It is for stocks and shares in that country. Then, is it not a loan?

The Honourable Sir James Grigg: Certainly not.

Mr. M. Ananthasayanam Ayyangar: I am only trying by my amendment to explain my point. My point is that if gold is sold in exchange for articles of consumption or for articles, that may not be a loan. If it is sold otherwise for stocks or Government paper of that country, then it is a loan and nothing short of it.

Mr. President (The Honourable Sir Abdur Rahim): There is no mention of that in the Honourable Member's amendment.

Mr. M. Ananthasayanam Ayyangar: Well, Sir, the amendment may be a little too wide. I am prepared to modify the amendment by adding the words "except in case of purchase for goods and commodities".

Mr. President (The Honourable Sir Abdur Rahim): Is the Honourable the Finance Member willing to accept the modification?

The Honourable Sir James Grigg: No, Sir, because it seems to me that the Honourable Member is asking the House to stultify itself and to insert in a Bill a provision that the selling of gold shall be something which it obviously is not. The selling of gold for any value received cannot possibly be a loan and if you do not get any value for it it is not a loan, it is a gift.

Mr. President (The Honourable Sir Abdur Rahim): The Chair rules that this amendment is beyond the scope of this Bill.

Mr. M. Ananthasayanam Ayyangar: Sir, there is another amendment to clause 2 which I desire to move, regarding the exclusion of insurance premia from the scope of the Bill.

The Honourable Sir James Grigg: Sir, I do not know if the Honourable Member was present when I gave a perfectly explicit assurance about this and I thought at the time he expressed himself as satisfied. In my introductory remarks I read from the original press notice on the subject which shows quite conclusively that what he wishes to add is unnecessary. The notice says that customary settlements of account in connection with insurance contracts, stock exchange, railway clearings, etc., are not to be affected by the Ordinance. I do not know if the Honourable Member takes this too as a loan, but it is not.

Mr. M. Ananthasayanam Ayyangar: All the same, I want to move the amendment, because this assurance is worth nothing.

The Honourable Sir James Grigg: I have given a complete assurance that the amendment that is proposed to move is unnecessary. In the press communiqué, which explains this Bill, it is stated that the effect of the law is precisely what the Honourable Member wants it to be.

Mr. M. Ananthasayanam Ayyangar: My Honourable friend is not aware himself, and, therefore, he commits this mistake. Again and again the Courts of law have refused to look at the Statement of Objects and Reasons or the speeches on the floor of this House; much less will they care to look at the assurance of the Honourable Member. Evidently he had no occasion to place the matter before any Court of law. The Honourable the Leader of the House will tell him that his assurances are useless. I want to make it clear.

Mr. President (The Honourable Sir Abdur Rahim): If it is covered by the clause itself, what is the use?

Mr. M. Ananthasayanam Ayyangar: It is covered by the clause as it stands. I want to have it amended, so that the payment of insurance premia may not come within the mischief of the provisions of this clause.

The Honourable Sir Nripendra Sircar: Sir, my Honourable friend is perfectly right in saying that what we are stating here may not be used in a Court of law. But a further point remains, and that is the point of substance. The amendment says:

"Nothing in this Act shall be construed to affect or prohibit the payment of insurance premia to any Italian company doing business in India", etc.

How is that affected by clause 2? Would this clause 2 prevent the payment of insurance premia to any Italian company? The assurance is contained in clause 2 itself; we need not refer to the Finance Member's statement in this House. My Honourable friend, having moved his amendment, has to satisfy that, as a matter of fact, if this amendment is not moved he cannot pay any insurance premia to any Italian company. But I have clause 2 before me; how is it affected by the clause at all? If we put in an unnecessary exception which is not required at all it only confuses the consideration of the other clauses.

Mr. President (The Honourable Sir Abdur Rahim): That seems to cover insurance premia.

Mr. M. Ananthasayanam Ayyangar: The contract mentioned here is for the payment of a loan.

Mr. President (The Honourable Sir Abdur Rahim): It says:

"any contract made before the 18th day of November, 1935."

The Honourable Sir Nripendra Sircar: I think you are referring to sub-clause (3). What is prohibited is the making of or participating in the issue of any loan to the Government or any person not being a body corporate, etc. If I have taken out a policy and I have got to pay premium on the policy, it is not giving a loan to the company. I think, therefore, it is unnecessary.

Mr. M. Ananthasayanam Ayyangar: Sir, may I submit a few words? As regards the question of law, the Honourable the Leader of the House has agreed with me. As regards the substance, I submit that the Mover is more competent to say what it means than the Leader of the House. The Mover of this Bill and the person who is the author of this clause himself doubts about the payment of insurance premia.

The Honourable Sir James Grigg: The Mover of the Bill has said nothing of the sort.

Mr. M. Ananthasayanam Ayyangar: Then, why did you issue the communiqué?

The Honourable Sir James Grigg: It is not a communiqué, but an explanation.

Mr. President (The Honourable Sir Abdur Rahim): We have got to construe the words.

Mr. M. Ananthasayanam Ayyangar: We are legislating and it would be desirable to restrict the scope when doubt arose.

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions: Non-Muhammad Rural): What is the point under discussion? Is it the point of order or the question of the motion being discussed on its merits?

Mr. President (The Honourable Sir Abdur Rahim): The point is whether the subject-matter of the amendment is covered by the clause itself.

Pandit Govind Ballabh Pant: I will submit that it is for the House to decide whether the amendment is necessary or not. If the House considers that it is superfluous, it will decide not to put it in. If it is within the scope of the Bill, it is open to a Member to move that something which is obvious enough may be incorporated in the clause. If you look at sub-clause (3) of clause 2, you will find that contracts made prior to the 18th November, 1935, are taken out of the mischief of sub-clause (1) of clause 2. It says that these contracts will not be affected by the rest of this clause. That indicates that contracts can be affected by what is said in the text of the clause above. In these circumstances, if a man maintains that there is also some doubt about something else, I think, so long as it is within the scope of the Bill, he is entitled to move that amendment; and the House will consider whether the amendment need be put in.

The Honourable Sir Nripendra Sircar: I submit that it is for the Chair. As regards my Honourable friend, Pandit Govind Ballabh Pant's point, sub-clause (3) says:

"Nothing in this section shall be taken to prohibit the performance of any contract made before the 18th day of November 1935 . . .",

but all that is with reference to clause 2 which relates solely to loans. If there is a contract about loans prior to 18th November, 1935, that is safe. I will not repeat my argument, but the whole point is that nothing but the loan is covered by the clause.

Mr. M. Ananthasayanam Ayyangar: I have not been able to come across any judicial decision which refers to the exact nature of the transaction when a person pays a premium to a company. It may be said to be a loan or not. If by some chance some Judge of a High Court, and there are sixteen Judges in a High Court, comes to the conclusion that it is a loan, what should happen to the person that pays the premia?

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhamadan Rural): Sir, I wish to raise an important point, and, were it not for its significance as bearing on all the Bills before this House, I should not have thought it necessary to occupy your time. The question is not what assurance is conveyed to this House as to the true interpretation of a particular word or a term used in a Bill before the House, either by the eminence of my learned friend, the Leader of the House, or even, with great respect, any interpretation by you. The question is this: There is a Bill before the House in which certain terms are used. A doubt is conceived by a Member of the House whether or not a particular transaction would be covered by the language used, and it is entirely for the House, Sir,—and neither for the Leader of the House, nor for the Chair—to say whether an amendment which he seeks to put by which he hopes to except a particular transaction which it is now sought is already excepted or not covered by it.

Mr. President (The Honourable Sir Abdur Rahim): Supposing it is clear. If there is any doubt, the Chair quite agrees.

Mr. Bhulabhai J. Desai: The degree of clarity is always a matter of argument.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member contend that there is any doubt in this matter?

Mr. Bhulabhai J. Desai: With great respect, I wish to speak first on the first principle. Any amount of opinion expressed on a particular transaction, which is not covered by the language of the Act, is not sufficient to oust an amendment. That is my first submission. Once that is granted, I will next discuss whether this particular amendment comes within it or not. But I do want it made quite clear, with great respect, so that it may serve as a precedent for the future, that when any amendment is sought to be moved, its propriety cannot be judged by the fact that a particular opinion is entertained of its construction, when passed into law, because, when it is passed into law, any opinion expressed here would not assist the man who is within the mischief of that law, if otherwise more widely construed. I submit, therefore, that if a Member of the House entertains any doubt about it, while the House does not, the amendment would be thrown out, but so long as he does entertain a reasonable doubt, without which he would not wish to occupy the time of the House, he should be allowed to move the amendment. Now, in this case, the question relates to insurance premia. You would say, Sir, that "No person shall make, contribute to, participate in or assist in the making or issuing of any loan". But clause 2(1) (iii) refers to "any person wherever resident, being a body corporate incorporated under the law of any such territory", so that it is not as if the loan is merely a loan to the Government of Italy or even for the purpose of assisting the Government of Italy. It may be a loan to any person wherever resident, being a body corporate incorporated under the law of any such territory. Now, undoubtedly an Italian insurance company is a body corporate under the law of Italy. "Such territory" means Italy. There are many cases in which, though it is called a premium, interest runs on insurance premia when paid in advance. I know of numerous

cases, Sir, in which, if Rs. 5 are called for, more often than not, Rs. 8 are paid on terms that the Rs. 3 will carry interest. I submit with very great respect that in a matter of this kind, on a mere view that it is not covered or may not be covered, it is not proper to oust an amendment.

Mr. President (The Honourable Sir Abdur Rahim): The Chair simply wanted to know whether there is a question of interpretation.

Mr. Bhulabhai J. Desai: May I submit this? Supposing the loan was purely to the Government, or to any body corporate for the purposes of war or on any limitation of that kind, I should not have thought it necessary to occupy your time, but there is a point

Sir Cowasji Jehangir: Is not the premium a loan under certain conditions?

Mr. Bhulabhai J. Desai: It is.

Mr. President (The Honourable Sir Abdur Rahim): The Chair will now adjourn the House.

STATEMENT OF BUSINESS.

The Honourable Sir Nripendra Sircar (Leader of the House): I have already informed the House, Sir, that the consideration of the Report of the Public Accounts Committee will be put down for Monday after the presentation of the Railway Budget. Wednesday, as Honourable Members are aware, has been allotted for the General Discussion of the Railway Budget, and Friday is a holiday.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): May I ask the Honourable the Leader of the House whether he has considered our request for two additional days for non-official business this Session?

The Honourable Sir Nripendra Sircar: Sir, I have that in mind. The position is this. As the arrangement now stands, I believe, immediately after the Finance Bill, the Ottawa Pact will be taken up; I am quite willing to give two days, one for non-official Bills and another for non-official Resolutions, immediately after these two previous engagements are over. It is rather difficult for me to mention any date now; that we can discuss later on.

The Assembly then adjourned till Eleven of the Clock on Monday the 17th February, 1936.