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THE LEGISLATIVE ASSEMBLY DEBATES

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THIRD SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY, 1936



NEW DELHI
GOVERNMENT OF INDIA PRESS

Legislative Assembly.

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MR. M. S. ANNY, M.L.A.

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LEGISLATIVE ASSEMBLY

Tuesday, 21st April, 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.

SLOW SPEED OF LOCAL TRAINS ON THE EASTERN BENGAL RAILWAY.

1809. *Rao Bahadur M. O. Rajah (on behalf of Mr. R. S. Sarma): (a) Are Government aware that the local trains on the Eastern Bengal Railway are very slow and that they take two hours to cover the distance between Calcutta and Naihati?

(b) Are Government aware that the train service from Calcutta to Barrackpore is so slow that it takes one hour to reach Barrackpore, and that consequently traffic is diverted from the railways to the buses?

(c) If the answers to parts (a) and (b) be in the affirmative, what action do Government propose to take in the matter?

The Honourable Sir Muhammad Zafrullah Khan: (a) No. Local trains stopping at all of the twelve intermediate stations are allowed one hour for the run, and trains which omit certain stops do the run in a shorter time. The fastest time is 41 minutes, taken by two trains which have four intermediate stops.

(b) No. With seven intermediate stops the time taken approximates to 35 minutes and where certain stops are eliminated, the time taken is reduced in some cases to about 20 minutes.

(c) Does not arise.

DISMISSAL OF CERTAIN EMPLOYEES OF THE DELHI MUNICIPAL COMMITTEE.

1810. *Sirdar Jogendra Singh: (a) Is it a fact that the Delhi Municipal Committee dismissed about 20 employees, including one of its Assistant Secretaries and several senior clerks, on the 21st and 22nd January, 1935?

(b) Will Government state: (i) whether proper enquiry was held and proper charges laid against these persons; (ii) whether these persons were given an opportunity to produce their defence, as required by the rules in force; and (iii) if not, why not?

(c) Is it a fact that these persons were dismissed in connection with some irregularities pointed out by the auditors in their audit note in 1932?

(d) Will Government state whether action has been taken regarding all the irregularities pointed out in the audit note of 1932? If not, why not?

(e) Is it a fact that in order to punish the persons responsible for those irregularities, the Executive and Finance Sub-Committee delegated its powers to the Secretary?

(f) Will Government state the rules under which this delegation was made?

(g) Is it a fact that the Secretary only took two cases out of a number of irregularities pointed out by the auditor and the rest of the audit note of 1932 is still lying undisposed of?

(h) Why was action taken on the audit note piecemeal, when the Executive and Finance Sub-Committee definitely resolved and authorized the Secretary to bring all cases of irregularity after framing charges against the guilty persons, if any?

(i) Are Government prepared to enquire whether the Executive and Finance Sub-Committee will be prepared to go into the cases of these dismissed employees for themselves in order to see whether there has been any hardship on any individual?

(j) Will Government state the reasons why no action was taken on the audit objections of 1932, till the beginning of 1935?

Sir Girda Shankar Bajpal: With your permission, Sir, I shall answer questions Nos. 1810—1814 together.

The information is being collected and will be supplied to the House in due course.

DISPOSAL OF APPLICATIONS FOR THE CONSTRUCTION OF PRIVATE BUILDINGS IN DELHI.

†1811. ***Sirdar Jogendra Singh:** (a) Is it a fact that prior to 1930 all applications for the construction of private buildings in Delhi were decided by the majority of votes of the members of the Municipal Committee?

(b) Is it a fact that since 1931 the Senior Vice-President has been delegated, by the Municipal Committee, the sole power to dispose of all such applications? If so, has he exercised these powers?

(c) Will Government please state the number of cases so decided by the Senior Vice-President, Delhi Municipal Committee since this convention was established, viz., since 1931 up to date?

(d) Under which resolution of the Committee or Bye-laws has such delegation been made?

(e) Are Government prepared to lay on the table a copy of the resolution in question?

(f) Will Government be pleased to make it clear under what provisions of law in the Punjab Municipal Act are such powers delegated? If such powers are not so delegated, why is a reference to it made in the Annual Reports of the Municipal Committee for the years 1930-31, 1931-32 and 1934-35?

† For answer to this question, see answer to question No. 1810.

ORDERS FOR THE DEMOLITION OF BUILDINGS ISSUED BY THE DELHI MUNICIPAL COMMITTEE.

†1812. *Sirdar Jogendra Singh: (a) Has the attention of Government been drawn to an article published on page 7 in the *Hindustan Times* of Delhi, dated the 12th November, 1935, under the heading "Municipal Work Hampered—Bye-laws delays"? If so, what action has been taken?

(b) Will Government please lay on the table a statement showing the number of cases in which second applications were entertained after the orders for the demolition of buildings were issued during the years 1930-36?

(c) How many of the applications referred to in part (b) above were accepted, refused or rejected?

(d) Under what section of the Punjab Municipal Act are such applications dealt with? If these applications are not dealt with under the Punjab Municipal Act, why was this procedure adopted and why has the secretary written in his report that the law does not prevent this being done?

(e) Will Government please lay on the table a statement showing the number of cases since 1930 in which demolition orders were issued by the Municipal Committee? How many buildings were actually demolished as a result of the said orders since 1930?

ALLEGED CORRUPTION IN THE DELHI MUNICIPAL COMMITTEE.

†1818. *Sirdar Jogendra Singh: (a) Will Government state the action taken by them on the article published in the *Hindustan Times*, dated the 10th March, 1935, on pages 11-12, in regard to corruption in the Delhi Municipal Committee?

(b) How many files are missing in the Building Department of the Municipal Committee since 1930-35, and what action has been taken in the matter?

ALLEGED CORRUPTION IN THE DELHI MUNICIPAL COMMITTEE.

†1814. *Sirdar Jogendra Singh: (a) Has the attention of Government been drawn to the statement made by Rai Bahadur L. Sohan Lal in the *Hindustan Times*, dated the 24th March, 1935, on page 1, under the caption "Secretary's admission of corruption"?

(b) Is it a fact that the Secretary of the Municipal Committee, Delhi, blamed the city fathers for indirectly encouraging the staff to be dishonest?

(c) What action has been taken by Government against the Municipal employees and the Municipal Commissioners referred to in part (b) above? If none, why not?

ENFORCEMENT OF THE NEW PUNJAB MUNICIPAL ACT IN THE DELHI PROVINCE.

1915. *Sirdar Jogendra Singh: Do Government intend to enforce the New Punjab Municipal Act in the Delhi Province?

Sir Siris Shankar Bajpai: The Honourable Member presumably refers to the Amending Act of 1933. The matter is under consideration by the Chief Commissioner.

**JUDGMENT OF THE BOMBAY HIGH COURT REGARDING LEGAL RIGHTS OF THE
DRAWEE OF A "SHAH JOG" HUNDI.**

1816. ***Mr. Lalchand Navalrai:** (a) Will Government be pleased to state if their attention has been drawn to the proceedings of the Ninth Annual Session of the Federation of Indian Chambers of Commerce and Industry held on the 4th April, 1936, at Delhi, where they invited the attention of Government to the judgment of the Bombay High Court in suit No. 891 of 1928, delivered on the 27th September, 1933, regarding legal rights of the drawee of a 'Shah Jog' Hundi?

(b) If so, what steps do Government propose to take with regard to the practice which discharges the liability of such drawee, irrespective of the number and nature of endorsements on such Hundi?

The Honourable Sir James Grigg: (a) Government have not yet received a copy of the proceedings referred to.

(b) Does not arise.

RE-EMPLOYMENT OF THE NORTH WESTERN RAILWAY STRIKERS.

1817. ***Maulvi Syed Murtaza Sahib Bahadur:** (a) Is it a fact that the North Western Railway strikers of 1925 were ordered to be re-engaged, vide Railway Board letter No. 220-F.O., dated the 28th April, 1930?

(b) Is it a fact that most of the strikers from amongst the drivers and shunters were re-engaged under this order?

(c) Is it a fact that a certain number of them were medically re-examined and found fit for re-employment but were not absorbed due to retrenchment having started in 1930?

(d) Is it a fact that they recently submitted an application to the Railway Board, complaining that Great Indian Peninsula Firemen strikers of 1930 have been employed by the North Western Railway while their own strikers are waiting for employment?

(e) If so, are Government prepared to consider the hardships of the North Western Railway strikers and engage them in preference to others and issue instructions to the Agent on the above subject?

The Honourable Sir Muhammad Zafrullah Khan: I am collecting information and will lay a reply on the table of the House, in due course.

**EXEMPTION OF CLERKS OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI,
FROM THE OPERATION OF THE CONTRIBUTORY PROVIDENT FUND RULES.**

1818. ***Mr. Muhammad Anwar-ul-Azim:** (a) Are Government aware that there prevails great discontent among the clerks of the Government of India Press, New Delhi, who were appointed after 15th July, 1920, on the pensionary status and now have been placed on a Fund basis by Government without obtaining their consent for the conversion of pension into Contributory Provident Fund?

(a) Is it a fact that questions have been put in this House for a long time for the exemption of clerks of the Government of India Press, New Delhi, appointed after 15th July, 1920, from the operation of the Contributory Provident Fund Rules, which are only intended for technical employees of the Government of India Presses?

(b) Is it a fact that the conditions of service of the members of the clerical staff in the Government of India Presses are on a different footing from that of the industrial staff and that the pay, working hours and leave, etc., etc., of the latter are regulated by various rules other than those applicable to the former?

(c) If the reply to part (b) be in the affirmative, will Government please refer to the Honourable Member's reply to unstarred question No. 245, dated the 25th March, 1935, and state what administrative inconvenience would have been felt had the clerks of the Government of India Press, New Delhi, been exempted from the operation of the Contributory Provident Fund Rules, which are mainly intended for technical specialists?

(d) Are Government aware that the scales of pay of the clerks of the Government of India Press, New Delhi, are so low that they hardly manage to support their families and that another cut in the shape of Contributory Fund has been effected, which has made their position from bad to worse? If so, are Government prepared to reconsider the cases of the clerks of the Government of India Press, New Delhi, and bring them to the pensionary status which they originally held, or give them the option of remaining in either categories?

The Honourable Sir Frank Noyce (a) New Delhi, 18th June 1934

(a) A few questions were asked relating to the admission of clerks in the Government of India Presses to the benefits of the Contributory Provident Fund but I am unable to trace any question regarding the exemption of clerks of the Government of India Press, New Delhi, from the operation of the Contributory Provident Fund Rules.

(b) Yes, in certain respects.

(c) I invite the attention of the Honourable Member to the reply given by me in the Legislative Assembly on the 30th August, 1934, to part (a) of unstarred question No. 116 asked by Kunwar Hajee Ismail Ali Khan.

(d) The answer to both parts of the question is in the negative.

NON-GRANT OF CERTAIN HOLIDAYS TO THE EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

1819. *Mr. Muhammad Anwar-ul-Asim: With reference to Government's reply to unstarred question No. 242, dated the 25th March, 1935, is it a fact that during the time from April to October most of the local important holidays notified by the Chief Commissioner, Delhi, are not granted to the employees of the New Delhi Press? If so, why has this concession been denied to the employees, while the Government of India offices are at Simla?

The Honourable Sir Frank Noyce: As I stated in reply to unstarred question No. 242 on the 25th March, 1935, the staff are allowed from April to October the gazetted holidays prescribed for local offices by the Chief Commissioner. These cover the more important holidays observed in Delhi in the period and the latter part does not arise.

SEPARATE SCALES OF PAY SANCTIONED FOR THE CLERKS OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

1820. ***Mr. Muhammad Anwar-ul-Asim:** With reference to their reply to unstarred question No. 244, dated the 25th March, 1935, will Government please state whether there is any Government office permanently located in Delhi, in which the pay of the staff is neither regulated with reference to the pay admissible to the offices under the Central Government, nor according to the employees of the offices under the Provincial Government of Delhi? If not, will Government be pleased to state why separate scales of pay have been sanctioned for the clerks of the Government of India Press, New Delhi, appointed before 15th July, 1931?

The Honourable Sir Frank Noyce: I am unable to understand the reference made in this question to the reply given by me to unstarred question No. 244 and have not the particulars relating to the scales of pay of all the Central and Provincial offices permanently located in Delhi to enable me to answer the first part of the question. So far as the Government of India Press, New Delhi, is concerned, two separate scales of pay for clerks were sanctioned in 1927 with due regard to the nature of duties performed by them.

HOLIDAYS FOR THE OBSERVANCE OF RELIGIOUS FESTIVALS IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

1821. ***Mr. Muhammad Anwar-ul-Asim:** (a) Will Government please state whether holidays are granted to the staff for the observance of religious festivals or in consideration of the fact that there is no pressure of work in the offices?

(b) Is it a fact that on the 2nd April, 1936, an order was issued in the office of the Director General of Posts and Telegraphs to the effect that no clerk of any section would be permitted to avail of any holiday, if there are arrears in that section?

(c) If the reply to part (b) be in the affirmative, will Government kindly state the authority of the said order and whether similar orders are prevalent in any other Departments of the Government of India? If so, which are those Departments?

Mr. G. V. Bewoor: (a) Holidays are granted for certain religious and other occasions and not because work at any particular time is light. They, however, depend upon the exigencies of the public service and may, on occasions, be stopped if the state of work so requires.

(b) The fact is not as stated by the Honourable Member.

(c) Does not arise.

CONTRACTOR FOR THE SALE OF FRUITS, ETC., ON THE DELHI RAILWAY STATION.

1822. ***Dr. Ziauddin Ahmad:** (a) Has the attention of Government been drawn to the fact that the Railway administration has given a contract of most of the articles—fruit, betel-leaf, sweetmeats, and ice, etc.—at Delhi Station to a contractor who does not reside in Delhi?

(b) Are Government aware that he sells fruit at a price 50 per cent. higher than the market price?

(c) Is it not a fact that the attention of the Station Master was drawn to it and that this high price still prevails?

(d) Are Government prepared to give the contract direct to fruiterers and help the travelling public in saving high profit of middlemen?

(e) Is it not a fact that the same absentee contractor has the contract for ice on the East Indian Railway as well?

The Honourable Sir Muhammad Zafrullah Khan: (a) The license for selling fruit, betel leaves, and ice (during the hot weather) is held by Captain Kunwar Deep Chand and that for sweetmeats by Messrs. S. L. Kapoor & Co., Government are informed that both these licensees reside mostly at Delhi and supervise their business.

(b) The licensee has instructions to sell fresh fruits at the rates shown in the rate lists which are issued weekly after the rates have been ascertained from the local civil authorities.

(c) Government understand that since weekly rate lists were introduced, the Railway Administration have not received any complaints regarding exorbitant rates being charged.

(d) The rate lists show Delhi prices and it would make no material difference, so far as the charges are concerned, as to who sells fruit.

(e) Government have no information.

Dr. Ziauddin Ahmad: As regards part (b), I examined myself the rates the licensee has instructions to sell fruit at the rates prevailing in the and found a difference of 50 per cent., and I had this fact recorded by the Station Master of Delhi.

The Honourable Sir Muhammad Zafrullah Khan: That only means that there is a difference of 50 per cent. between the rates in the market and the rates supplied by the civil authorities.

Dr. Ziauddin Ahmad: With regard to the rates at the market and the rates at which articles are sold at the railway station, there is a difference of 50 per cent.

The Honourable Sir Muhammad Zafrullah Khan: I have not said that the licensee has instructions to sell fruit at the rates prevailing in the bazar. I have said that he has instructions to sell fruit at the rates shown in the rate lists which are issued weekly after the rates have been ascertained from the local civil authorities.

Mr. S. Satyamurti: But what is the point? Why should not fruits be sold at the Delhi railway station, at the market price?

The Honourable Sir Muhammad Zafrullah Khan: As I have said, the market price is ascertained from the local civil authorities, and that is put up as the rate at the railway station and the contractor has got to sell in accordance with that. If it happens that the Honourable Member who has put down the question has asked for the price of oranges, for instance, at the railway station and finds that oranges are being sold cheaper in the market, it does not necessarily follow that they are the same quality of oranges or that there were not other factors operating in favour of the oranges sold at the railway station.

Mr. S. Satyamurti: Will Government inquire, and find out whether there is a difference between the price list issued by the civil authorities and the market price, and if so, why?

The Honourable Sir Muhammad Zafarullah Khan: I do not propose to make any inquiry. I understand that the civil authorities are responsible for keeping a normal rate for different commodities and that normal rate is being accepted every day. What suggestion would the Honourable Members make? Would they suggest that the Station Master should go out into the bazar every morning and find out at what price things are being sold and enforce those rates at the railway station every day? I submit that the present is a fair arrangement.

Dr. Ziauddin Ahmad: But what does the phrase "civil authorities" mean? Is it the Tahsildar or the Deputy Commissioner?

The Honourable Sir Muhammad Zafarullah Khan: I should imagine it would be the Deputy Commissioner, but I shall find out if the Honourable Member will give me notice.

DEFALCATIONS DISCOVERED AT QUETTA GRASS FARM.

1823. ***Sardar Sant Singh:** (a) Is it a fact that serious defalcations have been discovered at Quetta Grass Farm? If so, was any Court of Enquiry appointed by Government to look into the matter?

(b) If the reply to part (a) be in the affirmative, was any report submitted by the Court of Enquiry? Are Government prepared to lay the same on the table of the House?

(c) What were the recommendations made by these Courts of Enquiry? Have they been given effect to?

(d) Is it a fact that high officials of the Military Department were involved in the defalcations? If so, what were their names and positions in the department? How many of them were Indians and how many Europeans?

(e) Were any persons prosecuted? If so, how many, and on what charges, and with what result?

(f) Is it a fact that some Indian employees of the Farm made confessions of a very serious nature, yet they were not prosecuted? If so, what are their names, and how has the department dealt with them?

Mr. G. R. F. Tottenham: The Honourable Member is fully aware that the defalcation referred to took place several years ago and were the subject of a number of complicated enquiries and trials. To answer his question in detail would require the examination of a large number of old papers, but I will lay a further reply on the table in due course if the Honourable Member particularly wishes me to do so.

Mr. S. Satyamurti: Did this matter come before the Military Accounts Committee, or the Public Accounts Committee at any time?

Mr. G. R. F. Tottenham: This matter was referred to in the Military Accounts Committee last year.

Mr. S. Satyannath: And did the Public Accounts Committee direct any action to be taken in this matter?

Mr. G. R. F. Tottenham: Not so far as I am aware.

Sardar Sant Singh: Is it a fact that some of those persons who confessed their guilt were retained by the Department for a very long time and they have been granted pensions and are still enjoying pensions?

Mr. G. R. F. Tottenham: Not that I am aware of, but I must look into the old papers to answer that correctly.

Sardar Sant Singh: Will the Honourable Member look into the papers and lay the additional information on the table?

Mr. G. R. F. Tottenham: Yes, Sir, I will do so.

RECRUITMENT FOR POSTS IN THE OFFICE OF THE SUPERVISOR OF RAILWAY LABOUR AND OF THE INSPECTORS OF RAILWAY LABOUR.

1824. **Mr. Lalchand Navarai:** Will Government be pleased to state:

- (a) how recruitment for posts in the office of the Supervisor, Railway Labour and of the Inspectors of Railway Labour, is made;
- (b) if it is not made through the Public Services Commission, what the reason is;
- (c) how much the Inspectors of Railway Labour draw?
- (d) the qualifications of the Inspectors of Railway Labour; whether they were taken up in service in virtue of some fixed qualification, or at the sole discretion of the appointing authority; and
- (e) whether Government propose to assign this business to the Public Services Commission; if not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) The present position is as follows:

Office of the Supervisor of Railway Labour.—Public Service Commission for direct recruitment, although Railway servants from other offices or Railways may occasionally be drafted in.

Inspectors of Railway Labour.—By selection from other Railways or the office staff, otherwise by selection from outsiders.

(b), (c) and (d). It is considered that Inspectors of Railway Labour should have some technical knowledge of railway conditions and on occasions when Inspectors have been recruited from outside some preliminary training has been found necessary. Scales of pay, old Rs. 150—20/3/310, and new Rs. 130/15/3/250.

(e) No, as the existing method of recruitment has been found satisfactory.

ALLIANZ UND STUTTGARTER LIFE INSURANCE BANK, LIMITED.

1825. **Prof. H. G. Banga:** Will Government please state the section and the Act under which the Allianz Und Stuttgarter Life Insurance Bank, Limited, Delhi is incorporated as a Joint Stock Company in India?

The Honourable Sir Muhammad Zafrullah Khan: The Company is not incorporated in India.

ALLIANZ UND STUTTGARTER LIFE INSURANCE BANK, LIMITED.

1826. ***Prof. N. G. Ranga:** Will Government please state the section and the Act under which the Allianz Und Stuttgarter Life Insurance Bank, Limited, Delhi is permitted to carry on life assurance business in India?

The Honourable Sir Muhammad Zafrullah Khan: With your permission, Sir, I shall reply to questions Nos. 1826 and 1827 together.

The Company can carry on business in India and effect policies in India as it complies with the provisions of the Indian Life Assurance Companies Act, 1912.

ALLIANZ UND STUTTGARTER LIFE INSURANCE BANK, LIMITED.

1827. ***Prof. N. G. Ranga:** Will Government please state the section and the Act under which the Allianz Und Stuttgarter Life Insurance Bank, Limited, Delhi is empowered to effect life policies in India?

ALLIANZ UND STUTTGARTER LIFE INSURANCE BANK, LIMITED.

1828. ***Prof. N. G. Ranga:** (a) Will Government please state whether the reply to unstarred question No. 593 asked in this House on the 7th April, 1936, in any way contravenes the statement made by the Registrar, Joint Stock Companies, Delhi, in his letter No. 6519/M./35-J. S. C., dated the 24th November, 1932, reading:

"It has been ascertained that the Allianz Und Stuttgarter Life Insurance Bank, Limited, has deposited with the Controller of Currency, Calcutta, a security of Rs. 2,00,000 under the Indian Life Assurance Companies Act, 1912"?

If so, what action do they propose to take against the official who has given incorrect information, and if none, why not?

(b) Will Government now give the requisite information? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) The reply to the first part is in the negative. The latter part does not arise.

(b) Does not arise.

ALLIANZ UND STUTTGARTER LIFE INSURANCE BANK, LIMITED.

1829. ***Prof. N. G. Ranga:** Will Government please state whether the reply to unstarred question No. 593 asked in this House on the 7th April, 1936, is in direct contradiction of the statements made by the Actuary to the Government of India in his letters:

(i) No. 166-1 (S), dated the 12th November, 1932, reading:

"I have to inform you that the company has, in compliance with section 11 of the Indian Life Assurance Companies Act, 1912, submitted its returns for the year 1931 to Government,"; and

(ii) No. 168-1 (5), dated the 6th December, 1932, reading:

"that the returns of the Allianz Und Stuttgarter Life Insurance Bank, Limited, for the years 1929 and 1930, were duly received by the Government"?

If so, what action has been taken against the official concerned for supplying inaccurate information; and if none, why not?

The Honourable Sir Muhammad Zafrullah Khan: The reply to the first part is in the negative. The latter part does not arise.

ALLIANZ UND STUTTGARTER LIFE INSURANCE BANK, LIMITED.

1830. *Prof. N. G. Ranga: (a) Has the attention of Government been drawn to the letter No. 168-1 (5), dated the 12th November, 1932, from the Actuary to the Government of India reading:

"The Allianz Und Stuttgarter has made deposit of securities of the maximum amount prescribed in section 4 of the Act"?

If so, how have Government based their reply to unstarred question No. 598, asked in this House on the 7th April, 1936, in the negative and what action have they now taken against the official who supplied the wrong information? If none, why not?

(b) Will Government now furnish the accurate information asked for in that question? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) There was no inaccuracy in my reply to question No. 598 given on the 7th April, 1936. The latter part of the question does not arise.

(b) Does not arise.

ESTABLISHMENT OF A CENTRAL ADVISORY COUNCIL FOR RURAL RECONSTRUCTION.

1831. *Prof. N. G. Ranga: (a) Will Government be pleased to state:

(a) whether there is any Central Department whose duty it is to co-ordinate, advise and assist the Provincial Departments of Co-operation and Rural Reconstruction and Village Panchayats;

(b) if there is none, whether they are prepared to consider the advisability of setting up a Central Advisory Council for Rural Reconstruction?

Sir Girja Shankar Bajpai: (a) and (b). Government have not so far felt the need for special machinery at the Centre of the nature suggested by the Honourable Member. Such assistance as the Provinces have, from time to time, needed has been supplied by the Departments of the Central Government concerned. Should circumstances, in the future, necessitate the creation of a central organisation to deal with rural reconstruction, the Government of India will not hesitate to take such action as may appear to them to be suitable.

Prof. N. G. Ranga: In view of the fact that Government are themselves distributing large sums of money,—one crore last year and one crore and 80 lakhs this year,—on the rural development grant and Government are obliged to scrutinise the various schemes on which the various provinces are expected to spend those grants, will Government consider the advisability of taking definite steps to establish this rural reconstruction board for supervising the activities of these various provinces and also co-ordinating them?

Sir Girja Shankar Bajpai: That recally is the significance of the latter part of my answer, namely, "if circumstances necessitate the creation of a Central Organisation". We await the reports of Local Governments as to how the grants that were made to them last year have been spent and in the light of those reports we shall consider whether the creation of some machinery is desirable.

Mr. S. Satyamurti: Has the attention of Government been drawn to the fact that in several provinces co-operation has really failed to achieve its purposes, especially in rural parts, and have Government at any time examined, or do they propose to examine, the causes of this failure and try to evolve some machinery of an all-India nature, by which the benefits of co-operation, as they are intended to reach, will reach the real masses of the people of this country?

Sir Girja Shankar Bajpai: Both the Honourable the Finance Member and I have answered questions regarding the special duty of Mr. Darling. He went round the provinces, I think, last year or the year before—I am not sure—in particular to enquire into the question of the condition of the co-operative movement in the provinces, and he made certain recommendations which have already been communicated to Local Governments.

Mr. S. Satyamurti: Do Government realise the supreme need of laying down some lines of an all-India nature for rural re-construction, which is the most important problem facing the Government and people of the country today, and will they consider the evolution of a proper machinery, without interfering with the provincial autonomy spheres, that will at least offer them advice, co-operation, initiative, encouragement, and so on?

Sir Girja Shankar Bajpai: I have attempted to answer that question in reply to my Honourable friend, Prof. Ranga, to the effect namely, that we propose to scrutinise the reports submitted by Local Governments of the manner in which they have spent the grant that was placed at their disposal last year for purposes of rural reconstruction, and it may be that as a result of that scrutiny we shall find that some such organisation is necessary.

Mr. S. Satyamurti: In addition to that, will Government take up this question of general rural reconstruction, whether the money is advanced from the Government of India or by Provincial Governments, in order to lay down certain healthy and sound lines of progress in that direction, and have they not received one report already or one set of reports?

Sir Girja Shankar Bajpai: I think in this particular case, answering the general question of my Honourable friend, that we can best proceed from the particular to the general rather than from the general to the particular. I believe that reports are coming in now from Local Governments. The report on which the memorandum which the Honourable the Finance Member placed on the table of the House last September was based was merely an indication of the schemes on which expenditure was being incurred, not exactly a report as to how the expenditure had been incurred.

Mr. S. Satyamurti: How long do they propose to wait?

Sir Girja Shankar Bajpai: I do not think very long, a few weeks at the most.

ESTABLISHMENT OF A CENTRAL ADVISORY COUNCIL ON PUBLIC HEALTH.

1832. ***Prof. N. G. Ranga:** Will Government be pleased to state if they are contemplating the establishment of a Central Advisory Council on Public Health to advise, co-operate, assist and stimulate the Provincial Governments in fighting malaria, small-pox, plague and other epidemics?

Sir Girja Shankar Bajpai: A scheme for the establishment of a Central Medical and Public Health Advisory Board has been under consideration for some time, but it has not been found possible so far to set it up for reasons of financial stringency. The Government of India also wish to have some experience of the working of the Central Advisory Board of Education before proceeding further in this matter.

Mr. S. Satyamurti: Has any estimate been made of the financial commitments of setting up a Central Advisory Council?

Sir Girja Shankar Bajpai: Yes, Sir. The actual expenditure in the first year was estimated at something like Rs. 35,000.

Mr. S. Satyamurti: And do Government seriously consider that they cannot find Rs. 35,000 for a Central Advisory Council on Public Health?

Sir Girja Shankar Bajpai: The attitude of Government in the past, at any rate until the very recent past, has been to limit expenditure as much as possible and not to extend into new services. I hope that the position might be easier in the near future.

Mr. S. Satyamurti: But do Government realise that malaria alone in this country is responsible for a wastage of human life which no Government ought to tolerate, and will Government, therefore, expedite considering this question of starting a Central Advisory Council on Public Health, in order to see that some good progress is made in fighting these scourges of malaria, small-pox, plague and other epidemics, as soon as they can?

Sir Girja Shankar Bajpai: I think my Honourable friend may rest assured that this question has not been lost sight of in the past and is not likely to be lost sight of in the future. We will certainly take it up in connection with the next year's budget.

Prof. N. G. Ranga: Will Government consider the advisability of introducing a substantial element of representatives of peasants and workers, who are interested in this particular matter, in this Advisory Council when it comes to be established?

Sir Girdja Shankar Bajpai: My Honourable friend's suggestion will be borne in mind.

ESTABLISHMENT OF A CENTRAL ADVISORY COUNCIL FOR RURAL RECONSTRUCTION.

1833. ***Prof. N. G. Ranga:** (a) Will Government be pleased to state what steps they propose to take to advise, assist and encourage Provincial Governments to improve the dietary conditions of the masses, the drinking water supply facilities, sanitary conveniences for villagers and primary and adult educational facilities for the rural people?

(b) Are Government prepared to set up, at an early date, a Central Advisory Council for Rural Reconstruction to discharge these functions?

Sir Girdja Shankar Bajpai: (a) and (b). I would refer the Honourable Member to the answer given to his question No. 1831 just now.

Mr. S. Satyamurti: Are any experiments being carried on now on behalf of the Government of India or Provincial Governments, with regard to the dietary condition of the masses of this country?

Sir Girdja Shankar Bajpai: I would ask my Honourable friend to refer to the speech which I made in this House on the Finance Bill in reply to some observations of Dr. Rajan. Work has been going on for some time at Coonoor under the auspices of the Government of India.

Mr. S. Satyamurti: Have any practical results been achieved—I am particularly asking whether the Government of India have ever published any chart or table giving the standard diet for an average Indian which he can buy within the means at his disposal, and yet live a healthy life?

Sir Girdja Shankar Bajpai: If my Honourable friend would refer to the speech to which I referred just now, he will find that I have stated the exact position. I can repeat for my Honourable friend's information that a number of books have been published.

Mr. S. Satyamurti: Have Government published anything in the languages of the country and made them available to the people, perhaps by their broadcasted addresses, and told them how they can, within the limited means at their disposal, spend their money better and more efficiently on their diet?

Sir Girdja Shankar Bajpai: A standard diet has been worked out as a result of experiments and according to my recollection, pamphlets in the vernacular have been published, certainly in the Bombay Presidency. Whether they have been published elsewhere, I cannot say.

Mr. S. Satyamurti: Will Government make enquiries whether the results of these experiments are being popularised in the various provinces, in the languages of the country?

Sir Girja Shankar Bajpai: I shall certainly enquire into that.

Mr. S. Satyamurti: Have Government made any survey, or will they make a survey, of villages in this country for which there are no drinking water-supply facilities, even today on any adequate scale, or on any scale at all?

Sir Girja Shankar Bajpai: I submit that that is primarily a matter for Local Governments, but I shall have the suggestion passed on to them.

Mr. S. Satyamurti: I am simply asking whether—I am not asking for action to be taken—the Government of India will call for reports from the Provincial Governments, so that we may have some information in regard to the whole of this country as to how many thousands of villages there are even today, without any provision for drinking water-supply?

Sir Girja Shankar Bajpai: I have already informed my Honourable friend that I shall take up the matter with Local Governments.

Mr. S. Satyamurti: Are there any villages where any sanitary conveniences have been provided for by local or provincial authorities?

Sir Girja Shankar Bajpai: I believe that in some provinces—at any rate as a result of the grant that we made last year—the construction of wells has been taken up.

Mr. S. Satyamurti: Have Government received any report that it has been done in any village?

Sir Girja Shankar Bajpai: I answered that in reply to the earlier question; we are getting reports now; they are not yet complete.

Mr. S. Satyamurti: Have they received any reports, which they have examined so far, according to which any of these sanitary facilities has been provided in the villages of this country?

Sir Girja Shankar Bajpai: I daresay that the subordinate officers and departments have been scrutinising these reports. I have not read any myself yet.

Mr. S. Satyamurti: Is there any report available to Government, with regard to adult educational facilities anywhere in this country?

Sir Girja Shankar Bajpai: The Quinquennial Review which the Educational Commissioner with the Government of India issues contains information on this point. I shall obtain the latest available copy for my Honourable friend and supply it.

Mr. S. Satyamurti: Are Government aware whether in any province there is any provision made for adult education—I am using that phrase in its well understood sense, apart from primary education?

Sir Girdja Shankar Bajpai: My recollection is that certainly in the Punjab experiments were made for the purpose of providing facilities for adult education. Whether they have been successful or not, I cannot say.

Prof. H. G. Ranga: Was any attempt made by Government to consult Mahatma Gandhi who has been making very great experiments in the dietary conditions of the people and also in providing sanitary conveniences, and if they have not already consulted him, will Government consider the advisability of consulting him, because he is more in touch with the rural needs of the masses of this country than any officer or all their officers (Opposition benches "Hear, hear.")

Sir Girdja Shankar Bajpai: That question has been answered by Honourable Members of the front bench before.

Sir Muhammad Yakub: Have the Government of India any scheme to give adult education to Members of the Indian Legislature? (Laughter.)

Mr. S. Satyamurti: You need it, more than anybody else!

May I ask whether, in providing all these facilities mentioned in clause (a) of the question, the Government will consider taking the help and the support of Mahatma Gandhi's Village Industries Association?

Sir Girdja Shankar Bajpai: It seems to me that it is a matter really for Local Governments at whose disposal these funds have been placed for the purpose.

Mr. S. Satyamurti: Will Government then withdraw their Circular and leave it free to Local Governments to co-operate with this Association as and when they choose?

(No reply.)

Mr. S. Satyamurti: May I not have an answer, Sir?

Mr. President (The Honourable Sir Abdur Rahim): There is evidently no answer.

COMMUNAL COMPOSITION OF CERTAIN MILITARY SERVICES.

1834. ***Maulvi Syed Murtuza Sahib Bahadur:** (a) Will Government be pleased to state the strength of upper and lower division class in the Military Engineering Service, Indian Army Corps, Indian Army Ordnance Corps, Military Grass Farms, Royal Indian Army Service Corps, Military Remount Depot in the four Commands in India?

(b) What is the number of Europeans, Anglo-Indians, Hindus, Muslims, Indian Christians, and the Sikhs?

(c) What is the strength of sub-divisional officers, superintendents, electrical and mechanical, overseers, storekeepers, draftsmen in the Military Engineering Service and what is the number of the above said communities serving in these services?

(d) Is the Home Department circular regarding the representation of minority communities being acted upon in the said departments? If not, why not?

Mr. G. R. F. Tottenham: With your permission Sir, I will answer questions Nos. 1834, 1836, and 1837 together. Information has been called for and will be placed on the table in due course.

HOME DEPARTMENT CIRCULAR RE REPRESENTATION OF MINORITY COMMUNITIES.

1835. ***Maulvi Syed Murtuza Sahib Bahadur:** Will Government be pleased to state whether the Home Department circular regarding representation of minority communities is being complied with in the public services?

The Honourable Sir Henry Craik: I have no reason to suppose that the orders are not being followed. If there are any instances of non-compliance with the orders, they will be brought to light by the annual returns, regarding which I would invite attention to my reply to part (c) of the Honourable Member's question No. 1259 on the 16th March, 1936.

CLERKS IN THE INDIAN ARMY CORPS AND THE MILITARY ENGINEERING SERVICES GETTING SHORTHAND ALLOWANCE.

†1836. ***Maulvi Syed Murtuza Sahib Bahadur:** (a) Is it a fact that the clerks in the Indian Army Corps and the Military Engineering Services are entitled to get shorthand allowance in addition to their pay under Defence Department letter No. B./33678/1 (A. G. 10), dated the 26th August, 1935?

(b) What is the strength of the class coming under the above category, and what is the representation of the Muslims and other minority communities in each of the four commands?

HOME DEPARTMENT CIRCULAR RE THE FRIDAY PRAYER.

†1837. ***Maulvi Syed Murtuza Sahib Bahadur:** Is it a fact that the Home Department circular regarding the Friday Prayers has not been communicated to the Departments mentioned in my foregoing questions? If so, do Government propose to see that the same is communicated to the Departments, so that the Muslim employees serving in the Departments may not lose their Friday prayers?

EXAMINATIONS FOR CANDIDATES SEEKING APPOINTMENTS IN THE MILITARY ENGINEERING SERVICES.

1838. ***Maulvi Syed Murtuza Sahib Bahadur:** (a) Is it a fact that the candidates seeking appointments in the Military Engineering Services are obliged to pass a preliminary examination prior to their entertainment, and that they have to qualify themselves again within four years of their appointment by passing an examination called 'Retention examination' comprising Regulation papers, office organisation, and in the event of their failure, the candidates are liable to be discharged after the requisite notice, irrespective of their service in the Department?

(b) Are Government prepared to do away with the said retention examination and replace it by the Departmental test for promotion to the upper division?

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

(b) No. The rules for the appointment, retention and advancement of clerks in the Military Engineer Services were drawn up after careful consideration and Government do not propose to modify them.

HANDWRITING PAPER IN THE TYPISTS AND ROUTINE GRADE EXAMINATION OF THE PUBLIC SERVICE COMMISSION.

1839. ***Maulvi Syed Murtuza Sahib Bahadur:** Are Government prepared to waive the condition that candidates should secure 40 per cent. marks in the handwriting paper in the third grade clerical Public Service Commission examination, or to bring it down to 25 per cent.?

The Honourable Sir Henry Craik: Government cannot interfere with the conduct of examinations by the Public Service Commission.

ALLEGATIONS AGAINST CERTAIN BRITISH SOLDIERS OF THE GLOUCESTERSHIRE REGIMENT AT MADRAS.

1840. ***Prof. N. G. Ranga:** (a) Has Government's attention been drawn to the incident at Madras on the 4th April, 1936, that took place in a Madras tram car, in which a few British soldiers of the Gloucestershire Regiment were found insulting and attacking the tram car conductor for having asked them to vacate the seats specially reserved for ladies and thus leave the Indian lady occupant unmolested, and the Indian C. I. D. Circle Inspector for having reprimanded them and asked them not to be indecent to the Indian lady passenger and making indecent suggestions and gestures and thus trying to violate the modesty of the Indian lady passenger, as reported in the *Madras Mail* (the Anglo-Indian daily) and the *Hindu* of the 6th April, 1936?

(b) Are Government aware of the grave and great public discontent caused in Madras at this incident and also at the refusal of the British soldiers to apologise to the aggrieved lady, the C. I. D. Circle Inspector and the tram car conductor?

(c) Has Government's attention been drawn to the fact that if Sergeant Bamford had not hurried up and taken charge of the soldiers who were in a challenging mood, the situation at the Round Thana—the very heart of Madras—"might have taken a nasty turn as the crowd was increasing" (*Madras Mail*)?

(d) Will Government state:

- (i) what action has so far been taken to place these British soldiers on trial for their grave misbehaviour;
- (ii) if they are suspended and kept under custody;
- (iii) if so, by whom, the Army authorities or the City Police; and
- (iv) what action they propose to take to punish these offenders and to make proper reparations to the aggrieved Indian lady, the Indian C. I. D. Circle Inspector and the tram car conductor?

Mr. G. R. F. Tottenham: Enquiries are being made, and I will lay a reply on the table in due course. I may add that I regret that I am unable to give the House further information on this matter at present. As soon as I received notice of the Honourable Member's question some ten days ago, I asked the Adjutant General to telegraph for a full report of the facts. That was done, but the report has not yet reached me. This may be partially due to the fact that the Adjutant General's Branch has left Delhi and the report may have been received in the Simla office. In any case, I can assure the House that I will give them the information as soon as I possibly can.

Mr. S. Satyamurti: Have Government noticed that, since the answer last time to the Benda incident and the questions thereon, that they were fully satisfied that British soldiers have improved in their behaviour, this unfortunate incident has happened, and will they, therefore, consider re-examining the whole question, and issue instructions that no such incidents ought to happen even once, as being disastrous?

Mr. G. R. F. Tottenham: Government must be satisfied as to the rights and wrongs of this particular case before they consider that wider question: so far we have heard only one side of the question.

Prof. N. G. Ranga: Is it not a fact that such incidents are becoming pretty frequent in different parts of India?

Mr. G. R. F. Tottenham: No: I do not think so.

MOTIONS FOR ADJOURNMENT.

FAMINE, SMALL-POX AND CHOLERA IN BERHAMPUR IN BENGAL.

Mr. President (The Honourable Sir Abdur Rahim): I have received notices of three motions for adjournment. The first is by Mr. Ananthasayanam Ayyangar: he intends to move:

"The adjournment of the business of the Assembly to consider a definite matter of urgent public importance, namely, the serious famine in Berhampore in the Bengal Province and the consequent loss of lives due to starvation and the prevalence of small-pox and cholera there."

How long has this state of things been going on there?

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): I find it in the *Hindustan Times* of this morning that famine conditions have assumed acute proportions. Hitherto some questions were asked by Prof. Ranga on the floor of the House and certain answers were given.

Mr. President (The Honourable Sir Abdur Rahim): When were those questions asked?

Mr. M. Ananthasayanam Ayyangar: About 15 or 20 days ago: we were then under the impression that all relief measures were being taken promptly and that there was, therefore, no danger of loss of life or starvation or these epidemics. We find in this morning's paper that the conditions are appalling.

Mr. President (The Honourable Sir Abdur Rahim): What paper is that?

Mr. M. Ananthasayanam Ayyangar: *The Hindustan Times* of today.

Mr. President (The Honourable Sir Abdur Rahim): What does it state?

Mr. M. Ananthasayanam Ayyangar: It states:

"On account of failure of crops for three successive years, there is acute scarcity in the major portion of the Kandi sub-division. Deaths from starvation are reported from several union boards in Khargram police station, and in Bharatpur some persons are reported to have committed suicide, being unable to bear the pangs of constant starvation. To add to the misery of the suffering people, cholera and small-pox have broken out in the rural areas, taking a heavy toll. Scarcity of drinking water is also being keenly felt in almost every village."

The Honourable Sir Nripendra Sircar (Leader of the House): Sir, I object to this motion. I submit to you that in a matter of this kind, a newspaper writing or statement should not be taken even as *prima facie* evidence of what is happening in Berhampore; and, although this publication is made in the *Hindustan Times* today, certainly during the last fortnight there have been publications in the Press in other papers—I have not got all the cuttings before me—complaining of an acute form of famine and what was being done by the Government whether those measures were adequate or inadequate: all this is being discussed for certainly three weeks, and a statement in the press today that some people have died of starvation, I submit, is not even *prima facie* evidence to prove that this thing has taken place. Secondly . . .

Mr. President (The Honourable Sir Abdur Rahim): Is the Honourable Member in a position to state what is the actual condition of things there, to contradict what is contained here?

The Honourable Sir Nripendra Sircar: That is really for my friend, Sir Girja Shankar Bajpai, if you will permit him to make a statement. The other matter I wanted to state was that this is really a question which ought to be asked in the Provincial Council.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): Sir, you will remember probably that about three weeks ago, I was asked questions regarding the prevalence of scarcity in these districts on the basis of reports which had appeared in the press; and I gave such information as I had at the time. What has appeared in the press today is the first intimation that we have of the existence of such conditions, namely, death by starvation and so on, and I submit for your consideration and the consideration of the House that really at the present moment Government have no information on the basis of which any discussion can take place, even assuming that you were to hold the motion in order.

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member seen any other paper in which this sort of statement has appeared? What is the latest report?

Sir Girja Shankar Bajpal: The latest report, that we have, according to my recollection, from Government was for the period ending the 31st December, 1935.

Honourable Members: Oh! Oh!

Mr. President (The Honourable Sir Abdur Rahim): No information later than that?

Sir Girja Shankar Bajpal: I personally have not seen any later report than that: this was handed to me as I came into the House this morning and I have not had an opportunity of ascertaining from the Province what the position is. There is a weekly or rather fortnightly report submitted by Local Governments after famine conditions have broken out, and I dare say that these reports are being received.

Mr. President (The Honourable Sir Abdur Rahim): Will the Honourable Member be able to give the House the information?

Sir Girja Shankar Bajpal: I would undertake, if you will agree, and the Honourable Members agree, to get the latest available information and place it on the table of the House: and not merely that, I will also undertake to make telegraphic enquiries from the Local Government.

Mr. President (The Honourable Sir Abdur Rahim): That will be the best way of meeting the situation. This is only a statement published in one newspaper and the Government is not prepared to accept it.

Mr. M. Ananthasayanam Ayyangar: May I suggest that this may stand over till tomorrow, and, in the meanwhile, if possible, we may have some information?

Mr. President (The Honourable Sir Abdur Rahim): Very well. The next motion in the name of Prof. Ranga is also to the same effect.

SUICIDE COMMITTED BY NANI GOPAL CHAKRAVARTI, A BENGAL DETENU.

Mr. President (The Honourable Sir Abdur Rahim): The third motion is in the name of Mr. Mohan Lal Saksena: his motion is for the adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance, namely, suicide committed by Nani Gopal Chakravarti, a detenu interned in Madariganj village, district Mymensingh, Bengal. When did this take place?

Mr. Mohan Lal Saksena (Lucknow Division: Non-Muhammadan Rural): The report appeared in the papers on Saturday morning, and then I gave notice of a short notice question which the Honourable Member concerned would not accept and I got a reply to that effect only last night from the Secretary telling me that the Member concerned would not accept it.

Mr. President (The Honourable Sir Abdur Rahim): Why did not the Honourable Member give notice of the motion for adjournment at once?

Mr. Mohan Lal Saksena: I wanted to make sure of all these facts and to get the Local Government's report if possible.

The Honourable Sir Nripendra Sircar: I am not in a position, Sir, to contradict my Honourable friend although my recollection is that this news appeared on Friday—I have not seen all the papers: it is quite possible that it appeared only in that paper which Prof. Ranga is handling, on Saturday: my recollection is that I saw it in some papers on Friday. I may be wrong: I am not making any point of it. But if the information was available to the Honourable Member on Saturday, there was nothing to prevent him moving it on Monday. In fact, on Monday, he gave short notice of this question, which was not accepted. Therefore, he was in a position to move this matter on Monday, that is, yesterday.

Mr. Mohan Lal Saksena: But I gave notice of short notice question on Saturday morning and I got a reply only last night.

The Honourable Sir Nripendra Sircar: That may be so: But even assuming that no reply has been received, yet that has nothing to do with his not giving notice of the motion for adjournment on Monday.

Mr. President (The Honourable Sir Abdur Rahim): But is that not a reasonable course, that in a case like this he should first give notice of a short notice question before giving notice of a motion for adjournment?

The Honourable Sir Nripendra Sircar: I do not know, Sir, if this rule is going to be expanded that a Member first of all gives a short notice question, and then if the answer is not satisfactory, he moves an adjournment motion. I have another objection, Sir, on the merits of the matter, and it is this. What appears is that suicide has been committed. Assuming that fact to be correct, there is nothing to show that it is a matter of grave public importance. If Nani Gopal Chakravarty, as is reported, committed suicide on account of bad treatment or torture or other conditions, for which the local authorities are responsible, then the matter would have assumed a different aspect. All that the message says is that he committed suicide. Lots of people outside jails are committing suicide, and I submit that it is not a matter of urgent public importance.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member says that his action was not due to any ill treatment?

The Honourable Sir Nripendra Sircar: Yes, Sir; there is nothing to that effect. The message only says that a detenu committed suicide. As a matter of fact, Nani Gopal Chakravarty was not detained in any jail; he was interned in a village.

Mr. Mohan Lal Saksena: With your permission, Sir, I shall read the message.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must show that it is a matter of urgent public importance. Does the message appear in the notice of adjournment motion? There ought to be some statement to show that it is a matter of urgent public importance.

Mr. Mohan Lal Saksena: Since I had given all the facts in the form of the short notice question, I did not think it necessary to give them over again.

Mr. President (The Honourable Sir Abdur Rahim): What message is this, and from whom?

Mr. Mohanlal Saksena: The message is from the *United Press*, dated Mymensingh, the 17th April, 1936. It could not have appeared in any other paper before Saturday. The message says this:

"The body of Nani Gopal Chakravarty, interned in Madariganj village, who was missing from his quarters for some days past, has been found floating in a decomposed condition in Kharkharia Beel. It is stated that the deceased left a note stating that he was proceeding to a region where no earthly power could keep him in bondage."

Therefore, Sir, it is not, as the Honourable the Leader of the House suggested, that there is no information regarding the cause of the suicide. The note itself says that he was proceeding to a region where no earthly power could keep him in bondage, and that shows that he was tired of bondage, and, so he wanted to go to a region where no earthly power could keep him in bondage. Therefore, it is clear that the immediate cause of his suicide certainly was his detention, though in his village.

The Honourable Sir Henry Craik (Home Member): May I submit, Sir, that there is no proof whatever for the allegations made.

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member any information himself?

The Honourable Sir Henry Craik: No.

Mr. President (The Honourable Sir Abdur Rahim): As regards the question of urgency raised, I do not think that under the circumstances, I should dispose of this notice on that ground.

As regards the other question that it is a matter of public importance, all that appears from the notice is that Nani Gopal Chakravarty who was a detenu interned in a village in the district of Mymensingh committed suicide. Nothing more appears, and it is impossible for me to say if there is any *prima facie* evidence to show that his suicide was due to any maltreatment or owing to his detention in that particular village. The Chair must have before it some *prima facie* evidence to show that the matter for which it is sought to move the adjournment of the business of the House is one of public importance. There is no such statement in the notice itself. The Honourable Member who has given notice of this motion has read a message from the *United Press* of India suggesting that the suicide might have been due to the fact that he was interned as

[Mr. President.]

a detenu in Madariganj village. On the other hand, the Honourable the Home Member says that he has no such information, and the Chair cannot proceed on a mere statement like that which has been placed before the House by the Honourable Member and, therefore, I must disallow the motion.

Mr. Mohan Lal Saksena: Let it stand over till tomorrow, Sir.

Mr. President (The Honourable Sir Abdur Rahim): No, the Chair disallows it.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly: Sir, the following Message has been received from the Council of State:

"I am directed to inform you that the Council of State has at its meeting held on the 20th April, 1936, agreed without any amendment to the following Bills which were passed by the Legislative Assembly at its meeting held on the 14th April, 1936, namely :

- (1) A Bill to prohibit the making of certain loans and credits ; and
- (2) A Bill further to extend the operation of the Salt (Additional Import Duty) Act, 1931."

THE INDIAN TARIFF (AMENDMENT) BILL.

(PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.)

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways): Sir, I present the report of the Select Committee on the Bill further to amend the Indian Tariff Act, 1934, for certain purposes (regarding staple fibre, etc.)

Dr. Ziauddin Ahmad (United Provinces: Southern Divisions: Muhammadan Rural): Sir, on a point of order. The Report of the Committee which has just been presented has not been in accordance with clause 79, sub-clause (3). I would draw your attention to page 29, clause (3) of the Manual of Business and Procedure, which says:

"(3) The Law Member or, if the Law Member is not a Member of the Assembly, the Deputy President, if he is a Member of the Committee, and if the Deputy President is not a Member of the Committee, then a Chairman of the Assembly shall be a Chairman of the Committee, and if two or more Chairmen of the Assembly are members of the Committee, then the person whose name appears first in the panel of such Chairmen shall be Chairman of the Committee; and, in the case of an equality of votes, the Chairman shall have a second or casting vote".

Now, Sir, I should like to point out that I was certainly ignorant at the time the Committee was sitting of this rule. I was also ignorant of this rule when I signed the Report. My attention was drawn to this rule only this morning, but I understand ignorance of law is no excuse, and if, not merely one or two individuals but, if, all the individuals are ignorant of a particular rule, then the work of the Committee cannot be regular. Therefore, I suggest, Sir, that, according to this sub-clause (3) the Select Committee is not properly constituted

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member himself was a Member of the Committee, I believe?

Dr. Ziauddin Ahmad: Yes, Sir. I was a member of that Committee.

Mr. President (The Honourable Sir Abdur Rahim): Did the Honourable Member sign the Report?

Dr. Ziauddin Ahmad: Yes.

Mr. President (The Honourable Sir Abdur Rahim): And the other Members also signed the Report?

Dr. Ziauddin Ahmad: When I signed the Report, I did not raise any objection?

Mr. President (The Honourable Sir Abdur Rahim): Did no other Honourable Member raise any objection.

Dr. Ziauddin Ahmad: No Honourable Member at that time raised any objection, because nobody then knew the existence of this rule.

The facts are that the Honourable the Law Member was present, but he left the meeting after two hours. Everything done while he was the Chairman was all right, but after that, the Honourable the Commerce Member presided.

Mr. President (The Honourable Sir Abdur Rahim): How long did he preside?

The Honourable Sir Muhammad Zafrullah Khan: Up to ten minutes to one the Honourable the Law Member was present at the meeting and presided over it, and then he left and asked me to take the Chair. But I did not move from my own seat, but I assume I was in the Chair. I may say that no occasion arose for the exercise of any casting vote, and the Report has now been signed by all the Members of the Committee.

Mr. President (The Honourable Sir Abdur Rahim): How long did the meeting last?

The Honourable Sir Muhammad Zafrullah Khan: It lasted up till a few minutes to two.

Mr. President (The Honourable Sir Abdur Rahim): (To Dr. Ziauddin Ahmad). The Honourable Member says that the Report is no report?

Dr. Ziauddin Ahmad: All those recommendations made by the Committee so long as the Honourable the Law Member was in the Chair are right.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member suggest that it would have made any difference in the recommendations if the Honourable the Law Member was the Chairman?

Dr. Ziauddin Ahmad: That is a very difficult answer for me to give, but I believe that when votes were taken on one occasion, one party was willing, and after a few minutes the decision was reversed. Probably the other Members of the Committee are in a better position to say about this.

The Honourable Sir Muhammad Zafrullah Khan: But on no occasion was there a tie in which the Chairman had to give his casting vote. No such occasion arose at all.

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not think it can hold upon the facts which have been stated by the Honourable Member, Dr. Ziauddin Ahmad, that the Report of the Select Committee is no report within the meaning of the rules and standing orders. The irregularities, if there were any, do not make the slightest difference in the nature or character of the Report. Therefore, the Chair disallows the point of order.

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Mr. President, there were two copies of the same Minute of Dissent prepared. One of these was signed by some of us and the other has been signed by some others. One of these has been handed in to the Honourable the Commerce Member to go into the Report, and the other was handed in only while we were having this discussion just now. May I request that the other copy may kindly be admitted?

The Honourable Sir Muhammad Zafrullah Khan: I have no objection.

(The other copy was handed in.)

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): May I ask who is in charge of these Select Committees? Why should not your Department be represented there, to see that there Rules and Standing Orders are observed? Mr. President, I submit there is a lacuna. The Select Committee proceedings seem to be no man's affair. Government runs the show and I want that either the Secretary or somebody else of this Department should be present, in which case a question like the present one would not arise at all. He would be able to draw attention to the rules and the need for a Chairman on the panel to preside. I do hope that you and the Leader of the House will evolve some procedure by which

Mr. President (The Honourable Sir Abdur Rahim): The Chair understands this has been the practice, and it is the same in the House of Commons.

Mr. S. Satyamurti: In the Madras Legislative Council, of which I have some experience—and the Secretary of that Council is here and he will bear me out—the Secretary of the Legislative Council is in charge of the Select Committee proceedings. I do not like the Government running Select Committees. After all, the Select Committee is a Committee of this House, and we look to you to see that all the privileges. . . .

Mr. President (The Honourable Sir Abdur Rahim): The Chair understands that is the practice in the House of Commons. Perhaps, the Honourable Member will look it up.

Mr. S. Satyamurti: Very well. I will make a submission in writing.

Pandit Govind Ballabh Pant: I think I owe it to the House to say that I was one of the Members of that Committee. I was aware of this rule, but I did not press it.

THE INDIAN TARIFF (SECOND AMENDMENT) BILL.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the Bill further to amend the Indian Tariff Act, 1934, for certain purposes (Second Amendment).

The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

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

"That clause 1 stand part of the Bill."

Mr. G. H. Spence (Secretary, Legislative Department): Sir, I move:

"That in clause 1 of the Bill, for the brackets and words '(Second Amendment)' the brackets and word '(Amendment)' be substituted."

The point of this amendment is very simple. This Bill was introduced subsequently to the other Tariff Bill which has been reported on by the Select Committee, and, therefore, it has been called the second amendment Bill. This Bill will now become law earlier than the other Bill, and therefore, we have got to get rid of the word "Second". Sir, I move.

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

"That in clause 1 of the Bill for the brackets and words '(Second Amendment)' the brackets and word '(Amendment)' be substituted.

The Motion was adopted.

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

"That clause 1, as amended, stand part of the Bill.

The Motion was adopted.

Clause 1, as amended, was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Muhammad Zafrullah Khan: Sir, I move:

"That the Bill, as amended, be passed."

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

"That the Bill, as amended, be passed."

Mr. S. Satyamurti (Madras City: Non-Muhammadian Urban): I raised unsuccessfully a point of order with you yesterday. You gave a ruling, I shall not comment upon it; but I do ask the House to notice that the Government have practically deprived this House of a well known privilege of such Legislatures to raise the duty, which they seek to reduce by this Bill, to the level at which it was being levied before the Bill was introduced. I asked my Honourable friend, the Commerce Member, this morning for some information on the point, for how many days there was no import duty on wheat at all. Speaking off-hand, he told me, for about three or four days, that is to say, after the expiry of the 31st March, 1936, and till the 4th April, 1936, which is the date of the Statement of Objects and Reasons—I do not now know the exact date on which this Bill was introduced into this Honourable House, but I presume it was the 4th April. For those three days, there was no import duty on wheat at all. I should like the House and the Government to consider the position. Either this duty is levied for a serious purpose in order to protect the wheat growers in this country. If it is so, I think there ought to be a continuity in this policy. To allow a hiatus of even three days is, I think, not consistent with the Government's own conception of its duty to the wheat-growers of this country. I do not want to take advantage of a private conversation, but if my Honourable friend will forgive me, I thought he said that there was no real danger.

The Honourable Sir Muhammad Zafrullah Khan: I did not give that as the reason. I said, so far as that period was concerned, actually there had been no import. I did not say that that was the reason for introducing the Bill later, because there was no apprehension.

Mr. S. Satyamurti: I stand corrected. But may I know what is the policy behind this Government in introducing a tariff amendment Bill, year after year, and allowing three days to elapse between the expiry of the earlier measure and the introduction of this Bill, unless it be,—I do not want to attribute motives—many Honourable Members want an import duty on wheat—rather than have zero, they would have one rupee, but they would prefer Rs. 1-8-0—that they shall have no opportunity of raising the duty. What becomes of it? The position seems to me to be intolerable. Honourable Members of Government make up their minds that it shall be one rupee, and they won't introduce the Bill till a period intervenes, when there is no duty at all. The result is that, according to the interpretation of the Parliamentary rule by Presidents of this Honourable House, you cannot introduce an amendment which seeks to raise the level of duty to the pre-existing level, because the pre-existing level is zero. Now, Sir, I should like to know what is the difficulty in the way of the Government introducing this Bill early enough before the expiry of the earlier Act, in order that this Honourable House may have a fair chance of deciding between the reduction and the *status quo ante*. I do not say that the *status quo ante* ought to be preserved. It may be that the

Government have got a very good case for the reduction, but I do suggest, that fairness to this House demands that the question should be put to us fairly and squarely, and this House ought to be given a fair opportunity of deciding what it wants. It is really a case of Hobson's choice now. We want some duty rather than give it up. I do hope that the Government will examine this question carefully, and, as for the position that, even if the Bill had been introduced earlier than the 31st March, still you cannot raise the duty to the pre-existing level, because the Bill will come into force only later on, I submit, that, as I read the rulings so far, that objection will not avail, because the pre-existing level will be the level at which the duty stands when the amendment is sought to be moved. If on the day and at the hour previous to which the amendment is moved the existing duty is Rs. 1-8-0, undoubtedly it is open to this House to raise it. That is the only point I want to bring before this Honourable House. I hope the Honourable the Commerce Member will give an undertaking, unless there is some reason which I have not yet understood, that the Government will hereafter, at least, come before this House in good time, so as to enable the Honourable House to make up its mind on a fair consideration of all the relevant circumstances. That is the only point I want to make, and I should like to have an answer from the Honourable the Commerce Member.

Sir Cawasji Jehangir (Bombay City: Non-Muhammadan Urban): I think Mr. Satyamurti has raised a rather important issue and one about which the House has some complaint. Personally I had no opinion on the merits and I am inclined to believe, after I heard the Honourable Member in charge of this Bill, that perhaps the merits were on his side. Leaving aside that question, whether the merits were on his side or against him, the position, that has arisen is that this House was deprived of the right of moving an amendment raising the duty to the level that obtained before, by dating the Bill two or three days later than might have been. If that was mistake on the part of the department, I have nothing further to say. Mistakes are possible and I have known such cases happen before in my own experience where a slip has been made, and in the case I have in mind, the consequences might have been very serious indeed to the country, but, luckily, nobody detected it. The public did not know and we escaped a considerable amount of inconvenience and the public escaped a considerable amount of loss of money. In this case also it is quite possible that no damage was done. No wheat was imported and it there ended. If it was a mistake, I have nothing further to say but I would repeat what Mr. Satyamurti has said that this should not be done in order to get behind the vote of this Honourable House. The vote may not be on its merits. Government have great powers under this constitution and they can exercise those powers but by this procedure they are depriving this Honourable House of what little powers they possess. If it is a mistake, I have nothing more to say. This perhaps happens less on the side of Government than on this side of the House.

Dr. F. X. DeSouza (Nominated Non-Official): When this Bill was introduced in the Assembly last Session, I confessed to a feeling of scepticism which was shaded by many members from Madras whether the benefit proposed by this measure of protection would reach the person for whose benefit it was ostensibly intended. I mean the rice grower. Honourable

[Dr. F. X. DeSouza.]

Members are aware that duty was levied on whole rice and not on broken rice. The question naturally suggested itself why does the Government not levy a duty on whole rice and on paddy. Many of us in this House feared that the price of broken rice, which, by the way, is the food of the poorest classes in the Madras Presidency, would be raised and the import of whole rice and paddy would be stimulated. But, Sir, the unexpected has happened. I find from the figures . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is trying to make a second reading speech. That is not in order.

Dr. F. X. DeSouza: I wish to make certain remarks about what the duty of the Government, to my mind, is, in view of certain disclosures made in the course of the debate. My friend, Sir Girja Shankar Bajpai, stated, that in consequence of seasonal conditions they expected a shortage of food of something like three million tons next year. He admitted that Government are taking steps to remedy such shortage in future by extending the area for growing more prolific varieties. I want to respectfully point out to Government that the time has now arrived for making this country self-sufficient with regard to the growth of rice and food grains. Other countries, both in Europe and Asia, have adopted a policy of self-sufficiency in the matter of food. Take the Far East—China, Japan, Java, Siam, Indo-China. Every one of these countries three or four years ago used to import rice from us. They are levying now a heavy tariff on rice imported from India with the result that Japan, which used to be one of our importers, is today exporting rice to us. What does this mean? Shall we become self-sufficient in the matter of our food grains? Unfortunately, the industrial revolution and the machine have wiped out our ancient cottage industries and thrown back the artisans on the land. Shall the tractor and the mechanical plough have the effect of wiping out our agriculture also? I hope not. I hope the Government will seriously consider this problem and initiate a drive for the growth of rice, in fact for the growth of all our food-grains in this country so that, in time, we may become self-sufficient. That is a problem which I would like most respectfully to put before the Government for solution. Sir, as the Bill stands at present, we must, of course, vote for it because, if we reject it, the little protection that we get will be lost. I have nothing further to say and with these few remarks I sit down.

The Honourable Sir Muhammad Zafrullah Khan: Sir, two points have been raised by Mr. Satyamurti and Sir Cowasji Jehangir with regard to the date on which this Bill was presented to the House. It has been stated that either the delay in presenting the Bill to the House was due to some mistake or misconception or that it was done deliberately in order to deprive the House of its right of moving amendments of a certain description. Now, so far as the latter suggestion is concerned, the position is this. It may be that it is the view of some Honourable Members that if the Bill had been presented earlier, let us say on some date in March, the amendments which were ruled out of order yesterday would have been in order. That is not the view on this side of the House. I think, Sir, it will not be possible for you to give a ruling on the matter at this stage but I might be permitted to state the view of Government on

that matter in order to show that that did not in any sense govern the Government's action to which objection is being taken. The view that I respectfully submit on this matter is that the question is not whether this Bill was or was not presented at a time when the old Act was still in force. If the position is, as it actually is, that the old Act was to expire on the 31st March, 1936, then any Bill—it does not matter when it was presented, let us assume that it was presented before the 31st March, 1936—which seeks to impose a duty from a date on which the previous duty would not be in operation would be a Bill imposing a new duty, and any amendment that seeks to raise the level of that duty, whether it seeks to raise it to the level of the old duty or to any other level, would be an amendment seeking to place an additional charge upon the subject and would, I submit with all respect, be out of order. Let us assume that that view is the subject of contention, but that is the view that Government hold and, therefore, I do assure Mr. Satyamurti and the House that the Bill was not presented, on the date on which it was presented, owing to any desire on the part of Government that they might thereby be able to defeat the kind of amendment sought to be moved yesterday. As a matter of fact, the delay in presenting the Bill to the House was due to this. Government had to take into very careful consideration all the material available in order to fix the level of duty for the ensuing year if the duty was to be continued. They took everything into consideration and they arrived at a certain conclusion well within time. Later on, certain factors developed which rendered a re-examination of the whole question on the basis of all the figures necessary, and, with all the expedition of which they were capable, they could not arrive at their final decision before the 30th March, which was the only date on which they could have presented a Bill to this House, as the House must be aware that the 31st March, the 1st April, the 2nd April, the 3rd April onwards were holidays on which this House was not sitting. That alone was the consideration and the Government had to undertake this re-examination of the figures on the basis of the factors that had arisen, even at the risk of leaving this lacuna of three or four days in which the duty was inoperative in the hope that no serious damage would be done: on the other hand they did not take the risk of fixing the duty at a level which might, immediately afterwards, on the basis of new factors, have had to be revised and with regard to the revision of which there might be difficulties. There was no mistake with regard to the dates. But these factors having arisen, Government thought it was their duty to carry out an examination in order to fix the duty at a level which would secure the objects which I mentioned yesterday in winding up the debate on the motion for consideration of the Bill. That, Sir, is the explanation with regard to the dates. With regard to the point of order, I do submit that Government are still of the view,—they may be wrong and it will be for you to decide when the question actually arises—that the date of presentation would make no difference with regard to certain kinds of amendments being out of order. The point raised by Dr. DeSouza was sufficiently dealt with by Sir Girja Shankar Bajpai in the course of the debate on the Resolution recommending the imposition of duties on whole rice and paddy.

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

"That the Bill, as amended, be passed."

The motion was adopted.

THE COCHIN PORT BILL.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways): Sir, I beg to move:

"That the Bill to make special provision for the administration of the port of Cochin be taken into consideration."

Sir, this is a very formal kind of Bill and I do not think any speech is necessary in putting forward this motion before the House. Honourable Members are aware that certain negotiations have been carried on between the Government of India, the Government of Madras, the State of Travancore and the State of Cochin with regard to the future development and administration of the port of Cochin. A more detailed Legislative measure might become necessary later on, subject to certain formalities in the meantime having been gone through, in order to put this arrangement in force, but before that arrangement comes into force, it is considered necessary to declare the port of Cochin a major port, and for that purpose it is necessary to amend the two legislative enactments which are mentioned in the Schedule to this Bill so as to provide that for the purposes of administration of the port, that is to say, the British portion of the port, the place of the Government of Madras, except with regard to questions of port health administration, may be taken over by the Governor General in Council. This Bill therefore, seeks to place the Governor General in Council in place of the Government of Madras in these enactments, with the exception I have mentioned. Nothing else turns upon this Bill and I trust the House will not be detained very long over this matter and that the Bill will be passed without any discussion. Sir, I move.

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

"That the Bill to make special provision for the administration of the port of Cochin be taken into consideration."

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): On a point of information, Sir. It is stated in the last sentence of the Statement of Objects and Reasons:

"It is, however, not contemplated at present to take over the powers of the Local Government under sections 6 (1), (p), 17, 49 and 50 of the Indian Ports Act, 1908, concerning the port health administration at the port of Cochin, as the general question of port health administration in India is now under the consideration of the Government of India."

This is a very important matter—I am sure the Honourable Member realizes that—and I should like to know where the matter stands, and what will be the arrangements during the transitional period, and when this consideration will be over, so that we may have some uniform system of port health administration, with regard to questions of public health in all our ports which are now rapidly being made Ports under the Government of India. The whole question of the future health of the country, to a certain extent, depends upon the efficient administration and proper administration of these Ports. I should like to have information on this point.

Mr. F. E. James (Madras: European): May I also ask two questions? The Honourable Member referred to legislation which will be necessary in the future in regard to the administration of the Port. Can he give us any

indication as to when that legislation is likely to be forthcoming? The second question is whether the agreement between the Government of India and the State concerned which he referred to, does at present cover the question of the nature of the administrative organ, the component parts and so on, which is to look after the interests of the Port of Cochin, or whether there are still matters to be considered in regard to the details of that administrative organ as between the three parties concerned.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, I should like to know what is the financial commitment of the Government of India by taking upon themselves these responsibilities which the Government of Madras were discharging up to now?

The Honourable Sir Muhammad Zafrullah Khan: Sir, with regard to the two matters raised by Mr. Satyamurti, the position is this. His first question is, what will be the interim position. The interim position with regard to the Port of Cochin, concerning port health administration, will continue to be as it is at present, that is it will be carried on by the Government of Madras. That is why no change is sought to be made in this respect. The whole question of port health administration will be decided together. The question concerning port health administration as well as other questions which have arisen as the result of the near approach of Provincial Autonomy in respect of major ports are now under the consideration of the Government of India and the Government of India are doing all they can to arrive at a solution with regard to these questions as early as possible. I can give the assurance that all these matters will be pushed through as quickly as we can possibly do so.

With regard to the two questions raised by Mr. James, the position is this. As to the date when the detailed legislation will be introduced, I am afraid I cannot give any precise information. But I can say with regard to the second part of his question that the agreement which has been arrived at, though not formally accepted yet by the different Governments, deals with the matters to which he has alluded. If that agreement is accepted by the different Governments concerned, there are no questions with regard to the administrative organ that will be set up for the administration of the Port of Cochin that will still require to be settled.

With regard to Mr. Das's question, the Government of India are not undertaking any special financial liability under this Bill. The arrangements which may have to be enforced as the result of the agreement between the different Governments to which I have already alluded do include certain financial adjustments, but naturally I cannot disclose those till the agreement has been formally accepted by all the Governments concerned.

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

"That the Bill to make special provision for the administration of the Port of Cochin 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."

The motion was adopted.

Clause 2 was added to the Bill.

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

"That the Schedule stand part of the Bill."

The motion was adopted.

The Schedule was added to the Bill.

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

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

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

"That the Title and the Preamble stand part of the Bill."

The motion was adopted.

The Title and the Preamble were added to the Bill.

The Honourable Sir Muhammad Zafrullah Khan: Sir, I move:

"That the Bill be passed."

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

"That the Bill be passed."

The motion was adopted.

THE FACTORIES (AMENDMENT) BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I move:

"That the Bill further to amend the Factories Act, 1934, for a certain purpose be taken into consideration."

Sir, in putting this small Bill before the House, I am not without hope that I have achieved what at first sight might well seem an impossible task, that is the introduction of a piece of legislation which will obtain the whole-hearted support both of my Honourable friends, Sir H. P. Mody, and Mr. Joshi. I seem to remember, that a short time ago my Honourable friend, Sir H. P. Mody, and also, I think, my Honourable friend, Mr. James, appealed to me to pay somewhat more attention to un-regulated factories. This Bill represents a minor step in that direction, for it does not affect, in any way, those factories which come automatically under the Factories Act. It seeks to amend only one section of the Act, and that is the section which enables Local Governments to widen the scope of the Act by including workshops which do not use power and the small power factories which employ less than twenty persons. The need for amending

this section was brought to our notice by the Government of Bombay which, as always, is in the forefront where labour questions are concerned. They found themselves unable to extend the Act to a number of *dhobi ghats* in Ahmedabad. I should perhaps explain to the House that these *dhobi ghats* are places where cloth is bleached. They consist of a series of masonry tanks and open air drying grounds and godowns for storing and sorting cloth as well as chemicals. There are two classes of *dhobi ghats*. Some of them are inside the factories and others are outside. It is, of course, the *dhobi ghats* outside the factory premises that the Government of Bombay wish to bring under regulation. The conditions in those *ghats* are reported to be very unsatisfactory and they are working in direct competition with the *dhobi ghats* which lie within the mill premises and are regulated under the Factories Act. The House might like to know exactly what it is that our regulations under the Factories Act mean in regard to those *dhobi ghats* which are inside the factory premises. In the regulated *dhobi ghats* which are in the mill premises and which, as I have explained, are amenable to the Factories Act, the Factory Inspectors have insisted on lean to sheds in order to protect the workers from exposure to the sun all day. No such regulation is at present possible in the unregulated *dhobi ghats*. Weekly holidays have to be given for the employees in the regulated *dhobi ghats*, whereas there is no such obligation in the case of the unregulated *dhobi ghats*. The position in regard to hours of work is similar. There are also delays in the payment of wages. All the bleaching of the cotton mills in Ahmedabad is, I understand, given out on contract with the result that the contractors of the unregulated *dhobi ghats* cut the rates of the contractors who are controlled by the Factories Act and thus lower the standard of wages. If the outside *dhobi ghats* are allowed to remain unregulated, there will be obviously a tendency to transfer all the *dhobi ghats*, outside the mill premises, to escape the factory regulations and thus to make the conditions of a large number *dhobis*—I understand there are over 8,000 people now employed inside the mill premises—equally unsatisfactory. Unless this Bill is passed the result will be that all the *dhobi ghats* will become unregulated. I trust that I have explained the matter sufficiently to impress the House with the necessity for this small measure. All we are proposing to do and we are advised that it will be quite sufficient for our purpose is to use the word 'place' instead of 'premises' in section 5 of the Factories Act and to omit the reference to 'precincts' in that section. Sir, I move.

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

"That the Bill further to amend the Factories Act, 1934, for a certain purpose be taken into consideration."

Brijut Kuladhar Chaliha (Assam Valley: Non-Muhammadan): Sir, I have the misfortune to oppose this Bill. I consider that the changes contemplated will lead to unnecessary interference with the factories and to anomalies which it will be difficult to decide. I am thinking of the conditions of the tea factories in Assam. Near about the factories they have certain arrangements in which, at preliminary stages, certain processes are being done which are not included in the process of manufacture. I may tell you, Sir, that tea leaves are plucked from the garden and brought into the withering houses where they are spread, and even if they are not adjacent to the factories they will be treated as factories under the proposed change a large number of people, who work there, will also be considered as workers

[Srijut Kuladhar Chaliha.]

in the factories, and this will lead to unnecessary burden on the factory owners. And there may be other houses near about the factories where certain other processes are done which are no part of real manufacturing. And if these houses are included, I think it will throw an additional burden on the owners of the different factories who will have to engage extra hands to keep the registers.

Then, again, I have in mind the small rice millowners who live in the same house, use a part of it as shop and have their machineries in another place near the house which according to the new definition will be declared as factories and they will have to keep a register for the persons who are engaged in the shop but have nothing to do with the factory and, as such, I think the substitution of these words will lead to anomalies which are not contemplated. In the Statement of Objects and Reasons I find that the only argument advanced for the change is, that it is arguable that places which are outside the premises may be interpreted as not included in the factory. This should not be the only reason for the change. The difficulty is that small rice mill-owners who have got a very small staff will be required to keep a register for the members of their own families and how they work. There is hardly any compensating advantage for this change. I think the previous clauses did not in any way put any trouble on Government and, as such, my submission is that the changes proposed in the Bill should not be supported. And there is hardly any advantage in including the grounds along with the factories. The word "premises" is, I think, quite sufficient for the factories to work properly and the inclusion of the word "place" will throw an additional burden on the factory owners and is apt to be interpreted to their disadvantage.

Mr. N. M. Joshi (Nominated Non-Official): Sir, I have great pleasure in supporting the motion moved by the Honourable Member in charge of the Department of Industries and Labour. I feel, Sir, that the amendment which this Bill seeks to make is very desirable and I could not understand how the passing of this Bill would throw any burden upon the kind of work which is being done on the tea estates. If the conditions of the places where some processes are undertaken on tea estates are good, there will be no additional burden. If the conditions of work are bad, the regulation is necessary. I, therefore, feel, Sir, that there is some need for the regulation of certain kinds of work done on tea estates, specially as regards drying of leaves and the shifting of leaves. I could not understand what the Honourable Member said about rice mills. If the work is done in buildings they come under the Factories Act. It is only where the manufacturing process is done in the open that this Bill will apply. But I should like to make one remark about the Bill which the Government of India have brought forward. I should have very much liked the definition of "factory" as given in section 2 (j) to be changed. According to the change which is made in section, 5, it would have been much better if the definition of factory there also had been changed into places where any 20 or more workers are working. Sometimes, Sir, there is some kind of manufacturing work done with the aid of power where 20 or more persons are employed, and that work is done in the open, such as, some machinery that is used on some kinds of work in connection with the construction of big buildings where more than 20 persons are used and work is done with machinery and still the places are not called factories on account of the fact that the work is done in the open. Similarly, on railways, sometimes work is done

with machinery where sometimes 20 persons or more are employed, and that kind of work also does not come under the Factories Act on account of the fact that the work is done in the open. I would, therefore, like the Government of India to alter the definition of "factory" in section 2 (j). I hope the Government of India will take my suggestion into consideration.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadian Rural):

Sir, I rise to support this Bill. Only I am rather dissatisfied with the failure of the Government of India to take upon themselves this power to notify as factories premises which have ten or more persons working in them or in their precincts. Instead of that, the Government of India wish to continue their present practice of leaving this power to notify these small premises as factories to the Local Governments. We all know how little interested are the Local Governments in the welfare of labour and in labour problems. I know of one case in which the Madras Governor himself came to personally take very great interest in the welfare of *beedi* manufacturers in the city of Madras. Yet it was not possible for the Madras Government to publish this notification declaring the premises in which those *beedi* manufacturers were working as factories and thus extend the protection of the Factories Act to those people. It is all because in the local Councils, somehow, very much less interest has come to be evinced in the welfare of labour than even in this Legislative Assembly. And so, I think, it is only fair that the Government of India should take upon themselves this duty as well as responsibility of notifying as factories premises which have ten or more persons working in them or in their precincts. Holding this view as I do, I cannot see my way to agree with my Honourable friend from Assam in opposing this particular Bill, because this falls far short of my own demands. I make the demand that this particular Bill should not only be passed but that this House should insist upon the Government of India coming forward with another Bill, taking upon themselves this particular duty—to afford protection to all workers who are employed in premises which are smaller than the usual factories which come automatically within the purview of the Factories Act.

Sir, I have made enquiries into the working of cottage industries in various parts of the Madras Presidency, both on my own and on behalf of the Madras Government, and I have found, to my very great surprise, contrary to the teachings of Professors in all the University Colleges, that there is a considerable amount of factory labour even in the so-called cottage industries. Taking the handloom weaving industry, brass and copper utensil manufacturing industry, the *beedi*, cigar and cigarette manufacturing industry

Mr. President (The Honourable Sir Abdur Rahim): They are not concerned at all.

Prof. N. G. Ranga: This concerns all those and several other industries. I am only trying to give a piece of my own experience gained at very great cost both to myself and to the Madras Government, for a number of years, in support of my plea that this particular Bill, though it does not go very far, should be supported by this House and passed into law as soon as possible. In the hand-loom weaving industry and the industries of brass and copper utensil manufacture, *beedi* and cigarette

[Prof. N. G. Ranga.]

manufacture and several other cottage industries, there are employers on a large scale, each one of them employing from ten to fifteen or twenty workers in their own houses. They convert their own domestic houses into factories and employ them there. The conditions of work of cottage workers are very bad and insanitary, they are treated very badly, they are beaten, they are flogged, they are abused in a most inhuman fashion. When my report on the organisation of the handloom weaving industry was published and when it came to be reviewed in the *Modern Review* of Calcutta, it came as a great surprise to the public that there should be so much capitalist organisation and also employment system within the cottage industry which is usually supposed by nationalists as well as by others to be full of independent craftsmen and artisans who have no thought of employer to be satisfied, who have no thought of wages to be earned, and no fear of being exploited by any employer or capitalist. It is because of this discovery that I made as long ago as 1926 that I have been busy ever since in pressing upon the public the necessity for an early extension of the scope of the Factories Act to these people, so that they can be given the protection that is at present given to the workers employed in the usual factories coming within the purview of the Factories Act. Unfortunately, no Local Government has taken any action till now. Even in this House, twice or thrice, I raised this question at question time, and I am glad that Government at last have seen it fit to come forward with this Bill. It may be that one of the reasons why Government are anxious to pass this particular Bill is to place certain difficulties in the organisation of the cottage industries. It is true that every restriction placed upon the exploitation that can be carried on by employers comes to be resented in the beginning. But situated as we are in this country, with very little of industrialisation and anxious to increase our industrialisation at any cost, it is necessary, though it is rather difficult for us to swallow this argument, that protection must be given to the workers even though in the initial stages it might cause a certain amount of annoyance and a certain amount of loss and trouble to the employers. Yet, we who are interested in the industrialisation of this country should also be equally interested in the production of labour, and I take it that not only my party—the Congress—but the other parties in this House will agree not only to pass this particular Bill, but also to insist upon Government coming forward at an early stage with another Bill taking upon themselves this particular duty to extend protection to the smaller areas where workers numbering ten or more are employed. Sir, with these words I wish to commend this Bill for the acceptance of this House. I can assure the House that it is only by trying to protect the labour employed in all our industries, whether small or big, that we can really usher in a new era of industrialisation in this country.

The Honourable Sir Frank Noyce: Sir, I have very little to add to what I have said already. The unfavourable criticism of this small Bill by my Honourable friend from Assam has, I think, been sufficiently answered both from his own side of the House and also by my Honourable friend, Mr. Joshi. Professor Ranga has, as usual, shown distrust of Local Governments in this matter and wishes us to compel them to notify small unregulated factories either under this Act or under some

other Act. As I have repeatedly said in this House, we are not in a position to compel Local Governments to take action in this matter unless we can be sure of effective inspection, but I have informed the House and would do so again today that we are turning our attention to the question of the small unregulated factories. As I said some time ago, that is the next big labour question with which we propose to deal. How rapidly we shall be able to get on with it remains to be seen, but I can assure Professor Ranga again that we shall endeavour to do so as expeditiously as possible.

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

"That the Bill further to amend the Factories Act, 1934, for a certain purpose, 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 (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I move

"That for part (i) of sub-clause (a) of clause 2 of the Bill, the following be substituted:

'(i) after the words 'premises whereon or within the precincts whereof' the words 'or on places attached to such premises and precincts or under the temporary or permanent control of the occupier of such premises or precincts' shall be inserted; and'."

Sir, I do recognise that in certain particulars this Bill is useful in so far as it is intended to apply the factory laws even to places where the owner of a factory may have some of the manufacturing processes transferred. It is also intended to prevent the evasion of the factory law by dividing the factory workers into various groups and distributing them over various places, technically avoiding their being covered by the factory law, basing it on the ground that the definition of the word "factory", as it stands at present, does not include places other than precincts or premises. Precincts and premises may be understood to mean buildings and places ordinarily away from the main buildings as it stands under the definition. To that extent I have absolutely no quarrel with the Bill. But I would like to have a restriction imposed on this extended definition—the restriction is for this reason: in so far as a particular place is chosen for running a small or cottage industry, absolutely unconnected with any factory having precincts or premises, I would say that that place ought not to be included in this definition.

The Bill, as it stands, is too wide and comprehensive. My fear is that small cottage industries might be brought in easily within the scope of the factory laws. No doubt I agree, that the factory laws should be extended to all regular factories which have been working for a long time and are able to stand on their own legs, and which are in a position, from the profits they have earned, to put up a habitation for the factory; but there are cases where people having very little when starting

[Mr. M. Ananthasayanam Ayyangar.]

small industries are not able to provide buildings or even with small huts: under the extended definition under the Bill, even those places where ten or twelve people may work preparing bamboo baskets or matches or *biris* will all come under the definition of factories. I would say with very great respect that I do not agree that this definition should be applied to such places. Persons who are not in a position to provide themselves with buildings and who want to run these cottage industries on a small scale ought not to be dissuaded from running those industries: in fact, these industries are likely to be crippled by this definition. Cottage industries ought to grow in the country in numbers. I have a copy of the statistics of factories prepared under the Indian Factories Act, 1911, which has now been superseded by the Act 25 of 1934. The growth of factories has not been all that can be desired. During the 1934-35 in Madras only 30 factories came into existence. As regards others, while 500 and odd factories sprang up in the whole of India, 360 or 370 factories were closed. Thus, what has been gained has been practically lost by the closure of a number of factories. The progress of factories in India has not, therefore, been very encouraging, according to the statistics that have been published. Therefore, let not this intended legislation suppress even these small cottage industries from coming into existence. That is my fear. The Honourable the Mover referred to the evasion in a particular instance of certain Ahmedabad millowners trying to shift the place where the cloths were bleached from within the factory premises to a place where it cannot, ordinarily, be said to be a factory—some *ghat* on the river bank to which the factory law, as it stands at present, might not apply: it will be easy for the mill-owners to say that it does not form part of the factory; if the definition of factory is confined to the premises and precincts, certainly a *ghat* cannot come within that definition. Therefore, it may be proper for the Honourable the Mover to try and bring in extended legislation so that that kind of evasion might not be allowed. I am in agreement with him there. Where there is an original factory and where a portion of the manufacturing process is carried to some other place and people seek to take shelter on the ground that that place is not part of the premises or precincts of the factory and, therefore, must be exempted from the operation of the Act, certainly the Legislature ought not to allow such evasion. But, if some people carry on independently some cottage industry—if ten or twelve people supply bamboo baskets for transporting mangoes from Bombay or Madras to other parts of the country, the application of this definition will work havoc.

In the case of these factories that the Honourable the Mover referred to, the owners may be and are in a position to put up sheds or buildings for the purpose of bleaching cloth, etc., and for the *dhobis* who do that work. But in the case of small persons who wish to start these small industries to help themselves and others round them, who are starving for want of employment, I would say that this factory law will work hardship. Further, there is limitation of hours of work under the factory law. Ordinarily, we know, in the village parts, there is not that intensive kind of work on the part of workmen, throughout the day. They avoid doing intensive work and spread it over during the whole of the day: By nature and constitution, these people are not accustomed to carry on work regularly and systematically for a number of hours at a stretch. They work for more than the number of hours provided

under the factory law, but they have larger intervals. That is in keeping with the habit and customs of the people. Therefore, this extended definition might strike at the root of the coming into existence of such factories. My amendment is intended to remove that difficulty. I say that the word "places" should be added at the end of the word "premises" or "precincts". It would, therefore, read "A notification under sub-section (1) may be made in respect of any specified premises or class of premises, place or class of places". If they have no connection with the main factory, then do not include them in that definition. If they are attached to the main factory or the occupier has control over that place, by all means bring it within the definition. The factory laws are mainly intended to apply to places where manufacturing process is carried on by the use of power: that is the normal definition given in the Factories Act, 25 of 1934. Under section 5, power is given to the Local Government to extend the law to places not only where manufacturing process is carried on by 20 or more persons using power, but, also to places where ten or more persons carry on manufacturing processes without or with the use of power. Thus there is an extension of power to deal with these latter classes, and I do not know how many factories have come within the purview of this and how many industries have got crippled by undue insistence upon the factory law. But let us take it that so far as those factories are concerned, such laws are necessary. If the extended definition, as now suggested, is to be accepted, there will be a further stretching of the definition of factory. It will apply to small and cottage industries; and whatever may be the view of some Honourable Members as regards the *biri* factories, the persons who start the *biri* factories in my part of the presidency are certainly doing a lot of good and benefiting not only themselves but a lot of young men who would otherwise go without employment. If this amendment is insisted on they will not be able to compete with cigarettes and other imported things from the West. It will be difficult for them, under the circumstances, to carry out the several injunctions that are imposed under the factory law, if the law is to be extended to these cottage industries also.

Under those circumstances, I have suggested a modification which, for the time being, may be accepted, and if gross abuse is made and if it is found necessary later on after three or four years or after a lapse of some years to bring them also under this definition, then, at that time, the definition may be extended. At present my opinion is that the time has not arrived for extending the factory law even to such small cottage industries. The cry is again and again raised that enough encouragement is not given to cottage industries, and so let there not be any unnecessary alarm about the hardships of the workers, and let there not be on that account an unwanted or even unintentional crippling of the cottage industries. It is for that purpose that I move this amendment.

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

"That for part (i) of sub-clause (a) of clause 2 of the Bill, the following be substituted:

'(i) after the words 'premises whereon or within the precincts whereof' the words 'or on places attached to such premises and precincts or under the temporary or permanent control of the occupier of such premises or precincts' shall be inserted; and'

The Honourable Sir Frank Noyce: Sir, my Honourable friend, Prof. Ranga, requested me a few moments ago to extend the scope of our legislation in regard to small factories. He put forward his case with some emphasis and I must say, Sir, that it comes to me with considerable surprise that almost immediately afterwards a Member of his own party, which specially claims to represent the interests of labour in this House, should put forward an amendment which would make this Billotiose, and that he should also make an appeal to Government to do nothing to regulate the conditions of labour in cottage industries.

As regards this particular amendment, Sir, the Mover wants certain words to be inserted, namely, after the words, 'premises whereon or within the precincts whereof' the words 'or on places attached to such premises and precincts or under the temporary or permanent control of the occupier of such premises or precincts'; in other words, regulation is to be confined to the limits he mentions. Sir, as I did my best to explain, these *dhobi ghats* in Ahmedabad which we have specially in mind may be situated miles away from the factories; they are not attached to factory premises or precincts. Again, the work in them is done on contract. It is given out to contractors and then the cloth is taken away by them to *dhobi ghats* miles away. How can the *dhobi ghats* be said to be in the temporary or permanent control of the "occupier of such premises or precincts," that is the occupier of the factory premises? The work is done under the control of an entirely different set of people and, as I said at the outset, the acceptance of my Honourable friend's amendment would make the Bill absolutely worthless. He is very anxious that nothing should be done to regulate labour conditions in what he calls cottage industries. I would invite him to look up the Report of the Royal Commission on Labour and read the very vivid description there of the work in some of the small factories. I have especially in mind the *bidi* factories, and I would point out to my Honourable friend that even under the existing Act, the small people who make *bidis* could be brought under regulation if only the Government had the staff for inspection, and if it were advisable to extend the provisions of an Act which is primarily intended for much larger organizations, for big factories rather than for small ones. It is our feeling that something simpler is required for the small industries, which has made us turn our attention to examining what can be done in regard to unregulated factories. My friend, if I heard him correctly, especially instanced the case of basket makers. He seemed to think that it was possible for a Local Government to bring ten basket makers sitting under a tree within the definition of a factory. Sir, we have to bear in mind not what is possible, but what is practicable, and I am quite sure that no Local Government is going to do anything of that kind. Obviously, the basket makers would disperse at once if they saw a Factory Inspector approaching them, and the work would constantly change to another place which had not been notified. I must strongly oppose this amendment which, as I have said, would defeat the whole object of the Bill.

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

"That for part (i) of sub-clause (a) of clause 2 of the Bill, the following be substituted:

(i) after the words 'premises whereon or within the precincts whereof' the words 'or on places attached to such premises and precincts or under the temporary or permanent control of the occupier of such premises or precincts' shall be inserted; and."

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member wish to move his next amendment?

Mr. M. Ananthasayanam Ayyangar: I don't move them, Sir, because those are consequential.

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

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Frank Noyce: Sir, I move:

"That the Bill be passed."

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

"That the Bill be passed."

The motion was adopted.

THE INDIAN AIRCRAFT (AMENDMENT) BILL.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): Sir, I beg to move:

"That the Bill to amend the Indian Aircraft Act, 1934, for a certain purpose, be taken into consideration."

As is stated in the Statement of Objects and Reasons, Sir, this measure has been necessitated by the development of aircraft traffic. We had to take steps in order to ensure that, as in the case of maritime traffic, suitable precautions are taken to establish similar control over incoming and outgoing aircraft with a view to check the spread of epidemic diseases. In particular, Sir, it is necessary to take action because of the fear of the entry into this country of yellow fever. A wholetime Health Officer for the station at Karachi has been appointed, but at the present moment there is no statutory power in the Governor General in Council, corresponding to the power which vests in the Local Governments under section 6(1)(p) of the Indian Ports Act, 1908. That, Sir, is the main reason why this Bill is brought before this House.

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

"That the Bill to amend the Indian Aircraft Act, 1934, for a certain purpose, be taken into consideration."

The motion was adopted.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): Sir, I have an amendment to refer this Bill to a Select Committee.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member ought to have stood up before the Chair put the motion. The Chair gave him ample time.

Sir Girja Shankar Bajpai: There is no motion, Sir, for a Select Committee on this Bill.

Mr. President (The Honourable Sir Abdur Rahim): The Chair understands there is no such motion. The Chair has not got it.

Prof. N. G. Ranga: I am sorry, Sir.

Clauses 2, 3 and 1 were added to the Bill.

The Title and the Preamble were added to the Bill.

Sir Girja Shankar Bajpai: Sir, I beg to move:

"That the Bill be passed."

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

"That the Bill be passed."

The motion was adopted.

THE INDIAN MINES (AMENDMENT) BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour):

Sir, I move:
1 P. M.

"That the Bill further to amend the Indian Mines Act, 1923, for certain purposes, as reported by the Select Committee, be taken into consideration."

The changes made in this Bill by the Select Committee have been very few, and I think, I may say, unimportant, and as they are explained in the Select Committee's Report, I do not think it is necessary for me to deal with them in any detail. I should just like to mention one change, the insertion in clause 6 of a reference to clause (i) of section 29. This relates to the storage and use of explosives, and we may find it necessary to use this power at an early date.

I would, however, Sir, with your permission, offer a few observations on the remarks which some Members have appended to the Report of the Select Committee. My Honourable friend, Mr. Morgan, has referred, in the first place, to the control and management of rescue stations, and he has asked for an assurance that this will be left, as far as possible, to the industry itself. We have not yet drafted any scheme for rescue stations, but in proposing the establishment of such stations we are following the British precedent, and it is our intention to ask the industry to set up the stations and to run them. In fact, if the Honourable Member will refer to the Bill itself, he will see that the Government of India are not empowered to set up or run the rescue stations. They are only empowered to require the mines to do so, and, I think, I can assure

the House that, if the system is worked satisfactorily, the Government requirements will be kept to the minimum. My Honourable friend, Mr. Morgan, has also asked for an assurance that the new legislation should be so framed as to give every possible safeguard to colliery owners against claims for compensation. I take it by the new legislation he means any further legislation we propose for safety and for conservation of coal. I fear I cannot give them the categorical assurance he has asked for. The obvious way of giving every possible safeguard would be to provide that no colliery owner should ever be entitled to compensation for anything a lessee is required to do by Government. I could not agree, without further knowledge of the position, to over-ride contractual relations in this way. To the best of my recollection, this question has never been put officially before the Government and I should require to know much more about the facts before I could give any assurance on the point. In any case, it seems to me, that it hardly arises out of this Bill, for the regulations which may be framed under the Bill will not be essentially different from those which may be framed under the Act as it stands at present: the main change is that they can be made more speedily. If Mr. Morgan or those whom he represents feel that any proposal subsequently put forward justifies a statutory modification of civil rights, it is open to them to represent their case to Government who will, I can assure him, carefully examine it.

Mr. Joshi and his friends raised the question of the composition of the Committee we propose to appoint and the terms of reference to it. I can only tell him that we have not yet reached any definite conclusion on either point. But I can merely offer two tentative observations. The first is, that if we make the terms of reference unduly wide, we shall inevitably delay effective action, and the second is, that I am not entirely convinced by his arguments, on a previous reading of the Bill, that because the workers were deeply concerned in safety they were necessarily the best judges of the proper measures to adopt. But I think I can say that if we decide to have a Committee which is representative of the interests concerned, as opposed to a purely expert Committee, labour cannot go unrepresented on it. Sir, I move.

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

"That the Bill further to amend the Indian Mines Act, 1923, for certain purposes, as reported by the Select Committee, be taken into consideration."

Mr. V. V. Giri (Ganjam *cum* Vizagapatam: Non-Muhammadian Rural): I desire to make only a few observations on the points raised. So far as the introduction of this measure is concerned, it has not been introduced too soon. The Government of India seem to believe in the maxim that it is never too late to mend, but, unfortunately, in this matter, by relying on such a maxim many a poor worker has come to grief by the accidents that occurred in the mines. Sir, I am glad that the Report of the Select Committee has come up now for consideration with the object of passing this Bill into law. So far as rescue stations are concerned, I feel that the workers must have a definite place in the management of those rescue stations. After all, it must be admitted, that the workers are dominant partners in any industry and it is they that suffer most by the accidents that occur in the mines. It is they that will be able to put forward concrete suggestions as to how

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safety measures can be maintained in the mines, because it is the wearer that knows where the shoe pinches. Therefore, I feel, that the Government should insist that the rescue stations should be managed not only by the representatives of the employers but by the representatives of the workers also. I am glad that the Honourable the Mover of this Bill has accepted our point, namely, that in case the employers' representatives as such have a place on the Examining Body, the employees' representatives also will be associated, or, at least, the Government will not be against the idea of associating the employees' representatives on the Examining Body. These are the points that I wanted to place for the consideration of the House.

Mr. G. Morgan (Bengal: European): I rise to support the motion moved by the Honourable Member for Industries and Labour, and I have to thank the Honourable Member for what he has said in regard to the note which I have attached to the Select Committee's Report. The assurance he has given and the attention which he has drawn to the Bill with regard to rescue stations I welcome. As regards the second point, I refer to the new legislation, and, therefore, I shall carry out the suggestion made by the Honourable Member,—to put it before my constituents and see that any representations they have to make are put up before Government in due course. That is all I have to say at present. I shall have something to say on one amendment, but, at the moment, I wish to support the motion before the House and I thank the Honourable Member for his remarks with regard to my note.

Mr. Ram Narayan Singh (Chota Nagpur Division: Non-Muhammadan): I welcome this measure with the remark that Government should not be satisfied with having enacted this measure. There are many a good law on the Statute-book, but they are a mere dead letter. It has been observed with regard to accidents that occur in mines, they occur owing to the bad management of the local administration there. For instance, take the Jogtiabad mine accident. There was a great accident there, and Government also came forward with an enquiry, but the enquiry was a whitewashing one. When the evidence was taken I was also present. It was stated in the evidence that the accident was due to the use of liquid oxygen and it was also stated that this liquid oxygen is nowhere used in this country. It is not used in the British Isles. Then why is it that it was used in the Giridih Colliery area? Sir, I know something as to why the management allowed the use of this but I shall not disclose all these things. I only request that the Government should be very careful about the administration of the law there. Whenever any accident occurs, it is due to bad management than to the administration of the law and if the Government keeps an eye on the good administration of the law, I think some good may accrue to the labourers. Otherwise it is no use.

Mr. N. M. Joshi (Nominated Non-Official): While supporting the motion before the House, I would like to say that I do not agree with some of the remarks which the Honourable Member in charge of the Department of Industries and Labour made. In connection with the suggestion made by my Honourable friend, Mr. Morgan, he said, he would like to leave the management of the rescue stations in the hands of the mine owners with a

minimum of regulations. I think, Sir, it would be wrong if Government does not take sufficient precaution to regulate properly the rescue stations. Personally, I would like the rescue stations to be in the hands, and under the management, of Government and not under the management of mine owners. Human safety is a very important thing and if Government will not leave law and order in the hands of private persons, they should not also leave matters of human safety in the hands of private persons. Secondly, if the owners of mines are to spend money for the rescue stations, my fear is that the rescue stations will not be properly equipped, either with equipment or adequate number of men if the management is in the hands of the mine-owners. I, therefore, feel, that it is wrong for Government not to make proper regulations for the management and control of rescue stations.

Then, Sir, the Honourable Member also stated that if the terms of reference to the committee, which the Government propose to appoint are wider, the work may be delayed. I do not wish that any safety measures which may be proposed by the committee should be delayed. When the terms of reference are wider, what the Government can ask the Committee to do is that when the committee finishes its work of investigation with reference to one cause of accidents, such as fires, it may make a first report. Then when the committee finishes another cause of accident, such as explosives, it may make a second report. The Government appointed the Coal Dust Committee and that Committee, I think, made three or four reports.

The Honourable Sir Frank Noyce: And sat for how many years?

Mr. N. M. Joshi: I do not want the committee to sit for a long time but there is this procedure of making interim reports. If one item of investigation is finished, they can make a report and take up another item. I, therefore, feel that the reasons given are not good reasons for not making the terms of reference of this committee very wide. If you go through the reports of the Mines Inspectors, you will find that there are several causes of the accidents that take place in mines. There are fire damp, falls of roofs and sides, lifts and cages, surface railways and tramways and coal dust. There are several causes which lead to accidents in mines and we would like to see all these causes investigated and remedies suggested. I, therefore, hope, that the Government of India would keep the terms of reference of this committee very wide and ask the Committee to make interim reports from time to time.

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

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

The Honourable Sir Frank Noyce: Sir, I have only one or two observations to make in regard to what has fallen from my Honourable friend, Mr. Joshi. Mr. Joshi is dissatisfied with the position under the Bill under which the Government of India, as I explained in my opening remarks, are not empowered to set up central

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rescue stations but they are only empowered to require the mines to do so. I venture to point out to him that if he felt at all strongly on the point, he might have raised it on the Select Committee, but he did not do so. In any case, as I have explained, we are following the British precedent, which, whatever may be the case in other respects, is not a bad precedent to follow in matters of this kind. My Honourable friend seems to be under the misapprehension that once the Government have required the industry to set up and run central rescue stations, they will sit back with folded hands, and will do nothing further. I can assure him that that is not our intention. We do propose to make proper regulations for the adequate control and management of these stations and we propose to see that they are carried out. As a further earnest, if one were needed, of our intentions in this respect, I would draw my Honourable friend's attention to the amendment which stands in the name of my Honourable friend, Mr. Jenkins,—the amendment to clause 5 which he will shortly be moving. We propose to add to the word "maintenance" the words "and functions" and for the words "and training" we propose to substitute the words "training and duties". In other words, we propose to see that these stations are not only set up and maintained but that they are properly run, so far as it lies in our power to do so.

Another point raised by Mr. Joshi was one that he raised in his speech on the second reading of this Bill in regard to the terms of reference to the Committee we propose to appoint to investigate the question of safety and conservation. There I can assure my Honourable friend that the terms of reference will be sufficiently wide to be effective. He seems to forget that we have a lot of material on this subject. We have the investigations of the Coal-fields Committee, we have the investigations of the Coal-Dust Committee. And, as I pointed out when I moved the motion to refer this Bill to a Select Committee, the question of safety is continually engaging the attention not only of the industry but also of the Mining Inspectorate. There is a mass of material available on the subject, and we shall put that before the Committee we are appointing. I have not the slightest doubt that they will give it all the consideration possible.

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

"That the Bill further to amend the Indian Mines Act, 1923 for certain purposes, as reported by the Select Committee 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. S. Satyamurti (Madras City: Non-Muhammadan Urban): Sir, with a view to making the position clear, I would in the first instance point out that the object of the Government and of the amendment that stands in my name is the same. Sir, I move:

"That to clause 2 (1) of the Bill, the following proviso be added:

"Provided that the proviso to sub-section 6 of section 19 shall not apply to orders made under sub-section 1-A of section 19."

Now, Sir, section 19 of the Indian Mines Act provides in sub-section (6) of the Act:

"Every requisition made under sub-section (1), or order made under sub-section (2), or sub-section (3) to which objection is made under sub-section (5), shall be complied with pending the receipt at the mine of the decision of the Committee:

'Provided that the Committee may, on the application of the owner, agent or manager, suspend the operation of a requisition under sub-section (1) pending its decision on the objection'."

I am anxious, as Honourable Members will notice and will agree with me, that these orders which are contemplated to be made under sub-section (1) (a) as it will be when the Bill is passed by both Houses, of section 19, will have value, only if they are immediately and effectively carried out. After all, these disastrous fires in the mines are the cause of this Bill. I am sure the Government is at one with me that these orders should be enforced immediately and fully, and there should be no power in the Committee to stay those orders. I should like also to invite the attention of the House to section 11 of the Indian Mines Act which defines the composition of the Committee. It consists of:

"(a) a chairman nominated by the Local Government or by such officer or authority as the Local Government may authorise in this behalf;

(b) a person nominated by the chairman and qualified by experience to dispose of the question referred to the Committee; and

(c) two persons of whom one shall be nominated by the owner, agent or manager of the mine concerned, and the other shall be nominated by the Local Government to represent the interest of the persons employed in the mine."

Sir, I do not think it is the idea of the Government that this Committee should have power, when such orders as are contemplated in clause 1-A are made by the Inspector of Mines, to interfere with these orders. The whole point, Mr. President, is this. Does this clause as it stands attract to it the provisions of the proviso to sub-section (6) of section 19 or not? I have some doubt in the matter, because the wording of sub-clause (b) of the proposed clause (1) (a) of section 19 of the Act reads thus:

"and the provisions of sub-sections (3), (4), (5) and (6) shall apply to an order made under this sub-section as they apply to an order made under sub-section (2)."

The words are:

"as they apply to an order made under sub-section (2)."

What do these words exactly mean? The proviso to sub-section 6 of section 19 merely says that:

"A committee may, on the application of the owner or the agent or the manager suspend the operation of a requisition under sub-section 1 pending the decision on its objection."

The power of this Committee to stay this order may apply to these orders. Sir, in this case it is a case of *bona fide* doubt. I am only anxious that, once these orders are passed by the Chief Inspector or the Inspector, they must be immediately carried out, and the Committee should not have the power of staying these orders. I move the amendment in the hope that the explanation which my Honourable friend may give me will satisfy me; and, if it does satisfy me, I will ask your leave and the leave of the House to withdraw my amendment. In the meantime, I move.

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

"That to clause 2 (1) of the Bill the following proviso be added:

'Provided that the proviso to sub-section 6 of section 19 shall not apply to orders made under sub-section 1-A of section 19'."

The Honourable Sir Frank Noyce: Sir, my Honourable friend, Mr. Satyamurti, is an able lawyer, whereas, I am an ignorant layman and it is with very great diffidence that I venture to express any opinion on a matter of law. I would merely bring to the notice of the House what if I may say so, is the point of view of the ignorant layman. The position seems to me to be perfectly clear. My Honourable friend's amendment runs:

"Provided that the proviso to sub-section 6 of section 19 shall not apply to orders made under sub-section 1-A of section 19'."

My answer to that is that, as the Bill stands, it does not apply to such orders. Let me read the proviso:

"Provided that the Committee may, on the application of the owner, agent or manager, suspend the operation of a requisition under sub-section (1) pending its decision on the objection'."

That will remain the position if the present Bill becomes law. All that the Committee will be able to suspend will still be only the operation of a requisition under sub-section (1). They will not be able to suspend the operation of a requisition under our new sub-section 1 (A). Therefore, it seems to me that the position is perfectly clear. I trust my Honourable friend will agree with me and that he will not press his amendment which does not add anything. The position is already as he wants it to be, and I hope he will withdraw his amendment.

Mr. S. Satyamurti: I am content to accept the ignorant layman's view, and I beg leave to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Mr. S. Satyamurti: Sir, the next amendment is also a friendly amendment. I move:

"That sub-clause (2) of clause 2 of the Bill be omitted'."

Sir, the clause represents the optimism of the Government of India. My amendment expresses the cautious pessimism of friends like me who have constantly to remind the Government that they have taken too long a time over these things. Sub-clause 2 of clause 2 reads thus:

"This section shall have effect for two years only from the commencement of this Act'."

The reason for it was given in the original Bill in the Statement of Objects and Reasons. The Government, I believe, are examining the whole question, or they will very soon examine the whole question of fire accidents in mines with the aid of an expert committee. As soon as they receive the report of that Committee, the Government will be in a position to come to

this House for necessary legislation in order to prevent these fires, or, if these fires, unfortunately, break out, they will effectively and considerably mitigate the damage which might be caused as a result of these fires. They expect, I think, that within two years they will be able to push these things through. I am afraid I cannot share that optimism; and I would rather that this Bill became law and went into the Statute-book permanently. It will be easy for the Government, as soon as they are able to push through the necessary legislation, based upon the report of this expert committee, to move, if they are so advised, for the deletion of this sub-section to section 19 altogether. In the meantime, I think, it is safer and wiser for us to delete this clause, because this clause delays the hope of the coming into operation of the amendment to the Mines Act, based on the recommendations of the proposed expert committee. Sir, I move.

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

"That sub-clause (2) of clause 2 of the Bill be omitted".

The Honourable Sir Frank Noyce: If there was one clause or sub-clause in this Bill which I should have thought would have appealed to my Honourable friend, Mr. Satyamurti, possibly to him more than to anybody else in this House, it is the one the deletion of which he is now suggesting. In my opening speech on the Bill, I explained the reasons for the insertion of this sub-clause. Its whole object is to keep Government up to the mark. I would again explain the reason why we have made this temporary provision. It is that we realise that the regulations we are proposing to frame under the powers which we hope the House will give us, must in the nature of things be somewhat hurriedly framed. We want to get them out with as much speed as possible, before the monsoon breaks, for, as I believe, the House knows, the monsoon period is the worst period in regard to fires in the coal fields. We want our Committee to go into the whole question, to advise us on the permanent measures that we should take, to advise us as to the permanent alterations, if any, which should be made in the Indian Mines Act giving Government the powers they want. We hope that that Committee will get to work during the next cold weather. As I told the House, it has also to deal with the question of coal conservation which is a most complex and difficult question. When we get its report, we shall obviously have to refer it to the interests concerned, and that will take some time. But I hope that it will be possible to bring forward suitable legislation, say in the budget Session of the year after next. I shall not be here then. My Honourable friend, Mr. Satyamurti, may be here or he may be translated to another sphere of usefulness, but I have no doubt whatever that if our hope is not fulfilled, there will be Members of the House who will bring pressure to bear upon these Benches to hurry matters up. We can come before the House, if necessary, with a request that we should be given an extension of the powers until we can produce the necessary legislation. If that is so, we shall have to bring forward a convincing case to the House in regard to the delay. That is the whole effect of this amendment. I have stated the effect of the sub-clause and I can assure the House that there is no Machiavellian intention behind it whatever. I know perfectly well, as I told my Honourable friend, Mr. Joshi, that these fires are not going to be extinguished within two years. I know perfectly well, as does everybody else connected with the industry, and I am sure

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my Honourable friend, Mr. Morgan, will agree with me, that some permanent powers will be absolutely necessary. But we do not yet know what those permanent powers should be and it is because our idea is that this House should act as a watch dog in this matter, that we have put in this provision. I think that that is a point of view which as I have said, should appeal to my Honourable friend, Mr. Satyamurti, more than to anybody else in this Assembly. I trust that it will appeal to him now and that he will not press his amendment.

Mr. S. Satyamurti: My Honourable friend is a good man, and I, therefore, beg leave to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

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

"That clause 2 stand part of the Bill".

The motion was adopted.

Clause 2 was added to the Bill.

~~Clases~~ 3 and 4 were added to the Bill.

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

"That clause 5 stand part of the Bill."

Mr. E. M. Jenkins (Government of India: Nominated Official): Sir, I beg to move:

"That in clause 5 in the proposed section 30A :

(a) in clause (b), for the words 'and maintenance' the words 'maintenance and functions' be substituted."

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

"That in clause 5, in the proposed section 30-A :

(a) in clause (b), for the words 'and maintenance' the words 'maintenance and functions' be substituted."

The motion was adopted.

Mr. E. M. Jenkins: Sir, I beg to move:

"That in clause 5, in the proposed section 30A :

(b) in clause (d), for the words 'and training' the words 'training and duties' be substituted."

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

"That in clause 5, in the proposed section 30-A :

(b) in clause (d), for the words 'and training' the words 'training and duties' be substituted."

The motion was adopted.

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

"That clause 5, as amended, stand part of the Bill."

The motion was adopted.

Clause 5, as amended, was added to the Bill.

Clause 6 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Frank Noyce: Sir, I move:

"That the Bill, as amended, be passed."

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

"That the Bill, as amended be passed".

The motion was adopted.

THE INDIAN LAC CESS (AMENDMENT) BILL.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): Sir, I beg to move:

"That the Bill further to amend the Indian Lac Cess Act, 1930, for certain purposes be taken into consideration."

The Bill, Sir, was introduced by me some weeks ago and the Statement of Objects and Reasons gives a very clear exposition, I hope, of the reasons which have impelled Government to bring forward this amending legislation. All the same, Sir, I shall endeavour to recapitulate briefly what those objects are, as it is quite possible that, by reason of the time that has elapsed since the Bill was introduced, Honourable Members' recollection of the Statement of Objects and Reasons has become somewhat faint. There are two main purposes for which we have brought forward this Bill. The first is the raising of the rate of export duty on shellac and refuse lac to supplement the resources of the Committee. The explanation of that is this. Ever since 1928 we have felt the compelling competition of synthetic products, such as resins, which are produced in Germany and which are competing with lac in Great Britain, on the Continent and in the United States of America. The producers of these synthetic resins were prepared to oblige the consuming industries, not merely by selling these things somewhat cheaper, but also by undertaking at their own expense, research which would enable them to utilise the resin in place of lac. It became necessary, therefore, for the Lac Cess Committee to take similar steps in order to safeguard the position of the industry in the consuming countries. And considering that Bihar, where the bulk of this commodity is produced, had already seen the extinction of the indigo industry by the competition of synthetic dyes, the committee were not slow to respond to the demand of economic forces; and, since 1933, they have maintained three research workers in England,—all Indians. I am glad to say,—who are engaged in working in collaboration with the industries utilising lac for the purpose of maintaining the position of this commodity as a commodity utilised for certain industries. Not only have they done that; they have also utilised existing research agencies, both in the United Kingdom and in the United States of America, to supplement the research work which is done by them for promoting the utilisation of lac by industries. Now, Sir, that costs money

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and, in this particular case, the total cost is in the neighbourhood of a lakh of rupees, whereas the revenue from the existing rate of lac cess to the Committee is on an average a lakh and a half, of which more than a lakh is required for the maintenance of the Institute and the research work which is being done in India. Therefore, Sir, it is necessary to supplement the resources of the Committee for the purpose of maintaining the position of this commodity and developing a market for it abroad where it is largely used for industrial purposes.

The second main purpose of the amending Bill is to reconstruct the Committee. The Committee was brought into being for the purpose of developing the cultivation, manufacture and marketing of Indian lac, and the Committee is also empowered under the existing Act to receive and expend the proceeds of the cess. But the composition of the Committee, as it is today, includes not only those who are representatives of producers or consumers, but it also includes a number of experts, such as entomologists, forest officers, and so on. It was represented to us that on the analogy of the Imperial Council of Agricultural Research, the proper thing for Government to do was to reconstruct this machinery so that questions of policy shall be entrusted to those who are interested either in the production or in the manufacture or in the export of lac, and that technical functions shall be relegated to a body which will be purely advisory. Now, Sir, clause 3 of the Bill attempts to give effect to that recommendation. We have found in the case of the Imperial Council of Agricultural Research, which has the disposal of much larger sums of money than this Committee, that that particular method has served very well indeed, and there is no reason why that method should not prove for more efficient disposal of business than the present machinery which exists under the existing Act. Clause 3 of the Bill has therefore been brought in in order to provide for an executive committee which will have the control of policy, and an advisory body which will concern itself with considering such projects and programmes for research as may from time to time be referred to it by the executive committee.

Those, Sir, are the two main purposes for which we seek the amendment of the Bill; and we are taking advantage of the opportunity also to provide that, in-as-much as scientific development moves apace, the Governor General in Council, who is responsible for the administration of this Act shall have the power, if occasion should require, to institute investigation from time to time into the actual working of the Institute. That power we are also taking in this Bill.

If I may venture upon a couple of more observations, because the House seems to be in a mood for the expeditious disposal of the business before it, I would say this. There are on the agenda at least two sets of motions, one of which seeks that the Bill be circulated for the purpose of eliciting opinion, the other that the Bill be referred to Select Committee. Sir, I do submit to the House that it is not necessary to adopt these tactics or to press those suggestions and for this reason. The Committee's research work in England has, so far, been financed out of its resources, that is to say, reserves that it had built up. Those reserves have dwindled as a result of this drain. If these motions are moved and the Bill is to go over to the next Session, then half the revenue which we expect, during the six months, that are about to begin, of the present financial year—something in the neighbourhood of Rs. 75,000—will be lost.

Further, all the interests concerned, that is to say, the producer as represented on the Committee, the manufacturer as represented on the Committee, the exporter as represented on the Committee, and every Local Government of a province where this commodity is produced, all of them, have agreed that the amendment is timely and desirable. If the House admits that it is desirable to assist the industry to go forward with this project of supplementing its resources, then I submit there is no need for further delaying legislation, and that the House will proceed to take the Bill into consideration. Sir, I move.

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

"That the Bill further to amend the Indian Lac Cess Act, 1930, for certain purposes, be taken into consideration."

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

3 P.M. There is a motion in my name that the Bill be referred to a Select Committee.

Mr. President (The Honourable Sir Abdur Rahim): What about the motions for circulation? Are these not being moved?

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): Sir, the Mover of this motion has already practically said that these dilatory tactics

Mr. President (The Honourable Sir Abdur Rahim): Do you want to move your amendment?

Pandit Nilakantha Das: I may move it, but

Mr. President (The Honourable Sir Abdur Rahim): The Chair can't allow that, the Honourable Member must either move it or not move it.

Prof. N. G. Ranga: Sir, I move:

"That the Bill be referred to a Select Committee consisting of the Honourable the Law Member, Sir Girja Shankar Bajpai, Mr. L. C. Bhas, Mr. N. M. Joshi, Mr. M. S. Aney, Pandit Lakshmi Kante Maitra, Mr. Ram Narayan Singh, Mr. Bansanta Kumar Das, Mr. Muhammad Nauman, Srijut Kuladhar Chaliha and the Mover with instructions to report not later than the 23rd instant, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, it is because I am in favour of the principle involved in this particular Bill that I take this liberty of making this motion for a Select Committee, and also because I am anxious that this Bill should be passed as soon as possible in order that the lac growers may be helped, that I am making this motion that the Select Committee should report not later than the twenty-third instant.

Sir Owasji Jehangir (Bombay City: Non-Muhammadan Urban): Twenty-third instant?

Prof. N. G. Ranga: The day after tomorrow.

Mr. President (The Honourable Sir Abdur Rahim): It can't come up this Session. The Report of the Select Committee has to be laid on the table for a week.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions; Muhammadan Rural): Why not ask the Select Committee to report by this evening?

Prof. N. G. Ranga: The Select Committee can report by tomorrow morning if it cares to. This Bill is intended not only to increase the cess that is being raised at present upon all the lac produced in this country, but also to reconstitute the Governing Body as well as the Advisory Board to govern the administration and the expenditure of this particular cess. We are in favour of there being an Indian Lac Cess Committee, we are also in favour of a cess being levied upon lac production, but we are particularly anxious to see that this committee is so constituted that it will really be representative of the people who are interested in raising lac. There are as many as six provinces in which lac is being raised. It is true that I do not belong to any one of them, but I do represent the wishes of the *kisans* just as much as Government claim and, therefore, it is not fair for anybody to maintain that just because the growers of lac belonging to those provinces are supposed by Government to have expressed their wish to have this Bill passed as soon as possible, it is unreasonable on our part to ask for a delay of only two days in order to devise the best means by which the peasants can be assured of proper representation on this Committee. I know that, as usual, the assurance will be given that Government will try their best to consult the *kisans* or the peasants before the six members representing the cultivators of land are nominated by the Governor General in Council. But such assurances have been given many a time and very little action has been taken thereupon. It is very well known that so many pledges have been broken by this Government, but even on the smaller plane—the plane of assurances—we find that the recent record of this Government has not been so very favourable to themselves or encouraging to the peasants. When the Indian Coffee Cess Bill was under discussion in this House and when my Honourable friend, Mr. Avinashilingam Chettiar raised the question of the representation of small growers of coffee, the Honourable Sir Muhammad Zafrullah Khan said that he was happy to be able to assure him that the Government of India were prepared to instruct the Government of India that the two members to be nominated under the sub-clause in question should be drawn from the class of Indian planters who were not members either of the United Planters Association of Southern India or of the Coffee Growers' Association, but in spite of this assurance, we find that the small growers of coffee of Southern India have not been given any representation on the Indian Coffee Cess Committee. We are afraid that the same thing might be done by Provincial Governments with or without the connivance of the Government of India, unless a definite provision is made in the Bill itself that in such and such a manner the representatives of peasants will be selected, so that the peasants can always be sure that their rightful and legitimate leaders and representatives would alone be selected by Local Governments to represent them on this particular governing body and not anybody and everybody who run after this Government, especially the Aman Sahbaites and others who simply

claim to be *kisans* merely because it is convenient for them to do so and not because they have distinguished themselves by serving the *kisans* or by standing for their cause. It is usually maintained that when there are no peasants' organisations in these provinces it is too premature for anybody to suggest that those Associations are to be given the privilege of electing or nominating the representatives of peasants to sit on this particular governing body. It is not an unknown thing to this Government to try to encourage the formation of Associations by taking steps administratively as well as legally, and they have done so, especially in the case of labour, and I daresay that Government are aware of the fact that the Simon Commission, the Joint Parliamentary Committee and the Franchise Committee have gone out of their way to offer to take the representatives of labour as M.L.Cs. or M.L.As. if only their Associations came to function for six months previous to elections. And although they knew that at that time there were no Associations in several provinces, they did definitely say that by making such a provision, by offering such an encouragement in various provinces, they hoped that workers would be encouraged to form themselves into Associations and thus gain their rightful representation in the various legislatures. If Government was prepared to do that in the case of industrial workers, I do not see any reason why this Government should not be prepared to accept our suggestion that associations of peasants where they exist and where they do not exist, when they come to exist and to function, should alone be allowed to sit on this particular committee to represent them. We have even gone out of the way to suggest that where there are no peasant associations, it would still be open to the Governor General in Council to nominate, as is proposed by this particular Bill, the representatives of *kisans* or those whom he considers or his council considers to be the proper representatives of *kisans*. Yet, I am afraid the Government is not willing to accept our suggestions.

I wish to maintain that this Government does not seem to be really very keen that peasants should organise themselves. A Bill was sought to be introduced to enable peasants to organise themselves into peasants unions. It was framed exactly on the lines of the Trade Union Act: yet the previous sanction of His Excellency the Governor General was not given, and, therefore, it could not be placed on the agenda of the House. We are forming associations in various provinces: although we do not have any lac growers association in any of these provinces, we do have peasants associations in Bengal, in the United Provinces, in the Central Provinces, in Orissa, in Bihar, in Assam and for all these provinces, excepting Bengal, we have got provincial associations also. These association can certainly be expected to elect representatives on behalf of the lac growers from amongst the lac growers themselves, and certainly these associations can be trusted to perform their functions much more trustworthily much more satisfactorily than the Governor General here can be trusted to do, advised as he will be by the Local Governments, interested as they would be not in the organisation of the *kisans*, but in destroying legitimate organisations that already exist for the *kisans*. We are forming organisations and we are informing Local Governments that such and such are our organisations, such and such is their strength, and that, therefore, whenever they have legislative or administrative proposals to be circulated among the public for eliciting opinion, we should be

[Prof. N. G. Ranga.]

consulted. And we were given the answer by one or two Local Governments that our organisations would not be recognised and, therefore, our organisations were not likely to be consulted like all other organisations. Every other interest in this country is being consulted in an organised fashion by this Government but the only exception to this is the *kisan*. Is it merely because the *kisans* are the largest number of people in this country? Or is it merely because the *kisans* form the back-bone of this Government, of this state and of the country? Or is it because the *kisans* pay the largest amount of revenue to this Government that they should be neglected, that they should be simply thrown to the tender mercies of the Governor General in Council and also the Local Governments and their satellites? I consider that it is absolutely necessary that Government should, if necessary, even go out of its way to encourage the formation and development of *kisan* organisations or peasants organisations. And one of the ways by which they can do so will be by accepting our suggestions which we have incorporated in some of our amendments also. It is for the reason that these suggestions should be carefully examined that I am suggesting the appointment of the Select Committee. At an earlier stage I thought it might not be necessary for us to get this Select Committee appointed, because I felt, along with some of my friends, that we might expect a more favourable reply from Government. But I am advised by my friends, and I am convinced that they are right in advising me in that manner, that it is absolutely necessary to go into the Select Committee and get this thing thoroughly thrashed out and find out a suitable formula by which the proper representation of *kisans* can be assured and by which it would be possible for us to persuade the Government to agree to recognise the general peasants associations that we have in these five provinces and making suitable provision therein for the later recognition of regular, functional lac growers' associations when and if they come into existence in any of these six provinces. With these remarks I move my motion for Select Committee.

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

"That the Bill be referred to a Select Committee consisting of . . ."

No names have been given.

Prof. N. G. Ranga (handing in a slip at the Secretary's table): I have given the names, Sir: I have read them out.

Mr. President (The Honourable Sir Abdur Rahim): This is not the proper way of giving notice of a motion.

" . . . consisting of the Honourable the Law Member, Sir Girja Shankar Bajpai, Mr. L. C. Buss, Mr. N. M. Joshi, Mr. M. S. Aney, Mr. S. Satyamurti, Pandit Krishna Kant Malaviya, Pandit Lakshmi Kanta Maitra, Mr. Ram Narayan Singh, Mr. B. K. Das, Mr. Muhammad Nauman, Mr. Kuladhar Chaliha and the Mover with instructions to report not later than . . ."

what date? No date has been given.

Prof. N. G. Ranga: 23rd instant, Sir: It is put down there, 23rd April, 1936: I have read it also.

Mr. President (The Honourable Sir Abdur Rahim): The Chair will not in future accept anything written out like this (in pencil); and unless the motion is completed, the Chair will not put it to the House.

" . . . not later than the 23rd April 1936, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Pandit Nilakantha Das: Sir, we are practically between the horns of a dilemma. I would much like that the Bill as it is should go even for circulation for opinion or at least to a Select Committee; but this is said to be a measure which will help our producers and our industries, specially when there is a danger that without this additional money secured for this committee, lac may go the way of indigo. Really at a time like this our heart trembles when we think that any delay on our part will prejudice the interests of the producers in this land. On the other hand, our Honourable friend in charge of Agriculture and Lands is always anxious to put cess after cess—on coffee, on tea and on lac. All his Departments of Agriculture will, it appears, have a cess in each case in course of time, and I do not know how and to what extent that will help the actual producer in the land. He has given us absolutely no information as to how the working of this lac Committee has helped production.

Then, again, Sir, this cess is going to be increased by two annas in each case, seven annas and five annas on each maund. We do not know what was the price of a maund and what it is now. He has not also told us whether the price which is available to the producer at present is an economic price, so that we do not know if the producer can easily bear this amount of cess.

Then again, Sir, there is another aspect of the question. There was a time long long past when India as the only land in the world for the production of lac had the entire monopoly in this business. But as we know, the lac dye has been replaced long ago by synthetic dye, and now we depend upon shellac, which also has been synthetically manufactured in several countries with whom, I understand, this Committee will have to negotiate for the sale of this Indian produce. We should much like to know if even at present this lac export is the monopoly of India, and how it fares, according to the opinion of the Committee, in competition with synthetic shellac. This is all very necessary and relevant information which must be in the possession of the House before it agrees to any cess like this, not to speak of its enhancement. We protect our industries by tariffs and the Government take charge of the entire business of developing industries, but when these agricultural products come, we are always thinking of a cess and we are creating practically autonomous bodies consisting of members, most of whom are nominated. That is my second reason for which I should much like that this Bill should go, if not for opinion, at least to a Select Committee. If I do not agree to a Select Committee, it is because I am afraid the producer may lose something by my dilatory methods. I should protest, Sir, strongly that it should be called tactics. . . .

Sir Girda Shankar Bajpai: I never meant that. I meant that the motion may delay.

Pandit Nilakantha Das: But that is what I heard. We are really out to help the producer. If we want certain information and sift it in a Committee, it is only in order to be convinced that we are doing a real service to the producer by way of giving an impetus to the industry and export, and we should like to know whether this cess would be borne at the present moment by the producer or whether it can be entirely transferred being a monopoly business to the consumer across the ocean.

Then, again, Sir, my next point is this, that these autonomous bodies are mostly formed out of members nominated by the Governments. If we are to make the results of research, for which we spend the money, available to the producer, we must think of other ways of recruiting men to these committees. I cannot straight off say what type of members should be elected, for under the present circumstances it may not be possible. I am not myself aware if there are organised bodies or associations of peasants of lac growers. My friend, Prof. Ranga, is definite that such organisations do really exist.....

Mr. G. Morgan (Bengal: European): No, not in the lac trade.

Pandit Nilakantha Das: In that case, that source should with benefit be tapped for recruiting our members to these Boards, otherwise some means should be found to see that these members are not entirely nominated by the Local Government. We have seen in many public bodies that these nominated members do not think for themselves, they do not vote, if they think at all, according to their own judgment.....

Mr. President (The Honourable Sir Abdur Rahim): The Chair doesn't think the Honourable Member ought to make such general observations on any section of the House.

Pandit Nilakantha Das: I don't make any general aspersions on anybody. We have seen often that these nominated members.....

Mr. President (The Honourable Sir Abdur Rahim): That may itself mean some reflection on certain Honourable Members here.

Pandit Nilakantha Das: It is not a general remark to all, Sir.

Mr. President (The Honourable Sir Abdur Rahim): Has it any allusion to Members of this House?

Pandit Nilakantha Das: I am speaking of members of the Cess Committee which has nothing whatever to do with this House. This Honourable House is quite safe so far as my remarks here are concerned.

Mr. President (The Honourable Sir Abdur Rahim): Then, the Honourable Member should put it in such a way as to make the position clear.

Pandit Nilakantha Das: In these Committees, these nominated members will never think for themselves, or if they think at all, they are not able to act independently. So I suggest that the Honourable Member in charge of the Bill should advise the Local Governments to set

up for the present Committees, the members of which should be nominated from among some panels elected by either the local Legislature, or if the area is limited and compact, by the local bodies concerned. That in my opinion would be a very good thing and a feasible method to start with. Then of course, as a result of education and realising the benefits that accrue to the producers, they will organise themselves into associations, and then it can be considered if the benefit of election could not be gradually extended to these associations. These are the two suggestions I have to make for the present, one is the system of panel, and the other is to extend in course of time the method of election to the associations of lac growers as they are formed, and formed to the satisfaction of the people and the Government.

I have another point to make in connection with this Bill. In fact, these lac districts are spread over the province of Bihar and Orissa. Bihar and Orissa is the most important lac producing province in India, and the produce of Orissa is one-third of it as far as my information goes—I mean one-third of the produce of Bihar and Orissa. But, there is of course one technical difficulty. The lac lands of Orissa are almost entirely, if not entirely, in the Orissa Feudatory States. But some lands on the margin are in British Orissa.

Mr. M. S. Aney (Berar Representative): What is the percentage?

Pandit Nilakantha Das: It will be a very small percentage, one or two per cent. There is one other aspect of the question. We are not setting up this Committee for the producers alone. The man who trades in lac is also concerned, the man who manufactures lac is also concerned in this. The Feudatory States have no sea-board, and they send their lac to Cuttack or some other place in British Orissa. My Honourable friends will be interested to know that one crop of lac is called *katki*, it means a crop which ripens in the lac season of the Cuttack or Orissa lac area. From that the name has come, though the Committee do not seem to know what it means. One is Vadui, another is Palasi, and another is *Katki*.

Sir Girja Shankar Bajpai: If I may inform my Honourable friend, while his attempt to connect "*Kataki*" with Cuttack is very ingenious, this word has nothing whatever to do with Cuttack. It has something to do with the month of Kartik in which the crop is harvested.

Pandit Nilakantha Das: It is not Kartik so far as I know, because I have heard the name—*Katki* lac in Orissa where *Kartik*.....

Sir Girja Shankar Bajpai: But they call it *Katik*.

Pandit Nilakantha Das: Whatever be the interpretation, we may agree to differ there. I have no objection.

Mr. M. S. Aney: Who is a better linguist?

Pandit Nilakantha Das: It is not felicitous to say for one that one is a better linguist, but I still maintain my interpretation. However, most of this lac goes through Cuttack, and there are lac depots in Cuttack, at least I knew them during the War time when the price was very high. I have lost direct touch with those quarters, but I believe even now there

[Pandit Nilakantha Das.]

are lac houses in Cuttack. They take lac licenses in the native states, bring the lac to Cuttack and sell it from there. So, that may be a consideration for giving some representation particularly to Orissa, in spite of the fact that real lac producing land may almost entirely be in the Feudatory States. I hope and trust that my Honourable friend will look into this aspect of the question, and simply because for some reason or other the growers are to be found in Feudatory States of Orissa, the makers and traders of lac should not go unrepresented. With these few points, shall I support? (Laughter.) These are my remarks on the Bill.

Mr. G. Morgan: I do not intend to detain the House at this late hour this afternoon, but I oppose the amendment which is moved by my Honourable friend, Prof. Ranga and support the motion as moved by my Honourable friend Sir Girja Shankar Bajpai. I welcome this Bill because I have seen a great deal of the working of the Lac Cess Committee in the recent three or four years, and to my mind and to the mind of every one connected with it, it has not been entirely satisfactory, and we welcome this reorganisation of the Governing Body and the Advisory Body, and especially the raising of the cess so as to have sufficient money to carry out the research work which is absolutely essential for the benefit of those people which my Honourable friends on the other side have been laying great stress upon, namely, the producer. Unless the producers can sell their raw lac, they cannot make any money out of it, and unless the manufacturers and exporters can carry on their business there will be no one to buy lack. The dangers are, as pointed out by the Honourable the Mover, very evident at the present moment. It is a very serious situation, and unless this Committee is set up as quickly as possible and money is obtained, we may find ourselves in a position where the competition from synthetic lac is very serious indeed. That, as the Honourable the Mover has explained just now, is a very great danger indeed, and the sooner this is tackled the better. Sir, I support the Bill.

Mr. Ram Narayan Singh (Chota Nagpur Division: Non-Muhammadan): I protest at the manner in which the Bill is being rushed through at the fag end of the Session. This is a very important measure; this concerns several thousands of lac cultivators in my constituency. The original Act and also the amending Act are certainly good. They aim at the improvement and development of cultivation, manufacture and marketing of Indian lac. But the way in which the Government are proceeding with the Bill, or I may say if anybody goes through the original Act and the amending Act and the manner in which its administration is going on—the Government is moving either in a half-hearted manner, or in a *bigari* fashion, or in the fashion of the generous Marwari who out of generosity established some *pinjrapole* for invalid cows. I represent that area which is the most important centre of lac cultivation. I am myself a lac cultivator. Sometimes the lac harvest is very good and sometimes there is utter failure. Of course, State help is necessary so that failure is prevented and the manufacture also requires improvement. At the same time so far as marketing is concerned, we know that the fluctuation in prices is so very abrupt that sometimes lac sells at Rs. 20 a maund and sometimes it goes up to Rs. 300 a maund.

An Honourable Member: Not now.

Mr. Ram Narayan Singh: It has done so in the past. The result is that many people are ruined. It is the duty of the Government to find a stable market for them. We have the monopoly in lac cultivation and if Government tries, we can have a stable market. As I have said the Government is proceeding in the way in which a generous Marwari establishes a *pinjrapole* for invalid cows. There is a lac research institute at Nankum in my constituency at Ranchi. The high posts there are filled by Europeans. The Director was formerly a lady drawing Rs. 1,800 a month besides Rs. 100 allowance, and free electricity, free water supply and a free furnished bungalow.

An Honourable Member: She is a technical woman?

Mr. Ram Narayan Singh: She is an expert in some other science but not in bio-chemistry. After that there is another post of Entomologist drawing a salary of Rs. 850 a month and there is another European who draws Rs. 800 a month. All the high posts were formerly held by Europeans and there was lot of agitation in the House as well as outside it and that poor lady is gone. Since then an Indian has been appointed to this post. I am not charmed with the appointment of Indians, because when they are in Government pay they scarcely look to the interests of the people. They look to the interest of their stomach and to the interests of the Government. Of course, there are Indians in small grades. As to the Lac Cess Committee what is the achievement of this committee. A petition was submitted to this Government by a member of the committee. The Honourable Member stated that a lakh of rupees is spent every year in this country and 50,000 somewhere. Within a period of ten years this lady, in collaboration with others, issued three leaflets. I am a cultivator myself and I am at a loss to know what benefit they have done to any cultivator. I am a public worker and always roam about in my constituency. I have never seen them doing anything, although I have heard that some people have been appointed and some demonstration is going on in a corner of the Ranchi District in the bungalow of the Director. So far as actual benefit is concerned, nothing has been done yet. There is the Tea Cess Committee and according to the amending Act, there is going to be some change but the Committee ought to consist of the actual cultivators of lac and some merchants dealing in lac and some experts. What is the use of having Government officials there. The committee consists of several people nominated by the Government. The report is that some members do not attend. Others attend only to influence the opinion of others. Then, as regards the nominations of the Bihar Government, they always nominate the Commissioner of Chota Nagpur Division as the representative of the lac cultivator. We do not know whether the Honourable gentleman can recognise a lac tree but he is the representative of the lac cultivators. As I said, this is a very important measure and it concerns a most important industry in the country, generally, and especially in my constituency. This requires long deliberation and co-operation of non-official Members of this House. It is being rushed through at the fag end of the session. Of course it would have been better if the Member had been good enough to withdraw the Bill altogether and bring it up in the Simla Session but if it is not accepted, I

[Mr. Ram Narayan Singh.]

hope the Select Committee proposal will be accepted. It has been stated that the report will be submitted day after tomorrow. I am prepared and I hope I shall be able to persuade other Members of the Committee to sit at once and submit the report even tomorrow morning. If the Honourable gentleman is serious about the interests of the lac cultivators, then this motion ought to be accepted. With these words, I support the motion and I hope my Honourable friend, Sir Girja Shankar Bajpai, will accept it.

Sir Girja Shankar Bajpai: Sir, the observations that have been made by Honourable Members who have spoken, so far, can be classified under two heads. The recommendation that the Bill be referred to a Select Committee is for two purposes. One is to ensure that the cultivator of lac is better represented than by the method which we have proposed in the body of the Bill. The other is that some light should be shed on certain questions which my Honourable friends, Pandit Nilakantha Das, in particular, have asked, *viz.*, what is the benefit that the cultivator has derived by the research work that has been done so far, and what will be the effect of the imposition of the cess on the exports from this country abroad? I shall deal with these doubts first and then go on to the other question. It is perfectly true that I said nothing in my opening observations on the subject of what benefits the cultivator had derived from the lac research. That was because at that stage I limited myself to the two main reasons for which we had brought forward the Bill,—not because the record of the Lac Research Institute, so far as assistance to lac-growers is concerned, is so poor that I wished to disguise or conceal from the House this record of inactivity. The fact that lac exports have been maintained at the level at which they were three years ago, when the competition began to be most severe, is in itself an indication of the benefit of the research work which has been undertaken by the Institute, and, in particular, of that work which is being done or has been done for the last three years in England. I have the figures here, which I can give to the House, of the exports. In 1927 these were 409,000 cwt. Since then in 1931-32, as a result of the depression, they fell down to 331,000 and 296,000 respectively. The position in 1933 was that, they had gone up to 417,000 and, in 1934 they had gone up to 570,000. That I hope will be some satisfaction to the House as substantiating my claim that the research work which is being done in England has stopped, the inroad that these synthetic commodities were making in the industries where lac was utilised before. Now, Sir, it will be admitted, that unless there are purchasers for lac, the cultivator gains nothing. In other words, the prosperity of the cultivator depends on the off-take of lac by the consumer, and to the extent that the Institute and the researches that are being conducted under its auspices have the effect of maintaining or even improving the market, I think the utility of the work that the committee is doing stands completely vindicated. Then, we come to the more direct benefit which the cultivator receives from the activities of the Institute. The entomological work and the bio-chemical work that has been done in the Institute has been embodied in a manual of lac production which has been published in English and which has now been translated into Hindi, Bengali and Oriya, for the purpose of distribution or sale at a cheap price to the cultivator, so that he should have the

results of those researches available to him in a language which he can read or which somebody can read and explain to him. That is so far as propaganda is concerned. Then the Lac Committee have now started a system of free demonstrations by means of *Ramdars* who can show to the cultivator how he is to prune the tree, how he is to treat the "hosts" and how he is to combat parasites and predators. I think, there again, the record of the Lac Cess Committee is a good record, and not one which can be or ought to be scoffed at. So whether you take the prosperity of the industry as measured in terms of exports or you take the assistance given directly to the cultivator, I think, Sir, that the Lac Research Committee and the Institute can claim that they are benefiting the cultivator.

Pandit Nilakantha Das: May I ask what has been the price year after year?

Sir Girdja Shankar Bajpai: The prices fluctuate from year to year, but that is not because of anything which is done or left undone by the Committee; price is determined by conditions of demand which are not under the control of the Committee. When there is a shortage or there is an increase in the demand, prices naturally go up; on the other hand, when there is a drop in the demand, the prices fall. Nothing which the Committee can do is really going to stabilise the demand nor is it going to stabilise prices, and I may tell my Honourable friend, Mr. Ram Narayan Singh, that if he is under the delusion that lac is still a monopoly, then all that I have said so far to explain the justification for increasing the cess has either been misunderstood or completely lost upon him. It is because lac is threatened with the competition of synthetic commodities that it is necessary for us to undertake research work; and if we take up the attitude that it is up to the consumer to come to us or to leave the commodity, then the consumer will leave the commodity, and lac will go the way indigo went. That is the position. Mr. Ram Narayan Singh said that some member of the Committee had informed him that all that the Lac Research people had done was to publish three pamphlets. Sir, I am not a scientist and I am not, therefore, in a position to pronounce upon the utility of the contents of the publications which the Lac Research Institute has produced, but I have here a list of no less than 98 pamphlets which have been produced by the Committee. Well, between ninety-eight and three, which was the number mentioned by my Honourable friend, there is a very large gap indeed. I think the House will not be misled by information, which probably was incorrect or, at any rate, came from sources which did not take the trouble to verify it.

Mr. Ram Narayan Singh: Those things might have been sent to you but not to the cultivator.

Sir Girdja Shankar Bajpai: But my Honourable friend will agree with me that the cultivator cannot follow—even assuming that these were of direct benefit to him—the somewhat recondite contributions on such points as the physical composition of lac and so on. These are of value to the research worker; these may be of value to those who utilise the commodity, they are not things of particular value to the grower of lac.

[Sir Girja Shankar Bajpai.]

Now, another point which was made by my Honourable friend, Pandit Nilakantha Das, was: is this cess going to reduce the export from this country and thus be passed on to the producer? Well, there again, the facts do not justify any such pessimistic conclusion. The export cess was imposed on lac for the first time in 1922. Instead of showing any drop, the volume of exports steadily increased. I can prove this to my Honourable friend. The cess was imposed in 1922. In 1925 the figures of exports were 4,09,000; in 1926, they were 4,76,000; in 1927, they were 4,09,000; and in 1928 they were 5,10,000. Past history shows that the imposition of the last cess did not affect the value of exports and, consequentially, did not affect the producer of lac. Equally, there is no reason to assume that the increase we are recommending now is going to have an adverse effect upon such share as the cultivator receives of the price that is paid for lac. As a matter of fact, I am assured by these experts who have first-hand knowledge of the subject, that the cultivator pays no share of the export duty at all; the export duty is paid by the agent who works the lac into shellac which is the commodity which is exported in bulk. Sir, I hope I have succeeded in satisfying my Honourable friend, or, if not him, at any rate the House, that there is no need to anticipate any hardship so far as the producer is concerned by reason of the imposition of this cess.

Now I come to the second point, viz., the composition that we have proposed for the committee. It is suggested that if we refer
 4 P.M. this matter to the Select Committee, we can meet tomorrow, we can go into the question at leisure and still present the report to this House day after tomorrow. What is the point, which is, shall we say, the bone of contention between me and Honourable Members opposite: the method of representation of the cultivator of lac. Honourable Members seem to think that the method of nomination is not a suitable way of securing representation and that the method of election should be adopted. May I say, Sir, that before this Bill was introduced in this House, we took the precaution of consulting Local Governments on this very point, namely, what was the best method of securing representation of the lac grower which would ensure touch between the representative and the grower. The opinion that we had from a great majority of the Local Governments was, that considering, the areas in which this is grown in the different provinces, or the stage of political and general evolution of the people who grow lac, it is impossible, at this stage, to arrange for direct election or for consultation, for there are no associations. Take for example the province of Assam. I think my Honourable friend, Mr. Chaliha, will bear me out in the statement that very largely the lac that is produced there is produced in forest areas, it is produced by aboriginal tribes who are scattered all over the place. How are you going to organize them, bring them together for the purpose of forming an electoral college for the purpose of electing somebody who may go and represent them on the Committee. It was because we were assured by Local Governments of the impracticability of any method of direct election that we decided to introduce this particular method in the Bill. Now, let us assume for the sake of argument that we meet tomorrow and we all come to the conclusion that the ideal arrangement is that these people shall have direct representation. That does not solve our difficulty, because we have to consider the practical

method of securing representation for these people. If I am over-ruled in the Committee, if the contention or the argument which I put forward to the House now does not appeal to Honourable Members, then, in that case, I will not be in a position to accept the proposal for direct election because, I know in the light of such information as I have, that it is impossible to arrange for direct election. Therefore, I shall have no option but to send the thing back to Local Governments. In other words, it will not be possible for this House to pass the Bill during this Session because consultation with Local Governments that will become necessary will rule that absolutely out.

Now, Sir, my Honourable friend, Mr. Nilakantha Das, said, that his heart was trembling over the fate of the cultivator because of the hard period that may lie in wait for him if this thing is not passed. I say that all Honourable Members of this House who are genuinely in sympathy with the producer of lac—and the producer of lac is prosperous so long as there is an outlet for lac abroad—I say all those who are in sympathy with him, their duty is an expeditious disposal of this Bill rather than support for proposals which would have the effect of delaying the passage of this Bill. It has been said that Government have some Machiavellian device or object in view, that they have brought this thing forward rather late in the day. If anything, Government have delayed the introduction of this Bill for a period of two years in order to get a better and more representative composition of the committee than exists in the Act as it is at the present moment. I can assure my Honourable friend that if it was not possible to take up the Bill so far it was not because we tried to delay the matter—I introduced the Bill nearly six weeks ago—but because more urgent business has been pending before the House. I regret it is not possible for me to accept the motion for reference of the Bill to a Select Committee.

Pandit Nilakantha Das: I raised two points, the one regarding the representation of lac growers on the Board and the other about the cultivation of lac in Orissa. Now that Jaypore has been included in the new province of Orissa, what becomes of the cultivators there?

Sir Girja Shankar Bajpai: I am sorry I overlooked the point. The fact is that the British part of Orissa does not produce any lac and that lac in Orissa is produced in the Feudatory States for the representation of which we are not making any direct provision in this sub-clause.

Pandit Nilakantha Das: Jeypore is now included in Orissa from April 1st. It is 12,000 square miles in area and has, I am informed, lac cultivation. It was formerly in Madras, now it is in Orissa.

Sir Girja Shankar Bajpai: It might have been in Madras, but I have no information that Jeypore produces lac in any considerable quantity that we need consider now.

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

"That the Bill be referred to a Select Committee, consisting of the Honourable the Law Member, Sir Girja Shankar Bajpai, Mr. L. C. Bhas, Mr. N. M. Joshi, Mr. M. S. Aney, Mr. S. Satyanurti, Pandit Krishna Kant Malaviya Pandit Lakshmi Kanto Maitra Mr. Ram Narayan Singh, Mr. Basanta Kumar Das, Mr. Muhammad Nauman, Mr. Keshab Chandra Ghosh and the Mover with instructions to report on or before the 23rd April, 1933, and that the number of members whose presence shall be necessary to constitute a meeting of the committee, shall be five."

The motion was negatived.

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

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

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

"That clause 3 stand part of the Bill."

Mr. Ram Narayan Singh: Sir, I beg to move:

"That in clause 3 of the Bill, for clause (v) of sub-section (4) of the proposed Section 4, the following be substituted:

(v) six members representing the cultivators of lac, one to be elected by the lac cultivators of Bengal, one to be elected by the lac cultivators of the United Provinces, one to be elected by the lac cultivators of the Central Provinces, one to be elected by the lac cultivators of Assam and two to be elected by the lac cultivators of Bihar and Orissa, according to rules made for the purpose by the local Governments concerned'."

[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).]

Sir, just now my Honourable friend, Sir Girja Shankar Bajpai, said, that it is impossible to secure representation by direct election. He said there was no suitable electoral college. I say, Sir, where there is a will there is a way. Now, the reformed constitution is going to function very soon in the country. People were not organized everywhere but now electoral rolls are going to be prepared for an enlarged constituency and people will come forward to exercise their franchise and send representatives to the Legislatures. In the same way, if the Honourable Member is really anxious to look after the interests of the lac cultivators, they can secure direct representation for them. They are now assessing at the rate of two annas and four annas a maund of lac refined shellac respectively, and they are in future going to assess at the rate of five annas and seven annas. Their income averaged one lakh and 50 thousand. I have seen sometimes that it rose up to about two lakhs. Now their income will be five lakhs.

Sir Girja Shankar Bajpai: May I correct my Honourable friend? The income will be only 2½ lakhs and not five lakhs.

Mr. Ram Narayan Singh: I say according to the revised assessment it will be five lakhs.

Sir Girja Shankar Bajpai: Even according to the revised assessment it will be only 2½ lakhs.

Mr. Ram Narayan Singh: I submit the income may amount to near about that. If the Honourable Member will only spend about a lakh in the beginning, I think the whole area can be organized and an electoral college can be established. By these colleges representatives may be elected. Our experience of nomination of Members, by Local Governments, is very sad.

I now confine my attention to the nomination by the Bihar Government. As I have said, it has all along been the case that the Commissioner of Chota Nagpur division has always been nominated by the Government of Bihar to represent lac cultivators on the lac cess committee. The Commissioner has always been looking after the interests of the European employees there. He has done absolutely nothing and nothing can be expected of him so far as the good of the cultivators is concerned. It is always found that he has been advocating the appointment of this official or the retention of that official and nothing more. Sir, these are the days of democracy and now that some sort of democracy, according to them, is going to be established in this country, how is it that they are not going to find out ways and means to get representation of the lac cultivators on the Committee? My objection to this is, that people may be nominated by Government, but the persons nominated ought to be actual cultivators of lac; if not, those who can speak for them. But what is the use of nominating Government officials and specially high officials who know nothing of lac cultivation, who do not even recognise a lac tree? And it is always found that these people have always interfered with the free expression of opinion of the members there, and it is quite natural. It is the misfortune of this country that wherever there are high officials on any committee, it is very difficult for other people, specially nominated people, to exercise their free will. It is therefore, that as regards this I am not going to agree to this nomination of officials on the Committee by Government. I hope the Honourable Member will accept this amendment.

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved:

"That in clause 3 of the Bill, for clause (v) of sub-section (4) of the proposed section 4, the following be substituted :—

'(v) six members representing the cultivators of lac, one to be elected by the lac cultivators of Bengal, one to be elected by the lac cultivators of the United Provinces, one to be elected by the lac cultivators of the Central Provinces, one to be elected by the lac cultivators of Assam and two to be elected by the lac cultivators of Bihar and Orissa according to rules made for the purpose by the local Governments concerned';"

Pandit Nilakantha Das: Sir, I have also got an amendment on this. The two are similar and they can be discussed together. It is No. 4 in the second list.

Mr. Deputy President (Mr. Akhil Chandra Datta): The amendment standing in the name of the Honourable Member appears to be identical with the one which has just been moved.

Pandit Nilakantha Das: No, Sir, not exactly. Bihar and Orissa are separately put here, that is, one representative from Bihar and one from Orissa. So it is an amendment to the amendment already moved.

Sir, I move:

"That in clause 3 of the Bill, for clause (v) of sub-section (4) of the proposed section 4, the following be substituted :

'(v) six members representing the cultivators of lac, one to be elected by the lac cultivators of Bengal, one to be elected by the lac cultivators of the United Provinces, one to be elected by the lac cultivators of the Central Provinces, one to be elected by the lac cultivators of Assam, one to be elected by the lac cultivators of Bihar and one to be elected by the lac cultivators of Orissa according to rule made for the purpose by the Local Governments concerned'."

[Pandit Nilakantha Das.]

Sir, my object in moving this, after my preliminary remarks during the consideration stage, is rather obvious. In matters like this I was under the impression that there should at least be perfect understanding between both sides, for we are anxious lest the producer may lose if we do not pass this measure soon. The Government and the Member in charge of the Bill should appreciate our feelings and so, I say, that there should be perfect understanding between ourselves. During my general remarks also I covered the subject of this amendment. I suggested that at least for the present, the Local Government should be asked to frame rules, wherever possible, to form panels either in Legislatures or in local bodies, if that is more feasible, concerned in the area, and to nominate out of these panels. It cannot be included in the Bill but Government may at least make a statement that this suggestion will be conveyed to the Local Governments so that they may see if that can be suitably applied. Then again, Government also may agree that steps will be taken if and when organisations of lac growers are properly organised, to begin the method of election and to extend it gradually, so far as it would be practicable, in future.

My third object is Orissa. I, at least, expected the Honourable Member to give me the satisfaction, the little satisfaction, of giving representation to Orissa if, after inquiry, he finds that Orissa has a real claim to be included. Sir, Orissa is a land of only the other day, i.e., 1st April last, and on that All-Fools Day I was here, and I do not know what Province is going to be formed there.

Mr. M. S. Aney: Quite a good representative of the land of April 1st. (Laughter.)

Pandit Nilakantha Das: So I am being made an April fool for the first time here by my Honourable friend opposite!

After due consideration and enquiry, if it is found that some method may be devised—they have never enquired so far, nor do I know—to give representation to Orissa so far as lac growing is concerned, I shall be satisfied. If on the three points I have mentioned I get definite replies from my Honourable friend, I shall very gladly withdraw my amendment.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways): Sir, during the course of the debate on the motion for consideration of the Bill, it has been suggested that assurances given by Government with regard to what they propose to do in constituting these committees are not of much value inasmuch as some assurance, that I had given during the course of the debates on the Coffee Cess Bill, has not been implemented. I understand that objection was raised by Professor Ranga. He raised that objection once during question time also. I then suggested to him that he might look up the actual wording of the assurance that I had given and then put down a question with regard to it. But inasmuch as he persists in making the charge against Government, I must ask for the indulgence of the House to reply to that criticism. The actual words of my assurance were these. In the debate on the 23rd September, 1935, (at the bottom of page 1639) I said:

"Two persons to be nominated by the Local Governments of Madras and Coorg, respectively, and it is expected that these nominations by the Governments of Madras and Coorg will be made in order to secure representation for unassociated planters, that is to say, those who are not members of the two associations to whom representation is given under the two following sub-clauses."

This was repeated at the top of page 1877, where I am reported as having said:

"The Honourable Member who wanted to move the motion for reference to a Select Committee, Mr. Avinashilingam Chettiar, has had some conversation with me with regard to his anxiety as to the scope of sub-clause (i) (b) of clause 4. The Honourable Member wanted some assurance that the hope that I had expressed would be carried into effect. I am happy to be able to assure him that the Government of India are prepared to instruct the Government of Madras and the Coorg Government that the two members to be nominated under this sub-clause should be drawn from the class of Indian planters who are not members either of the United Planters' Association of Southern India or of the Coffee Growers' Association."

That is the exact assurance I gave and that assurance has been carried into effect. The nominees of the Government of Madras and the Coorg Government are Indian gentlemen and they represent planters who are not members of these two associations, and they are not members of these associations themselves. I do hope, that after this explanation, the Honourable Member will not continue to persist on a wrong accusation against Government.

Prof. N. G. Ranga: Sir, on a point of personal explanation . . .

Mr. Deputy President (Mr. Akhil Chandra Datta): Order, order. The Chair called upon Sir Zafrullah Khan under a misconception. It appeared to the Chair that he wanted to say something by way of a suggestion to Pandit Nilakantha Das not to move his amendment, and, therefore the Chair did not declare his amendment moved. That will, however, be done now. Amendment moved:

"That in clause 3 of the Bill, for clause (v) of sub-section (4) of the proposed section 4, the following be substituted:

'(v) six members representing the cultivators of lac, one to be elected by the lac cultivators of Bengal, one to be elected by the lac cultivators of the United Provinces, one to be elected by the lac cultivators of the Central Provinces, one to be elected by the lac cultivators of Assam, one to be elected by the lac cultivators of Bihar and one to be elected by the lac cultivators of Orissa according to rules made for the purpose by the Local Governments concerned'."

Prof. N. G. Ranga: On a point of personal explanation. I would like to state that I am glad that Sir Muhammad Zafrullah Khan has taken the opportunity to correct me over a point on which, evidently, I was misinformed. It is because that I genuinely believed in what was told me that I made a remark. Now that the assurance is made in the House that the two gentlemen who were nominated do not represent the two associations mentioned, but represent coffee growers who are not members of any of these associations, I am glad to withdraw what I said in connection with that particular point, and I am sorry for having given the Honourable Member the impression that I persist in a wrong accusation. (Applause.)

Sir Girja Shankar Bajpai: Sir, when I was replying to the motion that the Bill be taken into consideration, I anticipated what I had to say on the principle of direct election, and it does not seem necessary for me to recapitulate what I then said. In reply to my friend, Mr. Ram Narayan Singh's suggestion, that the proceeds of the cess be utilised for the purpose

[Sir Girja Shankar Bajpai.]

of organising the peasants, I would draw his attention to the fact that under the Act—and that part of the Act has not been amended—the proceeds of the cess can be utilized only for the purpose of development of cultivation, manufacture and marketing of Indian lac. I do not see under which particular head I would put the organisation of peasants. That, Sir, in other words, is an absolutely impracticable suggestion.

Then, my Honourable friend said, "Democracy is in the air, we are introducing Provincial Autonomy; why is it that you are not taking steps to organise these cultivators?" But what I put to my Honourable friend is this. He has faith in this particular form of democracy, namely, the organisation of lac cultivators, but somehow or other, he has not any faith in that more potent manifestation of democracy, namely, representative government composed of Ministers elected by Legislatures, who will make nominations under the Act. Nominations will be made by the Local Government which means the Governor acting with his Ministers. Until the lac growers are in a position to organise themselves, why not trust these Ministers?

Mr. F. E. James: They might be ministers; Mr. Das might be a minister.

Sir Girja Shankar Bajpai: It might be Mr. B. Das, it might be Mr. Nilkantha Das or, if the office acceptance policy of the Congress matures, it might be any member belonging to that party. There is no reason why it should be taken for granted that so far as representation of the lac growers is concerned, nominations . . .

Pandit Nilakantha Das: Delhi is yet a long way off!

Sir Girja Shankar Bajpai: Provincial Autonomy is due in April, 1937; I hope it will not be the first of April. In any case, I maintain that it is not justifiable to say that Ministers of the future are not going to be as solicitous of the interests of the cultivator as Honourable Members opposite ourselves. I may mention one fact for the information of Honourable Members, that even under the existing dispensation, three Local Governments have nominated non-officials to look after the interests of the lac cultivator. My Honourable friend, Mr. Ram Narayan Singh, made a point of the fact that only officials had been nominated and non-officials could not represent the cultivator. From the example of the provinces which have nominated non-officials, there is no reason to assume why that example should not be followed by other provinces.

Further, coming to the province of Bihar and Orissa as it used to be and the Province of Bihar as it is now, my Honourable friend will observe that whereas, at present, the Local Government nominates one representative, it is intended that under the change they should nominate two, and the idea is that at least one of these two shall be a non-official. I hope that is going to give some satisfaction to my Honourable friend. Certain assurances were asked for by my Honourable friend Pandit Nilakantha Das. He said, "why not consult Local Governments about constituting panels?" He was not very precise . . .

Pandit Nilakantha Das: I asked you to convey the suggestion to Local Governments.

Sir Girja Shankar Bajpai: Yes, for the formation of panels. I was pointing out that my Honourable friend was not very clear as to where these panels were to be drawn from; from the Provincial Legislative Council or from what he airily called the local board? Am I right in assuming that he is thinking of panels of Legislative Councils, is that his intention?

Pandit Nilakantha Das: Yes.

Sir Girja Shankar Bajpai: Well, I am quite prepared to pass on that suggestion to the Local Government for their sympathetic consideration.

The second point on which he wanted an assurance from me was the separate representation of Orissa. In the light of such information as I have been able to collect from the Chairman of the Lac Cess Committee himself, I find that in the British part of Orissa—and that is the only part that is going to be represented under this particular provision of the Act—no lac is grown at all. It is in the feudatory states that lac is grown. My Honourable friend may have observed that in the amending clause we are taking power to the Governor General in Council to nominate two members to the Lac Cess Committee; if there are other interests which cannot be represented by nomination by the Local Government, or by some properly constituted agency, such interests may be found representation by nomination by the Governor General in Council. I think I can tell my Honourable friend this: that if I find that the feudatory states of Orissa produce a substantial portion of the lac which is produced in that region, their claims to representation on the committee will certainly be carefully considered. As regards the British part of Orissa, I submit that the onus of proving that it has any claim to representation at all lies upon my Honourable friend; and if he could bring me some material, hereafter, which would justify consideration of claim for separate representation of Orissa on the committee, I should be quite prepared to consider that. But as matters are at the present moment, considering what I have already stated, namely, the lack of organisation among the peasants and the consensus of opinion among the Local Governments that the method of nomination is the only method by which representation can be secured for them, it is not possible for me to accept either the amendment moved by my Honourable friend, Mr. Ram Narayan Singh or the amendment moved by Pandit Nilakantha Das.

Pandit Nilakantha Das: Will the Honourable Member agree to extend or substitute this by any method of election if he will watch and see in the future that such associations and organisations are formed?

Sir Girja Shankar Bajpai: As regards that, I have no doubt that if these associations come into being, my Honourable friend and Prof. Ranga will give us no peace and that they will see to it, that even if we do not inquire of our own accord, the matter is reconsidered.

Pandit Nilakantha Das: Then, I beg to withdraw my amendment.

Mr. Deputy President (Mr. Akhil Chandra Datta): Has the Honourable Member the leave of the House to withdraw his amendment?

The amendment was, by leave of the Assembly, withdrawn.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That in clause 3 of the Bill, for clause (v) of sub-section (4) of the proposed section 4, the following be substituted:

"(v) six members, representing the cultivators of lac, one to be elected by the lac cultivators of Bengal, one to be elected by the lac cultivators of the United Provinces, one to be elected by the lac cultivators of the Central Provinces, one to be elected by the lac cultivators of Assam and two to be elected by the lac cultivators of Bihar and Orissa according to rules made for the purpose by the local Governments concerned;"

The motion was negatived.

Mr. Kuladhar Chaliha (Assam Valley: Non-Muhammadan): Sir, I beg to move:

"That in clause 3 of the Bill, in clause (v) of sub-section (4) of the proposed new section 4, for the words 'six members' the words 'seven members' and for the words 'one by the Local Government of Assam' the words 'two by the Local Government of Assam' be substituted."

Sir, my proposition is a very modest one—as modest as the province of Assam. Our lac growers live in two different tracts—one in the Mikir Hills and the other in the Garo Hill tracts: they are separated by about 200 miles: the weather conditions are different; the transport facilities are different; the language is different and the system of administration is dissimilar. As such I think the people of one part will not be able to represent the people of the other part: neither will the people of one part be able to understand the difficulties of collecting lac, quite apart from the dangers of the forest itself, in the other part, because there they do not actually grow lac, they collect it from the different forest *mahals* under the supervision of the Forest Department. So, I have suggested, that two members should be nominated to represent the tracts as conditions are so different. I think the Honourable the Mover of the Bill will not find any difficulty to approve my proposition as it does not at all militate against the principles of his Bill. I submit that as Assam is a place which is very often forgotten, and in this particular instance, in moving this motion. I trust the Mover of the Bill will be able to see his way to accept it and remember the country. It is a very modest proposal: as modest as I said, as the province of Assam; and I trust that modesty will pay in this case.

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved:

"That in clause 3 of the Bill, in clause (v) of sub-section (4) of the proposed new section 4, for the words 'six members' the words 'seven members' and for the words 'one by the Local Government of Assam' the words 'two by the Local Government of Assam' be substituted."

Sir Girja Shankar Bajpai: Sir, my Honourable friend claims that he has made a very modest proposal. It is, undoubtedly, a patriotic proposal, but it is not a modest proposal, because, as it happens, Assam produces the smallest quantity of lac of any of the provinces which have been given representation; and representation has been given in relation to the quantities produced. For example, Bihar produces 766,000 maunds, Bengal 90,000 maunds, Central Provinces 81,000 maunds, United Provinces 153,000 maunds and Assam only 36,000 maunds. Seeing that

these other provinces have shown a greater measure of modesty than my Honourable friend, in practice, I hope he will profit by their example and not press his amendment.

Mr. Kuladhar Chaliha: May I correct my Honourable friend? I find from the statistics that at the end of 1964 the production of Assam was 45,000 maunds.

Sir Girja Shankar Bajpai: Even if it was 45,000 maunds, it was less than the production of the other provinces.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That in clause 3 of the Bill, in clause (v) of sub-section (4) of the proposed new section 4, for the words 'six members' the words 'seven members' and for the words 'one by the Local Government of Assam' the words 'two by Local Government of Assam' be substituted."

The motion was negatived.

Prof. N. G. Ranga: Sir, I move:

"That in clause 3 of the Bill, in clause (v) of sub-section (4) of the proposed new section 4, for all the words occurring after the words 'representing the cultivators of lac' the following be substituted:

'Nominated by the Peasants Associations of the Provinces of Bengal, U. P., C. P., Assam, Bihar and Orissa in the proportion of one member for each provincial association, provided each such association represents 10 per cent. or more of the cultivators of lac or those who cultivate 15 per cent. or more of the area under lac in the province concerned, whichever is less or in the absence of any such association or associations in any province or provinces, the respective Local Government or Governments shall nominate one member for each province.'"

In support of this amendment, all that I have to say is that I do make provision for what is to happen if there were to be no peasants associations in any particular province or provinces; and I have taken care also to see that the representation is to be given only to those associations which can be said to genuinely represent the lac growers by providing that they should represent either ten per cent or more of the cultivator of lac of that particular province or those cultivators who cultivate 15 per cent or more of the area under lac in the province concerned, whichever is less. Therefore, Sir, I hope that Government will see their way to accept this amendment. I am extremely anxious that there should be no deadlock if there were to be no peasants' association in any particular province. At the same time, I am equally anxious that whenever any peasants' association comes into existence, it should be given every possible opportunity of covering as great a ground as possible in representing the peasants and getting their representation on this particular governing body. The Honourable Sir Girja Shankar Bajpai has himself admitted the advisability of giving direct representation to peasants and to lac growers when they begin to have organizations of their own. His difficulty seems to be that the lac growers do not today possess any associations, and it is rather difficult to encourage them and help them to develop their organizations. Therefore, it will be premature to expect Government to give them the right of electing their

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own representatives to sit on this particular governing body. But, Sir, let me assure my friend that it will be necessary for him to allow the peasants' associations, where they come to exist, to elect their representatives to sit on this particular Board and it does not compel Government to go out of their way and help the peasants to develop their organizations. If it cares to, well and good; if it does not then it still possess the right, through the Governor General in Council, to nominate a member on behalf of the growers of a particular province to sit on this particular governing body. He wants us to be assured of the fact that the Provincial Governments have certainly taken sufficient care to see that proper representatives have been selected on behalf of lac growers. At the same time, he was constrained to admit that only in three provinces it became possible for Provincial Governments to nominate non-officials to represent the lac growers and, in the other three provinces, it has still become necessary for the Provincial Governments to nominate not non-officials but officials. But, Sir, even if non-officials were to be nominated, as my friend, Sir Girja Shankar Bajpai, hopes, it might be within a short period to help these lac growers, it would not be satisfactory because we all know how these nominated members would behave, and my friend, Mr. Ram Narayan Singh, has made it perfectly clear that it would be impossible to trust these nominated members to discharge their duties towards the lac growers properly and adequately. Therefore, Sir, I am particularly anxious that as much opportunity as possible is given in the provisions of this Bill itself for peasants' associations, wherever they exist, and wherever they may come into existence and function in future to elect representatives on behalf of lac growers so that their case may not go by default in the counsels of the governing body. Sir, my friend wants us to put our faith in all these local ministers and ministries. I do not know how far it will be possible for us to do so with the kind of Provincial Autonomy we are given. It is true that some congressmen are anxious to form ministries if they get an opportunity of going into the Councils in a majority. But even if they were to be there, it is not enough for peasants to simply say that there are congressmen and, therefore, they can trust their fate to congressmen at any cost. Sir, peasants as a class would like to be assured of their rights, of the enjoyment of their rights in their own right and in their own capacity, and not to depend either on the congress or any other political organization (Hear, hear) and it is for that reason that I maintain that this particular amendment should be accepted, because, Sir, I want the peasants to be thoroughly assured of their right to elect their own representatives not only on this committee but on several other committees to which I have referred again and again in the course of the debates in this House on several occasions, independent of the political colour of the ministries we are likely to have in the near future. Therefore, Sir, I want the Government to be generous enough, to be statesman-like enough, and to be broad-minded enough to accept this amendment, because it does not tie their hands to any particular inviolable procedure but still gives them the opportunity of nominating a non-official in those provinces where peasants' associations do not come to exist.

My friend, Pandit Nilakantha Das, does not seem to be quite sure in how many provinces these peasants' associations are today functioning. I can assure him, as well as this House, that even in his own province

there is a *kisan* organization. There was a provincial *Kisan* Conference held not more than a year ago, and there was a committee, there. Yes, our committees do not work as energetically as Government committees, because we do not have money, we do not have enough resources placed at our disposal; yet there are committees to represent the claims, the wishes and the thoughts of the *kisan*, but they are not being recognised by Government, merely because they happen to take rather a radical view of the responsibilities of this Government and of the policy of the Government to help them to improve their own condition. Sir, as I have already said, there are provincial *kisan* organizations in all provinces, except Bengal, and even in Bengal, in Noakhali, in Burdwan and in Dacca and Chittagong, there are district peasants' associations, and if only Government really cares to help and develop these *kisan* organizations, as they have themselves tried to do, though to an unsatisfactory extent, in the case of industrial labour, then certainly it would not be possible for them to see their way to accept this particular amendment. With these remarks, Sir, I place this amendment of mine before the House in the fullest confidence that it will be accepted.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

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

"That in clause 3 of the Bill, in clause (v) of sub-section (4) of the proposed new section 4, for all the words occurring after the words 'representing the cultivators of lac' the following be substituted:

'Nominated by the Peasants Associations of the Provinces of Bengal, U. P., C. P., Assam, Bihar and Orissa in the proportion of one member for each provincial association, provided each such association represents 10 per cent. or more of the cultivators of lac or those who cultivate 15 per cent. or more of the area under lac in the province concerned, whichever is less or in the absence of any such association or associations in any province or provinces, the respective Local Government or Governments shall nominate one member for each province'."

Sir Girja Shankar Bajpai: Mr. President, I am sorry I cannot see my way to accept the amendment of my Honourable friend. As you will observe, Sir, he says that nomination is to be made by the peasants associations of these provinces provided each such association represents ten per cent or more of the cultivators of lac or those who cultivate 15 per cent or more of the area under lac in the province concerned. Well, Sir, I think to any fair-minded person it will be clear that to let on a minimum of ten per cent of the cultivators to represent or nominate somebody to represent 100 per cent or the whole amount is hardly equitable. That is the first point.

The second point is, that these associations, as I have already endeavoured to explain to the House, do not exist at the present moment, certainly not any representative associations of the growers of lac. When the time comes, when such associations come into being and they are strong and well organized and thoroughly representative, then, Sir, in conformity with what I have already said, namely, the desire of the Government to give them an opportunity of taking a direct hand in the working of the committee, the point will be considered, but not before that.

Prof. N. G. Ranga: I do not wish to press this amendment to a vote in view of the assurance given by the Honourable Member.

The amendment was, by leave of the Assembly, withdrawn.

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

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4 was added to the Bill.

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

"That clause 5 stand part of the Bill."

Mr. G. Morgan: Sir, I beg to move:

"That in clause 5 of the Bill, to the proposed new sub-section (3) of section 6, the following be added at the end:

'and the ownership of all patents so secured shall vest in the Committee'."

I want to add these words so that the money which is spent by the Committee for any patents shall not be used for any private ownership of patents, but for patents which should be absolutely in the ownership of the Committee. That is my only object in bringing forward this amendment.

Sir, I move.

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

"That in clause 5 of the Bill to the proposed new sub-section (3) of section 6 the following be added at the end:

'and the ownership of all patents so secured shall vest in the Committee'."

Sir Girdja Shankar Bajpai: I believe the object of the amendment is to make sure that money will be spent by the Committee on the taking out of patents only if the ownership of these patents could vest in the Committee. I understand that that is the policy of the Committee and that the Committee do not propose to spend money on the taking out of patents unless this condition is secured. In the circumstances, I may submit to my Honourable friend that it is really not necessary to move the amendment because, unless this condition is realised, the Committee will not spend any money on the taking out of the patents.

Mr. G. Morgan: I beg leave of the House to withdraw my amendment in view of the assurance given by the Honourable Member. The amendment was, by leave of the Assembly, withdrawn.

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

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clause 6 was added to the Bill.

Clause 7 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Sir Gtrja Shankar Bajpai: I beg to move:

"That the Bill be passed."

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

"That the Bill be passed."

The motion was adopted.

Mr. G. R. F. Tottenham (Defence Secretary): After consulting various sections of the House, Government have decided not to proceed, during the current Session, with the motion that stands in my name for the consideration of the Cantonments Bill.

RESOLUTION RE DRAFT CONVENTION CONCERNING THE REDUCTION OF HOURS OF WORK IN GLASS-BOTTLE WORKS.

The Honourable Sir Frank Noyce (Member for Industries and Labour):
Sir, I move:

"That this Assembly, having considered the draft Convention adopted by the Nineteenth Session of the International Labour Conference concerning the reduction of hours of work in Glass-bottle Works, recommends to the Governor General in Council that he do not ratify the Convention."

I do not think I need detain the House long over this Resolution for two reasons. One is that, as we were taught in our school-boy days, the greater includes the less, and this Convention is merely a corollary of the Convention that this House considered a few weeks back and declined to ratify. The Convention which the House declined to ratify concerned the reduction of hours of work to 40 a week throughout industries generally. This Convention seeks to reduce the hours of work in automatic glass-bottle works, to 42 hours per week. The reason why 42 hours appear in one Convention and only 40 in the other is that the manufacture of glass bottle works is a continuous process and therefore you must have a number divisible by seven. The second reason is that I think it was only a year ago that the House declined to ratify a similar Convention

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relating to the hours of work in sheet-glass works. Both these industries, sheet-glass works and automatic glass-bottle works, are very small, they are both very tiny branches of industry. I believe there is only one automatic glass-bottle works in this country or at most two. I have some information—I am not sure how far it is authentic—that a small one has recently been started in Bombay by the transference of a machine from the Naini glass near Allahabad. What we would be asking these small factories to do if we ratified this Convention would be to cut down their hours of work by a quarter. What I suggest to the House is, that there is really no reason for singling out a very small branch of industry for discriminatory treatment. There is a point of general application which is perhaps worth while making in this connection and that is that reduction of hours particularly in factories which are worked by shifts may not be a very serious matter to the employer provided he can reduce wages too, but that it is a very serious matter from the point of view of the operative. There is nothing in this Convention, in spite of the fact that it follows on the previous one, about wages, so that in theory one could ratify it and reduce wages. But to ask workmen to accept a reduction—a reduction that would be considerable if the employer were to carry on his business as before—would be to ask them to accept a very greatly reduced standard of living. As I have said, my main point in asking the House to agree that this Convention should not be ratified is that it involves very discriminatory treatment against a struggling industry. Sir, I move.

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

"That this Assembly, having considered the draft Convention adopted by the Nineteenth Session of the International Labour Conference concerning the reduction of hours of work in Glass-bottle Works, recommends to the Governor General in Council that he do not ratify the Convention."

The motion was adopted.

RESOLUTION RE DRAFT CONVENTION LIMITING HOURS OF WORK IN COAL MINES.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I move:

"That this Assembly having considered the draft Convention limiting hours of work in coal mines adopted by the Nineteenth Session of the International Labour Conference recommends to the Governor General in Council that he do not ratify the Convention."

The Convention with which this Resolution deals, although in form a new Convention, is not really so in fact. The Convention represents a revision of a Convention which was adopted by the International Labour Conference in 1931 and which came before this House in 1932. That Convention was, as Sir Joseph Bhore explained to the House, a Convention designed primarily, if not exclusively, with regard to conditions in Europe. It arose out of a consultation between Governments, coal owners and miners of the different European coal producing countries and in its original form was definitely restricted to

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European countries. When it was first presented in 1930, it failed to secure the necessary majority from the Conference and it was placed on the agenda for 1931. In the meantime, as Sir Joseph Rhore explained to the House, "the International Labour Office had become afflicted with certain doubts as to whether it was right constitutionally to limit a Convention to a definitely circumscribed geographical area". In consequence, in its final form as adopted in 1931, it was ostensibly general in its application except that the assent of two of the leading European countries was made necessary for it to come into force, but in fact it was designed with reference to European conditions. The Resolution passed by this House in 1932 was in the following terms:

"That this Assembly, having considered the Draft Convention limiting hours of work in coal mines adopted at the Fifteenth Session of the International Labour Conference recommends to the Governor General in Council that he should examine the possibility of reducing the statutory limits for hours of work in mines and that the results of this examination should be placed before this Assembly."

And I am glad to note that on that occasion even Mr. Joshi did not suggest that the Convention should be ratified and was in favour of the proposed examination. That examination was made and the conclusions to which we were led as a result of it were embodied in the Bill to amend the Indian Mines Act which was passed in this House less than a year ago. As Honourable Members will recollect, that Bill, which subsequently became law and which came into force only about five months ago, made substantial reductions in the hours of work and particularly in the hours of work underground with which this Convention is mainly concerned. I may also add that whereas, this Convention is limited to coal mines, the reductions effected by the Mines (Amendment) Act are not so limited and apply to mines of all classes. The maximum limit for underground work in all mines is fixed at nine hours a day. But these nine hours have to include the whole of the time taken by a shift in going down the mine and the whole of the time taken by the shift in coming up again. In other words, nine hours is the maximum time which can elapse between the moment the first man enters a mine and the time when the last man leaves. If a mine is worked without shifts, then the nine hours represent the maximum time between the moment when the first man to go to work enters the mine and the moment when the last miner leaves the mine for the night. As Honourable Members will see, in the bigger mines, this means that working hours are in the neighbourhood of eight, and, as anybody acquainted with mining would realize, these eight hours are not worked in anything like continuous toil. The result then, so far as we are concerned, is that although we did not ratify the Convention of 1931, we effected a very substantial reform in the hours of work not merely in coal mines but in all mines.

The history of the Convention, on the other hand, was not so happy. For, to put it briefly, it achieved nothing. In fact, I think I am right in saying that owing to the refusal of the leading European countries to ratify it, it never came into effect at all, and it was in consequence of this failure that the revision of the Convention was undertaken. The revision is in fact intended to remove, at least for the leading European countries, the difficulties which stood in the way of its ratification. But the revision is confined solely to points of detail and as the delegates of the Government of India have pointed out in their report, it does not affect the structure of the Convention. Most of the articles have been

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left in their original form and the only amendments of importance are represented by the insertion of the proviso in the first paragraph of article 6 and the insertion of some paragraphs in article 8. I need not detain the House by indicating what these small alterations are.

Thus, for all practical purposes, the Convention now presented is the same Convention which has already been considered by the House and the question which arises is exactly the same question as arose in the debates on the Mines (Amendment) Bill less than a year ago. As I have already said, the important changes we made in the hours have been in force for less than six months and I trust the House will agree that there is no case for revising at present a conclusion so recently reached and so recently put into force. Sir, I move.

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

"This Assembly having considered the draft Convention limiting hours of work in coal mines adopted by the Nineteenth Session of the International Labour Conference, recommends to the Governor General in Council that he do not ratify the Convention."

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): Several of us want to speak on this, as it is a very important thing and as we sat late yesterday I would like to request you to adjourn the House till tomorrow. May I know up to what time we are going to sit today?

Mr. President (The Honourable Sir Abdur Rahim): Not yet.

Prof. N. G. Ranga: Is not an Honourable Member entitled to know how long the House is going to sit?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member will know it fairly soon.

Mr. N. M. Joshi (Nominated Non-Official): I have not given notice of any amendment but it should not be regarded from this fact that I agree with the view which the Honourable Member in charge of Industries and Labour has put forward that conditions in India are not yet ripe for the ratification of this Convention. The Honourable Member himself has stated that practically the hours of work in India are eight a day and the hours in the Convention also practically are not much less than eight,—a little less than eight. The difference between the two hours of work being so small, I felt that the Government of India should have taken steps to ratify this Convention. I feel, Mr. President, that in India, a large number of mines do not work for a very large number of hours and most of them work about eight hours a day and if they make a change now, the change will not press heavily on the industry. Neither will the wages of the miners suffer on account of the change. Moreover, the cost of production in India, even if there is some burden on the industry by the change, is so small, that in competition the Indian coal will not suffer as compared with the coal in other countries.

An Honourable Member: Question.

Mr. N. M. Joshi: In spite of the fact that I feel that the Convention could be ratified, I have not moved an amendment, nor do I propose to oppose this Resolution on account of the fact that last year when an amending Bill was being discussed in this House, the Government of India had promised to reconsider the question of the hours of work in mines within three years. I hope, Sir, that the Government of India will begin their investigations very soon and that investigation will lead to the reduction of hours in Indian mines still further.

Mr. V. V. Giri (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): Sir, so far as I am concerned I have nothing to add but I associate myself with the points raised in the speech of my Honourable friend, Mr. Joshi. I only hope that the Government of India will not keep us waiting for the next three years but would go into the matter of the hours in coal-mines at an earlier date. That is the only request I make to the Government of India.

Prof. N. G. Ranga: Mr. President, Sir, I have been working very hard since this morning, like all other Honourable Members of the House but I find it really my painful duty to have to get up and speak now and to continue to speak I do not know for how long (Laughter). I requested you, Sir, to adjourn the House till tomorrow morning so that we may be able to have a useful debate on this very important question. I asked you, Sir, but you were not good enough to tell me how long the House would sit today, and I ask you, Sir, how long I can speak.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has got only fifteen minutes for his speech on Resolutions.

Prof. N. G. Ranga: I find, Sir, that the Government of India have come here with the same old story, "that this House do not ratify the Convention". We were told not very long ago by my Honourable friend, Sir Frank Noyce, that this Government has been very liberal indeed in the manner in which it has ratified the Conventions promulgated at Geneva in the interests of labour, and yet he comes forward again and again with the same monotonous proposal that, "we do not ratify the Convention". I do not know whether he has got any sense of humour but if he has, I am sure he will not be prepared to repeat his assurance to this House that he himself as well as his assistants, are doing all they can to help labour by ratifying the Conventions of the League of Nations. Sir, a year ago we were given an assurance that the Government would try to bring down the hours of labour in mines within a period of three years. The Honourable Member in charge of this Department has not told us what exactly they have done during this past one year and how much progress they have made in reaching the stage where they can really and effectively reduce the hours of labour in these mines. Sir, an assurance there was then and it was because of that assurance that most of us withdrew our amendments and we co-operated in the passing of that Coal-mines Act, and it is only fair to this House that the Honourable Member in charge of this Department should be willing at the earliest possible opportunity—and there can be no better opportunity than this available for him—to render an account to this House of what Government have done during the last one year, but we have not yet had that account.

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A threat was held out both by Government as well as the employers that so many Conventions were being flooded from the League of Nations that Government as well as the employers should begin to reconsider their attitude towards the International Labour Conference and the International Labour Office and to see that they are not flooded with all these Conventions. They seem to be under the impression that the Conventions are promulgated at Geneva only for their own sake, only for the enjoyment that these various representatives, various interests and various Governments in the world represented at Geneva seek to derive from such a procedure; but, Sir, I wish to assure them that that is not so and I wish to assure them that their own past experience, past behaviour, past attitude towards the Conventions passed at the International Labour Conference belie their present assumption that these Conventions are being passed for their own sake and for mere fun and for nothing more.

As far as the Indian miners are concerned, we find that there are still women employed in the mines and we are only told that Government are taking necessary steps to see that very soon this woman labour is abolished from our mines. I do not know why Government should try to take so much time to prevent women from working in mines. In all other civilized countries women are not permitted to work in the mines. But our Government wishes to believe that our country is not so very well civilized. Is our country not civilized? Is our country not capable of supplying sufficient male miners to carry on the work in the mines as to disable this Government from prohibiting women working in the mines? I am sure the facts are otherwise. The facts are against this Government and Government is so very slow in preventing our women from working in the mines, because this Government is not civilized, and because this Government has not got a heart. Sir, it is absolutely necessary in the interests of humanity and civilization, that women labour in mines should be abolished. Sir, I am assured by an Honourable friend of mine that if women do not "labour", then there won't be any children (Laughter). It may be so, I am certainly in favour of birth control and feel. Therefore, I am not so very keen on women labouring even in mines. If, Sir, Government wanted this Assembly not to ratify this Convention, then they should have given us more convincing reasons than they have advanced today. They simply content themselves with saying that it is not possible, in the present circumstances in India, to reduce the hours of labour of miners in our mines. I do not know what they mean by saying that it is impossible, in present circumstances, to do this, because it has been proved again and again by the experience of industrialists in England, especially from the days of Robert Owen, that the employers do not really stand to lose by reducing the working hours of labour; in fact, on the other hand, they stand to gain by reducing the working hours of labour because those workers who are employed only for seven hours would be more contented with their position and, therefore, would be able to do more skilled work than those who are obliged to work for nine or ten hours or even longer hours day after day: and I want our industrialists and mine-owners and Government to accept this elementary experience of the industrial world of the west and to try to take immediate steps to accept this particular Convention promulgated at Geneva and try to help our miners. I, therefore, suggest to the House that it would be failing in its duty towards the miners as well as the workers, by accepting this

Resolution moved by my Honourable friend, Sir Frank Noyce, and by agreeing with him in not ratifying the Convention. It is all very easy for us to feel light-hearted about these things. We should not forget the lessons of past history. In the past Emperors and even Queens were easy minded. Dictators have felt so and what has been their fate. Death. Not the kind of death that meets every one of us; death was forced upon them. Therefore, Sir, I wish to suggest to Honourable Members of this House, as well as to the Honourable Member in charge of the Resolution, that they would not be doing anything wrong in taking themselves a little more seriously than they seem to be inclined to do and try to explore every possible means by which they can help the workers of this country, especially by ratifying this convention.

The Honourable Sir Frank Noyce: I do not propose to take up the time of the House at this late stage of the afternoon for more than two or three minutes. There is one point which has been raised in the course of the discussion which seems to need a reply. My Honourable friend, Mr. Joshi, and my Honourable friend, Mr. Giri, have put in only a very mild protest and I do not, therefore, think that I need pay prolonged attention to the more emphatic one put in by Prof. Ranga. He has mentioned the undertaking which he says that I gave last year when the Mines Amendment Act was passed. I have looked up the exact words in which I gave that undertaking. I said:

"I am prepared to undertake that after we have three years' experience of the present proposals, we will re-examine the whole question of hours with a view to ascertaining whether they cannot be further reduced".

That undertaking stands. I would remind my Honourable friend that the act has actually been in force for only six months. It was passed a year ago, but it has been actually in force only for six months. What is the use of examining it at present and looking into the question whether the hours of work could be further reduced? What experience have we got of the manner in which the Act is working? Surely, the proper time to examine it, if it were to be examined within a three years period, would be within six months from the end of that period but within six months of its beginning. Nothing can be gained by examining the question now. All I undertook was that, after we have gained three years experience, the question should be re-examined. To that undertaking I adhere.

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

"That this Assembly, having considered the draft Convention limiting hours of work in coal mines adopted by the Nineteenth Session of the International Labour Conference, recommends to the Governor General in Council that he do not ratify the Convention."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member wish to proceed with his next motion?

The Honourable Sir Frank Noyce: I am completely in the hands of the House.

Some Honourable Members: We are tired. Let the House adjourn now.

STATEMENT OF BUSINESS.

The Honourable Sir Nripendra Sircar (Leader of the House): Sir, about the statement of business for tomorrow, I have to announce that a supplementary list of business will be issued this evening including in the Agenda for tomorrow as the first item motions for the consideration and passing of the Indian Tariff (Amendment) Bill as reported by the Select Committee.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadian Urban): Is that the only item that will be placed in the list of business for tomorrow?

The Honourable Sir Nripendra Sircar: That will be the first item. The other items remaining from today's list of business, namely, the Resolution of my Honourable colleague relating to the Draft Convention and the Report of the Public Accounts Committee will also be placed in the list of business for tomorrow.

Sir Cowasji Jehangir: I hope the Government will relieve us by taking away from the agenda some of these items.

The Assembly then adjourned till Eleven of the Clock on Wednesday, - the 22nd April, 1936.