

6th October 1937

THE LEGISLATIVE ASSEMBLY DEBATES

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(30th September to 7th October, 1937)

SIXTH SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY, 1937



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L453LAD

X

Legislative Assembly.

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MR. MATHURADAS VISSANJI, M.L.A.

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LEGISLATIVE ASSEMBLY.

Wednesday, 6th October, 1937.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

APPOINTMENT OF MUSIC DIRECTORS IN BROADCASTING STATIONS.

1022. ***Mr. Badri Dutt Pande** : (a) Will the Honourable Member for Industries and Labour inform the House as to who appoints the Music Directors in the broadcasting stations ?

(b) What are the technical qualifications of these Music Directors ?

(c) Have they been through any recognised Music Colleges of India ?

(d) Is mere serving in a Gramophone Record Company sufficient qualification to hold the post of Director of Music ?

(e) What action do Government propose to take to select suitable qualified musicians for appointments as Music Directors at the radio stations ?

(f) Are Government aware of the existence of the Marris College of Music in Lucknow and the number of people who are coming out of that college after a nine years' course ?

(g) Is it the intention of Government to appoint such people in future as Music Directors in all stations ?

The Honourable Sir Thomas Stewart : (a) There are no such posts in the All-India Radio at present.

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

(d) This is a matter of opinion.

(e) If and when it is decided to create a post of Music Director, the method of selecting him will be carefully considered.

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

(g) I am not prepared to make any such statement. It would obviously be undesirable to restrict recruitment to students of a particular College.

Mr. Lalchand Navalrai : May I know from the Honourable Member who select the musicians ?

The Honourable Sir Thomas Stewart : I have said that there is no such post. The question of selection has not yet arisen.

Mr. Badri Dutt Pande : Is it not a fact that at present there are musicians of lesser talent and without education ?

The Honourable Sir Thomas Stewart : That is a matter of opinion.

Mr. Badri Dutt Pande : Is it a fact that prostitutes are engaged and there are scandals ?

The Honourable Sir Thomas Stewart : Not on the Directorate of the A. I. R. (Laughter).

Mr. Badri Dutt Pande : I mean the artists at the stations.

Mr. S. Satyamurti : With reference to the answers to parts (a), (b) and (c) of the question, may I know what is the arrangement by which musicians are now selected, that is to say, with regard to their capacity to entertain those who are bound to listen to them ?

The Honourable Sir Thomas Stewart : I would suggest that this question does not arise out of either the original question or my answer. The original question referred to the Directorate. The Honourable Member is asking me about the artists who perform.

Mr. M. Asaf Ali : Is it not a fact that there is an advisory committee and this advisory committee has divided its work into different sections, including the section which deals with music ? I think there are respectable people who select these artists.

The Honourable Sir Thomas Stewart : In answer to a later question I shall allude to that fact.

SUPERVISION AND CONTROL OVER THE ADMINISTRATION OF THE CONTROLLER OF PRINTING AND STATIONERY.

1023. ***Mr. Sham Lal :** (a) Will the Honourable Member for Industries and Labour be pleased to state whether Government exercise any supervision and control over the administration of the Controller of Printing and Stationery (Central) ?

(b) Who is the officiating incumbent of the post and what are his educational and technical qualifications as a printer ?

(c) Is it a fact that Government on the floor of the House on many occasions have stated that the holder of the post of Controller must be a trained printer with long experience in the line ?

(d) Is it a fact that the officiating incumbent is an Anglo-Indian and a non-technical hand originally appointed in the Printing Clearing Office from the ranks of the clerical establishment of the Secretariat ? If so, on what grounds was the aforesaid officer appointed as Controller of Printing in supersession of several highly qualified European and Indian technical officers holding the posts of Managers and Assistant Managers of Government Presses ?

(e) In appointing the said officer as Controller of Printing, did Government consider the said officer sufficiently qualified to understand the technicalities of printing and to criticise the technical work of the Managers of the Presses who are senior to him in rank and pay in the technical side of the officers' cadre ?

(f) Is it a fact that a large number of memorials, petitions and complaints addressed to the Government of India on matters affecting the welfare, conditions of service, suppressions and victimisation of the staff of the offices of the Printing and Stationery Department, especially the Central Publication Branch, were withheld by the officiating Controller and not allowed to reach the Government of India ? If so, what is the number of such memorials, etc., withheld ?

(g) Do Government propose to call for the withheld memorials and petitions and scrutinise whether they were rightly and justly withheld ?

The Honourable Sir Thomas Stewart : (a) Yes.

(b) Mr. R. A. Halfhide, M.B.E., He has passed the Bengal European High School Examination. He is not a qualified printer, but he has long experience of press administration.

(c) No. Printing qualifications are not essential for the holder of this post which is of an administrative character.

(d) The officiating incumbent who is of non-Asiatic domicile was formerly in the offices mentioned. He was selected as the most suitable officer available.

(e) The Managers of the Government of India Presses, with the exception of the Manager of the Government of India Press, Calcutta, are not senior to him in rank or pay. As I have already explained, it is in no way essential that the Controller should have the same technical qualifications as Managers of presses.

(f) and (g). Under the instructions for the submission of petitions to the Governor General in Council, the Controller of Printing and Stationery has discretion to withhold petitions and memorials addressed to the Government of India in certain circumstances. Government do not propose to interfere with his discretion. The list of memorials withheld by Heads of Departments is scrutinised by Government.

Mr. Sham Lal : Why is not technical knowledge required for this job ?

The Honourable Sir Thomas Stewart : Because this is a purely administrative post.

Seth Govind Das : How can anybody administer anything of which he has no knowledge, for which he is not qualified ?

Mr. President (The Honourable Sir Abdur Rahim) : That is a matter of argument.

APPOINTMENT OF AN ANGLO-INDIAN TO OFFICIATE AS MANAGER OF PUBLICATIONS.

1024. ***Mr. Sham Lal :** (a) Will the Honourable Member for Industries and Labour be pleased to state whether it is a fact that an Anglo-Indian officer has been appointed over the head of senior Indian officers.

viz., Deputy Controller, Stationery, Assistant Controller Stationery, Store Examiners, and Assistant Managers (with European qualifications), to officiate as Manager of Publications in place of another Anglo-Indian gazetted officer degraded for misconduct? If so, on what grounds?

(b) Is it a fact that the seniormost Indian gazetted officer (Mr. D. D. Mazumdar) represented against the supersession, but his request has been turned down? If so, for what reasons?

(c) Do Government propose to stop the influx of Anglo-Indians to the gazetted ranks in the Printing and Stationery Department over the head of senior officers? If not, why not?

The Honourable Sir Thomas Stewart : (a) The appointment of the officer does not involve any supersession. The second part does not arise.

(b) No. The other parts do not arise.

(c) Does not arise in view of the reply given to parts (a) and (b).

†1025*.

APPOINTMENT OF A STATION DIRECTOR FOR THE PESHAWAR BROADCASTING STATION.

1026. ***Mr. Abdul Qaiyum :** Will the Honourable Member for Industries and Labour please state:

(a) whether there is any proposal to appoint a Station Director for the Peshawar broadcasting station;

(b) whether the above named Peshawar station was managed by the Publicity Office, Peshawar, before the Government of India took it over;

(c) whether in making the above appointment the claims of those who were formerly managing the above mentioned station will be considered; and

(d) whether it is a fact that part of the programme broadcast is in the *Pushtu* language and whether the claims of *Pushtu* knowing applicants will be fully considered?

The Honourable Sir Thomas Stewart : (a) and (c). The Peshawar Station was taken over by the Government of India in April last and the appointment has already been made. The claims of those formerly employed were considered.

(b) Yes.

(d) All members of the programme staff know *Pushtu*.

Mr. Abdul Qaiyum : May I know whether Government would consider the desirability of appointing a *Pushtu* speaking individual in charge of the staff?

The Honourable Sir Thomas Stewart : I understand that the Station Controller is a *Pushtu* speaking gentleman.

Prof. N. G. Ranga : Is this gentleman an Indian or an Englishman?

The Honourable Sir Thomas Stewart : He is an Indian.

†For this question and reply thereto, see pp. 3115-16 of these Debates.

Mr. M. Asaf Ali : Is there such a post as Station Controller ? I thought there was only a Director.

The Honourable Sir Thomas Stewart : I accept the Honourable Member's correction.

OBLIGATORY HOURS FOR SOLO FLYING FOR THE GRANT OF A CERTIFICATE AS A COMMERCIAL PILOT.

1027. ***Mr. Abdul Qaiyum :** Will the Honourable Member for Industries and Labour please state :

- (a) whether his attention has been drawn to an article headed "How Government kills Indian Aviation" published in *Roy's Weekly*, dated the 20th September, 1937 ;
- (b) whether it is a fact that the Indian Aircraft Rules make 200 hours solo flying obligatory for the grant of a certificate as a commercial pilot ;
- (c) whether this flying costs such a pilot Rs. 6,000 ;
- (d) whether in all other countries, including England, only fifty hours flying is required ;
- (e) whether it is true that fifty per cent. of the fully qualified Indian pilots and ground engineers passed by the Air Ministry, London, failed in the examination set up by the Indian Directorate of Civil Aviation ; and
- (f) what steps Government propose to take to do away with these hardships, and if none, why not ?

The Honourable Sir Thomas Stewart : (a) Yes.

(b) Yes.

(c) The cost of training for a commercial pilot's licence, in India, is at least Rs. 8,000 excluding the cost of living during the long course necessary. The cost of training a commercial pilot at a well-known school in England is not less than Rs. 15,000.

(d) No. The flying experience required for a commercial pilot's licence in England is 100 hours. In some other countries, including the United States of America and South Africa, the flying experience required is 200 hours.

(e) There is no examination at stated intervals, but no pilot who returns to India with the bare qualification of a British B licence is regarded as qualified for the issue of an Indian B licence. He has to complete the required 200 hours flying. Ground Engineers who have duly qualified in England have no difficulty in obtaining licences in India.

(f) Government do not consider that any hardship is involved and do not propose to modify the Rules. The requirement of 200 hours solo flying for commercial pilots was introduced into the Indian Aircraft Rules because it was considered to be the minimum necessary to ensure that the pilot could safely be entrusted with the lives of passengers.

In adopting this provision the Government of India were guided by the conditions prescribed in other countries. It is widely recognised in all countries that the mere possession of a commercial pilot's licence is not all that is necessary to qualify a pilot for employment. As in other professions, long experience is the ultimate qualification. Some leading air transport companies employ no pilot who has not had as much as 1,000 hours flying experience.

Mr. Abdul Qaiyum : May I know that under the old rules 50 hours solo flying was laid down in this country for a certificate ?

The Honourable Sir Thomas Stewart : I should require notice of that.

Mr. Abdul Qaiyum : May I know when this 200 hours solo flying was prescribed by the Government ?

The Honourable Sir Thomas Stewart : In 1932.

Mr. Abdul Qaiyum : May I know how many hours solo flying was required before that ?

The Honourable Sir Thomas Stewart : Of that I should require notice.

Mr. Abdul Qaiyum : Is it not a fact that it was 50 hours solo flying in the beginning, then it was raised to 100 hours, and then again to 200 hours ?

The Honourable Sir Thomas Stewart : I have already said that I must have notice of that.

Mr. Abdul Qaiyum : May I know why 200 hours has been prescribed in India, while it is only 100 hours in England ?

The Honourable Sir Thomas Stewart : I have already given a very elaborate answer.

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

INCOME-TAX REALISED FROM ASSAM AND THE MANAGING FIRMS OF TEA ESTATES IN CALCUTTA.

1028. ***Mr. Kuladhar Chaliha :** Will the Honourable the Finance Member please state :

- (a) the amount of income-tax realised from the Province of Assam ;
- (b) the amount of tax realised from the managing firms of tea estates in Calcutta which have tea estates in that Province ;
- (c) the principle on which the income-tax is realised in Calcutta from these managing agents and apportioned to Assam and Bengal ; and
- (d) what is the total income-tax paid by the tea industry in Assam and outside the Province ?

Mr. A. H. Lloyd : (a) Rs. 25,41,346 in 1936-37.

(b) and (c). I have called for the information which will be laid on the table when received.

(d) The total income-tax paid by the tea industry in Assam in 1936-37 was Rs. 1,06,634 and in other provinces Rs. 17,08,160.

Mr. Kuladhar Chaliha : Will the Government make a representation to the British Government for a portion of the income-tax paid by these companies in London ?

Mr. A. H. Lloyd : I do not understand the question. Does the Honourable Member wish that the British Government should abstain from taxing profits of the tea industry in Assam which are remitted to England ?

Mr. Kuladhar Chaliha : I want the Government of India to get a share of the income-tax paid in London ?

Mr. A. H. Lloyd : At present, the profits of sterling tea companies are taxed both in the United Kingdom and in India, and then double tax relief is given, the effect being that the two countries share the tax.

Mr. Abdul Qaiyum : What is the proportion in which they share the tax ?

Mr. A. H. Lloyd : That is a little complicated. If the Honourable Member will ask me in the lobby, I can show him the reference.

MISAPPROPRIATION AND EMBEZZLEMENT IN SUBORDINATE OFFICES OF THE CIVIL AVIATION DIRECTORATE.

1029. ***Mr. H. M. Abdullah :** (a) Will the Honourable Member for Industries and Labour please state if there has been any case of misappropriation and embezzlement of Government money in any of the subordinate offices of the Civil Aviation Directorate ?

(b) If so, will the Honourable Member please state what action was taken by Government against the officers responsible for the same ?

The Honourable Sir Thomas Stewart : (a) There has been no case of misappropriation or embezzlement of Government money.

(b) Does not arise.

TRAVELLING ALLOWANCES FOR GOVERNMENT SERVANTS.

1030. ***Mr. Sham Lal** (on behalf of Mr. Mohan Lal Saksena) : Will the Honourable the Finance Member be pleased to state whether the attention of Government has been drawn to the new rules framed by the United Provinces Government regarding the travelling allowance for Government servants ? If so, are Government prepared to consider the feasibility of the same for the employees under the Central Government ?

The Honourable Sir James Grigg : I am aware that the United Provinces Government propose to effect a reduction in the amount of travelling allowance paid. Some of this was to be achieved by reducing the number of journeys. As regards the lowering of actual rates I believe that the rules have not yet been issued. When they are received I will consider whether any of them can appropriately be adopted by the Central Government.

RECUPERATIVE FURNACE CONSTRUCTED AT THE STAR GLASS WORKS, FIROZABAD.

1031. ***Mr. Sham Lal** (on behalf of Pandit Sri Krishna Dutta Paliwal) : (a) Will the Honourable Member for Industries and Labour please state whether it is a fact that Government had granted Rs. 5,000

to one Mr. Mushtaq Ali Khan, proprietor, the Star Glass Works, as reward to his factory on the recommendation of Mr. Rab and Mr. Dixon and had paid him the said sum in two instalments ?

(b) If so, will Government please state why this factory was singled out for the purpose of construction of the recuperative furnace when a joint application has been made by fourteen members of the association as early as 19th August, 1936 ?

(c) Is it a fact that half the sum was contributed by the Star Glass Works ?

(d) Will Government please state the terms of the contract with the Star Glass Works ?

(e) Will the furnace be open to the interested glass manufacturers ? If so, what has been done for an immediate issue of the passes to these manufacturers ?

(f) What remedy, if any, will the glass manufacturers have against the Star Glass Works, if they are not allowed to see the furnace ?

The Honourable Sir Thomas Stewart : (a) No.

(b) Does not arise.

(c) The attention of the Honourable Member is invited to the concluding sentence of the reply given by me to part (c) of his question No. 623 on the 20th September, 1937.

(d) A copy of the agreement with the Star Glass Works is placed on the table.

(e) I invite the Honourable Member's attention to my reply to part (c) of his question No. 624 given on the 20th September, 1937. The Director of Industries, United Provinces, was informed when the construction of the furnace at the Star Glass Works was commenced. He has also been informed recently that the foundation work is expected to be completed by the 7th October and that this date would be suitable for interested parties to inspect the work so far carried out.

(f) It is unlikely that such a contingency will arise, in view of the terms of the agreement.

This agreement made the 25th day of June 1937 between the GOVERNOR GENERAL IN COUNCIL (hereinafter called the Government, which expression shall where the context so admits or implies be deemed to include his successors in office and assigns) of the one part and M. A. Khan, Proprietor of the Star Glass Works, Ferozabad, United Provinces (hereinafter called the Contractor, which expression shall where the context so admits or implies be deemed to include his executors and administrators) of the other part.

WHEREAS the Industrial Research Bureau of the Government of India have designed an improved type of glass pot furnace and the Government is desirous of having the same erected and tested out at a Glass Factory and the Contractor as Sole and absolute owner of the said Star Glass Works has offered to arrange for this to be done at his said Factory on the same terms and conditions hereinafter mentioned NOW IT IS HEREBY AGREED AND DECLARED AS follows :

- (1) The Government has on the signing of this Agreement delivered to the Contractor the drawings of the said furnace. The Contractor agrees to keep same secret and not to apply for any patent rights in connection

with same and to redeliver same to the Government on completion of the said furnace without keeping copies and to give Government free the benefit of any improvements noted in the construction and working of same.

- (2) The Contractor shall at his own expense in the first instance and under the direction and to the satisfaction of the Director of the said Bureau cause such a furnace as aforesaid to be built in his said factory on Government delivering at Ferozabad station refractory blocks, bricks and materials, and all iron and steel work shown in Drawing No. I.R.B.7A attached hereto by the numbers 1, 2, 3, 4, 5, 8 and 9 of the Materials Chart thereon and as detailed in Drawings No. I.R.B. 5, 8, 9, 15 and 17. The Contractor shall provide and in the first instance pay for a suitable pyrometer, wiring and indicator of type and make approved by the Director, and also the materials, i.e., red brick and concrete, shown by the numbers 6 and 7 of the Materials Chart on the said Drawing No. I.R.B. 7A together with any timber and formwork required. The Contractor shall also supply a flue of size and shape as shown on Drawing No. I.R.B. 7A connecting the waste gas collecting flues behind the furnace to a chimney 100 ft. high and 3 ft. 6 in. diameter at the base and fitted with a chimney damper, and all other things including skilled and unskilled labour, the said Director shall consider necessary to get the said furnace erected and working.
- (3) The Contractor shall pay half the cost of things to be provided by the Government as aforesaid and to secure this has deposited Rs. 5,661 Rupees Five thousand six hundred and sixty one) in the Ferozabad Treasury. If half the cost of the things to be provided by the Government is more or less than this amount the necessary adjustment will be made after the Furnace has been erected. The said flue and chimney shall be provided by the Contractor at his own expense without any right on his part to call upon the Government to contribute towards the cost of same but all other things to be provided by the Contractor as aforesaid shall be paid for by the Contractor in the first instance but the Contractor shall have the right to call upon the Government to repay half the reasonable cost thereof and of the cost of the transport necessary to move the things to be provided by Government as aforesaid from Ferozabad Station to the said Factory.
- (4) For the purpose of ascertaining Government's contribution to expenditure by the Contractor as aforesaid the Contractor shall, to the satisfaction of the said Director, keep accurate accounts of the actual expenses on transport and erection charges and other charges to which Government has to contribute as aforesaid, and the Government shall within one month after the completion of the furnace reimburse the Contractor half the cost of such actual charges (which however shall not include any charges for supervision by the Contractor) provided they are certified by the said Director, as reasonably chargeable to the Government.
- (5) The arrangements for the erection of the furnace shall be approved and supervised free of charge by the said Director, or his nominee.
- (6) Notwithstanding anything aforesaid if on the settlement of accounts it is found that half the cost of the said furnace (apart from the said flue and chimney) exceeds Rs. 8,000 (Rupees eight thousand) the Contractor's liability to contribute shall be limited to Rs. 8,000 (Rupees eight thousand) and the Government shall pay the balance.
- (7) The said Director and his nominees shall have access to the said furnace at all times during construction, and after completion the Officers of the said Bureau shall have access to the furnace at any time during the first six months of working of the said furnace and at such other times as shall be mutually agreed upon, and shall be at liberty to make such tests and experiments as they deem desirable free of charge, and shall be supplied by the Contractor with such information as they may require regarding its costs and performance and the Contractor shall free of charge undertake the preparation of glass from experimental batches, if so desired by the said Director.

- (8) During the erection period and also during the first twelve months of working, facilities shall be given by the Contractor free of cost for other glass manufacturers authorised by the Director of Industries of the Government of the United Provinces to see the said furnace. Dates and times of such inspections shall be arranged mutually between the said Director of Industries and the Contractor.
- (9) The Contractor shall supply free of cost all labour and materials required for the starting and operation of the furnace and the experiments and inspection aforesaid including fuel, glass batch materials, and glass pots but the glass made shall belong to the Contractor.
- (10) All information concerning the design, manufacture, erection, and operation of the said furnace, together with all drawings, sketches, photographs made or taken may be made public either in the form of publications or in any other form at the discretion of the Government.
- (11) Subject to the payment of amounts due from him and the right of user and inspection reserved as aforesaid the said furnace shall belong to the Contractor.
- (12) Except for their contribution towards its cost as aforesaid the Government shall not be liable for any claims or compensation in respect of the said furnace or its erection or user and nothing herein shall be deemed to constitute a partnership and subject as aforesaid the Contractor hereby agrees to indemnify the Government against all claims cost and demands that may arise in consequence of the working of the said furnace.
- (13) Should any dispute arise at any time over the interpretation of these terms and conditions, or any matter whatsoever in this connection, the decision of which has not hereinbefore been provided for the same shall be referred to Secretary of the Government of India in the Industries and Labour Department and his decision shall be final and binding.

As witness the hands of the parties the day and year first above written.

Signed by the said M. A. Khan. *Sd. (M. A. KHAN).*

In the presence of witness :

(Sd.) D. KH. A. RAZVIE,

Manager,

Star Glass Works.

Signed by the Chief Controller of Stores, Indian Stores Department, on behalf of the Governor General in Council

(Sd.) J. S. PITKEATHLY.

In the presence of witness :

(Sd.) KIRPA RAM,

Deputy Director,

Indian Stores Department.

RECUPERATIVE FURNACE CONSTRUCTED AT THE STAR GLASS WORKS, FIROZABAD.

1032. *Mr. Sham Lal (on behalf of Pandit Sri Krishna Dutta Paliwal) : Will the Honourable Member for Industries and Labour please state whether Government propose to :

- (i) instruct the Director for Industries, United Provinces, to issue the passes immediately to the interested glass manufacturers ;
- (ii) order Mr. Khan of the Star Glass Works not to hinder them in seeing the furnace ; and
- (iii) inform the Chairman, Glass and Glass Bangle Industries, Firozabad of the same ? If so, when ?

The Honourable Sir Thomas Stewart : (i) The attention of the Honourable Member is invited to the reply just given by me to part (e) of his question No. 1031.

(ii) In view of the terms of the agreement, it is not considered necessary to issue any further instructions to the proprietor of the Star Glass Works.

(iii) It is presumed that the Chairman, Glass and Glass Bangle Industries, Ferozabad, will, together with other interested parties, apply to the Director of Industries, United Provinces, for permits. The attention of the Honourable Member is invited in this connection to the answer given by me to part (c) of his question No. 624 on the 20th September, 1937.

Prof. N. G. Ranga : May I take it that every *bona fide* businessman who applies for a pass will be issued this pass ?

The Honourable Sir Thomas Stewart : That is a condition of the agreement.

†1033*—1034*.

PERMANENT LOCATION OF CERTAIN OFFICES IN NEW DELHI.

1035. ***Mr. Sham Lal :** Will the Secretary for Education, Health and Lands be pleased to state :

- (a) whether the Departments of Archæology and of Imperial Council of Agriculture Research and the office of the Director General, Indian Medical Service have got any direct connection with the Government of India Secretariat ;
- (b) whether any examination or Agricultural Research or any work in connection with Indian Medical Service is being done at Simla ;
- (c) what particular necessity there is for these offices being transferred to Simla during summer ;
- (d) whether these offices at Simla are being located in rented buildings ;
- (e) what rent Government have to pay for these offices at Simla ;
- (f) whether Government have considered if these offices can be located in Delhi during summer ;
- (g) what the saving in rent would be if they are located in Delhi during summer ;
- (h) what expenses Government have to bear in the form of travelling allowances and railway freights in shifting these offices from Delhi to Simla ;
- (i) whether Government are prepared to consider the advisability of keeping these offices at Delhi during the summer ?

There is a misprint here. In clause (b), " examination " should be read " excavation ".

Sir Girja Shankar Bajpai : (a) Yes.

(b) Yes.

(c) The offices work in close association with the Government of India.

(d) The office of the Director General of Archaeology and a portion of the research staff of the Imperial Council of Agricultural Research are located in a private building. The others are located in a Government Building.

(e) Rs. 2,000 *plus* occupier's taxes for the Director General of Archaeology's office and Rs. 2,000 for the research staff of the Imperial Council of Agricultural Research.

(g) About Rs. 4,000.

(h) About Rs. 28,000.

(f) and (i). I would refer the Honourable Member to the reply given by Sir Frank Noyce to Mr. C. N. Muthuranga Mudaliar's starred question No. 601 in this House on the 9th March, 1937. No decision inconsistent with that reply has been taken since.

Seth Govind Das : Most of the employees in this department are Indians and it is not necessary for Indians to come to Simla in summer and so this expenditure can be saved ?

Sir Girja Shankar Bajpai : The point which my friend ought to appreciate is that the move is determined not on a racial basis but with regard to administrative considerations.

Mr. S. Satyamurti : With reference to the answer to clause (a) of the question, may I ask for some more light ? What is the nature of the direct connection between the Director General of Archaeology, the Imperial Council of Agricultural Research and the office of the Director General, Indian Medical Service, and the Government of India Secretariat ?

Sir Girja Shankar Bajpai : In so far as the Director General of Archaeology is concerned, the position is that the Director General is the adviser of the Government of India in regard to programmes which come up from the Superintendents. Questions of postings are involved. Then references are received from outside, learned societies and so on. They come up to the Government of India and have to be dealt with in consultation with the Director General. For this reason, there ought to be close association between the Government of India and the Director General and I might draw the Honourable Member's attention to the fact that only the Director General and his Deputy move up with a small staff. The whole office does not come up. As regards the Imperial Council of Agricultural Research the position is that all programmes that come up from the provinces and universities and so on have to be examined in consultation with the Government of India from the financial point of view. As regards the Director General of the Indian Medical Service, he is our main adviser in regard to postings.

Seth Govind Das : Then is it not a case for all the offices to be kept down in Delhi and not moving to Simla at all ?

Sir Girja Shankar Bajpai : That point was raised by Mr. Mudaliar in his question to which I have referred. Sir Frank Noyce informed the House that Government did not propose to come to any decision on the matter pending Federation.

Mr. Sham Lal : Cannot all this work be done by consultation by correspondence ?

Sir Girja Shankar Bajpai : I do not think that considering the volume of work involved consultation by correspondence would be conducive to expedition.

Mr. S. Satyamurti : What is the administrative inconvenience in disposing of all these questions about programmes and about postings after the budget which is complete, so far as the annual programme is concerned ? What is the administrative inconvenience in disposing of these matters after they have been sent up from Delhi to Simla within 12 hours, or by telephone if it is very urgent, and what is the administrative advantage which the Government gain by bringing these offices up to Simla ?

Sir Girja Shankar Bajpai : I have already endeavoured to explain the nature of the consultation that takes place between the department and these attached offices. With reference to the point regarding the budget, as my Honourable friend is aware, that would have to go to the Finance Department some time not later than the beginning of October and the summer is really the formative period for proposals for the next year's budget.

Mr. S. Satyamurti : With reference to the answer to clause (i), may I know whether Government propose at any time before the Federation to endeavour to consider the question of locating these offices mentioned in clause (a) permanently in Delhi ?

Sir Girja Shankar Bajpai : My impression from reading Sir Frank Noyce's answer is that the intention of Government is to consider the question in connection with Federation. When other departments consider their relationship with their attached offices, we shall certainly consider ours, not merely in regard to these but any other attached office.

PERMANENT LOCATION OF CERTAIN OFFICES IN NEW DELHI.

1036. ***Mr. Sham Lal :** Will the Honourable Member for Industries and Labour be pleased to state :

- (a) whether the Indian Stores Department and the Civil Aviation Directorate have got any direct connection with the Government of India Secretariat ;
- (b) whether there are any aerodromes in Simla, or whether there are any firms in Simla with whom the Stores Department has to deal ;
- (c) what special necessity there is for shifting these Departments from Delhi to Simla during summer ;
- (d) whether these Departments are located at Simla in Government buildings or buildings to be rented ;

- (e) what rent Government have to pay ;
- (f) whether Government have considered if these offices can be easily located in Delhi during summer ;
- (g) what the saving in rent, travelling expenses and railway freights would be, if these offices are located at Delhi during summer ; and
- (h) whether Government are prepared to consider the advisability of keeping these offices at Delhi during summer ?

The Honourable Sir Thomas Stewart : (a) They are attached offices of the Government of India.

(b) No.

(c), (f) and (h). These offices move between Delhi and Simla like other migratory offices of the Government of India, the question of their location in future is under consideration.

(d) In Government buildings.

(e) None.

(g) The approximate saving in travelling expenses and railway freights would be about half a lakh.

Mr. Sham Lal : What is the association between these departments and the Government of India ?

The Honourable Sir Thomas Stewart : Sir, Civil Aviation is one of the subjects which is dealt with in the Industries and Labour Department. The subject has become such an important one that it has been necessary to create a separate organisation outside of the Secretariat staff. But that does not remove from the purview of the Industries and Labour Department the problems arising out of civil aviation, and for that reason it was necessary to attach the new creation to the permanent Department.

Seth Govind Das : Do Government not think that by saving this half a lakh every year they will be able to develop this Department better than by having this office at Simla ?

The Honourable Sir Thomas Stewart : I have said that the question is under consideration.

Mr. S. Satyamurti : Apart from the actual attachment of this office to the Secretariat, are there any reasons as to why this office must move between Simla and Delhi ?

The Honourable Sir Thomas Stewart : I suggest there are obvious advantages in having part of one's Department attached to the main body.

Mr. S. Satyamurti : What are the main advantages of moving up to Simla, and not staying on in Delhi and corresponding with my Honourable friend ?

The Honourable Sir Thomas Stewart : Sir, I can say no more than what I have said in reply to the last question, viz., that there are advantages in a close physical proximity.

Mr. M. Asaf Ali : Sir, the Controller of Broadcasting has as much work to do as the Controller of Civil Aviation but the Controller of Broadcasting stays on in Delhi, and is there any reason why the Director of Civil Aviation should be up here ?

The Honourable Sir Thomas Stewart : Sir, I am prepared to take it from the Honourable Member that the Controller of Broadcasting has as much work to do as the Director of Civil Aviation, but the work that he has to do and the problems with which he is faced do not require the attention of the Department of Industries and Labour to anything like the same extent.

Seth Govind Das : Do Government not think that there would be more advantages in saving this half a lakh than any disadvantages which the Government of India might suffer on account of not bringing this office-up to Simla ?

(No reply.)

Mr. S. Satyamurti : What are the specific advantages to the Government of India or to the taxpayer in the Civil Aviation Department being away from all aerodromes for six months in the year, and in the Indian Stores Department being out of touch with all supplying firms for six months in the year ?

Mr. President (The Honourable Sir Abdur Rahim) : That is an argument.

Mr. S. Satyamurti : I am asking, Sir, what are the specific advantages to the taxpayer or to the Government in the Civil Aviation Department being away from aerodromes and in the Indian Stores Department being out of touch with all supplying firms for six months in the year ? What are the specific advantages ?

The Honourable Sir Thomas Stewart : Sir, I do not think it is a matter of any particular advantage or any particular disadvantage to the taxpayer.

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

AFFAIRS OF THE INDIAN INSTITUTE OF SCIENCE, BANGALORE.

1037. ***Mr. C. N. Muthuranga Mudaliar :** (a) Will the Secretary for Education, Health and Lands be pleased to state whether any comments were submitted to Government by the editors of the *Current Science*, Bangalore (*vide* their editorials in the last January and February issues), the Government of Mysore, the Governing Council of the Institute of Science or by any member of the Institute or its staff, including the then Director on the Irvine Committee Report ? If so, will Government please lay a copy of these criticisms on the table and state what action has been taken on them ?

(b) With reference to the answers given by Government in the course of supplementary questions on part (b) of question No. 74 asked on the 25th August last, is it a fact that the authorities of the Institute propose to confirm the present incumbents in the Departments referred to in their respective posts ? If so, how do Government reconcile such a step with the answer they gave ?

(c) With reference to part (b) of this question, have Government considered the question of appointments in the Institute on a permanent as against a temporary or contract tenure basis ? If so, what is the conclusion that they have reached ?

(d) Have Government considered carefully whether the Institute is suited to carrying on applied research work as against pure research ? Are Government satisfied that, having regard to the facilities provided in the Institute, applied research work can be carried on without its descending to mere routine analysis or consultative work ?

Sir Girja Shankar Bajpai : (a) The Government did not receive any comments from the Editors of *Current Science* but did receive the views of the Government of Mysore, the Council of the Institute and from amongst members of the staff, of the Director. Such of these papers as were necessary to an understanding of the Irvine Committee's report and the decisions thereon of His Excellency the Visitor have already been published along with the Government of India Resolution No. F. 53-336-E., dated the 21st November, 1936, and copies of which have been placed in the Library of the House. A statement of the action taken on the report has already been promised to the House and will be furnished as soon as it is compiled.

(b) Government have not yet been approached by the Council on the subject.

(c) Government are in agreement with the conclusion of the Council that a satisfactory probation of two years should normally be followed by permanent appointment.

(d) The intention is that the Institute should carry on both applied and pure research. The answer to the second part is in the affirmative.

ELECTRO-TECHNOLOGY DEPARTMENT OF THE INDIAN INSTITUTE OF SCIENCE,
BANGALORE.

1038. ***Mr. C. N. Muthuranga Mudaliar :** (a) Is the Secretary for Education, Health and Lands aware that the Department of Electro-Technology of the Institute of Science at Bangalore is unknown for its work in the field of international scientific research ?

(b) Is it a fact that the Irvine Committee have suggested that the policy of the Department of Electro-Technology should be so devised as to place more emphasis on research and advanced instruction in such subjects like Communication Engineering ?

(c) What is the qualification or equipment of the Assistant Professor in charge of the subject of Communication Engineering to give advanced instruction and direct instruction in that subject ? Is it a fact

that he has neither qualified for a Doctorate through research nor published even a single research paper of merit during the ten years that he has been at the Institute? If so, how do the authorities concerned justify his continuance in charge of Communication Engineering?

Sir Girja Shankar Bajpai : (a) No.

(b) Yes.

(c) The present incumbent of the post is one who is a B.Sc. (Mysore), A.I.I.S., A.M.I.E.E., and a Mem. R.I.E. Information as to what research work he has done and what papers written by him have been published is not available. As regards the last part of the question, the matter is one for the Council of the Institute.

Mr. C. N. Muthuranga Mudaliar : Will Government make inquiries about it and make it available to this House?

Sir Girja Shankar Bajpai : Does my Honourable friend wish to read the papers that this officer has published?

Dr. Ziauddin Ahmad. : Sir, what is the meaning of international scientific research?

Sir Girja Shankar Bajpai : That is a question which my Honourable friend might address to Mr. Muthuranga Mudaliar.

Mr. B. Das : I think I can understand it better if I may read those papers?

Sir Girja Shankar Bajpai : If my Honourable friend wishes to read those papers, I shall endeavour to obtain copies and supply them to him.

BIO-CHEMICAL RESEARCHES IN THE INDIAN INSTITUTE OF SCIENCE, BANGALORE.

1039. ***Mr. C. N. Muthuranga Mudaliar :** (a) Is the Secretary for Education, Health and Lands aware that a knowledge of Botany, Organic Chemistry and Micro-chemistry is essential for conducting biochemical researches and that all eminent biochemists have also been organic chemists?

(b) Are Government aware that both the Sewell and Irvine Committees expressed themselves strongly against the absence of certain essential requisites in the Department of Biochemistry including the lack of a specialist in Micro-chemistry?

(c) Is it a fact that no single review of Biochemistry published anywhere in the world has anything complementary to say about biochemical work in India?

(d) Are Government prepared to consider the urgent need to reform the Department of Biochemistry in the Institute?

Sir Girja Shankar Bajpai : (a) No.

(b) The reports of these Committees contain some comments on the subject and the Irvine Committee has specifically referred to the absence of a specialist in Micro-chemistry.

(c) I have no information.

(d) The matter is under the consideration of the Council in connection with the recommendations of the Irvine Committee.

BIO-CHEMICAL RESEARCHES IN THE INDIAN INSTITUTE OF SCIENCE, BANGALORE.

1040. ***Mr. C. N. Muthuranga Mudaliar** : (a) With reference to the reply given by Government to part (b) of question No. 74 asked on the 25th August, 1937, and the supplementary questions thereon, is the Secretary for Education, Health and Lands aware that according to the reports referred to, the Department of Biochemistry is supposed to be carrying on research on sugar syrup, starch, fruit preservation, oxidising agents such as fertilisers, tree killers, milk and milk products, metallic contamination of foodstuffs, agricultural chemistry, utilisation of molasses, etc. ?

(b) Is it not a fact that there is no original investigation underlying the preparation of sugar syrup from cashew apple ?

(c) Are Government aware that better facilities and better and more experienced research direction is available in the Government laboratories at Poona ?

(d) Why has not the Imperial Council of Agricultural Research applied the results of the Department of Biochemistry on the use of oxidising fertilisers ?

(e) Is the Department of Biochemistry a manufacturing concern for tree killers ? What is the applied research work involved here ? What is the new knowledge given here which has not already been known before ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) This is a technical question on which I can express no opinion.

(c) No.

(d) The direct application of the results of research is not the function of the Imperial Council of Agricultural Research which is concerned merely with research and publicity.

(e) The answer to the first part of the question is in the negative. As the investigation aims at discovering economical and effective methods of destroying undesirable forest vegetation, it obviously falls in the category of applied research. As regards the last part, I wish to point out to my Honourable friend that Copernican or Newtonian discoveries are not a matter of everyday occurrence. (Laughter.)

Prof. N. G. Ranga : With reference to the answer to part (d) of this question may I know whether the Imperial Institute of Agriculture at Delhi are doing anything on the use of oxidising fertilisers ?

Sir Girja Shankar Bajpai : As far as I know, the Imperial Council of Agricultural Research assists the Institute at Bangalore among other institutions to conduct investigations into this particular kind of fertilisers.

Mr. S. Satyamurti : With reference to the answer to part (c) of the question, is it the position of the Government that better facilities are not available in Poona, or that they have no knowledge of the same ?

Sir Girja Shankar Bajpai : What I wished to convey to the House was that we do not know that better facilities are available at Poona.

Prof. N. G. Ranga : Sir, I have not got any definite answer to my question whether the Imperial Institute of Agriculture situated at Delhi are doing anything at all on the use of oxidising fertilisers ?

Sir Girja Shankar Bajpai : Sir, I submit for your consideration that the question relates to the Imperial Council of Agricultural Research. My Honourable friend wants information as to what the Imperial Institute of Agricultural Research is doing, and he had better give me notice of that separate question.

Mr. S. Satyamurti : May I know whether Government are taking steps directly, or through the Council of the Institute, to see that the institute does not degenerate into a mere manufacturing concern, but keeps in the forefront the dominant idea of the founder, *viz.*, to pursue pure scientific research ?

Sir Girja Shankar Bajpai : Sir, I think I can confidently assure my Honourable friend that there is no intention of converting this Institute into a factory. That is not the idea at all. The idea is that the right balance should be maintained between pure and applied research.

REPRESENTATION OF ANDHRAS IN THE POSTS AND TELEGRAPHS DEPARTMENT.

1041. ***Mr. Thirumala Rao :** (a) Will the Honourable Member for Industries and Labour please state whether it is a fact that nearly five hundred candidates are to be shortly recruited for service in the Posts and Telegraphs Department in the Madras Presidency ?

(b) Is it a fact that the proportion of Andhras (Telugus) in higher and other grades of the service is proportionately small ?

(c) Has any Andhra acted as Postmaster General or Presidency Postmaster in Madras ?

(d) Do Government propose to see that a proper proportion of Andhras is maintained in the service in view of the fact that nearly half the area in the Madras Presidency is Andhra ?

The Honourable Sir Thomas Stewart : (a) Government understand that the fact is substantially as stated by the Honourable Member.

(b) Government have no information but they have no reason to conclude that the representation of Andhras is disproportionately small.

(c) No.

(d) The rules of the Department already provide for the recruitment of candidates in the Madras Presidency within the revenue districts in which they are domiciled. Government do not consider that any further measures are called for to ensure the proper representation of Andhras.

DISCHARGE OF CERTAIN CLERKS IN THE MADRAS POSTAL CIRCLE.

1042. ***Mr. Thirumala Rao :** (a) Will the Honourable Member for Industries and Labour please state whether it is a fact that seventy postal

clerks in the second grade in the Madras circle were discharged on the ground that they were not up to the test set up by the Director General of Posts and Telegraphs recently ?

(b) Were the above mentioned clerks serving either on probation or on the permanent cadre for at least one year before they were called upon to undergo the test ?

(c) Is it a fact that the Director General in his memorandum No. E.S.B.-220-12/36, dated the 26th November, 1936, laid down that persons on probation for one year after the 1st April, 1935, should be deemed as permanent ?

(d) If the answer to part (c) be in the affirmative, are Government prepared to re-instate all the clerks alluded to in part (b) ?

The Honourable Sir Thomas Stewart : (a) The facts are generally speaking as described by the Honourable Member.

(b) No.

(c) The orders referred to directed that no candidates appointed in a permanent capacity, i.e., on probation for one year on or after the 1st April, 1935, should be subjected to any fresh test.

(d) The orders mentioned in reply to part (c) of the question are not applicable to these candidates who were officiating and not permanent employees. Such of these men as have already passed the second grade test and are eligible for the concessions which I have already placed on the table of the House will be reinstated forthwith, but the case of the remainder will receive further consideration from the Government.

VILLAGE POSTMASTERS.

1043. ***Mr. Thirumala Rao :** Will the Honourable Member for Industries and Labour please state :

(a) whether village Postmasters form part of the regular postal service under Government or are they considered as extra-departmental ?

(b) If they are extra-departmental, is any cash or personal security demanded from them ? If so, what is the amount ?

(c) What are their pay and privileges and duties ?

The Honourable Sir Thomas Stewart : (a) Village post offices are manned both by departmental and extra-departmental sub and branch postmasters.

(b) The extra-departmental sub-postmasters are usually required to give a personal security of Rs. 300 or a cash security of Rs. 200. Retired Government servants, station masters and school teachers who are Government employees are exempted as a class, but in the Madras Circle securities are taken at present irrespective of the class from which the agent is drawn.

(c) The extra-departmental sub and branch postmasters receive allowances and not pay. In the case of extra-departmental sub-postmasters, the allowances vary from Rs. 30 to Rs. 40 and in the case of

extra-departmental branch postmasters, the allowances range from Rs. 6 to Rs. 20 according to a graduated scale based on the volume of postal work actually performed. No special privileges are given to these part-time workers, but they are eligible for the benefits of the Postal Life Insurance Fund. Extra-departmental sub-postmasters normally perform all classes of business and deal conditionally with treasuries and branch post offices. Extra-departmental postmasters are restricted to the collection and distribution of unregistered and registered correspondence and parcels and the booking of money orders and their payment. Certain offices are specially authorised to do insurance, savings bank and cash certificate work and to book foreign parcels in addition. All offices are required to maintain departmental accounts.

Mr. Lalchand Navalrai : May I know whether there have been complaints that the allowance that is being given to these extra-departmental postmasters, which is Rs. 6 onwards, is too little ?

The Honourable Sir Thomas Stewart : The amount paid to these extra-departmental agents depends entirely upon the amount of work which they perform. It does not necessarily follow that in any particular case Rs. 6 would be an inadequate payment.

Mr. Thirumala Rao : Am I right in assuming that the responsibilities and duties of departmental sub-postmasters and extra-departmental sub-postmasters do not differ and that they are identical ?

The Honourable Sir Thomas Stewart : Yes, Sir, that follows from the answer I have given in which I gave the description of their duties.

Mr. Thirumala Rao : But the difference in emoluments and salaries in the case of the departmental sub-postmasters and the extra-departmental sub-postmasters is very great. Do the Government agree to it ?

The Honourable Sir Thomas Stewart : My answer to the Honourable Member is this that if he claims that the extra-departmental agents should be paid as much as the purely departmental agents, then the case for the employment of these *ex-railway* officials, etc., disappears.

Prof. N. G. Ranga : Will Government review the scales of pay and allowances made to these departmental sub-postmasters and extra-departmental sub-postmasters and see if any increase can be made therein ?

The Honourable Sir Thomas Stewart : We have done that recently.

Prof. N. G. Ranga : When was it done ?

The Honourable Sir Thomas Stewart : It was done within the last two years.

Mr. Badri Dutt Pande : Were the posts of these extra-departmental sub-postmasters created for the pensioners ?

The Honourable Sir Thomas Stewart : No, Sir. They were not created *ad hoc*.

Prof. N. G. Ranga : Has that examination resulted in any increase in the allowances of these sub-postmasters ?

The Honourable Sir Thomas Stewart : No, Sir. The examination revealed the fact that no increase in pay was warranted.

Mr. Badri Dutt Pande : Are some young men also employed as extra-departmental sub-postmasters ?

The Honourable Sir Thomas Stewart : Yes, if they are school-masters.

ALLOTMENT OF QUARTERS TO OFFICERS.

1044. ***Prof. N. G. Ranga** (on behalf of Mr. T. S. Avinashilingam Chettiar) : Will the Honourable Member for Industries and Labour state whether under the rules for allotment of Government houses to officials there are cases in which officers of higher grade get houses of lower grade and *vice versa*, and if so, the reasons for such happenings ?

The Honourable Sir Thomas Stewart : Yes, but such cases occur very rarely, as, for example, when owing to any particular circumstance a residence is found to be surplus to the requirements of the officers eligible for that class, or when a residence falls vacant during the season and no officer of that class claims it

RULES FOR ADMISSION INTO THE WALKER HOSPITAL, SIMLA.

1045. ***Prof. N. G. Ranga** (on behalf of Mr. T. S. Avinashilingam Chettiar) : (a) Will the Secretary for Education, Health and Lands be pleased to state what class of people are entitled under the rules for admission into the Walker Hospital, Simla ?

(b) Are Indians entitled for admission into the Hospital ? If so, what class of people ?

(c) Are all officers of Government from the position of the Secretaries to Superintendents entitled under the rules for admission into the Hospital ?

(d) Are Members of the Central Legislature and Council of State entitled for admission ?

(e) What are the fees for operation or otherwise for those who are admitted in the Walker Hospital ?

(f) What fees were realised in the Walker Hospital for operations during the year 1936-37 ? Did any portion of this go to the finance of the Walker Hospital ? If so, what portion ?

Sir Girja Shankar Bajpai : (a) to (d). All persons who are prepared to conform to the rules and usages of the Hospital are admitted.

(e) The fees are laid down in the rules, copies of which are available in the Library of the House.

(f) I lay a statement on the table.

Statement.

Rs. 3,425 apart from the charges for nursing, diet and accommodation. Out of this a sum of Rs. 1,052 was credited to the finances of the Hospital, Rs. 400 was paid as fees to the Surgeon assisting at the operations and the rest, Rs. 1,973 was paid to the Civil Surgeon as his fees.

Prof. N. G. Ranga : Are we to understand that no racial discrimination is made ?

Sir Girja Shankar Bajpai : No, Sir, and I can testify to that from personal experience.

INTEREST ACCUMULATED ON POSTAL SAVINGS BANK AND CASH CERTIFICATES DEPOSITS BELONGING TO MUSLIMS.

1046. ***Khan Sahib Nawab Siddique Ali Khan :** (a) With reference to question No. 118 asked by the Honourable Sir Haroon Jaffar in the Council of State on the 12th September, 1927, will the Honourable the Finance Member please state the amount of interest that has so far accumulated on the deposits in the Postal Savings Banks and on cash certificates belonging to Muslims on which interest has not been drawn by them on religious grounds ?

(b) In view of the statement made by the Honourable Mr. A. F. L. Brayne in answer to the above question in the Council of State, are Government prepared to consider favourably the formation of a Committee of the elected Muslim Members of this House and of the Council of State for administering as trustees the amount of such interest for improvement of Muslim education, such committee to be elected at the beginning of every newly elected House ?

(c) Do Government propose to draw up necessary rules for the formation and functioning of such a Committee ?

The Honourable Sir James Grigg : (a) I would invite a reference to the reply which I gave to part (a) of Mr. Sri Prakasa's question No. 340 asked on the 7th of September, 1937.

(b) and (c). As was explained in the statement to which the Honourable Member has referred, Government consider that this is a matter in which the initiative must be taken by the community concerned.

Dr. Ziauddin Ahmad : May I ask whether the Government keep separate accounts of this unclaimed interest ?

The Honourable Sir James Grigg : I do not think so.

Khan Sahib Nawab Siddique Ali Khan : Will the Honourable Member kindly allow a few Members of this Honourable House to wait on him or any other responsible officer to discuss the matter with him ?

The Honourable Sir James Grigg : It is no good discussing the matter until two conditions have been fulfilled. Those steps must be (1) the establishment of a Fund started by a representative body of Mussalmans, and (2) the receipt by Government of requests from a substantial number of depositors that the interest due to them should be paid into that Fund. It is really no good for the Honourable Member to come and discuss it with me until he has got these two conditions fulfilled. After that, there will not be much difficulty on my part.

Khan Sahib Nawab Siddique Ali Khan : May I take it that the offer is still open ?

The Honourable Sir James Grigg : As I said, once the conditions are fulfilled there will be no difficulty on the part of the Government, but the conditions must be fulfilled and the initiative in that matter must be taken by the community concerned and not by the Government.

Maulana Zafar Ali Khan : Has the unclaimed amount of interest on deposits in postal savings banks been realised by the Government, and, if so, in what manner do they spend it ?

The Honourable Sir James Grigg : I answered that question before. It is realised by Government and is spent on general purposes.

Dr. Ziauddin Ahmad : What is the definition of a 'representative body' of men ?

The Honourable Sir James Grigg : The Honourable Member can answer that better than I can.

Dr. Ziauddin Ahmad : Will the Muslim Members of the Central Legislature be considered as a representative body of Mussalmans ?

The Honourable Sir James Grigg : I do not think they are sufficiently representative of the whole of the Muslim community.

Dr. Ziauddin Ahmad : What, in his opinion, is the representative body of Mussalmans ?

The Honourable Sir James Grigg : I do not think I am called upon to express an opinion.

Maulana Zafar Ali Khan : Will the Honourable Member please place on the table of the House a list of the depositors who have refused to accept the interest ?

The Honourable Sir James Grigg : Certainly not.

Maulana Zafar Ali Khan : May I know why not ?

The Honourable Sir James Grigg : Because it will take too much time and trouble and will be incommensurate with the labour involved. As I have said already, the initiative in this matter must be taken by the Muslim community.

Mr. M. Asaf Ali : May I know, in view of the fact that the Members of the Central Legislature are not sufficiently representative of Muslim opinion,.....

The Honourable Sir James Grigg : I am sorry I made a joke. It is a great mistake to do that if one is to be taken seriously all the time.

Mr. M. Asaf Ali : Even as a joke, will the Honourable the Finance Member be prepared to consider a representation addressed to him by the Muslim Members of the various Provincial Legislatures who may be considered as more representative than we are ?

The Honourable Sir James Grigg : The Honourable Member has misunderstood me. I do not want representations at all. I want evidence that a Fund has been set up which is sponsored by a representative body of Mussalmans.

Mr. Sri Prakasa : Will Government refuse in future to take money from such depositors as decline to take interest ?

The Honourable Sir James Grigg : No, Sir.

ABOLITION OF THE OBSERVATORY AT MADRAS.

1047. ***Mr. S. Satyamurti :** Will the Honourable Member for Industries and Labour be pleased to state :

- (a) whether his attention has been drawn to the leading article entitled " Central funds and Provincial needs " in the *Hindu* of the 15th September, 1937 ;
- (b) the reasons why the grant for ' Meteorology ' under the Civil Aviation Fund is not being fully utilised ;
- (c) whether the Observatory at Madras was abolished owing to lack of funds at the time ; and
- (d) whether the Observatory proposed is to be re-established now as there are funds and if not, why not ?

The Honourable Sir Thomas Stewart : (a) Yes.

(b) The Honourable Member is presumably referring to the provision of Rs. 1,20,000 made in the budget estimates for 1935-36 for expenditure on Meteorology from the Civil Aviation Fund. Of this Rs. 1 lakh was intended for the extension of the Agra Observatory buildings and Rs. 20,000 for the construction of quarters for Meteorological staff at civil aerodromes and landing grounds. The provision for the extension of the Agra buildings was not utilised as the Government of India had, and still have, under consideration the question of transferring the Agra Office to Delhi. The provision for quarters for the Meteorological staff was not spent as some delay occurred in coming to a decision on the question of the standard types of accommodation suitable for the various classes of personnel at aerodromes and landing grounds.

(c) The Observatory at Madras continues to be a pilot balloon and first class observatory. It was decided in 1931 as a measure of retrenchment to discontinue the issue from the observatory of daily weather reports and the supply of time to local shipping by visual time ball signals. Arrangements were made, instead, for the inclusion of the information contained in the Madras Weather Reports in the All-India Weather Reports issued from Poona ; and the supply of time to shipping by mechanical means was considered unnecessary in view of the wireless time signals broadcasted from the Alipore Meteorological Office.

(d) No, Sir. The existing arrangements are satisfactory and there is no need to restore the activities discontinued in 1931.

Mr. S. Satyamurti : Have Government received any representation from any interest concerned for the restoration of the Madras Observatory ?

The Honourable Sir Thomas Stewart : No, Sir.

Mr. S. Satyamurti : Will the Honourable Member consult the Local Government of Madras with regard to the need for restoring this observatory to the position it occupied in 1931 prior to its discontinuance ?

The Honourable Sir Thomas Stewart : No, Sir.

Mr. S. Satyamurti : Why not, Sir ?

The Honourable Sir Thomas Stewart : Because the services that were discontinued in 1931 are adequately replaced by those which I have described in my answer to part (c) of the question.

FUND FOR THE ECONOMIC DEVELOPMENT AND IMPROVEMENT OF RURAL AREAS.

1048. ***Mr. S. Satyamurti :** Will the Honourable the Finance Member be pleased to state :

- (a) the latest figures of the allotment of the fund for the economic development and improvement in rural areas, to the several Provinces, the portion of the funds spent or earmarked by the Provinces, the balance of the funds still unspent with them, the main purposes on which the funds have been or are proposed to be spent, and the balance of the fund with the Central Government ;
- (b) whether the Provincial Governments have been addressed recently to formulate their schemes without delay and what their replies are ; and
- (c) what the latest proposals of the Government of India are for the expenditure of this fund in the several Provinces ?

The Honourable Sir James Grigg : (a) A further statement will be supplied to the Honourable Members when the requisite information has been obtained from the Provincial Governments.

(b) and (c). I place on the table a copy of the letter addressed to Provincial Governments on this subject last February.

No. D-1274/B-37.

GOVERNMENT OF INDIA.

FINANCE DEPARTMENT.

New Delhi, the 20th February, 1937.

From

A. J. RAISMAN, ESQUIRE, C.I.E., I.C.S.,
Additional Secretary to the Government of India,

To

ALL LOCAL GOVERNMENTS (EXCEPT BURMA) AND ADMINISTRATIONS.

SUBJECT :—*Utilisation of the Government of India's grants for rural reconstruction.*
Sir,

With reference to your letter—

Madras—No. M. S. 411, dated the 10th September, 1936,

Bombay—No. 3591-G.33, dated the 19th September, 1936,

Bengal—No. 8029-F.B., dated the 31st August, 1936,

United Provinces—Nos. 382-A. and 651-A., dated the 25th July and 28th September, 1936, respectively,

Punjab—No. 1593-D. (S.), dated the 10th August, 1936,

Orissa—No. 4746-E.[1-C-73]36, dated the 6th September, 1936,

Bihar—No. 7633-F.B., dated the 2nd November, 1936,

Central Provinces—No. C-593|1801|IV, dated the 3rd October, 1936,

Assam—No. 3083-L.S.G., dated the 31st July, 1936,

North-West Frontier Province—No. 10141-T.D.N.-36|7, dated the 30th September, 1936,

Sind—No. G-5692, dated the 9th September, 1936,

Chief Commissioner, Delhi—No. B-77|36-FinL, dated the 11th September, 1936,

Chief Commissioner, Ajmer-Merwara—No. 911|52-A.|35, dated the 26th July, 1936,

Chief Commissioner, Coorg—No. 1962|231-36, dated the 27th July, 1936,

I am directed to say that the Government of India, having reviewed the proposals and observations of the provincial Governments on the utilisation of the grants for rural reconstruction, have decided to attach to the further allotments now to be made the conditions set forth in my letter No. D-2598|B, dated 29th June, 1936, subject to the modifications indicated below.

2. The local Governments have, generally speaking, concurred in the desirability of concentration of effort and avoidance of wasteful diffusion over too wide a field, but have asked that, in view of the different conditions prevailing in different areas of the same province, the number of schemes to be financed should not be strictly limited to the 'two or three' originally laid down. In particular, they are disposed to add rural sanitation to rural communications and water supply as an object deserving of primary attention. The Government of India have no objection to this. Besides these primary objects the provinces have usually put forward two or three special schemes, such as schemes for cattle improvement or the distribution of improved seed. The Government of India have decided that generally speaking the revised proposals of the local Governments now comply sufficiently with the condition laid down in this regard.

3. The second principle put forward in paragraph 4 of my letter of the 29th June, 1936, has also met with general and substantial acceptance. Provided the local Governments aim at the achievement of stable results, the Government of India are not disposed to insist on a rigid five year programme, and agree that the expenditure may be spread over a somewhat shorter period, not less than three years, where this appears to be desirable. The Government of India also accept the proposals of the local Governments in regard to the re-allocation of the first year's grants, a procedure which has naturally been restricted by the extent to which those Governments have entered on commitments from which they have found it impossible or highly undesirable to renege.

4. The Government of India's third condition was that all schemes should be contributory, i.e., that the villages which are to benefit from the expenditure should themselves make a contribution of not less than one-third, either in cash or in kind (including labour) as a condition of receiving the remaining two-thirds. The object of this condition was not merely to make the grants go as far as possible, but also to evoke a much closer and more real co-operative interest on the part of the cultivators themselves. All the provincial Governments have accepted the principle but most of them desire to be allowed some latitude in enforcing it. There are certain schemes of an educative character which cannot be put on a contributory basis. Again it is represented that the poorest and most distressed areas may be unable to make any contribution. It has been suggested that where works constructed from the grant are to be maintained by local boards or village authorities, a considerable local contribution is in effect involved, and also that the condition should be regarded as satisfied if the contribution is made by philanthropists, district boards, or public associations. The Government of India feel that while contributions by persons other than the villager himself help to make the grants go much further than they otherwise would, they do nothing to evoke his active interest and co-operation. The Government of India attach the greatest importance to the villager's contribution and are exceedingly reluctant to admit any widespread relaxation of the contributory principle. They do not see why, even in needy areas, free labour at least should not be forthcoming. At the same time they recognise that certain schemes desirable in themselves do not

admit of the application of the principle, and for such schemes, which should not ordinarily account for more than 20 per cent. of the grant, they agree that the condition may be waived.

5. The fourth condition was that, in the absence of special reasons, there should, wherever the nature of the scheme admits, be the maximum degree of delegation to the district officer : and that central control should not ordinarily go beyond a clear definition of the objects of expenditure, periodic inspection and review of the reported results, leaving complete freedom of initiative to the district officers. Apart from local variations in the machinery for inspection and review, there has on the whole been no difficulty in the acceptance of this condition except in one province, which is being addressed separately on the subject.

6. Finally, the Government of India intended that the bulk of the grants (say 80 per cent.) should be allocated to the districts on a rural population basis, the remainder to be available for allocation to specially needy districts or possibly to special local schemes. Several provinces have found it difficult to accept this condition in respect of as much as 80 per cent. of the grant. It has been pointed out that it is precisely the thinly populated districts with poor natural resources that are most in need of help, and it has been suggested that the proportion distributable on the basis of rural population should be reduced to two-thirds of the grant. The Government of India are prepared to accept this modification, which they trust will go a long way to meet the difficulties which have been described.

7. The Government of India will be glad to receive by the end of August and February consolidated reports reviewing the progress of the schemes in the province as a whole for the half-years ending 30th June and 31st December respectively. I am to ask that Local Governments will take steps to ensure the punctual submission of the reports on these dates, so that the Government of India may be in a position to present a review of progress to the Legislature during its two sessions.

8. The Government of India do not intend to place further funds at the disposal of the local Governments so long as the latter still have in their hands funds sufficient to enable them to prosecute their schemes. Further allotments will be made as and when funds are required for expenditure. It will be convenient if local Governments indicate their probable requirements against each scheme for six months at a time, and I am to request that this information may now be supplied.

I have the honour to be,

SIR,

Your most obedient servant,

A. J. RAISMAN,

Additional Secretary to the Government of India.

Mr. S. Satyamurti : With reference to part (a), may I know if the Honourable the Finance Member is in a position to make the statement referred to therein, sometime early next Delhi Session ?

The Honourable Sir James Grigg : I will try.

Mr. S. Satyamurti : I have not yet read the statement which the Honourable Member has laid on the table in reply to parts (b) and (c). May I ask whether all the Provincial Governments have now formulated their schemes for the expenditure up to the full amount provided for by the Government of India for the respective Provinces ?

The Honourable Sir James Grigg : Speaking off-hand, I think it was an earlier letter which we sent to the Provincial Governments in which we specified our conditions and the classes of schemes which we should accept. They then sent up their schemes and asked for a relaxation of some of the conditions. I think this second letter to some extent relaxes the conditions and it approves individual schemes subject to these new conditions.

Mr. S. Satyamurti : Taking all these schemes together, are they large enough in extent to spend all the money set apart by the Government of India for this purpose ?

The Honourable Sir James Grigg : Except one or two lakhs ?

Prof. N. G. Ranga : Will Government consider the advisability of setting up a Central Committee on the lines of the Road Development Fund Committee for the distribution and also for the proper allocation and expenditure of these sums ?

The Honourable Sir James Grigg : I think in this case I may give the Honourable Member the advice from the old cookery book 'First catch the hare'.

Prof. N. G. Ranga : Will the Government consider the advisability of making some allotment towards the Rural Development Fund from out of the next year's anticipated surplus ?

The Honourable Sir James Grigg : I am not in a position yet to say whether Government are in a position to catch the hare.

Mr. S. Satyamurti : May I know whether or not the hare has disappeared and whether hereafter the Government of India do not propose to make any grant for this purpose ?

The Honourable Sir James Grigg : The Honourable Member need not assume that or anything else.

Mr. S. Satyamurti : Was its discontinuance due to temporary aberration, or is it because the Government of India are hoping to renew this grant as early as possible ?

The Honourable Sir James Grigg : That raises a good many questions which one cannot deal with suitably in this way in reply to supplementary questions. I imagine that the Provinces would much rather that we make a delegation of revenues to them under section 140 of the Government of India Act than make grants for specific purposes and so, Sir, the matter is not quite as free from argument as the Honourable Member seems to suggest.

Mr. S. Satyamurti : May I know whether the Government of India have definitely dropped the practice of making *ad hoc* grants specifically for certain purposes, and would rather make general grants under the Government of India Act, as provided in the various sections thereof ?

The Honourable Sir James Grigg : I do not think the Honourable Member can assume that. The Honourable Member can assume that there are two alternative possibilities which will have to be considered and carefully weighed against each other.

Mr. S. Satyamurti : Before coming to a conclusion on either possibility will the Government consider the advisability of consulting the Provincial Governments and taking their opinions into careful consideration ?

The Honourable Sir James Grigg : That, Sir, is again a question of first catching the hare.

Prof. N. G. Ranga : Will the Government also consider the precedent set up by the constitution of the Road Development Fund from which today and for a certain number of years past, grants have been made to the various Provincial Governments for this purpose ?

The Honourable Sir James Grigg : I can assure my Honourable friend that the Road Development Fund has at times caused the Provincial Governments to complain that they ought to get money without condition, a contention which I do not myself accept. That again is a question which is impossible to answer without considering all the facts involved.

DETERIORATION OF INDIAN ECONOMIC POSITION IN SOUTH AFRICA.

1049. ***Mr. S. Satyamurti :** Will the Secretary for Education, Health and Lands be pleased to state :

- (a) whether his attention has been drawn to an address by the Indian Agent in South Africa on the 16th September, 1937, to a meeting of the Indo-European Joint Council in Durban wherein he stated that a considerable deterioration of the Indian economic position had taken place in the Union during the last 20 years ;
- (b) whether Government propose to examine that statement and report to the House the causes of this deterioration ; and
- (c) whether Government are prepared to take necessary steps early in this behalf ?

Sir Girja Shankar Bajpai : (a) and (b). Government have seen a newspaper report of the meeting referred to by the Honourable Member and await a copy of the official text.

(c) The attention of the Honourable Member is invited to the reply given by me on the 1st October, 1937, to part (e) of his question No. 943.

Mr. S. Satyamurti : Will the Government of India get into touch with the Indian Agent, and ask him for a detailed statement as to how the position of Indians has degenerated for the last 20 years ?

Sir Girja Shankar Bajpai : When we get a report of his speech and if we find that that point has not been sufficiently elucidated or elaborated, we shall follow the suggestion of my Honourable friend.

Mr. S. Satyamurti : May I know if copies of these speeches are automatically sent to the Government from time to time, or have they got to ask the Agent for copies of the speeches ?

Sir Girja Shankar Bajpai : There is no hard and fast rule about that. If he makes any important pronouncement, then he automatically forwards copies of that to the Government of India.

Mr. S. Satyamurti : In view of the fact that the Agent represents the Government of India and therefore all his speeches have a meaning as representing the views of the Government of India to the extent to which he speaks as the Indian Agent, will the Government of India consider the advisability of asking the Agent to send copies of all his important speeches on the position of Indians in South Africa, as and when they are made, automatically to the Government of India ?

Sir Girja Shankar Bajpai : My Honourable friend assumes that that is not the existing practice. I tried to explain that copies of any important pronouncement made by the Agent are automatically sent to the Government of India.

Mr. S. Satyamurti : Has a copy of this speech referred to in the question been received ?

Sir Girja Shankar Bajpai : It has not yet been received. If it had been, then in that case, I should have based my answer on a perusal of that speech.

BROADCASTING OF INDIAN MUSIC.

1050. ***Mr. S. Satyamurti :** Will the Honourable Member for Industries and Labour be pleased to state :

- (a) whether Government are taking any steps by way of consulting musical critics and connoisseurs and eminent musicians in India for evolving a plan of broadcasting good Indian music from the broadcasting stations ;
- (b) whether Government are considering any proposal to have the best Indian music broadcast from these stations by arranging for the services of the best all-India musicians at the several stations throughout the year ; and
- (c) whether Government propose to consult expert non-official opinion in the matter by constituting a Committee or otherwise and if not, why not ?

The Honourable Sir Thomas Stewart : (a) All-India Radio does its best to mould its programmes upon criticisms which it receives generally by letter and telephone every day. The Music Sub-Committee of the Advisory Council meets every fortnight to discuss forthcoming programmes and comment upon them. The general policy of All-India Radio, as of most broadcasting organisations, is to increase the public taste for good music without antagonising its listeners by broadcasting music which is appreciated by a minority but disliked by a majority.

(b) Best all-India musicians are engaged by All-India Radio as frequently as its funds permit and proposals for long-term contracts have been for some time under consideration.

(c) All-India Radio already has an Advisory Council with a sub-committee on music for giving expert advice.

Mr. S. Satyamurti : With reference to the answer to clause (a), may I know what the composition of this sub-committee is, and what are the musical qualifications of the members of the sub-committee, either as singers or as critics ?

The Honourable Sir Thomas Stewart : I could not give off-hand the entire composition of the sub-committee. But I am informed that a co-opted member is the Principal of the Marris College of Music to which reference was made earlier in the morning.

Mr. S. Satyamurti : May I know how Government are satisfied that a plan of broadcasting good Indian music is being followed today in the broadcasting stations ?

The Honourable Sir Thomas Stewart : I have already confessed to the Honourable Member that I am not a critic of Indian music and I can offer no opinion as to the goodness or badness of the music.

Mr. S. Satyamurti : The Honourable Member may not be a critic himself, but there are critics of Indian music available in this country. I am asking my Honourable friend what steps Government have taken or propose to take to see that first-class Indian music is broadcast by getting the services of eminent and disinterested critics of Indian music.

The Honourable Sir Thomas Stewart : As I have said in reply to part (a) of the question, and as I have mentioned to the Honourable Member before, we are always ready to accept any criticism and advice ; and I have already mentioned that we have a sub-committee that advises on the question of the type of music that should be broadcast.

Mr. S. Satyamurti : In view of that rather helpful answer, may I ask my Honourable friend what is the specific answer to clause (c) ? Apart from the sub-committee which deals with it from time to time, may I know whether Government will or will not appoint an *ad hoc* non-official committee of experts all over India,—I offer my services to recommend to him the names of people who can serve on this committee,—to evolve a scheme of getting high class Indian music broadcast from the broadcasting stations ?

The Honourable Sir Thomas Stewart : Government are not yet persuaded of the necessity for the appointment of such a committee.

Mr. S. Satyamurti : Are Government then satisfied that the highest available Indian music is now being broadcast from the broadcasting stations ?

The Honourable Sir Thomas Stewart : Government are not so complacent as to assume that perfection has been attained.

Mr. Mohan Lal Saksena : Will Government consider the advisability of putting Mr. Satyamurti on that committee ?

REVENUE AND EXPENDITURE FIGURES.

1051. ***Mr. S. Satyamurti :** Will the Honourable the Finance Member be pleased to state :

- (a) the latest available figures under revenue and expenditure this financial year ;
- (b) whether there have been no requests from any of the spending departments for supplementary demands so far ;
- (c) the amounts of money so far reappropriated under the different heads ;
- (d) the number of new posts created since the 1st April, 1937, not provided for in the Budget, the reasons why, and the financial commitments thereof ;
- (e) the progress of expenditure in the several departments so far ; and

(f) the steps taken this year to prevent the rush of expenditure in the closing months of the year, especially March ?

The Honourable Sir James Grigg : (a) and (e). I would invite the attention of the Honourable Member to the Statements of Receipts and Disbursements which are published monthly in the Gazette of India.

(b) A few requests have been received, but it is not yet certain that supplementary demands will, in fact, be necessary.

(c) and (d). This information is not readily available since power to sanction reappropriations and to create posts has been delegated to a large number of different authorities.

(f) So far as the civil departments are concerned I have no reason to believe that any special measures are necessary. As regards military expenditure a report on the subject will be submitted to the Military Accounts Committee in due course in accordance with the recommendation made in paragraph 6 of their report on the Accounts of 1935-36.

Mr. S. Satyamurti : With reference to the answer to clause (d), will Government consider the desirability of withdrawing this power, except from a few people, in view of the fact that more than one new post has been recently created in the middle of the financial year, without provision in the budget ?

The Honourable Sir James Grigg : In important posts I do not think the power has been delegated, and I think the Honourable Member is referring to that. I do not think the Honourable Member is quite reasonable in suggesting that you can avoid altogether creating new posts in the middle of the financial year. What can be foreseen rather more than it is now, I daresay, is that a new post will be created in the course of the year, and in that case it should be budgeted for in the beginning. I have said several times that I am in sympathy with the Honourable Member on this and I hope that in course of time our practice will conform to that particular precept of his.

Mr. S. Satyamurti : In view of that, may I know whether the Honourable Member will be good enough to collect the information asked for in clause (d), which only asks for information since the 1st April, and supply it to the House when it next meets ?

The Honourable Sir James Grigg : I am collecting information in connection with a somewhat narrower question by Mr. Avinashilingam Chettiar, and I hope the Honourable Member will wait to see that and see if that does not give him all that he really requires. He obviously does not want me to collect information about minor staff, but refers to important posts. That information I am collecting and I hope that when he sees it he will be satisfied.

Mr. S. Satyamurti : Are there any rules made by the Finance Department, with regard to the creation of these new posts in the middle of the year without budget sanction ? And will the Honourable Member consider the stiffening of those rules ?

The Honourable Sir James Grigg : There are no rules because each case requires the Finance Department's sanction.

Mr. S. Satyamurti : With reference to the answer to clause (f), in view of my Honourable friend's answer that, in the civil departments there is no need for any special steps, may I know whether his attention has been drawn to the expenditure in the Department of Public Works which has shown, during the last two or three years, a special rush towards the closing months of the year ?

The Honourable Sir James Grigg : I am not aware of that or rather it had escaped my memory that it has manifested itself in the Civil Works budget ; but I am assured that steps have been taken which will do away with it and I think the Honourable Member will reflect that the picture we get in the Public Accounts Committee is a little out of date, as the expenditure takes place 18 months at least before we examine it.

Mr. S. Satyamurti : Will my Honourable friend examine the Civil Works vote this year as early as possible, with a view to avoiding or reducing the rush of expenditure at the close of the year ?

The Honourable Sir James Grigg : That is the implication of what I said to the Honourable Member.

CONSTRUCTION OF ADDITIONAL QUARTERS FOR THE STAFF OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

1052. ***Mr. M. Asaf Ali :** (a) Will the Honourable Member for Industries and Labour be pleased to state if it is a fact that a building scheme for additional quarters for the workers of the Government of India Press, Delhi, was sanctioned by Government in March last and funds included in the budget estimates for the current year ? If so, is it a fact that the Central Public Works Department has not yet taken up the construction work so far ?

(b) Are Government aware that a large number of the poorly paid workers of the Press are living in the slums of the old Delhi and suffering much hardship owing to the delay in building new quarters ?

(c) Why is the scheme held up ?

(d) Do Government propose to expedite the work and complete it with the least possible delay ?

The Honourable Sir Thomas Stewart : (a), (c) and (d). After the scheme was approved, detailed plans and estimates were prepared and formal sanction to the expenditure was given on the 2nd September, 1937. The scheme has not been held up. It is receiving the attention of the Public Works Department authorities.

(b) I am aware that those press employees not already provided with quarters live under much less satisfactory conditions.

Mr. M. Asaf Ali : Is there any hope of the work being expedited ?

The Honourable Sir Thomas Stewart : I understand that if the work has not already been commenced, it will be in the very near future, and the buildings will be completed by March.

(b) WRITTEN ANSWERS.

LEVY OF MINIMUM CHARGE ON ELECTRICITY IN NEW DELHI.

1025. *Mr. S. K. Hosmani : (a) Is the Secretary for Education, Health and Lands aware that the New Delhi Municipal Committee has fixed a minimum charge for the supply of electrical current in the houses situated within the New Delhi municipal area ?

(b) Is it a fact that in computing the minimum watts required in a house they have fixed 60 watts for each lighting point and 120 watts for each fan in a house ? If so, on what basis ?

(c) If the reply to part (b) be in the affirmative, will he be pleased to state under what section of the Electricity Act the New Delhi Municipality is entitled to fix 60 watts and 120 watts for the purpose of computing the minimum watts required in a house ?

(d) Is it a fact that the licencees of electric supply are expected to enter into an agreement with the consumers of electricity before such connections are given in a house ?

(e) Is it a fact that in all such agreement forms the consumers are expected to put down the minimum number of watts that they would require in the house ?

(f) Is it also a fact that in all such agreement forms the following statements are required to be filled up by the consumers of electricity ?

No. of lighting points.	No. of points with 20 watts.	No. of points with 30 watts.	No. of points with 60 watts.	Maximum number of watts required.

If so, whether the tenants of the A, B, C, D and E type quarters of the New Delhi Government quarters were asked to give their requirements ? If not, why not ? If so, what were their requirements ?

(g) Will the Secretary for Education, Health and Lands please state whether there is any licensee for the supply of electricity in New Delhi ? If so, will he be pleased to place a copy of the agreement with the licensee on the table of the House ?

(h) If there be no agreement, is the electric plant the property of the Government of India ? If so, will the Honourable Member be pleased to state whether there was any agreement between the Government and the New Delhi Municipality for the supply of electricity to the owners or tenants of the houses in New Delhi as required by the Electricity Act of 1910 ?

(i) In the absence of any such agreement referred to in paragraph XI A of the Schedule to the Electricity Act, 1910, is the New Delhi Municipality authorised to fix a minimum charge in a manner not specified in the agreement ?

(j) Are Government aware that most of the tenants of A, B, C, D and E type clerks quarters generally use between 30 and 40 watts lamps in their quarters? If so, will Government be pleased to state the reasons why the New Delhi Municipal Committee have been allowed to compute the minimum watts required in such quarters as a minimum of 60 watts per point?

Sir Girja Shankar Bajpai : Information is being obtained and will be supplied to the House in due course.

CENTRAL HAJ COMMITTEE.

1033. ***Maulvi Muhammad Abdul Ghani :** Will the Secretary for Education, Health and Lands be pleased to state :

- (a) the date for the election of members of the Central Haj Committee ;
- (b) the name of the present Chairman or President of the Central Haj Committee ; and
- (c) the number of meetings held during the term of the existing Haj Committee ?

Sir Girja Shankar Bajpai : (a) There is no fixed date. The term of office of elected members is three years.

(b) The Honourable Kunwar Sir Jagdish Prasad.

(c) Six.

LATRINES OF THE PILGRIMS CAMPING GROUND IN BOMBAY.

1034. ***Maulvi Muhammad Abdul Ghani :** Will the Secretary for Education, Health and Lands be pleased to state :

- (a) whether it is a fact that the latrines of the pilgrims camping ground in Bombay face towards the west ; and
- (b) whether the attention of Government has been drawn to the agitation of Muslims through the vernacular press ; if so, what action Government have taken to convert the latrines so that they might face any other direction but the west ?

Sir Girja Shankar Bajpai : (a) There is no Pilgrim Camp in Bombay. The Honourable Member presumably refers to the Camp at Karachi.

(b) Yes. The matter is receiving attention.

UNSTARRED QUESTIONS AND ANSWERS.

TRAINING OF INDIANS IN COMMERCIAL AVIATION, ETC.

196. **Mr. Amarendra Nath Chattopadhyaya :** (a) Will the Honourable Member for Industries and Labour be pleased to state whether the Department of Directorate of Civil Aviation was started in India and with what object this Department was established ?

(b) What has the department done in the way of training Indian commercial aviators during the period starting from the establishment of the department ?

(c) What was the actual total cost incurred at the commencement of the department up to the commencement of the working of the department, and what were the recurring expenses on the maintenance of the department ?

(d) Is it a fact that the Indian Aircraft Rules for a person to qualify himself as a commercial pilot required a candidate to do 50 hours solo flying at Rs. 30 per hour ?

(e) Will the Honourable Member be pleased to state how many persons applied for this training of commercial piloting year by year from the year the department was established, and how many secured licences as successful commercial pilots ?

(f) Is it a fact that later on Government demanded 100 hours compulsory flying to qualify for commercial training and subsequently it was changed to 200 hours compulsory flying and why ?

(g) Is it a fact that it costs Rs. 6,000 for the training of a commercial pilot in India ? If so, will the Honourable Member be pleased to state the expenses for similar training in European and American countries and in Japan and also the hours of training required in those countries ?

(h) Is it a fact that several persons having secured certificates of qualified commercial pilots from England offered themselves to work in India ? If so, how many of such candidates offered and what did Government do with them ? Did they get appointments in the Indian Aviation Department as commercial qualified pilots ?

(i) Is it a fact that they were examined here again and failed even after having passed the aviation examination held by a Ministry in London ? How many appeared and how many of them failed ? When were such examinations held ?

(j) Do the Government of India propose to consider the question of making aviation a provincial subject ere long ?

The Honourable Sir Thomas Stewart : (a) The Department was started in 1927. The main object was the direction, control and development of civil aviation in India.

(j) No. ' Civil Aviation ' occurs in the Federal List.

(b) to (i). The information is being collected and will be laid on the table of the House in due course.

OUTSIDERS RECRUITED AS CLERKS BY THE POSTMASTER GENERAL, LUCKNOW.

197. **Mr. Mohan Lal Saksena :** (a) Will the Honourable Member for Industries and Labour be pleased to state whether it is a fact that the Postmaster General, Lucknow, has recruited certain outsiders to the posts of clerks in supersession of hands in the department who had passed the test examination ? If so, how many hands have been so superseded and for what reasons ?

(b) Is it a fact that some of the hands so superseded are likely to become overage for the clerical posts ? If so, are Government prepared to see that they are not made to suffer any disability on that account ?

The Honourable Sir Thomas Stewart : (a) and (b). It is not a fact that any fresh recruitment of outsiders has been made by the Postmaster-General, Lucknow, to the detriment of existing qualified departmental staff. The rest of the question does not arise.

MOTION FOR ADJOURNMENT.

APPOINTMENT OF MR. S. P. CHAMBERS FROM ENGLAND AS CHIEF COMMISSIONER OF INCOME-TAX.

Mr. President (The Honourable Sir Abdur Rahim) : I have received notice of a motion of adjournment from Mr. Sham Lal who wants to discuss a definite and specific matter of urgent public importance of recent occurrence, namely, the appointment of Mr. S. P. Chambers from England as Chief Commissioner of Income-tax on a salary of Rs. 2,500—3,000 per month for five years. When was this appointment made ?

Mr. Sham Lal (Ambala Division : Non-Muhammadian) : My information is that the appointment was made recently. I came to know about it only yesterday.

The Honourable Sir James Grigg (Finance Member) : Sir, may I ask the Honourable Member if he will be good enough to disclose from whom he got the information ?

Mr. Sham Lal : I will not disclose that ; I am not here as an accused. And if the Honourable Member says that the information is wrong, the matter ends.

Mr. President (The Honourable Sir Abdur Rahim) : Is there any question of policy involved in this ?

Mr. Sham Lal : Yes, Sir. The question of policy is that competent Indians are available, and still a Britisher from England has been recruited on a high salary of Rs. 2,500—3,000, when he is only drawing there £400 a year.

The Honourable Sir James Grigg : Sir, apart from the fact that in at least two particulars the motion is inaccurate, the only objection I wish to take is that I, personally, do not regard the appointment of an Adviser to the Central Board of Revenue which is not the highest class of official, as a matter of urgent public importance within the meaning of the rules.

Mr. President (The Honourable Sir Abdur Rahim) : As regards
12 NOON. the question of an appointment like this, as to whether it is a matter of urgent public importance within the meaning of the rule, I am inclined to hold that it is so.

The next point is that the information was received only yesterday by the Honourable Member who wishes to move this motion. I am not informed that the announcement of this appointment was made earlier, so that it could be said that there was no urgency. As regards the question whether the matter is of public importance, undoubtedly it is a very important post involving considerable expenditure, and I think it comes within the purview of the rule ; but as objection has been taken, I would like to know how many are in favour of the motion being taken up.

The Honourable Sir James Grigg : I have merely one word to say before you ask Members to stand up. No announcement has been made and the information has reached Honourable Members in consequence of an unauthorised disclosure.

Mr. Sham Lal : If the information is wrong, the matter ends there. We also keep a watch over the revenues of India, especially when it is to be made a free gift to the Britisher.

Mr. President (The Honourable Sir Abdur Rahim) : As regards that, all I have to see in dealing with this motion is whether the information was obtained recently or not. If the information was available earlier, that would have been another matter. As many Members as are in favour of leave being granted will rise in their places.

(More than 25 Members rose.)

As not less than 25 Members have risen, the motion is allowed.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, two Messages have been received from the Council of State. The first Message runs as follows, namely :

“ Sir, I am directed to inform you that the Council of State has at its meeting held on the 2nd October, 1937, agreed without any amendment to the Bill to make provision for the application of the Muslim Personal Law (*Shariat*) to Muslims in British India, which was passed by the Legislative Assembly at its meeting held on the 16th September, 1937.”

The second Message is as follows, namely :

“ Sir, I am directed to inform you that the Council of State at its meeting held on the 5th October, 1937, agreed without any amendment to the following Bills which were passed by the Legislative Assembly at its meeting held on the 2nd October, 1937, namely :

1. A Bill further to amend the Indian Tariff Act, 1934, for a certain purpose ; and
2. A Bill further to amend the Indian Securities Act, 1920, for a certain purpose.”

THE CONTROL OF COASTAL TRAFFIC OF INDIA BILL.

RE-APPOINTMENT OF MR. M. SLADE TO THE SELECT COMMITTEE.

The Honourable Sir Saiyid Sultan Ahmad (Member for Commerce and Railways) : Sir, I beg to move :

“ That Mr. M. Slade be re-appointed to the Select Committee on the Bill to control the Coastal Traffic of India.”

The motion was adopted.

THE INDIAN TEA CONTROL BILL.

The Honourable Sir Saiyid Sultan Ahmad (Member for Commerce and Railways) : Sir, I move for leave to introduce a Bill to provide for the control of the export of tea from, and for the control of the extension of the cultivation of tea in British India.

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

“ That leave be granted to introduce a Bill to provide for the control of the export of tea from, and for the control of the extension of the cultivation of tea in, British India.”

The motion was adopted.

The Honourable Sir Saiyid Sultan Ahmad : Sir, I introduce the Bill.

THE PATNA UNIVERSITY (AMENDMENT) BILL.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands) : Sir, when the matter of the Patna University Bill was being discussed yesterday, you will remember that a point of order was raised as to whether the legislation which I had brought up for consideration was covered by item 33 in the list 1 of Schedule VII to the Government of India Act. I do not wish it to be understood that we do not consider our view to be right ; but, on the other hand, the other side argued that this is not covered by that particular entry. The matter is of considerable importance, and we wish to examine it further. Therefore, I feel that if you agree and the House agrees, we should withdraw the motion for consideration.

Mr. President (The Honourable Sir Abdur Rahim) : Has the Honourable Member the leave of the House to withdraw the motion ?

Honourable Members : Yes.

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

THE MANŒUVRES FIELD FIRING AND ARTILLERY PRACTICE BILL.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhamadan Rural) : Sir, when we adjourned yesterday evening, I was giving an assurance to my Honourable friend, Mr. Ogilvie, that most of the amendments, which are exercising him, will disappear as the morning mists, when they come to be put before the House ; and I was also hoping that the good opinion that he was kind enough to express of me will survive my speech. If it does, I shall certainly pray that his shadow may never grow less in length and may considerably increase in breadth.

I shall begin with one small point which to me is of considerable importance. It is with reference to the circulation of the Bill. As the Honourable Mr. Ogilvie himself was generous enough to admit yesterday, this Bill was introduced into the House because of some representations that we, from the United Provinces, had made to Government in the matter of military manœuvres and artillery practice. But if the Honourable Members will kindly turn to the front page of the Select Committee's Report, they will find that this Bill was not circulated in my province at all ; neither was it printed in the United Provinces Gazette in English nor was it printed anywhere else in Hindi or Urdu in the province. It is rather difficult to make the Honourable

the Law Member believe that there is anything wrong in the method of the circulation and publication of these Bills. But I hope that this particular fact will serve as an eye-opener to his department.

The second thing that I was wanting to say and which might also come like a shock to the Defence Secretary is that I regard all these manœuvres as futile. We cannot but remember the dictum of George Bernard Shaw when he says that these military rehearsals are for the purpose of a remote contingency which may never occur, and when it does occur it is very different from the rehearsal itself. In my province they had lately taken to police rehearsals ; to show to the people what the police will do when Hindu-Muslim riots take place. Though I have never seen military rehearsals, I have seen these police rehearsals in the streets of Benares ; and having been an unfortunate witness to a Hindu-Muslim riot a few years ago, in my city, I can say that these rehearsals are very different from what actually takes place at the time of riots. But, so far as military rehearsals are concerned, though I think they are more or less useless, I fear, that as things are, we have got to regulate them as we regulate so many evils in life. As conditions in the world are, I fear we have to have a military ; and if there is a military we have to give it some business lest, like the *Jinn* in the fable, it might start eating us ; and the best way to keep it employed, I believe, is in harmless rehearsals and military practices. I, therefore, naturally, welcome this Bill, because I feel that by this the relations between the civil and military population will be regularised and made more friendly ; and the military department will also know its duties to the civil population in this behalf.

Sir, there are two or three points to which I should like to draw the attention of the Honourable the Defence Secretary in the hope that when he replies to this preliminary debate, he may be able to give sufficient satisfaction to those of us who have any doubts on the subject. The Honourable the Defence Secretary, referring to the Note of Dissent, said that, as far as the first point went, he felt it was not possible to translate the English practice of laying the papers on the table of the House before hand because conditions here and there were different. I agree with him to a certain extent ; but I shall hope that though he cannot agree to the papers being laid before the Legislature in the beginning, he will kindly agree to the amendment of my friend, Mr. Abdul Qaiyum, that when Provincial Governments make their rules under section 13, they may place them before the table of the Provincial Legislatures for such changes as the Legislatures may like to make. Sir, as has been pointed out in the House on more than one occasion, it is not safe to allow a lot of legislative power in executive hands ; and however the executive may be constituted, I think the legislature and the general public have a right to be jealous of its powers. It may be contended that in a number of provinces there are Congress Governments and, therefore, we need have no fear. Sir, I cannot hide the fact that though the Congress does represent a preponderating majority of the population, there may be, and are, many persons who are not friendly to the Congress ; and their feelings must also be respected, and satisfied, when we are making a general law. Moreover, power is power ; and it can demoralise even the best of us. We already find that even Congress Cabinets are beginning to think that a separation of the executive from the judiciary is no more required ! Therefore, Sir, we have to guard ourselves against all

possible wrongs. I will, therefore, earnestly suggest to my Honourable friend, the Defence Secretary, who has been very accommodating in this matter, to accept the principle which we have already accepted in the insurance legislation ; and I, therefore, without any desire to press any amendment about the preliminary laying of the papers on the table of any legislature, hope that he will permit the laying of the rules when they are framed by the Provincial Governments, on the tables of their respective legislatures so that the members of that legislature may have a chance of having their say and of advising the Government as to whether particular rules are good or bad.

Then, Sir, the second point is about the publication of notices. So far as I myself am concerned, I am satisfied with the assurance given by the Defence Secretary, on behalf of his department, that he will address them and tell them about the feeling of this House and perhaps of the members of the Select Committee also, that notices should be published by beat of drum and by attaching them at prominent places in the locality and also taking such other steps as may be desired.

Then, the third point to which my friend referred was about the rates of compensation. I have my own very serious feelings on this subject. So far, in my province, the rate was $2\frac{1}{2}$ annas per man and $1\frac{1}{2}$ annas per woman ; nothing for children below 16 ; nothing for cattle ; nothing for agricultural fields unless they are actually harmed ; nothing for the first day ; nothing for the last day ; nothing if the manœuvres and artillery practices were to take only three days in the month. Therefore, if artillery practice took place on the last three days of one month and the first three days of the next month, nothing was paid to anybody. I can understand the plea of my friend when he says that Provincial Governments should be trusted to make proper rules on the subject, and when payments have to be made from the defence estimates that is, by the Central Government, it may be taken for granted that Provincial Governments will have a fairly high tariff, because one is usually generous at another person's expense ; but the fact is that it is the Provincial Governments themselves that have been fixing such a low tariff so far ; and it is not always that a Congress Government or a Government in which the people may have faith will be in power. It is not improbable that the Governments may be suspended. In fact I am myself looking forward to a time when these Provincial Governments may be suspended. Then the Governor of the province will be the Government : and how are we to be assured that a proper schedule will be drawn up ? Therefore, my feeling is that if the Central Legislature gives an indication to the Provincial Legislatures as to the minimum of compensation, it might help them. But, Sir, I for one will be satisfied if my friend will give us the further assurance that he will communicate to the Provincial Governments our feelings in the matter. When the Central Government will write to the Provincial Governments on the subject, then the attention of the Provincial Governments will be drawn to the matter ; and I have reason to hope that a proper schedule will be laid down. I, therefore, have no desire to press my amendments on the subject. In this connection it must be noted that it is not always the District Magistrate who looks into the details of such things. He very often leaves it to Tahsildars. The Tahsildar, as the name itself implies, is a person who takes ;

and therefore, when he is used always only to taking, he is very chary in giving out generously. He has also the feeling that he should be loyal to the Government and make it pay as little as possible. An ordinary Tahsildar in a remote district may not be able to realise the difference between a Provincial Government and the Central Government; he may not feel that it is getting money for his province from some one else; and, therefore, we cannot be too careful on this point. I am very anxious that the poor villager in the field may not remain, even after the passing of this Act, in the condition of the king in the story. It is said that once a king dreamt that all his teeth had fallen off. He called his astrologer the next morning and asked him what the dream meant. The astrologer said that the dream was most unfortunate because His Majesty was going to lose all his relatives in his own lifetime. The king was wrath and got the astrologer kicked out. Then he called another astrologer; and this man said: "This is a most happy dream, your Majesty. You are going to survive all your relatives". In the actual result both meant the same thing; only the first astrologer got the kicks and the second a large reward. I am most anxious that the villager in the field may not find himself in the condition of the king and discover that he has not actually profited despite the passing of this Act.

Next, I come to the question of stamps and fees, and I am very happy that my Honourable friend has agreed to accept one of the amendments on the Order Paper. This, so far as I can think, is a very important matter; because all the officials of Government cannot possibly know all the laws and most of them are anxious to increase the revenue of the Government even if their levies are not exactly within the bounds of law. I will give an illustration from my own experience. In the bad old days when I used to have arms, before I was deprived of them by the Benares District Magistrate, because of my political opinions, I had to get the license renewed every year. I am very sorry that my Honourable friend, Mr. Mudie, is not in the House because the story relates to him. He was in charge of these licenses in my town in the year 1919-1920....

Mr. President (The Honourable Sir Abdur Rahim) : I do not think that what the Honourable Member is saying is relevant to the Bill.

Mr. Sri Prakasa : I submit that I was saying that it was important for a law like this to have a provision that there should be no stamps or fees levied on applications made under the Act, and I was giving an illustration....

Mr. President (The Honourable Sir Abdur Rahim) : Is it under this Bill ?

Mr. Sri Prakasa : Yes, Sir. If you will kindly refer to clause 6 of this Bill, there is a provision as to how applications are to be made and appeals preferred in cases where persons are not satisfied with the amount of compensation that they may get.

Mr. President (The Honourable Sir Abdur Rahim) : It is not a matter of application for getting arms.

Mr. Sri Prakasa : I was only giving an illustration.

Mr. President (The Honourable Sir Abdur Rahim) : I must remind the Honourable Member and the House that tomorrow is the last day and there is a lot of business yet to go through.

Mr. Sri Prakasa : I am most anxious to finish and I will not take more than five minutes. I was only giving this illustration because I think it is to the point. If you bear with me for half a minute I shall be through with this incident. Though the Arms Act only lays down that a certain fee is to be charged on the various arms, the officers always ask for an extra eight annas stamp on the application paper because they do not exactly know that these applications are exempt from the Stamp Act ; and the man being helpless pays it. My application was already stamped and the license fee paid. But when I found that the matter was being delayed, I wrote affectionate D. O.'s addressing Mr. Mudie as " My dear Mr. Mudie ", requesting him to be good enough to hurry up matters. But he asked for eight annas stamps to be affixed on every one of those D. O.'s saying that they were also all applications ! (Laughter.) Therefore, I say that it is very necessary that the Act should contain a provision to the effect that no fees or stamps are to be charged at all. I am glad that the House thinks that I am absolutely relevant in this matter ; and I am very glad that the Honourable Member is going to accept this amendment of ours.

Then, there is the question of compensation to landlords. The original Bill contained elaborate provisions about the acquiring of the user of particular lands for purposes of field firing. My Honourable friend, Mr. Mohan Lal Saksena, has an amendment in the identical language. Though I have my own sneaking sympathy for landlords, I do not want to stand very much for them here ; and the Government of the United Provinces is already laying a heavy hand on them. But I hope that the Central Government at least will be a little more generous. What happens is this. Artillery practice is usually carried on on barren land. Therefore there are no cultivators on the land to whom any compensation is to be paid for evacuation, damage, etc. But the land does belong to the landlord. In a zemindari province like mine, all rights in such lands always belong to the zemindar himself. If anybody wants to build a hut on it or to set up a shop on it, the landlord is authorised to charge a certain sum of money for the use of the land. The land is always available to be settled to cultivators in case any cultivator should be adventurous or resourceful enough to turn barren soil into a smiling field. Therefore, it seems to me that when Government, under clause 9 of the Bill, are authorised to declare any particular piece of land as a fit place for the carrying on of artillery practice, and supposing there are no tenants on that land, then, surely the landlord should have some sort of compensation. My Honourable friend, Mr. Ogilvie, pointed out in his opening speech that clause 5 of the Bill, which permits compensation for any interference with rights or privileges that may be violated by any manœuvres or artillery practice, covers such cases. I want to make sure whether those words : " rights and privileges " do cover these very abstract rights and privileges that a landlord enjoys over such bits of barren land that are in his zemindari. It is quite possible that the revenue officer may say ; " You have suffered nothing. It is barren land.. You were getting nothing out

of it. There is nothing that we have disturbed.. Therefore, we give you no compensation." Is Mr. Ogilvie sure that the mere fact that the land is the landlord's land, and that his abstract right and privilege is being invaded in the matter of its occupation,—will be enough to enable him to claim and get compensation? If it is, I have nothing more to say; but if it is not, I hope the Honourable Member will kindly see his way to accept some amendment of ours on the Order Paper on the subject, anyone that he likes, so that the landlord's rights and privileges may be protected.

There is just one more point and I have done. If the House will see the proviso to clause 11 of the Bill, it will find that there is a reference to minimum rates of compensation to be paid to certain individuals as prescribed by clause 13 of the Bill. In the rule-making clause that is clause 13, I do not see any sub-clause which gives the Provincial Government the right to fix minimum rates. I think it is an omission unless sub-clause (d) covers what I mean. It runs as follows :

"Defining the principles to be followed by the Revenue officers and commissions referred to in section 6 in assessing the amount of compensation to be awarded."

If these words can be regarded as covering the provision about minimum rates of compensation referred to in the proviso to clause 11, I have nothing to say. But I fear that the exact point that I am making is not covered. There will be no harm in adding a sub-clause (e) to the effect that the Provincial Government may, from time to time, prescribe the minimum rates of compensation to be paid in various emergencies.

The great and good provision of the Act, to my mind, is the one which makes the system self-complete. A commission has been appointed consisting of the Collector of the district, a military officer or a nominee of the military officer, and two members of the local district board, who will dispose off all applications that are made under this Act for compensation, etc. As the compensations are usually of small amounts, a few rupees at best, I think it is a very reasonable provision that the Act does not allow any further appeals, because when there is a loophole of appeal, lot of interested persons come in and the amount of compensation that a man actually gets in the end becomes very little, because it is distributed among the various middlemen. When a commission, like the one proposed, sits in which there are representatives of all interests, one can be sure that full compensation will be given, the matter will be disposed of expeditiously, and there will be satisfaction all round.

With these remarks I welcome this measure; and I greatly hope that when the Bill has passed into law, it may improve the relations between the military and the civil population of the land. I also hope that this may prove to be an auspicious augury of happy days when the army of the country, instead of being an army of occupation to terrorise the people, may be regarded as and become a national army for the protection, the helping and the succouring of our men and women.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, I want to raise a point of order in connection with this Bill. The point of order is this—that this Bill requires the previous sanction of the Governor General, in his discretion, and that has not been obtained. The provision is made in section 299 of

[Mr. M. Ananthasayanam Ayyangar.]

the present Government of India Act, 1935. In the original Bill, I find an endorsement on the Bill itself relating to sanction under the old Act. This is what section 299 says :

“ 2. Neither the Federal nor a Provincial Legislature shall have power to make any law authorising the compulsory acquisition for public purposes of any land, or any commercial or industrial undertaking, or any interest in, or in any company owning, any commercial or industrial undertaking, unless the law provides for the payment of compensation for the property acquired and either fixes the amount of the compensation or specifies the principles on which, and the manner in which, it is to be determined.

3. No Bill or amendment making provision for the transference to public ownership of any land or for the extinguishment or modification of rights therein, including rights or privileges in respect of land revenue, shall be introduced or moved in either Chamber of the Federal Legislature without the previous sanction of the Governor General in his discretion, or, in a Chamber of a Provincial Legislature without the previous sanction of the Governor in his discretion.

5. In this section ‘land’ includes immovable property of every kind and any rights in or over such property, and ‘undertaking’ includes part of an undertaking.”

Mr. President (The Honourable Sir Abdur Rahim) : Where is the provision about acquisition of land ?

Mr. M. Ananthasayanam Ayyangar : It is in section 9 of the Bill. This Bill consists of two parts. The first part relates to field firing and artillery practice. Section 9 (1) says :

“ The Provincial Government may, by notification in the local official Gazette, define any area as an area within which for a specified term of years the carrying out periodically of field firing and artillery practice may be authorised.”

Section 9 refers to a notification which will cover a specified number of years. Section 10 excludes the owner himself. It says :

“ Where a notification under sub-section (2) of section 9 has been issued, such persons as are included in the forces engaged in the field firing or artillery practice may, within the notified area or specified part thereof during the specified period or periods :

- (a) carry out field firing and artillery practice with lethal missiles, and
- (b) exercise, subject to the provisions of sections 3 and 4, any of the rights conferred by section 3 on forces engaged in military manoeuvres :

Provided that the provisions of sub-section (2) of section 3 shall not debar entry into, or interference with, any place specified in that sub-section, of it is situated in an area declared to be a danger zone under sub-section (2) of this section, to the extent that may be necessary to ensure the exclusion from it of persons and domestic animals.”

Now, you know, Sir, that acquisition of leasehold right is a right over land.

Mr. President (The Honourable Sir Abdur Rahim) : This is not a leasehold.

Mr. M. Ananthasayanam Ayyangar : A particular area is reserved and the owner is excluded and compensation is provided both in the previous part as well as in this part. Please refer to the later portion.

Mr. President (The Honourable Sir Abdur Rahim) : This objection ought to have been taken at a much earlier stage.

Mr. Ananthasayanam Ayyangar : Compensation is provided for in clause 11.

Mr. Sri Prakasa : Sanction has been given for the original Bill by the Governor General.

Mr. M. Ananthasayanam Ayyangar : That is not sufficient sanction. I have read it.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member started his objection by saying that no sanction has been obtained under this Act.

Mr. M. Ananthasayanam Ayyangar : I sent for a copy of the earlier Bill as introduced and I find an endorsement there.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member ought to have mentioned it.

Mr. M. Ananthasayanam Ayyangar : I am sorry if I created a wrong belief. It is true that under the old Government of India Act, section 67 (2) sanction has been obtained.

Mr. President (The Honourable Sir Abdur Rahim) : Then what is your point of order ?

Mr. M. Ananthasayanam Ayyangar : I say that sanction has not been obtained under section 299. Section 67 (2) says :

“ It shall not be lawful, without the previous sanction of the Governor General, to introduce at any meeting of either Chamber of the Indian Legislature any measure affecting

- (c) the discipline or maintenance of any part of His Majesty's military, naval or air forces.”

Sir, I know there are transitory provisions ; I am no doubt aware that the matters set out in Schedule 9 have been kept alive so far as the old Government of India Act is concerned. I will now refer you to section 313, clause (4), which says :

“ Any requirement in this Act that the Governor General shall exercise his individual judgment with respect to any matter shall not come into force until the establishment of the Federation, but, notwithstanding that Part II of this Act has not come into operation, the following provisions of this Act, that is to say :

- (a) the provisions requiring the prior sanction of the Governor General for certain legislative proposals ;
- (b) the provisions relating to broadcasting ;
- (c) the provisions relating to directions to, and principles to be observed by, the Federal Railway Authority ; and
- (d) the provisions relating to civil services to be recruited by the Secretary of State,

shall have effect in relation to defence, ecclesiastical affairs, external affairs and the tribal areas as they have effect in relation to matters or functions with respect to, or in the exercise of, which the Governor General is by the provisions of this Act for the time being in force required to act in his discretion.....”

[Mr. M. Ananthasayanam Ayyangar.]

And then if you will refer to section 299, clause (3), the last line, you will see, Sir, it says :

“ No Bill or amendment making provision for the transference to public ownership of any land or for the extinguishment or modification of rights therein, including rights or privileges in respect of land revenue, shall be introduced or moved in either Chamber of the Federal Legislature without the previous sanction of the Governor General in his discretion, or, in a Chamber of a Provincial Legislature without the previous sanction of the Governor in his discretion.”

The second point is now the compulsory acquisition of land has been made a provincial subject—*vide* item 9 in Provincial List No. 2, Schedule No. VII, page 395.

Mr. President (The Honourable Sir Abdur Rahim) : You say this is compulsory acquisition of land ?

Mr. M. Ananthasayanam Ayyangar : Yes, Sir. I refer you to the definition. On both these grounds, then, I submit, Sir, that it is out of order.

Mr. G. H. Spence (Secretary, Legislative Department) : Sir, may I reply to my Honourable friend, who appears to have taken two different points. The first point which he took was that the Bill was totally outside the competence of this Legislature by reason of the fact that its subject-matter must be related to the compulsory acquisition of land, being a matter entered in List No. 2, and, secondly, that, assuming I suppose that the first point fails, then the Bill at the moment is bad because it has not received the sanction of the Governor General alleged to be required under section 299. On the first point I do not think there is really anything in this Bill which could be related to compulsory acquisition of land, but, assuming there was, then very clearly the subject-matter of the Bill would be relatable, not exclusively to that provincial subject but primarily to the subjects specified in entry one in list No. 1. Then, Sir, if it is conceded that, assuming that a List No. 2 subject is regulated, there is also a regulation, simultaneously and *pari passu* of this List I subject, then by virtue of the opening words of sub-section (1) of section 100 :

“ Notwithstanding anything in the two next succeeding sub-sections, the Federal Legislature—which during the transitional period means the Indian Legislature—has and a Provincial Legislature has not, power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule to this Act.”

By virtue of those over-riding words, once it is granted, as it must be, that this is a law for a matter specified in entry one, List I.

Mr. President (The Honourable Sir Abdur Rahim) : What section 100 says, I take it, is with reference to the Federal List ?

Mr. G. H. Spence : Sub-section (1) of section 100 says that the Federal, now the Indian Legislature, has exclusive jurisdiction over List I subjects, and Provincial Legislatures have exclusive jurisdiction over List II subjects, but by reason of the fact that inevitably there will be cases of overlapping, and that you will have legislative measures of which it will be possible to predicate that they regulate both List I and List II subjects, Parliament has put in a provision to ensure that in those cases the Federal legislative jurisdiction should prevail.

Mr. President (The Honourable Sir Abdur Rahim) : Why do you say "overlapping" ?

Mr. G. H. Spence : May I express it in terms of this Bill ?

In terms of this particular Bill sub-section (1) of section 100 will say :

"Notwithstanding anything contained in sub-section (3), that is to say, notwithstanding that this Bill may be legislating for something enumerated in List II, the Federal Legislature has, and a Provincial Legislature has not, power to make the law embodied in the Bill being a law with respect to matters enumerated in entry 1 in List I."

Mr. President (The Honourable Sir Abdur Rahim) : You say that the matter is in List I.

Mr. G. H. Spence : That, I submit, is obvious. Surely, entry 1, must cover His Majesty's forces including their activities in manœuvring.

Mr. President (The Honourable Sir Abdur Rahim) : You say that it is not compulsory acquisition.

Mr. G. H. Spence : That is a point which I have not studied. I have merely been addressing myself to what our position would be assuming the Honourable Member opposite is right in saying that this Bill, *inter alia*, legislates for things in List II.

Mr. President (The Honourable Sir Abdur Rahim) : If it is not covered by List I ?

Mr. G. H. Spence : If that were so, it would be manifest that we could not take cognizance of this Bill at all.

Mr. President (The Honourable Sir Abdur Rahim) : You say that it is incidental to Item 1 and you also say that if this Act is passed, even then this Legislature could make laws for further military activities.

Mr. G. H. Spence : Yes, assuming that the clause relatable to List II was incidental to more essential clauses relatable to a subject in List I. Turning to the sanction point, I submit that all requirements of sanction under the new Act attach only to the introduction of Bills or the moving of amendments. Assuming that a Bill has been introduced under the old Act, and that it was not sanctioned at all or received a sanction required under the old Act, and that the Bill, if introduced during the operation of the new Act, would have required sanction or a different kind of sanction, then no sanction is required to carry on the Bill which has already been introduced because the sanction requirement of the new Act, is only attached to the introduction of Bills.

Mr. President (The Honourable Sir Abdur Rahim) : When was this Bill introduced ?

Mr. G. H. Spence : This Bill was introduced during the last Simla Session when the old Government of India Act was in force and it then received sanction under the old Act. I submit that no further sanction is necessary merely by reason of the switch from the old Act to the new Act. If you have a Bill already introduced on the 1st of April, it does not require for its continuance that on the 1st of April a new sanction should be obtained.

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muham-madan Rural) : Mr. President, this is a matter of considerable importance and I think.....

Mr. President (The Honourable Sir Abdur Rahim) : I want your point to be put shortly.

Mr. Bhulabhai J. Desai : In a matter of this kind, the Bill may take two days and I think it is much more important that we should devote ten minutes on considering all the three points raised.

Mr. President (The Honourable Sir Abdur Rahim) : First of all, I want to know what is the effect of this sanction ?

Mr. Bhulabhai J. Desai : If you allow me to read sub-section (2) of section 67, which runs thus. I will only read the relevant words.

“(2) It shall not be lawful, without the previous sanction of the Governor General, to introduce at any meeting of.....

(c) the discipline or maintenance of any part of His Majesty's military, nava or air forces.”

So, in view of the Government of India Act, a Bill may cover more than one subject matter. Therefore, merely, because in regard to a matter sanction was necessary and required under the rules, it does not in the least affect the new Act, because no other sanction was required under the old Act. The point is that to the extent to which sanction was needed under the old Act it was granted, but that does not under any law or rule of construction tantamount to all future sanctions which may be required under the law then in force. In fact, it is a curious thing now.....

Mr. President (The Honourable Sir Abdur Rahim) : It is argued that no more sanction is necessary.

Mr. Bhulabhai J. Desai : But nothing is given in support of it. The first point is this. What you have got to look at in the first instance is this : What is it for which sanction is given ? Knowing that it was only given in respect of the discipline and maintenance of His Majesty's forces, the next question is : Is there anything in the new law whereby the old limited sanction has been extended to cover every sanction required within the new law ? The onus is on the other side and not on me. It is a wrong way of arguing. It is for them to show that a sanction, though of a limited character and required only under the old Act, is such that it covers the new provisions of the new law and that no further sanction is necessary.

Mr. G. H. Spence : I do not suggest for one moment that a sanction under the old law now takes the place of a sanction under the new law. My suggestion was that under the new Act all sanction requirements are expressed as attaching to the introduction of a Bill or the moving of an amendment. It is only when you introduce a Bill or move an amendment of a character attracting a sanction requirement that a question of sanction arises.

Mr. Bhulabhai J. Desai : Let us understand it this way. The point you put to me first is now withdrawn and rightly withdrawn.

Mr. President (The Honourable Sir Abdur Rahim) : What he says is this that the sanction that was required under the old law is good.

Mr. Bhulabhai J. Desai : It is good to the extent to which it went. That is not disputed. The question is whether that sanction has any value. The point that the Honourable Mr. Spence made is this that under the new law the sanction that he said it should have is not necessary at the stage at which we are. That is a different point and I will deal with it in a moment. What he says is this. Under the new law, inasmuch as the Bill had been introduced prior to the coming into operation of the new law, the stage at which the objection is taken is not sustainable.

Section 299 of the Government of India Act says :

“ No person shall be deprived of his property in British India save by authority of law.

Neither the Federal nor a provincial legislature shall have power to make any law authorising the compulsory acquisition for public purposes of any land, or any commercial or industrial undertaking, or any interest in, or in any company owning, any commercial or industrial undertaking unless the law provides for the payment of compensation for the property acquired and either fixes the amount of the compensation or specifies the principles on which, and the manner in which it is to be determined.

No Bill or amendment making provision for the transference to public ownership of any land or for the extinguishment or modification of rights therein, including rights or privileges in respect of land revenue, shall be introduced or moved in either Chamber of the Federal legislature without the previous sanction of the Governor General in his discretion, or, in a Chamber of a Provincial legislature without the previous sanction of the Governor in his discretion.”

Sir, the argument I understand is this. Prior to the coming in of the Act, the Bill, the subject matter of which is covered
1 P.M. by sub-clause 3, is introduced or moved and, therefore, you may still pass it. I think it is an argument which is almost unstable. The argument amounts to this, what you may not initiate, you may pass. It is too absurd for words. If it was a court of law, I think no one would have ventured to put forward such an argument.

Mr. President (The Honourable Sir Abdur Rahim) : Supposing it was validly introduced.

Mr. Bhulabhai J. Desai : The argument is that what is introduced may be passed notwithstanding the fact that it could not be introduced now.....

Mr. President (The Honourable Sir Abdur Rahim) : Of course, if they introduced it now, that might be another matter. This is a matter which could not be introduced on its own merits, without sanction.

Mr. Bhulabhai J. Desai : Because it has been introduced or moved, so far there is no question that the House may proceed to pass it. That is the argument so far as I can see. In other words, what you could not introduce, you want to pass into law. The way in which you should read the law is this. The legislature naturally puts forward in a case of parliamentary statute, that you may not take the first step at all and the statute does not proceed to say—it would be entirely superfluous to say—you may not introduce, you may not move, you may not pass it.

Mr. President (The Honourable Sir Abdur Rahim) : What is the meaning of moving a Bill.

Mr. Bhulabhai J. Desai : He moves three times, I have a better point than that according to my conception which I want to be appreciated. The point is this. Where a legislature says that you may not, without the previous sanction, introduce or move, the argument is therefore that there is nothing in that section which says it may not be passed. That is an entirely erroneous argument. Where you have a bar at the very inception, it covers all the different stages of its existence. The Member of Government first introduces, he says, "I move for introduction", "I move for consideration" and "I move that the Bill be passed".

Mr. G. H. Spence : On my construction of the sub-section, it does not mean no Bill shall be introduced or moved. It means no Bill shall be introduced and no amendment shall be moved.

Mr. Bhulabhai J. Desai : I think this sort of specious argument is hardly fair. Each time an argument is put forward, they cannot change the construction of the law. It clearly shows that they are hard put to it to meet the arguments of the Opposition. I say there is no such word as 'respectively'. The point I was making from the beginning which I wish to be appreciated is this, that the objection relates to all the stages. A proper language has been used by the Parliamentary Act. It says it may not be introduced, it says it may not be moved.

Mr. President (The Honourable Sir Abdur Rahim) : Is it moved ?

Mr. Bhulabhai J. Desai : There are three motions before the House. 'I move that it be introduced', 'I move that it be taken into consideration' and 'I move that the Bill be passed'.

Mr. President (The Honourable Sir Abdur Rahim) : You do not move a Bill.

Mr. Bhulabhai J. Desai : That is not the point. Yes, you do not move a Bill, but you move that the Bill be passed. That again is a misconception of language. You may not exactly move a Bill but you may move that the Bill be passed. I say that if mere language means anything, I would say, he may move a Bill. In the one case a verb is used and in the other case a noun is used. That cannot be avoided. You may move a motion that the amendment may be passed by the House. You may make a motion that the Bill be taken into consideration, you may make a motion that the Bill be passed. He could not very well come before the House and say, now it is moved and automatically it is passed. How would it be passed unless each clause is put before the House and, at the end of it, there is what is called the third reading where he will have to move that the Bill be passed. They try to use a compendious language by saying that the Bill may be moved. To me it is a sufficiently appropriate language. I mean it may be that you have to say, 'I move the Bill be passed', 'I move that the Bill be taken into consideration' and 'I move that it may be introduced', so that we have no right to say that the word 'move' is to be utterly useless. It is a known stage of the Bill. In fact there are two more important stages, namely, the motion for consideration—this is how you, Sir, put it, the motion for consideration now before the House—the motion for third reading is now before the House and so on. You also say that the Bill, as amended, be passed. You cannot get out of that 'move'. The material words that are necessary for me are : "the modification of the

rights therein". You cannot deny that the rights are not modified. I can give you an extreme illustration, from a recent Privy Council case. A testator died leaving property to the son—in this case an unborn son—and it was laid down that you must give him the whole of the estate therein, but there was a condition that if he married a girl from a particular family, the whole of the property must be divested. Their Lordships of the Privy Council rightly pointed out—I happened to be before the Privy Council then—could it be said that son that he ceased to be the owner of the property if he married a particular person. Therefore, any diminution of the rights, however slight, is a modification of the rights of the property. It may be temporary, it may be permanent, it may be much, it may be small. In view of the provisions of the Government of India Act, it is necessary that we should be very careful in exercising the functions of this House and you must not take things for granted. For instance take clause 3 itself :

" Pass over or encamp, construct military works, etc."

It is hardly necessary to say that any interest in land is not mortgaged. My submission is this : that in section 313 it is perfectly made clear :

" Any requirement in this Act that the Governor General shall exercise his individual judgment with respect to any matter shall not come into force until the establishment of the Federation, but, notwithstanding that Part II of this Act has not come into operation the following provisions of this Act, that is to say :

' the provision requiring the prior sanction of the Governor General for certain legislative proposals

* * * * *

' shall have effect in relation to defence, ecclesiastical affairs, external affairs and the tribal areas as they have effect in relation to matters or functions with respect to, or in the exercise of, which the Governor General is by the provisions of this Act, for the time being in force required to act in his discretion '."

So that there is a mandatory provision that the part of the Act, so far as legislative measures are concerned, which is in operation is section 299, inasmuch as under clause (3) he has got to act in his discretion. Section 313 (4) affects the application of section 299 (3), and if it does that, inasmuch as a motion is to be made for consideration and for passing, and inasmuch as the Bill involves a modification of the rights of property, previous sanction is necessary. That shortly is the point.

Mr. President (The Honourable Sir Abdur Rahim) : Objection has been taken to the further progress of this Bill on the ground that sanction was not obtained from the Governor General under section 299 (3) of the Government of India Act, 1935. I find, however, that this Bill, which was introduced before the enforcement of this Act in the provinces, was sanctioned by the Governor General under section 67 (2) of the Government of India Act of 1919. That section requires that a Bill or measure which affects the " discipline or maintenance of any part of His Majesty's military, naval or air forces " must be sanctioned by the Governor General before it is introduced. So there can be no doubt, and it is not disputed, that at that stage, the Bill which was then introduced had been validly sanctioned by the Governor General. But the argument of Mr. Ayyangar and the Leader of the Opposition is that

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quite apart from that sanction and independently of it there must be a sanction obtained for any motion with respect to this Bill under section 299 (3) of the Government of India Act. Now, sub-section (3) of that section lays down :

“ No Bill or amendment making provision for the transference to public ownership of land or for the extinguishment or modification of rights therein.....shall be introduced or moved in either Chamber of the Federal Legislature without the previous sanction of the Governor General in his discretion ”, etc.

I assume for the present, for the sake of argument, that this is a Bill which modifies rights of ownership in land for the purpose of military manoeuvres ; but the point that I have now to consider is whether, at this stage when the motion is made for consideration of the Bill as reported by the Select Committee, it comes within the meaning of the words “ introduced ” or “ moved ”. So far as my experience of this practice of the House and my reading of the rules and standing orders goes, it would hardly be appropriate for any legislature to say, at any rate, so far as our procedure is concerned, that a Bill is moved. It certainly has to be introduced and that stage has now passed. An amendment is certainly moved but it would be inappropriate to say that a Bill is moved when the motion that is made is consideration of the motion of the Select Committee, or it may be, a motion that the Bill be passed. I am inclined to hold that the word “ introduced ” refers to the Bill and the word “ moved ” refers to amendments. According to that interpretation there is no question now of obtaining the sanction of the Governor General under section 299. I do not want to make any pronouncement on either the question that it is a Bill which modifies rights of proprietors of land or, as contended by Mr. Spence, that this Bill comes within the purview of item (1) in list I of the Federal Legislative List. This latter point is a question of considerable importance and I do not consider it necessary, at present, to pronounce any opinion upon it. I, therefore, hold that the Bill is in order and the motion before the House is in order.

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. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

Mr. Badri Dutt Pande (Rohilkund and Kumaon Divisions : Non-Muhammadian Rural) : Sir, I also want to make a few remarks on this Bill, as I live very close, some four miles from the place where manoeuvres generally take place. This Bill has been brought at the far end of the Session when people are leaving for their home manoeuvres. It is an important Bill. It is a copy of the English Bill ; but the English Bill is a very perfect Bill, while this is a bad copy : in India we make bad copies of English Bills. I think this Bill requires improvement in many ways. In England, the commission has got wide powers and very comprehensive powers ; but here it is only meant for the granting of compensation. There the counties are represented, the boroughs are

represented ; the forest officers are represented and other land owners and occupiers are also represented on the commission. Here they do not come into the picture at all. Here only two district board members, one deputy commissioner and one military officer form the commission. I think one M. L. A. should also be nominated on that commission, because the Deputy Commissioner and the military officer will predominate in the committee and the two district board members will be nowhere—they will not be an equal match for the others, unless they are the Chairman and Secretary of the board. The quorum is not fixed and even two men or one man can form the quorum for a meeting. It ought to be three. In the British law there is a quorum of three.

I want also to bring to the notice of the Defence Secretary one matter particularly. Where these manoeuvres take place, the soldiers go to the rivers, tanks and to other places from where these villagers get their water supply. There they bathe naked. This should not be done near the villages : if they bathe naked in secluded pools, they may do as they like. But in those tanks, rivers and springs which are near the towns and villages, British soldiers should not bathe naked. Generally, Indians do not bathe naked, while it is only British soldiers who bathe naked ; and they should not be allowed to do this near villages and they should, in fact, be prohibited from doing it. It is shocking to Indians, especially women folk, to see people bathe naked.

There is another thing also ; they should not be allowed to enter villages : of course villages are generally treated as out of bounds ; but they do enter villages ; they are after the village girls. I say this thing should be strictly prohibited. I think both the Indian police and the military police should be placed on the important roads and near the places of water supply, where manoeuvres are held. This is very important.

Other points have been brought forward by my Honourable friend, Mr. Sri Prakasa, and so I need not dwell on them. I wanted to bring only these two points to the notice of the Defence Secretary. He said he is only the paymaster in the matter of manoeuvres. I want him to be the discipline master also of the army. The redeeming feature of this Bill is that the Act will be administered by the Provincial Governments, who, I think, will make good rules, that will help the poor village people, who suffered considerably hitherto because of the manoeuvres and field firing.

Mr. Abdul Qaiyum (North-West Frontier Province: General): Sir, I quite agree with the Honourable speakers who have preceded me that this Bill is a step in the right direction inasmuch as it aims at regulating manoeuvres, field firing and artillery practice, about which, so far, there has been absolutely no law or anything like settled rules. But there are two or three things to which I would invite the serious attention of the Honourable Member in charge of the Bill. Of course, there is the question of compensation ; which has been exhaustively discussed by my Honourable friend, Mr. Sri Prakasa, but I set more value on other things, and the most important of these things is that we must all try and do our utmost to protect human life against any possible dangers. After all compensation is only a secondary thing. The rate of compensation or the rates at which it has to be paid in various provinces is also

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a matter of very minor importance. When we know that even people who are in the army become victims of the carelessness or negligence of those who are participating in these manoeuvres, the necessity for protecting the lives and property of the civilian population becomes very important indeed. It was not long ago while some aeroplanes were practising bomb-throwing at a place not very far outside Peshawar cantonment, when a bomb fell and wiped out large number of Punjabi sepoys. I believe compensation was paid, but compensation could not possibly be any substitute for the very precious lives which were lost as a result of the gross negligence and utter disregard for human life on the part of those who were in charge of these operations. I may invite the attention of the Honourable Member in charge of the Bill to another incident which happened just outside the Peshawar Cantonment where the military have acquired some land for practising field firing as it is described in the Bill. All the water courses and water channels which used to run through that land and supplied water to other cultivated fields have been stopped and the firing goes on in such a careless manner and in utter disregard of any respect for human life that people who own lands on the other side of these targets actually have ceased cultivating those lands. Not long ago, an Indian officer was appointed, as a result of protests by the villagers, to warn them to be careful and to get away at the time of firing. It so happened that the officer who was deputed to warn the villagers was himself the victim of a stray shot and he had to pay with his dear life. Of course many questions will be left in the matter of rules to the decision of the Local Governments. I do not dispute that proposition. I think that the Local Governments will have to frame rules, and because conditions vary from one province to another it is a very good thing that this matter is being left to the Local Governments. But there are certain things which cannot be left to the discretion of even the Local Governments, things which are absolutely vital, absolutely necessary for the protection of human life. I attach very great importance to the fact that ample and adequate notice should be given. Publication in a Government gazette which is published in a language which is not the language of the people,—which does not circulate among the people who are likely to be affected by these manoeuvres, can absolutely be no substitute for an adequate notice. I would even go further and say that publication in a language which is understood in the locality is also a very poor substitute for adequate notice, because, Sir, the fact remains that, in spite of 150 years of British rule, the majority of the people are as illiterate as they were before. Things have not improved, and only a very small percentage of the people can read and write. I have tabled an amendment to the effect that not only notices should be posted at all important places in the locality concerned, but that ample and adequate notice should be given in a manner quite in keeping with the traditions of this country and which can be understood by the people concerned, namely, by the beat of drum. Merely laying down the law that the beat of drum should precede any manoeuvre or artillery practice is not enough. We must have adequate proof that this very important provision of law has, in fact, been carried out, and the proof can only be obtained in this way, that insistence should be placed on the fact that the beat of drum as well as the affixing of notices at all important places should be verified in

writing by at least two headmen and two literate inhabitants of the locality. This would be proof of the fact that the beat of drum has taken place and that notices have been affixed. I am not going to bring in amendments which would really defeat the object of the clause which confers the power of rule making on the provinces. But I think this particular provision cannot be left out of consideration at all, and so I would request the Honourable Member to consider it favourably, when this amendment is moved, and to accept it by inserting this most important clause about ample and adequate notice.

Then, Sir, there is another point. Coming as I do from a province which is the home and training ground for legions of Imperial London, because Rome has ceased to be the old Imperial Rome even though efforts are being made to revive its ancient glories. I may say that our province is a place for all kinds of manoeuvres and artillery practices, and the temper of the people among whom these manoeuvres and field firing take place has to be taken into consideration. When the Indian troops are actually manoeuvring in the fields close to the villages, they know the customs and traditions of the country, and they take ample care not to offend the susceptibilities of a sensitive people like those who live in my province. When the army, taking part in the manoeuvres, happens to be a foreign army—people who are absolutely unacquainted with the customs and manners of the country, it has happened many a time, and it may happen in the future as well, that even something done by the soldiers undoubtedly with the best of motives, in fact quite a harmless thing, may be taken very seriously by the people concerned. Therefore, I have tabled an amendment that when a dwelling house has to be entered by the troops, notice should be given through a local inhabitant, and, that whenever the troops enter such a dwelling house occupied by women, then at least two respectable inhabitants of the locality should accompany the troops in order to avoid all these unforeseen troubles which have so often arisen in the past. Sir, I am not exaggerating facts when I state that there have been many instances in the Frontier where little indiscretion on the part of the troops has resulted in loss of very valuable lives. People have resented such interference on the part of the troops and have not hesitated to pay with their dear lives for the acts of the soldiers which they could not tolerate on this particular matter, namely, the entry of troops into houses occupied by women. I think the suggestion made above is a very reasonable one, and if the Government is at all mindful of the interests of the people, and their susceptibilities, and all the things which they hold dear and near to themselves, then the Government should accept this very reasonable suggestion.

Of course, most of the principles of the Bill have been discussed by my Honourable friend, Mr. Sri Prakasa. There is one thing which has been left out in the Bill. The clause dealing with field firing and artillery practice contemplates the acquisition of land for a number of years by the troops, and it so happens that all such lands are usually barren, and therefore, it is always convenient to acquire the use of such lands, year after year, for quite a large number of years in succession. Provision has been made that any damage to such lands may be paid by the Government, but no provision has been made for compensation for the actual use of this

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land. I see no reason why Government should not pay compensation for these lands which are assessed to land revenue, as every piece of land in India is so assessed, which either the landlord or the tenants have to pay to the Government. With these remarks, I will close my speech, but I end it with a request that the Honourable Member in charge of this Bill will be kind enough to accept this provision about ample and adequate notice on which I lay more emphasis than on any questions of annas and pies.

Prof. N. G. Banga (Guntur *cum* Nellore : Non-Muhammadan Rural) : Sir, this is essentially a subject in regard to which Government must be willing to welcome the assistance, co-operation and advice of any organization that may exist amongst the peasants popularly known as Kisans. My friend, Mr. Abdul Qaiyum, has made it perfectly clear how necessary it is for Government to try to ascertain that these notices have been properly published, and the beat of drum has been carried out, that the people are properly apprised of the fact that in such and such area manœuvres are to be carried on, and trespassing would be dangerous and would be punishable. And, to carry out that object, nothing better can be done than to invite the co-operation and assistance of the local Kisan Sabhas. I can assure my friend that Kisan Sabhas are springing up everywhere, and, if the Honourable Member were to invite their co-operation, he will certainly find them most helpful and useful.

Then, Sir, when we come to the question of compensation, we find that a peasant, who is dissatisfied with the compensation offered by the Revenue officer and the military officer concerned, can make an appeal to a certain commission. Now, who are to be the members of this commission ? Only those who may be superior to the revenue officer and the military officer can be the proper persons, but they all belong to the revenue and military department. Can we expect any better justice from people who have to sit in judgment over the award given by their own subordinates ? I very much doubt. Therefore, I think the Select Committee has, I am afraid, made a mistake in providing that only the District Collector and the senior military officer in the particular area should be members of this commission, and, what is more, that the District Collector should be the President of his particular commission. I am very much dissatisfied with the proposed personnel of this commission for this reason and also for another. As my Honourable friend, Mr. Pande, has pointed out, the quorum for this Commission has not been fixed, and I hope the Honourable Member in charge of this Bill will see his way to rectify this mistake. Even then there are to be only four members. There is to be no representative at all of any organisation that may exist for the kisans, and I may assure him that there are district Kisan Sabhas, and my Honourable friend, Mr. Sri Prakasa, will bear me out when I say that even in his own district in the United Provinces there is a district Kisan Sabha. There ought to be a provision for a representative of the Kisan Sabha to represent the interests of these kisans to whom, after all, this compensation has eventually to be made. We can certainly make provision for this as occasion arises, if only he agrees to drop the words "consisting of" and

simply substitute it by the word "including", so that it will read like this :

" The Collector of the district shall constitute a commission including himself as chairman, a person nominated by the Officer Commanding the forces engaged in the manoeuvres and two persons nominated by the District Board, and the commission shall decide all appeals of which notice has been given."

Then, as occasion arises and as the Local Government find it possible to give representation to the local Kisan Sabhas, it will be possible for them to get one or two more representatives to represent the Kisan Sabhas, so that the interests of the kisans may be properly represented on this particular commission.

Coming to clause 5, I find that compensation has to be paid for any damage caused to any person. I want the Honourable Member to give us an assurance that any damages, if any, when made, would not be less than the damages that have to be paid according to the Workmen's Compensation Act for a similar occurrence. I think it is a very reasonable demand that I make, and I hope my Honourable friend, Mr. Ogilvie, will agree with me.

Coming to sub-clause (4) of clause 9, I find that first a notification has to be published in the local Official Gazette that a particular area is going to be notified for military manoeuvres, and then again another notification has to be made a week in advance of the actual use of the particular area. I do not know, it is not quite clear whether Government propose to follow the same procedure of publishing it twice and giving an opportunity for people to know that such and such particular area is going to be used for military manoeuvres on every successive occasion when that particular area is to be used for military manoeuvres. I put this question for this reason. It may be that a particular area has been leased for a successive number of years, but it cannot be said that the local inhabitants do know exactly when in any particular area these military manoeuvres are going to be carried out. And it is not enough that one publication alone has been made and that one week in advance. I insist that the same procedure should be followed on every successive occasion as is proposed to be followed on the very first occasion. I agree with my friend, Mr. Sri Prakasa, in his insistence that the rules that may be made under clause 13 ought to be placed on the table of the Provincial Legislatures, so that the local Legislatures may have an opportunity of modifying them as and when and in the manner in which they choose to do, so that the interests of the local people may be safeguarded as against the vararies of the Local Governments. It is a well known fact that in many of these things the Local Governments are usually guided by the advice tendered to them by the local officials, and we know only too well that, even after the advent of the Congress Ministries, these local officials are not, after all, angels, nor are they omniscient. Therefore, it is necessary that we should take every possible opportunity of safeguarding the people, the country and the Legislatures from the pretended omniscience and also the insolence of large numbers of the Indian Civil Service men as well as the provincial Civil Service men. Therefore, I hope that my Honourable friend, Mr. Ogilvie, will accept the point made by my Honourable friend, Mr. Sri Prakasa, and see that he provides that these rules are placed on the table.

[Prof. N. G. Ranga.]

of the Legislatures in the provinces. With these remarks, I support this Bill.

Mr. Bhulabhai J. Desai : On a point of order, Sir. The point is this. It was ruled by the Honourable the President, so far as I understand it,—I believe it is recorded—that as regards a Bill the only sanction that is required is to introduction, and as regards an amendment, sanction is required to moving it. But there is another point which arises on the same section which is of more vital importance to the provinces, and that is this. Sub-section (3) of section 299 of the Government of India Act says : “ No Bill or amendment ”. I am not now attempting to go behind the ruling, but what is the effect of this ruling and the *reductio ad absurdum* which I shall presently point out—let all the amendments on the Order Paper go out and let the Bill be passed, and let the Government take the responsibility of doing that, I have no quarrel, because the ruling now is that no amendment can be moved without previous sanction but no sanction is required for introduction. That I understand is the ruling of the Chair. For that I leave the responsibility to the Government ; let them do what they like. But I am coming to another point of still more vital importance and that is this. It is a matter of more vital importance because these Provincial Legislatures will not function if this is the way in which Bills are allowed to be either moved—there is no such thing as moving a Bill, under the ruling of the President. But I still insist on saying so because I have the Oxford Dictionary with me here, and also the Stroud’s Judicial Dictionary, but the point I am raising is this.

“ No Bill or amendment making, provision for the ”, etc.,

The only material words are :

“ for the extinguishment or modification of rights therein (*that is to say, rights in land*), shall be introduced or moved in either Chamber of the Federal Legislature without the previous sanction of the Governor General in his discretion.”

The point shortly is this. Looking at the Provincial List, List II, item 21,—I first state the effect of it. The effect is this, that this Legislature has no power to enact any law modifying the rights in, over, or concerning land, in the provinces, and inasmuch as this Bill is bound to affect a considerable quantity of land in all the provincial units, this Bill is *ultra vires* of this Legislature. It is not a matter of sanction. The reason is this. You see the Bill seeks to affect lands throughout British India wherever military manoeuvres take place. Clause 1 (1) of the Bill says :

“ This Act may be called the Manœuvres, Field Firing and Artillery Practice Act, 1937.”

Sub-clause (2) says, “ It extends to the whole of British India.”

3 P.M. Then clause 3 shows that the lands may be situate in any province. The point is that under clause (3)

rights on the land are sought to be affected. That is a provincial subject entirely. This Legislature can legislate with reference to land within all areas other than provinces. I shall come to the relative sections in a moment. The language used is : ‘ rights in or over land, land tenures, etc., etc.’ To go and build a structure on somebody else’s land is a right over land. To go and walk into somebody else’s house is a right over land and therefore there can be no question that this particular piece of legislation seeks to affect rights in and over land and it further seeks to

affect rights in and over land situate in provinces. Now, let us look at section 100 which deals with the subject matter of Federal and Provincial laws. The first point that we insist upon is that this legislation *inter alia* affects rights in and over land situate in provinces. To what extent has this Legislature power to legislate in respect of land covered by section 299 and sub-section (3) of section 229 covers two classes of legislatures, that is to say, the legislation may be passed by a Central Legislature and the legislation may be passed by a Provincial Legislature. In one case, you want the sanction of the Governor General and in the other case you want the sanction of the Governor. The reason why clause (3) is so worded is that you may have land situate in provinces. You may have land situate outside provinces which is within the legislative scope of this House and for this purpose you must go through section 100. It says :

“ Notwithstanding anything in the two next succeeding sub-sections, the Federal Legislature has, and a Provincial Legislature has not, power to make laws with respect to any of the matters enumerated in List I.”

In other words, the Provincial Legislatures may not pass any legislation with respect to that List.

Then (2) is :

“ Notwithstanding anything in the next succeeding sub-section, the Federal Legislature, and, subject to the preceding sub-section, a Provincial Legislature also, have power to make laws with respect to any of the matters enumerated in List III.”

That is the concurrent part and then (3) which is the most important.

“ (3) Subject to the two preceding sub-sections, the Provincial Legislature has, and the Federal Legislature has not, power to make laws for a Province or any part thereof with respect to any of the matters enumerated in List II in the said Schedule (hereinafter called the ‘ Provincial Legislative List ’).”

Clause (4) emphasizes that and makes it clear even to those who may otherwise be blind not to see :

“ (4) The Federal Legislature has power to make laws with respect to matters enumerated in the Provincial Legislative List except for a province or any part thereof.”

In other words, the scheme of section 100 is quite clear. The Federal Legislature has exclusive power, over List I, concurrent power over List III, Provincial Legislature, exclusive power over List II. Federal Legislature has powers over property situate outside provinces or shortly what are called centrally administered areas or tribal areas. Therefore, the position shortly, as a matter of law, is this that inasmuch as this Bill seeks to affect rights in or over land situate in provinces it is *ultra vires* of this Legislature. This Bill seeks to legislate for the whole of India which I need not emphasize includes provinces and lands in those provinces. I, therefore, submit that this Legislature has no right to proceed with this piece of legislation.

Mr. G. H. Spence : May I submit that this point was concluded adversely to the Honourable the Leader of the Opposition rightly or wrongly in the ruling given by the Honourable the President before Lunch.

Mr. Deputy President (Mr. Akhil Chandra Datta) : I understood that the ruling was given on the question of sanction.

Mr. Bhulabhai J. Desai : I am quite clear in my mind that the only point on which he ruled was the question of sanction under 299 (3). I shall not allow this matter to be dropped merely on the statement of a Member of this House. Let the transcript be read and let it be considered by you and let my point then proceed. We shall not allow this first piece of legislation to trample upon the provinces.

Mr. N. V. Gadgil (Bombay Central Division : Non-Muhammadan Rural) : During the discussion of the Shariat Bill, you will remember that, any reference to land in the provinces was omitted on the ground that this Legislature has no authority to legislate with respect to land in the provinces.

Mr. Deputy President (Mr. Akhil Chandra Datta) : I have now got the transcript of the ruling given by the President. In order to avoid waste of time and misapprehension, I shall read it out :

“ Objection has been taken to the further progress of this Bill on the ground that sanction was not obtained from the Governor General under section 299 (3) of the Government of India Act, 1935. I find, however, that this Bill which was introduced before the enforcement of this Act in the provinces was sanctioned by the Governor General under section 67 (2) of the Government of India Act. That section requires that a Bill or measure which affects the ‘ discipline or maintenance of any part of His Majesty’s Military, naval or air forces ’ must be sanctioned by the Governor General before it is introduced. So there can be no doubt, and it is not disputed, that at that stage the Bill which was then introduced had been validly sanctioned by the Governor General. But the argument of Mr. Ayyangar and the Leader of the Opposition is that quite apart from that sanction and independently of it there must be a sanction obtained for any motion with respect to this Bill under section 299 (3) of the Government of India Act. Now sub-section (3) of that section lays down :

‘ No Bill or amendment making provision for the transference to public ownership of land or for the extinguishment or modification of rights therein shall be introduced or moved in either Chamber of the Federal Legislature unless the previous sanction of the Governor General in his discretion.’

I assume for the present, for the sake of argument, that this is a Bill which rather modifies rights of ownership in land for the purpose of military manœuvres ; but the point that I have now to consider is whether at this stage, when the motion is made for consideration of the Bill as reported by the Select Committee, it comes within the meaning of the words ‘ introduced ’ or ‘ moved ’. So far as my experience and my reading of the rules and standing orders goes, it would hardly be appropriate for any Legislature to say, at any rate so far as our procedure is concerned, that a Bill is moved. It certainly has to be introduced and that stage has now passed. An amendment is certainly moved, but it would be very inappropriate to say that a Bill is moved when the motion that is made is consideration of the motion of the Select Committee, or it may be, a motion that the Bill be passed. I am inclined to hold that the word ‘ introduced ’ refers to the Bill and the word ‘ moved ’ refers to amendments. According to that interpretation there is no question now of obtaining the sanction of the Governor General under section 299. I do not want to make any pronouncement on either the question that it is a Bill which modifies rights of proprietors to land or, as contended by Mr. Spence, that this Bill comes within the purview of item (1) in List I of the Federal Legislative List. This latter point is a question of considerable importance, and I do not consider it necessary at present to pronounce any opinion upon it. I, therefore, hold that the Bill is in order and the motion before the House is in order.”

I think it is perfectly clear that the ruling of the Honourable the President was based upon that ground and upon that ground only.

Mr. G. H. Spence : May I point out.....

Mr. Bhulabhai J. Desai : I rise to a point of order. The Deputy President having ruled as to the true scope and interpretation of the ruling previously given, it is not open to any Member to question it, and I submit, therefore, with reference to the point of order that I raised, that if they wish to answer it, let them do so.

Mr. G. H. Spence : May I ask your ruling whether the Honourable the President did in fact rule also on the second point ?

Mr. Deputy President (Mr. Akhil Chandra Datta) : The Honourable the President said :

" I do not want to make any pronouncement on either the question that it is a Bill which modifies rights of proprietors to land or, as contended by Mr. Spence, that this Bill comes within the purview of item (1) in List I of the Federal Legislative List. This latter point is a question of considerable importance and I do not consider it necessary at present to pronounce any opinion upon it. I therefore hold that the Bill is in order and the motion before the House is in order."

Mr. G. H. Spence : May I make my submission of the grounds on which I believe that the President did rule on the second point.

Mr. Deputy President (Mr. Akhil Chandra Datta) : What was the precise ground on which his ruling was based ?

Mr. G. H. Spence : May I recall exactly what happened ?

Mr. Bhulabhai J. Desai : Is it suggested that the President ruled on the question that this House has a right to legislate over rights in the provinces ?

Mr. G. H. Spence : No, that is not the suggestion.

Mr. Bhulabhai J. Desai : That is the only point I am now raising. This House has no right to legislate in respect of rights in and over land situated in provinces as this particular piece of legislation attempts to do. That is the point.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The whole point now appears to be this—whether, on the point of order now raised by the Honourable the Leader of the Opposition, the President gave a ruling or not.

Mr. G. H. Spence : My point is this. I may recall to you.....

Mr. Deputy President (Mr. Akhil Chandra Datta) : It is better to point out the particular passage of the ruling.

Mr. G. H. Spence : Sir, to make my contention clear, when I intervened this morning.....

Mr. Bhulabhai J. Desai : I rise to a point of order. It is this, that no conversation or no speech should be allowed to be referred to. It is purely a question of construction of that ruling and nothing more. I, therefore, object to any statement being made by any Honourable Member in aid of the construction of the written words of the ruling that has been read out.

Mr. G. H. Spence : Very well, I will confine myself to the written words of the ruling. The words are :

" This latter point is a question of considerable importance and I do not consider it necessary at present to pronounce any opinion upon it. I, therefore, hold that the Bill is in order and the motion before the House is in order."

[Mr. G. H. Spence.]

I submit that very clearly by those words the Honourable the President meant that he did not conceive it to be for him to lay down whether this Bill was *intra vires* or *ultra vires*. He ruled that the Bill was in order and the motion before the House was in order, the effect of the ruling clearly being that, so far as he was concerned, this House was free to go on. In the event of the Bill being enacted, it was for Honourable Members or any other person who wished to challenge its validity to take the question before the Federal Court.

Mr. Deputy President (Mr. Akhil Chandra Datta) : I have carefully considered the effect of the ruling of the President and I am certainly of opinion that so far as this second point is concerned, he did not give his ruling. His ruling was based exclusively upon the interpretation of section 299, sub-section (3). Therefore, so far as regards the effect of that ruling, the matter is settled. Now I want to hear the Government on the merits of the point of order now raised and pressed by the Leader of the Opposition.

Mr. G. H. Spence : Well, Sir, the point of order taken by the Leader of the Opposition is in substance identical with the point taken by Mr. Ananthasayanam Ayyangar this morning. I agree entirely with the analysis of section 100 given by the Leader of the Opposition with one important, and with reference to the question at issue, vital qualification. The Honourable the Leader of the Opposition made no reference to these words :

“ Notwithstanding anything in the two next succeeding sub-sections ” at the opening of sub-section (1) of section 100, and to the words “ Subject to the two preceding sub-sections ” at the opening of sub-section (3) of section 100.

I am prepared to concede for the sake of argument that by enacting this Bill this House would be making a law for a province with respect to matters entered in entry 21 in List II ; but I maintain, and it seems to me to be abundantly obvious, that in enacting this law this Legislature would also be making a law for the matters enumerated in entry one in List I—“ His Majesty’s Naval, Military and Air Forces, etc.” That being so, you have *ex hypothesi* a law which is a law for, first, matters entered in List I and secondly, matters entered in List II. Therefore, the force of the words ‘ Notwithstanding anything in the two next succeeding sub-sections in sub-section (1) of section 100 ’ is that this Legislature has, and the Provincial Legislature has not, the power to make this law because it is a law for a matter which is enumerated in entry 1 in List I.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Will you please explain as to how the question of the transference of right over land to the public ownership come in within Item No. 1 ?

Mr. G. H. Spence : I do not say that the question of the transfer of land comes in at all. What I say is this that this legislation is covered by Item 1 in List I.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Item 1 is a long thing. Will you please tell me which part of it you are referring to ?

Mr. G. H. Spence : It is sufficient to cite the words 'His Majesty's military, naval or air forces'. In legislating about the conduct of the necessary manœuvres by His Majesty's forces, you are quite obviously legislating for His Majesty's military forces. If, in the course of that legislation, it is necessary for you as an incident to do anything within the purview of List II, in relation to rights in land or what not, then by virtue of the overriding words in sub-section (1) of section 101 and the subjecting words in sub-section (3) of section 100, the Central legislative jurisdiction in respect of His Majesty's forces over-rides and *pro tanto* ousts the subsidiary provincial jurisdiction in respect of rights on land. There are many Privy Council cases in which decisions have been given with reference to analogous questions under the Canadian constitution. I think I am right in saying that the leading case on this subject turns on the dictum that in deciding to what particular legislative power you are to relate a legislative measure you have got to disregard the incidentals and ask yourself—what is the pith and substance of the matter? I submit that it is perfectly obvious that the pith and substance of this Bill is His Majesty's forces. All that this Bill seeks to do is to provide necessary facilities for, and remove any possible obstructions to, the performance by His Majesty's military forces of necessary training.

Mr. Deputy President (Mr. Akhil Chandra Datta) : That appears to be too wide an interpretation of Item no. 1.

Mr. G. H. Spence : I do not think so. His Majesty's military forces do not cease to be His Majesty's force because they are, for the moment, manœuvring and are not on active service on the field. I do not think I have anything more to say except this that the Honourable Mr. President, whether he ruled on this matter or not, did hear arguments on the matter, and I submit that it would be suitable to leave it to him to rule.

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

Mr. Bhulabhai J. Desai : Sir, in your absence a point of order was raised by me and as it now falls to you to give a ruling on that point, it is only right that I and Mr. Spence should put before you our views, otherwise it would be impossible for you to give your ruling. The point is this. It was held by the Deputy President that the point that I am now raising is the one which you alone can decide. The point shortly is this. In order to make a statement of facts, I do not wish to take the admission of the Honourable Mr. Spence which he had made while answering to me because he may or he may not adhere to it. But the point shortly is this that this Act extends to the whole of British India. The next point is that it will, therefore, in the language of my Honourable friend, affect the rights in or over land in the provinces. Those are the two points. Now, on those facts my submission is this. It is not a matter of sanction at all. My submission is that it is beyond the power of this House to legislate so as to affect the rights in or over land situate in the provinces. For that purpose, I would call your attention to the provincial List. There are two items but the one I am referring to is Item No. 21, that is to say, 'Land, that is to say, rights in or over land.....' the rest of it is not necessary. Now, I turn to

[Mr. Bhulabhai J. Desai.]

section 100 of the Government of India Act. That gives the rights of legislation with reference to the items covered by the List. It runs thus :

“(1) Notwithstanding anything in the two next succeeding sub-sections, the Federal Legislature has, and a Provincial Legislature has not, power to make laws with respect to any of the matters enumerated in List I.

(2) Notwithstanding anything in the next succeeding sub-section, the Federal Legislature, and, subject to the preceding sub-section, a Provincial Legislature also, have power to make laws with respect to any of the matters enumerated in List III.

(3) Subject to the two preceding sub-sections, the Provincial Legislature has (*and I want to emphasise the words*), and the Federal Legislature has not, power to make laws for a Province or any part thereof with respect to any of the matters enumerated in List II.”

Therefore, the position is that the Federal Legislature has not the power to make a law for a province in respect of rights in or over land. Then, we come to the last sub-section.

“(4) The Federal Legislature has power to make laws with respect to matters enumerated in the Provincial Legislative List except for a Province or any part thereof.”

The idea is this. There is a provincial list. There are places where there may or may not be provincial legislatures and therefore the law has got to be made by some legislative authority.

Mr. President (The Honourable Sir Abdur Rahim) : Except for a Province or any part thereof.

Mr. Bhulabhai J. Desai : It will only apply to areas other than Provinces. That perhaps will be a more accurate statement, not that they may make any law and it may not apply. The scope of the field of their right to legislate is other than Provinces. That is to say where it is not a Province and where there is what is called the Centrally Administered Areas—Cantonments and tribal areas. There is no need to go into details now. The point I am submitting is this. It cannot be denied that this piece of legislation purports to make laws in respect of rights in and over lands in Provinces. In fact I do not deny that the Bill may be a perfectly good one for the military manœuvres in so far as they take place in any Centrally Administered area or tribal area. We are not concerned with that. We are concerned with a Bill that seeks to make a law for the whole of British India necessarily including the Provinces and therefore necessarily taking away the rights in and over land in the Provinces. Therefore it was suggested that inasmuch as the Central Legislature could make a law with reference to item 1, namely, military manœuvres, that therefore so long as they were making the law for military manœuvres, they could do anything they like in respect of all matters covered by the exclusive provincial legislative list. That is to say merely because a Bill, one of its purposes is to regulate military manœuvres that therefore they could affect the rights of Provincial Legislatures and that they may make laws in respect of the provincial list also, I submit this position cannot be right. It is for a case like that that section 103 is provided :

“If it appears to the legislatures of two or more Provinces to be desirable....”

Mr. President (The Honourable Sir Abdur Rahim) : The expression is provincial legislatures.

Mr. Bhulabhai J. Desai : I am coming to that :

“ If it appears to the legislatures of two or more Provinces to be desirable that any of the matters enumerated in the provincial legislative list should be regulated in those provinces by Act of the Federal Legislature, and if Resolutions to that effect are passed by all the Chambers of those provincial legislatures, it shall be lawful. . . . ”

Now, Sir, it begins by saying :

“ if it appears to the legislatures of two or more Provinces, and the answer to that is that on a request it will of course be taken into consideration. In the first instance the request should be addressed to the Provinces by the Central Government saying, here is a military manœuvre Bill which is sought to be brought before the Central Legislature. We propose to affect lands in your Province and it will be more convenient instead of asking you to pass supplementary provisions—I mean the Central Legislature may say to what extent and in what manner troops may be moved. That is entirely within their power, but what we want further to do is to say that there should be power to resume lands or to erect structures, to enter a house, etc., would it or would it not be convenient, if in one place the whole law is enacted.”

If the Provincial Legislatures accept the reasonableness of such a request, then it would appear to the Legislatures of the Provinces to be desirable that if they were matters affecting land on which they claim the right to legislate, then they can empower the Central Legislature to enact a law for the purpose of uniformity. A matter of this kind has arisen only for the first time. We are somewhat jealous, notwithstanding the fact that we are in the Central Legislature, and I submit that we ought not to let go every opportunity to call attention of the Chair and of the House to see that we are not going beyond the scope of the powers allotted to this House. The point shortly is this. There are two ways of passing this Bill into an Act. It can be split up into two parts. In so far as any question affecting the military and their movements are concerned, undoubtedly this Legislature would be within its rights to enact a law. But in so far as any rights which trench on the rights of Provinces, you may have a supplementary enactment quite uniformly in all the Provinces if they so desire. Of course the more convenient way would be to address all the Provinces with a request pointing out the nature of the subject-matter, the kind of uniformity that is required and so on that they should pass a Resolution enabling the Central Legislature to pass a comprehensive piece of legislation firstly with regard to manœuvres and secondly so far as they affect lands.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has not answered my point. This section refers to legislatures of two or more Provinces and if it appears desirable to them, they may pass a Resolution empowering the Federal Legislature to pass the law. The initiative must come from the Provincial Legislatures.

Mr. Bhulabhai J. Desai : The initiative may also come from the Central Government. I mean that the language of the section does not mean that it should necessarily be at the initiative in the very instance of the Provincial Legislatures.

Mr. President (The Honourable Sir Abdur Rahim) : The suggestion may go from here. That is not the matter I am speaking of. The language used here is ‘it must appear desirable to the legislature of two or more provinces’.

Mr. Bhulabhai J. Desai : I am only interested in pointing out what appears to me the real intention of the language used. I am trying to assist the Chair on this basis. It is not as if it is a matter which should be dealt with under section 104.

Mr. President (The Honourable Sir Abdur Rahim) : The question now is whether the Central Legislature cannot under this item pass an Act which might affect some subject on the provincial list.

Mr. Bhulabhai J. Desai : In this way, Sir, all the provincial lists will be eaten up if the decision is that so long as some section or some Act covers one of the items in that List.

Mr. President (The Honourable Sir Abdur Rahim) : What about the second item. Naval, military and air force works. Does not that also cover this Bill ?

Mr. Bhulabhai J. Desai : The question for decision is this. Merely because one of the items in a piece of legislation before the Central Legislature is one of the items in List I, it does not follow that they can indeed cover all that and destroy the exclusive List No. 2.

Mr. President (The Honourable Sir Abdur Rahim) : Is it not the intention of the Act that with regard to whatever item there is in the Federal list, the Federal Legislature can make laws with respect to those items even though they may infringe any of the items in the provincial list.

Mr. Bhulabhai J. Desai : As a matter of fact I do not know any such section and I can only give an answer in the negative. May I call your attention to that Chapter.....

Mr. President (The Honourable Sir Abdur Rahim) : There is in the Act a concurrent List No. 3. Supposing the Provincial Legislature and the Federal Legislature pass two laws.....

Mr. Bhulabhai J. Desai : Then the Federal law prevails. That is in section 100 (2) and the effect is laid down in section 107.

Mr. President (The Honourable Sir Abdur Rahim) : Take Posts and Telegraphs including Telephones. That affects the rights in land.

Mr. Bhulabhai J. Desai : That is precisely the point. The whole point is that they may regulate how the post offices are to be run. Supposing in a particular place you want to have a building for the purpose of a post office, either you wipe out the whole of the Provincial Legislature, so long as directly or indirectly any of the subjects in the exclusive list can be brought within the purview of the first list. That is one view.

Mr. President (The Honourable Sir Abdur Rahim) : Item 7 may affect any province.

Mr. Bhulabhai J. Desai : I am not disputing it. The question is not that this Legislature has no power in respect of those subjects to legislate in respect of the whole country.

Mr. President (The Honourable Sir Abdur Rahim) : There are many like that. See No. 15,—Ancient and historical monuments ; archaeological sites and remains.

Mr. Bhulabhai J. Desai : But the question is, supposing there is an archæological museum ; you may legislate with reference to that. But supposing you say that you want to erect a big museum and therefore you want two thousand acres of land, can you do that ? The subjects do not affect the question at all.

Mr. President (The Honourable Sir Abdur Rahim) : Take the survey of India. They will have a right to go over land and make a survey. Take Railways.

Mr. Bhulabhai J. Desai : Except under the Land Acquisition Act there is no provision in the Railways Act for acquiring land. Land is being acquired every day in Bombay by notification under section 4.

Mr. President (The Honourable Sir Abdur Rahim) : My attention has been drawn to section 127.

Mr. Bhulabhai J. Desai : That is another matter. Inasmuch as it has been pointed out, I feel indebted to it. It shows clearly that you could not have done it ; otherwise section 127 is not necessary. The very instance I gave a minute ago that supposing for the purpose of a museum you want land.....

Mr. President (The Honourable Sir Abdur Rahim) : It stands on the same footing as affecting rights in land.

Mr. Bhulabhai J. Desai : What you want is this. While legislating on the subjects covered by List I, to what extent, if at all, are you entitled to wipe out List II ? And the argument at present is this that so long as you can bring in any one of these items, the provincial list goes ; that you may legislate here that all lands may be acquired.....

Mr. President (The Honourable Sir Abdur Rahim) : What would happen if the land belongs to the Government of another province ?

Mr. Bhulabhai J. Desai : That is not the issue just now. The issue is not one of property as between the provinces and the Federation. The issue is, to what extent this Legislature can legislate so as to affect rights in or over land situate in a province ? In other words, if the house of A. B. in Bombay is to be acquired, is it correct to say that it does not matter so long as it is called a Military Manœuvres Bill ? You may have any number of provisions so that you may lay down all rules as this section does.

Mr. President (The Honourable Sir Abdur Rahim) : I am inclined to think, subject to what the Government spokesman may say, that if it comes to acquiring land they will have to go to the provinces.

Mr. Bhulabhai J. Desai : Then there are two things. One is acquiring land, the other is rights in or over land. Land does not mean the actual physical superficies ; it may mean right of way, it may mean anything. The point that I was submitting is this. Apart from the acquisition of land, compulsory acquisition of land is item No. 9 in List II ; then item 21 is much more important. " Land, that is to say, rights in or over land ", etc.

Mr. President (The Honourable Sir Abdur Rahim) : That is, legislation with respect to rights in or over land.

Mr. Bhulabhai J. Desai : It is legislation affecting rights in or over land. When I say I am legislating with reference to rights in or over land, it certainly includes affecting it. I may create them, I may destroy them, I may extinguish them, I may modify them. In other words, again you get back to the language of section 299,—modification. That is where the word “modification” is used. In section 299 (3) you will see that there are two types of legislative enactments contemplated ; one is by the Central Legislature with the previous sanction of the Governor General and the other is,—and this is the most important,—

“No Bill.... for the modification of rights in land....shall be introduced in either Chamber of the Federal Legislature without the previous sanction of the Governor General in his discretion, or, in a Chamber of a Provincial Legislature without the previous sanction of the Governor in his discretion.”

It seeks to cover the whole field of land. Clause (1) says :

“No person shall be deprived of his property in British India save by authority of law.”

And, therefore, you find in sub-section (5)—

“In this section ‘land’ includes immovable property of every kind, and any rights in or over such property,”—

the very words of item 21 of List II.

Further, my submission to you is this : that this Bill affects to legislate in respect of rights in or over land in the provinces and not merely in the sense of administered areas : this is beyond the purview of the legislative powers of this body. Supposing I profess one object and do something else : you can define anything you like : but supposing you say, whereas it is intended to codify the law for chalk and then in the section you are codifying the law for cheese, the fact that you pretend or profess to codify for chalk does not matter. The test is what we find in sections 3, 9 and 10—otherwise the compensation sections would not appear. Section 3 says :

“Where a notification under sub-section (1) section 2 has been issued, such persons as are included in the military forces engaged in the manœuvres may, within the specified limits and during the specified periods—

pass over, or encamp, construct military works of a temporary character, or execute military manœuvres on, the area specified in the notification.....”

Then section 10 says :

“Where a notification under sub-section (2) of section 9 has been issued, such persons as are included in the forces engaged in the field firing or artillery practice may, within the notified area or specified part thereof during the specified period or periods—

exercise subject to the provisions of sections 3 and 4, any of the rights conferred by section 3 on forces engaged in military manœuvres.....”

Mr. President (The Honourable Sir Abdur Rahim) : But it may not be for the purpose of acquiring the land.....

Mr. Bhulabhai J. Desai : I quite agree ; but admitting the question as to what extent you are entitled to affect the provincial sphere, the view may be that, in that piece of legislation, you may confer power on authorities and do many other things besides acquiring rights over land.

Mr. President (The Honourable Sir Abdur Rahim) : That is another matter : You may then have to see whether the Bill comes within the purview of the Act. It does not logically follow that it does.

Mr. Bhulabhai J. Desai : It depends on how you treat the land. I wish to limit myself to this Bill and to item No. 1, so that the ruling may not be too wide, because it is going to be a subject of considerable importance as time goes on.....

Mr. President (The Honourable Sir Abdur Rahim) : I would like to know what the Honourable Member has to say on the point, whether it is for the Chair, when a Bill is brought before the House by the Government to decide how far it is within the powers of the Indian Legislature : that is, whether it is not for the House to decide whether any legislation could be passed or not by the Central Legislature. Is it merely for the Chair to decide a point like that and throw out any legislation on that ground ?

Mr. Bhulabhai J. Desai : Validity has many tests—validity whether the Legislature is legislating within its powers is a subject which, I submit, is *prima facie*....

Mr. President (The Honourable Sir Abdur Rahim) : I am told there is a ruling on the question whether the Chair is to decide whether a proposed legislation is *ultra vires* or *intra vires*—I have not yet looked it up. But, I know questions have been raised and decided, but, so far as I remember, those instances happened to be decided in favour of proposed legislation, why should not the House be left to decide for itself whether it should or should not pass a certain legislative measure.

Mr. Bhulabhai J. Desai : But, that does not affect the principle that the question is allowed to be raised. If it is allowed to be raised, then a decision has to be given. My answer to that is this : supposing now this House proceeded to legislate exclusively for land : let me assume it : I must test it and see whether it is permissible : it is no answer to say that " We are very reasonable people and we will not do any such thing." Suppose you purport to do it. Is it or is it not the duty of the Chair to see that this Legislature.....

Mr. President (The Honourable Sir Abdur Rahim) : The Chair has to decide points of order that arise as regards the procedure of the House.

Mr. Bhulabhai J. Desai : The point is this : is the Chair there not to prevent the House from what I call wasting its time on legislation like this which is beyond their powers ? Take an extreme case.....

Mr. President (The Honourable Sir Abdur Rahim) : The question which has been exercising me is this : I want to make it clear, whether it is for the Chair to stop certain legislation on ground such as this, or it should leave it to the House to decide.

Mr. Bhulabhai J. Desai : I approach it the other way : that is the only answer I can give on the spur of the moment. It is this : I assume that it is part of the duty of the Chair, if a point is raised whether this

[Mr. Bhulabhai J. Desai.]

legislation is beyond the scope of this House or not—because, otherwise, supposing all kinds of legislative measures are introduced, will you just sit down and look on, even if a point of order is raised ? Would you say, if they proposed to make a law without any compensation....

Mr. President (The Honourable Sir Abdur Rahim) : Is it for the House, or for the Chair to decide whether a legislation like this should be allowed.

Mr. Bhulabhai J. Desai : I cannot answer the first question in the negative : you must either say logically “ I do not care what laws you pass.”. We are quite willing to accept that. Then, we will get all Bills.....

(It being Four of the Clock.)

MOTION FOR ADJOURNMENT.

APPOINTMENT OF MR. S. P. CHAMBERS FROM ENGLAND AS CHIEF COMMISSIONER OF INCOME-TAX.

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

Mr. Sham Lal (Ambala Division : Non-Muhammadan) : Sir, I move :
“ That the Assembly do now adjourn.”

The object of this adjournment motion is to censure the Government for appointing an Englishman as Chief Commissioner of Income-tax. Sir, if my information is correct, Mr. S. P. Chambers, has been appointed Chief Commissioner of Income-tax on a pay of Rs. 2,500 a month. He has been recruited from England, and, I am told, that he is getting only £400 a year in England, that is Rs. 500 a month. He would get here five times more than his present pay in England. I think he has been appointed in accordance with the recommendations of the Income-tax Inquiry Committee Report, and the duties of the Chief Commissioner of Income-tax are given at page 88 of the Income-tax Inquiry Report. I do not want to go through all those duties, but some of them are—consideration of copies of all inspection reports, watching the methods of recruitment, comprehensive instruction as to the method of examination, responsibility for the systematic training and so on, and if Honourable Members will go through these duties, they will find that these duties do not require much of technical knowledge, and my grievance is that for performing these duties many suitably qualified persons, with experience behind, are available in India itself, and, therefore, there is no justification for recruiting a gentleman from England. Sir, we in India can find Premiers who are administering the eleven provinces including the finances of those provinces, but, for performing the duties which I have just read out, it is surprising that an Indian could not be found by the Government of India. Sir, we have had enough experience of these experts from abroad for the last few days. We know how drafting of law is being done by these experts, one Bill is being withdrawn, and another Bill might be withdrawn ; these experts have not got the capacity to see whether the Bill they have drafted is in order or not, but they pose as experts and think that they alone can manage affairs in

India. ("Hear, hear" from Congress Party Benches.) Sir, I am reminded of the speech of Mr. Lloyd George which he made after the war. He said: 'Gentlemen, I was fit for war, but I was not fit for dealing with these ordinary affairs; I can cure the most serious disease, but I cannot cure a fever'. Indians can manage and administer eleven provinces of India, and there is praise and admiration for their administration, but an Indian cannot be found for the post of Chief Commissioner of Income-tax! Really the position is this. The difficulty is, all our troubles and difficulties are being exploited by this Government. When I hear of any Commission or Committee of Inquiry being appointed, my apprehension is that some Englishmen are going to be provided. It is not to remedy any grievance of ours. If an inquiry Committee meets, then inevitably a Britisher is appointed. There is, for instance, the Wedgwood Inquiry Committee which came to India; they took away lakhs of rupees out of this country, and what have they given to us? In their recommendation they say that more Britishers should be recruited, more technical men from England should be brought out and paid by India. If we want an Economic Adviser, then he must also be imported from England, as if there are no suitable Indians who can teach English Economists. Sir, we had a Bill today relating to destructive pests and insects. I am sometimes tempted to move an amendment to it because if there is any destructive insect or pest from which India is suffering, it is recruitment from England ("Hear, hear" from Congress Party Benches), that is to say, if the flower and fruit of the youth of India are to be preserved, then this pest of recruitment from England must be stopped forthwith. This has become really a destructive pest to this country.

Then, my submission is that the Government was not at all justified in appointing a Britisher whose price in England is only £400 per annum, when there were fully qualified and experienced Indians. I am reminded, Sir, of the story of a Bania in my village who had some eye trouble and who went to a physician in Delhi and asked him to write out a prescription. The Bania asked the physician what would the medicine cost. The physician replied that it would cost Rs. 100. Then the Bania said: 'How can you cure my eyes, you take away the light from me, what more light can you give me?' He said:

"Sau Rupia ki binai pahle hi leli mera ilaj kiya karoge."

Now, Sir, the position is, the revenues of India must be increased from income-tax sources, and what is the remedy suggested? A Britisher getting £400 a year must be recruited on Rs. 2,500 a month, costing India Rs. 30,000 a year. That is the remedy. Sir, there are many recommendations in the Income-tax Inquiry Committee's Report, but this is the most urgent recommendation, it must be carried out soon, other recommendations can wait legislation, they can be given effect to later on, but let this opportunity not be missed; let the announcement be delayed so that the Assembly may not be in a position to discuss the subject. Sir, these secret methods would not avail. Sir, I was accused, and perhaps I shall again be accused of getting information and I was asked how I got the information,—but that is not the question, the question is whether the information that I have got is right or whether it is wrong. Does my friend, the Finance Member, think that he alone has got Criminal Investigation Department behind him to detect everything, to watch our movements? Does he think that we cannot watch his

[Mr. Sham Lal.]

movements, particularly when he is entrusted with the revenues of India and when he is frittering away those revenues and practically wasting them as he likes. He probably thinks that before he leaves the shores of India he will be able to dump on this country as many Britisher friends of his as he can, he thinks that he will be able to dump on this country these inferior British goods when the country itself can provide far better goods at much cheaper rates. Whether it is the Central Institute of Hygiene, whether it is Finance Department, or whether it is the Agricultural Research, for everything he wants to get out men or shall I say experts from England. That is our misfortune. The Finance Member, it would seem, is here only to safeguard the British interests in this country. When the Insurance Bill was passed, a matter which was not within his jurisdiction, he was interested in British interests. There are many movements in this country now going on. There is the uplift movement ; there is the Insurance Bill which has just been passed with a flourish of trumpets ; we all think it will do some good to India, but now we find that an attempt is made to import an Actuary or Superintendent from England. Any benevolent movement soon degenerates into providing jobs for British people. Whenever any benevolent movement is started, we are always afraid that it is meant to provide a job or jobs for Englishmen, and not for the good of the masses, because the ultimate result of such movements is provision of jobs for Englishmen in this country. Why has my friend got the courage to appoint a Chief Commissioner of Income-tax from England, because he has got the power. He thinks that he is in sole charge of the revenues of the Government of India ; he thinks that he is a judge in his own cause ; he thinks that he has got the power of God. I submit, Sir, this power always corrupts a man. And if my friend goes on in this way, if the Government of India go on in this way, why should you blame the people ? There is widespread unemployment in the country. Highly cultured and educated people are starving and knocking about the streets, people have no employment, and my friend, the Finance Member, thinks of recruiting men from England. Sir, I am reminded of a peasant who was watching his sugar cane fields. A priest came there. He was starving and thirsty. He said, " I must have some sugar cane from this field ". Then he sat in that posture and said, " Oh God. I am hungry and thirsty. May I have sugar cane from this field ? " He became God and said, " You can have. " " May I have 20 ? " He said, " You may have. " The peasant was watching and he saw that he had become his own judge and he had become his own God. He came with a *lathi*, and said, " My God, this man has stolen away my 20 canes and may I beat him ? " He said, " Yes ". Then he said, " May I give him 20 blows ? " He said, " Yes. " Then he gave him 20 blows ! (Laughter.) Here I see this Government of India is in the same position. It thinks that it can import any Britisher, it can give any post to any Britisher and then explain, that it is in our interest. As regards the ultimate result, what would be the position if people take to anarchism and revolution ? Unemployed people are starving here and you have a Chief Commissioner of Income-tax being imported from England. You will say that the revenue will increase, that we must have an efficient Chief Commissioner of Income-tax, as if efficiency can only be had from England. As regards this theory of efficiency I want to illustrate my point from a cartoon in

the *Hindustan Times*. What is that cartoon ? It was a skeleton having no flesh in the body, sitting. A doctor is preaching to him, "Grapes, oranges, etc., have got a lot of vitamins. You should eat these things." The skeleton says, "I have got no money. You talk of vitamins and nutritious food, how can I take it when I have no money ?" That is the position of the Government. The Government wants that we should have a costly Chief Commissioner, that we should have a costly administration. This Chief Commissioner will have an Assistant Commissioner, he must have a staff. The man will say, "In order to work efficiently I should have a staff of Britishers". Just as in the Wedgwood Report we have got a succession of Britishers, he would also have a succession of Britishers. I, therefore, say that there is no use dumping in these inferior British goods. You may have the power now, but you will have to repent it. I think the patience of India is exhausted and this theory of efficiency which is being trotted out would not do you any good. Don't import these people. Be satisfied with what you have got now. But if you go on in this way, then, of course, remember that example of the peasant, he will become his own judge and you will have to repent. Therefore, I move.

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

"That the Assembly do now adjourn."

The Honourable Sir James Grigg (Finance Member) : One of the disadvantages in dealing with a motion which is based on information obtained from illicit sources is that the information is never quite accurate.

An Honourable Member : It is a newspaper report.

The Honourable Sir James Grigg : Newspapers lie.

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : Governments also lie.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member must not use that expression. He ought to withdraw it.

Mr. S. Satyamurti : The Honourable the Finance Member first used the word "lie". If he withdraws, I will.

Several Honourable Members : Order, order.

The Honourable Sir James Grigg : I am ready to substitute the words "Newspapers lie", by the words "They sometimes make mistakes".

Mr. S. Satyamurti (Sitting) : I say that Government sometimes make mistakes.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member ought to rise in his seat if he wants to make a statement.

Mr. S. Satyamurti : I have seen in the Parliament Members, making interruptions, while being seated.

The Honourable Sir James Grigg : I was saying that one of the difficulties about dealing with a motion which is based on illicit information obtained from illicit sources is that the information is not always accurate, and in this case the information is inaccurate in two respects. The first is that we have not accepted the recommendation in the Experts' Report to appoint a Chief Commissioner. What we are appointing is an Adviser to the Central Board of Revenue on income-tax matters,

[Sir James Grigg.]

and his duties will be quite different from those which the Honourable Member quoted from the Report. However, that is as may be,—I will come at a later stage, of my speech, to the disadvantages of passing adjournment motions or other motions as a consequence of the disloyal action of some Government servants. I say straightaway, in order to avoid any recrudescence of the excitement which happened a minute or two ago, that I propose to be studiously moderate in what I say. May I come to the subject of the motion and say what I have to say, and I hope I shall say it very moderately, though, I may tell the House at the very start that what I say I shall not couch in terms of very great penitence.

The House is aware that we are engaged upon the task of overhauling the income-tax, both as regards law and as regards administration. Our objects are, again, as the House knows, to make the law fairer as between taxpayer and taxpayer and to diminish the opportunities for legal avoidance and illegal evasion which now exist. The second object will have as a result an increase in the yield of the income-tax. I hope and believe that it will result in a considerable increase of the yield and that it will also result in a corresponding increase in the amounts to be allotted to the provinces under the Niemeyer Order in Council. I ask the House to believe me when I say that all along this has been one of the main motives in my mind in undertaking the extremely arduous and extremely thankless task of reforming the income-tax in this country.

Now, Sir, one of the first things that must strike anybody about the income-tax machine in India is that its capacity has not kept pace with the growth in complexity of the tasks thrown upon it, and its structure still retains very obvious traces of its provincial origin. Incidentally, on that point I might remind the House that from time to time in the last House Income-tax Bills were introduced to assimilate the Indian income-tax system to the English income-tax system. That is by way of digression.

Prof. N. G. Ranga [Guntur *cum* Nellore : Non-Muhammadan (Sitting)] : How is it relevant ?

The Honourable Sir James Grigg : The Honourable Professor from Oxford and Madras might either make his interruptions audible or not make them at all.

Mr. President (The Honourable Sir Abdur Rahim) : I cannot allow this sort of interruption which the Honourable Member is guilty of. It hampers my work.

Prof. N. G. Ranga : I am not guilty of anything improper.

The Honourable Sir James Grigg : As I say, it is a matter of common admission that the Indian income-tax machine has not kept pace with the growth in complexity of the tasks thrown upon it and its structure bears obvious traces of its provincial origin. My advisers and I have thought, therefore, that something is needed to introduce a greater measure of efficiency and a greater measure of uniformity of practice as between the various provinces. We thought that this could best be achieved by appointment, on a temporary basis, of an officer with experience of the English income-tax system which certainly is the best and

fairest in the world. I again remind Honourable Members that when a Member of this House introduced an Income-tax Bill in the last Assembly he sought to assimilate the income-tax system in India to the income-tax system in the United Kingdom and his reasons for doing so were because he thought that the income-tax system in India weighed extremely hardly on the poorer taxpayers and extremely lightly on the richer taxpayers. Well, Sir, as I say, my advisers and I thought that the tuning up of the machine could best be achieved by a temporary appointment of an officer having experience of the best income-tax machinery in the world. Quite apart from that, we have not, after an exhaustive review of the field open to us, discovered in India an officer with the requisite qualifications. (*Voices* "Oh, oh"!) Yes, I say so quite designedly.

Mr. S. Satyamurti : You are quite wrong.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member will have a right of reply.

The Honourable Sir James Grigg : I say quite deliberately. If there had been such an officer, he would have been appointed.

Honourable Members : Question.

The Honourable Sir James Grigg : Incidentally, the officer to be appointed has the added advantage of a short, it is true, but intensive experience of the Indian income-tax system.

Prof. N. G. Ranga : Night and day !

The Honourable Sir James Grigg : For the rest, I can only say that I have knowledge of Mr. Chambers' work both in England and in India and I am satisfied that no better person can be had for our purpose. I am satisfied that we are offering him no more than was required to induce him to interrupt his career in England and in agreeing to come out to India, he will suffer loss of pension rights and loss of prospects of immediate promotion.

An Honourable Member : What is his pay there ?

The Honourable Sir James Grigg : We hope that at the end of three years, not five years as stated in the inaccurate wording of the Resolution of the Honourable Member, the provinces will be getting substantially enhanced allocations of revenue and that the Indian income-tax machine itself, we hope, will by that time have thrown up a line of capable successors to Mr. Chambers. Indeed, one of his main tasks is going to be to train successors to himself. That, Sir, is all that I have to say on the actual Resolution. I have to say one word more in regard to the fact that the information, on which this Resolution is based, must have been derived from an unauthorised and premature disclosure by somebody in Government service. I said I would be unprovocative and I hope that I shall be regarded as not having been provocative, if I make an appeal to Honourable Members of this House not to countenance this disloyal, and, I think, I am not speaking too strongly when I say, despicable habit on the part of some—I believe only a small minority of Government servants....

Mr. Sham Lal : How is this relevant ?

Mr. President (The Honourable Sir Abdur Rahim) : I have heard the Honourable Member. It is perfectly relevant.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Are you preaching a sermon to us ?

The Honourable Sir James Grigg : If the sermon gets home....

Mr. S. Satyamurti : Why should it get home ? There is no need for it at all.

The Honourable Sir James Grigg : I have confined myself at this moment to an appeal to Honourable Members opposite not to countenance in any way this entirely disloyal and despicable habit on the part of a minority of Government servants. After all the confreres of Honourable Members opposite are Ministers in seven provinces out of eleven and, I think, that they ought to reflect that this disloyalty and self-seeking of Government servants is one of the most dreadful cankers that can enter into any administrative system. Last time when I spoke on this subject I was accused of having been unduly truculent. I hope I have not been so today and if I have I hope Honourable Members will forgive me, because on this subject of the disloyalty of Government servants, I feel very deeply indeed.

Mr. Sham Lal : On a point of personal explanation. I did not get this information from any Government servant.

The Honourable Sir James Grigg : May I also make a personal explanation ? I was making no reflection on Honourable Members. I did not accuse the Honourable Member of having suborned anybody or done anything of that sort. What I said was that the information could only have been derived, in the first instance, from an unauthorised disclosure on the part of some Government servant.

Mr. S. Satyamurti : Mr. Chambers told us !

Maulana Zafar Ali Khan (East Central Punjab : Muhammadan) : I strongly support my Honourable friend, Lala Sham Lal's motion. The appointment of Mr. Chambers as an adviser in the Income-tax Department and his being imported direct from England is an insult to the capabilities, capacities and the abilities of Indians. I know that in certain departments an Indian, however eminent, cannot rise. In this case it is a case of arrested growth. A Shah Suleiman might pull to shreds the theory of relativity as expounded by Einstein but he can never become a Defence Secretary. In the same way, Dr. Rabindranath Tagore can never be the Foreign Minister of India. The Military and the Foreign departments are the Britishers' preserve, their hunting ground but in other departments of administration I think no Britisher can beat an Indian. I give a challenge. I am a Mussalman. I am an internationalist. I am a latitudinarian. I do not hate an Englishman because he is an Englishman. There is no bar sinister of colour with me. With me all men belong to one race. Englishmen as such are our brethren. I want appointments to be made not on the basis of race or colour but on the basis of efficiency. This is a lesson we have been taught by officialdom itself. Only the other day Sir Sultan Ahmad was telling us that Mussalmans would be appointed subject to efficiency. Now, Englishmen ought to be appointed subject to efficiency. I believe

that there are better men in India than Mr. Chambers and they have got more right to get 2,500 than Mr. Chambers. I quite admit that the income tax system of India ought to be overhauled. Some of the increased income will have to go to the provinces. If the man at the helm of affairs succeeds in increasing the income, he can rightly deserve Rs. 2,500 a month but why should it be a Mr. Chambers. Why should it not be a Lala Sham Lal. Why should it not be a Mir Ghulam Bhik Nairang. (*An Honourable Member from the official Benches* : "Communal again?") I do not believe in communalism at all.

Well, Sir, I sympathise with the Honourable the Finance Member that someone from his Department should have let the cat out of the bag, but as my Honourable friend, Mr. Sham Lal, said, he has not got that information from his Department but from some other sources. But even if that information has leaked out, from the Finance Department, where is the harm? This matter should have been placed before the Legislature in any case. They ought to have consulted us, and we would have given them the best advice. So my real sympathies are with the Finance Member in this matter. Sir, so far as this income-tax question and the appointment of Mr. Chambers is concerned, I once more mildly protest against it. (*An Honourable Member from the Treasury Benches* : "Mildly?") Well, if you so wish, strongly then, and I strongly support the motion of my friend, Mr. Sham Lal.

Sardar Sant Singh (West Punjab : Sikh) : Sir, in supporting this motion I want the indulgence of the House to repeat the news that is published today in the papers, namely, the speech of Herr Hitler in Germany. While talking about the colonies, he said that every nation thinks that colonies are a burden, yet no nation is willing to cast off that burden. Similarly, Sir, the Honourable the Finance Member has told us that Mr. Chambers is sacrificing great prospects in coming to India. Well, that is a sacrifice which we do not want and we want the Finance Member to tell him that he should keep to his prospects and need not come out to India. From a pay of £400 per annum he is being offered something like £3,000 in India and yet it is a burden upon him to come out to this place! Sir, this is the hackneyed phrase to which we are being daily treated whenever the question of the Europeanization of the services is brought forward. Now, may I ask a simple question of the Honourable the Finance Member? Will he please tell us, since he came out to India, how many posts have been Europeanized, and under whose inspiration these posts under the Central Government are being filled by Europeans? Will he prepare a comparative table from 1931 to 1934 and then from 1934 to 1937 relating to the high posts under the Central Government and will he tell us in how many posts Indians have been replaced by Europeans during these years? Sir, this hand will be clearly visible in this new policy where policy of Indianization is yielding place to policy of Europeanization. I put certain questions in this House about the North-West Railway where three Indians were being superseded by junior Europeans. A false reply was given to this House. I openly say it in this House that the reply—"that the work of those persons was unsatisfactory" was a false reply. Now having given that reply, the authorities went about spoiling the character-rolls of those persons in order to justify their supersession by Europeans. I challenge the Honourable the Finance Member to come

[Sardar Sant Singh.]

forward and tell me whether this policy of Europeanization is not being persistently and consistently pursued, at his instance, in India today. It is a simple thing just to say : " No Indian with the requisite qualification is available " ; that is adding insult to injury, that is an insult to the whole of the intellectual people of India, and this is an insult especially at this time when Indians are ruling seven out of the eleven provinces.

An Honourable Member : Indians are ruling in all the eleven provinces.

Sardar Sant Singh : I beg your pardon, in all the eleven provinces of India. I was referring to Congress Ministries only, according to the well-known phrase of my friend, Mr. Sri Prakasa, that where Congress rules, patriotism rules : I took it in that light. Sir, it is a matter of regret that during the last three or four years the policy of the Government is undergoing a very regretfully retrograde change. And I ascribe this change to my friends here who stood in the way of keeping alive the civil disobedience movement. Sir, since they gave up the civil disobedience movement, the pressure upon the Government of India was gone, and today they are reverting to the old repression in another form. Sir, so long as the revolutionary spirit was abroad, so long as the pressure of the civil disobedience movement was there, the Government did not dare to revert to the policy of Europeanization. But no sooner these gentlemen came here in response to their persistent appeals to co-operate with the Administration, they have reverted to their old policy of " superior brains for Europeans and inferiority complex for Indians ". (Interruption.) So long as India remains as it is, there will be many Sir Ahmad Nawaz Khans here. (Interruption.)

May I remind the House that in the previous Assembly a Bill was introduced by Sir Hari Singh Gour for the reformation of the income-tax law. I was a Member of the Select Committee when the Finance Member promised us that the whole law and procedure of income-tax would be revised. It is over four years now and no comprehensive income-tax Bill has been introduced. The Honourable the Finance Member took advantage of the Enquiry Committee's Report in getting a piece of legislation which was advantageous to the Administration immediately and left other recommendations to bide their time. Now when he knows that one day he will have to fulfil that promise, he takes his stand by sending for a person about whom he says that he knows better the administration of income-tax law in England, as if that income-tax law in England cannot be read and studied by the Members of this House and a Select Committee of this House cannot frame their own laws in such a manner as are in the true interests of India. Why is it that every time an expert is to be imported from England ? Is it the case that Britain produces experts and nothing else ? Is that the reason ?

An Honourable Member : She produces coal and experts.

Sardar Sant Singh : And coal and experts are two very costly things. Will the Government of India kindly explain what is the time-limit when the experts will cease to arrive in India ? We will be satisfied if they give us some time-limit. My friend, Maulana Zafar Ali Khan, tells me, " after five thousand years ". Therefore, my submission is that these camouflages, these hypocrisies must cease. Let us face the facts clearly.

India has capable men to frame their own income-tax laws. It is no good telling us that we do not know what the laws of England are. Cannot we send one man to study the income-tax law administration in England and come back within six months to give us the best income-tax laws in this country? Why do you import a man for three years under a contract system? Where is the necessity? What is the justification? So, Sir, my submission is that the Government ought to be censured on this issue.

Dr. P. N. Banerjee (Calcutta Suburbs : Non-Muhammadan Urban) : The appointment should be cancelled.

Sardar Sant Singh : That should be the logical consequence of this motion if we carry it. Therefore, I support this motion.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Mr. President, the moving of a motion of censure is not an ordinary business of the House. As we all know, it is an extraordinary method which is meant for extraordinary occasions. It is a weapon which should be used on very serious occasions and even then sparingly. Sir, the idea of censuring the Government is to bring pressure upon the Government and to make them yield to the wishes of the House. But, if extraordinary weapons are to be used every day, if unusual procedure is to be practised on every ha'penny and tupenny matter, then I submit that the whole effect and the whole force of the motion of adjournment goes away altogether. If we move a motion of adjournment every day on the appointment of every Englishman in India, then I do not think there can ever be an end to these motions of adjournment.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Division : Muhammadan Rural) : Sir, I rise on a point of order. This question has been set at rest by the ruling of the President today that the matter is urgent and my Honourable friend has no right to dispute that point.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has no intention to question the ruling of the Chair. But I think he ought now to address himself to the motion before the House.

Sir Muhammad Yakub : I never said, Sir, that the motion was not in order nor did I say that a motion like this could not have been moved. What I say is that if we take recourse to unusual practices which are meant for extraordinary occasions, then the effect which we desire to make upon the Government will be lessened and will ultimately become almost nil.

My friend, Mr. Sham Lal, who has moved the motion only said that this gentleman ought not to have been appointed as the Chief Commissioner of Income-tax because he is not an Indian and that many Indians who are capable to do the job are available. I assure you that I am as keen for the appointment of Indians on high posts in India as my Honourable friends on the Congress Benches are. I also admit that we Indians are capable of administering the provinces and of holding high posts. A reference has been made that the Indians are now ruling in the eleven provinces of India. In the opinion of my Honourable friend, Sardar Sant Singh, only those persons are Indians who belong to the Congress and so he would only mention the provinces where the Congress is ruling and not the other provinces. If this is going to happen in India, then I can assure my Honourable friends on the other side that the import of

[Sir Muhammad Yakub.]

Englishmen in India will never stop in spite of any number of motions of adjournment. My friend, Mr. Sham Lal, has not made out any case, whatsoever, to prove that this appointment was not necessary or that this appointment ought not to have been made. I admit that there are persons in India who can hold the post of a Prime Minister. I hold that there are persons in India who even today are holding the highest positions in the country with great credit. But ordinary administrative capacity and ability is quite different from the work of an expert. We know that not only in India but also in England, and in other countries in Europe, when some Sovereign falls ill, they do not content themselves with the physicians in their own country. It is a very well-known fact that England has got doctors and the physicians of the best quality and yet when there is a serious case, they import doctors from other countries like Germany, America and so on. (Interruptions.) If this is your mentality and if you want to treat an Indian like an Englishman, then I can assure you again that the import of Englishmen in India will never stop.

Mr. President, so far as I can see, there is no question of racial discrimination involved in this case. Mr. Chambers has not been employed to hold this post, only because he is an Englishman or because they wanted to give this appointment to an Englishman, as they sometimes do. They could find many European Income-tax officers in India who could have been appointed to this post. It is not only that some Indians have been superseded but it is also a fact that many European Income-tax officers were not given this post. This clearly shows that the appointment was not made only in the interests of a European but it was made mainly on the ground of the man being an expert. (A voice : "How do you know ?") I have been asked how do I know ? I think that this question ought to be left to the discretion of the man who is the appointing authority, the man who knows the ins and outs of the case, and who is the best judge to know which man will be most suitable to carry on certain work. It has been admitted by everybody in this House that not only the law of income-tax but also the working and the machinery of income-tax in India requires a complete overhauling. It was for this reason that an income-tax inquiry, on an extensive scale, was conducted in India. Now, the report of this Committee is before the Government and they want to give effect to the recommendations of that Committee. But in order to start a new chapter and in order to give effect to the recommendations of that Committee, they want an expert to give effect to those recommendations. A question was asked by certain Honourable Members, on my right, as to why only this recommendation has been given effect to and not others. The answer is obvious. In order to give effect to other recommendations you want an expert and until you appoint an expert, you cannot give effect to the recommendations of the Committee. I was just saying that the whole machinery of the law of income-tax, in this country, requires overhauling. It has also been admitted that India is not capable of any fresh taxation. The last straw has been laid on the camel's back. We also know that there is a good deal of evasion in the realisation of income-tax. It is only by introducing efficient methods relating to income-tax that we can raise the income of India in order to provide for the nation building departments. If in order to improve the machinery of a remunerative department so as to yield income to India, an expert was

appointed definitely for a period of three or five years, I do not think we can say that it is racial discrimination or it is a question of policy or that Europeanisation is being carried on. Certainly if Europeanisation were carried on as a general rule, I will be the first to raise my voice of protest against it. My Honourable friend—probably it was the Mover of the Motion—said that thousands are dying of hunger in India. I also admit that not only thousands but millions and even multi-millions are dying of hunger and starvation. I have as much sympathy with them as my Honourable friend, the Mover. But will he kindly tell me if any of these hunger stricken people will be appointed to the post of the Chief Income-tax officer if Mr. Chambers was not brought in from England? How will any starving Indian be benefited if this appointment had not gone to an Englishman. There are certain catch phrases which are always used in order to capture the masses. But when we are talking on serious matters, these catch phrases, which are fit only for public platforms, are no good and they should not be used in this House.

My Honourable friend, Mr. Zafar Ali Khan, said that the House ought to have been consulted on this question. I submit, Sir, this is a novel suggestion. If all the appointments in this country were to be held up for the consultation of the Legislature, then I do not think the machinery of Government could be worked for a single day. There is no country in the world where the legislature is consulted on individual appointments. I, therefore, submit that there is no racial discrimination in this appointment, there is no question of this gentleman superseding Indians. It is the question of an appointment of an expert for an urgent work, the extreme necessity of which is not denied by anybody. All the Honourable Members who have spoken from the other side have not yet mentioned any single Indian or European in India qualified for this post. It is all very well to say, "you can find hundreds of men to carry on this job and that job". When Honourable Members challenge a definite appointment, it is for them to point out a single Indian who will do this work. As I have already said there are Indians who can become Prime Ministers, there are Indians who can hold high executive and judicial posts, but for technical appointments, it has always been admitted, even by Mr. Gandhi, on several occasions, that we should not turn out any man on account of his being a European. Mr. Gandhi has said that if experts are needed, we will always utilise the services of Englishmen, Americans, Germans, in fact any man belonging to any nationality. Sir, with these words, I oppose the motion.

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural) : Mr. President, my Honourable friend, Sir James Grigg, reminded the House that he did not intend to speak in any provocative spirit, but not also at the same time in a spirit of penitence. It would be refreshing any time in life to find my Honourable friend being in any other mood of penitence at all, for he recognises no mistakes and I think of him it may well be said 'Mussolini cannot make any mistakes'. For his only justification was this. "I told you I have made no mistakes, but if I made any, I am not going to admit it and therefore you must not pass a vote of censure upon me." For let us examine the facts. He has told us that the gentleman—Mr. Chambers—has a short experience; then came the cryptic phrase which I do not know whether it made him more fit or less fit, he has a short but intensive experience.

[Mr. Bhulabhai J. Desai.]

I know, Sir, of intensive cultivation, but I have not yet known of intensive education of the type that my Honourable friend has in mind. But the other fact he did not deny namely that this gentleman was in receipt of a salary of £400 per annum, that is about Rs. 5,300. He is going to get only seven times, that is Rs. 35,000 per annum. What a colossal sacrifice this gentleman is making in coming over to India? (Hear, hear.) Why not my Honourable friends in this House get up and admire the great sacrifice of this gentleman. The truth of the matter is that he was not in a spirit of penitence. That is also why he was not in a spirit of provocation. How good he is. First, he cannot justify the mistake and secondly he cannot admit it. But let us examine this matter a little further. In all things which were regarded as experts at one time, I should like to know how the British people themselves have created these experts. I believe that if we should always get up and justify in this House the process of administration that is being carried on by them in this country, I am afraid we will never be able to create anything at all. That is precisely the very object from beginning to end. If the Britishers during the course of their time by means of their income-tax laws, by means of their administration, by means of discovering their blunders, if they have created this great genius of a Chambers during the last fifty years or a little less perhaps during which time income-tax laws have been administered in this country, I at least was hoping that we would create not merely Chambers, but I hoped Griggs, because I am not thinking of these small petty offices, I was thinking of something better. Indeed when I cast my eyes on the progress that Indians have made in situations where these fetters, these discretions and these choices do not exist, I wish to remind them that when I began at the Bar, there were 20 leading European Members, but at the end of thirty years, I am glad to be able to inform my Honourable friend that none of them now seeks to get any work, at all events in the Bombay High Court and I am told the same thing has happened in all other Courts. That is so far as experts at law are concerned. I may also inform him that, in so far as I was just looking at the list of Acts and the amendments that have been made during his regime—many a case which has been decided by the Privy Council argued by Indian experts showed up how much they understood the income-tax law and the way in which they pass their Bills and their amending Bills here.

Let us not, therefore, talk now in terms of unreality, whatever my
5 P.M. friends who still have that inferiority complex may
imagine, whether in the realm of law, whether in the
realm of medicine, whether in the realm of applied sciences or whether in the realm of engineering. My friends who sit behind them and applaud what their front benchers say, or at least some of them might have a little more examination of themselves and see what expert knowledge they have evolved as a result of giving opportunities to their men. Of course, if they deny that there is any potentiality in Indian genius, they will vote against this motion but at the same time they might recognise that they may doom themselves for ever. It is a vicious circle into which we do not wish to fall. You will not give us an opportunity and therefore we cannot learn; and because we cannot learn, therefore we cannot get any

opportunity. If this is the kind of thing that is going to happen I am not going to lend my support ; and that is precisely what the Englishman is here to do. He constantly reminds you of your inefficiency but he never allows you to acquire efficiency. So that in that vicious circle he wishes to let you remain ; and to those who believe that that is a good circle and a virtuous circle, that they wish to remain and condemn themselves always as inferiors, who do not believe in their potentiality but always will continue to serve their masters,—to them I make a present of the support of this motion. Because, you must recognise that if we are going to progress on the lines of self-government, the only way to progress is a trust in the potentiality of Indian experience, of Indian knowledge and Indian genius. They were saying a short while ago, “ what is the good of giving you self-government ? You cannot govern.”. They were in fact hoping that the elections would fail ; they were also hoping about the ministries,—it is rather difficult to describe their state of mind, they hoped and feared both,—they were hoping that these fellows would not take up ministerships ; and they were afraid that they would not take up ministerships. And if they did take them up, they say : “ We are willing to conduct ourselves, we are willing servants, co-operators and regenerators ”. If that is what they really mean, one thing that I ask the attention of the House to is this, that it is not merely a question of assertion in the matter of words ; it is time that we began to realise that it is only by suppressing us or making us believe in our inferiority and accepting that inferiority, as some of us do, that you have remained where you are. They have evolved income-tax laws and income-tax administration. What happened in 50 years time, I have asked the same question when it concerned the railways ; I have asked the same question when other branches of administration are concerned ; and the only answer is that because you allowed them to boss you they will continue to boss you. And now it is time you began to recognise that you can do the job as well as they can. This “ white man’s burden ” is a thing which it is time were stopped. Who asked these gentlemen to come here and sweat in this country in order that they may draw their petty salaries and their small pension ? I wish any of those gentlemen who has any resignation in his pocket may forward it to my house. (Laughter.) Let them not talk, therefore, of this “ white man’s burden ”, this superiority and this greatness and this expert knowledge to be found among them. But I know it is good to complain, it is nice to complain. After all, you must explain away what you take away. And therefore he says, “ But am I not suffering in your cause ? Am I not conferring blessings on your country : Am I not getting all your income-tax money ? ” As if there was any relation between the growing of the income-tax and this great Mr. Chambers. This sort of padding speech is what I am accustomed to at the Bar, but I thought my friend knew a little better. He first began with a large subject, this income-tax, the Niemeyer report, money must grow, and therefore,—a logic which does not appeal to me,—Mr. Chambers must come. I hope they have a little more respect for their own intelligence, if not for ours. (Laughter.) This kind of justification which has been put forward by Sir Muhammad Yakub makes me somewhat humiliated and ashamed. I understand Sir James Grigg but it is impossible to understand pious words not backed by action. It is very easy to say,

[Mr. Bhulabhai J. Desai.]

"If it is a question of European against Indian I am with you, but if it is a question of this European as against another Indian, I am not with you. I should like to understand this logic ; I have tried to understand the logic that has been put forward.....

Sir Muhammad Yakub : With the bias that you have you can never see my point or the point of any other Mussalman.

Mr. Bhulabhai J. Desai : Sir, the question before the House is to attempt to answer, and I must answer to the best of my ability, those who have supported Government in this matter, and if my Honourable friend is rather unhappy about it, I am very sorry. But I can only take him at his word. He says, "Oh, but I am always for Indians against Europeans". Then, is this Mr. Chambers an Indian ? I thought he made a mistake ; He must have thought so because what comes about experts ? Every day you can use that expression, from handwriting experts to the experts who sit on the other side, who generally sweat, who are bereft of their families and serve under great difficulties. But really it is time that they ceased to confer their great blessings and their great labours and confer less of their privations upon us. We have asked them to do so, but they insist on foisting on you their services on very impoverished and difficult rates. (Laughter.) That is what we do not want. The short point before the House is this. I see now from the trend of the experts who are imported in anticipation of the Federation, which may still not yet come, that whatever we have done in the provinces, it is time that we began to strengthen the European element in the services in the Centre. For whenever I have met an Indian who was in one or other Department of the Central Government, and I say, "Where are you going from your leave" he says, "C. P.". Another man, "I am going to Bombay." I begin to scratch my head ; and I may tell my Honourable friend that I am not one of those, nor are these others who ever draw upon the despicable disloyalty of others. But I daresay you know men. I daresay they tell you what is happening in the Government of India. It is no secret that a man who was here either as Under-Secretary or as something else is sent somewhere else ; it is no secret as to where he is going to be posted : it is no secret how many of them are asked to go on a little leave which they need for a little overwork. Each expert from abroad only adds one item to the pack of sardines which you are importing, and each and each and each makes them all ; and it is that pack of sardines against which we must protest. Whatever threats may be held out to Government servants they may be well deserved and they are part of the Official Secrets Act under which they are bound to maintain secrets. He and I both desire that they should be kept ; but that does not mean that when people come out from foreign countries there is only one source of information.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member's time is up.

Mr. Bhulabhai J. Desai : I, therefore, say that we must set our face against exploitation of this kind of which you have, according to my

humble submission, a bare-faced instance, when a man earning Rs. 400 in his own country is being brought here on Rs. 3,000.

Mr. M. S. Aney (Berar : Non-Muhammadan) : Sir, my friend, Mr. Sham Lal, has really done a service in tabling this motion of adjournment today. I heard my esteemed friend on the left, an *ex-President* of this House, giving a long dissertation on the philosophy of adjournment motions. He told us that such motions should be only reserved for extraordinary occasions and for extraordinary subjects and so on. My great difficulty was to understand his definition of extraordinary subjects and extraordinary occasions. In fact to me his speech was extraordinary, and something unexpected from one who ought to have, by this time, acquired such great experience of the procedure and working of this House. He has been in this House for a long time and occupied also a responsible position in this House as President of this House. I believe a denial, a complete denial of the right of the son of the soil for an important position like this, is a subject on which this House ought not to allow the conclusions of the Government go unchallenged. What does the present appointment mean ? It means—and the Honourable the Finance Member has told us in so many words, that no Indian could be discovered who was sufficiently qualified, according to him, to occupy this important job ; and, therefore, the services of a foreign expert are requisitioned by him. Can there be anything more insulting than that ? In the first place, I do not know why foreign experts are needed at all for overhauling our system and re-organising our own system. It may be that the income-tax system in England may be good. It may be that it has been working satisfactorily there but, after all, we have to make laws for the Indian people ; we have to prepare the machinery that has to be worked among the Indian people, and, therefore, any expert who has not had any experience whatsoever of Indian conditions cannot be expected to do his work simply on the knowledge of the working of the English Income-tax Act and the habits of the English people. You have to create laws that have to be worked out and carried out here in this country ; and, therefore, an intimate knowledge of the conditions of the Indian people, their economic position and the relation of various classes, the capacity of various classes to bear the burden could be had by one who had been working in India, and who had got experience of the work in this country. An expert from foreign countries is supposed to get all this knowledge when it is offered ready-made to him, by those who have been working in this country, because who will supply him with the data ? The data will have to be prepared by those who are here and the expert will be there only to draw certain inferences in the light of such knowledge that he may have brought with him from the foreign country ; but the real data which have to be worked up and which have to be interpreted and on the basis of which some machinery has to be set up will have to be supplied by us. No man will be able to understand the significance of the data placed before him if he has got with him no experience of Indian conditions themselves. Therefore, this whole theory of importing experts in matters which are all more or less of an administrative nature is in my opinion nothing but a subterfuge to import foreigners to boss over the heads of those who are in this country. Enough with this theory of experts in my opinion. The experience of experts whom we have got here and to whom we pay Rs. 6,000 a month and more, is not very encouraging in my opinion. Those experts have failed to

[Mr. M. S. Aney.]

understand Indian conditions, have failed to understand Indian aspirations, failed to understand and interpret the Indian people's ambitions in future. If after getting Rs. 6,000 a month and remaining in this country for three or four years, continuously, we have found these experts to be entirely useless and their costly advice fit only to be thrown into the waste-paper basket, what anticipation of a bright future can we have by experts who are to be imported tomorrow on a pay much smaller than that amount ? The very fact that the British Government has been in existence in this country for over one hundred years and in no department it has been possible for them to train Indians to become experts who can come up to their level, that indicates the incapacity of these people to deal with Indian questions : and are we going to tolerate this sort of thing now or hereafter ? If not what is the way of dealing with it ? Helpless as we are for the present in the Central Legislature, the only way by which we can record our protest against this high-handed way of imposing on our heads foreigners who are not wanted here at all, is by recording our protest in the form of an adjournment motion. We have to pass such a motion of censure and we can do nothing else. I say we are out here to do away with the last Englishman from the services in this country simply because he is no longer wanted here. That is our contention : that is our struggle, that is the meaning of the struggle which the country is carrying on ; and the reply the Government want to give at a time when they think that they should show a more conciliatory attitude and when they are trying to be considerate in order to create an atmosphere in which this big experiment has to be worked satisfactorily, the reply they want to give is : " No ; we do not understand you : we want some more foreigners to be brought out and we want to perpetuate the old regime or make an attempt to perpetuate it as far as possible." In my opinion the Honourable the Leader of the Opposition was perfectly right when he observed that an attempt is being made to pack in the Central Government as much as possible the foreign element before the so-called federal structure will come into existence. In the provinces you are ruling things for yourselves ; but in the Centre they are making it difficult for you to carry on the work. It is, therefore, necessary that every Indian Member should be alert and vote for a motion which is intended to register a protest against any more importing of foreigners in the name of experts in this country. I, therefore, strongly support the motion of adjournment moved by my friend, Mr. Sham Lal.

Several Honourable Members : The question may now be put.

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

" That the question be now put."

The motion was adopted.

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

" That the Assembly do now adjourn."

The Assembly divided :

AYES—59.

Abdul Ghani, Maulvi Muhammad.
 Abdul Qayyum, Mr.
 Abdullah, Mr. H. M.
 Abdur Rasheed Chaudhury, Maulvi.
 Aney, Mr. M. S.
 Asaf Ali, Mr. M.
 Ayyangar, Mr. M. Ananthasayauam.
 Azhar Ali, Mr. Muhammad.
 Banerjee, Dr. P. N.
 Bhagavan Das, Dr.
 Chaliha, Mr. Kuladhar.
 Chaudhury, Mr. Brojendra Narayan.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Datta, Mr. Akhil Chandra.
 Desai, Mr. Bhulabhai J.
 Deshmukh, Dr. G. V.
 Deshmukh, Mr. G. V.
 Essak Sait, Mr. H. A. Sathar II.
 Gadgil, Mr. N. V.
 Ghiasuddin, Mr. M.
 Ghulam Bhik Nairang, Syed.
 Govind Das, Seth.
 Gupta, Mr. K. S.
 Hans Raj, Raizada.
 Hosmani, Mr. S. K.
 Jedhe, Mr. K. M.
 Jogendra Singh, Sirdar.
 Joseph, Mr. George.
 Kailash Behari Lal, Babu.

Lalchand Navalrai, Mr.
 Maitra, Pandit Lakshmi Kanta.
 Mulaviya, Pandit Krishna Kant.
 Mangal Singh, Sardar.
 Misra, Pandit Shambhu Dayal.
 Mudaliar, Mr. C. N. Muthuranga.
 Muhammad Ahmad Kazmi, Qazi.
 Murtuza, Sahib Bahadur, Maulvi Syed.
 Paliwal, Pandit Sri Krishna Dutta.
 Pande, Mr. Badri Dutt.
 Parma Nand, Bhai.
 Raghubir Narayan Singh, Choudhri.
 Ranga, Prof. N. G.
 Rao, Mr. Thirumala.
 Saksena, Mr. Mohan Lal.
 Sant Singh, Sardar.
 Santhanam, Mr. K.
 Satyamurti, Mr. S.
 Sham Lal, Mr.
 Shaikat Ali, Maulana.
 Siddique Ali Khan, Khan Sahib Nawab.
 Sikandar Ali Choudhury, Maulvi.
 Singh, Mr. Gauri Shankar.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Satya Narayan.
 Som, Mr. Suryya Kumar.
 Sri Prakasa, Mr.
 Varma, Mr. B. B.
 Zafar Ali Khan, Maulana.

NOES—46.

Abdul Hamid, Khan Bahadur Sir.
 Ahmad Nawaz Khan, Major Nawab Sir.
 Aikman, Mr. A.
 Asghar Ali, Sheikh.
 Bajpai, Sir Girja Shankar.
 Boyle, Mr. J. D.
 Russ, Mr. L. C.
 Chanda, Mr. A. K.
 Chapman-Mortimer, Mr. T.
 Dalal, Dr. R. D.
 Dalpat Singh, Sardar Bahadur Captain.
 Fazl-i-Haq Piracha, Khan Bahadur
 Shaikh.
 Fazl-i-Ilahi, Khan Sahib Shaikh.
 Ghulam Muhammad, Mr.
 Gidney, Mr. C. W. A.
 Grigg, The Honourable Sir James.
 Hudson, Sir Leslie.
 Jawahar Singh, Sardar Bahadur Sardar
 Sir.
 Kamaluddin Ahmed, Shams-ul-Ulema.
 Kushalpal Singh, Raja Bahadur.
 Lloyd, Mr. A. H.
 Mackeown, Mr. J. A.
 Manavedan Raja, Rao Bahadur K. C.
 Mani, Mr. R. S.

Mehr Shah, Nawab Sahibzada Sir Sayad
 Muhammad.
 Mehta, Mr. S. L.
 Mudie, Mr. R. F.
 Nagarkar, Mr. C. B.
 Nayudu, Diwan Bahadur B. V. Sri Hari
 Rao.
 Ogilvie, Mr. C. M. G.
 Parsons, Lieut.-Colonel A. E. B.
 Parsell, Mr. R. S.
 Rahman, Lieut.-Colonel M. A.
 Roy, Mr. S. N.
 Scott, Mr. J. Ramsay.
 Sher Muhammad Khan, Captain Sardar
 Sir.
 Slade, Mr. M.
 Spence, Mr. G. H.
 Staig, Mr. B. M.
 Stewart, The Honourable Sir Thomas.
 Sukthankar, Mr. Y. N.
 Sultan Ahmad, The Honourable Sir
 Faiyid.
 Thorne, Mr. J. A.
 Tilden-Patterson, Mr. A. E.
 Yakub, Sir Muhammad.
 Ziauddin Ahmad, Dr.

The motion was adopted.

The Honourable Sir James Grigg (Finance Member) : It will be necessary, Sir, for the House to proceed tomorrow with the unfinished
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[Sir James Grigg.]

items of business on the current list. Assuming that by the time the House rises tomorrow, all items, up to and including the Resolution on the Railway Depreciation Fund has been disposed of, Government do not wish to ask for further meetings with a view to the disposal of other outstanding items ; but if, Sir, the House wishes to insist on continuing the debate on the Wedgewood Resolution, it will be necessary for us to request you to direct a meeting to be held on Friday for the purpose of completing the remaining official business and the debate on that Resolution.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : May I know, Sir, if private Bills will be taken up ?

The Honourable Sir James Grigg : Those, I think, will come at the end of the category I have described as ' other outstanding items '.

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : I do not want to anticipate your ruling on the point of order raised. In case the discussion on the Bill is not finished tomorrow, what is the intention of the Government ? Can the House adjourn tomorrow, because we have a long list of amendments to this Bill, and I am asking this for our convenience ?

The Honourable Sir James Grigg : My suggestion is that if we can finish and get down as far as the Railway Depreciation Resolution tomorrow, then as far as the Government are concerned, they will not wish to ask you to direct another day's sitting, but if we don't finish it, then automatically we will have to ask you to hold a meeting till the official business is finished.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 7th October, 1937.