

5th October 1937

THE LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume VII, 1937

(30th September to 7th October, 1937)

SIXTH SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY, 1937



PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI.
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, SIMLA,
1938.

L453LAD

X

Legislative Assembly.

President :

THE HONOURABLE SIR ABDUR RAHIM, K.C.S.I.

Deputy President :

MR. AKHIL CHANDRA DATTA, M.L.A.

Panel of Chairmen :

SIR MUHAMMAD YAKUB, M.L.A.

MR. S. SATYAMURTI, M.L.A.

SIR LESLIE HUDSON, M.L.A.

SIR COWASJI JEANGIR, BART., K.C.I.E., O.B.E., M.L.A.

Secretary :

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

Assistants of the Secretary :

MR. M. N. KAUL, BAR.-AT-LAW.

RAI BAHADUR D. DUTT.

Marshal :

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

Committee on Petitions :

MR. AKHIL CHANDRA DATTA, M.L.A., *Chairman.*

SIR LESLIE HUDSON, M.L.A.

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

MR. M. GHIAUDDIN, M.L.A.

MR. MATHURADAS VISSANJI, M.L.A.

CONTENTS.

VOLUME VII.—30th September to 7th October, 1937.

PAGES.	PAGES.
<p>THURSDAY, 30TH SEPTEMBER, 1937,—</p> <p>Starred Questions and Answers 2721—47</p> <p>Motion for Adjournment <i>re</i> Trade Agreement with Great Britain—Ruled out of order 2747—52</p> <p>Message from the Council of State 2752</p> <p>The Insurance Bill—Discussion of the consideration of clauses not concluded 2752—94</p> <p>FRIDAY, 1ST OCTOBER, 1937,—</p> <p>Starred Questions and Answers 2795—2832</p> <p>Postponed Question and Answer 2832—33</p> <p>Unstarred Question and Answer 2833</p> <p>Statement laid on the Table <i>re</i> certain Draft Conventions and Recommendations of the International Labour Conference 2833—59</p> <p>Agreement between the Reserve Bank of India and the Governor of Bengal (laid on the table). 2859—63</p> <p>The Insurance Bill—Discussion on the consideration of clauses concluded 2863—2912</p> <p>SATURDAY, 2ND OCTOBER, 1937,—</p> <p>Starred Questions and Answers 2913—23</p> <p>Unstarred Questions and Answers 2923—26</p>	<p>SATURDAY, 2ND OCTOBER, 1937,—<i>contd.</i></p> <p>Statements laid on the Table 2926—29</p> <p>The Indian Companies (Amendment) Bill—Presentation of the Report of the Select Committee 2929</p> <p>The Indian Tariff (Second Amendment) Bill—Passed 2929—33</p> <p>The Indian Securities (Amendment) Bill—Passed 2933—40</p> <p>The Insurance Bill—Passed as amended 2940—87</p> <p>TUESDAY, 5TH OCTOBER, 1937,—</p> <p>Member Sworn 2989</p> <p>Starred Questions and Answers 2989—3018</p> <p>Short Notice Questions and Answers 3018—20</p> <p>Statements laid on the Table 3020—38</p> <p>Motion for Adjournment <i>re</i> Arrest of the Grand Mufti and other Arab leaders in Palestine—Disallowed by the Governor General 3038</p> <p>The Prevention of Cruelty to Animals (Amendment) Bill—Introduced 3039</p> <p>The Indian Mines (Amendment) Bill—Passed as amended 3039—65</p> <p>The Patna University (Amendment) Bill—Discussion postponed 3065—76</p>

	PAGES.
TUESDAY, 5TH OCTOBER, 1937,— <i>contd.</i>	
The Manœuvres Field Firing and Artillery Practice Bill—Discussion on the motion to consider not concluded	3076—79
WEDNESDAY, 6TH OCTOBER, 1937,—	
Starred Questions and An- swers	3081—3116
Unstarred Questions and Answers	3116—18
Motion for Adjournment <i>re</i> Appointment of Mr. S. P. Chambers from England as Chief Commissioner of Income-tax—Adopted	3118—19, 3152—69.
Message from the Council of State	3119
The Control of Coastal Traffic of India Bill—Re- appointment of Mr. M. Slade to the Select Com- mittee	3119
The Indian Tea Control Bill—Introduced	3120
The Patna University (Am- endment) Bill—motion to consider withdrawn	3120
The Manœuvres Field Firing and Artillery Practice Bill—Discussion on the motion to consider not concluded	3120—52
THURSDAY, 7TH OCTOBER, 1937,—	
Starred Questions and An- swers	3171—80
Unstarred Questions and Answers	3180—81

	PAGES.
THURSDAY, 7TH OCTOBER, 1937,— <i>contd.</i>	
Statements laid on the Table	3181—91
Motion for Adjournment <i>re</i> appointment of a non- Indian as Economic Ad- viser to the Government of India	3191 3243—59
Agreement between the Reserve Bank of India and the Government of Bombay (laid on the table)	3191—97
The Manœuvres Field Fring and Artillery Practice Bill—Motion to consider adopted	3197—3204
The Workmen's Compensa- tion (Amendment) Bill —Referred to Select Com- mittee	3204—11
The Import of Drugs Bill— Referred to Select Com- mittee	3211—14
The Indian Patents and Designs (Amendment) Bill—Circulated	3214—15
Resolution <i>re</i> Payment of contributions from Rail- way revenues to General revenues—Adopted	3215—27
Demands for Excess Grants for 1935-36	3227—38
The Durgah Khawaja Saheb (Amendment) Bill—Dis- cussion on the considera- tion of clauses not con- cluded	3238—43

LEGISLATIVE ASSEMBLY.

Tuesday, 5th October, 1937.

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

MEMBER SWORN.

Mr. Mead Slade, M.L.A. (Government of India : Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

MARKS FOR *Viva Voce* IN THE INDIAN CIVIL SERVICE EXAMINATION.

998. *Pandit Sri Krishna Dutta Paliwal : Will the Honourable the Home Member state :

- (a) if it is a fact that the marks for *viva voce* for the Indian Civil Service competitive examination have been increased from 200 to 300 ;
- (b) when this change was introduced ;
- (c) whether any confidential instructions are issued to the *viva voce* examiners to allot to candidates marks on account of their family position or religious faith ;
- (d) if any method is prescribed for the assessing of marks at the *viva voce* examination ;
- (e) if the quality of answers and not the fluency of expression only is taken into consideration at such an examination ;
- (f) what the exact position in order of merit would be of the first five candidates selected in India at the 1937 examination, leaving the *viva voce* marks out of consideration ;
- (g) if it is a fact that one selected candidate got only ten marks out of 150 in Essay but was given 280 marks in *viva voce* ;
- (h) if it is a fact that while formerly it was announced that only three candidates should be selected, actually five were taken ; if so, why this increase was made ;

- (i) how many nominations were made over and above the number taken on account of their success in competition ; and
- (j) if Government are prepared to reconsider their rules regarding the *viva voce* examination and the desirability of either abolishing it or reducing the marks assigned to it, or having some elected members of the Central Legislature on the Board of Examiners for *viva voce* ?

Mr. R. F. Mudie : (a) Yes.

(b) With effect from the last Delhi examination.

(c) and (d). No.

(e) Yes.

(f) 13th, 2nd, 1st, 12th and 36th.

(g) Yes.

(h) Yes. It is the accepted policy of the Government of India and of the Secretary of State to make Delhi the main channel of Indian recruitment. The entry for the last Delhi examination was increased by 96 as compared with the previous year. The Secretary of State therefore decided to allot two more vacancies.

(i) Seven Muslims were nominated.

(j) The recruitment rules for the Indian Civil Service are made by the Secretary of State. Government do not consider that reason exists for recommending a change in the rules.

Mr. Sri Prakasa : With reference to the Honourable Member's reply to part (g) of the question, is it not strange that a person should receive only ten marks in English essay out of 150, and 280 marks in English *viva voce* out of 300 ?

Mr. R. F. Mudie : That seems to be a matter of opinion.

Mr. S. Satyamurti : With reference to the answer to clause (h) of the question, may I know how and when the decision was taken to select five instead of three, and whether that decision was announced in time for the candidates who appeared for the examination ?

Mr. R. F. Mudie : If my Honourable friend attaches any importance to the exact date, I should have to ask for notice.

Mr. S. Satyamurti : May I know whether the announcement was made before the candidates actually sat for the examination ?

Mr. R. F. Mudie : That is a question of which I should like to ask for notice.

Mr. Mohan Lal Saksena : With reference to part (a) of the question, may I know when these marks were increased from 200 to 300 ?

Mr. R. F. Mudie : I am answering that in the next question.

GIVING OF POWERS AND RESPONSIBILITIES TO BAZAAR COMMITTEES IN CANTONMENTS.

999. ***Mr. S. Satyamurti** : Will the Defence Secretary be pleased to state :

- (a) whether it is a fact that at the time when the Cantonments Amending Bill was before the Legislature, Government gave solemn assurances that real powers and responsibilities will be given to the Statutory Bazaar Committees which were created to administer civil areas in the Cantonments ;
- (b) whether Government are implementing the agreement and if so what powers and responsibilities have been transferred to these Statutory Committees ;
- (c) whether it is a fact that in the Lahore Cantonment regulations framed under section 44 of the Act have been amended to the effect that the decisions of the Bazaar Committees will have to be placed before Cantonment Boards for confirmation, and if so, the reasons why ;
- (d) whether Government have taken any steps to implement the statement of the Defence Secretary at the time this Bill was before the Legislature, viz., " They are going to remove their Military Estates Officers entirely from Bazaars and they are going to hand over their rights in lands in bazaars to Cantonment Boards to do what they like and when I say Cantonment Boards, I mean naturally the Bazaar Committees of those Boards if as I hope those Committees function successfully " ; and
- (e) whether Government propose to vest in the Bazaar Committees the administration of bazaar areas really as also the rights of Government in lands in those areas, and if not, why not ?

Mr. C. M. G. Ogilvie : (a), (b), (d) and (e). I refer the Honourable Member to the reply I gave to parts (a) to (d) of starred question No. 522 asked by Seth Govind Das on the 14th September, and to Defence Department letter No. 654-R.D.-4, dated the 6th September, 1937, a copy of which has been laid on the table.

(c) Yes. The reasons are given in the Defence Department letter I have already quoted.

Mr. S. Satyamurti : With reference to the answer to clause (c) of the question, may I know why the decisions of the Bazaar Committees have to be placed before the Cantonment Board for confirmation ?

Mr. C. M. G. Ogilvie : The reasons are given in the Defence Department letter I have already quoted.

Mr. S. Satyamurti : May I know, with reference to the answer to clause (d) of the question, whether there are any cantonments now in which the rights in lands in bazaars have been handed over to those bazaars committees ?

Mr. C. M. G. Ogilvie : I am not prepared to state the stage up to which the delegation of powers has been reached but I imagine that in response to the letter I have already quoted it will have been done.

Mr. Sham Lal : May I know whether the Lahore Cantonment Bazaar Committee has commenced functioning ?

Mr. C. M. G. Ogilvie : I have no information.

Mr. S. Satyamurti : No. 1,000. I do not ask (b) and (c), as these have been answered ; I ask the other parts.

MARKS FOR *Viva Voce* IN THE INDIAN CIVIL SERVICE EXAMINATION.

1000. ***Mr. S. Satyamurti :** Will the Honourable the Home Member be pleased to state :

- (a) the reasons which led to the increase of maximum marks from 200 to 300 for *viva voce* examination of the Indian Civil Service competitive examination held in India ;
- (b) * * * * *
- (c) * * * * *
- (d) the method by which marks are assessed at the *viva voce* examination ; and
- (e) the composition of Interview Committees and whether care is taken to see that these Interview Committees are absolutely above all prejudices, communal or territorial ?

Mr. R. F. Mudie : (a) Experience showed that maximum of 200 for the *viva voce* in a examination carrying a total maximum of 1,750 marks did not give sufficient advantage to candidates possessing in a superior degree the qualifications which the *viva voce* examination is intended to discover.

(d) No particular method is prescribed.

(e) The answer to the first part is that the Board has in the past usually consisted of two members of the Federal Public Service Commission assisted by a non-official. The reply to the second part is in the affirmative.

Mr. Mohan Lal Saksena : With reference to part (a) of the question, may I know how long the marks in *viva voce* were 200 ?

Mr. R. F. Mudie : I shall require notice of that.

Mr. Lalchand Navalrai : What is the maximum number of marks when the examination is held in England ?

Mr. R. F. Mudie : I believe the *viva voce* marks are 300.

Mr. S. Satyamurti : May I know whether, in raising the *viva voce* marks from 200 to 300, Government have taken into consideration the fact that the personal equation of the examiner and of the examinee plays a much larger part in the assessment of marks ?

Mr. R. F. Mudie : I think that must have been taken into consideration.

Mr. S. Satyamurti : Have Government taken any steps to see that this personal equation does not affect adversely the results of the candidates' written examination beyond the due extent ?

Mr. R. F. Mudie : I would refer the Honourable Member to the answer I have just given to part (e) of the question.

Dr. Ziauddin Ahmad : Is it not a fact that the personal equation is much greater in the written examination than in the oral ?

Mr. S. Satyamurti : That may be in Aligarh !

Mr. Sri Prakasa : In view of the fact that the I. C. S. man has as a general rule to do more writing than speaking, will Government consider the desirability of increasing proportionately the marks for essays also ?

Mr. R. F. Mudie : No, Sir.

Mr. S. Satyamurti : With reference to the latter part of the answer to clause (e), may I know what are the steps Government have taken to see that these interview committees are absolutely above all prejudices, communal or territorial ?

Mr. R. F. Mudie : I believe these committees are appointed by the Public Service Commission, not by the Government.

Seth Govind Das : Do Government not admit that the I. C. S. men have to do more writing than speaking ?

Mr. R. F. Mudie : So my friend Mr. Sri Prakasa has told us.

Seth Govind Das : Do Government admit that ?

Mr. R. F. Mudie : No.

BAN ON DR. HAR DAYAL AGAINST HIS RETURN TO INDIA.

1001. ***Mr. Sham Lal :** (a) Will the Honourable the Home Member be pleased to state whether he pointed out with regard to Dr. Har Dayal in the Council of State on 15th September, 1937, that Government would consider his case sympathetically if they were assured on good authority that Dr. Har Dayal had totally renounced the creed of violence and if he gave an undertaking that he would not participate in revolutionary communist activities ?

(b) Has the attention of Government been drawn to the statement of Sir Tej Bahadur Sapru, dated 17th September, 1937, with regard to Dr. Har Dayal published in the *Tribune*, dated 19th September, 1937 ?

(c) In view of that statement are Government satisfied that Dr. Har Dayal is no longer a revolutionary but a man of highest intellect and also highest character ?

(d) If there is any doubt, are Government prepared to make a reference to Sir Francis Younghusband and other eminent persons mentioned in the statement of Sir Tej Bahadur Sapru ?

(e) If Government are satisfied upon good authority that Dr. Har Dayal is no longer a revolutionary and that he is a man of high character, do Government propose to get an undertaking from a man like Dr. Har Dayal ?

(f) In view of the statement of Sir Tej Bahadur Sapru, are Government prepared to remove the ban on Dr. Har Dayal and place no hindrance in his way and allow him to come to his mother country and serve it ?

Mr. J. A. Thorne : (a) The Honourable the Home Member, in the speech to which the Honourable Member refers, stated that if Government were clearly satisfied on good authority that Mr. Har Dayal had entirely changed his attitude of mind and was no longer dangerous, there would be much more reason for considering opportunities which he has asked for to come to India.

(b) Yes.

(c) and (d). In view of the statements made by Sir Tej Bahadur Sapru the Government of India are making further enquiries as to the present attitude of Mr. Har Dayal.

(e) and (f). I cannot at present undertake to say what Government will do. That will depend on the result of the enquiries.

Mr. Sham Lal : Is it not a fact that the Honourable the Home Member also stated that if Sir Tej Bahadur Sapru is able to give an authoritative account of his mentality, then he may be able to.....

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

Mr. Sham Lal : He only stated that he is to be satisfied. What I am saying is that the Honourable the Home Member stated that if Sir Tej Bahadur Sapru testifies that he has changed his mentality, then he can help him.

Mr. J. A. Thorne : I am answering that question later.

Mr. S. Satyamurti : May I ask if the attention of the Government has been drawn to the following specific statement of Sir Tej Bahadur Sapru :

" Whatever he may have been in the past, I do not think he is a revolutionary any longer and I would strongly urge that whoever else may or may not be allowed to come back, no hindrance should be placed in his way " ?

Mr. J. A. Thorne : If that occurred in the statement which was referred to in part (b) of the question, the answer is yes.

Mr. S. Satyamurti : May I ask how Government are making these inquiries to which my Honourable friend referred in view of Sir Tej Bahadur's statement ? If so, are they making them by themselves or through Sir Tej Bahadur Sapru ?

Mr. J. A. Thorne : We are making inquiries both of Sir Tej Bahadur Sapru and of the India Office.

Mr. Mohan Lal Saksena : Is it not a fact that during his long stay in England Mr. Har Dayal has stated several times that he had ceased to be a revolutionary and that he believed in revolutionary methods ?

Mr. J. A. Thorne : I cannot say.

Bhai Parma Nand : May I ask if the Honourable Member knows that Lala Har Dayal has been in London for the last 10 years and that on his arrival in London he published the book " 40 years in Germany " in which he said that he has changed his views ?

Mr. J. A. Thorne : I do not know about the book, but I believe it is correct that this gentleman has been in England for 10 years or so.

Bhai Parma Nand : Is it not a fact that after his arrival in London he appeared for the Doctorate Degree of the London University and he passed it successfully ?

Mr. J. A. Thorne : I believe that is correct.

Bhai Parma Nand : If the Government are aware of the change of views on the part of Lala Har Dayal, may I ask why they are hesitating in letting him come back to India ?

Mr. J. A. Thorne : It is precisely with regard to the statement as to the change of his views that the Government are making further inquiries.

Seth Govind Das : Besides inquiring from Sir Tej Bahadur Sapru and from the India Office, may I ask what other inquiries are Government making in this respect and how will they be satisfied that he has changed his views ?

Mr. J. A. Thorne : We have asked the India Office to make all inquiries that they consider necessary and, in particular, to refer to Sir Francis Younghusband, who was mentioned in Sir Tej Bahadur's statement.

Seth Govind Das : Are the Government going to leave the whole thing to the India Office or are they going to take some initiative themselves ?

Mr. J. A. Thorne : The gentleman being in England, the Government necessarily must consult the India Office as to any change in his views which has been expressed.

Qazi Muhammad Ahmad Kazmi : Is it a fact that during his stay in London the activities of Mr. Har Dayal have been absolutely constitutional and that he had nothing to do with the revolutionary activities ?

Mr. J. A. Thorne : That is one of the points on which we want information.

Pandit Krishna Kant Malaviya : May I ask how is it that he is not regarded dangerous by the British Government but he is regarded dangerous by the Indian Government, which is subordinate to the British Government ?

Mr. J. A. Thorne : That, I suggest, is a matter of argument.

REMOVAL OF A TRI-COLOUR FLAG BY BRITISH SOLDIERS FROM A CAR AT BAREILLY STATION.

1002. ***Mr. Badri Dutt Pande :** (a) Does the Defence Secretary know that in Bareilly two British soldiers removed a tri-colour flag from the bonnet of a private car on the 15th September, 1937, at Bareilly station ?

(b) Has any investigation been made in the matter and have the alleged culprits been punished suitably ?

Mr. C. M. G. Ogilvie : (a) Yes.

(b) Yes, the soldiers in question were arrested and punished, and the owner of the car has accepted the full apology tendered.

Mr. Badri Dutt Pande : In view of the fact that several cases of discourtesy to the national flag have been pointed out in this House, is it the intention of the Honourable Member to issue orders that such things do not happen in the future ?

Mr. C. M. G. Ogilvie : This is the only case in which any offence of this character by soldiers has been proved.

Seth Govind Das : Are the Government not aware that in Delhi the same thing had happened and there were questions in this House and the Government had promised that they were going to make inquiries in the matter ?

Mr. C. M. G. Ogilvie : I am not aware of it.

Mr. G. V. Deshmukh : May I ask what is the Government's attitude towards the tri-colour flag ?

Mr. C. M. G. Ogilvie : I hardly think that Government's attitude to the tri-colour flag emerges from this question.

Mr. S. Satyamurti : What was the punishment meted out to these culprits ?

Mr. C. M. G. Ogilvie : I do not know.

Mr. S. Satyamurti : When the Government stated in the answer which they gave that they have been punished, was it based on any communication from the Commanding Officer ?

Mr. C. M. G. Ogilvie : Yes.

Mr. S. Satyamurti : May I ask whether that statement does not mention the nature or the extent of the punishment ?

Mr. C. M. G. Ogilvie : I have already said that I do not know the nature of the punishment. If the communication had stated it, I should have known it.

Mr. S. Satyamurti : Will the Honourable Member find out what was the nature of the punishment ?

Mr. C. M. G. Ogilvie : I do not think that is necessary.

Mr. S. Satyamurti : May I know why the Government do not want to inquire, considering that this is a serious offence and the House would like to know what was the actual punishment, whether it was a mere warning or something more serious ?

Mr. C. M. G. Ogilvie : I do not think it is necessary to inquire in the circumstances what the punishment was. The culprits were arrested and punished and the person against whom the offence was committed has accepted the full apology given.

Mr. S. Satyamurti : Does my Honourable friend realise that this offence is not against the person concerned, but against the country as a whole ?

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

Seth Govind Das : May I ask what steps Government are going to take in this respect to stop such things happening in the future ?

Mr. President (The Honourable Sir Abdur Rahim) : That question has been answered.

Seth Govind Das : No, Sir, that question has not been answered. I am asking what Government are going to do in the future so that such things may not occur again ?

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

RELEASE OF POLITICAL PRISONERS OF DELHI.

1003. ***Mr. Mohan Lal Saksena** : (a) Will the Home Secretary be pleased to state whether the Secretary, Provincial Congress Committee, Delhi, has made any representation to the Chief Commissioner, Delhi, on the subject of the release of the political prisoners ? If so, what action, if any, has been taken thereon ?

(b) Has Pandit Jai Ram Sharma been convicted under section 124A and sentenced to two years ? If so, how much sentence has he served and do Government propose to consider the feasibility of remitting his remaining sentence ?

(c) Have Government ordered the repatriation of Messrs. B. K. Dutt, Dhanwantri, and Harbandhu Samajdar confined in the Andamans Cellular Jail ?

(d) Are Government prepared to consider the feasibility of releasing them in view of the changed conditions ?

(e) How much sentence Shiva Shanker, sentenced to four years in connection with the New Delhi station and Gol Market bomb case, has still to serve ?

(f) Are Government prepared to remit the unexpired portion of the sentence and release him forthwith ?

Mr. J. A. Thorne : (a) I understand that the Chief Commissioner has received such a representation : and that no action has been taken on it.

(c) Orders have been passed for the repatriation of B. K. Dutta and Dhanwantri. Harbandhu Samajdar is still in the Andamans.

(b), (d), (e) and (f). Pandit Jai Ram Sharma was convicted and sentenced to two years rigorous imprisonment under section 124-A, I. P. C. on the 14th August, 1936, and Shiva Shankar to four years' rigorous imprisonment under section 4 of the Explosive Substances Act on the 15th October, 1936. Government do not propose to remit the unexpired portion of these sentences.

Mr. M. Asaf Ali : May I ask with regard to the answer to part (c) of the question whether it is not a fact that Harbandhu Samajdar and Dhanwantri were convicted at one and the same trial ? If that is so, is there any reason why Samajdar should not be repatriated ?

Mr. J. A. Thorne : I answered a question on that point the other day. I am not sure whether the Honourable Member was in the House.

Mr. Mohan Lal Saksena : I was in the House on that day and did not the Honourable Member then state that the Government was consulting the Bengal Government in regard to the repatriation of Harbandhu Samajdar ? May I know why should the Government of India consult the Bengal Government when Samajdar was convicted in the Delhi province and he resided there ?

Mr. J. A. Thorne : My recollection is that I answered that question the other day.

Seth Govind Das : The Government did say that day that they were consulting the Bengal Government about Samajdar. May I know what has been the result of that consultation ?

Mr. J. A. Thorne : We have not yet received a positive answer from the Bengal Government about it.

Seth Govind Das : Is it a fact that Samajdar was convicted in the area which is administered by the Central Government ?

Mr. J. A. Thorne : Yes.

Seth Govind Das : Then, why is it that the Central Government should not order for repatriation and should consult the Bengal Government in this matter ?

Mr. J. A. Thorne : If the term 'repatriation' has any meaning, it means sending him back to Bengal.

Mr. Mohan Lal Saksena : Why is he to be sent back to Bengal ? Should he not be kept somewhere in Delhi or in some jail in the centrally administered area ?

Mr. J. A. Thorne : That is a question which I answered the other day. I said that he is a Bengali and it would probably be more convenient to everyone concerned for him to be sent back to Bengal rather than brought back to Delhi.

Seth Govind Das : Do the Central Government believe in this racial discrimination that a Bengali should be sent to a jail in Bengal and not kept in a jail in the centrally administered area ?

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

BAN ON DR. HAR DAYAL AGAINST HIS RETURN TO INDIA.

1004. ***Mr. Mohan Lal Saksena** : (a) Will the Home Secretary be pleased to state if the attention of Government has been drawn to the press statement issued by Sir Tej Bahadur Sapru on the 17th September, 1937, regarding Dr. Har Dayal, an exile ?

(b) If so, do Government propose to remove the ban on him ? If not, why not ?

(c) Is there any criminal offence for which Dr. Har Dayal is liable to be prosecuted ? If so, what is its nature and when was it committed ?

(d) In view of the changed political conditions, are Government prepared to consider the feasibility of withdrawing the cases against political offenders now outside India ?

Mr. J. A. Thorne : (a) and (b):—I refer the Honourable Member to my answer to the similar question—No. 1001—put by Mr. Sham Lal.

(c) I would refer the Honourable Member to Mr. Maxwell's speech in the Council of State on the 15th September, 1937, in which a short account was given of Mr. Har Dayal's past activities.

(d) The Government of India have always been ready to consider individual cases on their merits. They are not however prepared nor is it within their power to issue a general indemnity.

Mr. Mohan Lal Saksena : With reference to part (c) may I know if, as was stated in the Honourable Mr. Maxwell's speech, Mr. Har Dayal, when he left India, was connected with certain serious offences, such as the Delhi conspiracy case and others ? Did the Government of India take any steps to extradite him from England and bring him to justice ?

Mr. J. A. Thorne : I want notice.

Mr. S. Satyamurti : I have read the speech of the Honourable the Home Member in the Council of State. May I know if there is any criminal offence for which Mr. Har Dayal is now liable to be prosecuted ?

Mr. J. A. Thorne : It is a rather difficult question to answer because the term "liable" is not very precise. But theoretically I suppose that if a person has committed a criminal offence, even as many years ago as 20 years, he is still liable in the sense that he could be prosecuted for it.

Mr. Mohan Lal Saksena : Am I to understand were the offences not so serious as to make the Government of India consider it unnecessary to take steps to bring him out from England to take his trial in India ?

Mr. J. A. Thorne : That is not a warrantable deduction.

REPATRIATION OF PRISONERS FROM THE ANDAMANS.

1005 ***Mr. Mohan Lal Saksena :** (a) Will the Home Secretary be pleased to state the names of the prisoners whose repatriation has been ordered from the Andamans ?

(b) Will Government please state the respective numbers of the prisoners from the various Provinces who are still in the Andamans ?

(c) How long will the repatriation of the remaining Andamans prisoners take ?

(d) Have Government considered the question of closing the Andamans as a convict settlement since the last hunger-strike ? If so, with what result ?

Mr. J. A. Thorne : (a) I lay a statement on the table of the House.

(b) There are 211 terrorist prisoners still in the Andamans, 210 of whom were convicted in Bengal and one in Delhi.

(c) I have nothing to add to the information which has already been given.

(d) No.

Statement showing the names of Terrorist Prisoners repatriated from the Andamans.

Names of Prisoners.	Province to which repatriated.			
1. Sudhendra <i>alias</i> Sudhendra Chandra	Bengal.
2. Jogesh Chandra Bhattacharjee	"
3. Hrishikesh Bose	"
4. Gopal Acharjee	"
5. Abhoy Pada Mukherjee	"
6. Nagendra Nath Gupta	"
7. Fakir Chand Sen	"
8. Ranadhir Das Gupta	"
9. Surendra Nath Dutt	"
10. Ananta Kumar Chakravarty	"
11. Sunil Kumar Chatterjee	"
12. Saroj Kanta Guha	"
13. Sudhansu Kumar Sen Gupta	"
14. Dinesh Chandra Banik	"
15. Sittanshu Bhusan Dutt Roy	"
16. Sanatan Roy	"
17. Ajit Kumar Mitter	"
18. Rakhal Dass Mallik	"
19. Manoranjan Chaudhury	"
20. Bijoy Kumar Ghose	"
21. Nani Gopal Dass	"
22. Nirmalendu Guha	"
23. Paresh Guha	"
24. Kripa Nath Dey	"
25. Direndra Nath Bhattacharjee	"
26. Ram Chandra Das Saha	"
27. Fani Bhusan Das Gupta	"
28. Purna Chandra Roy	"
29. Bhupendra Chandra Bhattacharjee	"
30. Prasanta Kumar Sen Gupta	"
31. Ajoy Chandra Singh	"
32. Jatendra Chandra De Majumdar	"
33. Bijoy Krishna Chakravarty	"
34. Surendra Dhar Choudhury	"

Names of Prisoners.	Provinces to which repatriated.					
35. Nanku Singh Bihar.
36. Gulab Sonar "
37. Kedar Mani Sukul "
38. Jogendra Sukul "
39. Suraj Nath Chaube "
40. Kanhai Missir "
41. Shyam Kissan Agarwala "
42. Shamadeo Narayan "
43. Mahabir Missir "
44. Ram Pratap Singh "
45. Shyam Charan Bharatwar "
46. Keshab Prasad Sinha "
47. Biswanath Prasad "
48. Pramada Nath Ghose "
49. Jyotirmoney Roy "
50. Chandrika Singh "
51. Gaya Prasad Punjab.
52. Sheo Varma "
53. Bijoy Kumar Sinha "
54. Jai Dev "
55. Kanwal Nath Tewari "
56. Gurumukh Singh "
57. Hazara Singh "
58. Prem Parkash "
59. Kushi Ram Mehta "
60. Dhanwantari "
61. Sechidanantham Madras.
62. P. Venkatachari "
63. Bachu Lall United Provinces.
64. Shambu Nath "
65. Bidayadhar Saha Assam.
66. Gouranga Dass "
67. Gopendra Lall Roy "
68. Satyendra Chandra Roy "
69. Binoy Bhusan Laskar "
70. Moti Lall Roy "
71. B. K. Dutta Delhi.
72. Ram Singh Ajmer.

Mr. Mohan Lal Saksena : May I know if the Government of India have heard anything from the Bengal Government regarding repatriation ?

Mr. J. A. Thorne : We have heard nothing from the Bengal Government.

Mr. Muhammad Azhar Ali : Is this repatriation being made irrespective of the kind of crimes or is it only in connection with political prisoners ?

Mr. J. A. Thorne : All these persons have been convicted of the same class of crime, namely, terrorist offences.

Mr. M. Asaf Ali : I am now referring to the Delhi prisoner, Harbandhu Samajdar. Considering the fact that he was convicted in Delhi and that he should ordinarily be lodged in the Delhi jail, why should he not be sent back to Delhi jail now ?

Mr. J. A. Thorne : That is a question which I have attempted to answer today and which I answered a few days ago.

Mr. M. Asaf Ali : I know the Honourable Member attempted to answer, but there was no satisfactory answer.

Mr. President (The Honourable Sir Abdur Rahim) : If the Honourable Member is not satisfied, the Government Member can't help it.

ABANDONMENT OF CONSTRUCTION OF THE ABATTOIR AT LAHORE.

1006. ***Mr. Lalchand Navalrai :** (a) Will the Defence Secretary be pleased to state in connection with the announcement of the decision by His Excellency the Governor General that the scheme of construction of the abattoir at Lahore will not be proceeded with any further, how a loss of rupees fifty lakhs will accrue to the tax-payers ?

(b) What is that loss of rupees fifty lakhs made up of ?

(c) What are the items of expenditure spent upon the construction of the abattoir till now, and who, if any, have to be compensated for abandoning the work and to what extent ?

(d) How much is expected to be realized by the disposal of the articles and materials still remaining and to be recovered by the demolition of the structure already made ?

Mr. C. M. G. Ogilvie : (a), (b), (c) and (d). There has been too little time, since the abandonment of the abattoir project, to ascertain the salvage value of equipment purchased or on order, or to determine the extent of other commitments. I, therefore, regret I am as yet unable to give the details asked for by the Honourable Member.

Mr. Lalchand Navalrai : May I know from the Honourable Member whether these materials cannot be taken away to the place where this abattoir has to be rebuilt ?

Mr. C. M. G. Ogilvie : I have no knowledge as to any scheme of rebuilding it at all.

Mr. Lalchand Navalrai : Is the Honourable Member aware that as has appeared in some of the newspapers, this abattoir is going to be rebuilt at Quetta which is already quaking ?

Mr. C. M. G. Ogilvie ; It is entirely incorrect.

Seth Govind Das : Is it a fact that out of these 50 lakhs, a greater portion of the amount is to be sent as compensation to certain services which were required from England ?

Mr. C. M. G. Ogilvie : I cannot tell the Honourable Member whether the amount would come to 50 lakhs or what proportion of the ultimate loss will have been found to have been incurred in England or in India ?

Seth Govind Das : Is a greater part of this sum going to cold storage company for compensation ?

Mr. C. M. G. Ogilvie : I am entirely unable to say that.

Mr. Lalchand Navalrai : Is any compensation to be paid or proposed to be paid to certain contractors ?

Mr. C. M. G. Ogilvie : I am entirely unable to tell you what compensation may have to be paid to anybody.

RE-ORGANISATION, MECHANISATION AND EQUIPMENT OF THE ARMY IN INDIA.

1007. ***Mr. Badri Dutt Pande** : With reference to the Governor General's speech, dated the 13th September, 1937, regarding the question of re-organisation, mechanisation and equipment of the Army in India so as to maintain its efficiency at the highest possible pitch, will the Defence Secretary be pleased to place before the House a substance of the scheme and state :

(a) the total cost of the scheme ; and

(b) what portion is to be met by the British and what by the Indian exchequer ?

Mr. C. M. G. Ogilvie : (a) and (b). I refer the Honourable Member to the reply I gave on the 30th September, 1937, to Mr. T. S. Avinashilingam Chettiar's starred question No. 930 on the same subject.

RADIO SETS SUPPLIED TO POLITICAL AND MILITARY OFFICERS.

1008. ***Mr. Sri Prakasa** ; (a) Will the Foreign Secretary state if it is a fact that radio sets are supplied free to some political and military officers ? If so, what officers and how many have this privilege extended to them ?

(b) Do these officers utilise the radio sets for themselves or do their neighbours or members of the general public also benefit by them ?

(c) What is the total amount so far spent on these radio sets and under what head has the expenditure been debited ?

Lieut.-Colonel A. E. B. Parsons : (a) Radio sets have been supplied to the following officers of the External Affairs Department, the Political Resident in the Persian Gulf, the Consuls-General, Khorasan and Kashgar, the Political Agent, Gilgit, and the Ministers in Kabul and Nepal.

(b) The sets are intended for official use as it is necessary that the above officers who live in isolated stations should have early news of world events for the efficient performance of their duties.

(c) The total cost is Rs. 4,600 which has been debited as 'Contingencies' of the External Affairs Department.

Mr. Sri Prakasa : With reference to part (a) of the question are we to understand that these officers cannot afford to have these radio sets themselves ?

Lieut.-Colonel A. E. B. Parsons : No.

Mr. Sri Prakasa : Why are Government particularly obliging them in this connection when they do not oblige other officers who are also equally interested in having world news as soon as possible ?

Lieut.-Colonel A. E. B. Parsons : It is only for these officers that Government think that provision of world news is necessary.

Mr. Sri Prakasa : With reference to part (b) may I know if Government will consider the desirability of recommending to these officers that they may make these radio sets available to the general public also who may be profited by the existence of such radio sets ?

Lieut.-Colonel A. E. B. Parsons : Perhaps the Honourable Member is not aware where some of these places are.

Mr. Sri Prakasa : He has himself mentioned them ; and I may be expected to know as much geography as the Honourable Member opposite.

COMPOSITION OF THE INTELLIGENCE BUREAU.

1009. ***Mr. C. N. Muthuranga Mudaliar :** (a) Will the Home Secretary be pleased to state the composition of the Intelligence Bureau ?

(b) How many European officers are there in the Intelligence Bureau ?

(c) How many Central Intelligence officers are there in the various provincial capitals ?

(d) How many among the officers referred to in parts (a) to (c) are Europeans and how many are Indians ?

Mr. J. A. Thorne :

(a) Gazetted officers .. 31

Superior establishment 114

Inferior establishment 118

(b) Twenty.

(c) Seven.

(d) Twenty Europeans and eleven Indians.

Mr. C. N. Muthuranga Mudaliar : How many of these Indians are serving as directors or as deputy directors in the department ?

Mr. J. A. Thorne : Certainly none is serving as Director because there is only one such post. I must ask for notice if my Honourable friend wants information about deputy directors.

BAN ON DR. HAR DAYAL AGAINST HIS RETURN TO INDIA.

1010. ***Mr. C. N. Muthuranga Mudaliar :** (a) Will the Home Secretary please state if there was recently a debate in the Council of State on the question of permitting political exiles to return to India ?

(b) Is it a fact that in the course of the debate the Honourable the Home Member said, referring to the political exile Dr. Har Dayal, that if the Right Honourable Dr. Sapru interested himself in Dr. Har Dayal, he could be released ?

(c) Has the attention of Government been drawn to a statement issued by the Right Honourable Dr. Sapru published in the *Statesman*, dated the 19th September, 1937, page 4 in which he has testified that Dr. Har Dayal is not a revolutionary ?

(d) Are Government now prepared to consider the advisability of permitting Dr. Har Dayal to return to India ?

Mr. J. A. Thorne : (a) Yes.

(b) What the Honourable the Home Member said in his speech on this point is that if Sir Tej Bahadur Sapru is acquainted with Mr. Har Dayal and is able to give an authoritative account of his mentality, then he may be able to help Mr. Har Dayal if he chose to move in the matter.

(c) Yes.

(d) I would refer the Honourable Member to the answer which I have given to Mr. Sham Lal's question No. 1001.

Mr. C. N. Muthuranga Mudaliar : Have Government perused the letter of Dr. Sapru appearing in the *Statesman*, copy of which I have appended to this question ?

Mr. J. A. Thorne : I think that is the statement referred to in previous questions. If so, the answer is, yes.

Mr. C. N. Muthuranga Mudaliar : Are Government aware that Dr. Sapru has expressed the view that Dr. Har Dayal has changed his views ?

Mr. J. A. Thorne : Yes, Sir.

Seth Govind Das : With reference to clause (a), what about the other political exiles who are not allowed to return to India ?

Mr. J. A. Thorne : I must refer the Honourable Member to the speech made by Mr. Maxwell in the other House.

Seth Govind Das : As far as I remember, the Home Member said that the cases of those persons who have not yet become subjects of other States would be considered. So, besides Dr. Har Dayal, what about the other exiles who are not allowed to come back here and who are still British subjects ?

Mr. J. A. Thorne : I cannot without notice add anything to what was said by the Home Member in the other House.

Mr. Sham Lal : May I ask whether Sir Sikandar Hayat Khan stated in the Punjab Legislative Assembly that Dr. Har Dayal was quite free to come to the Punjab and there was no case against him ?

Mr. J. A. Thorne : My Honourable friend is anticipating question No. 1014.

Mr. Sham Lal : May I ask whether Dr. Har Dayal's case was considered by the British Government in 1926 and it was after considering his case that he was allowed to go to England and stay there ?

Mr. J. A. Thorne : My impression is that the answer is, yes ; but I cannot be entirely precise.

REFUSAL OF A PASSPORT TO SARDAR MILAP SINGH AZAD OF PESHAWAR.

1011. ***Mr. Abdul Qaiyum :** Will the Foreign Secretary please state :

- (a) whether Sardar Milap Singh Azad applied for a passport for Afghanistan and Japan ;
- (b) whether it is a fact that the passport was refused to the said Sardar Milap Singh Azad of Peshawar ;
- (c) if the answer to part (b) be in the affirmative, the reason why it was refused ;
- (d) whether it is a fact that the said Sardar Milap Singh Azad of Peshawar requested His Excellency the Governor, North-West Frontier Province, for permission to proceed to Chitral State to meet his father and brothers and to start business there ;
- (e) whether it is a fact that he was not allowed to proceed to Chitral ; if so, why ; and
- (f) whether Government are prepared to permit Milap Singh Azad to visit Chitral ?

Lieut.-Colonel A. E. B. Parsons : (a) No such application can be traced.

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

(d) Yes.

(e) Milap Singh was not permitted to visit Chitral as he was considered a dangerous political agitator.

(f) No.

Mr. Abdul Qaiyum : May I know, if Government are aware that Milap Singh's family have their business in Chitral and Milap Singh has not been involved in any political case for a number of years ?

Lieut.-Colonel A. E. B. Parsons : I am not quite certain whether he has any relations in Chitral but it is entirely open to them to come from Chitral and see him if they wish to.

Mr. Abdul Qaiyum : Why should there be a ban on Milap Singh's entry into Chitral and joining his other relatives and starting business there ? It is not quite easy to open a business in another place.

Lieut.-Colonel A. E. B. Parsons : Milap Singh's record is not such as to make the Government of India think that if he went to Chitral he would confine his business to commercial matters.

Mr. Abdul Qaiyum : Is the ban on Milap Singh due to the British Government or is it the result of any representation made by the Chitral State ?

Lieut.-Colonel A. E. B. Parsons : The Honourable Member may take it that it is due to Government.

Mr. Abdul Qaiyum : If Milap Singh undertakes to confine his activities purely to business affairs, will Government allow him to proceed to Chitral ?

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

STARTING OF A DEGREE COLLEGE IN BALUCHISTAN.

1012. ***Mr. Abdul Qaiyum :** Will the Foreign Secretary please state :

- (a) whether there is any college degree or intermediate degree in British Baluchistan ;
- (b) how many high schools there are in British Baluchistan ;
- (c) if the answer to part (a) be in the negative, whether Government are prepared to consider the desirability of starting a degree college in Baluchistan ; and
- (d) what the percentage is of literates to the total population in British Baluchistan ?

Lieut.-Colonel A. E. B. Parsons : The Honourable Member is probably not aware that British Baluchistan consists of several small areas of which Quetta is not one, amounting in the total to a very small portion of the province. In the following answers I have assumed that he wishes information for the province as a whole.

(a) and (c). There is at present no such college, but the question of starting one is under consideration.

(b) Since the earthquake three for boys and one for girls.

(d) I regret that I am unable to give any accurate statistics. The figures in the Census Report are misleading as they include the military garrison, etc.

SCHOLARSHIPS AWARDED TO THE RESIDENTS OF BALUCHISTAN.

1013. ***Mr. Abdul Qaiyum :** Will the Foreign Secretary be pleased to state :

- (a) whether any scholarships have been awarded to deserving *bona fide* residents of British Baluchistan for prosecuting higher studies in technical or arts colleges ;
- (b) if so, how many such scholarships are awarded annually ;
- (c) whether it is a fact that an official has been deputed to examine the possibilities of expanding education ; and
- (d) whether his report will be published and made available to the Honourable Members of this House ?

Lieut.-Colonel A. E. B. Parsons : (a) and (b). Yes, seventeen.

(c) The Chief Commissioner and Agent to the Governor General, Baluchistan, has been asked to submit a comprehensive scheme for educational reconstruction in the province, and an officer of the Indian Educational Service from the Punjab has been appointed as Superintendent of Education, Baluchistan, to advise him.

(d) I can give no undertaking that the Agent to the Governor General's recommendations will be published.

Mr. Abdul Qaiyum : May I know if the report of that particular educational officer will be made available for the use of the Members of this House ?

Lieut.-Colonel A. E. B. Parsons : Again I am afraid I can give no undertaking.

Prof. N. G. Ranga : With reference to part (c) of the question, may I know whether this official is inquiring into the possibilities for expanding elementary education also ?

Lieut.-Colonel A. E. B. Parsons : Into all forms of education.

BAN ON DR. HAR DAYAL AGAINST HIS RETURN TO INDIA.

1014. ***Bhai Parma Nand :** (a) Will the Honourable the Home Member be pleased to state whether Government are aware that the Punjab Premier while replying to a question on the 27th July, 1937, asked by Dr. Sir Gokal Chand Narang, regarding the freedom of L. Har Dayal's movements, said that so far as he was aware there were no restrictions against him in the Province ?

(b) Has the attention of Government been drawn to the statement of Sir Tej Bahadur Sapru regarding the sincere change in the views of L. Har Dayal ?

(c) Will the Honourable Member please state whether in view of the statement made by such a high person in a strong and authoritative language Government are prepared to give L. Har Dayal unconditional permission to return to India ?

Mr. J. A. Thorne : (a) I have seen a press report to this effect.

(b) Yes.

(c) I would refer the Honourable Member to the answer which I have given to Mr. Sham Lal's question No. 1001.

Mr. Mohan Lal Saksena : May I know what Government mean by saying that if Dr. Sapru were to move it would be easier to give permission to Dr. Har Dayal to return to India ? Has Dr. Sapru to write to the Government of India ?

Mr. J. A. Thorne : I do not think my Honourable friend has quite followed what was said in the other House.

Mr. Mohan Lal Saksena : Even today the Honourable Member said that if Sir Tej Bahadur Sapru moved, it would be quite easy for Dr. Har Dayal to return to India. Do Government want a letter from Sir Tej Bahadur Sapru or will his statement do ?

Mr. J. A. Thorne : I will read the statement made by the Home Member in the other House :

“ If Government were clearly satisfied on good authority that Mr. Har Dayal had entirely changed his attitude of mind and was no longer dangerous, there would be much more reason for considering opportunities which he asked for to come to India.”

Bhai Parmanand : In view of the statement of Sir Tej Bahadur Sapru and in view of the fact that Lala Har Dayal has been in England for ten years and has been of good behaviour and there has been no complaint against his behaviour during all these years, may I know if that is not enough to satisfy Government as to his change of attitude ?

Mr. J. A. Thorne : I have already said that we are in communication with the India Office to verify the main statement made, which is to the effect that Mr. Har Dayal has entirely changed his attitude.

Mr. Sham Lal : May I ask whether the British Government were satisfied in 1926 that Dr. Har Dayal was not a revolutionary ?

Mr. J. A. Thorne : I shall require notice of that question.

DETENTION OF B. N. DAS-GUPTA BY THE GERMAN GOVERNMENT.

1015. ***Sir Muhammad Yakub :** (a) Is the Foreign Secretary aware of the detention of Mr. Das-Gupta, the Director of the Indo-European Trading Company at Hamburg, by the German Government ?

(b) Will he please state what steps the Government of India have taken in the matter ?

Lieut.-Colonel A. E. B. Parsons : (a) Yes. He was arrested under the ordinary law on a charge of contravening the exchange regulations.

(b) His Majesty's Consul General at Hamburg has been pressing for an early disposal of the case and it is understood that Mr. Das-Gupta has now been released.

Mr. S. Satyamurti : Was he tried on the charge on which he was arrested ?

Lieut.-Colonel A. E. B. Parsons : I think not, but I am not quite sure.

Mr. Abdul Qaiyum : How long was he kept in the lock-up ?

Lieut.-Colonel A. E. B. Parsons : Probably about two months, but I am not certain.

Mr. S. Satyamurti : Will Government inquire into the reasons why he was charged, and why he was not tried ?

Lieut.-Colonel A. E. B. Parsons : Presumably because there was suspicion against him ; and as in all countries of the world, in certain cases the police of those countries can arrest on suspicion, the ordinary law of Germany was carried out.

Mr. S. Satyamurti : Will Government inquire into the circumstances of this case and satisfy themselves and inform this House, as soon as they can, if there was at least a *prima facie* case against this Indian gentleman, and it was not a case of mere unfounded suspicion ?

Lieut.-Colonel A. E. B. Parsons : I cannot undertake that Government will make that inquiry.

Mr. S. Satyamurti : May I know the reasons why when an Indian subject is arrested and is let off without any trial, Government will not at least take steps to find out whether the arrest was made *bona fide* on *prima facie* grounds, or whether it was merely a case of unfounded suspicion ?

Lieut.-Colonel A. E. B. Parsons : His Majesty's Government take exactly the same action in the case where an Indian is arrested as when an Englishman is arrested.

Mr. S. Satyamurti : May I know whether in this case the Government have made inquiries and have satisfied themselves that in the case of Mr. Das-Gupta such action was taken as is normally taken in the case where a British subject is so arrested ?

Lieut.-Colonel A. E. B. Parsons : I think Government are satisfied.

Mr. S. Satyamurti : Have any inquiries been made, or is it merely on presumption ?

Lieut.-Colonel A. E. B. Parsons : Not on presumption. As I had to say once before, on the general practice of His Majesty's Government.

Mr. S. Satyamurti : Did the Government make any inquiries in this matter, or am I to understand that they did not make any inquiries in this case at all ?

Lieut.-Colonel A. E. B. Parsons : Mr. Das-Gupta has reason to be thankful to the officers of His Majesty's Government, through whose representations he has now been released.

Mr. S. Satyamurti : I am not asking on that matter. I am asking on the other matter, *i.e.*, whether the Government have satisfied themselves on enquiry or they.

Lieut.-Colonel A. E. B. Parsons : (Interruption.)

Mr. S. Satyamurti : Please wait till I finish my question.

Lieut.-Colonel A. E. B. Parsons : It is too long.

Mr. S. Satyamurti : I submit, Sir, that when I am asking a question, I should not be asked to stop and told that I am too long ; I suggest that we are entitled to some respect at the hands of the other section, subject to our observing the rules and orders, and subject to your own rulings.

Mr. President (The Honourable Sir Abdur Rahim) : I am very glad the Honourable Member has raised the question. I think in this case the Honourable Member of Government was wrong in interrupting by saying that the question was too long : and as regards interruptions, generally I do hope that every Honourable Member in this House will see to it that he does not interrupt other Members.

Mr. S. Satyamurti : I am glad to have your ruling, Sir. May I know whether my Honourable friend will inform the House, with respect to what happened before the release. *i.e.* with respect to the arrest of this

Indian gentleman, whether there was any inquiry made by this Government on the specific matter I raised, namely, whether the arrest was made on *bona fide* grounds of some offence having been committed by this gentleman, and not on mere unfounded suspicion ?

Lieut.-Colonel A. E. B. Parsons : No inquiry was made by the Government of India.

Mr. S. Satyamurti : May I know why no inquiry was made ?

Lieut.-Colonel A. E. B. Parsons : Presumably because the Government did not think it necessary to do so. They were aware that His Majesty's officers were doing their best in the case and they were quite confident to leave it at that.

DETENTION OF MR. B. N. DAS-GUPTA BY THE GERMAN GOVERNMENT.

1016. ***Mr. C. N. Muthuranga Mudaliar :** (a) Will the Secretary of the External Affairs Department be pleased to state if it is a fact that Mr. B. N. Das-Gupta, the Managing Director of the Indo-European Trading Company at Hamburg, has been kept under detention by the German Government since August 18, 1937 ?

(b) Are Government prepared to obtain from the British Government in England further particulars about the detention of Mr. Das-Gupta ?

(c) What steps are Government taking to get the release of this gentleman ?

Lieut.-Colonel A. E. B. Parsons : (a), (b) and (c). The Honourable Member's attention is invited to the reply given today to Sir Muhammad Yakub's starred question No. 1015.

Mr. C. N. Muthuranga Mudaliar : With reference to part (b) of the question, may I ask why no steps were taken to get him released earlier, in view of the fact that he was kept in detention for two months without trial ?

Lieut.-Colonel A. E. B. Parsons : As I have said, the Consul General at Hamburg took all steps that he could to get the case settled in reasonable time.

Mr. President (The Honourable Sir Abdur Rahim) : If the Honourable Member speaks up a little more, Members could follow him better.

Mr. Sri Prakasa : In view of the fact that the Honourable Member has stated that His Majesty's Government look after Indian nationals as much as after British nationals in foreign countries, is the Honourable Member aware that when some English engineers were being prosecuted in Russia the British Government raised a great hullabaloo, which they did not in this case when an Indian was concerned ?

Lieut.-Colonel A. E. B. Parsons : I have only knowledge of that from the papers ; but as far as I know no Indians were arrested in Russia.

Mr. Sri Prakasa : I said English : The Honourable Member said that Englishmen and Indians are treated equally by His Majesty's Government, so far as their position is concerned in foreign countries. I am asking whether it is not a fact that when some English engineers

were being prosecuted in Russia, His Majesty's Government raised a great hue and cry, while in this case and in other cases where Indians are concerned, they keep mum ?

Lieut.-Colonel A. E. B. Parsons : I do not admit the Honourable Member's statement of the case at all. I have no doubt that if Indians had been prosecuted in Russia on that occasion they would have received the full support of His Majesty's Government.

Mr. Sri Prakasa : That occasion only and no other ? Is it necessary that Indians must be co-accused with the English before they can hope for any relief ?

(No reply.)

EXPORT OF MONKEYS.

1017. **Mr. S. Satyamurti :** Will the Home Secretary be pleased to state :

- (a) whether his attention has been drawn to an article in the *Harijan* by Mahatama Gandhi on " export of monkeys for vivisection " reproduced in the *Hindustan Times* of the 19th September ;
- (b) whether Government have or are prepared to obtain the information whether monkeys are being exported for vivisection, and if so, how many of them ; and
- (c) if Government are prepared to take necessary steps for stopping their export, and if not, why not ?

Mr. J. A. Thorne : (a) I have read the article.

(b) and (c). The matter is being examined.

Mr. G. V. Deshmukh : Is there any truth in the allegation made against the Government of India that they have permitted the unrestricted export of monkeys ?

Mr. J. A. Thorne : I am not aware of the charge, but if it is made, it is not correct.

Mr. G. V. Deshmukh : The charge is made by a certain paper called the *Sunday Standard* only 10 days ago.

Mr. Abdul Qaiyum : May I know to which countries these monkeys are mostly exported ?

Mr. J. A. Thorne : I laid a statement on the table of the House the other day.

Mr. S. Satyamurti : May I know if any inquiries have been made outside India on this matter ?

Mr. J. A. Thorne : No inquiries outside India have yet been made ; we have not yet had time to make them ; but the matter will receive very careful examination.

Mr. S. Satyamurti : May I know whether Government will get into touch with those who are largely engaged in this export trade and find out from them or through them, whether these monkeys are being exported largely for this purpose, namely, vivisection ?

Mr. J. A. Thorne : That will be considered.

INDIANS IN CHINA.

1018. ***Mr. S. Satyamurti :** Will the Foreign Secretary be pleased to state :

- (a) whether all Indian nationals have now been evacuated from the theatres of war in China ;
- (b) where they have been taken and what arrangements have been made for their stay and their living ;
- (c) whether any Indian nationals are still in the theatres of war and if so, how many ;
- (d) whether adequate precautions are being taken for their safety ;
- (e) whether adequate arrangements have now been made by Government to get the latest information about Indians in China ; and
- (f) if not, why not ?

Lieut.-Colonel A. E. B. Parsons : (a), (b) and (c). No. Evacuation has, in most cases, been voluntary. Some women and children were, it is believed, evacuated to Hongkong from Shanghai early in the disturbances, and, as the Honourable Member is aware, about 900 Indians were repatriated to India by the transport Elephanta which reached Calcutta on the 27th September. This leaves about 2,500 or so still in the Shanghai area. Information as to other areas, so far as it is available, has already been given by me in answer to questions.

(d) Government are confident that all that is possible is being done for their safety.

(e) and (f). Government have asked His Majesty's Consular authorities to keep them informed of anything affecting Indians in China.

Mr. Lalchand Navalrai : May I know if the Honourable Member has cared to know up to this time whether the Sindhi merchants about whom I put a short notice question, have evacuated from there or not ?

Lieut.-Colonel A. E. B. Parsons : I believe they have not been evacuated ; but the Sindhis to whom reference was made are reported by our consular authorities to have wired to their representatives in Sind to say they were quite safe and happy.

Mr. S. Satyamurti : With references to the answer to clauses (a), (b) and (c) of the question, may I know when the Government expect to be in a position to get accurate and full information about Indian nationals in all the theatres of war except, I believe, Shanghai, about which my Honourable friend gave some figures just now ?

Lieut.-Colonel A. E. B. Parsons : I am afraid I cannot say when exactly it will be possible to get the information.

Mr. S. Satyamurti : Are Government actively pursuing this matter, with a view to getting information as early as possible ?

Lieut.-Colonel A. E. B. Parsons : I would refer the Honourable Member to the answer to part (e).

Mr. S. Satyamurti : With reference to the answer to part (d), I think I heard my Honourable friend say that the Government are confident that adequate precautions are being taken. May I know the grounds on which my Honourable friend has given that answer ?

Lieut.-Colonel A. E. B. Parsons : It is obvious that up to date they have been taken, and again I have to say that the record of His Majesty's Government in this matter is one that nobody can impugn.

Mr. S. Satyamurti : May I know whether the Government of India have addressed His Majesty's Government in this matter of adequate precautions being taken for the safety of Indian nationals ?

Lieut.-Colonel A. E. B. Parsons : No.

Prof. N. G. Ranga : As soon as they receive information with regard to (a), (b) and (c), will Government try to enlighten the public through a press note in regard to the actual state of Indians in China ?

Lieut.-Colonel A. E. B. Parsons : I cannot give an undertaking, but I have no doubt that as we get information we shall endeavour to make it public.

Mr. S. Satyamurti : With reference to part (e) of the question, may I know whether the Government of India are now getting information from the British authorities in the theatre of war, about the position of Indians in China ?

Lieut.-Colonel A. E. B. Parsons : When there is anything new to be said, yes.

Mr. S. Satyamurti : May I take it from that answer that, when there is any danger to Indian nationals, their life or property, information will be promptly conveyed to the Government of India ?

Lieut.-Colonel A. E. B. Parsons : Not, I think, when there is any danger to Indian life or property in China, because that is always so, but if anything happens to Indians in China, I have no doubt we shall get early information.

Mr. S. Satyamurti : Will the Government of India get into touch with His Majesty's Government, first in regard to giving adequate protection to Indians in China, and secondly to keeping the Government of India promptly informed if anything happens to Indians in China ?

Lieut.-Colonel A. E. B. Parsons : I feel certain that His Majesty's representatives would regard the first request as an insult, and Government do not propose to take any action on that ; but as I have already stated in answer to part (e) of the question, we have asked them to give full information on any matter which affects Indians.

REPATRIATION OF PRISONERS FROM THE ANDAMANS.

1019. ***Mr. S. Satyamurti** : Will the Home Secretary be pleased to state :

- (a) the latest figures with regard to the hunger-strikers still in the Andamans, those who have been repatriated and the number so repatriated to each Province and the names of the Provinces to which they have been repatriated ;
- (b) the latest information about the health of those still in the Andamans ;
- (c) whether *all* the hunger-strikers whose repatriation the Provincial Governments concerned have asked for have been repatriated and if not, why not ;
- (d) whether the Bengal Government have now asked for the repatriation of all their prisoners, and if not, how many they have asked to be repatriated ;
- (e) whether it is the policy of the Government of India now to repatriate to their Provinces all those prisoners whom the Provincial Governments ask to be so repatriated ; and
- (f) if not, what the policy of Government is in this matter ?

Mr. J. A. Thorne : (a) to (f). I have no more recent information to give than has already been given to the House.

Mr. Akhil Chandra Dutta : May I know, Sir, if the Bengal Government has submitted their scheme of repatriation explaining why they are asking for repatriation in instalments and not for the repatriation of all their prisoners at once ?

Mr. J. A. Thorne : I have not yet received information from the Bengal Government as to their decision about repatriation. My Honourable friend has no doubt seen a fairly detailed account which has appeared in the press of the proceedings of the conference held on September the 29th, and according to that, the Home Minister of the Bengal Government said that he hoped to be able to complete the repatriation of prisoners by January next.

Mr. S. Satyamurti : May I know whether the Government of India will give the House the latest information available before we adjourn, with regard to the attitude of the Bengal Government towards the repatriation of their prisoners ?

Mr. J. A. Thorne : If any information is received and opportunity offers, it will be supplied.

Mr. Mohan Lal Saksena : Did not the Honourable Member state some six or seven days ago that if no information was received in a day or two he would write and get the information and supply it to us before we adjourned ?

Mr. J. A. Thorne : I think I said some four or five days ago that if information was not received in a day or two, I would communicate with the Bengal Government. I wired to them, and have not yet had an answer.

Seth Govind Das : Are the Bengal Government not connected with telephones? Could not the Government of India talk to them on phone and find out what the position is?

Mr. J. A. Thorne : I have telegraphed to them.

ABANDONMENT OF CONSTRUCTION OF THE ABATTOIR AT LAHORE.

1020. **Mr. Sri Prakasa :** Will the Defence Secretary state :

- (a) if it is a fact that the construction of the abattoir at Lahore has been finally abandoned ;
- (b) what the amount of money so far spent over its construction was ;
- (c) what use, if any, will the building so far erected, be put to ; or whether it has to be abandoned or dismantled ; and
- (d) under what head the loss will be debited ?

Mr. C. M. G. Ogilvie : (a) Yes.

(b) I refer the Honourable Member to the reply I have just given to Mr. Lalchand Navalrai's starred question No. 1006.

(c) and (d). Government are not yet in a position to say.

Mr. Sri Prakasa : With reference to part (b) of the question, may I know if the sum of Rs. 50 lakhs that has been spent on this scheme is due to the actual construction or it is to be given as compensation to contractors ?

Mr. C. M. G. Ogilvie : The scheme has two parts (1) the abattoir, and (2) the cold storage company. The cost of the abattoir itself to which this question refers, as far as I remember was, 28½ lakhs, but we do not yet know precisely what bills will have to be met.

Mr. Lalchand Navalrai : May I know, Sir, if it is a fact that the construction of the same building is still proceeding ; if so, what is the purpose ?

Mr. C. M. G. Ogilvie : It is not a fact ; it has been abandoned.

Seth Govind Das : Who has made this estimate of 50 lakhs ?

Mr. C. M. G. Ogilvie : The estimate of 50 lakhs was arrived at by the Government of India as a possible figure taking into account both the cost of the abattoir on the contracts entered into and the agreement with the cold storage company.

Seth Govind Das : As far as I remember, Sir, the statement made was, that on account of the abandonment of the abattoir scheme the taxpayer would lose about 50 lakhs. What I want to know is that who is going to get these 50 lakhs which are to be lost by the taxpayer ?

Mr. C. M. G. Ogilvie : I am afraid I cannot possibly answer that question. As a matter of fact, as far as I remember the exact words of the communiqué, it stated that the loss to the taxpayer might be in the neighbourhood of 50 lakhs, but that was a guess.

Mr. Sham Lal : May I know if it is proposed to construct an abattoir in Bahawalpur State and the contract has been given to a firm ?

Mr. C. M. G. Ogilvie : It is not proposed to have an abattoir in Bahawalpur State or, as far as I know, anywhere else.

Mr. Badri Dutt Pande : Who is responsible for all this loss ?

Mr. C. M. G. Ogilvie : The founders of the agitation.

Maulana Zafar Ali Khan : May I know, Sir, whether there is any strength in the rumour that the abattoir building in the Lahore cantonment which has been abandoned is going to be converted into a Gowshala ?

Mr. C. M. G. Ogilvie : I have not heard that rumour.

RE-EMPLOYMENT OF EUROPEAN INDIAN CIVIL SERVICE OFFICERS AFTER RETIREMENT.

1021. ***Mr. C. N. Muthuranga Mudaliar :** Will the Home Secretary be pleased to state if it is a fact that many European Indian Civil Service officers after retirement are re-employed in Indian States and elsewhere ?

Mr. R. F. Mudie : About seven retired European Indian Civil Service officers are employed in Indian States. I have no information regarding the number employed elsewhere.

Seth Govind Das : Is it a fact, Sir, that most of these civil servants are forced upon the Rajas and Maharajas of Indian States ?

Mr. R. F. Mudie : As far as I know, No, Sir.

Mr. S. Satyamurti : May I know, Sir, whether these Indian Civil Servants, Indians or Europeans, after retirement, have to take the permission of the Government of India, before accepting any appointment in Indian States ?

Mr. R. F. Mudie : Yes, Sir.

MILITARY OPERATIONS ON THE NORTH-WEST FRONTIER.

1021-A. ***Mr. S. Satyamurti :** Will the Defence Secretary be pleased to state the number of weeks that have elapsed since military operations began on the North-West Frontier against the frontier tribes, and the expenditure in men and money on those operations up-to-date ?

Mr. C. M. G. Ogilvie : 44 weeks have elapsed since military operations began by the unprovoked aggression of the tribesmen on the 25th November, 1936.

Since that date and up to the end of September of this year an additional financial expenditure in the neighbourhood of Rs. 140 lakhs has been incurred.

During the same period the Army has sustained the following casualties :

Killed	..	..	..	..	221
Wounded	..	..	..	..	601

Mr. S. Satyamurti : Does this sum of Rs. 140 lakhs represent all the expenditure, or only such part of the expenditure, in respect of which accounts have been made up, or are available to the Defence Department ?

Mr. C. M. G. Ogilvie : So far as we can tell, it is a fairly accurate estimate of the total additional expenditure incurred in this campaign.

Mr. Abdul Qaiyum : Sir, in view of the statement made the other day that the situation in Waziristan was becoming normal, why should this expenditure be incurred any longer ?

Mr. C. M. G. Ogilvie : The expenditure given today is what has been incurred. I am afraid I am not in a position to forecast what the subsequent expenditure will be.

SHORT NOTICE QUESTIONS AND ANSWERS.

NON-GRANT OF LOANS TO CERTAIN MEMBERS OF THE NORTH WESTERN RAILWAY CO-OPERATIVE CREDIT SOCIETY, LAHORE.

Mr. Lalchand Navalrai : (a) Will the Honourable Member for

12 NOON.

Commerce and Railways be pleased to state if he is aware of the controversy that has arisen between the Managing Committee and the members of the North Western Railway Co-operative Credit Society, Lahore, over the question of non-grant of loans to members drawing less than Rs. 100 and, in consequence thereof, the members having cancelled their declarations regarding recovery of instalments of the loan due from their salaries which has led to a serious and complicated situation in the Punjab ?

(b) Is the Honourable Member aware that the Agent, North Western Railway, has issued a notice *as Agent*, North Western Railway, threatening reprisals to the members of the Society, registered under the Co-operative Societies Act, the notice being subscribed by him as an Agent, North Western Railway ?

(c) Do Government propose to ask the Agent, North Western Railway, to stay his hands as Agent and not to issue any further notice in time in order to avert any crisis that may happen between the employees and the administration ? If not, why not ?

The Honourable Sir Saiyid Sultan Ahmad : (a) Government are informed that with the passing of the Code of Civil Procedure (Second Amendment) Act, 1937, and the introduction of the Payment of Wages Act, 1936, in March, 1937, the North Western Railway Co-operative Credit Society acting on the advice of the Registrar of Co-operative Societies, Punjab, and in the interests of its members and depositors adopted a resolution in August, 1937, restricting loans to the extent of three months' pay to such members who were drawing pay at the rate of Rs. 100 or less per mensem. It was also stipulated that a second loan would not be granted unless the first loan had been repaid except in very special circumstances and then only if the pay of one or two sureties was more than Rs. 100 per mensem. This appears to have caused some dissatisfaction amongst the staff, drawing pay at the rate of less than Rs. 100 per mensem, who were members of the Co-operative Society as they could not secure the sureties required easily and had some difficulty in obtaining loans. It is believed that some outsiders taking advantage of this position persuaded certain number of workmen to withdraw, as a reprisal, their authorisation in respect of deductions from wages under the Payment of Wages Act regarding loans

which had already been taken from the Society. To avoid embarrassment to staff who desired to take loans and at the same time to elucidate the position to them the Agent, North Western Railway, issued a notice of an advisory nature, on the 17th September, 1937, in different languages. Subsequently, an amendment was agreed upon whereby the Society agreed to grant loans to staff drawing less than Rs. 100 per mensem as before up to a limit of six months' pay provided they furnished at least one surety whose pay was in excess of Rs. 100 per mensem or other adequate securities such as house property, etc. A notification to this effect is expected to issue shortly.

(b) and (c). The matter is being considered in consultation with the Agent, North Western Railway.

Mr. Lalchand Navalrai : May I know from the Honourable Member if it is a fact that the notice issued by the Agent—and subscribed to as an Agent—when it was translated and put up on the Board there—showed that the Agent said that their conduct would be considered to be an offence or crime ? That was in the translation. Is it a fact or not ?

The Honourable Sir Saiyid Sultan Ahmad : That perhaps may be, and that is why we are making enquiries in consultation with the Agent of the North Western Railway.

Mr. Lalchand Navalrai : May I know from the Honourable Member how, when it was said to be only an advisory notice, this was issued in a threatening manner ? Will the Honourable Member ask the Agent not to do so in future ?

The Honourable Sir Saiyid Sultan Ahmad : I am taking that from the Honourable Member. I have not seen the notice myself, and that is the reason why I said that we are getting information from the Agent, North Western Railway.

CURTAILMENT OF RAILWAY PASSES AMONG THE SUBORDINATE RAILWAY STAFF.

Dr. Ziauddin Ahmad : (a) Are Government aware of dissatisfaction among Railway employees on the curtailment of railway passes, specially among the subordinate staff ?

(b) Are Government prepared to offer relief immediately ?

The Honourable Sir Saiyid Sultan Ahmad : (a) and (b). The whole question is being very carefully gone into by the Railway Board who will, in due course, submit their report for the consideration of Government.

Mr. Lalchand Navalrai : May I hope that it will be done during the Honourable Member's regime ?

The Honourable Sir Saiyid Sultan Ahmad : The matter is being considered. It is very difficult to say.

Dr. Ziauddin Ahmad : Will Government consider the system of passes that was prevalent in 1933 and also the system of passes now in vogue in the United Kingdom and other countries in Europe ?

The Honourable Sir Saiyid Sultan Ahmad : The whole matter is being considered.

Mr. Mohan Lal Saksena : Is it not already more than nine or ten months that the Railway Board has been considering the matter and is it not a fact that the subordinate staff is being put to a lot of inconvenience ?

The Honourable Sir Saiyid Sultan Ahmad : It is not a fact.

Mr. Mohan Lal Saksena : When did the rules come into force ?

The Honourable Sir Saiyid Sultan Ahmad : Nine months back.

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

STATEMENTS LAID ON THE TABLE.

Information promised in reply to part (b) of starred question No. 78, asked by Mr. M. Asaf Ali, on the 25th August, 1937.

FINANCIAL AID FOR THE DEVELOPMENT OF INDUSTRIES IN THE DELHI PROVINCE.

A small Department of Industries is maintained at a total cost of about Rs. 20,000 per annum, of which about Rs. 6,100 are spent on the Government Cottage Industries Institute in Delhi City at which various handicrafts are taught, and Rs. 1,600 on exhibitions. The remaining expenditure represents the cost of a Superintendent of Industries and a small staff. The Superintendent and his technical assistant are able to advise local industrialists on various matters and to conduct experiments for them in a small industrial laboratory.

Information promised in reply to part (e) of unstarred question No. 56, asked by Mr. Suryya Kumar Som on the 7th September, 1937.

CAUSES OF MALARIA IN NEW DELHI.

(e) The answer to the first part of the question is Rs. 54 lakhs. What the Honourable Member refers to as the former Capital was merely a set of buildings constructed to serve the purposes of the Government of India temporarily. These buildings, though they have served fully the limited purposes for which they were constructed, are still practically all fully occupied by offices of the Central Government located in old Delhi.

Information promised in reply to starred questions Nos. 392 to 396, asked by Mr. Muhammad Anwar-ul-Azim on the 8th September, 1937.

Government are informed as follows :

T. I. AS. ON THE ASSAM BENGAL RAILWAY.

Question No. 392.—There are 11 Travelling Inspectors of Accounts of whom two are Muslims.

TRAFFIC INSPECTORS ON THE ASSAM BENGAL RAILWAY.

Question No. 393.—The number of Inspectors employed in the Traffic Department is as under :

Traffic Inspectors	..	..	..	..	9
Commercial Inspectors	..	..	..	..	3
Jetty Inspectors	..	..	..	..	2

There is no Muslim employed at present as Inspector.

MUSLIM OFFICERS IN THE MEDICAL DEPARTMENT OF THE ASSAM BENGAL RAILWAY.

Question No. 394.—There are no Muslim officers or senior subordinates in the Medical Department of the Assam Bengal Railway.

OFFICERS RECRUITED BY THE ASSAM BENGAL RAILWAY IN THE AUDIT DEPARTMENT.

Question No. 395.—(a) Two officers have been recruited in the Audit Department during the last two years. One of them is a Muslim and passed the B.Com. Examination from Leeds. He was a temporary Examiner of Accounts in the Income-tax Department. The other is a Hindu and has been appointed as a probationer. He took the course of London School of Economics.

(b) The Chief Auditor has over 17 years of practical experience in the Audit Department and is a fellow of the Institute of Railway Accounts and Auditors.

(c) Yes.

ENGINEERS RECRUITED BY THE ASSAM BENGAL RAILWAY.

Question No. 396.—As regards the first part, of the nine Assistant Engineers recruited during the last four years one Hindu resigned and one Hindu and one Muslim were discharged. Out of the remaining six still in service one is a Muslim.

As regards the second part, the reply is in the affirmative.

Information promised in reply to unstarred question No. 58, asked by Mr. Sri Prakasa, on the 8th September, 1937.

INDIAN INSURANCE COMPANIES.

List of Indian Life Assurance Companies subject to the provisions of the Indian Life Assurance Companies Act, 1912, as on the 10th August, 1937.

Name.	Year of establishment.	Paid-up capital at end of last financial year for which accounts have been deposited.	Deposit made up to 10th August 1937.	Remarks.
1	2	3	4	5
		Rs.	Rs.	
Adarsha Bima Co., Allahabad ..	1935	**	25,000	
Agarwal Assurance Society, Ajmer	1931	33,717	36,000	
Agra Mutual Assurance Society, Agra.	1935	M.	35,300	
All-India and Burma Provident Fund, Bangalore.	1910	M.	25,000	Exempted from making further deposits.

** Accounts not yet deposited.

M.—Mutual Company having no share capital.

L435LAD

Name.	Year of establish- ment.	Paid-up capital at end of last financial year for which accounts have been deposited.	Deposit made up to 10th August 1937.	Remarks.
1	2	3	4	5
		Rs.	Rs.	
All-India Railwaymen's Benefit Fund, Nagpur.	1931	M.	2,00,000	
All-India Security Life and General Assurance Co., Bombay.	1929	45,114	40,000	
All-India United Assurance Co., Lucknow.	1934	1,27,435	55,000	
Andhra Insurance Co., Masulipatam.	1925	40,860	2,00,000	
Argus Insurance Co., Ahmedabad	1919	61,930	82,600	
Arya Insurance Co., Sylhet	1910	30,081	55,000	
Aryan Life Assurance Society, Bombay.	1930	M.	75,000	
Aryasthan Insurance Co., Calcutta	1933	63,835	47,000	
Ashok Insurance Co., Bombay	1930	26,200	71,000	
Asia Mutual Insurance Co., Calcutta	1931	**	25,000	Became subject to the Indian Life Assurance Companies Act since September, 1936.
Asian Assurance Co., Bombay	1911	2,03,615	2,00,000	
Asiatic Government Security Life Assurance Co., Bangalore City.	1913	1,68,585	2,00,000	
Associaçao Goana do Mutuo Auxilio, Bombay.	1885	M.	2,00,000	
Bangalakshmi Insurance, Calcutta	1936	**	25,000	
Behar United Insurance, Patna	1933	25,621	33,100	
Bengal Co-operative Insurance Society, Calcutta.	1929	25,033	39,000	
Bengal Insurance and Real Property Co., Calcutta.	1920	1,25,575	2,00,000	
Bengal Mercantile Life Insurance Co., Calcutta.	1910	32,292	1,38,000	

** First Accounts not yet deposited.

M.—Mutual Company having no share capital.

Name.	Year of establish- ment.	Paid-up capital at end of last financial year for which accounts have been deposited.	Deposit made up to 10th August 1937.	Remarks.
1	2	3	4	5'
		Rs.	Rs.	
Bhagya Lakshmi Insurance, Calcutta.	1931	50,158	1,00,000	
Bharat Insurance Co., Lahore ..	1896	2,48,520	2,00,000	
Bharati Bima, Benares City ..	1935	65,625	25,000	
Bhaakar Insurance Co., Gauhati ..	1936	**	25,000	
Bihar National Insurance Co., Patna.	1932	82,807	28,000	
B., B. and C. I. Railway Co-operative Mutual Death Benefit Society for Indian Staff, Bombay.	1932	M.	1,84,500	
B., B. and C. I. Railway Zoroastrain Association (Death Benefit Fund, Bombay.	1888	M.	2,03,000	
Bombay Co-operative Insurance Society, Bombay.	1930	M. 24,714 (Deben- tures).	2,00,000	
Bombay Life Assurance Co., Bombay	1908	1,35,100	2,00,000	
Bombay Mutual Life Assurance Society, Bombay.	1871	M.	2,00,000	
Bombay Postal Employees Co- operative Provident Fund, Bombay.	1937	M.	25,000	
* Bombay Widows' Pension Fund, Bombay.	1876	M.	1,38,400	
Bombay Zoroastrain Mutual Death Benefit Fund, Bombay.	1889	M.	2,00,000	
Burma National Insurance Co., Rangoon.	1937		25,000	
Calcutta Insurance, Calcutta ..	1924	1,72,324	2,00,000	
Canara Mutual Assurance Co., Udipi.	1935	M.	50,000	

**First accounts not yet deposited.

M.—Mutual Company having no share capital.

L435LAD

Name.	Year of establish- ment.	Paid-up capital at end of last financial year for which accounts have been deposited.	Deposit made up to 10th August 1937.	Remarks.
1	2	3	4	5
		Rs.	Rs.	
Central Life and General Assurance, Co., Lahore.	1936	**	25,000	
Central Mutual Benefit Co., Nagpur	1936	**	25,000	
Central Mutual Life Assurance Society, Bombay.	1929	M.	32,300	
Central Popular Assurance Co., Karachi.	1933	2,000	35,000	
Champion General Insurance Co., Bombay.	1934	41,635	43,000	
Christian Mutual Insurance Co., Lahore.	1847	M.	2,00,000	
Commercial Insurance Co., Bombay	1932	26,350	36,100	
Commonwealth Assurance Co., Poona, No. 2.	1929	54,005	2,00,000	
Co-operative Assurance Co., Lahore	1906	50,000	0,000	
Crescent Insurance Co., Bombay ..	1919	1,46,880	1,22,200	
Dawn of India Insurance Co., Poona, 2.	1928	33,834	28,700	
Deccan Assurance Co., Beywada ..	1931	15,900	81,400	
Depositors Benefit Insurance Co., Bombay.	1932	2,50,000	2,000,00	
Dominion Insurance Co., Calcutta...	1930	24,335	42,500	
Donation Union Link on Railways, Bangalore.	1921	M.	1,34,000	
E. B. Railway Employees' Co- operative Benefit Society, Ltd., Calcutta.	1931	M.	25,000	

**First Accounts not yet deposited.

M.—Mutual Company having no share capital.

Name.	Year of establish- ment.	Paid-up capital at end of last financial year for which accounts have been deposited.	Deposit made up to 10th August 1937.	Remarks.
1	2	3	4	5
		Ra.	Ra.	
East and West Insy. Insurance Co., Bombay.	1913	1,00,815	2,00,000	
Eastern Federal Union Insurance Calcutta.	1932	10,58,855	25,000	
Empire of India Life Assurance Co., Bombay.	1879	4,12,000	2,00,000	
Equity Insurance Co., Lucknow ..	1933		25,000	Became subject to the Indian Life Assurance Com- panies Act, since October 1935.
Federal India Assurance Co., Delhi	1931	55,641	48,000	
Forward Assurance Co., Bombay ..	1929	19,902	55,000	
Free India General Insurance Co., Cawnpore.	1934	88,580	70,000	
Frontier Insurance Co., Peshawar Cantonment.	1934	32,280	26,600	
Ganesh Insurance Co., Madras ..	1933	54,475	29,1	
General Assurance Society, Ajmer ..	1928	1,33,481	2,00,000	
General Assurance Trust (India), Bombay.	1928	4,500	25,000	
Genuine Insurance Co., Calcutta ..	1931	9,479	70,000	
Glory of India Insurance Co., Lahore.	1936	**	25,000	
Good Luck Insurance Co., Lahore ..	1935	**	25,000	
Good-Will Assurance Co., Kupe- vad.	1936	30,750	27,000	
Golden Eagle Insurance Co., Lahore	1934	93,237	35,000	
Great Asoka Assurance Co., Patna.	1932	1,04,000	88,500	

** First Accounts not yet deposited.

M.—Mutual Company having no share capital.

Name.	Year of establish- ment.	Paid-up capital at end of last financial year for which accounts have been deposited.	Deposit made up to 10th August 1937.	Remarks.
1	2	3	4	5
		Rs.	Rs.	
Great Home Life Assurance Co., Bombay.	1936	**	25,000	
G. I. P. Railway, Employees' Death Benefit Fund, Bombay.	1917	M. .	67,000	
Great Orient Insurance Co., Lahore.	1931	1,06,765	52,700	
Great Peninsular Insurance Co., Madras.	1928	44,860	38,000	
Great Social Life and General Assu- rance, Jalagaon.	1933	43,730	56,000	
Guardian of India Insurance Co., Madras.	1934	1,21,875	1,00,000	
Gujrat Zoroastrain Mutual Death Benefit Fund, Surat.	1891	M.	2,01,000	
Happy India Insurance Co., Cal- cutta.	1937	**	25,000	
Himalaya Assurance Co., Calcutta	1919	4,90,621	2,00,000	
Hindu Mutual Life Assurance, Cal- cutta.	1891	M.	2,00,000	
Hindustan National Insurance Co., Lahore.	1935	**	25,000	
Hindustan Bima Co., Lahore	1914	1,04,630	1,50,000	
Hindustan Co-operative Insurance Society, Calcutta.	1907	3,73,875	2,00,000	
Hindustan Mutual Insurance Co., Masulipatam.	1935	M.	25,000	
Hindustan Mutual Assurance Co., Ltd., Agra.	1935	M.	25,000	
Hukumchand Life Assurance, Co., Calcutta.	1934	1,01,050	50,000	
Hyderabad Pioneer Assurance, Co., Hyderabad (Decan).	1937		25,000	

** First Accounts not yet deposited.

M.—Mutual Company having no share capital.

Name.	Year of establish- ment.	Paid-up capital at end of last financial year for which accounts have been deposited.	Deposit made up to 10th August 1937.	Remarks.
1	2	3	4	5
		Rs.	Rs.	
Ideal Democratic Assurance and Mortgage Loans. Nagpur City.	1926	3,00,430	91,700	
India Equitable Insurance Co., Cal- cutta.	1908	1,02,275	2,00,000	
India Life Benefit Assurance Soci- ety, Coimbatore.	1927	68,825	1,00,300	} Became, and sub- ject to the Indian Life Assurance Companies Act since March 1936.
India Oriol Assurance, Co., Amritsar	1931	21,242	25,000	
India Union Insurance Co., Calcutta	1935	6,1700	25,100	
Indian Christian Provident Fund, Madras.	1884	M.	44,000	
Indian Circar Insurance Co., Madras	1935	33,870	25,000	Exempted from making further deposits.
Indian Economic Insurance, Co., Calcutta.	1934	17,158	28,000	
Indian Globe Insurance, Co., Bom- bay.	1929	3,16,747	1,40,500	
Indian Insurance, Dehra Dun	1934	1,90,291	1,21,100	
Indian Insurance Corporation, Lahore.	1936		25,000	
Indian Life Assurance, Co., Karachi	1892	1,45,000	2,00,000	
Indian Merchantile Insurance Co., Bombay.	1907	4,23,060	1,00,000	
Indian Mutual Life Association, Madras.	1925	M.	2,00,000	
Indian Mutual Provident Fund In- surance, Co., Lahore.	1928	M.	50,000	
Indian Ordinance Mutual Assurance Fund, Kirkee.	1883	M.	1,92,400	

* First Accounts not yet deposited.

M.—Mutual Company having no share capital.

Name.	Year of establish- ment.	Paid-up capital at end of last financial year for which accounts have been deposited.	Deposit made up to 10th August 1937.	Remarks.
1	2	3	4	
		Rs.	Rs.	
Indian Progressive Insurance Co., Poona 2.	1935	44,205	31,900	
Indo Asiatic Insurance Co., Ajmer	1933	32,176	25,000	
Indo Burma Insurance Co., Madras	1934	13,265	30,900	
Indo Lanka Life Assurance Co., Madras.	1935	**	50,000	
Indo Union Assurance, Co., Madras	1933	62,500	1,02,100	
Indus Insurance Co., Lahore ..	1934	30,498	25,000	Became subject to the Indian Life Assurance Com- panies Act, since August 1936.
Industrial and Prudential Assurance Bombay.	1913	2,18,700	2,00,200	
Insurance of India, Comilla ..	1936	**	25,000	
Investment Trustee and Insurance Corporation, Bombay.	1937.	**	25,000	
Jai Vijaya Insurance Co., Madras	1931	24,950	50,100	
Jatiya Kalyan Insurance Society, Calcutta.	1935	6,670	34,300	
Jupiter General Insurance Co., Bombay.	1919	23,74,800	2,00,000	
Jawala Assurance Co., Agra ..	1934	1,10,600	28,600	
Kaiser-i-Hind Insurance Co., Bombay.	1935	1,10,500	50,000	
Krishna Life Assurance Co., New Delhi.	1931	25,270	62,300	
Lakshmi Insurance Co., Lahore ..	1924	1,01,000	2,00,000	
Life Insurance Home "India" Ltd. Calcutta.	1937	**	25,000	*
Light of Asia Insurance Co., Calcutta.	1913	35,850	1,31,000	

**First Accounts not yet deposited.

M.—Mutual Company having no share capital.

Name.	Year of establish- ment.	Paid-up capital at end of last financial year for which accounts have been deposited.	Deposit made up to 10th August 1937.	Remarks.
1	2	3	4	5
		Rs.	Rs.	
Long Life Insurance Co., Poona ..	1933	55,960	69,000	
Mahabir Insurance Co., Calcutta ..	1935	1,17,039	56,000	
Mangalore Roman Catholic Provi- dent Fund, Mangalore.	1888	M.	2,00,000	
Moonakshi Insurance Co., Madras	1935	38,700	25,000	
Methodist Annuitant Society for India, Burma and Ceylon, Medak.	1911	M.	1,57,800	
Metropolitan Insurance Co., Calcutta.	1930	1,00,000	2,00,000	
Midland Insurance Co., Madras ..	1935	35,700	25,000	
Modern India Life Assurance Co., Calcutta.	1929	90,762	63,500	
Modern Insurance Co., Bombay ..	1919	68,267	97,100	
Mother India Life Assurance Co., Madura.	1936	11	25,200	
Muslim India Insurance Co., Lahore	1935	70,688	25,000	
Muslim Provident Funds Society, Karachi.	1932	M.		Exempted from making any deposit up to 31st Decem- ber, 1937.
Mutual Assurance Co., Madras ..	1932	M. 18,500 (Debentures).	78,900	
Mutual Help Association, Simla ..	1899	M.	1,35,000	
Nagpur Pioneer Insurance Company, Nagpur City.	1921	68,335	2,00,000	
Napier Insurance Company, Cal- cutta.	1937	*	25,000	

**First Accounts not yet deposited.

M.—Mutual Companies having no share capital.

Name.	Year of establish- ment.	Paid-up capital at end of last financial year for which accounts have been deposited.	Deposit made up to 10th August 1937.	Remarks.
1	2	3	4	5
		Rs.	Rs.	
National Indian Life Insurance Company, Calcutta.	1906	1,00,000	2,00,000	
National Insurance Company, Calcutta.	1906	1,00,000	2,00,000	
National Mercantile Insurance Company (India), Calcutta.	1936	**	25,000	
National Mutual Assurance of India, Madras.	1934	M	30,900	
Navbharat Insurance Company Bombay.	1932	28,535	63,000	
Navajiban Insurance Company, Bengal.	1931	**	25,000	Became subject to the Indian Life Assurance Companies Act, since April, 1937.
Neptune insurance Company, Bombay.	1931	10,000	2,01,400	
New Asiatic Life Insurance Company, Delhi.	1933	1,37,400	2,00,000	
New India Assurance Company, Bombay.	1919	71,21,055	2,00,000	
New Insurance Company, Benares City.	1933	1,25,000	1,02,000	
New State of India Insurance Company, Lahore.	1934	72,985	25,000	
New Swastik Life Assurance Company, Bombay.	1936	**	25,000	
Northern Indian Insurance Company, Lahore.	1929	91,255	1,27,000	
Oriental Government Security Life Assurance Company, Bombay.	1874	6,00,000	2,00,000	
Palladium Assurance Company, Calcutta.	1936	**	25,000	

**First Accounts not yet deposited.

M.—Mutual Companies having no share capital.

Name.	Year of establish- ment.	Paid-up capital at end of last financial year for which accounts have been deposited.	Deposit made up to 10th August 1937.	Remarks.
1	2	3	4	5
		Rs.	Rs.	
People's Insurance Company, La- hore.	1926	85,615	2,00,000	
Popular Insurance Company, Mang- lore.	1929	26,305	1,00,000	
Postal and R. M. S. Co-operative Benefit Fund, Madras.	1921	32,059	1,80,000	
Prabhat Insurance Company, Bom- bay.	1928	64,188	45,000	
Prabartak Insurance Copmany, Calcutta.	1931	48,297	35,800	
Premier General Assurance Com- pany, Patna.	1934	54,074	32,000	
Premier Insurance and Building Society, Madras.	1934	24,750	70,000	
Presidency Life Insurance Com- pany Bombay.	1930	20,100	1,18,500	
Provident Insurance Society, Ka- rachi.	1930	M	2,00,000	
Providential Insurance Company, Aligarh.	1936	**	25,000	
Provincial Union Assurance, Delhi.	1934	1,50,971	55,000	
Punjab Mutual Hindu Family Re- Fund, Lahore.	1893	M		Exempted from making any depo- sit.
Radical Insurance Company, Ca- milla.	1931	49,762	48,000	
Rajasthana Insurance Company, Calcutta.	1937	**	25,000	
Rajluxmi Mutual Insurance Society, Karachi.	1933	M	30,000	

** First Accounts not yet deposited.

M.—Mutual Companies having no share capital.

Name.	Year of establish- ment.	Paid-up capital at end of last financial year for which accounts have been deposited.	Deposit made up to 10th August 1937.	Remarks.
1	2	3	4	5
		Rs.	Rs.	
Reliance Assurance Company, Bangalore City.	1923	22,275	33,300	
Sahyadri Insurance Company, Nasik City.	1936		25,000	
Saraswati Insurance Company, Lahore.	1934	1,35,640	50,000	
Searchlight Insurance Company, Lahore.	1935	**	25,000	
Sentinel Assurance Company, Bom- bay.	1934	79,300	47,000	
Servants of India Insurance Com- pany, New Delhi.	1932	1,84,563	1,00,100	
Shakti Insurance Company, Am- bala City.	1933	29,250	25,800	
Shree Life Assurance Company, Bombay.	1917	68,600	1,35,100	
Sind Hindu Provident Fund Socie- ty, Hyderabad,	1894	M.		Exempted from making any depo- sit.
Sind Masters Sahita Fund, Karachi	1933	M.	75,000	
Social Life Assurance, Nagpur	1934	10,800	31,500	
South India Co-operative Insurance Society, Madras.	1932	47,163	1,54,550	
South India Fire and General Insu- rance Company, Coimbatore.	1935	3,26,360	26,000	
South Indian General Assurance, Company, Madras.	1929	41,480	68,400	
Sri Guru Nanak Provident Funds Society, Hyderabad.	1931	16,640	95,000	
Star of India Industrial and General Assurance Company, Madras.	1928	27,157	1,00,200	

** First Accounts not yet deposited.

M.—Mutual Company having no share capital.

Name.	Year of establish- ment.	Paid-up capital at end of last financial year for which accounts have been deposited.	Deposit made up to 10th August 1937.	Remarks.
1	2	3	4	5
		Rs.	Rs.	
Star of India Insurance Company Lahore.	1928	40,100	1,14,300	
Sterling Insurance Company, New Delhi.	1933	76,981	43,000	
Sunlight of India Insurance Com- pany, Lahore.	1932	96,300	1,01,000	
Sunshine Insurance Company, Lahore.	1933	72,756	60,960	
Swadeshi Bima Company, Agra ..	1931	1,57,310	2,00,000	
Swaraj Banking and Insurance Company, Dharwar.	1935	12,750	25,000	
Sylyan Star Insurance Trust, Delhi	1936	**	25,000	
Taj Insurance Company, Lahore	1930	64,525	52,000	
Turun Assurance Company, Ahmed- abad.	1931	39,500	52,000	
Tilok Insurance Company, Delhi	1937	**	25,000	
Tinnevely Diocesan Council Widows Fund, Madras.	1849	M.	1,03,900	
Tropical Insurance Company Delhi	1927	74,280	1,00,000	
Trust of India Assurance Company, Poona 2.	1935	40,320	25,000	
Unique Assurance Company, Cal- cutta.	1912	1,10,000	2,00,000	
United Assurance, Calcutta ..	1932	17,880	50,000	
United India Life Assurance, Madras	1906	80,100	2,20,000	
United Karnatak Insurance Com- pany, Dharwar.	1930	33,110	43,000	
United National Insurance Company Karachi.	1929	49,260	81,900	

** First Accounts not yet deposited.

M.—Mutual Companies having no share capital.

Name.	Year of establish- ment.	Paid-up capital at end of last financial year for which accounts have been deposited.	Deposit made up to 10th August 1937.	Remarks.
1	2	3	4	5
		Rs.	Rs.	
Unity Insurance Company, Lahore	1932	19,181	26,500	
Universal Fire and General Insurance Company, Bombay.	1919	6,34,925	25,000	
Universal Protector Insurance Company, Calcutta.	1937	**	25,000	
Van Guard Insurance Company, Madras.	1937	**	25,000	
Venus Assurance Company, Delhi	1920	1,54,761	2,00,000	
Victory Insurance Company, Lahore.	1934	48,826	47,000	
Vijaya Lakshmi General Assurance, Madras.	1933	1,06,158	1,25,000	
Vikram General Assurance, Bombay	1937	**	25,000	
Warden Insurance Company, Ahmed abad.	1933	1,07,050	1,26,000	
Western India Life Insurance Co., Satara City.	1913	67,750	1,00,000	
World Wide Assurance, Bombay ..	1935	56,729	25,000	
Young India Assurance Company, Calcutta.	1930	45,640	27,000	
Zenith Life Assurance, Bombay ..	1916	50,000	2,03,000	

** First Accounts not yet deposited.

M.—Mutual Companies having no share capital.

List of Indian life Assurance Companies that were defaulters for deposits under section 4 (I) of the Indian Life Assurance Companies Act, 1912, on the 16 August, 1937.

Name.	Date since the Company has been a defaulter.	Amount of deposit in arrears.	Rem
1	2	3	4
		Rs.	
Agarwal Assurance Society, Ajmer ..	1-4-37	5,073	
All India Security Life and General Assurance Company, Bombay.	1-4-34	22,670	
Argus Insurance Company, Ahmedabad ..	1-4-37	2,939	
Aryya Insurance Company, Sylhet ..	1-5-35	3,348	
Aryan Life Assurance Society, Bombay ..	1-4-37	5,685	
Bengal Mercantile Life Insurance Company, Calcutta.	1-7-36	6,085	
Bhagya Lakshmi Insurance, Calcutta. ..	1-4-37	8,762	
Bihar National Insurance Company, Patna	1-7-36	8,932	
Central Mutual Life Assurance Society, Bombay.	1-10-33	26,649	This Company proposes to transfer its business to Prabhat Insurance Company.
Dawn of India Insurance Company, Poona..	1-4-35	20,161	
Deccan Assurance Company, .. Bezwada.	1-4-37	9,545	
Federal India Assurance Company, Delhi ..	1-4-37	7,926	
Genuine Insurance Company, Calcutta ..	1-1-36	36,490	
Golden Eagle Insurance Company, Lahore	1-4-37	9,787	
Great Orient Insurance Company, Lahore ..	1-4-36	23,045	
Great Peninsular Insurance Company, Madras.	1-4-36	7,912	
Hukum Chand Life Assurance Company, Limited, Calcutta.	1-1-37	7,543	
Ideal Democratic Assurance and Mortgage Loans, Nagpur.	1-7-37	8,560	
Indian Globe Insurance Company, Bombay	1-1-37	49,773	
Indo-Asiatic Insurance Company, Ajmer ..	8-12-36	3,089	

Name.	Date since the Company has been a defaulter.	Amount of deposit in arrears.	Remarks.
1	2	3	4
		Rs.	
Jai Vijaya Insurance Co., Madras. ..	1-1-33	1,22,508	The company has resolved to apply to the Court to order its liquidation.
Meenakshi Insurance Company, Madras ..	1-8-37	3,614	
Modern India Life Assurance Company, Calcutta.	1-1-37	12,775	
Modern Insurance Company, Bombay ..	1-4-33	10,616	
Navabharat Insurance Company, Bombay.	1-1-37	1,518	
New State of India Insurance Company, Lahore.	1-1-37	3,963	*Since deposited.
Prabhat Insurance Company, Bombay ..	1-4-33	43,432	
Prabartak Insurance Company, Calcutta ...	1-1-37	2,985	
Radical Insurance Company, Comilla ..	1-1-37	*7,712	
Servants of India Insurance Company, Delhi	1-4-37	22,452	
Social Life Assurance, Nagpur ..	1-4-37	10,906	*Since deposited Rs. 1,000. This Company proposes to transfer its business to Bengal Mercantile Insurance Company, Calcutta.
South Indian General Assurance, Company, Madras.	1-1-36	14,918	
Star of India Insurance Company, Lahore ..	1-1-37	5,058	
Taj Insurance Company, Lahore ..	1-10-36	13,747	
Tarun Assurance Company, Ahmedabad ..	1-1-36	*14,034	
United Assurance, Calcutta ..	1-7-35	27,229	This Company proposes to transfer its business to Sterling Insurance Company, New Delhi.
United National Insurance Company, Karachi.	1-4-35	25,660	
Unity Insurance Company, Lahore ..	1-4-37	5,548	
Young India Assurance Company, Calcutta	1-7-36	2,464	

List of Indian Life Assurance Companies that were defaulters for deposits under section 4 (1) of the Indian Life Assurance Companies Act, 1912, on the 10th August, 1937, and to whom warning had been given regarding the default made by them for non-payment of deposit.

Name of Company.	Remarks.
All-India Security Life and General Assurance Company, Bombay.	
Argus Insurance Company, Ahmedabad.	
Ashok Insurance Company, Bombay.	
Bihar National Insurance Company, Patna.	
Central Mutual Life Assurance Society, Bombay.	
Dawn of India Insurance Company, Poona.	
Genuine Insurance Company, Calcutta.	
Golden Eagle Insurance Company, Lahore.	
Great Orient Insurance Company, Lahore.	
Great Peninsular Insurance Company, Madras.	
Hukumchand Life Assurance Company, Calcutta.	
Indian Globe Insurance Company, Bombay.	
Jai Vijaya Insurance Company, Madras.	
Modern Insurance Company, Bombay.	
Navabharat Insurance Company, Bombay.	
Prabhat Insurance Company, Bombay.	
Radical* Insurance Company, Comilla.	
Servants of India Insurance Company, New Delhi.	
South Indian General Assurance Company, Madras.	
Taj Insurance Company, Lahore.	
Tarun Assurance Company, Ahmedabad.	
United Assurance, Calcutta.	
United National Insurance Company, Karachi.	
Unity Insurance Company, Lahore.	

List of Indian Life Assurance Companies that were defaulters for deposits under section 4 (1) of the Indian Life Assurance Companies Act, 1912, on the 10th August, 1937, and were served with notices of default under section 34 of the Act.

All-India Security Life and General Assurance Company, Bombay.
Central Mutual Life Assurance Society, Bombay.
Dawn of India Insurance Company, Poona.
Great Orient Insurance Company, Lahore.
Great Peninsular Insurance Company, Madras.
Jai Vijaya Insurance Company, Madras.
Modern Insurance Company, Bombay.
Prabhat Insurance Company, Bombay.
Taj Insurance Company, Lahore.
Tarun Assurance Company, Ahmedabad.
United National Insurance Company, Karachi.

*The Company has since made up the deposit.

Information promised in reply to unstarred question No. 108 asked by Mr. Badri Dutt Pande on the 17th September, 1937.

INCOME AND EXPENDITURE OF THE ALMORA CANTONMENT.

	1934-35.	1935-36.	1936-37.
Rs.	Rs.	Rs.	Rs.
(a) Total gross income from taxes ..	4,673	5,391	5,827
(b) Government grant paid ..	5,485	5,362	4,849
(c) Total expenditure ..	9,689	11,571	14,990

MOTION FOR ADJOURNMENT.

ARREST OF THE GRAND MUFTI AND OTHER ARAB LEADERS IN PALESTINE.

Mr. President (The Honourable Sir Abdur Rahim) : Order, order. I have received notice of a motion for an adjournment of the business of the House from Sir Muhammad Yakub. He wants "to discuss a matter of urgent and important public nature, namely, the failure of the Government of India to convey to His Majesty's Government the intense feeling and resentment of the Muslims of India at the arrest of the Grand Mufti and other Arab leaders in Palestine in the last few days".

I have received an Order from His Excellency the Viceroy and Governor General disallowing the motion on the ground that the motion relates to a matter not primarily the concern of the Governor General in Council.

I have received a similar notice on the same subject from Qazi Muhammad Ahmad Kazmi, but that is also covered by the same order of His Excellency the Viceroy and Governor General.

Mr. President (The Honoursable Sir Abdur Rahim) : Legislative Business.

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhamadan Rural) : Before the legislative business is taken up, may I enquire from the Honourable the Leader of the House as to what place the continuation of the discussion on the Wedgwood Report is to take. Will it be taken up after the Legislative Business now on the list is over, or is there any other order in which it is proposed to be taken up ?

The Honourable Sir Nripendra Sircar (Leader of the House) : I received a telephone message from Mr. Satyamurti the other day making enquiries on the subject, and I told him that he might consult the Honourable the Commerce Member. After that I have heard nothing. So far as I am concerned, the statement which I made to the House was that a day would be given, only after all the official business had been

finished, and I do not see any reason for changing that. I thought there might be some agreement, but that has not been arrived at. I must adhere to what I said on the previous occasion on the subject.

Mr. Bhulabhai J. Desai : Is my Honourable friend's mind still open for negotiation for a time after Legislative Business, item No. 3 on the Order Paper, is finished ?

The Honourable Sir Nripendra Sircar : I am afraid it is almost closed.

THE PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) BILL.

Mr. G. V. Deshmukh (Nagpur Division : Non-Muhammadian) : Sir, I beg to move for leave to introduce a Bill further to amend the Prevention of Cruelty to Animals Act, 1890.

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

“ That leave be granted to introduce a Bill further to amend the Prevention of Cruelty to Animals Act, 1890.”

The motion was adopted.

Mr. G. V. Deshmukh : I introduce the Bill.

THE INDIAN MINES (AMENDMENT) BILL.

The Honourable Sir Thomas Stewart (Member for Industries and Labour) : Sir, I beg to move :

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

In moving that this Bill be referred to a Select Committee, I explained in some detail the nature of its provisions, and I do not propose to do that over again. I shall confine myself to referring to the changes which have been carried out in Select Committee and will, thereafter, make reference to the various criticisms and view points which have been expressed in the minutes of dissent. The first amendment is in clause 3 where there was inserted the phrase which is underlined in the copy of the Bill which is before Honourable Members. The object of that amendment was to make it abundantly clear, without any shadow of doubt, that there would be no breach of confidence were the Inspectors of Mines to reveal to the owners of the mines themselves any information which they may have gathered in the course of an inspection of a mine. The next amendment has been carried out in clause 4. This amendment is not separable from the further amendment in the shape of the additional clause 5. In the course of discussion it was agreed that the rules which it is proposed to frame under the new section 30A should be subject to the condition of previous publication before they are put into force. Section 31 of the Indian Mines Act is the section which provides for previous publication and clause 5 of the Bill brings the new proposed section 30A within the purview of this section 31. It should be noticed that we have changed the word ‘ regulations ’ into the word ‘ rules ’. The reason for this is that section 31 of the Mines Act provides a different procedure for previous publication in regard to regulations from that prescribed in regard to rules.

[Sir Thomas Stewart.]

In the case of regulations, it is necessary, before publication, to refer the regulations to the Indian Mining Boards and to publish them only after the opinions of these boards have been received. In the case of rules it is possible to publish and to refer to the mining boards simultaneously. It was with a view to securing an expedition of the approval of the rules that we changed the name from 'regulations' to 'rules'.

I turn now to the comments which appear in the two minutes of dissent. I found it a little difficult, at first sight, to appreciate what was exactly in the minds of Prof. Ranga and his Honourable Colleagues when they framed paragraph 1 of the first minute of dissent. I thought, at first, that they were anxious to ensure that before any such rules came into operation there should be an ample opportunity for examination and criticism by the public. Had that been their meaning, then my answer would have been that by arranging for previous publication we have met adequately their point. Publication is carried out in the Gazette of India, a copy of which is supplied to all Honourable Members and I suggest that in that way ample opportunity for criticism is afforded. Paragraph 2 of the minute of dissent, however, goes further and read with the amendment which stands in the name of my Honourable friend, Mr. Ram Narayan Singh, it indicates that the Honourable Members who signed this minute of dissent are jealous of the legislative privileges of this House. They fear that there may be some invasion of those privileges and for this reason it is their view that any rules framed by the executive should be placed before both Houses of the Legislature and should receive formal approval. I am aware that within the last week or so a similar provision has been inserted into the Insurance Bill. Now, Sir, I do not propose to dispute that there may be occasions in which it is desirable to make some sort of provision of this nature but I would very respectfully urge that in the present instance no such necessity exists. If I may, at the risk of tiring the House, give a summary of the provisions which it is proposed to make by rule, my argument, I think, will be more clear.

As I mentioned in the earlier stages of this Bill, the Chief Inspector of Mines, in consultation with expert opinion in the coal fields, has drawn up a draft series of rules for Jharia and Raneegunj. It is a summary of those that I propose to give. Chapters I and II provide that the Jharia and Raneegunj coal fields be constituted groups of mines for the purposes of the Act, that for each group a central committee be constituted consisting of representatives of colliery owners, colliery managers and representatives of labour, *plus* an Inspector of Mines, and that the period of membership of the committee should be three years. There are further detailed provisions regulating the resignation of members, specifying the powers and duties of the President, the procedure for holding meetings and disposing of business and defining the powers of the committee in respect of the establishment under its control. It also lays down the fees payable for attendance at meetings. Chapter III relates to the collection of the cess and contains the following provisions—that the cess is to be collected by the railways as a surcharge on freight, that the collections are to be credited to the account of the committee in the Imperial Bank of India, that the expenses of the committee and the maintenance and upkeep of the rescue stations are to be met from this fund. More detailed provisions regulate the keeping, auditing and publishing of the accounts of the committee

Chapter IV deals with the organisation of the rescue stations. These provisions are even more detailed. They provide for the exact location of the two rescue stations in the Jharia and Raneegunj areas, respectively. They require that a competent and fully trained superintendent shall be placed in charge of each rescue station, that a permanent rescue corps consisting of, at least, six fully trained men shall be organised and maintained at each station, and that, at least, three competent instructors shall be attached to the station. The general and particular duties of the rescue corps are laid down—for example, that three members of the corps and an instructor shall always remain in attendance. The apparatus and equipment for each station is prescribed and rules for its maintenance in proper order are also laid down. Chapter V deals with the corresponding organisation within the mines. It is provided that the manager of every mine, employing 100 or more persons underground, shall appoint fully trained men according to given scale to co-operate with the rescue stations in rescue work and in practice therefor, that, such trained men shall not all be employed underground at the same time, that every mine in the area to which these regulations apply shall have telephonic communication with the central rescue station, that mines employing less than 100 men need not have telephonic connection if they are within two miles of a telephone connecting with the central rescue station.

More detailed provisions relate to the method of selecting rescue workers, their medical examination, the courses of instruction and practice which they have to undergo, and the code of signals to be employed in training. Chapter VI defines the procedure to be followed in the event of an emergency, such as getting into touch promptly with the rescue station, summoning rescue workers attached to the mine, arranging for medical attendance and informing the mines inspectorate of the occurrence of the emergency. Further regulations deal with the conditions under which rescue workers are to be allowed entry into the mines for rescue work, the organization of rescue parties under captains and leaders, the use of breathing apparatus, the establishment of fresh air bases, the arrangements for the supply of gas masks and other apparatus at the surface, the duties of the leader underground, and of members of the rescue brigades while engaged in rescue work, the code of signalling to be employed and the conditions under which a second spell of rescue work can be undertaken.

I apologize again to Honourable Members for having delayed them with this recital but I hope that they will agree with me that these regulations are matters of technical detail which do not constitute any invasion of the legislative powers of this Honourable House. I would mention also that these are rules which are not necessarily of a general application. These are rules which are framed in relation to the special necessities of Jharia and Raneegunj. It may be that after a week or a month or a year it might be decided to constitute rescue stations at other groups of mines. It would be necessary, therefore, to frame an entirely new set of rules to suit the particular conditions of the new group of mines. Finally, while on this subject, I would say that expedition is of the greatest value. We are dealing with regulations which are designed to save human life and to alleviate human suffering. Any delay that is more than absolutely necessary is, I suggest, greatly to be deprecated. In paragraph 3 of the first note of dissent reference is made to the representation of various interests on the committee appointed to administer the rescue station. I am prepared to repeat the assurance, which I have already given that, in

[Sir Thomas Stewart.]

the draft rules which we shall issue for criticism we shall propose the following constitution : one member of the mines inspectorate, two members representing the colliery owners, two members representing managers in the field and two representatives of labour interests. I cannot give an absolute assurance that this will be the ultimate composition of the committee. If we are publishing our proposals for public information and for criticism, I am not prepared to say now that I will ignore all criticism. The final decision, however, will be taken in relation to the views of the various parties who are interested to offer these views.

I leave for the moment paragraph 4 of the first minute of dissent and turn to the minute of dissent which has been signed by my Honourable friend, Mr. Chattopadhyaya. His first criticism is, that this scheme ought to have been circulated amongst the miners. Now, I think I can answer that criticism best by asking the Honourable Member one question. If he, Sir, were to set up in the poorer quarters of Calcutta a dispensary, would he go and consult his future patients as to the qualifications of the doctor or as to the equipment of his dispensary ? But if what he really meant to suggest was that this scheme has been drawn up without any consultation at all with the people who know about this kind of thing, then, I would remind him that I have already said that the scheme has been drawn up by the Chief Inspector of Mines after consultation with those in the coal fields who are best qualified to advise him. He has complained also that no scheme has been put before him. That is not entirely accurate, although I do admit that when I previously gave information on this matter I was not in a position to give more than the roughest estimate as to what would be the cost of a rescue station. I have, however, on the basis of information derived from a discussion on this subject in the Geological and Mining Institute, put together some estimates which may assist Honourable Members to a somewhat closer appreciation of the cost of the scheme. The cost of the scheme is of two kinds. First of all, naturally, there will be initial expenditure and, thereafter, there will be recurring expenditure. The initial expenditure, again, will be of two kinds. First of all, on putting up of necessary buildings for accommodating the rescue station and the staff attached thereto. There will then be provision of the apparatus, such as oxygen cylinders, gas masks, breathing apparatus and so on. On buildings, our estimate is that some Rs. 67,000 would require to be spent, and on the moveable apparatus some Rs. 28,000, so that the total initial capital expenditure will be Rs. 95,000. On staff and consumable stores it is estimated that the recurring expenditure will be Rs. 35,000. In the first year the expenditure will be roughly Rs. 1,30,000. Now, in each of the Jharia and Raneegeunge fields the annual raisings of coal are approximately seven million tons—in one it may be a little more, in the another it may be a little less—and a cess at the rate which we propose, viz., two pies per ton would give us just Rs. 75,000. A simple calculation will show that it will not be until the proposed cess of two pies a ton has been in operation for three years that the initial and recurring expenses will have been covered. Honourable Members will, therefore, agree, I think, that the rate we propose is not excessive, at least for the first three years. The question of its revision, thereafter, will, of course, remain open.

Mr. Chattopadhyaya's third suggestion is that as this is a new experiment, it should, therefore, be undertaken by Government. That, I think,

is a very dangerous theory and I think it is peculiarly dangerous if we apply it in the case of an industry which, in the last year, has had a very significant windfall of a rise from Rs. 2 to 3 per ton in the price of coal. As regards the next suggestion in paragraph 4 of the second minute of dissent, it is certainly a very attractive proposition for those mines which are to benefit by the institution of the rescue stations. It would certainly lessen their cost if, for the benefit of Jharia and Ranee-gunj, we were to levy a cess on coal produced in the Punjab, Madras, Assam and the Central Provinces. But, again, I feel that I will have the general support of the House if I characterise this as a most inequitable proposition.

I turn, finally, to the fourth sub-paragraph of Prof. Ranga's minute of dissent. At a previous stage I have given the House an assurance that this Bill does not represent the sum-total of the decisions of Government on the report of the Coal Mining Committee. I repeat that assurance and, I am sure, Honourable Members will agree with me that if it was of any importance that we should put into operation measures for the benefit of the miners, we should not delay the putting of those measures into effect until such time as so important issues as sand stowing or nationalisation of mines had been decided. These are important matters that will require much longer and much deeper consideration than it would have been possible to give them between the time of the publication of the report and the introduction of this Bill.

With these words, Sir, I move.

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

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

Prof. N. G. Ranga (Guntur *cum* Nellore : Non-Muhammadan Rural) : Sir, I am glad that the Honourable Member has given this assurance in regard to the sub-paragraph of paragraph 3 of our minute of dissent and stated that as soon as it is possible and as soon as the Government of India have finished their examination of these two very important things, that is, the compulsory sand stowing in mines and the nationalisation, they will try to place their proposals before this House and take every possible step to increase the facilities that are available today for the miners in regard to their safety and also in regard to their improved comfort and livelihood. I now take up the other point regarding the representation of various parties concerned on the Committees to administer these rescue stations. I have to express my disappointment at the statement of the Honourable Member that he gave the assurance that even if it were to be found to be necessary to increase the representation now proposed to be allotted to other mine owners or mine managers, the representation that is offered to be given to miners will also be correspondingly increased. I have placed this suggestion before him even in my conversations and I find that, most unfortunately, the Honourable Member in charge of this Bill is not prepared to be conciliatory and accommodating in regard to this very small matter. Although it is small in a way from the point of view of the miners themselves, it is a very important matter and that is why we were considering, at the Select Committee stage of the Bill of 1935, to amend the Indian Mines Act of 1923. We took particular care to see that the representation allotted to miners on mine boards was carefully regulated and was safeguarded, and it was in that connection that these

[Prof. N. G. Ranga.]

provisions were incorporated in the Act that came subsequently to be passed. Of the persons to represent the interests of miners, two shall be nominated in accordance with the following provisions :

“ If there are one or two more registered mines having in aggregate as members not less than one-quarter of the miners, the said persons shall be nominated by such trade unions in such a manner as may be prescribed.”

Such care was taken in 1935 to see that the representation that was to be allotted to workers was properly safeguarded and that the ordinary representation alone was not sufficient. If that was so, I do not know why my Honourable friend, the Member for Industries and Labour, is not prepared to give this assurance that if it was found to be necessary to raise the representation given to the other two parties, that is, the owners and the managers, it would also be seen that the miners should be given the same amount of increased representation. Even with regard to the proposed two memberships for miners, I want to place the suggestion before him that he should try to give this representation through the trade unions in the same manner in which representation is sought to be given to the trade unions in regard to the Mining Boards. For instance, if there is to be a trade union for the rescue station in the Jharia coal-field, the two members who are to represent the miners are to be elected by the trade union subject to the conditions that are laid down in section 10 (e) (i) of the Indian Mines Act of 1923.

Then, coming to the next motion in regard to the placing of the rules, to be made under this Bill, on the table of the House, I wish to say that my Honourable friend, the Member for Industries and Labour, has rather over-stated his own case. He has himself given us copious details and very necessary details in regard to the manner in which these rescue stations are to be conducted. A Committee is to be constituted and representation is to be given on this Committee to the various groups of people. The very details that he has given show how complex is this problem and how important the powers and functions of these rescue stations are going to be. It is for this very reason that I want that any rules that may be made under this particular Bill should be placed on the table of this House and this House should be given an opportunity to discuss those things and then giving its approval. It may be said that it will take such a long time. Sir, when a rescue station is going to be established and when Government have waited for so long, they can also afford to wait for a few weeks more. The only delay that may be caused is, in the first instance, when they have to promulgate these rules. Later on, whenever an opportunity of amending these rules occurs, not much delay need be caused and these amendments can be thought of a little in advance and an opportunity can be taken when both the Houses are in Session to place those amendments on the table of both these Houses. As for the first instance in which they have to make these rules it is only four months more before the next Session of the two Houses will begin. It is within these four months that the Government will have to frame their rules and regulations, formulate their detailed proposals and get the whole thing ready and, certainly, it will not be long, thereafter, before they could approach the Legislature and get their sanction and give effect to these rules. View it from whichever point of view, we find that our demand that these rules should be placed on the table of the House is not at all unreasonable. I think on

the other hand it is an extremely reasonable suggestion. For this purpose the Committee, as a whole, recognises the importance of these rules that are contemplated to be formulated by Government. The Select Committee says :

“ We consider that the subordinate legislation contemplated under section 30A is of a nature so important that it should be made subject to previous publication.”

So, Sir, they themselves recognise the importance of these rules. That is why they have agreed to this amendment that these rules should be previously published in the gazette for three months so that the public may have an opportunity of criticising them and make their constructive suggestions.

I very well recognise the value of this concession made by the Honourable Sir Thomas Stewart and other Members of the Select Committee. But, Sir, this is not enough. If they have, themselves, agreed about the special importance of this particular subject as to make this particular concession, I want to know why they are not prepared to go with us a little further and agree to our suggestion that these rules should be placed on the table of the House. Moreover, as the Honourable Member himself has admitted, it is not as if we are suggesting a sort of innovation as far as this House is concerned. Only the other day the principle underlying our suggestion has been accepted by this House in regard to an equally important legislative measure, the Insurance Bill. Therefore, I hope the Honourable Member himself will reconsider his opinion and try to agree with us in regard to this particular matter, especially when we recognise the unsatisfactory character of his own unwillingness to agree with us when we realise how unwilling he is to commit himself in regard to the representation to be given to these three groups of people. He says, after all I cannot commit myself to anything definitely now. He may have to give an opportunity to the public to make their criticisms and, in the light of those criticisms, he may have to change the respective quotas of representation that are today proposed to be given to these committees for the management of these rescue stations. What does that mean? Everybody else has an opportunity of expressing his view including Honourable Members of this House. But the final judge and the final monitor must be the Government themselves. I want to know on an important thing like this on which in the past and only in 1935 the House had thought it advisable to fix the respective quotas of representations to be granted to these various parties, on an equally important Mining Board and also to prescribe the manner in which the representatives of labour should be elected, why this House should be balked of exercising its own function, should be balked of its own powers.

Coming also to the question of constitution of these committees and their functions, we find that these committees are to have complete powers—how they are to appoint people, how many people are to be appointed, how they are to be paid and so on. Anything may be done by these committees. These committees are going to be almost independent of the control of this Government except for the fact that on every committee there is a representative of the Factory Inspecting staff—it may be the Factory Inspector or one of his Assistants. That sort of control is not enough. This House will be prevented, thereafter, from exercising any sort of control or supervision in regard to the manner in which these companies will carry on the administration of these rescue stations, satisfactorily or unsatisfactorily, wastefully or economically. We know

[Prof. N. G. Ranga.]

only to, well how the tea cess committee, the coffee cess committee, and the lac cess committee have been carrying on their work. Very highly paid officers have been imported into this country on some specious plea or other and many of them cannot even claim to have had any technical training or qualifications for their jobs. We do not want a repetition of the same thing even in regard to the administration of these rescue stations. It is all very well to say that, after all, when you are setting up these fairly autonomous committees, you must give them sufficient power to appoint whomsoever they like. Viewed from a nationalist point of view, viewed from an Indian point of view, you will find that these powers sought to be given to these committees are highly dangerous and inimical to the interests of Indians, especially in the interests of Indian Industries. Therefore, it is necessary that these rules, according to which these various departments are to be conferred so much power over these rescue stations, should be placed on the table of the House. If they are not placed on the table of the House, each Honourable Member can only give his individual views and can have an opportunity of offering his criticism leaving it to the beneficent decision of the Government to do whatever they like. This is going to be a real deprivation and a serious deprivation of the powers and privileges of this House. I, for one, cannot agree to any such proposal and I hope Honourable Members of this House will agree to our amendment which will be moved later on.

Sir, I have come to the close of my observations, and I need only express my hope that it will not be very long before the Honourable the Industries Member will finish his study and consideration of the Mines Committee's report and come to this House with a more comprehensive and a more satisfactory Bill for safeguarding the interests of miners and also for controlling the vagaries of these managing agents and for improving the state of working conditions that today prevail in these mines. Sir, I support the motion.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I give my support to the principle of the Bill and I hope the House will pass the Bill, subject to the acceptance of the few amendments that will be moved from this side of the House. I have to make one or two observations which I hope the Honourable Member for Industries and Labour will consider, during the recess, before the formation of the committee to control central rescue stations. I do hope this committee will be of a temporary nature and, by next year, the Honourable Member or his successor, whoever may be in charge of the portfolio of mining, will examine the weighty recommendations of the Mining Committee and try to create a mining authority as has been recommended by that committee. If that authority is created there is no necessity of this temporary mining committee or the central rescue station control committee, as has been suggested by the Honourable Member.

Sir, I was a little disappointed with my Honourable friend conceding two seats to the representatives of the colliery owners. My Honourable friend knows that there are three distinctive Chambers of Commerce which are at present fighting with one another at times and with the Government over the rights of the colliery owners. There is the Indian Mining Association, the Indian Mining Federation and the Indian Colliery Association. I suggest that there should be three seats allotted, one to each of the

Chambers of Commerce that I have named, so that there will be no quarrel or fight or any further representation to the Honourable Member. I would further suggest that the Government of Bihar should have the right to send in a representative as it is the primary function of the Provincial Government to look after the welfare of the people and the Government of Bihar owns those lands and are interested in the welfare of the miners about whom my Honourable friend, Prof. Ranga, spoke so much. I do think that the representative of the Government of Bihar should not be necessarily the mining inspector of the Government of Bihar. Sir, I do hope the Honourable Member for Industries will make a definite statement as to when his Government or he or his successor is likely to introduce a comprehensive Bill and give effect to the Mining Committee's report. Of course, I apprehend there will be serious objections from the colliery owners and the mine owners about the enactment of this six pies cess that is going to be levied under this Bill, because if sand-stowing is to be given effect to and also other recommendations such as stoppage of any further depillaring in those old mines in Jharia and Raneeganj coal fields, Government will have to meet with objections from the big vested interests, proprietors of these mines. They will always object but it is the interest of this House and of Government to look after, not only the welfare of the miners, how best to save these huge properties that may sink through the process of depillaring after ten or 20 years' work underground and the surface of those lands completely destroyed. It may be as the Coal Mining Committee has rightly observed, that there are colliery proprietors who think that their period of contract would be shortly over and there is no necessity of the conservation of coal as has been recommended, and such colliery proprietors want the depillaring without thinking of the serious danger that these mine areas are liable to by such depillaring. These are things that no national Government can postpone. Government, as at present constituted, may not think in national terms, but as members of international associations or the League of Nations or the international Labour Conferences, Government have the primary function and the primary duty of looking after the welfare of the miners, mines and the collieries; and, therefore, I do hope the next Session of the Assembly will see a comprehensive Bill and Government will bring out their solid proposals as to how coal conservation should take place in India, how there should be no further depillaring by any of the colliery proprietors and how sand-stowing can take place and how there should be no gases or further coal dust in those mines and how they can be prevented. And I do hope, during the recess, the Government of India will collect all the views from these mine owners and mining proprietors which they have not submitted so far to Government. With these observations and with the expectancy of any assurance from Government that a comprehensive Bill will come in the next Session, I support the motion for consideration of this Bill.

Mr. Ram Narayan Singh (Chota Nagpur Division : Non-Muham-
 1 P.M. madan) : Sir, as this is a salutary measure, I support
 the motion for consideration. I support also each
 and every word that has fallen from my Honourable friends, Mr. Das
 and Prof. Ranga.

Sir, while the motion for Select Committee was being discussed, almost every Member complained that a comprehensive measure was

[Mr. Ram Narayan Singh.]

not being brought. The Honourable Member in charge of the Bill only said this much that this is not the sum total of the consideration by Government of the Mining Committee's report. He says that as nationalisation of mines and stowing of sand are being considered, there is a delay. Sir, this will not do. We hope and believe that whatever considerations Government have to make, they should make in no time, because, up till now, we have seen that Government have dealt with the question of labour in this country in a most *begari* fashion. We hope that their considerations will be finished soon and a comprehensive measure will be brought forward. Sir, I am glad that the Honourable Member has now supplied us with some more information about the scheme and regulations. We insisted on this in the Select Committee ; but we got there only too little. When there is a measure for new taxation for any particular scheme, I think it is proper that the draft scheme in detail—though it may not be an exact one—should be submitted to the House and to the Select Committee, so that we may be able to consider the whole question in the most proper way. I am glad to hear that for the first three years the Honourable Member will realise a cess of only two pies per ton. I have tabled an amendment on this question : I have said that the cess may be realised in relative proportion to the different qualities of coal. I did not raise this point in the Select Committee. This point was brought to my notice after that. Now, I draw the attention of the Honourable Member in charge of the Bill and of the House to the Committee's suggestions as regards the rates of cess to be realised on different qualities of coal. At page 137, paragraph 265, the Committee says :

“ As regards the amount of the proposed cess we are of the opinion that eight annas a ton on coal including soft coke, and 12 annas a ton on hard coke, assuming that $1\frac{1}{2}$ tons of coke are necessary to manufacture one ton of hard coke, will be the lowest rates likely to provide adequate funds for the work contemplated at first.”

They talk of a large amount of cess, because they were considering a number of recommendations which the Government have not brought forward now. They have said a similar thing in their recommendation at page 198 in paragraph 94, because it is quite just that when any cess is going to be levied, it must not be a flat rate ; as the Honourable Member has said that, for the first three years, he is going to realise two pies per ton, if he gives an assurance that after that period, when it will be enhanced, the Government will consider this point that they will raise the cess according to the different qualities of coal, I may not press this amendment.

As regards the other amendments, of course, I shall speak when the time comes, but I think, as the Honourable Member has said, this party has given unstinted support to the Government in the enactment which is just over : as regards the rule-making power, of course, this is a very important power, and as the Honourable Member said, we feel jealous of the legislative power of this House. Of course, we have no doubt ; but we must say that as the present Constitution of the Government in this country is, we must not give them unlimited power of rule-making. As regards this, I shall speak later. I support the measure and hope the Honourable Member will consider these points, and if he accepts our amendments, I think the Bill should be passed in a minute or two.

Honourable Members : The question may now be put.

Mr. President (The Honourable Sir Abdur Rahim) : I accept closure subject to the reply of the Honourable the Mover. The question is :

“ That the question may now be put.”

The motion was adopted.

The Honourable Sir Thomas Stewart : Sir, at this stage I do not propose to refer to any matters which may be the subject of discussion in the course of the further stages of the Bill. I should like, however, to protest against an accusation that has been made against me by my Honourable friend, Prof. Ranga. He has accused me of lack of a conciliatory spirit in regard to the question of representation of labour on the committees. That is rather an unkind suggestion of his, considering that the proposals that I am putting forward are proposals which are made at his instance. In connection with the representation of labour on the committees I should, however, like to reassure him that we have in mind the choosing of representatives for those committees in the same way as they are chosen for the mining boards.....

Prof. N. G. Ranga : Is the proportion in which the various interests are to be represented in future even after this clause the same ?

The Honourable Sir Thomas Stewart : The method which is adopted for representation on the boards will be our model.....

Dr. P. N. Banerjea (Calcutta Suburbs : Non-Mohummadan Urban) : On a point of information, may I know if the Indian Mining Association and the Indian Mining Federation will also be represented on this board ?

The Honourable Sir Thomas Stewart : The proposal is that on these committees there should be one representative of the Government mining inspectorate ; there should be two representatives of colliery owners, which term includes the associations to which the Honourable Member refers, two representatives of colliery managers ; and two representatives of labour.....

Dr. P. N. Banerjea : But there are three bodies of mine owners : how will you divide these two seats between these three ?

The Honourable Sir Thomas Stewart : I may remind the Honourable Member that it is proposed that these rules should be published for public criticism and the criticisms of the bodies to which he refers or the comments of individuals interested will receive due consideration.

I have another complaint to make. My Honourable friend, Mr. Ram Narayan Singh, while congratulating me on supplying further information today has said that at previous stages that information was not available. On the contrary, except in regard to the detailed estimates of costs, all the information which I have given today was available at an earlier stage. Sir, that is all I have to say at present.

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

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

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

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

“ That clause 4 stand part of the Bill.”

Mr. K. Santhanam (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir, I move :

“ That in clause 4 of the Bill, in the proposed clause (b), after the words ‘ the management of Central rescue stations ’ the words ‘ with adequate representation to the workers in the mines concerned ’ be inserted.”

Sir, the Honourable Member in charge of the Bill has accepted the principle. He has assured us that he will make provision for the purpose, and that is satisfactory. But I am moving this amendment so that this principle should be embodied in every statute ; I want it to be embodied in this Act, and I don't think there need be any objection to it. The Honourable Member has already accepted the principle and has assured us that he will make provision for it. Still, if this is embodied in the Act itself, it will be useful for future reference. He has also assured us that representation to the miners will be in accordance with the principles for the establishment of Mining Boards. Subject to these remarks and the assurance from the Government Member, I place this amendment before the House for its acceptance.

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

“ That in clause 4 of the Bill, in the proposed clause (b), after the words ‘ the management of Central rescue stations ’ the words ‘ with adequate representation to the workers in the mines concerned ’ be inserted.”

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Division : Muhammadan Rural) : Sir, I am glad of the assurance given by the Honourable Member today that the question of representation of miners will always be borne in mind. Sir, though I hold no brief for mine owners, still I think that their interests should be sufficiently safeguarded. Sir, it is a matter for congratulation that Indians have now taken up in right earnest the mining business, and so, I think, just as the miners are going to be safeguarded the labourers working in the mines should also be adequately protected. Sir, the assurance that has been given is, that two representatives of the miners and two representatives of the labourers will be on this Committee, and there will also be a representative of the Provincial Inspectorate of the Government of India, but I don't find mention of any representation of the Legislatures, either Provincial or Central ; and, if representatives of provinces where these mines are situated, or if one or two members of the Central Legislature are put on this Committee, it will greatly facilitate the work and enhance the prestige of the Committee. I, therefore, hope that the Honourable Member in charge will consider the proposal I have just made. With these words I support the Bill.

The Honourable Sir Thomas Stewart : Sir, I regret I cannot accept this amendment, because, I fear it is based on a misapprehension. Clause 4 (b) provides for the technical management of these central rescue stations. Management in that sense would be in the hands of a trained Superintendent and his assistants, and I suggest to the Honourable Member that it would be inappropriate to make any specific reservation for labour on the technical staff of these stations.

Prof. N. G. Ranga : Sir, I find that it was inadvertently put (b) instead of (a) here. I would like to know from the Honourable Member in charge of the Bill if instead of the letter (b), the letter (a) is substituted he would accept the amendment. Then the amendment will read—“(a) requiring the establishment of central rescue stations in mines and so on”. We are anxious to press this amendment for this reason, Sir. We are afraid that after these things are published for public criticism, influential mining organizations might feel inclined to make provision for 3 members, one for each of these mining areas, and leave the number allotted to miners without any corresponding change. Moreover, Sir, we do not know at present whether Government are correct in thinking that the managers are more often than not on the side of the miners and safeguarding their interests and so on, and we feel, even as it is at present, the representation given to the owners and managers is too much, and labour should be provided for adequately. If this particular salutary provision

Mr. President (The Honourable Sir Abdur Rahim) : I want to point out to the Honourable Member that he said that it was by a mistake (b) was printed for (a). That cannot be....

Prof. N. G. Ranga : Sir, I want to point out

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member can continue after Lunch.

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.

Prof. N. G. Ranga : After the House rose for Lunch, we were able to have some conversations with the Honourable Member in charge of this Bill, and we have been able to arrive at some agreed amendments. I hope that you will give me permission to move the agreed amendments. I also hope that Mr. Santhanam will withdraw his amendment.

Mr. N. V. Gadgil (Bombay Central Division : Non-Muhammadan Rural) : I am glad that the Honourable Member in charge of the Bill has agreed to meet us and the amendment that my Honourable friend, Prof. Ranga, proposes, represents a sort of compromise. When the Indian Mines Act, 1935, was being considered in the Select Committee, I quite remember that we pressed our view for representation of the miners on the Mining Board, and as a result of that, in section 10 you will find in sub-clause (1), (i) and (ii) method of representation given to the mines. I am glad that the principle of giving representation to the miners which has been conceded then has again been conceded now. I congratulate the Honourable Member in charge.

Mr. K. Santhanam : I beg leave of the House to withdraw my amendment in favour of Prof. Ranga's.

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

Prof. N. G. Ranga : I move :

"That in clause 4 of the Bill, in the proposed clause (b) after the word 'authorities' the following be inserted :

'which shall include representatives of the owners and managers of, and of the miners employed in, the mines or groups of mines concerned'."

As the Honourable Member in charge has agreed to accept this I move it.

The Honourable Sir Thomas Stewart : I accept that.

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

"That in clause 4 of the Bill, in the proposed clause (b) after the word 'authorities' the following be inserted :

'which shall include representatives of the owners and managers of, and of the miners employed in, the mines or groups of mines concerned'."

The motion was adopted.

Dr. P. N. Banerjee : I beg to move :

"That in clause 4 of the Bill, in the proposed clause (d) of section 30A, for the words 'six pies' the words 'three pies' be substituted."

No estimate of cost was placed before the Select Committee and five Members of that body observed in their Note of Dissent that Government pleaded their inability to place before the Select Committee even a draft scheme of the proposed scale and scope of expenditure on the Rescue Stations. An hour ago the Honourable Member in charge of the Bill placed before us a rough estimate of the cost of the Rescue Stations. He said that the expenditure might be divided into two parts, namely, capital and recurring, and he pointed out that capital expenditure would amount to Rs. 95,000, of which Rs. 67,000 would be on buildings, and the recurring expenditure, he said, would amount to about Rs. 35,000 a year. If this estimate be correct, then I wish to say that the expenditure, which will be incurred on buildings, will be a sort of permanent expenditure. That expenditure will not be repeated from year to year, nor will the expenditure on equipment be necessary every year. Now, Sir, as regards the yield of the cess if levied at the rate of two pies per ton of coal, the Honourable Member in charge said that Rs. 75,000 was expected to be collected every year. If we confine ourselves to the payment of the recurring expenditure, then the amount will be twice the amount that will be necessary because the staff and consumable stores will cost only Rs. 35,000 a year. The cost of the buildings may be met out of the general revenues of the Government.....

The Honourable Sir Thomas Stewart : No. There is no suggestion that the cost of the buildings should be met out of the general revenues of the Government.

Dr. P. N. Banerjee : I suggest that the cost of the buildings be met out of the general revenues of the Government. Government have a duty in this matter. Government have a duty in the matter of rescuing miners from disaster. Only a few years ago, the Government of India contributed large sums of money for the earthquake disaster in Bihar and also in Baluchistan. Therefore, you cannot say that the Government have no responsibility in this matter. I suggest, therefore, that so far as the cost of buildings is concerned, the Government should bear

it, and that only the annual expenditure should be incurred out of the cess. If that is done, then it will not be necessary to levy a cess at the rate of six pies per ton. It will do if we levy a cess at the rate of three pies only. Hence the amendment that I have moved. Additional taxation is always unwelcome, and when additional taxation is levied at a fairly high rate it becomes doubly unwelcome. Besides, there is another objection to the levy of the proposed cess. It is proposed, in this Bill, to levy the cess at the rate of six pies per ton on all grades of coal. There are, as we all know, several qualities of coal and to levy a cess on a uniform rate would amount to what is called in Economics regressive taxation. Regressive taxation is always bad; but when the rate of taxation is very small, the evil is greatly minimised. Therefore, I suggest that the cess be levied at the rate of three pies per ton, instead of at six pies per ton in order to avoid the evil, to some extent at least, of regressive taxation. If further amounts are needed in future, you will be able to increase the rate of taxation, because the Honourable Member in charge of this Bill has assured us that a comprehensive Bill will be placed before the House very soon. There is no hurry in levying a cess at a high rate. I, therefore, strongly urge that the Government will accept my amendment and reduce the rate of cess from six pies to three pies. Sir, I move.

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

“ That in clause 4 of the Bill, in the proposed clause (d) of section 30A, for the words ‘ six pies ’ the words ‘ three pies ’ be substituted.”

The Honourable Sir Thomas Stewart : In moving this amendment, I am afraid the Honourable Member has been under a slight misapprehension. The rate of six pies per ton is not necessarily the rate to be levied but it is the upper limit which I am asking this Honourable House to lay upon us, an upper limit beyond which we do not propose to go. In the meantime, our present intention is, as I said this morning, to proceed on two pies per ton. The Honourable Member might say : ‘ We are giving you too much latitude in view of the figures which you yourself quoted ’ but in answer to that I would say that my estimates were based on the cost of starting a scheme. To reduce the rate to two pies or three pies would not allow of any possibility of expansion. But further than that the estimate of two pies per ton is based on conditions in Jharia and Raneegunj where you have a very considerable concentration of mines. It might be that tomorrow or the next day or next year we might have to apply the regulations to mines elsewhere in which case a two pies or three pies maximum might be inadequate. Therefore, I oppose the amendment.

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division : Non-Muhammadan Rural) : I beg to support the amendment moved by Dr. Banerjea. In my note of dissent I had suggested that as the rescue stations were being proposed as an experimental measure the best thing would be for Government to pay the initial expenses. But if it is not going to be accepted, I think it is best for us to begin from the minimum, that is, three pies per ton instead of six pies, as, even from the raisings which have been shown in the Miners Enquiry Committee Report, if three pies per ton is taken, I believe it will be sufficient for initiating the new experiment. I believe that the Honourable Member in charge of

[Mr. Amarendra Nath Chattopadhyaya.]

the Bill will not find any difficulty in accepting this amendment at the beginning and if he finds that it is not really sufficient, for the purpose for which this Bill is proposed, he will be able to raise this amendment when the comprehensive Bill will be introduced. This Bill is really an emergency Bill and it is not a comprehensive Bill. The report of the Mining Inquiry Committee is exhaustive and if we have to take into consideration the real interest of mining we should have to introduce in this House a very comprehensive Bill so that, in the near future, we may be absolutely sure against all possible difficulties relating to mines. Therefore, I appeal to my friends here to accept this amendment and I also appeal to the Honourable Member in charge of the Bill to accept this as a temporary basis. Sir, I support the amendment.

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

“ That in clause 4 of the Bill, in the proposed clause (d) of section 30A, for the words ‘ six pies ’ the words ‘ three pies ’ be substituted.”

The motion was negatived.

Mr. K. Santhanam : Sir, I move :

“ That in clause 4 of the Bill, in the proposed clause (e), after the word ‘ training ’ the commas and the words ‘ , composition, ’ be inserted.”

The Honourable Sir Thomas Stewart : Sir, I accept the amendment.

Mr. K. Santhanam : Sir, my amendment seeks to complete the sense of this clause. I should also like the Honourable Member to give us an idea as to what sort of brigade it will be, what its composition will be, what sort of officials there will be, whether arrangements will be made to recruit the personnel within India or whether foreign experts from outside will be imported. All these are relevant points. We are anxious that in the name of this measure people should not be imported from outside ; we must start with local talent, we are prepared even for some amount of inefficiency to start with so that ultimately we may grow efficient but we do not want foreign recruitment. Our support to this Bill as well as similar Bills is conditional on this, viz., that we do not want any foreign experts or foreign recruitment. I hope the Honourable Member will, while giving effect to this Bill, remember this condition on which alone he is enabled to pass this Bill so easily through this House.

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

“ That in clause 4 of the Bill, in the proposed clause (e), after the word ‘ training ’ the commas and the words ‘ , composition, ’ be inserted.”

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, I want some information on certain points which arise. This Bill seeks to amend Act XI of 1936. In clause 5 of that Act provision is already made for certain things as regards the control, maintenance and functions of rescue stations. Has anything been done till now regarding the establishment of these stations, and if so, who are the persons in charge, what are the different qualifications necessary, and what other steps have been taken, if none have been taken, why not, and what difficulties have been experienced.

It is difficult to approve of a clause relating to rescue stations here without knowing these particulars.

The Honourable Sir Thomas Stewart : Sir, if I may reply first to the second speaker, I think I explained in my speech asking that this Bill should be referred to a Select Committee that we had found ourselves unable, on the basis of the previous wording of this section, to give proper and adequate effect to our intentions and it is for that very reason that I have brought forward this revised draft. It has not been possible to do anything up to date. As regards the composition of the stations, I did mention, in that very long recital of rules, this morning that the suggestion was that there should be a competent and fully-trained Superintendent in charge, that there should be three instructors, and that there should be at least six men fully-trained in rescue work. Now, it will not be the responsibility of the Government of India to appoint any of these ; that will be a responsibility that will rest with the rescue station committee, but I can see no reason in the world why there should be any need to go outside of India or perhaps to go outside of the coal fields themselves in order to find the personnel.

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

“ That in clause 4 of the Bill, in the proposed clause (e), after the word ‘ training ’ the commas and the words ‘ , composition, ’ be inserted.”

The motion was adopted.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Prof. Ranga. Prof. Ranga is again absent.

Mr. Ram Narayan Singh : This amendment stands in the name of Prof. Ranga on the Supplementary List, but may I move it ?

Mr. Deputy President (Mr. Akhil Chandra Datta) : It stands in the name of Prof. Ranga and Prof. Ranga alone.

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural) : If the Honourable Member in charge of this Bill will accept a proper amendment as a substitute, with the words “ for such modification as the Legislature may make ”, we will stand by the agreement but not by an amendment which means nothing, because you may say, “ what is the good of having them placed on the table, they are published in the Government gazette ” ? What was intended by that change was that we wanted to provide for the interval when the House was not sitting and I was quite prepared to meet that contingency, meaning that if any rules are made during that interval, they should be in operation but that they should be laid on the table for such modification as may be required as soon as the House sits, and I say that the amendment as drawn does not carry out this function.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Prof. Ranga.

Prof. N. G. Ranga : I do not move it.

Mr. Ram Narayan Singh : Sir, I was expecting that some agreed amendment would be moved in place of this, but unfortunately this could not happen, so I beg to move :

“ That to clause 4 of the Bill, the following proviso be added :

‘ Provided that the rules referred to in the second line of the section shall not come into force until they have been placed on the table of both Houses of the Central Legislature for at least a month while they are in session and have been approved by resolutions of both Houses ’.”

[Mr. Ram Narayan Singh.]

Sir, so far as this amendment is concerned, the amendment speaks for itself. Besides, the situation in the country also speaks for itself. Sir, we know that whenever there is any agitation in the country for any rights or privileges, laws are made by the Government. In those laws some provision is made as regards the rule-making power of the Government. What they give by the right hand, they take away by the left by their rule-making power. Besides that, the law is one thing, rules made according to the law are something quite different, and, worst of all, the administration is something quite different. Sir, this is the misfortune of the country that the Legislatures have got no full control over this Government. I do not understand what difficulty there is in accepting this amendment. Now, they say that if the Houses are not in Session, there may be delay. Sir, this is an excuse which I do not understand. Several calamities have happened, several disasters have happened in the coal-mines, and several people have lost their lives.

Now, after so many years and after the loss of so many lives,
 3 P.M. Government have come forward with a scanty proposal and they talk of a delay. We know what the Government have been doing. So far as I understand, such a procedure is prevalent in the British Houses of Parliament. All rules made by the British Government are placed on the tables of both the Houses. I hope the Government will re-consider the situation and accept the amendment without any hitch. I tell them frankly that if they have any faith in the Legislature, there ought to be no hesitation on their part to accept this amendment. It is for them to create that faith in us. I am not going to conceal my thought that this amendment is being moved on behalf of the Congress Party, because we have lost all faith in this Government, and it is the duty of this Government to revive that faith. If they fail to create that faith, then their fate is doomed.

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

“ That to clause 4 of the Bill, the following proviso be added :

‘ Provided that the rules referred to in the second line of the section shall not come into force until they have been placed on the table of both Houses of the Central Legislature for at least a month while they are in session and have been approved by resolutions of both Houses ’.”

Mr. Abdul Qaiyum (North-West Frontier Province : General) : Sir, this is a very important amendment, and if it is not carried it would mean that we are surrendering something, which it is our duty to perform, to a Government which is absolutely irresponsible. In a country like England where parliamentary institutions have developed since a long time, owing to the lack of time, the tendency had arisen for the Legislature to leave quite important parts of legislation, namely, the framing of rules, etc., to various departments of the Government. This tendency increased so much that even in that country there was an outcry and people insisted that in future, whenever such rules are framed by some obscure person in a department, those rules should be placed on the table of the Houses of Parliament and positively approved by a resolution of those Houses. When, in a country like England, where the Government is responsible to the Legislature, the necessity for a positive

approval of the rules is felt and has been put into practice, I fail to understand how we can surrender this very important privilege of this House to a Government which is absolutely irresponsible. After all, the rules which are going to be framed will either be good rules or bad rules. If these rules are good, there is absolutely no harm in placing them on the table of the House and in inviting the opinion of the House on those rules. But if they are bad rules, then of course there will be opposition and this House will not be a party to the carrying out of those rules. We regret, therefore, that we cannot carry out the wishes of the Government Benches and we consider that very important matters are being left in the matter of these rules, for example, the organisation of rescue stations and the various matters which are mentioned in parts (a) to (f) of the new section 4. These are very important matters, and we cannot afford to leave them to some irresponsible departmental official. I, therefore, support this amendment and I request the Honourable Members of this House to carry it out and thus vindicate the privilege of this House to look at the rules and to approve of them only when they consider that they deserve our approval.

Mr. M. Ghiasuddin (Punjab : Landholders) : Mr. Deputy President, I rise to support this amendment, and I do so on broad principles. It is the duty of every Parliament and every parliamentarian to increase the powers of the Parliament by constitutional methods as much as possible. The present amendment is a very modest one, and it only seeks that, when the rules have been framed by the Executive, they should be placed on the table of the House and the opinion of the House should be sought. I think it is the duty of every elected Member to try and assert the privileges of this Honourable House, and I think the Government will do well to accede to the wishes to the House. After all, the Government try to be a democratic Government, although they are not, and so, in accordance with what they have said and have been saying, I think they should accede to this amendment. Sir, I support it.

Mr. Thirumala Rao (East Godavari and West Godavari *cum* Kistna : Non-Muhammadan Rural) : Sir, when I listened to the speech of the Honourable Member in charge of the Bill, I felt that he was sweetly reasonable in accepting all the amendments, but when it comes to the real point where powers are to be reserved to Government, all his reasonableness has vanished and he is unable to accept the amendment tabled from this side of the House. We know that Government reserve to themselves large powers by way of rule-making powers. There are certain powers which are supposed to be conferred on this House and our experience, in the past, does not encourage us to arm the Government with those powers. When the Honourable Member has accepted the upper limit of the cess to half an anna and when he has accepted to give adequate representation to labour, I thought he would concede that the House would be wise enough to see that the rules are properly framed. But he wants to reserve the wisdom as well as the privilege to himself because there is much in that. The organisation of these rescue stations, the distribution of patronage, the administration of large funds to the extent of lakhs, all these he wants to remain in the hands of Government themselves without any criticism or without any hand of this House in devising the ways and

[Mr. Thirumala Rao.]

means for their administration. This whole business is an extensive one and millions of tons of coal is being taken out from the mines every year. If this organisation of the rescue stations is to be widened on a large scale, as is accepted on all hands, this rule-making power must rest with the Legislature and Members who prize their rights and have also regard of their duties to the people and the industry concerned will, I hope, vote for this amendment. With these words, I support the amendment.

Mr. N. V. Gadgil : Sir, I am surprised that the Honourable Member in charge of this Bill is not inclined to accept the modest amendment of Professor Ranga with a rider which was suggested by the Leader of my Party, namely, "with such modifications" as the House may make. Only a few days ago, when the Insurance Bill came to be discussed before the House, this principle was accepted by the House, as a whole, and I see no consistency in the conduct of the Government Member in charge of the Bill justifying refusal to such a modest request. It is not denied that the Government should have the power to make rules. In modern days when legislation is going on on a very large scale that power is necessary, but at the same time the sovereignty of the Legislature must be maintained. There must be supervision over the rules that may be framed by the Government department concerned. The supervision may be prerequisite or it may be precautionary but, in every case, supervision ought to be there. What is sought by the amendment that has been moved by my Honourable friend, Mr. Ram Narayan Singh, is that the rules need not have the force of law unless they have been approved by both the Houses. The suggested amendment of Prof. Ranga was of the other category, that the rules should be laid on the table and, afterwards, they should be adopted with such modifications as the House may make. I think this amendment comes in the latter category, namely, precaution. I agree that a fair measure of delegated legislation or subsidiary legislation, as it is called, should be handed over to the department concerned. But, at the same time, as I have just stated, the supervision of the Legislature must be secured. Having been committed to that principle in the passage of the Insurance Bill, I think it is not fair on the part of the Government to say no to this. As was pointed out by my Honourable friend, Mr. Thirumala Rao, large powers of patronage and other ancillary matters will have to be considered by the department and rules will have to be made. It is necessary that at some stage the argus-eyed Legislature should have an opportunity to see what the departments are doing. Otherwise we will be subject to what is now called the new despotism. I appeal once more to the Government to agree to the suggested amendment with the rider suggested by the Leader of our Party.

Mr. M. S. Aney (Berar : Non-Muhammadan) : Sir, the amendment, I believe, has been sufficiently discussed and the principle on which this amendment is being moved has, in my opinion, already been accepted by the Government during the discussion of the Insurance Bill here. What is after all asked for in this amendment is that the rule-making power which is vested in the Government should be subject to supervision by this House and the House should have an opportunity

of examining these rules before they are promulgated. That is the idea. That is a recognised procedure in English Parliament also. Before any rules are framed and finally promulgated, we find this general procedure being adopted, namely, that these rules are being placed on the table of both Houses of Parliament for a certain period and within that period the House has a right to move any amendment if it likes. If nothing is done within that period the rules are taken as passed. Or if the House makes any change in these rules, then they are promulgated with the modification made. That is the recognised procedure in England. The attempt now made is to bring that procedure into practice here in India also. The amendment of Prof. Ranga exactly reproduces the present practice in England. The only difficulty with regard to the amendment of Mr. Ram Narayan Singh is that it requires a positive resolution of approbation. If the Government do not like the amendment of Mr. Ram Narayan Singh, then they can certainly accept the amendment of Prof. Ranga, namely, that the rules should be placed for a certain period and the House should have the right of making any modification it likes within that period. If that is accepted, then I believe that it will not be difficult to request my Honourable friend, Mr. Ram Narayan Singh, to withdraw his amendment in favour of Prof. Ranga's. If that is not done, the House will have no option but to record its vote in favour of Mr. Ram Narayan Singh's amendment.

Mr. George Joseph (Madura and Ramnad *cum* Tinnevely : Non-Muhammadan Rural) : Sir, I beg to intervene in this discussion because of the vast constitutional importance of the amendment. Primarily it is the duty of the Legislature to legislate and it has always been recognised as a principle in all constitutions arising out of British experience to divide the functions of the State : the executive to administer, the Legislature to legislate and the courts to judge. But as a result of modern complexities and difficulties that face all Governments in legislation, in the executive and in the judiciary, it has become necessary for the Legislature, as an inevitable necessity, to delegate a part of its legislative functions to the executive government of the day. That should be regarded as an anomaly ; it should be regarded with suspicion, it should be regarded with jealousy and it should be controlled with the greatest amount of care, because, primarily it is the duty of the Legislature to legislate and not the executive. But merely because of the sheer helplessness of modern legislatures on account of the vast quantities of the proposals that come before them—varied, complex and difficult—the legislature feels, in spite of its anxiety to do all the legislative work, all by itself, compelled by the necessity of the case to delegate. But, surely, it should be recognised that it is a delegated authority, it should be only in very exceptional cases that that delegation should take place. What has happened ? There again we follow the example of the British Parliament. The British Parliament assumes its readiness to delegate part of its functions to the executive. Especially during the war such an enormous amount of legislative authority was delegated to the executive government that there was a risk of the Parliament, in its indolence, making over powers of legislation to the executive and the executive doing enormous quantities of legislation without the authority of the Parliament. Hence resulted what had been described by Lord

[Mr. George Joseph.]

Hewart as the new despotism. Now, therefore, it became necessary for Parliament to get control of this again. When legislative authority is delegated to the executive, there are two ways of resuming this power again by the legislature. There was the necessity on the part of the executive government framing the statutory rules and placing them on the table of the House of Commons. There were two ways of dealing with them. One was for these draft rules laid on the table of the Houses of Parliament to have legislative authority in the absence of modification or in the absence of veto by the legislature. That was one way. The second way was to put them as drafts before the Houses of Parliament and they would not assume legislative or statutory authority without formal consent by Resolution of both Houses. Now, recently, in connection with the Government of India Act, we came to know of this procedure, the procedure of laying the draft rules or draft Orders in Council before both Houses of Parliament and the Orders in Council would have legislative authority provided both the Houses resolved on approving the draft Orders in Council laid on the table of both Houses of Parliament. That should be a familiar thing to Honourable Members here. There is a negative thing also, that is the veto. What is sought in Mr. Ram Narayan Singh's amendment is on the lines of what happened in connection with the draft Orders in Council under the Government of India Act. The other amendment, which is in the name of Prof. Ranga—which by the way seems to be in a state of suspended animation now.....

Mr. Bhulabhai J. Desai : It is dead now.

Mr. George Joseph : Under that amendment the rules have to be laid before both Houses of Legislature in India—the Assembly and the Council of State. Now, as my Honourable friend, Mr. Aney, has pointed out, this is a precedent which was followed in connection with the rule-making powers under the Insurance Bill. Unfortunately, the Honourable Member for Industries and Labour seems to be a little more suspicious of this House than was the Honourable the Law Member, it may be on account of his training as an administrator, because administrators always mistrust legislatures and lawyers—I do not know what exactly has happened. However, even now, I join in the appeal made by my Honourable friend, Mr. Aney, to the Honourable the Member for Industries and Labour that he will still try to draw inspiration from his Colleague, the Honourable the Law Member, and I hope it may be possible for him to accept the amendment of Mr. Ram Narayan Singh, for the amendment of Prof. Ranga, I suspect, is in a state of suspended animation. If that compromise is not accepted, obviously we shall have to vote in favour of my Honourable friend, Mr. Ram Narayan Singh's amendment and I am fully confident, at least I hope, the House will carry that.

The Honourable Sir Thomas Stewart : Sir, I should like in the first place to make it quite clear that the second of the formulæ which I accepted,—the two were inter-dependent,—was not of my drafting. I should like that to be perfectly clear. I have been saved by the last speaker the trouble of controverting my Honourable friend, Mr. Abdul Qaiyum, who was in a historical mood and was telling us exactly what had happened in the United Kingdom. But, as Mr. Joseph was good enough to quote on my behalf Lord Hewart's most estimable book, I am

saved the trouble of going further in that direction. In my remarks this morning I went to some length to set out the reasons why I thought in respect of this particular Bill that there would be no invasion of the powers of this House to which reasonable objection could be taken if powers were given to the executive to frame rules which, after all, are purely technical and of local effect only.

Mr. George Joseph : Why not have administrative rules ? Why do you want statutory authority ?

Mr. S. Satyamurti (Madras City : Non-Muhammadan Rural) : They are not all technical.

The Honourable Sir Thomas Stewart : I will admit that in one respect they are not technical rules, namely, in respect of the constitution of the committee. The main objection which was taken was in respect of the composition of the committee. I went out of my way to meet the objections from the other side of the House by accepting an amendment which gave statutory force to the desire of those opposite. It has been urged that unless the amendment is accepted there will be left in the hands of Government enormous patronage. That is entirely wrong. The patronage will not remain in the hands of Government but in the hands of the committee. Sir, much as I appreciate the efforts that have been made towards compromise, I am still unconvinced that in the case of this particular Bill it is necessary and I, therefore, oppose the amendment.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, I did not like to intervene in this debate, but I find that the amendment, in the form in which it has been tabled here, makes the whole clause impracticable : I do not find fault with the principle which was accepted during the discussion of the Insurance Bill that the rules should be laid on the table of the House for a certain period ; but the way in which this amendment is drawn up, namely, that they shall not come into force until they have been placed on the table of both Houses of the Central Legislature for at least one month, while they are in Session, and have been approved by Resolutions in both Houses, is surely impossible. In the first place, if we accept this amendment I think it will not be less than one year, at least, before these rules can be passed and can come into force. These rules are to be framed for the safety of the miners and to delay even a day in bringing such rules into operation would certainly be dangerous for the people of our own country. This is not a political matter, and if we look at everything with an eye of suspicion I do not think we can do any good to the people of this country. I accept the principle which was laid down that the rules should be laid on the table of the House but to say that they will not come into operation before they have been for a month on the table of the House, when it is in Session, and have been approved by Resolutions, is to say the impossible. Sir, we know what is sometimes the temper of the House ; we do not know in what frame of mind the House might be ; and if the Resolution is turned down by the House it will be very damaging for the safety of the miners.

Mr. M. Ghisanddin : Sir, I rise on a point of order. I am sorry I am not in my seat just now, but the Honourable Member referred to the

[Mr. M. Ghiasuddin.]

temper of the House and the meaning is that the temper of the House is not to be trusted. Is it not derogatory to the House to refer to the temper of the House ?

Mr. Deputy President (Mr. Akhil Chandra Datta) : I did not follow the precise words. If the Honourable Member insists on his point of order, I shall ask Sir Muhammad Yakub to repeat what he said.

Mr. M. Ghiasuddin : I insist upon my point of order. As far as I heard him, the Honourable Member said that we all know the temper of the House.

Mr. Deputy President (Mr. Akhil Chandra Datta) : May I know from Sir Muhammad Yakub what were the exact words used by him ?

Sir Muhammad Yakub : I said that we do not know what might be the temper of the House when a Resolution is brought before the House. I never meant that the House loses its temper : if once an Honourable Member loses the opportunity of making a speech because closure was moved, then the Honourable Member should not be in such a frame of mind that he should raise such points of order which have no meaning.

Mr. Deputy President (Mr. Akhil Chandra Datta) : In view of the explanation of Sir Muhammad Yakub as to the meaning in which he used that word, I think he may proceed.

Sir Muhammad Yakub : These rules, as I said, are meant only for the safety of the miners, and we have seen recently how disastrous accidents have occurred in the mines resulting in heavy loss of Indian lives. So it is a matter of urgency that the rules for the safety of miners should come into force as soon as possible. If we adopt this amendment I think it will take a very long time. For instance, the House will now rise on or about the 7th of this month. We will again meet sometime in February next year. If these rules are placed on the table in February, it will take a month before they can be discussed. Then the House will be discussing the budget and there will be no time to move a Resolution for passing these rules. If that Resolution is passed in the Delhi Session, they ought to be placed in the other House for a month.

An Honourable Member : Simultaneously.

Sir Muhammad Yakub : Even if they are placed simultaneously, I say, it may not be possible for this House to pass a Resolution in the Delhi Session. Therefore, it will take a long time before these rules come into operation. So, I would request that we should accept the principle which was laid down during the discussion on the Insurance Bill and we should pass only this much that they should be placed on the table of the House for a certain period and then should come into force without a Resolution of the House, unless there is any objection to a particular rule, and a particular Resolution is moved within the period that they are on the table of the House. I oppose the form in which this amendment has been moved.

Mr. Bhulabhai J. Desai : Sir, in view of the attitude adopted by the Government in this case, it becomes my duty to explain the whole

position. It may be that this is a comparatively minor piece of legislation so far as its extent goes. But the principle for which we stand will not be sacrificed even if the Government think it fit to consider that, in a particular case, there must be an exception. The point shortly is this. The Honourable Sir Muhammad Yakub hardly troubled to read clause 4, nor did he trouble to understand what the House had voted.....

Sir Muhammad Yakub : Sir, I rise to a point of order : the Leader of the Opposition is using unparliamentary language.

Mr. Deputy President (Mr. Akhil Chandra Datta) : I do not think it is unparliamentary.

Mr. Bhulabhai J. Desai : I will presently make good how that impromptu speech came to be delivered. In the Insurance Bill, the principle which this House accepted was that, instead of requiring an affirmative vote of the House for the rules to come into force as rules made under the Act, a modification was accepted that the rules should be placed on the table, but an opportunity to the House for its modification should be given : it is those important words which for some known or unknown reason escaped the attention of the Honourable Member who last addressed this House. If he meant what he said, that he was prepared to accept and follow the same principle as we did in the Insurance Bill, he ought to have gone round to those in whose favour he spoke and asked them to accept it, for no effort was wanting on my part so far as I was concerned to see that there was no inconvenience caused by allowing the House an opportunity of modifying the rules if that was thought fit to be accepted. In as much that is not being accepted, the speech of Sir Muhammad Yakub was really inopportune and not to the point.

Coming, therefore, to the position as it now stands, with every effort that was made in order to get a *via media* which we accepted on the Insurance Bill on the appeal of the Honourable the Leader of the House who was in charge of that Bill, if the House is left no option, the inconvenience will have to be faced. But inasmuch as the Honourable Sir Thomas Stewart at all events apparently accepted the wisdom of Lord Hewart's book in that the Civil Service and the permanent services are getting too much power, are getting too fond of exercising that power, are getting too fond of anybody who, to a certain extent, supports the exercise of that power, and getting unfond of those who wish to restrict the exercise of such unrestricted power, this House is left with no alternative, but to support this amendment.

Honourable Members : The question may now be put.

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

“ That to clause 4 of the Bill, the following proviso be added :

‘ Provided that the rules referred to in the second line of the section shall not come into force until they have been placed on the table of both Houses of the Central Legislature for at least a month while they are in session and have been approved by resolutions of both Houses ’.”

The Assembly divided :

AYES—44.

Abdul Ghani, Maulvi Muhammad.
 Abdul Qaiyum, Mr.
 Aney, Mr. M. S.
 Asaf Ali, Mr. M.
 Ayyangar, Mr. M. Ananthasayanam.
 Azhar Ali, Mr. Muhammad.
 Banerjee, Dr. P. N.
 Chaliha, Mr. Kuladhar.
 Chattopadhyaya, Mr. Amarendra Nath.
 Chaudhury, Mr. Brojendra Narayan.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Desai, Mr. Bhulabhai J.
 Gadgil, Mr. N. V.
 Ghiasuddin, Mr. M.
 Govind Das, Seth.
 Gupta, Mr. K. S.
 Jedhe, Mr. K. M.
 Jogendra Singh, Sirdar.
 Joseph, Mr. George.
 Kailash Behari Lal, Babu.
 Lalchand Navalrai, Mr.

Maitra, Pandit Lakshmi Kanta.
 Malaviya, Pandit Krishna Kant.
 Mangal Singh, Sardar.
 Misra, Pandit Shambhu Dayal.
 Mudaliar, Mr. C. N. Nuthuranga.
 Muhammad Ahmad Kazmi, Qazi.
 Pande, Mr. Badri Dutt.
 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.
 Sikandar Ali Choudhury, Maulvi.
 Singh, Mr. Gauri Shankar.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Satya Narayan.
 Som, Mr. Surya Kumar.
 Sri Prakasa, Mr.
 Varma, Mr. B. B.

NOES—49.

Abdul Hamid, Khan Bahadur Sir.
 Abdullah, Mr. H. M.
 Ahmad Nawaz Khan, Major Nawab Sir.
 Aikman, Mr. A.
 Asghar Ali, Sheikh.
 Bajpai, Sir Girja Shankar.
 Bhutto, Mr. Nabi Baksh Illahi Baksh.
 Boyle, Mr. J. D.
 Chanda, Mr. A. K.
 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.
 Griffiths, Mr. P. J.
 Grigg, The Honourable Sir James.
 Hudson, Sir Leslie.
 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.
 Purssell, Mr. R. S.
 Rahman, Lieut.-Colonel M. A.
 Roy, Mr. S. N.
 Scott, Mr. J. Ramsay.
 Shabban, Mr. Ghulam Kadir Muham-
 mad.
 Sher Muhammad Khan, Captain Sardar
 Sir.
 Sircar, The Honourable Sir Nripendra.
 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
 Saiyid.
 Thorne, Mr. J. A.
 Tylden-Pattenson, Mr. A. E.
 Yakub, Sir Muhammad.
 Yamin Khan, Sir Muhammad.
 Ziauddin Ahmad, Dr.

The motion was negatived.

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

“ That clause 4, as amended, stand part of the Bill.”

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clause 5 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Thomas Stewart : Sir, I move :

“ That the Bill, as amended, be passed.”

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

“ That the Bill, as amended, be passed.”

The motion was adopted.

THE PATNA UNIVERSITY (AMENDMENT) BILL.

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

“ That the Bill further to amend the Patna University Act, 1917, for a certain purpose, be taken into consideration.”

This measure, Sir, is designed to correct an inadvertent error. When the adaptation of the Indian Laws Order, 1937, was promulgated, it had the effect of extending the academic jurisdiction of the University of Patna to the whole of the new Province of Orissa. What we did not intend at the time, but what came to pass as a result of the wording of that order was, that the jurisdiction of the Andhra University was ousted from that part of the territory of the new province of Orissa which was transferred from Madras to the new Province. The point was put to the present Government of Orissa in August, and they said that they did not want the jurisdiction of the University of Andhra to be removed from those portions of the province which had come from the Presidency of Madras. The amendment which we now propose, Sir, will have the effect of retaining the jurisdiction of the University of Patna over that part of the province which formerly belonged to the province of Bihar and Orissa and the jurisdiction of the Andhra University over the part which came over from the Presidency of Madras. That, Sir, is all that this Bill purports to achieve. Sir, I move.

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

“ That the Bill further to amend the Patna University Act, 1917, for a certain purpose, be taken into consideration.”

* **Pandit Nilakantha Das** (Orissa Division : Non-Muhammadian) : Sir, I want merely to ascertain some facts and their implication. The Madras portion of Orissa is already included in the Patna University. Technically, it is so under the Adaptation Order. This Bill excludes that portion, with the result that the University of Patna will not be effective in the Madras portion of Orissa. In that case how can the Andhra University by itself, come in ? The Andhra University Act was superseded by this adaptation.....

Sir Girja Shankar Bajpai : If I may correct my Honourable friend, what happened was that as a result of the promulgation of this Order, the jurisdiction of the University of Patna was extended to the whole of the new Province of Orissa including the portion which came over from Madras, with the result that the jurisdiction of the Andhra University was

[Sir Girja Shankar Bajpai.]

automatically ousted. Now that we are specifically limiting the jurisdiction of the University of Patna to the territory described in the measure, the jurisdiction of the Andhra University will be automatically restored over the other part.

Pandit Nilakantha Das : What I want to know is this. Is there no dual jurisdiction at present in the Madras portion and have not the students there the option of appearing in either University ? If that is the position, I suggest that this exclusion is not necessary ; if that is not the position, for the present there is no objection.

Sir Girja Shankar Bajpai : I may tell my friend at once that there is no such thing as a duality of jurisdiction, because section 11 of the Patna University Act runs as follows :

“ Notwithstanding anything in any other law for the time being in force, no University in British India, other than the Patna University, shall, after the commencement of this Act, admit any educational institution in the province of Bihar and of Orissa to any privileges whatever.”

Mr. B. Das (Orissa Division : Non-Muhammadan) : I take this opportunity of acquainting the House as to how Orissa is suffering, after its separation, under the dispensation of the Honourable the Finance Member and the Government of India. There cannot be any Provincial Autonomy unless the province has its own university, but the poor Oriyas will have to suffer under two different cultures, one, the Bihar culture and the other, the Andhra culture. That is our misfortune. We have got very friendly relations with our Biharee friends, and some of them are my valued friends including my Honourable friend, the Commerce Member, Sir Sultan Ahmad. But still the two cultures differ and no use in trying to amalgam and produce a uniform result. Although my Honourable friend, Sir Girja Shankar Bajpai, will say that we have his sympathy, he is as helpless as I, though a mere non-official, am on this side, because he cannot persuade the Government of India nor can he modify the Niemeyer award in order that Orissa may have sufficient money to found a university of her own. It is an anomaly which I hope my Honourable friend realises and I do need the sympathy of my Honourable friend when an opportunity arrives, so that the Government of India may give us sufficient money in order that we may have Orissa University whereby the culture of the Oriyas may progress onwards and the Oriyas may not be compelled to seek education at two different universities with two different cultures.

Dr. P. N. Banerjee (Calcutta Suburbs : Non-Muhammadan) : Why don't you be associated with the Calcutta University ?

Mr. B. Das : I would rather have my own Orissa University, I would rather have my own Oriya culture. I wish to point out one little difficulty that the Oriya boys have to suffer under the present arrangement. The timing of examination of the Patna University is not the same as the timing of the examinations of the Andhra University, and, when an official is transferred from north Orissa to south Orissa, his sons and daughters find difficulty in getting admission to the Andhra University. These are our difficulties and sufferings ; but the initial mistake is that of the Government of India in that that they did not give sufficient money so that we could have founded a university of our own. I hope my Honourable friend will have a sympathetic attitude in this matter and that, if an opportunity arrives, he will help me in founding an Orrissa University.

Mr. M. S. Aney (Berar : Non-Muhammadan) : I think the speeches of my two Honourable friends from Orissa were not intended to oppose the Bill as it is. They see that the Bill is a necessity, but they did not say one word in favour of the Bill but took occasion to ventilate certain grievances which have very little to do with the Bill before the House. The House should know what their view is so far as the present Bill is concerned. Do they think that there is a need for rectifying the mistake inadvertently committed by the promulgation of the Adaptation of Indian Laws Order ?

Mr. B. Das : Mistakes must be rectified, and it is their mistake and they are rectifying it.

Mr. M. S. Aney : I have now got the opinion of my Honourable friend, Mr. B. Das, who represents that province with credit to himself and credit to his province, and I am now satisfied. He also thinks that the Bill is necessary and we are all free from doubt and we shall vote for the Bill.

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : I want to raise just one or two points,—first, a point of law. I believe the Patna University Act was originally made by the Central Legislature. Am I right ?

An Honourable Member : Yes.

Mr. S. Satyamurti : And all subsequent amendments have been made by the Bihar and Orissa Provincial Legislature. Under the Adaptation of Indian Laws Order, they have amended the original Patna University Act. I want to know what the effect under the Government of India Act, 1935, is, on the powers or jurisdiction of this House to interfere with University Acts in respect of Provincial Universities. I want to explain that, under the Government of India Act, except the Benares and Aligarh Universities, all other universities are under the jurisdiction of the Provincial Legislatures.

Dr. P. N. Banerjea : No.

Mr. S. Satyamurti : Yes, I have read the Government of India Act, this morning.

Dr. P. N. Banerjea : Where the jurisdiction of a University extends to two provinces, it is a Central subject.

Mr. S. Satyamurti : Under the Federal List, I find only the Benares and Aligarh Universities. That is the Federal List, and with regard to the Provincial List, I find the word "Education". It is unqualified, and I understand it to mean all education, from elementary to university. Where a university functions in respect of more than one area, it is possible for this House to have some kind of power. I should like to know what is the power, under which this law is sought to be enacted by this House, with regard to the restriction of the jurisdiction of the Patna University to those parts of the province of Orissa which originally belonged to Bihar, and retaining or extending the jurisdiction of the Andhra University, in respect of those parts of Orissa which originally belonged to Madras.

Then, the second point I want to take is on the merits. I want to know whether the Government of India have consulted the Patna University and the Andhra University and the Orissa Legislature on this matter,

[Mr. S. Satyamurti.]

because *prima facie* it looks somewhat anomalous. Here is a province which has been created for the purpose of giving the people of Orissa a chance of developing themselves. Undoubtedly, culture is one of the directions in which they ought to develop themselves, consistent with an all-India culture. I want to know whether the people of Orissa, as represented in the local Legislature, were consulted over this amphibious jurisdiction or diarchic jurisdiction,—one part of Orissa, under the Patna University, and one part of Orissa, under the Andhra University. I want to know further whether the two universities agree to this process of exercising jurisdiction. In the small province of Orissa, two universities functioning—it does seem to me somewhat anomalous. It may be that Orissa cannot afford university of her own just now, but it does seem to me that the people of Orissa must be given a chance of pronouncing on this question. They may choose, till they have a university of their own, rather to get themselves affiliated completely to the Patna University or to the Andhra University, so that, when the transition does take place to a university entirely for Orissa, it may not have to function in a province where two universities have been functioning. It will be much better, from the point of view of future development, that there is only one university functioning, either the Patna University, or the Andhra University, and it appears to me that it is not fair to the people of a small province like Orissa to have two universities let loose on them, if I may use that expression.

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

Sir Girja Shankar Bajpai : I shall attempt to deal with the two points which my Honourable friend, the Deputy Leader of the Opposition, has raised. The first is a constitutional point, as to how it comes about that this Legislature is undertaking legislation on the subject of education amending the jurisdiction of the University of Patna over another unit. The position as regards that is this. Entry 33 in List No. 1 of the Seventh Schedule to the Government of India Act, 1935, has been held by the law officers of the Crown and our own Legal Departments to cover the item of what may be called multiple unit universities ; that is to say, a university whose jurisdiction extends over more than one province is a corporation which comes under item 33 of the List to which I have referred, and, therefore,....

Mr. S. Satyamurti : What is this corporation ?

Sir Girja Shankar Bajpai : Corporation is an association with activities of different kinds, not necessarily commercial activities. I think it is admitted that the University of

4 P.M.

Patna, having jurisdiction not merely over the new province of Bihar but also over part of the new province of Orissa, is a multiple unit university, and not a single province university. As such the only legislative body in the country under the provisions of the Act which is capable of legislating in the direction suggested is the Central Legislature and not the Legislature either of the Province of Bihar or of the Province of Orissa. That, Sir, is as far as the constitutional point goes. Then comes the cultural point which has been made by my Honourable friend, Mr. Satyamurti, and which was, in a measure, anticipated by my Honourable friend, Mr. Das. I have no doubt, whatsoever, that in certain educational aspects it is desirable that the new province of Orissa should have a university of its own,

eliminating the duality of function or authority that exists at the present moment, but all that I wish to point out is that this duality or anomaly is not of our creation. It so happens that when the new province of Orissa came into being it brought together territories with different linguistic as well as educational traditions. The part which came over from Bihar brought with it the educational traditions of the Patna University and the part which came over from Madras brought with it the traditions and the system of the University of Andhra. And, what is more, I speak subject to correction on this point, apparently there are certain linguistic divergencies also which make it necessary, until a new university is created, to retain the respective jurisdictions of the two universities. So, although the educational ideal may be the one which my Honourable friend, the Deputy Leader of the Opposition, has placed before the House, considering the position as it is at the present moment, I think that it is in the interest of the province itself that the respective jurisdictions of the two universities should be maintained. My Honourable friend's third point was—have the people of Orissa been consulted?

An Honourable Member : Both the Universities and the Provincial Legislatures?

Sir Girja Shankar Bajpai : Very well. I shall answer both the points. First, as regards the Legislatures, the position is that we consulted not the interim ministry of Orissa but the present ministry which has a majority of elected members of the Legislature behind it. If that Government tells us that "you can go forward with this legislation", then I think we are entitled to assume that they have the support or can really count upon the support of the elected majority of the Legislature. So far as the two universities are concerned, the Government of Orissa have not indicated to us whether they have approached either of the two universities but I want to point out this for the consideration of the House that the examinations of the two universities will be held in the near future and, apparently, it was felt that in the interest of the students concerned the matter is of sufficient urgency, assuming that the two universities have not been consulted, for them to press us to go forward with this legislation now. That is all that I have to say.

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural) : A somewhat important question which undoubtedly has been sought to be dealt with by my Honourable friend, Sir Girja Shankar Bajpai, requires further consideration by this House. Let the House remember that it is not a mere matter of vote that is going to determine this. If it is *ultra vires* of this House, any vote, however obtained, is perfectly useless. and let me now deal with item 33 which was the only one on which reliance was placed in the belief that this House was entitled to legislate about this. Item 33 is this, but, before quoting that, I shall briefly mention the point that is before the House. This particular legislation seeks to amend the Patna University Act by excluding certain areas which, as they now stand, are within that jurisdiction, namely, the areas which originally belonged to Madras, but which were transferred from Madras to Orissa when that province was formed. The question is, whether this House has got jurisdiction within the Government of India Act to legislate in this behalf or whether the proper Legislatures are not the two respective Provincial Legislatures. That is the issue.

Then, it is suggested on behalf of the Government that item 33 in List No. I of the Legislative Lists covers this point. With great deference,

[Mr. Bhulabhai J. Desai.]

one has only got to read it to see that it cannot possibly cover this case. As regards corporations, my friend said, a corporation may be any corporation. Now, item 33 begins by saying : "Corporations, that is to say", so that it is not even a case of inclusive definition. If it were an inclusive definition, I can appreciate it—that the corporation may have a wider scope than the lists which follow. Item 33 is : Corporations, that is to say, the incorporation, regulation and winding up of trading corporations, including banking, insurance and financial corporations, but not including corporations owned or controlled by a Federated State and carrying on business only within that State or co-operative societies, and of corporations, whether trading or not, with objects not confined to one unit, so that the definition here has not an inclusive meaning. The only corporations there referred to are trading corporations. I am not concerned with the exception. So far as the exception is concerned, it is immaterial. Corporations—that is to say, the incorporation, regulation and winding up of a trading corporation. Then, there are certain things which are included and certain things which are excluded, so that, so far as the exclusion and the inclusion are concerned, the matter is immaterial. The only matter of importance is whether the power that is given covers the case of a corporation, that is called the University, and it is of importance to observe that item 13 was the appropriate place, if it was thought that it was necessary to confer on or continue the power in this Legislature to legislate in respect of all Universities. You might remember, with reference to the Naturalization Act, we had a discussion with regard to multiple jurisdiction, that is to say, where the jurisdiction is extended to more than one province. Item 13 is the Benares Hindu University and the Aligarh Muslim University. I quite agree that by itself it is not a complete answer, but it is an answer to this extent. If it was present to the mind of those who legislated in support of the powers of this Legislature to include not merely those two main Universities, but all Universities which had jurisdiction over more than one province, the appropriate place was item 13. I do not know what the word "unit" means in item 33. I do not know if it means a province or not. The question would still remain, as I have said, where the objects are not confined to one unit. It is functioning. I presume, in more than one province. It is a very difficult subject so far as I can see, and the point really is whether, when the thing can be done by the Orissa Legislature with much more propriety, why do you seek to do it here.

Mr. President (The Honourable Sir Abdur Rahim) : What is sought to be done here ?

Mr. Bhulabhai J. Desai : The original words were "of Orissa".

Then, the words which are now intended to be substituted are—"in the province of Orissa less or exclusive of those areas which are transferred by the Government of India Act"—it means, "Orissa less the transferred portion of Madras".

Mr. President (The Honourable Sir Abdur Rahim) : That is to say, the Patna University will exercise jurisdiction over what was Bihar and Orissa before, but not over the area mentioned.

Mr. Bhulabhai J. Desai : And in effect transferring the jurisdiction of the Madras transferred province back again to Madras. The whole

point is this. With great deference, I do not deny that Universities have been called bodies incorporated or created by Statute ; I am not unaware of that, but the question is whether it can be said to have this ; it does not mean what is claimed that corporations have been embracing more than one province. Supposing there is a charitable object. It may be that an object may be charitable. Its operation may be in India or, as it often happens, as you are aware, a charitable scheme may extend to Indian States, and I can easily understand the distinction between the two. "Object" is one thing, then the "operation of that object" is quite a different thing. The object is to promote education, but the point is this—whether the words "all corporations whether trading or not" can be construed like this. An University is an incorporated body, but the question still remains whether the incorporation of that can be said to be "with objects not confined to one unit". Any way, I have done my duty in pointing this out, and I was waiting to see whether there was any answer. The answer did appear to me to be unsatisfactory, and I have drawn the attention of the House to that.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : **Muhammadan Rural**) : Sir, the view-point of the Honourable the Mover is that whenever a university has got jurisdiction over more than one province, it comes under the purview of this House. I look at it from the point of view of the Andhra University which has got jurisdiction over an area exclusively under the Madras Presidency and therefore it is directly under the Madras Government. But as soon as a part of Orissa is given to the Andhra University, the Andhra University will have to deal now not with one province but with two provinces.—Madras and Orissa—and immediately it will come under the Government of India. Therefore, we have to consider not only the interests of the people of Orissa and the interests of the Patna University but also the interests of the Andhra University, because now according to this legislation the Andhra University will have jurisdiction over two provinces and therefore it will not come under the jurisdiction of the Madras Presidency but will come immediately under the jurisdiction of this House, if the view-point of the Honourable the Mover is correct.

The Honourable Sir Nripendra Sircar (Law Member) : Sir, I propose to be very brief, because if I heard correctly the speech of my Honourable friend, Mr. Bhulabhai Desai, he said, that the promotion of education would be an object. I think he also conceded, as he must, that a university is a corporation. Therefore, as a university has for one of its objects the promotion of education in two provinces—or rather in two units of the Federation—I submit it comes within the words of section 33—"objects not confined to one unit",—the promotion of an object not confined to one province. The only other thing I desire to point out is this that the Government of India Act and the Orders in Council which have the force of a statute lay this down—I will read out the Orders in Council under the Government of India Adaptation Act. If you will turn to page 447, Sir, the first entry is the Patna University Act, 1917, Act XVI of 1917. Throughout the Act, except where otherwise provided, for "Local Government" it substitutes the Central Government. That is what has been done.

Mr. President (The Honourable Sir Abdur Rahim) : You mean the whole university becomes a Central subject ?

The Honourable Sir Nripendra Sircar : Yes. I am reading from the Patna University Act, Act XVI of 1917 :

“(a) the admission of an institution as a college on application made..... recorded in such application approved by the Senate and the Local Government ”—

Now that “Local Government” is substituted by the Central Government. Section 10 (a) says :

“The Senate shall consider the proposal and shall, if it approves the same, either with or without modifications, transmit a copy of the proceedings of the Syndicate and of its own proceedings to the Local Government (now Central Government).”

I submit that apart from any reliance on the adaptation.....

Mr. President (The Honourable Sir Abdur Rahim) : Then, according to you, certain matters of administration also rest with the Central Government.

The Honourable Sir Nripendra Sircar : Yes, Sir. Now, as regards my Honourable friend, Dr. Ziauddin Ahmad's point, if my contention is right, the Andhra University will become a multiple university and that does not lead us anywhere. That is neither an argument in support or against any of the arguments raised by my Honourable friend opposite.

Mr. Bhulabhai J. Desai : If the construction is right, of course it will cover both.

The Honourable Sir Nripendra Sircar : I do not know that I can take up the time of the House usefully any longer. I rely on section 33 and I also rely on the adaptation.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly : Non-Muhammadian Rural) : Sir, there may be a doubt whether item 33 applies to the Patna University or not but there is no doubt at all that it cannot apply to the Andhra University because the Andhra University is confined to one province. Therefore, it cannot possibly come under item 33. In the case of the Patna University, the area has been transferred by the Order in Council. As things stand at present, the Andhra University is confined to the province of Madras alone and, therefore, it does not come under item 33. I do not know how it is possible to re-transfer areas to the Andhra University by this Bill, because the Andhra University, as things stand at present, is subject only to the Madras Legislature. This Bill ought not to affect the powers of the Madras Legislature. The Andhra University is under that Provincial Government.

Mr. President (The Honourable Sir Abdur Rahim) : If this Bill is passed, all that area be governed by the Madras University.

Mr. K. Santhanam : If my contention is right, then this Legislature has no business to transfer any area from Orissa to the Andhra University without the permission of the Madras Legislature. We cannot take away the powers of a responsible Provincial Legislature and transfer them to this irresponsible Central Legislature. It is a matter of vital importance. People who adapted the laws may have made a mistake and they cannot override the provisions of the Government of India Act. Item 33 relates to corporations which have got jurisdiction over two provinces but the Andhra University has got jurisdiction within one province only. The purpose of this Bill is to transfer certain areas from the jurisdiction of the Patna University to the Andhra University.

Mr. President (The Honourable Sir Abdur Rahim) : It does not say so. There is no provision to that effect in the Bill.

Mr. K. Santhanam : If that is not the purpose of the Bill, then there is no meaning in it at all. We are making laws only to achieve certain objects. Therefore, I say that this Bill must be withdrawn and re-drafted and sent to the Provincial Legislatures and then brought for the consideration of this Legislature.

Mr. M. Asaf Ali (Delhi : General) : **Mr. President**, I am afraid the Honourable the Law Member, for whose legal talent I have very great respect, has relied on a section which does not help the Government. He is relying on Item 33 of List I of the Federal Legislature, which reads as follows :

“Corporations, that is to say, the incorporation, regulation.....”

Mr. President (The Honourable Sir Abdur Rahim) : Why should you repeat it ? It has been quoted already.

Mr. M. Asaf Ali : For the simple reason that the Law Member has not read it properly.

Mr. President (The Honourable Sir Abdur Rahim) : It has been read more than once and I do not see any reason why you should read it again. You can explain it in any manner you like.

Mr. M. Asaf Ali : As it has been read according to your ruling more than once, I shall not read the whole of it.

Mr. President (The Honourable Sir Abdur Rahim) : It is a fact.

Mr. M. Asaf Ali : Let it be fact then. The Law Member has read the whole of it, but I would like him to stop at the word ‘corporations’ in line 3 and read it again :

“but not including corporations owned or controlled by a Federated State and carrying on business only within that State or co-operative societies.”

This is exclusive, and then there is the word ‘and’. This ‘and’, I submit, is cumulative and not conjunctive. It would, therefore, read thus :

“Corporations, that is to say, the incorporation, regulation and winding-up of trading corporations, including banking, insurance and financial corporations,.....and of corporations, whether trading or not, with objects not confined to one unit.”

In support of this contention I would like to draw your attention particularly to other items of the List which are consistent with one another. For instance, reference has been made to Item 13 which refers to the Benares Hindu University and the Aligarh Muslim University. If you read the preceding Item (Item 12) you will see that it runs thus :

“Federal agencies and institutes for the following purposes, that is to say, for research, for professional or technical training, or for the promotion of special studies.”

Item 14 refers to the Survey of India, the Geological, Botanical and Zoological Surveys of India follow this item. All these subjects relate to the Department of Education, Health and Lands. But if you go further up than Item 33, you will find light-houses, carriage of passengers, copyright, etc., etc. All these are subjects which relate to the Departments of Commerce and Industry. Therefore, while you are trying to interpret Item 33, please apply to it the ordinary rules of interpretation which may be found somewhere in Maxwell’s book or any other book.

The Honourable Sir Nripendra Sircar : What page ?

Mr. M. Asaf Ali : If you want me to quote chapter and verse, I shall even do that. My point, however, is this. If the Patna University is included in the Federal List, show it to me. It is an extremely important matter from the point of view of Provincial Governments. You are going to oust the jurisdiction of the province and we will not allow it. Nobody will allow it. If you think it is a doubtful matter, why don't you ask the proper authority, the Governor General to make a reference to the Federal Court which has now come into existence ? Why don't you refer the matter to the Federal Court ?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member will address the Chair.

Mr. M. Asaf Ali : I am saying, Sir, that the Government, if they feel any doubt in the matter, should refer the matter to the Federal Court now that the Court has come into existence.

Mr. President (The Honourable Sir Abdur Rahim) : The matter has to be decided by the Chair and Ruling given on the subject.

Mr. M. Asaf Ali : I have not the slightest doubt that you will be able to give us your ruling and it would be absolutely sound on the point. I am submitting that in case the Government are in doubt about this point, they may make a reference to the Federal Court.

Mr. President (The Honourable Sir Abdur Rahim) : Is the Honourable Member's suggestion based on any ruling that if there is any doubt in the mind of the President it should be referred by me to the Federal Court. Is there any ruling like that ?

Is there any provision in the Government of India Act authorising the President to refer the matter to the Federal Court ?

Mr. M. Asaf Ali : I am not asking you, Sir, to refer the matter to the Federal Court. I am suggesting that the Government may if they feel any doubt on the point.

Mr. President (The Honourable Sir Abdur Rahim) : I have got to decide the point in so far as it has been raised in this House.

Mr. M. Asaf Ali : Precisely. In coming to a conclusion as regards this point all that I am requesting you is to read the provisions of law in the manner in which I have tried to read it to the House and see whether the contention of the Government can ever hold water particularly having regard to the fact that the subject of education is practically confined to three or four earlier items of list No. 1, whereas the other items of this list cover other grounds and item No. 33 is incapable of the interpretation which the Government would like to put upon it. It would be straining the language of the Act far too much in favour of the Centre and against the Provinces which I suggest is extremely objectionable. Therefore, I support the point raised by my Honourable friend, the Deputy Leader of our Party.

The Honourable Sir Nripendra Sircar : The question is what is the proper interpretation of item 33 of this List. Incorporation of a corporation or its regulation is enough for my purpose.

Mr. Bhulabhai J. Desai : The point that I raised has not been answered.

Mr. President (The Honourable Sir Abdur Rahim) : A corporation requires incorporation.

The Honourable Sir Nripendra Sircar : There cannot be a winding up of a Corporation so far as the University is concerned. It does not lay down whether a University can come to an end or not. A Municipal corporation does not contemplate winding up either.

Mr. President (The Honourable Sir Abdur Rahim) : I want to know what is meant by winding up in the case of a University.

The Honourable Sir Nripendra Sircar : I do not think a technical winding up applies to a University.

Mr. Bhulabhai J. Desai : What was pointed out was as if 'corporation' beginning with the last words was an independent and additional item. I can understand corporations 'including trading or not'. I tried my best to call attention to the 'of' which precedes. Therefore, the only item was 'Corporation'.

Mr. President (The Honourable Sir Abdur Rahim) : Does winding up apply to it ?

Mr. Bhulabhai J. Desai : It cannot apply to a University.

The Honourable Sir Nripendra Sircar : May I point out, Sir, that the last portion has nothing to do with the winding up. We are relying on the last portion.

Mr. President (The Honourable Sir Abdur Rahim) : The point is that "corporations", that is to say, the incorporation, regulation and winding up of trading corporations.....

Mr. Bhulabhai J. Desai : As I already submitted that 'of' is not appreciated.

The Honourable Sir Nripendra Sircar : My point is, that if any one of these items in this List is applicable, we come under item 33, namely, whether it is incorporating, whether it is winding up or whether it is regulation.

Mr. Bhulabhai J. Desai : It is "of".

The Honourable Sir Nripendra Sircar : It does not mean that all the three processes should apply together before the Regulation can be applied.

Mr. President (The Honourable Sir Abdur Rahim) : I think the point is perfectly clear. You say it is not a trading corporation and therefore, winding up won't apply.

The Honourable Sir Nripendra Sircar : There may be no winding up after incorporation.

Mr. Bhulabhai J. Desai : My point is that incorporation, regulation and winding up all go together in the case of corporation. I submit that the proper words must be looked at.

The Honourable Sir Nripendra Sircar : Are we going on for ever ?

Mr. Bhulabhai J. Desai : Not longer than you do.

Mr. President (The Honourable Sir Abdur Rahim) : Now, I want to know this. There is no other item that is likely to cover that. What about something that is not provided in the Government of India Act ? What about residuary powers ?

Mr. Bhulabhai J. Desai : Section 103 of the Government of India won't apply because neither the Bihar Legislature nor the Orissa Legislature has asked the Central Government to legislate for them. Section 104 says :

“ The Governor General may by public notification empower either the Federal legislature or a provincial legislature to enact a law with respect to any matters not enumerated in any of the Lists..... ”.

I submit, Sir, that condition also is not fulfilled, unless the Governor General publishes a notification. In any view of the case so long as it is not expressly in the list, you cannot invoke the aid of that forum without the previous notification of the Governor General, referred to in section 104.

Mr. President (The Honourable Sir Abdur Rahim) : I shall decide this matter and give my ruling tomorrow.

The Honourable Sir Nripendra Sircar : Then, the Bill may stand over till tomorrow.

Mr. President (The Honourable Sir Abdur Rahim) : Very well.

THE MANŒUVRES, FIELD FIRING AND ARTILLERY PRACTICE BILL.

Mr. C. M. G. Ogilvie (Defence Secretary) : Sir, I beg to move :

“ That the Bill to provide facilities for military manœuvres and for field firing and artillery practice, as reported by the Select Committee, be taken into consideration.”

In the early part of last year, it became clear to us that the arrangements for military manœuvres and field firing were by no means entirely satisfactory, and, in certain cases, a considerable amount of dislocation in the ordinary life of the people was occasioned, which was not compensated either adequately or promptly. It was decided, therefore, to place these matters on a regular footing, and one of the originators, in fact I think the chief originator, of this measure was my Honourable friend, Mr. Sri Prakasa, to whose unflagging interest in this subject and great knowledge of it I should like here to pay a tribute. (Applause.) The Bill was circulated for public opinion in October, 1936 ; but it was not possible to hold a duly constituted meeting of the Select Committee in the Budget Session last year. Two informal meetings were, however, held at which every clause of the Bill was discussed. Finally, a reconstituted Select Committee sat during the current Session. Very wide changes were made in the Bill as originally drafted. The first five clauses were agreed to without any difficulty and a substantial measure of agreement was early arrived at on clause 6, which might seem possibly to be the most contentious clause in the measure. Chapter II of the Bill, however, which deals with field firing and artillery practice was entirely reconstructed. There was, at first, an idea that it might be best to acquire rights of user over lands

on which field firing took place, but, after consideration, it was decided that this course was impracticable and that it would be better to assimilate the procedure in Chapter II of the Bill to that existing in Chapter I which deals with manœuvres. That is to say, the Provincial Governments,—I should like to lay stress on those words,—is given authority to inform the Defence Department, by notification, that they may carry out field firing and artillery practice at certain places. It was also decided that compensation for damage, if any, caused by field firing, should be paid in the same way as in Chapter I; that is to say, instead of a lump sum payment being made for the acquisition of rights of firing, payment should be made every year, if the land is used, for whatever damage, loss of privileges, rights and so forth which might have occurred. In Chapter III also a very vital alteration was made. Originally it was proposed that the rule making power under this Bill should be in the hands of the Governor General in Council. It was, however, decided that the rule making power should be in the hands of the Provincial Governments, and instead of a general rule making power the power should be, in certain respects, particularised. This necessitated a considerable amount of revision and redrafting. When the measure ultimately emerged from the Select Committee a very considerable, in fact I think almost entire, measure of agreement had been achieved. But a minute of dissent was attached, with the points of which I will now shortly deal.

The first objection raised was that the English practice had not been followed more closely, particularly in regard to the laying on the table of the House of Commons proposals to hold manœuvres. I wish to lay stress on the fact that from the point of view of manœuvres, at any rate, India is an infinitely superior country to England, that, whereas in England, there is, unfortunately, great congestion not only in the countryside but also on the roads, and the moving of moderately large bodies of troops may cause great loss and trouble, that is not normally the case in India. One could, of course, find extremely congested places in India where the maximum inconvenience to the people would be occasioned, but with very little trouble one can find places where that inconvenience could be reduced to a minimum. We were able, therefore, to follow what is to me the truest path of progress,—simplification, and to avoid the expense and elaborate routine which characterises the English measure. The second objection dealt with the publication of notices and expressed the wish that the means taken to publish the fact that manœuvres, etc., were going to be held should be published in certain ways, *e.g.*, by beating drums, affixing notices to trees, and so on. I should like to say with regard to that that I do not think that regulations of that kind should find a place in the body of the Bill, and that Provincial Governments are the bodies most qualified both for stating the exact method in which publication should be carried out in the particular circumstances of their provinces and also that they should be the persons to lay down the proper rates of compensation. I hardly think there can be any doubt on that point. I would here suggest that perhaps, as, from several amendments I have seen, a number of Honourable Members appear interested in this question of publication, that the proper course might be for the Defence Department to address Provincial Governments officially stating that subject to any alterations which

[Mr. C. M. G. Ogilvie.]

local conditions might render necessary, they consider that such and such means of publication should generally be adopted.

The third objection was the fear expressed that court fees will be charged for claims made and appeals lodged in proceedings under the Bill. At first, Government were inclined to think that such a provision was unnecessary as there is nothing in the rules entitling the Provincial Governments to charge fees; but, on reconsideration, it seemed possible that the fixed fee portion of the Court Fees Act might be applied, and, in those circumstances, the Government is prepared to regard that objection as valid.

The fourth and last is the question of compensation to landlords, by which is meant, I gather, absentee landlords, people who have a right of ownership in the land but do not reside on it or cultivate it and the suggestion is that these landlords should be paid a fixed annual fee for the use of land over which they hold these rights of ownership. That, I submit, would not be fair to Government or to the general taxpayer. Rights of landlords are, I submit, amply guaranteed by section 5 of the Bill; and any damage to person, property, rights or privileges is covered both in regard to manœuvres and in regard to field firing. If, therefore, the land itself were damaged and the landlord himself had to fill up an enormous hole made or something of that kind, he could claim damages. If he was prevented from some amenities he had been in the habit of enjoying on that land, he could undoubtedly claim compensation. In fact the landlord's position is as fully safeguarded by the terms of the Bill as that of the tenant.

Finally, I should like to say that Government have decided that the right thing to do in this matter is to leave the working of the Act as far as possible to the local civil authorities. The only important function that the Defence Department will play in the working of this Act is paying the bill which will be presented to them by the local authorities. In the second place the Bill has been drafted so as to ensure that compensation is fairly assessed and promptly paid; and adequate representation has been given to purely local interests who are after all in these matters probably the persons best qualified to say how much damage or annoyance has been caused. Sir, I move.

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

"That the Bill to provide facilities for military manœuvres and for field firing and artillery practice, as reported by the Select Committee, be taken into consideration."

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhamadan Rural) : Sir, I do not know how I can adequately express my thanks to my Honourable friend, Mr. Ogilvie, for the very kind words he has been good enough to use for me. I fear, however, that I cannot honestly take all this credit to myself. My dear and Honourable friends, Pandit Shri Krishna Dutt Paliwal and Mr. Mohan Lal Saksena along with myself, brought some facts to the notice of the former Defence Secretary; and I am happy to say that Mr. Tottenham was good enough to listen to what we had to say. I think a great deal of credit must go to Mr. Tottenham—I call him Mr. Tottenham lest the House should not recognise him under his new mask of Sir Richard—for the sympathy which he evinced. To him

I must admit, it came as a matter of surprise that such things could happen as had actually happened at the manœuvres and artillery practice that had taken place at Babina in the district of Jhansi in my own province. Sir, formerly it seems that there was no law about this matter at all ; and the Local Government used arbitrarily to fix a certain amount of compensation for those who suffered because of these military manœuvres. It also seems that the military authorities were authorised to carry on their manœuvres and their artillery practice wherever they so liked. In 1935, when the military manœuvres and artillery practice took place at this village of Babina in the district of Jhansi, the House will be surprised to know, that a whole village was evacuated overnight ; that a woman who had been delivered of a child had to leave the House, within an hour of her delivery, and another woman was actually delivered under the trees while it was raining. The little ones, of course, died. Sir Richard Tottenham was taken aback when we put these facts before him. It was but natural that he found it difficult to believe them and he made elaborate inquiries. This Bill was the result. I am happy to be able to pay my tribute to the present Defence Secretary also, Mr. Ogilvie, for carrying on the traditions of Sir Richard Tottenham. Mr. Ogilvie, despite his very military look (Laughter), carries really a very warm heart ; and I am sure, from the little that I have seen of him, that he is most anxious that the relations between the military and the civil population should be cordial. (Cheers.) I can only hope now that the good opinion that he has of me will last my speech. I should, however, assure him at the very start that he should not be frightened at the long list of amendments. My Deputy Leader, Mr. Satyamurti, has, in his own inimitable way, already assured the House, during the last stages of the Insurance Bill, that though we, individual Members of the Congress Party, burn the midnight oil at our own expense in drafting our amendments, a few units of electricity supplied at public expense in the Committee Room here at midday suffice to electrocute the greater number of them at the meetings of our Party. Sir, this fate has already been ordained for most of the amendments that are on the Order Paper ; and my friend, Mr. Ogilvie, need have no anxiety that we shall not get through this Bill quick enough.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable
5 P.M. Member can continue his speech tomorrow.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 6th October, 1937.