

25th March 1938

THE LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume III, 1938

(24th March to 12th April, 1938)

SEVENTH SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY, 1938



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Legislative Assembly.

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MR. L. C. BUSS, M.L.A.

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LEGISLATIVE ASSEMBLY.

Friday, 25th March, 1938.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

EXEMPTION FROM INCOME-TAX OF INCOMES OF RULING CHIEFS ACCRUING IN BRITISH INDIA.

1001. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Finance Member state in pursuance to his answer to starred question No. 441, given on the 23rd February, 1938:

(a) in the loans of the last two years what has been the percentage taken by the Indian States; and

(b) from what year have these concessions been given?

The Honourable Sir James Grigg: (a) The only loan issued by the Government of India during the last two years is the 2½ per cent. loan 1948—52. The securities of this loan issued to rulers of Indian States under the special procedure prescribed in rule 40 of the Indian Securities Rules amount to about .05 per cent. of the total sum outstanding.

(b) The concessions to States date from 1887; those given to the rulers of States date from 1930.

Mr. T. S. Avinashilingam Chettiar: May I know the percentage? did not catch the Honourable Member.

The Honourable Sir James Grigg: One-twentieth of one per cent.

Mr. T. S. Avinashilingam Chettiar: In these circumstances, since the loans subscribed by the Princes are usually low and they are no more necessary to make up the Indian loans, is it necessary to continue these concessions?

The Honourable Sir James Grigg: I am not prepared to assert with any confidence that there will never come a time when the Government would not again welcome contributions to Government of India loans from the States.

Mr. T. S. Avinashilingam Chettiar: May I know whether the Government will at least consider this matter and come to a final decision whether this concession should be continued?

The Honourable Sir James Grigg: The Honourable Member is in a dilemma. If the concession is not availed of very much, obviously there is not much point in withdrawing it. If, on the other hand, it is availed of considerably, then presumably the Government of India need the money by way of contributions from these sources.

Mr. T. S. Avinashilingam Chettiar: May I know whether Government have come to the conclusion that these contributions are necessary in present circumstances?

The Honourable Sir James Grigg: I did not say anything of the sort. At the moment they are unnecessary, obviously, but I am not prepared to assert that there will never be a time when they are necessary.

Prof. N. G. Ranga: Are these concessions extended to the Princes of the Indian States, or to the people of the Indian States also?

The Honourable Sir James Grigg: Not to the people of Indian States, certainly.

LEVY OF INCOME-TAX ON FOREIGN INCOMES.

1002. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Finance Member state:

- (a) whether profits arising abroad are taxed only on their remittance into this country;
- (b) if not, on what basis it is taxed; and
- (c) whether accounts of foreign income are regularly demanded and examined, before the taxes are levied?

Mr. A. H. Lloyd: (a) Yes.

(b) Does not arise.

(c) That depends on the circumstances of each case. Accounts, in respect of business profits are usually called for.

Mr. Lalchand Navalrai: May I know if the Government insist upon the original accounts being brought from outside, over here, for inspection?

Mr. A. H. Lloyd: I have already said that that depends on the circumstances of each case.

Mr. T. S. Avinashilingam Chettiar: May I know whether the recent Income-tax Enquiry Experts have recommended any change in this matter?

Mr. A. H. Lloyd: I believe that that report is in the hands of Honourable Members already.

Mr. T. S. Avinashilingam Chettiar: May I know whether and if so where they have made a recommendation for a change in this matter?

Mr. A. H. Lloyd: May I suggest that the Honourable Member should read that report, which is already in his possession?

Mr. T. S. Avinashilingam Chettiar: May I know if the report recommends whether there should be a change or not?

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member is in possession of that report and he can form his own conclusion.

Mr. T. S. Avinashilingam Chettiar: May I say, Sir, that if we are to be referred to these reports, then there is no necessity for these questions? Should not the Honourable Member refer to the particular page of the report?

Mr. President (The Honourable Sir Abdur Rahim): The Chair cannot lay down any general rule regarding that. That depends on each particular question; but if information is easily available, in any report that is available to Honourable Members, I think, especially in a question of this sort, it is far better that Honourable Members should draw their own conclusions from the report.

Mr. T. S. Avinashilingam Chettiar: Sir, the usual custom, however . . .

Mr. President (The Honourable Sir Abdur Rahim): I cannot allow any more argument on that.

Mr. T. S. Avinashilingam Chettiar: Sir, I submit the Chair must . . .

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The Honourable Member is not to address "must" to the Chair.

Mr. T. S. Avinashilingam Chettiar: On a point of order, Sir, usually, when references are made to a particular report, such references are made to particular pages of the report, but the Honourable Member has not made any reference to such pages of the report?

Mr. President (The Honourable Sir Abdur Rahim): That was not the question that was put. The Honourable Member was not asked to refer to the pages of the report.

Mr. T. S. Avinashilingam Chettiar: May I know whether there is going to be any change in the Income-tax Amending Bill.

The Honourable Sir James Grigg: The Honourable Member might wait and see.

COASTAL DEFENCE OF INDIA.

1003. ***Mr. T. S. Avinashilingam Chettiar:** Will the Defence Secretary state:

- (a) the steps proposed to be taken in the matter of coastal defences in view of the statement of the Honourable the Finance Member, on page 13 of his Budget speech;

- (b) whether, with the beginning of the scheme with reference to clause one, arrangements will be made from the very beginning to train Indian officers, and if so, what arrangements are in contemplation of Government?

Mr. C. M. G. Ogilvie: (a) It is proposed, as a part of the coast defences of India, to make more complete provision than at present exists for local naval defence, but it is not in the public interest to disclose the details.

(b) All Royal Indian Navy officers, including Indians, will be trained to carry out the duties involved in local naval defence.

Prof. N. G. Ranga: In view of the fact that the British Government is taking the House of Commons into its confidence in regard to its defence arrangements, will Government consider the advisability of taking this House also into its confidence and placing all the facts concerning the defence of our coasts?

Mr. C. M. G. Ogilvie: Certainly, where the public interest is not involved.

Mr. T. S. Avinashilingam Chettiar: With regard to the second part of clause (b) of the question, may I ask what arrangements are in contemplation to train Indian officers?

Mr. C. M. G. Ogilvie: I gave the answer.

Mr. T. S. Avinashilingam Chettiar: May I have the answer again?

Mr. C. M. G. Ogilvie: "All Royal Indian Navy officers, including Indians, will be trained to carry out the duties involved in local naval defence".

Mr. T. S. Avinashilingam Chettiar: In view of the fact that the number of Indian officers in the Royal Indian Navy is very small, may I know if Government will take steps to train more Indians?

Mr. C. M. G. Ogilvie: As far as I can see at present, there will be need for more officers, both regular and reserve, for the local naval defence scheme and, therefore, there will be more Indians.

Mr. T. S. Avinashilingam Chettiar: May I know if the proportion of Indians to Europeans among the officers to be appointed hereafter will certainly be much more than there are in the Royal Indian Navy at present?

Mr. C. M. G. Ogilvie: I cannot forecast the future.

ERECTION OF A FACTORY TO MAKE INDIA SELF-SUFFICIENT IN THE MATTER OF HIGH EXPLOSIVES.

1004. ***Mr. T. S. Avinashilingam Chettiar:** Will the Defence Secretary state:

- (a) the steps proposed to be taken in the matter of the erection of a factory to make India self-sufficient in the matter of high explosives; and
- (b) where the factory is proposed to be established?

Mr. O. M. G. Ogilvie: (a) It is proposed to erect a Government Ordnance Factory designed to undertake the manufacture of all explosives required in war by the Defence Services of India.

(b) Tentatively, in the vicinity of Jubbulpore.

Prof. N. G. Ranga: Will the construction of this particular factory result in any heavier recurring expenditure?

Mr. O. M. G. Ogilvie: It will certainly result in heavier recurring expenditure.

Seth Govind Das: Will it be a factory in connection with the present Gun Carriage Factory at Jubbulpore?

Mr. O. M. G. Ogilvie: No, it will be designed to manufacture explosives—not in connection with the Gun Carriage Factory there.

Prof. N. G. Ranga: Is it intended—apart from other results expected from it—to result in a considerable reduction of our imports into this country of explosives?

Mr. O. M. G. Ogilvie: Certainly.

Prof. N. G. Ranga: Will it result in any economy?

Mr. O. M. G. Ogilvie: I cannot at present say; it depends on the cost of production.

Mr. N. V. Gadgil: Is it the intention to abolish or abandon the Ordnance Factory at Kirkee in view of the proposed factory at Jubbulpore?

Mr. O. M. G. Ogilvie: No.

INCIDENCE OF TAXATION IN THE NASIRABAD CANTONMENT.

1005. ***Mr. N. V. Gadgil:** Will the Defence Secretary be pleased to state:

- (a) whether it is a fact that the incidence of taxation in Nasirabad Cantonment is Rs. 4-5-0 per head per annum and that in the neighbouring municipality of Ajmer it is Rs. 3-1-0 per head per annum;
- (b) whether he is aware that on account of such heavy taxation many traders of this Cantonment have left for towns of Bijainagar, Bhilwara, Keki and Kishengarh;
- (c) if the answer to parts (a) and (b) be in the affirmative, what steps Government propose to take to reduce the taxation in that Cantonment; and
- (d) whether there is any proposal to levy an export duty on *birds* manufactured in that Cantonment?

Mr. O. M. G. Ogilvie: (a) The incidence of taxation in the Nasirabad Cantonment is Rs. 4-8-7 per head per annum, and in the neighbouring municipality of Ajmer it is Rs. 3-0-3.

(b) No.

(c) Does not arise.

(d) Yes. It is proposed to levy an export duty of eight annas per maund on *biris*.

Mr. Badri Dutt Pande: With reference to part (a) of the question, is it not a fact that all the elected members of the Nasirabad Cantonment Board have tendered their resignation as a protest against high taxation and the high-handedness of the Cantonment authorities?

Mr. O. M. G. Ogilvie: I have not heard that.

NON-INCLUSION OF CERTAIN AREAS IN THE BAZAR AREA OF THE LAHORE CANTONMENT.

1006. ***Mr. N. V. Gadgil:** (a) Will the Defence Secretary be pleased to state whether important civilian areas in Lahore Cantonment like the High School playground, library and bazar garden, Mehtab Rai Ahata, Saddar Bazar Market, Sanatan Dharam School, Aggarwal Dharamsala, Lalkurti Bazar, Lalkurti tank, temple and garden, Saddar Bazar woodstalls, Idgah, Diggi temple, Saddar Bazar primary school, No. 2, Ahata Ghasiram, and other areas have not been included in the Bazar area of this Cantonment?

(b) Are Government aware that there are no military lines near to these areas, and they are purely for the residence and provision of amenities for Bazar people?

(c) What step or steps do Government propose to take to include these areas in the Bazar area, so that the Bazar Committee may have jurisdiction over them?

Mr. O. M. G. Ogilvie: (a) and (b). Yes.

(c) No application for their inclusion has yet been received by the Government of India. If such an application is received, it will be duly considered.

RESTORATION OF FREE SALT MANUFACTURING RIGHTS IN CERTAIN PLACES.

1007. ***Prof. N. G. Banga:** Will the Honourable the Finance Member be pleased to state:

(a) the Provinces in which the free salt manufacturing rights are extended to those places from which they had been withdrawn previously;

(b) in which Provinces and in which places such restoration has not taken place;

(c) which Provincial Governments have asked for such restoration of the privileges of the Irwin-Gandhi Pact; and

(d) whether any and if so, what conditions were attached to such restoration?

Mr. A. H. Lloyd: (a), (c) and (d). The Governments of Madras and Bombay applied for the restoration of the concession relating to private

manufacture and collection of salt to areas from which it had been withdrawn. The concession has been restored in all such areas in those Provinces subject to the condition that it will be withdrawn again from any area if experience shows that it is being widely abused in such area.

(b) The areas to which the concession has not yet been restored are:

- (1) In the Punjab—the Salt Range Division of the Northern India Salt Revenue Department;
- (2) In the North West Frontier Province—Bahadurkhel Circle of the Kohat Mines Division of the Northern India Salt Revenue Department;
- (3) In Sind—Desert Division of the Thar Parkar District.

Mr. Lalchand Navalrai: Why have they not restored the concession to Sind?

Mr. A. H. Lloyd: The first reason is that we have not been asked by the Sind Government to do so.

Prof. N. G. Ranga: Are we to understand that the Governments of the Punjab and the North-West Frontier Province have not yet applied for the restoration of these privileges?

Mr. A. H. Lloyd: The Honourable Member's understanding is quite correct.

INTERCEPTION AND CONFISCATION OF UNBANNED FOREIGN PUBLICATIONS BY CUSTOMS AUTHORITIES.

1008. ***Prof. N. G. Ranga:** Will the Honourable the Home Member be pleased to state:

- (a) whether the Customs authorities are instructed or authorised to intercept and confiscate certain foreign publications which are not declared to be banned in India;
- (b) whether all books on Marxism and allied subjects, published by Martin Lawrence and Company of London, are being intercepted by the Customs authorities; and
- (c) whether Government will lay on the table a complete up to date list of publications which the Customs authorities are instructed to intercept and confiscate?

The Honourable Sir Henry Craik: (a) I am not sure what the Honourable Member means by "banned in India". But it is, of course, a fact that the Customs authorities are authorised, under the Sea Customs Act, to intercept and confiscate certain foreign publications against which no specific order has been passed under any other provision of law.

(b) Communist literature is intercepted under a specific notification issued under the Sea Customs Act, and it is possible that certain publications of Martin Lawrence and Co. are included in the intercepted literature; there is no specific order to intercept that firm's publications.

(c) It would be against the public interest to lay a list on the table.

Prof. N. G. Ranga: Under what law are the Customs authorities entitled to intercept any of these books which are not specifically banned or prohibited under the Sea Customs Act?

The Honourable Sir Henry Craik: Section 168 of the Sea Customs Act permits the Customs authorities to intercept books coming in the same packages as proscribed books.

Prof. N. G. Ranga: Are we to understand that the Customs authorities are given complete discretion to intercept whichever book they like irrespective of the fact that that particular book is not banned or is not prohibited from being introduced into India by a specific D. O. or a specific Notification of the Government of India?

The Honourable Sir Henry Craik: No, Sir. The Honourable Member will be quite wrong in that assumption. No book can be intercepted unless it is banned by Notification under the Sea Customs Act or unless it is consigned to India in the same package as that which contains a banned publication.

Mr. T. S. Avinashilingam Chettiar: Are books individually banned or banned because of their title as 'Communists books' or banned because they are published by a certain publishing company?

The Honourable Sir Henry Craik: I think all the publications of a certain society are banned. With the exception of that, all books are banned by name.

Prof. N. G. Ranga: In view of the fact that great loss and inconvenience are experienced by many people who do not know which books are banned and which are not and when they try to import certain books, they find that those books are confiscated causing them so much loss, will Government consider the advisability of at least publishing a list of the books that are banned, say, a sort of quarterly list, and thus avoid the inconvenience that is caused to the public?

The Honourable Sir Henry Craik: It is impossible to publish a list of such publications, but arrangements have been made to supply to firms of publishers information from the India Office as to whether any particular book is banned. If there is any doubt, they can make inquiries.

Sir Cowasji Jehangir: Is the Honourable Member aware that notwithstanding the precautions taken by the Government of India, some very dangerous books do get into India and what steps does he propose to take to remedy this?

The Honourable Sir Henry Craik: I am not aware of that but if the Honourable Member will communicate to me any details of such an instance, I will be very glad to make inquiries.

Mr. T. S. Avinashilingam Chettiar: In view of the fact that books published by a particular publishing company are banned—they may be good as well as bad according to the views of the Government—will the Government consider the advisability of not banning all the publications of such a company but ban only those books which deserve banning?

The Honourable Sir Henry Craik: We have not banned the books of any particular publishing company.

Mr. T. S. Avinashilingam Chettiar: May I point out to the Honourable Member that in reply to a previous supplementary question he said that the publications of a particular society are banned?

The Honourable Sir Henry Craik: When I said that I was not referring to any publishing companies but to books and pamphlets published by certain societies.

DISCRIMINATION IN THE GRANT OF GAZETTED HOLIDAYS IN THE MILITARY ENGINEER SERVICE DEPARTMENT IN THE NORTH-WEST FRONTIER PROVINCE.

1009. ***Mr. Abdul Qaiyum:** Will the Defence Secretary please state:

- (a) whether gazetted holidays in the Military Engineering Service Department in the North-West Frontier Province are not allowed to all without discrimination of religion;
- (b) whether it is a fact that such holidays are given on a communal basis;
- (c) whether this system of granting holidays is dissimilar to that obtaining in other Departments in the Central Government;
- (d) whether he is aware that this system entails hardship on many people, specially the Sikhs, who are allowed only two holidays in a year; and
- (e) whether Government propose to take steps to redress this grievance?

Mr. O. M. G. Ogilvie: (a) and (b). Yes, in the Peshawar District with the exception of certain general holidays.

(c) No, as all holidays are regarded as a concession and are granted only when the exigencies of the service permit.

(d) No. The Sikhs are allowed six denominational holidays in addition to seven general holidays.

(e) No. Government do not admit that any grievance exists.

Mr. Abdul Qaiyum: Is it a fact that on these holidays only those people who belong to a particular community are allowed to keep away and others have to come and work in office?

Mr. O. M. G. Ogilvie: Normally that is the case with the exception of certain general holidays.

Mr. Abdul Qaiyum: Are the Government aware that under this order the Sikhs get only two holidays?

Mr. O. M. G. Ogilvie: No, Sir. I have already said that the Sikhs are allowed six denominational holidays in addition to the general holidays.

Mr. Abdul Qaiyum: Why is this unfair practice being adhered to? Why not give holidays to all?

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

TERMS OF THE CONTRACT OF MR. PHILLIPS, ADDITIONAL DEPUTY DIRECTOR OF PUBLIC INFORMATION.

1010. ***Mr. Manu Subedar:** Will the Honourable the Home Member state:

- (a) what were the terms of the contract of Mr. Phillips, Additional Deputy Director of Public Information;
- (b) how long this official has been in service;
- (c) whether this official was entitled, according to his contract, to a return passage for himself and/or his family if, for any reason, the full period of service was not put in; and
- (d) whether any passage has been provided for by Government for him and/or his family?

The Honourable Sir Henry Craik: (a) and (c). The main provisions of Mr. Phillips' contract are as follows:

A five years' term of service subject to six months' notice on either side; pay in a scale of Rs. 1,200—50—1,400 with overseas pay at £13-6-8; passages to India for himself and family, and return passages at the end of the period of five years, or after a shorter period if the contract is terminated by ill-health or by a notice from Government; leave on average pay up to one-eleventh of the period spent on duty subject to a maximum of four months at any one time.

- (b) About 2½ years.
- (d) Yes.

RESIGNATION OF MR. PHILLIPS, ADDITIONAL DEPUTY DIRECTOR OF PUBLIC INFORMATION.

1011. ***Mr. Manu Subedar:** Will the Honourable the Home Member state:

- (a) the circumstances which led to the resignation of Mr. Phillips, Additional Deputy Director of Public Information;
- (b) when this resignation was accepted, and from which date his place is vacant;
- (c) whether it is the intention of Government to appoint some one in this place;
- (d) if the reply to part (c) be in the affirmative, whether Government are prepared to give an assurance to this House that an Indian will be appointed; and
- (e) if not, why not?

The Honourable Sir Henry Craik: (a), (c), (d) and (e). I would refer the Honourable Member to the answers given to questions Nos. 764 and 905 on the 17th and 22nd instant, respectively, and the supplementary questions and answers which arose therefrom.

(b) His resignation was accepted on January 27th, 1938, and the post will be vacant from some date early in May.

Mr. T. S. Avinashilingam Chettiar: When do Government expect to make a final selection for this appointment?

The Honourable Sir Henry Craik: Obviously pretty soon. We have got to find somebody by the beginning of May.

COPPER PURCHASED FOR USE IN ORDNANCE FACTORIES.

1012. *Mr. Manu Subedar: Will the Defence Secretary state:

- (a) how much copper was purchased for use in the ordnance factories of Government during 1935-36, 1936-37 and 1937-38 (up to December);
- (b) what percentage of the military requirements of copper in the form of ingots is of Indian origin; and
- (c) whether orders have been issued to give preference to copper produced in India?

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

1935-36	811 tons.
1936-37	1,104 tons.
1937-38 (up to December, 1937)	1,652 tons.

(b) About 8.4 per cent.

(c) No, as the indigenous copper is not up to the prescribed specifications, particularly for shell and small arms cartridge cases. Government are, however, considering the question of relaxing the specifications in certain cases in order to utilise the best quality of indigenous material.

Mr. Manu Subedar: Do Government propose to take steps to bring to the notice of the copper producing concerns in India whether they cannot produce copper of the kind required by Government without relaxing the specifications of the higher type?

Mr. C. M. G. Ogilvie: I have no doubt that enquiries have been made and have revealed the fact that no electrolytic copper of the kind required is in fact produced in this country.

ENQUIRY RECOMMENDED BY THE ARMY SUB-COMMITTEE OF THE RETRENCHMENT ADVISORY COMMITTEE.

1013. *Mr. Manu Subedar: Will the Defence Secretary state:

- (a) whether the enquiry recommended by the Army Sub-Committee of the Central Retrenchment Advisory Committee of 1932 in paragraph 11, page 19, of the report, has taken place;
- (b) if so, whether a copy of this report will be made available to members of this House; and
- (c) whether the staff reserve in connection with the ordnance factories of Government is still maintained, or whether it has been abolished, as recommended?

Mr. C. M. G. Ogilvie: (a) No, for the reasons stated at Serial No. 15 (a) and (b) of the statement laid on the table of the House on the 6th September, 1932.

(b) Does not arise.

(c) Owing to retrenchments the staff reserve has disappeared.

DECREASE OF PROFITS IN THE RESERVE BANK OF INDIA.

1014. ***Mr. T. S. Avinashilingam Chettiar**: Will the Honourable the Finance Member state:

- (a) whether there has been a decrease of profits in the Reserve Bank during the last year as compared with the previous year;
- (b) what the reasons for this reduction of profit have been; and
- (c) what has been the extent of the business of the bank as compared with the previous year?

The Honourable Sir James Grigg: I would refer the Honourable Member to the Bank's annual report which was published in the Gazette of India, dated the 5th of February, 1938.

Mr. T. S. Avinashilingam Chettiar: As far as my knowledge goes, no reasons are given in that report for the decrease of profit?

The Honourable Sir James Grigg: Perhaps the Honourable Member would allow me with respect to refer him to the appropriate passage in the budget speech where it is explained fully.

Mr. T. S. Avinashilingam Chettiar: What is the answer to part (c)?

The Honourable Sir James Grigg: I would refer the Honourable Member to the accounts contained in the Bank's annual report which is published in the Gazette of India, on the date I mentioned.

RECRUITMENT OF ASSAMESE IN PLACE OF GURKHAS TO THE ASSAM RIFLES.

1015. ***Mr. Kuladhar Chaliha**: Will the Defence Secretary please state:

- (a) whether Government have ceased recruiting Gurkhas from Kuraghat Recruiting Camp in Darjeeling to the Assam Rifles;
- (b) owing to recent rumours of attack on the Eastern Frontier by foreign powers, whether Government propose to raise new battalions of the Assam Rifles entirely of Assamese;
- (c) whether Government have considered the idea of eliminating Gurkhas entirely from the Assam Rifles; and
- (d) whether Government have considered any proposal of having a recruiting centre in Upper Assam for recruitment to the Assam Rifles from the following castes:—Chowdangs, Kacharis, Thangals, Chutias, Deoris, Miris, Mikirs, Aotonias, Keots, Kalifas and Ahoms?

Mr. C. M. G. Ogilvie: This question should have been addressed to the Foreign Secretary.

REPRESENTATION OF MUSLIMS IN THE INCOME-TAX DEPARTMENT IN MADRAS.

1016. ***Mr. H. A. Sathar H. Essak Salt:** Will the Honourable the Home Member please state:

- (a) the percentage of Muslims in the gazetted ranks in the Income-tax Department in Madras;
- (b) the number of Muslim Income-tax Inspectors and their percentage to the total number of Income-tax Inspectors employed in that Presidency;
- (c) the number of Moplah Income-tax Inspectors; and
- (d) whether Government propose to issue instructions for increasing the appointments of Muslims in general and Moplahs in particular in all the ranks of the Income-tax Department in that Presidency?

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

MANUFACTURE AND SUPPLY OF GAS-MASKS.

1017. ***Seth Govind Das:** Will the Honourable the Home Member be pleased to state:

- (a) whether Government have ordered for gas-masks on account of the fear of air raids on cities like, Bombay, Calcutta, Karachi, etc.;
- (b) the number of gas-masks so ordered and their approximate value;
- (c) who are the suppliers of these masks;
- (d) whether Government have considered that these masks could not be manufactured in this country, and whether all the materials required for the purpose are available in India; and
- (e) if the masks could not be manufactured in this country, the difficulties for not doing so?

The Honourable Sir Henry Craik: (a) No.

(b) to (e). Do not arise.

Mr. Lalchand Navalrai: In view of the rumours of war and in view of the proposals to supply gas masks to the people of Karachi, is it a fact that the people there are very much alarmed at the prospect of war? Will the Government do something to allay their fears?

The Honourable Sir Henry Craik: The Honourable Member might himself do something to allay those fears.

Dr. Sir Ziauddin Ahmad: Is it a fact that the persons living in Karachi do not belong to the martial classes?

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

EMBARRASSMENT ARISING FROM RULES FRAMED FOR THE FEDERAL COURT.

1018. ***Seth Govind Das**: Will the Honourable the Home Member be pleased to state:

- (a) whether the rules framed for the Federal Court are likely to create embarrassment in such of the Provinces of the country where the dual system of Solicitors and Advocates does not obtain, as in Bombay and Calcutta, for appeals from the *mofusil*;
- (b) whether it is not a fact that the insistence on a client having a dual agency at work in the Federal Court, especially after his case has been thrashed out in the High Court and all papers have been got ready, may impose a serious handicap;
- (c) whether Government are aware that the client with ordinary means will find it extremely difficult to raise before the Federal Court a constitutional point with regard to the validity of some Provincial enactment or an Order-in-Council, as even in a small or simple case, he must engage, besides his agent, junior and senior counsel;
- (d) whether these rules were circulated to the Justices of different High Courts before inauguration;
- (e) whether the Honourable Judges passed their opinion thereon;
- (f) whether the Bar Councils were also consulted; and
- (g) if not, the reasons therefor?

The Honourable Sir Henry Craik: (a), (b) and (c). This is a matter of opinion, but I see no reason why any additional expense should be incurred; and if experience should prove the contrary, I have no doubt that the Federal Court would be ready to reconsider the matter. I might point out that the Honourable Member is incorrect in assuming that the Rules require the employment of two counsels before the Federal Court.

(d) and (e). I understand that the Rules were circulated in draft to the Chief Justices of all the High Courts, who I presume expressed some opinion on them.

(f) and (g). I have no knowledge whether the Bar Councils were consulted by the Chief Justices, and I would point out that the Rules were made by the Federal Court and approved by His Excellency the Governor General in his discretion.

DETENTION WITHOUT TRIAL OF CERTAIN PERSONS.

1019. ***Mr. Mohan Lal Saksena**: (a) Will the Honourable the Home Member be pleased to state the respective periods for which Messrs. Jawala Prasad, Bhawani Prasad and Bhishanpayan have been in detention without trial, and the respective dates on which their cases were reviewed last?

(b) For how long do Government propose to keep these gentlemen under detention?

(c) Have Government consulted the United Provinces Government regarding the release of Messrs. Bhishanpayan and Bhawani Sahai? If not, why not?

(d) Is it a fact that Babu Narsingh Das of Ajmer was not granted permission to interview Mr. Jawala Prasad? If so, why?

(e) Are Government prepared to consider the feasibility of releasing them, or putting them up for trial before a court of law?

- **The Honourable Sir Henry Craik:** (a)

Jawala Prasad	2½ years.
Bhawani Sahai.	5 years 11 months.
Vishwanath Rao Gangadhar Bhaishanpayan	4 years 7 months.

With regard to the second part of this question I would refer the Honourable Member to the reply given on the 15th February to his question No. 259.

(b) For as long as, and no longer than, their detention is necessary in the public interest.

(c) Yes.

(d) Not that I am aware of.

(e) An interview was refused. It would be against the public interest to state the reasons, but I have satisfied myself that they were adequate.

Mr. Mohan Lal Saksena: When are these cases going to be reviewed next?

The Honourable Sir Henry Craik: I said that they were due to be reviewed now.

REPRESENTATION ON BEHALF OF MR. RAM SINGH OF MUTTRA, A PRISONER IN THE AJMER CENTRAL JAIL.

1020. ***Mr. Mohan Lal Saksena:** (a) Will the Honourable the Home Member be pleased to state if Government have received any representation on behalf of Mr. Ram Singh of Muttra, at present a prisoner in the Ajmer Central Jail and recently repatriated from the Andamans? If so, will Government be pleased to lay a copy of it on the table?

(b) What is the total period of his sentence and how much remission has been granted to him upto now?

(c) Has Mr. Ram Singh applied for release and pending release, for transfer to the United Provinces, the Province to which he belongs? If so, what action has been taken on his application?

(d) In what class has Mr. Ram Singh been placed? Are Government prepared to consider the feasibility of placing him and all the political prisoners in 'B' or superior class?

The Honourable Sir Henry Craik: (a) Two petitions were received from Ram Singh in October last. I am not prepared to lay them on the table.

(b) He was sentenced to seven years' rigorous imprisonment on the 27th November, 1935, and has earned a remission of four months and 18 days up to the month of February, 1938.

(c) One of the two petitions referred to in the answer to clause (a) was a prayer for release. This was rejected. He has not applied for transfer to a jail in the United Provinces.

(d) Ram Singh is placed in 'B' class. There is no intention of placing all political prisoners in 'B' class. The matter will continue to be regulated by the rules on the subject.

Mr. Mohan Lal Saksena: Is it not a fact that one of the demands of the political prisoners in Andamans was that all the political prisoners should be placed in 'B' class?

The Honourable Sir Henry Craik: I am not sure about that. I dare say the Honourable Member is correct.

Mr. Mohan Lal Saksena: Did the Government give any consideration to that statement since the prisoners gave up hunger strike?

The Honourable Sir Henry Craik: I do not think that arises out of this question. I cannot answer from recollection.

Mr. Mohan Lal Saksena: It does arise out of part (d)?

The Honourable Sir Henry Craik: I have said in answer to part (d) that "there is no intention of placing all political prisoners in 'B' class". The Honourable Member can draw his own deduction from that.

Mr. Mohan Lal Saksena: I want to know whether the Government gave any consideration to the demand made by the political prisoners after they gave up their hunger strike? The Government's position was that the prisoners always placed their demands followed up by hunger strike and the Government's reply always was that they could not consider the demands because the hunger strike was on. But I now ask when the hunger strike was discontinued, did the Government give any consideration to their demands?

The Honourable Sir Henry Craik: I have no doubt they did. But I was not in India at the time and so I cannot say for certain.

Mr. Mohan Lal Saksena: I always thought that the presence of a particular Member in office did not matter much and I thought that there was continuity of policy.

The Honourable Sir Henry Craik: It does not matter at all. I said I was not in India at the time. The Honourable Member did not give me notice of this question. I cannot, therefore, say for certain off hand, but I have no doubt that due consideration was given to the demand.

WITHDRAWAL OF THE POLICE ARRANGEMENTS FROM THE AJMER CINEMA HOUSES ON INDIAN PICTURE DAYS.

1021. ***Mr. Mohan Lal Saksena:** (a) Will the Honourable the Home Member be pleased to state whether it is a fact that the officers of the City Police, Ajmer, have withdrawn the police arrangements from the Ajmer cinema houses (except on English picture days, when the Europeans visit the cinema houses)? If so, why is the police deputed on English picture days?

(b) Are Government aware that the withdrawal of the police arrangements from the cinema houses on Indian picture days has encouraged the bad characters of the city to cause obstruction to the peaceful citizens in approaching the ticket office windows and thereby compelling the peaceful citizens to purchase the cinema tickets from those bad characters at enhanced prices?

(c) Is it a fact that the withdrawal of the police arrangements from the Ajmer cinema houses on Indian picture days has resulted in unlicensed hawkers collecting in scores in the thoroughfares adjoining the cinema houses, to the great inconvenience of the public?

(d) Are Government aware that the withdrawal of the police arrangements from the cinema houses on Indian picture days has resulted in Indian ladies being molested by the bad characters in and about the cinema houses?

(e) What steps do Government propose to take in the matter in the interest of the convenience and safety of the cinema going public at Ajmer?

The Honourable Sir Henry Oralk: The information has been called for from the Chief Commissioner, Ajmer-Merwara, and will be laid on the table in due course.

CLAIM OF THE ASSAM GOVERNMENT FOR THE PROCEEDS OF THE EXCISE DUTY ON PETROL AND KEROSENE PRODUCED IN ASSAM.

1022. ***Mr. Kuladhar Chaliha:** Will the Honourable the Finance Member please state:

- (a) whether Government received any representation from the Financial Representative of Assam, claiming the entire excise duty on petrol and kerosene produced in the Province of Assam in 1931 and claimed the amount before Lord Eustace Percy's Committee (Federal Finance Committee) in 1931;
- (b) whether the Central Government received any representation from the Assam Government in 1932, claiming the entire excise duty on the ground that the manufacture of petrol and kerosene was a depreciation of the capital of the Province, and whether the Central Government received any representation in 1933, from the same Government;
- (c) whether the Advocate General of Bengal supported the claim of the Assam Government for the proceeds of the excise duty on petrol and kerosene produced in Assam; and
- (d) whether the Assam Provincial Assembly passed unanimously a resolution on the 19th January, 1933, claiming the entire excise duty on petrol and kerosene produced within the Province? If so, do the Central Government propose to take the matter into consideration early?

The Honourable Sir James Grigg: (a) and (b). Yes.

(c) I am not prepared to disclose the opinion expressed by a former Advocate-General of Bengal.

(d) For the reason explained in my reply to parts (c) and (d) of question No. 758 asked by Mr. Brojendra Narayan Chaudhury on the 11th of March, the Central Government are unable to accept the claim.

Mr. Kuladhar Chaliha: May I ask whether the subject was discussed at the Finance Ministers' Conference?

The Honourable Sir James Grigg: I have already refused in this House to make any statement on the subjects discussed in that Conference.

Maulvi Abdur Rasheed Chaudhury: May I know the reason why Government do not consider this question on its merits?

The Honourable Sir James Grigg: The question was submitted by the Assam Government to Sir Otto Niemeyer who rejected the claim.

Mr. Kuladhar Chaliha: Did they arrive at any decision in the Finance Ministers' Conference with regard to this question?

The Honourable Sir James Grigg: The Honourable Member is again trying to get me to do what I have already refused to do.

INDIANISATION OF THE ROYAL INDIAN NAVY.

1023. ***Mr. Abdul Qaiyum:** (a) Will the Defence Secretary please state the total number of officers in the Royal Indian Navy?

(b) How many of these are Indians?

(c) How many officers are recruited annually to the Royal Indian Navy?

(d) How many of these are Indians?

(e) Do Government desire to Indianise the Royal Indian Navy completely?

(f) If so what steps have been taken or are intended to be taken to achieve this end?

Mr. C. M. G. Ogilvie: (a) 127.

(b) 13.

(c) 9.

(d) 3.

(e) Not at present.

(f) Does not arise.

Mr. Abdul Qaiyum: In view of the fact that Government are going in for more vessels, will they consider the desirability of increasing the pace of Indianisation?

Mr. C. M. G. Ogilvie: I do not think that I can give an answer to that until the present scheme has been fully worked out and launched.

Mr. Abdul Qaiyum: When was this ratio of 1 to 3 between Indians and non-Indians fixed?

Mr. C. M. G. Ogilvie: The ratio is 2 English to 1 Indian.

Mr. Abdul Qaiyum: But in fact the figure given by the Honourable Member is only 18 out of 127.

* **Mr. O. M. G. Ogilvie:** The recruitment of Indians to the Commissioned ranks of the service only started in 1929, and there are 18 more at present under training.

DEVELOPMENT OF THE INDIAN MERCANTILE MARINE.

1024. ***Mr. Abdul Qaiyum:** Will the Defence Secretary please state what steps have been taken by the Defence Department towards the development of the Indian mercantile marine?

Mr. O. M. G. Ogilvie: None.

Mr. Abdul Qaiyum: Is the Honourable Member aware that the development of an Indian Mercantile Marine is absolutely necessary for having a strong Indian Navy?

Mr. O. M. G. Ogilvie: I am well aware of that fact, and also that many, if not most, national enterprises and public works like railways and mines and so on are of great importance from the point of view of defence.

Mr. Abdul Qaiyum: What action has the Defence Department taken so far to develop an Indian Marine?

Mr. O. M. G. Ogilvie: I said, none.

Mr. T. S. Avinashilingam Chettiar: May I know whether the Defence Department has at least impressed upon the Government of India the necessity, for the purpose of defence of this country, of developing a strong and good Indian mercantile marine?

Mr. O. M. G. Ogilvie: I think the remainder of the Government of India are very well aware that the existence of an Indian mercantile marine would be of great assistance to the Defence Department.

Mr. T. S. Avinashilingam Chettiar: Are the Defence Department satisfied in that matter?

Mr. O. M. G. Ogilvie: The Defence Department would very much like to see a flourishing Indian mercantile marine.

BAN ON MR. D. SARKAR OF BERLIN AND MR. AND MRS. S. MUZAMDAR OF NOWGONG.

1025. ***Mr. Kuladhar Chaliha:** (a) Will the Honourable the Home Member please state whether they are prepared to lift the ban imposed on Mr. D. Sarkar of Berlin and permit him to visit India and go back?

(b) Will Government please state whether they are prepared to allow Mr. S. Muzamdar of Nowgong (Assam) and his wife, Mrs. Florence Muzamdar, now in Japan, to visit their home in Assam and go back?

(c) Will Government please state the alleged charges against Mr. S. Muzamdar for which he is not allowed to come to India?

The Honourable Sir Henry Craik: (a) and (b). I would invite the attention of the Honourable Member to the reply given to his questions Nos. 96 and 97 on the 19th March, 1937. No application for a passport has as yet been received from any of these persons.

(c) I am not aware of any charge.

Mr. Mohan Lal Saksena: May I know if in these cases the Local Governments are consulted, with regard to the grant of permission or lifting the ban against these exiles?

The Honourable Sir Henry Craik: There is no ban that I know of.

Mr. Mohan Lal Saksena: I want to know whether, as a general rule, the Government of India consult the Local Governments with regard to the lifting of bans against persons belonging to those provinces.

The Honourable Sir Henry Craik: I do not see how that arises; in this particular case there is no ban.

Mr. Kuladhar Chaliha: Will they be allowed to come?

The Honourable Sir Henry Craik: I have said that no application for a passport has yet been received; and I have also said in the previous answer that Government will consider these cases when application are received.

Mr. Kuladhar Chaliha: Is it a fact that Mr. Muzamdar was suspected of being implicated in the Komagata Maru affair and that is why he is not allowed to come?

The Honourable Sir Henry Craik: The Honourable Member is entirely mistaken. He has not been stopped from coming.

ARTICLES REQUIRED FOR DEFENCE PURPOSES NOT PRODUCED IN INDIA.

1026. ***Mr. Manu Subedar:** (a) With reference to his reply to a supplementary question to starred question No. 339, put on the 17th of February, 1938, will the Defence Secretary please state what enquiries are in progress with regard to articles which are required for defence purposes, but which are not at present produced in India?

(b) Is any negotiation going on between Government and business firms, or, have the views of commercial associations been invited on any subject, or, has any statement on the proposals at present under consideration, been issued?

(c) Are Government considering the proposal for issuing a review of the position in consultation with the Principal Supply Officers' Committee?

Mr. C. M. G. Ogilvie: (a) The enquiries to which the Honourable Member refers form a normal activity of Government and have been in progress for many years. It is not in the public interest to add further to this answer.

(b) and (c). Government do not intend to make public the details of the work undertaken by the Principal Supply Officers Committee (India).

Mr. Manu Subedar: I do not desire Government to disclose anything which is not in the public interest. But may I inquire whether there is any machinery or whether any steps are taken to secure a kind of consultation between the Chambers of Commerce and the Defence Department with regard to such articles as Government may decide upon?

Mr. C. M. G. Ogilvie: The Principal Supply Officers Committee make inquiries from every possible source which they think might help them.

Mr. Manu Subedar: Would Government welcome any representations from the trade with regard to possibilities of articles useful for defence being manufactured here which have not been hitherto manufactured?

Mr. C. M. G. Ogilvie: Certainly, Sir.

THE SUGAR INDUSTRY PROTECTION (TEMPORARY EXTENSION) BILL.

Mr. H. Dow (Commerce Secretary): Sir, I beg to move for leave to introduce a Bill to provide for the temporary continuance of the existing protection conferred on the sugar industry in British India.

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

"That leave be granted to introduce a Bill to provide for the temporary continuance of the existing protection conferred on the sugar industry in British India."

The motion was adopted.

Mr. H. Dow: Sir, I introduce the Bill.

RESOLUTION *RE* DRAFT CONVENTION AND RECOMMENDATIONS OF THE INTERNATIONAL LABOUR CONFERENCE *RE* SAFETY IN THE BUILDING INDUSTRY.

Mr. A. G. Clow (Labour Secretary): Sir, I beg to move the following Resolution:

"This Assembly having considered the Draft Convention and Recommendations relating to safety in the building industry adopted at the Twenty-third Session of the International Labour Conference recommends to the Governor General in Council:

- (a) that Provincial Governments be consulted regarding the desirability and practicability of legislation to secure greater safety for workers in the building industry; and
- (b) that their attention be drawn to the Recommendations concerning co operation in accident prevention and vocational education."

This Resolution arises out of the last session of the International Labour Conference at Geneva, and Honourable Members have in their hands the report presented by Sir Firoze Khan Noon and Sir Frank Noyce to that Conference. They will find appended to it the decisions reached at the Conference, and those with which we are immediately concerned are on pages 44—70 of the Bulletin that has been placed in their hands.

[Mr. A. G. Clow.]

The last two of the Recommendations are referred to in part (b) of my Resolution. They are not Recommendations for legislation and are of quite a simple character. They concern the Provincial Governments and I do not propose, therefore, to allude to them further at this stage.

The main part of the decisions consists of the Convention which will be found first, the very long Recommendation that follows and the second Recommendation which relates to inspection. These between them contemplate the introduction, passing into law and enforcement of a safety code for the building industry. Now I think all Honourable Members will agree that, as far as the great bulk of our buildings in India are concerned, the task of construction or demolition cannot be regarded as a hazardous one. The great majority of our buildings consist of humble cottages, and there is no great risk involved in any building operations concerned with them. But, in our bigger cities particularly, there is an increasing number of large and complicated buildings, and as soon as you start operations on buildings of a certain height, buildings that require scaffolding and sometimes mechanical appliances for their construction, you are necessarily entering the region of distinct hazard. Even in the large buildings constructed under the supervision of our Public Works Engineers we know that fatal and serious accidents do occur, and we can safely assume that where that supervision, which ensures normally competent contractors and sound methods of construction, is lacking, the rate is certainly not lower. Unfortunately we have no precise statistics to show exactly what the hazards are, but it is reasonable to suppose that the number of accidents could be reduced by the enforcement of suitable regulations. The risks, I imagine, in some types of buildings are not lower than those incurred in some types of factory work, but unfortunately the problem of ensuring safety in building work is very much more complex than it normally is in factories. A factory is erected and it remains there. It does not normally change its character, and accidents can to a large extent be prevented by standardised methods, by fencing and by other attention to machinery. The building work is constantly changing and altering: the building itself may be there one month, and the next month the contractor may be working elsewhere, while the scaffolding and the other structures differ from building to building and are constantly being changed, so that to ensure some such degree of safety, as you do in factories, is a distinctly difficult task.

Now if Honourable Members will turn to the Convention and the big Recommendations, they will see that that task is approached in two different manners. The Convention contains a number of provisions of a rather vague—I almost said woolly—character. The preamble explains that the object was that of “standardising minimum safety provisions without prescribing requirements too rigid for general application”, but unfortunately in the effort to avoid rigidity almost all precision has been lost, so that the various precepts which are part of the Convention are dotted with such indeterminate words as “suitable”, “adequate”, and “as far as practicable”, words which any lawyer will tell you are extraordinarily difficult to translate into a draft. You cannot have your laws plastered liberally with words of that kind because the man, who has got to obey them, has got to know what is going to be regarded as “adequate”, or what is going to be regarded as “suitable”, or how far

the measures which he has taken can be regarded as going "as far as practicable". I would not envy a draftsman who had the task of framing a law which would implement these provisions.

When you turn to the recommendations, however, a different picture is presented, for here we have over 200 rules, some of which are divided into sub-rules, of an extraordinarily precise character, defining in millimetres and other ways what provisions certain structures should satisfy. My own view is that it would be almost impossible to enforce this code to any large extent in building work at the present moment. I think most engineers will recognise that these rules have been framed with great care and thought, and that they do represent in some respects an ideal, although I would observe that they leave certain forms of danger uncovered. But with our degree of organisation in India is it really practicable to adopt this code?

Because the crux of the question is that of inspection. The Convention very rightly says in article 4:

"Each Member who ratifies this Convention undertakes to maintain or satisfy itself that there is maintained a system of inspection adequate to ensure the effective enforcement of the laws and regulations relating to safety provisions in the building industry."

I am sure that all Honourable Members will agree that it is a very unwise practice to pass laws that are not effectively enforced, and I think we, the Government and the Legislature, can claim that in our labour legislation we have been careful not to "bite more than we can chew" and to ensure that the laws we pass are real laws and not sham laws prepared in order to create a good impression at Geneva or elsewhere. That is a principle to which I hope we shall always adhere. But when we come to the degree of inspection required, unfortunately that is a matter of money, and the question arises on what scale is your inspection work to be done? My own feeling is that if you attempted to enforce the whole code you would require an Inspector almost constantly in every substantial building, and anything a little short of that would not secure effective enforcement. Clearly anything on that scale is outside the means of any Provincial Government; and I should like to make it clear that whatever form of legislation be adopted, whether it be central or provincial, the executive power will vest in the provinces and cannot be assumed or transferred to the Centre. So that it is absolutely vital to ensure, if any legislation is adopted, that Provincial Governments are ready to secure effective enforcement: that is why consultation with the provinces in this matter is essential.

I suggest that there are three particular questions which they would find it useful to investigate. First is the point—what are the extent and character of the hazards involved?—because, as I said earlier, although we know that some branches of this work are hazardous, we have hardly any statistical information regarding the actual accidents. The second question is how far can these hazards be reduced by the enforcement of the various provisions suggested? The third one is which of these provisions are the provinces in a position to enforce? I suggest to the House that when these questions can be answered we shall be in a position to say, and the provinces will be in a position to say, how far steps should be taken. But at the present stage we cannot go further than that.

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

"This Assembly having considered the Draft Convention and Recommendations relating to safety in the building industry adopted at the Twenty-third Session of the International Labour Conference recommends to the Governor General in Council:

- (a) that Provincial Governments be consulted regarding the desirability and practicability of legislation to secure greater safety for workers in the building industry; and
- (b) that their attention be drawn to the Recommendations concerning co-operation in accident prevention and vocational education."

Notice has been given of several amendments: the first one is in the name of Mr. Joshi.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I submit that the third amendment is logically the first, because Mr. Joshi's amendment is in addition to that. ●

Mr. A. G. Olow: I am afraid I did not get adequate notice of Mr. Santhanam's amendment.

Mr. K. Santhanam: It is more than two days: it was issued the day before yesterday to all the Members.

Mr. President (The Honourable Sir Abdur Rahim): When was the notice issued?

Mr. A. G. Olow: It is not the last amendment that I am taking exception to; I am thinking of amendment No. 2.

Mr. President (The Honourable Sir Abdur Rahim): Very well. That other is an amendment to Mr. Joshi's amendment.

Mr. K. Santhanam: Sir, I move:

"That in part (a) of the Resolution, after the words 'building industry' the words 'in municipal areas' be inserted."

It is rather difficult to understand from the speech of the Honourable Member who moved the Resolution, whether the Government of India are in earnest about this Convention or not. He was very pessimistic as to whether there is any scope at all for the application of this Convention in India. If they feel that this Convention is useless for our purposes, then there is no reason why we should waste the time of the Central and Provincial Governments in calling for this bogus consultation. On the other hand, if we are earnest that these Conventions do deal with an essential feature of our industrial life and they ought to be implemented as far as possible, then these consultations are necessary; and the object of my amendment is that by limiting the scope of this Resolution we make this consultation more real and more useful. It is needless to say that in our rural areas there is no building industry to which this Convention can be applied. On the other hand there are certain urban areas in which I feel that this Convention ought to be applied. Therefore, I suggest that we should consult the Provincial Governments only so far as the urban areas are concerned. As a result of that consultation I expect that even with reference to urban areas the Provincial Governments are likely to restrict it to the presidency towns and other big towns. It may be found to be impracticable in smaller

urban towns; but at any rate I would like this House to restrict the scope of this Resolution to urban areas only because there is not the ghost of a chance of its being applied to rural areas and, therefore, if my amendment is accepted it would mean that this House is in earnest about its application; it limits the scope so that the consultation may be done quickly and easily and truly; and the Government may come back to us with a practicable scheme to apply it in such big areas as Bombay or Calcutta: we know in Bombay buildings go up to 7, 8 or 9 storeys high, and it is certainly essential that this Convention should apply to such areas. Therefore, I have moved this amendment and I hope it will be accepted by the House.

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

"That in part (a) of the Resolution, after the words 'building industry' the words 'in municipal areas' be inserted."

Mr. A. G. Clow: Sir, I suggest that the House

Mr. B. Das (Orissa Division: Non-Muhammadan): On a point of information, Sir: there was no general discussion on the main Resolution of Mr. Clow, and now you are putting Mr. Santhanam's amendment for reply by Mr. Clow.

Mr. President (The Honourable Sir Abdur Rahim): The Chair did not ask Mr. Clow to get up. In fact anybody could have got up. The amendment is before the House and anybody can speak on it.

Mr. B. Das: I am not going to speak on the amendment but on the main motion.

Mr. A. G. Clow: Sir, I suggest the House would not be acting wisely in accepting this amendment. I recognise to the full the soundness of one of the reasons behind it, because I am in fairly substantial agreement with my Honourable friend, that it would be extremely difficult to do anything in the rural areas. But to deal first with the actual wording, the reference to municipal areas would, I take it, exclude notified areas; and even in the rural areas occasionally very large buildings are constructed. I have seen big factory buildings and the enormous hangar—one of the biggest buildings in India—at Karachi which is not in the municipal area at all. I should think the construction of such a building would have to be very carefully supervised. You have buildings of that kind; and the point I would make is this: that here we are referring the question to Provincial Governments. If we accept these words we are saying "You must consider this only in municipal areas. That is what we want to limit your view to". Now, I do not see why the Provincial Governments should not regard the question as a whole. I anticipate that if they find themselves able to do anything, they will find themselves in substantial agreement with Mr. Santhanam, that the law should be limited to urban areas; but I think we should leave them free to consider the whole question. I have no objection to assuring the Honourable Member that if this Resolution is carried we shall in addressing them draw attention particularly to the possibility of dealing with limited and well-developed areas. Actually the possibility of excluding certain areas is recognised in the Convention itself.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): Sir, there is the amendment of Mr. Joshi and I think it will facilitate discussion if that is moved.

Mr. President (The Honourable Sir Abdur Rahim): I want to dispose of this amendment first and then we will take up the other.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): And then the general discussion?

Mr. President (The Honourable Sir Abdur Rahim): I think it will be better to wait for the general discussion along with Mr. Joshi's amendment that is after this amendment is disposed of. This is a very limited amendment and I think it will be more convenient to the House to dispose of this first.

Prof. N. G. Ranga: Sir, I only wish to say this, that it is a fact that nowadays factories and workshops are coming to be constructed in areas other than municipal areas in order to escape municipal taxation and other inconveniences of municipal regulations and so on. Therefore, I see the force of the point of my Honourable friend, Mr. Santhanam; nothing is lost and everything can be gained by specifically drawing the attention of Provincial Governments to those areas where they can take special care to give effect to these Conventions and articles so far as it is

12 NOON. possible. But at the same time I do not like here and now that this House should decide for the Provincial Governments and say to them that they need not examine the possibility or the necessity for implementing these Conventions in so far as buildings constructed in rural areas or non-municipal areas are concerned. Therefore, I would like my Honourable friend to accept a short amendment only in these terms "that before the words 'in municipal areas' the word 'particularly' or 'especially' be inserted". By accepting this amendment it will be possible then for the Provincial Governments not only to examine, wherever they are so inclined to do so, the possibility of extending this Convention to non-municipal areas, but they will be obliged to pay special attention to municipal areas and their needs so far as the building industry is concerned. I hope this suggestion of mine will meet with the approval of my Honourable friend and the House and that the House will accept it.

Mr. K. Santhanam: I shall be glad to accept it.

Mr. President (The Honourable Sir Abdur Rahim): I cannot allow that unless the other side is agreeable.

Mr. A. G. Olow: I am on the whole rather against accepting amendments without notice. I have assured the Honourable Member that we shall bring to the notice of the Provincial Governments the possibility of confining it to municipal areas and I do not see any need for the amendment.

Mr. K. Santhanam: In view of the statement of the Honourable Secretary for Labour, I beg leave of the House to withdraw my amendment.

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

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

Sir Cowasji Jehangir: On a point of order, Sir. Are you going on with the amendments? What about the main Resolution?

Mr. President (The Honourable Sir Abdur Rahim): There are two amendments

Sir Cowasji Jehangir: I want to oppose the whole Convention. What about Members who want to oppose the whole Convention?

Mr. President (The Honourable Sir Abdur Rahim): There are two amendments. After they are moved, then there will be discussion on the Resolution and the amendments. **Mr. Joshi.**

Mr. N. M. Joshi (Nominated Non-Official): Sir, I move:

"That in part (a) of the Resolution, after the words 'building industry' the words 'and that after such consultation he may be pleased to place his considered decision before the Assembly as soon as practicable' be inserted."

Before I deal with the Resolution and my amendment, with your indulgence I would like to make a few remarks regarding the work of the Conference with which we are dealing and ask for some information. The Conference of last year, 1937, besides passing the Convention and the recommendations which are dealt with in this Resolution, also passed certain other Conventions. They passed a revised Convention regarding the age of admission for employment in industry.

Sir Cowasji Jehangir: What has that got to do with this?

Mr. N. M. Joshi: They also passed a Convention regarding the age of admission to non-industrial employment. They also passed a Convention regarding the hours of work in textile industry. They also passed Recommendations regarding international co-operation and

Sir Cowasji Jehangir: I rise to a point of order, Sir. The Resolution moved by my Honourable friend confines itself to only one Convention, and my Honourable friend, Mr. Joshi, wants to roam over the whole of this report which deals with several other Conventions. I think that is out of order. He can speak only on the Convention that has been brought before the House. This report is not before us, but only the Convention with regard to building industry.

Mr. President (The Honourable Sir Abdur Rahim): Will the addition of these words make it applicable to anything else?

Sir Cowasji Jehangir: No. The amendment that my Honourable friend has moved applies only to the Convention, but he asks for your indulgence to roam over the whole of this report.

Mr. N. M. Joshi: I never said that. I protest against the interpretation of my Honourable friend.

Sir Cawasji Jehangir: The very first sentence uttered by my Honourable friend had nothing to do with the Convention before us but was with regard to other Conventions.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadian Urban): Those are only preliminary observations.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has only fifteen minutes and if he wastes his time on speaking about other things, supposing they are relevant, let him do it:

Mr. N. M. Joshi: I am quite aware that there are Members here who are not anxious to hear me. They can find many devices to come in the way of my speech, but may I make an appeal to the Honourable Member? There are Members here who stay here the whole of the Session. There are Members here who do not. I would suggest to those who do not stay here for the whole of the Session to have a little patience with those who stay here for the Session and do their work. My only object in referring to the other Conventions was to ask the Government of India certain information as to when they propose to bring forward Resolutions in this House regarding those Conventions. My special object in asking that question of the Government of India on this occasion was that last year Sir Frank Noyce told the House that the Government of India had given up the practice which they had followed for the last 17 years, of placing all the Conventions before the Assembly and that they had decided to make an attack on the privileges of this House by telling the House that all the Conventions would not be placed before the Legislature, but that they would place only those Conventions before the Legislature which the Government think that they should place. Now, I do not wish to speak even on that point, but I would like to draw the attention of the Congress Party which was absent last year owing to their pre-occupation in some other work, and I would like to draw the attention of the Honourable the Leader of the Opposition particularly, to a passage in the speech of Sir Thomas Holland when he spoke in the Assembly in 1921. Sir Thomas Holland said:

"This Assembly is one constituent of the competent authority which is to consider these Conventions and I congratulate the Assembly on having the privilege in the first Session of its existence to deal with the earliest of the measures adopted by the League of Nations."

Sir Thomas Holland admitted that the Assembly is one constituent in the competent authority which is to deal with and dispose of these Conventions. After having given this privilege to this Assembly Sir Frank Noyce took away that privilege and said that the Government of India would choose those Conventions and Recommendations which they wanted to place before the Legislative Assembly. Therefore, my question was which of these Conventions the Government of India propose to place before the Legislative Assembly and when they propose to do so. I do not deal with the other questions, but it will be regarded as pertinent if I also ask the Government of India another question. Recently the attitude of the Government of India towards the International Labour Conference and organisation has undergone a change. The Government of India have joined those countries in the world which want to see this organisation weaker. They do not lend their fullest support to this organisation. In the first place, they did not send the full delegation to the Conference. The Government of India last year sent one delegate and one adviser.

Mr. A. G. Olow: On a point of order, Sir. I am one of those Members who have stayed throughout the Session and I am very reluctant to interrupt my Honourable friend. But may I submit that my Resolution before the House relates to safety in the building industry and that the points on which my Honourable friend is now dilating have no bearing on the safety of the building industry.

Mr. N. M. Joshi: I do not wish to deal with that aspect now but I would make one remark and it is this, that by refusing to send adequate delegation and by refusing to send delegations for the tripartite coal conference the Government of India are showing a sort of hostility to the working of the international labour organisation.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has got only a few minutes more and if he wants really to discuss his own amendment, he ought to confine himself to that.

Mr. N. M. Joshi: Now, the Resolution of the Government of India proposes that they should consult the Provincial Governments regarding the Conventions. My amendment proposes this, that the Government of India may consult the Provincial Governments if they want to, but after consultation with the Provincial Governments the Government should place their considered decision before the Assembly for the consideration of the Assembly. I do not want the Assembly to be deprived of its opportunity to discuss the decision of the Government of India on this question. It is wrong for the Government of India to prevent the Legislature discussing decisions on these important matters. This regulation of the building industry from the point of view of safety is a very important matter. I agree that a building regulation regarding scaffolding and hoisting machinery will not be of great use for the construction work of cottages but they will be of great use in big cities, and the Government should take early steps after consulting the Provincial Governments to pass legislation providing for a regulation. In my judgment the Government of India if they wanted to consult the Provincial Governments should have consulted the Provincial Governments as soon as the Conference decision were taken. They are consulting the Provincial Governments nearly a year after the Conference and I hope that when they consult the Provincial Governments and the Provincial Governments place their views before the Government of India, the Government of India will not waste much time but come to an early decision, and may I suggest to them to come to a decision which will be favourable from the point of view of the workers who are employed in this industry. That there is risk the Honourable Member for the Labour Department has himself admitted and if there is risk that has to be provided against. That can be done by passing legislation to provide for safety. I wish to make a remark regarding the Honourable Member's attitude towards the Convention. He said the words of the Convention are vague but he would like to have an Act or legislation which was very precise in its wording. The language of the Convention may be very vague. The Geneva International Labour Organisation does not possess very precise draftsman but in that respect the Government of India are in a very happy position. They have men who can draft very precisely. My suggestion to the Government of India is that whatever may be the language of the Convention or its vagueness, the Government of India should pass legislation in as precise

[Mr. N. M. Joshi.]

language as they want and I have no doubt that if they pass that legislation the object of that legislation, namely, to secure the safety of people engaged in that industry will be achieved.

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

"That in part (a) of the Resolution, after the words 'building industry' the words 'and that after such consultation he may be pleased to place his considered decision before the Assembly as soon as practicable' be inserted."

If the amendment were adopted, part (a) would read like this:

"(a) that Provincial Governments be consulted regarding the desirability and practicability of legislation to secure greater safety for workers in the building industry and that after such consultation he may be pleased to place his considered decision before the Assembly as soon as practicable."

As regards Mr. Santhanam's amendment, does he wish to move it?

Mr. K. Santhanam: Yes, Sir.

Mr. A. G. Olow: I have an objection to this amendment on the ground of notice.

Mr. K. Santhanam: Mine is a purely verbal amendment. I want the proposals of the Government to be placed before the Legislature.

Mr. A. G. Olow: It is by no means verbal, as I shall show when I am discussing Mr. Joshi's amendment.

Mr. President (The Honourable Sir Abdur Rahim): Then I cannot allow it, as objection has been taken. It seems an amendment of substance.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): I have an objection to the main motion being discussed on the ground of want of notice. It is put down in the Agenda that this motion will be taken up either on the 22nd, 23rd, 24th or 25th. Is that a motion contemplated either by the Manual or the Rules? We want also some notice that this thing is going to be taken up today. That is my objection.

Mr. President (The Honourable Sir Abdur Rahim): I understand the objection is that the Resolution was put down for certain other days. Notice of this amendment could have been given on the first day when this Resolution was put down.

The main Resolution and Mr. Joshi's amendment are now before the House. Sir Cowasji Jehangir.

Sir Cowasji Jehangir: Mr. President according to my Honourable friend, Mr. Joshi, if any Member of this House attends the House without a single day's absence, he is entitled to be as irrelevant as he likes. He can speak on Conventions that have not been moved. He can ask questions which have nothing to do with the Convention before the House and you, Mr. President, should grant him that privilege because he has.

been in Delhi throughout. A new rule will have to be drafted to enable Mr. Joshi to be as irrelevant as he likes on every possible occasion. (Interruption by Mr. Joshi).

Coming to the Convention itself, I would draw attention to the very first few lines :

"Considering that building work gives rise to serious accidents and risks which it is necessary to reduce both on humanitarian and economic grounds, etc., etc."

Now, Sir, I want to ask whether this applies to India. What have been the risks in building work up to now. How many accidents take place according to our experience in all big cities, leaving aside rural areas. I quite agree that this does not apply to rural areas at all except certain rural areas in which people have built factories or where zamindars may have their palaces, but with those exceptions this Convention does not apply to rural areas. I would only refer to urban areas. Even in a city like Bombay where building operations are going on more rapidly today than ever before, how many incidents do we hear of? Have there been any complaints throughout India about the risks to workmen during building operations? Have we heard of any such accidents in Calcutta or in Madras or in Bombay? I can say with confidence that accidents happily are very very rare in building operations in the city of Bombay, and there are reasons for it. This Convention is entirely meant for Europe and if we go on asking this House to discuss Conventions provided for European conditions, we shall never come to the end of it and my Honourable friend, Mr. Joshi, will ask us to discuss Conventions which have nothing to do with the conditions prevailing in India. Now, Sir, what about New Delhi? Has he heard of many accidents here? (*Prof. N. G. Ranga*: "Oh, yes.") Where are they?

Now, Sir, the conditions of building in India are totally different from the conditions of building in Europe. In the first place, the scaffoldings in Europe are of steel while mostly in India the scaffolding is of bamboo. The other great difference between labour in Europe and labour in India is that labour in Europe wear boots, very often with steel studs. In India they are innocent of boots and shoes and the chances of slipping are much less in India than in Europe. Our bamboo scaffolding has done very well up till now and although Europe has gone ahead in the way of scaffolding, I see no reason why India should follow that example when our methods have suited our conditions so remarkably well up till now.

Now, Sir, I will just refer you to Articles 7 and 8 and anyone who has ordinary experience of building operations will realise how unsuitable these Articles are. With regard to scaffolding, Article 7 says:

"It shall be under the supervision of a competent and responsible person."

I do not know what is the meaning of that when applied to India. Then, it goes on:

"All scaffolds and appliances connected therein and all ladders shall be of sound material."

Has any of our scaffolding given way? In a huge city, like Bombay, do we hear of scaffolding breaking down although they are made of mere bamboo tied with strings? Have we heard of many people skipping down from scaffolds? Such cases are very rare. But in Europe such accidents often occur because the labourers go up with boots with steel studs and there is every likelihood of their slipping. Then, Sir, let us see at Article 8. It says:

"To be so constructed that no part thereof can sag unduly or unequally."

[Sir Cowasji Jehangir.]

How on earth can that rule or regulation be enforced in India or can be practicable in India? It may be that a scaffolding may sag or be unequal. Are we going, therefore, to adopt a Convention which will do away with bamboo scaffolding altogether and force us to bring in steel scaffolding, thus increasing the cost of building considerably? Is not our scaffolding practical for our workmen and for our conditions? And such scaffolding, even if it sags, will do no harm to anybody. How can this Convention as a whole be applicable to India, I cannot understand. I would have hoped that under the ruling of Sir Frank Noyce, where Government took the power to themselves of not bringing Conventions unsuitable to India before this House, my Honourable friend had used this discretion and not brought this Convention before this House at all because it is so unsuitable to Indian conditions. It is the very first time that we have heard that there are great risks in building operations in India. This Convention was framed in Geneva, thousands of miles from here, and then it is dumped on us here for consideration. I have no doubt in my own mind as to what the Provincial Governments will say when they read this or submit it to expert opinion in their provinces. They will point out that their Assemblies and their Governments have better work to do than considering Conventions of this sort. They will, if they are sensible, point out to the Government of India that if they choose to waste their time, they can do so, but do not waste the time of the Provincial Ministers who have enough to do in other directions. That will be the answer which, I trust, the Provincial Governments will send to the Government of India. Sir, I oppose the whole Convention as one not suitable to Indian conditions and as one that ought never to have been brought before this Assembly.

Mr. J. D. Boyle (Bombay: European): Mr. President, I am quite sure that my Honourable friend, Sir Cowasji Jehangir, does not subscribe to the idea that because there are few accidents in India, therefore we should not take precautions. What he has made clear to me is that he does not consider that these particular Recommendations are suitable for India. In this connection, I would like to refer to Item 7 of the first Appendix of the report which contains the Convention we are discussing and to refer to one particular requirement which is by way of introduction to the Recommendation. It reads:

"Considering that in view of the desirability of standardizing minimum safety provisions without prescribing requirements too rigid for general application."

Those are the words that I wish to stress "without prescribing requirements too rigid for general application". Now, Sir, I do not know how many Honourable Members have studied with care the detailed Recommendations as opposed to the Convention. I doubt if there are many people who would even understand some of the technicalities expressed. For myself, I can say that I have never heard the word "Putloy" or many of the other more technical phrases used.

Prof. N. G. Ranga: You are not employed in the building trade.

Mr. J. D. Boyle: That is perfectly true.

Prof. N. G. Ranga: We are common sense people here to legislate for their safety.

Mr. J. D. Boyle: May I point out to my Honourable friend, Prof. Ranga, that if neither he nor I are employed in the building trade, we start on an equal footing. (Interruptions from Prof. N. G. Ranga).

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must not go on interrupting like that.

Mr. J. D. Boyle: Sir, emphasis has often been laid in the past by the Group to which I belong on the necessity as to the Recommendations of the International Labour Conference on the broadest possible basis, because it is quite impossible for every country who subscribes to the Conference to be in a position to carry out very detailed requirements. It is clear to me at any rate that the Recommendations should be as wide as possible and that their detailed application should be left to the countries that subscribe to the Convention. That that was the point of view that was subscribed to by the representative of the Government of India is I think clear from page 6 of this report, where it says that "the Government of India's representative took the earliest possible opportunity of explaining that the elaborate proposals before the Committee were quite unsuited to the Indian conditions and that the Government of India considered that if a Convention on the subject were to be adopted, it should be of a more general nature". That is exactly the point of view I should like to make and I would only stress here that it says there on page 6 "that the Government of India's point of view found no support". In my opinion, it is up to us to ask the Government of India to emphasise this point once more and to make it clear to the International Labour Conference that the value of their deliberations is a great deal wasted by going into detailed Recommendations instead of general Conventions which could be applied by all countries equitably.

Mr. B. Das: Sir, I am not one of those who are very fond of the International Labour Conferences—though I was once an adviser of the employers in 1929 there. Sir, when this Government shows no co-operation, I cannot agree with my Honourable friend, Mr. Clow, when he asks us to give our international co-operation, with vengeance to certain platitudinous Conventions. My Honourable friend, Mr. Clow, was rather hard on my Honourable friend, Mr. Joshi, when he pointed out that the labour and employers' representatives were not adequately represented at Geneva and so they could not handle all the Conventions that were placed before them. I would ask my Honourable friend to turn to his own pamphlet which he has circulated and he will see from pages 4 and 5 that on the Committee on Public Works the Government of India were represented by a Mr. A. F. Morley, a substitute for Mr. Zaman and that the Indian workers and Indian employers were not represented on the Committee at all, and it is on that ground pertinent for me to discuss it here. India must maintain its connection with the International Labour Conference, and of course, it must end its connection with the League of Nations; as I have often said, it can co-operate with the I. L. O. if it is a separate organisation. At the same time if the House is properly to co-operate with the I. L. O., then the Government of India must increase the number of representatives of various interests who at present cannot handle properly the Conventions that come before the Conferences. That is a point which the Government

[Mr. B. Das.]

of India ought to bear in mind, and I need not remind my Honourable friend, Mr. Clow, of the correspondence that is passing between him and the Workers and the Employers' Federation. His proposals, however, are not acceptable to the Employers' Federation and I need not go further into that.

Mr. N. M. Joshi: I am glad that that is not irrelevant.

Mr. B. Das: Sir, I was a little nettled and unnerved when my Honourable friend, Mr. Boyle, from the European Group advised my friend, Mr. Clow, and incidentally this House that we must show more respect to the conventions coming from Geneva. Very likely this particular Convention does not affect anybody, it does not affect Mr. Joshi or me, who am an engineer, nor any vested interest in India. Whether this Convention is ratified or not, it will not at all benefit India; so Mr. Boyle gave some platitudinous advice that the Government of India should do this and do that. I do hope that when other Conventions come before the House, where employers like him are very much affected he and his colleagues will express similar considerate views

Mr. J. D. Boyle: May I point out that I am not an employer, nor did I attempt to give any advice whatsoever.

Mr. B. Das: Now, Sir, the other day in connection with a cut motion on the Railway Budget my Honourable friend waxed eloquent on the work and on the functions of the I. L. O., and which he said has brought much benefit to India. I wish to avail myself on this occasion to quote a passage from the report of the Employers' representative that visited Geneva in 1937:

"The Indian Employers' Delegate abstained from voting both on the Recommendation concerning International Co-operation in respect of Public Works and on the Recommendation concerning the National Planning of Public Works."

And I may just remind my Honourable friend, Mr. Clow, that Mr. Morley, speaking on behalf of the Government of India, said almost exactly the same thing. Mr. Morley took the earliest opportunity to explain that the elaborate proposals before the Committee were quite unsuited to Indian conditions. Now my Honourable friend, Mr. Clow, has forgotten the other Conventions that were discussed at the 1937 Conference. He brings the most harmless one before this House and waxes eloquent and throws some amount of responsible work on the Provincial Governments who are already penalised by the Government of India and who may not have the necessary staff to make the inquiries which my Honourable friend, Mr. Clow, wants them to carry out. Sir, the report of the Employers' representative further says:

"It will be realised that the conditions of India in this respect are very different from those of the more highly industrial countries of the West, and the particular measures which might be suitable for Western countries might not be quite practicable or desirable in India."

This view was expressed by Mr. G. L. Mehta at the International Labour Conference. Sir, the other day I had the temerity to express similar views and my friend, Mr. Clow, came down very hard on me. I again repeat today that the International Conferences are bringing out

different Conventions that are not at times suitable to Indian conditions and this should be borne in mind very seriously and very carefully by the Government before they bring out labour Conventions before this House. Sir, as regards this particular Convention, I have already remarked that it is of little use to India or to the provinces. Whether the Resolution as amended by Mr. Joshi is accepted by this House or not, it will not improve the conditions of the workers in the building trade. This much I can assure my friends of the Labour Group that they are not going to bring some new heaven to the workers in the building trade.

Mr. N. M. Joshi: What Engineer are you?

Mr. B. Das: I am a Civil Engineer. I may not go as far as my Honourable friend, Sir Cowasji Jehangir, has gone. I say that Indian builders are treated well and if there is any hardship, I will ask my Honourable friend, Mr. Joshi, to introduce suitable legislation in the Provincial legislatures so that their wages and working conditions might improve. But I am sure no bettering of their conditions will happen by this Convention. My only sorrow is that my Honourable friend, Mr. Clow, after leaving the provinces with the proverbial penny, is going to burden them with work for which they have neither the staff nor the time to investigate and report.

Mr. Husenbhai Abdullabhai Laljee (Bombay Central Division: Muhammadan Rural): Sir, I am at a loss to understand what is the objective of the Government in bringing forward this Resolution. Sir, my Honourable friend, Mr. Joshi, was I think, quite right when he pointed out that there were so many recommendations as, in his opinion and I believe in the opinion of many of us, recommendations which were much more important than this Recommendation. Surely, it was due to the Honourable Member to tell us why he had selected this Recommendation and not others much more important. That is my chief point. As pointed out by my Honourable friend, Mr. Joshi, all the recommendations and all the conventions and what not that came from the League of Nations in olden days were placed before this Assembly. Now the Government have taken upon themselves the task of making selections and make discrimination if possible. Surely the Honourable Member in charge of the Resolution told us why he had selected this Resolution and not others. What was the importance attached to this question which promoted the Honourable Member to select this Resolution and try to make us feel that there is something very serious about it and that, therefore, the question ought really to be gone into. How do the other Governments all over the world treat the affairs of the League of Nations now-a-days we know very well. We know what the position is. Surely, when we are asked to consider a recommendation, it is up to the Government to tell us what their personal opinion is. Sir, this Convention would not have come forward had it not been that a questionnaire was not issued. Not only that. Our Government must have expressed their opinion in the questionnaire. Even those things are not placed before us to guide us as to what was the view when the matter came up for discussion. The Recommendations are there. Some of our representatives also sat there. The Government of India also must have sent their opinion. We, who have been there,

[Mr. Husenbhai Abdullahhai Laljee.]

know very well that the Government of India, as also other Governments, send their views to their delegates and to their representatives on various questions. I do not know whether the Government of India have not done that in this instance. I should certainly have expected them to have stated what the real position in India was. Now, Sir, it has been said and rightly so by my Honourable friend, Sir Cowasji Jehangir, that so far as the principal cities in India are concerned, I can say that the number of accidents are very few and far between and the reason is that there are in many municipalities—so far as the Bombay municipality is concerned, I can say this—by-laws by which the building processes are being guided by the municipalities. May I ask the Honourable Member in charge whether it is not a fact that there are also by-laws in many other municipalities—the building regulations for the construction of the buildings are there. If they are there, have they gone into these things? Many of my Honourable friends who come from important cities will say that if one accident happens, the matter is not allowed to rest there. The matter is enquired into by the respective municipalities, the rules and by-laws are framed and actual enquiry is held. This is being done always. What are we asked to do? We are asked to forward this to Provincial Governments, and, as my Honourable friend, Mr. Das, said, our Provincial Governments have got to look into this question, study this question and send their recommendations.

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

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

Mr. Husenbhai Abdullahhai Laljee: Sir, I was pointing out that we ought to have some views from the Government with regard to this question. They having selected only this Recommendation there must be reasons for that. I also pointed out that so far as the municipalities in certain important areas were concerned they had some rules. I do not wish to say that the rules are so very complete that there are no accidents likely to take place. After all is said and done, we have got to consider one aspect of the question and that is that it is not only in the municipal areas but great works are taking place in areas which are under the jurisdiction of Port Trusts. Then there are the areas where the railway workshops are, and I do not know whether, strictly speaking, a building does not include a big bridge or a big railway station. For the matter of that, we have also to consider whether in making this inquiry it would not be advisable for the Central Government, which has been taking great interest in this question and has studied the question and got views from all parts of the world, to give some indication as to what it proposes to do. We have now Provincial Autonomy and many of the Ministers are busy with many subjects, and, therefore, if the Central Government considers it desirable, some indication ought to be given. I am not against this Resolution at all; I do wish that we should take some steps for the safety of the people in every direction. Even yesterday although my friends on the other side had some doubts about insuring third party risks, I for one

always believe that we have to do that. But the most important thing is that I should like this Government to take the initiative and the responsibility so long as they hold themselves responsible for all these things. It is no good saying, "I am responsible, I shall look after you" and then to say, "You do this and do that, and this is necessary and that is necessary". Either you hand over the responsibility to those who want to take it up and let them discharge it and you criticise, or you must take the responsibility and be prepared to meet them. I shall, therefore, once again ask the Honourable the Mover who has taken and is taking keen interest in the welfare of labour to express some views to guide the Provincial Governments from whom a report is wanted. Let me tell you, Sir, that this report has already taken a year to be forwarded from here; it will take some years before it will come from the provinces. Therefore, something should be done by which, if not all your views, at least some indication of your views may be given in regard to the safety of the people. At the same time other things must be taken into consideration as well. Most of the rural areas do not require this but with regard to the urban and other areas care must be taken in the first instance for safety before the works are allowed. In this country it is necessary at present that all the important industries must be protected and must be encouraged; and, therefore, all action that may be taken should be such as would not injure them or kill them in their very infancy. With these words, I support the Resolution.

Seth Govind Das (Central Provinces Hindi Divisions: Non-Muham-madan): Sir, it is very seldom that Honourable Members on the Treasury Benches bring any Resolution which is not harmful; but as far as this Resolution is concerned, I want to say that it is really not harmful. I am rather surprised to see the opposition which is being made to this Resolution. It only asks for a harmless thing and at the same time to give protection to the workers who are engaged in building work. Now, Sir, my friend, Sir Cowasji Jehangir, in his speech said that in India there are very few accidents. I am afraid I cannot agree with him. If there are less accidents it is not because we have a better method of building the Houses but because we have no means to build such big houses as are built in foreign countries. Therefore, let me point out that even here if we look at our buildings the number of accidents is not very small. Government themselves in one of their reports said in this respect:

"Figures of accidents in the building industry in India as a whole are not available but Government have no reason to suppose that the number of such accidents is not considerable."

Sir, my Honourable friend, Sir Cowasji Jehangir, said that because we have bamboo scaffolds and not iron scaffolds the accidents are fewer. I submit that is not a fact. My family has built not small houses which cost thousands but big houses which cost lakhs, and I can say from a little personal experience that bamboo scaffolds are more dangerous than steel scaffolds. So it is wrong to say that because in this country we are not using steel scaffolds therefore the number of accidents is less.

Then, Sir, if there are certain Honourable Members who have the apprehension that by this Resolution the building industry would be affected, I wish to point out that in the report itself at certain places it has been said that if the circumstances of certain areas are such that these

[Seth Govind Das.]

rules should not be made applicable, those areas should be exempted. It is said on page 46, Art. 5:

"In the case of a Member the territory of which includes large areas where, by reason of the sparseness of the population or the stage of economic development of the area, the competent authority considers it impracticable to enforce the provisions of this Convention, the authority may exempt such areas from the application of the Convention either generally or with such exceptions in respect of particular localities or particular kinds of building operations as it thinks fit."

After this Recommendation in the report I cannot understand how it can be apprehended that these rules and regulations would be in any way harmful to the building industry. Sir, there is on page 70 another Recommendation. If such a recommendation is given effect to, it will be beneficial to the workers employed in the building industry and the industry as a whole. On page 70 of the report it is said:

"The inspection authority should promote accident prevention by collaborating with all parties concerned in the necessary propaganda which might take such forms as safety education by training courses, demonstrations, meetings, lectures and films; the distribution of manuals, pamphlets, magazines or publications reproducing or analysing accident statistics, and the distribution of posters and notices which should as far as possible be illustrated."

After all, what this Resolution asks for is only a reference of this matter to Provincial Governments, and I think, Sir, this is one of the few occasions when Members sitting on this side do not think that the proposal made by Government is harmful. Sir, on the whole I support this Resolution. Government know, and the Honourable Members of this House know, that I do not belong to the labour class or to any such class which is opposed to the capitalist. However, I am not one of those capitalists who always come in the way of giving relief and such protection as is possible to labourers. I whole-heartedly support this Resolution.

Prof. N. G. Ranga: I am surprised to hear Sir Cowasji Jehangir attacking this Resolution and the Convention which is responsible for it. It was rather surprising that he should have launched his attack without even trying to understand what this Convention seeks to stand for. He asked for this support, we gave it to him, and five minutes thereafter he got up and catching the eye of the Chair had the opportunity to speak. I do not know how within that short time he was able to digest the whole of this report and then make up his mind and come to his own decisions. But it is very much like the way in which these capitalists manage their affairs and yet somehow or other bamboozle the world and make their millions.

Sir, I want to point out the magnitude of this building industry. It is thought that after all there may not be many accidents taking place because most of this country is rural, and there we have only humble huts and humble homes, and so there may not be any risks at all in this industry. I do agree that on the whole in most of our villages serious accidents in building industry may not take place, and therefore we exempt from the operation of this particular Convention as many as 6,96,000 villages and the 63,126,000 houses which are to be found there. But on the other hand, there are a large number of towns, and at least half of them are classed as municipalities, where thousands of houses of

modern type are being built every month during the last six or seven years. Ever since the economic depression came on, the building industry had a boom in towns whereas it has suffered a tremendous depression in villages. In villages people do not have enough money to build any house or even to repair their existing houses, but in towns salaried employees and others who depend for their income on gilt-edged securities and other dividends find their real incomes doubled by the passage of a day and almost by a miracle, and so they have thought of building more and more houses. What with the insurance companies, the banks, and the industrialists? More and more buildings of the latest American and English type have come to be built, and there I can assure the House, Sir, many accidents do take place. I welcome the assurance or rather the narration of his personal experience by my Honourable friend, Seth Govind Das, who as one of the capitalists, as one of the builders of houses in this country, bears testimony to the fact that accidents do take place and have taken place. I also welcome what Mr. Clow, the Government spokesman said, namely, that accidents in this industry are not rarer than in other industries.

Then, Sir, it is said that so far there has been no demand at all for this kind of Convention from people who are employed in this industry, and therefore Government spokesmen at Geneva said that they did not think it necessary to get this Convention applied to India. I only wish to say that it is not always safe to wait for taking preventive action until the people employed in a particular industry ask for it. Have we waited, Sir, until the people of this country who are affected by child marriages asked for the Sarda Act in order to enact that legislation. No, Sir, we thought it necessary and we thought it useful, and therefore we passed it. Similarly, I want that Government should take active measures to see that the workers employed in the building industry are also properly protected. I find, Sir, from the census report that as many as 6,92,000 people are employed in the building industry. This excludes, Sir, all those people who are employed on buildings made of bamboo or similar material, and it only includes a few decorators and house painters, but mostly lime burners, cement workers, excavators, stone cutters and dressers, bricklayers and masons, builders and so on. Now, as many as seven lakhs are employed in this industry and are they to be protected or not? I take it that they should be protected, and who is to protect them? It must be the Provincial Governments. But then the representatives of the Government of India have themselves asked the International Labour Conference that any such Convention should be of a more general nature than that before it. Under the circumstances I cannot understand why Mr. Clow has found fault with the Convention and said that it is all woolly, it is too general and so on. It is at his own request or at the request of his own spokesmen that it was made as general as possible. They thought that it was not general enough and ought to be made more general. He himself has stated that there are so many instructions which are too precise. If they are precise he must be satisfied, but if on the other hand the Convention is too general, it is because of his own order to his own representatives at the International Labour Conference, and therefore he ought to be satisfied with it.

Mr. A. G. Clow: Not in the least.

Prof. N. G. Ranga: What is it that we ask for. We want the Government of India to state its decision after hearing the views of the Provincial Governments. This recommendation of Mr. Clow contains two parts: it is not only that their attention be drawn to the Recommendations concerning co-operation in accident prevention, but also to vocational education. We know that in many of these provinces some steps have already been taken to provide some vocational education or other. I know for a fact that in the Madras Presidency training is being given in carpentry. The training ought to be in several other processes of building industry, for instance, preparing the reinforced concrete, then working on buildings which are going to be built with reinforced concrete and on other modern buildings. No such training is today being given in many provinces. We want such training to be given and I am sure most of the provinces will be quite willing to provide that kind of education. It is for that reason that we wish to support this Convention.

Then we want the Government seriously to consider whether it is not possible to give effect without much delay to the Recommendation made by the International Labour Organisation in this Resolution embodied at page 70. My Honourable friend, Seth Govind Das, has already drawn the attention of the House to item (1) of this particular Resolution. There are five other items. I will only indicate the nature of the Recommendations: in order to render this collaboration effective, there should be set up within each undertaking, where it is possible, a special safety organisation including representatives of the employer and the persons employed. But it may be said that it is not so very practicable in this country because this industry is not so big as to require this; but I can assure Mr. Clow that there are many English and Indian building concerns here which do practical work in building on a very large scale. As far as these companies are concerned, it must be possible to organise these special safety organisations:

"It would also be desirable to have direct collaboration between the competent inspector, the employer and the representatives of the persons employed in the undertaking in the form and within the limits fixed by the inspection authority. Safety propaganda in the building industry would be more effective if there were constant co-operation between the inspection authority and all the organisations concerned: safety organisations (joint or separate) of employers and workers; trade unions and employers' associations; associations of architects or engineers; standards association, etc.; accident insurance institutions (public, semi-official or private).

Periodical meetings should be held by representatives of the organisations mentioned in the preceding paragraph and representatives of the inspection authority together with representatives of any other public bodies concerned."

On the question of inspecting authorities I wish to throw out a suggestion to my Honourable friend, Mr. Clow. There are these factory inspectors and they have some assistants also; they live in towns—only they are expected to go out into the country and tour; but they spend ten days in the month in the towns and when they are in towns it must be possible for them to inspect as far as a particular work is concerned; and if you take these towns at least to start with, it must be possible for the Provincial Government to gain some experience of applying this particular Convention and in giving effect to any legislation that might come to be passed, and thus help the Provincial Governments to progress in regard to the other centres.

Then, what is it that this Convention wants the representatives of the Governments to do? Is it such an impossible thing for them to do? Some of the things that this Convention asks the Provincial Governments to do are very very reasonable and I should think absolutely essential if this industry were to be allowed to be carried on in these towns especially in regard to the construction of these big buildings. The Article says :

"Working platforms, gangways and stairways shall :

- (a) be so constructed that no part thereof can sag unduly or unequally ;
- (b) be so constructed and maintained, having regard to the prevailing conditions, as to reduce as far as practicable risks of persons tripping or slipping ; and
- (c) be kept free from any unnecessary obstruction."

Article 9 and subsequent articles say :

"When persons are employed on a roof where there is a danger of falling from a height exceeding that to be prescribed by national laws or regulations, suitable precautions shall be taken to prevent the fall of persons or material.

Suitable precautions shall be taken to prevent persons being struck by articles which might fall from scaffolds or other working places

No person under an age to be prescribed by national laws or regulations shall be in control of any hoisting machine, including any scaffold winch, or give signals to the operator.

When work is carried on in proximity to any place where there is a risk of drowning, all necessary equipment shall be provided and kept ready for use and all necessary steps shall be taken for the prompt rescue of any person in danger.

Adequate provision shall be made for prompt first-aid treatment of all injuries likely to be sustained during the course of the works."

I wish to know which Honourable Member in this House is prepared to come and say that these risks should be there and workers should be allowed to risk their lives facing all these risks every day of their life and at the same time not expect the Government to take any steps at all to prevent any trouble from these risks and to help them to earn their livelihood without unnecessarily risking their necks in this industry. This industry is coming more and more into the hands of the big industry and it is becoming more and more risky also because of the use of electricity and of the use of reinforced concrete and also by reason of the raising of the buildings to very great heights and dimensions. That is why the need for taking the necessary preventive measures is becoming every day greater; and for that risk I want the Government of India not only in a lighthearted fashion simply to shift the responsibility on to the shoulders of the Provincial Governments and then say to themselves that they have discharged their responsibility, but also to shift all the materials that will be placed before them when they get the replies from these Provincial Governments and then come to a definite decision and inform this House so that this House will be able to take stock of things and then see whether Government really wants to safeguard the interests of these people or not. I support the amendment as well as the Resolution.

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): Sir, I wish to support the amendment moved, by Mr. Joshi, and also the main Resolution. Before I do so I want just to say a few words on the point which was referred to by Mr. Joshi when he spoke before we adjourned for lunch. Since 1921, that is, soon after the first International Labour Conference met, it has been the uniform practice of the Government of India to put before this House all the conventions

[Mr. N. V. Gadgil.]

and not merely to inform this House as to what steps they wanted to take by legislation or by Resolution. But for the first time last year, in the month of January, 1937, Sir Frank Noyce stated that he wanted to depart from this practice and the reasons that he gave then were that there was no legal obligation for putting every Convention that may have been accepted at the International Labour Conference before the House. I say that that is not my view and the correct view according to me is that the entire proceedings or the entire decisions that may be taken by the Conference must be put before this House. In this connection I invite the attention of the House to Art. 19 which corresponds to section 405 of the Treaty of Versailles, which lays down:

"Each of the Members undertakes that it will, within the period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than eighteen months from the closing of the session of the Conference, bring the Recommendation or draft Convention before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action."

So, it is not merely legislation, but even all "other action"; and all these things must be put before the House. The distinction was sought to be drawn by Sir Frank Noyce and he divided the Conventions into Two: in one category he put those Conventions with respect to which he stated that some legislative action was necessary and those Conventions he put before the House: but so far as the other category was concerned, he stated that the House would be formally informed and if the House took a general interest then it was open to any Member of the House to table a Resolution and take his chance in the ballot. I think that he was not doing full justice to the understanding with which this institute of International Labour Conference was brought into existence. The idea then and even now is that there should be, as far as possible, not only good labour legislation, but uniform labour legislation. I, therefore, submit even assuming for the sake of argument that the strict legal view taken by Sir Frank Noyce was right—even then from the year 1922 to 1937, for those long fifteen years this House had enjoyed the privilege of discussing every Convention presented by the Government either for ratification or for non-ratification. Hence I say that this convention has been broken and this House should not stand such a breach.

Coming to the present Resolution under discussion, it was pointed out by Sir Cowasji Jehangir that in the building industry in India steel scaffolding was not used. I only wish to point out to him from the opinion expressed by the Government of India—this is what the Government of India say:

"Figures of accidents in the building industry in India as a whole are not available, but the Government have no reason to suppose that the number of such accidents is considerable. This is probably due to the fact that except in the two great commercial centres of Calcutta and Bombay, buildings are of no great height; and in these centres large contractors, in their own interest and from motives of economy, use up to date steel scaffoldings which reduce risk to the life of the workers to a minimum."

Therefore, Sir Cowasji Jehangir was wrong in believing that no steel scaffolding is used here. But assuming that they are as innocent as he tries to make them out and that the number of accidents is inconsiderable, it is a fact that this industry is fast expanding, as has been clearly shown

by my Honourable friend, Prof. Ranga, and is it not quite proper on the part of Government of India that some legislation should be made in anticipation of the developments in the industry concerned? There lies the way of wisdom and from that point of view I think that this Resolution before the House must be passed.

There is no surprise so far as opposition from Sir Cowasji Jehangir is concerned. There is no surprise if the opposition comes from my Honourable friend, Mr. B. Das. We always find that the capitalists try in the first instance to oppose all labour legislation. Failing that, they try to so modify it that it may be ineffective. Failing that, they try, when legislation is brought into existence, to create such situations that the labour element is reduced to some compromise. It has been their consistent attitude

Seth Govind Das: Not of all.

Mr. N. V. Gadgil: You are a glorious exception, I never referred to you, Therefore, the general attitude of the capitalist has always been, not only here but everywhere, opposition to progressive labour legislation. I submit that we must give a fair and a square deal to labour, and as this Convention only asks for minimum safety in a particular industry I think it will be wrong on our part in the name of fairness, or equity, or justice, to say "no" to the Resolution. Therefore, I support the Resolution and the amendment as well.

Mr. M. Ananthasayanam Ayyangar: I have only one or two words to add to what has been already said. There are so many matters in which the Government of India itself can help to bring this Convention into practice. I find from the proceedings that have been circulated that the person who represented the Government of India was asked to consent to include some of these terms in the agreements that will be entered into by or on behalf of the Government of India. I do not see fully from the report what it is that he objected to and why that matter was not finally dealt with. At page 7 of the Report you have:

"The Recommendation relating to vocational education was passed with only small changes, but that concerning safety provisions in Government building contracts, in which the Government of India representative had secured an amendment which would have made it acceptable to the Government of India, was rejected by the Committee."

That he wanted certain amendments but it was not allowed.

Mr. A. G. Olow: What is the reference please?

Mr. M. Ananthasayanam Ayyangar: Pages 6 and 7—Item No. I, Safety Provisions for workers in the Building Industry. Therefore, the Committee did not accept some change in the safety measures which they proposed, to which the Government of India wanted certain amendment, so that with the amendment those safety measures might be incorporated in the building contracts entered into by or on behalf of the Government of India.

Mr. A. G. Olow: May I explain? The Recommendation was rejected by the Committee, not the proposal of the Government of India.

Mr. M. Ananthasayanam Ayyangar:

"The Recommendation relating to vocational education was passed with only small changes, but that concerning safety provisions in Government building contracts, in which the Government of India representative had secured an amendment which would have made it acceptable to the Government of India, was rejected by the Committee."

We are now dealing with that.

Mr. A. G. Olow: This Recommendation is not before us. It was not adopted.

Mr. M. Ananthasayanam Ayyangar: I want an assurance from the Honourable Member whether, apart from what the Local Governments are prepared to accept or reject, he is prepared to introduce some of these safety measures in the provinces directly under the control of the Government of India. I cannot see any objection to these safety measures being adopted. The only difficulty is in the way of establishing an inspecting authority. That is why my Honourable friend, Mr. Santhanam, said, let us make a beginning with municipalities. I find from the Convention itself,—at page 46, Article 5 says:

"In the case of a Member the territory of which includes large areas where, by reason of the sparseness of the population or the stage of economic development of the area, the competent authority considers it impracticable to enforce the provisions of this Convention, the authority may exempt such areas from the application of the Convention . . ."

Therefore, even if the Local Governments consent to constitute those authorities it is open to them to say that the rural areas shall not come within the operation of these rules. The Local Government might say, it is not practicable for the reason that large areas have to come under this and it is not now feasible. Therefore it is we suggest that it might be made to begin with municipalities. It is within municipalities and in large towns that these building operations go on intensively and unless there are more than two storeyed buildings this difficulty does not normally arise. When a building does not go to more than a height of 30 feet, normally accidents due to want of proper scaffolding do not arise. That view has been kept before the minds of the framers of this Convention and this applies only to cases where huge buildings, skyscrapers are built in such towns as the city of Bombay. In a municipality no specific inspecting authority need be constituted, because under the employment of each municipality or corporation there is an engineering staff, there is a supervising staff, which sees whether the building rules have been followed or not. The building rules require that away from the main road they must leave some frontage of ten feet in front and five or six feet in the back-yard. There must be a plan submitted according to the rules and regulations before the building is constructed. Therefore, no further establishment is necessary in the municipalities and corporations than what exists already. Lest Provincial Governments should say that they do not have sufficient funds and it is not feasible to introduce the thing in rural areas, we wanted to confine it to municipal areas. Therefore, I request that the Central Government should immediately introduce these safety measures in the building operations in areas directly under their control, and at least see to it that municipalities and corporations introduce those safety measures.

Mr. A. G. Olow: Sir, the debate on this Resolution shows how difficult it is to please everybody. I am accused on the one hand of not bringing in several Resolutions before the House. On the other hand I am blamed by the Honourable the Baronet from Bombay because we wasted the time of the House. Another Member suggested that this was not the proper Resolution to bring before the House and that we should have brought up others.

I think my Honourable friend, Mr. Joshi, unintentionally misled the House regarding his account of what happened last year and, Mr. Gadgil who was not present when the debate took place has clearly got a false impression. (*An Honourable Member:* "He always does.") Not always. The Government of India never claimed that they were going to decide which of these Conventions should be laid before the House and which should not. That has never been the position assumed. What was altered in certain respects was the procedure in laying the Recommendations before the House. The matter was discussed fully in this House and in the Council of State and I would refer Honourable Members to the debates which then occurred. Then Mr. Joshi asked what we are doing with a lot of other Conventions which are not before the House. This is not the question hour but I hope that before the end of the Session we shall be in a position to lay a statement on the table showing precisely what we propose to do in respect of each of them.

Then, we come to the only direct attack made on the Convention itself by Sir Cowasji Jehangir. He suggested that Ministers when they received our debates and suggestions would regard it as a waste of time. Well, Sir, I take a different view. I do not believe that any Minister of Labour in this country, whatever his political complexion, would regard it as a waste of time to consider measures for the further safety of those for whom he is responsible. They may find it rather difficult to take extensive steps but I am sure that they will give the matter their most serious consideration and will not regard any of the time spent upon it as wasted.

I now come to the amendment before the House. It was suggested that Mr. Santhanam's amendment is merely a clarifying one but there is a vital difference between his amendment and that of Mr. Joshi. Whereas Mr. Joshi asks us to place the considered decision of the Governor General in Council before the Assembly, Mr. Santhanam insists on placing proposals for the consideration of the Assembly. That assumes that there will be legislative proposals. But I do not think we can pre-judge at this moment the decision as to whether, if there is to be legislation on this subject, it should be Central or it should be Provincial or what form the legislation will take.

Mr. K. Santhanam: Sir, my amendment included proposals for non-ratification of the Convention.

Mr. A. G. Olow: If we propose to take no action here, we shall certainly announce the decision to the House, and I have no objection to accepting Mr. Joshi's amendment, but I cannot promise that the Government will move a Resolution in a negative sense. It will be for Honourable Members opposite if they are dissatisfied with the decision to take such action as appears appropriate to them. After all, there are various ways of tackling this question. You can tackle it by Central legislation or by Provincial, or you can compel municipalities to take up

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the responsibility within their own municipal areas. Mr. Husenbhai Lalji suggested that municipalities are already doing that. They may be in some places, but my information is that their safety provisions, where they exist, are of a very general and rather sketchy character and that they could be supplemented with advantage in many directions.

Then, I think the suggestion was made that we were not treating the Convention seriously. I was shocked to hear my Honourable friend,

3 P.M. Prof. Ranga, saying that we were treating it in a lighthearted

fashion, using precisely the word about which he and certain other Members sitting with him raised such an uproar when it was used by my Honourable friend, the Finance Member; they said that it was unparliamentary. (Interruptions.) However, I do not take exception to what he said as unparliamentary but on the ground that it is untrue. We have never treated this in a lighthearted manner, nor have I suggested anywhere that the Convention or the Recommendations which accompany it are not of very substantial value. I believe that they represent a very well thought out code and an excellent ideal. What I suggested was that the inspection necessary to make them generally effective may not improbably be found to be outside practical politics at present.

Prof. N. G. Ranga: Why don't you try to utilise the present inspection staff wherever it is possible?

Mr. A. G. Clow: That is a suggestion to which I am myself strongly opposed. The factory inspection staff throughout India is extremely hardworked. In some places, I should like to see it strengthened and my friend Prof. Ranga, in suggesting that, when factory inspectors come to headquarters, they might occupy their time in inspecting buildings, shows a strange ignorance of the amount of work that falls on a factory inspector when he is at a headquarter station. I do not want to see the protection we give to factory workers diminished because of any proposals relating to the building industry and I am quite satisfied that if legislation is undertaken for the purpose of protecting building workers you will have to have a special inspecting staff, whole time or part time, to accomplish the work.

In conclusion, Sir, I think the suggestion was thrown out by Mr. Husenbhai Lalji that we should advise the Provincial Governments as to the steps to be taken. My outlook on that is precisely the reverse. Provincial Governments and their officers are in a much better position to decide what steps are to be taken than we are and we are looking for advice from them. Sir, I am prepared to accept the amendment moved by my Honourable friend, Mr. Joshi, to my Resolution.

Mr. Deputy President (Mr. Akhil Chandra Datta): The original Resolution was:

"This Assembly having considered the Draft Convention and Recommendations relating to safety in the building industry adopted at the Twenty-third Session of the International Labour Conference recommends to the Governor General in Council :

- (a) that Provincial Governments be consulted regarding the desirability and practicability of legislation to secure greater safety for workers in the building industry; and
- (b) that their attention be drawn to the Recommendations concerning co-operation in accident prevention and vocational education."

Since which the following amendment has been moved:

"That in part (a) of the Resolution, after the words 'building industry' the words 'and that after such consultation he may be pleased to place his considered decision before the Assembly as soon as practicable' be inserted."

The question is that that amendment be made.

The motion was adopted.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is that the following Resolution, as amended, be passed, *vis.*:

"This Assembly having considered the Draft Convention and Recommendations relating to safety in the building industry adopted at the Twenty-third Session of the International Labour Conference recommends to the Governor General in Council:

- (a) that Provincial Governments be consulted regarding the desirability and practicability of legislation to secure greater safety for workers in the building industry and that after such consultation he may be pleased to place his considered decision before the Assembly as soon as practicable; and
- (b) that their attention be drawn to the Recommendations concerning co-operation in accident prevention and vocational education."

The motion was adopted.

DEMANDS FOR SUPPLEMENTARY GRANTS.

CUSTOMS.

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

"That a supplementary sum not exceeding Rs. 1,30,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1938, in respect of 'Customs'."

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

"That a supplementary sum not exceeding Rs. 1,30,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1938, in respect of 'Customs'."

Additional payment of Rewards for the detection of Smuggling.

Mr. T. S. Avinashilingam Othettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, I move:

"That the demand for a supplementary grant of a sum not exceeding Rs. 1,30,000, in respect of 'Customs' be reduced by Rs. 20,000."

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

Sir, I would like to know how these rewards are given for the detection of smuggling, and what the amount is. I would also like to know what income accrued to the Customs Department out of the detection of this smuggling, and I would like to know the way in which these amounts are distributed, and whether there is any ratio of the rewards given to the amount of detection that is being made.

Mr. A. H. Lloyd (Government of India: Nominated Official): Sir, the answer to my Honourable friend's inquiry is one which I am prepared to give him in general terms rather than with reference to any particular

[Mr. A. H. Lloyd.]

seizures. But what I have to say with reference to the Supplementary Demand which is now before us, is generally true of seizures. The distribution of rewards is governed by rules which have been laid down by the Central Board of Revenue, and except in the case of seizures where the articles have no value that Government can realize out of public sales, such as cocaine and revolvers, in the case of smuggled goods which can be freely sold by Government, rewards, generally speaking, are given to an amount not exceeding one-half of what is realized by Government in the way of penalties or the sale of confiscated goods—not the duty. We give rewards up to one-half of any amount recovered by way of penalty or the sale of confiscated goods. Generally speaking, it may be taken that an amount equal to these rewards has been retained by Government,—that is to say, the total amount taken by Government is double that which appears in this Demand.

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

“That the demand for a supplementary grant of a sum not exceeding Rs. 1,30,000, in respect of ‘Customs’ be reduced by Rs. 20,000.”

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): Sir, may I ask what was the reward for discovering those diamonds which were smuggled through Bombay?

Mr. A. H. Lloyd: I am afraid the only answer I can give is, that, to the best of my knowledge, rewards have not yet been paid in that case.

Prof. N. G. Ranga: Are we to understand that these people that are rewarded are not paid their regular salary, and that in spite of behaving themselves so satisfactorily by discovering so many cases of smuggling, they are not being permitted or not being given their increments of salary or being promoted in the usual way, and if they are being given increments of salary also, I do not know why Government wants to give additional inducements by way of distributing these rewards also. I want to know why Government is following this very peculiar and unjustifiable method in regard to the conduct of the employees in this particular Department: is it because it is found generally that these Government servants in this Department are not doing their duty properly so that, unless they are rewarded in addition to their own normal salaries, they do not care to detect these cases of smuggling?

Mr. A. H. Lloyd: I would respectfully suggest that my Honourable friend is now raising a question of principle, which might perhaps have been properly discussed when the original Demands for Grants were placed before the House. But we are now dealing with Supplementary Demands carrying out a policy already approved by this House in passing the original Demand for Grants.

Prof. N. G. Ranga: My point is this. In so far as they have found it necessary to distribute additional rewards, I want to know why Government wants to continue this pernicious system costing year after year sums in addition to what they themselves estimated when they prepared their own budget estimates

Mr. President (The Honourable Sir Abdur Rahim): This is really a question of principle and policy which must be taken to have been approved by the House when the original Demand was passed.

The question is:

"That a supplementary sum not exceeding Rs. 1,30,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1938, in respect of 'Customs'."

The motion was adopted.

TAXES ON INCOME INCLUDING CORPORATION TAX.

The Honourable Sir James Grigg: Sir, I move:

"That a supplementary sum not exceeding Rs. 70,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1938, in respect of 'Taxes on Income including Corporation Tax'."

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

"That a supplementary sum not exceeding Rs. 70,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1938, in respect of 'Taxes on Income including Corporation Tax'."

Prof. N. G. Ranga: Sir, I wish simply to speak on this motion. I find, Sir, that in many cases when these appointments are made in the Income-tax Department sufficient care is not taken to see that Income-tax Commissioners and Assistant-Commissioners and Income-tax Officers generally have had an adequate legal training, with the result that these people often give wrong judgments and involve the Department in more and more expenditure in so far as Courts and lawyers are concerned. I wish to know with special reference to this particular case as to what this increase in law charges was due. I also want to know why they had to incur these law charges in respect of two cases which are to be heard by the High Court. The House is entitled to have full information in regard to these cases, because these law charges must be due to the ignorance of law on the part of some of their Income-tax Inspectors who have given wrong judgments and, therefore, have involved the Government in additional legal suits.

The Honourable Sir James Grigg: Sir, if it is necessary to apologise to the House and to the Honourable Member for the Income-tax Department staff not being 100 per cent. perfect, then I do so, for, it is quite clear that in the matter of income-tax decisions mistakes must occur even in the best regulated families. Even if mistakes had not been made, the wicked tax-payer might have been challenging the rulings of the Income-tax officer and taking those cases to the High Court. It is a fact that two important and complicated cases of that sort have occurred, but I can assure the Honourable Member that in so far as it is possible to travel on the road towards infallibility, the Income-tax Department will endeavour to travel on that road.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I oppose this Demand on another ground. This was a matter which ought to have been placed before the

[Mr. M. Ananthasayanam Ayyangar.]

Standing Finance Committee. For a long time the Honourable Member had been putting off that promise. When he started putting off these cases two years ago he said that the whole procedure of the Standing Finance Committee has got to be modified and that the procedure prevailing in the House of Commons ought to be adopted. By this procedure only a few Demands will be taken up for careful scrutiny out of the large number of Demands that are placed before the House every year.

The Honourable Sir James Grigg: I do not want to interrupt the Honourable Member's flow of eloquence, but this is a case which need not under the rules have been placed before the Standing Finance Committee.

Mr. M. Ananthasayanam Ayyangar: May I ask the Honourable Member if cases which entail an additional expenditure of more than Rs. 500 do not come before the Standing Finance Committee? That being the case, why this expenditure was not brought before the Standing Finance Committee? If the Honourable Member or his Party choose to pay a lakh of rupees by indulging in vexatious litigation, is it not necessary that the matter should be placed before the Standing Finance Committee?

The Honourable Sir James Grigg: There have been certain limits laid down for the cases which ought to go to the Standing Finance Committee, but this case fell outside those limits. In any case, the responsibility for not setting up the Standing Finance Committee rests upon the House and not upon me.

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

"That a supplementary sum not exceeding Rs. 70,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1938, in respect of 'Taxes on Income including Corporation Tax'."

The motion was adopted.

STAMPS.

The Honourable Sir James Grigg: Sir, I move:

"That a supplementary sum not exceeding Rs. 1,25,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1938, in respect of 'Stamps'."

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

"That a supplementary sum not exceeding Rs. 1,25,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1938, in respect of 'Stamps'."

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I want to oppose this demand. I think this Currency Note Press is one of those institutions which are shielded from the scrutiny of the public and on which expenditure is increasing. I find from the Budget estimates that the Budget Demand for 1937-38 for this press was 12.62 lakhs and the revised Demand was 13.26 lakhs, and in the estimates for 1938-39 it has been increased to 15.64 lakhs. Looking to the details for 1937-38, to which this Supplementary Demand relates, I find that the original Budget Demand for imported stores was 6.68 lakhs and this increased to 7.67 lakhs in the revised estimates. Again, we are told that

there were more imported stores and, therefore, we have to vote some more Supplementary Demands. Sir, I asked certain questions during this Session which are to be found in the Assembly Debates of March the 1st about this printing press. My intention was to show that this press was being run in a most extravagant fashion. I have got information with me which shows that the Master of the Printing Press is allowed to recruit minor staff on enormous salaries. In fact, my correspondent says that it has become a sort of asylum for all people to whom the Government of India want to give pension but cannot do so on account of the rules. There is one gentleman who has passed the age of 60 and who has been kept.

The Honourable Sir James Grigg: It has nothing to do with the buying of stores for the making of stamps.

Mr. K. Santhanam: I am suggesting that they could economise.

Mr. President (The Honourable Sir Abdur Rahim): No, no. That is not relevant at this stage.

Mr. K. Santhanam: I suggest that the stores were unnecessary and that we are paying more money in the matter of these stores. I want to know whether a retired Master of the Currency Printing Press is a Director of the firm which supplies the major part of these imported stores. I suggest that the Government of India owing to the activities of this gentleman is entering into contracts which are not beneficial to this country. He has got more or less a complete monopoly of this contract. Unless this monopoly is destroyed and we are assured that the people of India are to get a fair deal in this matter, I suggest we ought not to allow this Supplementary Demand.

The Honourable Sir James Grigg: May I call the Honourable Member's attention to the fact that the indignation which he is working up had better be worked up on the appropriate Demand which relates to currency notes and not on the Demand which relates to stamps.

Mr. K. Santhanam: Sir, there was a Master of the Security Printing Press and when he retired he became the Director of that company which manufactures this note paper and that company has got an unlimited standing contract with the Government.

The Honourable Sir James Grigg: If the Honourable Member wants to raise this point, the appropriate Demand is on page 13.

Mr. President (The Honourable Sir Abdur Rahim): There is another Demand on which these observations I understand will be relevant. The Honourable Member had then better wait.

Mr. K. Santhanam: Sir, we are on Demand No. 7 and the Supplementary Demand is needed to pay the increase in the price of materials. I am now speaking about the increase in the price of materials.

The Honourable Sir James Grigg: If you are talking about the bank note paper, that arises under another Demand.

Mr. K. Santhanam: It is the fault of the Honourable Member because he has not said what material he wants.

The Honourable Sir James Grigg: I suggest that it does not require any explanation. We all know that stamps are quite a different thing from currency notes.

Mr. K. Santhanam: Are not these stamps printed in the press at Nasik?

The Honourable Sir James Grigg: Certainly, but you are complaining about currency notes, which is a different Demand to be found on page 18.

Mr. K. Santhanam: I am speaking on the policy of purchasing paper from a company.

The Honourable Sir James Grigg: It is not the paper for stamps: it is the paper for the bank notes.

Mr. K. Santhanam: Am I to understand that the retired Colonel Wills' company has nothing to do with the paper for stamps?

The Honourable Sir James Grigg: That is my recollection. To the best of my knowledge the only paper purchased by the Security Printing Press outside India is that for bank notes and that arises on the Currency Demand and not on this Demand.

Mr. K. Santhanam: Is it that the paper for stamps is produced in India and purchased in India?

The Honourable Sir James Grigg: The stores are purchased in India. This vote relates to it. The actual description of the vote is "Stores purchased in India".

Mr. K. Santhanam: The materials may be imported into India and they may be purchased afterwards by the Government.

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

"That a supplementary sum not exceeding Rs. 1,25,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1938, in respect of 'Stamps'."

The motion was adopted.

INTEREST ON DEBT AND OTHER OBLIGATIONS AND REDUCTION OR AVOIDANCE OF DEBT.

The Honourable Sir James Grigg: Sir, I move:

"That a supplementary sum not exceeding Rs. 5,10,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1938, in respect of 'Interest on Debt and other Obligations and Reduction or Avoidance of Debt'."

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

"That a supplementary sum not exceeding Rs. 5,10,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1938, in respect of 'Interest on Debt and other Obligations and Reduction or Avoidance of Debt'."

Mr. M. Ananthasayanam Ayyangar: May I know, Sir, the nature of these suits?

The Honourable Sir James Grigg: They are explained in this Volume. I will read them out to the Honourable Member. Firstly, additional expenditure in connection with suits relating to Government promissory notes and secondly, increase in the number of Savings Bank transactions.

Mr. M. Ananthasayanam Ayyangar: On what material is available here in this blue book, I am putting further questions. What are these suits relating to promissory notes? Were the promissory notes fabricated?

The Honourable Sir James Grigg: It arose out of the legal consequences of certain frauds committed in connection with promissory notes and the question was whether Government was ultimately liable to pay the amount. I regret to say that the decision went against the Government and the Government appealed in the matter.

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

"That a supplementary sum not exceeding Rs. 5,10,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1938, in respect of 'Interest on Debt and other Obligations and Reduction or Avoidance of Debt'."

The motion was adopted.

COUNCIL OF STATE.

The Honourable Sir James Grigg: Sir, I move:

"That a supplementary sum not exceeding Rs. 32,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1938, in respect of 'Council of State'."

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

"That a supplementary sum not exceeding Rs. 32,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1938, in respect of 'Council of State'."

The motion was adopted.

LEGISLATIVE ASSEMBLY AND LEGISLATIVE ASSEMBLY DEPARTMENT.

The Honourable Sir James Grigg: Sir, I move:

"That a supplementary sum not exceeding Rs. 41,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1938, in respect of the 'Legislative Assembly and Legislative Assembly Department'."

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

"That a supplementary sum not exceeding Rs. 41,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1938, in respect of the 'Legislative Assembly and Legislative Assembly Department'."

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, I rise to oppose this Demand. This Demand though it pertains to the Legislative Assembly itself, yet it is something over which the Legislative Assembly seems to have the least amount of control. Because of some conventions that seem to worry us, Questions Resolutions and other things relating to the Legislative Assembly itself are not discus-

[Mr. Sri Prakasa.]

sed in the House. Therefore, a great deal of expenditure is, to my mind, unnecessarily incurred which can be saved to the taxpayer. I will take Sub-Head II, under which I find that a sum of Rs. 30,000 was spent for Allowances, Honoraria, etc., to Members of this House because the Legislative Assembly happened to hold its sittings longer than was originally proposed. I hold the Government responsible for this. I personally think that we are working for too short hours. We only sit for two hours and half in the mornings and for another 2½ hours in the afternoons. This is too short a period of work for a day. If we see the working hours of other Legislatures in other parts of the world, we find that they work for much longer hours and seem to be able to put better work. The House of Commons, if I am not mistaken, works from quarter to three o'clock in the afternoon to 11 o'clock at night. I do not see any reason why the Legislative Assembly cannot work for longer hours.

Prof. N. G. Ranga: There is a bar in the House of Commons.

Mr. Sri Prakasa: If my Honourable friend is so very fond of bars, we could arrange for a bar here also. Sir, I do not see why this House should not sit for longer hours every day.

Mr. President (The Honourable Sir Abdur Rahim): All these questions cannot be raised now. If the Honourable Member is anxious that the Assembly should sit longer, I think he might put down a Resolution to that effect.

Mr. Sri Prakasa: I want the Government to realise that they can save taxpayer's money by making better arrangements for the conduct of business in this House. It is not that I am particularly anxious to sit longer hours. I have no objection to sit longer hours. As a taxpayer I do not want to pay Rs. 30,000 by way of Allowances and Honoraria. That is my object. The Government Members also should be willing to sit longer hours. What happens is this. Members of Government and other officials seem to feel that work in this Assembly is a sort of infliction upon them and that they have to work extra because of the Assembly. Therefore, they try to make it as easy for themselves as possible. I do not think they are much concerned with this side of the House or for any one else. I do think Government Members ought to work harder. Therefore, I wish to lodge my protest against the manner in which the business of the Assembly is arranged.

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

"That a supplementary sum not exceeding Rs. 41,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1938, in respect of the 'Legislative Assembly and Legislative Assembly Department'."

The motion was adopted.

HOME DEPARTMENT.

The Honourable Sir James Grigg: Sir, I move:

"That a supplementary sum not exceeding Rs. 54,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1938, in respect of the 'Home Department'."

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

"That a supplementary sum not exceeding Rs. 54,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1938, in respect of the 'Home Department'."

Employment of additional staff and recruitment of a Director of Public Information.

Mr. T. S. Avinashilingam Othettiar: Sir, I move:

"That the demand for a supplementary grant of a sum not exceeding Rs. 54,000, in respect of 'Home Department' be reduced by Rs. 32,000."

Sir, on this cut motion, I should like to bring before this House the way in which the office of the Director of Public Information is now working. I should first like to state to the House that originally in the Government of India Act of 1919 there was a provision under which the Government of India had to lay before the Houses of Parliament a report on the conditions of the people of this country. This office was originally created for this purpose. The present Government of India Act does not impose any such obligation on the Government of India, but still we see that this particular office is growing in strength and in expenditure. On referring to the Budget Estimates of 1936-37 it will be found at page 159 that the actuals for 1934-35 for the Bureau of Public Information was only 1 lakh, 9 thousand and odd. The revised estimates for the year 1935-36 was 1 lakh and 8 thousand; the Budget Estimate for 1936-37 had increased to 1 lakh and 71 thousand. The Demands for Grants for 1938-39 show how the expenditure on this Bureau of Public Information has increased. The actuals for 1936-37 were 1 lakh and 73 thousand, the Budget Estimate for 1937-38 was 1 lakh and 85 thousand and the revised estimate for 1937-38 is 2 lakhs and 2 thousand; and the Budget Estimate for the coming year is 2 lakhs and 59 thousand. That is nearly 150 per cent. more than what it was in 1935; and now there is no statutory obligation on them to publish the report which they were asked to do under the previous Act. May I know the reasons for this colossal increase in expenditure?

And the way they recruit the staff of this Department is something very nice and peculiar. Some nonentities, people about whom we have never heard, come on contracts on a fat pay. I do not want to say anything personally, but one thing has been brought before this House many a time in the question hour, and I do not want to refer to it again. A gentleman was brought and he has been asked to resign and he is going back. The present Director of Information, I am told, was the Paris correspondent of the *News Chronicle*, and the *News Chronicle*, as far as I have heard, is not a first-rate paper, even in England. There was another Indian gentleman who was officiating as Director of Public Information. I do not know why he has been superseded and an Englishman has been brought all the way from England for that post, specially when we know that in this country there are first-rate journalists who can do credit to any office. And when such first-rate men are to be found in this country I do not see any reason why people should be brought from overseas on fat pay and allowances for contract periods. This is a thing which is strongly to be censured. I should like to know the need for spending so much on this Department. I was able, through the good offices of my Honourable friend, Mr. Conran-Smith, to get a few

[Mr. T. S. Avinashilingam Chettiar.]

copies of a precious document they are publishing,—*The Indian Information Series*.—and I have taken the pains to go through some of them. They spend lots of money on it but they do not supply it to Members of the Legislative Assembly.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadian Urban): Whom is it meant for?

Mr. T. S. Avinashilingam Chettiar: You must ask them. Let me take anything at random, what do I find? I take this issue No. 1: "Arab and Jew in Palestine". How does it concern the Government of India? It is something like a newspaper. The *Hindu* gives it much better and I am sure much earlier also; the *Statesman* gives the news, the *Hindustan Times* gives the news. What is the need for a paper like this over which we spend more than 2½ lakhs of public money? Where is the justification for spending this money and for importing foreigners to edit these precious notes? Let me take another page: "The Universities and the Machine Age; Problem of the Unemployed Graduate". Why should the Government of India publish it in this paper? Any newspaper does it. Then take another issue: "1937-38 Budget Expenditure". The Honourable Member there has done it and we knew the fact. It was published all over the country in every newspaper and why should the precious Government spokesman publish it here? I will take another page: "Indo-Burman Financial Settlement; the Tribunal's Recommendations". I do not see any reason for its being published in a paper like this nor what peculiar interest it serves unless it be that Government want to do propaganda. I am told that in the near future there are beautiful pictures going to be published in it and it is going to be issued to foreign countries; and a little bird whispers,—I do not know how far it is true,—that this is being done and the staff is going to be enlarged for one very good reason, and that is that the Congress has established its foreign department and so there must be something to counteract the activities of that department. And it is said that that is the reason why they want to print and circulate it to foreign countries. It is not the business of the Government of India certainly to do this work. They are trustees in the sense that they have lots of the taxpayers' money which ought to be utilised only in such things as are profitable to this country and not for propaganda purposes at all. And the work they are doing in this *Indian Information Series* is nothing less and nothing more than what an ordinary newspaper does and it is not necessary for the Government of India to come forward with this publication.

Sir, I move.

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

"That the demand for a supplementary grant of a sum not exceeding Rs. 54,000, in respect of 'Home Department' be reduced by Rs. 32,000."

Mr. M. Asaf Ali (Delhi: General): Sir, I rise to support this motion moved by my Honourable colleague and I base my opposition on a more solid ground than has already been stated, although the ground stated is and should be solid enough for Government. My ground goes right back to the 8th February, 1936, when the question of the expansion of this

Bureau came up before the Standing Finance Committee which is now extinct and has been extinct for some time. The objects of the expansion were stated as follows:

"The Government of India have been considering the question of improving their publicity arrangements at headquarters which they feel are very inadequate. Experience has shown that the Bureau as at present constituted cannot handle efficiently the publicity work of all Departments of the Central Government and that it is essential, in order to enable the Government of India to discharge their obligations to the public through the medium of the press, to possess an efficient organisation for making"—

—I want these words to be noted particularly—

"for making known its policy and for making available information regarding its work in all spheres of administration. Such publicity organisations exist in all Government offices in England and other countries and are recognised by the press as being most helpful to them. The Government of India have recently obtained full information regarding the system followed in Government offices in England and they are fully satisfied that it is necessary to expand the Bureau" etc.

Then, they make their suggestions for the expansion of this Bureau. This memorandum was submitted to the Standing Finance Committee and that Committee by a majority of votes turned it down, which is noted here in the report. It is stated here in the report of the Standing Finance Committee that the majority of the Committee were opposed to it. They were opposed to this Grant for the simple reason that, in their opinion, after the transfer of a large number of activities from the Central Government to Provincial Governments, there was not left in the Centre work enough for the Bureau to be expanded, which should instead be reduced by such a transfer. The majority of the Standing Finance Committee were definitely convinced that this expansion was not justified. In fact it was argued at some length: I believe, if I remember right, Mr. Hallet, now Sir Maurice Hallet, happened to be then the Secretary of the Home Department, and he was in the witness's chair. He was examined by the members of the Standing Finance Committee at some length, a very large number of questions were put to him, and he was asked what exactly was going to be the work which this expanded Bureau was going to handle, and a very large number of answers were given. Not one of them was satisfactory, not one of them was sufficient to establish the necessity for the expansion of this Bureau. Sir, in order to test the claim made in this memorandum I wrote a letter the other day to the Information Bureau asking for certain information—I want the Honourable the Home Member to note these words—"for making available information regarding its work in all the spheres of administration".—I wrote a letter on behalf of my Party to the Director of the Information Bureau asking for certain information regarding certain Departments of Government promised here, and I got a blank reply, saying that it was not the work of the Information Bureau to supply information to the Honourable Members of the House, and that if I wanted information I might put questions in the ordinary course, and they would be answered. I wrote another letter pointing out what was said in the memorandum which was submitted to the Standing Finance Committee, and asking whether the Department felt bound by it or not. A more polite reply came this time, but it was still a blank reply which offered me no information whatsoever. Sir, under these circumstances I should like the House to decide for itself whether this Grant should not be turned down. I do not wish to say anything further. I simply ask the House to turn this Grant down.

Prof. N. G. Ranga: This Department is now proving itself to be a sort of a compulsory school for all the journalists at Delhi and Simla, the headquarters of this Government. Whether they like it or not, the journalists are expected to attend the classes and some dull dreary don from Oxford or Cambridge goes there and begins to impose his lectures to them. The officers of this Department are wasting not only their time, but also that of journalists here in Delhi. I can assure the House that every one of the journalists here, who is doing his work under very difficult circumstances and almost without an adequate pay, knows much better about many of the topics that are discussed, than these worthy men who go there to address these journalists. Now, this is one of the most wasteful ways in which this Department is working.

Secondly, Sir, this Department circularises all sorts of papers to journalists. I know what is the fate of many of these papers at the hands of the journalists. Many of them who know their business do not even care to look at these papers. They simply throw them into the waste-paper basket. Many of the papers deal only with the arrival or departure of some distinguished guest either from outside India or from some other outlandish place in India itself, the Viceregal Lodge or some other place, that may be found either in Simla or Delhi. I do not see any reason why public money should be wasted on such communications. These journalists are being flooded with such useless and wasteful communications.

Then Sir, ever since this Department has come into being, the little unity that the journalists had among themselves has evaporated. There is too much division, too much trouble among themselves, all the time one is bickering against the other, one is scandalising the other. I do not wish to say anything against our own journalists, poor fellows, what are they to do? They are here, they must get some information or other, they cannot get information unless they are in the good looks or in the good books of this wonderful Department which has been brought into existence.

This Department is growing, and they have always got some jobs in their hands to be distributed. To whom are they to distribute them, only to the unfortunate journalists who, hoping against hope in spite of repeated disappointments, continue to hang on the Department in the hope that it may distribute some job or other to them, with the result that there are not only quarrels among themselves, but they become pawns in the hands of the principal members of this Public Information Bureau.

Some officers of this Department are fortunate enough to get study leave—I do not know what leave it is, call it Scot leave—in England. They contribute articles on political conditions in India, the way in which this House functions, how the personalities in this House figure and are looked at by public as well as by us in this House. Such people, I am afraid, are being paid for these articles. I do not see any reason why people who are being paid out of the revenues of this country should be allowed to talk or write about politics and politicians in this country in England and on the top of it get paid for them. It is a very scandalous way of misusing our moneys.

Then, Sir, my Honourable friend, Mr. Avinashilingam Chettiar, has referred to the bulletins. An ideal Government may find it useful to publish some bulletin; I know some of our Congress Governments are publishing some bulletins, but is this the way in which this bulletin is

to be published. My answer is, no. It ought to be a better bulletin, it ought to reflect public opinion in this country much more truly than it does, every statement or pronouncement made or issued by an officer finds its place there, and similarly every speech made in answer to a particular debate raised in this House by any one of the Members of the Treasury Bench is also published there, but is any mention made in it of the speeches made by the Leader of the Opposition or the Leaders of other Parties either in reply or in support of any particular Resolution or motion that is brought up for discussion in this House? None of the speeches made by prominent politicians in this country outside this House are given either in part or *in toto* in this bulletin. Then, what on earth is the use of this bulletin. It can only serve as the mouthpiece of the various Members of Government. If that is so, why do they not contribute out of their own fat salaries and maintain this paper instead of wasting the public revenues of this country. If Government wants to popularise the paper then it must try simply to publish news about what is happening in various Departments and give information as is done in the Handbook of Commercial Information or anything like that and not publish and advertise its various members.

Sir, there is any amount of favouritism going on in this Department. I do not know—and I shall stand corrected if I am wrong—but my information is that most of the jobs in this Department—if not every one—are filled by people who are not obliged to approach the Public Service Commission, who are not obliged to satisfy any particular canon of justice or capacity or efficiency. If the head of the Department or somebody else even higher takes a fancy to a particular individual, he simply sends for him, keeps him hanging on to him for five or six months and makes him do all sorts of odd jobs for him and finally gives him a job in this Department. If one is able to get all the facts, it will surprise the House to find out that several individuals who were employed on Rs. 50 and Rs. 60 or even Rs. 100 to start with have suddenly found themselves raised to the pinnacle of Rs. 300 or Rs. 400 within a period of a year or eighteen months.

Another point, Sir. Where is the need for all these Europeans in this Department? There is one Deputy Director there. I am informed he is an Indian and he has been proved to be an efficient man for this job and he has even acted as Director of this Department. I do not know why that man has not been confirmed or promoted to be Director; instead of that why is an Englishman brought down here and made to work under him for some time and then on return from England after finishing his leave, has been placed at the head of this Indian officer? I hold no brief for anybody: no officer dares to come to me, not even the Members of the Treasury Benches, for any particular favour, because no favour may be conferred from any Member on these Benches upon any of those people who are supposed to be public servants and draw their salaries from the public but are not expected to go round the Members of the Legislative Assembly for the sake of this or that job or favour. But I stand here for impartiality, I stand for Indians, I stand for justice. This Government comes here and wastes public money and employs Europeans who are occupying in their own country a very subordinate place in the world of journalism, brings them out here and places them at the head of our journalists and adds insult to injury and says that no journalists in this country have been found to be sufficiently competent, to be sufficiently efficient for any of these responsibilities.

[Prof. N. G. Ranga.]

Now, Sir, I place before the House a bit of correspondence which will make even my friend, Mr. F. E. James, turn blue in the face

Mr. President (The Honourable Sir Abdur Rahim): I hope it is not a long one.

Prof. N. G. Ranga: No, Sir. The Honorary Secretary of our Party wrote to the Director of Public Information asking for information about the total number of persons employed in the following Departments—Public Force, Public Administration, Land Revenue, Forests, Railways, Posts and Telegraphs. When we ask for this information in the Assembly these Honourable Members simply ask us to refer to such and such a report or publication. We do not have sufficient time to go into all these reports; although my Honourable friend thinks that we are working only for a few hours in the day, we have got enough of work in the service of the nation and we have to work not only here but also outside and, therefore, we are unable to look into all these reports; and it is, therefore, only natural that my Honourable friend should have asked for information from the Information Bureau which is supposed to be there only for this purpose, for supplying detailed information and useful information about all these things, and about the activities of the Government of India. What was the reply that he got from them? This Director, Mr. Maxwell—he is not an Indian anyhow—says:

"I am to inform you that the Central Government cannot supply you with statistics regarding matters falling within the executive authority of the Provinces. Information about matters which are primarily the concern of the Central Government can, as usual, be obtained by means of questions addressed to the Member of Government concerned in the Legislature."

So, Sir, Members of the Legislature have to act now as footballs between these two teams: on the one side the Public Information Bureau and on the other these wonderful gentlemen, the Members of the Executive Council. It is useless to try and get any information from them, and yet we are to waste our money on these people and on the Bureau. This is a perfect scandal. Then our Secretary sent the following rejoinder:

"When the case for the extension of the Public Information Bureau was put up before the Standing Finance Committee, it was pointed out by some members of the Standing Finance Committee that the advent of Provincial Autonomy had reduced the work of the Department and there was no case for its extension. It was then affirmed by your predecessor that both the press and Members of the Legislatures were increasing their demands for more information and the extension asked for was justified. This is the first occasion since then that I on behalf of my Party have tried to trespass upon the precious time of the Public Information Bureau, hoping that they would be only too ready to justify the extension granted by the Assembly. I am not, however, surprised to find that our estimate of the situation was not far wrong . . . You have also informed me that information about matters which are primarily the concern of the Central Government can, as usual be obtained by means of questions addressed to the Member of Government concerned in the Legislature. Allow me to assure you that the procedure you have so kindly taken it upon yourself to explain is not unknown to me and my Party has taken the fullest advantage of it in the Legislature. But on several occasions we have saved a lot of time of the Legislature by eliciting information by correspondence with the Department concerned instead of putting down questions and the Members in charge of the Department concerned have appreciated the course adopted by us."

This was what the Government said and this is the result. As far as the provinces are concerned, they say "Please do not ask us for any information because we are absolutely blank". Of course, this

4 P.M. Department is blank-headed, but it is flooded with our money and it will not supply us with information, the very information for the supply of which it was brought into existence and for which it was sought to be strengthened. If it is not to supply this information, why is it that the expenditure on this is increasing year after year? Every province has its own Public Information Bureau and I have recently had an opportunity to look into some of the bulletins issued by the Public Information Bureau of the United Provinces Government. I am sure my Honourable friends on the other side and also the Director of their Public Information Bureau will have a lot to learn by looking into their special number regarding the budget; and I am sure that that particular information bureau in the United Provinces is not under the able, efficient and well trained and enterprising young Englishman of international fame, but it is under the management or directorship of an Indian, and that work is being carried on very well. When those departments are working in the provinces I do not know why more and more money is wasted on this particular Department.

As regards putting of questions in the Assembly to elicit information, we know the fate of those questions. Only this morning my Honourable friend, Mr. Avinashilingam Chettiar, wanted Mr. Lloyd to tell him to what particular page in a particular report he should refer in order to get the requisite information. Mr. Lloyd has now gone to sleep. That is why I oppose the existence of this Department and we are opposed to the further extension of the staff of this Department and there can be no justification whatever for the manner in which this Department is trying to muzzle the freedom and almost the civil liberties of the journalists who are here in this city and also who may be there in Simla.

I wish to pay my tribute to our Indian journalists. In spite of all these handicaps our journalists are able to get much more information from out of the archives and the lobbies and the doors and windows of this Government than this wonderful Public Information Bureau is prepared to supply them. They are able not only to produce for the benefit of the country the Hallett circular and several other useful pieces of information, but sometimes also to surprise these Members of the Government themselves by publishing information that has not been brought to their notice, but which exists in their own offices, to the detriment of the public interest. Now, Sir, such an enterprising class of journalists, ought to be welcomed and encouraged and if possible rewarded—not those useless officers in the Customs Department who are being rewarded in addition to their fat emoluments. Instead, Sir, what is it that our poor journalists get? They get kicks and insults and all sorts of insolent remarks as well as replies from this Public Information Bureau, many of the members of which are not fit even to handle the papers which are thrown at our journalists.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): It was pointed out in the course of the debate that the Public Information Bureau is a school of journalism. I am not a competent authority to judge whether it is a school of journalism or not. I think my friends who are sitting in the Press Gallery are in a

[Dr. Sir Ziauddin Ahmad.]

better position to decide whether it is a school, and if it is a school, whether it is a good or a bad school. Coming to the point that this Bureau does not supply any information to the Members of the Assembly, I am in the good books of this Bureau and I tell the House that whenever I want any information, I always write to this Information Bureau and I get the information in time and also correct information.

An Honourable Member: The cat is out of the bag!

Another Honourable Member: Partiality!

Another Honourable Member: It depends upon the kind of information.

Dr. Sir Ziauddin Ahmad: Supposing I ask them to give the pages of a particular theorem, they will not be able to do it. If I want them to give me statistics of something they will not be able to do it, but whenever I have asked for cuttings of certain newspapers or a report on a particular subject published by the Government of India or any Department of it, such information has always been supplied to me. But if I want information which is outside the scope of the Information Bureau, I cannot get it, and it is not due to any inherent want of qualifications in the men but it is because it is outside the power of that Department to supply it. In many countries we have a regular ministry of public information or propaganda. In Germany they have a regular department for this with a regular minister, and I am quite certain that when the Congress Ministry will come in the Centre they will very much like to strengthen that Department. (Interruption.) Some minor things were also mentioned about the scandalous way of making money by writing articles. I think there are more scandalous ways of making money than by writing articles. But certainly making money by means of writing articles in newspapers cannot be called scandalous. I would call it well merited, because the person must have something to write upon, and he has to put it in good language before the article is published in the papers.

An Honourable Member: But he is drawing a salary.

Dr. Sir Ziauddin Ahmad: But if he does additional work by writing books and gets some money for writing that book, can you call it scandalous? Certainly it is not. I believe, as I have repeatedly said, that the activities of this Department should be strengthened and this Department ought to be very much improved. It ought to be utilised in advertising all the information and vacancies in all the Departments of the Government of India. Instead of having a publicity department in the Railways, or in the Posts and Telegraphs, and various other departments, they should centralise all their publicity in one department by whatever name it may be called. Instead of being excessive, I think that this Department ought to be further strengthened by centralising all the activities relating to information in the various departments.

As regards the appointments which were made here, I really learn for the first time that this is the way in which these appointments are made. I thought that this was the method employed in some other

Departments of the Government of India. A person who cannot write well may have access in other Departments as clerks, but in this particular Department a person who cannot write well at least in one language, either vernacular or English, cannot have any access to it. I think if there is any criticism about this Department it is that it is understaffed and that the activities of this Department should be enormously increased and the information of the Government of India should be centralised in this Department.

The Honourable Sir Henry Craik (Home Member): The three speakers who have attacked the Bureau of Public Information have shown a singular lack of knowledge of what its functions are supposed to be, and a singular lack of imagination in attempting to picture its relations with the press. We are told, for example, by Mr. Avinashilingam Chettiar that the growth of expenditure is quite unjustifiable in view of the fact that it is no longer incumbent on the Government of India to supply Parliament every year with the document that used to be known as the Report on the Material and Moral Progress of India. The compilation of that document was an occasional and a very small part of the task of the Information Bureau. In fact, in some years the Bureau had nothing whatever to do with its compilation. To suggest that because that publication has now been dropped the Bureau can be largely reduced in its size or even can be abolished altogether is to display the most complete ignorance of what the Bureau does. The same gentleman thought fit to attack what is known as the "Indian Information Series", that fortnightly review of the activities of the Government which comes out regularly from the Department, because, for example, it circulated an article on Palestine. As a matter of fact, that article was a reproduction of a radio talk given by Lord Lytton from an absolutely impartial and objective point of view. My Honourable friend, said, "What has that got to do with India? Nobody is interested in Palestine". I need only remind the Honourable Member that a deep interest in the affairs of Palestine is taken by a great majority of the newspapers in India, and that we have had many questions on the subject in this House, and I believe I am right in saying that there was an attempt to move an adjournment of this House in connection with affairs in Palestine. To condemn the Bureau of Public Information as wasting public money for making available to the Press an impartial account of a very distinguished person who recently visited Palestine seems to me idle and ridiculous.

Mr. T. S. Avinashilingam Chettiar: Has the press refused to publish these things?

The Honourable Sir Henry Craik: My Honourable friend, Mr. Asaf Ali, was very indignant because he said that the Department refused to supply him with certain information. As a matter of fact, the refusal did not come from the Bureau of Public Information at all; it came from the Home Department.

Mr. M. Asaf Ali: I addressed the Director of Public Information Bureau.

The Honourable Sir Henry Craik: The responsibility is that of the Home Department and not of the Director. The Director referred that letter to the Home Department and asked what reply he was to send. The Bureau

[Sir Henry Craik.]

has not got this information and I do not consider it is part of its functions to reply to inquiries of this kind which asked among other things for the number of persons employed in "the public administration" in every province in India. Is it reasonable to suppose that the Bureau of Public Information can answer inquiries of that kind? I do not even know what the Honourable Member meant by "public administration" and even if I had understood I do not think I could have instructed the Director to wade through masses of published statistics and compile an elaborate series of returns running over several pages, showing for every province the number of people employed in the different branches of the administration.

Mr. M. Asaf Ali: What about the Central Departments?

The Honourable Sir Henry Craik: Your request, as far as I remember, referred to the whole of India, both the provinces as well as the Centre.

Mr. M. Asaf Ali: The Central Departments:

The Honourable Sir Henry Craik: No, the whole of India so far as I recollect. You cannot possibly expect the Bureau to do work of that kind. The Bureau is not supposed to be a sort of statistical library where the Director is bound to go and compile information for an enquirer who wants to save himself the trouble of hunting for it himself. Information of that kind is as easily available to the enquirer as to the Director.

Mr. M. Asaf Ali: That is the reason why we don't want to grant money for this purpose.

The Honourable Sir Henry Craik: That is not the purpose that we are supposed to discharge. The Bureau exists to supply information, primarily to the Press and in that capacity I believe that every journalist in Delhi will support me in saying that its services are very greatly appreciated. In particular I think this "Indian Information Series" which has been quoted here and over which the Honourable the Mover of this motion tried to pour ridicule is an immense improvement and an immense advance on anything that has been done before. Judging from the number of letters I have seen from Editors of newspapers and from correspondents of newspapers in Delhi I can say that that series is very much appreciated. The demand for it has increased steadily and the regular circulation is now 2,000 copies. Every important newspaper in India takes it and every newspaper is glad to have it, because it is a complete, objective and impartial presentation of the activities of Government during the period to which it relates.

Sir Cowasji Jehangir: Do the newspapers pay for it?

The Honourable Sir Henry Craik: No, it is supplied free. Mr. Chettiar or Prof. Ranga—I forget which—criticised this publication and said "Why does not the Bureau report the speeches of prominent Congress leaders". But why should it? It does not pretend to be a newspaper. Those speeches get plenty of publicity. The function of the Bureau is to supply the Press with a continuous, accurate and impartial summary of the activities of Government. To suggest that we should include in that the speeches of

leaders of political parties is to show that the person who made the suggestion has completely misconceived the object of the "Series". It is not a newspaper. (*An Honourable Member*: "It is propaganda".) It is not propaganda. If the Honourable Member can point to a single tendentious or propagandist statement in one number, I will withdraw my words. I challenge him to do so either here or outside this House. There is no propaganda about it at all. It is a perfectly objective and impartial presentation of the facts and has been accepted as such by every newspaper in India, it is idle to say that it is propaganda. That simply shows that the Honourable Member has no real knowledge of the facts. (Interruptions.)

Mr. President (The Honourable Sir Abdur Rahim): I think that Honourable Member should be shown the same courtesy that he showed in listening to the speeches on the other side.

The Honourable Sir Henry Craik: I pass from that to a certain number of extremely wild statements made in the speech of Mr. Ranga. He said, for example, that officers of the Bureau regularly get study leave and make money by writing articles for newspapers. I see that the Honourable Member has returned to his seat. I should like him to give me one instance of an officer of the Bureau on leave being paid for articles he has written to the newspapers.

Prof. N. G. Ranga: What about Mr. Lacey?

The Honourable Sir Henry Craik: Mr. Lacey was a correspondent of the *Statesman* and was never an officer of the Bureau or an officer of Government.

Prof. N. G. Ranga: I will get information in abundance, if you will only give me notice.

The Honourable Sir Henry Craik: That is the best example that the Honourable Member has given of the reckless nature of his allegations.

Prof. N. G. Ranga: I will give you all the details.

The Honourable Sir Henry Craik: The Honourable Member must withdraw his allegation, if he cannot quote a single instance in support of it.

Prof. N. G. Ranga: Nothing of the sort.

The Honourable Sir Henry Craik: The Honourable Member will neither withdraw nor substantiate his statement.

Prof. N. G. Ranga: On a matter of personal explanation. Several times, Honourable Members on that side, although they are fully acquainted with the details of any particular point that we raise, want notice and I think it is only fair that we should also be entitled to ask for notice.

The Honourable Sir Henry Craik: The Honourable Member has made a statement on the floor of the House that officers while on leave write articles for money. I have given him an opportunity to substantiate that statement which to the best of my belief is entirely unfounded. The Honourable Member cannot substantiate it and ought never to have made such an allegation. He ought now to withdraw it. If he does not, then the House can judge the value of his arguments.

Prof. N. G. Ranga: What a pleader you are from the mofussil.

The Honourable Sir Henry Craik: He made some equally incorrect assertions about favouritism in the appointments to the Bureau. Has he any instance to quote in support of that? (*An Honourable Member:* "All the people are brought from England".) Is that favouritism on my part? I did not select one of them.

Mr. T. S. Avinashlingam Chettiar: That shows inefficiency.

The Honourable Sir Henry Craik: That is the best instance that the Honourable Member can quote of favouritism! The Honourable Member said that the Director "kept people hanging about the office for months doing all sorts of dirty work for him". Can he quote an instance of that?

Prof. N. G. Ranga: Plenty.

The Honourable Sir Henry Craik: I submit that these statements should not have been made and when they cannot be substantiated they should be withdrawn.

Prof. N. G. Ranga: Oh!

The Honourable Sir Henry Craik: That may be your standard of honour; it is not mine. Then the Honourable Member proceeded to accuse the Director of "muzzling the freedom of journalists in Delhi".

Mr. M. Asaf Ali: On a point of order. Before the Honourable Member proceeds further, I should like to know exactly what he said just now. I think I heard him say "That is your standard of honour" Is that a Parliamentary way of addressing the Opposition?

The Honourable Sir Henry Craik: I said that if the Honourable Member makes such reckless statements, he should either substantiate or withdraw them and if he will not do it, then his standard of honour is different from mine.

I pass on to the statement that the Director is busily engaged in "muzzling the freedom of the Press correspondents in Delhi" and I ask whether the Honourable Member who made that statement has based it on any complaint made to him by any correspondent in Delhi. No reply! It is a curious fact that if that be the case, if the present Director, who was for many years a working journalist himself and who is excellently qualified to know what sort of information journalists want, and in what form they want it, and at what moment they want it, if it is the case that he muzzles the freedom of the pressmen in Delhi then it is astonishing that, since he took over the appointment of Director the number of press correspondents attached to the headquarters of the Government of India should largely have increased, and the resort that they make daily to the Bureau also should have increased. Sir, I know a good many pressmen and the correspondents in Delhi, and I am glad to be able to call a good many of them my friends. Practically all of my acquaintances have testified to the courtesy, the ability and the consideration with which Mr. Hennessy discharges his duties. I submit it is not fair that reckless statements should be hurled across the floor of the House in this way when the Honourable Member knows that they are merely the figments of his own imagination.

The Bureau has admittedly increased in strength and has naturally increased in cost. The particular item which the House is asked to vote today is largely, I understand, the cost of obtaining the temporary services of Mr. Joyce from the India Office to advise on the reorganization of the Bureau. He came out for a few months and he has now gone back and I am sorry to say his connection with the Bureau is now terminated as he has returned to his permanent post.

Mr. M. Asaf Ali: Where is Mr. Joyce's report? Has it ever been submitted to the House or made public?

The Honourable Sir Henry Craik: No, it is a confidential document for the information of the Government of India, dealing with the question of the internal re-arrangement of the office and of some adjustment of its duties. It is by no means in the nature of a public document and I have already, I think, in answer to questions asked in the House stated that it is not a document which is intended to be published.

(Interruption by Mr. M. Asaf Ali.)

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is interrupting too much.

The Honourable Sir Henry Craik: But, Sir, the bill for Mr. Joyce's services has got to be paid. Then there are a few other items. We had to recruit a new Director as the old Director retired and that involved a certain amount of expenditure; and there has admittedly also been some expansion of the staff of the Bureau, because, as I have said, there is a great deal more resort to it by the press, and especially by press correspondents at the headquarters of the Government. Then there has been the production of the "Information Series" which in itself has thrown a good deal of extra work on the Bureau and its distribution by post has naturally meant some increase in expenditure. I submit that the popularity which that series has obtained and its great utility which has been acknowledged in a great many newspapers entirely justifies the expenditure. Sir, I ask the House to reject the cut motion.

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

"That the demand for a supplementary grant of a sum not exceeding Rs. 54,000, in respect of 'Home Department' be reduced by Rs. 32,000."

The motion was negatived.

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

"That a supplementary sum not exceeding Rs. 54,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1938, in respect of the 'Home Department'."

The motion was adopted.

COMMERCE DEPARTMENT.

The Honourable Sir James Grigg: Sir, I move:

"That a supplementary sum not exceeding Rs. 18,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1938, in respect of the 'Commerce Department'."

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

"That a supplementary sum not exceeding Rs. 18,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1938, in respect of the 'Commerce Department'."

Mr. T. S. Avinashilingam Chettiar: Sir, I simply want information in connection with this Supplementary Demand. I see that in 1934-35 the actuals of expenditure for this Department have been Rs. 4,70,000 odd but I find from the Budget estimates for 1938-39 that the figure is Rs. 6,49,000.

The Honourable Sir James Grigg: On a point of order, the Budget estimates for 1938-39 is quite irrelevant for the purposes of this discussion.

Mr. T. S. Avinashilingam Chettiar: The Budget estimate for the previous year was Rs. 5,88,000 and I find there has been a tendency for the expenditure of this Department to increase. We were told that the reason for this increase is that the rates and taxes are extremely complicated and so that is the reason for this increased expenditure; and I would like to know whether they are going to allow these disorganized expenses to go on, or they are going to take any steps whereby the Department may be run on more scientific lines.

Mr. H. Dow (Commerce Secretary): Sir, I submit that on a motion of this kind the question of any increase in the expenditure of the Department over a series of years can hardly arise. I understood from my Honourable friend's motion that he wished to draw attention merely to the actual demand which was being made, and particularly with regard to the creation of an additional post of superintendent.

Mr. T. S. Avinashilingam Chettiar: *That is the increase.*

Mr. H. Dow: That I can explain quite easily. For many years past two of the branches in the Commerce Department have not been in charge of a regular superintendent, but as a measure of economy we have been running them with an assistant in charge who drew a small additional allowance. The question of making this post permanent has come up from time to time, and we have deferred making this additional appointment for as long as possible. And at last, before the appointment was made permanent, the Finance Department went so far as to appoint a special *ad hoc* committee to come and examine the whole work of the Commerce Department, and satisfy themselves whether this appointment was justified. They held that it was justified, and the date on which they communicated this decision to the Commerce Department was actually the 27th February, 1937. I think Honourable Members will realise that, on the 27th February, 1937, it was too late to make a provision for this post in the Budget of 1937-38. That is the whole explanation of this particular item.

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

"That a supplementary sum not exceeding Rs. 18,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1938, in respect of the 'Commerce Department'."

The motion was adopted.

CENTRAL BOARD OF REVENUE.

The Honourable Sir James Grigg: Sir, I move:

"That a supplementary sum not exceeding Rs. 43,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1938, in respect of the 'Central Board of Revenue'."

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

"That a supplementary sum not exceeding Rs. 43,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1938, in respect of the 'Central Board of Revenue'."

Appointment of a Income-tax Adviser and Employment of two Advisers on Special Duty.

Mr. T. S. Avinashilingam Chettiar: Sir, I move:

"That the demand for a supplementary grant of a sum not exceeding Rs. 43,000, in respect of 'Central Board of Revenue' be reduced by Rs. 34,800."

Sir, it will be seen from page 11 of the Supplementary Demands for Grants that this amount is intended for the appointment of an Income-tax Adviser and the employment of two officers on special duty. This method of the appointment of the Income-tax Adviser was raised in the last Simla Session and the House had given its verdict. During that discussion the Honourable the Finance Member stated various reasons and he said:

"It is a matter of common admission that income-tax machine has not kept pace both with the complexity and its structure.....traced in its provincial origin. My advisers and I have thought, therefore, that something is needed to introduce a greater measure of efficiency and a greater measure of uniformity of practice as between the provinces."

And that something was the appointment of an Income-tax Adviser. He said that this appointment is not a permanent one but an appointment for a particular period. I would like to know what is the status of this Income-tax Adviser and whether he has formed another Member of the Central Board of Revenue. If so, may I know for what length of period they propose to employ this Income-tax Adviser? I find from the estimates for the year 1938-39 that he has been provided for on page 171 on a salary of Rs. 2,500 per mensem and Rs. 30,000 has been provided for the Income-tax Adviser in the estimates for the next year. I know of cases in which when money was spent temporarily and on temporary appointments, there used to be a motion for Supplementary Grants every year asking for the grant of that particular sum. I do not mean to say that the Government had made up its mind to have a particular officer for a number of years. But the introduction of a particular item in the estimates creates a disadvantage for the Members of the Assembly in that once it goes into the estimates it need not come again in any other form before the Assembly as a motion for a Supplementary Grant should come. Now, no idea has been given to us as to the period for which this officer is appointed and the particular duties which he is at present doing. If it is a temporary duty, may I know whether it is in connection with the Income-tax Bill which the Honourable Member has in view? If that is so, may I know whether he will be disposed of as soon as the Bill is over? If his appointment is not for the purpose of the Bill, then for what other purposes he is there? We want

[Mr. T. S. Avinashilingam Chettiar.]

all this information so that we may get definite ideas that after finishing a particular duty, we can make sure that he will go. Sir, there is a peculiar difficulty with the Government of India. People are occasionally borrowed and they are appointed temporarily and then they have a tendency of sticking on to their jobs and ultimately become permanent. That is the way of the Government of India especially so far as the highly placed European officials are concerned. Sir, this is the thin end of the wedge and I shall be glad to know definitely and now the purposes for which he is appointed, the period for which he is expected to be appointed and the actual duties that he is doing at present. Sir, I move.

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

"That the demand for a supplementary grant of a sum not exceeding Rs. 43,000, in respect of 'Central Board of Revenue' be reduced by Rs. 34,800."

The Honourable Sir James Grigg: Sir, I understand that the Honourable Member who has just spoken has suggested the extraordinary thesis that the salaries of all temporary officers should not be provided in the original estimates of the year but by way of supplementary grants. This is a very valuable suggestion which will help me immensely in balancing the Budget, at any rate, at the time of its presentation. I am most grateful to him for this suggestion.

Mr. T. S. Avinashilingam Chettiar: On a point of personal explanation. My suggestion was for those persons who are appointed in an extraordinary way and for an extraordinary purpose and not for the ordinary officers.

The Honourable Sir James Grigg: I assure the Honourable Member that if an officer is appointed in the middle of the year, after the Budget estimates have been presented, then his salary has to be provided for by a supplementary grant. Once his salary has been provided, then in the next full year his salary is provided in the estimates in the usual way and no question of a supplementary demand arises, so that no argument that the post does not exist can be valid. Therefore, I need not reply to that part of the motion.

The Honourable Member asked what the status of this officer is. His status is exactly what his designation describes him, Income-tax Adviser to the Central Board of Revenue. He is not a member of the Central Board of Revenue: he is an adviser to it. His appointment is for a period of three years. He is not appointed solely in connection with the forthcoming Income-tax Amendment Bill. His main function is the inspection of the income-tax work in the various Circles and the suggestion of methods for improving it. I am bound to say, judging from the number of complaints which have been made about the income-tax work, that there is ample room for such an appointment and I have no doubt that this officer will pay for his appointment over and over again.

Mr. M. Ananthasayanam Ayyangar: Sir, I wish to say only a few words. So far as the appointment of this officer is concerned, we passed a motion of adjournment that such an officer should not be appointed. In the face of that motion, which was carried by this House, the Government did appoint him and have now come forward with a Supplementary Demand. If we vote for this Demand we will be committing

ourselves to continuing this Income-tax Adviser. We will be committing a glaring violation of the Resolution passed by this House. If we are to be consistent, we should not only throw out this Demand, but as a penalty for Government having gone over our heads and ignored our Resolution, let us proceed to throw out another Demand also. That would be a just punishment for Government. Merely throwing out this particular Demand is not enough.

As regards the qualification of the so-called experts, it is our sad experience that third rate fellows from the West are dumped on this country at fat scales of salary. At the time of the adjournment motion during the last Simla Session, it was clearly brought out in the debate that mediocres and below average people who find no occupation in England are passed as experts and brought into this country. Any man from England who pays a short visit to this country becomes an expert on Indian matters and even though he may be earning a sum equivalent to Rs. 500 in England, he is brought here on a salary of Rs. 5,000. That is the way in which these people are dumped into this country. Again and again we have been protesting against this policy of Government. Whenever questions are put regarding these experts, it is always said that their valuable services could not be lent to us and that the Honourable the Finance Member had to importune and write to the Government of those countries requesting them to lend their services for a couple of months. Unfortunately couple of months always extends to couple of decades. In the present case it happens to be three months and surely it will be extended to three years and afterwards it will be a permanent fixture in the Central Board of Revenue. It is always our experience that these so-called experts who come for short terms have a tendency to stick on. I, therefore, submit, Sir, that in order to be consistent and so as not to stultify ourselves, we have to vote against this Demand. It is also on the ground that the material we purchase out of this Demand does not deserve such a cost. For these reasons, I would request this House to vote against this Demand.

Sir Cowasji Jehangir: Mr. President, I was not present in Simla when the adjournment motion was moved and carried about the appointment of an Income-tax Adviser. I now understand that this Supplementary Demand for Rs. 34,800 represents the pay of the officer up till . . .

The Honourable Sir James Grigg: The Honourable Member will allow me to point out that about two-thirds of the amount is for the payment to two Indian officers who were employed in the Central Board of Revenue for a major part of the year and one-third only is for the payment to the Income-Tax Adviser for 1937-38.

Sir Cowasji Jehangir: A part of it, I understand is for the payment to the Income-tax Adviser about whom a debate took place in Simla. I think that is the correct position. That is what I wanted to make perfectly clear. Well, Sir, of course, as I said, I had no opportunity of expressing any opinion at Simla and I do not propose to express any opinion just now. Since this officer was appointed notwithstanding a definite expression of opinion on the part of this House, it is only natural that this House should not agree to any part of his salary being sanctioned by this House. The appointment of this Income-tax Adviser is not one of those matters on which the whole of the finances of India depend. If the House came to that conclusion, rightly or wrongly, I think the Government of India ought to submit to the opinion of the majority. It was

[Sir Cowasji Jehangir.]

one of those points on which, I think, it was never intended that the letter of the law should be carried out, but the spirit of the Constitution should be followed. I have repeated that on more than one occasion and this is one of those instances. I would, therefore, be prepared to support this cut motion.

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

"That the demand for a supplementary grant of a sum not exceeding Rs. 43,000, in respect of 'Central Board of Revenue' be reduced by Rs. 34,800."

The Assembly divided:

AYES—48.

Abdul Ghani, Maulvi Muhammad.
Abdul Qaiyum, Mr.
Abdur Rasheed Chaudhury, Maulvi.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Banerjee, Dr. P. N.
Bhagavan Das, Dr.
Chettiar, Mr. T. S. Avinashilingam.
Chunder, Mr. N. C.
Das, Mr. B.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Mr. Govind V.
Essak Sait, Mr. H. A. Sathar H.
Gadgil, Mr. N. V.
Ghiasuddin, Mr. M.
Govind Das, Seth.
Gupta, Mr. K. S.
Ismail Khan, Haji Choudhury Muham-
mad.
Jehangir, Sir Cowasji.
Jogendra Singh, Sardar.
Joshi, Mr. N. M.
Kailash Behari Lal, Babu.

Lalchand Navalrai, Mr.
Laljee, Mr. Husenbhai Abdullabhai.
Maitra, Pandit Lakshmi Kanta.
Mangal Singh, Sardar.
Misra, Pandit Shambhu Dayal.
Muhammad Ahmad Kazmi, Qazi.
Paliwal, Pandit Sri Krishna Dutta.
Pande, Mr. Badri Dutt.
Parma Nand, Bhai.
Raghbir Narayan Singh, Choudhri.
Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Rao, Mr. Thirumala.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Santhanam, Mr. K.
Sheodass Daga, Seth.
Siddique Ali Khan, Khan Sahib Nawab.
Singh, Mr. Gauri Shankar.
Singh, Mr. Ram Narayan.
Sinha, Mr. Satya Narayan.
Sri Prakasa, Mr.
Subedar, Mr. Manu.
Varma, Mr. B. B.

NOES—45.

Abdul Hamid, Khan Bahadur Sir.
Abdullah, Mr. H. M.
Ahmad Nawaz Khan, Major Nawab Sir.
Aikman, Mr. A.
Ayyar, Mr. N. M.
Bajpai, Sir Girja Shankar.
Bewoor, Mr. G. V.
Bhagchand Soni, Rai Bahadur Seth.
Boyle, Mr. J. D.
Buss, Mr. L. C.
Chanda, Mr. A. K.
Chapman-Mortimer, Mr. T.
Clow, Mr. A. G.
Conran-Smith, Mr. E.
Craik, The Honourable Sir Henry.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
Dow, Mr. H.
Fazl-i-Haq Piracha, Khan Bahadur
Shaikh.
Fazl-i-Ilahi, Khan Sahib Shaikh.
Gilbert, Mr. L. B.
Griffiths, Mr. P. J.
Grigg, The Honourable Sir James.

Highet, Mr. J. C.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar
Sir.
Kamaluddin Ahmed, Shamsul-Ulema.
Kushalpal Singh, Raja Bahadur.
Lloyd, Mr. A. H.
Mackeown, Mr. J. A.
Matthews, Mr. V. G.
Metcalf, Sir Aubrey.
Miller, Mr. C. C.
Ogilvie, Mr. C. M. G.
Row, Mr. K. Sanjiva.
Scott, Mr. J. Ramsay.
Sen, Rai Bahadur N. C.
Sher Muhammad Khan, Captain Sardar
Sir.
Sircar, The Honourable Sir Nripendra.
Sivraj, Rao Sahib N.
Spence, Mr. G. H.
Stewart, The Honourable Sir Thomas.
Sukthankar, Mr. Y. N.
Sundaram, Mr. V. S.
Walker, Mr. G. D.

The motion was adopted.

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

5 P.M.

"That a supplementary sum not exceeding the reduced sum of Rs. 8,200, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1938, in respect of the 'Central Board of Revenue'."

The motion was adopted.

STATEMENT OF BUSINESS.

The Honourable Sir Nripendra Sircar (Leader of the House): Next week, Sir, as the House is aware, the only days available for official business will be Monday, Tuesday and Wednesday. For those days the business will be:

- (1) the outstanding Supplementary Demands,
- (2) the consideration and passing of the Sugar Protection Bill which was introduced today,
- (3) the consideration of the Council of State amendments to the Workmen's Compensation (Amendment) Bill,
- (4) the consideration and passing of the Sind Salt Law Amendment Bill as reported by the Select Committee,
- (5) the consideration and passing of the Coffee Cess (Amendment) Bill.

The Assembly then adjourned till Eleven of the Clock on Monday, the 28th March, 1938.