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FOURTH SESSION

OF THE

FOURTH LEGISLATIVE ASSEMBLY, 1932



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Legislative Assembly.

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RAI BAHADUR D. DUTT.

Marshal :

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

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LEGISLATIVE ASSEMBLY.

Monday, 12th September, 1932.

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

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : I propose to take first the short notice question from Mr. Ranga Iyer.

SHORT NOTICE QUESTION AND ANSWER.

PRESENT INDIAN SITUATION IN SOUTH AFRICA.

Mr. C. S. Ranga Iyer : In view of the anxiety on the subject prevailing in this country, will Government be pleased to make a statement on the present Indian situation in South Africa ?

Mr. G. S. Bajpai : It would be convenient, Sir, if, for purposes of my answer to the Honourable Member's question, I based my statement to-day on the one made by me in this House on the 5th April, 1932. The three main points dealt with in that statement were :

- (1) That it was recognised that the possibilities of the Union scheme of assisted emigration to India were now practically exhausted.
- (2) That the Government of India would co-operate with the Government of the Union in exploring the possibilities of a colonisation scheme for settling Indians, both from India and from South Africa, in other countries.
- (3) The changes made in the Transvaal Asiatic Tenure (Amendment) Bill as a result of representations made by the delegates from India in a sub-committee of the last Cape Town Conference.

2. As regards the first point, action was taken by the Government of the Union to dismiss, with effect from the 31st March, 1932, the special staff which they had previously employed to explain the provisions of the scheme of assisted emigration which was agreed upon as a result of the 1927 Conference.

With regard to the second point, no suggestion has yet been received from the Government of the Union, with whom initiative in the matter rests. A conference of the South African Indian Congress, which met at Johannesburg on the 27th and 28th of August, is reported to have decided unanimously to appoint a delegate to the proposed committee of investigation, on the understanding that such co-operation should be taken to be inspired by patriotic motives, and should be limited to ascertaining if there exist any good opportunities for South African Indians in countries to which the exploration might be directed.

With regard to the Transvaal Land Tenure (Amendment) Bill, I explained, in my statement of the 5th April, only the modifications which Dr. Malan had made in the Bill before it was re-introduced in the Union House of Assembly. In the course of its passage through the Union Parliament, however, certain changes were made which, broadly speaking, had the effect of further safeguarding Indian rights. For the sake of clarity, I would re-state in detail the modifications incorporated in the law :

Clause 5 of the original Bill, which sought to segregate Asiatics by provision for the earmarking of areas for the occupation or ownership of land exclusively by Asiatics, has been deleted. Instead, the Gold Law has been amended to empower the Minister of the Interior, after consultation with the Minister of Mines, to withdraw any land from the operation of sections 130 and 131 of the Gold Law, in so far as they prohibit residence upon or occupation of any land by coloured persons. This power will be exercised, after inquiry into individual cases, by an impartial commission, presided over by a judge, to validate present illegal occupations and to permit exceptions to be made in future from occupational restrictions of the Gold Law.

Fixed property acquired by Asiatic companies up to 1st May, 1930, in which the controlling interest was nominally in the hands of Europeans but *de facto* in the hands of Asiatics, or which stood lawfully registered in favour of an individual Asiatic on the same date, and fixed property held through European trustees immediately prior to the 15th May, 1930, will all be protected. Shares held by an Asiatic or Asiatic Company in a private company, which, in the terms of the original Bill, would have been forfeited to the State if the company acquired any fixed property after the 1st May, 1930, are protected, provided that they were held by an Asiatic on the 1st May, 1932, and have not been transferred by him since that date and they will be heritable by one Asiatic from another who lawfully held them.

The provision in the original Bill, which declared illegal the occupation of any fresh 'stand' after 1st May, 1919, in the same township by an Asiatic, has been made applicable from the 1st May, 1930. Extensions made between the 1st May, 1919, and 1st May, 1930, are protected.

In areas, like Springs, which, according to a judicial pronouncement, were not formerly subject to the restrictive provisions of the Gold Law, but which have now been brought under those restrictions, Indians who were lawfully residing on or occupying land on the 1st May, 1930, will have their right of residence or occupation protected and will also be able to transfer the right to their lawful successors in title.

Local bodies, whom the original Bill required to refuse certificates of fitness to an Asiatic to trade on the ground that the applicant may not lawfully carry on business on the premises for which the licence is sought, shall have to treat a certificate issued by a competent Government officer to the effect that any land has been withdrawn from the restrictive provisions of sections 130 and 131 of the Gold Law as sufficient proof that a coloured person may lawfully trade on such land. If an application for a certificate, which is necessary for the grant of a licence, is

refused on the ground of insufficiency of title to occupy the land on which the business is to be carried on, an appeal may be preferred to the Magistrate of the district. The decision of the Magistrate on any such appeal is further subject to an appeal to the Transvaal Provincial Division of the Supreme Court.

3. At its recent meeting at Johannesburg, the South African Indian Congress passed a resolution condemning the Act and endorsing the action of the Transvaal Indian Congress which, on August, 14th, passed a resolution that the law should be resisted. It is understood that the idea is that people should be advised, individually and collectively, to abstain from filling in forms which have been circulated under the Transvaal Land Tenure Act of 1932 or to do or take part in any matter or thing which might mean conforming to the requirement of the said Act. A committee to organise Passive Resistance has already been appointed, but no date has been fixed for starting the movement. Government are informed that no action will probably be taken until the Commission, which it is proposed to appoint in order to inquire into individual titles of occupation, has reported.

4. The Government of India have instructed their Agent in South Africa to watch developments closely and to keep them informed so as to enable them to take such action as circumstances may require.

Mr. C. S. Ranga Iyer : Is it not a fact, Sir, that since the Cape Town Agreement was reached, further developments have arisen in South Africa including Passive Resistance or the preparation for Passive Resistance as communicated in a cable to the Right Honourable Srinivasa Sastri by the South African Indians ?

Mr. G. S. Bajpai : The only development which has arisen since the Cape Town Agreement is the decision of the Congress, towards the end of last month, to start Passive Resistance against the Land Tenure Act. There is no other development of which I am aware.

Mr. C. S. Ranga Iyer : Have the Government received any report on the subject from their Agent in South Africa about the reasons for starting Passive Resistance and other matters connected therewith, and will they be pleased to lay the same on the table of the House ?

Mr. G. S. Bajpai : I have already given the Honourable Member, Sir, the substance of the report, which we have received, from our Agent in South Africa, namely, that the South African Indian Congress has decided to start civil disobedience against the Land Tenure Act. There is no other report that we have received.

Mr. C. S. Ranga Iyer : When do they propose to start civil disobedience ?

Mr. G. S. Bajpai : As I have already stated, the intention, so far as I am aware, is that civil disobedience shall not start until the Commission which is to inquire into individual titles of occupation has completed its inquiry and reported.

Mr. C. S. Ranga Iyer : What is the strength behind the feeling for starting civil disobedience in South Africa ?

Mr. G. S. Bajpai : Well, Sir, naturally opinions differ as to what the strength behind any particular movement is, but my own information

is that a great majority of those who are affected by the Act are not very keen on Passive Resistance at present.

Mr. C. S. Ranga Iyer : How do the Government propose to prevent the calamity of civil disobedience being started in South Africa ?

Mr. G. S. Bajpai : Perhaps my Honourable friend has already read in the newspapers that the Agent, fortified by the opinion of no less a person than the Right Honourable Srinivasa Sastri, tried to dissuade the Indian community in South Africa from embarking upon Passive Resistance.

Sir Hari Singh Gour : Is the Honourable Member aware that the enactment of the Land Tenure Act which the Indian National Congress in South Africa complained of is a violation of the agreement or understanding arrived at between the representatives of the Government of India and those of South Africa ?

Mr. G. S. Bajpai : No, Sir. That really is not the case. There was no understanding arrived at between the Government of India and the Government of the Union of South Africa as regards the abandonment of the Transvaal Land Tenure Bill which has now become the Land Tenure Act. The agreement that was reached between representatives of this Delegation, the Delegation from India that is, and representative of Government of South Africa was as regards the amendments to be made in the Bill. Those amendments have not only been completely carried out, but, to some extent, they have also been improved upon.

Mr. C. S. Ranga Iyer : Is it not a fact that our Agent in South Africa occupies an inferior status as compared with the Japanese Consul in South Africa ?

Mr. G. S. Bajpai : As a matter of fact, the personal status of our Agent in South Africa is higher than that of the representative of Japan, because the Indian Agent in South Africa takes precedence immediately after His Britannic Majesty's High Commissioner in South Africa.

Mr. C. S. Ranga Iyer : Is it not a fact that the Japanese Consul in South Africa is given certain privileges in regard to the entry of the Japanese visitors in South Africa, which are absolutely denied to the Indian Agent in South Africa ?

Mr. G. S. Bajpai : Sir, the Japanese Consul has, I admit, certain powers as regards the entry of temporary visitors from Japan into South Africa, but those privileges he does not enjoy *qua* Consul, but by virtue of an agreement which has been made recently between the Government of Japan and the Government of the Union of South Africa. To anticipate my Honourable friend, I might state that the Government of India have also taken up with the Government of the Union of South Africa the question of making similar arrangements as regards the entry into South Africa on temporary permits of Indian visitors from this country.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to state if it is not possible for the Government of India to interfere and ask the Government of the Union of South Africa to relax that Bill in order to satisfy the Indians in that country ?

Mr. G. S. Bajpai : I do not know whether I would be allowed the requisite latitude for explaining the position, but if I am, I would proceed to inform my Honourable friend opposite that the Act, as it is now placed on the Statute-book, is a relaxation of the Bill as originally introduced in the Union House of Parliament. The Bill, as originally introduced, wanted all Indians on the mining areas of the Witwatersrand, who are not already protected by the Act of 1919—and the number of persons affected was 75 per cent. of the Indians trading in South Africa—either to move into special reserved areas within five years, or to leave the country. We definitely took the line with the Government of the Union that that was relegating Indians to segregated areas, and that the Government of India could not agree to it, even though the principle of segregation had been on the Statute-book of the Transvaal since 1885. Our contention was that the Indians in South Africa should be allowed opportunity to reside and trade on those areas,—the mining areas,—without segregation, and it is as a result of the representations made by us that provision has been made to empower the Minister to withdraw particular areas in the mining areas from the prohibitive provisions of the Gold Law of 1908.

Sir Cowasji Jehangir : May I ask the Honourable Member whether the South African Congress were a party to the agreement arrived at between the Indian Delegation and the South African Government ?

Mr. G. S. Bajpai : No. The South African Congress were no parties to the agreement arrived at between the Government of India and the Government of the Union of South Africa, but I would inform my Honourable friend that the agreement reached by the Government of India with the Government of the Union of South Africa had the fullest support of the ex-President of the South African Indian Congress, Mrs. Sarojini Naidu.

Mr. S. C. Mitra : May I ask the Leader of the House whether the Government will see its way to allot a day for the discussion of this very important question in view of the fact that the South African Indians have been forced to resort to Passive Resistance, and further in view of the fact that the Honourable Member who is replying for Government has already made short speeches for more than fifteen minutes and yet he has not made the point clear to our minds ?

The Honourable Sir C. P. Ramaswami Aiyar : Mr. President, I have been asked already by one or two Honourable Members whether a day could be given for the discussion of this matter. I may say at once that Government are willing to do so, subject to certain discussions between Leaders of Parties and you, Sir.

Sir Hari Singh Gour : Do I understand that the Honourable Member's remarks equally apply to the request of Members on this side of the House as regards a day for the discussion of the future procedure regarding constitutional . . .

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : That point does not arise now.

Mr. C. S. Ranga Iyer : Will the Honourable Member be pleased to state whether the Brazilian Government have not agreed to have Indians in Brazil which was part of the agreement which was arrived at in the Cape Town Conference ?

Mr. G. S. Bajpai : In the first place, Sir, no agreement was arrived at in the Cape Town Conference as regards sending Indians to Brazil or to any other specified part of the world.

Mr. C. S. Ranga Iyer : Or was there a suggestion to that effect ?

Mr. G. S. Bajpai : No, there was no such suggestion either. The suggestion was that the two Governments should co-operate in exploring the possibilities of Indian settlement abroad, and as far as I know, no initiative in the matter has so far been taken by the Government of the Union of South Africa. But it is a fact, not at all connected with the South African agreement, that the Brazilian Government have, for the last two years, been prohibiting immigration into their country because of the prevailing economic depression.

Mr. Gaya Prasad Singh : May I ask the Honourable Member whether any assisted emigrants have been sent back to India since the Cape Town agreement was arrived at in January last ?

Mr. G. S. Bajpai : The Cape Town agreement, to be precise, was not arrived at in January last, but early in March. There have been Indians coming back from South Africa, and if my Honourable friend will give me notice, I will give him the number who have come back.

Sir Cowasji Jehangir : May I ask the Honourable Member whether, after the Cape Town agreement had been entered into, the South African Congress protested against it at the time ?

Mr. G. S. Bajpai : No, Sir. The South African Congress did not protest against the agreement at the time. They postponed meeting to consider the agreement until the new Agent from India had arrived in South Africa, and this he did about the beginning of last month.

Mr. K. Ahmed : In view of the fact that a lot of people in South Africa are about to start civil disobedience and so many Indians there are being daily repatriated to this country, do the Government propose to give an assurance to the House as to the prospect, now that the new Agent is there and we have the present incumbent in charge of the Department, which can satisfy the Assembly and the people of the country ? (Laughter.)

Mr. G. S. Bajpai : I have not been altogether able to follow the drift of the Honourable Member's question. But presumably, he wants the Government to tell the House whether our Agent in South Africa and the Government of India at this end are doing everything they can to safeguard the legitimate Indian rights. I give that assurance without the slightest hesitation.

Mr. K. Ahmed : In view of the fact that the answer of the Honourable Member is not at all clear,—the Honourable Member has the speech written at home and he comes and reads it, and he is reciting word for word from memory, without explaining the reasons,—the present incumbent in charge of the Honourable Member's Department, who is now the head of the Department, and the present incumbent who has just landed there in South Africa, who I am told was a very popular man in India—what prospect is there of those gentlemen satisfying the wishes of this Assembly and the people of this country ?

Mr. G. S. Bajpai : Sir, a little while ago I was accused by my Honourable friend opposite of making a speech, and I would ask him to direct his criticism to the gentleman who has just resumed his seat. It is quite impossible, Sir, to deal with what my Honourable friend has said...

Mr. K. Ahmed : I knew that you could not. (Laughter.)

Mr. G. S. Bajpai : But on the date of the discussion which the Honourable Members have asked for, my Honourable friend might speak differently as regards my capacity to deal with any points that he raises. But that is a side issue. What I wanted to say was that so far as I know the Agent whom we have recently appointed to South Africa has the full confidence of the Indian community in South Africa. As a matter of fact, the appointment was made after full consultation with people like Mrs. Sarojini Naidu and Mr. C. F. Andrews, who certainly have as good a title to speak for the Indians in South Africa as my Honourable friend over there.

Mr. K. Ahmed : That is no answer and it is irrelevant and superfluous.

Sir Abdur Rahim : Will the Honourable Member tell us briefly in what important respects does the position of Indians in South Africa still fall short of the position of White settlers in South Africa ?

Mr. G. S. Bajpai : My Honourable friend would permit me to classify Indians in South Africa into three categories according to the province in which they happen to be living. Indians in the Cape Province have exactly the same privileges as the White settlers, there is no distinction at all.

Mr. N. M. Joshi : Political ?

Mr. G. S. Bajpai : Including political and municipal.

Mr. N. M. Joshi : Can they stand as members of Parliament ?

Mr. G. S. Bajpai : They cannot, but they have the franchise. My Honourable friend's question was as to whether they have a right to sit in the House. The provisions of the South African Act limit the actual sitting in either House of Parliament to members of the White race but the Indians in Cape Town have the franchise just the same as others. Then in Natal, they have neither the municipal nor the political franchise but, as regards rights of property and everything else, they are in exactly the same position as the White settlers. In the Transvaal, apart from the fact that they have neither the political nor the municipal rights, which their compatriots have in the Cape, they are also subject to this disability as regards the occupation and ownership of land which, as I tried to explain to my Honourable friends, has been in existence since 1885.

Mr. C. S. Ranga Iyer : Is it not a fact that at the Imperial Conference of 1921, a resolution was passed recognising Imperial Citizenship for South African Indians ?

Mr. G. S. Bajpai : That is not true. I was present at that Conference. We tried to get the representatives of the Union of South Africa to accept the incongruity between the position of India as an

equal partner in the British Commonwealth of Nations and the political disabilities to which Indians in South Africa were subject. The dominions of Canada, Australia and New Zealand accepted this incongruity and said that they would remove the political disabilities to which Indians there were subject but South Africa dissociated itself from the resolution.

Mr. C. S. Ranga Iyer : Have the Government of India been carrying on negotiations with the Imperial Government in this matter in order to bring pressure to bear on the South African Government to remove this incongruity ?

Mr. G. S. Bajpai : As regards that, my Honourable friend is well aware that the position was discussed in the Imperial Conference of 1923, when it was made perfectly clear not only on behalf of South Africa, but also the other dominions that the question of regulating the franchise of a particular dominion was the exclusive prerogative and privilege of that particular dominion.

Sir Hari Singh Gour : Is the Honourable Member aware that in consequence of a decision of the Imperial Conference which established the principle of reciprocity applicable to India alike, the Indian Legislature passed an enactment known as the Immigration into India Act, 1924, empowering the Government to make rules placing the same disabilities upon other members of the British Commonwealth as the Indians suffer in those parts ?

Mr. G. S. Bajpai : My Honourable friend opposite was the author of the Act to which reference has just now been made and, if I may refresh his memory, it relates exclusively to entry into India, and not to such matters as political rights.

Sir Hari Singh Gour : Even as regards entry into India, Indians do not possess the rights which other foreign Whites and British Whites possess in South Africa. Has the Government considered the advisability of putting into force the provisions of that Act ?

Mr. G. S. Bajpai : The Government, Sir, have considered the desirability of putting into effect the provisions of that Act but they have come to the conclusion that the interests of the Indians in South Africa would be better served by not putting into force the provisions of the said Act, particularly as there are hardly any South Africans coming into India.

Mian Muhammad Shah Nawaz : Is the Government of India satisfied with the personnel of the Commission ?

Mr. G. S. Bajpai : My Honourable friend, I think, is referring to the Commission which is to be appointed by the Union Government, (*Mian Muhammad Shah Nawaz :* "Yes".) in order to inquire into individual questions of title. I do not really know that such a Commission has been appointed, but I can make inquiries on that point.

Mr. Gaya Prasad Singh : What steps have the Government of India taken to equalise the political and municipal status of Indians in Transvaal and Natal with that of the White settlers in those colonies ?

Mr. G. S. Bajpai : It is a long story, Sir, but I can briefly explain that circumstances in South Africa being what they are I do not think that the question of securing political equality for Indians is one of practical politics.

Mr. C. S. Ranga Iyer : Is it a fact that Brazil has been selected as one of the countries for the settling of South African Indians ? Have the Government considered the possibilities of settling Indians there ?

Mr. G. S. Bajpai : I have already explained that all that we undertook at Cape Town was to co-operate with the Government of the Union in exploring possibilities of settlement elsewhere. The initiative rests with the Union Government. I have no doubt that the Union Government have thought of Brazil as a possibility.

Mr. C. S. Ranga Iyer : Is there any private agency or Government agency that is exploring possibilities ?

Mr. G. S. Bajpai : There is a private agency, I believe.

Dr. Ziauddin Ahmad : Did I understand it correctly that in the acquisition of land a distinction is made between coloured and White races ?

Mr. G. S. Bajpai : As regards acquisition of land in the Transvaal a distinction is made between Europeans and non-Europeans.

Dr. Ziauddin Ahmad : No distinction is made about British Empire and non-British Empire ?

Mr. G. S. Bajpai : No such distinction is made.

Mr. C. S. Ranga Iyer : Is there growing unemployment among Indians in South Africa ?

Mr. G. S. Bajpai : I do not know if it is growing. It has been certainly in existence for some time.

Mr. C. S. Ranga Iyer : What has the South African Government done for finding employment for Indians there ?

Mr. G. S. Bajpai : I am not aware that the Government of the Union of South Africa have any special unemployment policy either as regards Indians.

Mr. C. S. Ranga Iyer : Is it not a fact that the unemployed Indians in South Africa have been coming to this country ?

Mr. G. S. Bajpai : Certainly they have been coming.

Mr. C. S. Ranga Iyer : Are the Government finding any employment for them ?

Mr. G. S. Bajpai : Government have a special agency in Madras which devotes itself to the business of finding suitable employment for Indians who return from South Africa.

Mr. C. S. Ranga Iyer : Has the Government seen a suggestion in the *Statesman* to the effect : An alternative course will be for India to enable those who, after spending a year in India are disappointed with it, to return to South Africa by refunding on their behalf the assistance that they received from the Union Government ?

Mr. G. S. Bajpai : Perhaps my Honourable friend will let me correct him on one point. That is not the opinion of the *Statesman* ; it is the opinion of the *Servant of India*. Government have not yet considered that suggestion.

Dr. Ziauddin Ahmad : May I ask whether it is in keeping with the policy of the British Empire not to make any distinction between White and coloured races of the Empire ?

Mr. G. S. Bajpai : I think that is a question, Sir, which might very well be addressed to the Dominions Secretary of Great Britain. I am not in a position to answer it.

Mr. C. S. Ranga Iyer : Do Government propose to consider the opinion of the *Servant of India*, which was quoted with approval by the *Statesman* of Calcutta ?

Mr. G. S. Bajpai : Government will consider the suggestion.

Mr. T. N. Ramakrishna Reddi : Is it a fact that Government has asked a private agency which has been established in Bombay in this connection to wind up ?

Mr. G. S. Bajpai : So far as I am aware, Sir, the Government of India have taken no such action.

Mr. T. N. Ramakrishna Reddi : I am informed, Sir, that the Superintendent of Police, Bombay, went to that office and asked the agency to wind up its business and that as a consequence of it the private agency has gone away to Brazil.

Mr. G. S. Bajpai : I shall be happy if my Honourable friend opposite supplies to me such information as he has on the subject.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Next question.

Dr. Ziauddin Ahmad : On a point of order, Sir,—may I ask, Sir, whether supplementary questions, which could not be put on account of lapse of time, may be continued like discussions on Resolutions and Bills ?

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Supplementary questions on what answer ?

Dr. Ziauddin Ahmad : On question No. 159, which was being replied last time ?

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member ought to know that that question was closed.

STRENGTH OF THE INDIAN ARMY IN INDIA

160. *Mr. S. C. Mitra (on behalf of Sardar Sant Singh) : Will Government be pleased to state the total present strength of the Indian Army in India ? What was the strength in 1914 before the War ? What was the cost in 1914 and what is the cost to-day ?

Mr. G. E. F. Tottenham : The strength of the regular Indian Army on the 1st April, 1914, was about 182,000 and on the 1st April, 1932, about 160,000.

I am afraid that it is not possible to state the cost of the Indian Army separately. The cost of the regular Army in India, that is to say, of the Indian Army *plus* that portion of the British Army which was serving in India, but excluding non-effective charges, was just over Rs. 24 crores in 1913-14. It is estimated that the corresponding figure for the current year, including the cost of the Royal Air Force, will be about Rs. 37½ crores.

PROPORTIONATE STRENGTH OF SIKHS, MUSLIMS AND HINDUS IN THE ARMY.

161. *Mr. S. C. Mitra (on behalf of Sardar Sant Singh) : What was the proportionate strength of the Sikhs, Muhammadans and Hindus in the Army in 1914 and what is the proportionate strength to-day ? What is the proportion of each community to its population ?

Mr. G. E. F. Tottenham : The percentage of Sikhs in the Army in 1914 was approximately 19, that of Muhammadans 40 and that of Hindus (excluding Gurkhas) 30.

The corresponding figures in 1931 were 16. 37 and 32. The percentage of Sikhs in the Army to the whole Sikh population was approximately 1.12 in 1914, that of Muhammadans .16 and that of Hindus .02. The corresponding figures in 1931 were .55, .07 and .02.

Lieut.-Colonel Sir Henry Gidney : Can the Honourable Member now inform the House as to how many Anglo-Indians are there in the Army ?

Mr. G. E. F. Tottenham : I should like notice of that question.

Lieut.-Colonel Sir Henry Gidney : Is the Honourable Member aware of the fact, or is he not aware of the fact, that there are none ?

Mr. G. E. F. Tottenham : I am not aware of that fact.

Lieut.-Colonel Sir Henry Gidney : May I have a reply to my question ?

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The answer was given.

Lieut.-Colonel Sir Henry Gidney : Is the Honourable Member aware of the fact, or is he not aware of the fact, that there are no Anglo-Indians in the Army.

Mr. G. E. F. Tottenham : I am not aware of that fact.

Mr. Gaya Prasad Singh : Are Government aware of the fact that Anglo-Indians do not make good soldiers ?

Lieut.-Colonel Sir Henry Gidney : May I ask you, Sir, to ask the Honourable Member to withdraw the remarks that he has just made ?

Mr. Gaya Prasad Singh : I have said nothing unparliamentary.

Lieut.-Colonel Sir Henry Gidney : If the Honourable Member would come outside the House and repeat to me what he has said inside I will show him that Anglo-Indians do make good soldiers.

Mr. K. C. Neogy : Is the Honourable Member (Sir Henry Gidney) in a position to assure this House that Anglo-Indians are to be treated on the same footing as Indians for the purpose of entering the Army ?

Lieut.-Colonel Sir Henry Gidney : That question does not arise, Sir. I have protested against Mr. Gaya Prasad Singh's insinuation.

Mr. N. M. Joshi : May I ask what steps Government have taken to prevent the undue preponderance of some communities in the Indian Army ?

(At this stage Lieut.-Colonel Sir Henry Gidney was making some remarks by way of interruption.)

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Order, order. Sir Henry Gidney is disturbing the House !

Mr. N. M. Joshi : May I ask what steps Government have taken to prevent the undue preponderance of some communities, in proportion to their population, in the Indian Army ?

Mr. G. R. F. Tottenham : The policy of the Government of India is not to prevent the undue preponderance of one community or another in the Army, but to recruit those whom they consider most fitted for service in the Army, irrespective of the community from which they are drawn.

Mr. N. M. Joshi : Is that policy confined only to the Army or to other services also in the country.

Mr. G. R. F. Tottenham : I do not think that is for me to answer.

Mr. N. M. Joshi : May I ask the Honourable the Home Member or the Honourable the Leader of the House for a reply to my important question ? My question is, whether the policy, that Government should *not* take any steps to prevent the undue preponderance of one community in proportion to its population, is to be adopted only in the Army, or this policy is to be or is not to be adopted in the case of services in the other Departments of the Government ?

The Honourable Sir C. P. Ramaswami Aiyar : The policy of the Government of India with regard to the "services" is contained in various orders and notifications issued by the Government of India. The policy with regard to the Army has been enunciated by the Honourable Member who just now spoke for the Army.

Mr. N. M. Joshi : May I ask whether the policy in the Army Department is different from the policy as regard employment in the other Departments ?

The Honourable Sir C. P. Ramaswami Aiyar : The policy with regard to the services is contained in various pronouncements of the Government of India. It has just been stated that the policy with regard to the Army is to get the best possible recruits for the Army.

Mr. N. M. Joshi : I see a difference between the policy pursued by the Government as regards the Army and as regards all the other Departments. I want to know why this difference is made.

The Honourable Sir C. P. Ramaswami Aiyar : In certain respects, it is obvious that there must be a difference. Further details I am not in a position to give just now, but if the Honourable Member wants further elucidation of the matter, he should put down a question.

Lieut.-Colonel Sir Henry Gidney : Will the Honourable Member inform the House as to whether it is or is not a fact, or that the rank and file of the Indian Army are recruited from special classes called by Government, to suit its own purpose no doubt, the martial classes ? (Hear, hear.)

Mr. G. R. F. Tottenham : No, Sir.

Lieut.-Colonel Sir Henry Gidney : Will the Honourable Member then inform this House, under what classification recruitment of the rank and file of the Army is made ?

Mr. G. R. F. Tottenham : I do not quite understand the Honourable Member's question.

Lieut.-Colonel Sir Henry Gidney : May I explain ? I should like to know under what system recruitment to the rank and file of the Indian Army is made. Is it made from races whom the Army considers to be good soldiers or martial, or what other system is adopted ?

Mr. G. R. F. Tottenham : Recruitment for the Army is made from those classes which the Government of India consider will provide the best soldiers.

Mr. Gaya Prasad Singh : May I know if Eurasians are classed as " martial " or " non-martial " ?

Mr. G. R. F. Tottenham : Government make no such classification into " martial " and " non-martial " classes.

Lieut.-Colonel Sir Henry Gidney : Why don't you (addressing Mr. Gaya Prasad Singh) come outside and ask me this question, I will answer you.

NUMBER OF JUVENILES AND WOMEN CONVICTED IN CONNECTION WITH THE
CIVIL DISOBEDIENCE MOVEMENT.

162. ***Mr. S. C. Mitra** (on behalf of Sardar Sant Singh) : (a) Will Government be pleased to state the number of boys between the ages of 10 and 15 and the number of ladies arrested for offences connected with the Civil Disobedience Movement in the year 1930 and also in the year 1932 ?

(b) How many of them have been sentenced to whipping and rigorous imprisonment and how many of them have been sent to Reformatory Institutions ?

(c) How many persons have been prosecuted under sections 108, 109, and 124-A. in the years 1930, 1931 and 1932 ? How many of the persons prosecuted were connected with the political movement ? How many of them were asked to furnish security and how many were sent to jail who refused to furnish the security ?

The Honourable Mr. H. G. Haig : (a) and (b). I lay a statement on the table giving the information in my possession regarding juveniles and women convicted in connection with the two civil disobedience movements. I regret I have no information as to the details asked for in part (b) of the question, except that obviously no women have been shipped.

(c) The information is not in my possession.

Statement showing the number of juveniles and women convicted of offences connected with the Civil Disobedience Movement.

No. of juveniles under 15 years of age imprisoned up to the 30th November, 1930.	No. of women imprisoned up to 15th November, 1930.	No. of juveniles under 16 years of age sentenced to imprisonment substantively or in lieu of payment of fine from the beginning of January up to the 31st July, 1932.	No. of women convicted though not necessarily sentenced to imprisonment from the beginning of January up to the 31st July, 1932.
2,152	359	2,293	2,711

PERSONS DETAINED UNDER REGULATIONS.

163. ***Mr. S. C. Mitra** (on behalf of Sardar Sant Singh) : (a) Will Government be pleased to state how many persons were arrested and also are being detained under Regulation III of 1818 and similar Regulations of Bombay during the years 1931 and 1932 ?

(b) What are their names and places of residence ?

(c) Where have they been detained since the time of their arrest ?

(d) What were the reasons for their arrests ?

(e) What allowances have been granted to each of them for food, other necessaries and dependants ?

The Honourable Mr. H. G. Haig : (a), (b) and (e). I lay a statement on the table giving the information required.

(c) and (d). I am afraid I cannot undertake to give information on these points.

Statement showing the allowances sanctioned for State Prisoners and their families, sanctioned with effect from date of arrest.

Name.	Date of arrest.	Amount of allowances sanctioned for—		
		Prisoner in jail.	His family and dependants.	Other purposes.
<i>Regulation III of 1818.</i>				
1. Abdul Waris <i>alias</i> Bashir Ahmad.	28-8-30	Rs. 1/6 per diem for diet. Rs. 32 monthly for necessaries. Rs. 60 lump allowance on first admission to jail.	<i>Nil.</i>	
2. Fazal Elahi <i>alias</i> Qurban.	Do.	Do. ..	<i>Nil.</i>	
3. Ghulam Muhammad <i>alias</i> Aziz Hindi.	Do.	Do. ..	Rs. 200 p. m.	
4. Ihsan Elahi ..	9-2-31	Do. ..	<i>Nil.</i>	
5. Harjap Singh ..	14-9-31	Do. ..	Rs. 25 p. m. for his wife.	
6. Karam Singh ..	21-5-31	Do. ..	<i>Nil.</i>	
7. Jiban Lal Chaterji	23-11-31	Rs. 1/4 a day for diet. Rs. 32 monthly.	Rs. 40 p. m.	
8. Surendra Mohan Ghosh.	Do.	Do. ..	Rs. 30 p. m. ..	Rs. 92/3 quarterly premium on insurance policy.
9. Pratul Chandra Ganguli.	Do.	Do. ..	Rs. 50 p. m.	
10. Trailokhya Nath Chakrabarti.	Do.	Do. ..	<i>Nil.</i>	
11. Ramesh Chandra Acharji.	25-11-31	Do. ..	Rs. 55 p. m.	
12. Rabindra Mohan Sen Gupta.	Do.	Do. ..	<i>Nil.</i>	
13. Pratul Chandra Bhattacharji.	23-11-31	Do. ..	<i>Nil.</i>	
14. Benoyendra Roy Roy Chaudhury.	Do.	Do.	Rs. 20 p. m.	
15. Satya Bhusan Gupta	24-11-31	Rs. 1/6 a day for diet. Rs. 32 monthly.	Rs. 50 p. m.	
16. Manoranjan Gupta	Do.	Do. ..	<i>Nil.</i> ..	Rs. 36/7 half yearly premium on insurance policy.
17. Bhupendra Kumar Datta.	Do.	Do. ..	Rs. 20 p. m. ..	Rs. 59/12 quarterly premium on insurance policy.
18. Arum Chandra Guha	Do.	Do.	<i>Nil.</i> ..	Rs. 58/1 quarterly. Rs. 53/5 half-yearly, respectively as premia on two insurance policies.
19. Bhupendra Kishore Rakshit Roy.	2-1-32	Re. -/12/- a day for diet. Rs. 32 monthly.	Rs. 75. p. m.	
20. Rasik Lal Das ..	Do.	Do. ..	<i>Nil.</i>	

Name.	Date of arrest.	Amount of allowance sanctioned for—		
		Prisoner in jail.	His family and dependants.	Other purposes.
21. Jyotish Chandra Ghoah.	1-1-32	Rs. 1/8 a day for diet. Rs. 32 monthly.	Rs. 60 p. m.	
22. Suresh Chandra Das	2-1-32	Do. ..	Rs. 100 p. m.	
23. Pruna Chandra Das	1-1-32	Do. ..	Rs. 60 p. m.	
24. Bhupati Mazumdar	2-1-32	Do. ..	Rs. 165 p. m. ..	Rs. 140/8 half-yearly premium on insurance policy. Rs. 8/4/6 quarterly municipal tax. Rs. 8 annual Union Board tax.
25. Subash Chandra Bose.	3-1-32	Rs. 3/8 a day for diet. Rs. 32 monthly. Rs. 100 lump sum on first admission to jail.	Nil.	
26. Sarat Chandra Bose	4-2-32	Do. ..	Rs. 1,200 p. m.	Payment until a certain policy acquires surrender value of premia amounting to Rs. 1,334 per annum. Plus Rs. 1,157-13 as a single payment in respect of one other policy. Rs. 255 quarterly premium on insurance policy.
27. Jatindra Mohan Sen Gupta.	20-1-32	Rs. 4/8 a day for diet. Rs. 32 monthly. Rs. 100 lump sum on first admission to jail.	Rs. 1,000 p. m.	
28. Abdul Ghaffar Khan.	24-12-31	Rs. 200 p. m., consolidated allowance.	Nil.	
29. Saadullah Khan ..	Do.	Rs. 150 p. m., consolidated allowance.	Nil.	
30. Qazi Attaullah Khan	Do.	Rs. 150 p. m., consolidated allowance.	Rs. 400 p. m.	
31. Dr. Khan Sahib ..	Do.	Rs. 200 p. m., consolidated allowance.	Rs. 500 p. m., plus an additional 200 p. m., during period his son and daughter by his English wife are residing in England for purposes of education.	

Name.	Date of arrest.	Amount of allowance sanctioned for—		
		Prisoner in jail.	His family and dependents.	Other purposes.
<i>Bombay Regulation XXV of 1827.</i> 32. M. K. Gandhi ..	4-1-32	Rs. 100 p. m., consolidated allowance.	<i>Nil.</i>	
23. Vallabhbhai Jhaverbhai Patel. <i>Regulation III of 1818.</i>	Do.	Do. ..	<i>Nil.</i>	
34. Bhawani Sahai ..	26-4-32	Rs. 0-12-0 a day for diet. Rs. 10 monthly allowance. Rs. 60 lump sum on first admission to jail.	<i>Nil.</i>	

EXPORT OF WHEAT FROM INDIA.

164. ***Mr. S. C. Mitra** (on behalf of Sardar Sant Singh) : Will Government be pleased to state the quantity of wheat exported from India in the years 1930 and 1931 ? Has any wheat been imported into India during these years ? If so, what quantity ?

The Honourable Sir C. P. Ramaswami Aiyar : The quantity of wheat exported from India in the calendar years 1930 and 1931 amounted to 193,690 tons and 23,048 tons, respectively. The total imports into the country during these years were respectively 190,999 tons and 245,115 tons.

Dr. Ziauddin Ahmad : Is it not a fact that the import of wheat has practically been stopped since we passed the new Wheat Act ?

The Honourable Sir C. P. Ramaswami Aiyar : There is the Act, of course.

Mr. K. Ahmed : In view of the importance of the question which was discussed at such length at the last Delhi session, may I ask, what interest have the Government of India in the Department of Education, Health and Lands taken for the benefit of the people of this country exporting wheat from this country, considering the fact that Australian wheat is even now sold much cheaper in Calcutta than before ?

The Honourable Sir C. P. Ramaswami Aiyar : I am at a loss to understand, Sir, whether the question was addressed to me or to any other Honourable Member. But if it was addressed to me, may I request my Honourable friend to repeat the question because, I confess, I was not able to hear him.

Mr. K. Ahmed : In view of the fact that the Honourable Member is checkmated whether the question was levelled at him or levelled at some other Honourable Member.....

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Will the Honourable Member put a definite supplementary question ?

Mr. K. Ahmed : Yes, Sir. Will the Government be pleased to state what steps they have taken up till now after the lapse of eight months ? What benefit have they given to the people of India by giving facilities for transmission of wheat from the province of the Punjab to Calcutta where that wheat is sold ?

The Honourable Sir C. P. Ramaswami Aiyar : An Act has been passed and the working of the Act is being watched.

Mian Muhammad Shah Nawaz : The Honourable Member has not understood the question. He wants to know whether Government are going to reduce the rates from Lahore to Calcutta ?

The Honourable Sir C. P. Ramaswami Aiyar : Various points have been raised with regard to the question of the rate of freight from the Punjab to various parts of India and that question is under consideration.

Mr. K. Ahmed : In view of the fact that the Honourable Member was not able to understand my question, am I not justified to put this question again ? What action have Government taken in order to relieve the situation and give facilities for the sale of Indian wheat in the city of Calcutta which is taken from the Punjab to Howrah by the railway line having regard to the fact that an undertaking was given by the Government of India eight months ago when the Honourable the Commerce Member had not taken over the charge ?

The Honourable Sir C. P. Ramaswami Aiyar : Mr. President, the question of the railway freight between the Punjab and Calcutta has no doubt been raised. The question is connected with the question of steamer freight from Karachi to Calcutta. There are points arising out of these two topics which are under the investigation by the Government of India, namely, whether these railway freights from Karachi to Calcutta ought to be lessened or special facilities given in order to see that wheat goes from the Punjab to Calcutta in a certain way. That is the point which is under examination and no decision has been reached.

Mr. K. Ahmed : In view of the fact that the Government of India have taken the unusual course of delay, do Government propose, for the benefit of the country, to expedite the matter and take the bull by the horns ?

The Honourable Sir C. P. Ramaswami Aiyar : Government do not ignore the valuable remarks of the Honourable Member who has just spoken.

Dr. Ziauddin Ahmad : In considering this question, will Government also bear in mind the freight between Australia and Calcutta ?

The Honourable Sir C. P. Ramaswami Aiyar : That is very incidental.

PERSONS DETAINED UNDER REGULATIONS.

165. ***Mr. S. C. Mitra** (on behalf of Sardar Sant Singh) : (a) How many persons are under detention under the Regulation III of 1818 and similar Regulations of Bombay and for how many years have they been so detained ? Do Government propose to review their cases ? If so, when ?

(b) Will Government be pleased to state what facilities have been granted to the State Prisoners referred to above regarding, (i) interviews with their friends and relatives, (ii) newspapers and literature, (iii) writing and receiving of letters, and (iv) walking in the open air ?

The Honourable Mr. H. G. Haig : (a) I would refer the Honourable Member to the statement I laid on the table in reply to his question No. 163. The circumstances of detention of these prisoners are constantly before the Governor General in Council.

(b) I would refer the Honourable Member to the answers given by me to parts (f), (g) & (h) of Mr. Das' question No. 41.

TRANSFER OF DETENUS FROM BENGAL TO DEOLI.

166. ***Mr. S. C. Mitra** (on behalf of Sardar Sant Singh) : Will Government kindly state how many detenus have been transferred from Bengal to Deoli in Ajmer ?

The Honourable Mr. H. G. Haig : Ninety-two.

ARRESTS OF SIKHS IN BOMBAY PRESIDENCY FOR WEARING " KIRPANS "

167. ***Mr. S. C. Mitra** (on behalf of Sardar Sant Singh) : (a) Will Government kindly state the number of Sikhs who have been arrested in Bombay Presidency for wearing *kirpan* in the years 1931 and 1932 ? If so, why ? How many are undergoing sentences for wearing *kirpan* ?

(b) Are Government aware that the *kirpan* is exempted from the operation of the Arms Act in the Punjab and also in Bombay ?

(c) Is it a fact that the Bombay Government have placed restrictions on wearing a *kirpan* with blade exceeding nine inches in length ? If so, are Government aware that the Sikhs regard it as interference in their religious observances, if they were asked to discard *kirpans* which they wear in Punjab when entering within the limits of the Bombay Presidency ?

(d) Are the Government of India prepared to move the Bombay Government to abolish this distinction ?

The Honourable Mr. H. G. Haig : (a) I am ascertaining the facts from the Government of Bombay and will lay the information on the table when received.

(b) and (c). In the Punjab there is no restriction on the size of *kirpans*. In certain other provinces, including the Presidency of Bombay, there are restrictions determined in accordance with local conditions.

(d) The answer is in the negative.

Sirdar Harbans Singh Brar : Why should there be restrictions on religious symbols in certain provinces and not in others ?

The Honourable Mr. H. G. Haig : It is open to various Local Governments to make their own rules in regard to the nature of the weapons that may be carried within their own provinces.

Dr. Ziauddin Ahmad : What is this *kirpan* ? I have never seen any Sikh Member of the Assembly wearing it.

(No answer.)

WORKING COMMITTEE OF THE HORSE BREEDING SOCIETY IN SARGODHA.

168. ***Mr. S. C. Mitra** (on behalf of Sardar Sant Singh) : Will Government kindly refer to the answer given to question No. 210 of 11th September, 1931, and state how many officials are in the Working Committee of the Society of the Horse Breeding Society in Sargodha ? Who is the President of this Working Committee and who have been Presidents of this Working Committee during the last six years ? Will Government state whether they are prepared to issue instructions to cut off their connection with the Society and allow it to remain a non-official body ?

Mr. G. R. F. Tottenham : In consequence of a resolution passed at a general meeting of the Shahpur Area Horse Breeding Society, the District Remount Officer was specially permitted by His Excellency the Commander-in-Chief to act as President of the Working Committee. The Society is a non-official body and all the remaining 25 members are elected by the Society itself.

Government are not prepared to debar an officer from assisting a non-official body working solely in the general interests of horse-breeders.

HORSE BREEDING IN JHELMUM CANAL COLONIES.

169. ***Mr. S. C. Mitra** (on behalf of Sardar Sant Singh) : Will Government kindly refer to the answer given to question No. 202 of 11th September, 1931, and state if it is a fact that the Ziladars issue orders in writing to the Lambardars of the various villages to produce their mares in Horse Show fairs and in races ? Is it a fact that such orders were issued to Ch. Ghulam Nabi of Chak 111 N.B., Ghulam Qadir of 115 N.B., Ghulam Rasool of Chak No. 113 N.B., Jalal Din of Chak No. 114 N.B., Lambardar of Chak No. 120 N.B., Sana-Ullah of Chak No. 121 N.B., Hakam Khan of Chak No. 124 S.B., Gur Tek Singh of Chak No. 117 S.B., Santokh Singh of Chak No. 140 S.B., on 7th March, 1932, by Ziladar of Mangwana Zail ? Will Government kindly lay the copy of this order on the table ?

(b) How do Government reconcile their answer to the above question given on 11th September, 1931, with the orders issued ?

(c) Are Government aware that the District Remount Officer, Sargodha Circle, verbally requested the Deputy Commissioner of Shahpur to compel the Ghoris Pals by the use of his influence with them to produce their mares in the races ?

Mr. G. R. F. Tottenham : (a) and (b). There is no record of any such orders, but breeders are strongly advised to show and race selected fillies locally. If the Honourable Member will send me the original orders issued to the breeders mentioned by him, I will examine the matter further.

(c) No.

Mr. B. R. Puri : Was any inquiry made from the Ziladar of Mangwana Zail as to his activities made in the matter ?

Mr. G. R. F. Tottenham : I should like to have a notice of that question.

Mr. B. R. Puri : If I were to supply a photographic copy of the order that he issued to the Lambardars concerned, will that help the Honourable Member to make further investigation in this matter ?

Mr. G. R. F. Tottenham : Yes, Sir.

Mr. B. R. Puri : Would it be of interest to the House if I read that order for the information of the Honourable Member ? Is the Honourable Member aware that an order in the following words was issued. (The order in vernacular was read out.) It purports to be an order issued to various Lambardars to bring their mares on the occasion of a fair. It was issued in the form of an order and the signatures of the Lambardars concerned were obtained in a column provided for the purpose. Is the Honourable Member aware that such an order was issued ?

Mr. G. R. F. Tottenham : No, Sir. As I have said in reply to the question, I have no record of such an order, but I shall be very glad to look into the matter. I am quite prepared to admit that the Ziladar may have exceeded his instructions in the wording of the notification given to the horse breeders and I will have the necessary inquiries made.

Mr. B. R. Puri : Is the Honourable Member aware that it could not be ' a disinterested advice ' which was given to these people because, in that case, there will be no occasion to obtain the signatures of the Lambardars concerned ?

Mr. G. R. F. Tottenham : I do not quite understand the point of that question.

Mr. B. R. Puri : I understood the Honourable Member to say that the Ziladars merely advise the Lambardars to send their mares on occasions of fairs. If that was merely a disinterested advice, why obtain the signatures of these people ? When an advice is issued, why are they required to put down their signatures in token of the fact that such an advice has been communicated to them ?

Mr. G. R. F. Tottenham : As I have said, Sir, I am prepared to admit that the Ziladar may have exceeded his instructions in this matter, and, if that is the case, I am prepared to take such action as may be necessary.

Mr. B. R. Puri : That is why it led me to ask the Honourable Member whether from the Ziladar concerned any inquiry was made and what was his answer to it ?

Mr. G. R. F. Tottenham : I want to have notice of that question.

Mr. B. R. Puri : But everything is put down there in the question. The name is put down there and his conduct is illustrated in the question. I would like to know from the Honourable Member whether any inquiry was made from the delinquent Ziladar whose conduct is the subject-matter of question No. 169.

Mr. G. R. F. Tottenham : I must ask notice of that question.

Mr. B. R. Puri : The notice is there, the facts are there, the numbers and the details are all there already in the question and the man is referred to as the Ziladar of Mangwana Zail. My question is whether any enquiry was made from the man against whom definite allegations are made in the original question ?

Mr. G. R. F. Tottenham : Frankly, I do not know whether any enquiry has been made. That is why I asked for notice of the question.

HORSE BREEDING IN JHELMUM CANAL COLONIES.

170. **Mr. S. C. Mitra** (on behalf of Sardar Sant Singh) : (a) Is it a fact that the Ziladar of the Army Remount Department engaged the services of *Nal-band* for the purpose of shoeing the mares ? Is it also a fact that this Ziladar collects Rs. 1-8-0 per mare after every six months from each Ghori Pal ? If so, are Government aware that a large amount of money is thus collected from the Zamindars by the Ziladar of the Department and a very small portion of the collection is given to the *Nal-band* and the remaining is retained by the Ziladar ?

(b) Are Government aware that those Ghori Pals who refuse to get their mares shod by this *Nal-band* are looked upon with disfavour by the District Remount Officer ?

Mr. G. R. F. Tottenham : (a) The Honourable Member appears to have been misinformed. *Nal-bands* are maintained in each horse breeding Zail of the Area to attend to the feet of the stock, and are engaged entirely under arrangements made by the horse-breeders themselves. The usual charge is Rs. 2 per mare per annum and is paid direct to the *nal-band*. The Ziladar has nothing to do with the collection of this fee, but he often advises a *nal-band* in regard to the correct treatment of the feet of the stock.

(b) No, Sir. The District Remount Officer certainly does insist on the proper treatment of the feet of all stock, but he does not stipulate how and by whom this treatment should be carried out.

Mr. B. R. Puri : Do I understand from the Honourable Member that the particular Ziladar has got no concern with the collection of dues for payment to *nal-bands* ?

Mr. G. R. F. Tottenham : Yes, that is the position.

Mr. B. R. Puri : May I ask the Honourable Member whether any enquiry was made from the Ziladar of Mangwana Zail ?

Mr. G. R. F. Tottenham : No, Sir.

Mr. B. R. Puri : Is the Honourable Member aware that on the 1st of November, 1931, this Ziladar of Mangwana had actually issued orders to the Lambardars to bring their mares as well as their dues for payments to the *nal-band* ?

Mr. G. R. F. Tottenham : No, Sir, I have no information about that.

HORSE BREEDING IN JHELMUM CANAL COLONIES.

171. ***Mr. S. C. Mitra** (on behalf of Sardar Sant Singh) : (a) Will Government kindly give the total number of colts and fillies offered for sale to Government on the occasions of the Annual Inspection of the District Army Remount Officer in 1931 and 1932 ? How many were actually purchased and how many rejected ?

(b) How many such colts and fillies were offered for sale on the occasion of the quarterly purchase tour in March-April, 1932 and how many were actually purchased by Government ?

(c) Is it a fact that Government purchase a limited number of colts and fillies every year ? Is it also a fact that the limit of the number required is sent to the District Remount Officer beforehand ? Is it also a

fact that more colts and fillies are offered for sale than are required by the Department and thus a large number of them have to be rejected not on account of the quality but because Government do not require more ? Is it also a fact that the Department does not write in the certificate of such colts and fillies that Government do not require to purchase them ? Is it also a fact that non-entry in the certificate prejudices the conditions of the Ghori Pals ?

Mr. G. E. F. Tottenham : (a) During 1931-32, the number of young stock was 1,411. Of these, 445 were purchased as remounts. 423 fillies were accepted as replacements of brood mares and 543 young stock were rejected.

(b) 274 young stock were seen by the District Remount Officer during his tour in March, 1932. Of these, 110 were purchased, 59 fillies were accepted as replacements and 105 were rejected

(c) No, Sir. Young stock which is suitable for purchase by Government is never rejected ; it is the aim of Government to buy as many young stock as possible.

Before the purchasing season, an estimate is made of the number of young stock which will be suitable for purchase by Government and funds are allotted accordingly. Extra funds are supplied if the District Remount Officer finds that there are more animals suitable for purchase than the number estimated at the beginning. The suggestion made in the last two parts of this question is therefore unnecessary.

HORSE BREEDING IN JHELMU CANAL COLONIES.

172. ***Mr. S. C. Mitra** (on behalf of Sardar Sant Singh) : Will Government kindly give the percentage result of the coverage for each year for the last three years ?

Mr. G. E. F. Tottenham :	1929-30	43.65
	1930-31	42.21
	1931-32	42.24

HORSE BREEDING IN JHELMU CANAL COLONIES.

173. ***Mr. S. C. Mitra** (on behalf of Sardar Sant Singh) : Will Government kindly refer to the answer to question No. 196 of the 11th September, 1931 (regarding horse-breeding in the Jhelum Canal Colonies) and state when the information desired in part (c) of that question will be available ? Is it a fact that office keeps regular records ?

Mr. G. E. F. Tottenham : As stated by Mr. Young, in reply to the question quoted, the full information desired is not available. Regular records are of course kept, but they are destroyed after a reasonable time.

HORSE BREEDING IN JHELMU CANAL COLONIES.

174. ***Mr. S. C. Mitra** (on behalf of Sardar Sant Singh) : Is it a fact that the Remount Officer, Sargodha Circle, does not record any reason when he discharges any mare which he considers unfit for foaling ?

Mr. G. E. F. Tottenham : No, Sir. The District Remount Officer always records the reasons for branding out any mare and the owner is informed accordingly.

EMPLOYEES OF ARMY REMOUNT DEPARTMENT, SARGODHA CIRCLE.

175. *Mr. S. C. Mitra (on behalf of Sardar Sant Singh) : Will Government kindly refer to the answer to question No. 217 of the 11th September, 1931, and state whether the residence of the employees of the Army Remount Department is not recorded in the character roll of each employee? If so, will Government kindly collect the information required in part (b) of that question and inform the House as to the number of employees belonging to Shahpur District getting more than Rs. 20 a month? How many of them belong to each community Hindu, Muslim and Sikh?

Mr. G. R. F. Tottenham : The places of residence of employees of the Army Remount Department are recorded in the service books.

There are 35 Muslim, 6 Hindu and 4 Sikh employees drawing more than Rs. 20 a month. 13 of those employees belong to the Shahpur District.

HORSE BREEDING IN JHELM CANAL COLONIES.

176. *Mr. S. C. Mitra (on behalf of Sardar Sant Singh) : Will Government kindly refer to the answer to question No. 215 of the 11th September, 1931, and state if the total cost, Rs. 1,000 for a young horse, includes the overhead charges, if any? Will Government kindly state what is the average overhead charges for a young horse?

Mr. G. R. F. Tottenham : The correct assessment of overhead charges is always a difficult matter. The figure of Rs. 1,000 included Rs. 225 for the purchase price and Rs. 775 for feed and keep for about 3 years, including overhead charges such as pay of officers, maintenance of buildings, etc.

CONDITIONS FOR HORSE BREEDING IN THE SARGODHA CIRCLE.

177. *Mr. S. C. Mitra (on behalf of Sardar Sant Singh) : Will Government kindly lay on the table the information promised to questions No. 1270, 1271, 1272 on the 13th November, 1931, regarding horse breeding and horse breeders in Sargodha Circle?

Mr. G. R. F. Tottenham : The answers to the three questions were communicated to the Honourable Member in Mr. Young's letter of the 11th December, 1931. A copy of this letter has already been placed in the Library and is now laid on the table.

Copy of letter No. 196-Y., dated the 11th December, 1931, from Mr. G. M. Young, C.I.E., to Sardar Sant Singh.

Would you kindly refer to the reply I gave on the 12th November to your starred questions Nos. 1270, 1271 and 1272. The answers to the questions are as follows :
No. 1270.

(a) Yes.

(b) No.

(c) There is no rule or instruction in the Shahpur Horse Breeding Area under which breeders must receive a "permission to sell" seal before disposing of young stock over 18 months old.

I understand that in some cases breeders whose young stock have been rejected have requested the District Remount Officer for permission to show them again at a later date. In cases where such young stock has

been produced for inspection when over 18 months old and has again been rejected, the District Bount Officer has affixed a "permission to sell" seal.

- (d) The Government of India understand that there are no rules on the points mentioned in the preceding part of the question, but merely executive instructions which the local Government have issued for the guidance of officers, and which they do not wish to be published. The Government of India are therefore not prepared to lay a copy on the table.
- (e) No, except when young stock are not purchased in consequence of neglect on the part of breeders.

No. 1271.

No grantee is reported for keeping a mare incapable of bearing foals fit for the Army.

When a mare becomes old and worn out or barren from veterinary reason, she is branded out and the grantee is given three months' notice to produce another suitable mare. Failure of the grantee to comply with this condition necessitates a report to the civil authorities.

When a mare is starved and thus ruined by a grantee, a report is made to the Deputy Commissioner.

No. 1272.

- (a) A report on the bad horse breeding record of this Chak was sent to the Deputy Commissioner on the 17th July, 1931. Notice of the first set of your questions on horse-breeding was received in the Army Department on the 31st of July.
- (b) No complaints of this nature have been brought to notice.
- (c) No. He was reported for having failed to fulfil the conditions attached to his grant. He was ordered on the 7th January, 1931 to produce a mare within three months, but failed to do so up to 17th July, 1931, the date on which the report was made.
- (d) No.
- (e) No action is necessary.

2. In a supplementary question you asked whether the replies to your questions could be laid on the table of Legislative Assembly. I will lay on the table in due course the reply to question No. 1271 and a copy of this letter will be placed in the Library.

ASSISTANCE TOWARDS THE EDUCATION OF CHILDREN OF THE EMPLOYEES OF THE EAST INDIAN RAILWAY.

178. *Kunwar Baghbir Singh : (a) Are Government aware that old East Indian Railway employees will get no assistance towards the education of their children unless they are brought under the new rules ?

(b) Does this condition apply to Europeans and Anglo-Indians ? If not, why not ?

Mr. P. B. Rau : (a) Under the old East Indian Railway Company Rules no direct assistance from railway funds was given to employees, and it is only if they exercise the option of electing for the new rules that they will be entitled to the assistance proposed under the new rules.

(b) The rule does apply to Europeans and Anglo-Indians, but as under the old East Indian Railway Company rules, though no direct assistance was given to employees in general, indirect assistance was given to European and Anglo-Indian employees in the form of reduced fees for their children reading in the Oakgrove School ; such employees who elect to remain under the old rules will continue to get this benefit.

Mr. Gaya Prasad Singh : May I know why this discrimination in favour of Anglo-Indians and Eurasians is being maintained ?

Mr. P. B. Rau : It has not been maintained in the new rules. But only the employees who were entitled to certain concessions under the old rules will continue to receive those concessions if they exercise the option of remaining under the old rules.

Mr. Gaya Prasad Singh : May I ask the Honourable Member if there was racial discrimination under the old rules between Anglo-Indians and Eurasians on the one hand and Indians on the other in respect of this matter ?

Mr. P. B. Rau : I have just now explained that no direct assistance was given to employees in general, but indirect assistance was given to Europeans and Anglo-Indians.

Mr. Lalchand Navalrai : Why was that distinction not removed now ?

Mr. P. B. Rau : I have already explained that the distinction has been removed under the new rules. It is not the policy of Government to withdraw from the existing employees any concessions that they were previously entitled to.

Dr. Ziauddin Ahmad : Is this policy of continuing the old privileges a uniform policy or is it only in the matter of education ?

Mr. P. B. Rau : It is the general policy of Government to give their existing employees the option to remain under the existing rules when new rules are introduced.

PASSES ALLOWED TO RAILWAY EMPLOYEES.

179. ***Kunwar Baghbir Singh :** What is the monthly ratio of passes allowed to superior and subordinate railway employees, European and Anglo-Indian, as opposed to Indians ?

Mr. P. B. Rau : The information is not available and will involve too much labour to collect. I should add that so far as I am aware the pass rules of railways do not make any distinction between European, Anglo-Indian and Indian employees as such.

SEATS FOR LANDHOLDERS IN PROVINCIAL AND CENTRAL LEGISLATURES.

180. ***Nawab Naharsingji Ishwarsingji :** Are Government aware that the Lothian Franchise Committee have not thought it expedient to increase proportionately the number of seats for the land-holders class in the Provincial and Central Legislatures ?

The Honourable Sir C. P. Ramaswami Aiyar : Government are aware of the recommendations in paragraphs 333 and 426 of the report of the Franchise Committee that the special representation now given to landholders should not be proportionately increased in the future provincial councils and in the Assembly.

Mr. N. M. Joshi : Are Government aware that the landholders are all enjoying much larger representation in the legislatures than their proportion warrant ?

The Honourable Sir C. P. Ramaswami Aiyar : Opinion is not uniform on that point.

Nawab Naharsingji Ishwarsingji : Will Government be pleased to state whether the decision of the Lothian Committee was based either on the recommendation of the Government of Bombay or Government of India ?

The Honourable Sir C. P. Ramaswami Aiyar : The Lothian Committee based their decisions on their investigations.

Dr. Ziauddin Ahmad : Are Government aware that non-landholders have got a majority of votes and unless the interests of landholders are protected, it will be very difficult for them to get seats in future legislatures ?

The Honourable Sir C. P. Ramaswami Aiyar : Advocates of that view will put forward their representations on the proper occasion and at the proper time.

HOLIDAY CONCESSIONS ON THE JODHPUR RAILWAY.

181. ***Nawab Naharsingji Ishwarsingji** : Are Government aware that the Jodhpur Railway Company gives no concession during any holiday ? If so, do Government propose to take any action in the matter ?

Mr. P. B. Rau : The matter is entirely within their discretion, but I am informed that concessions are granted by the Jodhpur Railway during certain holidays.

CONSTRUCTION OF A BRIDGE OVER NARBADA RIVER NEAR BROACH BY THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

182. ***Nawab Naharsingji Ishwarsingji** : Are Government aware that the Bombay, Baroda and Central India Railway Company are going to construct a new bridge on the river Narbada near Broach ? If so, will Government state whether the question of purchasing the old bridge for the provincial road is settled or not ? Is it a fact that the Road Committee had decided the question favourably at its session held at Simla last year ?

The Honourable Sir Frank Noyce : Government are aware that the Railway Company are about to construct a new bridge over the Narbada at Broach, the work upon which will probably be commenced during the coming cold weather. They are also aware that the question of the purchase of the old bridge by the Bombay Government for conversion into a road bridge has been under the consideration of that Government. The Local Government recently applied to the Government of India for a special grant from the reserve with the Government of India in the road development account towards the purchase of the old Railway bridge. This request was considered by the Standing Committee on Roads at their meeting held on the 3rd October, 1931, and the Committee recommended that the project might be approved on condition that no payment should be made in regard to it until the bridge was actually handed over by the Bombay, Baroda and Central India Railway to the Bombay Government. As the present road development account will terminate in March, 1934, and as the old bridge will not be available for purchase by the Local Government for some three or four years after the construction of the new bridge has been commenced, the expenditure cannot fall within the period during which the present road development account will be in

force and pending a decision as to the future arrangements with respect to this account the Government of India are unable to offer any contribution from their reserve.

NUMBER OF PERMANENT EMPLOYEES OF THE SECURITY PRINTING, INDIA, CURRENCY NOTE PRESS AND CENTRAL STAMP STORES AT NASIK.

183. *Nawab Naharsingji Ishwarsingji : Will Government be pleased to state :

- (a) the total number of permanent men (pensionable, non-pensionable and on contract) working in the Security Printing, India, Currency Note Press and Central Stamp Stores at Nasik Road, *excluding* pattawalas and the Watch and Ward Department giving the following details about all the Government servants referred to above individually;—(1) Name, (2) Designation, (3) Grade with present pay, (4) Educational qualifications where necessary, and (5) Caste to which he belongs, if a Hindu, giving his sub-caste, *i.e.*, Brahmin, Bania, etc.?
- (b) whether it is a fact, that there are only five permanent Muslims in all the three concerns referred to in part (a) above ; and
- (c) the total number of Muslims and non-Muslims drawing a salary of Rs. 100 per mensem and above ?

The Honourable Sir Alan Parsons : I shall answer questions Nos. 183, 184 and 213 together.

The attention of the Honourable Member is invited to replies given to identical questions asked by Mr. Maswood Ahmad on his behalf on the 10th February, last.

TECHNICAL APPRENTICES IN THE SECURITY PRINTING, INDIA, AND CURRENCY NOTE PRESS AT NASIK.

†184. *Nawab Naharsingji Ishwarsingji : Will Government be pleased to state :

- (a) the number of apprentices selected on the technical side in the Security Printing, India, and Currency Note Press in different grades giving their caste and qualifications ;
- (b) of these, how many were provided with permanent jobs and how many were sent away either duly trained or retrenched without completion of their course and the reasons for the latter ;
- (c) whether it is a fact that two Muslim apprentices with previous experience in printing in England were engaged ;
- (d) whether they were promised to be provided with some permanent jobs by the Master, Security Printing, India, before appointment ;
- (e) whether it is a fact that : (i) one of them was ill-treated by his Anglo-Indian and European Superiors, and (ii) subse-

†For answer to this question, see answer to question No. 183.

quently he was sent away on account of reduction of establishment ;

- (f) what the total strength of apprentices was when one Muslim apprentice was sent away, and the reasons for so doing ;
- (g) whether there are any permanent vacancies on the technical side ; and
- (h) if so, the reasons for not appointing Muslims in any of them ?

GOVERNMENT POLICY ON IMPERIAL PREFERENCE.

185. ***Mr. Muhammad Azhar Ali** : (a) Was any letter addressed by the Secretary, Indian Chamber of Commerce, Calcutta, to the Secretary, Government of India, Commerce Department, in or about April, 1932, on Imperial Preference, in reply to the Government of India's letter No. 752/T. (4), dated the 6th April, 1932 ? If so, has the Government brought to the notice of the Delegation to the Ottawa Conference the views expressed in the letter of the Indian Chamber of Commerce opposing their Imperial Preference policy ? If not, why not ?

(b) Has the Tariff Board given any decision or opinion as to the rate of protection to be afforded to the United Kingdom as regards its manufactured goods ?

(c) Is it a fact that the Government of India have already decided to work on Preferential Regime, so far as the United Kingdom is concerned ?

(d) Are the questions of protection to the cotton textile industry and the rate of protection to the United Kingdom against other countries, to be placed before the Legislative Assembly in its Simla Session of 1932 ? If not, why not ?

The Honourable Sir C. P. Ramaswami Aiyar : (a) Yes, and a copy was supplied to the Indian Delegation to the Imperial Economic Conference at Ottawa along with copies

12 Noon. of the replies to the same letter received from other Chambers of Commerce and Commercial Associations in India.

(b) The question of protection to goods manufactured in the United Kingdom has not been referred to the Tariff Board.

(c) The attention of the Honourable Member is invited to the statement made by Sir George Rainy in this House on the 4th April, 1932, regarding the participation of India in the Imperial Economic Conference at Ottawa and the Press Communiqué issued by the Government of India on the 20th August, 1932, giving the main features of the Trade Agreement reached at Ottawa between His Majesty's Government in the United Kingdom and the Government of India.

(d) The Honourable Member presumably has in mind the enquiry into the general question of protection to the Indian Cotton Textile Industry which was committed to the Tariff Board in April last. The Board has not yet completed this enquiry. As I have already indicated, no question arises of protection to the United Kingdom against other countries.

STATEMENTS LAID ON THE TABLE.

Mr. T. Ryan (Director-General of Posts and Telegraphs) : Sir, I lay on the table the information promised in reply to starred question No. 820 asked by Mr. D. K. Lahiri Chaudhury on the 23rd September, 1931, and questions Nos. 1075—77 asked by Mr. Uppi Saheb Bahadur on the 30th March, 1932.

QUARTERS OF THE DEPUTY PRESIDENCY POST MASTER IN THE " ARCADE BUILDING ".

820. (a) Yes.

(b) Yes, he was exempted on the grounds that the quarters were not adapted to the needs of an Indian Officer living in the orthodox style.

(c) Yes.

(d) Yes, because he did not actually occupy the quarters for reasons given in (b).

(e) In the Division in question there are three officials, *viz.*, two postmen and one telegraph messenger, who are not occupying Government quarters allotted to them.

(f) and (g). In two of the cases referred to the quarters are not being occupied not on the grounds of unsuitability, but because the officials in question prefer to live in their own houses in the neighbourhood. According to the rules rent is payable in such cases and is therefore being recovered. In the third case it has been decided that as the quarter has not been occupied on the ground of unsuitability, no rent should be recovered in respect of it.

OVERTIME ALLOWANCE PAID FOR SORTING ENGLISH MAIL.

1075. (a) Yes.

(b) There has been no reduction in the rate of overtime allowance, but as the result of revised arrangements introduced in the Calcutta G. P. O., the duty of attendance on alternate Sundays has been distributed over the entire staff as far as possible, and the payment of overtime for work relating to foreign mails has been restricted to a limited staff of the Delivery Department who are required to work on all Sundays. Certain staff drafted as auxiliaries on alternate Sundays from other Departments in which all Sundays are observed as holidays, are required to work in connection with inward foreign mails for only 4 hours and are not paid for overtime, seeing that officials attending office on alternate Sundays in connection with other duties have to work for a longer period and without such payment.

(c) Yes.

(d) Does not arise.

OVERTIME ALLOWANCE PAID FOR SORTING ENGLISH MAIL.

1076. (a) and (b). Yes.

(c) The grant of the concession depends on the exigencies of the service.

OVERTIME ALLOWANCE PAID FOR SORTING ENGLISH MAIL.

1077. (a) No. The payment for overtime work in connection with the sorting of the Foreign Mail is now confined, outside Calcutta, to the Bombay, Karachi and Madras Post Offices. In these places the system followed in Calcutta of disposing of this work with the help of auxiliaries without payment of overtime has not yet been adopted, but the Heads of Circles concerned are being consulted as to whether it is not practicable to follow it.

(b) Does not arise.

The Honourable Sir C. P. Ramaswami Aiyar (Member for Commerce and Railways) : Sir, I lay on the table the information promised in reply to starred question No. 1039 asked by Mr. J. K. Munshi on the 29th March, 1932.

**RACIAL DISCRIMINATION BY THE BRITISH INDIA STEAM NAVIGATION COMPANY
IN DISEMBARKING PASSENGERS.**

1039. An enquiry on the subject was made from Messrs. Mackinnon Mackenzie and Company, Managing Agents of the British India Steam Navigation Company, and the Company reported that the only passengers to whom Debarkation Passes were not issued were non-Asiatic first class passengers, but that from April last Debarkation Passes are being issued to these passengers also.

Mr. P. R. Rau (Financial Commissioner, Railways) : Sir, I lay on the table :

- (i) the information promised in reply to part (c) of unstarred question No. 232 asked by Lala Rameshwar Prasad Bagla on the 23rd March, 1932 ;
- (ii) the information promised in reply to starred questions Nos. 1102, 1103, 1104, 1105 and 1106 asked by Mr. Bhuput Sing on the 1st April, 1932 ;
- (iii) the information promised in reply to unstarred question No. 222 asked by Lala Rameshwar Prasad Bagla on the 23rd March, 1932 ;
- (iv) the information promised in reply to starred question No. 909 asked by Mr. S. C. Mitra on the 23rd March, 1932 ;
- (v) the information promised in reply to unstarred question No. 228 asked by Lala Rameshwar Prasad Bagla on the 23rd March, 1932 ;
- (vi) the information promised in reply to unstarred question No. 229 asked by Lala Rameshwar Prasad Bagla on the 23rd March, 1932 ; and
- (vii) the information promised in reply to unstarred question No. 230 asked by Lala Rameshwar Prasad Bagla on the 23rd March, 1932.

**RETRENCHMENT OF OFFICERS AND WORKMEN ON THE NORTH WESTERN
RAILWAY.**

232. Part (c).—(i) One post of Junior Assistant Fuel (Assistant Rolling Stock Officer, Headquarters Office) has been held in abeyance since 1st December, 1931.

(ii) Posts of Locomotive Foremen Grade II (500—25—550) of Ferozepore and Karachi Sheds have been reduced to Grade I (425—25—475) temporarily.

(iii) Posts of Locomotive Foremen Grade I (425—25—475) of Shakurbasti, Dalbandin and Multan Sheds were reduced to those of Shedmen.

(iv) There has been no change in the cadre of Assistant Shed Foremen and Mechanical Boiler Inspectors.

(v) One post of Loco. Inspector, Grade I (425—25—550) on Delhi Division has been held in abeyance.

(vi) One post of Trial Inspector, Grade II (575—25—650), Headquarters Office, has been temporarily reduced to Grade I.

(vii) One post of Boiler Maker Chargeman (185—15—350) on the Karachi Division has been abolished.

(viii) One post of Pump Inspector (185—15—350) on the Ferozepore Division has been abolished.

(ix) One post of Fitter-in-Charge (185—15—350) on the Karachi Division has been abolished.

(x) Two posts of Gas Chargemen (185—15—350) on Karachi Division have been abolished due to closing down of Gas Factory.

GRIEVANCES OF RAILWAY STAFF OF THE HOWRAH GOODS SHED.

1102. Starred question No. 406 of 17th February, 1932 consisted of three parts the replies to which are given below :—

- (a) No. Increases were ordered to be withheld until the men passed the Goods and Coaching examinations but these orders were subsequently modified by the Divisional Superintendent who issued instructions that all increases due to staff up to date should be paid.
- (b) Each man of the Howrah Goods Shed (Outward) was placed on compulsory absence from duty on half pay for 15 days in 1931.
- (c) Payment of Sunday allowance has not been stopped to those men who were in receipt of it prior to 1st January, 1925 and who are entitled to it under the East Indian Railway Company's rules. Staff who joined the service subsequent to 31st December, 1924 are not eligible for this allowance.

STAFF OF THE HOWRAH GOODS SHED COMPELLED TO GO ON LEAVE ON HALF PAY.

1103. (a) Yes.

(b) This was done with the approval of the Government.

RAILWAY PASSES GRANTED TO STAFF OF THE HOWRAH GOODS SHED COMPELLED TO GO ON LEAVE ON HALF PAY.

1104. (a) Fifteen second class passes were issued to the staff of the Howrah Goods Shed (Outward) who were placed on half pay.

(b) The railway did not, by the issue of these passes, lose any revenue or incur any expenditure.

ALLOWANCES OF THE STAFF OF THE HOWRAH GOODS SHED.

1105. (a) Please see part (c) of the reply to question No. 1102.

(b) No.

(c) Does not arise.

ALLEGED RACIAL DISCRIMINATION IN THE PUNISHMENTS IN THE HOWRAH GOODS SHED.

1106. (a) No.

(b) Mr. Biswas was dismissed for taking bribes.

(c) Does not arise.

APPOINTMENT OF JANITOR, HEADQUARTERS OFFICE, NORTH WESTERN RAILWAY.

222. The post of Janitor in the North Western Railway Headquarters office is not reserved for Europeans and Anglo-Indians only. The last selection, in 1928, was

made by a Selection Board which considered candidates from among the staff already in service nominated by Divisional Superintendents and certain outsiders. Of the total number of 25 applications considered by the Board one was from an Indian, the remaining 24 being from Europeans and Anglo-Indians. As the post is generally filled by selection of employees already in service, applications for the same were not advertised for.

SUB-LETTING OF A RAILWAY BUNGALOW IN RAWALPINDI.

909. (a), (b) and (c). Yes.

(d) Mr. Raynor was permitted to make private arrangements to accommodate two military officers in the accommodation not required by him on the clear understanding that these officers would vacate the premises in the event of their being required for any other railway officer.

(e) The action taken by the Divisional Superintendent has been approved by the Agent as fully safeguarding the interests of the railway. The question of disciplinary action does not therefore arise.

QUALIFICATIONS OF LADY STENOGRAPHERS AND TYPISTS ON THE NORTH WESTERN RAILWAY.

228. From 1924 onwards the minimum educational qualification required for clerical appointments on the North Western Railway has been a matriculation certificate of the first or second division. Third division matriculates as well as non-matriculates were, however, occasionally engaged as typists up to February, 1931. From March, 1931, the minimum educational qualification required for clerical posts has been enforced in the case of male typists also in order that they may have the opportunity for transfer to and advancement in the clerical grades of office establishment.

As lady typists do not look for transfer to or advancement in the clerical grades, it is considered sufficient for them to pass a test in their capabilities as typists. The Agent of the North Western Railway reports that the discrimination is not racial.

PAY OF LADY TYPISTS ON THE NORTH WESTERN RAILWAY.

229. The reply to the first part is in the affirmative. Lady typists are not attracted by pay less than the scale of Grade II, Rs. 68—95 owing to the fact that they have no prospects of further advancement in the service. Male typists can be obtained at a lower rate of starting pay as they have prospects of further advancement and, as it is considered by the North Western Railway administration desirable to have a few lady typists in employment, no change in their scale of pay is at present contemplated.

PROMOTION OF TYPISTS ON THE NORTH WESTERN RAILWAY.

230. (a) As the educational standard fixed for office clerks is matriculation first or second division, third division matric or non-matric typists are not eligible for transfer as office clerks.

(b) It is presumed that "higher grade" instead of "lower grade" is meant. The number of posts in each grade is distributed according to the requirements of the work and promotion from grade to grade is dependent on vacancies in the higher grade.

(c) Since 1924, third division matriculates or non-matriculates have not been eligible for employment in clerical posts, but those admitted to such posts before that date have continued to receive advancement earned by good service.

(d) The restriction regarding selection for clerical posts being confined to first and second division matriculates was introduced with a view to improve the quality of the establishment and it is not proposed to alter it or remove it.

(e) The Agent of the North-Western Railway reports that the number of grades in the copying branch of the Headquarters office is appropriate to the work in that branch and it is, therefore, not proposed to increase this number.

The Honourable Sir C. P. Ramaswami Aiyar (Leader of the House) : Sir, before any other business of the day is taken up, may I request that you should ascertain the feeling of the House about allowing the House to come back after the Lunch adjournment at about a quarter past Three ? The reason is that there is a very important business in which the Members of Government are concerned and that business has to be transacted during Lunch time, and we do not wish to be guilty of any discourtesy towards this House. So if it is convenient to the House to meet at 3-15, we will reassemble at that time.

(The House agreed.)

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : As the House agrees to that arrangement the Chair will adjourn after Lunch to a Quarter Past Three.

ALLOTMENT OF A DAY FOR DISCUSSING THE FUTURE CONSTITUTIONAL PROGRAMME.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan) : Sir, may I ask the Honourable the Leader of the House a question with reference to what I, Mr. Morgan and Sir Abdur Rahim asked him the other day with regard to giving us a date for the purpose of discussing the future constitutional programme and procedure, during this Session ? Sir Abdur Rahim has authorised me to say that he associates with me in this matter.

The Honourable Sir C. P. Ramaswami Aiyar (Leader of the House) : Sir, the Honourable the Leader of the Opposition wrote to me on that matter and I now gather that the Honourable the Leader of the Independent Party and Mr. Morgan are also anxious that a day should be given for the discussion of what is called the constitutional issue. I may say at once that it would conduce to convenience if the matter is crystallised in the form of some Resolution so that we may know exactly what the point is that is sought to be raised and elucidated. Provided that be done, Government are only too anxious to comply with the desires of the Opposition. What that day would be and how it can be fitted in into the programme, will be decided in consultation with you, Mr. President, and the Leaders of the various Parties.

Sir Hari Singh Gour : In reply to what has fallen from the Honourable the Leader of the House, it is our intention to crystallise and focus the specific issue upon which we wish to carry on the debate but that will be done as soon as the Honourable the Leader of the House announces a date.

The Honourable Sir C. P. Ramaswami Aiyar : The position is that Government are willing and indeed anxious that a day should be given for a discussion of the points mentioned by the Honourable Member. But this is not connected with the question of the actual date. What we should like to have is a Resolution, and having got a Resolution we should, subject to what you might say, Mr. President, and to the Government business and all other relevant considerations, have a discussion with the Leaders of Parties and find out a date.

STATEMENT LAID ON THE TABLE.

SUICIDE COMMITTED BY MRINAL KANTI ROY CHAUDHURY, A DETENU IN THE DEOLI DETENTION CAMP.

The Honourable Mr. H. G. Haig (Home Member) : Sir, I lay on the table the Magistrate's order on the detenu's suicide at Deoli promised in reply to Mr. Neogy's supplementary question on the 6th September last.

Finding.

The deceased, Mrinal Kanta, was a detenu in Deoli Jail. He arrived there on the night of the 28/29th May, 1932. Previously he had been in Hijli Detention Camp and Presidency Jail, Calcutta, and was suffering from incipient T. B. He appeared moody and silent and kept apart from his companions. Mrinal Kanta was examined by the Jail M. O., Sub-Assistant Surgeon Md. Ali, and on his recommendation and that of his fellow detenus, he was segregated in a separate room on the 1st June. He did not receive any special diet, but was attended daily by the Jail M. O. On the morning of the 4th June he stated to the Superintendent that he wished to be taken outside the Jail, as he was worried and could not sleep owing to the suspicions of his fellow detenus that he was a police agent or spy. Mrinal Kanta stated he feared harm at their hands. He begged to be placed in a separate place as he wished to confess. The Superintendent pointed out to him that if he was once taken out of the jail, his companions would believe that he had confessed whether he did or did not and his return would be inadvisable. But Mrinal Kanta insisted on being removed out of the influence of his fellow detenus. He also complained of sleeplessness, constipation and dizziness. The Superintendent accordingly removed him from the jail and placed him in the only separate accommodation available, namely the cells. Mrinal Kanta was attended to by the M. O. and given medicine and a sleeping draught. He appeared happier when once outside the Inner Enclosure and away from his fellow detenus. He requested that he should be sent to a Bengal Jail, and not to his home, as he feared that he would be murdered. He was regularly visited and attended to by the Jail authorities and appeared better on the morning of the 5th June. At 2 P.M. the M. O. found him normal and at 3-30 P.M. the Head Constable, Gulab Singh, found him eating a lemon and removed the remainder of his food. That morning he had again petitioned not to be sent back to the jail and was assured by the Superintendent that he would not be sent back for the present.

In my opinion the reason that he was taken outside the jail and placed in a separate cell, was that he was in fear of his companions. There is no evidence of misconduct on his part necessitating removal to a cell. For mere health purposes he was already segregated.

The deceased was last seen alive at about 3-30 P.M. on the 5th June by Head Constable Gulab Singh. The last evidence of his being alive was about 4-10 P.M. when the sentry, Anand Singh, stated the deceased called out for some water to be put on his "Cus Cus" matting, which was done by the sentry. The first evidence of the tragedy was about 4-30 P.M. when the sentry Anand Singh, looked inside the cell, and saw the deceased hanging from a rope. The sentry states that the body was slightly moving on the rope. When at about the same time, the Head Constable, Gulab Singh, looked in, the body was still. On his way to report he met Subedar Jewar Singh, who was going to the deceased with a note from the Superintendent. The Subedar also looked in, and found the body still. The Subedar informed the Superintendent and M. O. who were in the vicinity. Owing to the nearness of the cells to the office the time, from which the sentry saw the body until the Superintendent opened the door, was probably quite a short time, but the exact length of time cannot be ascertained. The Superintendent states that he sent the Subedar with the note at about 4-20 P.M. and that the Subedar came back in about 5 minutes. None of the other witnesses noted the time as exactly so I consider that the tragedy occurred between about 4-10 P.M. and 4-25 P.M. on the 5th June, 1932. The Superintendent at once cut down the body with a knife found in the cell, as he found the body still warm and hoped to resuscitate the deceased. But all was in vain as the Doctor, Mod. Ali, found no pulse.

The deceased had been much worried with his troubles, and was apprehensive of returning to the jail and his companions. He was apparently easier in mind while in a separate cell, but his desire not to be sent back to the jail undoubtedly preyed

on his mind. I consider he was normal in mind when seen by the Doctor at about 2 P.M. and the Head Constable Gulab Singh at about 3-30 P.M.

From the Post Mortem reported from what I saw when I viewed the body, I am satisfied that the deceased bore no signs of external injury beyond the mark round his neck and had not received bodily maltreatment. It also appears from the Post Mortem Report that the T. B. was healed.

From the evidence taken the Post Mortem Report, and what I have myself carefully observed and noted, I have no doubt whatever that the deceased, Mrinal Kanta, did, between the hours of about 4-10 P.M. and about 4-25 P.M. on the 5th June, 1932, cut a piece of rope, which was attached to the canvas of his deck chair, with a knife in his possession, and with the aid of his cot, and a table placed on it, did tie the same piece of rope round his neck and also to the second bar, from the right, of the ventilator of his cell, and did then jump off the table and thus commit suicide by fracture of the spinal column of the neck, by hanging himself with the said rope, while in a temporary unsound state of mind.

Therefore I give a finding of suicide by fracture of the spinal column of the neck by hanging with a rope, while in a temporary unsound mind.

I would add that I consider that the jail authorities did all in their power to alleviate the condition of the deceased at all times, and that I consider the chief cause of his act was apprehension of his bodily safety at the hands of his fellow detenus, if sent back to live amongst them in the jail.

(Sd.) H. B. DAVIDSON, *Major,*
Honorary Magistrate 1st Class.

Dated 8th June, 1932.

(True copy.)

H. B. DAVIDSON, *Major,*
Honorary Magistrate 1st Class,
Deoli.

REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

The Honourable Sir Alan Parsons (Finance Member) : Sir, I present the first part of the report of the Public Accounts Committee on the accounts of 1930-31.

Report of the Public Accounts Committee on the Accounts of 1930-31.

I.—Presentation of the Report in two parts.

1. We have completed our examination of the Appropriation Accounts prepared by the Accountant General, Central Revenues, the Accountant General, Posts and Telegraphs, and the Financial Adviser, Military Finance, along with connected documents. We present the first part of our report dealing with these accounts and shall present the second part at a subsequent session of the Assembly. This procedure, which is in consonance with the practice of the Public Accounts Committee in the United Kingdom, will enable departmental action to be taken more quickly on our recommendations than if we had to wait for the completion of our examination of the Railway Accounts before making our report.

II.—Excess Votes.

2. *General Summary.*—The following table compares the total grants voted by the Legislative Assembly with the total expenditure against those grants :

(In lakhs of rupees.)*

	Original grant.	Supple- mentary grant.	Final grant.	Actual expenditure.
Expenditure charged to Revenue	1,09,73	13,99	1,23,72	1,22,32
Expenditure charged to Capital	19,05	12	19,17	14,90
	1,28,78	14,11	1,42,89	1,37,22
Disbursements of loans and advances ..	8,57	1,86	10,43	12,55
Grand Total ..	1,37,35	15,97	1,53,32	1,49,77

3. The following table compares the non-voted appropriations sanctioned by the Government of India with the total expenditure against such appropriations :

(In lakhs of rupees.)

	Original Appropriation.	Supplementary Appropriation.	Final Appropriation.	Actual expenditure.
Expenditure charged to Revenue ..	1,19,36	9	1,19,45	1,19,59
Expenditure charged to Capital	2,19	11	2,30	2,29
Total Expenditure ..	1,21,55	20	1,21,75	1,21,88

*The figures in paragraphs 2 to 6 include Railway figures.

4. The position regarding total expenditure, voted and non-voted, is as follows :

(In lakhs of rupees.)

	Original grant.	Final grant.	Actual expenditure.
Expenditure charged to Revenue	2,29,09	2,43,17	2,41,91
Expenditure charged to Capital	21,24	21,47	17,19
Total Expenditure	2,50,33	2,64,64	2,59,10
Disbursements of loans and advances ..	8,57	10,43	12,55
Total ..	2,58,90	2,75,07	2,71,65

5. *Savings*.—There was thus a saving of 3,42 lakhs or 1·2 per cent. in the final grant. The percentage compares as follows with the results of previous years :

	1926-27.	1927-28.	1928-29.	1929-30.	1930-31.
Expenditure charged to Revenue	2·9	·6	1·1	1·4	·5
Expenditure charged to Capital	5·8	3·4	3·8	10·2	19·9
Disbursements of loans and advances.	16·1	·1	—·3	—·3	—20·3
Combined percentage ..	3·8	1·0	1·4	2·4	1·2

6. The following table compares the percentage of savings under voted grants for expenditure proper (*i.e.*, exclusive of disbursements of loans and advances) with that of savings in non-voted appropriations :—

Year.	Voted.	Non-voted.
1926-27 ..	5·2	1·0
1927-28	—·4	2·8
1928-29	2·4	·3
1929-30	4·0	·8
1930-31	4·0	—·1

7. *Accuracy of budgetting, control over expenditure, etc.*—So far as the Civil Departments are concerned, we agree with the Auditor General and the Accountant General, Central Revenues, that while there is no room for relaxation of effort, the estimation and control of expenditure show a reasonably high standard of attainment in the greater part of the field. The percentage of savings for voted expenditure would have been smaller but for the efforts made to economise in pursuance of the pledge given by the Hon'ble the Finance Member to the Legislative Assembly that every avenue of retrenchment would be explored. The possibility of improving the method of estimation of charges on account of ' Pay of Officers ' and ' Pay of Establishments ' has been engaging the attention of the Finance Department of the Government of India and we note with satisfaction that the result has been a continuous decline in the percentage of savings from 6·2 per cent. during the year 1926-27 to 1·4 per cent. in 1930-31

Our view in regard to the Posts and Telegraphs Department is not, however, so favourable, as the detailed appropriation accounts indicate that there is still great room for improvement in the methods and practice of financial control. We were informed by the Director-General, Posts and Telegraphs, that steps have already been taken to remedy the defects in the existing procedure of financial control and the Accountant General, Posts and Telegraphs, has undertaken at our instance to bring to notice in his subsequent reports whether the steps now taken have led to the improvements hoped for.

Turning next to the accounts of Army, Marine and Military Engineer Services, we agree with the Financial Adviser that from the point of view of military expenditure the year 1930-31 was on the whole an abnormal year in which the original estimates were upset by a number of unexpected factors which disturbed more or less seriously the appropriation under every head of the military budget. The actual gross expenditure was, however, very close to the estimates mainly due to the fact that the disturbing factors tended to cancel one another and we think it reasonable to conclude with the Auditor General that the advantage taken of the favourable factors in the situation reflects efficiency of financial control.

8. *Excesses.*—In the following cases the actual expenditure exceeds the voted grants and an excess vote of the Assembly is accordingly required :

Item No.	No. of Grant.	Grant.	Amount voted by the Assembly.	Actual expenditure.	Excess.
			Rs.	Rs.	Rs.
		<i>Civil.</i>			
1	71	Mint	48,06,000	48,29,675	23,675
2	73	Superannuation Allowances and Pensions	40,40,000	46,45,127	6,05,127
3	74	Stationery and Printing	51,34,000	52,19,605	85,605
4	76	Refunds	75,47,000	87,36,271	11,89,271
5	95	Commuted Value of Pensions	28,55,000	31,75,354	3,20,354
6	98	Loans and Advances bearing interest	9,48,35,000	11,79,23,871	2,30,88,871
		<i>Posts and Telegraphs.</i>			
7	23	Indian Posts and Telegraphs Department	11,34,04,000	11,39,41,109	5,37,109

9. The individual items of excess are explained below :

Item 1.—The excess was due to the loss on nickel coinage being more than estimated. A supplementary grant of 21·5 lakhs was obtained; this was based on the actual return of coin from circulation till the end of December and the anticipated return in the last quarter of the year. The final figures exceeded expectations.

Item 2.—As explained by the Accountant General, Central Revenues, the abnormal growth in the pension list and an unanticipated adjustment after the close of the year of the commuted value of pensions of the Irrigation Department establishment for services rendered prior to the 1st April, 1921, were mainly responsible for the excess.

Item 3.—The excess occurred mainly under ‘Stationery Stores purchased in India’ to meet unforeseen demands from indenting officers.

- Item 4.*—The excess of about 10 lakhs under ' Customs ' was due to large refunds on account of silver and goods re-exported to Afghanistan on the resumption of trade with that country. A supplementary grant of 11·87 lakhs was obtained but it proved inadequate.
- Item 5.*—The excess was due to a mistake in the Account Office owing to a misapprehension of the position. Steps have been taken to avoid such mistakes in future.
- Item 6.*—The excess was the result of unexpected overdrafts by certain Provincial Governments towards the close of the year. We refer to this point in a later paragraph of our report.
- Item 7.*—The excess was mainly due to an under-estimate of the normal growth of pay of permanent establishments and to increased payments of subsidies to Railway Companies. There were also excesses under other heads which were more than counter-balanced by savings due to reduction in the programme for maintenance and repair work of buildings, etc., change in the classification of the pay of certain officers from voted to the non-voted category and a smaller contribution to the Depreciation Fund.

10. We recommend that the Assembly should assent to the excess grants detailed in paragraph 8 above.

11. *Reappropriations, etc.*—Rule 52(2) of the Indian Legislative Rules requires that we should bring to the notice of the Assembly every re-appropriation from one grant to another grant, every re-appropriation within a grant, which is not made in accordance with such rules as may be prescribed by the Finance Department, and all expenditure which the Finance Department have requested should be brought to the notice of the Assembly. We are glad to be able to report that there have been no re-appropriations falling under these categories during the year, nor have the Finance Department requested us to bring to the notice of the Assembly any particular item of expenditure.

III.—Comments on matters outstanding from previous Reports.

12. *Loans for capital expenditure.*—The Public Accounts Committee in reporting on the accounts of 1929-30 observed that the examination of the financial prospects of projects for which the Government of India were asked to advance loans to Provincial Governments or to Indian States must be regarded as one of the most vitally important duties of that Government. The Committee recommended that the Finance Department of the Government of India should be so organised as to be able to discharge its ultimate responsibility in this respect. We were informed by the Financial Secretary that, apart from noting this recommendation for future consideration in connection with the impending constitutional changes, no further action had been taken by Government in the matter. We understand that this decision was due to the fact that the Government of India have placed an embargo on any loans for new works during the current year and that this may last till the establishment of the new constitution, and that the rules relating to the grant of loans to

Provincial Governments and the States will have to be entirely recast in connection with the constitutional changes. In view, however, of the possibility of the embargo being removed earlier than contemplated, we recommend that the Finance Department of the Government of India should examine the recommendation, referred to above, more thoroughly than it has yet done and take such steps as it may consider necessary to meet the situation during the *interim* period between the removal of the embargo and the inauguration of the new constitution.

13. *Execution of works through departmental agency.*—The attention of our predecessors was drawn to the large number of financial irregularities that had occurred in the execution of works through departmental agency in the United Provinces and elsewhere. We are glad to note that the Government have at last been able to settle the question by deciding that, except repairs and petty works costing less than Rs. 2,500, which may be executed through departmental agency, all other civil works including works in the Posts and Telegraphs Department should be executed through the Public Works Department. No new rules will thus be required. The Public Works Department Code will apply in all cases in which work is carried out by the Public Works Department and the requirements of audit will thus be fully satisfied in all cases of importance. We were informed by the Chief Engineer that the only departments to which this decision will not apply are the Archæological and Salt Departments. The work in the former department is of a very special nature and requires a special staff. As regards the Salt Department, we were assured that the assistance of the Public Works Department was invoked whenever necessary. We consider this decision, which has been welcomed by the Auditor General, to be very satisfactory.

14. *Police clothing and equipment funds.*—The Public Accounts Committee dealing with the accounts of 1928-29 asked that a note should be submitted on the Police Clothing Fund in Baluchistan as well as on any other funds of the kind which might be in existence. A note was accordingly furnished by the Agent to the Governor General, Baluchistan, to the Committee of last year explaining the procedure followed and giving for a number of years the receipts, expenditure and balances of the funds in existence in two Police districts in Baluchistan. This was the starting point of a thorough investigation by the Auditor General into the question of the audit of these and similar funds to see whether proper rules governing their operations had been framed, whether the accounts were audited with reference to those rules and stores in stock and how the procedure compared with that obtaining in the Army and in various provinces. We are grateful to the Auditor General for a comprehensive note on the subject which is printed as Appendix XIII to our report. We agree that the 'fund' system has distinct advantages over the 'direct charge' system in that it must tend to focus attention on the part of heads of departments on the financial aspect of clothing and equipment administration and makes it possible to avoid the large fluctuations in annual expenditure which appear to be an inevitable result of the 'direct charge' system. The success of the system depends on a proper maintenance of the fund with stock accounts which should be subject to local test audit. We recommend the continuance of the system on the distinct understanding that proper steps will be taken for the accounting and audit of the transactions

of the fund, both as regards cash and stock. We further recommend that each administration should submit to the Finance Department of the Government of India with its budget proposals for contributions for the ensuing year a review of the situation as regards the total transactions for the past, current and ensuing years and an analysis of the rates of contributions in force with reference to prices and lives of the articles. This review should be accompanied by a statement relating to initial grants, showing whether any increase or reduction in establishment is contemplated and whether, having regard to the balances in the fund, any additional grant is necessary or refund of a portion of a grant given in a previous year is possible.

15. *Disposal of surplus stocks of quinine.*—In paragraph 21 of its report, the Committee of last year drew attention to the large stock of quinine, amounting to about 300,000 lbs. held by the Government of India, and recommended that “the surplus should be disposed of in some way so as either to bring money to the Government of India or to give benefit to the malaria-stricken population of India”. The net stock in hand on the 1st April 1931 was about 306,000 lbs., the manufacture and issues during the year ending about 14,000 and 28,000 lbs., respectively. We understand that the stocks owned by the Governments of Bengal and Madras, who have plantations of their own, are about 120,000 lbs. and that this stock is being annually added to as their manufacture amounts to 60,000 lbs. against consumption of about 45,000 lbs.

We gathered from the departmental witnesses that the only attempt made so far for the disposal of the surplus was to consult the local Governments in regard to a proposal made by the Director General, Indian Medical Service, to sell 20 per cent. of the stock through the local Governments at a specially cheap price. The Government of Bengal who are very closely interested in the matter have not yet communicated their views, while the Government of Madras who have replied are not in favour of the scheme, because if it came into operation, their own factory at Naduvattam would have to work at a greater loss. We tried to ascertain from the witnesses whether there was any difficulty in the way of the Government of India selling their large surplus stock in the market at a lower price than Rs. 18 per lb., and, so far as we could judge from our examination of the position, there seems to be none. It was stated that the existing stock included some portion of the quinine purchased from the Dutch combine and that according to the contract with that body, which, however, expired in 1923, that portion could not be sold at a commercial price. We agree with the departmental witnesses that any difficulty on this account could easily be got over by setting this quantity of quinine apart and not disposing of it at the same price as the rest. So far as the local Governments of Bengal and Madras are concerned, we cannot view with favour any suggestion which allows these Governments to continue their excess production and make net additions from year to year to their stocks, while it forces the Government of India to carry an enormous stock, which at the existing rate of *net* issues will last for more than 20 years. We, therefore, recommend that the Government of India should come to an early decision regarding the particular proposal referred to above. If they find that the proposal is not supported by the local Governments, they should consider seriously and without any further loss of time the question of selling the entire

surplus stock independently, or, if this is not feasible, of using it for the benefit of the people in malaria districts. We further recommend that the Government of India should also examine the possibility of curtailing their annual production and manufacture till these stocks are brought down to reasonable proportions.

16. *Other outstanding recommendations.*—We have considered the explanations furnished and the action taken in regard to the various outstanding recommendations from previous years and enclose as Annexure A to our report a Statement showing the items whose final disposal has to be watched through the quarterly list of outstandings prepared by the Finance Department of the Government of India.

IV.—Important comments on matters arising out of the accounts for 1930-31.

17. *General remarks on the preparation of the Appropriation Accounts and the presentation of the results of audit.*—We are satisfied that the Appropriation Accounts presented to us and the reports thereon contain all the information necessary for our purpose. The report of the Accountant General, Central Revenues, has been appreciably reduced in bulk by the elimination of unnecessary detail, and, as indicated by the Auditor General, the presentation of the subject matter has at the same time been carried out in a manner which is of great practical convenience to us. We specially appreciate the summary in a comparatively brief compass indicating important individual features in the accounts and the general picture of the year's proceedings and results which we found to be of considerable assistance to us in the formulation of our own conclusions regarding the state of the financial administration. The Financial Adviser, Military Finance, has carried out all the suggestions made in paragraph 24 of the Report of the Committee of last year and once more we find his report to be clear and helpful.

18. *Financial irregularities.*—We have gone very carefully into the cases of financial irregularity included in the various reports. Such cases in the civil departments were neither numerous nor serious. Only one case of fraud occurred in Burma where frauds in treasuries have unfortunately been frequent in recent years, and this reduction in number, as pointed out by the Auditor General, seems to be due to the drastic disciplinary action taken by the local Government in the previous cases. There are, however, some "rather unfortunate cases of nugatory expenditure" and some individual cases of irregularity and fraud of a distinctly unsatisfactory character brought to light in the report of the Accountant General, Posts and Telegraphs, which compel us to share the feeling of the Auditor General that the standard of financial discipline in the department had not been sufficiently rigorous in the past.

As regards the Army Department, the matter is dealt with in the Report of the Military Accounts Committee. We should like only to note here that we recognise that the inclusion of a larger number of cases of financial irregularity in the report by the Director of Army Audit is simply due to an endeavour on the part of that officer to present to the Committee a wider basis on which to judge for itself the standard of financial administration of the mili-

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ary services. We agree with the Auditor General that there has been no deterioration but rather improvement in the efficiency of the internal check of the Military Accounts Department. We further agree that in the period under review the test audit staff appears to have done work of substantial value.

19. *Supplementary grants.*—During the examination of the accounts of the year, we came across various instances where supplementary demands had been presented to the Assembly which subsequently proved to be unnecessary. We discussed with the Financial Secretary the possibility of improving the existing procedure so as to minimise such unnecessary grants of supply. We are here confronted by a dilemma. On the one hand, it is inconsistent with a proper parliamentary control that expenditure should be incurred without appropriation. On the other hand, it weakens the control of Parliament if it is asked to vote unnecessary supplies. We think that the lesser evil consists in forbidding departments to incur any expenditure without appropriation except when it is absolutely necessary and urgent and even then only after obtaining the previous concurrence of the Finance Department, and in arranging to go up to the Legislative Assembly for supplementary grants only when there is really good reason to believe that such additional grants are necessary.

20. *Supplementary grants for loans to the Provinces.*—Our attention was drawn to the large excess of about Rs. 2,67 lakhs over the grant for Advances to the Provincial Loans Fund in spite of the fact that a supplementary grant of Rs. 1,17 lakhs was voted towards the end of the year to make additional advances to certain Provincial Governments. We are satisfied that the general economic depression coupled with local trouble in Burma made estimating more than usually difficult in the Provinces. At the same time we must refer to a practice of Provincial Governments, which in our view must be strongly deprecated. This is the practice of postponing regular applications for loans from the Provincial Loans Fund till after the close of the year and in the meantime of meeting the deficits by overdrawal on balances. Such overdrafts are converted into formal loans when the final accounts of the year are made up by the Auditor General, the loans being treated as having been taken on the last day of the financial year. Although this practice may be to the financial advantage of the local Governments who thereby delay paying interest charges on their overdrafts till the latest possible date, it has at least one decided disadvantage from the point of view of the Government of India and their legislature, namely, that in the absence of timely intimation before the close of the year, it is impossible for the Government of India to obtain the necessary additional grants from their legislature which is thus left to deal with the matter by means of the unsatisfactory device of excess votes. We do not believe that the Provincial Governments are not equipped with the necessary machinery to watch and estimate their own requirements and we therefore desire that the Finance Department of the Government of India should examine departmentally whether more pressure could be brought to bear on Provincial Governments to foresee their requirements and to intimate these requirements to the Government of India so as to enable the latter to go up to the Assembly for supplementary grants in time and thereby avoid excesses over the grants.

21. *Stores balances.*—Our predecessors emphasised the importance of control over stores and we are glad to observe that the valuable comments made by the Director of Commercial Audit in paragraphs 20 to 22 of his Appendix of accounts and reviews of commercial concerns for the year 1929-30 have, as suggested by them, been brought to the notice of all departments and officers of the Central Government. We observe from the Appendix for the year 1930-31 that the balances of stocks of stores held by the various commercial concerns on the 31st March 1931 were still unduly high. We were assured by the departmental witnesses that the stores balances were being closely watched and reduced wherever possible. For example, in the Mathematical Instrument Office, Calcutta, home indents have been entirely suspended and manufacture is being reduced by short-time employment of workmen. The maintenance of excessive stocks involves the tax-payer in a two-fold loss. There is the loss of interest on capital unnecessarily locked up, and there is the further loss arising from the danger of the stores becoming obsolete and having to be disposed of at a sacrifice later. We, therefore, welcome the suggestion of the Auditor General that a note should be given in future each year, in the Appendix containing the accounts and reviews of Government commercial concerns, dealing with the question of stocks and indicating whether balances held on the last day of the year were justified.

22. We should like to refer in this connection to a proposal which was made by us to the Director General, Posts and Telegraphs, the general application of which to all departments which have to carry stocks of stores may be found to be of great financial advantage. We were informed by the Director General that from the inordinately high balance of Rs. 2,54 lakhs of stores in 1923-24, the Posts and Telegraphs Department had worked down to an opening balance of about Rs. 41 lakhs at the beginning of the current year; that the minimum balance required on the basis of three months' consumption in the case of stores obtainable locally and six months' consumption in the case of other stores was about Rs. 22 lakhs; and that it was hoped to end the year with a balance estimated at about Rs. 26 lakhs. At our instance, the Director General has undertaken to examine the possibility of reducing the working balance still further by adopting a basis of two months' consumption instead of three months in the case of articles obtainable locally. We recommend that the general question of reducing stocks by revising the basis of calculation of working balances in the manner above suggested, which we understand has already been adopted by the Army authorities, should also be examined by the civil departments.

23. *Trading results of Government of India commercial concerns.*—We have been furnished with a comparative statement showing the net trading results of Government of India commercial concerns during the past three years. in paragraph (xvi) in the opening chapter of the Appendix of the Director of Commercial Audit. As observed by the Director "a notable feature of the accounts for 1930-31 is the reduction in profit earned, or the increase in loss incurred, at the majority of these concerns, and it may be said that subject to a few exceptions such as the Northern India Salt Revenue Department and possibly the Mints; Government of India commercial concerns have not escaped the result of the growing trade depression during the year under review".

While these observations are generally true, there are two concerns under the control of the Department of Education, Health and Lands and the Home Department, respectively, where further action should be possible to reduce the loss.

24. *Wellington Farm.*—We found that the selling price of milk and cream at the Wellington Farm was much below the cost of production as shown below :

	All-in-cost.			Average selling price.					
	Per lb.								
	Rs.	A.	P.	Rs.	A.	P.			
Milk	..	0	7	4	4	0	3	1	7
Cream	..	4	10	6	5	1	12	0	

The supply is made to the troops stationed at Coonoor and Wellington and we were told that the prices charged are those which were fixed some time ago under an old contract. We do not see the justification for maintaining at the cost of the civil department a dairy and farm at an isolated place like Wellington simply for the purpose of supplying military requirements at less than the cost of production. We therefore recommend that the rates charged to the Army for the products of the Institute should be raised to cover the cost of production or in the alternative that the question of closing down the Institute altogether should be seriously considered.

25. *Andamans Butchery and Dairy.*—Similarly the losses incurred in working the Executive Commissariat Department in the Andamans have been partly due to the sale of the products of the Butchery and the Dairy at less than cost price, particularly in the case of supplies made to the Army. The representative of the Home Department, while admitting that the selling prices were under cost price, suggested that they were still high compared with Indian prices. We think that a comparison of the prices in Andamans with those in India is not relevant to the issue before us, namely, why it should be regarded as justifiable to sell the products of the Butchery and the Dairy at less than cost price. The departmental representative undertook to place the suggestion before the Chief Commissioner, Andamans. We trust that it will be possible for the latter to accept our suggestion and to place the transactions of the Commissariat on a proper footing.

26. *Financial position of the Indian Posts and Telegraphs Department.*—The Public Accounts Committee of last year, after examining the effects of the retrenchment proposals and the measures for increasing revenue, ultimately endorsed the view that, as a matter of principle, the Department should be self-supporting and that whatever steps were necessary to bring this about should be

taken. The accounts of 1930-31 could not be expected to show any improvement as a result of these measures. But we obtained from the Director-General, Posts and Telegraphs, a memorandum giving an up-to-date survey of the general position and prospects of the Department. The commercial loss which amounted to Rs. 91 lakhs in 1930-31 is expected to come down to about Rs. 52 lakhs in the current year and the Director-General is convinced that with the return to reasonably normal conditions the Department would very soon be working again at a profit. The latest information now available is, as observed by the Auditor General, not such as to justify optimism or to warrant relaxation of effort on the part of Government. We do not agree with the Accountant General that the year 1930-31 might be taken as closing an important chapter in the history of the Department and we cannot agree to be satisfied except by the test of actual results.

27. *Budgetting and control of works expenditure.*—We devoted considerable time and attention to the examination of the system of budgetting and control of works expenditure, both in the Public Works Department and the Posts and Telegraphs Department. We found a number of cases where there were large variations between the estimates and the actual expenditure. It was explained by the Chief Engineer that such cases related to works under the administrative control of the Foreign and Political Department and that the Department of Industries and Labour merely act in this matter as a compiling agency for the former Department for the purpose of making the necessary provision in the budget. It seems to us that some improvement in the existing system of budgetary control is necessary in order to ensure that no provision is included in the budget for any work in regard to which the preliminary arrangements are not so far advanced as to afford a reasonable prospect of the provision being fully utilized. One result of neglecting this essential condition is to place funds at the disposal of spending authorities which may be diverted to works outside the scope of the original demand, and increase the commitments of the following years.

28. We also discussed in this connection the question of the purposes to which the Reserve provision in the Civil Works budget should be confined. This provision was actually used in the year 1930-31 for a number of works, some of which might have been foreseen and provided for in the estimates presented to the legislature and some of which did not seem to be of such particular urgency as to justify their being financed from the Reserve. We agree with the Auditor General that it should be a recognized principle that, so far as possible, allotments for original works should be made in the estimates presented to the legislature and consider that the Reserve should be confined to two purposes: to meet throw-forwards from the previous year and to meet really unforeseen and emergent demands. We should like to add that in estimating the provision required for the first of the two purposes mentioned, namely, to meet throw-forwards from the previous year, due regard should be paid to the fact that at the present time when works expenditure is being drastically curtailed, the provision for throw-forwards need not be as large as usual.

29. *Utilization of unanticipated credits to cover excess expenditure.*—In his notes under Grant No. 69—Indian Stores Department, the Accountant General,

Central Revenues, has brought to notice the fact that, while the estimates of that Department were framed on the assumption that recoveries from Company-managed State Railways would be treated as receipts and not as deductions from expenditure, the recoveries were actually accounted for, in accordance with the rules on the subject, as *minus* expenditure like recoveries from other departments. As it is possible that, but for this change in classification there would have been an excess over the grant, the Auditor General has raised the general question whether it is permissible for unanticipated credits of this kind to be utilized for the purpose of covering expenditure in excess of the grant. We have no hesitation in answering the question in the negative, and recommend that such credits should be treated in the accounts as receipts and not as deductions from expenditure.

30. *New Services.*—The Auditor General has, as usual, prepared a memorandum of cases of 'New Service' in connection with the accounts of 1930-31 (Appendix VII).

31. *Charges for locust control operations.*—An expenditure of Rs. 25,388 was incurred during the year, representing the share of the Government of India on behalf of the Centrally Administered Areas of the cost of the materials purchased for locust control operations in 1930-31. The charge has been classified by the Government of India as in respect of a 'new service' on the ground that it was incurred in connection with a new activity which had not previously been undertaken by the Central Government. We accept this classification.

32. No steps were, however, taken by the Government of India to obtain a supplementary grant from the Legislature for expenditure on this new service, because it was hoped that it would be possible to meet the expenditure from savings under other heads of the Grant. Although the expectation has been realised, there being an actual net saving in the Grant as a whole after meeting the expenditure on this new service, we consider that in accordance with correct parliamentary practice the approval of the Assembly should have been obtained for the expenditure by means of a token vote before the close of the year.

33. *Regularization of old cases of new service.*—The Auditor General has suggested that we should consider in this connection whether excess votes should now be obtained for other cases of this kind which have occurred in previous years. As pointed out by him, our predecessors have not suggested in any such case that the expenditure as incurred was not in the public interest. We therefore recommend in order to avoid barren formalities that such cases should be tacitly condoned.

34. As in previous years we append to our Report Minutes of our Proceedings which we consider should be considered as part of the Report. We assume that in accordance with established practice action will be taken by Departments as necessary on the observations and recommendations contained in these Proceedings.

35. *Report of the Military Accounts Committee.*—We append the Report submitted by the Military Accounts Committee (Annexure B) constituted in pursuance of the recommendation in paragraph 31 of the Report of the Public Accounts Committee of last year to make a preliminary examination of the Military Appropriation Accounts and connected documents. We endorse the recommendations and observations of the Committee both in its Report and in the accompanying proceedings of its meetings.

36. *The Auditor General's general comments on the Appropriation Accounts communicated to the Secretary of State.*—We were, as usual, supplied with a copy of the letter from the Auditor General transmitting to the Secretary of State the Appropriation Accounts for the year, and briefly commenting on the salient features in these Accounts. In these comments the Auditor General expresses his opinion as to the degree of efficiency attained in the preparation and presentation of the several Appropriation Accounts and Reports, and as to the standard of financial administration and control, and discusses changes which have taken place in the system and machinery of the Audit Department. We have dealt with the first two points in paragraphs 17 and 18 of our Report. Subject to the reservations indicated by the Auditor General himself and to those which flow from our own remarks and recommendations, our examination of the Accounts and Reports of the Central Government leads us to the same conclusion as that of the Auditor General, namely, that the standard of financial administration and control aimed at and attained is over the greater part of the field generally adequate. As regards the changes in the system and organisation of accounts and audit, we are obliged to the Auditor General for an interesting statement of important economies and reforms which have recently been carried out in connection with the general retrenchment of public expenditure. It is claimed that the decentralisation of Commercial Audit has made it possible to avoid some duplication and unessential specialisation and that the new system is an improvement on the old. We are prepared to accept the change on the condition which has been assured, namely, that the Public Accounts Committee will continue to receive under the new system, in the same form as before, the valuable information regarding the financial results of Government Commercial Concerns, the preparation and presentation of which were systematised by the late Director of Commercial Audit. As regards the somewhat similar decentralisation of the audit of Customs Revenue, it seems clear to us that the change must be correct in principle inasmuch as the new system follows the regular plan of organisation, saves the money and time spent on extensive travelling under the old system, and secures a greater volume of audit at less expense. It also seems to us to be correct in principle and feasible in practice to require Accountants General to qualify themselves to supervise the audit of Customs Revenue or indeed any other public audit within their sphere of authority. We await with interest the result of the experiment and look forward in particular to the first consolidated report on the results of the audit which is to be presented in his Appropriation Report by the Accountant General, Central Revenues. The other economies which have been carried out are also important if not as novel. We are glad to note that in the majority of cases the measures follow the Auditor General's own recommendation and we welcome the assurance that

in his opinion they are not likely to impair seriously the usefulness of the Audit Department.

A. A. L. PARSONS.

SANT SINGH.

B. DAS.

ABDUL MATIN CHAUDHURY.

M. A. AZIM.

M. C. RAJAH.

T. N. RAMAKRISHNA REDDI.

ISMAIEL ALIKHAN.

S. C. MITRA.

MOHAMMAD YAKUB.

J. RAMSAY SCOTT.

R. D. DALAL.

V. K. ARAVAMUDHA AYANGAR,

Secretary,

The 7th September 1932.

ANNEXURE A.

(Referred to in Paragraph 16 of the Report.)

Statement showing recommendations, etc., made by the Public Accounts Committee, whose final disposal has to be watched through the Quarterly Statement prepared by the Finance Department.

(A) RECOMMENDATIONS OUTSTANDING FROM PREVIOUS YEARS.

(1) Disposal of the surplus of stock of quinine held by the Government of India (Item 16 of Appendix I).

(2) Debiting the Commercial accounts with royalty on timber extracted (Andamans) at a fair standard rate (Item 24 *ibid*).

(3) Amendment of the leave rules (Item 25 *ibid*).

(4) Consideration of the question of recovery of public claims, etc., from the pay and pension of civil officers in connection with the terms of service of future entrants (Item 27 *ibid*).

(5) Disposal of items included in Special Appendix for consideration in connection with the impending constitutional changes (Item 33 *ibid*).

(6) Steps necessary to ensure the proper discharge by the Finance Department of the Government of India of its ultimate responsibility in regard to the examination of the financial prospects of capital projects met from loans by the Government of India (Item 37 *ibid*).

(7) Examination of the accuracy of past estimates of the number fixed for the printing of publications and action taken in regard to big surpluses (Item 57 *ibid*).

(B) OUR RECOMMENDATIONS IN THE CURRENT REPORT.

Finance Department.

(1) Introduction of certain measures proposed for the proper budgetting and financial control of Police Clothing and Equipment Funds including audit of the cash and stock transactions (Paragraph 14 of the Report).

(2) Issue of instructions to the departments not to incur any expenditure without appropriation except when absolutely necessary and urgent and avoidance of unnecessary supplementary grants (Paragraph 19 *ibid*).

(3) Obtaining earlier intimation from Provincial Governments of their loan requirements and avoiding excess over the grants under the head "Loans and Advances from the Provincial Loans Fund" (Paragraph 20 *ibid*).

(4) Reduction of stocks of stores held by departments by revision of the basis of calculation of working balances (Paragraph 22 *ibid*).

(5) Prohibition against utilization of unanticipated credits to cover expenditure in excess of the grant (Paragraph 29 *ibid*).

(6) Improving the present method of estimating under Grant No. 97-Interest Free Advances (Paragraph 2, Proceedings).

Department of Education, Health and Lands.

(7) Sale of the entire surplus stock of quinine independently of local Governments and examination of the possibility of curtailing annual production and manufacture (Paragraph 15 of the Report).

(8) Revision of the rates charged to the Army for the products of the Wellington Institute (Paragraph 24 *ibid*).

(9) Examination of the question of charging proper commercial rates to the Forest Department (Andamans) for carriage of timber (Paragraph 37, Proceedings).

Home Department.

(10) Revision of the selling prices of the products of the Butchery and the Dairy in the Andamans (Paragraph 25 of the Report).

Department of Industries and Labour.

(11) Overhauling the system of budgetting and control of Works expenditure and proper utilisation of the Reserve provision (Paragraphs 27 and 28 of the Report).

(12) Investigation to a limited extent into the adequacy of the existing allotments for stationery (Paragraph 31, Proceedings).

(13) Examination of the question whether the refund to the Foreign Office of the advance made by them towards the cost of construction of certain telegraph lines in Persia was in order (Paragraph 62, Proceedings).

Army Department.

(14) Report on the progress made to simplify and amend the existing regulations in the Army (Paragraph 1 of the Report of the Military Accounts Committee).

ANNEXURE B.

Report of the Military Accounts Committee.

We were constituted in pursuance of the recommendation of the last Public Accounts Committee in paragraph 31 of their Report to make a preliminary examination of the Military Appropriation Accounts and connected documents. In our task we received great assistance not only from the Auditor General and the Financial Adviser, Military Finance, and his staff, but also from the Army Secretary and the Principal Staff Officers who appeared before us. We were much impressed by the obvious desire of the Army

authorities to secure every possible economy and stricter financial control, by the clear evidence of the efficacy of the action which they have taken to this end, and by their readiness to accept any proposals in this respect which we found ourselves able to suggest to them. As the minutes of our proceedings (Annexure I) show, the result is that all our recommendations have already been accepted, and there is only one outstanding matter to come before the Committee in a special form next year. This relates to the steps which are being taken to simplify and amend the existing Regulations—a matter which is, in our opinion, of very considerable importance. We found, in our study of the Appropriation Accounts and the report of the Director of Army Audit, numerous instances of wrong payments due to the obscurity of many of the existing rules. We have asked for a further report on the progress made to simplify the rules next year.

2. We are glad to note that the contentious question of capitation charges has been referred to a tribunal and we shall be glad to be informed in due course of the result.

3. The results of our examination of the Appropriation Accounts and connected documents are, as usual, embodied in the proceedings of our meetings (Annexure I), and it is unnecessary for us here to do more than refer to the more important points in the Accounts. As recommended in paragraph 24 of the Report of the last Public Accounts Committee, the Accounts have again been prepared in a lucid and informative manner; we found the general survey and analysis made by the Financial Adviser, Military Finance, particularly valuable.

4. In 1928-29 the question was raised before the Military Accounts Committee whether the English system of securing a certificate in the Appropriation Accounts in regard to the existence in stock of all the authorised War Reserves of stores should not be followed in India. The object of such a certificate is to impose and keep alive a sense of responsibility on the part of the Principal Staff Officers concerned for keeping and maintaining the authorised War Reserves of stores: in addition, such a certificate should ensure that money allotted for War Reserves is applied for the purpose for which it is intended, and should prevent a sudden demand for reserves on the occurrence of any emergency. The Quartermaster-General and the Acting Deputy Master-General of Ordnance (representing the Master-General of Ordnance), with whom we discussed this question, agreed that such certificate was desirable and undertook to give in future a certificate in the following form:

“ We certify that, on 31st March _____, the War Reserves of stores authorised by the Government of India to be held at that date for the mobilisation of the Army in India and detailed in the published War Equipment Tables or provided for under specific sanctions, for the provision and maintenance of which we are respectively responsible, were complete to the extent to which the quantities required have been calculated, with the exception of fluctuations normal to the maintenance of such reserves, or to shortages and deficiencies due to sanctioned alterations in such reserves, the adjustment of which is in hand.”

The Quartermaster General explained, however, that some further investigation into the actual War Reserve stocks would be necessary before he could sign the certificate. This investigation was now proceeding and would be completed as rapidly as possible.

5. *Military Engineer Services.*—In the case of the Military Engineer Services expenditure, our attention was drawn to the numerous and large variations from the original programme of works. We agree with the Auditor General that “ under a normal system of control of public expenditure, it would be necessary for the Military authorities to define more exactly the scope of the original demand than they do at present, and in their expenditure to conform more closely to the scope of the demand as so defined”. We are glad to find that the Military authorities are prepared to accept the principle laid down by the Auditor General and have already taken steps to improve the budgeting and control in regard to military works expenditure. The nature and details of these measures are explained in our proceedings (Annexure I) and we look forward to the establishment shortly of a more stable and settled policy in this matter.

6. *Expenditure on programme measures.*—We were furnished by the Army Secretary with a certificate from the Chief of the General Staff regarding the sufficiency of the resources available for the completion of these measures, which we append to this Report (Annexure II). We are satisfied with the action taken and continuing to be taken in response to the suggestions made by the Auditor General both in regard to the audit of the programme expenditure and the annual certificate from the Chief of the General Staff.

7. *Cases of financial irregularity.*—We have gone carefully into the cases of financial irregularity included in the Report of the Director of Army Audit. Our task was considerably lightened by the preliminary examination and classification made by the Auditor General. One unsatisfactory type of irregularity related to errors and omissions in issuing pay, allowances and pensions. The Army Secretary admitted that in many cases the errors were due to the complexity of the rules and to the issue of defective orders by Government in recent years. We are satisfied that steps are being taken to improve this, but (*vide* paragraph 1 above) have asked for a report on the matter next year.

8. The Financial Adviser, Military Finance, brought to our notice certain extenuating circumstances in regard to irregularities in the payment of pensions. The work of issuing pension payment orders during the years 1918 to 1923 had to be done under extraordinarily difficult conditions and the revision of the original grants, we were told, would take three years to complete and cost about Rs. 6 lakhs. In these circumstances, we agree with the suggestion made by the Financial Adviser, and accepted by the Auditor General, that it will be sufficient if steps are taken to rectify only those grants which in the course of current check and audit are found to be wrong.

9. Another type of irregularity related to errors and omissions in the calculation of charges recoverable from other departments and Governments, and cases were brought to our notice where in working out the capitation rates at which recoveries were to be made from the Colonial and War Offices certain elements had, through oversight, not been included in the calculation. We were informed that the preparation of claims in such cases had now been centralised in one office and we were assured that necessary action has been taken for the proper allocation of these charges in future.

10. *Store Accounts.*—We devoted considerable attention to the loss involved by large sums being locked up in stocks of stores and to the desirability of reducing the value of stocks held as far as possible. The matter had also received careful examination at the hands of the Army Sub-Committee of the Central Retrenchment Advisory Committee, which had made certain valuable recommendations on the subject. We were informed by the Army Secretary and the departmental witnesses that the whole position had been carefully analysed by the Army authorities and that proposals are now under consideration to reduce stocks as far as possible. We are glad to note that the department is fully alive to the importance of the question and hope that the report of the Director of Army Audit next year will disclose a more satisfactory state of affairs.

11. *Losses in stores.*—We find that according to the figures given in Appendix E to the Appropriation Accounts the losses in stores were much higher in 1930-31 than in the previous year. It was explained by the Military Accountant General that a substantial proportion of the losses shown in the Appendix did not represent real losses but represented only adjustments in stock price account. We discussed the form of the appendix with the Financial Adviser and the Auditor General and examined in this connection a form suggested by the Financial Adviser. We recommend that the latter form be adopted with such modifications as may be considered necessary by the Director of Army Audit as a result of his examination in the light, among other things, of the general rules on the subject, that are now under issue by the Government of India.

12. *Trading Accounts.*—We have been informed by the Auditor General that the enquiry into trading accounts that was instituted at his suggestion has not yet been finally completed but that it should not be very long before the whole system was placed on a proper basis. We desire to reiterate in this connection the observations made by the official Committee, which examined the Military Appropriation Accounts last year, namely, that, from the point of view of the Government and the taxpayer, it is vital to exhibit, as nearly as possible, in the trading accounts the actual cost of production of the output of Army Manufacturing establishments and to ensure that that cost is reasonable. We

are glad to note that efforts to secure uniformity in the form of the accounts and to make these accounts absolutely reliable will be continued and feel sure that the Army authorities will also appreciate the valuable purpose which the accounts are intended to fulfil.

A. A. L. PARSONS.

J. B. TAYLOR.

B. DAS.

ABDUL MATIN CHAUDHURY.

S. C. MITRA.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE DEPARTMENT OF COMMERCE.

The Honourable Sir C. P. Ramaswami Aiyar (Member for Commerce and Railways) : Sir, I beg to move :

“ That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three non-official Members to serve on the Standing Committee to advise on subjects in the Department of Commerce.”

The motion was adopted.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE DEPARTMENT OF INDUSTRIES AND LABOUR.

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

“ That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three non-official Members to serve on the Standing Committee to advise on subjects, other than ‘ Roads ’ and ‘ Broadcasting ’, dealt with in the Department of Industries and Labour.”

The motion was adopted.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : I may inform Honourable Members that for the purpose of election of Members to the Standing Committees for the Department of Commerce and the Department of Industries and Labour the Assembly Office will be open to receive nominations up to 12 noon on Wednesday, the 14th September, 1932. The election, if necessary, for the Standing Committee for the Department of Commerce will take place in this Chamber on Monday, the 19th September while the election for the Standing Committee for the Department of Industries and Labour will be held on Wednesday, the 21st September. The elections will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Mr. H. G. Haig (Home Member) : Sir, I beg to present the Report of the Select Committee on the Bill further to amend

the Code of Criminal Procedure, 1898, for a certain purpose. I wish to mention, Sir, that ten minutes ago I was handed by one of the members of the Committee a minute of dissent which, I suppose, it is in order that I should append to the Committee's Report.

THE CHILDREN'S PROTECTION BILL.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I beg to move :

“ That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, be continued.”

I do not wish to take up the time of the House now by making a speech.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir, I oppose this motion very strongly. It is not a formal proposal and I do not know how it finds a place in the agenda to-day. It is a rule of the Assembly—I think it is in paragraph 91 of the Manual of Procedure—that a Bill shall lapse if no motion has been made in this Assembly for two sessions unless the Assembly orders its continuance under a special order. Now those words were not introduced there without a meaning. What are the circumstances under which my friend asks that this Assembly should allow him to continue a Bill which if he was anxious to go on with, he ought to have taken particular care to see that it did not lapse. If it was an ordinary Bill, I should certainly not have stood up to oppose the matter. But this is a very important Bill. You will remember, Sir, that this Bill was introduced for the purpose of amending section 375 of the Indian Penal Code—the age of consent section—and a consequential amendment of the Criminal Procedure Code, in order, as the Mover said, to protect married and unmarried girls below a certain age. The other day when I moved my motion to amend the Child Marriage Restraint Act, the Honourable Member twitted me by saying that I was too early in moving the amendment as it was only three years since the Act was passed. The present Bill is a good answer as it was moved only two years after the passing of the previous Act, and Government spokesmen as well as eminent judicial officers who were consulted in the matter have said that it was too early yet to judge the effect of the previous Act ; and, in spite of this fact that my friend insisted that we should go on with it, as a matter of policy the Government appointed the Age of Consent Committee. That Committee made its report some time ago. What happened to it, whether it was circulated for opinion or not, nobody knows. My attempts to try and find out the details regarding it have not been so far successful ; and I know that the Bill, which my friend now wants to revive, is a Bill which he originally introduced and he has not even taken advantage of certain remarks that have come out of the Age of Consent Committee's Report. Those who want to have the luxury of moving a Bill in this Assembly ought to be particularly diligent ; and what I cannot understand is how this particular motion which is in connection with a non-official Bill has been going about from the non-official to the official and from the official to the non-official side. I wonder if it is an indication either that the Government are going to take it under their wings or my friend is going to cross the floor of the House and see if he cannot get a place there in order to push his immortal Bills through the House. Whatever that may be, I very strongly protest against this motion and respectfully ask the Government not to support my friend and I very respectfully ask this House to

[Raja Bahadur G. Krishnamachariar.]

reject his Bill. Let my friend introduce his Bill in the usual course and he will then have plenty of opportunity to justify himself and we shall then meet him face to face, squarely and fairly and then whoever wins, wins.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Sir Hari Singh Gour to reply.

Sir Hari Singh Gour : Sir, my Honourable friend has been guilty of a most ungracious act. This Bill had precedence of his own amending Bill on the last non-official day. The Assembly was to have started at half past two, but unfortunately owing to some misunderstanding, a few minutes before half past two the House assembled and my friend taking advantage of that fact and without drawing the attention of you, Sir, began to speak on his own motion.....

Raja Bahadur G. Krishnamachariar : That is not true.

Sir Hari Singh Gour :and the result therefore has been that my Bill was jettisoned out of the agenda for that day.

Turning now to the merits of my Bill, I have been at this Bill from 1922 ; and when the Government appointed the Age of Consent Committee which drew up a report, I immediately redrafted my Bill in accordance with the recommendations of that Committee. The fact is that after that I have been as diligent as any diligent Member in this House can be. Session after session, due notices were given for the further progress of this Bill, and it is only a matter of accident that it could not be reached on two successive sessions, being crowded out by less important Bills like that of my Honourable friend who sits behind me and who blocked the progress of vastly more utilitarian Bills like the one this House is now concerned with. I hope, Sir, the House will, after this explanation, give me the permission I want.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Before I put the motion to the House, I should like to refer to some remarks which the Honourable Member made in regard to his not being able to move this formal motion when it appeared on the Order Paper on a non-official day. The Honourable Member claims that he has been most diligent, and the Chair wishes to remark that if he had been diligent and been present here exactly at half past two, he would not have been deprived of his opportunity of making the motion. The Chair entered the Chamber exactly at half past two and called upon the Honourable Member to move his motion. He was not present, but came in later. It was in consequence of that want of diligence on the part of the Honourable Member that he was deprived of the opportunity of making this motion then.

The question is :

“ That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, be continued.”

The Assembly divided :

AYES—36.

Abdur Rahim, Sir.	Milligan, Mr. J. A.
Ahmed, Mr. K.	Misra, Mr. B. N.
Azhar Ali, Mr. Muhammad.	Mitra, Mr. S. C.
Chandi Mal Gola, Bhagat.	Morgan, Mr. G.
DeSouza, Dr. F. X.	Muazzam Sahib Bahadur, Mr. Muham-
Fox, Mr. H. B.	mad.
Gour, Sir Hari Singh.	Naydu, Rao Bahadur B. V. Sri Hari
Harbans Singh Brar, Sirdar.	Rao.
Hoon, Mr. A.	Patil, Rao Bahadur B. L.
Hossack, Mr. W. B.	Puri, Mr. B. R.
Hudson, Sir Leslie.	Rajah, Rao Bahadur M. C.
James, Mr. F. E.	Ranga Iyer, Mr. C. S.
Jawahar Singh, Sardar Bahadur	Reddi, Mr. P. G.
Sardar.	Reddi, Mr. T. N. Ramakrishna.
Jehangir, Sir Cowasji.	Sarma, Mr. R. S.
Joshi, Mr. N. M.	Scott, Mr. J. Ramsay.
Lal Chand, Hony. Captain Rao Baha-	Shah Nawaz, Mian Muhammad.
dur Chaudhri.	Smith, Mr. R.
Mackenzie, Mr. R. T. H.	Thampau, Mr. K. P.
Maswood Ahmad, Mr. M.	Ziauddin Ahmad, Dr.

NOES—29.

Abdul Matin Chaudhury, Mr.	Lahiri Chaudhury, Mr. D. K.
Badi-uz-Zaman, Maulvi.	Murtuza Saheb Bahadur, Maulvi Sayyid.
Bagla, Lala Rameshwar Prasad.	Pandian, Mr. B. Rajaram.
Bhuput Sing, Mr.	Raghubir Singh, Kunwar.
Dudhoria, Mr. Nabakumar Sing.	Rajan Bakhsh Shah, Khan Bahadur
Dutt, Mr. Amar Nath.	Makhdum Syed.
Fazal Haq Piracha, Shaikh.	Rastogi, Mr. Badri Lal.
Gidney, Lieut.-Colonel Sir Henry.	Roy, Rai Bahadur Sukhraj.
Ibrahim Ali Khan, Lt. Nawab Muham-	Sen, Mr. S. C.
mad.	Sen, Pandit Satyendra Nath.
Ismail Ali Khan, Kunwar Hajee.	Shafee Daoodi, Maulvi Muhammad.
Ismail Khan, Haji Chaudhury Muham-	Singh, Mr. Gaya Prasad.
mad.	Uppi Saheb Bahadur, Mr.
Isra. Chaudhri.	Yakub, Sir Muhammad.
Jha, Pandit Ram Krishna.	Yamin Khan, Mr. Muhammad.
Krishnamachariar, Raja Bahadur G.	Zulfqar Ali Khan, Sir.

The motion was adopted.

The Honourable Sir C. P. Ramaswami Aiyar (Member for Commerce and Railways) : May I request you, Sir, to make a change in the order of business and take up the item standing against my name regarding the Bill further to amend the Indian Railways Act first. I am sure it will not take time because I am going to accept the motion.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : No, no ; you opposed us that day, and so we are going to oppose you to-day.

The Honourable Sir C. P. Ramaswami Aiyar : All that I am asking is that, if it is the pleasure of the House to allow me to do so, I move it, especially as I am going to accept the motion for circulation.

Mr. Gaya Prasad Singh : No, no.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable the Leader of the House wishes to ask permission to take up the Railway Bill now out of its turn on the order paper. It cannot be done without the consent of the House. Is it your pleasure to allow the Honourable Member to do so ?

Mr. Gaya Prasad Singh : No, Sir, we are opposed to it.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Those who are against it will please raise their hands.

(Several Honourable Members raised their hands.)

Permission is not granted.

Mr. Gaya Prasad Singh : You did not agree to our proposal that day.

THE LAND ACQUISITION (AMENDMENT) BILL.

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

“ That the Bill further to amend the Land Acquisition Act, 1894, for certain purposes, be taken into consideration.”

This Bill, Sir, as the House is aware, is one of three Bills, the object of which is to implement certain minor, but by no means unimportant, recommendations of the Royal Commission on Labour, which I am commending for the consideration of the House to-day. During the course of their inquiry, the Royal Commission on Labour made very detailed investigations into housing conditions in all important industrial centres. The results of those investigations are recorded in Chapter XV of the Report of the Commission and the House will, I am sure, agree with me that the picture is not altogether a pleasant one. There was, however, one bright spot, and that was the fact that in a number of centres enlightened employers of labour have made vigorous efforts to provide housing for their workmen. The Royal Commission remark :

“ Employers' housing schemes vary greatly ; some are admirable and others less so ; but the worst is usually better than the best of the alternative accommodation open to the workers.”

They went on to say :

“ With the best intentions, industrial concerns have been unable to provide for more than 10 to 40 per cent. of their employees, and it is unlikely that even the most prosperous industries could house all their workers without the active assistance, both financial and otherwise, of Government and municipal authorities.”

The Royal Commission found, Sir, that of the three parties most interested in the problem of housing labour—municipal bodies, Government and employers.—it was the employers who had done the most and the municipalities least, though the order ought to have been the reverse. They made various suggestions on the subject which are at present under the consideration of Local Governments, but there was one in regard to which they asked the Government of India to help, and that

is the suggestion embodied in this Bill. The Bill proposes that power should be given to Government to acquire the necessary building land in cases in which an employer is willing to construct houses for his employees. The Royal Commission recommended that employers who were willing to help their labour and wanted to make it efficient—for labour can only become efficient if it is housed in proper surroundings—should be given all the assistance possible and that they should not be held to ransom by fancy prices being charged for land which they wished to acquire. This Bill, therefore, is the outcome of that recommendation.

The proposal is not a new one ; an identical one was brought forward by the Industrial Commission of 1916-18, and again by the Coal-fields Committee of 1920. Local Governments were consulted about it as long ago as 1922, and their replies revealed a remarkable unanimity of opinion. Some of them went so far to give it their warm approval. But for various reasons, the most important of which was that it was bound up with more controversial subjects, no action has been taken on it till now, and it was left to the Royal Commission to revive this dormant question.

It may be asked why we are bringing forward this legislation on the eve of constitutional changes as the result of which Land Acquisition will undoubtedly be a provincial subject. Well, Sir, I cannot agree, and I am sure the House will endorse my view, that constitutional changes are any reason for postponing desirable measures of reform, and I am quite sure too that it will be the desire of this House that in this respect at any rate the Land Acquisition Act should be a model for the Local Governments in the days to come. That is all I need say about the main proposals of the Bill.

I should perhaps mention that the possibility that land acquired by employers to house their labourers may be devoted to other purposes is guarded against by the provision which Honourable Members will find in the Bill, that the houses must be erected within a specified time. Then, Sir, I should also perhaps draw attention to the fact that we propose to give power for the acquisition of land "for and in connection with the erection of dwelling houses for the workmen employed by the Company". We are, as the House knows, expanding the definition of "Company". I wish to draw special attention to those words "in connection with". They are intended to provide for the acquisition of land for drainage, sewage, open spaces and the like, for we are anxious that land acquired under these powers should not be used to erect replicas of the slums which the buildings are intended to replace.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I agree with the principle of the Bill, and I entirely agree that a private concern should be put on the same level as companies. I am quite willing that we should be ready to help individual concerns as much as we possibly can. But I have got a very strong apprehension in my mind which I hope the Honourable Member in charge of the Bill will be able to remove, and that is, about the misuse of the privileges which we give under this Bill. Suppose a person wishes to acquire a very valuable land in a town which he would like

[Dr. Ziauddin Ahmad.]

to use in building shops in future. He starts a bogus concern and acquires this land. He may build some cheap houses within a period of two years as required by the Act or use the houses already acquired with slight changes. Suppose after some time he closes the concern, and he uses this property as a profitable concern and builds houses thereon for lease. Therefore, some provision ought to be made as to what would happen to this property which has been acquired under this law, if the business is closed, and unless we make a provision of this kind, I am afraid that this Bill will be more misused than otherwise. Even under the existing rules, I have seen cases of misuse of the Land Acquisition Act. A rich man did acquire in a certain town very valuable property from a poor man, and he has built thereon a number of splendid shops and he is really using them for the sake of private benefit. So, unless a provision is made in this particular Bill as to what would happen to the acquired land and property when the individual concern closes down, I am afraid that this Bill will be very much misused, and I would request my Honourable friend in charge of this Bill to consider this aspect of the matter very seriously.

Mr. N. M. Joshi (Nominated Non-Official) : I am very glad that the Government of India have brought forward this Bill giving effect to one of the minor recommendations of the Royal Commission on Indian Labour. But I cannot help remarking that Government should not delay giving effect to the other major recommendations of the Royal Commission. Sir, the Royal Commission on Indian Labour has made several important recommendations. I am aware that at present there are two Bills before this House giving effect to two of the important recommendations of the Royal Commission on Indian Labour. At the same time I feel that there are others which are equally important or perhaps more important than the recommendations which are already dealt with. I may state for instance that the recommendation of the Royal Commission as regards provision for maintenance during sickness of the working class people is more important, and Government should take early steps to give effect to it. Another recommendation of the Royal Commission is as regards provision for maintenance during the unemployment of the working classes. I see that Government have taken no steps so far and I therefore feel that they should not delay any longer giving effect to the major recommendations of the Royal Commission on Indian Labour.

As regards this Bill, Mr. President, I feel that it is a matter of great importance that proper provision should be made for the housing of working classes. In India the working classes are not properly housed. It is a patent fact. For instance, in Bombay more than 90 per cent. of the working class population is housed in one-roomed tenements, and if you look into other cities, you will find practically the same conditions prevailing. Therefore, it is necessary that every step should be taken to improve the housing conditions of the working classes in our country. So far as I am concerned, I feel that the duty of providing houses to the working classes in this country should be undertaken by the provincial Governments as well as by the municipalities. It is their proper function to provide houses to the working classes in the country. Unfortunately, in our country both the provincial Governments and the municipal governments

have not yet adequately realised their duty towards the citizens of this country, and it is for that reason I feel that the working classes have to be content to live in the houses provided by their employers. It is not the best way of housing the working classes, namely, that the houses should be provided by the employers. I hold that it is not quite desirable that the worker should live in the house which is provided by the employer. When a worker lives in a house provided by his employer, he somehow feels that he is a workman all the twenty-four hours of the day, and he does not develop a sense of freedom to the extent to which he would do if he lives in a house provided by the provincial Government or by the municipality. I would therefore prefer working class men living either in their own houses or in houses provided by a public body, but unfortunately, public bodies do not provide houses, at least sufficient housing accommodation for the working classes. Therefore, the working classes have to be content with the houses provided by the employers. Under these conditions I think it is our duty to give facilities to the employers to acquire land whenever land is necessary for the purpose of housing the working classes. I therefore welcome this Bill. I agree with Dr. Ziauddin Ahmad that as we are proposing by this Bill to take compulsorily the land of one private owner in favour of another private owner, care should be taken that whenever the purpose of acquiring the land is not served at all, the land should either go back to the State or to the previous owner. Mr. President, I support this motion.

Mr. K. P. Thampan (West Coast and Nilgiris : Non-Muhammadan Rural) : I am entirely at one with Government in their effort to give effect to the recommendations of the Royal Commission on Labour, but, Sir, I am afraid, this Bill goes a little further. The Royal Commission made recommendations only with regard to the housing schemes for labourers. Clause 3 (b) says that land shall be acquired when :

“Such acquisition is needed for the construction of some work, and that such work is likely to prove useful to the public.”

I am only a layman and from what I understood from the speech of the Honourable Sir Frank Noyce, it is intended that such work is connected with drainage and other things connected with housing schemes. If that is so, it is better to make the section clearer. Sir, in that part of the country from which I come there are many cottage industries which may be extended and brought under what are called industrial works. For instance, in Malabar, coir making is a cottage industry. You can develop it into a big industry where hundreds of people might work. There is the fish curing industry along the sea coast. This is a cottage industry but there are also large works employing hundreds of people. If a man having a business of this kind wants to purchase another's property and the owner is not amenable to his terms, it is easy for the former to avail of this section ostensibly to build a quarter or two for his labourers or dependants and ask Government to acquire the land. He might even wind up the business after some time and continue to enjoy the acquired property. What I apprehend is that clause 3 (b) is likely to be abused. I am anxious to make it applicable only to particular kinds of industrial works that are likely to prove useful to the public. With regard to housing schemes connected with large factories, I agree that the proposals are reasonable and to that extent I would lend my support to the Bill.

Mr. G. Morgan (Bengal : European) : I rise to support the principle of this Bill. It is very necessary for companies—and included in companies under this new section are all industrial concerns—that they should be able to secure land without having the market held up against them when they want to build houses for their workmen. I have a good deal of experience of the acquisition of land for industrial concerns. When a question of this kind arises, it is very often found that you can acquire every bit of land except the most important part which is held up for a fancy price in the market, and therefore I support the objects of this Bill in enabling concerns and companies to secure land for dwelling houses.

With regard to what my Honourable friend, Dr. Ziauddin Ahmad, said, I also have a feeling that clause 3 (b) might lead to abuses, but I have no doubt that the Honourable Member in charge will be able to enlighten us on the actual meaning of that clause. With regard to what Dr. Ziauddin said about the time within which the dwelling houses shall be erected under clause 4 (b), what happens to the land if those buildings are not erected. One would like to know what happens to the land—whether the person who buys the land will be punished or penalised in any way. I do agree with Mr. Joshi when he said that Provincial Governments and municipalities had entirely neglected their duties in this matter. I have some experience of that also. I am told that in Madras loans are given by the Provincial Government to the municipalities in order that they may carry out building schemes for the working and labouring classes. Those are the only points I wish to make with regard to this Bill. I heartily support the principle of the Bill.

Mr. A. G. Clow (Government of India : Nominated Official) : I am very glad, Sir, to find that the Bill has received so much support, particularly from Members who do not always find themselves in agreement on other subjects and I hope that I shall be able to satisfy those Members who felt doubts with regard to certain provisions of the Bill. Perhaps I might deal first with the point raised by my Honourable friend, Mr. Thampan, and my Honourable friend, Mr. Morgan, who raised the same point, regarding (b) of clause 3. The answer to them is that (b) is only there, because the draftsman chose to put it there. In other words, it is in the existing Act. (a) is the new part of this, and (b) is the old part. The existing section, after the preliminary part, reads :

“(a) that such acquisition is needed for the construction of some work, and (b) that such work is likely to prove useful to the public.”

What the draftsman has done is to put in a new bit as (a).

Mr. K. P. Thampan : May I say that the old Act confined its scope to companies. Here you are extending it to individuals. It is, therefore, feared that the abuses might creep in.

Mr. A. G. Clow : What abuse does the Honourable Member exactly fear ?

Mr. K. P. Thampan : The old Act empowered acquisition only for works of companies. It is intended by this Act that that privilege should be extended to private individuals also. Human nature being what it is, individuals may have ulterior motives and are apt to abuse this privilege. There is good deal of difference between acquiring land for a company of

established reputation and public utility and doing it for private individuals who have not got to render an account of their conduct to any one.

Mr. A. G. Olow : I agree that there is some difference but I am not sure that I entirely agree with the view that individuals would be less scrupulous than a company.

However, there are other safeguards to which I would invite the Honourable Member's attention and also the attention of Dr. Ziauddin Ahmad who had, I think, the same fear. The case put both by my Honourable friend and Dr. Ziauddin Ahmad was that of a rather spurious concern which, in order to get hold of certain valuable land—I think Dr. Ziauddin Ahmad suggested they were getting it cheaply—pretended or purported to start a housing scheme. As regards the question of getting land cheaply, my own experience of the Land Acquisition Act does not by any means show that to be a cheap method of acquiring land and certainly there is no intention that land should be acquired on favourable terms. But the real safeguards lie, first, in the fact that this Act does not enable a buyer to acquire land as of right. It is subject in every case to the consent of the Local Government ; and without that consent, which can be refused, as I read the Act, without assigning reasons, it is impossible for the employer to proceed. I think the Local Governments can be trusted to see that cases like those put forward by the Honourable Members do not get very far. There is, however, a further safeguard in section 41 of the original Act, in which the person or company acquiring land shall be required—this is obligatory—to enter into an agreement with the Secretary of State for India in Council to provide, to the satisfaction of the Local Government, for a number of matters. These matters include “ the terms on which the land shall be held by the company ”. I am perfectly sure that no Local Government would allow land to be acquired spuriously which was not really wanted for the purpose professed. It can also prescribe “ the time within which, and the conditions on which, the work shall be executed and maintained ”. So far I think these safeguards have been found adequate in practice for the acquisition of land for other purposes by companies and I see no reason why they should prove less adequate in the case of housing schemes.

My Honourable friend, Mr. Joshi, made what some think is his usual speech on every Bill connected with the Labour Commission, and suggested that we were somewhat dilatory in not putting forward all the recommendations at once. Sir, we are making progress, as I think the House will agree, at a very reasonable pace ; and I have always felt myself that to bring forward great blocks of proposals on the lines of the Labour Commission's suggestions simultaneously would defeat the purpose which I know Mr. Joshi has at heart. I entirely agree with him that there are dangers in depending on employers for houses. But experience has shown that such progress as we have made has been made to a considerable extent by employers, and we should have been in a sorry position today if the leading employers had not taken the steps that they have. We have got to make the best of the circumstances, and I for one in the present conditions would welcome anything that the leading employers are prepared to do towards meeting a want which, it must be admitted, is very sorely felt.

Mr. S. C. Sen (Bengal National Chamber of Commerce : Indian Commerce) : Sir, I fully support the Government in connection with the principle underlying this Bill. It is time that the acquisition of land needed by companies or by other industrial concerns for the housing of labour should be facilitated. Sir, the last speaker referred to section 41 of the Land Acquisition Act, but I doubt whether that section will apply in this case at all, having regard to the provisions made under clause 4, sub-clauses (b) (4) and (b) (5) of the Bill. Every acquisition by a company was conditional on the observance of certain conditions and the Local Government had the right to allow the land to be acquired for the purposes of a company and the company has to enter into arrangements with the Secretary of State as regards the conditions upon which the works shall be executed and as regards the conditions upon which the public shall be entitled to use the work. Here the amendment takes away that provision. So far as regards land required for the construction of houses for workmen is concerned, the acquisition is to be treated as being for a public purpose and the public are not entitled, as mentioned in sub-clause (5), to have use of the same. There are two provisions. The first provision is irrespective of whether it is for a public purpose, the Government's idea being that when a land is required for the purpose of housing workmen, that is considered as for a public purpose. The second provision which is there in the Land Acquisition Act also talks of a public purpose which has to be proved to the satisfaction of the Local Government. But in the other, no public purpose is mentioned, the housing of workmen being assumed to be a public purpose. In clause 3 (b), provision is made for acquisition, not necessarily for the housing of workmen, provided the work as is likely to prove useful to the public. That qualification is only in the case of lands which are required *not* for the purpose of housing accommodation, you have now made in clause 3 (a) provision which refers to the new power which you are giving not to companies but to private individuals and private industries who require land for housing purposes. In that case you assume that it is a public purpose, and it is not necessary for the acquisition to show that it is for a public purpose or that it will prove useful to the public. Section 5 which is now in the Land Acquisition Act says that where the acquisition is for the construction of any other work, namely, for work not necessarily for workmen, there you have to show, what? You have to give the time within which and the conditions on which the works should be executed and maintained and the terms on which the public shall be entitled to use the work. In this particular case, the law is as it was before. You have to show that the public shall have the same right to use the work, whereas in the case of workmen's dwelling houses you have not to show whether it is for a public purpose or that the public will have a right of use. Under the circumstances a private industrial concern may acquire land ostensibly for housing accommodation for workmen, but ultimately he may use same for some other purpose there being no such agreement for continual user as is required under section 41 of the Act and sub-clause 4 (b) (5) of the Bill. These are defects which ought to be remedied so that these objections made by Dr. Ziauddin Ahmad may be met. Now I do not know, when a company or individual takes land for the purposes of work, what might be the conditions upon which the public can use it. I had occasion to acquire land for a company, and I do not know, except by putting in some bogus clauses to satisfy the sections, how Government can be

satisfied with the condition that the public can use it. With these remarks I support the Bill, and I hope these matters referred to before will be considered.

***Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, at the very outset I may say that the Bill, as introduced, and the clauses therein, are not only unsound but even very dangerous as well, especially when I read clause A, where I find the words :

“ An industrial concern, owned by an individual or by an association of individuals and not being a Company.....”

I take objection to the word “ concern ”. The word “ concern ” is not defined in this Bill. Any small blacksmith or silversmith or anybody may put up a small shed at any place near any dwelling-house. He can employ a certain number of people in his shop and the next day he might rush in and say that his small shop is a concern. He can claim the right to have the houses near about his concern, which cannot, in any good sense, be called a “ concern ”, acquired under this Bill. I submit that this is a kind of Bill which will help capitalists against the poor people. So, I submit that either the word “ concern ” should be defined or the words “ owned by an individual ”. It is also mentioned in the Bill that this small concern will be called a company. I take objection to these words. Either they should be explained properly or they should be put in a proper form so that these mischiefs may not be committed by the operation of this Bill.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, in spite of the assurance given by my Honourable friend, Mr. Clow, I think, I am unable to agree with the view expressed by the Honourable Members from the Treasury Benches. In the first place, Sir, my great complaint is that these Bills, about which there ought to be no hurry, are, without being circulated for public opinion and without being referred to Select Committee, at once introduced in the House for the first time for consideration. The ordinary procedure of the House is that every Bill should first be circulated for public opinion and after the public opinion is taken it should be referred to a Select Committee when the Members may have time to make necessary amendments after accepting the principle of the Bill. But now-a-days I find that usually Government Bills are at once introduced and the consent of the House is sought for for their consideration. Sir, you are custodian of the rights of this House and I consider that this is an infringement of the privileges of the House.

The Honourable Sir Frank Noyce : May I point out, Sir, that it was open to the Honourable Member to put in a motion for circulation, but he has not done so. Therefore, I find it a little difficult to understand his attitude now.

Sir Muhammad Yakub : We may or may not move such an amendment, but my complaint is a general complaint. It ought to be the duty of the Government to bring all their measures in the ordinary way laid down in the procedure. It must be only in very urgent cases or in

*Speech not revised by the Honourable Member.

[Sir Muhammad Yakub.]

exceptional cases, when Government thinks that circulation or reference to a Select Committee would defeat the real object, that they can dispense with the ordinary procedure ; but usual procedure must always be followed in ordinary circumstances. And I appeal to you, Sir, that you will not allow the Government Members to dispense with the ordinary procedure and adopt the extraordinary procedure about every measure which they bring before the House.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member has already been told by the Member in charge that it was open to Honourable Members to give notice of amendments both for circulation and for reference to Select Committee. The Chair cannot interfere with the procedure laid down in the rules and standing orders. The Chair should like to point out that if there is a very strong feeling in the House in that respect and an amendment for reference to a Select Committee or for circulation is proposed to be moved, the Chair, by virtue of the discretion that is vested in it, will allow such an amendment without previous notice.

Sir Muhammad Yakub : Sir, I would certainly blame the Government. Of course, it is also our fault. But the ordinary procedure is this that two or three days before the meeting the notice or agenda for the Government business is sent to the Members in a bundle and it is just possible that sometimes certain Bills or certain motions slip from the notice of the Honourable Members.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Order, order. It might escape the attention of one Member but not of all the elected Members !

Sir Muhammad Yakub : It is the fault of the Members. But I do think that it is also the fault of the Government that they wish to adopt the extraordinary procedure on ordinary occasions. Everybody would admit that to dispense with the first two stages laid down in the procedure should only be resorted to in extraordinary circumstances. If, on the other hand, extraordinary measures or extraordinary procedure becomes the ordinary procedure, then what is the use in the procedure of having a Select Committee stage or a stage for circulation. Is it only for non-official Bills ? Is it only to stop the passage of the non-official Bill that these two stages are put down ? I leave it at that, and I hope that the Honourable Members of the Treasury Benches will make note of it for the future.

As regards the provisions of the Bill, as I submitted, in spite of the assurance given by my Honourable friend Mr. Clow that the matter would be left to the discretion of the Local Governments, I still find myself unable to support the Bill. What the term "Local Government" means in common parlance, we all know. It is all very well to talk of a Local Government in this Assembly but in matters like this, who is the Local Government ? A Patwari or at the most a Tahsildar.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Will the Honourable Member allow the Member in charge to make a statement ? I will allow him to resume his speech.

The Honourable Sir Frank Noyce : Sir, I cannot agree with my Honourable friend who has just spoken that Government have adopted any extraordinary procedure in this matter. The Leader of the House is in a better position to reply on that point than I am, but it is not an uncommon feature of Government procedure for them to move for the immediate consideration and passing of a Bill in regard to which they consider it likely that there will be general agreement from all parts of the House. The best way of ascertaining the feeling of the House, I think, is by a motion for circulation or for reference to a Select Committee, and I may point out that in regard to this measure no such motion has been made. It appears, however, that the House is not altogether satisfied on some points in connection with this Bill and I have no objection whatever to circulating it for opinion. If I had had, before bringing my motion today, any intimation that the House would like the Bill to be circulated, I should have agreed to it at once.

Sir Muhammad Yakub : If the Honourable Member is willing to accept an amendment, then with your permission I move the following amendment.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Chair was going to suggest that very thing to the Honourable Member. He may move an amendment for circulation.

Sir Muhammad Yakub : With your permission, Sir, I move that the Bill be circulated for eliciting public opinion thereon.

Sir Lancelot Graham (Secretary, Legislative Department) : On a point of order, Sir. When an amendment is moved for circulation of a Bill, the Standing Order requires that a date should be mentioned by which the opinions are to be obtained.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Will the Honourable Member please state the date by which the circulation is to be completed ?

Sir Muhammad Yakub : Opinions may be called for until 31st January, 1933.

The Honourable Sir Frank Noyce : May I suggest that the date might be 1st January, 1933 ?

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Before the Honourable Member writes out his amendment, the House knows what it is and if no Honourable Member wishes to address the House, I will put the amendment to vote.

Sir Cowasji Jehangir (Bombay City : Non-Muhammadian Urban) : I just want to speak on the method and procedure. I would like to draw the attention of the Government Benches to an aspect of the case that requires consideration. It is this ; sometimes there may be a Bill which it would be advisable to pass straightaway by going through all the stages from the first reading. But the procedure adopted by Government is likely to prevent the House from allowing that to take place, because the date on which it is introduced and the date on which the

[Sir Cowasji Jehangir.]

first reading takes place does not give the people at large in the country an opportunity of knowing the provisions of the Bill. It very often happens that a Bill may be a very simple one, but India is a very large country and a Bill passed in this House concerns the whole of India. Therefore, if the Government would so arrange their business as to allow a certain lapse of time between the introduction and the first reading of the Bill, they might find that they would get their Bills passed at the first reading. Sir, I have had occasion to complain about a Bill that was introduced in this House in this session. It looked on the face of it a very simple measure. As a matter of fact, it contained principles of a very far-reaching character. Fortunately for us on that occasion, as we have on this, a very reasonable Member of Government agreed not to have the first reading until a certain date. The result has been that we have had an opportunity of consulting expert opinion. If the Leader of the House would take this point of view into consideration, I think it would be both to the advantage of the House as well as of the Government.

The Honourable Sir C. P. Ramaswami Aiyar : Inasmuch as the Honourable Member has referred to me and asked that consideration should be paid to the aspect which he has put forward, I may at once assure him that Government are fully alive to the points indicated by him. The only matter that I wish to dwell upon for a moment is this, that my Honourable colleague, the Member for Industries and Labour, evidently thought that on this Bill, in view of the recommendations of the Labour Commission, there would be practically no difference of opinion. It was in the course of the debate that a difference of opinion manifested itself and I may assure the Honourable Member that whenever the Government consider that there is the necessity either for circulation or for detailed consideration in the Select Committee, it will be their endeavour to follow that mode of procedure.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is :

“ That the Bill further to amend the Land Acquisition Act, 1894, for certain purposes, be circulated for the purpose of eliciting opinion thereon by the 1st January, 1933.”

The motion was adopted.

THE INDIAN EMIGRATION (AMENDMENT) BILL.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands) : Sir, I move :

“ That the Bill further to amend the Indian Emigration Act, 1922, for certain purposes, be taken into consideration.”

I may state that this is a simple and innocuous measure. It has been introduced as a result of experience gained of the working of this Act. We have found, as is stated in the notes on clauses, certain deficiencies in the Act. It is the policy of Government, and also the policy of this House, that assisted emigration shall not take place except in strict conformity with the provisions of this Act and the rules made thereunder. The defects revealed by experience point to three *lacunae*

in our law and the rules ; firstly that there is no legal sanction for insisting that only licensed persons shall recruit for the purpose of assisted emigration. That defect, we propose to set right by the provisions of clause 2 of this Bill. The second defect is that, when a person has been produced before a court for assisting some one to emigrate without conforming to the provisions of the Act or the rules made thereunder, the courts have insisted that that by itself is not sufficient, to secure conviction and that the element of inducement in the sense of enactment should also be proved. Now, Sir, what we have been aiming at is the penalising of any form of assistance which is given outside the purview or the provisions of the Act and the rules thereunder. That, Sir, is responsible for the provision in clause 3 (a) of the Bill, viz. :

“(a) in clause (b) of sub-section (2), for the words ‘ induces, or attempts to induce ’ the words ‘ causes or assists or attempts to cause or assist ’ shall be substituted.”

The third defect which has come out in the course of experience is that a breach of the rules *per se* is not punishable under the provisions of the Act. That, Sir, is responsible for the provisions which we are making in clause 3 (b) of the Bill.

Clause 4 merely carries out consequential amendments in the other sections of the Act, by substituting for the words ‘ induces, or attempts to induce ’ whenever they occur, the words ‘ causes or assists or attempts to cause or assist ’.

That, Sir, is all the explanation that I need give to the House with reference to the objects and origin of the Bill. Sir, I move that the Bill be taken into consideration.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Motion moved :

“ That the Bill further to amend the Indian Emigration Act, 1922, for certain purposes, be taken into consideration.”

The motion was adopted.

Clauses 2 to 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

Mr. G. S. Bajpai : Sir, I move that the Bill be passed.

The motion was adopted.

THE CANTONMENTS (AMENDMENT) BILL.

Mr. G. R. F. Tottenham (Army Secretary) : Sir, I move :

“ That the Bill further to amend the Cantonments Act, 1924, for a certain purpose, be taken into consideration.”

I do not think that I need detain the House for more than one or two minutes on this small Bill. The Bill is designed to regularise a peculiar position which has arisen in one single cantonment, that is to say, in Quetta. As explained in the Statement of Objects and Reasons, the law requires that the Officer Commanding the station should be the President of the Cantonment Board. Now it so happens that in Quetta the General Officer Commanding in Chief, the Command, has assumed

[Mr. G. R. F. Tottenham.]

direct command of the troops in Quetta owing to the abolition, for reasons of economy, of the Baluchistan District ; and I do not think it needs any argument on my part to urge that it would be unreasonable to expect that an officer of the status of General Officer Commanding in Chief should assume the duties of President of the Cantonment Board. Apart from anything else, the General Officer Commanding in Chief is the appellate authority under the Cantonments Act, and a very anomalous position would arise if the provisions of the law were strictly enforced in this case in Quetta. We therefore merely seek to amend the Act in order to regularise the position in this particular cantonment.

Sir, I move that the Bill be taken into consideration.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

Mr. G. R. F. Tottenham : Sir, I move that the Bill be passed.

The motion was adopted.

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

The Assembly re-assembled after Lunch at a Quarter Past Three of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

THE CHILDREN (PLEDGING OF LABOUR) BILL.

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

“ That the Bill to prohibit the pledging of the labour of children be taken into consideration.”

India is a land which has always been famous for kindness to children ; and therefore it must have been a matter of great regret to all well-wishers of this country and to lovers of children that the Royal Commission on Labour should have discovered a blot on its fair fame in this respect. From places as far distant as the *Bidi* factories of Madras, the cotton mills of Ahmedabad and the carpet factories of Amritsar it found that the conditions in which children were working were most unsatisfactory. Poverty and illiteracy have had the same dire effects in this country as they had in England in the early days of the Industrial Revolution. Fortunately the world has advanced a hundred years since then and the evil here is not as deep-seated or as widespread as it was in the days when Elizabeth Barrett Browning wrote that very poignant poem, “ The Cry of the Children ”. But that there are abuses and serious abuses cannot be denied and it is I think the duty of the Government and the duty of this Assembly to see that they are removed as speedily as possible. The Royal Commission made various recommendations in that respect. With some of them,—a considerable number in fact,—we propose to deal in the amended Factory Act which will come up for the consideration of this House in due course.

It is with one and only one that we propose to deal in the Bill which is now before the House. That one is the pledging of the labour of children, that is the taking of advance by parents or guardians on agreement, written or oral, mortgaging the labour of their children. The Royal Commission on Labour spoke in very strong terms about this. They described the system as worse than the system of indentured labour, as the indentured labourer is, when he enters on his contract, a free agent whilst the child is not. Now, India has repudiated and repudiated very emphatically the system of indentured labour in regard to adults both in this country and overseas. Surely it is a small matter to do the same thing for the children. In the course of the debate last week my friend, Mr. Joshi, was referred to on several occasions as the only member for labour in this House. I am quite certain that where children are concerned we are all of us without exception members for labour (Hear, hear) ; and it is in that sure and certain confidence that I commend this Bill for the consideration of the House. I would only add that in view of what befell in regard to the first Bill for the consideration of which I moved to-day, that if there is any general feeling regarding the desirability of circulation I am prepared to accept a motion to that effect, though I must confess that I wish that the House would allow me to proceed with all stages of this Bill at once. Sir, I move.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, I beg to move :

“ That the Bill be circulated for the purpose of eliciting opinion thereon.”

The reason for moving this amendment is a very simple one. First of all, I want to know whether the system of pledging the labour of children is prevalent in this country or not.

Mr. N. M. Joshi (Nominated Non-Official) : It is in the Report.

Mr. M. Maswood Ahmad : I am coming to that. If this system is not existent, this measure is not at all required ; and if, on the other hand, it is prevalent, then this Bill aims to change the existing system which may affect a large section in the country. I say that this Bill, if enacted into law, is bound to affect the industries and labour of this country to a very large extent. The opinions of the industrial and labour unions are not before us. Only a week ago, this Bill was introduced, and I quite fail to realise why the Government are in a hurry to have this Bill passed. There is going to be no harm done ; in a month or two, the opinions of different Local Governments, High Courts and industrial organisations must be placed before us, before this House is asked to pass the Bill. To me the Bill appears to be very defective. There is no definition of the word “ labour ” in clause 2 of the Bill. All kinds of labour, whether domestic or industrial, hard or light, come within the scope of the Bill. In clause 2 of the Bill, you will find that “ an agreement to pledge the labour of a child ” means an agreement, written or oral, express or implied, whereby the parent or guardian of a child, in return for any payment or benefit received or to be received by him, undertakes to cause or allow the services of the child to be utilised in any employment. Is not this definition too wide ? If any person makes a contract that his son or ward will work or serve as a domestic servant, it comes within this definition. If any one makes a contract for

[Mr. M. Maswood Ahmad.]

the labour of a child, who may be even by one day below fifteen years, then he can be prosecuted. Some might say that employment is not criminal, but the pledging of labour is criminal. In 99 per cent. of cases in any employment there will be an undertaking—call it by any name you like, contract or pledge. The amount to be paid for the services rendered will be consideration of the contract ; and this amount may be called reward or anything else. So there can be no employment without a contract of work, contract of time and contract of salary. As far as I can understand, the law wants children under 15 to remain idle.

My fourth point is that the Bill is silent on many points. It does not mention anything about the case being cognisable, bailable or compoundable.

My fifth point is that it is very difficult to check child employment. Contracts are bound to be entered into after this Bill becomes law, but these contracts will be oral ; and, like the Child Marriage Restraint Act, this new law will only be operative when there will exist some kind of enmity between the parties.

My sixth objection is as to what would happen to those pledges that would have been made before the passing of the Bill. There is no mention about that in this Bill.

My seventh objection is that in the Statement of Objects and Reasons, it is said that in some cases the children so pledged were subjected to particularly unsatisfactory working conditions. But, without any pledging, the children can be subjected to unsatisfactory working conditions. There is not a single word in the Bill for making these unsatisfactory working conditions penal. Government want to make the pledging of child labour penal and not the unsatisfactory conditions. These are the great defects in the Bill. Further, Sir, much has been said in this Bill about the recommendations of the Royal Commission on Labour, and Government have also, in the Statement of Objects and Reasons to this measure, stated that "The Commission considered that the State would be justified in adopting strong measures to eradicate the evil" and so on, and my Honourable friend, Mr. Joshi, has also asked us to read the Report of the Royal Commission. But, Sir, what do you find at page 102 of the Report of the Royal Commission on Labour ? This is what they say :

"But as there may be other questions of policy to be taken into account, we commend the proposal for examination by Government."

They do not say that this action of pledging should be made penal. Their final decision on this point is this :

"In any case we recommend that a bond pledging the labour of any person under the age of 15 years executed for or on account of receipt of any consideration should be void."

They do not say that this act of pledging should be made penal at all. They only want that this act of pledging should be void.....

The Honourable Sir Frank Noyce : May I correct the Honourable gentleman ? The Royal Commission on Labour definitely state that

the giving of advances to secure the labour of children and the execution of bonds pledging such labour could both be made criminal offences.

Mr. M. Maswood Ahmad : Certainly, Sir, they have said so. But what have they added later on ? They say that :

“ As there may be other questions of policy to be taken into account, we commend the proposal for examination by Government.”

That shows that the Commission have left this matter entirely to Government.

Mr. N. M. Joshi : That is why Government have brought forward this measure.

Mr. M. Maswood Ahmad : Yes, but what is their final conclusion ? They were at liberty to suggest that this offence should be made criminal. Their final conclusion is that :

“ In any case, we recommend that a bond pledging the labour of any person under the age of 15 years executed for or on account of the receipt of any consideration should be made void.....”

Mr. A. G. Clow (Government of India : Nominated Official) : “ In any case.”

Mr. M. Maswood Ahmad : Yes, in any case ; but, Sir, when you are going to make a change in the history of labour legislation in this country, you must circulate this Bill and take the opinions of the High Courts and other Local Governments. Only two hours ago, my friend, Sir Muhammad Yakub, and other Members pointed out that Government should resort only to ordinary course. Therefore, I submit, Sir, that Government should circulate this Bill for eliciting opinions from the different High Courts, Local Governments and other bodies, and then send this Bill to a Select Committee before passing it into law. With these words, Sir, I propose that this Bill be circulated.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir, I rise to offer my whole-hearted support to the measure which has been brought forward by my Honourable friend, and I strenuously oppose the dilatory motion which has been moved by my Honourable friend behind me. This is, after all, a very humanitarian measure, and my only regret is that it should have been left to the Royal Commission on Labour to induce the Government of India to sponsor a measure of this character. Sir, this piece of legislation was long overdue, and we must thank the Government for having brought forward a Bill of this kind which is calculated to remove a long-standing evil in the industrial and social life of this country. Sir, it is notorious that, as mentioned in the Report of the Royal Commission on Labour, pledging the labour of children in advance by their parents or guardians is a common feature in the industrial and agricultural life of this country ; and the sooner this evil is removed the better will it be for the welfare of such children in this country. Sir, a child has been described in the Bill to be a person who is under the age of 15 years, and the sort of agreement which is sought to be penalised is this—“ an agreement to pledge the labour of a child ” means an agreement, written or oral, express or implied, whereby the parent or guardian of a child, in return for any payment or benefit:

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received or to be received by him, undertakes to cause or allow the services of the child to be utilised in any employment. This, Sir, is an evil which ought to be suppressed at once in the interest of health and the welfare of children. This is such a simple measure that I do not know what useful purpose would be served by circulating it to the country for opinion. After all, High Courts are bodies which have not much to do with the principles of legislation ; they have to administer the law as they find it ; and in matters of this nature some of the High Courts with reference to some other measures pertaining to the industrial and labour population of this country have declined to give their opinion on questions of policy. It would be useless, therefore, Sir, to delay the enactment of this measure into an Act, and I most strongly support it.

Mr. N. M. Joshi : Mr. President, I am very thankful to my Honourable friend, Mr. Gaya Prasad Singh, for having supported the measure brought forward by the Honourable Member in charge of this Bill. I was equally sorry, Mr. President, that it should have been left to a member of the Independent Party.....

Several Honourable Members : No, no ; he is not a Member of the Independent Party.

Mr. Gaya Prasad Singh : He is independent of every party.

Mr. N. M. Joshi : I was sorry that it should have been left to an Honourable Member opposite to bring forward a dilatory motion for circulating this Bill and thus obstruct the progress of this beneficent piece of legislation. Mr. President, some days ago, my friend, Mr. Moswood Ahmad, told me that he had sympathy with labour and he wanted to send notice of a Resolution in favour of one of my labour proposals. I did not doubt at that time what kind of sympathy my friend had for Indian labour. Unfortunately I now realise what sympathy he has for labour. Fortunately I did not take him very seriously at that time and did not spend my time and energy over giving information which he wanted from me.

Now, the proposal made by this Bill is a very simple one, and that proposal is that guardians should not be allowed to pledge the services of children so that the guardians should take the money and make the children work under whatever conditions the employers choose to offer. As the House knows, Sir, the Royal Commission on Labour went into this question very thoroughly and enquired into the conditions at several places. They saw the *Bidi* factories in Madras, and they have made a definite statement that in these factories sometimes the children do not escape even corporal punishment, and children employed are as young as 5 years old. This is what they say :

“ The paramount matter for concern, however, in a number of areas, particularly in the Madras Presidency, is the question of child (*i.e.*, boy) labour. In many cities large numbers of young boys are employed for long hours and discipline is strict. Indeed there is reason to believe that corporal punishments and other disciplinary measures of a reprehensible kind are sometimes resorted to in the case of the smaller children.”

As regards Amritsar, as my Honourable friend, Mr. Ahmad, reminded me, the conditions are not different. There too, corporal punishment is sometimes resorted to by the employers. This is what the Royal Commission says :

“ They were without the protection of the law as regards their physical fitness to labour, the number of hours they might be required to work without any interval, or, indeed any other of the more elementary protection afforded by the Factories Act in respect of child workers, and they were subjected in some cases to corporal punishment.”

Mr. President, there is not a single Member in this House who will maintain that such conditions should be allowed even for the period of three months which my Honourable friend Mr. Maswood Ahmad wants. The Royal Commission say that it is worse than indentured labour. Let me go further and say that these conditions are nothing short of slavery. Even in the case of slavery, if you make a slave of an adult there is difference, but here you are making a slave of a child and I am quite sure that this House is not going to tolerate these conditions even for three months. It was a pity that these conditions were not brought to the notice of the Indian Legislature long before, but when they are brought to the notice of the Legislature I am sure the House will pass suitable measures without delay.

Mr. President, the arguments used by my Honourable friend Mr. Maswood Ahmad seem to me not very serious, and perhaps I feel that he himself was not convinced. He said that the trade unions in India were not consulted. Does he know of any trade union which will support his motion? I challenge him to point out to me one single trade union in India which will support the motion which he has brought forward? I am sure that when he said that the trade unions were not consulted he was not talking on behalf of the trade unions but on behalf of somebody else. Then he mentioned about the definition of labour. The definition of labour is quite clear.

Mr. M. Maswood Ahmad : Is it not a fact that the trade unions were not consulted?

Mr. N. M. Joshi : They have not been consulted because the Government knows what the trade unions will do. The trade unions will blame Government for not having passed a law so long. The definition of labour is given here. Labour means service. The definition of agreement gives the definition of labour, and you do not require any more definition of labour. Then my Honourable friend talked of domestic service. He said that the children will not be allowed to be used for domestic service. Yes, children will not be allowed, the labour of children will not be allowed to be pledged by parents for domestic service. I know as a young boy how we used to get our domestic service in our villages. We used to give loans of Rs. 25 or Rs. 50 to the father of the boy, and that boy had to serve the families for their lifetime for the sake of those Rs. 25 or Rs. 50 which the father had taken about 50 or 25 years ago. The evil is greater in the domestic service than in any other service. It is true that the evil of the domestic service is not seen. Why? The evils that we find in the carpet factories at Amritsar, the *Bidi* factories in Madras and the important textile mills in Ahmedabad, somehow come to light, as they came to light on this occasion through the Royal Commission on Labour, but the evils of domestic service will never come to light. I therefore feel that it is absolutely necessary that the Bill should apply to all industries and all kinds of work including domestic service. Then, my Honourable friend Mr. Maswood Ahmad seems to have some sympathy with idle children. He said that if your children are not employed they will then remain idle. It is not the intention of the Royal Commission that children should

[Mr. N. M. Joshi.]

remain idle. They intend, as we all intend, perhaps including my Honourable friend, Mr. Maswood Ahmad, that the children in this country should receive very good education. The children of the poorest classes in this country should receive as good an education as his children and my children receive. Therefore it is nobody's intention that the children should remain idle. We all want children to be educated. But if you say that unless you make a provision for the education of children their labour should be pledged, I am not prepared to accept that proposition. Let the child be saved at least the troubles of work, working for 5, 8 or 10 hours in as bad conditions as are depicted by the Royal Commission on Labour. Let the children remain idle.

Mr. M. Maswood Ahmad : Why don't you make unsatisfactory working conditions penal ?

Mr. N. M. Joshi : I am coming to that. Mr. President, I would prefer children to remain idle, play in the open fields, or play even in the huts, to their working in the employers' houses, and being exploited by their parents and their employers. My Honourable friend asks, why don't you make bad unsatisfactory conditions penal ? Who is against ? Not I. I would make the pledging of children penal, and I am prepared to help my Honourable friend in passing a Bill for making any such unsatisfactory conditions penal. Therefore, I feel that there is absolutely no ground for circulating this Bill. This is a simple measure, a measure consisting of only five clauses, and what does it do ? In the first place, it makes it penal for a parent to pledge the services of his child. Secondly, it makes it penal for an employer to make an agreement with a parent who has no sympathy or affection for the child and is ready to pledge the child's services. Thirdly, the Bill also makes it penal for an employer to employ a child whose father has made an agreement with some other gentleman for pledging the labour of that child.

Sir, I was surprised this morning that a motion for circulating another Bill should have been made. Unfortunately, the Government showed willingness to accept that motion, and when Government and organised parties here combine they can do any mischief (Laughter), and they got the Bill circulated.

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : But what happens when Labour and Government combine ? (Laughter.)

Mr. N. M. Joshi : The world would be very much better if Government and Labour combine. Mr. President, I hope, Honourable Members will not agree to the motion and obstruct the progress of this Bill even though the Government may agree to this motion.

Mr. J. A. Milligan (Bengal : European) : Sir, I rise to support this Bill, but I beg to point out what appears to me to be a flaw in the drafting. It seems to me that the Bill, as worded, will fail to achieve the objects for which it is intended. I allude particularly to clause 2 where an agreement to pledge the labour of a child is defined as an agreement entered into by a parent or guardian of the child. This would appear to leave it open to other persons to act as intermediaries in the matter and thus evade the objects of the Bill. If the demand for such labour continues, it seems probable that, unless the wording of the definition is amended, a class of suppliers of child labour will come into existence who would come

to terms with parents and guardians and pledge the labour of the children to employers and thus neutralise the objects of this Bill. As no offence would be committed, no question of abatement could arise.... (Mr. K. Ahmed : " Oh, yes. Section 362.").....nor would it be possible to make clauses 4 and 5 operative in such a case. This defect, if I am right in so describing it, would be removed either by substituting the word " person " for " parent or guardian " in clause 2, or by adding some such words as " or other person acting on behalf of or in collusion with a parent or guardian ".

Mr. B. R. Puri (West Punjab : Non-Muhammadan) : Sir, I regret I have to strike a discordant note. The principle underlying this Bill is no doubt acceptable to all right thinking people, but I find that the House in dealing with this subject is getting somewhat super-sentimental. I am afraid that the present Bill proceeds on the assumption that every kind of employment of children, necessarily involves a certain amount of cruelty. Now, Sir, I take it that the system of the employment of children is a recognised one in most of the western countries also. All that we have to see is that the particular employment of children involves no hardship or cruelty on them. For instance, having regard to their tender age, if we find that the hours of work are long or the nature of the work involves a certain amount of hardship upon the children, I think such a case would be a fit one where the State should step in and legislate, but every employment is not necessarily cruel. Take for instance the case of a parent who has got two or three children quite strong and fit to do the work. Are they to be allowed to go about and act like vagabonds, waste their time in streets and get into bad ways ? In such a case, I really do not see that he is committing any social or moral sin, if the parent sends them to a workshop or factory where the nature of the work and the hours of work do not entail any hardship or cruelty on them. Take a familiar parallel. You send your young children to school. They are made to go often crying at early hours, half fed and remain long hours, usually 6 hours. Does not that involve cruelty ?

The Honourable Sir Frank Noyce : I should like to ask the Honourable Member for whose benefit they are sent to school and for whose benefit they are sent to work.

Mr. B. R. Puri : But why should you assume that the work brings no advantage to the children. It is not as if they are made to work without getting any compensation for it. I welcome the measure. I approve of it but so long as the children of tender age are not put to any cruelty, the State has got no business to interfere and assume that every employment is cruel and thus to debar every parent from sending his children to a workshop or factory if that is in the best interest of the children.

Mr. Muhammad Muazzam Sahib Bahadur (North Madras : Muhammadan) : There is an amendment standing in the name of my Honourable friend Mr. Maswood Ahmad that the Bill be circulated for the purpose of eliciting public opinion by the 1st of January 1933. In Madras there are a number of *Bidi* factories which employ children between the ages of 7 to about 15 or 16. Those are the ages of children employed in the *Bidi* factories and it may be to some extent true that in some cases corporal punishment is meted out to some of these children. The conditions in Madras are not very happy.

[Mr. Muhammad Muazzam Sahib Bahadur.]

Mr. B. R. Puri : Corporal punishment is meted out in schools as well.

Mr. Muhammad Muazzam Sahib Bahadur : I do not think that the measure before the House is one which ought to be accepted as it stands. As a matter of fact the Bill does not make an exception in the case of domestic servants. If I employ a boy of 14 as my domestic servant I come under the Act. If that boy who is able bodied had not been employed by me or by any other, it is probable that his future life would have been altogether spoiled. In a country like this where we have not got free compulsory primary education, I think it is very hard that a Bill of this kind should be given effect to all at once. Although in some provinces education is made compulsory, still it is more or less in the same condition as the provisions of the Sarda Act. We all know how that enactment is being applied in practice and it is not much better in the case of free primary education wherever it exists. In that state of things I think it would be better to circulate the Bill for eliciting public opinion. Nothing would be lost by delaying it for about three months. This could be taken up in the January session at Delhi and in the meanwhile we should have the advantage of the opinion for and against a measure of this kind, though I feel at the moment that something should be done to remedy the hard cases of young boys who are made to work in the factories. There is a disease which calls for a remedy but is the remedy the one which the Honourable the Commerce Member suggests ? I think the remedy is quite the other way. As Mr. Puri suggested, there ought to be some check over the manner in which children are called upon to work. I support the motion for circulation for eliciting public opinion by the 1st January, 1933.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, I am not denying the right of anybody to interest himself in looking after the welfare of small children. (Laughter.) I myself realize the hardship which is, sometimes, done to children by their employment in factories where they have to work very hard ; but we must see that the relief proposed by means of this Bill will really remove the harm which is done to children and that it will not increase their misery instead. Sir, the terms of the Bill, as placed before this House, are so wide that if it is placed on the Statute-book in the form in which it is here, it will do more harm, I am afraid, to the children in India than good. Sir, we know how poor this country is. We know there are thousands and thousands of children who are orphans and who are between the ages of twelve and fifteen. Now these children cannot get even one meal in every 24 hours, and the only way of securing some relief for them is afforded by their being employed with families for doing some petty work so that they can thereby get their food and clothing.

Sir Cowasji Jehangir : Are the families referred to in this instance making any advance in order to secure the services of these children ? If not, this Bill does not apply to them.

Mr. Gaya Prasad Singh : The "pledging" of labour alone is forbidden, not the employment of such labour ; and you must pay an advance.

Sir Muhammad Yakub : If the Bill applies only to cases where a sum of money is given in advance, then I have no objection to the Bill. (Hear, hear.)

†**Mr. S. G. Jog** (Berar Representative) : Sir, with due respect to the recommendations of the Royal Commission on
 4 P.M.
 Labour, I think I cannot agree with these recommendations. (Laughter.) I doubt very much whether the members of that Royal Commission were fully aware of the economic conditions in India. (Laughter.) Sir, the choice is between starvation and education and other comforts of life. Sir, in my sympathy with the labouring classes, I yield to none, I do not yield even to my esteemed friend, Mr. N. M. Joshi, the Labour Member (Hear, hear), but I am afraid sometimes he carries things too far. This measure, Sir, is of an extremely revolutionary nature, and it will affect every household not only in the towns but in the villages as well. Many of you probably have no idea as to how the labourer in the village lives, and what his annual income is. He has to support a family consisting of three or four people. Sometimes such a man may be a father or a grandfather and he has to maintain these three or four souls at least. He himself is not able to earn a livelihood even for himself. In these circumstances, what has he to do ? If he has got two or three sons of the ages of 12, 13 or 14 and, even if he takes a small advance from other people in the town or village, and if these latter engage them in their service and if these boys render their services there, I for one see nothing wrong in it. If these boys do not render some mild service which will suit their nature in childhood, the only result will be that these men will have no alternative but to starve out these small souls. (Hear, hear.) Sir, I know of many cases in the villages, especially in connection with agricultural operations, where they have got advances from such people and, in return, they render service in agriculture.

Mr. N. M. Joshi : Why should such people make money out of children by virtually employing them as slaves ?

Mr. S. G. Jog : Well, I know this is a regular practice in the villages, especially with people who have got agricultural holdings. In times of difficulty, in times of need, these people help their parents. Then there are occasions when the children of such poor people suffer from serious illnesses ; then they approach the *sowcar* or the landlord, who pay them advances, and, in return these poor people who are helped promise, when the child gets all right or any other people get all right, that the loan will be returned by their children rendering service in the household or in the village or in some other ways. I know a number of cases like this. It is a quite current practice in almost every village ; and, so far as I know, the relations between these people—the ‘ servant ’ class and the landlords—are not at all strained. Thus, happy and cordial relations subsist between the ‘ serving ’ classes and the landlords, not only from year to year but from generation to generation. (Hear, hear) (Ironical Laughter), and these wretched poor people render honest and useful service to their masters. Sir, I have not heard of any

[Mr. S. G. Jog.]

complaints of ill-treatment or any other kind of torture such as is complained of by the Royal Commission or by other enthusiasts of Labour. Sir, if the object of this legislation is to interfere in these matters, I think it would be very difficult to get recruits for our domestic services. (Ironical Cheers.) For instance, many of us have got small boys of ages 12 or 13 or 14 in our service; they sometimes do whole-time services or short-term services, and whatever little we pay to them, that proves so very useful for their own maintenance as well as for the maintenance of their aged parents and other dependants. These people are sometimes given very good food also and very good treatment in other ways. I know of cases where these boys have lived for years together under the benevolent patronage and protection of such kind and affectionate masters.

An Honourable Member : It is "pledging" in advance which is objected to.

Mr. S. G. Jog : Well, whether it is pledging in advance or making payment afterwards, for one cannot make out any difference. I cannot see where any unfair bargaining comes in if there is payment beforehand; in fact it is just the other way. The landlord pays that man when he is actually in need of that money and by making that payment in advance he saves that family practically from a great catastrophe. Somebody in the family may be seriously ill, and this advance may come in very very useful, especially when we remember that when doctors are wanted, they want ready payment and will not be content with promises to pay. If, then, you make it impossible for advance payments to be made, these wretched poor fellows will then have no alternative but to witness the death of the child or any other member of the family or some other serious catastrophe. Sir, this Bill does not seem to be so innocent as it looks. It will affect every individual, every householder and every agriculturist, and its consequences would be serious. Only this morning, Sir, we heard the sermon from our esteemed friend, Sir Muhammad Yakub, that generally Bills should not be hurried through but should be circulated for eliciting public opinion. We, in this particular case, are interested in seeing what the classes that will be affected by this measure have got to say; and as long as we do not receive any opinions of these people, this House has no right to rush through this Bill and to force it on people whose interests will be seriously and vitally affected. Sir, I support the motion for circulation.

The Honourable Sir C. P. Ramaswami Aiyar (Leader of the House) : Sir, in the course of this discussion, I am afraid one feature of the Bill is being lost sight of. This Bill does not purport to prohibit the employment of children. (Hear, hear.) In places where children can be and ought to be legitimately employed, so far as this Bill is concerned, no obstacle is thrown in the matter of such employment and no handicaps are created by it. What is sought to be prevented by this Bill is the mortgage of a human person, the pledge which in other forms we have all of us objected to so strongly when, for instance, the question of indenture came up. In other words, this Bill seeks to prohibit the mortgage or the pledge of a human person for the purpose of getting certain work done. I trust that the House will realise the

sacredness of human personality and take steps for preventing this mischief. Now, I may say at once that there may be detailed criticisms on this measure. If so, I have no objection and I have the authority of my Honourable colleague to say that he has no objection to a Select Committee, so that if any real improvement can be effected it can be effected speedily in the Select Committee. I trust that this motion for circulation involving what may be called a doubt as to the fundamental principle will be rejected as the principal is one on which, I submit, there ought to be no difference in this House. That motion should not be allowed. (Applause.)

Mr. M. Maswood Ahmad : May I know one thing, Sir. Whether the contract comes under this Bill or not ?

The Honourable Sir C. P. Ramaswami Aiyar : Any contract which a guardian may enter into for apprenticeship as such will not come within the mischief of this Bill. What is sought to be prevented is the mortgage or pledge under penalties attaching to such mortgage or pledge of a child.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, after the speech of the Honourable the Leader of the House, I do not think there is much necessity to prolong this discussion. Already on the circulation motion we have had a good deal of discussion. Therefore, I suggest for convenience sake that the circulation motion may be immediately put and after that the Select Committee motion may be put, so that we may finish the discussion on this subject. So far as we are concerned, I believe the bulk of Members sitting on this side of the House are agreeable to the fundamental principle of this Bill.

The Honourable Sir Frank Noyce : As the Honourable the Leader of the House has already said, I cordially agree to a Select Committee.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is :

“ That the Bill be circulated for the purpose of eliciting opinion thereon.”

The motion was negatived.

Mr. M. Maswood Ahmad : Sir, I move :

“ That the Bill be referred to a Select Committee consisting of Sir Hari Singh Gour, Mr. Lalchand Navalrai, Mr. Muhammad Muazzam Sahib Bahadur, Mr. S. G. Jog, Mr. G. Morgan, Mr. Badri Lal Rastogi, Mr. A. H. Ghuznavi, Kunwar Hajeer Ismail Ali Khan, the Honourable Sir Frank Noyce, Sir Lancelot Graham, Mr. Azhar Ali, Mr. Gaya Prasad Singh and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

An Honourable Member : I suggest that the name of Mr. N. M. Joshi be also added to the list of the Members.

Mr. M. Maswood Ahmad : I have no objection to it. Sir, I have already said enough about the reasons and so on of this motion and I do not want to take up the time of the House on this motion.

Mr. G. Morgan (Bengal : European) : May I ask my Honourable friend to accept Mr. Milligan's name in my place ?

Mr. M. Maswood Ahmad : I have no objection to it.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Amendment proposed :

“ That the Bill be referred to a Select Committee consisting of Sir Hari Singh Gour, Mr. Lalchand Navalrai, Mr. Muhammad Muazzam Sahib Bahadur, Mr. S. G. Jog, Mr. J. A. Milligan, Kunwar Hajee Ismail Ali Khan, Mr. A. H. Ghuznavi, Mr. Badri Lal Rastogi, the Honourable Sir Frank Noyce, Sir Lancelot Graham, Mr. Azhar Ali, Mr. N. M. Joshi, Mr. Gaya Prasad Singh, and the Mover and that the number of Members whose presence shall be necessary to constitute a meeting of the committee shall be five.”

Mr. M. Maswood Ahmad : Mr. Puri's name may also be added.

The Honourable Sir Frank Noyce : I beg to move that the name of Mr. Clow be also added to the Committee.

Mr. M. Maswood Ahmad : I accept it.

Dr. Ziauddin Ahmad : May I suggest the name of Mr. Abdul Matin Chaudhury ?

Mr. N. M. Joshi : I propose the name of Mr. S. C. Mitra.

An Honourable Member : I propose that the name of Mr. Thampan be also added.

Sir Hari Singh Gour : The Honourable the Mover has not mentioned the date by which the report should be submitted. I suggest that it should be submitted on or before the 20th instant.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Amendment variously amended will now be read out to the House. It runs thus :

“ That the Bill be referred to a Select Committee consisting of Sir Hari Singh Gour, Mr. Lalchand Navalrai, Mr. Muhammad Muazzam Sahib Bahadur, Mr. S. G. Jog, Kunwar Hajee Ismail Ali Khan, Mr. A. H. Ghuznavi, Mr. Badri Lal Rastogi, the Honourable Sir Frank Noyce, Sir Lancelot Graham, Mr. Azhar Ali, Mr. N. M. Joshi, Mr. B. R. Puri, Mr. A. G. Clow, Mr. Abdul Matin Chaudhury, Mr. S. C. Mitra, Mr. J. A. Milligan, Mr. K. P. Thampan, Mr. Gaya Prasad Singh and the Mover, with instructions to report by the 20th instant and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

The motion was adopted.

THE ANCIENT MONUMENTS PRESERVATION (AMENDMENT) BILL.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands) : Sir, I am in the comparatively happy position of having to move :

“ That the Bill to amend the Ancient Monuments Preservation Act, 1904, for certain purposes, as amended in Select Committee, be taken into consideration.”

Sir, changes have been made in the Bill by a majority of the members of the Select Committee and they have been fully explained in the report. I do not therefore think it necessary at this advanced hour to enter into an elaborate explanation of them. Sir, I move.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Motion moved :

“ That the Bill to amend the Ancient Monuments Preservation Act, 1904, for certain purposes, as amended by the Select Committee, be taken into consideration.”

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : As a member of this Committee, I beg to support this motion. There are two important principles underlying this Bill which the Select Committee very carefully considered and adopted by a large majority. One principle was that all these monuments ought to be protected. Wherever the Government may have reasonable belief that there are some monuments of national importance in any particular area, then the Government should be empowered to protect that particular area. That is one principle underlying the Bill. The second principle, which is also very important, is that we should also have some method by which to find out what those hidden treasures are so that they may be brought out for use of the scientists. Anything unknown which is buried under the ground has practically got no scientific value and the students of history and the students of archaeology would be very much delighted if these ancient things are discovered so that they may build up the history as a whole. Unfortunately in these days, India has got no money. Had there been plenty of money available in India, then I would certainly have said that Government ought to have undertaken this process of exploration themselves, but on account of retrenchment of the Archaeological Department and on account of retrenchment in every other department, it is impossible for the Government of India to provide money for excavation purposes and therefore they want power so that these licenses for excavation may be given to any other licensee. That licensee may be Indian or may be a foreigner. An outsider company that might come in for excavation will not come in for nothing. No doubt a love of science will be the most prominent factor in their mind. But at the same time they would want antiquities we could spare for them. It is explicitly said that if only one article of a particular kind is found, then that article will be retained in India. It is also explicitly said that if anything valuable is found, it would also be kept in India. But if a duplicate is found—I must say at the same time, there is use for everything in India—and if we can spare one out of the duplicate, then that duplicate article may be given as compensation for all their labours and for the expenditure of all the money in the excavation processes. That is practically all they would get. Under this Bill the Government want power to make rules and the Honourable Member on behalf of Government explicitly said in the Select Committee that these rules which they would frame will be circulated among the Members of the Assembly and with this reservation, I think the objection raised by the minorities in this particular committee will disappear. It is really a very important statement in that these rules which will be framed the Assembly will have a chance to know what they are. Now, as the Bill, as amended by the Select Committee, has removed all those objectionable features, which I pointed out last, when it was first laid before the Assembly ; I have no hesitation in supporting the motion that the Bill be taken into consideration.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : I expected that on this Bill,—a very important Bill from the national point of view,—the Honourable the Mover would go into certain points for which assurances were given in the Select Committee and also to give his own assurance on the floor of the House in order to enable me to see

[Mr. Lalchand Navalrai.]

if the amendments for moving which I have given notice should be placed before the House. I hope the Honourable Member will make it clear that the safeguards that are contemplated by the amendments which I have tabled would be attended to. Now, Sir, I was a Member of the Select Committee of this Bill, and I felt that this Bill was a very important one from a national point of view. It is the duty of the nation, it is the duty of the country to preserve all the ancient monuments in the country. With that object in view, several points were raised in the Select Committee. My Honourable friend Diwan Bahadur Harbilas Sarada was very enthusiastic and very zealous about seeing that the antiquities do not go out of India. I am only sorry that my Honourable friend the Diwan Bahadur is absent owing to illness. The first point that was raised in the Select Committee was in regard to the antiquities not being sent out of India or commercially sold. It has not been uncommon that antiquities found in India have been sold for money. That is absolutely wrong. It was against such acts that safeguards were asked for. In the Select Committee, majority including myself accepted the assurance that was given which has been expressed by the Committee in these terms :

“ In this connection, it may also be mentioned that we are in general agreement that human relics of historic or religious importance should never be allowed to leave India and should always remain the property of the nation.”

That is what the Government accepted.

Then a second assurance was given which was that licenses will be given as far as possible to Indians only and not to strangers, for excavating these antiquities. But some of the Members did not accept that assurance alone, but they wanted this provision to be incorporated in the Act itself. I was one of those Members and I appended a minute of dissent. I have now that amendment standing in my name. I should like to know what the Honourable the Mover has got to say with regard to the question of incorporating that provision in the Act itself. The Report of the Select Committee says :

“ We discussed at length the proposal that provision should be made in the Bill itself that in granting licences preference should be given to Indians or to Indian associations. We received an assurance from Government that no conflict between applicants is likely to arise for many years to come, as applications will be very few ; and we were also assured that in the event of a conflict arising the policy of Government would be to give preference to Indian applicants. With these assurances we are content.”

That is what the Select Committee said, but even if there were not many Indians to come in for licences, a chance should be given to them, and it is not because it is expected that they will not come in large numbers, that there should be no provision made in the Act itself. My submission is that such a provision should be incorporated in the Act itself. The difficulty that was pointed out in the Select Committee was that in making a statutory provision, it would be extremely difficult to frame a suitable provision. I cannot understand this difficulty. When rules can be made with regard to it, I cannot understand why such a provision should not be incorporated in the Act itself. Sir, we have experience that when an Act is made it is made with very good intentions and in a good spirit but when rules are made much of the

spirit and the object of the Bill is whittled down. Therefore it is necessary in view of that experience that we ask that such statutory provisions be incorporated in the Act itself. So, if however it is not possible to directly put the matter into the Act, direction should be given in the Act itself that a rule to that effect shall be made, so that it may be a binding upon the rule-making people to insert that provision.

Next, one of my amendments attempts to restrict the power of Government to giving protection to only lands and plots and not buildings but the Bill as has emerged from the Select Committee applies to all areas. "Area" would mean an open plot, land or any building. But I submit that it should be limited to plots and lands and not extend to buildings, for it can be realised that it may be a very costly building where Government might think there are antiquities and they might demolish all that building and pay very little to the owner and cause him much loss; for we know that under the Land Acquisition Act generally compensation is never adequate. That is also one of the things that the Honourable Member has to consider.

Then, Sir, I will also suggest that instead of leaving it to His Excellency to frame rules from the point of view of national importance, a committee consisting of non-officials from this House and some experts should be appointed to make the suitable rules.

One more thing which I would suggest, Sir, is that when Government protects a certain property which is private property, I cannot understand why if any antiquities are found from there they should not be divided with the original owner. Many a time there may be antiquities found which are of very great interest to the owner himself and they may be of value to himself and his family. In that case why should not a provision be made with regard to a division with the owner? No such provision has been made in the Bill but an assurance has been given that a rule will be made with regard to the division of the finds between the lessees and Government. With regard to that also I submit that there ought to be either a clause inserted in the Bill itself or an assurance given that a rule to that effect will be made. With these words, I close.

The Honourable Chaudhuri Zafarulla Khan (Member for Education, Health and Lands) : Sir, so far as the principle of this Bill is concerned it has been accepted and endorsed by this Honourable House. There have been certain points raised by Mr. Lalchand Navalrai which are covered to a large extent by his note of dissent and also by the amendments that have been put in by him. He has desired that on behalf of Government certain points should be cleared up in order to put him in a position in which he may be able to decide as to whether he should move or drop all or some of the amendments of which he has given notice. He has made certain general remarks that this Bill deals with a matter of national importance and that it should be the duty of the country and of this House as representing the country to make efforts to preserve the antiquities and the treasures of the country. I can assure him that it is exactly with that object that this Bill has been introduced; that Government consider that the proper method of preserving the antiquities of the country and the ancient treasures of the country is not to let them lie buried underground

[Chaudhuri Zafarulla Khan.]

where in course of time they may be destroyed but to expose them for the purpose of scientific knowledge, for the purpose of preservation and for the purpose of putting the ancient culture of India both before the sons of the country itself and before foreign nations. And it is with that object and in order to facilitate the achievement of that object that these amending provisions have been put before the House. With regard to the particular points made by Mr. Navalrai I should like to submit this. The first point made by him was that in the past antiquities have been sold to foreigners and have been taken outside the country and that this should not happen in future. It is just because unauthorised excavations have been going on in the past that provisions are introduced into this Bill that excavations shall in future be regulated. And once they are regulated all antiquities within the areas in which excavations are regulated shall become the property of Government and shall not be disposed of except in accordance with rules framed by Government. Therefore one of the objects which Mr. Navalrai has so much at heart will be achieved, that is to say, there shall be no unauthorised dealing with antiquities and the ancient treasures of the country. But the main point with regard to which he has been anxious is that in granting licences to firms or individuals for excavation Government should be anxious to give preference to Indian associations, Indian companies and Indian individuals; and he is anxious that such a provision should find a place either in the statute itself or at least in the rules and that for that purpose the statute should say that rules shall be framed to that end. He has read out an assurance contained in the Select Committee's report but he considers that that is not enough and he finds that he cannot understand the difficulties which might confront Government or the department or the authority or committee dealing with this matter. If these provisions are put in the statute . . .

Mr. Lalchand Navalrai : I also want an assurance on the floor of the House.

The Honourable Chaudhuri Zafarulla Khan : With regard to these difficulties I may proceed to submit that in a matter of this kind where a selection would have to be made in each individual case as it came up, it would be a matter of the greatest difficulty, if hard and fast rules were laid down either in the statute or in the rules themselves, eventually to make a selection. For instance, you might have an application from a *bona fide* archæological society which is a foreign society with the necessary equipment and capital and with a past record which justifies the assumption that the application made by them is in the true interests of science and archæology, as against an application made by an Indian association formed hastily for the purpose of opposing that application with no capital and no equipment.

Supposing you had a rule or a provision in the statute saying that you are always bound to give preference to an Indian association or to an Indian individual, what is the particular authority which has to decide the matter to do in such a case? It would be so much a matter of investigation, of testing the credentials as it were, of the applicant and a matter of the exercise of discretion that it could not possibly be properly regulated

either by the statute itself or by a hard and fast rule. With regard to the question that other things being equal preference shall be given to an Indian Association or that the provisions of this statute or of the rules under it shall not be made a cloak for sending the ancient treasures of India outside the country, I have not the slightest hesitation in giving an assurance that that shall not be done, and that the statute itself and the rules framed under it shall be administered in the spirit that having regard to the main objects of the Act which I have already described and keeping in view those considerations in order to secure which this Bill has been placed before the House, preference shall, other things being equal, be given to Indians. (Hear, hear.)

In regard to the other matters raised by Mr. Lalchand Navalrai, one matter could easily be disposed of. I think he is unnecessarily apprehensive with regard to the use of the words 'in any area' in clause 3 of the Bill. He thinks that the use of these words means that if Government consider or the department administering this Act considers that there are antiquities buried under a building, then this Act by itself gives them power to demolish that building. I am afraid there is a misapprehension with regard to the provisions of this particular Act. This Act gives the Government power to protect or regulate under this particular clause the excavation in any area, be it a building or open plot; but so far as the question of demolition is concerned, that can only be done if the particular building has been acquired by Government, because in any case they are bound to pay compensation; and so far as the question of acquisition is concerned, Mr. Lalchand Navalrai ought to know that even now if Government wanted to acquire any particular building for a public purpose, which would include excavation for archæological purposes, the building can be acquired and can be demolished on payment of compensation; so that the mere use of this expression 'in any area' in this particular clause does not add to the powers of demolition or acquisition of the Government.

Mr. Navalrai has also raised the question of antiquities to be divided between the Government and the licensee and the private owner. That is another point which is also covered by the amendments which he has given notice of; but I do hope that I have said enough to enable him to make up his mind with regard to the amendments which he has put forward, when the specific provisions of this Bill are taken up for consideration, as to whether he wants to press all of them or not. With these words, Sir, I commend the Bill to the consideration of this Honourable House.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is :

"That the Bill to amend the Ancient Monuments Preservation Act, 1904, for certain purposes, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is that clause 3 stand part of the Bill.

Mr. Lalchand Navalrai : Sir, in view of the fact that the Honourable the Government Member has said that the words 'in any area' the subject of my amendment will remain in the Ancient Monuments Preservation Act itself and their definition in this Bill will not improve

[Mr. Lalchand Navalrai.]

the condition, I do not want to move that amendment. I also do not want to move the next amendment, but I want to move the third amendment, second part. I move :

“ That in clause 3 of the Bill in sub-section (1) of the proposed Section 20B for clause (b) the following clause be substituted :

“ (b) prescribing a provision in favour of antiquities found from private property protected, to be divided with original owner of the property if he wishes to have a share.”

In moving this amendment I would ask the House to realise the position of the owner of a property. If it so happens that certain antiquities are buried in private property and that private property yields those antiquities, I do not understand in the least why the owner should not have a share in that. It is not a voluntary giving up of the possession of the private property. Under the Act what is permitted is that the Government can declare a certain area to be protected property of the Government, allow that property to be excavated and, if any property is found therefrom, it becomes the property of the Government. If a licence has been given for the purpose of excavation, then the justice of dividing those antiquities with the licensee is being recognised, but not with the owner to whom the property actually belonged. I think that will be absolute injustice. Therefore I submit that it is very important for the Government to consider why it should not, if the owner wants, be apportioned. There may be cases where the antiquities may be of such a nature that the original owner would like to have them to himself ; it may be some idol or something which he may cherish to keep in his own house. It may be a certain thing in which the family itself or the community is interested, and why should that not be divided with the original owner ? I do understand that he will get a price for the property, which I have already said may not be adequate, but even if he gets this for the property, I cannot understand why the antiquities should not be divided with him when they could be divided with lessees. With these words I move my amendment.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Amendment proposed :

“ That in clause 3 of the Bill in sub-section (1) of the proposed Section 20B for clause (b) the following clause be substituted, namely :

“ (b) prescribing a provision in favour of antiquities found from private property protected, to be divided with original owner of the property if he wishes to have a share.”

†**Mr. Muhammad Yamin Khan** (Agra Division : Muhammadan Rural) : Sir, I oppose this amendment. Let us examine for a moment what my Honourable friend wants. He says that if the land belongs to him at present and the antiquities which had been buried in it, say 2,000 years, in which he or his ancestors had no share,—they never belonged to him or to his family, they had no connection whatsoever with him or with his family,—should have a share of them simply because he comes into possession of that land within say, four or five years. Now, Sir, I will give an example to my friend and convince him about the difficulties that will arise in his own province if his amendment is accepted. Sind nowadays mostly belongs to Muhammadan zemindars, and the antiquities that will be found there will be of a period when the Mussalmans did not visit that part of the country at all. Supposing a valuable relic is found

belonging to the pre-Muslim period and a Muslim zemindar comes forward and says " Oh, this is a very beautiful idol, I must have a leg out of it, I must have two arms or two legs of the idol, and I want to take them away as I am entitled to a share out of it ",—how will my friend take it ?

Mr. Lalchand Navalrai : I do not think I would suggest an absurd thing as that.

Mr. Muhammad Yamin Khan : But there will be many absurd owners to be found if this amendment is placed on the Statute-book.

Then another thing that my friend wants is this. If any person discovers coins of prehistoric age or other gold coins in his land, during the course of excavations, that person should have a share of those coins under this amendment. He will say : " Oh, I did not say that in the beginning, but now, under this Act, I am entitled to a share of it, and so I should have a share out of those coins ".

Mr. B. R. Puri (West Punjab : Non-Muhammadan) : But there is such a thing as the Treasure Trove Act. My Honourable and learned friend ought to know that.

Mr. Muhammad Yamin Khan : Once the excavation has been granted under this Act, it will mean that if the land will be acquired and an excavation is carried out, what interest has the owner got in the treasure that may be discovered in it ? None whatever, but if the amendment is passed, I think the owner of the land will be helped to claim a share out of these coins. If my friend had made a suggestion or amendment to the effect that Indian or the national Government must have a share out of all valuable finds discovered in the land and that the export of all such valuable finds must be stopped, I would have wholeheartedly supported it. But when my friend wants that these things discovered should be partitioned between the people who explore or excavate and the owner of the land who has come into its possession in the execution of a small decree within a short period, I do not think anybody will support such a proposition. Sir, I think such treasures or valuable finds must remain the property of the nation, they must go to the nation, they must be the property of the nation, and not the property of any single individual.

Dr. Ziauddin Ahmad : Sir, the amendment which my friend has just moved has got two parts. The first part of his amendment says that Indians should have a preference. I am sorry he is not moving part (b), and that he is moving only part (c), and so I shall come to part (c). I feel, Sir, that if my Honourable friend were to consider clause (c) as it stands, he himself will oppose it, and the reason is, that our object is—and it is also the object of the Honourable the Mover,—that these valuable finds ought to be kept in India, and we should take all possible steps to see that they do not go outside India; and I think in this particular desire my friend will entirely agree with me.

Mr. Lalchand Navalrai : Why should it then be divided with the lessee ?

Dr. Ziauddin Ahmad : If you divide it, then it would be the easiest way of sending it outside India. As soon as any valuable antiquity is discovered and it is given to an individual who does not realise the scientific importance of the article,—and most of the owners of the land will be zemindars who will not be able to appreciate the scientific importance of these things,—they will certainly sell them to foreigners at a price which they will offer. Every licensee who is willing to spend thousands and thousands of rupees for excavations will certainly try to buy these valuable treasures from these individuals who would come in possession of these treasures. So if we accept the principle laid down by my friend Mr. Lalchand Navalrai, then the foreigners will have a double share. They will certainly purchase them at a price which they would be willing to pay and buy these valuable things from the owners of the land, and they will also get their share from the excavations. Therefore, Sir, if we want to keep these valuable finds in India itself, we should place them in museums, because if we keep them in the hands of private people, there is every chance of their being sold away to foreigners. We have got a very unpleasant experience in regard to very important manuscripts. These manuscripts were at one time in possession of individuals, and they were offered fanciful prices by foreigners with the result that we find that all important manuscripts have now been transferred from India to the libraries of Europe. If you really want to study any particular thing, you have to go either to London, Leyden, Paris or Berlin, because those books are not to be found here. If we begin to give the find of these excavations to the individuals, the result will be the same as we have seen in the case of books. All these valuable articles will be sold to foreigners who will be willing to pay a price which the owner of those articles will appreciate, inasmuch as he will be of the scientific importance of those articles. Therefore, it is absolutely important that anything we discover from these excavations should be kept in our museums, because those things are very valuable to scientists, and if they are in the hands of private individuals they will be practically lost to India. It is therefore very important that these treasures should be kept in the museums in India so that they may be of value for scientific investigation and scientific study, and only such articles which are found in duplicate or which can be conveniently spared may be given away to foreigners as compensation for their money and labour. I would not mind paying the owners any compensation in the shape of money, but I would not give them compensation in the shape of these articles, because those articles will certainly be sold to foreigners by these owners, who will appreciate their scientific value at a price which those foreigners will be able to offer. With these words I oppose the motion of my Honourable friend Mr. Lalchand Navalrai.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Looking over the amendment, as my Honourable friend has moved it, and as I have placed it before the House, it appears that there is considerable misapprehension in the matter. I want the Honourable Member to tell me whether he wants the amendment to stand in the form in which I put it before the House, namely, that in clause 3 of the Bill in sub-clause (1) of the proposed section 20B for clause (b) the following clause be substituted, that is to say.....

Mr. Lalchand Navalrai : In place of.....

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : That means that the present clause (b) in the Bill is to be deleted, and this clause (b) is to be substituted for it.

Mr. Lalchand Navalrai : That is not my object, Sir. My object is that at that place this should stand and the other clauses should be re-numbered.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member wants clause (b) to stand as it is, that his amendment should be called clause (c), and that subsequent clauses be re-numbered accordingly ?

Mr. Lalchand Navalrai : That is so.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The amendment in that form is now before the House.

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : I would have had considerable sympathy with my Honourable friend's amendment as now explained by you, not the substitution but the addition of a clause, if I had had some land which could be protected under this Bill which will soon become an Act, and acquired under section 20C. If I had had some such land I would have been in special sympathy with my Honourable friend's amendment. But unfortunately, I do not possess such land, for if I possessed it I think it would have been a very profitable proposition if this amendment could be accepted, because not only will I be paid for the land by Government who will acquire it under the Land Acquisition Act, but I would then share with Government the antiquities that may be found after considerable expenditure at the cost of Government. I do not know whether my Honourable friend means to give a present to the owners of the land of antiquities found underneath the land after having made the Government pay for the value of the land.

Mr. Lalchand Navalrai : You will realise if it is found from your bungalow.

Sir Cowasji Jehangir : I can only say that it is a very one-sided proposition that my Honourable friend has proposed, and as a sincere and conscientious protector of the public purse he should have been the last to propose such an amendment ; for it gives the owner of the land everything by making the public purse pay him for the value of the land and again by giving him as a present the antiquities which have cost the public purse perhaps thousands and thousands of rupees to obtain. If that is what he proposes to do, I have not the slightest doubt that this Honourable House will reject the amendment without further discussion.

Mr. G. S. Bajpai : I have nothing to add to what has already fallen from several Honourable Members of the Select Committee in opposition to this amendment. I merely wish to state formally on behalf of Government that I oppose the amendment.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is :

“ That in clause 3 of the Bill in sub-section (1) of the proposed section 20B
5 P.M. after clause (b) the following clause be inserted as clause
(c) and subsequent clauses be re-numbered accordingly :

‘ (c) prescribing a provision in favour of antiquities found from private property protected, to be divided with original owner of the property if he wishes to have a share ’.”

The motion was negatived.

Clause 3 was added to the Bill.

Clause 4 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

Mr. G. S. Bajpai : I beg to move that the Bill, as amended in Select Committee, be passed.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is :

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

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 13th September, 1932.