

9th March 1938

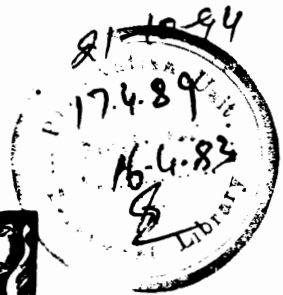
THE LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume II, 1938

(23rd February to 23rd March, 1938)

SEVENTH SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY, 1938



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

M77LAD

Legislative Assembly.

President :

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

Deputy President :

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

Panel of Chairmen :

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

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

DR. SIR ZIAUDDIN AHMAD, C.I.E., M.L.A.

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

Secretary :

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

Assistants of the Secretary :

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

RAI BAHADUR D. DUTT.

Marshal :

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

Committee on Petitions :

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

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

MR. M. GHIASUDDIN, M.L.A.

MR. N. M. JOSHI, M.L.A.

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

CONTENTS.

VOLUME II.—23rd February to 23rd March, 1938.

	PAGES.		PAGES.
WEDNESDAY, 23RD FEBRUARY, 1938—		THURSDAY, 24TH FEBRUARY, 1938—contd.	
Starred Questions and Answers	1001—24	The Railway Budget—List of Demands—contd.	1104—56
Unstarred Questions and Answers	1024	Demand No. 1—Railway Board	1104—19
Statements laid on the Table	1024—25	Failure to completely Indianise the Railway Services and the Railway Board	1104—19
The Railway Budget—List of Demands	1025—71	Demand No. 12—Open Line Works.	1120—43
Demand No. 6-E.—Working Expenses—Expenses of Traffic Department	1025—37	Manufacture of Locomotives in India	1120—43
Economy	1025—37	Demand No. 6-F.—Working Expenses—Expenses of General Departments	1143—52
Demand No. 1—Railway Board	1037—43	Stores Department	1143—52
Non-issuing of fortnightly, monthly and 45-days Return Tickets on the Assam Bengal Railway	1037—42	Demand No. 6-B.—Working Expenses—Maintenance and Supply of Locomotive Power	1152—53
Demand No. 6-E.—Working Expenses—Expenses of Traffic Department	1043—60	Disregard of certain Recommendations of the Pope Committee	1152—53
Catering Arrangements under the control of Agents	1043—60	Demand No. 1—Railway Board	1153
Demand No. 3—Miscellaneous Expenditure	1060—71	Demand No. 2—Audit	1153
Conditions of Labour and the system of supplying Coolies	1060—71	Demand No. 3—Miscellaneous Expenditure	1153
THURSDAY, 24TH FEBRUARY, 1938—		Demand No. 5—Payments to Indian States and Companies	1153
Starred Questions and Answers	1073—1101	Demand No. 6-A.—Working Expenses—Maintenance of Structural Works	1154
Unstarred Questions and Answers	1101—04	Demand No. 6-B.—Working Expenses—Maintenance and Supply of Locomotive Power	1154
Motion for Adjournment <i>re</i> Molestation of an Indian Girl and Firing on Rescuers by European Soldiers in Muttra District—Postponed to next day	1104		

	PAGES.		PAGES.
THURSDAY, 24TH FEBRUARY, 1938— <i>concl'd.</i>		FRIDAY, 25TH FEBRUARY, 1938— <i>cont'd.</i>	
The Railway Budget—List of Demands— <i>concl'd.</i>		The Indian Tea Control Bill—Discussion on the Consideration of clauses not concluded	1198— 1220, 1221—31.
Demand No. 6-C.—Work- ing Expenses—Mainte- nance of Carriage and Wagon Stock	1154	Motion for Adjournment <i>re</i> Molestation of an Indian Girl and firing on Res- cuers by European Sol- diers in Muttra District— Disallowed	1220-1221
Demand No. 6-D.—Work- ing Expenses—Mainte- nance of Ferry Steamers and Harbours	1154	SATURDAY, 26TH FEBRUARY, 1938—	
Demand No. 6-E.—Work- ing Expenses—Expenses of Traffic Department	1154	Presentation of the Budget for 1938-39	1233—47
Demand No. 6-F.—Work- ing Expenses—Expenses of General Departments	1155	The Indian Finance Bill— Introduced	1247
Demand No. 6-G.—Work- ing Expenses—Miscel- laneous Expenses	1155	TUESDAY, 1ST MARCH, 1938—	
Demand No. 6-H.—Work- ing Expenses—Electric Service Department	1155	Member Sworn	1249
Demand No. 7—Working Ex- penses—Appropriation to Depreciation Fund	1155	Starred Questions and Answers	1249—74
Demand No. 8—Interest Charges	1155	Unstarred Questions and Answers	1274—76
Demand No. 11—New Construction	1156	Motion for Adjournment <i>re</i> Expulsion of the son of Haji Akbar Ali Khan, M.L.A., from North Waziristan Agency—Dis- allowed	1276—77
Demand No. 12—Open Line Works	1156	Election of Members to the Public Accounts Committee	1277
FRIDAY, 25TH FEBRUARY, 1938—		Election of the Standing Committee for the Labour Department	1277
Members Sworn	1157	The Sind Salt Law Amend- ment Bill—Introduced	1277
Starred Questions and Answers	1157—82	The Indian Tea Control Bill—Passed as amended	1278—1326
Unstarred Question and Answer	1182	The Stamp Duties Uni- fication Bill—Motion to consider not moved	1326
Statements laid on the Table	1182—85	WEDNESDAY, 2ND MARCH, 1938—	
Election of a Member to the Council of the Indian In- stitute of Science, Banga- lore	1185—97	Members Sworn	1327
Election of Members to the Court of the Delhi University	1197	Starred Questions and Answers	1327—66
Election of the Standing Committee for Roads	1198		

	PAGES.		PAGES.
WEDNESDAY, 2ND MARCH, 1938—<i>contd.</i>		FRIDAY, 4TH MARCH, 1938—<i>contd.</i>	
Unstarred Questions and Answers	1366—70	The Child Marriage Restraint (Amendment) Bill—Appointment of certain Members to the Select Committee	1483
Election of Members to the Standing Committee on Pilgrimage to the Hedjaz	1370	The Workmen's Compensation (Amendment) Bill—Passed as amended	1483—1504
Election of the Standing Committees for the Department of Education, Health and Lands and the Commerce Department	1370	The Sind Salt Law Amendment Bill—Discussion on the motion to consider not concluded	1504—06
The General Budget—General Discussion	1371—82	SATURDAY, 5TH MARCH, 1938—	
THURSDAY, 3RD MARCH, 1938—		Starred Questions and Answers	1507—28
Starred Questions and Answers	1383—1403	Short Notice Questions and Answers	1528—32
Unstarred Questions and Answers	1403—04	Statements laid on the Table	1532—39
Election of Members to the Court of the Delhi University	1404	Election of Members to the Standing Committee for Roads	1539
Message from the Council of State	1405	The General Budget—List of Demands	1539—82
Election of Members to the Standing Committee on Emigration	1405—07	Demand No. 1—Customs	1539—40
The Hindu Women's Rights to Property (Amendment) Bill—Introduced	1407—08	Demand No. 2—Central Excise Duties	1541—42
Demands for Supplementary Grants in respect of Railways	1408—41	Demand No. 3—Taxes on Income including Corporation Tax	1542—43
The Workmen's Compensation (Amendment) Bill—Discussion on the consideration of clauses not concluded	1441—58	Demand No. 4—Salt	1544—45
FRIDAY, 4TH MARCH, 1938—		Demand No. 5—Opium	1545—46
Member Sworn	1459	Demand No. 6—Provincial Excise	1547—48
Starred Questions and Answers	1459—83	Demand No. 7—Stamps	1548—49
Election of a Member to the Council of the Indian Institute of Science, Bangalore	1483	Demand No. 8—Forest	1550—51
		Demand No. 9—Irrigation (including Working Expenses) Navigation, Embankment and Drainage Works	1551
		Demand No. 10—Indian Posts and Telegraphs Department (including Working Expenses)	1551—52

	PAGES.		PAGES.
SATURDAY, 5TH MARCH, 1938—<i>contd.</i>		SATURDAY, 5TH MARCH, 1938—<i>concl'd.</i>	
The General Budget—List of Demands—<i>contd.</i>		The General Budget—List of Demands—<i>concl'd.</i>	
Demand No. 11—Interest on Debt and other Obligations and Reduction or Avoidance of Debt	1552	Demand No. 30—Survey of India	1577
Demand No. 12—Executive Council	1552—61	Demand No. 31—Meteorology	1577
Demand No. 13—Council of State	1561	Demand No. 32—Geological Survey	1577
Demand No. 14—Legislative Assembly and Legislative Assembly Department	1561—62	Demand No. 33—Botanical Survey	1577
Demand No. 15—Home Department	1562—65	Demand No. 34—Zoological Survey	1578
Demand No. 16—Legislative Department	1566	Demand No. 35—Archæology	1578
Demand No. 17—Department of Education, Health and Lands	1566	Demand No. 36—Mines	1578
Demand No. 18—Finance Department	1566—70	Demand No. 37—Other Scientific Departments	1578
Demand No. 19—Commerce Department	1570—72	Demand No. 38—Education	1579
Demand No. 20—Department of Labour	1572	Demand No. 39—Medical Services	1579
Demand No. 21—Department of Communications	1572—74	Demand No. 40—Public Health	1579
Demand No. 22—Central Board of Revenue	1575	Demand No. 41—Agriculture	1579
Demand No. 23—India Office and High Commissioner's Establishment Charges	1575	Demand No. 42—Imperial Council of Agricultural Research Department	1580
Demand No. 24—Payments to Other Governments, Departments, etc., on account of Services rendered	1575	Demand No. 43—Scheme for the Improvement of Agricultural Marketing in India	1580
Demand No. 25—Audit	1575—76	Demand No. 44—Imperial Institute of Sugar Technology	1580
Demand No. 26—Administration of Justice	1576	Demand No. 45—Civil Veterinary Services	1580—81
Demand No. 27—Police	1576	Demand No. 46—Industries	1581
Demand No. 28—Ports and Pilotage	1576	Demand No. 47—Aviation	1581
Demand No. 29—Lighthouses and Lightships	1576—77	Demand No. 48—Capital Outlay on Civil Aviation charged to Revenue	1581
		Demand No. 49—Broadcasting	1581
		Demand No. 50—Capital Outlay on Broadcasting	1582
		Statement of Business	1582

	PAGES.
MONDAY, 7TH MARCH, 1938—	
Starred Questions and Answers	1583—1604
Unstarred Questions and Answers	1604—06
Death of Mr. George Joseph	1606—08
The General Budget—List of Demands	1608—21
Demand No. 51—Indian Stores Department	1608
Demand No. 52—Commercial Intelligence and Statistics	1608—09
Demand No. 53—Census	1609
Demand No. 54—Emigration—Internal	1609
Demand No. 55—Emigration—External	1609
Demand No. 56—Joint-Stock Companies	1609—10
Demand No. 57—Miscellaneous Departments	1610
Demand No. 58—Currency	1610
Demand No. 59—Mint	1610
Demand No. 60—Civil Works	1610—11
Demand No. 61—Central Road Fund	1611—12
Demand No. 62—Superannuation Allowances and Pensions	1612
Demand No. 63—Stationery and Printing	1612—13
Demand No. 64—Miscellaneous	1613
Demand No. 65—Grants-in-aid to Provincial Governments	1613—16
Demand No. 66—Miscellaneous Adjustments between the Central and Provincial Governments	1617
Demand No. 67—Expenditure on retrenched Personnel charged to Revenue	1617
Demand No. 68—Delhi	1617

	PAGES.
MONDAY, 7TH MARCH, 1938— <i>contd.</i>	
The General Budget—List of Demands— <i>contd.</i>	
Demand No. 69—Ajmer-Merwara	1617
Demand No. 70—Panth Piploda	1618
Demand No. 71—Andamans and Nicobar Islands	1618
Demand No. 73—Indian Posts and Telegraphs	1618
Demand No. 73-A.—Indian Posts and Telegraphs—Stores Suspense (not charged to Revenue)	1618
Demand No. 73B—Indian Posts and Telegraphs—Appropriation to Telephone Development Fund (not charged to Revenue)	1619
Demand No. 75—Capital Outlay on Schemes of Agricultural Improvement and Research	1619
Demand No. 76—Capital Outlay on Vizagapatam Harbour	1619
Demand No. 77—Delhi Capital Outlay	1619—20
Demand No. 78—Commuted Value of Pensions	1620
Demand No. 79—Interest-free Advances	1620
Demand No. 80—Loans and Advances bearing Interest	1620
WEDNESDAY, 9TH MARCH, 1938—	
Member Sworn	1623
Starred Questions and Answers	1623—39
Unstarred Questions and Answers	1640—43
Bill Passed by the Council of State	1640—43
Message from the Council of State	1644
Election of a Member to the Central Advisory Board of Health	1644

	PAGES.		PAGES.
WEDNESDAY, 9TH MARCH, 1938—<i>contd.</i>		THURSDAY, 17TH MARCH, 1938—	
The Commercial Documents Evidence Bill—Appointment of certain Members to the Select Committee	1644	Members Sworn	1689
The Indian Oaths (Amendment) Bill—Appointment of certain Members to the Select Committee	1645	Starred Questions and Answers	1689—1718
The Indian Finance Bill—Motion to consider negatived	1645—59	Unstarred Questions and Answers	1719—20
The Hindu Women's Rights to Property (Amendment) Bill—Motion to consider not moved	1659	Statements laid on the Table	1720—21
The Sind Salt Law Amendment Bill—Referred to Select Committee	1659—63	The Trade Disputes (Amendment) Bill—Discussion on the consideration of clauses not concluded	1721—63
THURSDAY, 10TH MARCH, 1938—		FRIDAY, 18TH MARCH, 1938—	
Member Sworn	1665	Starred Questions and Answers	1757—95
Starred Questions and Answers	1665—82	Short Notice Questions and Answers	1795—97
Statements laid on the Table	1682—84	Unstarred Questions and Answers	1797—1805
Election of Members to the Standing Committee on Emigration	1684	Election of a Member to the Central Advisory Board of Health	1805
The Trade Disputes (Amendment) Bill—Presentation of the Report of the Select Committee	1685	The Motor Vehicles Bill—Introduced	1805
The Child Marriage Restraint (Amendment) Bill—Presentation of the Report of the Select Committee	1685	The Trade Disputes (Amendment) Bill—Passed as amended	1805—45
The Indian Finance Bill (As recommended)—Motion for leave to introduce—negatived	1685—86	The Hindu Women's Rights to Property (Amendment) Bill—Passed as amended	1845—49
Statement of Business	1687	Statement of Business	1849
		MONDAY, 21ST MARCH, 1938—	
		Member Sworn	1851
		Starred Questions and Answers	1851—91
		Unstarred Questions and Answers	1891—95
		Election of the Standing Finance Committee for Railways	1895—96
		Election of the Central Advisory Council for Railways	1896—97

	PAGES.		PAGES.
MONDAY, 21ST MARCH, 1938—<i>contd.</i>		TUESDAY, 22ND MARCH, 1938—<i>contd.</i>	
The Import of Drugs Bill— Appointment of Mr. N. C. Chunder to the Select Committee	1897	The Control of Coastal Traffic of Indian Bill— Presentation of the Report of the Select Committee	1978
The Indian Coffee Cess (Amendment) Bill—Intro- duced	1897	The Motor Vehicles Bill— Discussion on the motion to refer to Select Committee not concluded	1978—2016
The Motor Vehicles Bill— Discussion on the motion to refer to Select Com- mittee not concluded	1898—1937	WEDNESDAY, 23RD MARCH, 1938—	
The Sind Salt Law (Amend- ment) Bill—Presentation of the Report of the Select Committee	1937	Members Sworn	2017
TUESDAY, 22ND MARCH, 1938—		Starred Questions and Ans- wers	2017—51
Starred Questions and Ans- wers	1939—67	Short Notice Question and Answer	2051—52
Unstarred Questions and Answers	1967—69	Unstarred Questions and Answers	2052—56
Statements laid on the Table	1970—75	Motion for Adjournment <i>re</i> Attack on a Taxi Driver by British Soldiers in Dehra Dun—Disallowed by the Governor Gene- ral	2057
Motion for Adjournment <i>re</i> Attack on a Taxi Driver by British Soldiers in Dehra Dun—Postponed to next day	1975—78	The Motor Vehicles Bill— Discussion on the Motion to refer to Select Com- mittee not concluded	2057—92

LEGISLATIVE ASSEMBLY.

Wednesday, 9th March, 1938.

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

MEMBER SWORN.

Mr. Victor George Matthews, M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

†698*—719*.

BREACHES IN THE EMBANKMENT OF THE KULaura-SYLHET BRANCH LINE OF THE ASSAM BENGAL RAILWAY.

720. *Mr. Brojendra Narayan Chaudhury: Will the Honourable Member in charge of Railways please state:

- (a) if the embankment of the branch railway line Kulaura-Sylhet, Assam Bengal Railway, was breached by floods in the year 1929 between Fenchuganj and Moglabazar at several places;
- (b) if, as a result of the breaches, traffic was stopped; if so, for how long;
- (c) the loss to Railway property and the loss of railways earnings by the floods of 1929;
- (d) if it was reported to the police that the villagers had cut one of the breaches to let out water quickly to save crops and homestead from inundation;
- (e) if any police investigation was started; if so, whether the district magistrate stopped the investigation; if so, why; and
- (f) if Government propose to open more water passages on this embankment with a view to preventing probable loss to Railway and to the villagers by recurrence of floods?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) to (e). Government have no information.

(f) The Honourable Member is referred to the reply given to his question No. 395 in this House on 21st February, 1938.

† These questions, which were on the Order Paper for the 8th March, 1938, have lapsed, the meeting fixed for that date having been cancelled.

Mr. Brojendra Narayan Chaudhury: The reply referred to shows that the Government can only provide for normal floods times: may I know whether the recommendation of the Flood Inquiry Committee of 1929 was not to the effect that the high probable flood level was to be provided for?

The Honourable Sir Thomas Stewart: The Recommendation of the Flood Inquiry Committee is referred to in the information that was laid on the table to which reference was made in my previous answer and the views of the Government of India are given in that statement of information.

Mr. Brojendra Narayan Chaudhury: In that statement the Government say: "The Railway embankment is in no way responsible for the failure of the paddy crops during years of normal rainfall". My question is, did not the Flood Inquiry Committee recommend that provision should also be made for the high probable flood?

The Honourable Sir Thomas Stewart: I must ask for notice of that.

Prof. N. G. Ranga: Has any action been taken on the recommendations of that Flood Inquiry Committee?

The Honourable Sir Thomas Stewart: I would refer the Honourable Member to the answer that I have already given on the subject.

BEGGARS, ETC., ON RAILWAY PLATFORMS.

721. ***Mr. Manu Subedar:** Will the Honourable Member for Railways and Communications state:

- (a) whether the railway authorities invite or permit cripples or any other beggars on the railway platforms, or on the permanent way to importune for alms;
- (b) whether the railway authorities have prosecuted any beggars for trespass during the last five years anywhere in India;
- (c) whether any complaints have been received from passengers or others of the nuisance; and
- (d) if the reply to part (a) be in the negative, why such a nuisance continues almost everywhere on the railways?

The Honourable Sir Thomas Stewart: (a) No.

(b) Government have no information.

(c) Yes.

(d) By reason of the pertinacity of the class in question.

Mr. Manu Subedar: Are the Government satisfied that they have full legal rights to prosecute any such persons?

The Honourable Sir Thomas Stewart: I must ask for notice of a question as to the legal position.

Mr. N. M. Joshi: In view of the fact that these beggars are giving a lot of trouble to the railways, will the Indian railways approach the Provincial Governments asking them to pass poor laws and making arrangements for these people?

The Honourable Sir Thomas Stewart: I do not think it is the function of the railway administration to initiate legislation.

Mr. K. Ahmed: In view of the fact that the Nominated Member representing labour is very unkind to the nuisance created by these beggars . .

Mr. N. M. Joshi: No, no: I am asking that these beggars should be properly provided for by poor laws.

Mr. K. Ahmed: . . . will the Government refer the matter to a society called the Calcutta Society for the Prevention of Cruelty to Animals, both as regards the East Indian and the Eastern Bengal Railways?

The Honourable Sir Thomas Stewart: If the Honourable Member is referring to the S. P. C. A., I suggest that he address his question to my Honourable friend, Sir Girja Shankar Bajpai.

Mr. K. Ahmed: Are Government aware that a certain amount of money is spent by the Government towards the Society and that a number of officers are also appointed semi-officially to conduct the affairs of the Society successfully?

Mr. President (The Honourable Sir Abdur Rahim): I cannot allow that question.

Mr. Manu Subedar: Have Government sent any circulars on the subject to the railway station masters and others?

The Honourable Sir Thomas Stewart: I am informed that the railways have been paying attention to this question and I am prepared to draw their attention again to the necessity for doing something to improve matters.

Mr. Manu Subedar: If any such circular is sent, will the Honourable Member place it on the table of the House?

The Honourable Sir Thomas Stewart: Yes, Sir.

RUNNING OF REFRESHMENT ROOMS AND RESTAURANT CARS BY RAILWAYS.

722. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Railway Member state:

- (a) on which Railways refreshment rooms and cars are run by the Railway Administrations;
- (b) whether they are worked on commercial lines; if so, what has been the financial effect of their working for the last three years; and

(c) whether these arrangements have proved better than the system of contracts?

The Honourable Sir Thomas Stewart: (a) I am placing on the table a statement giving the information required.

(b) and (c). I am calling for particulars and will place a further reply on the table of the House when these have been received.

Statement.

Reports for 1936-37 received from individual Railways show that departmental arrangements for catering are made on three railways, viz.

Bengal Nagpur Railway: meals in the European style: all refreshment rooms and dining cars.

Madras and Southern Mahratta Railway: meals in the Indian style: all dining cars and 31 out of 42 refreshment rooms.

South Indian Railway: meals in the Indian style: one buffet car and 9 out of 27 refreshment rooms.

Mr. T. S. Avinashilingam Chettiar: May I know, in elucidation of the answer to clause (c), what is the experience of the railway administrations? Is it better or worse?

The Honourable Sir Thomas Stewart: I have no information: I am calling for that information and I have promised to lay it on the table of the House when received.

Mr. K. Ahmed: Is the Honourable Member aware that the Bengal Nagpur Railway supplies food and refreshments, first class, much cheaper and better in quality and more in quantity than Kellners, Sorabji and Spencers in the East Indian and Eastern Bengal Railways?

The Honourable Sir Thomas Stewart: I am glad to have an unsolicited testimonial from the Honourable Member.

Mr. K. Ahmed: I have put a question to the Honourable Member, and he has not stated whether he will make it equally good on the other railways: is he prepared to do something about it?

(No answer was given.)

BRANCH POST OFFICES.

723. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable Member for Communications, state:

- (a) the number of Branch post offices now existing;
- (b) the minimum amount of turn over required for a Branch post office near a railway station; and
- (c) when and in what circumstances is an experimental office confirmed as a permanent Branch office?

The Honourable Sir Thomas Stewart: (a) The total number of Branch Post Offices in India on the 31st March, 1937, was 18,300.

(b) No minimum amount of traffic has been prescribed as a condition precedent to the opening of a Branch Post Office near a railway station. The general rule is that a new office is opened, when required in the public interest, on an experimental basis provided that the estimated cost of working it is not likely to exceed the estimated revenue by more than Rs. 240 per annum.

(c) Ordinarily an experimental Post Office is made permanent when its total income is found to exceed its total cost by 25 per cent. Heads of Circles have, however, power to waive this condition in special cases if the total income covers the total cost.

Mr. T. S. Avinashilingam Chettiar: May I know whether the Government have considered the advisability of exempting even this 25 per cent. more income in view of the fact that more rural post offices are desirable in this country?

The Honourable Sir Thomas Stewart: Yes; that is the substance of my reply to part (c).

Prof. N. G. Ranga: How many more experimental offices are going to be opened during the next year?

The Honourable Sir Thomas Stewart: I can give no forecast, but I may inform the Honourable Member that in the first nine months of the present year something like a thousand post offices were opened.

Mr. K. Santhanam: With reference to the answer to part (a), are the Government aware that the number he has given works out to one rural post office for every forty villages?

The Honourable Sir Thomas Stewart: I am prepared to accept the Honourable Member's arithmetic.

Mr. K. Santhanam: May I know whether Government are satisfied that this is a reasonable state of affairs?

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

Mr. Muhammad Azhar Ali: Will the Honourable Member take any suggestions from the public or from the Members of this House as to the opening of any such branches?

The Honourable Sir Thomas Stewart: The opening of post offices is based entirely on the opinion and desires of the public.

Mr. T. S. Avinashilingam Chettiar: May I know whether it is a matter of rule or exception that this 25 per cent. extra income is exempted?

The Honourable Sir Thomas Stewart: I want notice.

INDIANS IN THE RAILWAY BOARD.

724. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable Member for Railways state:

(a) whether there are any Indians in the Railway Board; and

- (b) if not, whether Government have considered the advisability of appointing any Indians to the Board?

The Honourable Sir Thomas Stewart: (a) No.

(b) Government have explained on more than one occasion that the Board is not constituted on a communal basis.

Mr. T. S. Avinashilingam Chettiar: Do the Government expect to appoint an Indian Member on the Railway Board in the near future?

The Honourable Sir Thomas Stewart: Yes, Sir. When a European Member goes on leave, in the course of the next few weeks, an Indian Member will officiate in his place.

Mr. Manu Subedar: What are the reasons which led Government to falsify all their promises in the past on this question?

Mr. President (The Honourable Sir Abdur Rahim): That question cannot be allowed.

Mr. Abdul Qaiyum: What is the number of Members on this Board?

The Honourable Sir Thomas Stewart: Is the Honourable Member really unaware of the number?

Seth Govind Das: Why should not Government appoint a permanent Indian Member on the Railway Board?

The Honourable Sir Thomas Stewart: The policy of the Government with regard to this appointment was sufficiently set out in my speeches during the discussion of the Railway Budget.

Mr. Abdul Qaiyum: What is the total number of Members of the Railway Board?

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

Qazi Muhammad Ahmad Kazmi: What are the qualifications for a Member of the Railway Board?

The Honourable Sir Thomas Stewart: The qualification is that the officer appointed should be capable of carrying on the duties of the post.

Qazi Muhammad Ahmad Kazmi: Have the Government not been able to find out such an Indian?

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

AIR-CONDITIONED CARRIAGES ON RAILWAYS.

725. ***Mr. Mohan Lal Saxena:** (a) Will the Honourable Member for Railways be pleased to state the total cost of building the air-conditioned first class carriages in use at present?

(b) What is the proportion of the first class passengers who are using these carriages?

(c) How long will the experiment last?

(d) Will no new air-conditioned first class carriages be built until the experiment is over and these carriages are found definitely profitable?

(e) Have any conclusions been reached regarding the abolition of first class, as recommended by the Wedgwood Committee? If not, are Government prepared to issue orders that, pending a decision on this question, no new first class carriages are built?

The Honourable Sir Thomas Stewart: (a) The Honourable Member's attention is invited to the reply, given in this House on 24th February, 1938, to parts (a), (b) and (e) of starred question No. 472.

(b) During the months of December, 1937, and January, 1938, for which figures are available, 73 per cent. travelled in air-conditioned coaches from Howrah and stations *en route* to Bombay and 50 per cent. from Bombay and stations *en route* to Howrah. Similar particulars in connection with the air-conditioned coach now running between Bombay and Delhi over the Bombay, Baroda and Central India Railway have been called for and will be communicated to the House when received.

(c) and (e). The Honourable Member's attention is invited to the reply, given in this House on 24th February, 1938, to starred question No. 474.

(d) The question of extending the I class air-conditioned service is under consideration.

Mr. K. Santhanam: With reference to part (b) what is the percentage of first class passengers necessary to make these carriages economic?

The Honourable Sir Thomas Stewart: That is one of the questions under consideration.

Mr. K. Santhanam: May I know if the Government did not calculate this when they started this air-conditioning business?

The Honourable Sir Thomas Stewart: That is only one factor in the situation.

Prof. N. G. Ranga: What is the answer to the first part of (e)? "Have any conclusions been reached regarding the abolition of first class, as recommended by the Wedgwood Committee?"

The Honourable Sir Thomas Stewart: The Honourable Member will find the answer to that in the reference which I have given in my reply.

Mr. Mohan Lal Saksena: With reference to part (e), the Honourable Member said the other day that he wanted notice and that is why I sent notice of this question.

The Honourable Sir Thomas Stewart: That is perfectly true. But at the time I had asked for notice, I had overlooked the fact that I had in effect answered that question.

CRITICISMS AND SUGGESTIONS REGARDING THE ALL-INDIA RADIO DEPARTMENT.

726. ***Mr. Mohan Lal Saksena:** (a) Will the Honourable Member for Communications be pleased to state whether the attention of Government has been drawn to the article by Mr. K. Sreenivasan of the Indian Institute of Science, Bangalore, published in the *Illustrated Weekly of India*, dated the 28th March, 1937, and to the letter from Dr. M. N. Saha, published in the *Modern Review* for December, 1937, regarding the Indian Radio Department?

(b) If the answer to part (a) be in the affirmative, have Government considered the criticisms and suggestions made therein regarding the All-India Radio Department?

(c) Are Government willing to appoint a Broadcasting Commission, as recommended by Mr. Sreenivasan? If not, are Government prepared to consider the advisability of appointing a committee consisting of a majority of non-officials, including experts to enquire into the working of the All-India Radio Department and to make recommendations for the future working of the Department in a more efficient and business-like manner and to make it more popular?

(d) What were the principal recommendations of Mr. H. L. Kirke, regarding the future development of broadcasting in India?

(e) What is the total value of goods purchased by the All-India Radio Department from outside India during the last four years? Was there any condition in the agreement with the firms with whom the orders were placed regarding the training of Indians? If not, why not?

(f) Do Government propose to see that in future no orders are placed with foreign firms without making it a condition precedent that a certain number of Indians shall be given technical training by the firm?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) Yes.

(c) The reply to both parts of the question is in the negative.

(d) I would refer the Honourable Member to the Industries and Labour Department memorandum, dated the 5th September, 1936, which was placed before the Standing Finance Committee at Simla. Mr. Kirke's proposal for having one 100 k.w. medium wave station could not be accepted owing to the cost and other considerations involved. Also he had not recommended any short-wave stations outside Delhi, and Government decided, in the interests of a better distributed service, to establish one each at Calcutta, Bombay and Madras.

(e) Rs. 16 lakhs approximately. One of the conditions was that the supervising engineer of the firm to whom the contract for erecting the plant was given should be responsible for training the staff in the running of the plant.

(f) Yes, to the extent indicated in my reply to the previous question.

Mr. Mohan Lal Saksena: With reference to part (d), will the Honourable Member place a copy of Mr. Kirke's report on the table of the House?

The Honourable Sir Thomas Stewart: I have already answered that I am not prepared to do so.

Mr. T. S. Avinashilingam Chettiar: What are the reasons why Government refuse to place technical matters on the table?

The Honourable Sir Thomas Stewart: I gave my reasons on a previous occasion.

Prof. N. G. Ranga: In view of the fact that the Honourable Member has, in his reply to part (d) referred to the recommendations of Mr. Kirke, will the Government be prepared to reconsider the decision and place the recommendations on the table of this House so that the House may be in a position to judge, in the light of those recommendations, whether Government have taken any steps so far?

The Honourable Sir Thomas Stewart: If the Honourable Member will refer to the memorandum to which I have referred, he will get the substance of Mr. Kirke's report so far as it was of practical application.

Prof. N. G. Ranga: Is that memorandum available in the Library?

The Honourable Sir Thomas Stewart: It was a memorandum circulated to the Standing Finance Committee.

Mr. Mohan Lal Saksena: Are the recommendations of Mr. Kirke's report kept confidential?

The Honourable Sir Thomas Stewart: Yes, they are confidential.

Mr. Manu Subedar: With reference to part (c) may I know whether one of the reasons that Government will not appoint the Committee asked for is that the Government are afraid of unpleasant disclosures being made?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not answer a question like this.

RESTRICTIONS ON INDIAN VISITORS TO AND COST OF MAINTAINING THE BRITISH MINISTER IN NEPAL.

727. ***Mr. Mohan Lal Saksena:** (a) Will the Foreign Secretary be pleased to state whether any restrictions are imposed on Indians going to Nepal?

(b) Is the cost of maintaining the British Minister in Nepal paid from the Indian Exchequer?

Sir Aubrey Metcalfe: (a) The Government of India are not aware of any such restrictions.

(b) Yes.

Prof. N. G. Ranga: Why is it that the cost of maintaining the British Minister at Nepal is paid from the Indian exchequer and not from the British exchequer in England?

Sir Aubrey Metcalfe: The present arrangement is a continuation of an arrangement which has been in existence for a large number of years, ever since Nepal came into treaty relations with His Majesty's Government as represented by the Government of India. Although Nepal is a foreign state and only connected with India by geographical contiguity, the problems arising between Nepal and His Majesty's Government are for the most part of local and Indian interest and this fact was recognised by the interchange of representatives between the Government of Nepal and the Government of India, who were known as the Nepalese Envoy and the British Envoy respectively. The British Envoy at Katmandu was always paid for by the Government of India and was selected from the Indian services. Some few years ago, the Nepal Government decided to exercise a treaty right, which they possessed, of sending a diplomatic representative to London. At the same time they asked that the title of the British representative at Katmandu should be changed from Envoy to Minister. The expenses incurred on the Legation remain exactly the same, the work which was done by the Envoy continues to be done by the Minister and, as I have already explained, that work is mainly in the interests of India and in the interests of Indian subjects. For that reason the Government of India saw no reason to refuse to continue the previous arrangement by which the expenses of the British mission to Nepal are paid from the Indian exchequer.

Mr. M. S. Aney: Who pays for the cost of the British Embassy in Afghanistan?

Sir Aubrey Metcalfe: I submit that that does not arise out of this question.

Mr. Phulabhai J. Desai: Under whose instruction does the Embassy at Nepal act?

Sir Aubrey Metcalfe: The ultimate instructions to all His Majesty's Ministers must come from His Majesty's Government.

Mr. Bhulabhai J. Desai: Is there any penultimate instructions in this case or do you really want to evade this question?

Sir Aubrey Metcalfe: I do not want to evade any question.

Mr. Bhulabhai J. Desai: Then the question is, under whose instructions does the British Embassy at Katmandu act?

Sir Aubrey Metcalfe: As I have already stated, His Majesty's Government.

Seth Govind Das: Is it not advisable that His Majesty's Government should pay the expenses?

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

Mr. Manu Subedar: Have the Government any proposals on foot to represent to His Majesty's Government that the cost in future should be borne by His Majesty's Government and not by India?

Sir Aubrey Metcalfe: No, Sir.

Mr. Mohan Lal Saksena: What is the total cost of the Minister and his staff maintained at Katmandu?

Sir Aubrey Metcalfe: The total cost is about two lakhs.

Mr. K. Santhanam: May I know if the Crown Representative in India, the Viceroy, has any control over this Minister?

Sir Aubrey Metcalfe: He is not in any way connected with the Crown Representative.

Prof N. G. Ranga: In view of the fact that this Minister is supposed to be there for local and Indian interests alone and in view of the fact that he is paid from out of the Indian exchequer, will Government consider the advisability of representing to His Majesty's Government in England to cease appointing him as the British Minister, but let the Government of India appoint him as the Indian Minister on behalf of the Government of India?

Sir Aubrey Metcalfe: No.

Prof. N. G. Ranga: Why not?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot argue. Next question.

ENQUIRY INTO THE RAILWAY ACCIDENT AT BIHTA.

728. ***Mr. Mohan Lal Saksena:** (a) Will the Honourable Member for Railways be pleased to state the total cost of the Bihta enquiry?

(b) When is the report of the enquiry to be published?

(c) Will it be placed before the Assembly?

The Honourable Sir Thomas Stewart: (a) The information required will be called for, and a reply laid on the table of the House when it has been received

(b) Government have not yet received the report and are unable, therefore, to say when it will be published.

(c) A copy of the report will be placed in the Library of the House.

PERSONS IN THE LOCO. AND TRAFFIC DEPARTMENTS ON STATE RAILWAYS DEGRADED TO LOWER GRADES AND NON-GRANT OF GRADE INCREASE TO CERTAIN DRIVERS AND GUARDS.

729. ***Mr. J. D. Boyle** (on behalf of Lieut.-Colonel Sir Henry Gidney): Will the Honourable Member for Railways please state:

(a) how many men in the Loco. and Traffic Departments on State-managed Railways were degraded during the last seven years from higher to lower grades;

(b) how many of such vacancies have been filled;

- (c) how many are still unfilled; and
- (d) whether it is a fact that goods drivers and guards have been working in the mails and passenger grades for years without being given their grade increases; if so, why?

The Honourable Sir Thomas Stewart: I am obtaining information and will lay a reply on the table of the House in due course.

**DIFFERENTIATION AS REGARDS SCALES OF PAY OF CERTAIN GUARDS
RE-EMPLOYED ON THE GREAT INDIAN PENINSULA RAILWAY.**

730. ***Mr. J. D. Boyle** (on behalf of Lieut.-Colonel Sir Henry Gidney):

(a) Will the Honourable Member for Railways please state if it is a fact that some guards on the Great Indian Peninsula Railway, who were retrenched, have been engaged on the revised scales, while others have been given the old scales?

(b) If the reply to part (a) be in the affirmative, can any rule be cited to justify this?

(c) If not, do Government propose to restore such men to the old scales of pay? If not, why not?

The Honourable Sir Thomas Stewart: (a) to (c). Government have no information. I would, however, refer the Honourable Member to Railway Board's letter No. 807-EG/II, dated the 31st August, 1934, on the subject, a copy of which is in the Library of the House. Government have no reasons to believe that the orders contained in the letter referred to have not been observed by railway administrations. I am, however, sending a copy of the question to the Agent, Great Indian Peninsula Railway, for such action as he may consider necessary.

UPPER SUBORDINATES PROMOTED TO LOWER GAZETTED SERVICE ON RAILWAYS

731. ***Mr. J. D. Boyle** (on behalf of Lieut.-Colonel Sir Henry Gidney):

(a) Will the Honourable Member for Railways please state how many upper subordinates on each Railway have been promoted into the Lower Gazetted Service since its introduction?

(b) How many such officers of the Lower Gazetted Service are at present acting in the junior and senior scales on each Railway?

(c) How many of these officers have been permanently promoted to the junior and senior scales on each Railway?

(d) Do these officials, when officiating in the junior and senior scales, get any officiating allowances?

(e) Do Government propose to recruit a larger proportion of officers of the Lower Gazetted Service into the junior and senior scales?

The Honourable Sir Thomas Stewart: I am obtaining information and will lay a reply on the table of the House in due course.

TEST OF COLOUR BLINDNESS ON RAILWAYS.

732. ***Mr. J. D. Boyle** (on behalf of Lieut.-Colonel Sir Henry Gidney): Will the Honourable Member for Railways please state:

- (a) the prescribed test of colour blindness authorised on the State and Company-managed Railways;

- (b) whether the test can be varied by individual district medical officers; and
- (c) whether the test of colour blindness arrived at by Dr. Shinoli Ishara, Professor of the Imperial University, Tokyo, is authorised by the Railway Board?

The Honourable Sir Thomas Stewart: (a) to (c). So far as the State-managed Railways are concerned I would refer the Honourable Member to Appendices 2 and 3 of the Regulations for the Medical Examination of candidates and employees, non-gazetted (including inferior) and labourers' grades, Indian State Railways, a copy of which is in the Library of the House. As regards Company-managed Railways, Government have no information.

CONCESSIONAL POSTAL RATES FOR ANNUAL NUMBERS OF REGISTERED NEWSPAPERS.

733. ***Pandit Sri Krishna Dutta Paliwal:** (a) Will the Honourable Member for Communications be pleased to state if it is a fact that a circular letter has been sent by the Director General, Posts and Telegraphs, to the effect that the annual numbers of the registered newspapers should not be allowed to travel at the postal concession rates allowed under the rules to the registered newspapers?

(b) If so, will Government be pleased to state the reason or reasons why this differentiation has been made between the "annual numbers" and "special numbers"?

(c) Are Government aware that the "special numbers" and "annual numbers" are both published to popularise the newspapers?

(d) Are Government aware that such annual numbers were being posted from times immemorial at the concessional postal rates?

(e) Will Government be pleased to define the "annual numbers" and "special numbers" clearly?

The Honourable Sir Thomas Stewart: (a) and (b). The circular referred to states that an "annual" issue which is not an integral part of a registered newspaper and is published independently of it should not be accepted at the concession rates allowed for registered newspapers. This circular is in accordance with article 74 of the Post and Telegraph Guide. A special number is ordinarily not issued independently of a newspaper, that is, it is a special issue in the same form as the ordinary issue and conforms to the conditions laid down in the rule.

(c) I believe the suggestion made is correct.

(d) No, Sir, but Government are aware that the practice was not uniform and that is why the circular was issued.

(e) Having regard to the definition of a newspaper in article 74 of the Post and Telegraph Guide no further definition appears to be required.

Mr. Manu Subedar: With regard to the Honourable Member's replies to parts (a) and (b) of the question, will Government modify the instructions given by them when the special issue is given to the ordinary subscribers without any additional charge?

The Honourable Sir Thomas Stewart: No, Sir. The question of charge to the subscriber does not arise.

Prof N. G. Ranga: Are we to understand that, when the annual number is only one of the regular serial publications of the particular newspaper, no special postal charges are levied on it?

The Honourable Sir Thomas Stewart: If the so-called annual number is one of the series of publications of the newspaper, then it goes at newspaper rates.

Qazi Muhammad Ahmad Kazmi: Will it go at the same rate irrespective of the size of the annual number?

The Honourable Sir Thomas Stewart: No, Sir. The rate charged will be in accordance with the rates prescribed for the transmission of newspapers.

Mr. Manu Subedar: Have Government any information as to the practice in the United Kingdom with regard to the special numbers of the *London Times* when they are issued?

The Honourable Sir Thomas Stewart: No.

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

REDUCTION OF THE POST OF NURSE IN THE KHANPUR RAILWAY HOSPITAL.

†734. ***Khan Bahadur Shaikh Fazl-i-Haq Piracha:** (a) Will the Honourable Member for Railways please state if it is a fact that Sughra Bibi Asaf, a nurse *Dai*, at Khanpur, who was employed in February, 1937, is now being brought under reduction on the report of the Sub-Assistant Surgeon, Khanpur, by the District Medical Officer, Karachi?

(b) If so, will the Honourable Member please state on what grounds, the post of a nurse *Dai* in the Hospital is being reduced, and what saving this reduction will bring to the Railway Department?

(c) Is it a fact that the appointment of this *Dai* was sanctioned by the Agent on the representation of the Staff Area Council, after the approval of the Divisional Superintendent, Karachi?

(d) Is it a fact that the Nurse *Dai* is a qualified and competent one?

(e) Is it a fact that there are numerous Indian employees at Khanpur Railway Station (North Western Railway) who live there with their families and always require the services of a competent *Dai*?

(f) Are Government prepared to consider the question of investigating the matter and not to bring the services of the said *Dai* under reduction?

The Honourable Sir Thomas Stewart: (a) to (f). Government have no information. This is a matter within the competence of the Agent, North-Western Railway, to whom I am sending a copy of the question for such action as he may consider necessary.

†Answer to this question laid on the table, the questioner being absent.

RESTRICTIONS ON THE ENTRY OF INDIANS INTO CANADA.

735. ***Sardar Mangal Singh:** Will the Foreign Secretary please state:

- (a) whether there are any restrictions imposed on the entry of Indians into Canada; if so, what those restrictions are;
- (b) whether Government have made representations to the Canadian Government or to the Colonial Office with a view to remove those restrictions; and
- (c) whether there are any restrictions imposed on the entry of Canadians into this country?

Sir Aubrey Metcalfe: This question should be addressed to the Member in charge of the Department of Education, Health and Lands.

DIFFERENTIATION IN THE INITIAL SALARIES OF PERSONS APPOINTED IN THE ALL-INDIA RADIO DEPARTMENT.

736. ***Mr. Mohan Lal Saksena:** Will the Honourable Member for Communications be pleased to state if it is a fact that in the All-India Radio Department, while certain highly qualified persons holding M.A., B.A., B.Sc., and even degrees of foreign Universities were appointed on initial salaries of Rs. 50 and Rs. 60 per mensem, persons with much lower qualifications were appointed on initial salaries of Rs. 100 per mensem and more? If so, what are the reasons for this discrepancy?

The Honourable Sir Thomas Stewart: Yes. The majority of the persons with lower qualifications appointed to posts of Rs. 100 and above were recruited in the early days of broadcasting. I should like, however, to make it clear that academic distinctions are not necessarily a true index of the qualities required for some of these posts.

Mr. Manu Subedar: The Honourable Member said that educational qualifications are not a true index. Is there any other true index of any kind in the mind of the Government of India with regard to qualifications for appointments in the All-India Radio?

The Honourable Sir Thomas Stewart: I should be reluctant to claim that the absolute has been reached in any of these matters.

Mr. Mohan Lal Saksena: Am I to understand that no person has been appointed with lower academic qualifications during the last two years on salaries exceeding Rs. 100 a month? The Honourable Member has just now said that it was done only in the early years.

The Honourable Sir Thomas Stewart: I said no such thing. I said that a majority of those people were appointed in the early years.

Mr. Mohan Lal Saksena: Is the Honourable Member aware that a certain person who was an intermediate and who was appointed on Rs. 107 a month is now getting about Rs. 750 a month in about two years' time?

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

Mr. Mohan Lal Saksena: I want to put that question in the public interest. The money of the public has been wasted on a certain person who has been appointed . . .

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The Honourable Member knows that I have considered the matter and disallowed the question.

Mr. Mohan Lal Saksena: May I know how I can raise that question here?

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

Sardar Sant Singh: What steps have Government taken to prevent the principle of nepotism in the case of such appointments?

The Honourable Sir Thomas Stewart: I have, on previous occasions, described the arrangements that are made for the recruitment of staff in this Department.

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

Mr. Mohan Lal Saksena: May I know, Sir, how this question is to be raised in this House, when I know that appointments are being made on favouritism

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member sent in his questions, and whatever questions have been disallowed, he knows the reasons for the same.

Mr. Mohan Lal Saksena: I want to know, Sir, how, when there are cases of favouritism in the department, I should raise it.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member wants to challenge any particular appointment on the ground of favouritism, then some other procedure has to be adopted.

Mr. Mohan Lal Saksena: Even on this Order Paper, there is a particular question with reference to a particular individual,—namely, that a certain *Dai* had been dismissed—and that has been allowed. I am surprised how this question of mine which relates to a similar subject has been disallowed.

Mr. President (The Honourable Sir Abdur Rahim): I have disallowed it and I have given the reasons. I cannot allow any such discussion. Seth Govind Das. Next question.

RESTRICTIONS IMPOSED ON INDIAN MERCHANTS IN THE UNITED STATES OF AMERICA.

736A. ***Seth Govind Das:** Will the Secretary for External Affairs please state:

- (a) whether Government are aware of the restrictions imposed on Indian merchants in the United States of America under the Immigration Laws operating in that country;

- (b) whether the trade treaty of Great Britain with the United States of America does not cover the safeguarding of interest of Empire countries like India;
- (c) whether Government directed their Trade Commissioner in New York to submit particulars of all the difficulties Indians are subject to in that country;
- (d) whether Government have moved in the matter of bringing about a treaty to protect the rights and interests of their people in that land with the United States Government; and
- (e) whether it is a fact that the citizens of the United States in this country are treated as Europeans and subject to special privileges?

Sir Aubrey Metcalfe: (a) Yes.

(b) The Honourable Member is presumably referring to the Convention of Commerce concluded as long ago as 1815 between His Britannic Majesty and the United States of America, Article 3 of which is applicable to India. The provisions of this Article are unilateral, inasmuch as they make no stipulation for the treatment of Indian trade in the United States of America. A copy of the Convention is available in the Library of the House.

(c) As there is no Indian Government Trade Commissioner yet at New York, the question does not arise.

(d) The matter is receiving the attention of the Government of India in consultation with His Majesty's Government.

(e) It is not clear to what special privileges the Honourable Member refers. Citizens of the United States of America are not treated as Europeans for the purposes of all sections of the Code of Criminal Procedure which affect Europeans. They are, however, eligible for certain privileges in the matter of trial by jury and assessors in criminal cases under the Code, for which Europeans are eligible.

Mr. Manu Subedar: With reference to (d), will the Honourable Member tell the House since when it has been under the consideration of His Majesty's Government?

Sir Aubrey Metcalfe: I have already answered that question. It has been under the consideration of the Government of India for the last three years at least and the present negotiations, such as they are, were opened, as far as I remember, about 18 months or a year ago.

Seth Govind Das: When will this consideration come to an end and when do Government hope to arrive at a decision in the matter?

Sir Aubrey Metcalfe: I have already expressed my inability to prophesy.

Prof. N. G. Ranga: Will Government ascertain full particulars of the disabilities of Indians in the United States of America?

Sir Aubrey Metcalfe: I laid a statement on the table of the House only three days ago, giving full particulars.

UNSTARRED QUESTIONS AND ANSWERS.

†63—67.

DIFFICULTY IN GETTING LEAVE BY THE COMMERCIAL STAFF OF THE GREAT INDIAN PENINSULA RAILWAY IN THE JHANSI DIVISION.

68. Pandit Sri Krishna Dutta Paliwal: (a) Is the Honourable Member for Railways aware that the commercial staff of the Great Indian Peninsula Railway in the Jhansi Division have very great difficulty in getting leave, and they never get leave when they want, but get it in turn according to their names in the register?

(b) What steps do Government intend taking to see that the staff get the leave in time of need without any difficulty?

The Honourable Sir Thomas Stewart: (a) and (b). Government have no information, as this is a matter within the competence of the Agent, Great Indian Peninsula Railway. I am, however, sending him a copy of the question for such action as he may consider necessary.

HOURS OF DUTY OF CERTAIN STAFF ON THE GREAT INDIAN PENINSULA RAILWAY.

69. Pandit Sri Krishna Dutta Paliwal: (a) Is the Honourable Member for Railways aware that the Great Indian Peninsula Railway staff in certain departments have to perform 12 hours duty, and that this is against the recognised standard of maximum hours of duty? Is it a fact that this duty is classed as "intermittent", which means binding for even more than 12 hours—for instance Ticket Collectors at Jhansi station doing 12 hours duty are bound for 14 hours—they come on duty at eight hours and continue up to 18 hours, then after a break of two hours during which most of them cannot go home, having got their houses far off in the city, continue their duty again from 20 hours to 22 hours?

(b) Do Government intend introducing eight hours' duty in all the departments of the Railway without any discrimination? If so, when? If not, why not?

The Honourable Sir Thomas Stewart: (a) Government have no information. I may add for the information of the Honourable Member that the Hours of Employment Regulations are in force on the Great Indian Peninsula Railway and Government have no reason to believe that they are being infringed. I am, however, sending a copy of the question to the Agent, Great Indian Peninsula Railway, for such action as he may consider necessary.

(b) No. I would refer the Honourable Member to section 71C of the Indian Railways (Amendment) Act, 1930, a copy of which is in the Library of the House.

†These questions which were on the Order Paper for the 8th March, 1938, have lapsed, the meeting fixed for that date having been cancelled.

APPEALS OF THE RAILWAY STAFF FOR RESTORATION OF THEIR PASS PRIVILEGES.

70. Pandit Sri Krishna Dutta Paliwal: Will the Honourable Member for Railways be pleased to state what action they intend taking in regard to the appeals of the Railway staff of all the State Railways addressed to His Excellency the Viceroy of India regarding giving back their old privileges of passes?

The Honourable Sir Thomas Stewart: I would refer the Honourable Member to the reply I gave to part (e) of Mr. Lalchand Navalrai's question No. 326 on the 16th February, 1938.

GRIEVANCES OF THE BRAKESMEN OF THE JHANSI DIVISION OF THE GREAT INDIAN PENINSULA RAILWAY.

71. Pandit Sri Krishna Dutta Paliwal: (a) Is the Honourable Member for Railways aware that in spite of several appeals from the brakemen of the Jhansi Division of the Great Indian Peninsula Railway, regarding lack of proper arrangements in their running rooms concerning water supply, resting and cooking arrangements at Delhi and Gwalior, no action has been taken?

(b) What action do Government propose taking in order to remove the difficulties of the brakemen?

The Honourable Sir Thomas Stewart: (a) and (b). Government have no information. This is a matter within the competence of the Agent, Great Indian Peninsula Railway, to whom I am sending a copy of the question for such action as he may consider necessary.

INVALIDATION OF THE COMPETENCY CERTIFICATES OF CERTAIN STAFF ON THE GREAT INDIAN PENINSULA RAILWAY.

72. Pandit Sri Krishna Dutta Paliwal: (a) Will the Honourable Member for Railways please state whether a competency certificate on the Great Indian Peninsula Railway can be declared invalid for reasons of break of service or for being an *ex-striker*?

(b) Are Government aware of their *communiqué*, dated the 1st March, 1930, according to which the Railway Administration cannot victimize any *ex-striker*?

(c) If not, will Government state the reasons why the Guards' competency certificates of Messrs. Ramdass, Brakesman, Agra Cantonments; Raghunandan Prasad, Brakesman, Agra Cantonment; Chandarmaul, Number-taker, Muttra; Devishankar, Shunting Master, Muttra; Ramshanker Shukla, Brakesman, Jhansi and Muhammad Hafi Khan, Brakesman, Mahoba, were declared invalid?

(d) Are Government prepared to see that the certificates of these men are validated immediately?

The Honourable Sir Thomas Stewart: (a), (c) and (d). Government have no information. The matter referred to is one with which the Agent, Great Indian Peninsula Railway, is competent to deal and I am sending a copy of the question to him for such action as he may consider necessary.

(b) Government do not accept the suggestion implied by the word 'victimisation' contained in this part of the question. In the communiqué, referred to by the Honourable Member it was definitely stated *inter alia* that the Railway Administration will not refuse to take back into service any employee merely because he went on strike.

PROMOTIONS OF EMPLOYEES ON THE GREAT INDIAN PENINSULA RAILWAY.

73. **Pandit Sri Krishna Dutta Paliwal:** (a) Will the Honourable Member for Railways be pleased to state how the promotions are granted to the employees on the Great Indian Peninsula Railway?

(b) Is it a fact that the promotions are not granted on efficiency and seniority?

The Honourable Sir Thomas Stewart: (a) and (b). Government have no information. These are matters of detailed administration within the competence of the Agent, Great Indian Peninsula Railway, to deal with. I am, however, sending a copy of the question to the Agent for such action as he may consider necessary.

PROMOTIONS OF TICKET COLLECTORS ON THE GREAT INDIAN PENINSULA RAILWAY.

74. **Pandit Sri Krishna Dutta Paliwal:** (a) Will the Honourable Member for Railways be pleased to state whether the lower grade Ticket Collectors on the Great Indian Peninsula Railway are not given promotion to the post of a Travelling Ticket Inspector? If not, why not?

(b) Why is there such a vast difference in the salaries of the two grades, viz.—Rs. 60—10—90 and Rs. 30—5—50?

(c) Why are the higher grade Ticket Collectors only promoted to the post of a Travelling Ticket Inspector in preference to the lower grade Ticket Collectors?

(d) Will Government please state why the privilege of the lower grade Ticket Collectors to act as Travelling Ticket Inspectors has been withdrawn and only the higher grade Ticket Collectors are acting and are promoted to the post of Travelling Ticket Inspectors?

(e) Will Government please state what further scope is there for the lower grade Ticket Collectors as regards their promotion besides the higher grade?

The Honourable Sir Thomas Stewart: (a) to (e). Government have no information, as these are matters of detailed administration entirely within the competence of the Agent, Great Indian Peninsula Railway, to deal with. I am, however, sending a copy of the question to the Agent for such action as he may consider necessary.

DIFFERENT GRADES OF SALARIES OF TRAIN EXAMINERS ON THE GREAT INDIAN PENINSULA RAILWAY

75. **Pandit Sri Krishna Dutta Paliwal:** (a) Will the Honourable Member for Railways please state if it is a fact that the grades of salaries of the Train Examiners on the Great Indian Peninsula Railway are different in different divisions?

(b) If so, what is the reason for this discrimination?

(c) Will Government please state when the Train Examiners are going to be reinstated in the grades from which they were reduced on account of retrenchment?

The Honourable Sir Thomas Stewart: (a) to (c). Government have no information, as these are matters of detailed administration within the competence of the Agent, Great Indian Peninsula Railway, to deal with. I am, however, sending a copy of the question to the Agent for such action as he may consider necessary.

RACIAL DISCRIMINATION IN THE PROMOTION OF GUARDS AND DRIVERS.

76. **Pandit Sri Krishna Dutta Paliwal:** Will the Honourable Member for Railways be pleased to state whether the qualified Indian guards and drivers are not promoted to the grades of passenger guards and drivers, as are the Europeans and Anglo-Indians? If not, why not?

The Honourable Sir Thomas Stewart: I am afraid I am unable to reply to a question couched in such general terms. If the Honourable Member will specify the name of the railway to which he is referring I shall endeavour to furnish a reply.

NON-PROMOTION OF PERMANENT WAY TIME-KEEPERS AS SUB-PERMANENT WAY INSPECTORS ON THE GREAT INDIAN PENINSULA RAILWAY.

77. **Pandit Sri Krishna Dutta Paliwal:** (a) Is the Honourable Member for Railways aware of the fact that the Engineering Department of the Great Indian Peninsula Railway has been frequently appointing Apprentice Permanent Way Inspectors, who are subsequently promoted to the post of Sub-Permanent Way Inspectors?

(b) If the reply to part (a) be in the affirmative, why were the claims of some of the Permanent Way Time-keepers of long standing in service, possessing a deal of experience in the Permanent Way, and having creditably passed the prescribed Departmental Examination for the post of Sub-Permanent Way Inspectors as far back as 1930, were not considered?

The Honourable Sir Thomas Stewart: (a) and (b). Government have no information. This is a matter of detailed administration within the competence of the Agent, Great Indian Peninsula Railway, to whom I am sending a copy of the question for such action as he may consider necessary.

BILL PASSED BY THE COUNCIL OF STATE.

Secretary of the Assembly: Sir, in accordance with the provisions of rule 25 of the Indian Legislative Rules, I lay on the table a Bill to provide that all Cutchi Memons shall be governed in matters of succession and inheritance by the Muhammadan Law which was passed by the Council of State on the 7th March, 1938.

MESSAGE FROM THE COUNCIL OF STATE.

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

"Sir I am directed to inform you that the Council of State at its meeting held on the 7th March, 1938, agreed without any amendment to the Bill to amend the Child Marriage Restraint Act, 1929, which was passed by the Legislative Assembly at its meeting held on the 3rd February, 1938."

ELECTION OF A MEMBER TO THE CENTRAL ADVISORY BOARD OF HEALTH.

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

"That the Members of this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, one person from among their numbers to be a member of the Central Advisory Board of Health, *vice* Mr. C. W. A. Gidney, who has ceased to be a Member of the Assembly."

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

"That the Members of this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, one person from among their numbers to be a member of the Central Advisory Board of Health, *vice* Mr. C. W. A. Gidney, who has ceased to be a Member of the Assembly."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I may inform Honourable Members that for the purpose of election of a Member to the Central Advisory Board of Health the Notice Office will be open to receive nominations upto 12 noon on Thursday, the 17th March and that the election, if necessary, will be held on Monday, the 21st March, 1938, between the hours of 10-30 A.M. and 1 P.M. in the Assistant Secretary's room in the Council House, New Delhi. The election will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

THE COMMERCIAL DOCUMENTS EVIDENCE BILL.

APPOINTMENT OF CERTAIN MEMBERS TO THE SELECT COMMITTEE.

The Honourable Sir Henry Craik (Home Member): Sir, I move:

"That Mr. E. Conran-Smith, be re-appointed to the Select Committee on the Bill to amend the Law of Evidence with respect to certain commercial documents and that Mr. P. A. Menon, be appointed to that Committee in place of Mr. J. A. Thorne, who has ceased to be a Member of the Assembly."

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

"That Mr. E. Conran-Smith, be re-appointed to the Select Committee on the Bill to amend the Law of Evidence with respect to certain commercial documents and that Mr. P. A. Menon, be appointed to that Committee in place of Mr. J. A. Thorne, who has ceased to be a Member of the Assembly."

The motion was adopted.

THE INDIAN OATHS (AMENDMENT) BILL.

APPOINTMENT OF CERTAIN MEMBERS TO THE SELECT COMMITTEE.

The Honourable Sir Henry Craik (Home Member): Sir, I move:

"That Mr. E. Conran-Smith, be re-appointed to the Select Committee on the Bill further to amend the Indian Oaths Act, 1873, for a certain purpose, and that Mr. P. A. Menon, be appointed to that Committee in place of Mr. J. A. Thorne, who has ceased to be a Member of the Assembly."

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

"That Mr. E. Conran-Smith, be re-appointed to the Select Committee on the Bill further to amend the Indian Oaths Act, 1873, for a certain purpose, and that Mr. P. A. Menon, be appointed to that Committee in place of Mr. J. A. Thorne, who has ceased to be a Member of the Assembly."

The motion was adopted.

THE INDIAN FINANCE BILL.

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

"That the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to fix maximum rates of postage under the Indian Post Office Act, 1898, and to fix rates of income-tax and super-tax be taken into consideration."

I have here a declaration which I might compendiously call Peter's wife's mother or Tabitha. Tabitha will be discovered to have risen from the grave to which she was so scandalously condemned by the Party opposite. She will be found to be no less beautiful than she was before. She will be found to require not less sustenance than she required before. In other words, I have here a declaration by the Governor General restoring the whole of the grants refused by the Assembly and as the whole of the grants have been restored, the whole of the proposals contained in the Finance Bill will still be required. Sir, I move.

Declaration by the Governor General in Council regarding certain Demands refused by the Legislative Assembly.

In pursuance of sub-section (7) of section 67-A of the Government of India Act, as set out in the Ninth Schedule of the Government of India Act, 1935, the Governor General in Council is pleased to declare that the following Demands which have been refused by the Legislative Assembly are essential to the discharge of his responsibilities:—

DEMANDS.	(In thousands of rupees.) Amount.
<i>A.—Expenditure charged to Revenue.</i>	
1.—Customs	79,22
2.—Central Excise Duties	10,50
3.—Taxes on Income including Corporation Tax	78,28
4.—Salt	64,72
5.—Opium	24,37
6.—Provincial Excise	4,97

(In thousands
of rupees.)
Amount.

DEMANDS.

A.—Expenditure charged to Revenue—contd.

7.—Stamps	16,79
8.—Forest	6,02
9.—Irrigation (including Working Expenses) Navigation, Embankment and Drainage Works	2,09
10.—Indian Posts and Telegraphs Department (including Working Expenses)	10,86,66
11.—Interest on Debt and other Obligations and Reduction or Avoidance of Debt	95,44
12.—Executive Council	1,28
13.—Council of State	1,34
14.—Legislative Assembly and Legislative Assembly Department	8,32
15.—Home Department	9,43
16.—Legislative Department	4,03
17.—Department of Education, Health and Lands	6,43
18.—Finance Department	5,65
19.—Commerce Department	4,50
20.—Department of Labour	4,13
21.—Department of Communications	1,72
22.—Central Board of Revenue	3,09
23.—India Office and High Commissioner's Establishment charges	17,58
24.—Payments to other Governments, Departments, etc., on account of services rendered	1,25
25.—Audit	94,05
26.—Administration of Justice	1,12
27.—Police	1,66
28.—Ports and Pilotage	14,30
29.—Lighthouses and Lightships	8,83
30.—Survey of India	19,40
31.—Meteorology	20,60
32.—Geological Survey	2,18
33.—Botanical Survey	61
34.—Zoological Survey	1,37
35.—Archaeology	12,51
36.—Mines	1,56
37.—Other Scientific Departments	3,05
38.—Education	6,74
39.—Medical Services	7,04
40.—Public Health	10,63
41.—Agriculture	35,79
42.—Imperial Council of Agricultural Research Department	7,53
43.—Scheme for the improvement of Agricultural Marketing in India	5,10
44.—Imperial Institute of Sugar Technology	3,41
45.—Civil Veterinary Services	8,97
46.—Industries	9,07
47.—Aviation	32,53
48.—Capital Outlay on Civil Aviation charged to Revenue	1
49.—Broadcasting	22,32
50.—Capital outlay on Broadcasting	1
51.—Indian Stores Department	22,94
52.—Commercial Intelligence and Statistics	7,76
53.—Census	5
54.—Emigration-Internal	12
55.—Emigration-External	1,92
56.—Joint Stock Companies	1,47
57.—Miscellaneous Departments	4,16
58.—Currency	15,64
59.—Mint	19,07
60.—Civil Works	84,73
61.—Central Road Fund	1,70,00
62.—Superannuation Allowances and Pensions	1,10,28
63.—Stationery and Printing	53,43
64.—Miscellaneous	11,45
65.—Grants-in-aid to Provincial Governments	1,72

DEMANDS.

(In thousands
of rupees.)
Amount.*A.—Expenditure charged to Revenue—concl'd.*

66.—Miscellaneous Adjustments between the Central and Provincial Governments	10
67.—Expenditure on Retrenched Personnel charged to revenue	7
68.—Delhi	54,65
69.—Ajmer-Merwara	16,26
70.—Panth Piploda	13
71.—Andaman and Nicobar Islands	31,90

B.—Expenditure charged to Capital.

73.—Indian Posts and Telegraphs	21,83
73 A.—Indian Posts and Telegraphs—Stores Suspense (Not charged to revenue)	1
73 B.—Indian Posts and Telegraphs—Appropriation to Telephone Development Fund (Not charged to revenue)	2,50,00
75.—Capital Outlay on Schemes of Agricultural Improvement and Research	23
76.—Capital Outlay on Vizagapatam Harbour	3,86
77.—Delhi Capital outlay	15,75
78.—Commuted Value of Pensions	1

C.—Disbursements of Loans and Advances.

79.—Interest-free advances	46,26
80.—Loans and advances bearing interest	95,29

(Sd.) J. C. NIXON,

*The 9th March, 1938.**Secretary to the Government of India.***Mr. President** (The Honourable Sir Abdur Rahim): Motion moved:

"That the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to fix maximum rates of postage under the Indian Post Office Act, 1898, and to fix rates of income-tax and super-tax be taken into consideration."

Mr. L. O. Buss (Nominated Non-Official): Sir, the Finance Bill is the legislative corollary of the Budget statement. This year the Finance Member described his Budget statement as "dull", which description must extend with perhaps greater truth to the Finance Bill. This is not the first occasion on which my Honourable friend has described his financial proposals as "dull". He has used that description before and my predecessor, on one occasion, ventured to express the opinion that the Finance Member was in no great peril of being led astray into the alluring paths of spectacular finance. Each successive Budget and Finance Bill merely serves to confirm the correctness of that opinion.

The other day, the Honourable Member delivered himself of the opinion that disappointments were the lot of all Finance Members. The Honourable Member is not unique in that experience, for, if his life is one long succession of disappointments it is equally true of the life of the tax-payer with, perhaps, this difference, that whereas the Finance Member transfers his disappointments to the tax-payer, the tax-payer has no means of unloading his unhappy fate elsewhere. From the point of view of the tax-payer every Finance Bill is, accordingly, anticipated with some anxiety. This year the Bill and the statement that accompanied

[Mr. L. C. Buss.]

its introduction contained grounds both for encouragement and discouragement and I should like, before I come to the discouraging features, to refer briefly to those which have caused us satisfaction.

Reviewing the position since 1935, when the Honourable Member introduced his first Finance Bill, I find, on a rough calculation, that he has, during his period of office, remitted some Rs. 3·84 lakhs estimated taxation and imposed additional taxation estimated at Rs. 1·65 lakhs. So that on balance we are still, from the point of view of taxation, and on this very rough calculation, Rs. 1·69 lakhs better off than when he assumed control. That alone of course does not give the whole picture. During the period to which I refer the Honourable Member has lost the financial support of Burma and has had to face additional expenditure of a substantial order on account of Provincial Autonomy. But, notwithstanding the changed circumstances with which he has had to contend, the Honourable Member has found some not altogether inconsiderable sums of money for purposes such as Rural Development, Agricultural Research, Cottage Industries and Broadcasting, and he has moreover created a Revenue Reserve Fund to help out the expenses of Provincial Autonomy—a decision which showed vision and the benefits of which we are reaping today. It is, I think, no inconsiderable achievement on the part of the Finance Member that he has been able, during a period when revenues have not been particularly obliging, to secure the degree of success he has in his objective of financing the inauguration of the new Constitution. That he has been able to find such substantial sums on account of the reforms without upsetting the stability of the Central finances is an achievement which must be duly acknowledged and for which the credit must go to the Finance Member.

Sir, I will not embark on a more analytical review but I have mentioned some of the main facts which cannot be ignored when one considers the record in India of the Honourable Member. I have mentioned those facts because I do not wish the House to be under any misconception as to the attitude adopted by the European Group. We fully recognise that the Finance Member has brought us through the difficulties of the past few years without any serious dislocation in the position he inherited as it affects us as tax-payers. There is also little doubt that the policy he has pursued has helped to maintain the financial stability of the country and I need not mention the benefits that accrue to trade and commerce from the maintenance of stable conditions.

I said just now that we are today reaping the benefits of the vision shown by the Finance Member in creating a Revenue Reserve Fund to help out the finances of Provincial Autonomy. But if that decision confers a benefit on us today it also creates a situation which must give rise to some anxiety. I do not suggest that the utilisation of past surpluses in this manner is unsound, but to the extent to which the funds so accumulated are used to pay for current expenditure, to that extent the actual annual income and expenditure of the State is not balanced. We cannot altogether close our minds to the situation that might arise when the Revenue Reserve Fund is exhausted. The Finance Member has himself told us that owing to the utilisation of the carry-forward in the Revenue Reserve Fund, the Budget is still out of true equilibrium to the extent of more than half a crore, and also that he is deeply disappointed in being unable to present a more favourable picture and to

made a substantial contribution to rural development. That is an ambition with which we have every sympathy if there is money available, but not only is the money not available but, as the Finance Member has said, on a strict calculation of current revenue and expenditure we are overspending to the extent of half a crore this year. It is true that certain expenditure has to be met this year which is of a non-recurring nature. At any rate we hope that it will not be necessary every year to have to meet the cost of operations in Waziristan of the same expensive nature as we have this year. We certainly hope that there will be no such expensive mistakes in the future as that which was made in connection with the Lahore Abbatoir. Had it not been for the shrewd ability of Sir James Pitkeathley, it appears that this mistake might have been a little more costly. Notwithstanding these circumstances the fact remains that had it not been for the Revenue Reserve Fund the accounts for this year would have shown a deficit, the total revenue being only 85.17 crores to meet an expenditure of 85.83 crores.

That brings me to the crux of the case which the European Group have consistently urged in regard to the desirability of a very conservative use of the possibilities of emergency taxation. Today we are using up those possibilities by the continued exaction of the 1931 emergency surcharge on revenue duties and the remaining third of the 1931 emergency surcharge on income-tax. It is difficult to avoid the conclusion that this is a dangerous legacy. It is true that the salary cuts have gone and that, subject to what may be contained in the Income-tax Bill, two-thirds of the increased levy on incomes have been remitted. But the emergency duty scale remains as an unhappy reminder of what happened in the years immediately following the trade collapse of 1929. It is just over eight years since that catastrophic slump began to make itself felt and signs are not lacking to indicate that, but for the false stimulus of world-wide rearmament programmes, we should already be well on the downward path once more. Even if the estimates of revenue for the ensuing year are realised, concerning which I personally have some misgivings, my conviction is that nothing has occurred in recent years to justify a hope that there has been any change in world sentiment calculated to lead to a smoothing-out of the curve of booms and slumps. I have, therefore, a good deal of sympathy with my Honourable friend's successor, who may be faced with the unhappy conjunction of a cycle of poor years and a revenue position which, on his assumption of office, will give little of that elasticity which we believe to be so necessary.

My Honourable friend will, I am sure, not be surprised to hear me refer to the surcharge on income-tax. Our constituents cannot but feel disappointment—shared also by many others—that the balance of the surcharge on income-tax still remains. In view of the uncertainties that lie ahead of him, we can well understand that the Finance Member feels he cannot at present risk any loss of possible revenue more especially when it is remembered that he is contemplating the early amendment of the Income-tax Law. In the report of the Income-tax Enquiry Committee it is suggested that the "slab" system should replace the existing "step" system and it seems likely that if the Honourable Member decides to accept this recommendation, he is in some doubt as to the possible effect on the revenue of the change over to the new system. We hope, however, that when the time comes, he will bear in mind that this surcharge remains, and that he will take this into account in making his calculations for the scale of the new tax.

[Mr. L. C. Buss.]

Sir, there is a further observation that I should like to make before I sit down. In his Budget speech, the other day, the Finance Member referred to the difficulties which beset the path of the budget-maker in India. Among other things he mentioned the delay in receiving the necessary statistical information, and I myself, a moment ago, expressed misgivings about the estimates for the current year. Many of us have felt that quite apart from the delay in receiving the necessary information there is also a paucity in some respects of accurate data on which to form conclusions and to judge the effects of the policy that is being pursued. We appreciate the Finance Member's difficulties, since we have suffered from them ourselves, and from the tax-payer's point of view we have to look not only at the taxes that my Honourable friend imposes but also at those which are levied by the Provinces. What I should like to suggest now is that the Government might see their way to utilising the services of their recently appointed Economic Adviser to examine the possibilities in this direction in order to see whether anything can be done to get out some reliable information that would show how the burden of taxation in India is distributed. If that could be done I am sure it would be of immense help to the House.

We should not have been discharging our duty to our constituents if we had let this opportunity pass for drawing attention to certain points. I hope that the Finance Member when he comes to reply will deal with some of them. I beg to support the motion.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, I must make the position of my Party absolutely clear to the House. When we decided to vote against the Budget, we had no other consideration except one and one only, namely, that we did not like any encroachment on the rights and privileges which had been enjoyed by this House. We did not like that any conventions which had been created should be destroyed. After all, all the Parliamentary institutions do create conventions and by means of those conventions they create the rights of the House. The British Parliament did not get all the rights by any Charter which are enjoyed by it today. They are mostly the result of their own creation. In the same manner, it was really incumbent on the Government that these privileges of the House which have already been created should not be violated. We wanted that the Budget, as a whole, ought to have been presented to the House in the same manner as it had been presented before. As an innovation, however, had been made beforehand without any explanation to the House, it had to be resented by this House and we took the attitude that if we were not allowed to vote on the Budget as a whole,—even if it was reduced by the hundredth part of one per cent.—we would refuse to consider the Budget which had been presented in parts before this House. That was our position and we made it clear and if there is any misunderstanding in any quarters, I think it is due to the fault of those who do not like to understand clearly. As we have not allowed the Demands, then, consistent with the same position, we cannot allow any supplies to be voted. And that is the attitude which we are going to adopt towards this Finance Bill. We have got lot of grievances against the administration and we could have made many beneficial proposals to the Government but the fault is not ours. The fault is of those who are responsible for not taking the House into their confidence and who have created this situation.

Sir, India may suffer for sometime more but she cannot suffer all the time. If India goes on suffering for the next year without our giving any advice, I do not think that India will be any the worse because, in spite of our advice which we gave last year, India was allowed to suffer and the position was created in the country which has made the position of several Provincial Governments very difficult. I do not want to go into those details now as I only want to confine my remarks to this that our attitude in voting down the consideration of the Finance Bill is consistent with our policy. I know that the power which has restored all the Demands can also easily restore all the supplies, but the responsibility will be one-sided. What we want is that we may not share the responsibility. If the responsibility is to be taken by the Executive, let them take the responsibility for the whole and not in parts, or let them take us into their confidence and then we will share the responsibility along with them. Sir, we have never stood for the methods of any other nature. We do not want that the Government should be made unworkable. My Party has never stood for those principles and we do not stand for those principles even today. But we have to express our resentment for any encroachment on the rights of this House. We, as Members, must stand for the rights of this House and we expect even those who may not be in a position to stand by the House to try to do so, but if they are prevented from doing so, we have no grievance against them. Nevertheless, we will stand by our rights. With these remarks, I oppose the consideration of the Finance Bill.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I wish to make a few observations. Under the old régime, 28th February was always considered as a day of speculation when fortunes were either made or destroyed, but now we have the good fortune that we will have no fresh taxation and the trade which used to be more speculative and less scientific will now resume the normal position. About three years ago, I once pointed out that Sir George Schuster during his 5 years' tenure of office imposed taxes amounting to 46 crores of rupees and in spite of that the customs duties remained at the same level. In the present Budget we find that in spite of the fact that no fresh taxation has been put, the income from the customs duty has now been raised from 46 crores to 51 crores, where it now stands. There is no doubt that we have really improved our position by means of the new policy of not having unnecessary taxation. I would like to draw the attention of the House to the fact that in the year 1931 Sir George Schuster, without any consideration, increased the surcharge by 25 per cent. Of course, we objected very strongly and though he succeeded in raising the income from the customs duty temporarily from 46 crores to 51 crores, it was only a temporary measure and it was soon reduced to 46 crores which was really the normal figure which the country at that time could pay. Therefore, I must say this that the policy of the present Government not to increase the taxation unnecessarily beyond the capacity of the people to pay is really a sound policy, and, so far as the fresh taxation is concerned, I think we should congratulate the Government that the Budget will maintain the *status quo*.

Sir, there are two points to which I would like to draw the attention of the House so far as taxation goes. The first relates to the Tariff Act. Now, the Tariff Act is so complicated that I am perfectly certain that if an examination was held and the appraisers appeared before an impartial Board, no two persons will put the same duty on the same class of

[Dr. Sir Ziauddin Ahmad.]

goods. It is exceedingly complicated. In fact, it is as complicated as the coaching tariff of the Railways. It is, therefore, exceedingly desirable that this tariff ought to be simplified and I hope Government will soon see to it. The Tariff Act is exceedingly complicated on account of the classes and sub-classes with the result that it becomes exceedingly difficult to differentiate. I hope the present Government will be able to simplify this.

Then the second point which I have always repeatedly pressed relates to the centralisation of the Customs. No doubt we have got
12 NOON. our obligations to various States, but it is very desirable that there should be centralisation of the whole department, and we may pay the various States in accordance with our previous obligations and treaties. I do not suggest for a moment that we should dishonour or violate the treaties, but there should be proper administration in order to avoid smuggling.

Then, Sir, another point to which I should like to draw your attention is the taxation policy of the Government of India. We have a double object before us. We have to protect our cottage industries against the millowners, and we have also to protect the millowners against the foreign import. Therefore, we have to adopt this double policy, and for this we should first levy some duty to protect the mill industries of this country. That has been done in the case of textiles; at the same time we should also protect the cottage industries against the mill industries here, and that can only be done by putting an excise duty on our mill industries in order to protect our cottage industries. Government have already protected the mill industry, but they have not sufficiently protected the cottage industries against the mill industries, and this can only be done by putting an excise duty on the manufacture of cloth: no excise duty of any kind should be put on yarn, because yarn is really the raw product for cottage industries, and therefore it is very desirable that yarn should be made available at the cheapest possible rate. We should protect the cottage industries against the mill industries and foreign imports, and we should also protect the mill industries against foreign imports. That will meet the wishes of a vast majority of the people except of those who have vested interests.

Then the next point I want to raise is about loans. No details are given in this year's Budget about these loans. I wish they had been given. I thought there would be a considerable reduction in the interest as the rate of interest has gone down enormously, but I do not find much difference between the interest charges in the present year and the interest charges in previous years.

I shall now say a few words about the post office. This is one of the very important Departments of the Government of India and the policy of the Government in regard to this department does require some consideration. In the first place, there should be more decentralisation as in the case of Railways. The Railway Board has adopted the policy of transferring more and more powers to the Agents, but in the Postal Department the reverse is the case, that is to say, more and more powers are being taken away from the Post Masters General. In fact, it will be found that the Superintendents of Post Offices enjoyed greater powers about 15 years ago than the powers now enjoyed by Post Masters General.

Therefore, I suggest that the policy of decentralisation which is now working so successfully in the Railway Board should be followed in the Postal Department also. The Railway Board really looks into all the details; but in the Post Offices there is an Advisory Committee which is merely on paper, and I do not know if the Honourable the Finance Member can tell me if that Committee has ever met even once during the past few years. I think the constitution of this Advisory Body ought to be revised so that it may properly function and not merely remain on paper.

Then, it is really gratifying that a great change has been made in telephones. I really welcome the creation of a development fund. It is a great improvement, and the telephones, to my mind, have a great future. The telephone use should be encouraged, and I feel that Mr. Pursell, who is really the father of the Telephone system in this country, should have been given some more extension in order to enable him to complete his programme.

Another thing is, that telephone facilities are not properly advertised. Government ought to consult commercial and trading classes and advertise their rates in vernacular papers. Government advertisements generally appear only in English papers which are not read by the majority of the people who read mostly the vernacular papers, and, therefore, there ought to be better method of advertisement and resort should be had as far as possible to vernacular papers more than to English papers.

Then, one thing more about Cash Certificates. I think we have lowered the rate of interest enormously. There is not merely the commercial value in these cash certificates, but there is also one important principle involved, and that has been emphasised by eminent financiers in other countries. They say that you should induce the common people to invest their savings in the Government loans, then those very people will always support the stability of the Government, and therefore I think Government should take every possible step to encourage the smaller people to invest their savings in cash certificates, not merely with the object of getting a return, but also with the object of interesting them in the stability of Government.

Again, Sir, I want briefly to advert to the trade which is now going on in the export of Skins of unborn kids, specially of lambs. It is said that before a lamb is born in a natural manner, artificial methods are adopted to bring out the kid, because the skin of such kids fetches a higher price than the skin of kids or lambs born in a natural manner. I drew the attention of the Honourable the Commerce Member and also of the Honourable the Finance Member to the cruelty that is perpetrated on these unborn kids, but so far no action has been taken by any one. I trust now at least they will do something in the matter.

Coming now to the question of the Marketing Board, I put a few questions some time ago about the policy of the Marketing Board in regard to hides and skins. This Marketing Board instead of furthering the trade is actually hindering it. I think the whole policy of the Marketing Board requires some consideration, and it is very desirable that the whole policy of the Marketing Board, especially with regard to hides and skins, should be reconsidered. I am very doubtful if this Board is doing any good at all even in other directions, but I am positive that it is doing a great deal of harm in regard to hides and skins.

[Dr. Sir Ziauddin Ahmad.]

Then, lastly, Sir I am not against giving any special grant to Bengal, but I consider that the giving of a special grant to Bengal out of the jute revenue is very unsound finance. If this principle is accepted, I see no reason why a grant should not given to the U. P. and Bihar out of the excise revenue on sugar, because all that money will go to improve the condition of the cultivators. The money ought not to go into the coffers of the Government, but it should be definitely earmarked to improve the condition of the sugar-cane growers. These are the few points which I place before the Government for their consideration.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, I propose to be very brief and shall confine my remarks to the question of the paucity of Muslims in the Income-tax Department. I was not very keen on taking part in the debate but as this is the only occasion when we can ventilate our grievances and give some suggestions to the Government, I thought it would be necessary to bring to the notice of the authorities, that, in spite of the promises held out to us that in the Central Services the Muslims would be given an adequate representation of 25 per cent., this has not been done. In my province of Bihar, especially, the position has been more unfortunate; even in the Secretariat of the Government of India at Delhi no province is so miserably represented as mine is. Probably out of eight thousand people who are working as assistants and clerks, Bihar has not got even 20 or 25 persons—taking Hindus and Muslims together and probably Muslims are not more than five in all. As I said, I want particularly to discuss the question of the paucity of Muslims in the Income-tax Department as a whole and in Bihar more particularly. I want to read a copy of an editorial which appeared in the *Star of India*: it says:

"The condition obtaining in the Income-tax Department, Bihar, especially with regard to the glaring injustices meted out to the Moslems, has long been the subject of public resentment. It may be recalled that as far back as in the year 1931, during the Simla Session of the Central Legislature the grievances of the Moslems with regard to their poor representation in the services of the Income-tax Department were voiced by means of interpellations by the late Moulvi Badi-uz-Zaman and Sir George Schuster the then Finance Member, admitted on behalf of the Government that there was room for adjustment in the communal composition of the services as it stood then. He further assured that further recruitment would be conducted on the lines prescribed by Government and added that in view of the financial circumstances as they prevailed then, immediate recruitment of new staff on a large scale was not possible.

Now let us examine how far the said policy of Government has been acted upon since 1931. The table below prepared from the statistics furnished by Sir George and the Provincial Civil List will tell its own story.

<i>Strength in 1931.</i>		
	Hindus.	Moslems.
Income-tax Officer . . .	15	1
Assistant I. T. Os. . . .	2	1
Assistant Commissioners . .	2	<i>Nū.</i>
<i>Strength in 1937.</i>		
Income-tax Officer	12	2
Assistant I. T. Os. . . .	<i>Nū</i>	<i>Nū.</i>
Assistant Commissioners . .	3	<i>Nū.</i>

Thus at both the periods the quantum of the Moslem representation remained the same, in spite of Government assurance.

Since 1931, as many as three appointments were made in the cadre of the Assistant Commissioner but not a single post was given to the Moslems. The Moslems have

naturally a very just cause for resentment. If senior Moslem officers were not available in the province, there is no reason why services of Moslem officers were not requisitioned from outside the Province. The promotions that were made of the Hindu officers to the substantive post of Assistant Commissioner were also not justified as a cursory glance of the Provincial Civil List will show that comparatively junior officers young in age and not even drawing maximum salary in the cadre of the Income-tax officers were given the lift. So much for the gazetted officers. As for the non-gazetted officers, it is painful to note that not a single higher appointment of head clerk or head assistant is held by Moslems in the whole of the province. This is significant in itself.

Another serious grievance of the Moslems is that they have not been afforded equal chances of promotion as is extended to their fortunate Hindu brethren.

There are some glaring instances of injustice and if in matters like these the Government show disregard how can one expect protection from them in hundred and one matters of pettifoggery and maligning of the Moslem subordinates by their superior Hindu officers?"

I have also been approached by the Secretary of the Muslim League, Bihar, Patna, to ventilate these grievances before the House and I hope that the Honourable the Finance Member will make it a point to issue such instructions as would put a stop to our grievances and improve matters for Muslims in the near future.

Coming to the Budget, I do not propose to discuss it in detail or to say much about it, except to say that I agree with Dr. Sir Ziauddin as far as the satisfactory financial position is revealed in the Budget and this goes to the credit of the Honourable Member. As regards still-born goat skins, I think that practice ought to be stopped, because though it might give a little more fund to the Indian merchants, it is a very cruel practice to do. This practice of selling skins of still-born goats is introduced and inspired by America who pay fancy prices. As regards other matters I also agree with Dr. Sir Ziauddin Ahmad when he says that the Customs tariffs are so very cumbrous that in many cases justice is not done at all in fixing rates of customs duties. Government should take these matters into consideration and find out what arrangements should be made to avoid such sort of mistakes. With these few words of suggestions, I resume my seat.

The Honourable Sir James Grigg: Sir, I think my first task is to thank the House for the unusually attentive and sympathetic reception of the Budget. Perhaps I may be allowed to deal with the points raised by the speakers in turn without any regard to collecting them into subjects or arrangement.

The Leader of the European Group devoted the major part of his speech to pointing out the moral of a remark in my speech in which I said that we were still over half a crore short of true budgetary equilibrium. He drew certain conclusions from that with which I entirely agree. Those conclusions, I think, may be summed up by saying that we are certainly not out of the wood yet; we must, for a good many months to come, cast our eyes westward with a great deal of trepidation; and I am bound to say at the moment that the symptoms which arise in the West are not at all reassuring either in America or in Europe. I think we must agree that India commercially and the Finance Member of India in particular in relation to his Budget, must be vitally and anxiously interested in the question which the economists and statesmen and bankers of the West are discussing—is there a slump or not? We all hope that the question will be answered in the negative; but should it be answered in the affirmative, then as the Leader of the European Group points out there is a very anxious time ahead for India commercially and financially. But the

[Sir James Grigg.]

answer to this question must at the moment be left entirely in the womb of time; and all we can do is to hope that the signs of the ending of the recession will rapidly come to outweigh the signs which indicate a continuance of it.

Mr. Bhulabhai J. Desai (Bombay Northern Division; Non-Muhamadan Rural): What is the period of gestation?

The Honourable Sir James Grigg: I think that question might more properly be addressed to President Roosevelt. Again, as the Leader of the European Group pointed out, should we be running into a world slump, the resources of India, thanks to past fiscal policy, the resources of India to raise new taxation are not at all extensive. At the present moment it is quite certain that the customs tariff has reached the peak, it has reached the point where it would not pay to increase it in the majority of commodities. At the present moment any increase in income-tax would accrue to the Provinces unless indeed it was imposed in the form of a federal surcharge, and in the case of excise, there again, I gather that the opinion of Honourable Members opposite is that the sugar excise which is the most remunerative one of the excises has reached its peak.

Sir, if the world, and along with it India, is running into a slump, there is no doubt that the future prospects of our budgetary equilibrium are not less unfavourable than the Honourable Member pointed out and, therefore, as I say we must hope and pray that the prophecies in the West that the slump will not be a very serious one are justified.

The Honourable Member attempted to draw me on the subject of the income-tax surcharge and what is to be the content of the Income-tax Bill, but I can assure him that that was seen through. All I can say possibly about that is, wait and see.

As regards his other point, *viz.*, that one of the questions to which the Economic Adviser might devote his attention is the incidence of taxation, I am very grateful to him for the suggestion and I will certainly follow it up. I have said on occasions that I have no doubt that the taxation system in this country is regressive, that it lets off the rich too lightly and that it taxes the poor too heavily. But it would be extremely useful to have that verified by actual statistics, and, of course, in taking into account the incidence of taxation in any scientific way, it would be necessary to take into account the taxation which is raised on the consumer not for the purpose of the Central Exchequer, but for the purposes of protecting the industrialists. That is no less a burden on the consumer, in fact, it is much more a burden on the consumer than the taxation which is spent in providing Government services. But subject to that, I would certainly see whether the Economic Adviser can include among his programme an investigation into the incidence of taxation.

Then, Sir, the Leader of the Democratic Party repeated his plea or complaint about the infringement of the privileges of the House. I do not want to prolong the controversies which have arisen in this matter, but I suggest that an Honourable Member who announces his attitude in the newspapers before he has heard any of the Government's explanations on the matter and then the basis on which he arrived at his conclusion having been demonstrably proved to be wrong sticks to his opinion can only be described in the words of Dryden "Stiff in opinions, always in the wrong".

Sir Muhammad Yamin Khan: On a point of personal explanation. I never gave any interview to the Press beforehand. The people outside might have guessed that that was going to be our attitude. I challenge anybody to produce anything on the floor of the House, any statement of mine in the Press.

The Honourable Sir James Grigg: I am sorry if I did the Honourable Member an injustice. If the forecasts in the Press as to his attitude were entirely efforts of imagination, all I can say is that that imagination turned out to be singularly accurate.

Sir Muhammad Yamin Khan: All on account of the attitude of Government.

The Honourable Sir James Grigg: Now, Sir, I come to my Honourable friend, Dr. Sir Ziauddin Ahmad. As I heard his speech, his first part was a stirring plea for the revival of the excise duty on cotton piecegoods. I will take note of his desires in the matter. As a matter of fact the learned Doctor has hit upon and has emphasized once more one of the incurable dilemmas of protection, namely, whatever good is done to manufacturers by a protective policy, an amount of harm which will outweigh all the good done to the manufacturers is done to secondary producers such as cottage producers, and to cottage consumers. That dilemma remains and the only way of curing that dilemma is to abandon or modify very seriously the policy of protection altogether. I have no doubt the learned Doctor is in complete agreement with me over that. He asked a question, why a reduction in the interest rates was not reflected in this year's Budget? I do not think as a matter of fact there has been any material reduction in the interest rates since last year. In fact there has been quite the contrary. There has been a hardening of interest rates, but in any case there were no maturities last year. You cannot generally convert loans to a lower rate of interest except on their maturity. It is possible to a certain limited extent, as I showed in my Budget speech, by purchasing securities in the open market, by cancellation and by replacing them by borrowings at lower rate of interest. But the case with Indian securities, both in England and in India, is that they are very tightly held, as the market phrase goes, and, therefore, the amount one can buy at remunerative prices is very limited. In so far as it is practicable, the policy which has been described in the Budget speech will be continued, but it is no good my pretending or anybody else pretending that it is of unlimited application.

Now, Sir, I come to my Honourable friend, Mr. Nauman. Before I deal with his speech, there is one point mentioned by Dr. Ziauddin Ahmad which I forgot. He mentioned about the traffic in the skins of unborn lambs to which my attention has not been drawn hitherto. *Prima facie* it sounds to me at least as disgusting a traffic as the learned Doctor thought and I think his friend, Mr. Nauman, also thought, but Government will consider if there is anything that they can do in the matter, though I am given to understand that one of the main difficulties is that most of the traffic originates in Afghanistan.

Then, Sir, the only point that remains is that mentioned by Mr. Nauman. He put in a plea for the recruitment of Muslims in Bihar. I think in his remarks he overlooked two points. The first is that the proportion of 25 per cent. for Muslims in Government employment relates to all India, and, if in the predominantly Muslim provinces of Bengal and the Punjab . . .

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): And Sind.

The Honourable Sir James Grigg: I will add Sind too to the category for the purpose of argument—and if in some of the Provinces a great deal more than the proportion of 25 per cent. is taken then in the predominantly Hindu provinces there must be a great many less.

Mr. Muhammad Nauman: My only point is, are Government satisfied that 25 per cent. Muslims are in the Income-tax Department taking India as a whole?

The Honourable Sir James Grigg: There is another point: the proportion of 25 per cent. which the Honourable Member refers is not and cannot be the proportion applicable to the number of people in the services at any one time because it relates to new recruitment. Obviously it would be absurd to stipulate that the proportion of 25 per cent. must be immediately made effective. It can only mean discharging a vast number of people and replacing them by untrained people from outside and that can have only a most devastating effect on the efficiency of the services. However, if the Honourable Member has in mind or can bring to my notice any instance in which the rules which have been laid down by Government regarding Muslim representation have not been followed, I should be very glad to look into it.

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

"That the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to fix maximum rates of postage under the Indian Post Office Act, 1898, and to fix rates of income-tax and super-tax be taken into consideration."

The Assembly divided:

AYES—48.

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

Kamaluddin Ahmed, Shamsul-Ulema.
Kushalpal Singh, Raja Bahadur.
Lloyd, Mr. A. H.
Mackeown, Mr. J. A.
Matthews, Mr. V. G.
Mehr Shah, Nawab Sahibzada Sir Sayad
Muhammad.
Menon, Mr. P. A.
Metcalf, Sir Aubrey.
Miller, Mr. C. C.
Ogilvie, Mr. C. M. G.
Rahman, Lieut.-Col. M. A.
Row, Mr. K. Sanjiva.
Scott, Mr. J. Ramsay.
Sen, Rai Bahadur N. C.
Sher Muhammad Khan, Captain Sardar
Sir.
Sircar, The Honourable Sir Nripendra.
Sivraj, Rao Sahib N.
Slade, Mr. M.
Smith, Lieut.-Col. H. C.
Spence, Mr. G. H.
Stewart, The Hon'ble Sir Thomas.
Sundaram, Mr. V. S.
Walker, Mr. G. D.

NOES—69.

Abdoola Haroon, Seth Haji Sir.
 Abdul Ghani, Maulvi Muhammad.
 Abdul Qaiyum, Mr.
 Abdul Wajid, Maulvi.
 Aney, Mr. M. S.
 Asaf Ali, Mr. M.
 Ayyangar, Mr. M. Ananthasayanam.
 Azhar Ali, Mr. Muhammad.
 Bajoria, Babu Baijnath.
 Banerjee, Dr. P. N.
 Bhagavan Das, Dr.
 Bhutto, Mr. Nabi Baksh Illahi Baksh.
 Chaliha, Mr. Kuladhar.
 Chattopadhyaya, Mr. Amarendra Nath.
 Chaudhury, Mr. Brojendra Narayan.
 Chettiar, Mr. T. S. Avinashilingam.
 Chetty, Mr. Sami Vencatachelam.
 Chunder, Mr. N. C.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Datta, Mr. Akhil Chandra.
 Desai, Mr. Bhulabhai J.
 Deshmukh, Dr. G. V.
 Deshmukh, Mr. Govind V.
 Essak Sait, Mr. H. A. Sathar H.
 Gadgil, Mr. N. V.
 Ghasiuddin, Mr. M.
 Ghulam Bhik Nairang, Syed.
 Govind Das, Seth.
 Gupta, Mr. K. S.
 Hans Raj, Raizada.
 Jedhe, Mr. K. M.
 Jehangir, Sir Cowasji.
 Jogendra Singh, Sirdar.
 Joshi, Mr. N. M.

Kailash Behari Lal, Babu.
 Lalchand Navalrai, Mr.
 Malaviya, Pandit Krishna Kant.
 Mangal Singh, Sardar.
 Misra, Pandit Shambhu Dayal.
 Mudaliar, Mr. C. N. Muthuranga.
 Muhammad Ahmad Kazmi, Qazi.
 Murtuza Sahib Bahadur, Maulvi Syed.
 Paliwal, Pandit Sri Krishna Dutta.
 Pande, Mr. Badri Dutt.
 Parma Nand, Bhai.
 Raghbir Narayan Singh, Choudhri.
 Ramayan Prasad, Mr.
 Ranga, Prof. N. G.
 Rao Mr. Thirumala.
 Saksena, Mr. Mohan Lal.
 Sant Singh, Sardar.
 Santhanam, Mr. K.
 Satyamurti, Mr. S.
 Sham Lal, Mr.
 Shaikat Ali, Maulana.
 Sheodass Daga, Seth.
 Siddique Ali Khan, Khan Sahib Nawab.
 Sikandar Ali Choudhury, Maulvi.
 Singh, Mr. Gauri Shankar.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Satya Narayan.
 Som, Mr. Suryya Kumar.
 Sri Prakasa, Mr.
 Subedar, Mr. Manu.
 Umar Aly Shah, Mr.
 Varma, Mr. B. B.
 Yamin Khan, Sir Muhammad.
 Zafar Ali Khan, Maulana.

The motion was negatived.

THE HINDU WOMEN'S RIGHTS TO PROPERTY (AMENDMENT) BILL.

The Honourable Sir Nripendra Sircar (Law Member): Sir, before you proceed to the next item on the List of Business, I should like, with your permission, to state to the House why I do not intend to move the Bill standing in my name—the Bill to amend the Hindu Women's Rights to Property Act, 1937. The Bill, in any case, will take a very short time before this House; but I feel that if I have a talk with some of the Members opposite over two of the amendments which have been notified, it will simplify matters and also, I have got to consider whether I should not, for greater caution, put in a proviso extending exclusion from the Bill properties which are impartible not merely by custom, which is already there, but also by reason of the terms of grant, like service tenures, and so on. It is a very small matter and I will bring it up later on.

THE SIND SALT LAW AMENDMENT BILL.

Mr. President (The Honourable Sir Abdur Rahim): Further consideration of the motion:

"That the Bill to amend the law relating to salt as at present in force in Sind be taken into consideration."

Mr. Chettiar is in possession of the House.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadian Rural): Before I move the amendment in my name, I should like with your permission to alter the words "within a week" and substitute the words "before the 31st March, 1938".

Sir, I move:

"That the Bill be referred to a Select Committee consisting of Mr. J. D. Boyle, Mr. Lalchand Navalrai, Mr. Ghulam Kadir Muhammad Shahban, Maulvi Sikandar Ali Choudhury, Maulana Zafar Ali Khan, Maulvi Muhammad Abdul Ghani, Mr. A. H. Lloyd, Rai Bahadur N. C. Sen, Shams-ul-Ulema Kamaluddin Ahmed, Sardar Bahadur Sardar Sir Jawahar Singh, Mr. Sri Prakasa, Mr. M. Ananthasayanam Ayyangar, Pandit Nilakantha Das and the Mover, with instructions to report before the 31st March, 1938, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, this Bill has been confusing for this reason that there is no Act, definitely as an Act, regulating Salt in Sind. There are two or three things in the Act as amended which require consideration and amendment. The Salt Transport Act in section 3 (c) allows for certain exemptions to be given with regard to salt being carried on any vessel for consumption. I am afraid that has not been provided for in the present amending Bill. Secondly, if you turn to section 36 of the Act which is sought to be amended, it has references. It is as follows:

"No salt shall be stored or had in possession for the purpose of sale within one mile from the Matanga Salt-work in the Island of Bombay."

This has nothing to do with Sind. It is an absurdity which we must remove. One of the really important things which has got to be considered is section 10 which reads:

"The Provincial Government of Sind may, from time to time, by notification in the Official Gazette, etc."

The Provincial Government of Sind is sought to be deleted under the amending Bill and the words "Central Government" substituted. It will mean that the Central Government may from time to time publish in the official Gazette, and so on. I understand it is not the intention of the Government that it will be published in the Gazette of India. It should be the Sind Gazette. This amendment, if carried out, will create difficulties. For these and many other reasons, I think it is better that a Bill of this sort should be referred to a Select Committee. Sir, I move.

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

"That the Bill be referred to a Select Committee consisting of Mr. J. D. Boyle, Mr. Lalchand Navalrai, Mr. Ghulam Kadir Muhammad Shahban, Maulvi Sikandar Ali Choudhury, Maulana Zafar Ali Khan, Maulvi Muhammad Abdul Ghani, Mr. A. H. Lloyd, Rai Bahadur N. C. Sen, Shams-ul-Ulema Kamaluddin Ahmed, Sardar Bahadur Sardar Sir Jawahar Singh, Mr. Sri Prakasa, Mr. M. Ananthasayanam Ayyangar, Pandit Nilakantha Das and the Mover, with instructions to report before the 31st March, 1938, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. Lalchand Navalrai (Sind: Non-Muhammadian Rural): Sir, I rise to speak on this Bill, even though it is going now to the Select Committee, only for this reason. Since this Bill was introduced, inquiries are being made from me from Sind as to whether this Bill aims at anything which would take away the powers of the Provincial Government or do any harm to Sind. Sir, I find that this Bill is intended only to give the transport questions and other questions connected with salt

transport to the Central Government. I see that at present there are two Acts which are governing Sind. One is Act XVI of 1879 and the other is the Bombay Act II of 1890. These Acts give power to the Provincial Government to do certain acts under these two Acts. I find that originally this Act XVI of 1879 gave those powers to the Central Board of Revenue but then afterwards they have been conferred on the Provincial Governments.

Mr. A. H. Lloyd (Government of India: Nominated Official): No.

Mr. Lalchand Navalrai: That is what I find in the copy of the Act XVI of 1879 that I have got from the Library. In clause 1. (a) the Central Board has actually been defined. And then in section 3, which is now proposed to be amended, clauses (b) and (c), I find that the powers are given to the Central Board of Revenue. I may read the exact words. . .

Mr. A. H. Lloyd: Perhaps the Honourable Member will permit me just to explain a misunderstanding. The Act from which he is going to read, with reference to the Central Board of Revenue, is the Bombay Salt Act of 1890 *as amended* in 1925; those amendments are in force in the Bombay Presidency, but they are not in force in Sind.

Mr. Lalchand Navalrai: That is exactly what I am saying. I want to say that originally the powers were with the Central Government but subsequently they were given to the Provincial Government

Mr. A. H. Lloyd: No, they never were with the Central Government till 1925. Then they were with the Central Government in Bombay only, but not in Sind.

Mr. Lalchand Navalrai: The Honourable Member means that those powers were only with regard to Bombay, but not with regard to Sind. although the words are general here?

Mr. A. H. Lloyd: That is so.

Mr. Lalchand Navalrai: The words being general, I beg to say that section 3 of Act XVI of 1879, clauses (b) and (c), gives power to the Provincial Government under this Act. Now, the object of the present Bill is to give those powers to the Central Government. Of course, the Bill is now going to a Select Committee and it will be considered very carefully with regard to certain points which may arise, but so far, with regard to the question whether the powers of the Provincial Government are going to be taken away unnecessarily, the point ought to be clarified, I may explain that the reason given by the Government now in introducing this Bill was that because salt has become a Central subject, therefore, the Provincial Government's powers are now to be exercised by the Central Government, and that those powers are given to the Central Government now under the Government of India Act. It should be clearly stated that these powers which are at present with the Provincial Government are not being taken away from them in any arbitrary manner. From the administrative point of view I would like to know from the Honourable Member in charge whether those officers at present—for instance, the Superintendent of Salt, his

[Mr. Lalchand Navalrai.]

assistant and his office—will still remain to be guided and controlled by the Provincial Government, or by the Central Government. Then the point would arise whether all those powers with regard to appointments, etc., would be exercised by the Central Board of Revenue in the case of the Central Government or the Provincial Government also. Those are the questions that should be made clear. Therefore, I shall not take any more time of the House but will only ask that if it is proposed that the Sind Provincial Government's powers should be taken away it should be made clear whether this is being done only under the provisions of the new Government of India Act or otherwise.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I do not see why the object of this Bill should not be achieved by issuing a mere notification under Act XXII of 1925, which makes certain modifications in the Bombay Act, by substituting the Central Board of Revenue for the Provincial Government as the authority to deal with these matters. But under the same Act XXII of 1925 power is reserved to the Central Government to bring that Act into operation in such areas in British India as it may like from time to time. In pursuance of that power this Act was brought into operation only in the Presidency of Bombay *minus* Sind. That Act was adapted under the Constitution Act but this adaptation does not hold good in the case of Sind and that has necessitated this Bill. I am now asking the Honourable the Mover if it might not be possible to achieve the same object by issuing a notification under that Act XXII of 1925, and if that notification is issued, the adaptation which was made in the Act as amended might have application to Sind also. I would ask the Honourable the Mover if he has considered this aspect. If the same purpose could be achieved by issuing a notification, it might not be necessary to proceed with this Bill. The other point, on the merits, as my Honourable friend, Mr. Lalchand Navalrai, has said, is whether it is desirable to put any restrictions on the powers of the Local Government—though no doubt they are in this respect subject to the control of the Central Government. I would, in this connection, invite a reference to section 140 and section 124 (2) of the Government of India Act. Under the former section, if an Act of the Federal Legislature so provides, the Provincial Governments also might be entitled to the salt duty, and under section 124 (2), "An Act of the Federal Legislature may, notwithstanding that it relates to a matter with respect to which a Provincial Legislature has no power to make laws, confer powers and impose duties upon a Province or officers and authorities thereof", that is, the Federal Government may appoint a Local Government as its agent for certain purposes. But until such Act comes into being and is passed, a Local Government cannot so be constituted an agent. What is the need to amend the existing law, however, unless it is absolutely necessary and incumbent? I, therefore, request the Honourable the Mover to satisfy me on this point before proceeding further.

Mr. Lalchand Navalrai: May I know if the Provincial Government of Sind was consulted before this Bill was introduced into this House?

Mr. A. H. Lloyd: Sir, with reference to the question which has just been put, the answer is in the affirmative: the Provincial Government of Sind is in entire agreement with us. The Honourable Member who spoke last (Mr. M. Ananthasayanam Ayyangar), raised a very pertinent question and one which incidentally carries with it the seed of the answer

which is to be given to Mr. Lalchand Navalrai. He asks whether we could not achieve the object of this Bill by simply exercising the power that we possess and retain, to extend to Sind the amending Act of 1925. The answer is that if we did that, we should establish the Central Government as the controlling authority, with the Central Board of Revenue as the subordinate controlling authority, and then all the officers would be officers under the Central Board of Revenue. For various practical reasons, we do not wish to do that, at this stage, because we wish to continue to employ the agency of Provincial Governments and their departments. It is because we are not ready to take over the detailed administration of the subject of salt in Sind that we wish to perpetuate, so far as we can, the existing position. The existing position is that under the unamended Act we have entrusted all responsibilities under this subject to the Provincial Government and the Provincial Government's officers. We wish, until further notice, to retain precisely that

position. We cannot do that by issuing a notification such as my
 1 P.M. Honourable friend has referred to, because that would compel us to take over the administration ourselves. At the same time, I admit that there is a great deal of force in his inquiry, because we had considered that aspect of the matter very carefully ourselves and, for some time, we thought of the alternative device of trying somehow or other to transfer to the Provincial Government the powers of the Central Board of Revenue which would come into existence if such a notification as he mentioned was issued. But we found that the objection to that was insuperable and the better course was to perpetuate the existing situation until the Government of India are in a position to take over the administration lock, stock and barrel as they have done in Bombay. That really contains the answer that I have to give to my Honourable friend from Sind. Apparently I was unfortunately unable to make myself clear when I spoke last, because I then attempted to explain that this arrangement was not designed to create the slightest difference in the actual details of the administration of the subject in Sind, pending, of course, the issue of such a notification as Mr. Ananthasayanam Ayyangar referred to. It is understood that the moment this Bill becomes law, we shall at once—and we have in anticipation obtained the approval of the Sind Government for this—issue an order under sub-section (1) of section 124 of the Government of India Act, 1935, entrusting to the Provincial Government the functions of the Central Government. That will produce precisely the existing position, the maintenance of which my Honourable friend has asked for. I do not think there is anything more for me to say except that the Government are quite prepared to accept the motion for reference to the Select Committee to clear up minor points of drafting.

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

"That the Bill be referred to a Select Committee consisting of Mr. J. D. Boyle, Mr. Lalchand Navalrai, Mr. Ghulam Kadir Muhammad Shahban, Maulvi Sikandar Ali Choudhury, Maulana Zafar Ali Khan, Maulvi Muhammad Abdul Ghani, Mr. A. H. Lloyd, Rai Bahadur N. C. Sen, Shams-ul-Ulema Kamaluddin Ahmed, Sardar Bahadur Sardar Sir Jawahar Singh, Mr. Sri Prakasa, Mr. M. Ananthasayanam Ayyangar, Pandit Nilakantha Das and the Mover, with instructions to report before the 31st March, 1938, 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.

Mr. President (The Honourable Sir Abdur Rahim): I understand the next motion* is not going to be moved.

The Honourable Sir Nripendra Sircar (Leader of the House): Sir, I want to make a statement. There is no further work on the agenda, but Honourable Members may presume that there is a possibility or rather the probability of a recommended Bill coming to the House tomorrow.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 10th March, 1938.

*"That the Bill to amend the Hindu Women's Rights to Property Act, 1937, be taken into consideration."